



June 14, 2017

Land Use File(s): DEV-2017-006, VR-2017-002

## NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission on June 13, 2017.

**Applicant(s):** Casey Colton, Stone Creek Building

**Location(s):** Taxlot 1101 on SE 29<sup>th</sup> Ave.

**Tax Lot(s):** 11E36BA1101

**Application Type(s):** Multi-family Design Development Review, Variance

**Decision:** Approved with Conditions

**Review Criteria:** Milwaukie Zoning Ordinance:

- MMC Subsection 19.1006 Type III Review
- MMC Section 19.302 Medium and High Density Residential Zones
- MMC Subsection 19.505.3 Multifamily Housing Standards
- MMC Section 19.600 Off-Street Parking and Loading
- MMC Section 19.700 Public Facilities Improvements
- MMC Subsection 19.911 Variances

**Neighborhood(s):** Historic Milwaukie

**Appeal period closes: 5:00 p.m., June 28, 2017**

This notice is issued in accordance with Milwaukie Municipal Code (MMC) Section 19.1006 Type III Review. The complete case file for this application is available for review between 8:00 a.m. and 5:00 p.m. on regular business days at the Planning Department, Johnson Creek Facility, 6101 SE Johnson Creek Blvd. Please contact Mary Heberling, Assistant Planner, at 503-786-7658 or heberling@milwaukieoregon.gov, if you wish to view this case file.

**This decision may be appealed by 5:00 p.m. on June 28, 2017, which is 15 days from the date of this decision.** Only persons who submitted comments or made an appearance of record at the public hearing have standing to appeal the decision by filing a written appeal. An appeal of this decision would be heard by the Milwaukie City Council following the procedures of MMC Section 19.1010 Appeals. This decision will become final on the date above if no appeal is

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filed during the appeal period. Milwaukie Planning staff can provide information regarding forms, fees, and the appeal process at 503-786-7630 or [planning@milwaukieoregon.gov](mailto:planning@milwaukieoregon.gov).

Per MMC Subsection 19.1001.7.E, this land use approval expires unless the applicant has: (1) obtained and paid for all necessary development permits and started construction within 2 years of land use approval, and (2) passed final inspection and/or obtained a certificate of occupancy within 4 years of land use approval. Extensions can be granted per MMC Section 19.908.

**Findings in Support of Approval**

1. Attachment 1

**Conditions of Approval**

1. Attachment 2



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Dennis Egner, FAICP  
Planning Director

cc: Casey Colton, 10117 SE Sunnyside Rd. #F502, Clackamas, OR 97015  
Planning Commission (*via e-mail*)  
Alma Flores, Community Development Director (*via e-mail*)  
Chuck Eaton, Engineering Director (*via e-mail*)  
Alex Roller, Engineering Technician II (*via e-mail*)  
Samantha Vandagriff, Building Official (*via e-mail*)  
Bonnie Lanz, Permit Specialist (*via e-mail*)  
Mike Boumann and Matt Amos, CFD#1 (*via e-mail*)  
NDA(s): Historic Milwaukie (*via e-mail*)  
Interested Persons  
Land Use File(s): DEV-2017-006, VR-2017-002

**ATTACHMENT 1**  
**Recommended Findings in Support of Approval**  
**File #DEV-2017-006, VR-2017-002, SE 29<sup>th</sup> Ave Triplex Development**

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, Casey Colton, Stone Creek Building, has applied for approval to construct a triplex multifamily dwelling unit at Taxlot 1101 on SE 29<sup>th</sup> Ave. This site is in the R-2 Zone. The land use application file number is DEV-2017-006, VR-2017-002.
2. The applicant proposed a triplex multifamily dwelling unit on Taxlot 1101 on SE 29<sup>th</sup> Ave. The site is currently vacant and is located next to the parking lot for the funeral home on SE Harrison St. The proposal also is asking for a variance to the 150 ft driveway distance for multifamily development. The proposed two driveways will be 19.5 ft apart rather than 150 ft. The lot is 75 ft wide.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
  - MMC Subsection 19.1006 Type III
  - MMC Section 19.302 Medium and High Density Residential Zones
  - MMC Subsection 19.505.3 Multifamily Housing Standards
  - MMC Section 19.600 Off-Street Parking and Loading
  - MMC Section 19.700 Public Facilities Improvements
  - MMC Subsection 19.911 Variances
4. The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public hearing was held on June 13, 2017, as required by law.
5. MMC Section 19.302 Medium and High Density Residential Zones
  - a. MMC Subsection 19.302.2 lists the allowed uses in the medium and high density residential zones. Multifamily uses are permitted outright in the R-2 zone. The proposed triplex is a multifamily use.  
  
The Planning Commission finds that this standard is met.
  - b. MMC Subsection 19.302.4 contains standards for Low Density Residential zones, including the R-2 zone. The application meets the standards of this section as described in Table 1 below.

Table 1 – Zoning Compliance

<b>Residential Zone R-2 Development Standards</b>			
<b>Standard</b>	<b>Required</b>	<b>Proposed</b>	<b>Staff Comment</b>
1. Minimum Lot Size	5,000 sq ft	10,974.48 sq ft	Complies with standard.
2. Minimum Lot Width	50 feet	75.31 feet	Complies with standard.

3. Minimum Lot Depth	80 feet	North lot line: 136.04 feet South lot line: 154.49 feet	Complies with standard.
4. Minimum Setbacks	15 feet (front, rear) 5 feet (side)	15 feet (front) 87 feet (rear) 5 feet (north side) 5 feet (south side)	Complies with standard.
5. Off-Street Parking and Loading	1.25 spaces per dwelling unit	3 spaces	Complies with standard.
6. Height Restriction	3 stories or 45 feet	2 stories, less than 45 feet	Complies with standard.
7. Lot Coverage	45% max.	2,772 sq ft (approximate) 25.3% lot coverage	Complies with standard.
8. Minimum Vegetation	15% min.	35% (approximate)	Complies with standard.
9. Frontage	35 feet	75 feet along SE 29th Ave. (approximate)	Complies with standard.
10. Density	11.6-17.4 units/net acre	Minimum: 2.9 units Maximum: 4.4 units  Proposed # of units: 3	Complies with standard.

The Planning Commission finds that these standards are met.

6. MMC Subsection 19.505.3 Multifamily Housing

- a. MMC Subsection 19.505.3.B states that all new multifamily and congregate housing developments with 3 or more dwelling units on a single lot are subject to the design elements in Table 19.505.3.D.

The proposed triplex will have 3 dwelling units on a single lot and is considered multifamily. The proposed development meets the applicability standards of MMC 19.505.3.B.

- b. MMC Subsection 19.505.3.D contain standards for Multifamily Design Guidelines.

The proposed triplex is following the Design Guidelines for the Discretionary Process. The application meets the standards of this section as described in Table 2 below.

**Table 2 Discretionary Process – Multifamily Design Guidelines**

<b>DESIGN GUIDELINES—PRIVATE OPEN SPACE</b>	
<b>Guideline</b>	<b>Findings</b>
<i>The development should provide private open space for each dwelling unit. Private open space should have direct access from the dwelling unit and should be visually and/or physically separate from common areas.</i>	Each proposed triplex unit will have backyard private open space of 96 sf. Each unit will be able to access the private open space from the interior of the units. The private open space shall be fenced off from the common open space The standard is met.
<i>The development may provide common open space in lieu of private open space if the common open space is well designed, adequately sized, and functionally similar to private open space.</i>	The development will provide 750 sf of common open space, along with, private open space. The standard is met.

<b>DESIGN GUIDELINES—PUBLIC OPEN SPACE</b>	
<b>Guideline</b>	<b>Findings</b>
<i>The development should provide sufficient open space for the purpose of outdoor recreation, scenic amenity, or shared outdoor space for people to gather.</i>	The common open space shall be in the backyard behind the private open space. The public open space will be 750 sf. The open space provides a pond and rock landscaping for scenic amenity, as well as, 5 existing trees that will provide shade and space for outdoor recreation. The standard is met.

<b>DESIGN GUIDELINES—PEDESTRIAN CIRCULATION</b>	
<b>Guideline</b>	<b>Findings</b>
<i>Site design should promote safe, direct, and usable pedestrian facilities and connections throughout the development. Ground-floor units should provide a clear transition from the public realm to the private dwellings.</i>	Since the proposed development is only a triplex, a pedestrian walkway will not exist. The driveways will act as walkways. Ground-floor units will provide a clear transition from the public realm to the private dwellings with the driveways as walkways and front doors for the units facing the street. The standard is met.

<b>DESIGN GUIDELINES—VEHICLE AND BICYCLE PARKING</b>	
<b>Guideline</b>	<b>Findings</b>
<b><i>Vehicle parking should be integrated into the site in a manner that does not detract from the design of the building, the street frontage, or the site. Bicycle parking should be secure, sheltered, and conveniently located.</i></b>	<p>Parking is integrated into the site given that each unit will have a garage to allow for vehicle and bicycle parking. Bicycle parking is secured, sheltered, and conveniently located within the garages.</p> <p>The standard is met.</p>

<b>DESIGN GUIDELINES—BUILDING ORIENTATION &amp; ENTRANCES</b>	
<b>Guideline</b>	<b>Findings</b>
<b><i>Buildings should be located with the principal façade oriented to the street or a street-facing open space such as a courtyard. Building entrances should be well-defined and protect people from the elements.</i></b>	<p>The building is located with the principal façade oriented to the street, SE 29<sup>th</sup> Ave. The building entrances are well-defined and protect people from the elements with a projecting roof pitch over the front door.</p> <p>The standard is met.</p>

<b>DESIGN GUIDELINES—BUILDING FAÇADE DESIGN</b>	
<b>Guideline</b>	<b>Findings</b>
<b><i>Changes in wall planes, layering, horizontal datums, vertical datums, building materials, color, and/or fenestration shall be incorporated to create simple and visually interesting buildings.</i></b>	<p>The proposed triplex incorporates changes in the front façade wall planes with each unit's garage and front door at different distances from the front property line. Each unit is setback from one another creating a visually appealing building. The proposed front façade also has a variety of building materials to make the building visually interesting.</p> <p>The standard is met.</p>
<b><i>Windows and doors should be designed to create depth and shadows and to emphasize wall thickness and give expression to residential buildings.</i></b>	<p>Doors will be stepped back from the front façade by 5 ft to create depth. The 2<sup>nd</sup> floor bedroom windows for each unit are off set from each other by a foot to create shadows and depth.</p> <p>The standard is met.</p>
<b><i>Windows should be used to provide articulation to the façade and visibility into the street.</i></b>	<p>Windows will provide articulation to the façade and visibility into the street. Large windows are incorporated in the design and face the street. Window proportions/amounts are similar to those on adjacent single family residences. Additional windows in the front door and garages could be provided, if necessary.</p> <p>The standard is met.</p>

<b>DESIGN GUIDELINES—BUILDING FAÇADE DESIGN</b>	
<b>Guideline</b>	<b>Findings</b>
<b><i>Building facades shall be compatible with adjacent building façades.</i></b>	<p>Building façades are compatible with adjacent residential buildings matching the look with an architectural design that has windows, front doors, and garages facing the street. The building materials and styles are also compatible with nearby residential uses.</p> <p>The standard is met.</p>
<b><i>Garage doors shall be integrated into the design of the larger façade in terms of color, scale, materials, and building style.</i></b>	<p>Garage doors are proposed to be painted to match the rest of the building and integrated into the design of the larger façade. They also are scaled for each unit.</p> <p>The standard is met.</p>

<b>DESIGN GUIDELINES—BUILDING MATERIALS</b>	
<b>Guideline</b>	<b>Findings</b>
<b><i>Buildings should be constructed with architectural materials that provide a sense of permanence and high quality.</i></b>	<p>Materials proposed to be used for the triplex are not made from any prohibited materials. High quality wood materials will mostly be used for the building.</p> <p>The standard is met.</p>
<b><i>Street-facing facades shall consist predominately of a simple palette of long-lasting materials such as brick, stone, stucco, wood siding, and wood shingles.</i></b>	<p>Street-facing facades will consist predominately of a simple palette of long-lasting materials; stone, wood siding and wood shingles. The proposed design has wood siding and wood shingles above the second-floor windows on the front façade.</p> <p>The standard is met.</p>
<b><i>A hierarchy of building materials shall be incorporated. The materials shall be durable and reflect a sense of permanence and quality of development.</i></b>	<p>A majority of the building will use wood siding with wood shingles as an accent material to create more visual variety to the building. Stone will be used to create visually attractive bottoms to the columns on the front façade. All materials are durable and reflect a sense of permanence.</p> <p>The standard is met.</p>
<b><i>Split-faced block and gypsum reinforced fiber concrete (for trim elements) shall only be used in limited quantities.</i></b>	<p>For trim elements, the proposed triplex has split-faced block and gypsum reinforced fiber concrete in limited quantities. Most the building is using wood siding and wood shingles.</p> <p>The standard is met.</p>

<b>DESIGN GUIDELINES—BUILDING MATERIALS</b>	
Guideline	Findings
<b><i>Fencing shall be durable, maintainable, and attractive.</i></b>	<p>Fencing is durable, maintainable, and attractive. The proposed fencing does not include plastic, vinyl, or chain link. It will be wood material to match the surrounding residential uses and building.</p> <p>The standard is met.</p>

<b>DESIGN GUIDELINES—LANDSCAPING</b>	
Guideline	Findings
<b><i>Landscaping of multifamily developments should be used to provide a canopy for open spaces and courtyards, and to buffer the development from adjacent properties. Existing, healthy trees should be preserved whenever possible. Landscape strategies that conserve water shall be included. Hardscapes shall be shaded where possible, as a means of reducing energy costs (heat island effect) and improving stormwater management.</i></b>	<p>New landscaping will be planted in the areas not being used as driveways in front of the units facing the street. The backyard open space consists of preserving existing trees and natural landscapes. The existing small pond and rock landscape in the backyard open space will also be preserved.</p> <p>The standard is met.</p>

<b>DESIGN GUIDELINES—SCREENING</b>	
Guideline	Findings
<b><i>Mechanical equipment, garbage collection areas, and other site equipment and utilities should be screened so they are not visible from the street and public or private open spaces. Screening should be visually compatible with other architectural elements in the development.</i></b>	<p>Individual unit's garbage shall be kept in their respective garages and moved to the street on service days. Transformers, heating and cooling, electric meters, and other utility equipment will not be located within 5 ft of a front entrance and shall be screened with sight-obscuring materials.</p> <p>The standard is met.</p>



<b>DESIGN GUIDELINES—RECYCLING AREAS</b>	
Guideline	Findings
<p><b><i>Recycling areas should be appropriately sized to accommodate the amount of recyclable materials generated by residents. Areas should be located such that they provide convenient access for residents and for waste and recycling haulers. Recycling areas located outdoors should be appropriately screened or located so that they are not prominent features viewed from the street.</i></b></p>	<p>Individual unit's garbage and recycling shall be kept in their respective garages and moved to the street on service days.</p> <p>The standard is met.</p>

<b>DESIGN GUIDELINES—SUSTAINABILITY</b>	
Guideline	Findings
<p><b><i>Multifamily development should optimize energy efficiency by designing for building orientation for passive heat gain, shading, day-lighting, and natural ventilation. Sustainable materials, particularly those with recycled content, should be used whenever possible. Sustainable architectural elements shall be incorporated to increase occupant health and maximize a building's positive impact on the environment.</i></b></p>	<p>Nearby trees in the backyard open space and street trees will not preclude utilization of solar panels or an ecoroof on at least 20% of the total roof surface. The windows will be operable by the building occupants to provide natural ventilation. Pavement is used minimally for only the driveways and the structure itself to avoid excessive heating. The backyard open space is all vegetated with existing trees to provide shade and increase the health of the building occupants.</p> <p>The standard is met.</p>
<p><b><i>When appropriate to the context, buildings should be placed on the site giving consideration to optimum solar orientation. Methods for providing summer shading for south-facing walls, and the implementation of photovoltaic systems on the south-facing area on the roof, are to be considered.</i></b></p>	<p>The proposed development will be built to Earth Advantage standards. Stone Creek Building is a certified Earth Advantage builder.</p> <p>The standard is met.</p>

<b>DESIGN GUIDELINES—PRIVACY CONSIDERATIONS</b>	
<b>Guideline</b>	<b>Findings</b>
<i>Multifamily development should consider the privacy of, and sight lines to, adjacent residential properties, and be oriented and/or screened to maximize the privacy of surrounding residences.</i>	<p>The proposed triplex has an arborvitae row adjacent to the single-family residence to the south of the site for privacy and screening.</p> <p>The standard is met.</p>

<b>DESIGN GUIDELINES—SAFETY</b>	
<b>Guideline</b>	<b>Findings</b>
<p><i>Multifamily development should be designed to maximize visual surveillance, create defensible spaces, and define access to and from the site. Lighting should be provided that is adequate for safety and surveillance, while not imposing lighting impacts to nearby properties. The site should be generally consistent with the principles of Crime Prevention Through Environmental Design:</i></p> <ul style="list-style-type: none"> <li>• <i>Natural Surveillance: Areas where people and their activities can be readily observed.</i></li> <li>• <i>Natural Access Control: Guide how people come to and from a space through careful placement of entrances, landscaping, fences, and lighting.</i></li> <li>• <i>Territorial Reinforcement: Increased definition of space improves proprietary concern and reinforces social control.</i></li> </ul>	<p>Parking and loading areas will be illuminated with a 0.5 footcandle minimum.</p> <p>Walkways will be illuminated with a 0.5 footcandle minimum and average of 1.5 footcandles.</p> <p>Building entrances will be illuminated with a 1 footcandle minimum with an average of 3.5 footcandles, except that secondary entrances may have an average of 2.0 footcandles.</p> <p>70% of the street frontage will be visible from the front door of each unit or ground floor window. All outdoor common open spaces will be visible from 50% of the unit that face it.</p> <p>The standard is met.</p>

Planning Commission finds that the discretionary multifamily design guidelines have been met.

7. MMC Section 19.600 Off-Street Parking and Loading
  - a. MMC Subsection 19.602.3 Applicability for Development and Change in Use Activity
 

MMM 19.602.3.A addresses development of a vacant site shall have off-street parking and off-street loading areas that conform to the requirements of Chapter 19.600.

The proposed triplex is development on a vacant site and will need to meet requirements for off-street parking and loading.

The standard is applied below.

b. MMC Subsection 19.605 Vehicle Parking Quantity Requirements

(1) MMC 19.605.1 Minimum and Maximum Requirements

Development shall provide at least the minimum and not more than the maximum number of parking spaces listed in Table 19.605.1. The required minimum off-street parking for Multifamily dwelling units with more than 800 sq ft of floor area is 1.25 spaces per dwelling unit. The maximum required is 2 spaces per dwelling unit.

The proposed triplex includes 3 dwelling units that are each over 800 sq ft. The minimum required parking spaces would be 3.75 spaces, which is rounded down to the nearest whole number of 3. The maximum requirement would be 6 spaces. The development proposal includes 3 off-street parking areas, in the form of garages for each dwelling unit, and meets the minimum requirements.

Each driveway includes space for an additional vehicle for each unit in front of the garage.

The Planning Commission finds that this standard is met.

c. MMC Subsection 19.607 Off-Street Parking Standards for Residential Areas

(1) MMC 19.607.1 Residential Driveways and Vehicle Parking Areas

This subsection is intended to preserve residential neighborhood character by establishing off-street parking standards.

(a) 19.607.1.A Dimensions

Off-street parking space dimensions for required parking spaces are 9 ft wide x 18 ft deep.

The proposed triplex off-street parking areas, which are in the form of garages, are 11 ft wide and 19.6 feet deep.

The Planning Commission finds that this standard is met.

(b) 19.607.1.B Location

No portion of the required parking space is allowed within the following areas: 1. Within the required front yard or within 15 ft of the front lot line, whichever is greater. 2. Within a required street side yard.

The required off-street parking areas are all farther than 15 ft from the front lot line.

The Planning Commission finds that this standard is met.

(c) 19.607.1.C Parking Surface Materials

All required parking spaces are required to have a durable and dust-free hard surface, and shall be maintained for all-weather use.

The proposed triplex does have pavement for the off-street parking areas.

The Planning Commission finds that this standard is met.

8. MMC Section 19.700 Public Facilities Improvements

a. MMC 19.702 Applicability

Chapter 19.700 applies to new construction per MMC 19.702.1.D. The proposal is for the construction of a new triplex on a vacant lot.

The standard is applied below.

b. MMC 19.703.4 Determinations

There are four key determinations related to transportation facility improvements that occur during the processing of a development permit or land use application. The Engineering Director will take the goals and policies of the TSP into consideration and use the criteria and guidelines in this chapter.

The Engineering Department has determined that the proposal does not require a Transportation Impact Evaluation or any street improvements. Due to the new construction of a dwelling unit, the proposal will be subject to transportation and sanitary sewer system development charges (SDCs), which will be collected at the time of building permit issuance.

9. MMC Subsection 19.911 Variances

a. MMC 19.911.4.B Type III Variances

An application for a Type III variance shall be approved when all of the criteria in either Subsection 19.911.4.B.1 or 2 have been met.

The applicant is requesting a variance to allow a second driveway inside the 150 ft separation requirement from MMC 12.16.040.D.4.b. The variance request will be reviewed through the Discretionary Relief Criteria.

(1) MMC 19.11.4.B.1 Discretionary Relief Criteria

- (a) The code for multifamily housing requires a separation of 150 ft between driveways in MMC 12.16.040.D.4.b. The intent behind the 150 ft access spacing is to allow safe ingress and egress for apartment buildings that could potentially serve a large number of units. Such driveways can function almost like local streets.

The width of the vacant lot for the proposed site of the triplex is approximately 75 ft wide. The proposed distance between the two driveways is approximately 19.5 ft. Parking and access for the three units will come from two driveways off of SE 29<sup>th</sup> Ave. A 9 ft-wide drive serves one unit and a shared driveway for the other two dwelling units is 20 ft wide.

The applicant, for the triplex design, understood that a single driveway that would allow parking in the rear at the building could be an option. The applicant gave the following reasons for why two driveways are their preferred option:

- 1) Keeping the large natural open space in the back of the building would be a better benefit to the potential tenants and natural environment.
- 2) The amount of additional pavement required and loss of landscaping/open space did not justify reducing the driveways from two to one.

- 3) The two-driveway option allows the applicant to build driveways in the front with minimal amount of natural area being lost to pavement.

The proposed two-driveway option also minimizes impacts to the surrounding properties to the north and south of the site. The lot to the north is a parking lot for the funeral home on SE Harrison St. The lot to the south is a residential lot with a single-family home. To meet the one driveway requirement with parking in the back, the applicant would need to create a shared easement between either the north or south lot to provide enough space for the driveway to go by the side of the triplex and into the back where the off-street parking would be located. This could potentially harm redevelopment of the parking lot, but also result in paving the south lot's front and side vegetation. The variance request minimizes those potential conflicts by avoiding the possible need to seek a shared easement.

A secondary option would have been to create three rowhouses, which could allow three separate driveways on three separate lots. However, the code states that for a garage to be on the front façade of the rowhouse, each rowhouse must have at least 30 ft of street frontage with at least one shared access between the lots. The width of the current vacant lot is approximately 75 ft. To meet the 30 ft street frontage requirement, the lot would need to be wider than 90 ft. With this constraint, the applicant did not view a rowhouse design as a viable option instead of the variance request.

Planning Commission finds that the applicant has provided an analysis of alternatives and the criteria is satisfied.

- (b) The proposed variance is determined by the Planning Commission to be both reasonable and appropriate, and it meets the following criteria:
  - (i) The proposed variance avoids or minimizes impacts to surrounding properties.

The purpose of the 150 ft separation requirement between driveways for multifamily buildings is to provide safe access and separation between multiple driveways for busy apartment complexes. This proposed development will function much more like a duplex than a typical multifamily complex. The driveway spacing of nearby residential lots along 29<sup>th</sup> range between 5 and 50 feet, which is similar to what is being proposed for the triplex development. The proposed driveway spacing will not negatively affect traffic on SE 29<sup>th</sup> Avenue. Clear vision requirements would still be in place for both driveways to ensure safety with any backing movement.

The proposed two-driveway option also minimizes impacts to the surrounding properties to the north and south of the site. The lot to the north is a parking lot for the funeral home on SE Harrison St. The lot to the south is a residential lot with single-family residences. To meet the one driveway requirement, the applicant would need to create a shared easement between either the north lot or south lot to provide

enough space for the driveway to go by the side of the triplex and into the back where the off-street parking would be located. This could potentially harm redevelopment of the parking lot or put paving into the south lot's single-family residency front lawn and side vegetation. Both scenarios could provide potential impacts with the lots north and south of the site. The variance request minimizes those potential conflicts by avoiding the possible need to seek a shared easement.

Planning Commission finds that the criteria is met.

- (ii) The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.

The applicant states that their proposed driveway design will minimize impacts to the natural environment by avoiding disturbance of the natural open space behind the triplex. The natural open space is a greater benefit for the residents and nearby residents than having one driveway and paving some of the natural area in the back of the proposed triplex.

Planning Commission finds that the criteria is met.

- (c) Impacts from the proposed variances will be mitigated to the extent practicable.

The impacts from the proposed driveway design are minimal and are similar to other nearby residences. As stated earlier, the distance between driveways on SE 29<sup>th</sup> vary from 5 ft to 50 ft. The proposed driveway design is within that range. It would function more like a duplex with two driveways than a typical multifamily building. Clear vision standards would still apply, limiting any negative impacts.

Planning Commission finds that the criteria is met.

Planning Commission finds that the Type III Variance request by the applicant meets the Discretionary Relief Criteria and approves the variance.

**ATTACHMENT 2**  
**Recommended Conditions of Approval**  
**File # DEV-2017-006, VR-2017-002**  
**SE 29<sup>th</sup> Ave Triplex Development**

**Conditions**

1. Prior to the issuance of a certificate of occupancy, the following shall be resolved:

a. Engineering Requirements

Prior to final inspection, construct new driveway approaches onto SE 29<sup>th</sup> Avenue in accordance with City of Milwaukie Public Works Standards. The driveway approach aprons shall be between 9 feet and 20 feet in width, at least 7.5 feet from the side property line.