



## NOTICE OF PUBLIC HEARING REVISED

Date mailed: ~~September 26, 2017~~ October 9, 2017

You are receiving this notice for a public hearing regarding an appeal of a land use application. The appeal requires review by the Milwaukie City Council at a public hearing. It also requires notice to all property owners and residents within 300 feet of the proposal, the property owner(s) and applicant, and the affected neighborhood district association(s). The proposal and information on how to respond to this notice are described below.

**The Milwaukie City Council will hold a public hearing on the appeal at a meeting beginning at 6:00 p.m. 6:30 p.m. on Tuesday, October 17, 2017 at Milwaukie City Hall, 10722 SE Main Street.**

<b>File Number(s):</b>	AP-2017- 001
<b>Location:</b>	2036 SE Washington St. Tax Lot ID 11E36BC01600 <i>A map of the site is located on the last page of this notice.</i>
<b>Proposal:</b>	This hearing is an appeal of Milwaukie Land Use File #DR-2017-001; VR-2017-007, approval for a 5-story mixed-use building on the property located at 2036 SE Washington St. In addition to approval of the Downtown Design Review is a variance from the access spacing standards in MMC 19.708.1 to allow access to and from the interior parking garage mid-block between Washington Street and 21 <sup>st</sup> Avenue, and a variance from the 6-ft step back requirement for the 4 <sup>th</sup> and 5 <sup>th</sup> floors of the proposed building.
<b>Reason for Appeal by Appellant:</b>	The appellant seeks review of the Planning Commission variance findings, specifically those related to the approval of a variance to the required 6-ft step back for the 4 <sup>th</sup> and 5 <sup>th</sup> floors.
<b>Appellant Contact:</b>	Scott Churchill 2708 SE Monroe St., Milwaukie, OR 97222 503-929-9138 / <a href="mailto:scottchurchill@earthlink.net">scottchurchill@earthlink.net</a>
<b>Applicant/Primary Contact Person:</b>	Kurt Schultz – SERA Architects 338 NW 5 <sup>th</sup> Ave., Portland, OR 97209 503-445-7312 / <a href="mailto:kurts@seradesign.com">kurts@seradesign.com</a>
<b>Owner(s):</b>	B37 Milwaukie Owner LLC c/o Guardian Development LLC 760 SW 9 <sup>th</sup> Ave, Suite 2200 Portland, OR 97205
<b>Staff contact:</b>	Vera Kolas, Associate Planner City of Milwaukie Planning Department 6101 SE Johnson Creek Blvd Milwaukie, OR 97206 503-786-7653 / <a href="mailto:koliasv@milwaukieoregon.gov">koliasv@milwaukieoregon.gov</a>
<b>Neighborhood District Association(s):</b>	Historic Milwaukie NDA, contact Ray Bryan at 503-593-3336.

<b>Applicable Criteria:</b> from Milwaukie Municipal Code (MMC)	<ul style="list-style-type: none"><li>• MMC 12.16 Access Management</li><li>• MMC 19.304 Downtown Zones</li><li>• MMC 19.508 Downtown Site and Building Design Standards</li><li>• MMC 19.600 Off-Street Parking and Loading</li><li>• MMC 19.700 Public Facility Requirements</li><li>• MMC 19.907 Downtown Design Review</li><li>• MMC 19.911 Variances</li><li>• MMC 19.1006 Type III Review</li></ul> Copies of these criteria are available upon request and can also be found at <a href="http://www.qcode.us/codes/milwaukie/">www.qcode.us/codes/milwaukie/</a> .
--	---

**To learn more about a proposal and/or appeal:** Call any of the contacts listed above, read the Notice of Decision issued by the Planning Commission, and/or read the staff report on the appeal.

- The Notice of Decision is available in hard copy by request and online at: [www.milwaukieoregon.gov/planning/dr-2017-001](http://www.milwaukieoregon.gov/planning/dr-2017-001)
- The Appeal webpage can be found at: [www.milwaukieoregon.gov/planning/ap-2017-001](http://www.milwaukieoregon.gov/planning/ap-2017-001).

The staff report on the proposal will also be available for public viewing after 8 a.m. on **Wednesday, October 11, 2017**, at the following locations:

- Planning Department, Johnson Creek Facility, 6101 SE Johnson Creek Blvd (open weekdays 8:00 a.m. to 5:00 p.m.)
- Ledding Library, 10660 SE 21st St (call 503-786-7580 for current hours)
- City Hall, 10722 SE Main St (open weekdays 8:00 a.m. to 5:00 p.m.)
- City website, <http://www.milwaukieoregon.gov/meetings>

Copies of information in the file can be obtained for a reasonable fee. Copies of applicable City ordinances and the Comprehensive Plan are also available for review at the locations listed above.

**NOTE:** The City Council appeal hearing will be an on-the-record de novo hearing. New evidence is not allowed. New testimony and arguments are allowed. The City Council will evaluate the existing evidence and testimony that were presented to the Planning Commission. Council will also hear new testimony and arguments. Everyone is eligible to participate in the appeal hearing.

**To comment on a proposal:** You are invited to attend this hearing or submit comments in writing before the meeting time. You may send written comments in advance to the staff contact listed above, or you may submit your comments in person at the hearing. If you want to present verbal testimony, either pro, con, or to raise questions, you will be invited to speak following the applicant’s testimony. Testimony and comments at this hearing must be directed towards the criteria identified. If you submit a written comment or comment in person at the hearing, you will be sent a copy of the decision or recommendation. All written and verbal comments become part of the permanent record.

**To appeal a decision:** The City Council's decision may be further appealed by a person with standing. In order to establish standing, you must do at least one of the following: submit written comments to the staff contact before the hearing date; attend the hearing and sign in; or attend the hearing, sign in, and make a verbal comment. Any issue that is intended to provide a basis for appeal must be raised in writing on or before the hearing date with sufficient specificity to afford the responsible parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity, and accompanied by statements or evidence sufficient to afford the responsible parties an opportunity to respond to the issue, will preclude any appeal on that issue to the Land Use Board of Appeals (LUBA).

*The City of Milwaukie is committed to providing equal access to information and public meetings per the Americans with Disabilities Act (ADA). If you need special accommodations, please call 503-786-7600 at least 48 hours prior to the meeting.*

<p style="text-align: center;"><b>NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER:</b> THE MILWAUKIE MUNICIPAL CODE REQUIRES THAT IF YOU RECEIVE THIS NOTICE IT SHALL BE PROMPTLY FORWARDED TO THE PURCHASER.</p>
--