



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

Hybrid meeting held via Zoom and
City Hall Council Chambers
10722 SE Main Street
www.milwaukieoregon.gov

June 23, 2020

Present: Robert Massey, Chair
Lauren Loosveldt, Vice Chair
Joseph Edge
Greg Hemer
John Henry Burns
Amy Erdt

Staff: Denny Egner, Planning Director
Vera Kolias, Senior Planner
Mary Heberling, Associate Planner
Steve Adams, City Engineer
Dalton Vodden, Associate Engineer
Justin Gericke, City Attorney

Absent:

1.0 Call to Order – Procedural Matters

Chair Massey called the meeting to order at 6:30 pm and read the conduct of meeting format into the record.

Note: The information presented constitutes summarized minutes only. The meeting video is available by clicking the Video link at <http://www.milwaukieoregon.gov/meetings>.

2.0 Information Items

Chair Massey stated that **Commissioner Burns** was leaving the Planning Commission and welcomed **Commissioner Erdt**.

Denny Egner, Planning Director, stated that the City Council would deliberate about the Comprehensive Plan at a special session on Tuesday, June 30. He said that the Comprehensive Plan might be ready for adoption in July.

3.0 Audience Participation

No public testimony not related to the night's hearing was submitted.

4.0 Public Hearing

Summary: 32nd Ave Mixed-Use Building
Applicant: Valerie Hunter
Address: 9391 SE 32nd Ave
File: VR-2019-013
Staff: Senior Planner Vera Kolias

Chair Massey opened the hearing and read the conduct of quasi-judicial hearing format into the record. He asked if any commissioner wished to declare any bias, ex parte contact, or conflict of interest. None of the commissioners reported any such conflicts.

Vera Kolias, Senior Planner, and Dalton Vodden, Associate Engineer, presented the staff report via PowerPoint including the following main points:

- The site was approximately .25 acres, currently vacant, and located at the corner of 32nd Ave and Olsen St. It was zoned Neighborhood Mixed Use (NMU), which permitted mixed use buildings, including commercial use and multifamily development.
- The applicant, Valerie Hunter, proposed a 4-story mixed use building at the site including 3 ground floor commercial spaces facing 32nd Ave, 21 dwelling units composed of 20 one-bedroom units, and one five-bedroom unit on the 4th floor, as well as 17 covered parking spaces accessed from Olsen St.
- The proposal required a variety of land use approvals including a height variance to allow a 48ft four-story building, an access width variance to allow a 22ft wide driveway, a parking modification to allow 17 off-street parking spaces, and a development review process modification to allow modification to the access spacing standard for the driveway access parking area.
- The approval criteria that the project needed to meet for the Parking Modification and Variance Request included an alternatives analysis that included analysis of the impacts and benefits of the variance proposal demonstrating that the proposed design:
 - Avoided or minimized impacts to surrounding properties
 - Had desirable public benefits
 - Responded to the existing built or natural environment in a creative and sensitive manner,
 - Mitigated impacts from the proposed variance to the extent practicable;
 - Created no adverse effect on existing on-street parking; and
 - Reduction in expected vehicle use due to transit availability
- Key Issues presented:
 - Would approval of variances result in any negative impacts?
 - Have they been mitigated?
 - Is the requested reduction in required off-street parking reasonable?
 - Would it result in significant neighborhood impacts?
 - Does the Transportation Impact Study adequately address potential traffic impacts resulting from the project?
 - Have impacts been mitigated?
- Height Variance –
 - The maximum building height for the NMU zone was 45ft or 3 stories, whichever is less. The variance requested would allow four stories at 48ft as measured in accordance with the Milwaukie Municipal Code (MMC), while the actual building height would be 50ft and 1 inch.
 - The proposed fourth story would include one large dwelling unit. The abutting property to the north was a one-story house while the abutting property to the west was a two-story house.
 - All comments submitted oppose the height variance;

- The application materials focused on benefits of the additional story for a single, large apartment,
 - The application materials provided limited analysis of public health benefits
- Accessway Variance
 - MMC section 12.16.040 governed sizes of accessways and for select multifamily dwellings.
 - Off-street car parks with more than 16 spaces required a minimum driveway width of 24ft and max of 30ft.
 - The applicant proposed a slightly-undersized 22ft driveway.
 - The minimum distance allowed from the intersection is 100ft.
 - The applicant proposed placing the driveway 51ft from the intersection.
 - Neither staff nor the city's consultant objected to either request.
- Parking Reduction Modification
 - Per the MMC, 21 parking spaces were the minimum number required for this proposal.
 - The applicant proposed 17 parking spaces with 5 new on-street spaces.
 - Public comments oppose the reduction due to current lack of available on-street parking.
 - The application did not address impacts to existing on-street parking or mitigation efforts such as car or e-bike sharing
- Transportation Impact Study (TIS) findings and recommendations –
 - Engineering staff and traffic consultant DKS Associates reviewed daily traffic trip count estimated from a 2018 study factoring in a 2% annual increase.
 - Current traffic counts were deemed inappropriate for use due to the ongoing pandemic
 - The TIS found that new trips were not likely to result in a greater increase of traffic at adjacent intersections.
 - The applicant had not submitted required information about the number of daily new trips generated by the proposed development.
 - The TIS was found largely acceptable by city Engineering staff and DKS Associates.
- A significant number of comments were received in opposition to the development due to the requested reduction in parking, lack of available parking in the neighborhood, the height of the building, its incompatibility with surrounding development, and increased traffic that might result. Many of the comments expressed support of the site being redeveloped to enhance the neighborhood.
- City staff requested that the Planning Commission provide direction to staff regarding findings and continue the hearing to July 14, 2020 so staff could prepare findings.

Commissioner Hemer verified with Ms. Kolas that the Milwaukie Municipal Code (MMC) does not have standards on compact parking. The MMC requires all parking spaces to be non-compact.

Chair Massey verified with Ms. Kolas that there is currently no on-street parking on 32nd currently in front of property.

Vice Chair Loosveldt asked how the Traffic Impact Study (TIS) is deemed complete.

Mr. Vodden explained that DKS was hired as a traffic consultant. DKS generated a checklist of required information that the applicant was required to submit in their scope of the TIS. Artificially low vehicle trips were reported due to the current pandemic. Traffic counts were used from 2018 with an added annual increase of 2% which is a standard used among traffic consultants throughout the nation.

Chair Massey asked Ms. Kolas to discuss a petition on change.org including 49 citizen signatures submitted to the public record in opposition to the project variances.

Ms. Kolas indicated that the comments were posted on the application webpage.

Applicant's Testimony

Mildred White, BAM Architecture, Applicant's Representative, shared a presentation of the proposed building development and the existing surrounding area which detailed a view of Olsen St, 32nd Ave, the property lines for the project, a residence to the west, an existing commercial building with a market, and a graphic showing the height variance in relation to the 4th story deck and setbacks. The following slides presented how the referenced areas could be fully built out to code, a line of sight study from multiple views on the 4th floor proposed development, a shadow study from 9am and 3pm, and building construction layout including proposed parking, commercial, 1-bedroom loft, and 5 bedroom unit spaces.

Valerie Hunter, Applicant, testified about her involvement in the Milwaukie community and her eagerness to develop in Milwaukie.

John Raplinger, Clemow and Associates, Applicant's Representative, testified that through working with City of Milwaukie staff and using 2018 traffic study numbers, crash history analysis, and AM/PM peak hours, he had determined traffic operations were acceptable.

Commissioner Hemer and **Vice Chair Loosveldt** clarified roof, height, and parking details with the applicant's representatives.

Public Testimony

The following Milwaukie residents expressed support for development at the site while opposing this specific proposal: **Matt Rinker, Lisa Rinker, Christina Harris, Josh Troelstrup, Rita Lynn, Jacob Sherman, Peter Foss, Celestina DiMauro, "Anthony" representing Cheryl's Canine Styling, Cheryl Sargent, Robert Schomp, Chris Holle-Bailey, Charlie Olson, Erik Yourshaw, Rene Moog, Erin Jansen, Ronelle Coburn, Roberto Gutierrez, and "MC Johnson" read by Planning Director Denny Egner.**

Mr. Egner and **Ms. Kalias** also read correspondence in opposition to this project from "MC Johnson" and Ivan Landau respectively.

Planning Commission Deliberation

Commissioner Edge moved to extend the meeting no later than 10:10. Commissioner Loosveldt seconded the motion, and all other commissioners were in favor. Commissioner Edge also clarified with Steve Adams, City Engineer, whether there is an option to exchange or negotiate scenarios with the applicant, and if additional time is necessary for Planning Commission review. Ms Hunter answered and was willing to negotiate scenarios with city staff and the commissioners.

Chair Masey moved to approve or disapprove the hearing.

Commissioner Hemer suggested that the Ardenwald Neighborhood District Association (NDA) and the applicant meet before the next Planning Commission meeting.

Commissioner Loosveldt suggested additional review between the applicant and the community and reconsidering the 4th floor in the proposed development.

Commissioner Burns, Commissioner Erdt, and Chair Masey agreed with Commissioner Loosveldt, which echoed a recommendation for additional review between the applicant and community.

Ms. Hunter agreed to meet with the Ardenwald NDA and expressed her desire to live and develop in Milwaukie.

At 10:15 p.m. no path for approval was agreed upon by the Commissioners and a motion was made to continue the hearing to July 28, 2020 and to keep the public comment opportunity open. All Commissioners were in favor.

Chair Massey and **Denny Egner** suggest it would be necessary to have a revised proposal that results from a neighborhood meeting.

5.0 Planning Department Other Business/Updates

No other Planning Department business was discussed.

6.0 Planning Commission Committee Updates and Discussion Items

No other Planning Commission Committee Update Items were discussed.

7.0 Forecast for Future Meetings

July 14, 2020 Hearing Item: VR-2019-013, 32nd Ave Mixed-Use Building
continued to July 28, 2020.

July 28, 2020 No agenda items are currently scheduled for this meeting.

August 11, 2020 No agenda items are currently scheduled for this meeting.

Meeting adjourned at approximately 10:18 PM



Robert Massey, Chair

Respectfully submitted,
Tempest Blanchard
Administrative Specialist II