



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

City Hall Council Chambers
10501 SE Main Street
www.milwaukieoregon.gov

June 11, 2024

Present: Jacob Sherman, Chair
Joshua Freeman, Vice Chair
Tina Fuenmayor
Will Mulhern
Aaron Carpenter

Staff: Brett Kelter, Senior Planner
Vera Koliass, Senior Planner
Laura Weigel, Planning Manager

Absent: Joseph Edge

(00:07:22)

1.0 Call to Order — Procedural Matters*

Chair Sherman called the meeting to order just after 6:30 p.m., read the conduct of meeting format into the record, and the Native Lands Acknowledgment.

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

(00:08:22)

2.0 Planning Commission Minutes

The May 14, 2024, minutes were approved as presented.

(00:09:18)

3.0 Information Items

Planning Manager, Laura Weigel, reported that Leesa Graetrek had been appointed to the Commission. **Weigel** and **Chair Sherman** noted upcoming community events.

(00:10:50)

4.0 Audience Participation

No audience member wished to speak to the Commission.

(00:11:40)

5.0 Community Involvement Advisory Committee (CIAC)

Weigel noted that there would be a CIAC work session at the July 9 meeting.

6.0 Hearing Items

(00:12:41)

6.1 CSU-2024-003, Charter School at Campbell Elementary School site, 11326 SE 47th Ave

Senior Planner Brett Kelber announced the applicable sections of the Milwaukie Municipal Code (MMC): 19.301, 19.600, 19.700, 19.904, and 19.1006.

Kelver presented the report and presentation that are in the meeting packet, noting a few small revisions to the recommended conditions of approval. **Vice Chair Freeman, Kelver,** and **Chair Sherman** remarked on the process for the applicant's transportation management plan to be modified if needed.

The applicant team, **Cindy Detchon** of the North Clackamas School District (NCSD) and **Kristin Macy** of the Cascade Heights Charter School (CHCS), provided the report and presentation that are in the meeting packet. **Chair Sherman, Detchon,** and **Macy** commented on the traffic management plan for the site.

Testimony in support of the application. Former CHCS board member **Cory Connors**, CHCS parent **Sarah Wilkinson**, CHCS parent and staff member **Farrah Tran**, and Milwaukie resident **Faith Wildermuth**, expressed support for the application.

Neutral testimony. Milwaukie residents **Shawn Schmelzer** and **Zak Stone** expressed concern about the school's traffic impacts. **Chair Sherman** and **Schmelzer** remarked on what next steps were most appropriate for the neighbor petition that had been circulated regarding the charter school.

Detchon commented on NCSD's plans to implement and revisit the school's traffic plan.

Chair Sherman closed the public testimony.

Commission Discussion:

Vice Chair Freeman expressed support for the application. **Commissioner Fuenmayor** supported the application and asked about the bicycle parking plan on the site. **Kelver** and **Chair Sherman** explained the condition related to restoring some of the required bicycle parking. **Commissioners Carpenter and Mulhern** and **Chair Sherman** supported the application and noted it would take time to implement and revise the traffic plans.

Commissioner Carpenter motioned to approve application file CSU-2024-003 with the revisions noted by staff. **Commissioner Mulhern** seconded the motion. The motion was passed with a 5:0 vote.

(01:14:00)

6.2 VR-2024-003, Variance at 11923 SE 35th Avenue

Senior Planner Vera Kalias announced the applicable sections of the MMC: 12, 19.301, 19.700, 19.804, 19.991, and 19.1006. **Kalias** presented the staff report via a power point presentation. Both are included in the meeting packet. **Commissioner Carpenter** and **Kalias** noted that landscape maintenance had not been mentioned in the application.

Testimony in support of the application. No audience member wished to speak in support of the application.

Testimony in opposition of the application. Lake Road Neighborhood District Association (NDA) Land Use Committee member **Teresa Bresaw** and neighbor of the applicant property **Barbara Allan** opposed the application and remarked on the impacts of the variance on neighboring properties.

Applicant rebuttal to comments. **Kristina Fedorovskiy**, applicant, addressed concerns about the appearance of the proposed addition garage wall.

Chair Sherman closed the public testimony.

Commission Discussion:

Vice Chair Freeman believed the applicant had met the criteria. **Commissioner Fuenmayor** was uncertain whether the applicant had met the criteria. The group discussed the Type III criteria and the impacts of the variance on future development of neighboring properties. **Commissioner Mulhern** believed the criteria had been met. The group remarked on whether the neighbor could construct a fence, noting a fence installed by the neighbor could not be part of the application approval conditions, but it could be required for the applicant as mitigation. **Fuenmayor** remarked on proposing an alternative setback for the proposal and **Sherman** and **Freeman** noted that changing the proposed setback was not part of the application. **Sherman** and **Commissioner Carpenter** believed the application had met the criteria.

Vice Chair Freeman motioned to approve application file VR-2024-003 with the clarifying revision noted by staff. **Commissioner Mulhern** seconded the motion. The motion was passed with a 4:0:1 vote with Commissioner Fuenmayor abstaining.

(02:06:58)

Chair Sherman recessed the meeting.

(02:12:54)

6.3 DR-2024-001 and VR-2024-002, 1847 Food Park at 1915-1925 SE Scott Street

Senior Planner Kalias announced the applicable sections of the MMC: 12, 19.304, 19.508, 19.600, 19.700, 19.907, 19.911, 19.1006. All Commission members present acknowledged they had walked by the application site. **Kalias** presented the staff report via a power point presentation. Both are included in the meeting packet. **Chair Sherman** and **Kalias** noted the VR application criteria. **Vice Chair Freeman** and **Kalias** remarked on the no blank walls design criterion.

Applicant representatives **Karl Refi** and **Terry Amundson** provided a report and presentation which are in the meeting packet. **Chair Sherman** and **Refi** noted that the street trees in the public right-of-way would conform to the city's standards.

Testimony in support of the application. No audience member wished to speak in support of the application.

Testimony in opposition of the application. **Charles Maes**, Casa de Tamales restaurant owner, opposed the application and expressed support for the project design.

Neutral testimony. **Val Hubbard**, Historic Milwaukie NDA co-chair, reported that many neighbors were neutral on the application and noted concerns about noise and operating hours. **Kalias** and **Chair Sherman** observed that the food park's hours of operations and licensing would need to comply with city and state rules.

Kalias clarified for **Maes** that the project had not been approved yet, but the staff recommendation was for the Commission to approve the application.

Applicant rebuttal. **Chair Sherman** noted the applicant indicated the food park's hours would comply with standard operating hours. **Commissioner Carpenter** and **Refi** noted the food park gates would close at the end of the operating day. **City Attorney Gericke** and **Sherman** remarked on noise and nighttime operation code violations.

Chair Sherman closed the public testimony.

Commission Discussion:

Commissioner Mulhern believed the application met the criteria and expressed support for the application. **Chair Sherman** believed the application met the intent of the downtown design guidelines and noted questions about the floor area ratio variance and downtown mixed-use (DMU) criteria. **Commissioner Carpenter** remarked on the application of standards to a use that doesn't conform to them. **Commissioner Fuenmayor** had questions about permanent structures on the site and downtown design standards. **Vice Chair Freeman** remarked on whether the food park would meet the criteria and guidelines. The group discussed whether the proposed structures met the criteria and guidelines, if it would be appropriate for the location, and the difference between public and open spaces.

Vice Chair Freeman and **Commissioner Fuenmayor** expressed interest in continuing the hearing to a future date.

(03:14:52)

Chair Sherman recessed the meeting.

(03:26:56)

6.3 DR-2024-001 and VR-2024-002, 1847 Food Park (continued)

Chair Sherman clarified that the record would not be reopened if the hearing were continued and suggested most of the Commission wanted more time to consider the application. The group remarked on potential dates for a continued hearing.

Commissioner Mulhern suggested the Commission could decide on the application at the present meeting.

Commissioner Carpenter motioned to continue the present meeting until 10:30 p.m.

Commissioner Mulhern seconded the motion. The motion was passed with a 5:0 vote.

The group discussed the food park's floor area ratio (FAR) variance, the use of the site for food carts, whether the application meets the downtown design standards, open space and plaza and setback standards, and the differences in permitting food carts in other parts of downtown.

The group remarked on whether the Commission was ready to vote and **Weigel** noted that if the Commission were to deny the application staff would need time to prepare the appropriate findings.

Commissioner Carpenter motioned to continue the present meeting until 11:00 p.m.

Vice Chair Freeman seconded the motion. The motion was passed with a 5:0 vote.

Chair Sherman summarized that it appeared that the Commission was interested in denying the application. The group discussed next steps.

In a straw poll, **Chair Sherman** and **Commissioners Carpenter and Fuenmayor** voted to deny the FAR variance request, **Vice Chair Freeman** abstained from the vote due to a lack of time to fully consider the FAR variance.

Chair Sherman and **Weigel** noted that staff had enough Commission input to prepare necessary findings for denial.

Vice Chair Freeman motioned to continue the hearing to a date certain of August 13, 2024. **Commissioner Carpenter** seconded the motion. The motion was passed with a 4:1 vote with Commissioner Mulhern voting “nay.”

(04:07:55)

7.0 Planning Department/Planning Commission Other Business/Updates

(04:08:35)

8.0 Forecast for Future Meetings

June 25, 2024	Work Session Items: Natural Resources Code Amendments (Part 2)
July 9, 2024	Nothing scheduled at this time.

Meeting adjourned at approximately 10:31 p.m.

Respectfully submitted,
Scott Stauffer, City Recorder