

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, February 24, 2015
6:30 PM**

COMMISSIONERS PRESENT

Sine Bone, Chair
Shaun Lowcock, Vice Chair
Shannah Anderson
Scott Barbur
Greg Hemer
Gabe Storm

STAFF PRESENT

Denny Egner, Planning Director
Li Alligood, Senior Planner
Jason Rice, Engineering Director
Peter Watts, City Attorney

1.0 Call to Order – Procedural Matters*

Chair Bone called the meeting to order at 6:30 p.m. 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.ci.milwaukie.or.us/meetings>.

2.0 Planning Commission Minutes

3.0 Information Items

There were no information items.

4.0 Audience Participation –This is an opportunity for the public to comment on any item not on the agenda. There was none.

5.0 Public Hearings

- 5.1 Summary: Renaming Lake Rd to Main St
Applicant: City of Milwaukie
Staff: Jason Rice (presented by Denny Egner)

Denny Egner, Planning Director, explained that this item was not a hearing; state law only required that the Planning Commission have a meeting for a recommendation to the City Council.

When the Portland to Milwaukie light rail station was designed, the City recommended to TriMet that the part of Lake Rd that went under the Kellogg Lake Bridge between Lake Rd and Main St be renamed to Main St. The intersection had been reconfigured through construction of the station. The one residence affected by the change would be notified for the public hearing.

It was moved by Commissioner Hemer and seconded by Commissioner Barbur to recommend approval to City Council of the Renaming Lake Rd to Main St. The motion passed unanimously.

- 5.2 Summary: Medical Marijuana

Applicant: City of Milwaukie
File: ZA-14-04
Staff: Denny Egner

Chair Bone called the hearing to order and read the conduct of legislative hearing format into the record.

Mr. Egner presented the staff report via PowerPoint presentation. The proposal was to add medical marijuana facilities to the list of permitted uses in commercial and industrial zones where pharmacies and drugstores were permitted, but for the C-N Neighborhood Commercial, and B-I Business Industrial zones. There would be a 1000 ft buffer around schools, and limitations on colocation with another business, outside displays, and hours of operation. He displayed a map of eligible areas. He reviewed the history and what had been discussed in previous worksessions.

Mr. Egner reviewed the approvable criteria and staff recommendation of approval.

Commissioner Barbur asked about colocation and business suites; the wording of the proposals indicated that having business suites that share the same building entrance would be excluded. Was that the intent of the proposal?

- **Mr. Egner** noted that the Commission had discussed not allowing facilities to collocate with other wellness-type business. However, the issue of business suites for different businesses within the same building was not clarified; "building entrance" was the key phrase.

Chair Bone called for public testimony.

Nancy Setje, 5315 SE Meldrum Ave, was in support of the proposal and represented Top Hat Express, a newly licensed medical marijuana dispensary, which had hopes to open a facility in Milwaukie in the future. She had concerns about the colocation limitations and noted that colocation within another business was not allowed by the state, although a facility located within a suite of a building that housed other businesses should be allowed.

Chair Bone closed public testimony.

Planning Commission deliberation:

Regarding collocating a facility within another business, "building entrance" versus "business entrance" needed to be clarified, and "building entrance" eliminated the option for locating in different building suites. "Collocating" should be sufficient description and requiring different street addresses seemed too restrictive.

Peter Watts, City Attorney, suggested that "*inside* another business" could be changed to "*with* another business".

It was moved by Commissioner Barbur and seconded by Commissioner Anderson to recommend adoption to City Council of ZA-14-04 for Medical Marijuana Code Amendments as amended to read "a medical marijuana facility shall not be collocated *with inside* another business or use the same ~~building~~ entrance of another business." The motion passed unanimously.

- 5.3 Summary: Moving Forward Milwaukie Downtown Plan and Code Amendments
#4 *continued from 2/10/15*
Applicant: City of Milwaukie
File: CPA-14-02, ZA-14-02
Staff: Li Alligood and Denny Egner

Chair Bone called the hearing to order and read the conduct of legislative hearing format into the record.

Li Alligood, Senior Planner, presented the staff report via PowerPoint presentation. She reviewed the background, project goals, and the proposed hearings schedule. This was the 4th hearing that would focus on Design Standards and Review Procedures.

Design Standards were intended to allow and encourage good development through clarifying the community's expectations, better codify the Downtown Design Guidelines, encourage high quality materials and design, and to finally implement the regulatory recommendations of the South Downtown Concept Plan.

The purpose of design standards was to shape the massing, appearance, and function of buildings or development, to focus on and create a safe and appealing pedestrian experience, and to coordinate with the Downtown Design Review procedures.

Ms. Alligood reviewed the proposed amendments:

Building Façade Details:

The purpose was to provide cohesive and interesting building facades in downtown, and to address massing and compatibility. There were few current standards, but the proposed included tripartite façade requirement, change in color/materials/wall plane, and to allow for a broader range of rooftop treatments. She explained the proposed horizontal building façade details including datum lines and building façade breaks.

Corners:

The purpose was to create a strong architectural statement and establish visual landmarks and variety. Corners were also an important entry point for pedestrians. There were no current standards. The proposals were that for a new building, it would need to incorporate two of four proposed options for corner treatments that included the primary entry being located at the corner, a prominent architectural feature, a setback of 10 ft cut at the corner, or special paving patterns, street furniture and plantings.

Weather Protection:

The purpose was to create standards that created an all-season pedestrian environment. There were no current standards; the proposed standards for the ground floor included recesses or canopy protection for entries and permanent weather protection on at least 50% of the ground floor when abutting public space. The dimensions could extend up to 6 ft over the sidewalk which balconies could meet this requirement, and all should be designed to accommodate blade signs.

Exterior Building Materials:

The purpose was to encourage construction of attractive buildings using materials that created a sense of permanence and were compatible with the built and natural environments.

The current standards for permitted materials were identified by omission and the prohibited materials were those commonly used such as glass or metal panels, or cement board. The proposal was to create “primary,” “secondary,” and “accent” permitted materials, and to identify prohibited materials including those that performed poorly.

If a development met all other design criteria through the Type II review process but the developer wanted to use a prohibited or unlisted material in a creative or interesting way, it could go through Type III review.

Windows and Doors:

The purpose was to enhance street safety and provide a comfortable and interesting pedestrian experience. Currently, the standard was for 50% of the ground floor façade to consist of windows or glazed doors but only applied to Main Street. The proposal was to extend standards to other downtown streets: 40% for other downtown block faces; 30% for McLoughlin Blvd; and 30% required for upper stories with 60% of grouped windows to be vertically oriented. Proposed design would increase the recessed windows from 2 in to 4 in or contrasting trim. Regarding transparency, the current standards would be retained, and requiring the bottom edge of the window to be no more than 30 in above the sidewalk would be added. There were different standards for standalone residential buildings.

Roofs and Rooftop Equipment:

The purpose was to create a visually interesting top of the building that enhanced the building’s character. For roof forms, currently flat roofs required cornices and decorative roofs were not permitted on buildings less than 3 stories; however, ‘decorative’ was too subjective to apply. The proposal was to allow for various roof forms with allowed finishes more clearly described. Rooftop equipment and screening was currently addressed only through the Downtown Design Guidelines, so the proposal was to require setbacks and screening of equipment with allowances for recreational structures.

Open Space Requirement:

The purpose was to ensure adequate public and private open space in downtown. There were no standards currently but for mixed use residential through the Downtown Design Guidelines. For nonresidential and mixed use developments greater than 20,000 sq ft, the proposal was to provide at least 400 sq ft of public open space. In addition, for mixed use with 4 or more units and residential, 50 sq ft of open space was to be added for each dwelling unit, which could be shared or private. An open space credit of 50% could be applied when it was adjacent to an approved park. The private or shared open space did not necessarily mean outdoor open space.

Live/Work Units:

The purpose was ensure the use and design of live/work units were compatible with downtown. There were no current standards; the proposed use standards would require that at least one employee live in the unit, and residential and commercial spaces cannot be separated. The proposed development standards called for at least 25% of the floor area must be commercial/nonresidential and on the ground floor. The design standards would be subject to the Downtown Design Standards.

Design Review Procedures:

Currently all new development was subject to Type III review which created barriers and uncertainty. Based on the project goal to remove those barriers, a more streamlined review process was proposed for new development that met the proposed downtown design standards. The amendments would also clarify what type of review was required for different projects and when variances could be requested. If there were projects that did not meet all of the standards, a Type III review process would be available to show that the intent of the standard was being met, to ensure the new development met the community's vision for downtown, and also provided opportunity for creative design.

Ms. Alligood reviewed the key issues that staff was seeking direction on, their proposals, intent, and considerations:

- Should open space be required for new development or incentivized? And if incentivized, should it be with height/FAR bonuses?
 - Items to consider for open space were that it provided seating and places to rest, but reduced developable site area. Who maintained the area? What programming could occur? Who had access? All downtown blocks were within 2 blocks of a park.
 - **Mr. Egner** noted that the FAR bonus was difficult to achieve as the current FAR allowance was generous. Also, there was concern that the open space provisions would create a disincentive for development. He noted that the massing requirement to break up the wall of a building longer than 150 ft could provide those open spaces.
- Were there any other considerations for live/work units?
 - Should there be separate standards or should they be treated as a type of mixed use development? Did they need to be occupied, and were there concerns about the ground floor being used for residential purposes rather than commercial use?

Ms. Alligood reviewed comments received, staff recommendation, and next steps.

The Commission and staff discussed a comment received by Jim Bernard about height variances for development.

Chair Bone closed public testimony.

Planning Commission deliberation on key issues:

Building Materials:

- Plywood was added to the list of prohibited materials.
- **Commissioner Hemer** was concerned about prohibited materials being used on exteriors that were still visible, although not necessarily facing the defined public realm.
- Staff agreed to add language such as 'no buildings in downtown shall use prohibited materials.'

Open Space: Should it be required, incentivized, or allowed through how the code currently functioned? If incentivized, should bonuses be building height or FARs?

- As proposed, for a building with street frontage longer than 150 ft, a 20 ft x 15 ft setback was required which was similar to the possible open space. Was that sufficient, or should there be surety that some open space was included?
- **Mr. Egner** reminded that what was available in downtown for such developments of 20,000 sq ft with 400 sq ft of open space was very limited.

- What other incentives were available? In other communities, System Development Charges (SDCs) that were required for new development that fund such things as parks, transportation, etc., could be reduced. For Milwaukie, the only option would be for open space for stormwater treatment/management; however, that would be outside of the code.
- **The Commission** agreed that open space should be incentivized and not required; and staff would look into other incentive options.

Live/Work Units: Were separate standards required for live/work units, or should they be treated as another type of mixed use development? Should they be required to be owner occupied? Were there concerns of residential use on the ground floor?

- **The Commission** agreed on the direction to staff:
 - There should be separate standards for live/work units to allow more flexibility than mixed use standards.
 - Remove the requirement for a business registration license.
 - Exception for window covering/transparency requirement for ground floor residential uses.
 - Allow the entire unit to be used residentially but not commercially.
 - Maintain the business owner-occupied requirement.

Commissioner Hemer would like to see a statement in the Downtown and Riverfront Land Use Framework Plan nodding to the importance and incentives for open space and green building, etc.

- **Ms. Alligood** suggested that it could be included in the Key Land Use and Place-making Features section with language such as “encouraging residential and sustainable development.”

It was moved by Commissioner Barbur and seconded by Commissioner Lowcock to continue the hearing for CPA-14-02, ZA-14-02 for Downtown Plan and Code Amendments to a date certain of March 10, 2015. The motion passed unanimously.

5.4 Summary: Motion to Approve the Findings and Conditions for Riverway Ln
Variance *continued from 2/10/15*
Applicant: Carter Case
File: VR-14-03
Staff: Denny Egner for Vera Koliass

It was moved by Commissioner Lowcock and seconded by Commissioner Barbur to approve the Findings and Conditions for Riverway Ln Variance VR-14-03 as presented. The motion passed with Commissioner Anderson abstaining.

6.0 Worksession Items

7.0 Planning Department Other Business/Updates

8.0 Planning Commission Discussion Items

It was moved by Commissioner Storm and seconded by Commissioner Barbur to elect Commissioner Lowcock as Interim Vice Chair. The motion passed unanimously.

9.0 Forecast for Future Meetings:

- | | |
|----------------|--|
| March 10, 2015 | 1. Public Hearing: CPA-14-02 MFM Downtown Plan and Code Amendments #5
2. Worksession: MFM Central Milwaukie Plan and Code Amendments |
| March 24, 2015 | 1. Public Hearing: VR-2015-001 Cambridge Ln ADU Variance
2. Public Hearing: DR-2015-001 Kellogg Bike/Ped Bridge Connections
3. Worksession: MFM Central Milwaukie Plan and Code Amendments |

Meeting adjourned at approximately 10:00 p.m.

Respectfully submitted,

Alicia Martin, Administrative Specialist II

Sine Bone, Chair



SHAUN LOWCOCK, VICE CHAIR.