



PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

PHONE: 503-786-7630
FAX: 503-774-8236
E-MAIL: planning@milwaukieoregon.gov

Application for Land Use Action

Master File #: CSN-2017-002

Review type*: I II III IV V

□ CHECK ALL APPLICATION TYPES THAT APPLY:

- Amendment to Maps and/or Ordinances:
 - Comprehensive Plan Text Amendment
 - Comprehensive Plan Map Amendment
 - Zoning Text Amendment
 - Zoning Map Amendment
- Code Interpretation
- Community Service Use
- Conditional Use
- Development Review
- Director Determination
- Downtown Design Review
- Extension to Expiring Approval
- Historic Resource:
 - Alteration
 - Demolition
 - Status Designation
 - Status Deletion

- Land Division:
 - Final Plat
 - Lot Consolidation
 - Partition
 - Property Line Adjustment
 - Replat
 - Subdivision
- Miscellaneous:
 - Barbed Wire Fencing
 - Modification to Existing Approval
 - Natural Resource Review
 - Nonconforming Use Alteration
- Parking:
 - Quantity Determination
 - Quantity Modification
 - Shared Parking
 - Structured Parking
- Planned Development
- Preliminary Circulation Plan

- Residential Dwelling:
 - Accessory Dwelling Unit
 - Duplex
 - Manufactured Dwelling Park
 - Temporary Dwelling Unit
- Sign Review
- Transportation Facilities Review
- Variance:
 - Building Height Variance
 - Use Exception
 - Variance
- Willamette Greenway Review
- Other: _____

- Use separate application forms for:**
- Annexation and/or Boundary Change
 - Compensation for Reduction in Property Value (Measure 37)
 - Daily Display Sign
 - Appeal

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): deTorres Holland LLC

Mailing address: 4107 SE Harrison St. Zip: 97222

Phone(s): 503-956-3378 E-mail: corinndetorres@gmail.com

APPLICANT'S REPRESENTATIVE (if different than above): Corinn deWaard

Mailing address: 4314 SE Harrison St. Zip: 97222

Phone(s): ← Same as above — E-mail: →

SITE INFORMATION:

Address: 4107 SE Harrison St. Map & Tax Lot(s): 11E36AA 01400

Comprehensive Plan Designation: Zoning: R3 Size of property: 0.17 ac

PROPOSAL (describe briefly): We are proposing to change the usage to community service use to allow the building to be used as a theater.

SIGNATURE:

ATTEST: I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by: Corinn deWaard Date: 2/13/17

IMPORTANT INFORMATION ON REVERSE SIDE

*For multiple applications, this is based on the highest required review type. See MMC Subsection 19.1001.6.B.1.

WHO IS ELIGIBLE TO SUBMIT A LAND USE APPLICATION (excerpted from MMC Subsection 19.1001.6.A):

Type I, II, III, and IV applications may be initiated by the property owner or contract purchaser of the subject property, any person authorized in writing to represent the property owner or contract purchaser, and any agency that has statutory rights of eminent domain for projects they have the authority to construct.

Type V applications may be initiated by any individual.

PREAPPLICATION CONFERENCE:

A preapplication conference may be required or desirable prior to submitting this application. Please discuss with Planning staff.

REVIEW TYPES:

This application will be processed per the assigned review type, as described in the following sections of the Milwaukee Municipal Code:

- Type I: Section 19.1004
- Type II: Section 19.1005
- Type III: Section 19.1006
- Type IV: Section 19.1007
- Type V: Section 19.1008

THIS SECTION FOR OFFICE USE ONLY:

FILE TYPE	FILE NUMBER	FEE AMOUNT*	PERCENT DISCOUNT	DISCOUNT TYPE	DEPOSIT AMOUNT	DATE STAMP
Master file		\$			\$	RECEIVED MAR 10 2017 CITY OF MILWAUKIE PLANNING DEPARTMENT
Concurrent application files		\$			\$	
		\$			\$	
		\$			\$	
		\$			\$	
SUBTOTALS		\$		\$		

TOTAL AMOUNT RECEIVED: \$

RECEIPT #:

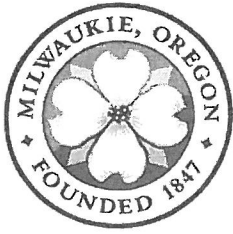
RCD BY:

Associated application file #s (appeals, modifications, previous approvals, etc.):

Neighborhood District Association(s):

Notes:

*After discount (if any)



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For all Land Use Applications
(except Annexations and Development Review)

Submittal Requirements

All land use applications must be accompanied by a signed copy of this form (see reverse for signature block) and the information listed below. The information submitted must be sufficiently detailed and specific to the proposal to allow for adequate review. Failure to submit this information may result in the application being deemed incomplete per the Milwaukie Municipal Code (MMC) and Oregon Revised Statutes.

Contact Milwaukie Planning staff at 503-786-7630 or planning@milwaukieoregon.gov for assistance with Milwaukie's land use application requirements.

1. **All required land use application forms and fees**, including any deposits.
Applications without the required application forms and fees will not be accepted.
2. **Proof of ownership or eligibility to initiate application** per MMC Subsection 19.1001.6.A.
Where written authorization is required, applications without written authorization will not be accepted.
3. **Detailed and comprehensive description** of all existing and proposed uses and structures, including a summary of all information contained in any site plans.
Depending upon the development being proposed, the description may need to include both a written and graphic component such as elevation drawings, 3-D models, photo simulations, etc. Where subjective aspects of the height and mass of the proposed development will be evaluated at a public hearing, temporary on-site "story pole" installations, and photographic representations thereof, may be required at the time of application submittal or prior to the public hearing.
4. **Detailed statement** that demonstrates how the proposal meets all applicable application-specific approval criteria (check with staff) and all applicable development standards (listed below):
 - a. **Base zone standards** in Chapter 19.300.
 - b. **Overlay zone standards** in Chapter 19.400.
 - c. **Supplementary development regulations** in Chapter 19.500.
 - d. **Off-street parking and loading standards and requirements** in Chapter 19.600.
 - e. **Public facility standards and requirements**, including any required street improvements, in Chapter 19.700.
5. **Site plan(s)**, preliminary plat, or final plat as appropriate.
See Site Plan, Preliminary Plat, and Final Plat Requirements for guidance.
6. **Copy of valid preapplication conference report**, when a conference was required.

APPLICATION PREPARATION REQUIREMENTS:

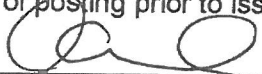
- Five hard copies of all application materials are required at the time of submittal (unless submitted electronically). Staff will determine how many additional hard copies are required, if any, once the application has been reviewed for completeness.
- All hard copy application materials larger than 8½ x 11 in. must be folded and be able to fit into a 10- x 13-in. or 12- x 16-in. mailing envelope.
- All hard copy application materials must be collated, including large format plans or graphics.

ADDITIONAL INFORMATION:

- Neighborhood District Associations (NDAs) and their associated Land Use Committees (LUCs) are important parts of Milwaukie's land use process. The City will provide a review copy of your application to the LUC for the subject property. They may contact you or you may wish to contact them. Applicants are strongly encouraged to present their proposal to all applicable NDAs prior to the submittal of a land use application and, where presented, to submit minutes from all such meetings. NDA information: <http://www.milwaukieoregon.gov/communityservices/neighborhoods-program>.
- Submittal of a full or partial electronic copy of all application materials is strongly encouraged.

As the authorized applicant I, Conin deWaard, attest that all required application materials have been submitted in accordance with City of Milwaukie requirements. I understand that any omission of required items or lack of sufficient detail may constitute grounds for a determination that the application is incomplete per MMC Subsection 19.1003.3 and Oregon Revised Statutes 227.178. I understand that review of the application may be delayed if it is deemed incomplete.

Furthermore, I understand that, if the application triggers the City's sign-posting requirements, I will be required to post signs on the site for a specified period of time. I also understand that I will be required to provide the City with an affidavit of posting prior to issuance of any decision on this application.

Applicant Signature: 
Date: 2/13/17

Official Use Only

Date Received (date stamp below):

RECEIVED
MAR 10 2017
CITY OF MILWAUKIE
PLANNING DEPARTMENT

RESET

WFG National Title Insurance Company

9200 SE Sunnybrook Blvd., Suite 350
Clackamas, OR 97015
Office Phone: (503) 353-9975
Office Fax: (503) 850-4030

BUYER'S FINAL CLOSING STATEMENT

Escrow Officer: : **Sherry Hurliman**

Escrow Number: **16017148**

Settlement Date: **11/9/2016**

Seller: **SL2 Church, an Oregon Domestic Non Profit Corporation**
Buyer: **deTorres Holland, LLC, an Oregon limited liability company, Limited Liability Company**
Property: **Lots 37, 38 and 39, Block 16, Minthorn Addition, in the City of Milwaukie, County of Clackamas and State of Oregon.
4107 SE Harrison Street
Milwaukie, OR 97222**

FINAL

	DEBIT	CREDIT
Contract sales price	\$300,000.00	
Credits/Adjustments Due Buyer		
Funds to close		\$50,702.50
Seller Contract with Buyer		\$250,000.00
Portion of Owner's Policy Paid by Seller		\$713.00
Items Payable in Connection with New Loan		
Loan Impounds/Reserves		
Aggregate Adjustment		
Escrow and Title Charges		
Title services and lender's title insurance	\$652.50	
Settlement or closing fee	\$650.00	
Basic Owner	\$0.00	
E Recording Fee	\$2.50	
Owner's title insurance to WFG National Title Insurance Company	\$713.00	
Basic Owner	\$713.00	
Record Memorandum of Contract to WFG National Title Insurance Company	\$31.50	
Sub Total	\$301,397.00	\$301,415.50
Balance Due to Buyer/Borrower	\$18.50	
Total	\$301,415.50	\$301,415.50

This Final Settlement Statement, which I have prepared, is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement.

WFG National Title Insurance Company

KHurl for

Sherry Hurliman

I hereby certify that I have compared this copy with the original thereof and that it is a true and correct copy of that which it purports to be

WFG Title

By: *KHurl*

RECEIVED

MAR 10 2017

Location: 4107 SE Harrison St, Milwaukie, OR 97222

Owners: deTorres Holland, LLC

Managers: Corinn deWaard, Illya Torres-Garner, John Roscoe Holland

CITY OF MILWAUKIE
PLANNING DEPARTMENT

3. Detailed and comprehensive description:

This property is zoned residential, but since it has always been a church, it was grandfathered in for usage as a church. We purchased the property on November 9, 2016 with the intention of turning the property into an artistic hub for Milwaukie. The market in Portland is such right now that artists are getting displaced from their locations, from theater companies to dance companies and others in between. Milwaukie offers an important refuge for artists now, particularly because of the relative affordability of homes, that we hope to offer quality theater and dance opportunities for adults and families.

Theater: The chapel is in perfect condition for a theater: the ambiance, the windows, the shape of the room, etc. We will upgrade the electrical in the building to accommodate stage lighting. The current electrical panels are old and seem precarious. A new electrical system would not only be safer, but is a much-needed upgrade for the building. We will add some canned lights and a sound system. We will use the theater for local theater productions and dance shows. Ideally, the theater space will be rented out for performances most weekends (Thursday-Sunday shows).

Studio: The downstairs space is currently designed as classrooms. We plan to repurpose the rooms downstairs to create a green room for the performers and a practice space for shows. We would build a slightly raised floor in the rehearsal studio. There is a separate entrance/exit in the studio space. This space would be used in conjunction with the shows upstairs.

Kitchen: The other part of the basement would be a kitchen to cook pizzas and serve refreshments for patrons. There would also be a seating area for people to sit and eat and wait for shows to start upstairs. There is another separate entrance for this part of the basement. The kitchen would be open to purchase food and drinks during shows and rehearsals.

Bathrooms: We plan to reconfigure the bathrooms to take up less space.

Licenses: We plan to get an OLCC license to be able to serve alcohol for shows in the theater. Since the OLCC requires food be served with alcohol, the pizza, sandwiches, and salads served out of the kitchen would make up the menu for all performances where alcohol is being served.

Neighborhood: We knocked on every neighbor's door and talked with them about the theater. All were excited to have this type of business in their neighborhood. If we didn't catch someone home, we left a note on their door and the only responses

we heard were concerns about parking, which we will mitigate so we don't end up taking up residents' parking spots. All seemed very favorable to the idea.

Background: JR runs a pizza company out of a commercial kitchen in North Portland and has an understanding of kitchen codes and operates with a food handler's card. Illya runs a General Contracting company out of Milwaukie so is very familiar with code, construction, and general upkeep. He is also an actor and musician and offers an important theatrical eye to the make-up of this venture. Corinn owns a dance company called TriptheDark in Portland. The company creates contemporary dance shows for audiences that don't typically see dance shows. The company will move their performances to this space to offer unique dance shows to Milwaukie residents.

4. Detailed Statement

a. Base zone standards

- 301: Not applicable
- 302: Because we are not modifying the outdoor space, we already meet the standards with existing setbacks.
- 303-312: Not applicable

b. Overlay zone standards Ch. 19.400: Not applicable

c. Supplementary development regulations

- 501: Because we are not making any changes to the outside of the building, we already meet these standards.
- 502: We do not have any Accessory Structures
- 503: We do not have any Accessory Uses
- 504: Because we are not modifying the outdoor space, we already meet these standards with existing landscaping.
- 505-509: Not applicable

d. Off-street parking and loading standards and requirements

- 605: Our theater will seat 100 people, meaning we need 25 parking spots available. The building currently has reciprocal shared agreements with the preschool next door (4117 SE Harrison) for access, parking, and an open-space play area that the theater is allowed to use all parking spaces on weeknights and weekends (when school is not in session) which equals 7 paved parking spots. The subject property also provides egress to Harrison St from both lots. We are working on an agreement with Grace Pointe Church who has preliminarily offered 40 parking spots in their west parking lot when church is not in session. See attached for letter of intent. This equals 47 spots available during show nights when the theater is full. We will put out cones to make sure no one parks in front of neighbors' driveways.

- 606: We are not making any changes to the parking area so therefore already meet the parking design and landscape standards.
- 607: Not Applicable
- 608: Property currently maintains two gravel parking spots adjacent to building for loading when required. Spots do not obstruct travel within paved parking areas or right-of-way.
- 609: Not required since this is not new construction. We may add bike parking later on based on the standards listed in this section.
- 610-611: Not applicable

e. Public facility standards and requirements

- 704: The City of Milwaukie Engineering Director has determined that this project will not require a traffic impact study.
- 705-707: Not applicable
- 708: The necessary improvements to Harrison St. are already constructed to city standards; the only portion needing improvement is the approach. We will re-pave that portion of the driveway to ensure safe exiting from the parking lot.
- 709: Not applicable

Parking Agreement (NOTE: This is the contract we intend to submit once we receive confirmation from Grace Point)

Grace Point Church, as Lessor, does hereby agree to allow deTorres Holland, LLC, as Lessee, to use all parking spaces located at 10750 SE 42nd Ave. Milwaukie, OR when Lessor is not conducting business. The following terms and conditions shall apply to this Parking Space Lease Agreement (“Agreement”):

Terms and Conditions:

1. **Items Left in Vehicle.** Lessor shall not be responsible for damage or loss to possessions or items left in Lessee’s vehicle.
2. **Damage to Vehicle.** Lessor shall not be responsible for damage to Lessee’s vehicle, whether or not such damage is caused by other vehicle(s) or person(s) in the parking lot and surrounding area.
3. **Parking Lot Attendants.** Lessor shall not provide parking lot attendants. In the event that Lessor provides such attendants, any use of such attendant by Lessee to park or drive Lessee’s vehicle shall be at Lessee’s request, direction and sole risk of any resulting loss and Lessee shall indemnify Lessor for any loss resulting from such use.
4. **Payments by Lessee.** Lessee agrees to pay \$0 Rent per month for the lease of the aforementioned parking spaces. Lessee will provide a set of season tickets in exchange for the use of the parking spaces.
5. **Termination.** Either party may terminate this Agreement by providing 30 days written notice to the other party. Any such notice shall be directed to a party at the party’s address as listed below in this Agreement.
6. **Damages and Loss of Equipment.** Lessee is responsible for any and all damages beyond normal wear and tear to the parking facilities. Lessee is also to be held responsible for replacement of any lost, stolen, damaged, or misplaced remote garage door openers or other parking facility related equipment lent to the Lessee by the Lessor.
7. **Time slots available.** Lessee will only be permitted to use parking spaces during non-business hours. Business hours are based on the Chiropractic and Acupuncture businesses’ operating hours.

EXECUTED AND AGREED by the parties hereto, this the Date of Agreement _____.

Lessee:

Grace Point Church
40750 SE 42nd Ave
Milwaukie, OR 97222 _____

Lessor:

deTorres Holland, LLC
4107 SE Harrison St.
Milwaukie, OR 97222 _____

19.904.4 Approval Criteria

- A. The building setback and height are met. We are working on the off-street parking as noted in the parking section of the detailed description. Once the parking contract is secured, we will submit it as an addendum.
- B. No specific standards apply.
- C. The hours of operation open to the public will be dependent on performance schedules. Ideally, we will have shows Thursday – Saturday evenings from around 6-10pm. It is unlikely every Thursday – Saturday will be booked at first, but eventually we hope to have weekly offerings. In addition, private rehearsals will accompany shows; these will be scheduled according to the needs of the performers. We also intend on hosting special events from time to time. Most activities will take place in the evenings and on weekends.
- D. This theater space is entirely in line with Milwaukie’s initiatives to revitalize an arts community and to engage more businesses in Milwaukie. We have spoken with quite a few neighbors who are all thrilled about an artistic space in Milwaukie, especially in walking distance. Since Liz’s Creative Café closed, this space can fill a hole left for the residents who were engaged in artistic activities at the café and invite even more Milwaukie residents to get involved in the arts.
- E. Even though the building is zoned Residential, every building to the east of it is commercial for two blocks. It is on a main road that connects various parts of Milwaukie so not only do many people drive by it daily, but it is in a perfect location for commercial-type traffic. Milwaukie is interested in incorporating more business and arts within neighborhoods, so this opportunity fits in line with the city’s planning.

CITY OF MILWAUKIE

PreApp Project ID #: 16-026PA

PRE-APPLICATION CONFERENCE REPORT

This report is provided as a follow-up to a meeting that was held on 12/8/2016 at 10:00am

Applicant Name: Illya Torres-Garner
Company: deTorres Holland LLC
Applicant 'Role': Owner
Address Line 1: 4314 SE Harrison St
Address Line 2:
City, State Zip: Milwaukie OR 97222
Project Name: Usage change of existing structure
Description: Change usage of existing structure from church to community theatre/dance studio. Remodel roughly 1800sq ft basement to reflect space needed for dance studio and theatre kitchen/cafeteria.
ProjectAddress: 4107 SE Harrison St
Zone: Residential R-3
Occupancy Group: To be determined based on the specific use
ConstructionType:
Use: Medium Density (Med. D)
Occupant Load: To be determined based on the specific use
AppsPresent: John Holland, Corinn deWaard, Illya Torres-Garner
Staff Attendance: Brett Kelper, Alex Roller

BUILDING ISSUES

ADA: Change of use by itself does not require the upgrade of accessible features. Any changes or improvements to the space will need to show that 25% of the cost of the project is being used to remove architectural barriers for ADA compliance.

Structural: Exiting will need to be maintained from all areas based on the occupant load of the specific use.

Mechanical: Any kitchens installed for cooking shall be fully compliant to the Oregon Mechanical Specialty Code. Type 1 hoods will be required over cooking services that are capable of producing smoke or grease. Type 2 hoods will be required over dishwashers, and cooking appliances not capable of producing smoke or grease.

Plumbing: Bathrooms shall be provided in the numbers required by chapter 29 in the Oregon Structural

Specialty Code based on the occupant load of the specific use.

Plumb Site Utilities:

Electrical:

Notes:

Please note all drawings must be individually rolled. If the drawings are small enough to fold they must be individually folded.

FIRE MARSHAL ISSUES

Fire Sprinklers: May be required based on the specific use.

Fire Alarms: May be required based on the specific use.

Fire Hydrants:

Turn Arounds:

Addressing:

Fire Protection:

Fire Access:

Hazardous Mat.:

Fire Marshal Notes: The Fire District has no comments for this proposal.

PUBLIC WORKS ISSUES

Water: Water service is provided through a City of Milwaukie 8-inch water main on SE Harrison Street. Water System Development Charges (SDC) will be applied only if: a larger meter is requested, a larger service line is requested, or if the addition of the kitchen fixtures increases the fixture count above 16. One Water SDC's unit is 16 plumbing fixture counts. The water SDC will be assessed and collected at the time the building permits are issued.

Sewer: It has come to the City's knowledge that this property does not have its own dedicated sewer lateral. The property will be required to install their own lateral to the City main in Harrison St. If this property is partied with the adjacent property to the east, then no SDC's will be required. If the property is on septic, then all SDC's below will be required. Currently, the wastewater System Development Charge (SDC) is comprised of two components. The first component is the City's SDC charge of \$1,075.00 and the second component is the County's SDC for treatment of \$6,130 that the City collects and forwards to the County. Both SDC charges are per connection unit. The wastewater SDC is assessed using a plumbing fixture count from Table 7-3 of the Uniform Plumbing Code. The wastewater SDC connection units are calculated by dividing the fixture count of new plumbing fixtures by sixteen. The wastewater SDC will be assessed and collected at the time the building permits are issued.

Storm: All new impervious surfaces, including replacement of impervious surface with new impervious surfaces, are subject to the water quality standards. See City of Milwaukie Public Works Standards for

design and construction standards and detailed drawings.

The storm SDC is based on the amount of new impervious surface constructed at the site. One storm SDC unit is the equivalent of 2,706 square feet of impervious surface. The storm SDC is currently \$844 per unit. The storm SDC will be assessed and collected at the time the building permits are issued.

Street: The proposed development fronts the north side of SE Harrison Street, an arterial route. The portion of SE Harrison Street fronting the proposed development has a right-of-way width of 60 feet and a paved width of 36 feet with curb, planter strip and sidewalk on both sides.

Frontage: Chapter 19.700 of the Milwaukie Municipal Code, hereafter referred to as "Code", applies to partitions, subdivisions, and new construction.

Transportation Facility Requirements, Code Section 19.708, states that all rights-of-way, streets, sidewalks, necessary public improvements, and other public transportation facilities located in the public right-of-way and abutting the development site shall be adequate at the time of development or shall be made adequate in a timely manner.

SE Harrison Street

The necessary improvements to Harrison Street are already constructed to City standards. The applicant will only be responsible for replacing the driveway approach, and any sections of sidewalk that are not ADA compliant.

Right of Way: The existing right-of-way on SE Harrison Street fronting the proposed development is of adequate width and no right-of-way dedication is required.

Driveways: Code Section 12.16.040.A states that access to private property shall be permitted with the use of driveway curb cuts and driveways shall meet all applicable guidelines of the Americans with Disabilities Act (ADA). Driveway approaches shall be improved to meet the requirements of Milwaukie's Public Works Standards.

Erosion Control: Per Code Section 16.28.020(C), an erosion control permit is required prior to placement of fill, site clearing, or land disturbances, including but not limited to grubbing, clearing or removal of ground vegetation, grading, excavation, or other activities, any of which results in the disturbance or exposure of soils exceeding five hundred square feet.

Code Section 16.28.020(E) states that an erosion control permit is required prior to issuance of building permits or approval of construction plans. Also, Section 16.28.020(B) states that an erosion control plan that meets the requirements of Section 16.28.030 is required prior to any approval of an erosion control permit.

Traffic Impact Study: Code Section 19.704.1(A) states that the City will determine whether a transportation impact study (TIS) is required. In the event the proposed development will significantly increase the intensity of use, a transportation impact study will be required. The City of Milwaukie Engineering Director has determined that this project will not require a traffic impact study. will make this determination based on proposed preliminary subdivision design and the number of lots created.

PW Notes: TRANSPORTATION SDC
The Transportation SDC will be based on the increase in trips generated by the new use per the Trip Generation Handbook from the Institute of Transportation Engineers. The SDC for transportation is \$1,921 per trip generated. Credits will be given for any demolished structures and for existing uses of the structure.

Current use is church, which is .55 trip count for weekday pm peak hour.

Proposed use is dance studio (specialty retail, 5 trips) pass by of 60% cost. 3 trips

The kitchen space will be categorized as manufacturing which has a trip count of .4. The exact square footage of the kitchen and the rest of the building is unknown, so the exact SDC will be calculated at the time of the building permit issuance.

PARKS & RECREATION SDC

The parks & recreation System Development Charge (SDC) is triggered when application for a building permit on a new dwelling is received. Currently, the parks and recreation SDC for each Single-Family Residence is \$3,985.00. Commercial uses are applied at a rate of \$60/employee. Credit is applied to any demolished structures and is based upon the existing use of the structures. The parks and recreation SDC will be assessed and collected at the time the building permits are issued.

PLANNING ISSUES

Setbacks:

Front and rear yards in the Residential R-3 zone must be at least 15 ft, side yards at least 5 ft (for interior lots), and street-side yards at least 15 ft (for corner lots), as per Milwaukie Municipal Code (MMC) Subsection 19.302.4. As per MMC Subsection 19.501.2.A, there is an additional yard requirement of 40 ft from the centerline of Harrison Street, combined with the specific setback standards of the R-3 zone (where applicable).

For side yards in the R-3 zone, there is a height plane limit of 20 ft at the minimum setback, with a slope of 45 degrees. See the definition of "side yard height plane" in MMC Section 19.201 for an illustration of this principle. MMC Subsection 19.501.3.B establishes some allowable exceptions to the side yard height plane, including limited minor encroachments for roof overhangs or eaves, gable ends of roofs, and dormers.

Landscape:

In the R-3 zone, a minimum of 35% of the site must be landscaped. In addition, at least 40% of the front yard area must be vegetated (measured from the front property line to the front face of a house). Vegetated areas may be planted in trees, grass, shrubs, or bark dust for planting beds, with no more than 20% of the landscaped area finished in bark dust (as per MMC Subsection 19.504.7). At least half of the minimum required vegetated area must be suitable for outdoor recreation and not have extreme topography or dense vegetation that precludes access. A maximum of 40% of the site may be covered by structures, including decks or patios over 18 in above grade.

Parking:

MMC Chapter 19.600 establishes standards for off-street parking and loading areas. MMC Table 19.605.1 provides off-street parking requirements for various uses, including for theaters and indoor recreation (such as a dance studio). The minimum required parking quantity is determined based on the total square footage of each use within its dedicated space, regardless of the hours of operation of each use and whether or not some uses are in operation at the same time.

For theaters, a minimum of 1 parking space per 4 seats is required; a maximum of 1 space per 3 seats is allowed. Where the number of seats may be unclear because of an open or flexible floor plan, the applicant should describe the proposed seating arrangement for consideration by City staff. For indoor recreation, a minimum of 3 spaces per 1,000 sq ft of floor area are required; a maximum of 5.5 spaces per 1,000 sq ft of floor area are allowed.

If the applicant wishes to challenge or modify the parking ratios established in MMC Table 19.605.1, a parking modification may be requested, subject to the provisions of MMC Subsection 19.605.2.

Parking modifications are subject to Type II review and require the applicant to provide sufficient data and analysis to support the request.

If additional off-street parking spaces are required or desired, the applicant may establish shared parking agreements with other nearby properties, subject to the standards of MMC Subsection 19.605.4. Requirements include a maximum distance of 1,000 ft between the principal structure and the nearest shared parking spaces, demonstration of no conflict in usage hours, and legal documentation of the shared agreements that is recorded with the County. The subject property already has reciprocal shared agreements for access, parking, and an open-space play area with the adjacent property to the east (4117 SE Harrison St), which is developed with a preschool. The subject property provides egress to Harrison Street from both lots, as well as several parking spaces and a portion of the fenced play area currently used by the preschool.

As per MMC Section 19.602.3.B, changes in use trigger the requirement to bring existing off-street parking and loading areas closer into conformance with the standards of MMC 19.600. Required improvements could include paving, striping, bicycle parking, landscaping, and similar items. MMC Subsection 19.602.5 establishes parameters for improving existing off-street parking areas, limiting required improvements to no more than 10% of the associated tenant improvement permit value and providing a prioritized list of improvements. Specific standards for parking area design and landscaping are established in MMC Section 19.606; standards for bicycle parking are provided in MMC Section 19.609.

Transportation Review: The proposed new development triggers the applicable requirements of MMC Chapter 19.700 Public Facility Improvements, including provisions for evaluating transportation impacts. Please see the Public Works notes or contact the City's Engineering Department for information about the requirements of MMC 19.700, including any required street improvements or right-of-way dedications, as well as whether a Transportation Impact Study (TIS) will be necessary and what process and costs would be involved.

Application Procedures: The proposed activity represents a change in use, specifically a discontinuation of the previous church use and establishment of a new community service use (CSU) in the form of a dance studio and theater. CSUs are subject to the provisions of MMC Section 19.904, including the requirement for Type III review by the Planning Commission for establishment of new CSUs, as per MMC Subsection 19.904.5. The approval criteria for new CSUs are provided in MMC Subsection 19.904.4, with specific standards in MMC Subsection 19.904.9 for facilities not covered elsewhere in the code.

Parking modifications are subject to Type II review and the provisions of MMC Subsection 19.605.2.

The current application fee for Type III review is \$2,000; the current fee for Type II review is \$1,000. For multiple applications processed concurrently, the most expensive fee is collected at full price and there is a 25% discount on all other accompanying fees.

Prior to submitting the application, the applicant is encouraged to present the project at a regular meeting of the Hector Campbell NDA, at 6:30 p.m. on the second Monday of every month at the City's Public Safety Building (3200 SE Harrison St).

Natural Resource Review: The site does not include any designated natural resource areas.

Lot Geography: The subject property is rectilinear, with a width of 75 ft and depth of 100 ft. The site is an interior lot bounded by Harrison Street on the south and by other residentially zoned properties to the east, north, and west.

Planning Notes: The applicant's application narrative should clearly describe the details of the proposed activity.

including days and hours of operation, especially in comparison to the operational schedule of the adjacent daycare facility at 4117 SE Harrison St. Since off-street parking, access, and outdoor activity space are shared between the two properties, it is important for the Planning Commission to be able to consider how the two uses will impact one another in the context of the proposed new CSU.

Signage is restricted in residential zones. However, signage for CSUs is allowed, subject to the provisions of MMC Section 14.08.090, which establishes Type I and Type III review processes for different types and sizes of signs. A request for CSU signage may be incorporated into the larger CSU application with no additional fee. The request should include a narrative address of the relevant standards of MMC 14.08.090.

The applicant has indicated interest in providing food service as part of the proposed CSU. Food service provided in conjunction with events and activities at the facility could be reasonably presented as an integrated and appropriate component of the overall CSU. However, more commercial food services that are open to the general public, such as coffee shops, delis, and restaurants, as well as commercial kitchen operations, are not permitted uses in the R-3 zone and are highly unlikely to be approvable components of the overall CSU.

ADDITIONAL NOTES AND ISSUES

County Health Notes:

Other Notes:

This is only preliminary preapplication conference information based on the applicant's proposal and does not cover all possible development scenarios. Other requirements may be added after an applicant submits land use applications or building permits. City policies and code requirements are subject to change. If you have any questions, please contact the City staff that attended the conference (listed on Page 1). Contact numbers for these staff are City staff listed at the end of the report.

Sincerely,

City of Milwaukie Development Review Team

BUILDING DEPARTMENT

Samantha Vandagriff - Building Official - 503-786-7611
Bonnie Lanz - Permit Specialist - 503-786-7613

ENGINEERING DEPARTMENT

Chuck Eaton - Engineering Director - 503-786-7605
Geoff Nettleton - Civil Engineer - 503-786-760
Chrissy Dawson - Engineering Tech II - 503-786-7610
Alex Roller - Engineering Tech I - 503-786-7695

COMMUNITY DEVELOPMENT DEPARTMENT

Alma Flores - Comm. Dev. Director - 503-786-7652
Shauna Large - Admin Specialist - 503-786-7656
Alicia Martin - Admin Specialist - 503-786-7600
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PLANNING DEPARTMENT

Dennis Egner - Planning Director - 503-786-7654
Vacant - Senior Planner - 503-786-7627
Brett Kelper - Associate Planner - 503-786-7657
Vera Kolias - Associate Planner - 503-786-7653

CLACKAMAS FIRE DISTRICT

Mike Boumann - Lieutenant Deputy Fire Marshal - 503-742-2673
Matt Amos - Fire Inspector - 503-742-2661

Clackamas County Fire District #1

Fire Prevention Office



E-mail Memorandum

To: City of Milwaukie Planning Department
From: Matt Amos, Fire Inspector, Clackamas Fire District #1
Date: 12/22/2016
Re: Change of Use 4107 SE Harrison St. PA 16-026

This review is based upon the current version of the Oregon Fire Code (OFC), as adopted by the Oregon State Fire Marshal's Office. The scope of review is typically limited to fire apparatus access and water supply, although the applicant must comply with all applicable OFC requirements. When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access and water supply may be modified as approved by the fire code official. The following items should be addressed by the applicant:

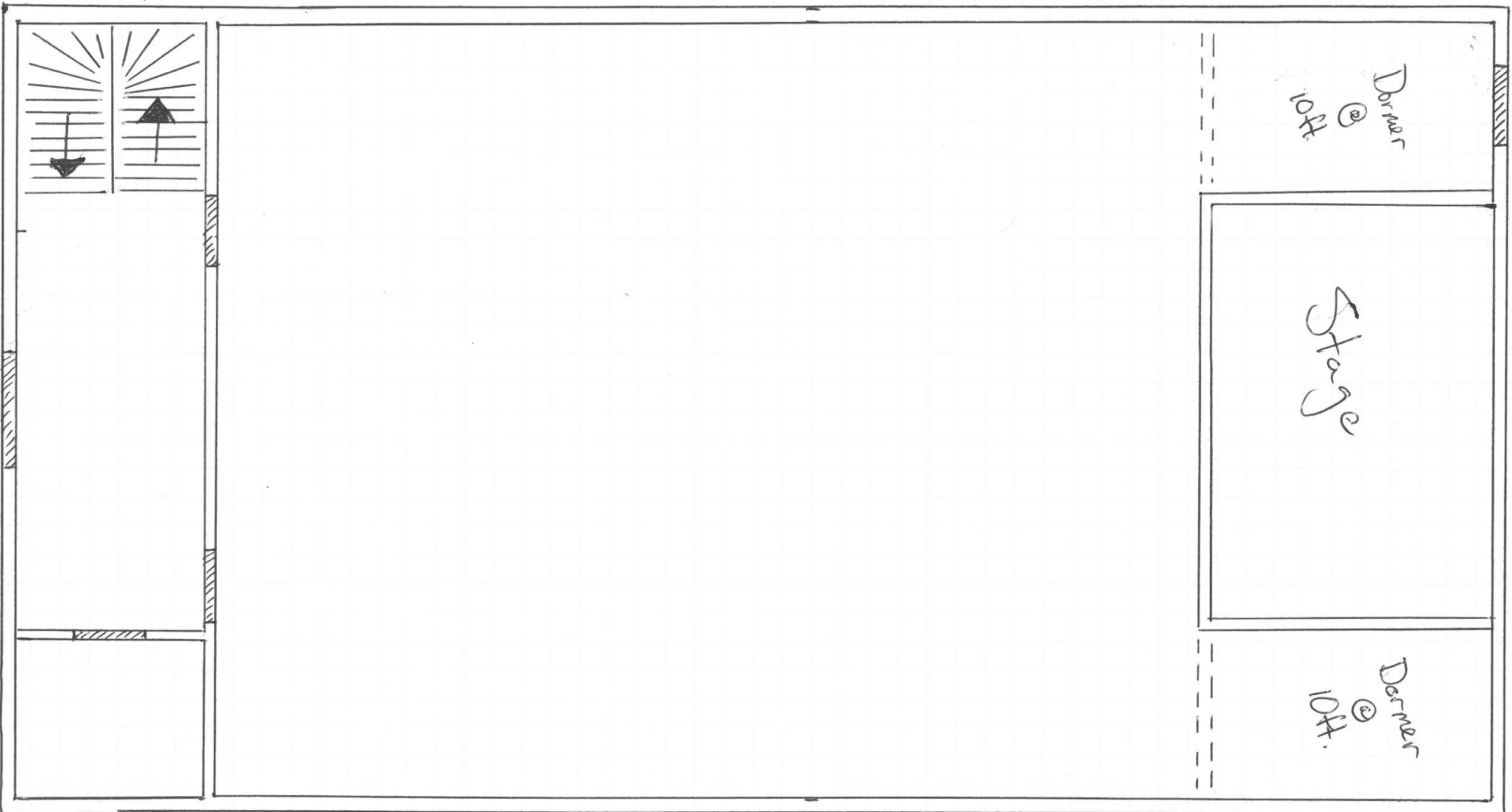
COMMENTS:

1. The Fire District has no comments for this proposal.

4107 SE Harrison St. Scale 1" = 5'
deTorres Holland LLC

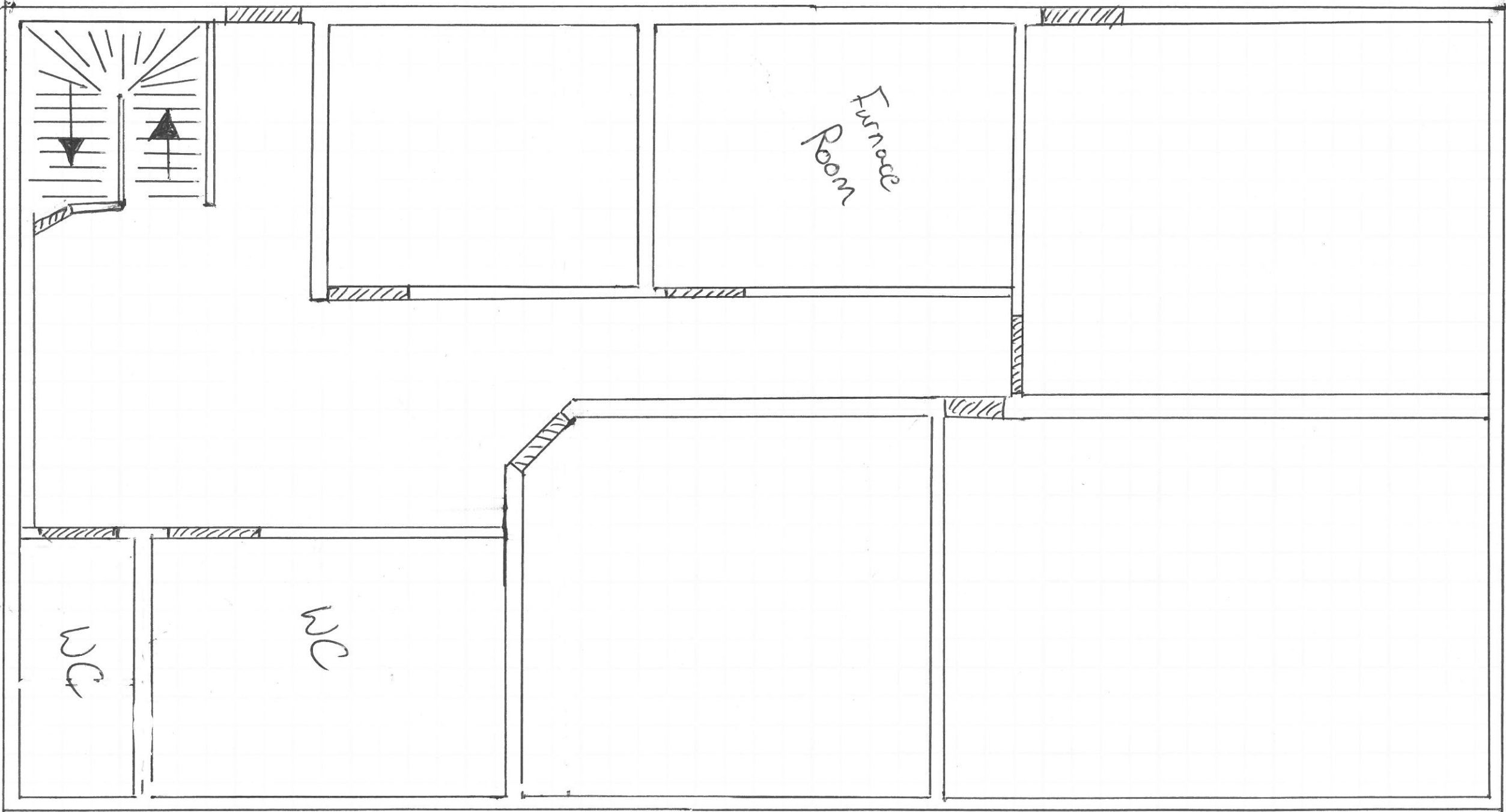


Main Floor



Basement

- Demo All Existing Walls



4107 SE Harrison St. Scale 1"=5' 

Proposed Basement Layout

