



May 15, 2017

Land Use File(s): CSU-2017-002

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission on May 9, 2017.

Applicant(s): DeTorres Holland, LLC

Location(s): 4107 SE Harrison St.

Tax Lot(s): 11E36AA01400

Application Type(s): Community Service Use

Decision: Approved with Conditions

Review Criteria: Milwaukie Zoning Ordinance:

- MMC Section 19.1006 Type III Review
- MMC Section 19.904 Community Service Uses
- MMC Chapter 19.600 Off-Street Parking and Loading
- MMC Section 19.302 Medium and High Density Residential Zones (incl. R-3)

Neighborhood(s): Hector Campbell

Appeal period closes: 5:00 p.m., May 30, 2017

This notice is issued in accordance with Milwaukie Municipal Code (MMC) Section 19.1006 Type III Review. The complete case file for this application is available for review between 8:00 a.m. and 5:00 p.m. on regular business days at the Planning Department, Johnson Creek Facility, 6101 SE Johnson Creek Blvd. Please contact Mary Heberling, Assistant Planner, at 503-786-7658 or heberlingm@milwaukieoregon.gov, if you wish to view this case file.

This decision may be appealed by 5:00 p.m. on May 30, 2017, which is 15 days from the date of this decision. Only persons who submitted comments or made an appearance of record at the public hearing have standing to appeal the decision by filing a written appeal. An appeal of this decision would be heard by the Milwaukie City Council following the procedures of MMC Section 19.1010 Appeals. This decision will become final on the date above if no appeal is filed during the appeal period. Milwaukie Planning staff can provide information regarding forms, fees, and the appeal process at 503-786-7630 or planning@milwaukieoregon.gov.

Per MMC Subsection 19.1001.7.E, this land use approval expires unless the applicant has: (1) obtained and paid for all necessary development permits and started construction within 2 years of land use approval, and (2) passed final inspection and/or obtained a certificate of occupancy within 4 years of land use approval. Extensions can be granted per MMC Section 19.908.

Findings in Support of Approval

1. Attachment 1

Conditions of Approval

1. Attachment 2



David Levitan, AICP
Acting Planning Director

cc: DeTorres Holland, LLC 4107 Se Harrison St.
Corinn deWaard, 4314 SE Harrison St.
Planning Commission (*via e-mail*)
Alma Flores, Community Development Director (*via e-mail*)
Chuck Eaton, Engineering Director (*via e-mail*)
Alex Roller, Engineering Technician II (*via e-mail*)
Samantha Vandagriff, Building Official (*via e-mail*)
Bonnie Lanz, Permit Specialist (*via e-mail*)
Mike Boumann and Matt Amos, CFD#1
NDA(s): Hector Campbell (*via e-mail*)
Interested Persons
Land Use File(s): CSU-2017-002

ATTACHMENT 1
Recommended Findings in Support of Approval
File #CSU-2017-002, DeTorres Holland LLC Community Theater and Arts Center

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, deTorres Holland LLC, has applied for approval for a Community Service Use (CSU) at 4107 SE Harrison St. This site is in the R-3 Zone. The land use application file number is CSU-2017-002.
2. The applicant is seeking land use approval for a Community Service Use (CSU) for a community theater and arts center through the proposal, which includes a practice dance studio/green room for performers and a commercial kitchen that will serve pizza and refreshments for patrons. The intent of the applicant is not to use the site for only a community theater, but provide a space that artists in the community can rent out for their uses. Examples could be once a month painting classes, slam poetry nights, theater performances, and more. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - a. MMC Section 19.1006 Type III Review
 - b. MMC Section 19.904 Community Service Uses
 - c. MMC Chapter 19.600 Off-Street Parking and Loading
 - d. MMC Section 19.302 Medium and High Density Residential Zones (incl. R-3)
3. The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public hearing was held on May 9, 2017, as required by law.
4. MMC Section 19.904 Community Service Use

MMC 19.904 provides standards and procedures for review of applications for community service uses. These are uses that are not specifically allowed outright in most zoning districts but that address a public necessity or otherwise provide some public benefit. Community service uses may include schools, government buildings, hospitals, religious institutions, utilities, parks, communication facilities, or private or public recreation facilities.

- a. MMC 19.904.2 Applicability – lists the various uses that are allowed through the Community Service Use (CSU) process.

The proposed development is for a community theater and arts center where the space will be used for the public to rent out for theater productions and other artistic endeavors. The basement will provide a dance studio/green room for practice space for the performers, along with a kitchen to cook pizzas and serve refreshments for the patrons during the shows. The use is meant to provide a benefit of a theater and artistic space for the public where one does not currently exist in the area. The space is intended to host a variety of artistic activities that a variety of community members can enjoy and practice.

MMC 19.904.2.C lists the Community Service Uses that are categorized as Recreational Facilities – Public or Private. Examples of uses are private clubs, lodges, or granges, as well as, public or private recreational facilities such as pools, gyms, indoor and outdoor sports courts or fields, and associated facilities. The code

does not explicitly mention community theaters as a recreational facility for a CSU, but it could be considered similar to other private recreational facility uses.

Per MMC 19.904.2.C.5, the Planning Commission can determine other similar uses. The proposed community theater and arts center would be privately owned and is a similar use to a private club, lodge, or grange, but there would not be a membership aspect like these similar uses. The community theater and arts center would be available for the general public and provides recreational opportunities for those who will be participating in the theater productions and other art activities.

The Planning Commission finds that the proposed community theater and arts center is a private recreational facility and the standards of MMC 19.904 are applicable to the proposed development.

- b. MMC 19.904.3 establishes the review process for CSUs. Except for wireless communication facilities and minor modifications to existing CSUs, applications for CSUs are subject to Type III review (MMC 19.1006).

The proposed development is not a wireless communication facility, nor does it represent a minor modification to the existing CSU.

The Planning Commission finds that the proposed development is subject to the procedures for Type III review outlined in MMC 19.1006.

- c. MMC 19.904.4 establishes the following approval criteria for CSUs:

- (1) The building setback, height limitation, and off-street parking and similar requirements governing the size and location of development in the underlying zone are met. Where a specific standard is not proposed in the CSU, the standards of the underlying zone must be met.

The subject property is zoned Residential R-3. The applicant is only proposing upgrades and refurbishing to the inside of the building. No additions or expansions are proposed, therefore, there are no development standards in the base zone that are applicable.

The change of use for the site from the current use to a community theater and arts center does trigger off-street parking requirements in MMC Section 19.600.

MMC Chapter 19.600 Off-Street Parking and Loading

MMC 19.600 regulates off-street parking and loading areas on private property outside the public right-of-way. The purpose of these requirements includes providing adequate space for off-street parking, minimizing parking impacts to adjacent properties, and minimizing environmental impacts of parking areas.

- (a) MMC Section 19.602 Applicability

MMC 19.602 establishes the applicability of the provisions of MMC 19.600.

- 1. MMC Subsection 19.602.1 General Applicability

MMC 19.602.1 provides that the regulations of MMC 19.600 apply to all off-street parking areas, whether required by the City as part of development or voluntarily installed for the convenience of users. Activity that is not described by MMC Subsections 19.602.3 or 19.602.4 is exempt from compliance with the provisions of MMC 19.600.

The subject property includes existing off-street parking areas. The proposed development is an activity that meets the applicability standards of MMC 19.602.4.A.

2. MMC Subsection 19.602.3 Applicability Associated With Development or Change in Use

MMC 19.602.3.B.2 addresses existing off-street parking and loading areas. Such activity shall be brought closer into conformance with the standards of Chapter 19.600, per Subsection 19.602.5 when a change in use occurs.

The proposed new CSU is a change of use from the previous use of a church on the site and will need to meet any requirement improvements to the off-street parking area.

The standard is applied below.

3. MMC Subsection 19.602.5 Improvements to Existing Off-Street Parking and Loading Areas

The purpose of MMC 19.602.5 is to improve nonconforming off-street parking and loading areas as redevelopment occurs. These improvements should occur in conjunction with a development or change in use.

a. Limitations on Required Improvements

The cost of materials for any required improvements shall not exceed 10% of the development permit value of the associated development, redevelopment, and/or tenant improvements associated with a change in use.

As conditioned, that standard is met. The applicant is not required to spend more than 10% of the construction value on site improvements.

b. Areas of Required Improvement

i. Paving and Striping of parking areas, per Subsection 19.606.3.A

Paving and striping are required for all required maneuvering and standing areas. Off-street parking areas shall have a durable and dust-free hard surface, shall be maintained for all-weather use, and shall be striped to show delineation of parking spaces and directional markings for driveways and accessways.

The off-street parking lot on the site provides for 7 of the 9 total parking spaces from the shared parking agreement with Sweet Pea Preschool. There are two additional parking spaces currently being used by the Preschool on the site of the proposed CSU. Those two parking spaces are currently gravel with no striping. They will need to be paved and striped by the applicants. The parking lot on the Grace Pointe Church where a shared parking agreement is proposed is also striped and paved.

As conditioned, the standard is met.

- ii. Minimum required vehicle parking spaces, per Section 19.605.
See below for the findings.

As conditioned, the Planning Commission finds the standards of MMC 19.605 are met.

- iii. Minimum required bicycle parking spaces, per Section 19.609.
See MMC Section 19.609 below the findings addressing bicycle parking.

As conditioned, the Planning Commission finds the standards of MMC 19.609 are met.

- iv. Landscaping of existing buffers, islands, and medians, per Subsection 19.606.2.D

Interior landscaping of parking areas shall be provided for sites where there are more than 10 parking spaces on the entire site.

On the site there are only 7 9 parking spaces. This standard does not apply.

- v. New perimeter landscape buffers, islands, and medians, as applicable, per Subsection 19.606.2.E

Interior landscaping of the parking area on the site is not required. This standard does not apply.

- vi. Other applicable standards within Chapter 19.600, as determined by the Planning Director

The Planning Director does not find any additional applicable standards. This standard does not apply.

(b) MMC Section 19.605 Vehicle Parking Requirements

MMC 19.605 establishes standards to ensure that development provides adequate vehicle parking based on estimated parking demand. MMC Table 19.605.1 provides minimum and maximum requirements for a range of different uses. For a theater, a minimum of 1 space per 4 seats is required; a maximum of 1 space per 3 seats is allowed.

The subject property is developed with an existing building. The proposal for the existing building includes a theater and art space and in the basement, for a dance studio/green room space, and a kitchen to serve refreshments for patrons during the show. The theater space will seat 100 people. The minimum number of required spaces is 25; the maximum allowed is 34. The site currently provides 9 off-street parking spaces shared with the daycare center next door that will be used during off hours of the daycare center/preschool. The applicant has provided a shared parking agreement with Grace Pointe Church (10750 SE 42nd). They will provide 40 parking spaces in their west parking lot when church is not holding services. See the findings for the shared parking agreement below. With this shared parking

agreement, the total number of spaces provided is 49, which provides more than the minimum required spaces.

As conditioned, the Planning Commission finds the standards are met.

1. MMC Subsection 19.605.4 Shared Parking

Standards

- a. The applicant must demonstrate that the shared parking area has a sufficient quantity of spaces for the uses that will share the parking area.

The applicant stated that the shared parking agreement with Grace Pointe Church will provide 40 parking spaces in their west parking lot for the community theater to use during times when the church is not holding services. When services are not held, the parking lot is relatively empty and parking is allowed.

The standard is met.

- b. The nearest parking spaces shall be no further than 1,000 ft from the principal structure(s) or use(s). The measurement shall be along a route that is adequately illuminated; has vertical or horizontal separation from travel lanes within the right-of-way; uses legal crosswalks for right-of-way crossing; and has an asphalt, concrete, or similar surface material. The applicant may propose to construct new facilities or modify existing facilities to comply with Subsection 19.605.4.B.2.

The proposed shared parking lot at Grace Pointe Church is within 1,000 ft from the proposed community theater. There is adequate illuminated sidewalks and legal crosswalks on SE 42nd Ave and SE Harrison St.

The standard is met.

- c. Legal documentation between the property owners that guarantees access to the shared parking shall be recorded with the County. The documentation shall be reviewed and approved by the Planning Director prior to being recorded. Legal documentation between the property owners that guarantees access to the shared parking is required. The agreement shall run with the land and not be tied to property ownership.

The applicant has provided a parking agreement between them and Grace Pointe Church. The document includes a 30-day termination clause. The agreement will need to be modified to require a 60-day termination clause and notice to the City in the event the agreement is terminated. The CSU also needs to be conditioned so that it is terminated in the event that parking becomes unavailable. Following approval of a revised agreement, this includes city notification of termination, the document will need to be recorded with the County and a copy given to the City after recording.

The parking agreement shall list the times (days and hours) when the Grace Point Church west parking lot has a minimum of 25 parking spaces available for use by the general public and participants in the Community Theater and Arts Center during events, practices, classes, etc.

As conditioned, the standard is met.

As conditioned, The Planning Commission finds that the applicable standards of MMC 19.605.4 are met.

As conditioned, the Planning Commission finds the standards of MMC 19.605 are met.

(c) MMC Section 19.609 Bicycle Parking

MMC 19.609 establishes standards for bicycle parking. The standards apply only for new development of various uses, including CSUs. The proposed development is to establish a new CSU for a community theater.

- (i) The quantity of required bicycle parking spaces shall be at least 10% of the minimum required vehicle parking for the use.

The required minimum vehicle parking is 25 spaces. The required quantity of bicycle parking for the site is 3. The applicant shall provide 3 bicycle parking spots prior to the issuance of a certificate of occupancy.

As conditioned, the Planning Commission finds that this standard is met.

- (ii) A minimum of 50% of the bicycle spaces shall be covered and/or enclosed (in lockers or a secure room) in any of the following situations:
1. When 10% or more of the vehicle parking is covered.
 2. If more than 10 bicycle parking spaces are required.
 3. Multifamily residential development with 4 or more units.

The CSU proposal does not have any covered vehicle parking, is not requiring more than 10 bicycle parking spaces, and is not a multifamily development.

The Planning Commission find that this standard is not applicable.

- (iii) The dimension of each bicycle parking space shall be a minimum of 2 x 6 ft. A 5-ft-wide access aisle must be provided. If spaces are covered, 7 ft of overhead clearance must be provided. Bicycle racks must be securely anchored and designed to allow the frame and 1 wheel to be locked to a rack using a high security, U-shaped, shackle lock.

The applicant will adhere to the standards for the bicycle parking space and racks for the required 3 bicycle parking spaces.

As conditioned, the Planning Commission finds that this standard is met.

(iv) Location

1. Bicycle parking facilities shall meet the following requirements:
 - a. Located within 50 ft of the main building entrance.

- b. Closer to the entrance than the nearest non-ADA designated vehicle parking space.
 - c. Designed to provide direct access to a public right-of-way.
 - d. Dispersed for multiple entrances.
 - e. In a location that is visible to building occupants or from the main parking lot.
 - f. Designed not to impede pedestrians along sidewalks or public rights-of-way.
 - g. Separated from vehicle parking areas by curbing or other similar physical barriers.
2. The public right-of-way may be utilized for bicycle parking when parking cannot be reasonably accommodated on the site and the location is convenient to the building's front entrance. The bicycle parking area in the right-of-way must leave a clear, unobstructed width of sidewalk that meets the Engineering Department's Public Works Standards for sidewalk passage. A right-of-way permit is required.

The applicant will adhere to the standards for the bicycle parking spaces location for the required 3 bicycle parking spaces.

As conditioned, the Planning Commission finds that this standard is met.

As conditioned, the Planning Commission finds that the proposed development meets all applicable standards MMC 19.600 for off-street parking.

- (2) The hours and levels of operation of the proposed use are reasonably compatible with surrounding uses.

The applicant proposes that hours of operation open to the public will be dependent on performance schedules and artistic activities. Ideally, they will operate evenings from 6-10pm. Additional private rehearsals will accompany shows and scheduled according to the needs of the performers. Additionally, other art activities could be scheduled during the day as well, but most activities will take place in the evenings and on the weekends. The proposed theater and art center shares a parking lot with a daycare center/preschool, which will operate during the day and on weekdays which will avoid conflicts with the theater and art center since their hours of operation are during hours when the daycare will be closed. For hours when the preschool is open (Monday-Friday, 7am-6pm), a shared parking agreement limits any parking for any community theater and arts center participants in the 9-space parking lot.

The hours of operation shall be tied to the hours and days when a minimum of 25 parking spaces are available in the Grace Pointe Church west parking lot, as detailed in the shared parking agreement. These hours refer to times for events, practices, classes, etc. in which the general public and participants will be accessing the building. The building may be accessed by members of DeTorres Holland LLC and non-event related visitors outside of these hours.

The proposed hours of operation are reasonably compatible with the other nearby commercial uses that already impact the area. The use of the property will be finished and closed during the same times as nearby commercial uses. The proposed hours of operation should have minimal additional impact on the nearby residential uses. To ensure compatibility, the CSU approval should include a condition requiring performances to end prior to 10 pm.

As conditioned, the Planning Commission finds that this standard is met.

- (3) The public benefits of the proposed use are greater than the negative impacts, if any, on the neighborhood.

The applicant states that a community theater and arts center enhances the arts community in Milwaukie in the area where it is currently lacking. With the closing of Liz's Creative Café, the applicant states that this theater and art center will 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. The applicant also stated she had spoken with quite a few neighbors who were thrilled about an artistic space in Milwaukie, especially within walking distance.

Some potential negative impacts have been considered and attempts have been made by the applicant to mitigate them. One potential negative impact to the neighborhood is parking. The current parking lot is not large enough for the off-street parking requirements. The applicant has worked with a nearby church to create a shared parking agreement to use their parking lot and meet the off-street parking requirements. This will leave less impact on the surrounding neighborhood with customers of the community theater and arts center having enough parking to avoid parking in the streets. The applicant also stated that hours of operation will be during the evening (6-10pm) and may have other times during the day depending on the theater practice schedules and scheduled art activities. This mitigates potential negative impacts of noise and disturbance of the neighborhood at late hours in the evening. The hours of operation reflect similar hours for the nearby commercial uses as well.

With conditions, the Planning Commission finds that this standard is met.

- (4) The location is appropriate for the type of use proposed.

The site is zoned R-3 for residential use, but it is situated adjacent to commercial uses to the east with no residential uses in between. It is on an arterial street (Harrison St) with access to transit.

The Planning Commission finds that this standard is met.

The Planning Commission finds that the proposed development meets the approval criteria of MMC 19.904.4.

- d. MMC 19.904.5 establishes the procedures for reviewing CSUs.

- (1) MMC 19.904.5.A requires the Planning Commission to hold a public hearing to consider the establishment of new CSUs or the major modification of existing CSUs. The Commission shall determine whether the proposed use meets the approval criteria of MMC 19.904.4.

The proposed development is to establish a new CSU. The Planning Commission held a public hearing on May 9, 2017, to evaluate the proposed

major modification to the CSU in the context of the approval criteria of MMC 19.904.4. This standard is met.

- (2) MMC 19.904.5.B establishes the types of conditions that the Planning Commission may impose on CSUs to ensure compatibility with other uses in the vicinity. Conditions may involve such aspects as hours or intensities of operation, measures to limit noise or glare, special yard setbacks, design of vehicle access points, and size or location of a building.

The Planning Commission has evaluated the proposed new CSU and finds that a condition to the application will be that the community theater and arts center will need to close by 10pm to limit negative impacts on nearby residential uses.

Between the applicant's proposal and the conditions established by the Planning Commission, the CSU will be compatible with the other uses in the vicinity, which are primarily commercial to the east and residential to the west.

As conditioned, the Planning Commission finds that the existing CSU remains compatible with other uses in the vicinity. This standard is met.

- (3) MMC 19.904.5.C authorizes the Planning Director to approve minor modifications to an approved community service use through the Type I review process, subject to compliance with specific criteria.

The proposed development is to establish a new CSU.

The Planning Commission finds that MMC 19.904.5.C does not apply to this application.

The Planning Commission finds that the applicable standards of MMC 19.904.5 are met.

- e. MMC 19.904.6 establishes the application requirements for CSUs, including a narrative describing the proposed use, maps showing the vicinity and existing uses, and detailed plans for the project.

The applicant's submittal materials include site plans and a narrative description of the proposed development.

The Planning Commission finds that this standard is met.

The Planning Commission finds that the proposed development meets all applicable standards of MMC 19.904 and is approvable as a new CSU.

5. As per MMC Subsection 19.1001.7.E.1.a, proposals requiring any kind of development permit must complete both of the following steps:

- a. Obtain and pay for all necessary development permits and start construction within two (2) years of land use approval.
- b. Pass final inspection and/or obtain a certificate of occupancy within four (4) years of land use approval.

As per MMC Subsection 19.1001.7.E.2.b, land use approvals shall expire unless both steps noted above have been completed or unless the review authority specifies a different expiration date in the land use decision to accommodate large, complex, or phased development projects.

6. The application was referred to the following departments and agencies on 3/24/17:

- Milwaukie Building Division
- Milwaukie Engineering Department
- Clackamas County Fire District #1
- Hector/Campbell Neighborhood District Association Chairperson and Land Use Committee
- Clackamas County
- Metro
- Trimet

The comments received are summarized as follows:

- a. **Matt Amos, Fire Inspector, Clackamas Fire District #1:** No comments for this proposal.
- b. **David Aschenbrenner, Chair of Hector Campbell NDA:** The Hector Campbell NDA voted to recommend approval of the request of Corrin de Torres for a community Use at 4107 Se Harrison as it was presented at the Hector Campbell NDA meeting.
- c. **Alex Roller, Engineering Technician II, Milwaukie Engineering Department:** Prior to final inspection of building permit, the following shall be required:
 - (1) Construct a new driveway approach at the existing driveway onto SE Harrison St in accordance with City of Milwaukie Public Works Standards prior to final inspection. The driveway approach aprons shall be between 9 feet and 20 feet in width, at least 7.5 feet from the side property line.
 - (2) A wastewater service “party line” connection exists between this property and the property directly east, the Sweet Pea Preschool. This means that the wastewater service line for this property and the wastewater service line for the preschool connect to each other before connecting to the City of Milwaukie wastewater main. These two service lines shall be disconnected from each other to make two separate connections to the wastewater main.

7. Public Comment

Public notice was sent to all property owners within 300 ft of the site, as well as signage at the site. Below are comments received by the public about the application.

- a. **Jack Kaady, Property Owner of 4141/43 SE Harrison St.:** “I object to the establishment of a community theater and dance studio as it does not provide for parking. I was approached for permission to use our building parking in their application and I declined. Without my permission, they contacted my tenants who do not have the authority to grant it. Please contact me with any further information or comments.”
- b. **Lynnette Denny-Bole, Property Owner 4105 SE Harrison St., Sweet Pea Preschool:** Comments were in regards to concerns about parking during day activities at the Community Theater and Arts Center since Sweet Pea Preschool uses the parking lot during the day. Comments were also in concern about if the use fits with the surrounding community.

ATTACHMENT 2
Recommended Conditions of Approval
File # CSU-2017-002
DeTorres Holland LLC Community Theater and Arts Center

Conditions

1. Prior to the issuance of a certificate of occupancy, the following shall be resolved:
 - a. Shared Parking Agreement
 - (1) The legal documentation for the shared parking agreement with Grace Pointe Church shall be recorded with the County and a copy given to the City after the Planning Director have approved and signed the agreement.
 - (2) The shared parking agreement includes a 30-day termination clause. The agreement shall be modified to require a 60-day termination clause and notice to the City in the event the agreement is terminated.
 - (3) If the parking agreement is terminated, the Community Service Use shall be suspended until such time that another satisfactory parking agreement that meets City code requirements can be finalized.
 - (4) The parking agreement shall list the times (days and hours) when the Grace Point Church west parking lot has a minimum of 25 parking spaces available for use by the general public and participants in the Community Theater and Arts Center during events, practices, classes, etc.
 - b. Off-Street Parking Requirements
 - (1) Per MMC 19.606.3.A, the applicant shall pave and stripe the two additional parking spots on the proposed CSU site. Parking space and aisle dimensions can be found in MMC 19.606.1. Additional design standards can be found at MMC 19.606.3.
 - (2) Per MMC 19.609.2.A, the applicant shall provide 3 bicycle parking spaces.
 - (3) Per MMC 19.602.5.B, the cost of materials for any required off-street parking improvements shall not exceed 10% of the development permit value of the associated development, redevelopment, and/or tenant improvements associated with a change in use.
 - c. Engineering Requirements
 - (1) Construct a new driveway approach at the existing driveway onto SE Harrison St in accordance with City of Milwaukie Public Works Standards prior to final inspection. The driveway approach aprons shall be between 9 feet and 20 feet in width, at least 7.5 feet from the side property line.
 - (2) A wastewater service “party line” connection exists between this property and the property directly east, the Sweet Pea Preschool. This means that the wastewater service line for this property and the wastewater service line for the preschool connect to each other before connecting to the City of Milwaukie wastewater main. These two service lines shall be disconnected from each other to make two separate connections to the wastewater main.

2. During the operation of the community theater and arts center:
 - a. The community theater and arts center will need to close by 10pm to limit negative impacts on nearby residential uses.
 - b. The hours of operation shall be tied to the hours and days when a minimum of 25 parking spaces are available in the Grace Pointe Church west parking lot, as detailed in the shared parking agreement. These hours refer to times for events, practices, classes, etc. in which the general public and participants will be accessing the building. The building may be accessed by members of DeTorres Holland LLC and non-event related visitors outside of these hours.