



MILWAUKIE

Dogwood City of the West

To: Planning Commission

Through: Katie Mangle, Planning Director

From: Brett Kelper, Associate Planner

Date: July 14, 2009, for July 14, 2009, Public Hearing

Subject: Addendum—Amended Findings and Proposed Conditions for VR-09-01

It has come to the attention of staff that 28th Ave, which provides access from Lake Rd to the parking lot at the Lake Rd fields, is not public right-of-way but rather a private drive on tax lot 1S1E36CA01200. The School District provides a private easement to the properties at 2711 and 2725 SE Lake Rd for access to their driveways from Lake Rd. The primary mischaracterization of 28th Ave in the staff report occurs on page 2 under point A “Site and Vicinity”—third paragraph, last sentence.

Several of the public comments received prior to the hearing concern the safety and functionality of the accessway on 28th Ave. Staff is recommending conditions of approval that would improve the safety of the 28th Ave accessway and would thus make the variance request truly the minimum variance necessary to meet the school’s parking needs.

In addition, staff is recommending a condition related to the performance of the school’s Transportation Demand Management (TDM) program that should help manage future student parking on neighborhood streets. Staff believes the recommended condition would mitigate potential impacts that might result from the granting of the variance request.

RECOMMENDED CONDITIONS OF APPROVAL

1. Paint a 4-ft-wide cross-hatched pedestrian walkway along the west side of the 28th Ave accessway between Lake Rd and the gates at the south end of the parking lot.
2. Paint the extruded curbs yellow along both sides of the 28th Ave accessway between Lake Rd and the gates at the south end of the parking lot, to prohibit parking in the accessway. Install at least one “No Parking” sign on each side of the accessway.
3. In the annual TDM program report to the Planning Director, the TDM Committee shall describe its efforts to limit student parking on neighborhood streets and to encourage use of the designated shared parking spaces as needed.

AMENDED FINDINGS IN SUPPORT OF APPROVAL

To support these recommended conditions, the Recommended Findings in Support of Approval included as Attachment 1 of the staff report would need to be amended. In particular, Findings 8-B and 8-C would need to be amended as follows (additions are underlined and deletions are ~~struck through~~):

Finding 8-B. *(That there are no feasible alternatives to the variance and that the variance is the minimum variance necessary to allow the applicant the use of the property in a manner substantially the same as others in the surrounding area.)*

[Fourth paragraph on 5.1 Page 16, also numbered as Page 4 of 7 in Attachment 1] – The applicant has asserted that the requested variance is the minimum variance necessary to meet the school's parking requirements. The 39 parking spaces at the Lake Rd fields are on school property, with access available from the main campus via two different pedestrian routes along public streets with sidewalks or through public property at Milwaukie Elementary School, with an average one-way walking time of 4 to 5 minutes depending on the route. The residential properties adjacent to the Lake Rd fields on the west are fully developed and there is no readily apparent opportunity to acquire additional property to provide a more direct link between the Lake Rd fields and the school campus. Furthermore, the applicant has indicated that the Lake Rd fields would be a last option for school-permitted parking, after first issuing permits for all on-site spaces and then for shared spaces at St. John's and St. Stephen's Stephens churches.

The Planning Commission finds that pedestrian safety within the 28th Ave accessway into the parking lot from Lake Rd must be improved to make the requested variance the minimum variance necessary. A condition has been established to require that a 4-ft-wide cross-hatched pedestrian walkway be painted along the west side of the 28th Ave accessway between Lake Rd and the gates at the south end of the parking lot. Another condition has been established to prohibit parking on either side of the 28th Ave accessway.

The Planning Commission finds that there are no feasible alternatives to the requested variance and that, as conditioned, the variance is the minimum variance necessary to grant the applicant use of the subject property and its accompanying community service use.

Finding 8-C. *(That adverse effects upon other properties that may be the result of this variance shall be mitigated to the extent feasible.)*

[Insert after second paragraph on 5.1 Page 17, also numbered as Page 5 of 7 in Attachment 1] – The Planning Commission finds that the school's Transportation Demand Management (TDM) program provides an appropriate mechanism to actively limit student parking on neighborhood streets adjacent to the main school campus when designated shared spaces are available. As part of the annual report it will provide to the Planning Director, the TDM Committee shall describe its efforts to encourage use of the shared parking spaces at the Lake Rd fields as needed and to limit student parking on neighborhood streets. A condition specifying this aspect of the annual TDM report has been established to further mitigate potential impacts resulting from the variance.

The Planning Commission finds that, as conditioned, ~~that any impacts as a result of this variance would~~ will be sufficiently mitigated. ~~minimal and that no mitigation is necessary.~~

The Planning Commission finds that, as conditioned, the proposal meets the approval criteria for a variance to the shared parking standards of MMC 19.503.2.