



**City of Sherwood
PLANNING COMMISSION**

**Sherwood Police Facility
20495 SW Borchers Drive**

April 12, 2005

Regular Meeting - 7:00 PM

A G E N D A

- 1. Call to Order/Roll Call**
- 2. Consent Agenda – Minutes: January 4; January 18; February 1, 2005**
- 3. Agenda Review**
- 4. Brief Announcements**
- 5. Community Comments** *are limited to items NOT on the printed Agenda.*
- 6. Appointment of *Ex Officio* to SURPAC**
- 7. Public Hearing - Sign Permit Appeals:** Three sign permits on separate tax lots have been appealed to the Planning Commission. Hearing has been tolled in succession from original date of September 23, 2004. *(Kevin A. Cronin, Planning Supervisor, Planning Department)*
- 8. Woodhaven Crossing – Final Development Plan (PUD 03-01):** A request from Woodhaven Crossing, LLC for Final Development Plan approval of the Woodhaven Crossing Planned Unit Development; a 157-unit mixed-use commercial and residential condominium development, located on Tax Lot 500 of Washington County Tax Assessor Map 2S1-31B. The site is generally located south of Pacific Highway 99W and northeast of the YMCA, measures approximately 8.9 acres in size, and is zoned Office Commercial (OC). *(Garrett Smith, Senior Planner, Planning Department)*
- 9. Comments from Commission**
- 10. Next Meeting - April 26, 2005 - Public Hearing on PA 04-06 - TSP Development Codes**
- 11. Adjournment**

APPROVED MINUTES

City of Sherwood, Oregon
Planning Commission Minutes
April 12, 2005

1. Call to Order/Roll Call

Chair Emery called the Planning Commission Meeting to order at 7PM.

Commission Members present:

Chair Adrian Emery
Jean Lafayette
Matt Nolan
Patrick Allen
Dan Balza

Staff:

Pam Beery, City Attorney
Dennis Durrell, City Council Chairman
Kevin Cronin, Planning Supervisor
Garrett Smith, Senior Planner
Cynthia Butler, Administrative Assistant

Applicant:

Brian Schnell

2. Consent Agenda – Minutes for January 4th and January 18th were approved.

3. Agenda Review

4. Brief Announcements – Jean Lafayette provided an update from the Cannery ad hoc committee that met on April 6, 2005. Leland Consulting has been hired as consultants for the project. A consultant from Leland met with the Cannery committee and created a top ten priority list based on committee input and information consultants compiled in a market study for the property. Feedback included assurance that development planning for the Cannery site coordinates with planning for Old Town.

Chair Emery said interviews for new members to the Planning Commission were completed and approval is going before the City Council for the appointment of two new commissioners on April 16, 2005. Chair Emery also stated there is an upcoming “Land Use Planning Beyond Basics” course offered in several regional locations soon for commissioners who are interested in attending.

5. Community Comments – None.

6. Appointment of *Ex Officio* to SURPAC – Commissioners are checking schedules for availability to participate in this capacity the 1st and 3rd Wednesday of each month.

7. Public Hearing – Sign Permit Appeals: Vice Chair Allen read the Public Hearing Disclosure Statement. Chair Emery asked if there were any commissioners who have any ex parte contact, conflict of interest, or bias to report.

Jean Lafayette stated that several months ago she had ex parte contact with Ken Shannon, sign appeal applicant for property located at 22275 SW Pacific Hwy., and that because of the time

lapse since the contact, Commissioner Lafayette does not recall specifics of the conversation. Commissioner Lafayette also indicated the conversation did not directly affect her in any way.

Pam Beery asked Commissioner Lafayette if she felt it was possible to judge the appeals based on the criteria and not based on pre-judgment of any outcome. Commissioner Lafayette said that she did believe she could judge the appeals based on the criteria.

Chair Emery said that he knows the members of the Cox family, (Ann and Jerry Cox) sign appeal applicants for property identified as Tax Map 2S130DD, and Tax Lot 8700, but also believes that he can judge the appeals based on the criteria and not on pre-judgment of any outcome.

Kevin Cronin confirmed that evidence in the record is the criteria used tonight for determination on the sign permit appeals for the following properties; Hunter's Ridge, Ken Shannon, and Ann and Jerry Cox. Kevin also confirmed that no new information had been received, and further public testimony is not taken at this stage of the process.

Pam Beery confirmed that each of the three sign permit appeal applications have been recommended by staff for approval with conditions, and that conditions for each sign permit are listed in the staff report provided. Attorney Beery also concurred with staff's recommendation to hear the three sign permit appeals one at a time.

Chair Emery asked if there were any applicants in the audience. None were present.

Pam Beery suggested beginning with the sign permit appeal for Ken Shannon's property.

Chair Emery agreed and asked Pam Beery to continue.

Pam Beery said the conditions of approval for the Shannon property are described; 1) the requirement for a new site plan, 2) removal of existing signs, 3) definition of the square footage of the signs, 4) signs are subject to existing Oregon statute and Oregon Department of Transportation administrative rules, and 5) approval will be void after two years unless construction has begun on the site, per code Section 5.102.06 of the City of Sherwood Comprehensive Plan, Zoning and Community Development Code.

Jean Lafayette asked if there was a provision in the sign code regarding the 5-year amortization period that requires removal of the signs as non-conforming.

Pam Beery confirmed this is correct.

Pam Beery also acknowledged a citizen in the audience signed a testimony card and clarified that under the Code it is not permitted for the public to testify unless they are participants in the original administrative decision. There was no such participation other than the applicant.

Vice Chair Patrick Allen also clarified that this was not a public hearing, but an appeal process.

Jean Lafayette asked if the objectives of the Community Design section, 5.101.02 of the Zoning and Community Development Code could apply. Jean referenced Part A, which "encourages

development that is compatible with the natural and manmade environment, existing community activity patterns, and community identity, and Part B states “the objectives are to minimize or eliminate adverse visual, esthetic, or environmental effects caused by design and location of new development including, but not limited to scale, mass, heights, area appearance and architectural design of buildings or other development structures or features.”

Kevin Cronin said that objective and purpose language in the Code is not typically used to evaluate an application, but rather using specific criteria within the Zoning Code is required. Kevin stated that Type II site plan review criteria is not applied to a Type I application regarding signs, and that it is necessary to use only the sign ordinance criteria of the Zoning Code to evaluate the sign permit applications.

Patrick Allen moved to approve the sign permit application on the Shannon property subject to the conditions outlined in the March 1, 2005 staff report, section IV, Conditions of Approval.

Chair Emery asked if there was a motion to second.

Matt Nolan seconded the motion.

Chair Emery asked if there was any further discussion on the motion. Being none, a vote was taken:

Vote - Yes = 4, No = 1, Abstain = 0

Motion carried.

Chair Emery opened discussion on the sign permit for Ann and Jerry Cox.

Pam Beery stated that this sign permit on Tax Lot 8700 was relinquished by the applicant in the settlement agreement. Attorney Beery said that the permit is complicated, but should still be possible for review tonight. Pam also stated that if this permit is approved tonight, the applicant will need to choose between this permit or one established in the settlement agreement. This application proposes to borrow frontage from a property across the street where several signs are already currently on the property. The resulting recommendation is to allow just one sign per the Code. Owner consent is still not established for the borrowed frontage, also resulting in a condition of approval. Pam summarized the conditions by referencing page 3 of the staff report under the Recommendation section, and said if the applicant builds the Arcadia Beach site the applicant cannot also count the frontage relied upon in this sign permit. The Code allows applicant's a one-time opportunity to assemble frontages and combine them for one larger sign.

Jean Lafayette asked Pam Beery where the items mentioned are located in the staff report.

Pam Beery said all items are part of the conditions of approval on pages 3-5 in the staff report.

Patrick Allen moved to approve the sign application on the Cox property, based on the conditions of approval outlined in the March 1, 2005 staff report, pages 3-5 under the Recommendation section.

Jean Lafayette seconded the motion.

Chair Emery asked if there was any further discussion on the motion. Being none, a vote was taken: Vote - Yes = 5, No = 0, Abstain = 0

Chair Emery opened discussion on the sign permit for Hunter's Ridge.

Pam Beery stated that evaluation of this permit the Planning Commission would be required to make an interpretation of the Zoning Code regarding frontage, and stated the staff report offers two possible approaches for the Planning Commission to consider. Attorney Beery presented commissioners with Washington County Tax Map 2S130D that includes Hunter's Ridge, Tax Lot 400, for review. The map was also included into the record.

Attorney Beery said the first interpretation offered by staff (located on page 3 of the staff report under "Recommendations"), states this triangular lot has just one frontage. Under this interpretation it would be determined that the long property line abutting Roy Rogers Rd. is the frontage, and the small flat cut-off corner at the intersection of Roy Rogers Rd. and Hwy. 99 is not also a frontage. If one frontage is the determined interpretation, and the frontage is the longer property line abutting Roy Rogers Rd., the conditions limit the sign to 316.5 square feet.

The other possible interpretation presented by staff is that the lot has two frontages. If the lot has two frontages, the applicant could have a sign measuring 750 square feet for each sign face. Two frontages would also make the property eligible to borrow the long property line on Tax Lot 200, adding the footage together to create a sign on the smaller portion of the property. Pam Beery noted that the owners of Tax Lot 200 have not given written consent to the possible borrowing of this property line.

Dan Balza asked about sign orientation and if the Planning Commission agreed that there are two frontages, would one sign be on Roy Rogers Rd. and one on Hwy. 99?

Pam Beery said there is no regulation regarding the orientation of the sign on the site. Determination of one or two frontages was based on the definition of frontage in the Code. In the Zoning & Development Code, under General Provisions, Chapter 1, page 12, number 60 – Whether or not the side of the parcel abuts a street or right-of-way, ordinarily regarded as the front. An exception: Corner Lots: states the shorter side of a corner lot is not deemed frontage.

Patrick Allen asked about the definition of a corner lot.

Pam Beery read from the Code that a corner lot is defined as being situated at the intersection of two or more streets.

Jean Lafayette stated that based on the corner lot definition, the shorter section of the lot is not frontage.

Patrick Allen agreed, and stated that it is in fact in the Code that the shortest side of a corner lot is not deemed frontage.

Pam Beery confirmed that if the Planning Commission determines this interpretation that staff's first possible recommendation on Page 3 of the staff report would apply. This finding would not

allow Tax Lot 400 to borrow frontage from the neighboring Tax Lot 200, and result if the first set of conditions of approval for the smaller sign face.

Patrick Allen moved to approve the sign permit application on the Hunter's Ridge property, including the finding based on the Planning Commission's interpretation of the Code, that the property has one frontage, and with the conditions associated with that finding based on the staff memo dated March 1, 2005.

Jean Lafayette seconded.

Chair Emery asked if there was any further discussion on the motion. Being none a vote was taken: Vote - Yes = 4, No = 1, Abstain = 0

Motion carried.

Chair Emery opened the discussion on the final development plan for the Woodhaven Crossing PUD 03-01:

Garrett Smith said that Woodhaven Crossing LLC requests a final development plan approved for Woodhaven Crossing PUD, a 157 unit mixed-use commercial and residential condominium project zoned Office Commercial, and referenced by staff in an April 5, 2005 staff report. Garrett also said the initial proposal was approved by City Council in 2004, and that some changes have occurred in the project.

Chair Emery stated that it was his understanding that originally there were a larger number of businesses associated with the project.

Garrett Smith confirmed there were changes in the percentage of business/residential, the number of buildings, and the orientation of the buildings in regard to the street. Garrett said the public improvements are substantially complete and remaining improvements are covered by a bond, which will be tracked throughout the build of the site and prior to occupancy, as identified in the conditions of approval. Garrett also stated that Brian Schnell from Woodhaven Crossing LLC was in attendance if the Planning Commission had any questions or concerns beyond what Garrett could provide.

Patrick Allen referenced the staff report on Page 9, Conditions, Section G and said that Section G appears to reference permanent residential development signs, or monument signs, which are prohibited. Patrick said Section G should be deleted.

Garrett Smith said no monument signs have been proposed, but that findings in the staff report are based on the original City Council ordinance #2004-008 on the project that was passed in 2004. Garrett agreed that additional comments made in the findings tonight indicating monuments are no longer allowed could now be incorporated, but specifically rewording existing language within the ordinance is not allowable at this stage.

Pam Beery agreed that ORD #2004-008 adopted by the City Council should not be altered, but that the findings in response could be amended by staff to reflect that monument signs are not allowed.

Jean Lafayette asked Garrett to clarify any private streets in the project.

Garrett Smith said a new public road is being designed into the project site as the start of the frontage road along Hwy. 99. Internal connectivity on Parcels 1 & 2 referenced on the final plat will have a condominium plat recorder overlay, consisting of common space that is exterior to the condominiums such as; driveways, private drives, landscaping, and common amenities. There will be no formal private streets.

Kevin Cronin stated that the current multi-family and townhouse standards have not caught up to the condominium market that has been rapidly growing these past few years, and is something that Planning will be addressing.

Jean Lafayette referenced Page 6 of the staff report, regarding an architectural layout for a recreation facility that appeared to be missing.

Garrett Smith referenced Attachment E, Building 7, identifying the residential building with community space below and said that the architectural aspects of the plans have not changed, but that a remodel of internal space will likely occur.

Jean Lafayette asked if an open space, Tract B, originally designated for recreational facilities to be owned and maintained by the Homeowner's Association had been eliminated.

Garrett Smith confirmed that a tract previously identified as Tract B will now be covered under the general common area for amenities. Garrett referenced Parcel 1 on the last page of the staff report and said the space has not been removed, but has been renamed.

Jean Lafayette asked if staff was reviewing the CC & R's.

Garrett Smith said these documents for condominium plats are being identified as Articles of Incorporation and staff has reviewed them. Staff has identified to the applicant and requested some additional language to the architectural features associated with these documents.

Jean Lafayette indicated that the language in reference to the CC & R's in the staff report should be changed to reflect them to be Articles of Incorporation.

Garrett Smith confirmed.

Patrick Allen asked if the terminology for future reference to CC & R's within Planning Commission findings should be changed to Articles of Incorporation.

Pam Beery stated that the declaration by the condominium owners serves the purpose of CC & R's in this case, and will meet the same standards as staff has identified.

Chair Emery asked if there were any further questions of staff or the applicant.

Chair Emery asked applicant, Brian Schnell to clarify the number and type of businesses existing in the project and why there are fewer now than originally proposed.

Brian Schnell stated he is the construction manager for the Woodhaven Crossing project. Brian said they made a compromise with the City Council to do 6 commercial units, 1 recreational facility, and a separate lot (Lot 3) that would be dedicated to the office commercial zone.

Jean Lafayette asked for clarification that buildings 1-6 were designated as commercial.

Brian Schnell said that in place of garages in buildings 1-6, there will be a 960 square foot space designated for commercial use. These spaces are not yet defined, but will be sold as a shell for the owner to develop.

Jean Lafayette asked for confirmation from Brian that the 960 square foot space described will be part of the declaration that the units will be used as a form of commercial activity.

Brian Schnell confirmed.

Chair Emery asked if there were further questions of the applicant or of staff. Being none, Chair Emery closed the public hearing on the Woodhaven Crossing Final Development Plan (PUD 03-01) at 8:05 PM and opened for discussion.

Patrick Allen reiterated there are two changes: 1) replacement of the phrase CC & R's as part of the findings, and 2) finding on Condition G, outlining that permanent residential monument signs are not allowed under Code.

Chair Emery asked if there was a motion to approve the proposal.

Patrick Allen moved to approve the Woodhaven Crossing Final Development Plan (PUD 03-01) based on: adoption of the staff report; findings of fact as modified to include a finding that permanent residential development signs are prohibited under the sign code; substitute language in the definition of declarations as satisfying the need for CC & R's; and incorporating applicant comments.

Jean Lafayette seconded.

Chair Emery asked if there was any further discussion on the motion. Being none, a vote was taken: Vote - Yes = 5, No = 0, Abstain = 0

Motion carried.

8. Comments from Commission -

Chair Emery stated the proposal they approval tonight was not the proposal that they saw previously regarding the number of businesses that would be incorporated into the project.

Patrick Allen stated the applicant brought the proposal back to the Planning Commission consistent with the way it was approved by the City Council.

Chair Emery confirmed the applicant met the conditions of compliance.

Chair Emery asked if there any other comments from the Commission. There were none.

9. Next Meeting - April 26, 2005 – Public Hearing - TSP Development Codes PA 04-06

10. Adjournment -

Chair Emery adjourned the meeting at 8:25 PM.

End of Minutes