



**City of Sherwood
PLANNING COMMISSION**

**Sherwood Police Facility
20495 SW Borchers Drive**

April 20, 2004

Regular Meeting -7:00 PM

A G E N D A

- 1. Call to Order/Roll Call**
- 2. Consent Agenda**
 - A. Approve April 6, 2004 PC Minutes
 - B. Approve findings and conditions of approval for SP 03-08 CUP 03-06 Woodhaven Community Church Site Plan & Conditional Use
- 3. Agenda Review**
- 4. Community Comments are limited to items NOT on the printed Agenda.**
- 5. Public Hearings:** (Commissioners declare conflict of interest, ex-parte contact, or personal bias) **Public Hearings** before the City Council and other Boards and Commissions shall follow the procedure identified in Resolution 98-743, adopted June 9, 1998 (copies available on table):
 - A.** (cont'd from 03-02-04) **PA 03-03 PUD Lot Sizes Plan Text Amendments.** A request by West Hills Development to amend Section 2.202.05C Residential PUD (Part 3, Zoning & Development Code), in particular Item 3 Minimum Lot Size, so the City Council may approve lots with less than 5,000 square feet for single-family detached dwellings if certain criteria are satisfied. *(Dave Wechner, Planning Director)*
 - B.** (cont'd from 03-16-04) **PA 04-01 Sign Code Plan Text Amendments:** amending text to reduce the maximum height and size of signs, and encourage business owners to combine signage; thereby reducing the total number of signs. Chapter 5, Section 5.700 Signs, Part 3 Zoning & Development Code. *(Anne Elvers, Associate Planner)*
 - C.** **SP 04-02 Sherwood Lofts Site Plan:** a request by Mark Stewart to construct an 18,529 square foot, 3-story, mixed use building for office space and 8 upper floor condo units, including lower floor parking, located at 270/290 NW Railroad Street, Tax Lot 4700, Map 2S 1 32BC. *(Dave Wechner, Planning Director)*
- 6. New Business**
- 7. Adjourn**

**ITEMS NOT COMPLETED BY 11:00 PM WILL BE CONTINUED
TO THE NEXT REGULARLY SCHEDULED MEETING**

APPROVED MINUTES

City of Sherwood, Oregon
Planning Commission Minutes
April 20, 2004

1. Call to Order/Roll Call

Chair Adrian Emery called the Planning Commission meeting to order at 7:00 PM.

Commission Members present:

Patrick Allen
Dan Balza
Adrian Emery
Kevin Henry
Jean Lafayette
Matt Nolan
Dan King

Staff:

Dave Wechner, Planning Director
Anne Elvers, Associate Planner
Terry Keyes, City Engineer
Roxanne Gibbons, Recording Secretary

Dan King was introduced to the Commission. Mr. King previously served on the City of Sherwood Parks Advisory Board. He is filling the unexpired term of Ken Shannon. He did not participate in the public hearings and viewed the proceedings from the audience.

2. Consent Agenda

Patrick Allen moved the Planning Commission accept the April 6 2004 Planning Commission meeting minutes and findings and conditions of approval for SP 04-08/CUP 03-06 Woodhaven Community Church Site Plan and Conditional Use (Phase I and II) as presented. Seconded by Jean Lafayette.

Vote for Passage of Motion: 5-Yes, 0-No, 1-Abstain (Emery)

3. Agenda Review

There were no changes to the Agenda.

4. Community Comments

There were no community comments.

5. Public Hearings

Patrick Allen read the hearings disclosure statement and asked that Commission members reveal any conflicts of interest, ex-parte contact or bias.

Mr. Allen announced he has been participating in an ad-hoc committee working on the design standards guidelines for the Old Town Area of Sherwood in reference to Agenda Item 5C.

Mr. Balza noted that he is a member of the same committee.

5A. PA 03-03 PUD Lot Sizes Plan Text Amendments (cont'd from 03-02-04)

Chair Emery opened the public hearing and called for the Staff Report.

Dave Wechner referred the Commission to the Revised Staff Report dated April 14, 2004, a complete copy of which is contained in the City Planning File PA 03-03. He noted:

- At the last public hearing the Commission directed Staff to clarify the language for the amendment. The revised language, dated April 8, 2004, is attached to the Staff Report included in the packets.
- The applicant is present to provide additional testimony.
- Staff worked with the applicant on the updated language and is satisfied that the applicant has addressed the concerns of the Commission in the design criteria.
- The focus of any plan text amendment should be on compliance with the Comprehensive Plan policies.
- If the Commission recommends approval, they must find that there is a need for the type of housing and that the need is identified.

Chair Emery asked if the applicant wished to provide testimony.

Michael Robinson, representing the applicant, 1120 NW Couch Street, 10th Floor, Portland, Oregon 97209, addressed the Commission. Also at the table was Don Guthrie, West Hills Development, 15500 SW Jay Street, Beaverton, Oregon 97006. Marshall Fant, President, NW Community Management, was also in attendance to discuss Homeowners Associations.

Mr. Robinson noted:

- This is the fourth public hearing and they appreciate the Planning Commission's willingness to provide direction for the applicant to continue to work on the proposed plan text amendments.
- The applicant has worked with Staff on the amendments and the Commission has before them the current version dated April 8, 2004.
- He summarized four reasons why the Commission should make a favorable recommendation to the City Council:
 - The plan text amendment will allow single-family homes as an alternative to multi-family and townhomes in the High Density Residential (HDR) zone. It would allow smaller single family lots as well as single-family home ownership.
 - The plan text amendment does not increase the HDR density.
 - The plan text amendment sets a high bar for the type of development. West Hills Development has shown the Commission the type of product they develop in Washington County. There are only four (4) HDR zones left in the City of Sherwood that could accommodate or allowed this type of housing. When West Hills finishes a project they want to be able to come back to that City in five years and have the City say, "We're glad you were here."
 - The Planning Commission and the City Council has the ultimate control. If the plan text amendment is adopted, not everyone who will use this tool will get approval. This ordinance will set a high bar for this type of development.

- He discussed the approval criteria. Section 4.203.01 Text Amendment, states, “An amendment to the Comp Plan shall be based upon a need for such amendment as identified by Council or Commission.” This is not a comp plan amendment. It is a zoning ordinance text amendment. The Commission or Council could identify the need as allowing more opportunity for single-family home ownership.
- The February 25, 2004, Staff Report asks if they are proposing a product that will be affordable. The median price for new homes in Sherwood is approximately \$210,000. The products that West Hills would build generally sell in the \$162,900 to \$173,900 and \$187,900 to \$192,900 range.
- He reviewed the policies in the Comprehensive Plan, Chapter 4 Land Use, that are implemented by this amendment. Policy 1 residential – encourage the use of PUD’s to achieve flexibility. Policy 2 encourages a variety of housing types. Policy 3 calls for affordable housing.
- Chapter 3 of the Comp Plan, Growth Management, the policies may not be applicable to this type of application, but growth management says to use the land efficiently. This application is efficient. It has small lots, but the right type of design will provide an attractive product that will stand the test of time.
- Staff raised a number of issues regarding small lots and homeowners associations. They have asked Mr. Fant to talk about homeowners associations. West Hills has had a lot of experience in building small lot developments. They use CC&R’s with a good homeowners association to make sure they have a well managed neighborhood.
- The applicant believes the Commission will find that the application meet the policies and goals of the Comp Plan and would ask for a recommendation of approval to the City Council.

Don Guthrie, General Manager, West Hills Development, addressed the Commission. He noted:

- He has developed in the Portland market and Washington County areas since 1970. He is very proud of the product, staff and architectural design that West Hills and Arbor Homes has been successful with.
- There is a real need for this type of product in Washington County. He cited West Hills home sales for 2004 in January were about 72 homes; February – 126 homes. These sales were for the type of homes they would like to build in Sherwood. He referred the Commission to a display showing the interior and exterior of the homes, as well as existing neighborhoods and streetscapes.
- Their product fits the HDR zoning in Sherwood and provides an option to something other than big box, three-story apartments which are the other alternative in the HDR zone.
- Townhomes on 1800 square foot lots are also allowed in the HDR zone.
- They would intend to build a combination of townhomes and single-family detached homes. This type of development would create pride of ownership and more greenspace. It would provide a community that encourages more park space, and utilization of walking and bike paths. These are pedestrian friendly communities.
- In March 2004 they hit a new home sales record in Washington County of 156 home for this type of product.
- A total sales of over 400 homes demonstrates a need for the product.
- He thanked the Commission for their time and introduced Mr. Fant.

Mr. Allen stated he was not previously aware that NW Community Management would be making a presentation. This causes him to have a bias and from this point, he would recuse himself and not participate in the public hearing process for PA 03-03. Mr. Allen left the table.

Marshall Fant, President/Owner, NW Community Management (NWCM), 7000 SW Hampton, Suite 206, Tigard, Oregon 97223, addressed the Commission. He noted:

- He discussed his background and credentials. He and his Father founded their first management company in Orange County, California. This company still exists. They manage about 40,000 homes in Southern California.
- NWCM began in 1995. They have 181 communities totaling 22,000 homes. Ten-thousand of these homes are located in Washington County and about 1500 are located in the Sherwood Area – Wyndham Ridge, Parrott Mountain Estates and Woodhaven.
- They manage all of the Arbor Home communities as well as many of the other major developments in the Portland market.
- With the increased emphasis on density in the Portland Metro Area and UGB, Homeowners Associations (HOA's) have become standard for most developments. They help to retain the long term quality appearance of a community, help to enhance property values with the constant level of maintenance and the enforcement of rules and regulations. They also help to reduce the impact of local government spending because they take care of a lot of facilities that are historically in the public domains – streets, parks and utility systems – the owners living in the community pay through their assessments and reserves for the maintenance and long term repair or replacement of these systems.
- The City, developer and management team work together to create a pleasant, livable community that will enhance property values over a period of time.
- There are a number of Oregon State statutes that operate for the establishment and daily business of a HOA. Oregon has one of the nations leading planned community and association regulations. Case law has helped with the enforcement of the rules and regulations.
- HOA's keep a community looking alive and vibrant more than a community without a homeowners association will fall to the individual homeowners who would be more unlikely to take on their own neighbor.

Chair Emery announced he lives in one of the first homes built in Woodhaven. They are grandfathered so there is no financial involvement on his part.

Ms. Lafayette asked Mr. Fant to address how a homeowners association works in Washington County, how the rules are enforced, and how easily the rules can be changed.

Mr. Fant responded the State law, which was changed in 2001, requires a 75% minimum approval of the owners to amend their CC&R's. A community has three sets of documents – 1) Declaration of Covenants, Conditions and Restrictions (CC&R's) that establish the ground rules under which the community is developed. These contain the Rules and Regulations that authorize the declarant to establish a non-profit corporation with the state of Oregon; 2) the By-

Laws which are the operating guidelines for the day-to-day operation of a corporation and 3) the Articles of Incorporation that are filed with the Secretary of State. The property owners and Board can propose the changes to the CC&R's. Additional rules and regulations cannot change the intent of the CC&R's. These rules would be a further interpretation of the CC&R's.

Mr. Robinson said when the Commission approves a PUD, they would probably impose conditions that require architectural elevations that include exterior materials. The CC&R's and Homeowners Association would provide a great first line of defense. You don't automatically have to resort to code enforcement.

Mr. Wechner said he agreed with Mr. Robinson. Architectural elevations and materials are typically part of a PUD proposal.

Chair Emery called for proponent or opponent testimony. There was no proponent or opponent testimony.

Ms. Lafayette asked if the applicant could address the setbacks and building design criteria in the proposed language. The minimums that are in the existing code have been shrunk.

Mr. Robinson responded when this proposed amendment was started West Hills Development really wanted to develop in Sherwood. To develop this type of PUD, an amendment to the Development Code was necessary. The current minimum lot size is 5,000 square feet. They met with Staff and used the adopted townhome ordinance language as a basis for this amendment. The dimensional standards have been decreased because they are trying to get a smaller lot application to be able to be made in the PUD ordinance. When you talk about smaller lots the dimensional standards are going to be smaller. They tried to be as detailed as possible on what the minimal dimensions are in each case. They could not match the dimensional standards for a townhome product because they are proposing single-family homes on lots less than 5,000 square feet.

Mr. Henry said the proposed front and rear setbacks do not even come close to the townhome front yard setbacks of 20 feet in the HDR zone. The language proposes a minimum of 9 feet in the front yard for the dwelling and minimum of 6 feet for the front porch.

Mr. Robinson said they are proposing a single-family product that has been successful elsewhere and these are the setbacks that work.

Mr. Henry said he appreciates what the applicant has proposed, but the next developer may not have the same type of product. In his opinion, a maximum building height of 40 feet or 3 stories so close to the street would not look good.

Mr. Guthrie said they changed the setbacks from the typical 20 feet because these are for a garage-loaded, front-loaded product to get the car off the street and into a driveway. Their product uses a rear-loaded garage. This takes the driveway off the front of the street and creates a more pedestrian friendly neighborhood. It encourages front porches. He referred the Commission to the elevations of homes in Arbor Gardens that have the same setbacks as those

being proposed. This style does not encourage parking the cars in front of the homes on the street. This is a good rear-loaded designed home. He said they could work with a 6 foot setback instead of a 2 foot setback for rear-loaded garages. They could also work with 2 stories at 30 feet instead of the 3 stories at 40 feet.

Mr. Robinson said the Planning Commission has the ultimate discretion with a PUD. The hardest thing to do is to tell someone who is very forceful, you can't do something. Sherwood residents are not shy about the type of community they want to maintain and live in. The PUD ordinance allows the standards to be varied. He read from the townhome standards, in particular setbacks. The Commission retains enough authority not to allow just anything to get approved.

Ms. Lafayette said that the language that they are looking at is not what is best for the community. The applicant is saying that the Commission can provide additional buffers. The proposed language should be closer to what is already in the Code.

Mr. Henry said the homeowners association should be required (Item B3j) in the CC&R's.

Ms. Lafayette asked why Item B7, Item C and D were removed.

Mr. Robinson said Item B7, Applicant Representations, was removed because Mr. Wechner believed this language was either unnecessary or not workable. Mr. Robinson said this language could be used as an appropriate tool for the Commission to use. Item C, Occupancy, mirrored one of the provisions in the townhome ordinance and could be put back in the language. Item D, Model Homes, Mr. Wechner pointed out that there are general model home provisions that would be applicable.

Mr. Wechner said regarding Item C, anything that is offered by an applicant would be included in the conditions of approval. Regarding occupancy, occupancy permits the threshold at which other development provisions need to be satisfied prior to occupancy is something Staff would like to have flexibility with.

Mr. Wechner said page 2 of the language, Item B1, the City Engineer is proposing to remove the last sentence beginning with, "Alleys shall have a minimum....". On Page 4, add under B4, Streets, "Streets **and alleys** shall be constructed consistent with applicable city standards. The minimum improved street **and alley** width shall be.....".

Mr. Robinson thanked the Commission for their time and hoped that they would recommend approval to the City Council.

There being no further testimony, Chair Emery closed the public hearing on PA 03-03 PUD Lot Sizes Plan Text Amendments to Commission deliberations and discussion.

Mr. Balza said the proposed setbacks make sense to him because you are going from a 5,000 square foot lot to a 2,000 square foot lot. He was not sure if they should change the building height.

Mr. Henry said he would recommend changing the maximum building height from 40 to 30 feet and the number of stories from 3 to 2 stories. He said the concept is something that could be good for Sherwood. He wants to make sure that what is proposed is what gets built and works.

Ms. Lafayette said this is a viable alternative for affordable home ownership in Sherwood.

Chair Emery said previously he did not like small lots. From what he has seen that could be proposed if the language was adopted, architecturally it meets what he thinks is acceptable. The front setbacks are too close. He likes the concept. Let the Council make the final decision and look at this as an option.

Mr. Henry said because this language would only apply to the HDR zone, it does provide a third housing option. The testimony shows that there is a market. Members of the community have said they would rather see small lots for single family homes than apartments. He does not have major issues with the design, but some of the setbacks should be revised.

Jean Lafayette suggested requiring an additional buffer between the MDRH and HDR zones.

The Commission agreed to take a short break to revise the proposed language.

Chair Emery recessed the meeting for a 5-minute break at 8:25 PM and reconvened the meeting at 8:30 PM to continue the Commission deliberations.

The Commission made the following changes to the proposed plan text amendment language:

- Add to the findings of fact, that the plan text amendment is providing an affordable housing opportunity for home ownership in the City of Sherwood.
- Add to the findings of fact that the reason to limit the maximum building height is to avoid the towering effect included with the scale of other houses in the community.
- Incorporate wording regarding “shared property line setbacks” into the text amendment. The language would limit the maximum building height to 2 stories or 30 feet.
- Clarification that the PUD section of the Code already incorporates what is in the townhome ordinance that states all other community design standards in Chapter 2, 8 and 9, related to off-street parking, etc. is covered in this language or covered in the PUD ordinance as a whole.
- Revise the street language regarding alley width, as previously discussed by Mr. Wechner, Section B4.
- Re-insert Item B7, applicant representations.

Adrian Emery moved the Planning Commission recommend to the City Council approval of PA 03-03 PUD Lot Sizes Plan Text Amendments, based on the findings of fact, Staff recommendations, applicant comments, public testimony and revised text as stated by Ms. Lafayette. Seconded by Kevin Henry.

Vote for Passage of Motion: 5-Yes, 0-No, 0-Abstain

Patrick Allen returned to the Commission table to participate in the next public hearing.

5B. PA 04-01 Sign Code Plan Text Amendments (cont'd from 03-16-04)

Chair Emery opened the public hearing on PA 04-01 and called for the Staff Report.

Anne Elvers referred the Commission to the April 13, 2004 memo from Staff and revised plan text amendments. She reviewed the main changes.

- Added to Section 5.701.05 Nonconforming Signs – Permanent residential development and public/semi-public signs are exempt from this Section.
- Section 5.701.09 Definitions – added a definition for “pole sign” and “wall sign” for clarification.
- Section 5.703.01 Residential Zones – specifications for public and semi-public use signs have been added. Limited to height of this type of sign to eight (8) feet.
- Section 5.703.02 Commercial Zones – height limit range from twenty-five (25) to thirty-five (35) feet which is variable depending on the number of businesses being advertised.
- These are the main changes from the March 16, 2004 public hearing.

The Commission made the following changes:

- Move the definition of off-premise sign from Section 5.701.09A to Section 5.703.02A6.
- Remove the last sentence of Section 5.701.09C Single Business Site, “Any off-premise free-standing sign legally located on a single business site shall be considered the sole free-standing sign allowed on the site and shall comply with the provisions of Section 5.700.”

Chair Emery called for proponent or opponent testimony. There being none, Chair Emery closed the public hearing on PA 04-01.

Adrian Emery moved the Planning Commission recommend approval of PA 04-01 Sign Code Plan Text Amendments to the City Council, based on the findings of fact, Staff report, Staff recommendation, and text as revised. Seconded by Jean Lafayette.

Vote for Passage of Motion: 6-Yes, 0-No, 0-Abstain

5C. SP 04-02 Sherwood Lofts Site Plan

Chair Emery opened the public hearing on SP 04-02 and called for the Staff Report.

Dave Wechner referred the Commission to the April 13, 2004 Staff Report, a complete copy of which is contained in the City Planning File SP 04-02. He noted:

- Three letters were received and made a part of the record:
 - April 20, 2004 letter from Odge Gribble
 - April 20, 2004 letter from Larry Tennant, Friends of Old Town
 - April 20, 2004 letter from Becky Read, Sherwood Cultural Arts Commission Member
- A copy of the letters was made available to the applicant.

- The applicant is requesting site plan approval for a mixed-use development which includes 3180 square feet of office space on the ground floor and residential condominiums on the upper floors of a 4-story building. The overall size of the building is 18,530 square feet.
- The site is zoned Retail Commercial (RC) located within the “Smockville Area” of the Old Town Overlay District. The use is permitted outright in this zone.
- The applicant has met the design criteria.
- The following issues need to be addressed by the applicant:
 - The building is in excess of forty (40) feet in height with features identified as wrought iron “fineals” and railing (grate) at the top of the building. The structure itself is right at 40 feet in height.
 - The illumination of signage from floodlamps and construction of trellis supports in the right-of-way would not be approved within the ROW of Railroad or Main Street.
 - A homeowners association is required for condos by Oregon law and its existence must be demonstrated prior to occupancy. This would be a condition of approval.
 - There is not any space easement between the proposed and existing building.
- In conclusion, Staff recommends approval of SP 04-02 with conditions.

In response to Mr. Allen’s question regarding design, Mr. Wechner said if the applicant is able to address the four outstanding issues, the application would not violate any design standards.

Chair Emery asked if the applicant wished to provide testimony.

Roger Harris, Attorney representing the applicant, 5000 SW Meadows Road, Suite 400, Lake Oswego, Oregon 97035, and Mark Stewart (applicant), 8137 SW Seneca Street, Tualatin, Oregon 97062, addressed the Commission.

Mr. Harris distributed a written response to the outstanding issues to the Commission for the record.

- He has lived in Sherwood for 20 years and is very excited about this type of project. It will set a tone and precedent for the Old Town Area.
- Mr. Stewart plans to locate his architectural design firm as the primary tenant on the first floor of the building.
- The applicant concurs with the Staff Report recommendation of approval with the exception of one item.
- The trellis and pillar feature will be removed from the revised building plans. The pillar supports for the overhead cover at the entrance of the building are not in the right-of-way and will remain.
- After the Old Town street improvements are completed, the applicant reserves the right to submit a new application to perhaps install trellises, pillars and covers along the railroad and front side of the building.
- The applicant will comply with the signage requirements. The exterior finishes and materials will meet the Old Town Overlay design requirements.
- Prior to occupancy, the applicant will file the appropriate Declaration of CC&R’s with Washington County for a homeowners association.

- The applicant's position is that the wrought iron fineals and railing at the top of the building should be allowed. The finding in the Staff Report is erroneous and should be removed. The finding is inconsistent with the Old Town design criteria as well as a previous decision by the Hearings Officer with a similar application (Hunters Ridge Site Plan).
- The Old Town Overlay provides a maximum height for "structures" of 40 feet. The Code states that it does not apply to chimneys, solar and wind energy devices, regular television antennas and similar devices which may exceed the limitations by 10 feet. The proposed railing and fineals will extend a few feet beyond the 40 foot limit.
- The key is that the railing and fineals are not part of the structure. He submitted a section from the 1997 Uniform Building Code as a reference that defined a "structure" for calculation of the height of a building. It is clear that the building height does not include ornamental wrought iron fineals and railings. The Code is consistent with this definition.
- The fineals and railings will provide grounding for lightning strikes as an additional safety feature for the building occupants.
- As designed, the building does not have any fire code issues and they reaffirm their commitment to comply with all code requirements. The building will be fully sprinklered. All four floors will have access for escapement.
- The Code does not require an easement with respect to the adjacent building. If the adjoining building were built up to 40 feet, they will modify the present plans to provide for skylights from the fourth to secondary story to allow for more natural lighting.

Mr. Wechner read the definition of "structure" from the Code. He asked the applicant if they were asking for an exception under Section 2.306 or merely stating that the Code definition of structure would exclude the fineals.

Mr. Harris responded that the applicant is offering alternative ways for the Commission to find that the building meets the height requirements. The grate and fineals have functionality beyond mere ornamentation. The proposed building did not anticipate roof-mounted equipment. A modification is in order to address the air circulation matter that would require two HVAC units on the roof for the two condos on the east side of the building.

Mr. Allen said his understanding is that the Planning Commission interprets the Code and the Hearings Officer decisions do not hold any precedent. Mr. Wechner responded that this was correct and that ultimately it is the City Council who interprets the Code. The Commission can make a finding based on an interpretation of the Code.

Ms. Lafayette asked for clarification regarding the allowance of "parapets" in excess of the forty foot height limit.

Mr. Stewart said that the proposed lighting will not be in the right-of-way.

Chair Emery asked if there was any proponent testimony.

Mike Cook, who filled out a card, was not in attendance to provide proponent testimony.

Chair Emery called for opponent testimony.

Karl Schultz (opponent), 23921 SW Golden Pond, Sherwood, Oregon 97140, addressed the Commission. Mr. Schultz said the building design is inappropriate for Old Town Sherwood, especially when looking at existing buildings in the area. The proposed design is more of a New Orleans, French Quarter style building. He did not like the wrought iron. As you look down Railroad Street, there are brick buildings that would be more appropriate. Jacksonville, Oregon has done a fantastic job of restoring their historic buildings.

Shirley Schultz (opponent), 23921 SW Golden Pond, Sherwood, Oregon 97140, addressed the Commission. Ms. Schultz distributed a folder from the Jacksonville, Oregon showing its historic district. She agreed with the previous testimony of Mr. Schultz. She has talked to a number of Sherwood residents who are opposed to the New Orleans design of the building. There are no buildings in Sherwood that have wrought iron balconies. She has been very active in restoring the Morback House. The proposed style of this building does not belong in the Old Town District. She was also concerned about the parking. She would like to see a retail use rather than offices.

The Commission announced that the Code does not have any parking standards for the Old Town District of Sherwood.

Eugene Stewart (opponent), PO Box 534, Sherwood, Oregon 97140, addressed the Commission. Mr. Stewart referred to Chapter 9 of the Code. The building does not seem to meet the standards of the criteria for the Old Town Overlay District. He read the criteria of Section 9.202.02 Objectives. The proposed building does not meet the landscape or visual corridor requirements. He asked what happened to the Landmarks Advisory Board, as defined in the Development Code. The proposed building should have some type of historic concept.

The Commission noted that the Landmarks Advisory Board criterion is to deal with existing, historically designated buildings. The proposed site does not have an existing building because the previous building burned completely down.

Mr. Stewart asked if the Commission could address Section 2.109.07.

Mr. Allen stated that this is a site plan application and there is no role for the Landmarks Advisory Board with this application.

Mr. Wechner said permitted uses in the zone include residential apartments when located on upper or basement floors. The downtown parking standard applies to all property and uses within the Smockville Area of the Old Town Overlay District (OT). Off-street parking is not required and it is also not prohibited. In the Cannery Area of the OT District requirements for off-street parking means no more than 65% of that normally required by the Code. Section 9.202.08A states that structures built to the street lot line are exempt from the requirements of landscaping.

Charles Harbick (opponent), 180 NW Second Street, Sherwood, Oregon 97140, addressed the Commission. Mr. Harbick said he owns the property at 260 N. Railroad Street which is

right next to the proposed building. He has looked at the proposed plans for the building. He was concerned that one wall would have a balcony facing his building and he could potentially build a wall that would block the balcony. Would there be any fire issues concerning his building? He said the forty foot building height is an issue and he agrees with Staff. Allowing a building to exceed the height limit would also set a precedent for future buildings in the Old Town Area. He did not care for the design of the exterior of the building because it does not fit in with existing buildings. The scale of the building would look better if it did not have a pitched roof.

Tess Kies (opponent), 80 S. Sherwood Boulevard, Sherwood, Oregon 97140, addressed the Commission. Ms. Kies said her house will look directly at the front of the proposed building. She was concerned about the “we” that Mr. Harris referred to when he stated that “we are all excited about this building.” A building defines the character of a town or city. Sherwood is a small town and people move to Sherwood because of the way it feels. The proposed building has nothing to do with the feel or desire of the people who live in Old Town Sherwood. She did not receive a public notice on the proposed site plan application. She asked what the rental fees for office space in this building would be and how long it would be before Sherwood would not be a viable place for an office. It is important to get commerce into Old Town Sherwood and there has to be a better way to do it. The building needs to conform and fit in with existing buildings. The Commission needs to consider the architectural features of the proposed building. There needs to be parking standards for the Old Town Area.

Chair Emery asked if there was any other testimony, either proponent or opponent.

Steve White (proponent), 9790 SW Nimbus Avenue, Beaverton, Oregon 97008, addressed the Commission. Mr. White said he moved to Sherwood in 1996 and now lives in Tualatin, but is looking forward to moving back to Sherwood. He is a real estate agent and he is looking forward to purchasing one of these lofts. One of the features he enjoyed about Sherwood is how safe it is to walk in the Old Town Area. Sherwood is the second fastest growing city in the state of Oregon. It is tough to balance growth with City tradition and history. He could list 3-4 potential tenants who are looking for commercial office space in the Old Town Area. Sherwood wants to maintain its old town history. Additional commercial space, mixed with residential, will allow for more exposure and more people to shop in the Old Town Area. This concept will have a positive effect on the commercial viability to the Old Town Area.

Mr. Allen disclosed that while he was away from the table during the first public hearing he had an opportunity to talk to Mr. White and Mr. Eugene Stewart. They did not talk about this application.

Chair Emery asked if the applicant wished to provide rebuttal testimony.

Mr. Harris said he would not address some of the concerns because they are subjective. The exterior of the proposed building specifically meets the Old Town Code criteria of Chapter 9. One of the specific purposes of the Old Town Area is the raise the elevation of buildings. This building meets this goal. The project will be economically viable due to its multiple stories and uses. The eight parking spaces will be off-street and accessed through the alley. The mixed use

will increase the number of potential customers in the Old Town Area. The building is a Tudor-style that fits in with the Robin Hood Festival and the names of Sherwood schools. The Code criterion tries to move the building design away from the cinder box, flat roof style buildings. In conclusion, the proposed site plan meets the requirements of the Code.

Mr. Mark Stewart stated they have a list of 40-50 qualified, interested tenants. He has designed three buildings that hopefully will be built under the Old Town District design guidelines. It is a difficult code to comply with when trying to make financial sense out of a development. Most of the flat-roof, brick buildings, would not meet the current Code. What the public perceives to be their historic town as not being protected, the existing buildings would not meet the current Code. He worked very diligently to protect the historic feel of Old Town Sherwood. Within two years there will probably be more buildings of the same height as the one being proposed. The fineals complete the architectural design of the building.

Mr. Allen said he appreciates what the applicant is trying to do. Among other things in the Code, the Commission needs to find that the applicant has demonstrated that the building is compatible with existing man-made environment and eliminates any adverse visual or aesthetic effects caused by the design of the building, including appearance and architectural design. The Commission has heard public testimony that states the applicant has not done this. He does not read the Code as disallowing a flat roof or square cornered building. He asked if the applicant could work on changing the exterior design.

Mr. Stewart said they have spent 16 months working on the design of the building. He did not feel that changing the exterior of the building would make it acceptable to the opponents. They presented this plan to the Sherwood Urban Renewal Policy Advisory Committee (SURPAC) and it was approved two times by them. The City Manager made it a condition of the sale of the lot that the building design be what is proposed. They are bound by it contractually.

Ms. Lafayette said the treatment of the wrought iron and exterior lines of the building may be a little off-center from fitting into the rest of the community. This building is going to be the cornerstone of the entry into the Old Town Area.

Mr. Stewart said there are many people who like the building design, unfortunately they were not in attendance.

Chair Emery said there was an additional testimony card and asked if the applicant had an objection to hearing this testimony. The applicant had no objection.

Bob Bower (proponent), owner of Clancy's, 32260 SW Armitage, Wilsonville, Oregon 97070, addressed the Commission. Mr. Bower said the Old Town Area needs this type of mixed-use building. He has run his business for 16 years and has seen buildings burn down and empty lots remain. They need more people in downtown Sherwood to revitalize the area. That is the reason he started the car show in Sherwood as an annual event in June. This type of building will help bring in more people and improve the economics of the Old Town Area.

Chair Emery asked if the applicant wished to provide any additional testimony.

Mr. Harris said they would answer any additional questions.

Mr. Henry said he agreed with Mr. Allen. He said there are no Old English Tudor style buildings in the Old Town Area. He does not want to discourage redevelopment. There may be other ways to make this building fit into the area.

Mr. Stewart asked if the Commission could be more specific to the style of building architecture they would like to see built. It is important to design a building that someone wants to own. There has been an enormous response to the condominiums as well as businesses that want to occupy the first floor.

Mr. Harris said some of the testimony has confused “old” with “historical”.

Chair Emery closed the public hearing on SP 04-02 Sherwood Lofts Site Plan for Commission discussion and deliberations.

The Commission agreed that this was a difficult site plan application due to the subjective nature of the building design.

Mr. Allen said the general discussion at SURPAC was that it needed to pass design review as part of the Planning Commission site plan review.

Mr. Allen stated that mixed-use development is a really good thing. If you want to have an economically viable core of a community, the two best things to have in that core are people who live there and people who work there. Downtowns that have failed are those that have tried to make themselves the alternative to the shopping mall. This kind of development is what is needed in the Sherwood community. The Code points towards a more intense use of Old Town and there are going to be bigger buildings in Old Town. This is an intended outcome and policy decision that has been made. Parking is not an issue in Old Town. His finding on the wrought iron would be that it is a structure as defined in the Code and the railing would need to fall within the 40 foot height limit. Conversely, HVAC below the parapet would not be a height issue.

Mr. Allen said his major concern is about the side of the proposed building that faces the neighboring parcel. The building windows and balconies could conceivably be covered if the adjacent building were built higher.

Mr. Allen said he did not believe the architectural design of the building meets the objectives of Section 9.202.02A & B. Specifically, it is inconsistent with the existing man-made environment and it does not minimize the aesthetic effects caused by the design of the new development with respect to appearance and architecture based on the public testimony. He thought the exterior could be designed that would meet the Code. He would like to see this occur. The Old Town Design handbook could be used to identify examples of different building design. The burden is on the applicant to demonstrate that they are in substantial conformance.

Chair Emery said he thought the applicant had demonstrated that they have met the design criteria. The building has a nice architectural design.

Mr. Henry said he agreed with Mr. Allen. The objective is to encourage development that is compatible with the existing natural and man-made environment.

Mr. Balza said this is the first building design to be submitted in the redevelopment of the Old Town Area. He said it is an attractive building. He was concerned about the building height. He agreed that the exterior of the building does not fit with existing buildings and the vision of Old Town. He would like to see the use of more brick and less Tudor-style.

Mr. Nolan said the applicant has done an excellent job of trying to meet the Old Town standards. The building design does not seem to fit in with the feel of the existing Old Town.

Ms. Lafayette said single-story buildings in Old Town are not going to create the critical mass needed. Three or four story buildings will create an economically viable Old Town Area. A parapet can be four feet taller than the 40-foot maximum building height, but see-through wrought iron can't be. She did not know why there was such a big issue about the fineals and wrought iron rail. She thought it could be defined as a parapet. Page 8 of the Staff Report findings refers to all of the parking occurring on site. This should be revised because the commercial site will have on-street parking.

Mr. Wechner said this statement could be removed from the findings.

Patrick Allen moved the Planning Commission continue PA 04-02 Sherwood Lofts Site Plan to the May 4, 2004 Regular Commission meeting. Seconded by Jean Lafayette.

Vote for Passage of Motion: 6-Yes, 0-No, 0-Abstain

Mr. Nolan noted that he would not be at the May 4, 2004 meeting.

6. New Business

There was no New Business.

7. Adjourn

There being no further business to discuss, by motion Chair Emery adjourned the regular Commission meeting at 10:50 PM.

END OF MINUTES