



**City of Sherwood
PLANNING COMMISSION**

**Sherwood Police Facility
20495 SW Borchers Drive**

June 15, 2004

Regular Meeting -7:00 PM

A G E N D A

- 1. Call to Order/Roll Call**
- 2. Consent Agenda – June 1, 2004 PC Minutes**
- 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 06-01-04) SP 04-03/CUP 04-01 Safeway Fueling Station Site Plan (Pad #4) and Conditional Use:** a request by RHL Design Group (for Safeway) and Regency Realty to construct a four (4) pump fueling station with eight (8) fueling nozzles and attendant kiosk to be operated by Safeway, located at corner of Roy Rogers Road and Borchers Drive, Tax Lot 100, Map 2S 1 29BC. The site is zoned Retail Commercial (RC) and the service station is a conditional use in the RC zone.
(Ed Murphy, Interim Planning Director)
 - B. SP 04-07 Old Town Lofts Site Plan:** a request by Old Town Properties for site plan approval to construct a 14,633 square foot, 3-story, mixed use building for office space and 8 upper floor condominium units, including lower floor parking, to be located at 250 NW First, further described as Tax Lot 2901, Map 2S 1 32BC. The site is zoned Retail Commercial (RC). *(Anne Elvers, Associate Planner)*
- 6. New Business**
 - A. Announce a Special Planning Commission Work Session – June 29, 2004** Transportation System Plan and Water System Master Plan Review.
- 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
June 15, 2004

1. Call to Order/Roll Call

Vice-Chair Allen called the Planning Commission meeting to order at 7:00 PM.

Commission Members present:

Patrick Allen
Dan Balza
Kevin Henry (8:35 PM)
Jean Lafayette
Matt Nolan

Staff:

Ed Murphy, Interim Planning Director
Terry Keyes, City Engineer
Roxanne Gibbons, Recording Secretary

Commission Members absent:

Adrian Emery
Dan King

2. Consent Agenda

Jean Lafayette moved the Planning Commission accept the June 1, 2004 Planning Commission meeting minutes as presented. Seconded by Dan Balza.

Vote for Passage of Motion: 4-Yes, 0-No, 0-Abstain

3. Agenda Review

The Commission agreed to hear Agenda Item 5B, SP 04-07 Old Town Lofts Site Plan prior to Item 5A, SP 04-03/CUP 04-01 Safeway Fueling Station Site Plan & Conditional Use.

4. Community Comments

There were no community comments.

5. Public Hearings

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

Jean Lafayette announced she received a telephone call from Adrian Emery, Commission Chair, regarding the Safeway Fueling Station application. Mr. Emery wanted it noted that the traffic circulation concern on the site was reiterated when he recently witnessed a vehicle traveling in an unsafe manner at the Chevron Station. He was concerned about the sign and would bring these concerns to the Commission during their deliberations. He also planned to visit the Wilsonville Costco gas station. This conversation did not cause her to have any bias.

Matt Nolan announced he had brief ex-parte communication regarding the Old Town Lofts site with Steve White. Mr. White, a realtor, was showing the house next to Mr. Nolan's home when

they had a conversation in which Mr. White said he was associated with the applicant. This conversation did not cause Mr. Nolan to have any bias.

Vice-Chair Allen read the following questions from Commissioner Kevin Henry into the record:

- How does the approval of this conditional use permit meet the overall needs of the community and achieve the goals and/or policies of the Comprehensive Plan. In the original findings of fact it was argued that the Comp Plan goals were met by the possibility that the trips within the site would be combined. He was not sure that the applicant has shown that the overall community needs are met by adding a gas station.
- How will the surrounding property **not** be adversely affected by the use and are any adverse effects of the use on the surrounding properties, neighborhood or City as a whole sufficiently mitigated.

5B. SP 04-07 Old Town Lofts Site Plan

Vice-Chair Allen opened the public hearing and asked if the applicant wished to address the Commission.

Mark Stewart, 8137 SW Seneca, Tualatin, Oregon 97062, addressed the Commission. Mr. Stewart requested that SP 04-07 Old Town Lofts Site Plan be continued to the July 6, 2004 Regular Commission meeting and extend the 120-day deadline by 21 days (3 weeks).

Jean Lafayette moved the Planning Commission continue SP 04-07 Old Town Lofts Site Plan to the July 6, 2004 Regular Commission meeting and extend the 120-day deadline by 21 days, as requested and agreed to by the applicant. Seconded by Dan Balza.

Vote for Passage of Motion: 4-Yes, 0-No, 0-Abstain

5A. SP 04-03/CUP 04-01 Safeway Fueling Station Site Plan & Conditions Use (continued from June 1, 2004)

Vice-Chair Allen opened the public hearing and asked Staff if they wished to detail the procedures for this hearing and provide an update to the original Staff Report.

Ed Murphy, Interim Planning Director, reported the City Attorney recommended the Commission hear any further opponent testimony, followed by rebuttal testimony from the applicant, close the hearing and leave the written record open for seven days for additional comments until June 22, 2004, 5:00 PM, and allow the applicant seven days for final comments until June 29, 2004, 5:00 PM. The Commission will have their deliberations at the July 6, 2004 Regular Commission meeting and then make a final decision.

Mr. Murphy entered an e-mail from Terry Keyes and Jeff Wise, dated June 9, 2004 into the record.

Terry Keyes said after the June 1, 2004 public hearing he asked the City's traffic engineer, Jeff Wise, Hopper, Dennis, Jellison, to review the Kittelson report in more detail and evaluate specifically whether the proposed service station would generate more trips than the approved bank. The findings contained in the June 9th memo reflect that the proposed gas station will generate fewer trips than the bank. Therefore, the application does not fall under the CAP Ordinance. It is a pre-existing, approved use prior to adoption of the CAP Ordinance. When the Safeway shopping center was initially approved they completed a number of street improvements as part of the development from Borchers Drive to Highway 99W on Roy Rogers Road. These improvements were required by Washington County when the application was initially approved to compensate for the traffic impacts of the whole center, including the proposed bank. The City is not recommending any additional traffic mitigation.

Vice-Chair Allen noted that the Notice of Decision from 1999 for this subdivision was provided by the applicant. The document states the approval was valid for one year. He asked if this had any impact on how the traffic mitigation, off-site improvements, and compliance with the CAP Ordinance are determined.

Mr. Keyes responded the City received a response dated March 17, 2004, from Phil Healy, Washington County, that stated all of the traffic mitigation for this development had been done initially. Washington County would not be submitting any requirements or additional conditions for development of this pad. Roy Rogers Road is a County facility.

Mr. Murphy reviewed the proposed conditions of approval and his recommendation for potential changes as follows:

- Condition A.5, change wording to say "architectural north elevation". The applicant does not propose any freestanding signs. The Commission can place conditions on any proposed canopy signs.
- Condition A.7.a, change the wording "modify the wattage of light" to "modify the wattage to 175 watts" and change "10 footcandles illumination" to "30 footcandles illumination". Add language "The light will be flat lens, flush with the canopy and shielded."
- Condition A.7.b, to clarify the 35-foot setback, "additional setbacks shall be measured at right angles from the centerline of the street." This condition should be deleted.
- Condition C.2, remove the "street lighting" requirement. Street lights were not required in the original approval and the County did not install street lights. Street lights were not required along the Hunters Ridge development. Remove the street lighting requirements and eight-foot sidewalk because it already exists.
- Condition F.2, amend this condition that fuel delivery trucks shall not arrive on the site before 7:00 AM and no later than 10:00 PM, seven days a week. There were no restrictions placed on truck deliveries for the Sherwood Crossing application.

Ms. Lafayette asked if Staff could address why an additional traffic study was not required.

Mr. Keyes said if Staff disagrees with the ITE Manual, the burden of proof falls to the City and the City would have to do a traffic study as well as study other Safeway gas stations. The City is

not really set up to do this type of study. The response from Charbonneau Engineering was very limited and did not go into much detail on traffic counts.

Vice-Chair Allen said both the applicant and opponents are supplying the Commission with various traffic count figures. It is the job of the Commission to weigh this information and make a decision.

Vice-Chair Allen asked if there was any further opponent testimony.

Jeff Kleinman (opponent), Attorney representing Enserv LLC (owner of Sherwood Shell Station), 1207 SW Sixth Avenue, Portland, Oregon 97204, and David Ramberg (opponent), Economic Insight, 3004 SW 1st Avenue, Portland, Oregon 97201, addressed the Commission.

Mr. Kleinman noted:

- On his drive in to the hearing tonight, he was again stricken by the fact that the traffic situation simply does not work for this type of proposal. An up-to-date traffic study should be required – site specific and not just from ITE Manual numbers.
- The burden of proof is on the applicant and they do not believe this burden has been met.
- They would request that the record be held open for seven (7) days for additional written submittals.
- He would not be available for the July 6, 2004 Regular Commission meeting.
- He reviewed the previous materials that they had submitted for the record (see June 1, 2004 PC minutes).
- Economic Insight is one of the most distinguished petroleum industry economists known internationally. They know a lot about service stations and how they function.
- The conditional use criteria requires that the impact of the proposed use of the site can be accommodated considering size, space, location, topography and natural features. The site does not work because it is too crowded, too small and in the wrong place in this shopping center.
- The proposed fueling station will cost the shopping center some of its existing parking spaces.
- He urged the Commission to take whatever time is necessary to review the materials.

Mr. Ramberg addressed the Commission:

- He submitted for the record a June 14, 2004 memo with additional comments on the proposed application. He discussed three of the graphics contained in the memo.
- Regarding the e-mail from Jeff Wise, it failed to address the central problem which is the “apples to oranges” comparison. There was no treatment of any kind for internal trips.
- Table 1 of his memo details the pass-by trip percentage and internal trip percentage. The bank did not have any internal trip percentage. The gasoline station had a 36.1% internal trip number. This is a difference of 485 trips less for the gasoline station as compared to the bank.

- Regarding the ITE Trip Generation Manual, Chapter 7, page 80, in part reads, “Accordingly, internal capture rates are not applicable and should not be used to forecast trips for shopping centers.” Also, if an on-site land use does not match a land use category in table 7.1, either (1) collect local data to establish an internal capture rate, according to procedures described in section 7.7 of this chapter, or (2) assume no internal capture.
- Table 2 Corrected Regency Centers Sherwood Crossroads Trip Generation Comparison, identifies the land use, percentage used (daily), size and daily trip ends. The new pass-by trip difference would be 285 more trips for the fueling station. (Source: Kittelson & Associates memo dated February 24, 2004.)
- Table 3, from the Kittelson & Associates, February 24, 2004 memo, shows the trip generation comparison without internalization. The new internal trip difference would be 370 more trips for the proposed fueling station.

Vice-Chair Allen asked why the Commission should accept their input on traffic as an economist as anything other than a “lay opinion”.

Mr. Kleinman said the Commission has received a summary submittal from Kittelson & Associates that uses the ITE Manual to show that the hyper-station (which is not a use in the ITE Manual) is going to draw no more traffic than a drive-thru bank. Mr. Ramberg’s opinion is not a “lay opinion” for several reasons. The business of only applying internal trips to one use and not the other is obvious when reading the report. Mr. Ramberg can be considered an expert on the statistical analysis that was applied by Kittelson.

Mr. Ramberg responded these are finished studies. He looked at statistics that have already been placed. He can see statistical errors in different reports and assess the reports. His earlier memorandum that was submitted for the record is based on simple logic. Three cars in line will block the entryway to the shopping center.

There being no further opponent testimony, Vice-Chair Allen asked if the applicant wished to provide rebuttal testimony.

Mark Whitlow, representing the applicant, Perkins-Coie, 1120 NW Couch, 10th Floor, Portland, Oregon 97209, addressed the Commission. Mr. Whitlow introduced David Pickett, Interface Engineering; Duncan Wallace, Project Manager RHL; and Chris Brehmer, Kittelson & Associates.

Mr. Whitlow said the one year approval period in the Notice of Decision is based on the start of construction for the shopping center as a whole. This application is for site plan review of one pad of the shopping center. With regard to the CAP Ordinance, the conditions require mitigation in the form of off-site improvements. These improvements were completed with the original shopping center application for 80,000 square feet of retail space. Washington County is not requiring any further improvements with this application. The “apples to oranges” comparison being offered by the opponents is mistaken. Either they don’t understand how the analysis has been conducted or they are just offering a “red herring”. The real comparison is that the center is approved and the proposed fueling station is under the number of trips originally approved. The CAP Ordinance does not apply to this application.

Mr. Whitlow said the applicant does not plan to place any signs on the “architectural north” side of the proposed fueling station. They would like to have a logo on the west side that would be “back lit”.

David Pickett, Interface Engineering, 708 SW Third Avenue, Suite 400, Portland, Oregon 97204, addressed the Commission.

- They intend to use the IESNA recommended practice #201 for 30 footcandles. They will use luminaires that will be shielded. The lamp will be up, inside the housing.
- The fixtures will be 175 watts.
- The light trespass will be in compliance with City standards as well as meet any safety concerns.

Duncan Wallace, RHL Design Group, 1550 140th Avenue NE, Bellevue, Washington 98005, addressed the Commission.

- He submitted for the record a color rendering of the view of the proposed fueling station from the 2nd and 3rd floors of the Hunters Ridge project located across Roy Rogers Road. He referred the Commission to the site plan elevation. The lighting from the fueling station will not affect the Hunters Ridge residents.
- The signage has been removed from the “architectural north” side of the station on Roy Rogers Road. They will have a logo on the west side.

Mr. Whitlow summarized that there will not be a view of the light source from the station across the street to the Hunters Ridge project and there will not be any glare. They have substantially reduced the footcandle rating and wattage of the lights. The off-site impacts have been mitigated.

Mr. Wallace continued with his testimony regarding internal circulation.

- The RHL Design Group has been designing service stations since 1966. He has been designing them for about 15 years, so he has a lot of experience when it comes to the layout for a service station.
- He submitted a survey from Heffron Transportation, dated April 18, 2001, regarding Safeway gas station – internalization and pass-by survey results for the record. The survey included standards for Safeway, Chevron, Albertson’s, Texaco, and 7-11.
- The statistics included in the survey are based on the stacking distance from the pump island to the nearest construction. The average recommended distance would be about 32 feet. Safeway is actually proposing 52 feet from the pump island to the driveway.
- He referred the Commission to the illustration showing the potential stacking of 20 vehicles on the site at one time. Even with 20 cars stacking and vehicles fueling, there is still enough maneuverability to drive around the stacking area and through the site. There is sufficient room for circulation. They would not expect to see 20 vehicles on the site at any one time. They are not a Costco.

- The separation between the islands, the pass-by meets the typical design guidelines for service stations.
- They would like to have the delivery truck time from 7:00 AM to 10:00 PM.

Chris Brehmer, Kittelson & Associates, Inc, 610 SW Alder, Suite 700, Portland, Oregon 97205, addressed the Commission.

- He referred the Commission to the site plan circulation elevation. He addressed Ms. Lafayette's concern about extending the on-site curb to the entrance of the fueling station.
- In response to Mr. Allen's question about stacking and the number of vehicles on-site, if a vehicle comes to the site and there are already 3 cars in line, you would be more likely to go to another isle or go all the way around. Employees will be on site to help direct vehicles.

Mr. Wallace said the proposed Safeway fueling station is not going to be like a Costco service station. They offer 3 cents per gallon discount for Safeway card members, whereas Costco offers a 26 cent per gallon discount. The kiosk will be for cashier purposes. He showed the Commission an alternative site plan for circulation. They would expect 4-5 fuel deliveries per week of 30-40 minutes each. There will be 40,000 gallons of product storage on the site.

Mr. Balza was concerned about the potential for one of the vacant tenant spaces being filled with a business that would generate a high volume of traffic. The site seems to be somewhat constrained in terms of circulation and parking.

Mr. Whitlow responded to the question regarding outdoor storage. The applicant would like to have a portable rack by the kiosk for oil and window wash fluid containers.

Mr. Brehmer presented the following documents for the record:

- June 15, 2004 summary memo from Kittelson & Associates relating to the proposed Safeway fueling station. Attached were 8-1/2 x 11 inch color renderings of the larger presentation boards showing trip generation comparison at the site driveway, aerial of local transportation improvements, and aerial of estimated trip distribution percentage.
- The Kittelson & Associates transportation analysis is consistent with industry standards.
- The trip rate used in the analysis represents the highest trip rate in the nationally recognized ITE manual for fuel centers (higher than a gas station with convenience market or gas station with convenience market and car wash).
- A 30% pass-by rate was assumed in the analysis. This is conservatively low. The ITE Trip Generation Handbook indicates that the pass-by rate for gasoline/service stations varies between 42% and 56% during the weekday PM peak hour (depending on the type of fuel station). A general rule of thumb is that the pass-by rate is within 3-10% and Roy Rogers carries about 1100 vehicles an hour, so 10% would be a little over 100.
- The analysis used a 36% internal trip reduction for the proposed fueling station. This reduction has been accepted by multiple jurisdictions in similar land use applications.
- The proposed project satisfies the City's CAP Ordinance. The City previously determined that the trip CAP Ordinance was met by the development because it represents a change in

use that does not increase the number of trips generated by the current use. The trip cap is not based on daily trips, it is based on PM trips.

- The photos submitted at the June 1, 2004 hearing were taken on the Thursday before Memorial Day weekend, arguably one of the busier days of the year for the local roadway network. There is also a construction project on Tualatin-Sherwood Road, east of 99W that may reflect construction delays.
- The driveway operations need to be considered in context. Road improvements occurring now will add a new travel lane from Roy Rogers Road to Tualatin-Sherwood Road that will increase signal capacity and queue storage along the corridor. The traffic signals along Tualatin-Sherwood Road will be interconnected and retimed six months after the opening of the new Target store.
- The proposed development is oriented to serve the local community and existing Safeway customers.
- Regarding adequate sight distance for vehicles leaving the site to turn onto Roy Rogers Road, this is a valid concern, and the landscaping will have to be designed to meet sight distance requirements as a part of the final site plan improvements.
- The proposed fueling station is not on the highway. They do not expect a lot of traffic to be coming from the highway. Part of the market they will serve is the residential area on Roy Rogers Road, west of the site. This will have two benefits – neighborhood residents will no longer have to go across Highway 99W to get gas. You also have the additional benefits of the Safeway customers being able to do the “one stop shopping.”
- The transportation impacts of the Sherwood Crossroads site development were previously planned for, necessary infrastructure improvements were paid for and constructed, and the development now proposed generates fewer trips than what was already approved.

Ms. Lafayette asked if the internal access to the fueling station was safe.

Mr. Brehmer responded that the consensus of the Kittleson engineers is that the proposed on-site circulation plan will work safely.

Mr. Whitlow concluded that hopefully the question of the general community benefit has been answered. It is the redistribution of trips to purchase gas in the community, keeping vehicles off the highway and coupling trips with Safeway customers and other shopping center customers that are already on the site. The application meets all of the relevant Comp Plan policies and the conditions of approval for the permit. They have shown that the lighting will be “turned down” appropriately for an off-highway site. The testimony showed the amount of storage that is available for on-site circulation. The application should be exempted from the CAP Ordinance because it has already been applied to the site. Washington County did not require any further information from the applicant. They would answer any questions.

Vice-Chair Allen closed the public hearing on SP 04-03/CUP 04-01 Safeway Fueling Station Site Plan and Conditional Use. The written record will be left open until 5:00 PM, June 22, 2004. The applicant will have an additional seven (7) days to respond until 5:00 PM, June 29, 2004. The application will be scheduled for final deliberation by the Commission at their July 6, 2004 Regular Commission meeting. No further public testimony will be heard at this meeting.

6. New Business

Vice-Chair Allen announced a special Planning Commission work session scheduled for June 29, 2004 to continue review of the Draft Transportation System Plan (TSP) and first draft review of the proposed Water System Master Plan. Mr. Keyes noted that the consultant may not be available to present additional TSP information, but the water system review is confirmed. The work session will begin at 7:00 PM.

7. Adjourn

There being no further business to discuss, by motion Vice-Chair Allen adjourned the meeting at 8:50 PM.

End of Minutes