



**City of Sherwood
PLANNING COMMISSION**

**Sherwood Police Facility
20495 SW Borchers Drive**

July 6, 2004

**Regular Meeting -7:00 PM
(Work Session following Regular Meeting)**

A G E N D A

1. **Call to Order/Roll Call**
2. **Consent Agenda** – May 18, 2004 and June 15, 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 06-15-04, public hearing closed) 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. **(cont'd from 06-15-04) 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**
7. **Adjourn to Work Session to continue review of Draft Transportation System Plan (TSP)**

**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
July 6, 2004

1. Call to Order/Roll Call

Chair Adrian Emery called the Planning Commission meeting to order at 7:05 PM.

Commission Members present:

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

Staff:

Ed Murphy, Interim Planning Director
Anne Elvers, Associate Planner
Roxanne Gibbons, Recording Secretary

Commission Members absent:

Matt Nolan

2. Consent Agenda

Jean Lafayette moved the Planning Commission accept the May 18, 2004 Planning Commission meeting minutes as presented. Seconded by Patrick Allen.

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

Mr. Balza noted that the June 15, 2004 PC Minutes, bottom of page 1, should refer to Matt Nolan having ex-parte communication with Mr. Steve White.

Patrick Allen moved the Planning Commission accept the June 15, 2004 Planning Commission meeting minutes as corrected. Seconded by Jean Lafayette.

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

3. Agenda Review

It was announced that the work session on the Transportation System Plan (TSP) was cancelled.

4. Community Comments

There were no community comments.

5. Public Hearings

5A. SP 04-03/CUP 04-01 Safeway Fueling Station Site Plan & Conditions Use (continued from June 15, 2004)

Ed Murphy reported that the City received a letter dated July 1, 2004 from Jeffrey Kleinman stating his opinion that the applicant submitted new evidence with their June 29, 2004

documents. The applicant, Mark Whitlow, responded in a July 2, 2004 letter, agreeing that they did submit some additional evidence.

Mr. Murphy referred the Commission to the July 2, 2004 memo from Pam Beery, City Legal Counsel. Ms. Beery provided the following recommendation on the procedure to be followed at this meeting:

1. Reopen the record;
2. Admit into the record the submittals the Commission has received;
3. Provide 14 days, closing on June 20, 2004, for all parties to submit final arguments in response to the latest round of evidence;
4. The applicant would then be asked whether they want to waive their 7 days for closing arguments;
5. The Commission would then schedule final deliberations.

Mr. Murphy suggested only one change that instead of 14 days closing on July 20, 2004, 5:00 PM, the Commission close the record on Friday, July 16, 2004, 12 Noon. He discussed this change with all three attorneys representing different clients and they were all in agreement with this recommendation – leave the record open for additional materials until 12 Noon, July 16, 2004. Any additional materials would be delivered to the Commission for their review prior to the July 20, 2004 Regular Commission meeting for deliberations. The applicant has indicated they would waive their 7 days for final arguments, although they are not required to do this and they would also extend the 120-day deadline.

Chair Emery reopened the record for SP 04-03/CUP 04-01 Safeway Fueling Station Site Plan and Conditional Use.

Mr. Allen announced that Mr. Whitlow serves on a legislative advisory committee with which he is associated. They had a meeting of this committee today to discuss state regulatory permitting procedures. This application did not come up in that meeting and he has not spoken directly to Mr. Whitlow. He did not believe this to be ex-parte contact, but he wanted to apprise the Commission of the meeting.

Mark Whitlow, representing the applicant, Perkins-Coie, 1120 NW Couch, 10th Floor, Portland, Oregon 97209, addressed the Commission. Mr. Whitlow noted on June 29, 2004, they submitted two items – additional information and evidence and the other separate document was their final argument. They do not need any more time and they would agree to the tolling of the 120-day deadline from July 6, 2004 to July 20, 2004.

Patrick Allen moved regarding SP 04-03/CUP 04-01 Safeway Fueling Station Site Plan and Conditional Use, the Planning Commission reopen the record for written materials, admit into the record the materials submitted by the applicant under cover of two letters dated June 29, 2004, which includes their final argument, provide until 12 Noon, July 16, 2004, for all parties to submit final arguments in response to the evidence, at the applicant's request the 120-day deadline be extended by 14 days, and the Commission consider the

application at their July 20, 2004 Regular Commission meeting. Seconded by Jean Lafayette.

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

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

Chair Emery opened the public hearing for SP 04-07.

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

Kevin Henry announced he works in the same building as Roger Harris. He has not discussed the application with Mr. Harris and does not feel he has any bias or potential conflict of interest.

Chair Emery called for the Staff Report.

Anne Elvers, Associate Planner, referred the Commission to the Staff Report dated June 8, 2004, a complete copy of which is contained in the City Planning File SP 04-07 Old Town Lofts Site Plan. She noted:

- A letter dated June 15, 2004 from Tess Kies was entered into the record. Ms. Kies does not support the project.
- The application is for a mixed-use project, consisting of 3-stories with approximately 14,600 square feet of building area. The site is zoned Retail Commercial (RC) and the use is permitted outright. It will be located in the Smockville portion of the Old Town Overlay District.
- An existing building will be demolished and several trees will be removed. The conditions of approval require the applicant to submit a tree mitigation report as well as apply for a demolition permit.
- Referring to page 9 of the Staff Report regarding the finding for ground floor windows (9.202.08H). She counted the garage door as part of the wall area in calculating the percentage of windows. The Code is not specific whether or not to include the garage door. The Commission may wish to make a further finding regarding whether or not to count the garage door in the calculations for ground floor windows.
- In conclusion, Staff recommends approval of the site plan with conditions.

Chair Emery asked if the applicant wished to provide testimony.

- **Roger Harris, Attorney representing Old Town Properties LLC, 5000 SW Meadows, Suite 400, Lake Oswego, Oregon 97035, addressed the Commission.** Mr. Harris thanked the Staff for their effort and evaluation of the project recommended for approval and noted:
- He discussed with Staff the question of including the garage door in the ground floor window calculations.
- On page 2 of the Staff Report, Item #3, the purpose of the 22-foot wide garage door is primarily safety related. Vehicles must be able to ingress/egress safely from the ground floor

entry and not swing into the on-coming traffic. A narrower door would have a profound negative impact on the maneuverability of vehicles. They would recommend the Commission approve the 22-foot wide garage door.

- On page 9 of the Staff Report, Item F, exterior finish materials, he showed the Commission a materials board. Consistent with the Old Town Overlay building requirements, they will have at least two different surface materials on the first story. One change from what was presented in the Staff Report is the second and third story surface will be the same on all four sides of the building – Hardiplank siding with the cedar channel siding.

Patrick Lucas, Old Town Properties LLC, 23861 SW Dewberry Place, Sherwood, Oregon 97140, addressed the Commission.

- In response to Ms. Lafayette question, they are open to either a grid window or larger windows without the grids. The windows without grids would be better for commercial shopping and window displays.
- The San Francisco Cobble Field cultured stone would be on the street sides only, First and Washington Streets.

Mr. Harris continued with his presentation:

- On page 9 of the Staff Report, Item H, ground floor windows. He appreciated the further comments made by Staff. The applicant would suggest not including the garage door in the calculations. Not having windows on the garage door would provide more safety for the tenants.
- He distributed a larger color rendering of the proposed building to the Commission as well as a sample of the proposed garage door that had small windows at the top.

Mark Stewart, 8137 SW Seneca, Tualatin, Oregon 97062, addressed the Commission. Mr. Stewart presented an updated Site Plan. He noted that the revised site plan meets the percentage requirements for ground floor windows.

Ms. Elvers confirmed that the revised site plan did include more windows. She would need to re-calculate the total percentage, but it appears that the window area shown on the revised plan would exceed 25% of the ground floor wall area and be in compliance with Section 9.202.08H.

Mr. Harris said Mr. Stewart could address the issue of the brickwork on the columns “intruding into the pedestrian right-of-way” as discussed on page 2 of the Staff Report, Item 4, engineering comments.

Mr. Stewart said there are projects all over the country where the brick veneer goes into the right-of-way. If there is a new rule, the applicant will have to deal with it. The brick veneer is a part of the structure.

Mr. Allen said there is a big difference between being in the right-of-way and going into a setback. The Commission allows certain encroachments into the setbacks. The Commission

does not have the right to authorize the applicant to place columns of the building or any part of the building structure in the public right-of-way.

Mr. Lucas said the applicant will revise the building plan so that the brick veneer columns do not intrude into the public right-of-way. He continued with his testimony.

- There was an overwhelmingly positive response to the project after they placed a sign on the site. They received over 50 calls about the project.
- There is a large market of empty-nesters who want to scale-down, be able to walk to shopping, as well as be a part of the community events without having to drive.
- He lives in Sherwood and feels there is a real need for this type of project.

Mr. Balza asked how potential business tenants and residents could be made aware of the community events that close some of the downtown streets. Some of these events would present residents from driving vehicles in and out of the site. He asked if there were any plans to make people aware of these types of events.

Mr. Lucas said people will move downtown for these types of events.

Mr. Harris said it would be appropriate to place some type of declaration regarding special community events in the "condominium disclosure statement" that potential buyers or tenants have to sign. Under the Oregon Revised Statutes for condominiums there is a statutory requirement to disclose such activities.

Mr. Lucas said there will also be CC&R's and a Homeowners Association for this project.

Ms. Lafayette asked if the applicant could address potential home occupation businesses for the tenants.

Mr. Lucas said they do not want commercial activity on the second or third floors.

Ms. Elvers suggested the Commission include a condition that only Type I Home Occupation activities would be allowed.

Mr. Henry was concerned that this project seems to have a similar design as the one previously approved for Railroad Street (Sherwood Lofts). He would like to see more brick used and diversity of building design.

Mr. Stewart said they looked at a lot of building designs and materials. Bricks seemed to make the building look larger. This building has a gabled roof. The Sherwood Lofts will have arched windows and balconies. The only similarity between the two buildings is the building height.

Mr. Harris stated that he looked at the same iterations with different building materials and concurred with Mr. Stewart. He said they would answer any questions.

Chair Emery asked if there was any proponent testimony.

Steve White, 9790 SW Nimbus Avenue, Beaverton, Oregon 97008, addressed the Commission. Mr. White stated he had a booth the Sherwood *Cruise-In Festival*. While they did not receive a lot of questions about the project, most of the comments were positive. There are a lot of people who want the urban lifestyle, where they are able to walk to shopping and activities such as local events and festivals.

Chair Emery called for opponent testimony. There being none, Chair Emery dispensed with the rebuttal portion of the hearing, and closed the public hearing on SP 04-07 Old Town Lofts Site Plan, for Commission deliberations.

Each of the Commissioners stated their thoughts about the proposed site plan. There was general support for the site plan. The main concern was that business owners and tenants are made aware of the community events that may close the streets adjacent to the site. There also seems to be a variation on the theme between the previously approved Sherwood Lofts Site plan and this application.

The Commission supported the 22-foot garage door.

Mr. Allen responded to the letter from Ms. Kies regarding the project causing rental rates and property values in the Old Town to increase. Right now, that is a community objective. In an attempt to increase the intensity and viability of Old Town that means property values and rents will increase. If the objective is to keep things very low cost, the City would have a whole set of different actions and investments to make.

Ms. Lafayette said she agreed with Mr. Allen. The City is trying to create critical mass, both with the scale of the building, the influx of people and increase in the economic viability for Old Town. This project will help accomplish those goals.

Mr. Henry said he would have liked to have been able to view the different options for the building with regard to materials and design. He did support the concept.

The Commission made the following amendments:

- Add a condition regarding the Homeowner's CC&R's that only Type I Home Occupations (Section 2.203.06) are allowed.
- Add a condition regarding including the specific community events in the condominium disclosure statement that the owner's must sign, per Planning Staff approval.
- Revise the findings that garages are to be counted towards the percentage of windows required and that the revised site plan elevations meet this criteria. As resubmitted, the elevations meet both window standards, linear and area.
- Recommend allowing the 22-foot garage door.

Patrick Allen moved the Planning Commission approve SP 04-07 Old Town Lofts Site Plan based on Staff report and recommendation, applicant submittal of a revised site plan,

findings as revised, public testimony and conditions are revised. Seconded by Jean Lafayette.

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

6. New Business

The Commission agreed to hold a training session prior to their August 3, 2004 Regular Commission meeting. This Planning Commissioner training could begin at 6:00 PM, with dinner provided. A firm schedule will be sent to the Commission prior to the meeting.

7. Adjourn

There being no further business, by motion Chair Emery adjourned the meeting at 8:15 PM.

End of Minutes