



**City of Sherwood
PLANNING COMMISSION**

**Sherwood Police Facility
20495 SW Borchers Drive**

August 17, 2004

Regular Meeting -7:00 PM

A G E N D A

- 1. Call to Order/Roll Call**
- 2. Consent Agenda – July 20, 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. SP 04-09/CUP 04-03 Hunters Ridge Buildings B and C Site Plan & Conditional Use:** a request by Sherwood Crossing LLC for site plan approval to construct two additional mixed-use buildings (32,656 sq ft & 41,469 sq ft), located at 20510 Roy Rogers Rd, further described as Tax Lots 200, 300, Map 2S 1 29BC. The site is zoned General Commercial (GC) and the use is permitted as a conditional use. (*Anne Elvers, Associate Planner*)
- 6. New Business**
- 7. Adjourn to Work Session – Oregon Land Use Laws** (*Paul Norr & Ed Murphy*)

**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
August 17, 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

Staff:

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

Commission Members absent:

Dan King

Guest:

Paul Norr, Hearings Officer

2. Consent Agenda – July 20, 2004 PC Minutes

Jean Lafayette moved the Planning Commission accept the July 20, 2004 Planning Commission meeting minutes as presented. Seconded by Patrick Allen.

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

3. Agenda Review

There were no items added 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 that he and the applicant, Patrick Lucas, are both members of the Sherwood Urban Renewal Policy Advisory Committee (SURPAC). They are also both candidates for City Council in the November 2004 election. He did not feel this caused him any bias or potential conflict of interest.

5A. SP 04-09/CUP 04-03 Hunters Ridge Buildings B and C Site Plan & Conditional Use

Chair Emery opened the public hearing on SP 04-09/CUP 04-03 and called for the Staff Report.

Anne Elvers, Associate Planner, referred the Commission to the Staff Report dated August 10, 2004, a complete copy of which is contained in the City Planning File SP 04-09/CUP 04-03 Hunters Ridge Buildings B and C Site Plan and Conditional Use.

- The applicant is requesting site plan approval for two mixed-use buildings, 3 stories in height, with lower level parking garages. Building B will have 6200 square feet of commercial area and X square feet of residential space, for a total gross floor area of 35,267 square feet.
- Building C will have 10,852 square feet of commercial use, 21,704 square feet of residential use, and a lower level parking garage.
- Building A is now under construction. It has a building footprint of 11,000 square feet and is 3-stories in height.
- The site plan approval for Building A included conditions for public improvements. No occupancy permit will be issued until these conditions are met.
- Page 5 of the Staff Report notes that Building C does not meet the 20-foot setback from the side property line. The General Commercial (GC) site abuts to a Medium Density Residential High (MDRH) residential zone. A 20-foot setback is required when a commercial use abuts a residential use. A condition has been included that relocation of Building C would be necessary to meet the setback criteria. The applicant is prepared to relocate the building.
- Building C is proposed to be 40-feet in height, 3 stories and located less than 100 feet from the adjoining residential zone. Section 2.110.05 states that structures within 100 feet of a residential zone shall be limited to the height requirements of that residential area. The maximum building height for the MDRH zone is 2-1/2 stories or 35 feet. The Commission will need to determine if the applicant needs to apply for a variance for the building height. A condition has been included that if the building height is 40 feet, it must be relocated 20 feet to the east to meet the 100-foot setback.
- Page 7 of the Staff Report discusses off-street parking. The finding should be corrected to note there are 96 parking stalls. The total commercial area for Buildings A, B and C have a parking ratio of 2.7 stalls for every 1,000 square feet or 85 parking stalls. There would be adequate parking if all of the first-floor tenants were office uses. There is adequate parking in the lower-level garages for the residential units.
- Staff recommends adding condition that prior to building permit approval the applicant should provide a revised site plan to show the relocation of Building C to meet the 20-foot setback and if a variance is not approved for the height of Building C would need to be adjusted.

Mr. Allen stated that the parking criteria would be 4.1 stalls for every 1,000 square feet, for a total of 129 parking stalls to meet the parking standard.

Ms. Elvers said the applicant could address parking for the site.

Ms. Lafayette noted that page 10 of the Staff Report did not include a finding for 6.303.01 Streets. Ms. Elvers said this would fall under the engineering comments for public improvements. The Commission could allow Staff to incorporate a finding that would incorporate the engineering comments.

Chair Emery asked if the applicant wished to provide testimony.

Patrick Lucas, 23861 Dewberry Place, Sherwood, Oregon 97140, addressed the Commission. He noted:

- He distributed a revised Site Plan to the Commission. Building C has been moved 20 feet to the east from the Borchers Drive property line, with the exception of the fire escape. Staff agreed that the fire escape could be located in the 20-foot setback.
- With regard to parking, he owns the property to the north of the site. The original site plan showed parking along the northern boundary which is inside the Urban Growth Boundary (UGB), but outside the City limits. He did not know why parking could not be allowed in this area. This additional parking would meet the parking standard for the proposed use of the site.

The Commission asked Staff if this area could be paved and used for parking.

Ms. Elvers said the area the applicant proposed for additional parking is not yet annexed into the City.

Mr. Murphy said he did not think the area could be used for paved parking. It is outside the City limits and there is not assurance it would be annexed. A permit from Washington County would also be necessary.

Mr. Lucas said the Washington County zoning designation is Exclusive Farm use (EFU). He asked what if there was an easement?

Mr. Murphy responded that it depends on what is allowed in the EFU zone. Typically, if it is parking for a commercial use or residential use, it is considered residential or commercial, or whatever it is serving. It would have to be zoned appropriately.

Mr. Allen asked if a condition could be included that would limit the amount of commercial use of the property until or unless the area in question is annexed and developable for additional parking. Mr. Murphy said this could be an option.

Mr. Lucas continued with his testimony.

- He could also have additional parking if he did not have to extend Borchers Drive or have parking in the 35-foot County imposed setback across the front of the site.
- The original Lucas Subdivision (SUB 97-2) was required by the City to have an easement across Lot 3 for the benefit of Lot 4 and the property to the east (Anderson site). ODOT removed the access from the Anderson site and a condition of his subdivision approval was that he provide a 35-foot access easement across Lot 3.
- The day before the plat was to be recorded, the City also required an access easement across Lot 2. He agreed to meet this condition.

- He and City Engineer, Terry Keyes, have had several discussions about an additional 12-foot of right-of-way. This was noted in the e-mails that were provided to the Commission. Mr. Keyes agreed to the 12-foot easement across the front because the issue is if he was to dedicate the additional 12 feet, that 35-foot setback is from the right-of-way. The location of Buildings A and B would have to be re-engineered. The additional 12-feet should be a County requirement, not a City requirement. It is not a County requirement.
- He asked the City if the difference could be split. He would give an easement to the City at this time until he received certificates of occupancy on both of the buildings and then give up the right-of-way so as not to mess up any permits he needs from the County. Six feet of additional right-of-way would be asked of Safeway gas, across the street. These are the two issues.

Mr. Murphy clarified that the 35-foot setback from the centerline is so that the County knows there will not be buildings in this setback. Then there is a condition that the applicant provide an easement for the adjoining property owner that also happens to be 35 feet. These are two different things.

Mr. Lucas said the Staff Report references the original Building A approval. Building A approval said the applicant would work with Staff and come to an agreement and this is what he provided to the Commission – the 12-foot easement. There is also a letter from Lee Harrington dated March 30, 2004, where he highlighted the section that when he received the building permit that it was added that he needed to dedicate the 12 feet, but this not what the agreement was. He is going to be held hostage until he dedicates the 12 feet and then it will mess up the other two buildings.

Mr. Lucas said the right-of-way is 70 feet, so it would be 35 feet from the center of the roadway, plus 12 additional feet or 47 feet from the centerline, plus the 35 feet for a total of 82 feet. The 12 feet is for the future westbound lane on Roy Rogers Road. From all the traffic studies, he did not feel this is the issue. The issue is going eastbound on Roy Rogers Road. Basically, you are taking the Safeway site and pushing it over to his side and he did not think this was right. He asked the Commission to determine what would be required, rather than leaving it up to City Staff.

Ms. Elvers said that the City Engineering Department has a very valid reason for the extra right-of-way. She has not discussed this specific requirement with Engineering.

Mr. Lucas said there is also an e-mail from him to Terry Keyes. The additional right-of-way was not a condition for the proposed Safeway gasoline station site plan.

The Commission agreed they could not take action on the applicant's request without a response from Engineering. They would continue with the public hearing tonight and ask for a continuance to allow time to receive a response from Engineering.

Mr. Lucas said they would ask for a variance to the building height. They do not have any problem with the condition that no signs be on the site. They have worked with the adjoining

property owner and have their driveway entrance to the north to align with the street going into the subdivision (Conzelmann Farms Estates).

Ms. Elvers said the revised site plan shows Building C is approximately 70 feet from the residential zone and the criteria requires it to be 100 feet from the MDRH zone.

Ms. Lafayette asked if there was going to be any play areas or open space on the site and buffering. The trash enclosure is proposed to be located on the side near the residential zone. She asked if this could be located in another area.

Mr. Lucas said the condominiums will not have age restrictions, but it will be 99% empty-nester type two-bedroom flats. No designated play areas are being proposed. The Tualatin River National Wildlife Refuge is located to the north of the site. There is a row of trees on the north portion of the site and then an 80 foot cliff next to the Wildlife Refuge. There are no single-family homes located near the trash enclosure. Mr. Conzelmann kept a strip of land in this area so he could get down to his farm. The area across from the trash enclosure is the water quality swale that will be four acres.

Ms. Lafayette asked if a CAP certificate was required.

Ms. Elvers said Condition C.1.c. states that submittal of a traffic report that satisfies requirements set forth in the CAP Ordinance. The wording can be revised that a CAP certificate shall be received by the applicant.

Mr. Henry said he is concerned about building height and the location next to a residential area. He agreed that the Commission needs more information regarding the 12-foot right-of-way setback.

Mr. Allen said the Commission is not in a position to negotiate with the applicant in a public hearing regarding the 12-foot right-of-way without having more information and recommendation from Staff.

Mr. Lucas said he would not have a problem with a 12-foot easement without the dedication.

Chair Emery asked if there was any proponent testimony.

George Johnston, 21321 Old Kruger Road, Sherwood, Oregon 97140, addressed the Commission. He noted: [not audible]

6. New Business

There was no new business.

7. Adjourn to Work Session

There being no further business, Chair Emery adjourned the meeting at 7:50 PM to a work session on Oregon Land Use Laws presented by Paul Norr, City of Sherwood Hearings Officer, and Ed Murphy, Interim Planning Director. The work session adjourned at approximately 10:00 PM.

End of Minutes