



City of Sherwood
PLANNING COMMISSION

Sherwood Police Facility
20495 SW Borchers Drive

September 7, 2004

Regular Meeting -7:00 PM

A G E N D A

1. **Call to Order/Roll Call**
2. **Agenda Review**
3. **Community Comments** *are limited to items NOT on the printed Agenda.*
4. **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 Continued from August 17, 2004:** 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*)
 - B. **SUB 04-05 Arbor Terrace Final Development Plan and Final Subdivision Plan:** Final approval application for approval of the final development plan and final subdivision plan for Arbor Terrace, a West Hills Development consisting of 160 single-family residential lots (65 townhomes and 95 detached single-family dwellings). The site is zoned High Density Residential (HDR) and located at SW Langer Drive and Century Drive, further described as Tax Lots 400, 500, 600, Map 2S 1 29CA. (*Ed Murphy, Interim Planning Director*)
5. **New Business**

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

APPROVED MINUTES

SHERWOOD PLANNING COMMISSION
Regular Meeting Minutes
September 7, 2004

1. Call to Order/Roll Call: Vice-Chair Patrick Allen called the meeting to order at 7:00 p.m. Commission members present: Patrick Allen, Dan Balza, Kevin Henry, and Matt Nolan. Staff present: Interim Planning Director Ed Murphy, Associate Planner Anne Elvers, and Deputy City Recorder Donna Martin. Commission members absent: Adrian Emery, and Jean Lafayette. Dan King joined the meeting at 7:05 p.m.

Interim Planning Director Ed Murphy introduced the City's new Senior Planner Kevin Cronin.

2. Agenda Review: None.

3. Community Comments: None.

4. Public Hearings: The public hearing disclosure statement was read by Deputy City Recorder Donna Martin. No ex parte contacts, conflicts of interest, or bias were declared by Commission members.

A. SP 04-09/CUP 04-03 Hunters Ridge Buildings B and C Site Plan & Conditional Use Continued from August 17, 2004: 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 Road, 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*)

Hearing Continued from August 17, 2004

Vice-Chair Patrick Allen reopened the hearing at 7:04 p.m. At the request of the applicant, this hearing was deferred until after the Arbor Terrace hearing. Mr. Allen closed the hearing at 7:05 p.m.

B. SUB 04-05 Arbor Terrace Final Development Plan and Final Subdivision Plan: Application for approval of the final development plan and final subdivision plan for Arbor Terrace, a West Hills Development consisting of 160 single-family residential lots (65 townhomes and 95 detached single-family dwellings). The site is zoned High Density Residential (HDR) and located at SW Langer Drive and Century Drive, further described as Tax Lots 400, 500, 600, Map 2S 1 29CA. (*Ed Murphy, Interim Planning Director*)

Commence Hearing

The hearing was opened at 7:05 p.m. by Vice-Chair Patrick Allen.

Staff Report

1. Interim Planning Director Ed Murphy reported the preliminary development plan and preliminary plat for Arbor Terrace was approved by City Council on July 24, 2004 with conditions outlined in the staff report. (See Page 3 of Attachment 1 to these minutes). There are no criteria for the final development plan other than to be consistent with the preliminary plan. The criteria for a final subdivision plat are outlined in the staff report (See Page 5 of Attachment 1 to these minutes). Before the Commission is a "draft final plat". Staff will review the final plat after the construction drawings are approved.

2. Mr. Murphy pointed out the following development issues.

- a. Final park design: The fence will be around the playground, not the entire park.
- b. Final landscaping design: Plant materials are identified.
- c. Street trees: Century Drive street trees are proposed to be 40 ft. on center. Remaining trees throughout the development will be 25 ft. on center. (See Attachment 2 to these minutes).
- d. Reserving connection of D Street to Baler Street: Condition added by City Council.
- e. Color of units: Applicant suggests submitting a form showing the lot for which a building permit is sought, the proposed materials and predominant color scheme as well as the predominant colors of the adjacent dwellings. (See Attachment 3 to these minutes) Commission members suggested something be written into the Covenants, Codes and Restrictions (CC&Rs).
- f. Sidewalks: Council agreed with the Commission's recommendation for crosswalks on Langer Street and added Century Drive and Baler Way.
- g. Dedication of right-of-way for a roundabout at Adams Street and Century Drive: Due to the lateness in the process, the applicant objects to this condition (See Attachment 4 to these minutes).
- h. Comments from Police Department and Pride Disposal: The Council had asked staff to seek comment from the Police Department and Pride Disposal regarding the traffic flow in the development. Neither entity had issues.
- i. Electronic copy of all material: Staff recommends adding a condition of approval to assure an electronic copy of all applicant materials is received before a building permit is issued.

3. Mr. Murphy summarized the decision points as the dedication for a roundabout and the street trees along Century Drive. Acknowledging it is late in the process to be discussing a roundabout, Mr. Murphy feels 160 homes will create a significant impact. Staff believes a roundabout can be accommodated in the final design assuming it will affect about 150 sq. ft. of one tax lot.

Questions of Staff

1. Can you speak to the issue of a roundabout versus a signal light?

Senior Project Manager Lee Harrington said installing a signal light would take less right-of-way. On the other hand, roundabouts allow for better traffic flow. He pointed out a roundabout for this area is in the proposed Master Transportation Plan.

2. Does staff agree with Mr. Robinson, Land Use Attorney for the applicant, who says former City Engineer Terry Keyes told him the City did not know what it wanted to do at this intersection? (See Attachment 4 to these minutes).

3. Mr. Harrington said staff does not recall Mr. Keyes weighing in one way or the other on this issue. Although the discussion has been ongoing, Mr. Murphy affirmed a roundabout was not discussed by Council before approval of the preliminary development plan on July 24, 2004.

Applicant's Testimony

1. Mike Robinson, Land Use Attorney for West Hills Development Company agreed with the issues identified in the staff report with the exception of the roundabout.

2. Mr. Robinson argued the issue is not whether there should be a roundabout, but when it should be required of this applicant. Over the past year, there have been several meetings with former City Planner Dave Wechner and former City Engineer Terry Keyes as well as a few meetings with Ed Murphy and Lee Harrington. Prior to going to City Council with this application, Mr. Robinson and Mr. Guthrie met with staff with the preliminary plan. He does not recollect Mr. Keyes ever indicating the City wanted a roundabout.

3. Mr. Robinson indicated the applicant could have agreed to reserve a right-of-way if they had been asked early in the process. Because the ordinance discussion is passed, the preliminary plan has been approved by Council, the record shows no discussion of a roundabout, there is no traffic impact analysis and no one has asked for Century, Baler or Langer to be widened, Mr. Robinson feels the applicant is being asked to do something for which there is no evidence a need is being created by this application.

4. Accommodating a roundabout will cause the applicant to lose lots which Mr. Robinson contends cannot be recaptured in the development. The applicant will no longer be able to meet the minimum density requirement for a High Density Residential (HDR) zoning district.

5. Mr. Robinson reminded the Commission that the current Transportation Plan does not require a roundabout and the proposed Transportation Plan has not been adopted. He suggests this dedication is too late in the process and is not consistent with the City code.

6. Don Guthrie, General Manager of Arbor Homes West Hills Development, expressed his disappointment that staff is requesting a roundabout so late in the process. He said he had made a concerted effort, at two different meetings, to ask Mr. Keyes if this applicant could support the

design and construction of a roundabout. According to Mr. Guthrie, Mr. Keyes, in fact said, the City did not know what they wanted.

7. Mr. Guthrie told the Commission the park fencing issue was discussed. Mr. Keyes thought fencing should be around the playground structure only. When the issue came before Council, they agreed.

8. With respect to the colors, Mr. Guthrie insists the CC&R's are stringently enforced. However, when the CC&R's are turned over to a board in ten years; it will be up to the board to determine what is acceptable.

Questions for the Applicant

1. Via email, Commissioner LaFayette asked if there was adequate screening, architectural features and percentage of windows regarding the large wall on Century Drive from alleys E, F, and G (See Attachment 5 to these minutes).

Mr. Murphy said he thought Ms. LaFayette was of the impression the homes just north of Century face the alley rather than facing Century Drive. This would make the question mute.

2. Ms. LaFayette asked about the right-of-way for the roundabout.
- a. Is it 100 ft per street frontage?
 - b. What is the remaining square footage on lot 141?
 - c. What about Sherwood Development Code Chapter 7.303.03 preliminary plat to final changes?
 - d. What impact is there on the property across the street (Lot 145)? Would it also be impacted?

3. Answering question "a" above, Mr. Murphy agreed it was 100 ft. per street frontage. Mr. Guthrie contends the remaining square footage will be cut in half. He says a residence cannot be put on lot 141 if the right-of-way is dedicated. Mr. Guthrie contends a new drawing shows two other lots will be impacted.

4. Staff indicated they had not seen the drawing being discussed. Lee Harrington said he might question the accuracy of the drawing. Mr. Guthrie maintains he was supportive of the roundabout earlier in the process, but this late in the process he does believe it fair to be held up any longer and lose lots required for minimum density.

5. Referring to SDC 7.313.03, Mr. Murphy clarified this is the portion of the code that requires the final plat to conform to the preliminary plat. Mr. Murphy said typically there would not be new conditions after the preliminary plat approval.

6. Mr. Murphy indicated tax lot 145 in Sherwood Village would not be impacted. The City would have to acquire the property in Sherwood Village if they wanted to do a roundabout.

7. Mr. Henry asked if the applicant and staff are in agreement over everything but the roundabout.

8. Both parties answered in the affirmative.

Proponent's Testimony

Apryl Garmon, speaking on behalf of herself and her sister-in-law, testified in favor of the application. She and several other Sherwood Village residents feel the Arbor Terrace development will benefit them.

Opponent's Testimony

None.

Close of Hearing

The hearing was closed at 7:42 p.m.

Commission Discussion

1. Mr. Allen asked staff if the roundabout was discussed at the Council meeting. Mr. Murphy did not remember the roundabout being discussed but Mr. Harrington thought there was a brief discussion. However, the Council had not required a roundabout as a condition of approval.

2. Mr. Murphy pointed out staff's drawing does not match the applicant's drawing Staff believes only 150 sq. ft. of tax lot 141 will be required so the minimum density would not be affected.

3. Mr. King asked at what point in the process is it appropriate to address roundabouts. Mr. Allen responded saying he felt roundabouts should be discussed during transportation master planning.

4. Mr. Harrington noted there are varying sizes of roundabouts. His drawing of the roundabout does not show more than one lot being affected.

Reopening of Hearing

1. Mr. Allen reopened the hearing at 7:50 p.m. to allow submission of roundabout drawings from the applicant (See Attachment 6 to these minutes) and City staff (See Attachment 7 to these minutes). A brief recess was called in order for the Commission and the applicant to examine the drawing.

2. After examining the drawings it was determined the applicant's drawing was correct. Staff withdrew the request to add a roundabout requirement as a condition of approval for this application.

Close of Hearing

Mr. Allen closed the hearing at 7:55 p.m.

Commission Decision

MOTION: From Commissioner Henry, seconded by Commissioner Nolan, to recommend approval of SUB 04-05 Arbor Terrace Final Development Plan and Final Subdivision Plan with the condition street trees be 40 ft. on center and contingent on submission of electronic materials. UNANIMOUSLY APPROVED BY ALL COMMISSION MEMBERS PRESENT.

A. SP04-09/CUP04-03 Hunters Ridge Buildings B and C Site Plan and Conditional Use Continued from August 17, 2004

Continuation of Hearing

The hearing was called to order at 8:05 p.m.

Staff Report

1. Ann Elvers reported there were two issues to be revisited. The first issue is a 12 foot right-of-way in addition to the Washington County right-of-way dedication. The second issue is a height variance. The applicant has applied for height variance for building C in order to comply with the 35 foot limit allowed when constructing adjacent to a single family residential zone. Denial is recommended because staff feels this would be detrimental to adjoining properties.

2. Mr. Harrington reported the additional 12 foot right-of-way was required by former City Engineer Terry Keyes in a Notice of Decision for building A. Washington County has a 35 foot easement across the front of the property to build a frontage road parallel to Roy Rogers Road to service the property to the east (the Anderson farm). Because of the steep ravine, Mr. Keyes did not think it was feasible without the additional 12 feet to allow for a future right turn lane onto Borchers Drive. Mr. Keyes felt the Anderson property could be serviced by Teal Lane which is on Sherwood Office Campus 2. It was Mr. Keyes opinion that a frontage road would never be built by the County.

Questions for Staff

1. Do we have everything?

Mr. Harrington said there are approved engineering plans to which the applicant has agreed the 12 foot easement may be taken from the existing 35 foot easement to the County (See Attachment 8 to these minutes)

2. Is the Commission the decision making body on the administrative variance?

Ms. Elvers said an administrative variance is a staff decision. Staff denied the variance based on the application received. Mr. Murphy believes because no Notice of Decision went out, the decision is deferred to the Planning Commission as part of the application. Staff will check the code to be sure this is the case.

Applicant's Testimony

1. Mr. Lucas reviewed the property history noting how much of his property he has given up to meet various requirements. He does not want to have to give up an additional 12 feet for a right-of-way to the City. As it was explained to him by Mr. Keyes, the 12 foot right-of-way can be taken out of the 35 foot County easement.

2. Mr. Lucas also pointed out the design changes made still leave building C 3 feet over the height requirement.

Questions for Staff Continued

1. After examining the Sherwood Development Code, Mr. Murphy reported the Code allows a height variance to be decided by staff unless anyone who has a right to a Notice of Decision, including the applicant, requests a hearing. Mr. Lucas made application, asked for a hearing and has paid the required fees therefore the Planning Commission can make the decision.

2. Ms. Elvers asked Mr. Lucas if he was in agreement with staff's requirements for Building C signage. Mr. Lucas indicated he will apply for a sign variance at a future date.

3. Staff was asked to weigh in on the height of building C as it has been redesigned. Ms. Elvers said although the building is still three stories, changing the roof pitch gives the perception the building is smaller.

Public Testimony

None.

Close of Hearing

Mr. Allen closed the hearing at 8:25 p.m.

Commission Discussion

1. Commissioner Henry was initially concerned with the height of Building C intruding on the residential zone.

2. Commissioner King said if he was considering purchasing a home on adjacent property and knew there was a business being built there, he either wouldn't buy the house or would not have a concern.

3. Commissioner Allen suggested a two sided informational sign showing what is being built on the site. The other commissioners were in agreement.

4. Commissioner Allen asked if Planning Commission members had any concerns about the new design being three feet over the requirement. No one had any objections.

5. There was some confusion regarding the easement so Mr. Allen decided to reopen the hearing in order to hear more from staff and the applicant.

Reopen Public Hearing

1. Mr. Allen reopened the hearing at 8:32 p.m.

2. The Commission asked staff to explain the 35 foot easement and 12 foot easement the City is asking for. Mr. Harrington said it is his understanding from Terry Keyes, the 35 foot easement is required by the County for a frontage road. The 12 foot easement the City is requiring is for a right turn lane on Roy Rogers Road onto Borchers Drive. This was conditioned by Terry Keyes with a Notice of Decision for Building A. The plans submitted by the applicant and approved by Terry Keyes indicate the 12 foot right-of-way should be taken from within the 35 foot easement.

3. Mr. Lucas asked if he would be required to redesign the entire parking lot. He pointed out the building abuts the 35 foot easement in the current design.

Public Testimony

Mr. Allen gave citizens another opportunity to testify. There was no testimony.

Close of Hearing

The hearing was closed at 8:35 p.m.

Commission Discussion

1. Mr. Allen said in the absence of County testimony, he is inclined to render the prior condition mute and not require the additional 12 foot right-of-way. The other Commission members were in agreement.

Commission Decision

MOTION: From Commissioner Henry, seconded by Commissioner Nolan, to approve SP04-09/CUP 04-03 Hunters Ridge Building B and C Site Plan conditional use with a variance to allow height of Building C as submitted in applicant's plan and acknowledging the 35 foot easement and voiding the 12 foot right-of-way including all testimony, submissions and documents. Further conditions the applicant must provide an informational sign with the architectural rendering of what will be on the site and all materials to be submitted to staff in electronic format. UNANIMOUSLY APPROVED BY ALL COMMISSION MEMBERS PRESENT

For the record Mr. Allen expressed concern regarding the recent staff work. He said some things were having to be answered on the fly that should have been taken care of at staff level before the meeting. Mr. Henry and Mr. King agreed, asking that all correct information be distributed to the Commission prior to a meeting.

5. New Business: None.

6. Adjournment: The Vice Chair adjourned the meeting at 8:44 p.m.