



**City of Sherwood
PLANNING COMMISSION**

**Stewart Senior/Community Center
855 N. Sherwood Boulevard**

May 6, 2003

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 – March 4, 2003 & March 18, 2003 PC Minutes**
(distributed with last packet – call Roxanne in Planning if you need additional copy)
- 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. An Appeal of the Planning Director’s decision to Deny the Sign Permit Application for SP 02-06 Walgreens Site Plan:** a sign permit request by Scott Franklin, Pacland, for the owner, 99 & Eddy LLC (Kite Development), to construct a free-standing 36.5 square foot LED readerboard sign to be located on the proposed Walgreens site located at the northeast corner of Highway 99W and Edy Road, further described as Tax Lots 1700, 2000, Map 2S130D. The site is zoned Retail Commercial (RC) on 2.33 acres. *(Keith Jones, Senior Planner)*
- 6. New Business**
- 7. Adjourn to Work Session - introduction of DKS Associates who will be working with City Staff on developing the Transportation System Plan (TSP).**

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

**Note: Future meetings of the Planning Commission and Hearings
Officer will be held at the New Police Facility**

20495 SW Borchers Drive, Sherwood (next to the Ice Arena)

APPROVED MINUTES

City of Sherwood, Oregon
Planning Commission Minutes
May 6, 2003

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
Jean Lafayette
Ken Shannon
Bill Whiteman (7:05 PM)

Staff:

Keith Jones, Senior Planner
Terry Keyes, City Engineer
Roxanne Gibbons, Recording Secretary

Commission Members absent:

Kevin Henry

2. Consent Agenda

Chair Emery asked if there were any additions or corrections to the March 4, 2003 and March 18, 2003 Regular Commission meeting minutes. There were no changes.

Patrick Allen moved the Planning Commission accept the March 4, 2003 and March 18, 2003 Planning Commission meeting minutes as presented. Seconded by Jean Lafayette.

Vote for Passage of Motion: 4-Yes, 0-No, 1-Abstain (Emery)

3. Agenda Review

There were no changes to the Agenda.

4. Community Comments

There were no community comments. There were no questions for Council-liaison Lee Weislogel from the Commission.

5. Public Hearings

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

Bill Whiteman announced that he knows Scott Franklin, who is a former Planning Commissioner and City Council member for Sherwood. He did not have any personal bias and noted that his decision-making process would not be affected.

Jean Lafayette announced she testified at the public hearing for the Walgreens Site Plan. She could make an unbiased decision on the sign permit, but would not participate if there were

objections from either the Commission or applicant. There were no objections from the Commission or applicant regarding her participation in the public hearing on the sign permit appeal.

Chair Emery announced that PacLand, who is representing the applicant, is a customer of his employer. He is working on a project with their Bellevue, Washington facility. He did not plan to participate in the public hearing.

Chair Emery passed the gavel to Vice-Chair Allen and left the room.

5A. Appeal of Planning Director's denial of sign permit for SP 02-06 Walgreens

Vice-Chair Allen opened the public hearing and called for the Staff Report. He noted that this appeal would be under the rules in effect prior to May 23, 2003, which means it is a "*de novo*" hearing and not simply "*on the record*."

Keith Jones referred the Commission to the Staff Report dated April 29, 2003, a complete copy of which is contained in the City Planning File SP 02-06. He noted:

- SP 02-06 Walgreens Site Plan was approved, with conditions, on March 6, 2003 by the Hearings Officer. The applicant then submitted a sign permit application.
- The application for administrative approval of the sign permit for a 25-foot freestanding sign was denied by the City Staff. The proposed sign consisted of two signs attached to freestanding poles. One of the signs would be a standard back-lit sign and the sign below would be a 36-foot square LED sign. The LED technology is being used more as the technology improves.
- The sign being proposed is similar to the sign at their facility in Newberg, Oregon.
- The denial of the Walgreens sign permit was based on Section 5.702.05, which discusses flashing and other types of exposed, reflective type bulbs as noted in the Staff Report.
- The applicant appealed the denial of the sign permit and this appeal is before the Commission tonight.
- In reviewing the applicant's petition for appeal, Staff further researched the provisions of the Code. The intent of the Code was not to prohibit messages being placed on a sign. Blinking or flashing lights could distract motorists and this would be more of a safety issue.

In conclusion, Staff has found that the proposed sign could meet the criteria of the Code, if the lights do not blink or flash and remain constant. The Staff recommendation is to approve the sign permit with the condition that the LED sign shall not move, flash or change intensity of lighting. The interval between lighting changes shall be spaced so that the sign appears static to those traveling by the site.

Mr. Whiteman asked for clarification of the term "appears static".

Mr. Jones said this would mean "not rolling" or that the message would remain static for a certain period of time.

Vice-Chair Allen asked if the applicant wished to provide testimony.

Scott Franklin, PacLand, (representing the applicant) 10121 SE Sunnyside Road, Suite 215, Clackamas, Oregon 97015 and Doug Pedersen, (applicant) Kite Development, 30 S. Meridian St, Suite 1100, Indianapolis, Indiana 46204, addressed the Commission. Michael Robinson, attorney, representing the applicant was also in attendance.

Mr. Franklin said they concurred with the Staff Report. They are open to have an interval on the LED readerboard like the Walgreens sign in Newberg. He asked if the Commission had any questions.

Ms. Lafayette asked how the applicant would implement and respond to the term “appears static” in the conditions of approval.

Mr. Franklin responded said this is a subjective criteria. They would propose that as you drive on 99W, from Roy Rogers/Tualatin-Sherwood Road intersection to the Edy Road intersection, at normal speed would take 10-15 seconds. They suggest having the LED readerboard remain static through this time period. The message would not scroll, but would change at one time.

Mr. Whiteman asked if they had been involved in the Newberg Walgreens site plan. Mr. Franklin said his firm was not involved in the Newberg application.

Mr. Whiteman asked if the sign was programmed to change at specific time intervals, would this be acceptable to the applicant.

Mr. Franklin said their preference would be not to have a 60-second interval. They would ask that a 10-15 second interval be considered. Having the ability to change the message at certain time intervals would be an option. He did not know if the applicant would be acceptable to a 60-second interval. One thing they could do would be to advertise City functions on the sign. The 10-15 second interval would be the applicant’s preference.

Mr. Pedersen said the typical time frame on this particular sign would be a 3-5 second interval.

Mr. Allen asked if the time interval could be re-programmed on-site?

Mr. Pedersen said the sign is programmed by the manufacturer who installs the sign. He did not know if an employee at the store could re-program the sign.

Mr. Allen and Mr. Whiteman thought the sign could be re-programmed on-site, especially if the content of the sign could be changed on-site. They asked if the time-interval function of the sign could be disabled to re-programming.

Mr. Franklin said the LED portion of the sign would be approximately 10 feet by 3-1/2 feet.

Mr. Robinson asked that the Commission allow the applicant to answer any questions during their deliberations, unless there were objections from the audience. There were no objections and the Commission agreed.

Vice-Chair Allen asked if there was any proponent or opponent testimony. There being none, Vice-Chair Allen dispensed with the rebuttal portion of the public hearing and recessed the hearing for Commission discussion and deliberations.

Mr. Whiteman made reference to the Walgreens sites in Newberg and Tigard. He met with the Newberg Planning Staff regarding their sign code. The Newberg Code defines an “animated sign” as a sign that has a display that changes more than once in any ten-minute period. However, the animated sign cannot be more than 10 square feet in size. If you used the Newberg Code, the proposed Walgreens sign in Sherwood would be considered three, animated signs, each being 10 square feet in size. Newberg conditioned the Walgreens sign could not change more than one time within 60 seconds. He suggested the Commission take this into consideration. The findings should include a time-frame on how often the sign readerboard can change. He would support a 30 second timeframe. The intersection of Edy Road and Highway 99W is a very busy intersection and traffic safety is of prime importance. He would support the Staff recommendation with these findings included.

Mr. Whiteman recommended Staff review the current sign code to address “animated signs”.

Mr. Shannon said he appreciated the fact that the City has worked with Walgreens on their sign. He thought the 60 second timeframe is too long. He could support the 30 second timeframe.

Mr. Allen said the findings should include that the purpose of this portion of the Code is to minimize driver distractions on 99W and thereby enhance safety. From a safety standpoint the issue is not the lighting technology, it is the apparent motion of the sign. An appropriate interval to eliminate that apparent motion should be based on peak traffic times. He would support the 30 second time frame. He would also incorporate into the condition that the time interval could not be easily reprogrammed on-site.

The Commission agreed that it would probably be impractical to enforce the ease with which the sign can be reprogrammed.

Ms. Lafayette recommended the findings incorporate the terminology related to sight distance based on peak traveling time. She was concerned when she first saw the proposed Walgreens sign. She could support limiting the time intervals that the readerboard sign would change.

Mr. Whiteman asked if the Commission should include a reference to the square footage of the sign. The Commission agreed that this could be incorporated into a plan text amendment along with language for “animated” signs.

Mr. Franklin said the applicant would be willing to tie the size of the LED sign as proposed and waive the right to increase the size of the sign.

Vice-Chair Allen closed the public hearing on SP 02-06 Walgreens Sign Appeal.

Vice-Chair Allen recessed the meeting at 7:38 PM for a 10-minute break. The meeting was reconvened at 7:45 PM.

Vice-Chair Allen read the following findings for adoption:

1. The purpose of 5.702.05 of the Sherwood Zoning & Development Code is to minimize distraction of drivers thereby maintaining traffic safety.
2. While specific lighting technologies are referred to in the Code, they are all descriptive of apparent motion of the sign to passing motorists. Since LED signs can provide the same motion effect they are “similar” under the Code.
3. To minimize apparent motion resulting in driver distraction a minimum time change interval shall be set based on the sight distances and peak hour traffic flows. Based on applicant testimony that the sight distance or time is approximately 15 seconds at off peak traffic flows, an interval of 30 seconds would minimize apparent motion to passing drivers.

Based on these findings, the Commission would find in favor of the appellant, with the revised conditions of approval to read, “The LED sign shall not move, flash, or change intensity of lighting. The interval between lighting changes shall be no less than 30 seconds.”

Bill Whiteman moved the Planning Commission adopt the findings as read by Mr. Allen and condition as amended approving SP 02-06 Walgreens Sign Permit based on the Staff Report, applicant testimony and findings of fact. Seconded by Jean Lafayette.

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

Chair Emery returned to the table to continue with the Planning Commission meeting.

6. New Business

The Planning Commission directed Staff to prepare and bring back language for a plan text amendment regarding “animated sign” criteria. The Commission agreed that this would be a priority and to ask the Council to exact the amendments as an emergency.

Mr. Jones said Staff could review “animated signs” as well as the size of free-standing signs and wall signs. The Commission asked Staff to focus on animated signs.

Ms. Lafayette said another consideration would be if there was going to be an LED sign, that the amount of freestanding sign be reduced by two times the amount allowed.

7. Adjourn to Work Session

There being no further business to discuss, Chair Emery adjourned the regular Commission meeting at 7:50 PM.

Representatives from DKS Associates, the consultant preparing the Transportation System Plan (TSP) provided an overview and introduction of the Sherwood Transportation System Plan. The following items were highlighted:

- Review project schedule and major milestones
- Process highlights with Planning Commission
- Technical analysis process – overview of DKS work
- Legislative process – overview of Angelo-Eaton work
- Key issues identified by Commissioners

The work session was adjourned at approximately 9:00 PM.

Respectfully submitted,

Planning Department