



City of Sherwood
PLANNING COMMISSION
Stewart Senior/Community Center
855 N. Sherwood Boulevard
September 18, 2001
Regular Meeting -7:00 PM

A G E N D A

- 1. Call to Order/Roll Call**
- 2. Consent Agenda – September 4, 2001 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 01-04 Building #3 General Retail Site Plan (Sherwood Crossroads):** a request by Regency Centers to construct two buildings, 7,200 sf ft& 5,700 sq ft with parking & landscaping, located at 16330 SW Roy Rogers Rd, further described at Tax Lot 300 of Tax Map 2S 1 29B. (*Keith Jones, Associate Planner*)
- 6. New Business**
 - A. Report from Council Liaison** (*Ken Shannon*)
- 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
September 18, 2001

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
Adrian Emery
Kevin Henry
Jean Lafayette
Ken Shannon
Bill Whiteman

Staff:

Dave Wechner, Planning Director
Keith Jones, Associate Planner
Terry Keyes, City Engineer
Shannon Johnson, Legal Counsel
Roxanne Gibbons, Recording Secretary

Commission Members absent:

Lee Weislogel

2. Consent Agenda – September 4, 2001 PC Minutes

Chair Emery asked if there were any additions or corrections to the minutes. There were no comments.

Patrick Allen moved the Planning Commission accept the September 4, 2001 Commission meeting minutes as presented. The motion was seconded by Kevin Henry.

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

3. Agenda Review

Chair Emery announced there were two items added to the agenda under New Business:

- Report from Patrick Allen regarding the Sign Code Ordinance
- Request from Jean Lafayette regarding renaming Roy Rogers Road

4. Community Comments

There were no comments. (Note: Mr. Bettis Shepherd addressed the Commission later in the meeting.)

5. Public Hearings

Shannon Johnson read the hearings disclosure statement and requested that Commission members reveal any conflicts of interest, ex-parte contact or bias regarding any issues on the agenda prior to each specific public hearing. There were no Commission disclosures.

5A. SP 01-04 Building #3 General Retail (Sherwood Crossroads) Site Plan

Chair Emery opened the public hearing and called for the Staff Report. Keith Jones referred the Commission to the Staff Report dated September 11, 2001, a complete copy of which is contained in the City Planning File for SP 01-04. He noted:

- The applicant is proposing to construct two retail buildings, one being 7,200 sq ft and one being 5,700 sq ft. These buildings will be located in the vacant area just north of the existing Safeway building.
- Previous applications for the site included a gas station site plan that was denied and a bank site plan that was approved.
- The findings are contained in the Staff Report.
- There are no outstanding issues with the site plan.
- With regard to the Highway 99W CIF and CAP ordinances, the original site plan application for retail use included traffic generation figures that identified some capacity on the site for additional retail space. After construction of these two buildings, 3000 square feet of additional building area will still be available without triggering implementation of the ordinances.
- Condition #E6 should be revised to reference a decorative corner feature as approved with the original Site Plan SP 99-17.
- The applicant asked that Staff bring the proposed outdoor seating area just south of Building #3 to the attention of the Commission.
- In conclusion, Staff recommends approval of SP 01-04 with the conditions as revised.

In response to Ms. Lafayette's question, Mr. Jones said outdoor seating areas for restaurants are not specifically addressed in the Code.

Chair Emery asked if the applicant wished to provide testimony.

Josh Spooner, Development Director, Regency Centers, 4000 Kruse Way Place, Building #1, Suite 130, Lake Oswego, Oregon 97035, addressed the Commission. He noted:

- They are before the Commission to comply with the condition placed on the original site plan approval that any plans for Building #3 be brought back before the Commission.
- The two retail buildings are a very viable alternative given the success of Phase 1 of the project.
- Building #3 complies with the Development Code. The uses will be those permitted outright in the Retail Commercial (RC) zoning district.
- The buildings will have the same architectural features, colors and elements that were used in Phase 1.
- The applicant has remained in contact with the neighbors from the adjoining residential property. They scheduled a neighborhood meeting in June 2001 at the YMCA and no one from the neighborhood attended.
- They would ask that the Commission approve the site plan as proposed.

Ms. Lafayette asked if the back of the buildings were going to be a blank wall or what type of architectural features were planned.

Mr. Spooner said the buildings will be heavily landscaped along the rear elevations.

Roger Stange, Benner Stange Architects, 5000 SW Meadows Road, Lake Oswego, Oregon 97034, addressed the Commission. He noted:

- Building #3 will be a continuation of the architectural features of the existing Sherwood Crossroads buildings.
- The project is basically masonry with a brick base. There is a mixed-use of brick on the base all the way around the four sides of the building. The backside of the building is treated the same as the other three sides.
- The store-front side will have a canopy that wraps around the side of the building. The roof will be concrete tile.
- There is extensive landscaping along the streets. The two buildings are very small and have short elevations.
- The doors on the back side of the building will have a small light fixture above the door. These fixtures blend well into the building.
- There will be a different series of gables on the building.

Mr. Whiteman asked how many businesses could be accommodated in these buildings.

Mr. Spooner said it would depend on the size required by the tenants and the code requirements.

Mr. Whiteman said the rear elevations show eleven doors and there really does not seem to be any screening from the street. He was concerned about the back areas being used for storage of garbage or cardboard. He asked for further clarification regarding landscaping.

Mr. Stange said if you look at the back of the existing buildings there is no build-up of garbage. The exits have to be maintained and kept clear of debris. There is a sidewalk along the back of the building. Along the sidewalk will be a 3-foot hedge next to the street trees. The landscaping is increased in this area. It is illegal to collect garbage in the rear areas. The shopping center has to be maintained and it is in the best interests of the tenants to keep the area clean.

Mr. Spooner said Regency Centers has property managers who manage the site. They also manage the Albertson's shopping center. They maintain their properties on a first class basis. The mechanical and electrical rooms will be placed between the two small buildings. It is better to keep the rear of the buildings somewhat open. Having the back of the buildings enclosed would encourage the collection of trash.

Mr. Allen said the Commission should not fall into the trap of looking at the elevations for these two small buildings in the same manner as the proposed Target store. The back elevation for these small buildings is only 120-foot long and not in any way similar to the larger Target store.

Mr. Spooner said the outdoor seating may or may not happen. They would like to encourage it because it is something that the community would benefit from. The outdoor seating would be similar to that of the Starbucks or McMEnamin's.

Mr. Wechner addressed the rules for outdoor seating in reference to OLCC licensing requirements and serving alcoholic beverages.

Mr. Spooner said that the applicant still plans to build Building #4. The temporary curb defines the scope of the perimeter of the site and would be removed with the construction of Building #4. He and the City Engineer have discussed the CAP Ordinance with regard to this building pad.

Chair Emery asked if there was any proponent or opponent testimony. There being none, he dispensed with the rebuttal portion of the hearing and closed the public hearing on SP 01-04 for discussion and deliberation by the Commission.

Mr. Allen said he had some concerns about the “blank wall” issue for this development, but felt that this probably had occurred with the original site plan. He would question a development that effectively turns it back on the community on the street side. These two retail buildings are significantly smaller than the proposed Target store. A lesson learned from this site plan is that the Commission needs to look at future commercial development on Highway 99W with specific attention to the application being “pedestrian friendly”. These buildings clearly comply with the intent of the site plan. Chair Emery concurred.

Mr. Whiteman said apparently the applicant is doing something right because they have 100% occupancy on the site. The Sherwood Crossroads is an upscale development. He agreed with Mr. Allen’s comments.

Adrian Emery moved the Planning Commission approve SP 01-04 Building #3 General Retail Site Plan based on the public testimony, agency comments, Staff report and recommendations and conditions of approval as revised. Seconded by Patrick Allen.

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

4. Community Comments

The Commission agreed to hear from Mr. Bettis Shepherd because he was unable to be in attendance during the original call for community comments.

Bettis Shepherd, The Hair Machine, 16435 SW Langer Drive, Sherwood, Oregon 97140, addressed the Commission. He noted:

- He wanted to present his concerns to the Commission regarding a new tenant on the same site that his business is located. Of particular concern is parking.
- The Hair Machine has a business license and they have a leased space in a 1000 square foot building. The owner, Khoa Vu Win, used to live in a house next door to his business on the same site.
- Recently, the owners leased the house to a non-profit evangelical group, The Gathering. They put up a sign stating, “office and ministry services”.
- He would like clarification regarding locating churches in the Retail Commercial (RC) zone.

- The Gathering representatives have told him that when they start having their youth activities, barbeques and basketball games, that he would not be able to use the driveway that goes behind their building. This driveway has always remained clear and open for his use.
- He is concerned that these activities will have a negative impact on his business.
- He wanted to bring this to the attention of the Planning Commission.

Mr. Allen asked if this was the same organization that asked the Commission to consider a text amendment to the Code that would allow churches as an outright use in a commercial zone?

Mr. Wechner said that this was correct. Representatives of The Gathering did write a letter to the City raising this issue to the Planning Commission. The City has received two letters from separate churches. The Commission will be considering these requests to allow churches as a permitted use in the retail commercial zones through the Commission's planning for the next work program.

In response to Chair Emery's question, Mr. Wechner said part of the City's code compliance program is to protect adjacent business owners. There are several churches that are currently holding services in schools without any change to the conditional use permit of these schools. There are also church services taking place in existing commercial buildings. The question is how to regulate these activities and whether the use should be permitted outright or as a conditional use. He would encourage the Commission review these issues during their work plan of potential Development Code text amendments.

The Commission suggested Mr. Shepherd work with the landlord and other tenant to resolve the parking issue. Mr. Shepherd said the parties have another meeting scheduled for the next day. His current lease does not address parking. Mr. Henry suggested he try to renegotiate his lease so that it protects his business.

The Commission will advise Mr. Shepherd when the issue of conditional use permits for churches is being reviewed by the Commission.

The Commission asked about the trailer being used for flower sales along Highway 99W. Staff responded that this business was issued a temporary use period for one year.

Ms. Lafayette asked about the tent being used by the church on Oregon Street. Mr. Jones responded that the church was issued a temporary use permit to use the tent until September 30, 2001. The applicant appealed this decision and a public hearing is scheduled for the Commission to hear the appeal on October 16, 2001.

6. New Business

6A. Report from Council Liaison

Mr. Johnson reported that the Council approved the appeal for Nottingham Phase II Preliminary Plat at their meeting held prior to the Commission meeting. This decision reversed the decision of the Hearings Officer denying the application.

6B. Report on Sign Code Ordinance

Mr. Allen reported on the Sign Code Advisory Committee meeting held on Wednesday, September 12, 2001. The Committee developed a list from a business perspective of issues and concerns that the sign code raised. There were seven areas of concern; one being window signs. He discussed the position of Councilor Claus and Mayor Cottle sharing the same perspective that the sign code, as drafted, is unconstitutional because it is content based. They would like to see a sign code that regulates the sign based on the zone in which the sign exists. His concern was having legal counsel saying the proposed language is legal and then having Councilors saying it is not legal. As a Commissioner, he was not sure what to do with this input. He thought that any proposed language would come back before the Commission.

Mr. Shepherd said he too is a member of the committee. He concurred with Mr. Allen's report.

Mr. Johnson said he would favor a more in-depth review of the proposed sign code language. He will be reviewing the proposal in more detail. The ideal result of a sign code would be you do not need to read the sign or proposed sign copy in order to regulate the sign.

Mr. Wechner said the Commission has the option of reviewing the content of the existing language in the Code rather than rewriting the complete sign code.

Mr. Allen discussed the opinion of Councilor Claus that the proposed sign code be based on the Manual Uniform Traffic Control Devices (MUTCD). If the Council believes the ordinance is not constitutional, there has to be some mechanism to get legal advice to the Committee. He said the Committee would meet again prior to the next Council meeting.

6C. Letter requesting renaming Roger Rogers Road

Jean Lafayette reported she had received a letter from a citizen regarding renaming Roger Rogers Road to Wetzel Road, after a family who has lived in the area for a long period of time. Roy Rogers Road is a Washington County facility and citizens have filed a petition with the Washington County Commissioners to rename the road based on historical references or heritage. She would support this request as a resident of Sherwood.

Mr. Johnson said the Planning Commission is generally an advisory body to the City Council. The Commission may wish to take any action or recommendation regarding renaming Roy Rogers Road to the City Council.

Ms. Lafayette said the hearing before the Washington County Commissioners is scheduled for October 2, 2001. The City Council meets on September 25, 2001.

Bill Whiteman moved the Planning Commission recommend to the City Council that they support the petition for renaming Roy Rogers Road to Wetzel Road. Seconded by Patrick Allen.

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

The Commission agreed that Ms. Lafayette present this letter and the Commission recommendation to the Council at their September 25, 2001 meeting.

Chair Emery reported on the recent meeting of the citizens group on the Old Town Design Guidelines. The meeting went very well and he will provide the materials to City Staff.

October 2, 2001 Regular Planning Commission Meeting

The Commission agreed to cancel the October 2, 2001 meeting because there were no public hearing items scheduled. Several Commissioners will be attending the Oregon Planners Institute (OPI) Conference in Eugene on October 4 and 5, 2001.

The next Regular Commission meeting is scheduled for October 16, 2001 and a joint Commission and Council work session is scheduled for October 30, 2001.

7. Adjourn

The Regular Commission meeting was adjourned at 8:35 PM.

Respectfully submitted,

Planning Department