



**City of Sherwood
PLANNING COMMISSION
Stewart Senior/Community Center
855 N. Sherwood Boulevard
December 21, 1999 - 7:00 PM
A G E N D A**

- 1. Call to Order/Roll Call**
- 2. Approval of Minutes – December 7, 1999**
- 3. Agenda Review**
- 4. Public Hearings:** (Hearing Disclosure Statement. Also, declare conflict of interest, ex-parte contact, or personal bias) **Public Hearings** before the City Council and other Boards and Commissions shall follow the following procedure (Resolution 98-743, adopted June 9, 1998):
 - Staff Report--15 minutes
 - Applicant--30 minutes(to be split, at the discretion of the applicant, between presentation and rebuttal.)
 - Proponents—5 minutes each (applicants may not also speak as proponents.)
 - Opponents—5 minutes each
 - Rebuttal—Balance of applicant time (see above)
 - Close Public Hearing
 - Staff Final Comments—15 minutes
 - Questions of Staff/Discussion by Body—no limit
 - Decision (Note: Written comments are encouraged, and may be submitted prior to the hearing, at the hearing, or when the record is left open, after the hearing for a limited time. There is no limit to the length of written comment that may be submitted)
- A. SUB 99-8 Nottingham Subdivision Preliminary Plat (cont'd from 12-07-99):** a request by Joe Broadhurst for preliminary plat approval of a 50-lot single family subdivision. The site is located at 22120 SW Pacific Hwy, Tax Lot 100, Map 2S 1 31B.
- B. SP 99-17 Sherwood Retail Site Plan:** a request by Lucas Development & Regency Realty for approval of a proposed retail center consisting of 5 buildings totaling 88,070 sf, located at 16330 SW Scholls-Sherwood Rd, Tax Lot 300, Map 2S 1 29B.
- 5. New Business**
- 6. Community Comments** *are limited to items NOT on the printed Agenda.*
- 7. Adjourn to Work Session to review potential Development Code Amendments.**

**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
December 21, 1999

1. Call to Order/Roll Call

Chair Angela Weeks called the meeting to order at 7:10 PM.

Commission Members present:

Adrian Emery
Sterling Fox
Keith Mays
Jeff Schroeder
Ken Shannon
Angela Weeks

Staff:

Carole W. Connell, Planning Consultant
Terry Keyes, City Engineer
Roxanne Gibbons, Recording Secretary

2. Minutes of December 7, 1999

Chair Weeks asked if there were any additions or corrections to the minutes of December 7, 1999. There were no comments.

Adrian Emery moved the Planning Commission accept the December 7, 1999 minutes as presented. Seconded by Sterling Fox.

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

3. Agenda Review

Chair Weeks said there was a work session planned for this evening, but considering the public hearings scheduled for tonight, she would recommend not holding the work session. There has not been enough time for Staff to gather the information the Commission wants to cover in the work session. She recommended adding how to address the issue of sidewalks along Highway 99W to the list.

The Commission concurred with this recommendation. Any review would not take place until at least the February 1, 2000 Regular Commission meeting.

Carole Connell asked the Commission what they would like to review; issue papers or language from other jurisdictions. The Commission said this would be acceptable and that they would like to go over each item on the list.

Carole Connell advised the Commission that Staff is recommending Agenda Item 4A be continued to a future Commission meeting. She explained that the Nottingham Subdivision Preliminary Plat is not ready for review due to the fact some new issues have been identified.

She noted the following issues need to be resolved:

- How will the Meinecke Road/Highway 99W intersection be planned? How it will affect surrounding properties? The City has done some work on this project, but none of the alternatives have been formally adopted. If one alternative were used, it would mean that Lots 31 and 32 of the Nottingham Subdivision would be lost. This places the Commission in a position of trying to approve a plat and setting property lines that the alignment of Meinecke would greatly affect.
- It is of the utmost priority that the Meinecke/Highway 99W intersection design alternative be reviewed by the City, property owners and City Staff and then make a decision on how it is going to be designed.
- Staff could get a group together within the next 2-3 weeks to begin this review process, subject to the City Manager's approval.
- Regarding traffic, the applicant did not do a traffic analysis because he was told he could rely on the Kittelson Traffic Analysis for Highway 99W/Meinecke prepared in 1994. If Stellar Drive, which is a minor collector, connects from Woodhaven to Meinecke, the City needs to know what impact this will have on this key intersection. There is also a question of whether Stellar Drive is too close to Highway 99W. The way it is aligned now it is only 350 feet from the intersection. This may not be adequate.
- There is also the question of sidewalks along Highway 99W.
- The north part of this project shows a sanitary sewer coming from Woodhaven. This is not physically possible because of the elevation.
- The applicant is not happy about the application being continued.

The Commission agreed that the Meinecke/Highway 99W intersection alignment was a top priority to be resolved.

Terry Keyes, City Engineer, said with regard to the sanitary sewer, he relies on the preliminary plans from the engineer having done the work to make sure the City is given a feasible project. This is not the case. He talked to the applicant prior to the meeting tonight and Mr. Broadhurst suggested a solution to some of these issues may be to phase the subdivision.

Staff showed the Commission the preferred engineering alternative for the Meinecke/99W intersection alignment. Mr. Keyes said there were three studies done; 1994 Kittelson Study, another one in 1997, and a Bookman-Edmonston study done about two years ago. He showed the Commission these proposed alignments. There is also commercially zoned property on the Nottingham site and the one proposed alignment would go right through the middle of it.

Mr. Keyes said the applicant is concerned in delaying the public hearing due to USA's adoption of the new stream protection standards. Application of these standards could potentially affect this property, but this has not been determined at this point in time.

Keith Mays moved the Planning Commission continue SUB 99-8 Nottingham Subdivision Preliminary Plat to the February 1, 2000 Regular Commission meeting. Seconded by Adrian Emery.

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

4. Public Hearings

Chair Weeks read the hearings disclosure statement and requested that Commission members reveal any conflict of interest, ex-parte contact or bias regarding any issues on the agenda.

Chair Weeks said she had spoken to Staff and a property owner regarding the proposed Sherwood Retail Site Plan. She did not feel this would affect her decision-making process and she planned to participate in the land use hearing for this application.

There were no other Commission disclosures.

4A. SUB 99-8 Nottingham Subdivision Preliminary Plat (continued to the February 1, 2000 Regular Commission meeting)

4B. SP 99-17 Sherwood Retail Site Plan

Chair Weeks opened the public hearing and called for the Staff Report. Carole Connell referred the Commission to the Staff Report dated October 12, 1999, a complete copy of which is contained in the Planning Commission's minutes book. She referred the Commission to the map and elevations, highlighting the main points of the report and noted:

- The review and approval of this application is predicated on all of the conditions being met for SUB 97-2 Lucas Subdivision Preliminary Plat.
- The applicant is proposing to construct a neighborhood shopping center of five (5) buildings totaling 88,070 sf primarily of retail space. Tonight the Commission is looking at the design review for Building 1 (55,150 sf) which is planned for a Safeway and Building #2 (10,000 sf). Buildings 3, 4 and 5 will come back for Commission review at a public hearing.
- The site consists of 9.13 acres, Parcel 1 of the Lucas Subdivision, Tax lot 300, Map 2S 1 29B.
- There is a wetland on this site that has to be filled. She presented for the record a letter from the Oregon Division of State Lands, dated December 13, 1999, regarding wetland delineation for the Lucas property. A state permit is required for fill or excavation of 50 cubic yards or more in the wetland area. This will be a condition of approval for this application.
- The applicant will provide perimeter screening for the site. They exceed the 10% landscaping for the parking area. These numbers need to be verified by the applicant.
- A landscape strip ranging from 10 to 22 feet is provided between all off-street parking, loading and vehicular use areas on separate abutting properties or developments, except where a driveway adjoins the PGE substation site. The standard is not met in this area.
- The applicant needs to verify that 50% of the parking area landscaping is in the interior of the lot. These figures should be provided by the applicant tonight.
- The Code requires 440 parking spaces and the applicant is proposing 467 parking stalls. There should be a condition of approval that verifies parking capacity at each stage of development.

- The site plan illustrates three access points connecting to a public street. There is no direct access to Highway 99W from the site.
- A one-way service drive is illustrated from Borchers Drive to the rear of Building #1. The applicant is negotiating with PGE to create a shared, two-way driveway in that location.
- A neighboring property owner, Eric Anderson, has raised some question about what is going to happen to his access from the property his family owns. This property is located directly across from the site on Scholls-Sherwood Road. In particular, to make a left turn out from his property. She identified the area on the map.
- The Lucas Subdivision was conditioned to bond for intersection improvements and signalization at Borchers Drive and Scholls-Sherwood Road. This will be provided prior to completion of this project. Washington County is requiring these improvements as a part of the County improvements to Scholls-Sherwood Road.

The Commission asked for clarification regarding how trucks would get to the loading dock for the proposed Safeway Store. Ms. Connell identified the area on the map. The applicant will be able to provide further clarification during their testimony. She continued with her review of the Staff Report and noted:

- She referred the Commission to a letter dated December 16, 1999 from ODOT and included it as a part of the record for this application. ODOT did not raise the issue of sidewalks along the frontage of this site on Highway 99W.
- Two pylon signs are proposed for the site. She identified the location on the map. The applicant will have to apply for a sign permit.
- The building elevations look a lot like the Sherwood Market Center that is located on the east side of Highway 99W. This Center has an Albertson's as an anchor tenant.
- The applicant has agreed to provide more pedestrian type lights along the pathways. The types of lights will be similar to the lights in the Sherwood Market Center.
- The applicant has agreed to enhance their landscaping at the northeast corner of the site.
- She identified on the map where street improvements will be made. A condition of approval has been included to address the improvements required of the applicant, and these are to be done in conjunction with the improvements conditioned on the owner/applicant of the Lucas Subdivision.

Terry Keyes discussed the sewer and water and noted:

- The developers of the Lucas Subdivision are conditioned to do the frontage improvements, including the water line which will go underneath Highway 99W and connect to the 12-inch water line being built by the Regal Cinemas. The City is also building a 12-inch water line as part of the Washington County street improvements. He identified the area on the map. There will be a complete water looping system on the north side of Sherwood.
- The applicant for this site plan will be required to provide a water line to serve the project. The City is allowing these to be public water lines.
- The sanitary sewer will come from the Lavender Avenue intersection with Scholls-Sherwood Road into the shopping center. He recommended changing Condition #2C to reflect this.

- He identified on the map where the water quality swale will be located. The applicant will preserve the current swale, but may reconfigure it to coincide with the site plan. This has been included as a condition of approval.
- The applicant must have the Corps of Engineers and Division of State Lands permit for the wetland fill.

In conclusion, Ms. Connell stated that Staff is recommending approval of SP 99-17 Sherwood Retail Site Plan with the conditions as revised in the Staff Report.

Jeff Schroeder asked if Tri-Met had any comments regarding this project. Ms. Connell said this application was not submitted to Tri-Met for comments, but it was a good question.

Chair Weeks asked if the applicant wished to provide comments.

Michael Robinson, representing the applicant, Stoel, Rives, 900 SW 5th Avenue, Suite 2300, Portland, Oregon 97204, addressed the Commission. He introduced Craig Ramey, Regency Realty, who will also provide testimony. He identified other individuals who would be testifying; Diane Phillips, Real Estate Manager for Safeway; and Roger Stame, Benner Stame Architects. Sally Curran, W&H Pacific and Gary Katsion, Kittelson & Associates were also in attendance. He noted the following:

- The entire Planning Department file on this application is available at this meeting.
- There are no elevations shown for Buildings 3 and 4. There are elevations shown for Buildings 1, 2 and 5. Buildings 3 and 4 will look the same as the identified Buildings 1, 2 and 5.
- He asked Chair Weeks if her ex-parte contact was with Mr. Eric Anderson. Chair Weeks said this was correct and the issue raised was with regard to the Anderson's driveway access onto Scholls-Sherwood Road.
- The application is a Regency Realty Development. They have also taken over the Sherwood Market Place Shopping Center. This is a well-managed center.
- The site for this application is zoned Retail Commercial (RC) and the proposed use is allowed outright.
- This is the third time the Planning Commission has reviewed this site. He reviewed the history of the application that was first submitted in 1997. The conditions of approval recommended by ODOT are still in effect.
- On October 22, 1999, Washington County approved the left-turn lane in to the site off of Scholls-Sherwood Road. Scholls-Sherwood Road is a Washington County facility.
- He referenced the Traffic Study which the Commission reviewed in September 1999. Page 5 of the Kittelson report based the numbers on 86,500 sf of use, which included 4,000 sf for a drive-in bank, with the left-turn in to the site, the intersections would function at acceptable levels of service, including all of the improvements the applicant is obligated to make. Without the drive-in bank, there would be even less traffic generation.
- The traffic analysis the Commission reviewed in September 1999 is based on a site plan that is virtually the same as they are reviewing tonight.

- The traffic impacts have been dealt with in the original subdivision approval in 1997 and the modification in September 1999.
- The applicant met with City Staff prior to this hearing to go over any other issues. In response to this meeting, a some things have been added to the site plan. These are the addition of lighting bollards throughout the site, the landscaping has been increased in a couple of areas and they have added some visual pedestrian connections.
- He reviewed the criteria for site plan approval. The Staff Report also reviews this criteria. The applicant agrees with the condition of approval, 2A. They will bond for their portion of the right-turn improvements when ODOT is able to acquire the land from the property owner. This remains a condition of approval on the Lucas Subdivision. This bond must be provided prior to recording the subdivision plat.
- The value of public improvements being provided by the applicant is about \$500,000. He explained how the conditions for improvements would be met. Regency Realty will bond for all of these improvements.
- The applicant agrees with the modified language to Condition 2C that was presented tonight by the City Engineer.
- The applicant would ask that the elevations for Buildings 3 and 4 be waived from public hearing site plan review by the Commission. The design for these buildings will be the same as what the Commission is seeing tonight for Buildings 1, 2 and 5. They would like Condition #8 to be modified by deleting the requirements for subsequent design review as long as Buildings 3 and 4 use the same design, elevations, materials and colors as seen tonight for Buildings 1 and 2.
- With regard to access for the Anderson property, even if this application were not before the Commission, the question whether the Anderson gets a certain kind of access is not going to be affected by this application. The Anderson property access is closer to Highway 99W than the left-in turn to the applicant's site. The Anderson access is going to be affected by ODOT and the standards that Washington County applies.
- With regard to sidewalks on Highway 99W, he referenced Section 6.306.01B of the Development Code that states the Commission may approve developments without a sidewalk along Highway 99W if alternative pedestrian routes are available. This application has alternative access.
- If the Commission decides they want to have sidewalks along Highway 99W, the applicant would want a condition of approval that states if ODOT does not want a sidewalk in their right-of-way, there will not be a sidewalk. Highway 99W is a state facility and if the agency does not want a sidewalk, Regency does not want a condition of approval that would put them at odds with ODOT. This would be a difficult issue to resolve.
- In the original subdivision approval, Jason Tuck did notify Tri-Met about the proposed subdivision. His recollection is that Tri-Met did not have any further comment with respect to access.
- The evidence is before the Commission tonight for approval of the application.

Mr. Robinson said he would answer any questions. Chair Weeks asked if page 14 of the Staff Report regarding streets covered the applicant's concern with regard to ODOT. Mr. Robinson responded that if the Commission decides sidewalks are something they want, it needs to be written in way that ODOT recognizes the applicant is not obligated to do this, if ODOT does not want sidewalks.

Mr. Mays asked what the use was being proposed for the other buildings. Mr. Robinson said Mr. Ramey could answer this question.

Craig Ramey, Regency Realty, 4000 Kruse Way Place, Building #1, Suite 130, Lake Oswego, Oregon 97035, addressed the Commission. He identified the buildings on the site plan and the proposed uses that included retail service space and a day care. One building is specifically designed for a day care. If a day care is not the use, it would most likely revert back to some other destination-type of tenant. The open space for the play area would probably be landscaped.

In response to Mr. Mays' question, Mr. Ramey said they are willing to work with the City with regard to providing some type of artwork on the northeast corner of the site. This would enhance the site as well as being a part of the gateway entrance to Sherwood.

Mr. Shannon asked if the applicant could identify the loading zones and where truck entry would be provided to the site. Mr. Ramey identified the access point on the map and circulation route the trucks would use to exit the site.

Chair Weeks asked if there were other representatives of the applicant who wished to provide testimony.

Diane Phillips, Real Estate Manager for Safeway, 16300 SE Evelyn, Clackamas, Oregon 97222, addressed the Commission. She noted:

- Safeway hopes to be a member of the Sherwood business community. In the last week, they finalized negotiations with Regency Realty to be a tenant for this proposed shopping center. Safeway is an anchor tenant in other Regency shopping centers. They would be proud to be a member of another quality development.
- Regency maintains their sites and the sites are well maintained.
- Safeway has 94 stores in Oregon and each store becomes an integral part of the trade area of the community. Both Safeway and Sherwood will benefit from this store. The investment being made by Safeway will be over \$8 million for this project.
- Another significant benefit to the economic viability of Sherwood would be the creation of new jobs. They estimate 125-150 part-time and full-time jobs will be created with the opening of this store. Safeway is a union operator and they pay family wages. Approximately 70% of their employees earn over \$7.00 an hour and over 50% earn over \$10.00 an hour.
- This store will be a food and drug and it will be a state-of-art store featuring a number of exciting full-service specialty departments. It will have a deli, from scratch bakery, a fully staffed pharmacy, fresh seafood and floral, as well as full grocery, meat, and produce departments.
- Safeway joins the development team in requesting the Commission's approval of this application.
- In terms of the loading dock, Mr. Ramey was correct in how it would function. Safeway is very concerned about this and this is a design that works and will function for their trucks.

Chair Weeks said she and two other members of the Commission have been participating on a steering committee for development with Metro. They were told that to sustain one grocery store would require about 10,000 residents. Sherwood's population is just over 10,000. She asked if it was feasible for Safeway to be coming to Sherwood.

Ms. Phillips said Safeway feels Sherwood is a growing community. It is a quality community and Safeway is taking this very seriously in making an \$8 million investment. They do feel it can be a successful store for Sherwood and Safeway. The trade area is more than just the Sherwood community.

Mr. Shannon said that Highway 99W would be the big draw for Safeway to build in Sherwood.

Roger Stame, Benner-Stame Architects, 5000 SW Meadows, Lake Oswego, Oregon 97035, addressed the Commission. He presented an extensive overview of the design of the site, what building materials will be used and other architectural features of the site. He noted:

- The site has very extensive landscaping which meet or exceed the Code requirements.
- The project has an extensive system of pedestrian linkages to promote pedestrian traffic into this project as well as within the project.
- They have located the loading area out of public view. It is laid out for the types of trucks that will come in and out of the site.
- The landscape system breaks up the parking areas into a series of individual zones of parking.
- They have provided a certain amount of variety and interest on the site and it is visually pleasing.
- He discussed the expansive use of glass and color in the areas used for visual focus.
- They have provided a covered pedestrian canopy that continues all the way along the shops and acts as a visual link for the site and creates a visual interest.
- The buildings have a lot of detailing and special architectural elements.
- They do not yet have a design for the signs for the entrance or along Highway 99W.

In response to Mr. Schroeder's question, Mr. Stame said there are exit doors along the back of the buildings.

Chair Weeks asked if there was any further testimony from the applicant. There being none, Chair Weeks called for proponent and opponent testimony.

Eric J. Anderson, 18007 SW Belton Road, Sherwood, Oregon 97140, addressed the Commission. He owns the property to the north of this site. He did not know if he really was a proponent of this project. His first issue is access. Ms. Connell told him that the cement divider on Scholls-Sherwood Road was not being included. If it was, he would have an issue with this. He presented a copy of a Stipulated Final Judgement for the record. This copy was not signed, dated or recorded. He noted:

- Their property is 4.62 acres, zoned General Commercial and there is no access to Highway 99W due to a case where ODOT condemned the property and had a legal action against his parents. The land was taken from his parents and this was the only access to this property.
- The judgment took away the 99W access and gave access on a County road, Scholls-Sherwood Road. He inherited this from his parents and ODOT and this is what he has to deal with.
- You can't expect to develop 4.62 acres without access.
- He would like equal access to traffic flow for development of his property.
- He asked the Commission to take this into consideration with this application.
- He identified his property line on the map.
- He did not attend the previous meetings on this application. In the past six months he has been in contact with ODOT and Washington County to work on his access issues.
- In a September meeting with Washington County, where Greg Turner was in attendance, Mike Sorenson, Chief Engineer for Washington County, said they were going to take this access away from the Andersons.
- As soon as Washington County knew this was the only access and they would have to buy this piece of property, the County backed down.
- The access is a very sensitive issue with him.
- With regard to the small little triangle piece, he would gladly give this to the City of Sherwood or to this development, but under the current circumstances, he did not think this was appropriate at this time.
- He did not think either he or his parents have been treated in a kind manner. This has nothing to do with the applicant's development, it has to do with ODOT.
- His driveway is 50 feet wide and about 150 feet from the highway.
- He is not necessarily an opponent to the applicant for their development. He thinks the development is great, but he does have concerns about access to his property and he wants an equal opportunity to develop his property.
- With regard to the little triangular piece of property, in a meeting with ODOT and when he asked if they were talking about expanding the right turn lane off of 99W, ODOT was not sure whether there was enough room to even have this turn lane. Obviously, since that time, ODOT has determined there is room for the right-turn off of 99W.

Chair Weeks asked if there was any opponent testimony.

Robert J. Claus, 22211 SW Pacific Highway, Sherwood, Oregon 97140, addressed the Commission. He noted:

- He is opposed to this application for obvious reasons. The Commission is being sold aesthetics, not a site plan. The more they talk, the more the Commission hears.
- When this land was subdivided, it was pretty obvious they were up to something.
- Mr. Lucas gets pieces of land and parcels them and then the City lives with the pieces.
- They were up to something when they had to have the left-turn in to the site.
- This is the classic case of using external instead of internal circulation.

- They are trying to use the public rights-of-way to load. They do not have any internal circulation.
- This is going to cause problems when Mr. Langer begins to develop his Retail Commercial (RC) zoning.
- He identified on the map how the circulation patterns should be changed.
- He discussed the dollar amount the Country does annually on delivery in retail. This delivery is not done by delivery vans. It is done by trucks.
- The only way the applicant can get this development is by having the external circulation. Go to Tualatin and look at the traffic mess at the intersection of Boones Ferry Road and Tualatin-Sherwood Road.
- Once you don't have the correct circulation patterns, the trucks and other traffic start moving through the parking lots. The Haggens Shopping Center is a good example.
- If the applicant provided internal circulation, they would instantly lose an acre.
- The Commission should condition the applicant to present the mitigation plan required by the Corps of Army Engineers or Division of State Lands.
- The Commission also needs to know exactly the size of trucks and turning radius required.
- There is nothing pedestrian friendly about a big box building in a shopping center.
- The site plan being proposed may cause a traffic safety problem. This is the number one ground for denial.
- He did not think it is a good idea to split a 10 or 9 acre site.
- He would never be sold aesthetics for a good site plan.

Chair Weeks asked if there was any further opponent testimony. There being none, Chair Weeks asked if the applicant wished to provide rebuttal testimony.

Michael Robinson, representing the applicant, addressed the Commission. He noted:

- He read the document that Mr. Anderson provided for the record. He agrees that it provides alternative access to Scholls-Sherwood Road for his parents property. Under Oregon law, if the state does not leave you with any access, they have to buy your property. ODOT took their driveway from 99W and had to give them access. What they got was an easement across another property for access to Scholls-Sherwood Road.
- The applicant would not quarrel with Mr. Anderson wanting equal access to his property. The problem is, the applicant simply does not have anything to do with that quest. They would support his trying to get access.
- Mr. Anderson simply would have to go through a formal development process, as they have done over the last 3 years, and find out what uses would be permitted, what the agency comments are and what Washington County is ultimately going to allow for Scholls-Sherwood Road.
- It may be that when all is said and done, Mr. Anderson's concerns would be met.
- Mr. Anderson's driveway is not close to their access to the site. He is correct that the medians are not raised. They are done with striping.
- With regard to the wetland mitigation, if the Commission imposes conditions over which they have no control, he was not sure what benefit this would be for the City. Staff is

recommending a condition that the applicant obtain from DSL permits for wetland mitigation. His firm is working with the State on this.

- Regency Realty is an owner-operator of neighborhood shopping centers. It has a presence in the community and has absolutely no incentive to design a site that does not work. This would be counterproductive.
- This site plan does not have any direct access to Highway 99W. This site plan meets all the Code requirements for on-site circulation (5.200 On-Site Circulation).

Roger Stame, addressed the Commission regarding internal and external circulation for the site plan. The circulation on the site is very clear. Their firm has designed over 5 million square feet of retail area in nine western states each year for the past 20 years. They are probably the premier retail designer on the Northwest. The circulation plan is very clear and concise with regard to how people circulate through the site. They have provided for the loading. There is no incentive for people to park in back of the buildings and walk around to the front to deliver goods. Safeway knows exactly the size of trucks delivering good to their stores. He reviewed the circulation system on the map for the Commission.

Mr. Schroeder asked if the proposed day care does not go in, will parking be placed in the area identified for loading. He was concerned about the day care loading area. Mr. Ramey responded the loading area could be moved if it was used for retail.

Chair Weeks said when the Commission reviewed the application regarding the left-turn in to the site, she and at least one other Commissioner remembered being told there would be one structure and not multiple structures on the site. This was one of the reasons she was willing to approve the left-turn in to the site.

Mr. Robinson said he talked to Ms. Connell about this and he also checked his notes. He said that no one from Regency Realty said there would be only one building on the site. If someone had committed Regency to doing a one building development, the Commission would have seen two things; it would show up in his notes and it would show up in the conditional approval. He suspected what the Commission may be thinking about, and it is reflected in the modified decision notice, is the commitment that Lot 1 would not be further subdivided. The traffic study that the Commission reviewed in September 1999 showed more than one building on the site plan. If they had committed to one building on the site, they were showing the Commission a traffic study based on something substantially different. Neither Mr. Robinson nor Mr. Ramey recalled saying there would be only one building on the site.

Mr. Mays said he recalled what Chair Weeks recalled and he was concerned about the left-turn in to the site. He did recall the traffic study and the site plan showing multiple buildings. The traffic study did defend the applicant's position and Washington County agreed with the study.

Mr. Robinson said he did not know what more the Commission could do than ask the applicant to show them the left-turn would work and then require the applicant to go back to the agency that controls the driveway and get their approval. If they did not think it would work, they would not have granted this to the applicant. If the Commission reads the condition of approval

granting the driveway, if it turns out to be a problem, Washington County and the City of Sherwood would deal with it.

Mr. Shannon said in marketing this piece of property, the easier it is to get people off of Highway 99W and into the site, the more successful it will be. This is how he looked at this project and he thought it was going to be one building too.

Mr. Ramey said it is very important to the applicant that the Commission not believe something was being misrepresented. The concern was if they had the left-turn in to the site, the site would not be subdivided into smaller lots. The applicant said they would keep it as one lot to insure that they would come back before the Commission for site plan review. This was the discussion.

Mr. Robinson said the Commission added two conditions, the one being discussed and that they would come back before the Commission for public hearing on what is being submitted. The Commission has to judge the application under the criteria, which is before them, not just aesthetics, but does the site plan work well. He did not think it would have been as nearly an attractive site plan or something that serves the city as well as this will with one building. This site plan has a pedestrian system, landscaping and architecture and elevations that is throughout the site. One of the primary criticisms of single building developments is that they are unattractive.

Mr. Mays suggested that the parking for the proposed day care be further reviewed. Mr. Robinson asked if he was referring to the fact there are essentially two driveways separating the facility. Mr. Mays said this was correct. Mr. Stame discussed the time when children would be picked up and dropped off at the proposed day care use.

Mr. Mays asked if Building #3 becomes a day care, the site plan should come back to the Commission for review. Mr. Robinson said the applicant would not have a problem if the Commission wanted the day care to be subject to a site plan review.

Mr. Schroeder asked where the garbage facility was located for the proposed day care. Ms. Connell said it was proposed to share the facility for Building #4. Mr. Schroeder said he did not think this would work. Mr. Robinson said if the Commission imposes a condition requiring the day care to come back for review, this could be dealt with at that time. Ms. Connell said Pride Disposal reviewed this site plan and did not have any problems with what was being proposed.

There being no further testimony, Chair Weeks closed the public hearing on SP 99-17 Sherwood Retail Site Plan for discussion by the Commission.

The Commission discussed the parking for the site, in particular the approximate 60 parking spaces in the back of the buildings. Ms. Connell said the applicant is proposing about 20 parking spaces over Code requirements. At some point the City will be looking at maximum parking standards and the Metro compliance.

The Commission discussed placing on “no parking signs” along Borchers Drive and Scholls-Sherwood Road.

The Commission agreed to revise Condition #8 of the Staff Report with regard to subsequent design review for Buildings 1, 2, 4 and 5.

The Commission discussed what type of decorative art work could be placed at the northeast corner of the site.

The Commission reviewed each of the recommended conditions of approval. They agreed to the following changes:

- Revise Condition 2C, “A public 8” sanitary sewer shall be constructed from the existing manhole near the southwest corner of Scholls-Sherwood Rd. and Lavender Avenue to the site. A new manhole shall be installed where the 8” public sewer enters the property.”
- Revise Condition 2O, “A public sidewalk shall be provided along Highway 99W frontage. Any modification to Highway 99W shall be reviewed and approved by ODOT prior to city approval of the construction plans for the site.”
- Delete Condition #7.
- Revise Condition #8, “For Buildings 4 and 5, the applicant shall utilize the same design, elevations, materials and colors approved for Buildings 1 and 2 on the approved site plan. A design and layout for Building 3 shall be reviewed by the Planning Commission at a public hearing.”
- Add Condition 2V, “Vehicle parking is prohibited on Borchers Drive and Scholls-Sherwood Road frontage of the site.”
- Add a Condition, “Provide a decorative corner feature at the NE corner of the site that is compatible with the Sherwood Market Center artwork.”

Adrian Emery moved based on the Staff Report, agency comments and public testimony, the Planning Commission approve SP 99-17 Sherwood Retail Site Plan with the conditions as revised. Seconded by Sterling Fox.

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

5. New Business

The Commission added zoning for town homes to the potential development code amendments. Chair Weeks said that Mayor Hitchcock also had some items to add to this list.

6. Community Comments

There were no comments.

7. Adjourn

There being no further business to discuss, the meeting was adjourned at 10:05 PM.

Respectfully submitted,

Planning Department