



**City of Sherwood
PLANNING COMMISSION
855 N. Sherwood Blvd
Tuesday, February 4, 1997
7:00 PM**

A G E N D A

1. **Call to Order/Roll Call**
2. **Approval of Minutes of January 21, 1997**
3. **Community Comments:** *Community comments are limited to items NOT on the printed agenda.*
4. **Consent Agenda - No applications scheduled.**
5. **Public Hearings:** (Hearing Disclosure Statement. Also, declare conflict of interest, ex-parte contact, or personal bias)
 - A. **PUD 93-3 Woodhaven Final Development Plan Changes:** (continued from January 21, 1997, public hearing open) a request by Genstar Land Co NW for modifications to the approved Woodhaven PUD Final Development Plan and conditions of approval.
 - B. **SP 97-1/CUP 97-1 Nextel:** (Continued from January 21, 1997) a request by Nextel Communications for a Conditional Use Permit and Site Plan to install an unmanned radio telecommunications facility consisting of a 150 foot lattice tower and an 11 ft x 20 ft concrete shelter enclosed in a 40 ft x 40 ft fenced area at 20475 SW Cipole Road, a portion of Tax Lot 601, Map 2S 1 28A. **Staff is recommending this application be continued.**
 - C. **VAR 97-1 ES&A Sign & Awning:** a request by ES&A Sign & Awning for a variance to allow a 150-square foot sign where the General Industrial Zone only allows a sign of 60 square feet, to be located at 13921 SW Tualatin-Sherwood Road, Tax Lot 500, Map 2S 1 28BD.
6. **Other Business**
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
February 4, 1997

1. Call to Order/Roll Call

Chairman Bill Whiteman called the meeting to order at 7:07 PM. He announced that items on the Agenda may be taken out of sequence while awaiting the arrival of the other Commissioners.

Commission Members present:

Allen Baker (7:15 PM)
George Bechtold
Susan Claus (7:20 PM)
Rick Hohnbaum
Angela Weeks
Bill Whiteman

Staff:

Jon Bormet, City Manager
Sue Engels, Development Director
Greg Turner, City Planner
Jason Tuck, Assistant Planner
Jan Youngquist, Planning Intern
Roxanne Gibbons, Recording Secretary

Commission Members absent:

Chris Corrado

2. Minutes of January 21, 1997 Commission Meetings

Chairman Whiteman asked if there were any corrections, additions or deletions to the minutes of January 21, 1997. Rick Hohnbaum asked for clarification regarding the proposed location of the neighborhood park in the Woodhaven PUD. Sue Engels said the PUD application is being put forward by the applicant, but as explained in the Staff Report, there are a number of conditions being requested by the City. The neighborhood park was one of the City's requests. There were no further comments.

Rick Hohnbaum moved the Planning Commission accept the January 21, 1997, Planning Commission meeting minutes as presented. Seconded by Angela Weeks.

Vote for Passage of Motion: 4-Yes, 0-No, 0-Abstain

3. Community Comments

Chairman Whiteman called for comments from the audience regarding any items not on the printed agenda. There were no community comments.

4. Consent Agenda

There were no land use applications scheduled.

5. Public Hearings

Chairman Whiteman 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.

George Bechtold announced he did not participate in the hearing on January 21, 1997 and he wanted to declare a potential conflict of interest. He planned to participate in the discussion

regarding PUD 93-3 Woodhaven Final Development Plan Changes, but he would not vote on the application.

5A. PUD 93-3 Woodhaven Final Development Plan Changes (Public Hearing Open)

Chairman Whiteman announced this application was continued from the January 21, 1997 Commission meeting and the public hearing was still open. He asked if Staff had any additional information. Sue Engels referred the Commission to a memo from Staff dated February 4, 1997, which contained three (3) additional redrafted recommended conditions of approval for the application. These conditions were a result of questions which arose from the January 21, 1997 public hearing and included:

- The applicant shall fund a share of the cost of the Meinecke Road/99W signalization. Such share shall be determined based on a proportionate share of traffic generated within the study area as defined for the Wyndham Ridge Subdivision and prepared by Kittelson & Associates letter to Mr. Jim Rapp (dated February 18, 1994). The applicant shall provide payment for its proportionate share to the City by the date of the last building permit issuance or at the time improvements are constructed, whichever is sooner.
- All access issues from the Woodhaven subdivision to Meinecke Road, including the access locations, shall be determined as a part of the Phase 7 plat approval. At such time, the level of participation by the developer in the access to Meinecke Road shall be determined.
- The applicant shall investigate the feasibility of constructing a Regional water quality/detention facility, and, at the discretion of the applicant and approval of the City, shall be permitted to add up to 23 additional residential units for a total of 1171 residential units.

Ms. Engels reported that the PUD is currently approved not to exceed 1287 units. The applicant will be presenting further information.

Chairman Whiteman asked if the applicant wished to provide additional testimony. He asked that the Commission limit comments and discussion to questions to the applicant.

Phil Nachbar, Development Manager for Woodhaven, Genstar Land Company NW, 11515 SW Durham Road, E-9, Tigard, Oregon 97224, addressed the Commission. Mr. Nachbar distributed a copy of a report from Kittelson & Associates dated February 18, 1994, regarding the Woodhaven Drive connection to Meinecke Road. He specifically noted:

- The report contained information on the traffic impact at the intersections of Pinehurst Drive and Sunset Boulevard and Woodhaven Drive and Sunset Boulevard if the Meinecke Road connection was not constructed. The conclusion of the Kittelson report was the Woodhaven Drive connection to the north to Meinecke Road is not the critical element in operation of either the Woodhaven Drive/Sunset Boulevard or the Pinehurst Drive/Sunset Boulevard intersections. The intersection of Highway 99W/Sunset Boulevard does fall to a service level "D" and allows for less than a 15 percent increase in traffic which would result in capacity problems at this intersection. It is not critical for the development for the Meinecke Road connection to be built prior to project build-out by the year 2005. The Woodhaven PUD build-out date may be earlier, but this was the original projection date.
- The point of build-out would be approaching the critical traffic impact at the Sunset Boulevard/Highway 99W signal. The left turn lane would approach the maximum capacity.

- Without the Meinecke Road connection, the collector intersections on Sunset Boulevard are adequate to accommodate traffic. There would not be any major impacts as a result of not having the connection. There would be a change in the level of service which would still be at an acceptable level.
- The report contained information regarding safety access concerns as the development proceeds and whether not having the Meinecke Road connection would affect safety and vehicle access. The Meinecke Road connection would provide a quicker access for emergency response time.
- It was the applicant's interpretation that the conclusions contained in the Kittelson report indicate that there is not a critical need for the Meinecke Road connection, prior to, or at the time of build-out.

Mr. Nachbar referenced the three additional drafted recommended conditions of approval. He noted:

- With regard to the second condition, the applicant views this condition to imply that they have some level of participation in the Meinecke Road connection. The applicant is not sure they do. It is their view to-date that it has been City policy not to require developers to improve off-site roads to other properties. In this case, there is no indication that the Woodhaven project would be solely responsible for causing the need for this road. There are roads constructed in Woodhaven that other developments are using and have not contributed to, nor were they expected to contribute to. Although the applicant will accept this condition as written, they will ask the City Council for clarification as to policy regarding any financial participation in this road. This is not to say the road might not be needed.
- With regard to the third condition, the regional water detention facility was a suggestion of the City and was not initiated by the applicant. The City would like the option of creating a regional detention pond and overall system. This makes a lot of sense if it can be done. The City would like to see one of the major detention facilities located in Stella Olsen Park. If the applicant were able to consolidate and eliminate many of the Woodhaven detention ponds, this might be possible. At this point in time, the applicant has looked into the feasibility of this request. They do not have a yes or no response. This may be a policy decision and not only a technical decision. The applicant will do their best to look into this request. With respect to the specific condition, the applicant stands to gain from this change in terms of overall cost for all water detention and the potential addition of units. The City stands to gain by obtaining a regional detention pond and have a more flexible policy for future developments.
- With regard to the commercial property, the applicant is asking for some flexibility on how the property may be zoned and developed. The Commission was concerned about potential property owners knowing how this property was going to be developed. At the time of building permit for this property, the applicant could declare whether the site would be commercial or townhome. The applicant believes this is a reasonable solution to their concern that they really do not know the market for townhomes or how a commercial development may work in that location for the benefit of the whole neighborhood. The applicant would like to have some flexibility for this property and asked that the Commission consider this request.

Mr. Nachbar said he would answer any questions.

Allen Baker asked for clarification regarding the commercial site and when the use would be declared. Mr. Nachbar said the applicant would have a specific proposal for the entire site, either commercial or townhome. If the first townhome site is successful, in all likelihood they would just carry this through. They plan to have a site plan to the City, provided the PUD changes are approved at this point, within one month or less for this townhome site. With regard to advising potential property owners, people would probably not be moving into the townhome site before December and across the street, Phase 8 would not be developed for at least one year. The two townhome sites would be driven by the market and how it responds.

In response to Susan Claus's question, Mr. Nachbar said the townhome site next to the commercial parcel would have a maximum of 73 units with a one year absorption rate. The preliminary plans show the connection to these townhomes from Pinehurst Drive with an exit only onto Sunset Boulevard. These plans are not final at this point in time.

In response to Bill Whiteman's question, Mr. Nachbar said Sunset Boulevard is an example of a road which the applicant made substantial improvements to, and the improvements were not shared with any off-site users, and is being used by other developments in the area. Woodhaven Drive is an internal street which will be used by off-site users after the Meinecke Road connection is made. He agreed with Ms. Claus that the applicant is getting some type of a credit or offset for improvements for Woodhaven Drive as a collector street.

Ms. Claus asked how Woodhaven is being marketed to current and potential property owners with regard to the commercial property in the PUD since there is a sign identifying the site as commercial. Mr. Nachbar said they have been reluctant to tell potential buyers that the property is going to be developed as commercial, although potential buyers are fully aware of the plans for the Woodhaven PUD. The applicant believes it would be better to market the property as being either commercial or residential up front so buyers are fully aware of the options. The applicant would prefer that the Commission allow them 18 months before a final decision is made on the use of the site, either commercial or townhome.

Chairman Whiteman asked if there was any other proponent testimony.

Tom Schwab, Transportation Engineer, Kittelson & Associates, 610 SW Alder, Suite 700, Portland, Oregon 97205, addressed the Commission. He stated that Mr. Nachbar did an excellent job in presenting the findings contained in the February 4, 1997 report from Kittelson. He noted:

- The two key intersections in the site, Pinehurst Drive/Sunset Boulevard and Woodhaven Drive/Sunset Boulevard, would operate at service level "B" during the AM peak hours without the Meinecke Road connection. During the PM peak hours, without the Meinecke Road connection, one of the intersections would drop to service level "C" which is still very acceptable in terms of operation at an unsignaled intersection. The key intersection, Sunset Blvd/Highway 99W with the signal, using the 2005 year forecast, at build-out, would have a "D" service level without the Meinecke Road connection. It would be right at the verge of capacity. There would be some relief by providing the Meinecke Road connection.
- The level of service at key intersections does not provide a clear statement of need for the Woodhaven Drive connector to the north prior to build-out.

- The information on the Sunset Boulevard traffic took into consideration the Woodhaven build-out with background traffic looking at other things in the plans to-date and expected to be developed within the next 10 years. It is the same background traffic which was used in the August 1992 report for the Woodhaven development. The February 4, 1997 report included some slight adjustments that included the latest plans for the Woodhaven PUD.
- The February 4, 1997, Kittelson report did not specifically take into account the traffic impact of the proposed YMCA site. However, the report did consider some level of development for this site.
- The Sunset Boulevard/Highway 99W intersection, left turn movement, will be approaching capacity by the year 2005 with normal growth. Normal growth assumes an approximate 2 to 2-1/2 percent growth, per year or annually, of traffic volume. You would want to look at 4-5 years to get an average or trend. For 10 years, you would find about a 2% growth for Highway 99W annually.
- There were some traffic counts taken in early 1996 which were used in the current report.
- If the Meinecke Road connection is constructed within the next 10 years, it would provide some relief for the Sunset/Highway 99W intersection by providing a secondary access. If the connection is not constructed, the level of service would still be within the "D" range which is acceptable. The "E" range is capacity and this is when you would start getting traffic delays.
- It is encouraging that Sherwood is on the edge of the Urban Growth Boundary when considering current level of growth and Highway 99W.
- An updated traffic analysis would probably take two months to prepare the final report..

Chairman Whiteman asked if there was anyone else who wished to testify, proponent or opponent.

Bob Salisbury, Meinecke Road, Sherwood, Oregon 97140, addressed the Commission. Mr. Salisbury asked for clarification regarding the proposed Meinecke Road connection in relation to his property. On the most recent map, it looked like the road was still on his property.

Mike Monical, Civil Engineer, OTAK, Inc., 17355 SW Boones Ferry Road, Lake Oswego, Oregon 97035, addressed the Commission. Mr. Monical showed Mr. Salisbury where the road was moved as identified on the updated plan. Mr. Monical said that the road was moved off of Mr. Salisbury's property.

Mr. Salisbury was concerned about the trees on his property being saved. Mr. Monical explained the right-of-way and the various options which would be used to saved the trees. There may be some trees not on Mr. Salisbury's property which would not be saved.

Susan Claus said Mr. Salisbury seemed to be concerned with his trees as well as the canopy of the trees which are off-site. The whole tree line would be affected because it would be within the canopy of the root zone. Mr. Monical said he was not an arborist, but there are conditions to build roads which would save trees. He cited several other areas in Sherwood where trees have been saved. Mr. Salisbury said his trees are 150-200 feet high and would have an extensive root system. Mr. Monical said he could not guarantee how the road would be designed, but he believed the road could be designed to not kill the trees. He could not guarantee this because he was not an arborist. He identified the potential frontage road and the road which was approved

with the original Woodhaven PUD. He identified Phase 7 and the location of the proposed neighborhood park in relation to the Meinecke Road connection. Mr. Salisbury said it looked like they were putting a scab on his property and he did not plan to develop his property for twenty years.

Susan Claus asked if it was being contemplated that the small local street stub was going to be punched through in addition to the other street going through to Meinecke Road. Sue Engels responded it would be expected that the Woodhaven Drive stub would connect to Meinecke Road. The proposed condition was worded as such because Staff believes there are a lot of decisions which are hard to make right now. The applicant has not applied for approval of Phase 7 and Staff does not know how the property to the north of this phase is going to be developed. The proposal is to give the Commission a way to put off the decision-making in very specific terms until Staff has a little more information. The decision for the stub would be easier to make with more information. The potential is there, but what is done with it would depend on future circumstances.

Susan Claus said this was part of the argument the Commission had with Woodhaven in general. The Woodhaven PUD does not have enough connections. She asked if the connecting street to Meinecke Road was a part of the City's Transportation System Plan. Sue Engels said she was not aware of the second stub being a part of the Transportation System Plan. The first street stub is a part of the present Transportation System Plan. She reminded the Commission that the City will be updating the City's Transportation System Plan in the near future.

In response to Angela Weeks's question, Mr. Monical said the plan is to have a collector run Sunset Boulevard through to Meinecke Road. This takes into account the Kittelson study for Meinecke Road. He assumed this connection would not be made until the Meinecke Road/Highway 99W signalization and approach was being built. Mr. Nachbar reiterated there are a number of options for approaches to Meinecke Road and nothing has been decided at this point in time.

Jim Claus stated the Commission has allowed the hearing to proceed with very serious conversation with no statement for the record identifying the speaker. This information would be needed for LUBA. Chairman Whiteman said the meeting was being recorded and it would be a part of the record.

Chairman Whiteman asked if there was anyone else who wished to testify.

Robert James Claus, 22211 SW Pacific Highway, Sherwood, Oregon 97140, addressed the Commission. Mr. Claus asked the Commission to be somewhat tolerant because there would not be another hearing that will be de novo on this matter. What is said tonight will have to move forward and any issues must be brought up tonight. This was why he objected to the way the record was being created. He made several points regarding why he was in attendance. He could take this forward from here. He noted:

- The City Council has final jurisdiction on this matter and an appeal would go to the administrative Land Use Board of Appeals (LUBA) and then it would go judicial.

- He does not need to have standing other than be a voter and a citizen of the County. He does not need to be a resident of Sherwood, but merely the state of Oregon.
- The City does not have a large tax base. They cannot support the police and library without special levies. They cannot support the existing City Staff without SDC's being used. The City simply does not have the revenue. The tax budget is small. The citizens of Sherwood must be constantly aware that when the building boom is over, and it will be over, costs will fall back onto the taxpayers of Sherwood. When the costs fall back, there will only be special levies or raising the tax base.
- It is prudent for the Commission to take very careful view of what this group is doing. He suggested, as he did in the original hearings, that they not have the kind of record as developers that you can trust to leave it to me, I'll take care of it.
- He did not talk to his wife about his testimony. He mentioned to the City Manager that he had an objection, but not in any great detail, and he has not discussed it with any other members of the Commission.
- He discussed ex-parte contact in the state of Oregon and what may be considered a conflict of interest. Only Mr. Bechtold and Mr. Hohnbaum have a complete record of what has occurred with the Woodhaven PUD. He needed to go over this with the other Commissioners so they could question him if they desired.
- The development started out as a golf course. They were going to build a golf course just like King City. It was going to be a destination oriented activity. This was the original plan. Then hardship and great problems developed. The property was worth more money and they could not get the money to build the golf course. That was wrong and it was a misstatement.
- The applicant paid so little for the ground they could have sold off half the ground and had the revenue to build the golf course. The statement that they could not find the financing was not accurate. It was a convenient ploy to put forward a PUD.
- The first thing the applicant did was change Sunset Boulevard. It is a mess, except for a developer. The maintenance costs were not put down. Mr. Claus objected to Sunset during the original hearing because the City had a limited tax base. The City does not have the money to fix Sunset Boulevard. The City has \$26,000 in the Park Fund and the developers spend more money planting trees, landscaping and watering. If anyone objected, they were first against Japanese Americans and now against Canadians. The City is being attacked by major developers that are going to lift the citizen's scalp before it is over with.
- The developers are professionals; they are in and out; they don't stay. The only truth they said in these hearings is that sooner or later they will build out that project and leave town.
- The developers have built two Sherwoods.
- The developers got Mr. Rapp and Ms. Connell to take Villa Road off and break it. He objected to the fact that plans are not complete on Villa Road and unless he sees the drawings they will go to LUBA because it is a violation of both the Parks and Transportation Plans.
- He discussed what the Woodhaven developers paid per acre, and what the acres would sell for at this time. It will cost the developer \$12,500 per house, they will sell the lots for \$65,000 for a profit of \$40,000. That is a profit of \$250,000 times 300 acres.
- He referenced what happened to the Centex development with regard to the storm sewer and water lines.
- The Woodhaven development is 25% of Sherwood's population.

- He discussed the Meinecke Road connection and the response of the applicant. He said he has had enough of these people and enough of why the Canadian Supreme Court found reason to ban Planned Unit Developments in Canada.
- The City's stormwater, transportation, and general plans are being bent by these people who have found another way to make more money.
- The City should call a moratorium on these Woodhaven developers. The City should get an engineering study on their sewer and water lines, and make sure the lines are going to every adjacent property.
- Now the City has a citizen telling the Commission there is a boundary line dispute.
- The Commission needs to look at what this development is going to cost the City.
- How much business will be taken away by removing the Meinecke Road connection and sent to Newberg. The City is supposed to protect its tax base. Building two Sherwoods guarantees a substantial part of the City's revenue going toward Newberg.
- He has seen the Woodhaven developers make a deliberate attempt to disassociate themselves from the Old Town and say we need neighborhood commercial. Now they want the option of either townhomes or neighborhood commercial depending on the marketplace.
- These people are not stayers, they are developers.
- There has been some suggestion that either he or Susan get money out of this kind of thing. He guarantees this is not the case.
- He knows they are going to sell park land and this park land will be sold to the City in a way that gets them out of a major financial obligation. The City will be paying for more than they should.
- The City Staff is not experienced enough to go against this type of developer. LUBA would be.
- Sunset Boulevard was a substantial improvement for the Woodhaven development, not the City of Sherwood. Now there are two Sherwoods. The ultimate insult is the developer now saying they have no responsibility for the Meinecke Road connection. They should be responsible for two-thirds of the light and the Meinecke Road connection and he will prove it with LUBA.
- The whole thing is outrageous. It is reported in the financial journals that the Woodhaven project is one of their most profitable ventures. The City should not thank them for getting rich at the City's expense, and for building a City section that has maintenance costs that cannot be supported.
- He discussed the regional stormwater facility. No one knows what it is going to cost and whether USA will allow it.
- The Commission needs to make the developer provide a transportation study with regard to the Meinecke Road connection and whether it fits the City's general plan. It does not. It is a violation of the City's general plan.
- The City now has a situation where there are two Sherwoods. The developer does not have any intention of associating with Sherwood. They can do it right or they cannot do it at all.
- He realizes some of the current Commissioner's had nothing to do with the original Woodhaven PUD plan.
- Where are the detailed drawings for Villa Road. Where is the transportation study to back this up.
- The developer is buying zoning. The City cannot keep going backwards and pick up the bill. Don't let anybody build a high cost town which the City tax base cannot support.

Chairman Whiteman asked Mr. Claus to identify specific recommendations regarding what he thought the applicant should provide to the Commission. Mr. Claus said the developer should provide:

- A transportation study for the Meinecke Road connection.
- A transportation study that goes through to Meinecke Road showing the applicant's costs.
- An origin destination study to show origin/destination trips which will go down to Sunset Boulevard and where they will go.
- A cost study, in advance, on the Woodhaven water and sewer, guaranteeing that the connections are large enough to serve the adjacent areas.
- A regional stormwater facility and budget which meets USA standards.
- If the applicant is selling anything to the City and attempting to relieve themselves of a responsibility by that sale, the money needs to be in the coffers to meet the original commitments. If the City is paying anything over \$20,000 per acre for the park, the applicant better put \$500,000 into the Meinecke Road study.
- A composite statement for the PUD showing where they are making changes to the zoning and how the PUD merits these changes and supports the merits of Oregon law and the standards of Land Conservation and Development Commission (LCDC).
- A statement how they have met LCDC's requirements on the way this was to be planned as a community. They will need to look at the City's general plan to prove that they have not built two communities.
- With regard to the changes in zoning, they need to have a specific study as to why that change of zoning is possible, its impacts, and precisely how it will affect travel in the area.
- The developer has changed the City's general plan and the City let them get away with it . They could have come across Villa through the downtown. Now they say they may possibly participate in the Meinecke Road connection, but will not do anything until the Meinecke signal is completed. They are conveniently passing this burden to the other property owners such as Mr. Salisbury. He identified the areas on the map.
- There needs to be something more from the applicant before anything should be approved by the Commission. If they want a PUD, treat it like a PUD and get the numbers.

Chairman Whiteman asked if there was anyone else who wished to provide testimony.

Joanne Weeks, 27420 SW 207th Avenue, Sherwood, Oregon 97140, addressed the Commission. Ms. Weeks said the plan showed the road cutting through the park and the road which would possibly meet the Old 99W Highway, and right now it would go right through their building. It would be better to come through the neighborhood park onto Meinecke Road and people could either go to Old Town or the Albertson's without ever having to go onto Highway 99W. Using the park to access Meinecke Road would make more sense.

There was no further testimony and Chairman Whiteman closed the public hearing on PUD 93-3 Woodhaven Final Development Plan Changes.

The Commission took a brief recess to look at the updated maps for the project and reconvened at 9:15 PM.

Chairman Whiteman said he understood that the remaining tot-lot parks have basically been eliminated by the proposed neighborhood park which would front on Meinecke Road. The City would be responsible for maintaining the neighborhood park. Staff responded that this was correct. If the Commission accepts the three additional conditions which were proposed by Staff tonight, then approval of Phase 7 would include a designation for the connection to Meinecke Road. Staff responded that this was correct.

Chairman Whiteman asked for further explanation regarding Villa Road. Sue Engels said the present plans for Villa Road show it will end on both the west and east sides before getting to the ravine. Staff recommends a pedestrian/bicycle path connecting the east and west side. Staff felt it was impractical to place asphalt down into the ravine and recommended a bridge to connect the sides. The change in the proposed condition is that the applicant be required to construct a bridge above the floodplain connecting the east and west sides of Villa Road. The applicant has agreed to this condition.

Ms. Engels stated at one point when Villa Road was planned to be a wider road that went all the way through to Woodhaven, property was acquired to accomplish this connection. With the street changes, there was no need for the City to have that kind of right-of-way and the property was given back to the property owners, with the exception of a sidewalk easement. On the Woodhaven side of Villa Road, the original condition stated both inside and outside the development, the road would be built to a certain standard. The property owners outside favored a road which would have as little traffic as possible. The present condition states that the applicant will be responsible for no greater development than a standard road, but possibly less. This would be the portion of Villa Road which comes from Woodhaven to the ravine.

Mr. Bormet said this condition would allow Villa Road to remain a country road. Villa Road would not be a thoroughfare for vehicular traffic. The connection would be a pedestrian/bicycle path with a bridge over Cedar Creek. Phase 7A or 7B of the Woodhaven PUD would include the changes to Villa Road. The public right-of-way was narrowed and would still be maintained. It was previously determined that Villa Road would not be a through road and this was included in the City's Transportation Plan.

Susan Claus thought that the decision to cul-de-sac Villa Road on either end happened without a public hearing. Staff could not confirm this statement.

Chairman Whiteman said it was his understanding that Villa Road was part of the original connection to the Woodhaven PUD and tied Woodhaven into the downtown area. Mr. Hohnbaum said this was correct. Chairman Whiteman said this connection has been eliminated and the connection to Meinecke Road has been removed at the present. He did not know if these decisions were in the best interests of the community.

The Commission discussed the bikepaths and their maintenance. Mr. Bormet said the primary bikepaths are on the City's Master Plan and are creditable against systems development charges. The bikepaths in the corridors will be maintained by the City. There are other bikepaths and the median along Sunset Boulevard which will be maintained by the homeowner's association. The pedestrian/bicycle bridge across to Villa Road would be maintained by the City. He identified the areas on the map.

Mr. Bormet said Staff recommended a regional stormwater detention facility. The theory behind this is it would be easier to maintain than several separate facilities. This was discussed with the applicant and USA and will be reviewed for feasibility.

Angela Weeks asked if the Parks Board had reviewed the proposed neighborhood park. Mr. Bormet said the Parks Board is developing a new Master Parks Plan for the community. The theory behind the neighborhood park in lieu of the many tot-lots is that one large park would be easier to maintain. The City is still negotiating for the purchase of this property for the neighborhood park. Ms. Weeks said she would like to see the involvement of the Parks Board, their recommendation regarding the neighborhood park and the proposed budget for this park. Mr. Bormet said he thought the City could maintain the park. Mr. Baker and Chairman Whiteman concurred with this request.

Mr. Bormet suggested four lots from Phase 4 be moved into Phase 7. If this could be done, then the decision for both of the stubs and the connection to Meinecke Road could be deferred to a later date. At the Commission's request, Sue Engels reviewed the number of lots in each phase on the map, including those approved and pending development. The City Council would determine if the remaining phases could be submitted in a different order than the approved Final Development Plan phasing plan. Any minor changes to the Final Development Plan may be approved by the Council without further public hearing or Commission review, provided that such changes do not increase densities, change boundaries or uses, or change the location or amount of land devoted to specific uses. Major changes would require both the Commission and Council review in the public hearing process. The Commission discussed the remaining phases left for review and when they may be submitted.

Mr. Hohnbaum asked if the City had made an offer to buy the lower townhome site off of Inkster Drive. Mr. Bormet said no offer had been made. Ms. Engels said in Phase 5, regarding the two multi-family sites, one proposes 73 units and the other proposes 76 units. The applicant is proposing if they build townhomes, they would build no more than 73 and 76 respectively. If the option were allowed to place single-family units on the townhome site off of Inkster Drive, the maximum density would be 65 lots.

Mr. Baker said he did not feel the applicant should be allowed the option for townhomes on the neighborhood commercial site. The Commission was not sure they could approve double zoning and the zoning would need to be one or the other. Mr. Bormet suggested this could be discussed further at the City Council hearing with a recommendation from the Commission. The Commission thought the double-zoning matter would be a policy issue and would be made at the Council level.

Phil Nachbar, Genstar, said the applicant would be acceptable to taking the 4 lots from Phase 4 and include them with the Phase 7A or 7B application submittal.

The Commission asked if the plan for Villa Road being a non-vehicular thoroughfare was permanent and if not, what procedure would be necessary to make changes to this plan. The Commission asked for a report from Staff regarding the Villa Road thoroughfare closure and the

procedure used. Mr. Bormet said there were several issues which needed to be considered regarding the plans for Villa Road.

The Commission discussed the Meinecke Road connection and signalization at Meinecke Road and Highway 99W, specifically the participation of the applicant.

Angela Weeks said she felt the transportation study presented was too old and asked that a new transportation study be made available prior to any final decisions regarding the application. In particular, what effect the YMCA would have on the traffic flow as well as the Meinecke Road connection. She also asked for more information on the proposed regional stormwater detention facility. Chairman Whiteman stated the Commission had an obligation and responsibility to the community to get the information they want prior to making any final recommendation on this application. They need to make a decision which is in the best interest of the community and not the developer.

Mr. Bormet said the applicant has accepted many of the City-recommended conditions and he did not want it to seem like they were penalizing the applicant. The Staff recommendation is to approve the application with the conditions as recommended by the City and the applicant.

Chairman Whiteman stated that there was no formal discussion with the Commission prior to the purchase of the property, or after the sale was made, regarding what impact the YMCA would have on the Woodhaven PUD, in particular the traffic impact. Mr. Bormet stated the February 4, 1997 Kittelson Report stated the neighborhood streets, Pinehurst and Woodhaven Drives, are operated at Level "B" at build-out or the year 2005. The Sunset Boulevard/Highway 99W intersection will be more affected by the whole Highway 99W corridor, not because of the traffic from Meinecke Road and Sunset Boulevard.

Angela Weeks said at the last meeting she specifically asked when Woodhaven would be built-out and she was told 2-3 years, not the year 2005. After seeing the report tonight, she is more confused. She was sorry if the Commission was not going along with the plan, but the Commission had a lot of questions. Mr. Bormet said the year 2005 projection is the build-out for the total area.

The Commission reviewed the proposed conditions in Attachment A. It was agreed that the reference to Meinecke Road regarding the connection from Woodhaven should remain in the appropriate conditions. They discussed the possibility of requiring the applicant to submit the remaining phases in numerical order. There was no concurrence.

It was the consensus of the Commission that more information and time was needed to review this application and that no decision could be made at this meeting.

Angela Weeks moved the Planning Commission continue PUD 93-3 Woodhaven Final Development Plan Changes to the February 18, 1997 Commission meeting. The record was closed. Seconded by Rick Hohnbaum.

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

Rick Hohnbaum said he agreed with the comments made earlier by Mr. Claus, but thought Mr. Claus was speaking to the wrong group and that Staff needed to hear his comments. They have been discussing a lot in theory, and talking a lot of planning without the numbers. It is hard to plan and discuss the future of the community without having a little bit of the history and numbers involved. He did not feel that the Planning Commission had been dealt with fairly or appropriately regarding the information they needed in order to make a good decision for this application.

Susan Claus said she was glad to hear Mr. Hohnbaum's comments. She felt the comments directed towards the Commission were appropriate because some of the Commissioners do not have the history regarding some of these applications. She also supported the City Staff and felt many improvements have been made in providing information to the Commission.

Chairman Whiteman said Staff did a good job, but felt that the Commission was looking at a completely different PUD than originally presented.

A subcommittee of the Commission will meet and work with Staff to develop conditions which would be more acceptable for presentation to the full Commission.

5B. CUP 97-1/SP 97-1 Nextel

Chairman Whiteman announced that this application would be continued to the February 18, 1997 Commission meeting.

5C. VAR 97-1 ES&A Sign & Awning

Chairman Whiteman announced that this application would be continued to the February 18, 1997 Commission meeting.

6. Other Business

There was no other business presented to the Commission.

There being no further business to discuss, the meeting was adjourned at 11:15 PM.

Respectfully submitted,

Planning Department