



**City of Sherwood
PLANNING COMMISSION**

855 N. Sherwood Blvd

Tuesday, August 5, 1997

7:00 PM

A G E N D A

- 1. Call to Order/Roll Call**
- 2. Approval of Minutes of July 15, 1997**
- 3. Community Comments:** *Community comments are limited to items NOT on the printed agenda.*
- 4. Consent Agenda**
 - A. Request for Site Plan Exemption:** a determination has been made to require a site plan review for a proposed canopy and pump upgrade located at 21090 SW Pacific Hwy. The applicants, John & Dorothy Alto, have requested an exemption from the requirement.
- 5. Public Hearings:** (Hearing Disclosure Statement. Also, declare conflict of interest, ex-parte contact, or personal bias)
 - A. SUB 97-2 Lucas Subdivision Preliminary Plat:** (continued from July 15, 1997) a request by Lucas Development for preliminary plat approval of a 5-lot subdivision, at SW Borchers Dr and Pacific Highway. Tax Lot 300, Map 2S 1 29B.
 - B. SUB 96-6 Sherwood Crossroads Subdivision Preliminary Plat:** a request by One Sherwood Development LLC for preliminary plat approval of a 7-lot commercial subdivision, located at the corner of Scholls-Sherwood Rd at Highway 99W. Tax Lot 300, Map 2S 1 29B. (**This application is being continued to another date.**)
 - C. SP 97-5 Stark Street Lawn & Garden Site Plan:** a request by Sabre Construction for site plan approval of an 11,430 sf facility for the sale & repair of yard & garden equipment, located in the Industrial Park of Sherwood. Tax Lot 900, Map 2S 1 28BC.
- 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
August 5, 1997

1. Call to Order/Roll Call

Chairman Whiteman called the meeting to order at 7:05 PM.

Commission Members present:

Susan Claus
Scott Franklin
Angela Weeks
Bill Whiteman

Staff:

Sue Engels, Development Director
Greg Turner, City Planner
Jason Tuck, Assistant Planner
David Brooks, Planning Intern
Roxanne Gibbons, Recording Secretary

Commission Members absent:

Allen Baker
George Bechtold
Doug Saxton

2. Minutes of July 15, 1997 Commission Meeting

Chairman Whiteman asked if there were any corrections, additions or deletions to the minutes of July 15, 1997. There were no comments.

Susan Claus moved the Planning Commission accept the July 15, 1997, Planning Commission meeting minutes as presented. Seconded by Scott Franklin.

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.

Chairman Whiteman directed the Commission's attention to a letter dated August 5, 1997, from the applicant's attorney regarding Agenda Items 5A and 5B, SUB 97-2 Lucas Subdivision Preliminary Plat and SUB 96-6 Sherwood Crossroads Preliminary Plat, requesting a continuance to dates specific.

4. Consent Agenda

Chairman Whiteman asked that Agenda Item 4A be removed from the Consent Agenda for discussion. He had talked to Greg Turner regarding the reason items are placed under certain categories on the Agenda. The Commission discussed several options, including using specific titles for "New Business" or "Other Business" which would not involve a public hearing. Staff

will try some other methods for placing non-public hearing items on the agenda and determine which method works the best. The Commission concurred.

4A. Alto Chevron Station Remodel Request for Site Plan Exemption

Chairman Whiteman asked Staff to review the recommendation to require a site plan review for the proposed canopy and pump upgrade at the Six Corners Chevron Station. Greg Turner referred the Commission to the letter dated July 29, 1997 to John and Dorothy Alto from Staff regarding the application for the Chevron canopy and pump upgrade located at 21090 SW Pacific Highway. He specifically noted:

- As a point of clarification, the existing canopy is 52 ft x 38 ft and the new canopy will be 52 ft x 68 ft.
- The criteria for a “substantial alteration” shall mean any development activity under the jurisdiction of the Commission, as defined by the Code, that generally requires a building permit and may exhibit one or more characteristics contained in Section 5.102.01 of the Development Code.
- Staff felt the change would require a building permit and would alter the exterior appearance of the structure, building or property in that the canopy is being enlarged. The activity constitutes a change in a City approved plan as per Section 5.102.03 of the Development Code. The proposed activity constitutes a change in the previously approved Conditional Use Permit, City File #87-03.
- Based on the findings of Code Section 5.102.01, it has been determined that the proposed modifications are a “substantial alteration” to the original approval, based on the fact that the change requires a building permit, alters the exterior appearance of a structure and constitutes a change in a City approved plan.
- A letter dated August 4, 1997 from Mr. Alto to the City Staff and Planning Commission was distributed to the Commission. The letter contained several points of clarification regarding the project.
- A letter dated July 16, 1997 from Mr. Alto to the City Manager was included in the packets.
- Two colored photos of Chevron stations were distributed to the Commission; an existing station and one showing the expanded canopy.

Chairman Whiteman asked Mr. Alto if he wished to provide further information.

John Alto, PO Box 1090, Sherwood, Oregon 97140, addressed the Commission. Mr. Alto said he was aware of the information that had been provided to the Commission. He responded to the Commission’s questions and specifically noted:

- He initially met with City Staff and it was his feeling from this meeting that a site plan review would not be required. There was no formal indication or commitment from Staff that a site plan review would not be required.
- He did not feel the changes being made were significant. They were not changing the building or the site.
- The proposed canopy will be the same width as the existing canopy and will be 30 feet longer.

- They propose to have six islands and will reduce the number of gasoline dispensers from eight to six. They would like to spread out the six new dispensers for safety reasons.
- It is a quality project, it is not going to adversely affect the safety of the highway, and it will upgrade their facilities. Sherwood is a good place to do business.
- The new canopy will be about one-half the size of the BP canopy which was approved by the Planning Commission last year.
- Sherwood Code Section 5.102.02 allows the City Manager to waive site plan review when a proposed development activity clearly does not represent a substantial alteration to a building or site involved.
- They will be able to serve 12 cars at one time from the 8 cars they serve now. They can serve more than 8 cars now, but to do this people need to back in and get crossways and it is not very safe.

Chairman Whiteman asked Staff what things would be considered if the proposal went through a site plan review. Greg Turner said Staff would look at the site plan, prepare findings and include all the normal requirements for submittal. This would include transportation or traffic generation, appearance, site circulation, and comments from the appropriate agencies. If it did not go through the site plan review it would be a matter of the applicant submitting to the Building Department for a building permit.

Chairman Whiteman said there seemed to be a difference of opinion regarding the term “substantial alteration”. He asked for further clarification.

Mr. Turner said Staff determined the proposal meets the building permit criteria and exhibits two of the findings that require site plan review. This determination by Staff is a strict interpretation of the Development Code.

Susan Claus said the proposal would increase the capacity and this would affect the circulation. Mr. Turner said the proposal would improve the circulation on the site. Mr. Franklin said this was important and he agreed with Mr. Turner’s assessment.

Mr. Turner said this application would be a modification to the original approval that had a fee of about \$300.00. The land use fee for the proposal would be one-half of the original fee and a time line of about sixty days for the review.

Mr. Alto said if they did not have to go through a site plan review, they would apply for a building permit immediately. They would like to start the project as soon as possible. They would need to shut down for about 45 days to complete the project. There is no safe way to keep the Food Mart, Car Wash and Lube Express open during this construction. The building season really ends about mid-November.

Sue Engels discussed the July 16, 1997 letter from Mr. Alto to the City Manager. Staff has looked at the proposal and determined that a site plan review would be needed. However, the Code does state that the City is authorized to waive a site plan review. In this case, the next step

would be a review and determination by the Planning Commission whether a site plan review was required.

Mr. Turner said this proposal was presented by Mr. Alto in a meeting with Staff where they discussed the proposed changes to the Chevron Station.

Chairman Whiteman said it is important for the Commission to consider the safety of the public. He did not believe that the addition of 30 feet of canopy and additional islands was a substantial change which would require formal site plan review. In fact, this proposal would improve on-site circulation and safety.

Susan Claus said she was only concerned about the extra capacity. Mr. Alto discussed past business at the station and how it has substantially decreased from its largest distribution in 1995. In December 1995, they sold 360,000 gallons of gasoline and their current volume is down to 100,000 gallons of gasoline. He did not believe the station would ever get back to this type of distribution considering the current competition in the area. The fuel blending tests are monitored arbitrarily by the State and are set to State standards. They have exceeded these requirements for three consecutive years.

In response to Ms. Claus's question, Mr. Turner said Staff is going by a strict interpretation of the Code. Staff is asking for a decision from the Planning Commission whether or not the proposal is a "substantial alteration". The Commission has the leeway to make this determination. ODOT reviewed the proposal and determined it was a minor alteration and they would not require any further traffic study. Chairman Whiteman applauded Staff for bringing this proposal to their attention and allowing the Commission to make a determination whether a "substantial alteration" is occurring.

There being no further discussion,

Chairman Whiteman moved the Planning Commission waive the site plan review for the Alto Automotive, Inc. Chevron canopy and pump upgrade located at 21090 SW Pacific Highway because it does not represent a substantial alteration to the building or site involved. Seconded by Scott Franklin.

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

Mr. Alto thanked the Commission for their review and decision.

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.

There were no Commissioner disclosures.

**5A. SUB 97-2 Lucas Subdivision Preliminary Plat and
5B. SUB 96-6 Sherwood Crossroads Subdivision Preliminary Plat**

Chairman Whiteman referred the Commission to the August 5, 1997 letter from the applicant's attorney requesting a continuance of these two land use applications to specific dates.

Susan Claus moved the Planning Commission continue SUB 97-2 Lucas Subdivision Preliminary Plat to the August 19, 1997 Commission meeting and SUB 96-6 Sherwood Crossroads Subdivision Preliminary Plat to the September 2, 1997 Commission meeting as requested by the applicant. Seconded by Angela Weeks.

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

Greg Turner introduced David Brooks, the planning intern, who is with the City for a six month period.

5C. SP 97-5 Stark Street Lawn & Garden Site Plan

Chairman Whiteman called for the Staff Report. David Brooks referred the Commission to the Staff Report dated August 5, 1997, a complete copy of which is contained in the Planning Commission's minutes book. He noted:

- The applicant is proposing to construct a new facility for Stark Street Lawn & Garden to provide sales and repair of yard and garden equipment. The site will include 11,430 sf of building area and a 4,260 sf open canopy. Vehicular access will be from Galbreath Drive and the site will have 43 off-street parking stalls.
- The site is located at the northeast corner of the intersection of SW Gerda Lane and SW Tualatin-Sherwood Road, Tax Lot 900, Tax Map 2S 1 28BC. The site is zoned General Industrial (GI) and the proposed use is permitted outright within the current zoning designation. The site consists of 1.54 acres.
- He showed slides of the site.
- The proposed development meets the applicable zoning district standards and all provisions of Chapters 2, 5, 6, 8 and 9. Chapter 9 is not applicable to this site plan application as there are no Historic Resources on the site.
- Approximately 29% of the lot area used for the display or parking of vehicles is landscaped. A landscape strip of at least ten feet in width is provided between rights-of-way and all abutting off-street parking, loading and vehicle use areas. A ten foot wide landscape strip is provided between separate abutting properties and developments.
- The application meets the off-street parking standards.
- A condition has been included to provide wheel stops in parking spaces along the boundaries of the parking lot or adjacent to interior landscaped areas.
- The applicant has provided a draft copy of the proposed sign, but is not seeking a sign permit at this time.
- The applicant included a letter from a Civil Engineer certifying that the proposed project will meet or exceed the standards of Chapter 8.
- The proposed development can be adequately served by services conforming to the Community Development Plan.

In conclusion, based on a review of the applicable code provisions, agency comments and Staff review, Staff recommends approval of SP 97-5 Stark Street Lawn & Garden Site Plan with the conditions contained in the Staff Report.

Scott Franklin asked if the Commission received a copy of the Civil Engineer's letter. A copy was not included with the packets and Staff distributed a copy for the Commission's review. The applicant had originally asked for an exemption, but eventually complied with the Code requirements.

Mr. Franklin asked if the applicant had complied with the Tree Ordinance and tree mitigation. Sue Engels said the landscaping plan meets Code requirements. Mr. Brooks said the applicant provided a tree inventory.

Mr. Boutinen stated that the arborist's report showed that certain trees should be removed. This information was contained in the Staff Report for the Industrial Park of Sherwood land use application.

Chairman Whiteman opened the public hearing for SP 97-5 Stark Street Lawn & Garden Site Plan and asked if the applicant wished to provide testimony.

John Boutinen, Sabre Construction, representing the applicant, 7235 SW Bonita Road, Tigard, Oregon 97224, addressed the Commission. Mr. Boutinen noted that the owners were also in attendance. They are in substantial agreement with the Staff Report and conditions of approval with two minor exceptions. He noted:

- Staff has recommended that a 6 foot high sight obscuring fence or landscaping be required along the northeast property line. The civil engineering plans show that the top of the bank is a minimum of 3-4 feet above the parking area. They would like to be allowed to use 3 foot landscaping. A 6 foot sight-obscuring fence would stick out like a sore thumb.
- The other item is Condition #10 which discusses handicapped parking being adjacent to the main entrance. They have provided handicapped parking access near the secondary entrance which is closer than the primary entrance. He identified the areas on the site plan. The applicant believes this to be the proper location and more practical from an accessibility standpoint. The doors will not be automatic, but will meet handicap accessibility requirements.

Chairman Whiteman asked if the applicant was aware of the Plan Text Amendment which would eliminate general commercial uses in the industrial zoning. Sue Engels said this text amendment was recently denied by the City Council. Mr. Boutinen said they had been made aware of the previously proposed text amendment. They have not been made aware by Staff of any limitations for signage other than allowed by the Code. Ms. Engels clarified that the industrial zones are limited to the size of the signage. Mr. Boutinen said they are aware of this standard and the proposed sign meets the general industrial zone sign requirements. He answered several Commission questions and noted:

- The building will be metal sided.
- They do not plan to have any sign on the Tualatin-Sherwood Road side of the building. A copy of the proposed sign was shown to the Commission. It is not an elevated sign on a pole.

Sue Engels said the Council denied the plan text amendment which would disallow general commercial uses in the industrial zones. There was discussion about the subject being brought back with further information from Staff regarding what type of retail uses would be permitted in commercial zones. This application would be exempt from any text amendment regarding general commercial uses in the industrial zones.

In response to Chairman Whiteman's question, Mr. Tuck said there are other metal sided buildings in the Industrial Park of Sherwood.

Mr. Franklin asked for clarification regarding the elevations. Mr. Boutinen said the lay of the land is about a 17 foot slope. He discussed the elevations on the site.

Tom Jennings, Stark Street Lawn & Garden, addressed the Commission and answered questions. He noted:

- They would typically not have more than 15 employees on the site.
- Employee salaries range from a minimum wage to the management level of pay. They do have some technical service employees with an average salary of \$10-11.00 per hour. Sales staff is paid \$8.00 to \$9.00 per hour with incentives.
- The Sherwood location will be the second site for Stark Street Lawn & Garden.
- They also do repair and maintenance of lawn equipment.

Chairman Whiteman asked what would happen if this application was approved and a plan text amendment was adopted in the future disallowing some general commercial uses in the industrial zones. Sue Engels said from the date the applicant applied they are entitled to be considered under the current zoning code in effect. If the City decided to remove general commercial uses from general industrial zone, this use would become a legal non-conforming use, subject to those provisions in the Code. They and any subsequent owner would be able to continue with the same type of use. A legal non-conforming use is limited in terms of expansion and rebuilding in the event of a fire. It is important that the applicant is aware of the possibility that the City may, at some future date, remove general commercial uses from the industrial zones.

Mr. Jennings said they are aware of the limitations regarding a legal, non-conforming use.

Mr. Franklin asked for further clarification regarding the grading plan. Mr. Boutinen showed the Planning Commission the grading plan. He identified the various elevations along the berm. There will be street trees planted along the Tualatin-Sherwood Road side of the project. Traveling west on Tualatin-Sherwood Road, you would not see any of the loading area and only a portion of the building roof. Mr. Franklin said seeing the grading plan alleviated some of his concerns.

In response to Chairman Whiteman's question, Jason Tuck said Staff considers commercial farm equipment to be farm tractors or combines.

Mr. Boutinen explained the type and location of the catch basin. It will be designed to meet USA standards. The oil/water separator will be located in-ground. The fire code does not require the building to be sprinklered. There is a fire separation wall between the service area. There would be limited welding and much of the equipment is repaired with replacement parts.

Chairman Whiteman said he was concerned about the parking lot configuration and how vehicles would circulate on the site. Mr. Jennings discussed the parking lot configuration and type of customers. Based on previous experience, they tried to design a parking area that would provide a good traffic flow. Generally, with the type of business, people are in and out. Mr. Boutinen said internal circulation signage could help direct customers, but they would like to segregate the two parking lots. The parking area is designed with the proper radius for vehicles turning around. He identified the area to be used for employee parking on the map. Their engineers and architects have put a lot of time and discussion into the design of the parking lot and believe the design being presented in the most effective for the proposed use.

The Commission discussed at length internal circulation and the parking lot configuration. Mr. Jennings said most of the trucks are 30 feet or less. Weekly deliveries are mainly UPS. He said they were very supportive of trying to improve the internal circulation and would be more than willing to work with the City Staff to accomplish this.

Mr. Boutinen said the parking stalls will meet the standard 9 foot width and be 20 feet in length.

Susan Claus asked the applicant if the Stark Street name would be carried to the Sherwood location. Mr. Jennings said they considered the company name. Some businesses have been around the Portland area for so long that for instance, the "Stark Street" name has nothing to do with the location. They feel the Stark Street name is of this nature. They plan to have "west" in the Sherwood Stark Street location. He said he understood the question and concern. Carrying the Stark Street name to Sherwood is by no means meant to be an insult to the community.

The Commission reviewed the recommended conditions of approval and agreed to remove Condition #10 regarding handicapped access, rewording Condition #2E regarding the water quality control and adding a condition regarding on-site circulation.

Chairman Whiteman asked if there was anyone else who wished to speak in favor of SP 97-5 Stark Street Lawn & Garden Site Plan. There was no further proponent testimony. Chairman Whiteman asked if there was anyone who wished to speak in opposition to the application. There was no opponent testimony and the rebuttal portion of the hearing was dispensed with. Chairman Whiteman closed the public hearing on SP 97-5 for discussion by the Commission.

Scott Franklin moved the Planning Commission approve SP 97-5 Stark Street Lawn & Garden Site Plan based on the Staff Report, agency comments, findings of fact, public testimony and conditions as revised. Seconded by Angela Weeks.

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

SP 97-5 Stark Street Lawn & Garden Site Plan was approved subject to the following conditions:

1. The final development plans shall be in substantial compliance with the submitted plans dated April 29, 1997, except as modified herein.
2. Prior to the submittal of plans for building plan check, provide engineered construction plans to the City and all applicable agencies for public and private improvements including cost, maintenance and bonding provisions in compliance with City, USA, WCDLUT and TVFRD standards. The plans shall include provisions for streets, street trees, on-site sidewalks, sanitary sewer, water, fire protection, storm water runoff, erosion control, grading, site lighting, landscaping and signage.

In particular:

- A. The development should be provided with a means of disposal for sanitary sewer. The means of disposal should be in accordance with R&O 96-44 (Unified Sewage Agency's Construction Design Standards, July 1996 edition) Engineer should verify that public sanitary sewer is available to uphill adjacent properties, or extend service as required by R&O 96-44.
- B. The development should have access to public storm sewer. Engineer should verify that public storm sewer is available to uphill adjacent properties, or extend storm service as required by R&O 96-44. Hydraulic and hydrological analysis of storm conveyance system is necessary. If downstream storm conveyance does not have the capacity to convey the volume during a 25-year, 24-hour storm event, the applicant is responsible for mitigating the flow.
- C. The developer shall provide a water quality facility to treat the new impervious surface being constructed as part of this development.
- D. Provide complete drainage calculations and a drainage map that will indicate new topo lines and elevation lines. The preliminary stage of development, the developer/engineer is required to furnish to the City preliminary upstream and downstream storm analysis per USA Standards.
- E. Provide detailed plans for water quantity or quality control.

- F. Plans shall be submitted which indicate the location of driveways on S.W. Galbreath Drive across from the subject property which would cause a conflict of movement.
 - G. Show finished floor elevation.
 - H. Show all proper erosion controls.
 - I. All improvements shall comply with the City of Sherwood Construction Standards.
 - J. The applicant shall provide a detail sheet of the water line.
3. Comply with Washington County Department of Land Use and Transportation letter dated July 1, 1997.
 4. Provide a final landscape plan for city approval prior to building permit issuance. The final landscape plan shall show locations of any existing trees retained within the visual landscape corridor.
 5. All exterior signage shall be subject to the review and approval of the City's Planning and Building Departments prior to the installation of any signs.
 6. The placement and design of a solid waste disposal facility on-site shall be coordinated among the applicant, the City, and Pride Disposal.
 7. The applicant shall provide a six foot high sight-obscuring fence or plantings along the northeast property line adjoining Tax Lot 800.
 8. All parking stalls shall meet the required standard of nine (9) feet in width and twenty (20) feet in length. Up to twenty-five percent (25%) may be signed as compact car stalls with a size of eight (8) feet in width and eighteen (18) feet in length.
 9. The applicant shall provide wheel stops at least four (4) inches in height and located three (3) feet from the front of the stall in parking spaces along the boundaries of the parking lot or adjacent to interior landscaped areas.
 10. Applicant and Staff to refine circulation and signage plan to prevent those vehicles towing trailers from parking in front of the building and to provide such parking in the rear of the building.

This approval is valid for one (1) year.

6. Other Business

Chairman Whiteman announced the following events:

- The YMCA ground breaking ceremony is scheduled for 10:00 AM, Wednesday, August 6, 1997. The public is invited to attend.
- On August 21, 1997, a joint meeting of the City Council, Planning Commission and Parks Advisory Board will be held either at the Masonic Hall or Senior Center.

Jason Tuck reviewed the pending land use applications. The September and October Planning Commission meetings will have full agendas.

The Commission directed Staff to provide current information regarding the status of a hard surface driveway for the Montessori School.

Sue Engels discussed the Transportation System Planning (TSP) process and noted:

- The Focus Group and Agency Review Committees have both held one meeting and will meet again on Thursday, August 7, 1997.
- On August 14, 1997 an open house will be held at the Senior Center from 7:00 PM to 9:00 PM to discuss the TSP process and provide information to the public.
- Another public open house will be planned for October 1997.
- The public hearing process will probably begin in December 1997 or January 1998.

Susan Claus asked several questions regarding the Focus Group and when future meetings were going to be held.

There being no further business to discuss, the meeting was adjourned at 9:55 PM.

Respectfully submitted,

Planning Department