



P.O. Box 167
Sherwood, Oregon 97140
625-5522 625-5523

Planning Commission
Agenda

July 18, 1985
7:30 p.m., School District Board Room
400 No. Sherwood Blvd.

- I. PUBLIC HEARING - To consider whether the Community Development Code should be amended to allow "automobile and truck repair garage" in the Community Commercial Planning Designation Area.
- II. Approval of Minutes - April 18, 1985; June 6, 1985.

Commission Members;

In addition to this packet, Consultant Planner Sally Rose will be sending the Staff Report directly to you.

Pam Lammers
Office Clerk



P.O. Box 167
Sherwood, Oregon 97140
625-5522 625-5523

PUBLIC NOTICE

SHERWOOD PLANNING COMMISSION

The Sherwood Planning Commission will hold a public hearing on Thursday, July 18, 1985 to consider whether the Community Development Code should be amended to allow "automobile and truck repair garage" in the Community Commercial Planning Designation Area.

The hearing will be at 7:30 p.m. in the School District Board Room, 400 N. Sherwood Blvd. For further information telephone 625-5522.



P.O. Box 167
Sherwood, Oregon 97140
625-5522 625-5523

June 28, 1985

Polly Blankenbaker
City Recorder
City of Sherwood

Re: City Initiated Plan Text Amendment to Community
Commercial (CC) Planning Designation Area Standards.

Dear Polly:

In accordance with the City Council's motion made June 26, 1985, I hereby make application to initiate an amendment to Community Commercial (CC) Planning Designation Area Standards. Please forward this request to the City's Consulting Planner and schedule the application for consideration at the earliest Planning Commission meeting, as permitted by requirements for public notice.

The Council wishes the Planning Commission to consider, and make a report and recommendation, on amending Section 2.11.B, "Uses Permitted by Right" to include a new use #48 "Automobile and truck repair garage". Such uses are permitted in the General Commercial (GC) zone. In the CC designation the closest equivalent use is "automobile service stations including tire and wheel balancing" which is permitted as a Conditional Use under Section 2.11.C.1. Automotive repair separate from a service facility is clearly prohibited in CC areas, under the present Plan text.

This issue has been raised by the recent denial of a business license for an automotive repair shop in the "Old Town" neighborhood on the corner of N.W. Main Street and S. W. First Street. The building in question has been vacant for over 1 year but prior to that had been used as a repair garage for some 30 years or more, according to the testimony of the landowner. Members of Council generally confirmed this history.

At least since the adoption of the current Community Development Code in 1980, this use was allowed to continue under Chapter 2, Section 7.00, "Non-Conforming Uses and Characteristics", of the Code. This same Section under subsection 7.06.A4 specifies "when a non-conforming use of a structure and premises is discontinued for 120 days the structure and premises shall not, thereafter be used except in full conformity with all regulations of the Planning Designation Area in which it is located. Thus any "grandfather" rights had been lost and reestablishment of the particular business activity in question is not permitted.

APPROVED MINUTES

Sherwood Planning Commission
Minutes
July 18, 1985

The meeting of the Sherwood Planning Commission was called to order by the Chairman, Dwight Minthorne at 7:40 p.m. Planning Commission members, Gene Birchill and Dave Crowell were present. Sally Rose, Consulting Planner of Bekendorf & Associates was also present.

Public Hearing - To consider whether the Community Development Code should be amended

Sally Rose advised that this request was initiated by the City Council because of a matter that was brought to their attention by a property owner. This is a business on 1st and Main streets that is now vacant but was an auto repair business for many years. The area is in the community commercial zone and this type of business was determined to be incompatible to that zone. The existing business was fine until they stopped doing business for a period of 120 days and it then became a non conforming use, which can not be reestablished. This use is now allowed in the general commercial zone. The code does state that the community commercial zone is to provide for community needs. The staff recommendation is that this be allowed as a conditional use and that it be limited to business that is carried on entirely in a building. This recommendation was made as a way of limiting the business to the repair of automobiles and small trucks.

Mr. Minthorne opened the hearing for discussion by the public.

Mr. David Cole stated that he was the son of the property owners and was attending to find out what action was being taken. He advised that the building has been a garage for 30 years and has been renovated.

Discussion was held as to whether the code should be changed permanently with respect to the grandfather clause or whether the Planning Commission should look at these types of issues one by one and the possibility of changing the rule of 120 days vacancy to possibly 6 months.

Gene Birchill made a motion to recommend to the City Council to amend the code to allow a conditional use in the community commercial planning area for this auto and truck repair with the staff recommendation. Dwight Minthorne seconded the motion. Discussion was held as to whether they should allow auto repair anywhere in the community commercial zone or whether this should be for pre-existing businesses. Dwight Minthorne withdrew his second to the motion and Gene Birchill withdrew his motion.

Planning Commission meeting - July 18, 1985

Gene Birchill made a motion to concur with the staff recommendation and findings and insert the wording, "where pre-existing" between "repair" and "when". Dwight Minthorne seconded the motion. Motion passed with 3 ayes.

Approval of Minutes - April 18, 1985

Dave Crowell asked to add the words, "at this time" to the end of the second to the last sentence in the second paragraph. Dave Crowell made a motion that the minutes of April 18, 1985 be approved as corrected. Gene Birchill seconded the motion. Motion passed unanimously.

Approval of Minutes - June 6, 1985

Dave Crowell asked that the title of Sally Rose be corrected. Dave Crowell made a motion to approve the minutes of June 6, 1985 as corrected. Dwight Minthorne seconded the motion. Motion passed unanimously.

Meeting adjourned at 8:45 p.m.


Mary L. Holland, Minutes Secretary