

SHERWOOD PLANNING COMMISSION  
AGENDA

October 21, 1982  
7:30 p.m. City Hall

- I. Reading and Approval of Minutes of October 5th.
- II. Announcements and Correspondence.
- III. Case No. V-82-03  
A request by Mrs. Clara Sanders to vary certain conditions imposed on her property by City Council's action on land use matter MP-82-01.
- IV. Case No. PD-81-01  
A request by the developers of the proposed planned unit development-Orland Villa - for a one-year extension for commencing construction.
- V. Case No. PD-82-05  
A request by Dennis L. Murry, applicant, and Jerry Burge, owner, to partition lot 2000 of section 30A 2S1 into two lots.
- VI. Next Meeting Agenda.

# **APPROVED MINUTES**

MINUTES  
Sherwood Planning Commission  
October 21, 1982

In attendance at the meeting were Gene Stewart, chairman; Norma Borchers, Joe Galbreath, Ron Tobias, Diane Gothie, Norma Oyler and Clarence Langer, Jr., members; Jonathan Block, planning intern, attended in the absence of Todd Dugdale, City Administrator.

Chairman Stewart called the meeting to order.

I. Reading and approval of the minutes of the previous meeting was deferred to the end of the meeting on the motion of Ron Tobias, the motion was seconded and carried. Diane Gothie reiterated her request that the Commission receive the minutes prior to commencement of the meeting and said she understood that they were to receive the minutes with the packet of materials mailed to them prior to the meeting night.

II. Announcements and Correspondence. Diane Gothie said the Design Review Board had not met as scheduled due to lack of a quorum. Chairman Stewart referred to correspondence received by the Commission regarding land within the Urban Growth Boundary and the misconception that it is made up of five acre parcels. He noted it isn't anymore and that the matter had been sent up to the City Council. Ron Tobias said receipt of the correspondence should be acknowledged and noted it was too late for the Planning Commission to act on the matter mentioned in the letters.

III. Case No. V-82-03. A request by Mrs. Clara Sanders to vary certain conditions imposed on her property by City Council's action on land use matter MP-82-01.

Chairman Stewart opened the variance proceeding. Ron Tobias raised a factual question concerning language in the Findings of the Staff Report of October 8, 1982. The language reads: "The applicant seeks to have waived the conditions that were placed upon her property as a result of the Planning Commission's approving a Minor Land Partition request . . . ." Mr. Tobias said he recalled that the Commission had put no restrictions on the property and if it had, the action taken had been overturned, overruled and cast aside, and that he thought the wording incorrect. There was discussion concerning the language. Chairman Stewart said the conditions were put on by ordinance. It was noted that no action had been taken on the matter by the City Council, that the variance proceeding was a result of a decision by City Management, and that the Planning Commission didn't have authority to waive conditions required by the Minor Land Partition Code. Jonathan Block said that the language in the Staff Report didn't expressly state that the Planning Commission placed the conditions but indicated that the conditions were placed as a result of the Planning Commission approving the Minor Land Partition.

Proponent Testimony. Mrs. Clara Sanders spoke on her own behalf for the variance and refreshed the Commission's memory concerning the history of the matter. She recalled that in February, 1982, she had requested a Minor Land Partition so that she could build a smaller, daylight basement home on the back of the existing lot. The Planning Commission approved the request, the City Administrator referred the matter to the City Attorney who determined that the Commission didn't have the power to make such a decision and she was informed she would have to apply for a variance. She noted that she had paid \$100.00 for the MLP application and was required to pay an additional \$100.00 for the variance application. Mrs. Sanders said that the condition that she dedicate 24' to widen Division had nothing to do with her desire to build a house on the lot. She noted that a hedge that had been planted 40 years ago to prevent road erosion and protect the existing house from winter storms and summer heat would be sacrificed, along with eight birch trees planted 25 years ago, the driveway and half of the garage. She enumerated the footage she and her husband had already dedicated to the City to extend Lincoln, Pine and Division, and said that Vista Avenue has been deeded to the City although it is still on her tax role. She thought that Division could more practically be widened on the south side of the street than on the north side. Mrs. Sanders stated that the condition that she dedicate the additional footage for Division in order to be granted a Minor Land Partition was coercion.

Jonathan Block made the staff presentation and noted that the key to granting a variance was finding exceptional or extraordinary circumstances which existed regarding the site in question. He further noted that the code is clear that before development can proceed the City can require that street improvements be made standard and that the Comprehensive Plan for Sherwood called for the widening of Division Street.

Discussion was held concerning the various aspects of the matter, including the requirements of the code and procedural questions. It was determined that if Mrs. Sanders were to sell the portion of the lot with the existing home she would be able to build on the back portion of the lot without restriction.

Joe Galbreath and Ron Tobias formulated a motion to grant the variance request without conditions finding special and unusual circumstances and removing all conditions attached to the Minor Land Partition. The motion was seconded and carried.

Mrs. Sanders asked that she receive notice in writing that she now has permission to separate her lot. Chairman Stewart said formal notice would be sent out by the City, but noted that the actions of the Planning Commission are subject to review by the City Council.

IV. PD-81-01. A request by the developers of the proposed planned unit development Orland Villa for a one-year extension for commencing construction. Ron Tobias moved the extension be granted, it was seconded and carried.

V. Case No. MP-82-05. A request by Dennis L. Murry, applicant, and Jerry Burge, owner, to partition lot 2000 of section 30A 2S1 into two lots. Jonathan Block gave the staff presentation as outlined in the Staff Report. Mr. Murry and Mr. Burge were in attendance and spoke on behalf of the MLP. Mr. Murry is buying the home existing on the lot and so the need for the MLP. He is starting a landscaping business and the home will be used as headquarters and a garage and outbuildings will be erected for storing business and employee vehicles. Norma Oyler raised a question concerning water pressure down the line from the business being low and the water requirements for the landscaping business. It was answered that the City had fixed the water line. Ron Tobias moved that the request be granted subject to the conditions set forth in the Staff Report, the motion was seconded and carried; Norma Oyler abstained.

The minutes of the previous meeting were read and approved. The secretary said she would do her best to get the minutes to the Commission members prior to the meeting night.

It was confirmed that the Planning Commission would be meeting on the first and third Thursdays of the month to give the staff time to adequately prepare matters that were sent up to the City Council.

The meeting was adjourned.