

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 701

AN ORDINANCE ADOPTING FINDINGS WITH RESPECT TO THE APPLICATION OF SHERWOOD PLAZA, INC. FOR APPROVAL OF A CHANGE OF ZONE CLASSIFICATION FROM C-1 (LIMITED COMMERCIAL) AND C-2 (GENERAL COMMERCIAL) TO C-1PD (LIMITED COMMERCIAL PLANNED DEVELOPMENT) AND C-2PD (GENERAL COMMERCIAL PLANNED DEVELOPMENT) WITH RESPECT TO TAX LOT 701, WASHINGTON COUNTY ASSESSOR'S TAX MAP NUMBER 2S130D, AND APPROVAL OF A GENERAL DEVELOPMENT PLAN FOR SAID LAND PURSUANT TO §3.09 OF THE CITY OF SHERWOOD ZONING ORDINANCE; GRANTING APPROVAL OF SAID APPLICATION, AND FIXING AN EFFECTIVE DATE.

THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

Section 1: The Council finds that the lands hereinafter described have heretofore been and now are classified C-1 (Limited Commercial) and C-2 (General Commercial) pursuant to Sections 3.05 and 3.06 respectively of the Sherwood Zoning Ordinance, ordinance #588 as amended. The lands which are the subject of the application consist of 10.88 acres and lie west of the Sherwood Plaza shopping center now under construction. The lands abut North Sherwood Boulevard, Southwest Pacific Highway (99W), and Northwest 12th Street. The land is presently undeveloped, vacant, and unused. Approval of the application would have the effect, pursuant to §3.09 of the Sherwood Zoning Ordinance, of superimposing a special district over the existing zoning for this property, thereby permitting, in addition to the uses and development standards permitted in the underlying zone, uses approved by the Planning Commission as consistent with an approved development plan. The standards and criteria by which the application is to be reviewed are set forth in subsection B, 3, a of Section 3.09. The subject property is more particularly described on Exhibit A hereto attached and by this reference incorporated herein.

Section 2: The Council further finds that pursuant to prescribed procedures, the application for planned development classification of said land, was the subject of review and public hearing by the City Planning Commission on July 18, 1978. Subsequent to that hearing and review the Planning Commission voted to approve the change in zoning classification on July 18, 1978. The Planning Commission, as a part of that proceeding, approved covenants and restrictions to be imposed on the entire parcel including specific use limitations and general development requirements, thereby establishing the general type and interrelationship of uses for the phased development of the property, approved the general site features including access and major circulation features, and a development plan for the first phase of the development. A copy of the covenants and restrictions approved by the Planning Commission is marked Exhibit B, incorporated herein and by this reference made a part hereof.

Section 3. The Council further finds that after due and legal notice a public hearing was held on August 23, 1978, before an impartial council, and at said hearing all parties interested were afforded an opportunity to be heard and to present and rebut evidence. At

said hearing the Council received in evidence the City staff report dated July 2, 1978, marked Exhibit C, attached hereto and incorporated herein.

Section 4: After due consideration of the application, the recommendations of the Planning Commission, the staff report and evidence adduced at the hearing before the Council, the Council makes the following additional findings:

(a) The application if allowed will conform to the comprehensive plan. This area is designated for commercial uses. The application as restricted by the covenants would now allow substantial changes in use or development standards from those required by existing zoning except those which the Planning Commission finds justified by the requirements, amenities and benefits obtained by imposition of the development plan. For example the general plan as proposed would provide for open space exclusive of parking greater than that required by the development standards of the underlying zones while increasing the amount of area available for C-2 uses to more than would have been possible pursuant to the underlying zoning classifications.

(b) The proposal is in harmony with the surrounding area. The development plan will make it more harmonious with surrounding property than would development under existing zoning, due to additional controls and requirements of the plan.

(c) The system of ownership and means of development, preserving and maintaining the open spaces are suitable. The recordation of covenants and restrictions running with the land will assure that plan requirements be carried out with respect to development and that maintenance of the plan features after the property is developed will be provided.

(d) The first stage, phase 1 of the development can be substantially completed within one year or within any continuation which may be allowed at discretion of the Council pursuant to §3.09, subsection F.

(e) The following portions from the staff report, Exhibit C, are adopted as findings of the Council: Basic Facts 1 through 5, page 2 of report; Findings 1 through 7, pages 2-6.

(f) The conditions to approval recommended under "Staff Recommendations" pages 6-7 of the staff report, Exhibit C, are appropriate conditions to carry out the purposes and objectives of the Planned Development District classification for the subject property.

Section 5: The lands described on Exhibit A and presently designated C-1 and C-2 as indicated on the plat attached to Exhibit A are hereby zoned C-1PD and C-2PD respectively, for use in accordance with an approved general development plan to be completed and followed as required by Section 3.09 of the Sherwood Zoning Ordinance. That portion of the premise presently designated C-1 shall become C-1PD and that portion presently designated C-2 shall become C-2PD pursuant to this section. This approval is granted subject to the requirements that each of the conditions recommended by the staff report referred

to in Section 4 of this ordinance shall be conditions to this approval including adherence to the covenants (as revised by the Planning Commission) attached to this ordinance as Exhibit B, which covenants shall ultimately be recorded in the real property records prior to approval of the "Final Plan and Program" as called for by the zoning ordinance.

Section 6: The zoning map is hereby amended with respect to the property described in Exhibit A and the recorder is hereby directed to cause a copy of the plat attached to Exhibit A or other suitable plat to be made indicating thereon the area previously zoned C-1 to be now zoned C-1PD and the area previously zoned C-2 to be now zoned C-2PD; and the recorder shall keep said plat bearing the number of this ordinance on file in the book of zone map amendments, said book being kept and maintained as a part of the permanent records of the City of Sherwood.

Section 7: This ordinance shall become effective on the 31st day after its enactment by the City Council

PASSED: By the Council, by unanimous vote of all Council members present, after being read by caption three times this 26th day of September, 1978.

Polly Blankenbaker
Recorder - City of Sherwood

APPROVED: By the Mayor this _____ day of _____, 1978.

Jack O. Harper
Mayor - City of Sherwood

EXHIBIT "A"

PARCEL 1

A tract of land in the SE $\frac{1}{4}$ of Section 30, Township 2 South, Range 1 West, Willamette Meridian, in the City of Sherwood, Washington County, Oregon, more particularly described as follows:

Beginning at the point of intersection of the Northeasterly line of the Plat of GLENEAGLE NO. 2, Washington County, Oregon, with the Southeasterly line of Pacific Highway West, thence North 46° 51' 48" East along the Southeasterly line of said Pacific Highway a distance of 63.27 feet; thence North 47° 08' 58" East along said Southeasterly highway line, a distance of 196.73 feet; thence South 42° 51' 02" East a distance of 280.56 feet to the Northerly line of said GLENEAGLE NO. 2; thence in a westerly direction following the Northerly line of said GLENEAGLE NO. 2 a distance of 459.34 feet to the point of beginning.

PARCEL 2

A tract of land in the SE $\frac{1}{4}$ of Section 30, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at the point of intersection of the Northeasterly line of the Plat of GLENEAGLE NO. 2, Washington County, Oregon, with the Southeasterly line of Pacific Highway West; thence North 46° 51' 48" East along the Southeasterly line of said Pacific Highway, a distance of 63.27 feet; thence North 47° 08' 58" East along said Southeasterly highway line, a distance of 196.73 feet and the true point of beginning of the herein described tract of land; thence North 47° 08' 58" East, along the Southeasterly line of said Highway, a distance of 242.99 feet; thence South 45° 32' 21" East a distance of 379.50 feet to a point on the Northerly line of said GLENEAGLE NO. 2; thence westerly following the Northerly line of said GLENEAGLE NO. 2, a distance of 285.31 feet; thence North 42° 51' 02" West a distance of 280.56 feet to the Southeasterly line of said Pacific Highway West to the true point of beginning.

PARCEL 3

A tract of land in the SE $\frac{1}{4}$ of Section 30, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

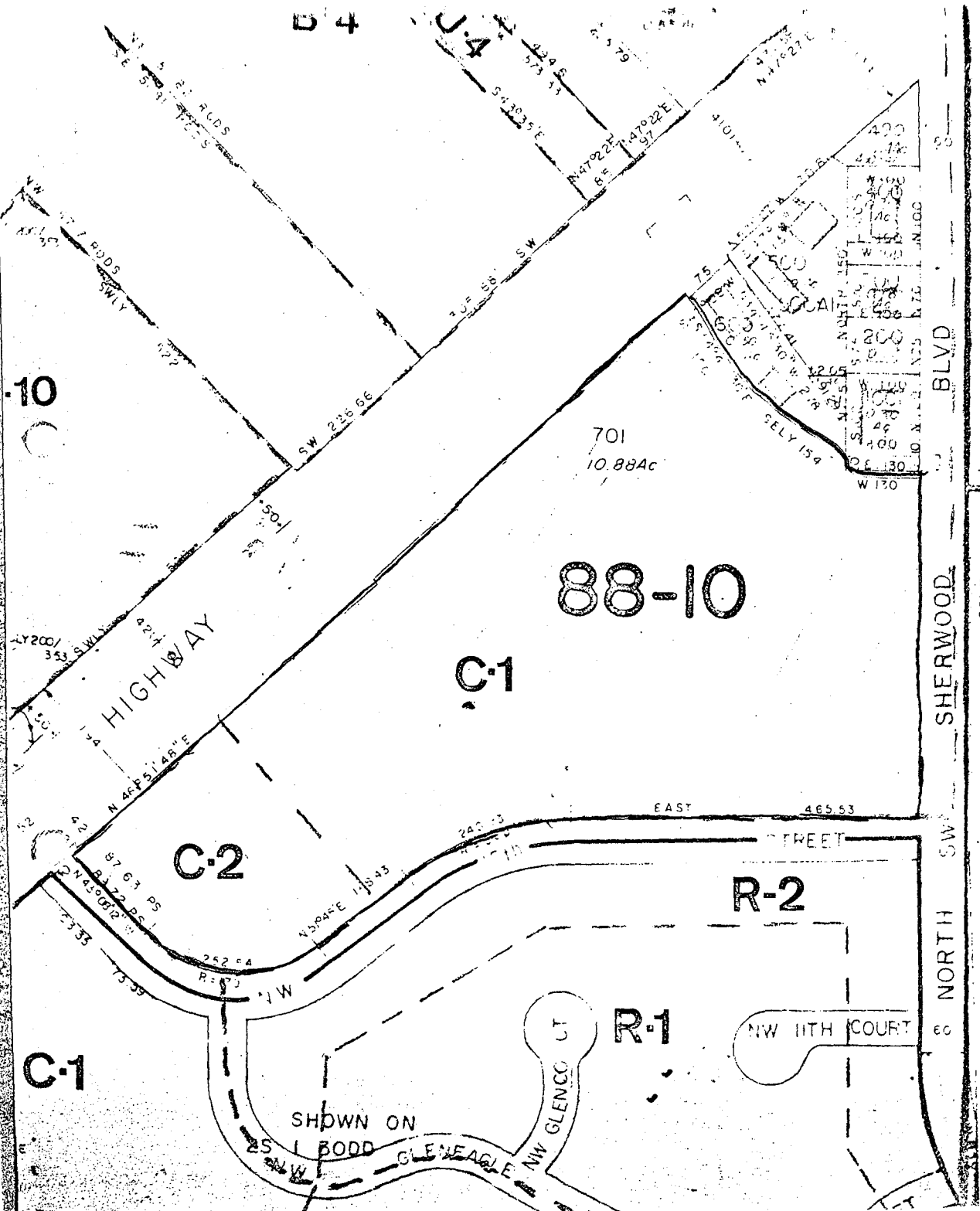
EXHIBIT A - Page 2

Beginning at the point of intersection of the Northeasterly line of the Plat of GLENEAGLE NO. 2, Washington County, Oregon, with the Southeasterly line of Pacific Highway West; thence North $46^{\circ}51'48''$ East along the Southeasterly line of said Pacific Highway a distance of 63.27 feet; thence North $47^{\circ}08'58''$ East along said Southeasterly highway line a distance of 439.72 feet and the true point of beginning of the herein described tract of land; thence North $47^{\circ}08'58''$ East along the Southeasterly line of said highway a distance of 211.50 feet; thence South $42^{\circ}51'02''$ East a distance of 568.77 feet to a point on the Northerly line of said GLENEAGLE NO. 2; thence Westerly following the Northerly line of said GLENEAGLE NO. 2, a distance of 264.21 feet; thence North $45^{\circ}32'21''$ West a distance of 379.50 feet to the Southeasterly line of said Pacific Highway West to the true point of beginning.

PARCEL 4

A tract of land in the SE $\frac{1}{4}$ of Section 30, Township 2 South, Range 1 West of Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at the initial point of the Plat of GLENEAGLE NO. 2, Washington County, Oregon, which point is on the west line of S. W. Scholls-Sherwood Road; thence North along the West line of said Scholls-Sherwood Road, a distance of 435.0 feet more or less to point on the South line of that tract of land conveyed to Victor Muralt, et ux, by deed recorded in Book 406, page 194, Washington County, Oregon Deed Records; thence North $89^{\circ}55'$ West along the South line of said Muralt tract a distance of 99.66 feet more or less, to an iron rod at the Southwest corner thereof; thence North along the West line thereof, 20 feet to the most Southerly corner of the tract described in deed to Parker R. Crossway, et ux, recorded in Book 390, page 257, said Deed Records; thence North $56^{\circ}48'20''$ West 142.35 feet along the Southwesterly line of said Crossway tract to an iron rod located at an angle corner thence North $35^{\circ}00'50''$ West 167.66 feet along the Southwesterly line of said Crossway tract to an iron rod in the Southeasterly right of way line of the S. W. Pacific Highway; thence Southwesterly along said Southeasterly right of way line of the Southwest Pacific Highway, a distance of 372.60 feet; thence South $42^{\circ}51'02''$ East a distance of 568.77 feet to a point on the Northerly line of said GLENEAGLE NO. 2; thence Easterly along the Northerly line of said GLENEAGLE NO. 2, a distance of 201.32 feet to the point of beginning.



C-2

Shopping Center

88-10

88-10

C-1

C-2

R-2

R-1

RU-4

ADKINS

PLANNED UNIT DEVELOPMENT

August 23, 1978

PD-78-01

SHOWN ON
BODD

GLENEAGLE

NW GLENCO CT

NW 11TH COURT

COVENANTS
SHERWOOD PLAZA, INC.
to
THE CITY OF SHERWOOD, OREGON

The Grantor hereinabove is the fee owner of that certain real property which is the subject matter of a commercial planned unit development project brought before the City of Sherwood, which property is described in Exhibit "A", which is attached hereto and made a part hereof as though fully set out herein. Said property is and shall be held and conveyed upon and subject to compliance with the covenants, restrictions and uses set forth in the final development plan filed in the office of the City Recorder of the City of Sherwood. Further, it is hereby declared that the said property shall be subject to the covenants and restrictions hereinafter set forth:

1. That land uses and tenancies allowed on said premises shall be limited to outright permitted and conditional uses in the prevailing zoning district except that the following uses and tenancies in any case shall be prohibited: wholesaling, bottling plants, carpenter shops, dairies, frozen food lockers, machine shops, auctions, auto sales, service stations, laundries, plumbing shops, residences, kindergartens, churches and uses that may be found by the Sherwood Planning Commission to be objectionable due to noise, odor, dust, smoke, vibration or glare or to be generally incompatible with the approved final plan and program.

2. That any use which is not compatible with the other uses and tenancies within the project or which would constitute nuisances inherent in their use shall be prohibited.

3. That protective screening areas shall be established on an approved and recorded final plan and program as submitted to the City of Sherwood and shall include:

(a) A 10 foot strip on the sites in the said area along

Exhibit B - Page 2

the 12th Street frontage so as to form a screen for the protection of abutting residential areas.

(b) A 25 foot strip of landscaping along the areas frontage adjacent to Highway 99W.

(c) That the landscaping shall comprise at least 15 percent of the site area in each development phase.

(d) That parking and loading areas shall be effectively landscaped and loading areas screened from the property lines.

4. That the structure height, building setback and yards shall conform to the standards of the prevailing zoning district.

5. There shall be no outside storage permitted. Inside storage is restricted to less than 50 percent of the floor space of any particular use, business or tenancy.

6. No structure, sign, wall or fences shall be erected, placed or altered unless it conforms with the size, type of quality of workmanship, materials, harmony of the external design of the existing structures as has been approved by the City of Sherwood for the final development plan. Unless a variance therefrom is first approved after application, hearing and review by the City or the City's appropriate designated agency.

7. No flashing signs shall be permitted on the premise described on Exhibit A.

8. All signs other than those erected for a temporary purpose shall conform in material and color with each other and with the architectural design of the development as a whole.

9. Signs for individual uses within the development shall not exceed the area allowed in the standards of the then prevailing zoning district and signing ordinance.

10. Approved signs bearing the name of all or a part of the development consisting of a multiple use building area shall not exceed ____ square feet.

11. No part of any sign shall be closer than ten feet from exterior property lines. Lighting for signs shall be directed away from roadways and abutting residential areas.

12. The buildings and uses placed on the site shall comply with the laws, statutes, regulations, ordinances and rulings of the State of Oregon and other governing agencies having jurisdiction.

13. That smoke or emission of any air contaminant greater than 20 percent opacity from any chimney, stack, vent, opening or process shall not be permitted. No open burning shall be permitted.

14. The emission of objectionable, nuisancesome or noxious ordors in such quantities as to be detectable by any person with normal sensitivities at any point beyond the particular use within the site shall be prohibited. Noxious, toxic or corrosive gas emissions shall not be allowed.

15. Tenants or uses responsible for a suspected source of air pollution upon the request of the City of Sherwood shall provide quantatative and qualatative information regarding the discharge that will adequately and accurately describe operating conditions.

16. All noise producing activities shall conform to the codes and ordinances of the appropriate federal, state and/or local governmental agencies having jurisdiction.

17. No vibration which is discernible by persons of normal sensitivities without instruments other than that caused by highway vehicles, trains or aircraft shall be permitted beyond the particular area of the particular use.

18. All operations producing heat or glare, including exterior lighting shall be conducted so that they do not create a nuisance.

19. All materials including wastes, shall be stored and contained and all properties maintained in a manner which will not aid or attract the propagation of insects or rodents, contribute to the spread of litter, or in any way create a health hazard. The discharge of wastes into the sanitary sewer system shall conform to the codes and ordinances of the City of Sherwood.

20. The storage, handling and use of dangerous materials such as flammable liquids, incinerary devices, compressed gases, corrosive materials and explosives shall be in accordance with the regulations and codes of the City of Sherwood, Tualatin Rural Fire Protection District and the State Fire Marshal and the National Fire Protection Association.

21. Exterior walls which have been painted or otherwise chemically treated shall not be allowed to become cracked, chipped, faded or in any way seriously deteriorated. The material that has been stained or otherwise treated to age, naturally shall be allowed to do so. Damaged or deteriorated exterior members of structures shall be replaced or repaired promptly. Structures which are not in use shall be maintained as buildings in use or be removed from

the area.

22. All plants will be maintained in a healthy, disease free condition. All landscape features shall be maintained in an attractive, effective manner at all times.

23. Fencing and other architectural screens shall have damaged, broken or deteriorated members repaired or replaced. Materials that have paint or other chemical treatments subject to weather shall not be allowed to become cracked, chipped, faded or in any way seriously deteriorated. Materials that have been treated to age naturally shall be allowed to do so.

24. All paved areas including but not limited to truck parking, auto parking and driveways shall be corrected if they are cracked, settled, weed or grass infested, or otherwise in need of repair. All markings painted on paved surfaces shall be maintained in such a manner that they are clearly visible.

25. Signs shall not be allowed to become faded or deteriorated. Lighting for signs, whether internal or external shall be maintained and nonoperating lights and/or fixtures shall be replaced promptly. Signs which are no longer appropriate due to change of service, product line or tenant shall be removed.

26. All exterior lighting, whether for area lighting or architectural highlighting, shall be maintained at its designed level of illumination. Broken or nonoperating members shall be replaced promptly.

27. All tenants or lessees within the area shall be subject to the provisions of the covenants herein set forth. The Grantor herein-

above named may make charges for common area maintenance to such tenants within the provisions of the lease in order to conform with the standards hereinabove set forth.

These covenants are given by virtue of the planned unit development allowed by the City of Sherwood and shall run with the land and be binding on all parties, including tenants of the premises, when appropriate, and all persons claiming under them until the covenants are changed, amended or removed upon application of any of the parties affected or their successors to and approval of the appropriate agency of the City of Sherwood, Oregon, or its successors. Further, the covenants may be removed by the City of Sherwood, or its appropriate designated agency in the event it is determined that the covenants are no longer necessary.

These covenants and conditions shall be for the benefit of the City of Sherwood, property owners within sight and sound, the premises described on Exhibit A, the grantor, its successors, heirs and assigns, and any tenants or entities thereof, any of said persons may prosecute and initiate any proceedings at law or in equity against the person, persons or entities violating or attempting to violate any such covenants and conditions to recover damages, enjoin violation, or for such other remedies as law or equity may provide. The prevailing party in any such suit or action shall be awarded such sum as the court may determine reasonable for attorney's fees and on appeal the prevailing party's reasonable attorney's fees shall be fixed by the appellate court.

Exhibit B - Page 7

Invalidation of any one of these covenants or restrictions by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

DATED this ____ day of _____, 1978.

SHERWOOD PLAZA, INC.

By: _____
President

By: _____
Secretary

STATE OF OREGON)
) ss
County of Washington)

On the ____ day of _____, 1978, personally appeared _____ and _____ who being duly sworn, each for himself and not one for the other, did say that the former is the president and the latter is the secretary of SHERWOOD PLAZA, INC., a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Notary Public for Oregon
My Commission Expires:

EXHIBIT "C"

STAFF REPORT

JULY 2, 1978

CASE NO: PD-78-01A
ZC-78-03
SUBJECT: Commercial-Office Planned Unit Development and Zone Change
LOCATION: Six Corners (Tax Lot 2S 130D : 701)
APPLICANT: Sherwood Plaza Inc.

DESCRIPTION OF PROPOSED ACTION

The applicant is proposing development of a commercial-office planned unit development on a 10.88 acre site generally located south of Highway 99W and west of North Sherwood Blvd. near Six Corners. The applicant plans to mix retail commercial and office uses in a six stage development plan within present C-1 (limited commercial) and C-2 (general commercial) zoning districts.

Specifically, pursuant to Article III Sec. 3.09 of the Sherwood Zoning Ordinance, the applicant has requested that the City Council upon recommendation by the Planning Commission approve:

1. An amendment to the Sherwood Zoning Ordinance changing the present C-1 and C-2 to C-1/PD and C-2/PD.
2. A general development plan and program including proposed uses, access, and general site features for Phase I of the proposed six (6) phase development.
3. The general type and interrelationship of uses in the remaining five phases of the development.

Approval of items #2 and #3 above are contingent on the approval of the zone change.

Planning Commission and Council action shall constitute approval of the zone change and proposed use types and interrelationships only. Approval of the detailed site plan must be obtained from the Site Review Board prior to the preparation of the final development plan and program.

APPLICABLE STANDARDS FOR REVIEW

A decision to recommend approval of a planned unit development district shall be based on required findings as set forth in Article II. Sec. 3.09 of the Sherwood Zoning Ordinance. They are as follows:

Staff Report
July 2, 1978

1. That the proposed development is in substantial conformance with the Comprehensive plan or elements thereof to the extent adopted.
2. That exceptions from the standards of the underlying district are warranted by the design and amenities incorporated into the development plan and program.
3. That the proposal is in harmony with the surrounding area or its potential future use.
4. That the system of ownership and the means of developing, preserving, and maintaining open spaces is suitable.
5. That the approval will have a beneficial effect on the area which could not be achieved under other zoning districts.
6. That the proposed development or stage thereof can be substantially completed within one year of the date of approval.

BASIC FACTS

1. Current zoning is C-1 (9.13 acres) and C-2 (1.75 acres).
2. Parcel data: 2S 130D : 701 = 10.88 acres
3. Existing structures/uses
2S 130D : 701 - No existing use - vacant.
4. Access: Access is by No. Sherwood Blvd. (RW 60') NW 12th St. (RW 60') and Highway 99W (Single 30 ft. State access permit pending.)
5. Public Services
Water: Existing 12" line on No. Sherwood Blvd; 6" line on NW 12th.
Sewer: Existing 8" line on No. Sherwood Blvd; 8" line on N.W. 12th.
Drainage: Existing catch basin and 12" line on NW 12th and Gleneagle Drive; 18" storm sewer on No. Sherwood Blvd. (under construction).

FINDINGS

1. Compliance with the Sherwood Zoning Ordinance
 - a. Permitted Uses
Land uses and tenancies should conform to underlying zone requirements except as modified by an approved final development plan and program. Retail uses proposed in the por-

FINDINGS

1. a. tion of the site with prevailing C-1 zoning should conform to applicable covenant provisions. Draft covenants (attached) address performance standards to which any specific retail use must conform. Phase I retail tenancies which are not committed at the time of Planning Commission review of the final development plan and program should conform to applicable covenant provisions as a pre-condition for the issuance of an occupancy permit and business license.
 - b. Signs: No proposed free standing signs are indicated in the general development plan and program or phase I site plan. Proposed free standing signs should be submitted as a part of the final development plan and program and approved by the Planning Commission pursuant to applicable covenant provisions.
 - c. Parking and loading (See Access Circulation and Parking *below)
 - d. Required lot dimensions, set backs, etc.
Applicable building setback requirements are met.
2. Adequacy of Public Services/Service Plans
 - a. Water service is adequate. Service lines within the site are not shown.
 - b. Sewer service will be adequate upon completion of the Upper Tualatin Interceptor.
 - c. Police protection is adequate however internal site security may be required. This should be addressed by the applicant in the final development plan stage.
 - d. Fire protection is adequate. Detailed Fire District comments will be forthcoming pending their review.
 - e. Solid waste collection will be arranged by applicant. A collection area is indicated for Phase I.

2. f. The Phase I site plan does not indicate provision for drainage. General written program comments indicate drainage to a proposed line along 99W. The use of the No. Sherwood Blvd. system should be considered.
- g. Detailed Phase I Improvement plans prepared by a registered engineer should be submitted with the final development plan and program. Proposed service lines serving remaining phases should be shown.

3. Access, Circulation and Parking

- a. General site access is proposed from No. Sherwood, (2 egress/ingress); NW 12th St. (3 egress/ingress) and 99W (1 limited egress/ingress). Ingress and egress on 99W is limited to east bound traffic lanes. The State highway department has reviewed the plans and have tentatively approved the indicated access location. Detailed access design should be submitted with the final plan. Phase I access is proposed from No. Sherwood Blvd. at two points.
- b. Phase I indicates 101 parking spaces. This is adequate assuming the combined employment on the site will be 30 employees at full occupancy. Parking will be approved on a phase by phase basis. Total parking indicated for remaining phases appears inadequate.
- c. Vehicular circulation in Phase I appears adequate. Approval of circulation in the remaining five phases will be made on a phase by phase basis.
- d. Internal pedestrian circulation in Phase I is provided by a system of 10' walkways. A walkway connecting Phase I with the remaining development and the proposed bus stop appears to be of inadequate width to accommodate bus riders and other pedestrian traffic from No. Sherwood Blvd. A 4 ft. sidewalk is indicated along NW 12th St. and No. Sherwood Blvd. frontages. A 6' sidewalk is required.
- e. Service delivery areas are not clearly marked. Turning and maneuvering areas are available but are adequate for small trucks only.

4. Site Features

- a. The site as a whole varies in slope from flat to 5% toward the southwest. The Phase I site is essentially flat.

4. b. There is no significant existing vegetation on the site. A landscaping plan has been submitted for review by the Site Review Board.

c. Soils are primarily Class I and there are no significant building limitations.

5. PUD Design Concept

a. Use-Mix: The applicant proposes a mixed office-commercial development with a total lease space of 120,126 square feet. A 15,000 square foot building accommodating a mixed office and retail concept is proposed for Phase I. Retail frontage is indicated for the entire periphery of the proposed building. The intended office-retail mix by percentage of floor area should be shown and the specific use marketing concept should be more completely disclosed for Phase I. Information concerning percentage retail/office, floor area mix should be provided for the remaining phases.

b. Building design: A one story masonry, glasweld, and aluminum framed glass storefront concept is proposed. A unified architectural treatment is suggested for remaining phases.

c. Relationship to the neighborhood: Retail uses are oriented to 99W and No. Sherwood Blvd. Office uses are oriented to NW 12th. A ten foot landscaped strip and the NW 12th right of way are intended as buffers to the medium density residential use in the adjacent Gleneagle Subdivision.

d. The suggested design concept makes good use of common open space and landscaped areas. The proposal is generally in harmony with the surrounding area and its potential use. Detailed site features will be reviewed by the Site Review Board pending Council action.

e. Exceptions from standards of the underlying zone are justified by the design and amenities incorporated into the development plan and program if conditions mentioned below are met. Beneficial features not possible under other zoning districts are evident in the proposal.

6. Conformance to the Comprehensive Plan

The plan and rezoning proposal conforms to the Comprehensive Plan Policy Goals.

7. Timing of Development

The first phase of the development could be substantially completed within one year.

STAFF RECOMMENDATIONS

The staff recommends approval of zone change, general development plan and program for Phase I and the general type and interrelationships of the uses in the remaining five phases with the following conditions.

1. That the covenants attached as "Exhibit A" be adhered to in the preparation of the final development plan and program.
2. That the applicant submit with the final plan and program a written description of the proposed office retail use mix concept including 1) a table indicating the square footage of office and retail areas proposed for each phase; 2) a description of the retail marketing concept to be employed and why the applicant believes it to be justified according to the proposed development schedule; 3) a generalized development schedule for each phase.
3. That the cumulative percentage of retail use in the development as a whole not exceed 70% by square footage of floor area.
4. That Phase I retail tenancies and any retail tenancies not indicated in the final development plan and program conform to applicable covenant provisions in the approved final plan prior to issuance of an occupancy permit and business license.
5. That the following be submitted with the final development plan and approved by the Planning Commission and Site Review Board.
 - a. A detailed Phase I utilities plan and a generalized utility plan for the remaining five phases prepared by a registered engineer.
 - b. A generalized access, circulation parking and loading plan for the overall site including the design of the 99W access and proposed service loading maneuvering areas, bus stop area. Plans showing a 10 ft sidewalk between phases 1 and 2 connecting the interior site with the bus stop area. A table indicating parking for each phase which meets ordinance standards with an assumed employee count indicated.

6. That items 5a and 5b above be submitted as a part of the General Development Plan and Program to the Site Review Board for their review and approval.
7. That the General Development Plan and Program for Phase I and the general type and interrelationship of uses for the remaining five phases be submitted and approved by the Site Review Board.