

City of Sherwood, Oregon

ORDINANCE NO. 91-928

AN ORDINANCE APPROVING A PLAN MAP AMENDMENT FROM MEDIUM DENSITY RESIDENTIAL HIGH (MDRH) TO HIGH DENSITY RESIDENTIAL (HDR) FOR A PORTION OF TAX LOT 1400, MAP 2S1 29C; CONSISTING OF 1.36 ACRES, MORE OR LESS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, application has been made to rezone 1.36 acres, more or less, of property located on the south side of North Sherwood Blvd. from MDRH to HDR; and

WHEREAS, said application is associated with a request to develop a twenty four (24) unit elderly housing project by the Washington County Council on Aging on the property; and

WHEREAS, the City Planning Commission received the City planning staff report (#PA91-5, dated May 28, 1991) reviewing the application, and conducted a public hearing on the proposal on June 4, 1991; and

WHEREAS, after full and due consideration of the evidence, reports and testimony presented at the public hearing, and planning staff report for PA91-5, the Planning Commission adopted the findings of fact contained in PA91-5, and recommends approval of the Plan Map amendment.

NOW, THEREFORE, THE CITY ORDAINS AS FOLLOWS:

Section 1. Commission Review. That the application for a map amendment from MDRH to HDR for a portion of Tax Lot 1400:2S1 29C attached as Exhibit "A", was subject to a full and proper review, and a public hearing before the Planning Commission on June 4, 1991.

Section 2. Findings. That after full and due consideration of the application, the City planning staff report for PA91-5 and the record and findings of fact, the Council adopts the findings contained in said staff report, and further finds that the proposed map amendment is in conformance with all requirements of the Community Development Zoning Code Section 4.203.02.

Section 3. Approval. That the request for a map amendment from Medium Density Residential High (MDRH) to High Density Residential (HDR) for a portion of Tax Lot 1400:2S1 29C, consisting of 1.36 acres, more or less, is hereby APPROVED.

Section 4. Manager Authorized. The City Manager is directed to take such action as may be necessary to document this amendment, including producing a certified modification of the official City Zoning Map.

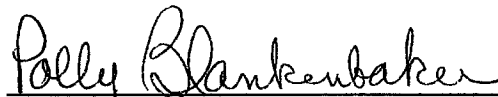
Section 5. Effective Date. This Ordinance shall become effective within thirty (30) days after passage and approval.

Duly passed by the City Council this 26th day of June, 1991.

Approved by the Mayor this ____ day of ____, 1991.


Rick A. Hohnbaum, Mayor

Attest:


Polly Blankenbaker, City Recorder

	<u>AYE</u>	<u>NAY</u>
Birchill	<u>✓</u>	___
Boyle	<u>✓</u>	___
Hohnbaum	<u>✓</u>	___
Hitchcock	<u>✓</u>	___
Kennedy	<u>✓</u>	___

TAX LOT: 1400: 2S 1 29C
CASE NO: PA 91-5
DATE MAILED: June 11, 1991

NOTICE OF DECISION

TO: Washington Co. Council on Aging
3835 SW 185th Suite 100
Aloho, OR 97007

On June 4, 1991, the Planning Commission of the City of Sherwood, Oregon decided to recommend to City Council approval of your request for a Plan Map Amendment from MDRH to HDR.

The decision was based on the following major findings:

See Staff Report dated 5/28/91

The following condition was placed on approval of your application:

1. This approval is subject to completion of MLP 90-5 Hite.

Appeal

Persons who are a party to this decision and who have a basis for an appeal based on an issue that has been raised, are eligible to appeal this decision not more than 21 days after the date on which the action took place. For the applicant the 21 days are counted from the date this decision was mailed.

Signed: 

Carole W. Connell
Planning Director

 Final Action

 X Additional Required Action as described in the staff report

Review Body

Date of Meeting

 Planning Commission

 X City Council

June 26, 1991

STAFF REPORT

TO: City of Sherwood
Planning Commission

DATE MAILED: May 28, 1991

FROM: Carole W. Connell
Planing Director

FILE NO: PA 91-5 & V 91-1

SUBJECT: Request for a Plan Map Amendment from Medium Density Residential High (MDRH) to High Density Residential (HDR), and a Variance to the off-street parking requirments, to construct 24 elderly housing units on N. Sherwood Bv.

I. PROPOSAL DATA

Applicant: Washington County Council on Aging
3835 SW 185th, Suite 100
Aloha, Oregon 97007

Owner: Donald G. & Virginia Hite
955 N. Sherwood Bv.
Sherwood, Oregon 97140

Representative: Harry Russell
8720 SW Homewood St.
Portland, Oregon 97225

Location: Adjoining 955 N. Sherwood Bv., further described as Tax Lot 1400, Map 28 1 **29C**

II. SHERWOOD COMPREHENSIVE PLAN PROVISIONS

A. Community Development Plan Part 2, Housing, Transportation, Parks/Floodplain and Public Facilities goals and policies.

B. Community Development Plan Part 3, Zoning Code Sections:

1. 2.104 Medium Density Residential High MDRH zone
2. 2.105 High Density Residential HDR zone
3. 3.200 Public Notice and Hearing
4. 4.100 Application Content
5. 4.200 Plan Amendments
6. 4.400 Variances
7. 5.302 Off-street parking standards
8. 6.100 Public Improvements
9. 8.302 Parks and Open Space

III. FINDINGS OF FACT

A. A minor land partition MLP 90-5 segregating the portion of Tax Lot 1400 in front of Tax Lot 1300 was approved by the Planning Commission on August 7, 1990. The partition has not yet been recorded. The applicant of MLP 90-5 will file the partition if the subject zone change and housing project is approved. The Hite's are requesting an extension of that partition approval so that it doesn't expire while the Commission is deliberating over the subject plan amendment, variance, and a subsequent density variance and site plan. The map amendment for Tax Lot 1400 does not include the portion of the tax lot east of the Hite's driveway.

B. The portion of Tax Lot 1400 subject to the plan amendment is 1.4 acres. If the designation is changed from MDRH to HDR, 22 dwelling units would be permitted, ($1.4 \times 16 = 22$ units). The application is for 24 units. If the plan map amendment is approved, the applicant will need to file for a variance to the density allowed in the HDR zone in order to add two additional units.

C. The subject property is vacant land, with a significant slope from east to west, and includes established vegetation and a portion of the Cedar Creek floodplain in the rear.

D. Surrounding land use is primarily residential, including duplexes, apartments and single family. The Senior Center, library and doctors office are just east of the site. The Cedar Creek greenway adjoins the southwest boundary.

E. Surrounding zoning is MDRH, IP, NC and HDR.

PLAN MAP AMENDMENT REQUEST

F. The following Plan policies support the increased density and elderly housing proposal:

1. Higher density residential development will be located so as to take advantage of arterial and major collector streets; nearby shopping, parks, mass transit and other major public facilities and services.

2. New housing will be located so as to be compatible with existing housing.

3. The City will participate in the regional "fair share" housing program to provide housing opportunities for the low and moderate income, elderly, large family and handicapped households.

4. The City shall provide housing and special care opportunities for the elderly, disadvantaged and children.

Emerging housing trends discussed in Chapter 4 of the Plan highlight the increasing number of small and elderly households, typically on low fixed incomes. The neighborhood is well suited for elderly housing due to the proximity of shopping, mass transit, park land, a doctors office and the Senior Center, all in walking distance. The HDR zone is appropriate in this area as described in the following Plan description of the HDR zone:

5. The HDR designation is intended to provide for high density multi-family urban housing with a diversity in style, design and amenities in keeping with sound site planning principles in the following general areas:

- Where related public, institutional, and commercial uses may be mixed with or are in close proximity to compatible high density residential uses.

- Where a full range of urban services are available at adequate levels to support high density residential development.

- Where direct access to major fully improved streets is available.

- Where higher density development will not exceed land, air or water carrying capacities.

G. The following is in response to the criteria for granting a map amendment:

1. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan.

RESPONSE: The proposal is consistent with the Plan residential and HDR goals and policies as described above. Full public services are available to the site as are other amenities for the elderly. The proposal is compatible with nearby multi-family housing and the Plan intent for more multi-family housing on the opposite side of N. Sherwood Bv. Sherwood Bv. has adequate capacity for more dense development. The adjoining park land provides a natural buffer and desirable open space.

2. There is an existing and demonstrable need for the particular use and zoning proposed, taking into account the importance of such uses to the economy of the City, the existing market demand for any goods and services which such uses will provide, the presence or absence and location of other such uses or similar uses in the area, and the general public good.

RESPONSE: The Plan describes an emerging need for more elderly housing for a rapidly aging society. The applicant states that there is 100% occupancy of area elderly housing and a long waiting list. It is also presumed that a non-profit agency

such as the Washington County Council on Aging would not pursue such a project if there were not a need.

3. The proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve all potential uses in the proposed zoning district.

RESPONSE: Full public and private services are available to serve the proposed zone and use. The amendment is timely considering the current lack of elderly housing units, the amenities available to the tenants and the already established apartment units on Sherwood Bv.

4. Other lands in the City already zoned for the proposed uses are either unavailable or unsuitable for immediate development due to location, size or other factors.

RESPONSE: According to the applicant there are no other sites available that are small and in close proximity to all the described elderly and public services.

H. N. Sherwood Boulevard is designated a minor arterial with a planned bike lane, and requires an 80 foot right-of-way. Due to an earlier dedication from Tax Lot 1400, there is currently 80 feet of right-of-way adjoining the lot. Access to the project is proposed to occur by a short easement across the Hite's twenty-five foot frontage. An easement and shared maintenance agreement need to be approved and recorded prior to any project permits. This could be required at the time of site plan review. The property itself has the legal frontage needed.

I. The Plan requires that any land designated as within the 100 year floodplain of Cedar Creek be dedicated at the time of a development proposal. An accurate survey is needed which should be accompanied by the dedication at the time of site plan review.

J. The Tualatin Valley Fire and Rescue District was notified of this request and their comments are attached.

VARIANCE REQUEST

The applicant has simultaneously requested a variance for the off-street parking requirements. The applicant was not aware that an additional variance would be needed for the density increase, and intends to make that application. This may be applied for simultaneously with the site plan application.

The Code requires one and a half parking stalls for any multi-family unit. Therefore, if 24 units are approved 36 stalls should be provided. The proposal includes a total of 24 stalls. If the zone change is not approved, 33 stalls are required and a variance is still needed.

K. The following is in response to the findings required for approval of a variance:

1. ~~Exceptional and extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the effective date of the Code, topography, or other circumstances which the applicant has no control.~~

RESPONSE: The Code parking standards do not recognize the characteristics of elderly driving habits compared to other sectors of the population. The excellent walking access to shopping, medical services, mass transit and the Senior Center, further decreases the occupants need for a car.

2. ~~The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity.~~

RESPONSE: Code standards do not vary for elderly housing. However, existing elderly housing projects in the City have unused parking spaces, including Sherwood Park. The City should consider modifying the parking standards.

3. ~~The authorization of the variance will not be materially detrimental to the purposes of the Code, or other property in the zone or vicinity in which the property is located, or otherwise conflict with the goals, objectives and policies of the Comprehensive Plan.~~

RESPONSE: Approval of the variance will not change or set a precedent to change the standard multi-family housing parking requirements. It may cause the City to consider refining their current standards to better reflect the decreased auto use of the elderly.

4. ~~The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.~~

RESPONSE: The project site is small and has a considerable amount of Cedar Creek greenway as well as a significant slope. For these reasons, the amount of usable space is limited. To construct required parking stalls to comply with the Code, many of which will remain vacant, unnecessarily increases the cost of the project and results in excessive paving on the site where there is limited space.

The applicant proposes 24 parking stalls, or one per unit. This is a 50% reduction from the requirement. According to the applicant, the Sherwood Park currently utilizes about 33% of their stalls, and those residents have the same proximity to senior services.

The proposed site plan maximizes the usable portion of the lot. After the greenway dedication, there is no additional development space on the lot. As prepared, there are other site plan deficiencies that will need to be addressed.

5. ~~The hardship does not arise from a violation of the Code.~~

RESPONSE: There is no current violation of the Code that is causing the request for a variance.

IV. RECOMMENDATION

Based on the above findings of fact, this report has two recommendations as follows:

1. PA 91-5

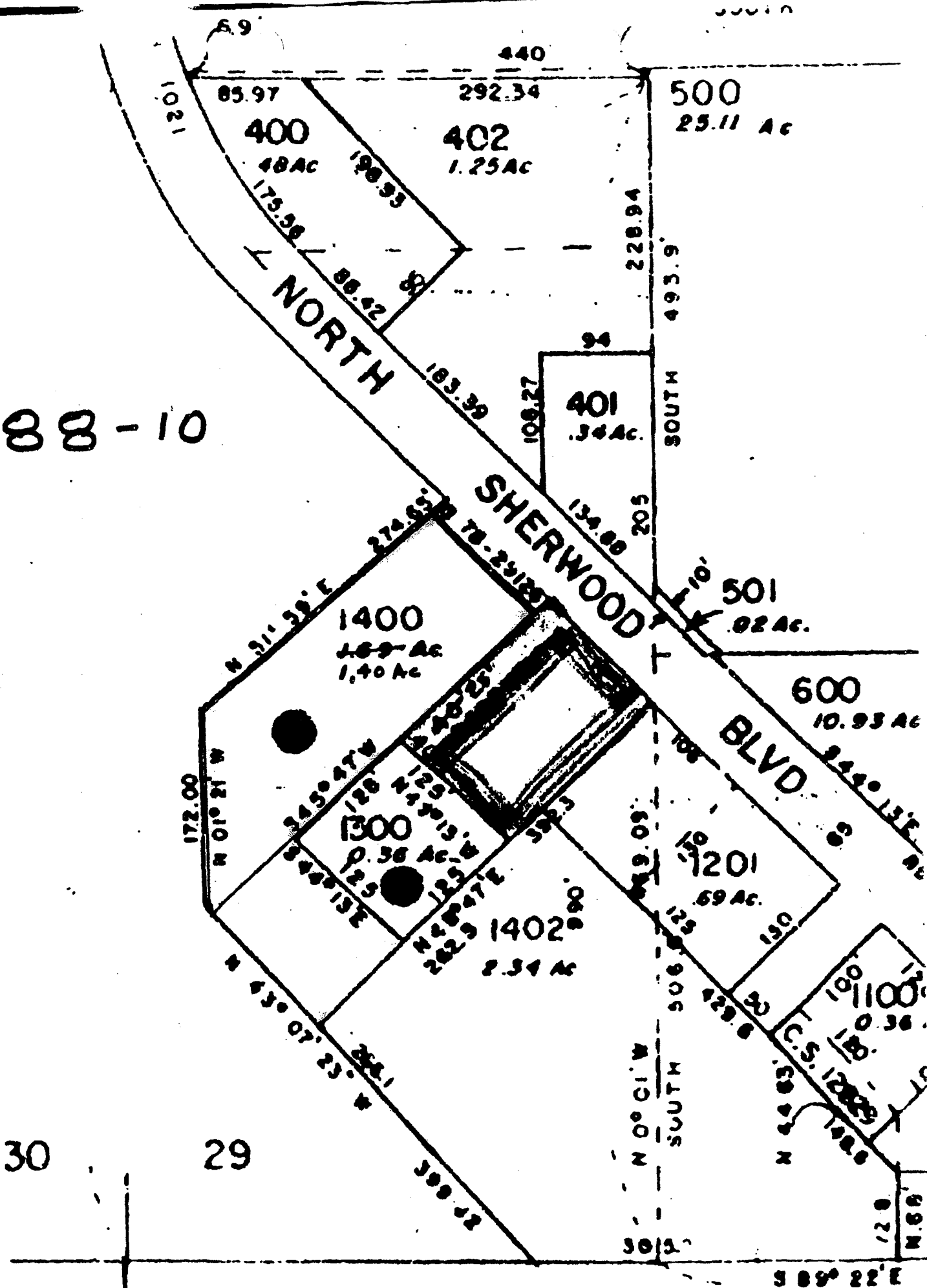
Due to site topography constraints, the greenway dedication requirement and proximity to all public services and other multi-family amenities, staff recommends increasing the density of the portion of Tax Lot 1400 west of the existing Hite driveway and re-zoning that portion to High Density Residential (HDR).

2. V 91-1

Due to site size constraints, the decrease in elderly auto use and the proximity to mass transit, shopping, the Senior Center and some medical services, staff recommends encouraging a decreased dependence on autos and approval of the variance to allow a minimum of 24 off-street parking stalls on the subject site.

30

29



Case No. _____
Fee _____
Receipt No. _____
Date _____

Authorizing Signatures

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

Nary Russell
Applicant's Signature

4/24/91
Date

Ronald E. Hite
Owner's Signature

5/7/91
Date

To Be Submitted With The Application.

To complete the application submit thirteen (13) copies of the following:

1. A brief statement describing how the proposed action satisfies the required findings criteria contained in the Comprehensive Plan for the action requested.
2. Applicable existing conditions and proposed development plan information and materials listed in Part 3 Chapter 4 Section 4.100 of the Comprehensive Plan. The information in Section 4.100 which is applicable to a given application shall be determined during a preapplication conference with the Planning Department

* Application due 30 days before the first Tuesday of each month.

1/18/91

PROJECT DESCRIPTION FOR SHERWOOD SENIOR HOUSING

The proposed 24 unit apartment project is to be located in the City of Sherwood located off Highway 99W, nine miles southwest of the City of Portland.

Sherwood has a population of 3,125 people and is on the edge of the Portland growth area. It has been a stable residential community with a long history it was platted in 1892 as a farming and logging community and enjoyed its main growth when the railroad was extended through the town in the 1890's and first part of the 1900s. The railroad was the major source of transportation and many of the historic buildings now house antique shops.

This project is to be located at 995 North Sherwood Blvd., which is the main arterial street to highway 99W at Six Corners. The project site has a 10 ft. slope to the North, which allows the building design to be a two story wood frame structure for economy in construction, while allowing level wheelchair access to each apartment unit.

The zoning density in the City of Sherwood and the two story building design, will allow the retention of most of the existing woodland, which is approximately 1/3 of the site, as a mini-park.

The apartments are designed to house 24 units as follows:

8 Type A one bedroom apts of 600 SF

15 Type B " " " 576 SF

1 Type C two bedroom apt of 784 SF.managers apartment.

There is to be a laundry room on each level for the convenience of the tenants with a utility/ storeroom also available. A 610 SF Community room will be provided at the mid-level on the west end adjoining the mini park and allowing wheelchair access. A walkway will be created through the park area to the City Library and Senior Center.

Meals are served at noon 5 days a week at the Senior Center. It is anticipated that most of the tenants will take the short walk for the social activities and meals offered by the Senior Center.

The City of Sherwood owns the site directly to the west. It is part of the greenway creek area that has been designated as a City owned natural parkway for future development.

The project is located next to the modern City Library and Senior Center. There is a medical and dental office building immediately to the south and the City Hall and center of town are six blocks away.

The Portland Tri-Met bus #12 stops at the front door every 10 to 15 minutes during the daytime. Handicapped access is available on the buses serving this route.

The Sherwood Shopping Center is located four blocks to the north on North Sherwood Blvd. and is the main shopping center serving the area.

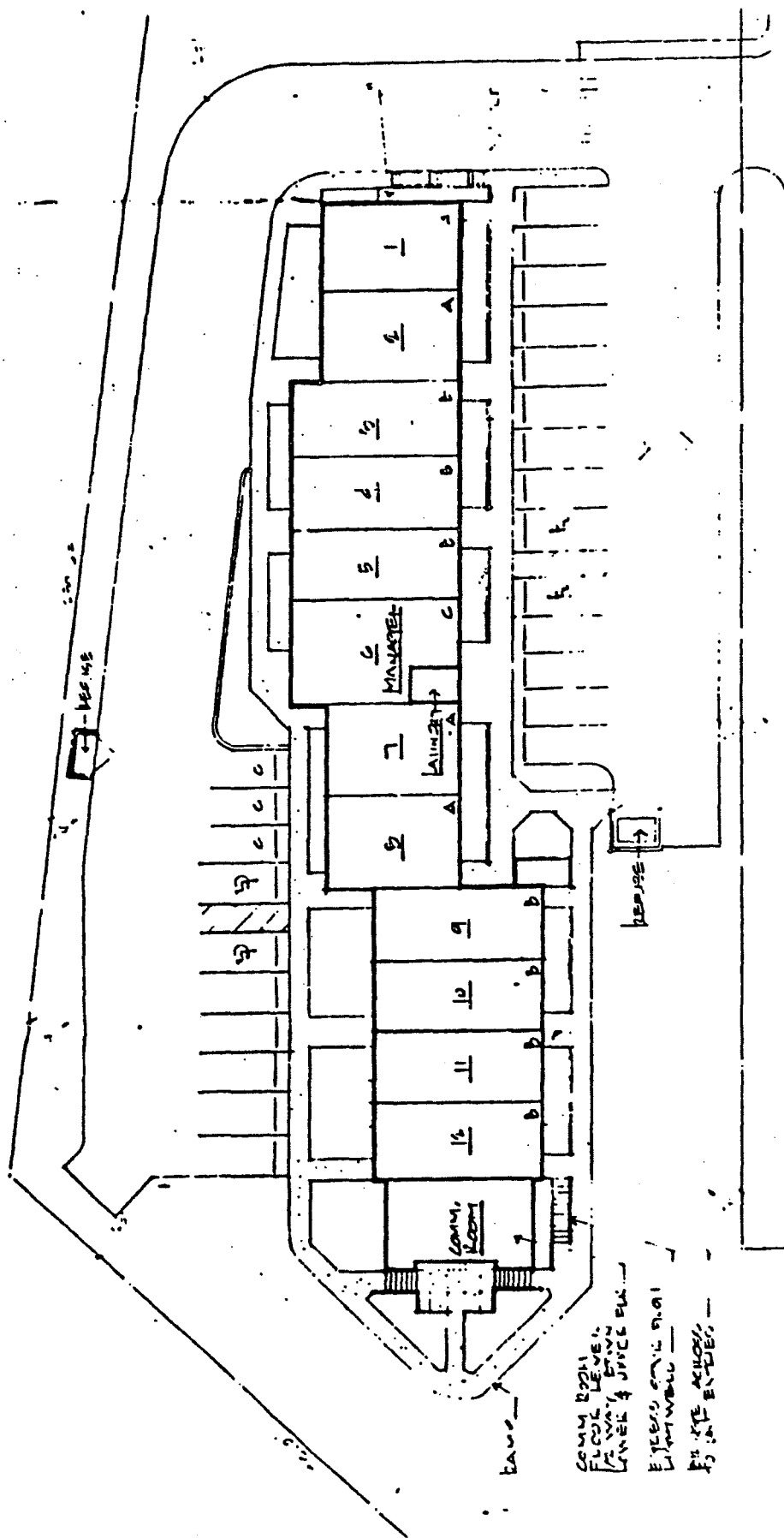
The Sponser is Washington County Council on Aging Inc., which is a non-profit advocative organization who has been assisted by Washington County and the Housing Authority of Washington County in developing projects for the Elderly and Handicapped.

The Sponser has been selected by HUD to develop a 30 unit apartment project for elderly under the 202 program.

The Maples to be located at 1136 SE Maple in Hillsboro, Oregon, project #126 EH 124 WAH with a loan amount of \$1,108,900.00 is scheduled to start construction in February 1991.

The Sponser has selected Guardian Management Corp. to manage the project.

IRS Employer # 101-13014



UPPER LEVEL - FLOOR PLAN

COMM. ROOM
FLOOR PLAN
ELEVATOR
STAIRS
ELEVATOR

Ca. No. PA91-5
Fee 650⁰⁰
Receipt No. 4812
Date 4/26/91

**CITY OF SHERWOOD
APPLICATION FOR LAND USE ACTION**

Type of Land Use Action Requested

<input type="checkbox"/> Annexation	<input type="checkbox"/> Conditional Use
<input checked="" type="checkbox"/> Plan Amendment	<input type="checkbox"/> Minor Partition
<input type="checkbox"/> Variance	<input type="checkbox"/> Subdivision
<input type="checkbox"/> Planned Unit Development	<input type="checkbox"/> Site Plan
<input type="checkbox"/> Sign Permit	<input type="checkbox"/> Other _____

Owner/Applicant Information

Applicant: Washington County Council on Aging Phone 642-7641
Address: 3835 SW 185th Suite 100 Aloha, OR 97007
Owner: Donald G. & Virginia Hite Phone 625-6693
Address: 995 N. Sherwood Blvd. Sherwood OR 97140
Contact for Additional Information: Harry Russell 297-3010
8720 SW Homewood St. Portland, OR 97225

Property Information

Street Location: 995 N. Sherwood Blvd. Sherwood, OR 97140
Tax Lot & Map No. 1400 88-10
Existing Structures/Use: Residence/farm Vacant land
Existing Plan/Zone Designation: MDRH

Proposed Action

Proposed Use 24 units of Multi-family housing for elderly
Proposed Plan/Zone Designation HDR
Proposed No. of Phases (one year each) one
Standard to be Varied and How Varied (Variance Only) _____

Purpose and Description of Proposed Action:

To increase the density to allow for the construction of
23 one bedroom and one 2 bedroom unit multi-family apartments
for low income elderly.

Case No. _____
Fee _____
Receipt No. _____
Date _____

Authorizing Signatures

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

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Applicant's Signature

4/24/91
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Ronald E. Wite
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The zoning density in the City of Sherwood and the two story building design, will allow the retention of most of the existing woodland, which is approximately 1/3 of the site, as a mini-park.

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The City of Sherwood owns the site directly to the west. It is part of the greenway creek area that has been designated as a City owned natural parkway for future development.

The project is located next to the modern City Library and Senior Center. There is a medical and dental office building immediately to the south and the City Hall and center of town are six blocks away.

The Portland Tri-Met bus #12 stops at the front door every 10 to 15 minutes during the daytime. Handicapped access is available on the buses serving this route.

The Sherwood Shopping Center is located four blocks to the north on North Sherwood Blvd. and is the main shopping center serving the area.

Hite Property
PLAN AMENDMENT

We request a plan amendment change on Tax lot 1400 from MDRH to HDR to allow for the construction of 23 one bedroom elderly apartment units and one two bedroom managers apartment as shown on the attached plan.

These elderly apartments would adjoin the Sherwood City Library and Senior Center to the south and Community Campus on the west. It is proposed that the ravine in the southwest corner of the property be maintained in its natural state as a mini-park. A pathway would be made to the Library and Senior Center.

Since the property slopes to the north it allows the building to be designed and constructed as a two story building, but will allow level access to each apartment desired by the elderly.

If the variance for parking density reduction is granted the site will have adequate parking and a large amount of landscaped areas as well as the natural woodland mini-park. The building would only cover 12.4% of the site, parking and driveways 25.8% with 55.6% for landscaping and the woodland mini-park.

We wish to answer the criteria statements as follows;

A. The proposed amendment is consistent with the one step density adjustments and the adjoining HDR zones of the site.

B. The property is being divided by a minor partition and both lots comply with existing and standard zones and meet the HDR and NC size requirements. The existing house will comply with the set back requirements of the proposed minor partition.

There is a need for apartments for the elderly in the area as the waiting list is long and continue at 100% occupancy levels. The construction of the Senior Center and Library on the adjoining property has created a social and support community that is vital to the well being of the elderly tenants. This will be the best use for the property and create a stable and desirable neighborhood.

C. The pattern of the development in the area has been towards the development of a retirement area servicing the needs of the elderly. The medical office building, City Library and the Senior center all support the needs of the retirement community and it is desirable that this project continue this pattern of the neighborhood. All necessary utilities are available to the site and it will not require any modifications to any of the utility systems.

D. There are no other available sites of this size suitable for this project.