

City of Sherwood, Oregon
Ordinance No. 96-1007

AN ORDINANCE APPROVING A PLAN MAP DESIGNATION OF RETAIL COMMERCIAL (RC) FOR LAND DESCRIBED AS TAX LOTS 2000 AND 2100, MAP 2S1 32BC; CONSISTING OF .17 ACRE, MORE OR LESS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council has initiated an application to the City of Sherwood for a Plan/Zone Map Amendment to re-zone the subject parcel from Medium Density Residential Low (MDRL) to Retail Commercial (RC), and,

WHEREAS, the subject .17-acre tax lot is too small to be developed independently, and

WHEREAS, the Plan Map Amendment is compatible with several objectives and policies of the Sherwood Comprehensive Plan Part II and increases the amount of serviceable Retail Commercial land.

NOW, THEREFORE, THE CITY ORDAINS AS FOLLOWS:

Section 1. Commission Review. That the application for a Plan/Zone Map Amendment of Retail Commercial (RC) for Tax Lots 2000 and 2100, Map 2S1 32BC was subject to full and proper review, and a public hearing was held before the Planning Commission on May 7, 1996.

Section 2. Findings. That after full and due consideration of the application; the City Staff report for PA 96-2 and the record and findings of fact, the Council adopts the findings contained in said staff report, and further finds that the proposed 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 Plan/Zone Map Amendment of Retail Commercial (RC) for all of Tax Lots 2000 and 2100, Map 2S1 32BC, consisting of .17 acre, 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 Plan/Zone Map.

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

Passed by vote of the City Council this 14th day of May 1996.

Approved by the Mayor this 14th day of May 1996.



Walter A. Hitchcock, Mayor

ATTEST:



Jon Borner, City Manager-Recorder

	<u>AYE</u>	<u>NAY</u>
Aarnold	<u>Absent</u>	_____
Boyle	<u>/</u>	_____
Cottle	<u>Absent</u>	_____
Hitchcock	<u>/</u>	_____
Kennedy	<u>/</u>	_____



20 N.W. Washington Street
Sherwood, Oregon 97140
503/625-5522 □ FAX 503/625-5524

NOTICE OF DECISION

TAX LOTS: 2000 & 2100
MAP NO: 2S 1 32BC
CASE NO: PA 96-2
DATE MAILED: 5-8-96

TO: The Sherwood City Council

On May 7, 1996, the Planning Commission of the City of Sherwood, Oregon decided to recommend to the City Council approval of the application for PA 96-2 Lamb/Eaton Plan Map Amendment to rezone Tax Lots 2000 and 2100, Map 2S 1 32BC from Medium Density Residential Low (MDRL) to Retail Commercial (RC).

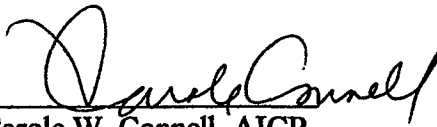
The decision was based on the following major findings:

See Staff Report dated April 9, 1996

This approval is valid for one (1) year.

APPEAL

Persons who are a party to the 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, AICP
Planning Director

Final Action
 Additional Required Action:

Review Body:

Date of Meeting:

Planning Commission
 City Council

May 14, 1996

TO: Planning Commission
FROM: Lisa Nell, Assistant Planner

I. Proposal Data

Applicant: The Sherwood City Council initiated the proposal.

Request: The request is for a **Plan Amendment to change 2 tax lots from Medium Density Residential Low (MDRL) to Retail Commercial (RC)**.

Location: 340 SW First Street and 125 SW Main Street, across from the City Hall park in the Old Town overlay zone, further described as Tax Lots 2000 and 2100, Tax Map 2S1 32BC.

II. Required Findings for a Plan Map Amendment

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

The proposed map amendment is compatible with several objectives and policies of Part 2 of the Comprehensive Plan. However, there are some policies and strategies that are inconsistent with the proposal. The following is a brief outline of objectives, policies and strategies and a short response to each.

Chapter 4 lists the four general objectives for commercial planning designations and the policies and strategies to be used to obtain these objectives. These are as follow:

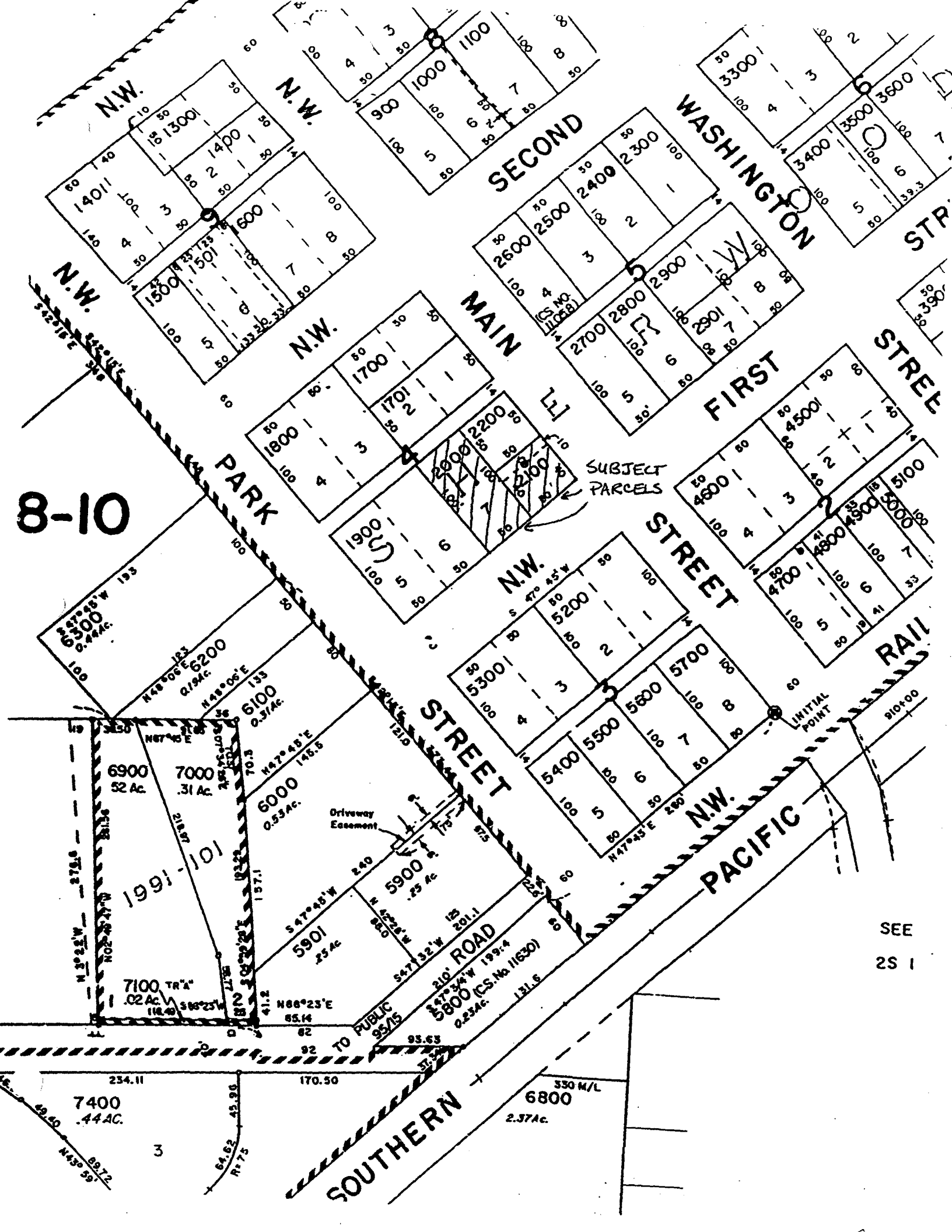
1. To provide for commercial activities which are suitable to regional, community and neighborhood demand.

Although no market analysis has been conducted, it is logical to assume that there is enough demand to support two small businesses that would result from the proposed map amendment to change the zoning on the above noted parcels from Medium Density Residential Low (MDRL) to Retail Commercial (RC). This demand is due to the rapid residential development over the last 6 years, a rise in population over the last six years and the subsequent increasing need for goods and services in the community. Additionally, the location of the two lots are ideal as they are located in the Old Town overlay zone district and are adjacent to existing RC zone.

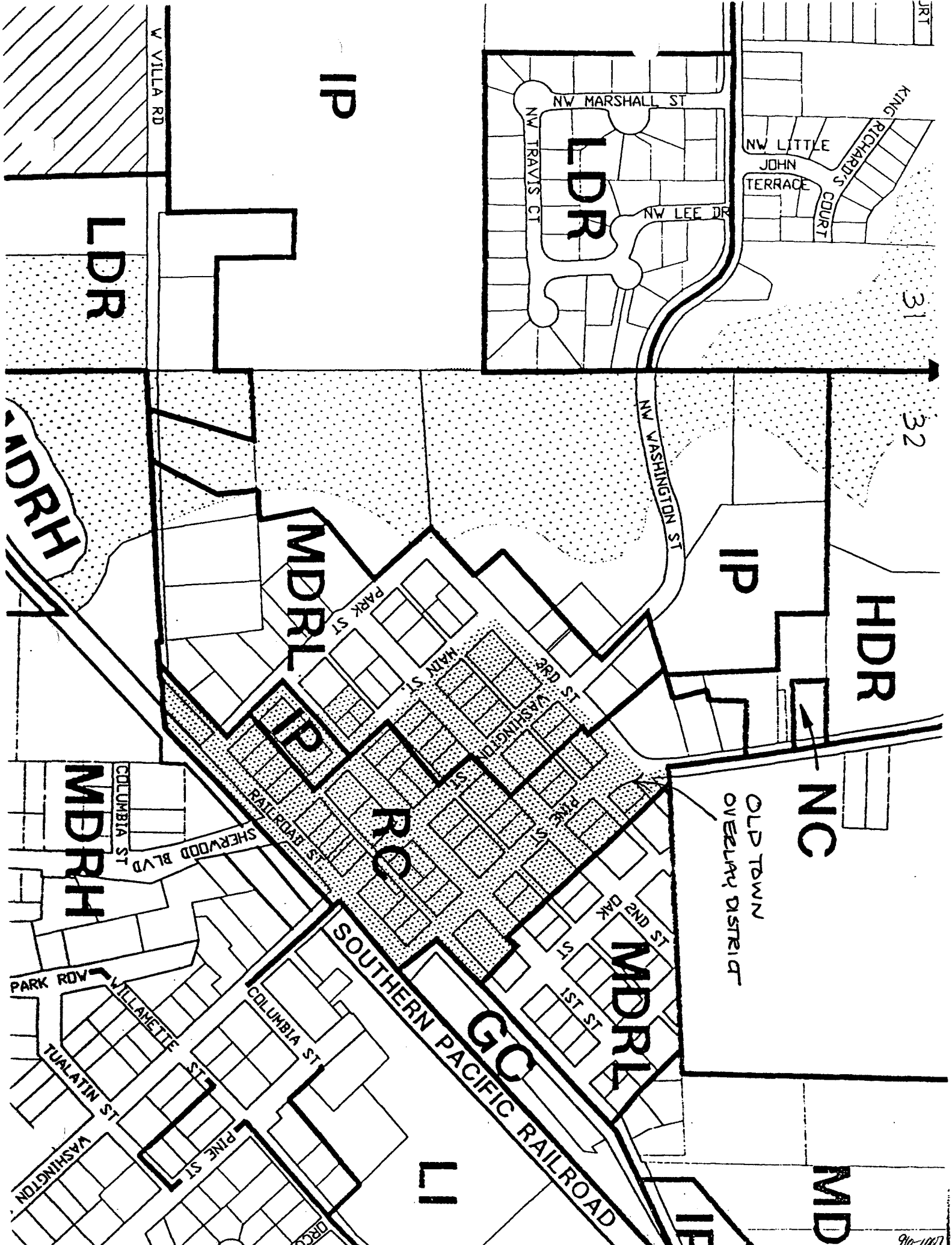
2. To locate commercial activities with safe and convenient access by consumers.

The proposal will increase the level of traffic along 1st Street and Main Street and will create an increased demand for parking in that area. Although this may not create a safety problem, there is already heavy parking along 1st Street, near the Police Station. Depending on the particular use and the number of customers frequenting the site, the result could be that the customers of the retail businesses located on these lots will need to park further away and walk a few blocks to reach the businesses. This would not be convenient. As a remedy to the parking problem, Staff recommends that parking signs be installed along the south side of 1st Street and along the west side of Main Street which limit parking to 2 hours. (Staff is currently creating an overall plan to increase the amount of parking in Old Town. The signage will become a part of

8-10



SEE
2S 1



JRT

V VILLA RD

IP

NW MARSHALL ST

LDR

NW LITTLE JOHN TERRACE

KING RICHARD'S COURT

NW LEE DR

31

32

LDR

NW WASHINGTON ST

IP

HDR

MDRH

MDRL

Park St

Main St

3RD ST

WASHINGTON ST

NC
OLD TOWN
OVERLAY DISTRICT

COLUMBIA ST

MDBRH

SHERWOOD BLVD

RAILROAD ST

RO

PINE ST

2ND ST

MDRL

PARK RDV

VILLANETTE ST

COLUMBIA ST

GC

1ST ST

SOUTHERN PACIFIC RAILROAD

LI

TUALATIN ST

WASHINGTON ST

PINE ST

MD

IE

the parking plan.) Therefore, there would be ample time for businesses transactions or restaurant services, while eliminating all day parking use from the proposed commercial area. The residents in the area have parking at the rear of their property via an alley way, with the exception of the house on Tax Lot 2200 which is located between Tax Lot 2100 and the alley.

3. *To encourage the location of commercial uses in well-planned commercial centers.*

The proposal is to be a continuation of the Old Town commercial center, which is well planned as outlined in the "Sherwood Old Town Revitalization Action Plan." This plan is discussed below.

4. *To provide an adequate amount of serviceable commercial land that meets market demand.*

The proposed map amendment increases the amount of serviceable commercial land which will help meet Sherwood's increasing market demand for commercial goods and services.

To meet the general objectives, the Comprehensive Plan lists four policies with several strategies. Policy 1 states that the commercial activities are to be located so as to most conveniently service customers. Consistent with the strategies of Policy 1, the proposal is a continuation of an "established commercial center" and the "center is accessible on major roadways by pedestrians, auto and mass transit." Additionally, there is a "need for more commercial services in the area."

Policy 2 states that commercial uses will be developed so as to complement rather than detract from adjoining uses. The proposal complies with the strategy that states that the older downtown commercial area should be preserved as a business district and unique shopping area. If rezoned, the owners of Tax Lot 2000 intend to open a Victorian style tea room which will serve tea, sandwiches and desserts. This use will contribute to the above strategy as it helps to preserve the business district and enhances the unique quality of the shopping area. The two properties provide an ideal location for a cottage business.

However, there is a question of whether or not the RC zone is compatible with the neighborhood. For example, if a restaurant is the selected use for the subject site, would that use be compatible with the residential uses of the adjacent MDRL zone? There are several factors that must be taken into consideration, including noise, additional traffic, delivery trucks, overflow parking, and hours of operation. If a restaurant is allowed to operate adjacent to the neighborhood, the level of noise will increase significantly from the noise level that currently exists along the residential block, especially if tables are placed at the rear portion of the lot. As mentioned earlier, uses allowed in the retail commercial zoning district will most likely increase the level of automobile and pedestrian traffic in the area. Staff doesn't believe that the increase in traffic, itself, will have a significant negative impact on the surrounding residential area. However, the presence of delivery trucks and the amount of overflow parking will contribute to the congestion and, as mentioned, locating convenient parking could be problematic. Furthermore, if the business is allowed long hours of operation, the increased level of noise, traffic and need for parking will extend over a longer period of time each day.

Policy 4 states that the 1983 "Sherwood Old Town Revitalization Plan" and its guidelines and strategies area adopted as a part of the Sherwood Comprehensive Plan. The strategy for meeting the plan explains that the City will continue to encourage implementation of the goals, objectives, strategies for projects outlined in the plan.

Old Town Revitalization Action Plan

The proposed change in zoning meets all of the key goals of the Sherwood Old Town Revitalization Action Plan. These include maintaining the cultural identity, enhancing the economic vitality, and preserving the physical and historical qualities of Old Town. Also important are the transportation goals.

Cultural Identity: The proposal continues the cultural identity of the neighborhood because it contributes to the preservation of Sherwood's historic downtown which was once a bustling retail center for the surrounding rural area. With most of the retail activity having shifted to 99W, the expansion of the RC zone within the Old Town district will provide an opportunity to rekindle retail development in Old Town.

Economic Vitality: The proposed rezone would allow the provision of goods and services that are not currently allowed in the MDRL zoning district, such as restaurants, professional services, and a variety of general retail trade uses. If allowed, these uses would contribute to the goals to provide mixed land uses supportive of the immediate neighborhood, increase the employee base in Old Town, encourage the expansion of retail commercial functions in Old Town and provide a broader range of commercial services.

Physical Qualities: According to the goals of the Old Town Plan, it is desirable that any new buildings, remodels or renovations be done so that they harmonize with the surrounding environment in order to tie the district together. Additionally, signs should identify the business without becoming the dominating visual features. The existing houses on the subject tax lots are historic structures, but in need of repair and renovation. Developing the area as part of the RC zone will encourage the remodeling of these structures and enhance the physical qualities of Old Town.

Historical Qualities: By utilizing existing historical structures on the subject parcels, the physical and historical qualities of the Old Town area are preserved. If the house on Tax Lot 2000 is allowed to be converted into a Victorian tea room, these qualities are further enhanced.

Transportation Goals: The Old Town Plan also includes transportation goals. These goals identify the need to keep retail store front areas open to customer traffic and stress the importance of improving intersections to enhance pedestrian crossing. The buildings currently located on the subject parcels have street front access for convenient customer access. The intersection at 1st and Main does not currently experience heavy automobile or pedestrian traffic. As traffic increases, there will be a need for new crosswalk striping at the intersection. Additionally, the plan indicates that long term (employee) parking should be separated from the short term (customer) parking, supporting further the Staff recommendation to install 2 hour parking signs along 1st Street and Main Street.

Part 3 of the Comprehensive Plan (Chapter 9) states in the purpose of the Old Town overlay zone that the OT zoning district is an overlay district generally applied to commercially zoned property, and to adjacent residential properties supporting and complementing the commercial area and providing a diversity of uses. Additionally the OT overlay zone recognizes the unique and significant characteristics of Old Town, and is intended to provide development flexibility with respect to uses, site size, setbacks, heights, and site design elements, in order to preserve and enhance the area's commercial viability and historic character.

The proposed map amendment contributes to the purpose of the Old Town overlay zone. By changing the zoning to RC, the subject parcels will help provide a diversity of uses and services to the neighborhood and the down town area. Converting the historic home on Tax Lot 2000 will maintain the architectural integrity the structure and enhance the unique and historic characteristics of Old Town and help to preserve the commercial viability.

The retail commercial planning designation objective of the Comprehensive Plan states that the retail commercial zone is primarily intended to provide areas for retail and service uses which are of a type and size to serve community wide needs consistent with sound site planning. More specifically, the objective is to:

1. Where retail and service uses can be centrally located in the community and /or are easily accessible on major fully improved streets from all areas of the City.

Located in the Old Town overlay district, the subject site is centrally located and is easily accessible from all areas of the City.

2. Where creation and/or expansion of planned commercial center(s) will not create undue congestion or produce substantial conflicts with the established land use pattern.

The allowed uses of the RC zone will not create a undue congestion, but may create conflicts with the established land use pattern of the existing residential uses adjoining the parcels as customers spread out to find parking spaces and pedestrian traffic increases.

3. Where concentrations of residential use are, or in the foreseeable future will be sufficient to support retail activity.

As mentioned, a market analysis has not been conducted. However, Sherwood's population has doubled over the last four years and is predicted to increase to approximately 9,000 or more by 1998. Considering this increase, there should be sufficient residential concentration to support the additional retail activity that would result if the zoning of the proposed parcels is changed to RC.

4. Where adequate off street parking and pedestrian ways are provided or can be provided in and near where development is to occur.

As mentioned above, parking could present a problem. This will need to be addressed and a logical solution formulated and implemented.

5. Where a full range of urban facilities and services are available or can be provided in conjunction with development.

Urban facilities and services are available to the subject parcels for the purpose of future development.

B. There is an existing and demonstrable need for the particular uses and zoning proposed, taking into account the importance of such uses to the economy of the City, the existing market demand for any goods or services which such uses will provide, the

presence or absence and location of other such uses of similar uses in the area, and the general public good.

There is a need for more retail commercial zoning in Old Town. Over the past few years, more cottage businesses have located in the Old Town area creating an apparent lack of RC vacancies. Additionally, as mentioned, the population of Sherwood has increased significantly. Many of the residents that are moving into the area come to Old Town during the day for lunch, to shop and do business. On the weekends, an increasing number of people are coming to the downtown area for shopping and recreational activities.

There is a need for the improvement and revitalization of the Old Town area. Rezoning the subject parcels to RC will encourage and expedite the remodeling and renovation of the existing buildings, contributing to the overall goals and characteristics of the Old Town development. Furthermore, the architecture style of the existing buildings maintains the historic and physical character of Old Town. Overall, the structures' location, size and design are ideal for cottage businesses.

Continuing to revitalize Old Town is a goal aimed at meeting the needs of the general public. Developing the downtown area will strengthen the economy of Old Town by providing more variety of goods and services. Creating a central location for community gatherings, recreation and shopping is essential to Old Town success. Plans to refine this concept by developing a town square at the City Hall Park location and situating businesses along the square are currently being studied by Staff. The rezoning of the subject parcels contributes to the overall goal of establishing a town square in Old Town, which coincides with the goals and objectives of the Old Town Revitalization Action Plan.

C. 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.

The proposed amendment is timely, considering the growth that Sherwood is experiencing, the steady increase in population, and the recent increase in cottage businesses in the Old Town RC area. As a result of the increase in development, the need for more goods and services has increased. Additionally, the expansion of the RC zone is timely as the RC parcels are being developed into businesses at a rapid pace and there are few vacancies of RC parcels in the Old Town district.

There are adequate public services and utilities to serve all potential uses in the proposed RC zone.

D. 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.

As mentioned above, the subject parcels are unique because they are located in the Old Town overlay district, which is especially planned as a retail commercial center to support the surrounding neighborhood. The parcels are adjacent to the existing RC zoning district in Old Town and amending the zoning map to include these parcels in the RC zone is logical and effective land use planning. Additionally, the two buildings have historic value and contribute to

the Old Town Sherwood character. The house at 340 NW First Street was built in 1903 and the house at 125 NW Main was constructed in 1898.

There are existing Retail Commercial parcels within the Old Town overlay district that may be suitable for retail commercial development such as that which would be allowed with the proposed zone change. Additionally, there are several more MDRL parcels that will also be considered for rezoning to RC. However, the subject properties are currently the most suitable for this particular development and zone change. The house at 340 NW First Street has a new owner which, as mentioned, has expressed the desire to open a tea room. Additionally, the proximity of the subject parcels to a public open space makes them more desirable for development than the existing RC parcels in Old Town. That is, the City Hall Park serves as a center focus for the downtown. As mentioned, a plan for developing a town square at the City Hall Park location and situating businesses along the square are currently being studied by Staff. For this reason, the subject parcels are key to the transition of the park to a town square and the ultimate success of the Old Town plan.

There is also a GC zone along Oregon Street in the Old Town area. This property would not be suitable for comparable development due its proximity to the railroad and the light industrial zone. All other retail commercial and general commercial (GC) parcels in Sherwood are located along Highway 99W and do not serve the purpose or goals of the Old Town Revitalization Action Plan.

III. Recommendation

Overall, the proposed map amendment to change the subject parcels from MDRL to RC zoning meets all of the four criteria for map amendments. The proposal is consistent with many of the relevant goals and policies of the Comprehensive Plan and the Old Town Revitalization Action Plan. Considering the need to revitalize the downtown are, and the recent development of other RC parcels in Old Town, there appears to be a demonstrable need for the proposed amendment. The expansion of the RC zone is timely, considering the lack of RC vacancies in Old Town and the steady increase in population and subsequent need for goods and services. There are no known existing RC parcels in the City that are as suitable at this time for the proposed use. The subject parcels are unique in that they are adjacent to the City Hall Park, are in the Old Town overlay district and adjoining the existing RC zone that has been planned for expansion.

Although all of the proposal is consistent with the four criteria overall, Policy 2 of the Commercial Planning Designations (Comprehensive Plan, Part 2) states that commercial uses will be developed so as to complement rather than detract from adjoining uses. Consequently, some consideration should be given to the negative impacts that RC uses may have on the surrounding residential neighborhood. As mentioned, these include noise, traffic congestion, parking problems and an increase in pedestrian traffic throughout the area. As discussed above, Staff is currently developing a plan to increase parking in the downtown area. However, the noise, traffic congestion and rise in pedestrian use throughout the neighborhood will be a given with the uses allowed in the RC zone.

In conclusion, Staff recommends approval of the map amendment to change the zoning from Medium Density Residential Low (MDRL) to Retail Commercial (RC) for Tax Lots 2000 and 2001, Tax Map 2S 1 32 BC.