

Sherwood Community Center
Type IV – Major Site Plan Modification to
SP 12-01/CUP 12-01/VAR 12-01/VAR 12-02 and Class A Variance
Land Use Application

Applicant/Owner: City of Sherwood Urban Renewal Agency
22560 SW Pine Street
Sherwood, Oregon 97140

Contact: Harper Houf Peterson Righellis Inc.
205 SE Spokane Street, Suite 200
Portland, OR 97202
(503) 221-1131

Planner/Contact: Keith Jones, AICP, LEED AP ND
keithj@hhpr.com

Engineer: Ben Austin, P.E.
bena@hhpr.com

Architect: Ankrom Moisan Associated Architects
6720 SW Macadam, Suite 100
Portland, OR 97219

J. Murray Jenkins, AIA, NCARB
(503) 952-1335
MurrayJ@AMAA.com

Landscape Architect: Lango Hansen Landscape Architects P.C.
1100 NW Glisan, # 3B
Portland, OR 97209

Kurt Lango, ASLA
kurt@langohansen.com
(503) 295-2437

Site Location: 22832 SW Washington Street

Tax Lot(s): Tax Map 2S132BD Tax Lot 7700, 7800, 9100 and 9200

Site Size: Railroad Parking Lot: 14,944 square feet
Community Center / West Phase: 43,787 square feet

Zoning: Retail Commercial (RC)

Summary of Request: Major Site Plan Modification to approved site plan SP 12-01 to allow a new design for the community center and Class A variance for minimum window coverage.

Report Date: August 23, 2013 (First Submittal)



TABLE OF CONTENTS

I.	DESCRIPTION OF PROPOSAL	3
II.	SUBMITTAL REQUIREMENTS	4
III.	RESPONSE TO APPLICABLE APPROVAL CRITERIA	7
	<i>Chapter 16.40 – Planned Unit Development (PUD)</i>	<i>Error! Bookmark not defined.</i>
	<i>Chapter 16.82 – Conditional Uses</i>	<i>Error! Bookmark not defined.</i>
	<i>Chapter 16.84 – Variances</i>	7
	<i>Chapter 16.90 – Site Planning</i>	14
IV.	RESPONSE TO APPLICABLE CODE STANDARDS	15
	<i>Chapter 16.12– Residential Land Use Districts</i>	<i>Error! Bookmark not defined.</i>
	<i>Chapter 16.28 – Retail Commercial (RC)</i>	<i>Error! Bookmark not defined.</i>
	<i>Chapter 16.92 – Landscaping</i>	15
	<i>Chapter 16.94 – Off-Street Parking and Loading</i>	17
	<i>Chapter 16.98 – On-Site Storage</i>	<i>Error! Bookmark not defined.</i>
	<i>Chapter 16.142 – Parks and Open Spaces</i>	18
	<i>Chapter 16.146 – Noise</i>	18
	<i>Chapter 16.148 – Vibrations</i>	18
	<i>Chapter 16.150 – Air Quality</i>	18
	<i>Chapter 16.152 – Odors</i>	18
	<i>Chapter 16.154 – Heat and Glare</i>	19
	<i>Chapter 16.156 – Energy Conservation</i>	19
	<i>Chapter 16.162 – Old Town (OT) Overlay District</i>	19
V.	CONCLUSION	23

ATTACHMENTS

- | | |
|--|--|
| 1. Land Use Application form | 7. Parking Exhibit |
| 2. Neighborhood Meeting Materials | 8. Title Information |
| 3. Tax Map | 9. Geotechnical Memorandum 2008 |
| 4. CWS approved prescreening forms | 10. Railroad Parking Lot Legal Description |
| 5. Tree inventory letter prepared by Lango Hansen Landscape Architects dated July 31, 2009 | 11. Preliminary Stormwater Report |
| 6. Updated tree inventory letter prepared by Lango Hansen Landscape Architects dated 11-2-11 | 12. Cannery Square Subdivision Recorded Plat |
| | 13. 11X17 Plan Set |



I. DESCRIPTION OF PROPOSAL

Background

Cannery Square Planned Unit Development (PUD) received preliminary development plan approval from the Sherwood City Council on March 2, 2010 (Ordinance 2010-0004, PUD 09-01). The PUD includes 7 phases, significant public improvements and subdivision of the property into 10 developable lots and a public plaza tract. The approval was the culmination of many years of planning for the development and redevelopment of the Old Cannery Area. For many years this area was rundown or vacant following the closure of a fruit cannery in 1971.

To date, all of the road improvements and the public plaza have been constructed and the East and West Residential phases are under construction and nearing completion. The plaza was indicated as one of the 7 phases of the PUD and was the first phase to receive Final Development Plan approval, approved by the Planning Commission in September of 2010. Section 16.40.030 requires each phase of the PUD to receive a detailed Final Development Plan approval. The proposed Sherwood Community Center Phase Final Development Plan (formally known as the Machine Works Phase) was approved by the Planning Commission in August of 2012. The Railroad Parking Lot upgrade that was included in the Community Center approval is outside the boundary of the Cannery Square PUD, but is associated as it will provide additional parking for the Community Center.

Proposal

The City of Sherwood Urban Renewal Agency proposes a Major Modification to the 2012 Community Center approval. The modification is to allow approval of a new design for the Community Center building. The modification only involves the design of the building and the area of the site next to the building. Most of the site plan including the parking lot and access is unchanged from the 2012 approval. The building will be of similar size and massing, located in the same location as the previous proposal. The applicant also requests approval of Class A Variance to the minimum window percentage standard of Section 16.162.080.H (Ground Floor Windows). The project was approved for exceptions to these minimum window percentage standards through the Sherwood Cannery Square PUD approval. The applicant contends that even though the applicant no longer proposes an adaptive reuse of an existing building and now proposes a new building, these exceptions still that apply. However, in the event that the Planning Commission indicates that a variance is required, the applicant has requested a Class A variance to this standard on two of four building elevations.

Approval Request

The applicant proposes a Major Modification to the approved site plan as allowed under Section 16.90.030 of the Sherwood Zoning and Community Development Code (SZCDC). As a Major Modification the application must be processed the same as the original approval. Therefore the proposal will be decided by the Sherwood Planning Commission as a Type IV land use action and public hearing. If required, the applicant proposes a Class A Variance to reduce or eliminate the minimum window percentage requirement (Section 16.162.080.H) on two of four building elevations.



II. SUBMITTAL REQUIREMENTS

Response: The Conditional Use Permit and Site Plan Review Application forms dated October 2010 states that the following is required for a complete application:

1. Fees

Response: Paid by the Urban Renewal Agency through an inter-department funds transfer.

2. Application Form

Response: Submitted with this application and signed by the Sherwood Urban Renewal Agency.

3. Document of Neighborhood Meeting

Response: A neighborhood meeting was held on Monday July 16, 2012 at 5:30 PM at the Rebekah Lodge, 22550 SW Washington Street, Sherwood.

4. Tax Map

Response: A tax map is attached (Attachment 3).

5. Mailing Labels

Response: Mailing labels have been submitted with this application.

6. Vicinity Map

Response: Included with the plan set submitted with this application.

7. Narrative

Response: This report is the applicant's narrative.

8. Electronic Copy

Response: A CD with electronic Word and PDF copies is submitted with this application.

9. Required Plans

Response: Contained within the Plan Set submitted with this application.

10. Reduced – Proposed Development Plans

Response: Submitted with this application.

11. Lighting Plan



Response: Contained within the Plan Set submitted with this application.

12. Surrounding Land Uses

Response: Contained within the Plan Set submitted with this application.

13. Architectural Exterior

Response: Contained within the Plan Set submitted with this application.

14. Title Report

Response: Attached to this narrative report (Attachment 8).

15. CWS Service Provider Letter

Response: Attached to this narrative report (Attachment 4).

16. Trip Analysis

Response: A traffic impact study was prepared for the Sherwood Cannery Site PUD prepared by DKS Associates dated January 2009. The study covered the Sherwood Community Center, no additional study is required for completion of this phase of development.

17. Army Corps and DSL wetland applications and permits

Response: Does not apply.

18. Traffic Study

Response: As stated above, a traffic impact study was completed for the PUD in 2009. No further work is needed.

19. Solis Analysis and/or Geotechnical Report

Response: GeoDesign completed a review for the PUD in 2008 (Attachment 9).

20. Tree Report

Response: Lango Hansen Landscape Architects completed a tree report for the PUD dated July 31, 2009 (Attachment 5). The tree report remains valid for the Sherwood Community Center and West Phase parking proposal. An updated tree report was prepared for the Railroad parking lot and is attached (Attachment 6).

21. Natural Resource Assessment

Response: Does not apply. A natural resource assessment was prepared for the Sherwood Cannery PUD. The proposal does not involve any sensitive areas that are located east of Pine



Street. Further pre-screening forms have been approved as the Service Provider Letter for this proposal and therefore a natural resource assessment is not required.

22. Wetland Delineation Study

Response: Does not apply. A wetland delineation study was prepared in association with the natural resource assessment as stated above but does not involve this proposal.

23. Other Special Studies and/or Reports

Response: Nothing additional was identified.

24. Verification of compliance with other agency standards

Response: None have been identified.



III. RESPONSE TO APPLICABLE APPROVAL CRITERIA

Chapter 16.84 – Variances

Chapter 16.84.030(C) – Class A Variances

Response: Section 16.162.080.H (Ground Floor Windows) requires that windows occupy at least 50% of the length and 25% of the total ground-level wall area. This standard is stated as follows:

- H. Ground Floor Windows. The purpose of this standard is to encourage interesting and active ground floor uses where activities within buildings have a positive connection to pedestrians in Old Town. All exterior walls on the ground level which face a street lot line, sidewalk, plaza or other public open space or right-of-way must meet the following standards:*
- 1. Windows must be at least fifty percent (50%) of the length and twenty-five percent (25%) of the total ground level wall area. Ground-level wall areas include all exterior wall areas up to nine (9) feet above the finished grade. This requirement does not apply to the walls of residential units or to parking structures when set back at least five (5) feet and landscaped to at least the Section 16.92.030C standard.*
 - 2. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. The bottom of the windows must be no more than four (4) feet above the adjacent exterior grade.*

This requirement applies to the Old Cannery Area of the Old Town Overlay where the project resides. The applicant had modified this standard through approval of the Sherwood Cannery Square Architectural Pattern Book approved with the Sherwood Cannery Square Planned Unit Development (PUD) application, approved in 2010 (PUD 09-01, PA 09-05 and SUB 09-02). The approved Architectural Pattern Book dated June 22, 2010 modified this standard stated as follows:

Machine Works Building¹: This building will not fully comply with the standards listed above. This building is an adaptive reuse of an existing concrete structure; the existing grade differences between the floor and the adjacent may be greater than 4-feet. This structure will comply with the following:

- The street facing façade of the Machine Works building will meet the requirements of subparagraph H.1, above.*
- The portion of the north façade facing the landscaped plaza between the Machine Works building and the West building shall meet both requirements of Paragraph H.*

Since this Architectural Pattern Book was written, the existing Machine Works Building was demolished due to poor condition and the applicant now proposes to build an entirely new structure. The applicant contends that although the applicant no longer proposes to use an existing structure, this exception that modified the standard continues to apply to the current proposal as a new building. The applicant believes this to be the case for the following reasons:

¹ The Community Center was referred to as the Machine Works Phase at the time the preliminary Sherwood Cannery Square PUD was approved in 2010 (PUD 09-01, PA 09-05 and SUB 09-02).



1. The Machine Works Building is a phase of the PUD. The applicant intends to carry out the original intent of the PUD and construct a building in the Machine Works Phase consistent with the PUD approval. The building will be located in the same area and will be of similar size and massing as the original building approved with the PUD master plan. In the applicant's view, to not follow the Pattern Book would be contrary to the PUD approval. Therefore this modification must be followed even for a new building.
2. The statement:

"This building is an adaptive reuse of an existing concrete structure; the existing grade differences between the floor and the adjacent may be greater than 4-feet"

is just that, a statement. This is not a finding of fact tied to any criteria it is just a statement related to facts about the existing structure. Although it does provide some basis for why the exception was requested it does not provide all of the reasons for why the exception was granted and was not intended to be a finding to support this exception. Certainly now that the building is new and no longer an adaptive reuse, some of these constraints go away, but again this is not a finding of fact tied to a standard or criteria it is just a statement of the facts that existed at the time the PUD was approved. The second part of the paragraph:

- *The street facing façade of the Machine Works building will meet the requirements of subparagraph H.1, above.*
- *The portion of the north façade facing the landscaped plaza between the Machine Works building and the West building shall meet both requirements of Paragraph H."*

is what modifies the standard. This statement is the exception that was granted. The first bullet states that the street facing façade indicating only one façade will meet the minimum window percentage standard. Since Pine Street is logically the street facing façade of the building this exception therefore applies just to Pine Street. If this statement were plural there would be no reason to state this exception since the building faces three streets (Pine, Columbia and Washington Street). Therefore this exception is saying that only the Pine Street façade shall meet the minimum ground floor window standard. The second bullet indicates that the portion of the north façade facing the plaza (now termed the paseo) shall meet the minimum percentage window standard. Therefore this exception is stating that the building must meet the standard on the east (Pine Street) and north (paseo) facing elevations. The applicant proposes to meet the standard on these two elevations, but does not propose to comply on the south and west consistent with this exception and PUD approval.

The Planned Unit Development process allows for modification to zoning standards. Section 16.40.020.C contains the approval criteria for a PUD. Criteria #2 under this section states the following:

"That exceptions from the standards of the underlying zoning district are warranted by the unique design and amenities incorporated in the development plan."



This approval criterion allows exceptions to standards based on unique design and amenities of the proposed development. Nowhere in the approval criteria for a PUD does it state that a finding must be made that a constraint must exist in order for an exception to be granted under the PUD approval. The applicant has already demonstrated that the PUD has unique design and amenities incorporated and has in good faith requested an exception based on the vast amount of public amenities and unique design afforded by the development. To now say that the exception is no longer valid is contrary to the approval criteria that was the basis to grant the exception.

Therefore based on the two reasons stated above, the applicant finds that the exception is still in full effect and the applicant is required to meet the minimum ground floor window percentage on the west (Pine Street) elevation and north (paseo elevation) only.

Should the Planning Commission not agree with the applicant's finding that the Pattern Book exception to this standard is still in effect, the applicant has applied for a variance to this standard. Should a variance be determined to be necessary, the applicant has responded to the variance criteria below.

1. *Generally*

- a. *The Class A variance procedure may be used to modify a standard for three (3) or fewer lots, including lots yet to be created through a partition process.*

Response: The proposed Community Center is on one lot and qualifies for a Class A variance under this section.

- b. *An applicant who proposes to vary a standard for lots yet to be created through a subdivision process may not utilize the Class A variance procedure. Approval of a Planned Unit Development shall be required to vary a standard for lots yet to be created through a subdivision process, where a specific code section does not otherwise permit exceptions.*

Response: The requested variance is to allow less glazing on the west and south building elevations and does not involve lot dimensional standards. The proposal qualifies for a Class A Variance under this section.

- c. *A Class A Variance shall not be approved that would vary the "permitted, conditional or prohibited uses" of a land use district.*

Response: The requested variance is to allow less glazing on the west and south building elevations and does not involve the use of the structure. The use of the structure is proposed as a community center, a conditional use, and retail, a permitted use, in the Retail Commercial (RC) zone. The proposal qualifies for a Class A variance under this section.

2. *Approval Process:*

- a. *Class A Variances shall be processed using a Type IV procedure, as governed by Chapter 16.84, using the approval criteria in subsection 3, below.*



- b. *In addition to the application requirements contained in Chapter 16.72.010, the applicant shall provide a written narrative describing the reason for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection 3.*

Response:As stated at the beginning of this section, the applicant does not believe a variance is required, however if the Planning Commission determines that a variance is required the applicant has applied for a variance.

Variance Purpose

The standard to be varied is contained in Section 16.162.080.H (Ground Floor Windows). This section requires that windows occupy at least 50% of the length and 25% of the total ground-level wall area in the Old Cannery are of the Old Town Overlay where the subject property is located. This requirement applies to all elevations that face a street lot line, sidewalk, plaza or other public open space or right-of-way.

The Community Center site is unique in that the site abuts two streets, Pine Street to the east and Columbia Street to the south. The west elevation of building also faces Washington Street however Tract E of the Cannery Square Subdivision is between the subject lot and Washington Street. Therefore it is the applicant's position that the west elevation does not face Washington Street but instead faces the stormwater tract and therefore a variance for the west elevations is not required. However, in the event that the Planning Commission determines that a variance is indeed necessary for the westelevation, the applicant has provided a response that includes the west elevation.

Further the applicant proposes to install a plaza or paseo along the north end of the building. Therefore all four sides of the building must meet the minimum ground floor windows standard. Meeting this standard on all sides of the building is problematic as the theater portion of the building must limit light from entering the building. The proposed building meets this standard along the north elevation adjacent to the paseo and the elevation facing Pine Street (east elevation) but does not meet the standard along the south (Columbia Street) elevation or west (Washington Street) elevation.²The following tables indicate how the four elevations comply with the standard. As shown in the first table the north and east elevation both substantially comply with the standard where the south and west elevations do not comply and therefore the variance request is for the west and south elevations.

² As previously stated the applicant contends that the west elevation faces the stormwater tract and not Washington Street. However the applicant has included the west elevation in the response in the event the Planning Commission determines that the west elevations must comply with the minimum ground floor window standard.



Complying Elevations			
NORTH ELEVATION (Paseo)		EAST ELEVATION (Pine Street)	
<u>50% Length Requirement</u>		<u>50% Length Requirement</u>	
Linear Foot of Wall	126.75	Linear Foot of Wall	101
Linear Foot of Window to Wall <i>Required</i>	63.375	Linear Foot of Window to Wall <i>Required</i>	50.5
Linear Foot of Window to Wall <i>Provided</i>	70.5	Linear Foot of Window to Wall <i>Provided</i>	52.5
Percentage of Windows to Linear Foot <i>Required</i>	50.00%	Percentage of Windows to Linear Foot <i>Required</i>	50.00%
Percentage of Windows to Linear Foot <i>Provided</i>	55.62%	Percentage of Windows to Linear Foot <i>Provided</i>	51.98%
<u>25% Window Area Requirement</u>		<u>25% Window Area Requirement</u>	
Square Foot of Wall Area	1140.75	Square Foot of Wall Area	909
Square Foot of <i>Required</i> Window Area	285.19	Square Foot of <i>Required</i> Window Area	227.25
Square Foot of <i>Provided</i> Window Area	634.5	Square Foot of <i>Provided</i> Window Area	472.5
Percentage of Window to Wall Area <i>Required</i>	25.00%	Percentage of Window to Wall Area <i>Required</i>	25.00%
Percentage of Window to Wall Area <i>Provided</i>	55.62%	Percentage of Window to Wall Area <i>Provided</i>	51.98%
Noncomplying Elevations			
SOUTH ELEVATION (Columbia)		WEST ELEVATION (Washington) (see footnote #2 following page)	
<u>50% Length Requirement</u>		<u>50% Length Requirement</u>	
Linear Foot of Wall	159.25	Linear Foot of Wall	96.5
Linear Foot of Window to Wall <i>Required</i>	79.625	Linear Foot of Window to Wall <i>Required</i>	48.25
Linear Foot of Window to Wall <i>Provided</i>	30	Linear Foot of Window to Wall <i>Provided</i>	0
Percentage of Windows to Linear Foot <i>Required</i>	50.00%	Percentage of Windows to Linear Foot <i>Required</i>	50.00%
Percentage of Windows to Linear Foot <i>Provided</i>	18.84%	Percentage of Windows to Linear Foot <i>Provided</i>	0.00%
<u>25% Window Area Requirement</u>		<u>25% Window Area Requirement</u>	
Square Foot of Wall Area	1433.25	Square Foot of Wall Area	868.5
Square Foot of <i>Required</i> Window Area	358.31	Square Foot of <i>Required</i> Window Area	217.13
Square Foot of <i>Provided</i> Window Area	270	Square Foot of <i>Provided</i> Window Area	0
Percentage of Window to Wall Area <i>Required</i>	25.00%	Percentage of Window to Wall Area <i>Required</i>	25.00%
Percentage of Window to Wall Area <i>Provided</i>	18.84%	Percentage of Window to Wall Area <i>Provided</i>	0.00%

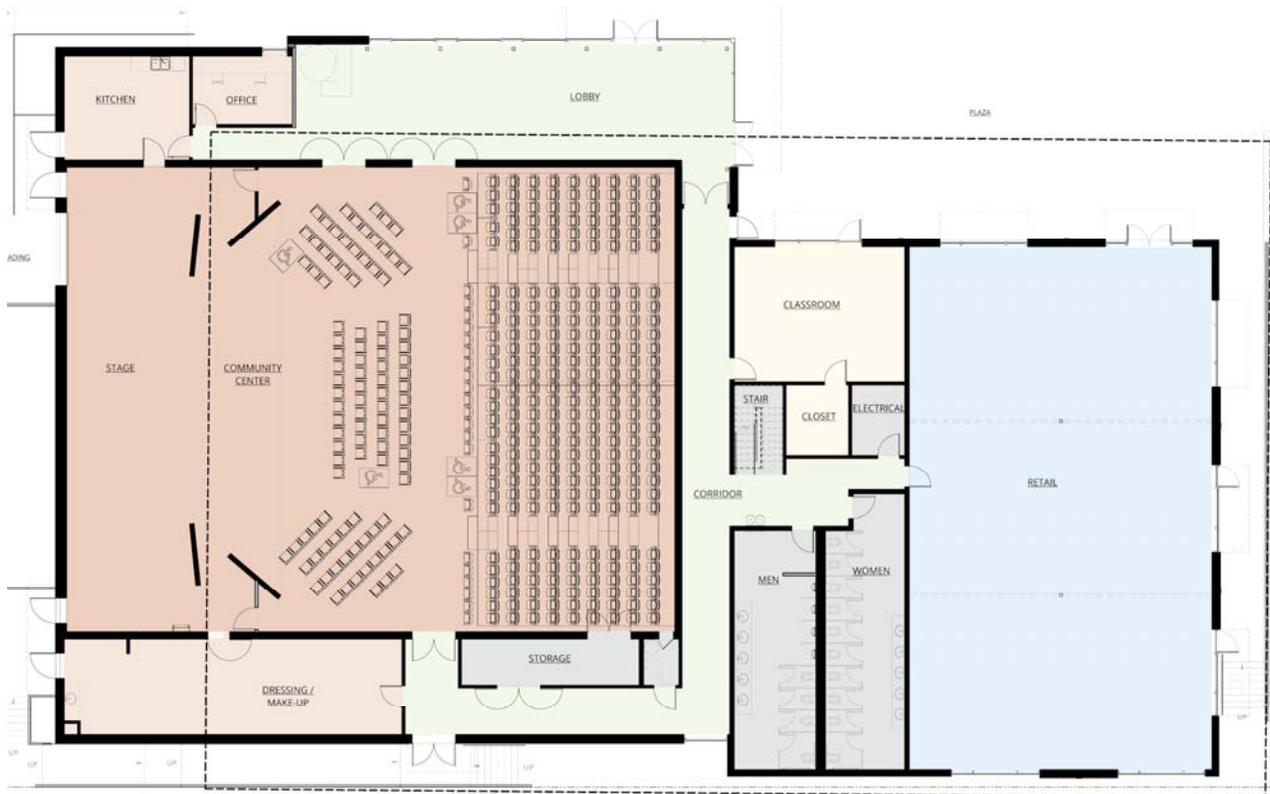


Alternatives Analysis

As previously stated, the applicant believes that the standard does not apply to the Washington Street (west) elevation since the elevation faces a stormwater tract that separates the subject lot from Washington Street. However, should the Planning Commission decide that the standard does apply to the west elevation, the west elevation is included in the variance response.

The figure on the next page shows the interior layout of the building. As the figure shows, substantial windows have been placed along the north, east and the east portion of the south elevation. The window coverage in these areas is so substantial in fact that the percentage of window coverage on these elevations far exceeds and even doubles the 25% minimum (55.62% - North Wall and 51.98% - East Wall). These elevations were deemed to be the front of the building as these elevations face Old Town, the Cannery Square Plaza and Pine Street that connects the building and surrounding neighborhoods to the south to the Old Town downtown core.

Columbia Street although a public street, from a design perspective it acts as a one-way narrow service drive and is not an important pedestrian corridor like Pine Street is. Washington Street is effectively the rear of the building and the stormwater pond tract and landscaping acts as a buffer between the Community Center and the low density residential neighborhood further west and east. Further as indicated on the floor plan (next page) these elevations contain the theater, hallway, kitchen, bathrooms, dressing rooms and exit halls from the theater. To ensure good acoustics and darkness no windows are proposed here.



The applicant looked at adding glass to the west elevation, however given the need for back stage access and to control lighting and acoustics, windows were determined to not work in this location. The building could be flipped so the back faces Pine Street but given the importance of Pine Street as a main corridor connecting the building and neighborhoods to Old Town, this option was ruled out. On the south elevation, the applicant has added glass to the portion of the south elevation that contains the retail space. Adding glass in this location is appropriate for the retail use but not appropriate for the theater use that includes the access hallway, dressing room and bathrooms where windows with views into these areas are not appropriate. Further this elevation faces the single-family residential neighborhood and placing windows the length of this location would adversely impact privacy. This elevation is proposed to provide 18% of the required 50% linear foot of window to linear foot of wall and 18% of window area to wall area of the required 25%.

3. *Approval Criteria: The City shall approve, approve with conditions, or deny an application for a Class A Variance based on the following criteria:*

a. *The proposed variance will not be materially detrimental to the purposes of this Code, to any other applicable policies and standards, and to other properties in the same land use district or vicinity;*

Response:The applicant requests to not meet the minimum window coverage standards on the south and west elevations. The proposal will meet all other development and design standards. The applicant finds that limited windows in these areas will have a positive impact on neighboring low density neighborhoods by protecting their privacy. Because neither Columbia or Washington Streets are major pedestrian corridors, adding activity to these streets is not appropriate and doing so would be contrary to City policy and code to buffer commercial properties from low density residential uses.

b. *A hardship to development exists which is peculiar to the lot size or shape, topography, or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same land use district);*

Response:The hardship arises from the fact that the lot has frontages on three public streets. There are no RC-zoned properties in the Old Town Area or vicinity that have this same situation with three public streets. This presents a hardship unique to the site requiring the applicant to comply with the minimum window standard on three sides. To make it more problematic the north elevation needs to meet the standard since it faces a plaza (paseo). Therefore all four sides of the building must meet the minimum window standard, a condition no other RC-zoned property in the vicinity has.

The layout of the site and recent subdivision of the property and lot was based on the location of the Machine Works Building. The building needed to be demolished due to an unsafe deteriorated condition. The building has only been owned by the applicant for the last few years so the upkeep of the building and eventual need to demolish it was out of the applicant's control.

These conditions create a hardship by requiring all four sides of the building to have substantial window amounts and not allowing for a back to the building. A back to any building is



needed to place uses such as bathrooms, kitchens, utility vaults and loading area. The back side or services side of a building is not an appropriate location for windows.

- c. *The use proposed will be the same as permitted under this title and City standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;*

Response: The reduction in minimum window percentage does not have any impact on the permitted uses in the RC zone. The applicant proposes a Community Center a conditional use and retail a permitted use in the RC zone and the variance proposed does not allow for a use that is not allowed.

- d. *Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject Code standard;*

Response: Window amounts have no impact on natural systems, traffic, drainage, natural resources or parks. The applicant has demonstrated compliance with all development standards and requirements.

- e. *The hardship is not self-imposed; and*

Response:As stated previously, the hardship is the fact that the building faces three street frontages. The layout of the site and recent subdivision of the property and lot was based on the location of the Machine Works Building. The building needed to be demolished due to an unsafe deteriorated condition. The building has only been owned by the applicant for the last few years so the upkeep and eventual need to demolish it was entirely out of the applicant's control. Therefore the hardship is not self-imposed.

- f. *The variance requested is the minimum variance that would alleviate the hardship.*

Response:The applicant proposes no windows on the east elevation as the rear loading area for the building. The south elevation is proposed to provide 18% of the required 50% linear foot of window to linear foot of wall and 18% of window area to wall area of the required 25%. Given the fact that the proposal is for a theater where windows interfere with interior darkness and acoustics, this is determined to be the minimum necessary to alleviate the hardship. To mitigate for this condition the applicant exceeds the minimum on the north (paseo) and east (Pine Street) elevations where the pedestrian activity will take place and where additional windows are appropriate.

Chapter 16.90 – Site Planning

16.90.030(A) – Modifications to Approved Site Plans

A. Modifications to Approved Site Plans

1. Major Modifications to Approved Site Plans

- a. *Defined. The review authority shall determine that a major modification(s) review is required if one or more of the changes listed below are proposed:
(1) A change in land use (i.e. residential to commercial, commercial to industrial, etc.);*



- (2) An increase in density by more than ten (10) percent, provided the resulting density does not exceed that allowed by the land use district;
- (3) A change in setbacks or lot coverage by more than 10 percent, provided the resulting setback or lot coverage does not exceed that allowed by the land use district;
- (4) A change in the type and/or location of access-ways, drives or parking areas negatively affecting off-site traffic or increasing Average Daily Trips (ADT) by more than 100;
- (5) An increase in the floor area or height proposed for non-residential use by more than 10 percent;
- (6) A reduction of more than 10 percent of the area reserved for common open space; or
- (7) Change to a condition of approval that was specifically applied to this approval (i.e. not a "standard condition"), or a change similar to items (1)-(2) as determined by the Review Authority.

Response: The proposal no longer involves an upgrade to an existing structure and now proposes an entirely new building. City staff has determined that this constitutes a Major Modification. Therefore this application is a Major Modification request.

b. *Approval Criteria. An applicant may request a major modification as follows:*

- (1) *Upon the review authority determining that the proposed modification is a major modification, the applicant shall submit an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The review authority may require other relevant information, as necessary, to evaluate the request.*
- (2) *The application shall be subject to the same review procedure (Type II, III or IV), decision making body, and approval criteria used for the initial project approval, except that adding a conditional use to an approved project shall be reviewed using a Type III procedure.*
- (3) *The scope of review shall be limited to the modification request and does not open the entire site up for additional review unless impacted by the proposed modification. For example, a request to modify a parking lot shall require site design review only for the proposed parking lot and any changes to associated access, circulation, pathways, lighting, trees, and landscaping.*
- (4) *Notice shall be provided in accordance with Chapter 16.72.020*
- (5) *The decision maker shall approve, deny, or approve with conditions an application for major modification based on written findings of the criteria*

Response: This application including plan submitted with this application use the same format as the original application. The original approval was made as a Type IV, this Major Modification request is likewise being processed as a Type IV decision. This Major Modification request only involves a review of the new structure and modifications to the site that immediately surround the new building design. No changes are being made to the approved parking and access to the site.

IV. RESPONSE TO APPLICABLE CODE STANDARDS

Chapter 16.92 – Landscaping

16.92.010– Landscaping Plan Required



All proposed developments for which a site plan is required pursuant to Section 16.90.020 shall submit a landscaping plan that meets the standards of this Chapter. All areas not occupied by structures, paved roadways, walkways, or patios shall be landscaped or maintained according to an approved site plan.

Response: A landscaping plan has been submitted with the application and is contained within the plan set submitted with this application. With the exception of the building pad that will be reserved for construction of the West Building that is not proposed with this application, all pervious areas will be landscaped in accordance with the submitted plans.

16.92.020– Landscaping Materials

Response: Only changes to the landscaping proposed under this modification is the removal of the north part of the existing stormwater facility as well as some landscaping next to the parking area north of the building. New planting locations comply with the requirements for landscape materials as shown on the landscaping plan submitted with the application.

16.92.030– Site Area Landscaping and Perimeter Screening Standards

A. Perimeter Screening and Buffering

1. Perimeter Screening Separating Residential Zones:

Response: Does not apply. The building does not abut a residential zone.

2. Perimeter Landscaping Buffer

a. A minimum ten (10) foot wide landscaped strip comprised of trees, shrubs and ground cover shall be provided between off-street parking, loading, or vehicular use areas on separate, abutting, or adjacent properties.

b. The access drives to a rear lots in the residential zone[...]

Response: Does not apply, the modification request does not involve parking or residential property.

B. Parking Area Landscaping

Response: Does not apply to this modification request.

C. Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas

All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and any adjacent residential zones. If unfeasible to fully screen due to policies and standards, the applicant shall make efforts to minimize the visual impact of the mechanical equipment.

Response: All Mechanical equipment will be roof mounted and screened with a parapet. The rear (west facing) loading area will face west towards the residential area but will be buffered with existing and proposed landscaping



Chapter 16.94 – Off-Street Parking and Loading

16.94.020 – Off-Street Parking Standards

A. Generally [...] Minimum and Maximum Parking Standards

Response: Since the application was approved the West Phase parking lot was slightly modified to accommodate two additional disabled parking spaces and aisle. This required the removal of two parking spaces in the West Phase Parking Lot. The applicant applied for and received approval of this site plan change under a minor modification application. An updated parking exhibit (Attachment 7) is provided reflecting this change. The updated parking numbers are provided in the table below.

Parking Provided	
West Phase Lot	23 / 27
RR Parking Lot	41
Columbia Street East	17
Columbia Street West	29
Washington Street	6
Pine Street	12
Total	128 / 132

The modified proposal continues to comply with required parking and does not modify the required parking or the proposed parking.

16.94.030 – Off-Street Loading Standards

A. Minimum Standards

- 1. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers shall be located on the site of any school, or other public meeting place, which is designed to accommodate more than twenty five (25) persons at one time.*

Response: The area along the south edge of the West Phase/Community Center parking lot will act as the passenger pickup and drop off area.

- 2. The minimum loading area for non-residential uses shall not be less than ten (10) feet in width by twenty-five (25) feet in length and shall have an unobstructed height of fourteen (14) feet. Multiple uses on the same parcel or adjacent parcels may utilize the same loading area if it is shown in the development application that the uses will not have substantially overlapping delivery times. The following additional minimum loading space is required for buildings in excess of twenty thousand (20,000) square feet of gross floor area:*
 - a. 20,000 to 50,000 sq. ft. - 500 sq. ft.*
 - b. 50,000 sq. ft. or more - 750 sq. ft.*



Response:A 15-foot wide loading area is provided at the rear of the Community Center Building. A 10 foot by 25 foot loading area is provided in the parking lot for the West Phase Building shown for both the drive-thru option and non drive-thru option.

B.Separation of Areas

Any area to be used for the maneuvering of delivery vehicles and the unloading or loading of materials shall be separated from designated off-street parking areas and designed to prevent the encroachment of delivery vehicles onto off-street parking areas or public streets. Off-street parking areas used to fulfill the requirements of this Chapter shall not be used for loading and unloading operations.

Response: Proposed loading areas will not interfere with off-street loading spaces were not counted toward minimum required parking.

Chapter 16.142 – Parks and Open Spaces

16.142.080 – Trees on Private Property Subject to Certain Land Use Applications

Response: For the Sherwood Cannery PUD, all trees greater than five inches in diameter at breast height (DBH) that are within the PUD were inventoried by size and species and shown on the tree protection plan submitted with the PUD. The 6-acre PUD only contained 10 trees. A tree report was prepared by Lango Hansen Landscape Architects dated July 31, 2009 (see Attachment 5). None of these trees are impacted by the proposal and the findings of the original report are not affected and does not change the approved site plan.

Chapter 16.146 – Noise

Response: High levels of noise beyond what is expected in an urban area is not anticipated. Therefore, the proposed use will be within required standards and there will be no adverse impacts.

Chapter 16.148 – Vibrations

Response: High levels of vibration beyond what is expected in an urban area is not anticipated. Therefore, the proposed use will be within required standards and there will be no adverse impacts.

Chapter 16.150 – Air Quality

Response: High levels of pollution beyond what is expected in an urban area is not anticipated. Therefore, the proposed use will be within required standards and there will be no adverse impacts.

Chapter 16.152 – Odors

Response: High levels or unusual odors are not anticipated.



Chapter 16.154 – Heat and Glare

Except for exterior lighting, all otherwise permitted commercial, industrial, and institutional uses shall conduct any operations producing excessive heat or glare entirely within enclosed buildings. Exterior lighting shall be directed away from adjoining properties, and the use shall not cause such glare or lights to shine off site in excess of one-half (0.5) foot candle when adjoining properties are zoned for residential uses.

Response: A site lighting photometric plan has been prepared and is contained within the Plan Set submitted with this application.

Chapter 16.156 – Energy Conservation

16.156.020 - Standards

- A. *Building Orientation - The maximum number of buildings feasible shall receive sunlight sufficient for using solar energy systems for space, water or industrial process heating or cooling. Buildings and vegetation shall be sited with respect to each other and the topography of the site so that unobstructed sunlight reaches the south wall of the greatest possible number of buildings between the hours of 9:00 AM and 3:00 PM, Pacific Standard Time on December 21st.*
- B. *Wind - The cooling effects of prevailing summer breezes and shading vegetation shall be accounted for in site design. The extent solar access to adjacent sites is not impaired vegetation shall be used to moderate prevailing winter wind on the site.*

Response: Both the Community Center Building and future West Phase Building will have exposure to the south and west for winter solar heat gain. Spacing between the West Phase and Community Center Building is provided to allow sunlight to reach the west and south end of the West Phase Building located to the north of the Community Center Building. Prevailing summer winds are from the north to northwest. The location of the paseo between the two buildings will allow for winds to pass through the paseo and buildings taking advantage of the summer breezes and cooling effect.

Chapter 16.162 – Old Town (OT) Overlay District

Chapter 16.162.070 – Community Design

Standards relating to off-street parking and loading, environmental resources, landscaping, historic resources, access and egress, signs, parks and open space, on-site storage, and site design as per Divisions V, VIII and this Division shall apply, in addition to the Old Town design standards below:

A. Off-Street Parking

For all property and uses within the "Smockville Area" of the Old Town Overlay District off-street parking is not required. For all property and uses within the "Old Cannery Area" of the Old Town Overlay District, requirements for off-street automobile parking shall be no more than sixty-five percent (65%) of that normally required by Section 16.94.020. Shared or joint use parking agreements may be approved, subject to the standards of Section 16.94.010.



Response:The Community Center Building and West Phase are located within the Old Cannery Area. The 65% of standard is used in calculating minimum required parking (see Section 16.94.020 above).

D. Off-Street Loading

- 1. Off-street loading spaces for commercial uses in the "Old Cannery Area" may be shared and aggregated in one or several locations in a single block, provided that the minimum area of all loading spaces in a block, when taken together, shall not be less than sixty-five percent (65%) of the minimum standard that is otherwise required by Section 16.94.030B.*
- 2. For all property and uses within the "Smockville Area" of the Old Town Overlay District, off-street loading is not required.*

Response:A loading area is provided at the rear (west end) of the Community Center Building.

E. Signs - In addition to signs otherwise permitted for home occupations, as per Section 16.42.010, one (1) non-illuminated, attached, exterior sign, up to a maximum of nine (9) square feet in surface area, may be permitted for each approved home occupation.

Response:Does not apply.

F. Non-conforming Uses - When a nonconforming lot, use, or structure within the OT overlay zone has been designated a landmark as per Chapter 16.166, or when a nonconforming lot within the OT overlay zone is vacant, and the proposed change will, in the City's determination, be fully consistent with the goals and standards of the OT overlay zone and other City guidelines to preserve, restore, and enhance historic resources, nonconforming use restrictions contained in Chapter 16.48 may be waived by the Commission.

Response:Does not apply

G. Downtown Street Standards - All streets shall conform to the Downtown Street Standards in the City of Sherwood Transportation System Plan and Downtown Streetscape Master Plan, and as hereafter amended. Streetscape improvements shall conform to the Construction Standards and Specifications, and as hereafter amended.

Response:All streets were recently reconstructed with the Cannery Square PUD and meet the standards of this section.

H. Color - The color of all exterior materials shall be earth tone. A color palette shall be submitted and reviewed as part of the land use application review process and approved by the hearing authority

Response:A materials board has been submitted with this application.

Chapter 16.162.080 – Standards for All Commercial, Institutional and Mixed-Use Structures in the Old Cannery Area

The standards in this section apply to development of all new principal commercial, institutional and mixed-use structures in the "Old Cannery Area" of the Old Town Overlay District. These standards also



apply to exterior alterations in this zone, when the exterior alteration requires full compliance with the requirements of applicable building codes.

B. Reinforce the Corner. The purpose of this standard is to emphasize the corners of buildings at public street intersections as special places with high levels of pedestrian activity and visual interest. On structures with at least two frontages on the corner where two city walkways meet, the building must comply with at least two of these options.

Option 1: The primary structures on corner lots at the property lines must be at or within 6 feet of both street lot lines. Where a site has more than one corner, this requirement must be met on only one corner.

Option 2: The highest point of the building's street-facing elevations at a location must be within 25 feet of the corner.

Option 3: The location of a main building entrance must be on a street-facing wall and either at the corner, or within 25 feet of the corner.

Option 4: There is no on-site parking or access drives within 40 feet of the corner.

Option 5: Buildings shall incorporate a recessed entrance(s) or open foyer(s), a minimum of 3 feet in depth to provide architectural variation to the facade. Such entrance(s) shall be a minimum of ten percent (10%) of the ground-floor linear street frontage.

Response: The proposal will continue to reinforce the northeast corner as stated in the approved Pattern Book. The northeast corner of the retail portion faces the Cannery Square Plaza, and is defined by storefront retail entries facing north and east, with an open space for outdoor seating north of the retail entry. On the southeast corner of the retail portion at the corner of Pine and Columbia, this corner will be reinforced with a storefront entry facing east and display windows facing south and will be within 6-feet of the Columbia and Pine Street corner, complying with Option 1 of this section.

The Lobby of the Community Center portion is on a northeast corner, with entry doors oriented towards the north and east. Although not technically on an intersection, this corner is a key corner for visibility of the Community Center from Pine Street and across the tracks at Old Town.

C. Main Entrance. The purpose of this standard is to locate and design building entrances that are safe, accessible from the street, and have weather protection.

1. Location of main entrance. The main entrance of the principal structure must face a public street (or, where there is more than one street lot line, may face the corner). [...]

Response: Entrances to the structure including entrances to the retail and entrance to the lobby area will face Pine Street, a public street in compliance with this section.

E. Exterior Finish Materials. The purpose of this standard is to encourage high quality materials that are complementary to the traditional materials used in Old Town.



1. *Plain or painted concrete block, plain concrete, corrugated metal, full-sheet plywood, fiberboard or sheet pressboard (i.e. T-111), vinyl and aluminum siding, and synthetic stucco (i.e. DryVit and stucco board), are not allowed as exterior finish material, except as secondary finishes if they cover no more than ten percent (10%) of a surface area of each facade and are not visible from the public right-of-way. Natural building materials are preferred, such as clapboard, cedar shake, brick, and stone. Composite boards manufactured from wood in combination with other products, such as hardboard or fiber cement board (i.e. HardiPlank) may be used when the board product is less than six (6) inches wide. Foundation materials may be plain concrete or block when the foundation material does not extend for more than an average of three (3) feet above the finished grade level adjacent to the foundation wall.*
2. *Where there is an exterior alteration to an existing building, the exterior finish materials on the portion of the building being altered or added must visually match the appearance of those on the existing building. However, if the exterior finishes and materials on the existing building do not meet the standards of subsection F.1 above, any material that meets the standards of subsection F.1 may be used.*

Response: The Community Center building will comply with this standard. The retail portion is designed to be complimentary but distinct from the Community Center. The retail portion is clad in modified cement plaster with brick accent panels and metal trim, a contrasting metal coping and stone base detail. On the Community Center portion, the Lobby volume is clad in brick to reinforce its prominence and reference brick buildings in Old Town. The balance of the Community Center is clad in a warm-tone ground face block. On higher walls (the main assembly space) metal cladding is used to break down the scale and add detail. Because the south and west elevations are not as visible from Pine Street, the Plaza, or Old Town, the ground face block material provides a handsome and durable finish.

- F. Roof-Mounted Equipment. The purpose of this standard is to minimize the visual impact of roof-mounted equipment. All roof-mounted equipment, including satellite dishes and other communications equipment, must be screened using one of the methods listed below. Solar heating panels are exempt from this standard.*
1. *A parapet as tall as the tallest part of the equipment.*
 2. *A screen around the equipment that is as tall as the tallest part of the equipment.*
 3. *The equipment is set back from the street-facing perimeters of the building 3 feet for each foot of height of the equipment. On corner lots with two street facing areas, all equipment shall be centered.*

Response: All rooftop mechanical units will be fully screened from view. The screening will complement other wall treatments on the exterior to fully integrate it into the building form.

- G. Ground Floor Windows. The purpose of this standard is to encourage interesting and active ground floor uses where activities within buildings have a positive connection to pedestrians in Old Town. All exterior walls on the ground level which face a street lot line, sidewalk, plaza or other public open space or right-of-way must meet the following standards:*



1. *Windows must be at least fifty percent (50%) of the length and twenty-five percent (25%) of the total ground-level wall area. Ground-level wall areas include all exterior wall areas up to nine (9) feet above the finished grade. This requirement does not apply to the walls of residential units or to parking structures when set back at least five (5) feet and landscaped to at least the Section 16.92.030C standard.*
2. *Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. The bottom of the windows must be no more than four (4) feet above the adjacent exterior grade.*

Response: See response to variance criteria Section III.

H. Distinct Ground Floor. The purpose of this standard is to emphasize the traditional development pattern in Old Town where the ground floor of buildings is clearly defined. This standard applies to buildings that have any floor area in non-residential uses. The ground level of the primary structure must be visually distinct from upper stories. This separation may be provided by one or more of the following:

1. *A cornice above the ground level.*
2. *An arcade.*
3. *Changes in material or texture; or*
4. *A row of clerestory windows on the building's street-facing elevation.*

Response: The proposed building has largely a one story expression, defined by the single story retail portion and Community Center lobby. Where the wall height is taller (enclosing the main assembly room), second level spaces are inserted to maximize use of these higher volumes, such as the sound booth, mechanical and electrical rooms. A second floor classroom is also provided, with a narrow horizontal band of windows facing east. The location of this window has no relationship to the one story retail portion on Pine Street.

I. Roof. The purpose of this standard is to encourage traditional roof forms consistent with existing development patterns in Old Town. Roofs should have significant pitch, or if flat, be designed with a cornice or parapet. Buildings must have either:

Response: Parapets with parapet caps will be provided at all areas of the building and applied to various wall types. The intent is to differentiate the retail portion that faces Pine Street with the adjacent Community Center. The retail portion has a metal parapet that contrasts with the stucco wall material. The Community Center has different wall cladding, but all with metal parapet caps. The Lobby has a distinctive look as part of the entry identity, and the parapet coping is painted to match the brick wall. Other walls cladding, such as ground face block or metal cladding, will have complimentary parapet coping.

V. CONCLUSION

This applicant narrative and attachments demonstrate compliance with City approval criteria and code. The applicant respectfully requests that this site plan modification be approval.

