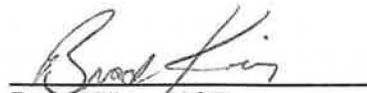


Minor Modification to SP 12-05/CUP 12-02 Site Plan

PLANNING DEPARTMENT

Application Submitted: September 17, 2013
Notice of Decision: October 11, 2013


Brad Kilby, AICP
Planning Manager

Proposal: This minor modification is a proposal to realize approved Building "C" as a multi-tenant building with a drive thru. When approved in (SP12-05/CUP 12-02), the applicant proposed the building as either a drive thru bank or a multi-tenant building. This modification then, is a proposal to add the drive thru to the multi-tenant building.

I. BACKGROUND

- A. Applicant/Owner:** Langer Gramor LLC
19767 SW 72nd Avenue, Suite 100
Tualatin, OR 97062
- Contact:** Matt Grady, AICP
(503)245-1976
- B. Location:** 21260 SW Langer Farms Parkway
- C. Tax Lot(s):** 2S129DB Tax lot 100
- D. Parcel Size:** The subject property is approximately 3.44 acres in size.
- E. Existing Development and Site Characteristics:** The site is currently vacant, and being developed with a shopping center. The site is relatively flat, and surrounded by a mix of commercial uses including another shopping center, a storage facility, industrial uses, and a DEQ testing facility.
- F. Site History:** In November of 2012, the Sherwood Planning Commission approved SP12-05 and CUP 12-02 for construction of an 189,500 square foot shopping center which included a 145,000 square foot anchor building and six retail buildings with associated parking and landscaping. The proposal also includes lots that were created through the staff approval of SUB 12-02, which divided approximately 55 acres into five lots and two

tracts. The shopping center is being constructed on three of the five lots. Prior to the land division and subsequent approval of the shopping center, the land was farmed.

- G. Zoning Classification and Comprehensive Plan Designation: The property is zoned light industrial with a Planned Unit Development (PUD) overlay. Per the 1995 PUD approval, general commercial uses are permitted within the zone.
- H. Adjacent Zoning and Land Use: The subject site is located at the intersection of SW Langer Farms Parkway and Tualatin-Sherwood Road. As mentioned previously, the site is surrounded by a mix of commercial and industrial uses including another shopping center, a storage facility, industrial uses, and a DEQ testing facility.
- I. Review Type: Because this is a minor alteration to a prior approved plan a minor modification is required. The modification requires a Type I review. An appeal would be heard by the Planning Commission.
- J. Agency Comments: As discussed below, the proposal affects a building on the site, and does not affect the location of utilities, access ways, or off-site circulation but the Tualatin Valley Fire and Rescue and the Sherwood Building and Engineering Division were provided with the opportunity to comment.

II. ANALYSIS OF CODE COMPLIANCE

Minor Modifications to Approved Site Plans

16.90.030.A.2.d. *Minor Modification Approval Criteria.*

The review authority shall approve, deny, or approve with conditions an application for minor modification based on written findings that the modification is in compliance with all applicable requirements of the Development Code and conditions of approval on the original decision, and the modification is not a major modification as above.

As addressed in detail below, the request complies with the applicable requirements of the Development Code, and the modification is not considered a “major modification.”

FINDING: The application does not require a major modification since the modifications will not change the use, the density, floor area, access, height, open space, or amend a prior condition of the original approval beyond the allowable thresholds in Chapter 16.90.

(1) A change in land use (i.e. residential to commercial, commercial to industrial, etc.);

FINDING: The proposed modifications to the site plan do not change the use of the property. The site will continue to be used for a shopping center. The building that is being amended was approved as a commercial use, as either a drive thru bank or multi-tenant commercial space. This criterion is not applicable.

(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;

FINDING: Density is not a factor in this development as it is commercial; therefore, this criterion is not applicable to this review.

(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;

The proposed modification to the building does not affect the setbacks that were considered in the original approval. In the approval of SP 12-05, this building was envisioned with a setback ranging between 10 and 24 feet. The applicant is proposing a setback of 10 feet consistent with that approval. The modified building is the same size as what was considered (4,900 square foot) in the approval of SP 12-05 and does not affect the overall lot coverage that was previously approved.

FINDING: As discussed above, this criterion does not trigger a major modification.

(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;

FINDING: There will not be any changes to the locations of the approved access-ways. The number of parking spaces will not be reduced by the proposed development. In fact, the development is proposing to increase the overall number of parking spaces by one space. The applicant supplied a memorandum from Kittelson and Associates, a reputable traffic engineering firm evaluating the traffic generation from this specific 1,751 square foot tenant space compared to the traffic impact analysis that was approved in 2012 for the 3,500 square foot bank and multi-tenant option. The memorandum concludes that the PM peak trips are reduced during the week and on Saturday. This criterion does not trigger a major modification.

(5) An increase in the floor area or height proposed for non-residential use by more than 10 percent;

FINDING: The proposed modification does not increase the floor area beyond the 4,900 square feet that was previously approved. The applicant is proposing to increase the building height on all portions of the building to 32 feet, but the height of a building is always measured at the highest point to make sure it does not exceed the maximum height of the underlying zone. In this particular case, the applicant proposed a 32 square foot building in 2012, and as modified, that height is not exceeded. This criterion does not trigger the need for a major modification.

(6) A reduction of more than 10 percent of the area reserved for common open space; or

FINDING: The development is not required to provide common open space. This criterion is not applicable to this request.

(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.

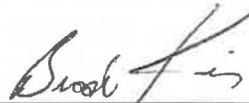
FINDING: The applicant is not proposing to amend a specific condition of approval that would apply to the prior approval and has indicated that they intend to continue to comply with the original conditions of approval of SP 12-01. Therefore, this criterion is not applicable.

III. DECISION

Based on a review of the proposed site modifications, the applicable code provisions, and the Notice of Decision for SP 12-01/CUP 12-02, staff **APPROVES** MMSP 13-05, as proposed.

VI. APPEAL

As per Section 16.76.020 of the Sherwood Zoning and Community Development Code (SZCDC), the decision of Staff detailed above will become final unless an appeal is received by the Planning Department from the applicant. This Notice of Decision for Case No. MMSP 13-05 was placed in a U.S. Postal receptacle on October 11, 2013. The appeal deadline is **5:00 PM on October 25, 2013.**



Brad Kilby, AICP
Planning Department
City of Sherwood