

**CITY OF SHERWOOD
Notice of Decision**

**Date: March 31, 2014
File No: MMSP 14-02
Site Plan Minor Modification
Langer Farms Phase 7 Shopping Center**

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

PLANNING DEPARTMENT

Application Submitted: March 14, 2014
Notice of Decision: April 2, 2014

Proposal: The applicant is proposing to substitute previously approved landscape trees and shrubs for trees and shrubs that have similar characteristics, canopies, and are currently available at local nurseries.

I. BACKGROUND

A. Applicant/Owner: Langer Gramor LLC
19767 SW 72nd Avenue, Suite 100
Tualatin, OR 97062

Contact: Matt Grady, AICP
(503)245-1976

2nd Owner: Wal-Mart Real Estate Business trust
2001 SE 10th Street
Bentonville, AR 72716

Contact: Kevin Sweet
(479)204-0064

B. Location: 15585 SW Tualatin Sherwood Road

C. Tax Lot(s): 2S129DB Tax lots 100, 200, and 300

D. Parcel Size: The subject property is approximately 19.82 acres in size.

E. Existing Development and Site Characteristics: The site is currently being developed with a shopping center. The site is relatively flat, and surrounded by a mix of commercial and industrial uses including another shopping center, a storage facility, industrial uses, and a DEQ testing facility. There are also some single-family residences fronting a small portion of the northwest corner of the site.

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. MMSP 13-04 and MMSP 13-05 were previous minor modifications to the site. This would be the second minor modification to the site. 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. There are also some single-family residences fronting a small portion of the northwest corner of the site.
- 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 landscape design internal to the site, and does not affect the location of utilities, access ways, or on site circulation, but the Tualatin Valley Fire and Rescue and the Sherwood Building and Engineering Division were provided with the opportunity to comment. No comments were provided.

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.

(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. 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 landscape modifications to the site plan do not change the amount of lot coverage. The proposed site modifications do not affect the approved setbacks to the adjoining property lines. None of the buildings are proposed to be moved from the previously approved locations.

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. 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 modifications do not increase the floor area or height of the previously approved buildings. 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. The request to phase landscaping is operational and consistent with other construction standards. Interior landscaping for the pads that are yet to be constructed will be verified prior to occupancy of the buildings that would be constructed on those pads. 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 14-02, 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. The appeal deadline is **5:00 PM on April 16, 2014**.

Declaration of mailing)

I, Brad Kilby, AICP, Planning Manager, for the Planning Department of the City of Sherwood, State of Oregon, in Washington County, declare that the Notice of Decision on Case No. MMSP 14-02 Sherwood Minor Modification was placed in a U.S. Postal receptacle on April 2, 2014.



Brad Kilby
Planning Department
City of Sherwood