City of Sherwood, Oregon
Draft - Planning Commission Minutes
June 26, 2012

Commission Members Present:
Chair Allen
Vice Chair Albert
Commissioner Clifford
Commissioner Walker
Commissioner Griffin

Staff:
Julia Hajduk, Planning Manager
Michelle Miller, Associate Planner
Brad Kilby, Senior Planner
Tom Pessemier, Community Development Director

Commission Members Absent:
Commissioner Cary

Council Liaison:
Councilor Clark

1. **Call to Order/Roll Call**
Chair Allen called the meeting to order. Planning Manager Julia Hajduk informed the Commission that Commissioner Copfer's name was not called as his term has expired and staff is in the process of re-appointing Mr. Copfer to the Planning Commission. She hopes to have the re-appointment done by the next Planning Commission meeting.

2. **Agenda Review**
The agenda consisted of the continued Public Hearing of Commercial, Industrial & Public Uses Code Update (PA 12-01) and a Public Hearing on Renaissance at Rychlick Farm (SUB 12-01/ PA 12-02).

3. **Consent Agenda**
Commissioner Griffin noted that in the February 28th minutes he is referred to as Commissioner Griffith in some portions of the minutes and asked that they be changed to Commissioner Griffin.

Commissioner Lisa Walker said there were some Scriveners errors that she would let pass.

Motion: From Commissioner Russell Griffin to approve the Consent Agenda. Seconded by Commissioner Lisa Walker. All present Planning Commissioners voted in favor. (Commissioner Michael Cary was absent).

4. **City Council Comments**
Councilor Krisanna Clark told the Commission that Council approved a resolution to update the Employee Manual and the Council has been working on an ordinance regarding landscaping and off street parking for the development code. Ms. Clark said the City Council requested that staff ask Metro to have an exclusion to have the garages counted as parking spaces and Metro has agreed.

Ms. Clark stated that the City had a wonderful grand opening for the Cannery Plaza and the City now has a wonderful wide open space with landscaping that doubles as seating. The Library Summer Reading Program has had a huge multi-generational turn out.

5. **Staff Announcements**

Julia Hajduk announced that Joe Gall, our new City Manager, started Monday and Tom Pessemier is back in the Community Development Department.

Julia informed the Commission that Washington County is spearheading the project of widening Tualatin Sherwood Road and they are hosting an open house on July 11th, 5pm- 7pm at the Police Facility.

Julia stated that there is a Southwest Corridor virtual open house online and they are examining transportation options and solutions for the area. The Southwest Corridor Plan would encompass Portland to Sherwood, including Tualatin, Lake Oswego and Beaverton and they are looking for public input. The website is www.swcorridorplan.org.

Julia commented that Michelle Miller was at the Songbird Festival talking about the Cedar Creek Trail and wanted to convey that the community continues to be excited about the trail. There will be an opportunity for public input and Michelle will give the Planning Commission an overview at the next Planning Commission meeting.

6. **Community Comments**

Robert James Claus 22211 SW Pacific Hwy, Sherwood. Mr. Claus commented regarding amendments to the sign code and code litigation. Mr. Claus commented that sign codes should be time, place, manner and content neutral. Mr. Claus commented regarding first amendment and civil rights violations and violations being reported to the bar because the city attorney was involved. Mr. Claus commented regarding billboards within the City, the writing of the City sign code and law suits that include damages and attorney fees.

Chair Allen stated that he does not ordinarily respond to community comments and pointed out that anybody can come up and say anything. Chair Allen commented that this is not the proper forum to try to respond, but suggested that statements made be verified.

7. **Old Business**

a. Continued Public Hearing – Commercial, Industrial & Public Uses Code Update (PA 12-01)

Chair Allen reopened the public hearing on Commercial and Industrial Public Uses PA12-01and read the public hearing statement

Senior Planner Brad Kilby stated that this amendment would consolidate all the commercial chapters into one commercial chapter and all the industrial chapters into one industrial chapter; that there would still be the respective zones, but under each zone would be categories. Currently in our code we have different code sections, and some uses might be listed in one section but differently in another. An example would be hospitals that might be listed in one of the commercial chapters, but listed as hospitals with emergency services in another chapter. Brad commented that someone might imply that you could not put a hospital with emergency services in the zone that lists only hospitals which was not the intent and the City recognizes that emergency services are ancillary uses to a hospital. Brad said that staff tried to consolidate and update uses consistent with the Metro code. Brad indicated that the public hearing was opened on May 22 and continued June 12th where a quorum was not present so it was continued to this evening.

Brad informed the Commission that there had been public comment regarding concerns that uses were being removed and explained that staff did not remove any of the uses listed in the individual chapters. There were no public comments during the continuance with any specifics to the issue.

Brad stated that the Commission had some comments that were addressed in the Staff memo dated June 18, 2012 which included the differentiation between small scale vs. large scale power generation facilities and a definition for recreational vehicles parks. Brad commented that household pet and recreational vehicle parks are hard to define, but staff had provided some definitions for the Commission's review.

Brad added that the code does not speak specifically regarding a dance studio, yoga studio, or martial arts studio, that is not necessarily a health club and asked the Commission if it would consider them as a personal service or health club. Brad commented that there was discussion regarding the Office Commercial zone, and that perhaps these types of uses should be conditional health clubs less than 5,000 feet.

Commissioner Walker asked regarding the designation for Curves and if it was a personal service.

Brad commented that if it was a class type environment where patrons were coming at prescribed times then we know what the traffic impacts are at certain times of the day. There is a catch all in the code that if they generate more than 200 average daily trips the City Engineer can request a traffic study. Brad stated that he was more concerned about the impacts to surrounding uses and asked if the Commission wanted to have a health club at less than 5,000 square foot space within an office commercial or neighborhood commercial as an outright permitted use. Brad added that there would be other standards that would have to be met in the code and asked if they should be listed as conditional uses in order to give more scrutiny as to how it might impact adjacent properties.

Chair Allen opened the public testimony

Robert James Claus, 22211 SW Pacific Highway, Sherwood. Mr. Claus commented that this was part of an effort to exhaust administrative remedies and arrive at finality in order to be able to sue. Mr. Claus commented that this was not an Estoppel and Latch Estate and regarding the code creating a series of nonconforming uses and three levels of evidentiary scrutiny. Mr. Claus stated he would like to introduce some photos and commented that the development across from Home Depot was a nonconforming use. Mr. Claus commented regarding the site being changed to Retail Commercial because of money and illegal permits. Mr. Claus commented that besides making properties non-conforming, permits were issued illegally and gave the example of a local doctor who relocated her medical office in an industrial building illegally. Mr. Claus commented that nonconforming goes through three stages; non-conforming, legal, non-conforming illegal. Mr. Claus commented regarding a Title 42 suit and that some people were treated differently than others. Mr. Claus asked that his documents go into the file (see record, PA 12-01, Exhibit ___).

Jean Simpson, 22466 SW Nottingham Court, Sherwood. Ms. Simpson commented in response to the staff report about household pets. Ms. Simpson said that her opinion was that both definitions proposed by staff, incorporated together, would be the most protective to the citizens of Sherwood. Ms. Simpson said she thought the staff recommendation to include chickens and pigs would be beneficial for all, and she liked the code with all the information consolidated into one place.

Chair Allen closed the public testimony and moved to final staff comments.

Brad commented that he felt that staff did an adequate job looking at uses within a certain area; that staff did spot zone checks, but did not go out and look at every property in the City of Sherwood to see if it was conforming or non-conforming. Brad said that staff believes that this code continues to be in line with the existing code and Mr. Claus's testimony did not raise any questions that he needed to respond to.

Chair Allen commented regarding the doctor's office in an industrial zone and stated his quick read was that a professional office is allowed in an industrial zone as a permitted use.

Julia Hajduk reminded the Planning Commission that there was an update to the Industrial standards approximately a year ago to reflect updated Metro requirements to Title 4 and staff tried to be specific so that uses that were already in industrial zones could remain, and not be nonconforming, but new uses could not be added.

Brad commented that the Planning Commission had a goal to rezone that Light Industrial area across from Home Depot to be more in line with what is out there. Brad read several passages from the code that showed businesses and professional offices that cater to daily customers are allowed in the zone and stated these same qualifications are in the proposed code.

Chair Allen commented that this was under code cleanup and not substantive changes to code. The purpose was to take a bunch of pieces from difference places in the code and get them into the same place while weeding out contradictions and confusing language.

Chair Allen moved on to deliberation and questioned if a yoga club or studio was a kind of health club asking staff what activities or health club related uses are already called out in the code.

Brad answered that the list includes Health Clubs less than 5000 square feet, Health Clubs greater than 5000 square feet, and Personal Services catering to daily customers where patrons pay for or receive a service rather than goods or materials including, but not limited to, financial, beauty, dance or music classes, pet grooming or similar services. Brad commented that staff has some latitude to make a judgment call based on the impacts, but currently *Health Clubs* is a specific use called out on the tables in the code. Brad commented that a health club would have exercise equipment or a pool and a class environment would fall under studio and not necessarily a health club.

Chair Allen commented on dance studios being specifically named in the code and their similarity to a yoga studio or martial arts studio. Chair Allen suggested the reference to *studio* be taken out of the personal services category. Discussion followed. Chair Allen commented that the issue was the number of people coming and at what intervals. It was determined that the word *studios* would be moved out of Professional Services and put into Health Clubs *and Studios* over or under 5,000 square feet. This gives staff guidance in the determination of use as it comes up.

Chair Allen asked Commissioner Griffin if he was going to have a conflict of interest. Commissioner Griffin acknowledged that he owned a dance studio and he had not weighed in. Mr. Griffin declared that there was a potential conflict and stated it would not affect his decision. There were no stated objections regarding Mr. Griffin continuing to participate.

Brad asked if the Commission was going to incorporate any of the recommendations from the staff memo.

Commissioner Griffin commented on the definitions for large and small power producing facilities and he would not like to be too specific regarding household pets.

Motion: From Commissioner John Clifford to recommend the Commercial, Industrial and Public Uses Code Update (PA 12-01) to City Council for approval based on the adoption of the staff report findings of fact, public testimony, staff recommendations, agency comments, applicant comments, and conditions as revised on August 7, 2012. Seconded by Vice Chair Brad Albert. All present Planning Commissioners voted in favor. (Commissioner Michael Cary was absent).

8. New Business

a. Public Hearing – Renaissance at Rychlick farm (SUB 12-01/ PA 12-02)

Chair Allen opened the public hearing on Renaissance at Rychlick Farms, read the public hearing statement, and asked the Commission members for any ex parte contact, bias, or conflict of interest.

Vice Chair Albert declared that he lived across street from the site on Edy Road and in his profession has contracted AKS to do engineering and surveying work, but it would not preclude him from making an unbiased decision.

Commissioner Griffin declared that he had visited the site many times, but did not talk to anyone and his decision would not be biased.

Senior Planner Brad Kilby gave a presentation (see record, Exhibit 1) for Renaissance at Rychlick Farms Development and stated it was for a plan amendment (PA 12-02) and a subdivision (SUB 12-01). The Rychlick property is a 6.57 acre piece of property directly south of Edy Road and west of Bedstraw, in Area 59, north of the two new schools. The proposal will go to the Council as a recommendation from the Planning Commission as it includes a map amendment to the Comprehensive Plan. The proposal is 1.) to rezone a portion of the property, that was set aside for the schools and zoned Institutional and Public (IP), to Medium Density Residential Low (MDRL) and 2.) to divide the 6.57 acres site into 26 single family home lots with four tracts; water quality, corridor preservation and common open space.

Brad commented that while there is an open space designation on the comprehensive plan map, the City of Sherwood does not have an open space designation in our code and staff interprets this to mean that the applicant intends protect the resources on site by setting this area aside within a tract consistent with Clean Water Services (CWS) standards for repairing areas and buffers.

Brad explained that the second part of the application is to develop the site into 26 lots as MDRL with most of the lots being above the minimum standard of 5000 square feet; the smallest lot being 5,000 square feet and the largest being 12,013 square feet. Brad stated that the setbacks would be 20 feet to the front, 20 feet to the rear, 5 feet for the side, and 15 feet for corner side lots.

Brad submitted a letter from Erica Van Ess who lives adjacent to Lot 1 (see record, Exhibit 2), who has concerns regarding privacy, loss of habitat, increased traffic and loss of shade. Brad said the site slopes steeply up from Edy Road onto the site and at the back of the site it becomes flat which will require grading in the front portion of the site to bring the road up to standard.

Brad commented that quite a few trees will be removed, preserving as many trees on the east side of the property as possible and many trees on the west half of the site. The site meets the canopy cover requirement, and exceeds the street tree requirement.

Brad said the subject property is zoned Medium Density Residential Low and the City's Transportation System Plan (TSP) anticipates a certain amount of traffic impact which was figured into the road designation. The County has requested that frontage improvements be made to SW Edy Road which has been conditioned in the recommendation of approval. The applicant proposes to extend SW Nursery Way to align with the road in front of the school for future development of the adjacent property.

Brad noted that Ms. Van Ess has a sister who is ill and uses her back yard quite frequently. Ms. Van Ess asked that the applicant install a 10 foot vegetative buffer. Brad commented that the applicant is doing their best to preserve as many trees as possible given the topographical constraints and necessary grading. Brad commented that there is a 20 foot rear yard setback and the applicant or future homeowners can work with Ms. Van Ess to insure that there are some types of trees planted to help with shading, but it was not in the City's purview to require that as a condition of approval.

Brad stated that Staff recommends approval with conditions. The applicant has proposed water access and storm services to each one of the lots, have adequate access with the proposed frontage improvements along Edy Road, and are proposing a pedestrian connection to the school site. With the imposed conditions the applicant meets and satisfies all other agency concerns.

Brad commented regarding an open space discrepancy discussed in the Staff Report and an email submitted by the applicant's representative, Chris Goodell, clarifying the issue (see record, SUB 12-01/ PA 12-02, Exhibit ___). Brad stated that the applicant meets the open space requirement.

With no questions for staff, Chair Allen asked for testimony from the applicant.

Chris Goodell, AKS Engineering, representing the applicant, Renaissance Development, 13910 SW Galbreath Drive, Suite 100, Sherwood. Mr. Goodell gave a presentation (see record, Exhibit 3) and said the application was a subdivision for 26 new single family detached homes. The lots serve an existing community need as there are only 22 existing buildable lots in the city of Sherwood. Mr. Goodell commented regarding screening on the East property line and stated the largest lots are on the east side in order to save trees. The applicant is above the tree canopy requirement, but is proposing to add trees for the privacy of the neighbors. There are large open space areas in two tracks; one is open space required by the City code and the other is open space required to preserve a vegetative corridor for Clean Water Services making about an acre of open space overall.

Mr. Goodell commented that the plan preserves over 119 existing trees and plants over 400 new trees exceeding the City requirement by over 16%. The natural resource area will be enhanced to Clean Water Services standards by stripping out the invasive species and planting with native species. Mr. Goodell added that the site was designed by a registered professional landscape architect and will be inspected by a certified arborist.

Mr. Goodell said that SW Nursery Way is proposed to connect to Edy Way as it was envisioned by the Concept Plan and was designed by a licensed professional engineer. It meets City and County site distance requirements and access spacing standards which was confirmed by a traffic analysis performed by a professional traffic engineer. Mr. Goodell commented that the applicant would be widening Edy Road and providing a sidewalk along the entire frontage of the property. There will be sidewalks along all the interior streets, as well as a dedicated pedestrian pathway to the school. Mr. Goodell commented that the City has worked with Renaissance Development on a number of projects. They have been

successful, well received projects and the homes are a quality product. Mr. Goodell asked for the Commission's recommendation of approval to the City Council.

Julia informed the Commission that the applicant had about 25 minutes remaining.

With no questions for the applicant, Chair Allen moved to public testimony.

Brandon Smith, 21155 SW Bedstraw Terrace, Sherwood. Mr. Smith said he was not opposed to the development of the property, but to the way it was proposed because it did not match the information he received regarding Area 59. Mr. Smith stated that when he bought his home he backed up to the urban growth boundary and the Area 59 proposal that was originally sent out showed a new school and only one row of houses but the proposal shows a second row of houses which pushes the whole neighborhood back. Mr. Smith commented regarding the reason for the change from the institutional zone and said the neighbors were afforded green space with the concept plan. Mr. Smith noted that the whole area is track homes with a minimum rear setback of 20 feet and this would impact the value of their homes.

Note: The audio and video recordings of this meeting stop at this point and resume after public testimony during applicant rebuttal regarding a drainage concern raised in previous testimony by persons unknown.

Monty Hurley, AKS Engineering, 13910 SW Galbreath Drive, Suite 100, Sherwood. Mr. Hurley explained that the site does not drain all the same direction and the majority of the water drains towards the drainage area in the central portion of the site. The southeast portion of the property drains easterly into the existing development. The applicant will be improving this area and collecting the storm water and conveying it to the drain to the west so there shouldn't be any concerns about ponding. Every lot within the development will have an individual storm lateral to collect all roof and foundation drain water into the storm system and the storm water facility.

Chair Allen asked questions regarding the slope and grading of the site. Mr. Hurley explained that the slope will not significantly change on the east side, but as much water as possible will be diverted away from the existing homes to drain to the west. Mr. Hurley explained that there is an 8-12 foot bank at the north end of the property along Edy Road and the only significant grading will be lowering the grade to access Edy Road from the site.

Chair Allen asked regarding the depth of lots 1-7 on the east side of the site and the building footprint size for lots 1-3. Mr. Hurley answered that lot 1 was 80 feet deep and the lot depth increases up to 151 feet traveling south. Mr. Hurley responded that there would likely be a 20 foot front setback, 40 foot footprint, and a 20 foot rear setback for lots that are 80 foot deep. Chair Allen asked regarding flexibility in the footprint that allows for a deeper rear setback on these lots. Mr. Hurley answered that there was little flexibility because of the geometry of the lots and the first three are constrained because of the vegetative corridor. Chair Allen stated he was sensitive to the green space indicated on the Concept Plan and asked regarding options. Discussion followed.

Commissioner Russell Griffin asked regarding augmenting the site with trees. Chris Goodell answered that the locations for proposed trees to be planted was flexible. A number of trees are hazardous and have to be removed. The trees that remain are the ones that can be preserved and the bare patches have proposed plantings.

Mr. Griffin asked regarding the grading of lot one. Mr. Hurley answered that the lot will slope up towards the back of the lot, but there would be significant grading in order to have a driveway. Mr. Griffin asked regarding the height difference between the existing home lots and the proposed. Mr. Goodell answered that the backyards of the existing properties would be about six feet above the proposed houses. The proposed lots are proposed as sloping to the back of each lot, but the builder may decide to put in a retaining wall.

Chair Allen commented regarding an earlier proposal that included a flag lot. Mr. Goodell answered that there was a flag lot near the east property line, between lots 5 and 10, proposed at the time of the neighborhood meeting, but the flag lot was removed to allow for larger lots and increase the buffer between neighboring properties. Chair Allen asked regarding reestablishing the flag lot and leaving lot one as green space which would be closer to the original concept plan. Discussion followed.

With no other questions from the Commission, Chair Allen closed the testimony portion of the hearing a called for a recess.

Chair Allen reconvened the hearing and asked for any discussions held during the recess regarding the application for the record.

Commissioner Griffin acknowledged that he had discussed the Area 59 Concept Plan with Commissioner John Clifford regarding the IP zoning and slope issues.

Commissioner Lisa Walker said the Vice Chair Brad Albert had instructed her how to read the finished grade contours on the grading plan on page 6 of the reduced plan set.

Chair Allen reopened the public testimony in order to receive written testimony given to staff during the recess. Chair Allen read each of the letters into the record.

Phillip and Heather Riggs, 21219 SW Ladyfern Drive, Sherwood. The Riggs's commented regarding the proposed rezoning of the property as is was directly behind their property and expressed concerns regarding loss of home values and loss of green space. The Riggs's conveyed concerns regarding traffic and visibility on Edy Road and adding another street in close proximity making the problem worse (see record, Exhibit 4).

Mike and Kim Fletcher, 21235 SW Ladyfern Drive, Sherwood. The Fletchers expressed concerns regarding the proposed zoning change and subdivision, stating it would add congestion to the area during pick up and drop off times at the nearby school. The Fletchers commented on the further loss of green space and home values and said the green space was one of the reasons why they purchased their home in Sherwood. The Fletchers pointed out that the land could be developed for purposes other than homes and suggested a park, recreational area, or school expansion. (see record, Exhibit 5).

Chair Allen asked for an additional public testimony.

Angela Smith, 21155 SW Bedstraw Terrace, Sherwood. Ms. Smith wanted to add that she appreciated that the applicant wanted to preserve trees and asked if the property line could be moved in front of the tree line to allow a buffer of green space as illustrated on the concept plan. Ms. Smith commented that if you leave the trees on personal property it is within the property owner's right to cut them down.

Chair Allen asked for testimony from Randy Sebastian, owner of Renaissance Homes. Julia Hajduk asked how much time Mr. Sebastian should be given. It was determined he would be allowed five minutes.

Randy Sebastian, 16771 Boones Ferry Road, Lake Oswego. Mr. Sebastian stated he has built over two hundred homes in Sherwood on sites Renaissance Homes has developed. Mr. Sebastian acknowledged that the concerns were regarding trees, privacy and traffic and commented regarding the current owner of the property being able to develop the property. Mr. Sebastian commented that the concept plan was a broad brushed overview which included the creek in the wrong location on the upper portion of the property and said Renaissance Homes hired Mirth Walker Environmental Consultants to map the sensitive lands in the northwest corner of the site. Mr. Sebastian said they have been working on the site for over a year, there have been many different plot plans, and this plan maximizes large lots while preserving the creek in the northwest corner. Mr. Sebastian commented that, after grading, lot 1 will be buildable and stated it was a bad housing economy and they did not want to get stuck with bad lots.

Mr. Sebastian commented regarding a reduced front setback stating that from the back of the sidewalk to the garage 20 feet is the determining factor. There have been some jurisdictions where the front setback was set 18 feet, which could possibly work on lots 1 and 2, with a 22 foot back yard. Mr. Sebastian said there had been a flag lot, but it was too crowded and was removed; trading lots was not a good idea. Mr. Sebastian commented that a buffer was difficult to maintain and it was better to be in private ownership. Mr. Sebastian added that the new homes would be average around $500 thousand and there were people waiting for the homes to be built so they could move to Sherwood. Mr. Sebastian commented that they were placing fewer homes than they could have and are preserving more open space than is required.

Chair Allen asked if an 18 foot front setback could be added as a modified condition to the application. Mr. Sebastian confirmed he would be comfortable with that.

Julia Hajduk explained that a change in setback would have to be a variance or an adjustment which has not been publicly noticed. Chair Allen asked if it could be part of the recommendation to Council. Julia said the Commission could recommend it and Staff could research it and have a response prior to the Council meeting as to whether Council can or should take the recommendation into consideration.

Mr. Sebastian said that Renaissance Homes would be placing a cedar fence on their side of the property line the entire length of the property between all of the sites and typically trees will be planted for the privacy of their clients as well as the neighbors.

Chair Allen closed the public testimony again and asked for any new staff comments.

Brad Kilby said the application meets the standards of the Code. Brad commented on expectations regarding concept plans, Mr. Sebastian's explanation regarding the green space on this Concept Plan and the broad brush approach used on concept plans. Brad remarked that home values are dynamic and suggested that newer homes increase value.

Brad stated that staff and the Commission do not have the latitude to ask the applicant to request a variance or adjustment and if the applicant proposes a reduced setback they would have to follow up with an application. Brad commented that Sherwood is an urban area that is designated to be in the Urban Growth Boundary and there is an expectation that it will be developed to an urban standard. Staff continues with a recommendation for approval.

Chair Allen asked regarding tree removal for existing trees if the new owner wishes to remove them. Brad replied that the owner could remove five trees per calendar year or 10% of the trees whichever is greater.

Chair Allen asked regarding the speed limit on Edy Road.

Bob Galati, City Engineer explained that Edy Road was an old County road, at a rural standard. In order to change the speed limit an application has to be made with the state for a speed reduction and a speed study along the entire road has to be done. The City may not be opposed to reducing the speed, but it would be appropriate to approach the County to go through the application process to reduce the speed.

Chair Allen asked if it was appropriate for the Planning Commission to recommend a speed reduction as an adjunct to this process.

Community Development Director Tom Pessemier answered that it was not part of the land use process, but the Commission could ask staff to do something after the process is over.

Commissioner Walker asked regarding Nursery Way going through. Brad answered that when the property to the west develops, the expectation would be that SW Nursery Way would be connected. In the interim, area school children are allowed to walk through the completed development and use the pathway to the school instead of walking down Edy Road and Copper Terrace.

With no other questions for staff, Chair Allen moved to deliberation.

Commissioner Griffin commented that he had read the application and the conditions. Mr. Griffin said the application was comprehensive and the applicant is doing their best to make a quality subdivision and leave some of those trees. Mr. Griffin commented that 249 trees would be removed, saving many and planting more. Mr. Griffin commented regarding the property owner's rights to cut down trees to develop and what existing Renaissance subdivisions were like within the City. Mr. Griffin said he understood the concerns of the homeowners on Bedstraw and commented on the nature of a concept plan pertaining to Area 59.

Commissioner Walker commented that she was sensitive to the concerns from nearby homeowners and the rights of property owners to develop their property. Ms. Walker stated she wished there was a way to create a green space or buffer zone between the homes, but did not see how that could be done with the vegetative area on the west side of the property that has to be protected.

Chair Allen commented on concept plans and that it was reasonable for people to expect what is shown on the plan. Mr. Allen commented regarding the Millers Landing subdivision concerns and the result being a great neighborhood. Chair Allen stated that the proposal meets all of the current standards and he would encourage the City Council to be receptive to a proposed adjustment if one is received from the applicant.

Vice Chair Albert commented that he appreciated that the developer did not pursue the maximum number of lots for the subdivision and are at the low end. The minimum is 24 lots and this subdivision has 26. The lots are large and the applicant took care to minimize the disturbance to the neighboring property owners. It complies with all of the minimum standards and provides a future through street when Nursery Way can be connected. Mr. Albert said he also sympathizes with the neighboring property owners who have enjoyed a green space area behind them for a number of years.

Commissioner Clifford commented that he would like to see the subdivision go forward and he liked the alignment of the street and the cul-de-sac, adding that a neighborhood with a cul-de-sac brings people in to a safe environment. Mr. Clifford offered that people will slow down on the street because of the curvature of the street and said there was a lot of effort put into the overall landscaping of the project. The lots are larger than are developed these days and there are landscape opportunities for homeowners to screen out their back yards. Once the project goes in the pedestrian access to the school, which will be provided, will be a great selling point.

Motion: From Vice Chair Brad Albert for the Sherwood Planning Commission to make a recommendation of approval for the application of Renaissance at Rychlick Farm (SUB 12-01/ PA 12-02) based on the applicant testimony, public testimony received, and the analysis, findings and conditions in the staff report, to be heard on July 17, 2012 at City Council. Seconded by Commissioner John Clifford. All present Planning Commissioners voted in favor. (Commissioner Michael Cary was absent).

Chair Allen stated the next Planning Commission Meeting was July 10th.

Julia Hajduk informed that Commission that it will be a work session where the commission will be acting as a steering committee for the Town Center as well as the next round of legal training regarding quasi-judicial hearing processes.

Chair Allen adjourned the meeting.

Approved 1-8-2013