

Sherwood Community Center Major Modification

The Sherwood Planning Commission held a public hearing on October 8, 2013, and continued the hearing to October 22, 2013 for the Sherwood Community Center Major Modification. The Commission opened the public record and took public testimony on the subject application. After consideration of the application, the citizen comments, and the applicant's revisions, the Planning Commission voted unanimously to approve the application. The amended conditions within this notice reflect the conditions as approved at the October 22, 2013 hearing. The Planning Commission decision is based on the findings of fact and conditions contained in this notice, the applicant's materials and testimony, the testimony of the citizens who testified, and the staff report including exhibits.



Jean Simson, Chair, Sherwood Planning Commission

Proposal: The Community Center was initially approved as a redesign/repurpose of the Machine Shop Building under file number (SP 12-01). This application proposes a Major Site Plan Modification to approved site plan SP 12-01 to allow a new design for the Sherwood Community Center and a request for a Class A variance for a reduction in the required amount of window coverage on one side of the building. This development is located within the Sherwood Cannery Square PUD (PUD 09-01). The properties are zoned PUD-RC.

I. BACKGROUND

A. Applicant/Owner: City of Sherwood
Attn: Urban Renewal Agency
22560 SW Pine Street
Sherwood, OR 97160

Applicant's Representative: Harper Houf Peterson Righellis Inc.
205 SE Spokane Street, Suite 200
Portland, OR 97140

Contact: Keith Jones, AICP, LEED AP ND

B. Location: 22832 SW Washington Street. Tax Lots 151, 800, and 900; Tax Map 2S132BD.
The Railroad right of way is located north and west of the building on tax lot 900.

- C. Parcel Size: The subject property where the community center would be constructed is approximately 43,787 square feet in size.
- D. Existing Development and Site Characteristics: The site is vacant after a building was demolished this past summer. There is also an existing gravel parking area.
- E. Site History: The Community Center was approved by the Planning Commission as SP 12-01 in August of 2012. The community center is part of the Cannery Planned Unit Development (PUD 09-01) which was approved by the City Council on March 2, 2010 through ordinance 2010-004. The Cannery PUD is a seven phased development. The public improvements and plaza phase have been completed. After the discovery of a failing truss, the City ordered a review of the structure by an independent structural engineer. As a result of their report, it was determined that the Machine shop structure was failing and unsafe. The Urban Renewal Board (City Council) weighed its options and decided that the building needed to be demolished. The demolition of the machine shop, which was previously approved to be improved and converted into a community center, led the applicant to seek this site plan modification and a redesign of the entire building.
- F. Zoning Classification and Comprehensive Plan Designation: The site is zoned Retail-Commercial (RC). Per section 16.28, the purpose of the RC zone provides for general retail and services uses that neither require large parcels of land, nor produce excessive environmental impacts. The site is also located within the Old Town Overlay zone, a designated historic district which seeks to preserve and enhance the area's commercial viability and historic character.
- G. Adjacent Zoning and Land Use: The site is adjacent to retail commercial zoning to the northeast, northwest and east. The property to the southeast is zoned high density residential and the property to the southwest is zoned medium density residential high.
- H. Review Type: The applicant proposes a major modification to SP12-01. SP12-01 was the approval for the final development plan and site plan for the community center and associated parking within the railroad right of way. The building and the parking both required conditional use permits. The conditional uses of the property have been approved, and run with the land. The applicant is also requesting a Class A variance to the minimum glazing requirements of the Old Town Design Standards. Specifically, section 16.162.080H which is discussed in detail later in this report. Pursuant to section 16.90.030.A.1.b.2, a major modification is subject to the same review procedure and decision making body. In this case, the decision must be made by the Planning Commission. An appeal would be heard by the City Council.
- I. Public Notice and Hearing: Two neighborhood meeting were held regarding the project. One was held on July 15, 2013, and another was held on August 15, 2013. The neighborhood meeting was attended by eight members of the general public according to the applicants minutes included as attachment 2 to the submittal packet. Questions raised ranged from internal materials and acoustics to whether or not the modern look of the building truly fits into Old Town. The minutes are provided in Attachment 2 of the applicant's materials. There was also a discussion regarding parking for the building, and a desire to ensure that the renters in the Cannery Row apartment complex were not utilizing parking spaces that are to be dedicated to the Community Center.

Notice of this application was mailed to property owners within at least 1,000 feet of the subject property on September 16, 2013, and posted on the property and in five locations throughout the City on September 17, 2013 in accordance with Section 16.72.020 of the SZCDC. The notice was published in the Times (a paper of general circulation) on September 26, 2013 and in the Sherwood Gazette (a paper of local circulation) in the October 1, 2013 edition in accordance with Section 16.72.020 of the SZCDC.

- J. Review Criteria: Sherwood Zoning and Community Development Code, 16.28 (Retail Commercial-RC), 16.40 (Planned Unit Development), 16.58.010 (Clear Vision), 16.90 (Site Planning), 16.82 (Conditional Uses), 16.84 (Variances), 16.92 (Landscaping), 16.94 (Off-Street Parking), 16.96 (On-Site Circulation), 16.98 (On-Site Parking and Loading), Division VI 16.104-16.118 (Public Improvements), 16.142 (Parks and Open Space), 16.146 (Noise), 16.148 (Vibrations), 16.150 (Air Quality), 16.153 (Odors), 16.154 (Heat and Glare), 16.156 (Energy Conservation) and 16.162 (Old Town Overlay District). However, section 16.90.030.A.1.b.3 limits the scope of the review to the modification request and does not open the entire site up for additional review unless impacted by the proposed modification.

II. PUBLIC COMMENTS

Public notice was mailed on September 16, 2013, and posted on the property in five locations throughout the City on September 17, 2013. As of the date of this staff report, staff has received only received comments from one citizen, Rochelle Wasula, who indicated in an e-mail that she was looking forward to this great addition to the City. She also wanted to ensure that the mistake of choosing seats experienced by the Broadway Rose Theater in Tigard was not repeated in Sherwood.

STAFF RESPONSE: The Assistant City Manager responded to Mrs. Wasula about the seats, but the furnishings of the building are not within the scope of this review.

The public has been notified that comments are accepted prior to, and until the close of the Planning Commission public hearing.

III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on September 19, 2013. The following is a summary of the comments received. Copies of full comments are included in the record unless otherwise noted.

Sherwood Engineering Department: Jason Waters, PE, submitted comments on September 27, 2013. Mr. Water's comments include consideration of the previous engineering comments and serve to make some clarifications regarding the public improvements associated with the Community Center SP 12-01 approval. These comments are incorporated into the recommended decision, and are attached as Exhibit E.

Tualatin Valley Fire and Rescue: John Wolff, Deputy Fire Marshal II with Tualatin Valley Fire and Rescue (TVFR), submitted comments for this proposal on September 25, 2013. Mr. Wolff indicated that the district endorses the application provided their fire, life, and safety requirements, listed in the comments, were satisfied. Mr. Wolff's comments have been incorporated into this report where applicable, and are attached to this report as Exhibit C.

Pride Disposal Co.: Kristin Leichner of Pride Disposal, provided staff with an e-mail stating that she had no concerns provided they continued to comply with Pride's placement and design standards.

Washington County, METRO, PGE, ODOT, CWS, BPA, Kinder Morgan Energy, and NW Natural Gas were also notified of this proposal and did not respond or provided no comments to the request for agency comments by the date of this report.

IV. SITE PLAN REVIEW REQUIRED FINDINGS (SECTION 16.90)

16.90.030 Site Plan Modifications and Revocation

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 ten (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 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.**

STAFF ANALYSIS: While the proposed modification does not exceed the threshold criteria listed in subsections 1-6 above, the original application SP 12-01 and subsequent approval, specifically the design standards within the Old Town Overlay were based on the representation that the original machine works building would be retrofitted and remodeled into a new Community Center. That building had its own set of challenges in satisfying the design criteria, and the resulting conditions were based on that representation. Staff determined that because of the demolition of that building and an a brand new design, that conditions that would have applied to the machine works building would need to be modified, and that a major modification review under criteria (7) above was warranted given the community interest in this project. A thorough analysis of the buildings compliance with the Old Town Design Standards and the original pattern book approved as part of the Cannery Square Planned Unit Development was warranted.

FINDING: Given that the original conditions related to the design of the building were crafted around the retrofit of a pre-existing building that was subsequently deemed

dangerous and demolished, it was determined that a major modification review was warranted for this application.

A. The proposed development meets applicable zoning district standards and design standards in Division II, and all provisions of Divisions V, VI, VIII and IX.

FINDING: As discussed earlier in this report, the scope of this review is limited to what changes are being proposed. In this case, the changes are simply to the building and hardscapes immediately surrounding the building. Only the applicable standards that would apply to the proposed changes are addressed in detail throughout this report. The provisions of 16.22 Commercial Land Use Districts, 16.58 Clear Vision, 16.84 Variances, 16.90 Site Planning, 16.92 Landscaping, 16.146 Noise, 16.148 Vibrations, 16.150 Air Quality, 16.152 Odors, 16.154 Heat and Glare, 16.156 Energy Conservation, and 16.162 Old Town Overlay Distr. As proposed, this standard can be met as discussed and conditioned in this report.

B. The proposed development can be adequately served by services conforming to the Community Development Plan, including but not limited to water, sanitary facilities, storm water, solid waste, parks and open space, public safety, electric power, and communications.

Water, sanitary and streets are all available. They were provided as a part of the Cannery PUD. Parks and Open Space are nearby at Stella Olsen Park and across Pine Street at the public plaza constructed as part of the Cannery PUD. Solid waste services, communication and public safety are all available to this development as it is located in Old Town Sherwood.

FINDING: Services are available to the site. This standard is satisfied.

C. Covenants, agreements, and other specific documents are adequate, in the City's determination, to assure an acceptable method of ownership, management, and maintenance of structures, landscaping, and other on-site features.

FINDING: This site plan is subject to the conditions of the approved Planned Unit Development. Any required covenants or restrictions will be required to be satisfied as an ongoing condition of PUD 09-01.

D. The proposed development preserves significant natural features to the maximum extent feasible, including but not limited to natural drainage ways, wetlands, trees, vegetation (including but not limited to environmentally sensitive lands), scenic views, and topographical features, and conforms to the applicable provisions of Division VIII of this Code and Chapter 5 of the Community Development Code.

FINDING: The site where the community building is proposed is flat and currently graveled. There are not any known significant natural resource areas on the property.

E. For a proposed site plan in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), Retail Commercial (RC), General Commercial (GC), Light Industrial (LI), and General Industrial (GI) zones, except in the Old Town Overlay Zone, the proposed use shall satisfy the requirements of Section 16.108.080 Highway 99W Capacity Allocation Program, unless excluded herein.

FINDING: The subject properties are located within the Old Cannery portion of the Old Town Overlay, therefore, this criterion is not applicable.

- F. For developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant shall provide adequate information, such as a traffic impact analysis or traffic counts, to demonstrate the level of impact to the surrounding street system. The developer shall be required to mitigate for impacts attributable to the project. The determination of impact or effect and the scope of the impact study shall be coordinated with the provider of the affected transportation facility.**

FINDING: The building program and footprint are consistent with what was previously approved in SP 12-01. Based on the review letter from Chris Maciejewski, P.E. of DKS and Associates, the City's traffic consultant, dated February 27, 2012 a traffic impact analysis is not necessary since the anticipated number of trips associated with the building was expected to be less than 400 Average Daily Trips (ADT). This standard is not applicable to this modification.

- G. The proposed office, retail multi-family institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards shall include the following:**
- 1. Primary, front entrances shall be located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.**
 - 2. Buildings shall be located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.**
 - 3. The architecture of buildings shall be oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding shall be prohibited. Street facing elevations shall have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain shall be installed unless other architectural elements are provided for similar protection, such as an arcade.**

FINDING: This proposal is located within the cannery portion of the Old Town Overlay; therefore, the Old Town standards supersede the above criteria. The proposed development is also subject to the approved pattern book of the Cannery PUD. Both the Old Town Overlay standards and the standards as outlined in the approved pattern book have been discussed in greater detail later in this report.

V. APPLICABLE CODE PROVISIONS

The applicable zoning district standards are identified in Chapter 16.28 below.

- A. Division II– Land Use and Development
The applicable provisions of Division II include:**

16.28 Retail-Commercial

Subject to the provisions in 16.28.020 and 030 the following uses and their accessory uses are permitted outright and Conditional.

16.28.020.A. Professional services, including but not limited to financial, medical and dental, social services, real estate, legal, artistic and similar uses.

16.28.020.B. General retail trade...

16.28.020.C. Personal and business services, including daycares, preschools, and kindergartens.

16.28.020.J. Restaurants, taverns, and lounges.

16.28.030.G. Public use buildings including, but not limited to libraries, museums, community centers, and senior centers.

FINDING: The proposed use of the building as a mixed-use community center was approved under SP12-01. The Community Center required a conditional use. The proposed uses are permitted outright or conditionally in the underlying zones. While a specific tenant for the retail space still has not been identified with this application, planning staff will ensure that proposed uses are consistent with permissible uses at such time that tenant improvements are requested.

16.28.040 Dimensional Standards

No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84.

A. Lot Dimensions

Except as otherwise provided, required minimum lot areas and dimensions shall be:

1.	Lot area:	5,000 sq ft
2.	Lot width at front property line:	40feet
3.	Lot width at building line:	40 feet

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

1.	Front yard:	None, unless abutting residential zone (20 ft.)
2.	Side yard:	None, unless abutting residential zone (10 ft.)
3.	Rear yard:	None, unless abutting residential zone (10 ft.)

FINDING: The dimensions of the previously approved lots remain the same, and as found previously, are consistent with the minimum dimensions listed above. The building

is proposed in the same footprint as the building that had to be demolished. Consistent with PUD 09-01 approval, the building would not be subject to any additional setbacks. As proposed, the development satisfies the minimum lot dimensions of the zone.

C. Height

Except as otherwise provided, the maximum height of structures shall be fifty (50) feet, except that structures within one-hundred (100) feet of a residential zone shall be limited to the height requirements of that residential area. Structures over fifty (50) feet in height may be permitted as conditional uses, subject to Chapter 16.82.

FINDING: The Machine Works building was approximately 25 feet tall. The new elevation proposes a building that will be approximately 26 feet tall. The adjacent residential zone limits height to 35 feet or 2.5 stories. As proposed, the structure on site will be well below the permitted maximum. This criterion is satisfied.

16.58 Supplementary Standards

16.58.010 Clear Vision Areas

- A. A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets, intersection of a street with a railroad, or intersection of a street with an alley or private driveway. (Ord. 96-1014 § 1; 86-851)**
- B. A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation; or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection, and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two (2) sides. (Ord. 86-851 § 3)**
- C. A clear vision area shall contain no planting, sight obscuring fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2-1/2) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to the height of seven (7) feet above the ground. (Ord. 86-851 § 3)**

The following requirements shall govern clear vision areas:

- 2. In a commercial zone, the minimum distance shall be fifteen (15) feet, or at intersections including an alley, ten (10) feet.**

FINDING: The proposed building is within the previously approved footprint with the exception of that portion that was previously within the right-of-way in the southeast corner. The proposed building has been located outside of the right-of-way with this design. As proposed, the building does not include any new structures or proposed landscaping that appear to obstruct the clear vision areas prescribed in Section 16.58. This criterion is satisfied by the proposed development.

16.84 VARIANCES

Class A Variances

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.**

FINDING: The proposal does not involve more than 3 lots. This criterion is not applicable.

- 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.**

FINDING: The proposal does not involve division of property. This criterion is not applicable.

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

FINDING: The proposed variance is not a request to vary the permitted, conditional, or prohibited uses of the district. This criterion is not applicable.

- 2. Approval Process: 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. 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.**

FINDING: The applicant provided a narrative addressing the provisions of subsection 3 of 16.84.030(C), and the application is currently being reviewed through a Type IV procedure consistent with this requirement. This criterion is satisfied.

- 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;**

FINDING: The proposed variance is to the Ground Floor Window requirements of 16.162.080.H which is discussed in greater detail below. There is no evidence within the record to suggest that the proposed variance will be materially detrimental to the purposes of the code, any other applicable policies and standards, or to other properties within the same land use district or vicinity. This criterion is satisfied.

- 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);

FINDING: The size and shape of the lot are not material to this request; however, the site is surrounded on three sides by public right-of-way, which is a circumstance in this area that is not applicable to other properties in the vicinity. The site has frontage onto SW Pine, SW Columbia, and SW Washington Streets. The applicant has no control over these circumstances as the streets were already in place prior to the application. This criterion is satisfied.

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;

FINDING: The proposed use is for a Community Center which includes a theater, community classroom, and mixed retail. The applicant proposes to satisfy the ground floor window requirements on two of the four sides of the building, which are arguably the sides of the building that would be most accessible to the general public. The other two sides of the building would not satisfy the requirement, and the applicant has thoroughly described the limitations that the use imposes on such requirement on pages 7-14 of the applicant's narrative. This criterion is satisfied.

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;

FINDING: There are no sensitive areas on or near the site, and as proposed, the development would not be expected to adversely affect any physical and natural systems. The code standard proposed to be varied has no impact on the physical or natural systems of the City. Rather, it is a standard intended to improve the aesthetics of the building and to make the use a more inviting use to the general public. It also serves to provide "eyes on the street" as a deterrent to criminal activity. This criterion is satisfied.

e. The hardship is not self-imposed; and

FINDING: 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. Ground level wall areas include all exterior wall areas up to nine feet above the finished grade. The standard does not apply to residential uses or parking structures where landscaping is provided. As discussed above, the applicant has no control over the limitations placed on the property by having three street frontages, but because the building is no longer a retrofit, the addition of the windows to the building is subjective.

In this instance, the applicant has argued that the standard does not apply to the building given the fact that consideration was given to this standard by the approved Architectural Pattern Book approved as part of the Cannery PUD 09-01. Staff agrees that the

standard was considered, but only in light of maintaining and retrofitting an existing building. The use itself, a theater, is not inherently expected to provide windows except where the public arrives; however, there is a retail component to the use located along Pine Street, and partially along SW Columbia Street. In these locations, the applicant is proposing to satisfy the requirement. The hardship is not self-imposed if all of the factors relating to the use and the need to operate and maintain the use are considered.

Further, the Commission finds that the proposed development has met the standards for a variance based on the findings in the staff report, and given the extenuating circumstances of being surrounded on three sides by public right-of-way. This is a circumstance that other commercial properties in the Cannery PUD area do not have to contend with when developing. The applicant is seeking the minimum relief necessary by revising the elevations in a manner that is consistent with the PUD vision outlined in the approved pattern book, and further, in a way that meets the intent of the Old Town regulations by providing articulation and a change in materials that will add visual interest to a portion of the building that is closest to the adjacent residential neighbors.

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

FINDING: The proposed variance to the provision of windows along 50% of the elevations fronting SW Columbia and SW Washington are necessitated by the use of the building as a theater and a need to provide loading and service entrances for the building. The applicant is meeting the standard where the building is dedicated to retail, and certainly providing windows to this standard on all four elevations would be counterproductive to the operation of the facility. This is the minimum variance required in order to realize the current design and alleviate the hardship as discussed previously in this report. This criterion is satisfied.

Division V- Community Design

The applicable provisions of Chapter 5 include: 16.90 (Site Planning), 16.92 (Landscaping), 16.94 (Off-street parking and Loading), and 16.96 (On-site Circulation). 16.98

Compliance with the applicable standards where modification to the original design is proposed are discussed below:

16.92 Landscaping

16.92.010 Landscape Plan

All proposed developments for which a site plan is required pursuant to Section 16.90.020 shall submit a landscaping plan which 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. Maintenance of existing not-invasive native vegetation is encouraged within a development and required for portions of the property not being developed.

FINDING: The applicant is proposing to remove three trees and four groundcover areas that were located within what is called the paseo. In these cases, the removed landscape areas have been replaced with hardscape including a walkway, and paved courtyard. This standard is met.

16.92.030 Landscaping Standards

B. Parking and Loading Areas

1. Total Landscaped Area

A minimum of ten percent (10%) of the lot area used for the display or parking of vehicles shall be landscaped in accordance with Section 16.92. In addition, all areas not covered by buildings, required parking, and/or circulation drives shall be landscaped with plants native to the Pacific Northwest in accordance with Section 16.92.020.

FINDING: Under the prior approval, the applicant satisfied the minimum 10% landscaping requirement. The Community Center lot in either configuration was able to satisfy the requirement by providing 23% for an alternative that did not provide a drive thru, and 21% with a plan that would have provided a drive-thru. The applicant provided revised landscape areas prior to the public hearing that illustrates compliance with this standard by providing 13-15%. This criterion is satisfied.

2. Adjacent to Public Rights-of-Way

A landscaped strip at least ten (10) feet in width shall be provided between rights-of-way and any abutting off street parking, loading, or vehicle use areas. Landscaping shall include any combination of evergreen hedges, dense vegetation, earth berm, grade, and change in grade, wall or fence, forming a permanent year-round screen, excepting clear vision areas as per Section 16.58.030.

FINDING: The community center parking lot proposals provide ten feet of landscaping between the right of way and off-street parking. This standard is met.

3. Perimeter Landscaping

A ten (10) foot wide landscaped strip shall be provided between off-street parking, loading, or vehicular use areas on separate abutting properties or developments. A minimum six (6) foot high sight-obscuring fence or plantings shall also be provided, except where equivalent screening is provided by intervening buildings or structures.

FINDING: The community center site satisfies this requirement by providing a ten foot landscape buffer along SW Washington Street. This criterion is satisfied.

4. Interior Landscaping

A minimum of fifty percent (50%) of required parking area landscaping shall be placed in the interior of the parking area. Landscaped areas shall be distributed so as to divide large expanses of pavement, improve site appearance, improve safety, and delineate pedestrian walkways and traffic lanes. Individual landscaped areas shall be no less than sixty-four (64) square feet in area and shall be provided after every fifteen (15) parking stalls in a row.

Storm water bio-swales may be used in lieu of the interior landscaping standard.

FINDING: The applicant has proposed interior landscaping in both parking lots including the drive-thru alternative for the community center parking lot, but is proposing to eliminate some of the landscaping area adjacent to the parking area. Without a comprehensive landscape plan, and discussion by the applicant, staff is not able to verify that the standard remains satisfied. A condition of approval is being recommended above to ensure that the site complies with the applicable landscape requirements as described above.

5. Landscaping at Points of Access

When a private access way intersects a public right-of-way or when a property abuts the intersection of two (2) or more public rights-of-way, landscaping shall be planted and maintained so that minimum sight distances shall be preserved pursuant to Section 16.58.010.

FINDING: The points of access and previously approved landscaping at these locations is not affected by this modification. This standard is met.

16.94. Off-Street Parking and Loading (relevant sections)

16.94.020 C. Bicycle Parking Facilities

- 1. Location and Design.** Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). Bike parking may be located inside the main building or protected or otherwise covered near the main entrance. If the first two options are unavailable, a separate shelter provided on-site is appropriate as long as it is coordinated with other street furniture such as benches, street lights, planters and other pedestrian amenities. Bicycle parking in the Old Town Overlay District can be located on the sidewalk within the right-of-way. A standard inverted "U shaped" design is appropriate. Alternative, creative designs are strongly encouraged.
- 2. Visibility and Security.** Bicycle parking shall be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.
- 3. Options for Storage.** Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.
- 4. Lighting.** Bicycle parking shall be least as well lit as vehicle parking for security.
- 5. Reserved Areas.** Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
- 6. Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards.

FINDING: The code requires a minimum of 2 bike parking for community services, or 1 per 20 auto spaces, whichever is greater. The maximum amount of parking proposed is 134 spaces which will require 7 bike spaces. Under the prior approval, the applicant proposed to satisfy this requirement by providing four, 2-bike racks under the building canopy at the northeastern area of the building near the Community Center entrance.

The modified plan, specifically sheet L1.01 only shows two bike racks which is different from what was approved. The location of the bike racks, while still convenient, secure and well lit is fine, but staff needs to review details of the proposed racks to ensure that at least 7 bike parking spaces are provided. This standard is not met, and the following condition is recommended.

RECOMMENDED CONDITION: Prior to the issuance of building permits, the applicant shall provide the Planning Department with details of the proposed bicycle racks to ensure that they are designed to accommodate a minimum of 7 bicycles.

16.146. Noise

16.146.020 - Noise Sensitive Uses

When proposed commercial and industrial uses do not adjoin land exclusively in commercial or industrial zones, or when said uses adjoin special care, institutional, or parks and recreational facilities, or other uses that are, in the City's determination, sensitive to noise impacts, then:

- A. The applicant shall submit to the City a noise level study prepared by a professional acoustical engineer. Said study shall define noise levels at the boundaries of the site in all directions.**
- B. The applicant shall show that the use will not exceed the noise standards contained in OAR 340-35-035, based on accepted noise modeling procedures and worst case assumptions when all noise sources on the site are operating simultaneously.**
- C. If the use exceeds applicable noise standards as per subsection B of this Section, then the applicant shall submit a noise mitigation program prepared by a professional acoustical engineer that shows how and when the use will come into compliance with said standards.**

FINDING: It is not anticipated that there will be high levels of noise beyond what is expected in an urban area. Since the site has been used for a machine works building in the past it is possible that the noise level could decrease as a result of improved acoustics associated with the theater design. As proposed, there will be no adverse impacts therefore this standard is met.

16.148 Vibrations

16.148.010 - Vibrations

All otherwise permitted commercial, industrial, and institutional uses shall not cause discernible vibrations that exceed a peak of 0.002 gravity at the property line of the originating use, except for vibrations that last five (5) minutes or less per day, based on a certification by a professional engineer.

FINDING: It is not anticipated that there will be high levels of vibration beyond what is expected in an urban area. There are not any expected adverse impacts therefore this standard is met.

16.150 Air Quality

16.150.010 – Air Quality

All otherwise permitted commercial, industrial, and institutional uses shall comply with applicable State air quality rules and statutes:

- A. All such uses shall comply with standards for dust emissions as per OAR 340-21-060.**
- B. Incinerators, if otherwise permitted by Section 16.140.020, shall comply with the standards set forth in OAR 340-25-850 through 340-25-905.**
- C. Uses for which a State Air Contaminant Discharge Permit is required as per OAR 340-20-140 through 340-20-160 shall comply with the standards of OAR 340-220 through 340-20-276.**

FINDING: It is not anticipated that there will be high levels of air pollution beyond what is expected in an urban area. There are not any expected adverse impacts therefore this standard is met.

16.152 Odors

16.152.010 - Odors

All otherwise permitted commercial, industrial, and institutional uses shall incorporate the best practicable design and operating measures so that odors produced by the use are not discernible at any point beyond the boundaries of the development site.

FINDING: It is not anticipated that there will be high levels of odor or unusual beyond what is expected in an urban area. There are not any expected adverse impacts therefore this standard is met.

16.54 Heat and Glare

16.154.010 – 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.

FINDING: The modified lighting plan, sheet L.1.05, illustrates lighting which exceeds the 0.5 foot candle on site; however, the proposed lighting is not projecting onto properties zoned for residential uses. The community center lighting does not extend past the building or the water quality area therefore the lighting at the community center parking lot is not anticipated to impact the neighboring residential properties to the south of the site. This criterion is satisfied.

16.162 – Old Town Overlay District

16.162.030.G Permitted Uses

Offices of architects, artists, attorneys, dentists, engineers, physicians, accountants, consultants and similar professional services are permitted outright in the Old Town Overlay, provided such uses meet the applicable environmental performance standards contained in Chapter 8.

FINDING: The proposed development is for a mixed use community center. That use was approved as a Conditional Use CUP12-01. This criterion is not applicable to the proposed development.

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.

FINDING: The Community Center Building is located within the Old Cannery Area. Parking is not affected by this proposal. This criterion is not applicable.

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.

FINDING: There is already an approved 10 foot by 25 foot loading area immediately north of the proposed community center, and an additional loading area is proposed behind the new building. A standard loading space is required to be 10 feet by 25 feet. This criterion is satisfied.

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.

FINDING: Signage is not proposed as part of this modification. This criterion is not applicable to the proposed development, however a sign permit will be required when signage is proposed.

- 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.**

FINDING: This criterion is not applicable to the proposed modification.

- 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.**

FINDING: All of the existing streets, with the exception of a portion of Washington Street were reconstructed with the Cannery Square PUD 09-01 and meet the standards of this section. A condition of approval for the improvement of Washington Street was imposed in the approval for SP12-01.

- 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.**

FINDING: The proposed development is subject to the pattern book that was approved as part of the PUD 09-01, revised, and finally approved with File No. SP10-02/CUP 10-01, the Plaza phase of the PUD. The applicant has provided a materials and color board to illustrate that all exterior materials will be consistent with the pattern book and this standard. This criterion is satisfied.

16.162.080.A Building Placement and the Street.

The purpose of this standard is to create an attractive area when commercial or mixed-use structures are set back from the property line. Landscaping, an arcade, or a hard-surfaced expansion of the pedestrian path must be provided between a structure and the street.

Structures built to the street lot line are exempt from the requirements of this subsection.

FINDING: The proposed building is constructed to the street lot lines adjacent to SW Pine and SW Columbia Street, and between the street right of way and an existing stormwater pond adjacent to SW Washington Street. This building location was approved with the final PUD approval and reflected in the final approved architectural pattern book. This criterion is satisfied.

16.162.080.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.

FINDING: As stated in the Architectural Pattern Book and approved as part of the Cannery Square PUD 09-01, revised, and finally approved with File No. SP10-02/CUP 10-01, the Community Center will be designed to reinforce the northeast corner of the building by ensuring that the highest point on its street facing elevation will be within 25-feet of the corner, and that there will be an entry within 25-feet of the corner. The architectural elevations illustrate that both of these conditions have been met. In the southeast corner of the building, the applicant is proposing a corner that is reinforced with a storefront entry and display windows all within 6 feet of the intersection of SW Pine Street and SW Columbia Street. The only item separating these corners from the street is the public sidewalk. This criterion is satisfied.

16.162.080.C. Residential Buffer.

The purpose of this standard is to provide a transition in scale where the Old Cannery Area is adjacent to a lower density residential zone, outside the District. Where a site in the Old Cannery Area abuts or is across a street from a residential zone, the following is required:

- 1. On sites that directly abut a residential zone the following must be met:**
 - a. In the portion of the site within 25 feet of the residential zone, the building height limits are those of the adjacent residential zone; and,**
 - b. A 6-foot deep area landscaped with, at a minimum, the materials listed in Section 16.92.030B is required along the property line abutting or across the street from the lower density residential zone. Pedestrian and bicycle access is allowed, but may not be more than 6 feet wide.**

FINDING: There are residentially zoned properties to the west and south of the site. The applicant is proposing to maintain the existing landscape along both frontages. The landscaping along the west frontage is provided by a pre-existing stormwater pond with mature trees in it. Along the south side of the proposed building there is planter islands along with a six foot sidewalk that would separate the building from the planter islands and parking. This criterion is satisfied.

16.162.080.D. 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). For residential developments these are the following exceptions:**
 - a. For buildings that have more than one main entrance, only one entrance must meet this requirement.**
 - b. Entrances that face a shared landscaped courtyard are exempt from this requirement.**
- 2. Front porch design requirement. There must be a front porch at the main entrance to residential portions of a mixed-use development, if the main entrance faces a street. If the porch projects out from the building it must have a roof. If the roof of a required porch is developed as a deck or balcony it may be flat, otherwise it must be articulated and pitched. If the main entrance is to a single dwelling unit, the covered area provided by the porch must be at least six (6) feet wide and six (6) feet deep. If the main entrance is to a porch that provides the entrance to two or more dwelling units, the covered area provided by the porch must be at least 9 feet wide and 8 feet deep. No part of any porch may project into the public right-of-way or public utility easements, but may project into a side yard consistent with Section 16.60.040.**

FINDING: As proposed, the building will reinforce the Northeast corner and provide a main retail tenant entry within 6-feet of the southeast corner along SW Pine Street. This is consistent with the approved pattern book. In addition, the uses are required to have their primary entrance facing the hardscaped and landscaped area on the north side of the building (facing the adjacent West building). The architectural elevations illustrate this condition. The main Sherwood Community Center entry faces the paseo and directs the majority of the foot traffic into Old Town which is the intent of this regulation. This criterion is satisfied.

16.162.080.E. Off-Street Parking and Loading Areas.

The purpose of this standard is to emphasize the traditional development pattern in Old Town where buildings connect to the street, and where off-street vehicular parking and loading areas are of secondary importance.

- 1. Access to off-street parking areas and adjacent residential zones - Access to off-street parking and loading areas must be located at least twenty (20) feet from any adjacent residential zone.**

2. **Parking lot coverage - No more than fifty percent (50%) of the site may be used for off-street parking and loading areas.**
3. **Vehicle screening - Where off-street parking and loading areas are across a local street from a residential zone, there must be a 6-foot wide landscaped area along the street lot line that meets the material requirements in Section 16.92.020B.**

FINDING: The proposed development provides access to the site utilizing the existing accesses, and the proposed parking was reviewed, considered, and approved as part of SP12-01. The applicant is not proposing to modify the previously approved parking design; therefore, this criterion is not applicable.

16.162.080.F. 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.

FINDING: According to the applicant, "The Community Center building will comply with this standard. The retail portion is design 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 durable finish."

The standards that were approved in the Architectural Pattern Book indicate the following standards:

Where new walls are built: The exterior material shall be consistent with the requirement for the south, west, east and northeast phase buildings

Where existing walls are restored: Walls may be painted, covered in stucco, or by any other material consistent with paragraph F.1. above.

The existing exposed concrete foundations may remain as exposed concrete or be repainted even if more than 3-feet is currently exposed.

As illustrated on the plans, and shown on the Exterior Materials and Colors Board (Exhibit B) and discussed within the narrative, the applicant has satisfied this condition with the proposed improvements.

16.162.080.G. 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.**

FINDING: The applicant has indicated that all roof mounted equipment will be screened by parapet walls and other screens constructed of materials that “complement” the other wall treatments. This criterion can be satisfied by meeting conditions that were imposed in SP 12-01. Specifically, that condition states, “Prior to final site plan approval, the applicant shall ensure that any new roof mounted equipment is screened consistent with the provisions of Section 16.162.080.G.1-3.” Given their response and the new design it is feasible that this standard could be easily met.

16.162.080.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.

FINDING: The applicant has requested a variance to this standard, and has also made a case that the variance was necessary since this standard was discussed in the Architectural Pattern Book approved with the Cannery Square PUD 09-01. As proposed, the Community Center will not fully comply with the standards listed above. The north and east elevations meet the percentage of glazing requirements. The south and west elevations face a parking lot and the loading and mechanical areas for the building so they do not have a large amount of glazing.

It is important to note that staff believes that the approved architectural pattern book anticipated that the proposal would not satisfy this standard because the building was a retrofit of a pre-existing building. The applicant is now proposing a new building. As discussed previously in this report, staff believes that the variance is justified by a condition of being surrounded by three streets and the inherent nature of the use. As proposed and designed the proposed development will meet the intent of the code language by promoting the building along the primary pedestrian streets and corridors where a lot of activity is expected. It is equally important to note that staff would make the same recommendation regardless of whether or not the applicant was a public entity or a private developer given the challenges associated with the use and the site. The proposed development is in compliance with the standard on the north and east elevations, and the variance for the south and west walls was approved through the public hearing process.

16.162.080.I. 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.**

FINDING: The proposed building is largely a single-story structure. In locations where the building is provided with a distinct second story, the applicant is proposing a narrow horizontal band of windows facing east. The exterior materials and color boards also illustrate a difference in materials that clearly delineates the second floor from the first floor by a change in materials and trims. This criterion is satisfied.

16.162.080.J. 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:

- 1. A sloped roof with a pitch no flatter than 6/12; or**
- 2. A roof with a pitch of less than 6/12 and a cornice or parapet that meets the following:**
 - a. There must be two parts to the cornice or parapet. The top part must project at least six (6) inches from the face of the building and be at least two (2) inches further from the face of the building than the bottom part of the cornice or parapet.**
 - b. The height of the cornice or parapet is based on the height of the building as follows:**
 - (1) Buildings sixteen (16) to twenty (20) feet in height must have a cornice or parapet at least twelve (12) inches high.**
 - (2) Buildings greater than twenty (20) feet and less than thirty (30) feet in height must have a cornice or parapet at least eighteen (18) inches high.**
 - (3) Buildings thirty (30) feet or greater in height must have a cornice or parapet at least twenty-four (24) inches high.**

FINDING: The applicant is proposing to provide parapet and parapet caps in all areas of the building. The Commission finds that by providing the cornice and parapet along the first elevations along the east, north, and a portion of the south roof line, the applicant has satisfied the intent of the regulations. This criterion is satisfied.

16.162.080.K. Base of Buildings.

Buildings must have a base on all street-facing elevations. The base must be at least two (2) feet above grade and be distinguished from the rest of the building by a different color and material.

FINDING: Based on applicant testimony and exhibits, the Commission finds that the building elevations appear to satisfy this requirement. See sheets A3.01 and A3.02. As proposed, the elevations facing the streets provide a base along all portions of the building where there are not doorways. This criterion is satisfied.

16.162.080.L. Height Bonus

A five foot height bonus shall be granted if at least two of the following amenities are included in the overall design:

- 1. Awnings or Marquees subject to Section 16.162.090 — Commercial Standard.**
- 2. Public art installation subject to Cultural Arts Commission and City Council approval.**
- 3. Additional public bike parking: 1 additional space per residential unit.**
- 4. A courtyard or plaza facing the street open to the public subject to Commission approval.**

FINDING: The applicant is not requesting a height bonus as part of this proposal; therefore, this criterion is not applicable to the proposed development.

DECISION

Based upon review of the applicant's submittal information, review of the code, agency comments and consideration of the applicant's revised submittal, staff finds that the requested approvals do not fully comply with the standards but can be conditioned to comply. Therefore, staff recommends **approval of File Nos: SP 13-02/VAR 13-01 with the recommended conditions below.**

VI. CONDITIONS OF APPROVAL

A. General Conditions

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
2. This land use approval shall continue to substantially comply with the submitted preliminary site plans dated January 17, 2012 prepared by HHPR Engineering except as modified by this approval, and as indicated in the following conditions.
3. The developer/owner/applicant is responsible for all costs associated with private/public facility improvements.
4. **This approval is valid for a period of two (2) years from the date of the decision notice.** Extensions may be granted by the City as afforded by the Sherwood Zoning and Community Development Code.
5. An on-going condition of the approval is that the site be maintained in accordance with the approved site plan. In the event that landscaping is not maintained, in spite of the assurances provided, this would become a code compliance issue.
6. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.
7. A temporary use permit must be obtained from the Planning Department prior to placing a construction trailer on-site.
8. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies even if not specifically required by this decision.
9. The applicant shall continue to comply with the conditions of approval for PUD 09-01 and SP 12-01 where not modified by SP 13-02.

B. Prior to Issuance of a Building Permit:

1. Prior to the issuance of building permits, the applicant shall provide the Planning Department with details of the proposed bicycle racks to ensure that they are designed to accommodate a minimum of 7 bicycles.

2. The applicant shall provide evidence in writing from the fire marshal that the requirements within his comments have been satisfied by the proposed development.

C. Prior to Final Inspection of the Building Official & Certificate of Occupancy:

1. All public improvements shall be completed, inspected and approved, as applicable, by the City, CWS, TVF & R, TVWD and other applicable agencies.
2. All agreements required as conditions of this approval must be signed and recorded.

VII. EXHIBITS

- A. Applicant's submitted materials dated August 23, 2013
- B. Sherwood Community Center Exterior Materials and Colors board
- C. Tualatin Valley Fire & Rescue comments dated September 25, 2013
- D. E-mail from Rochelle Wasulla dated September 25, 2013
- E. City of Sherwood Engineering comments dated September 27, 2013
- F. Pride Disposal comments dated September 24, 2013
- G. Clean Water Services comments dated September 26, 2013
- H. ODOT e-mail received September 25, 2013
- I. Applicant's E-mail to Brad Kilby received October, 7, 2013
- J. Applicant's revised Exhibits
- K. Staff Memorandum to the Planning Commission dated October 15, 2013

VIII. APPEAL

As per Section 16.76.020 of the Sherwood Zoning and Community Development Code (SZCDC), the decision of the Planning Commission detailed above will become final unless an appeal is received by the Planning Department by a person with standing within 14 days of this decision. This Notice of Decision was reduced in writing and placed in a U.S. Postal receptacle on October 24, 2013. The appeal deadline is **5:00 PM on November 7, 2013.**

Brad Kilby, AICP
Planning Department

City of Sherwood