

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

PLANNING DEPARTMENT

Application Submitted: August 13, 2015
Notice of Decision: August 20, 2015



Brad Kilby, AICP
Planning Manager

Proposal: This minor modification is a proposal to eliminate two parking spaces for the kitchen entrance of Building “B” within the internal parking lot.

I. BACKGROUND

A. Applicant

The Old Spaghetti Factory
Attn: Bob Martin
0715 SW Bancroft Street
Portland, OR 97239

(503)225-0443

Owner:

Langer Gramor LLC
Attn: Matt Grady, AICP
19767 SW 72nd Avenue, Suite 100
Tualatin, OR 97062

Contact:

Matt Grady, AICP
(503)245-1976

B. Location: 21192 SW Langer Farms Parkway

C. Tax Lot(s): 2S129DB Tax lot 100

D. Parcel Size: The subject property is approximately 3.44 acres in size.

E. Existing Development and Site Characteristics: The site is currently developed with a shopping center, and this is a vacant pad located at the intersection of SW Langer Farms

Parkway and SW Tualatin-Sherwood Road. The site is relatively flat, and surrounded by a mix of commercial uses including another shopping center, a storage facility, industrial uses, and a DEQ testing facility.

- F. Site History: In November of 2012, the Sherwood Planning Commission approved SP12-05 and CUP 12-02 for construction of an 189,500 square foot shopping center which included a 145,000 square foot anchor building and six retail buildings with associated parking and landscaping. The proposal also includes lots that were created through the staff approval of SUB 12-02, which divided approximately 55 acres into five lots and two tracts. The shopping center is being constructed on three of the five lots. Prior to the land division and subsequent approval of the shopping center, the land was farmed. An earlier minor modification for this same site was issued under file number MMSP15-04 to relocate one of the parking spaces to accommodate the front entrance.
- G. Zoning Classification and Comprehensive Plan Designation: The property is zoned light industrial with a Planned Unit Development (PUD) overlay. Per the 1995 PUD approval, general commercial uses are permitted within the zone.
- H. Adjacent Zoning and Land Use: The subject site is located at the intersection of SW Langer Farms Parkway and Tualatin-Sherwood Road. The site is surrounded by a mix of commercial and industrial uses including another shopping center, a storage facility, industrial uses, and a DEQ testing facility.
- I. Review Type: Because this is a minor alteration to a prior approved plan a minor modification is required. The modification requires a Type I review. An appeal would be heard by the Planning Commission.
- J. Agency Comments: The proposal affects on-site parking, and does not affect the location of utilities, access ways, or off-site circulation, but the Sherwood Building and Engineering Division were provided with the opportunity to comment.

II. ANALYSIS OF CODE COMPLIANCE

Minor Modifications to Approved Site Plans

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

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

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

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

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

FINDING: The proposed modifications to the site plan do not change the use of the property. The site will continue to be used for a shopping center. The building that is being amended was approved as a 10,000 square foot restaurant. This criterion is not applicable.

(2) An increase in density by more than ten (10) percent, provided the resulting density does not exceed that allowed by the land use district;

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

(3) A change in setbacks or lot coverage by more than 10 percent, provided the resulting setback or lot coverage does not exceed that allowed by the land use district;

The proposed modification to the building does not affect the setbacks that were considered in the original approval. The modified building is smaller than the building that was considered (10,000 square feet) in the approval of SP 12-05 and does not affect the overall lot coverage that was previously approved.

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

(4) A change in the type and/or location of access-ways, drives or parking areas negatively affecting off-site traffic or increasing Average Daily Trips (ADT) by more than 100;

FINDING: There will not be any changes to the locations of the approved access-ways. Although the request results in a loss of two parking spaces, there is no evidence to suggest that this reduction would negatively affect off-site traffic since all of the parking is internal to the site, and none of the surrounding streets allow for on-street parking. Furthermore, the reduction in size from 10,000 square feet to a proposed 8,600 square feet would have required less parking than what was originally approved. This criterion does not trigger a major modification.

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

FINDING: The proposed modification does not increase the floor area beyond the 10,000 square feet that was previously approved. In fact, the building permit indicates a building that is only 8,600 square feet. This criterion does not trigger the need for a major modification.

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

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

(7) Change to a condition of approval that was specifically applied to this approval (i.e. not a standard condition," or a change similar to items (1)-(2) as determined by the Review Authority.

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

III. DECISION

Based on a review of the proposed site modifications, the applicable code provisions, and the Notice of Decision for SP 12-01/CUP 12-02, staff **APPROVES** MMSP 15-06, as proposed.

VI. APPEAL

As per Section 16.76.020 of the Sherwood Zoning and Community Development Code (SZCDC), the decision of Staff detailed above will become final unless an appeal is received by the Planning Department from the applicant. This Notice of Decision for Case No. MMSP 15-06 was placed in a U.S. Postal receptacle on August 21, 2015. The appeal deadline is **5:00 PM on September 4, 2015**.



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Planning Department
City of Sherwood