

THE QUESTIONS OF DENSITY & RECREATION/OPEN SPACE

TO: Sherwood Planning Commission
FR: Susan Claus
DT: 15 December 2009
RE: Sherwood Cannery Square PUD 09-01, SUB 09-02, PA 09-05
Additional comments for the Hearings Record

RECEIVED

DEC 15 2009

City of Sherwood

SOME CODE SECTIONS TO CONSIDER:

16.02.020 Purpose

This Code is enacted to:

- A. **Encourage the most appropriate use of land.**
- B. **Conserve and stabilize the value of property.**
- C. Preserve natural resources.
- D. Facilitate fire and police protection.
- E. Provide adequate open space for light and air.
- F. **Minimize congestion on streets.**
- G. **Promote orderly growth of the City.**
- H. **Prevent undue concentrations of population.**
- I. **Facilitate adequate provision of community facilities.**
- J. **Promote in other ways the public health, safety, convenience, and general welfare.**
- K. Enable implementation of the Sherwood Comprehensive Plan in compliance with State Land Use Goals.

These are fundamental reasons why the Sherwood City Code was enacted. Look how many of these reasons directly reflect concerns of residents in the established neighborhoods near the proposed 101 multi-family primary use apartments being proposed as part of the Sherwood Cannery PUD. Even though a "cannery standard" 65% parking reduction may be allowed within the Cannery district—that standard does not compel or "legislate out" typical human behavior. People will continue to own cars. They will want to park the cars as close to their apartment units as possible. They will look to adjoining neighborhoods to find parking for themselves and their visitors. Just the lack of parking itself for the proposed 101 units violates Letters A,B,F,G,H,I, and J above in the simple reading of the language.

Despite the creative arguments from the applicant that the Planning Commission and City Council allow them to depart from Division VIII of SDC Chapter 16.142.020 Multi-Family Developments, the applicant must provide 20% dedicated recreation and open space for those apartment dwellers ON SITE for the tenants' recreation. The language reads "SHALL" not, "at the applicant's discretion." See the language below from the Code:

16.40.060 Non-Residential (Commercial or Industrial) PUD

A. Permitted Uses

Any commercial, industrial or related use permitted outright in the underlying zoning district in which the PUD is located, may be permitted in a Non-Residential PUD, **subject to Division VIII.** (Ord. 91-922 § 3; 86-851)

DIVISION VIII

16.142.020 Multi-Family Developments

A. Standards

Except as otherwise provided, recreation and open space areas **SHALL BE PROVIDED** in new multi-family residential developments to the following standards:

1. Open Space

A minimum of twenty percent (20%) of the site area **SHALL BE RETAINED** in common open space. Required yard parking or maneuvering areas **may not be substituted** for open space.

2. Recreation Facilities

A minimum of fifty percent (50%) of the required common open space **SHALL BE SUITABLE FOR ACTIVE RECREATIONAL USE.** Recreational spaces shall be planted in grass otherwise suitably improved. A minimum area of eight-hundred (800) square feet and a minimum width of fifteen (15) feet **SHALL BE PROVIDED.**

3. Minimum Standards

Common open space and recreation areas and facilities **shall be clearly shown** on site development plans and **shall be physically situated** so as to be readily accessible to and usable by all residents of the development.

4. Terms of Conveyance

Rights and responsibilities attached to common open space and recreation areas and facilities **shall be clearly specified** in a legally binding document which leases or conveys title, including beneficial ownership to a home association, or other legal entity. The terms of such lease or other instrument of conveyance **must include provisions** suitable to the City for guaranteeing the continued use of such land and facilities for its intended purpose; continuity of property maintenance; and, when appropriate, the availability of funds required for such maintenance and adequate insurance protection. (Ord. 91-922 § 3)

(NOTE: EMPHASIS ADDED)

16.02.050 Interpretation

The provisions of this Code shall be interpreted as minimum requirements. When this Code imposes a greater restriction than is required by other provisions of law, or by other regulations, resolutions, easements, covenants or agreements between parties, the provisions of this Code shall control.

16.02.070 Conflicting Ordinances

All zoning, subdivision, and other land development ordinances previously enacted by the City are superseded and replaced by this Code.

16.10.020 SPECIFICALLY

The following terms shall have specific meaning when used in this Code:

Density: The intensity of residential land uses per acre, stated as the number of dwelling units per net buildable acre. Net acre means an area measuring 43,560 square feet after excluding present and future rights-of-way, environmentally constrained areas, public parks and other public uses.

PLANNED UNIT DEVELOPMENT CODE INFORMATION

16.40.040 General Provisions

C. Multiple Zone Density Calculation

When a proposed PUD includes multiple zones, the density may be calculated based on the total permitted density for the entire project and clustered in one or more portions of the project, **provided that the project demonstrates compatibility with the adjacent and nearby neighborhood(s)** in terms of:

location of uses, (TOO MUCH Proposed DENSITY
NEXT TO MDRL)
building height,
design and
access.

(Ord. No. 2008-015, § 1, 10-7-2008)

16.40.060 Non-Residential (Commercial or Industrial) PUD

C. Development Standards

6. Density Transfer

Where the proposed PUD includes lands within the base floodplain, a density transfer may be allowed in accordance with Section 16.142.040.

Per the applicant's Preliminary Plat Map submitted, the detail of the area is summarized:

Lots 1, 3-8 99,389 sq.ft. RC zone

Residential units above commercial uses as a secondary use (Mixed Use) is not the same as primary multifamily uses on discreet lots—Can't compare apples to oranges

Lot 2	23,027 sq.ft.	(This is an existing building and not eligible to add back density to the HDR portion of the site)
Lot 9	40,329 sq.ft.	HDR/RC zone
Lot 10	<u>38,069 sq.ft.</u>	<u>HDR/RC zone</u>
	1.80 acres	HDR/RC combined Lots 9&10
	1.32 acres	Underlying HDR zone (57,600 sf)
		24 units/acre

	32 units	Allowable Density HDR Apartments

You don't get the extra density on the HDR portion of the PUD site because:

- 1) there is no flood plain
- 2) density clustering doesn't apply—too much negative impact to the neighborhoods from reduced parking standards
- 3) Secondary "mixed-use " uses of residential above Retail Commercial is not the same as single use apartments on separate, saleable parcels
- 4) Underlying HDR zone was not intended to carry that many units

16.20.010 PURPOSE

The HDR zoning district provides for higher density multi-family housing and other related uses, with a density not to exceed twenty-four (24) dwelling units per acre and a density not less than 16.8 dwellings per acre may be allowed.

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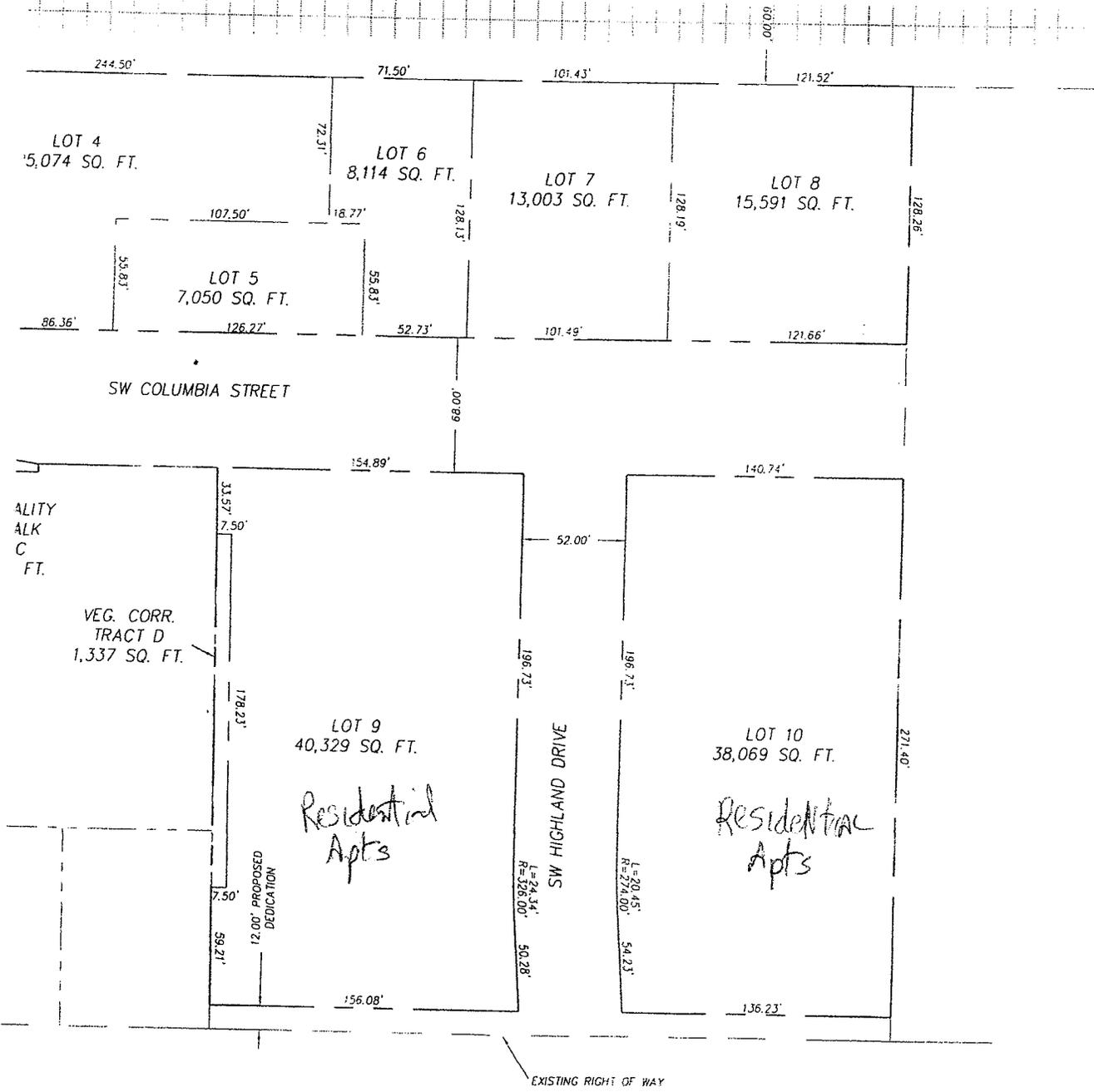
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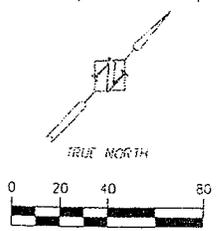
NOTE: THERE ARE NO LANDS WITHIN THE BASE FLOODPLAIN SO THERE IS NO DENSITY TRANSFER

Summary: Even if the density was allowed, the clustering next to the MDRL zoning is unacceptable. Too intense, reduced typical parking standards, using other off site parking to reach the "reduced" parking amounts adversely impacts the surrounding established neighborhoods.

SOUTHERN PACIFIC RAILROAD RIGHT-OF-WAY



AREA SUMMARY	
LOT/TRACT	AREA
1, 3 - 10	177,787 SQ. FT.
2	23,027 SQ. FT.
TRACT A	12,004 SQ. FT.
TRACT C	1044 SQ. FT.
NET BUILDABLE	213,862 SQ. FT.
NET BUILDABLE	213,862 SQ. FT.
NEW RIGHT OF WAY	56,416 SQ. FT.
VEG. CORR TRACTS	4,783 SQ. FT.
TOTAL	275,061 SQ. FT.



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Sherwood Cannery Square PUD

DATE:
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PREL. PLAT