

SILVERTON PLANNING COMMISSION  
**REGULAR MEETING**  
SILVERTON COMMUNITY CENTER  
421 S. WATER STREET  
**JANUARY 13, 2015 - 7:00 PM**

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**AGENDA**

- I. ROLL CALL:**
- II. MINUTES:**  
Approve Minutes from the Meeting held December 9, 2014.
- III. BUSINESS FROM THE FLOOR:**  
Items not on the Agenda.
- IV. AGENDA ITEMS:**
  - 4.1** Appoint a Chairman and Vice-Chairman
- V. Review General Commercial District Design Standards**

*AMERICANS WITH DISABILITIES ACT: The City of Silverton intends to comply with the A.D.A. The meeting location is accessible to individuals needing special accommodations such as a sign language interpreter, headphones, or other special accommodations for the hearing impaired. To participate, please contact the City Clerk at 503-874-2216 at least 48 hours prior to the meeting.*

**CITY OF SILVERTON**  
**PLANNING COMMISSION MINUTES**  
*Drafted for approval; subject to change and/or correction*

**7:00 P.M.**

**December 9, 2014**

The Planning Commission of the City of Silverton met at the Silverton Community Center on December 9, 2014 at 7:00 PM with Chairman Flowers presiding.

**I. ROLL CALL:**

Present	Absent	
<u>X</u>	<u>          </u>	Chairman Clay Flowers
<u>X</u>	<u>          </u>	Vice-Chairman Gus Frederick
<u>X</u>	<u>          </u>	Stacy Posegate
<u>          </u>	<u>Excused</u>	Jeff DeSantis
<u>X</u>	<u>          </u>	Joseph Pelletier
<u>          </u>	<u>Excused</u>	Van Khieu
<u>X</u>	<u>          </u>	Phillip Appleton

**STAFF PRESENT:**

Community Development Director, Jason Gottgetreu; Public Works Director, Gerald Fisher; and Administrative Assistant/City Clerk, Lisa Figueroa

**II. APPROVAL OF THE MINUTES FROM THE MEETING HELD , 2013:**

**VICE CHAIRMAN FREDERICK MOVED TO APPROVE THE MINUTES OF NOVEMBER 18, 2014 AS PRESENTED. COMMISSIONER PELLETIER SECONDED THE MOTION AND IT CARRIED WITH FOUR IN FAVOR. CHAIRMAN FLOWERS ABSTAINED.**

**III. BUSINESS FROM THE FLOOR:**

There were no comments.

**IV. AGENDA ITEMS:**

**1. Case: Design Review Application**

**Filed by:** O'Reilly Auto Parts

**Planning Department File No.:** DR-14-01

Chairman Flowers reviewed the Public Hearing process for the Meeting. He indicated that the Applicant's representative, Wade Lininger would be attending via telephone.

Chairman Flowers re-opened the Public Hearing at 7:07 p.m. Community Development Director

Gottgetreu reviewed the criterion. He said this is a Design Review Application with a concurrent adjustment performance design option to request waive the 50% minimum window coverage glazing requirements for the front street frontage. He said the property is located at 120 C. Street at the intersection of C. St., Water St., and Front Street. He indicated a new Site Plan was submitted in December based on testimony, which includes the pedestrian seating area and plaza area ten-feet in width on the C. Street and N. Water St. frontage.

Community Development Director Gottgetreu stated that DKS & Associates, the City of Silverton's on-call traffic engineer conducted the Traffic Impact Analysis (TIA) report. He reviewed the recommendations and said that all the intersections were in compliance to the levels of service. He noted that DKS & Associates recommended an additional driveway on the East side along the Front Street frontage. He compared the building design with neighboring buildings. He reviewed public testimony that proposed the building layout of the site would meet the Code standards if the building were flipped, but stated that it would be difficult to apply uniform design standards per Section 2.3.150(E). He stated the Planning Commission could interpret the flipped building design based on the evidence submitted in the record that it meets the purpose statement of the Code as well as the subjective criteria of Section 2.3.150(E), and could be conditioned to meet that standard.

Commissioner Posegate referenced pages 13 and 15, and said that she cannot determine whether the pedestrian amenities conditions have been met based on the information provided. Community Development Director Gottgetreu indicated that the benches and the plaza would be considered as pedestrian amenities. Commissioner Posegate asked for clarification regarding Condition 30 as noted on page 15 of 46. Community Development Director Gottgetreu indicated that an engineering design standard requires the applicant to submit a turning template to show how delivery trucks would maneuver through the site. He noted it could be addressed during the engineering review. Commissioner Posegate asked if the City would not require the applicant to close the access to Front St. Community Development Director Gottgetreu said that is correct. Chairman Flowers questioned whether the TIA recommended a traffic flow orientation. Community Development Director Gottgetreu said it only considered the proposed orientation, but stated that Condition 31 was generic enough that it could be applied to either orientation. Chairman Flowers clarified that both traffic flow orientations meet the Code requirements.

### **APPLICANTS TESTIMONY**

Mr. Lininger, said the red near entry door, rear of the building, and side windows can be adjusted. He said they are concerned with security at the rear of the building, but did not want to impact the property to the East and that is why they requested the adjustment. He indicated that since the September Meeting, they conducted extensive site layouts, but it negatively impacted the traffic patterns onto the site.

Commissioner Pelletier questioned how often deliveries are made. Mr. Lininger stated that deliveries are every day or every two days during non-business hours so as not to disrupt traffic patterns.

Commissioner Posegate asked for clarification in relation to the encroachment to the utility

easement. Mr. Lininger said the parking lot does not encroach onto the easement as the building does. The Commission compared the two plans and discussed the layout of the building. Community Development Director Gottgetreu noted that the flipped layout was an image he created for illustrative purposes to accompany his comments and did not include engineering details. Commissioner Appleton said he thinks the flipped plan is more conducive for trucks to pull into the property for deliveries rather than the proposed plan because there is more room to turn.

Public Works Director, Paul Eckley said that the utilities would fit with the building flipped.

### **Public Testimony**

#### **Proponent Testimony:**

There were no comments.

#### **Opponent Testimony:**

Randal Thomas, City Councilor, asked the Commission to deny the adjustment request because the rear side of the building does not abut an alley, building, or adjacent property. He stated that granting the request would not enhance the surrounding properties. He noted that Silverton was recently designated as one of the top ten safest cities in Oregon. He said the flipped building design meets the Code requirements, would allow access to the property for their delivery trucks and is more conducive as a gateway to the downtown area. He expressed concern that the applicant submitted a plan and has not made an effort to visit the City to ensure that their design was compatible with the neighboring buildings.

Dana Smith, 514 S. Water St.; said that the request to install landscaping along Front St. seems reasonable at this time, however, there is no recourse if the landscaping does not fill in or dies. She said if the building were flipped, there will be higher visibility along the rear side of the building at the intersection. She agreed with the Commission in respect to the trucks maneuvering on-site. Commissioner Frederick asked Ms. Smith what her occupation is. Ms. Smith said she is a structural engineer and works for an architectural firm.

Gary McKeon, 1133 Oak St.; addressed the Commission. He referenced Condition 8 of Attachment C and asked where the Stormwater retention area is located. Community Development Director Gottgetreu said it would be underground beneath the parking lot. Mr. McKeon questioned where the utility service is coming up at. He noted page 10, Attachment D, adjustment number 3 and indicated that the materials are not compatible with common materials used in the City. He said the use of pilasters is a minimal detail and the building is not aesthetically appealing. Commissioner Pelletier asked Mr. McKeon which building layout he proposed. Mr. McKeon said the flipped building appeared to fit on the lot better. Commissioner Posegate asked Mr. McKeon about his background. Mr. McKeon stated that he is a professional building designer and has been consulted on buildings similar to the proposed building.

Jim Prince, 600 Shelokum Drive; said that it is clear to him that the applicant views Front St. as

an alleyway. He said he has buildings along Front St. with several large windows along that Street and encouraged the Commission to consider the flipped building layout. He said he has had the buildings for several years and has not encountered any security or safety issues.

Sean Thompson, N. Water; expressed concerns with the early morning or late evening deliveries. He said it could be extremely noisy and could impact the neighborhood. Chairman Flowers indicated that it is zoned commercial and can operate within that Zone, but stated that he could file a nuisance complaint with the City, who would then investigate to determine if there it is a nuisance.

**Neutral Testimony:**

There were no comments.

**Written Testimony:**

Chairman Flowers noted that Staff received a letter from James Mulder on December 5<sup>th</sup> and read the letter.

**REBUTTAL**

Mr. Lininger said the site layout may be an issue but they are interested in being in the community and he said they are willing to work with the citizens and the Commission. The Commission reviewed the process following the Commission's decision.

Chairman Flowers closed the Public Hearing at 8:40 p.m.

The Commission adjourned for a recess at 8:40 p.m. and reconvened at 8:45 p.m.

Chairman Flowers reviewed the status of the project. Commissioner Posegate said that O'Reilly's Auto Parts came to the Commission with a building design that meets the Code requirements. She said because they requested an adjustment to the window and flashing on the side, the Commission was able to review some of the other architectural design and issues and can decide whether they can approve the design overall. Community Development Director Gottgetreu said the adjustment review criteria are specific to the window adjustment and the building design is subject to the General Commercial design standards.

Commissioner Posegate suggested reviewing both issues separately. The Commission reviewed the application. Commissioner Pelletier said he does not support the window adjustment request. Commissioner Frederick indicated he would consider the layout with the building flipped rather than the proposed site plan.

**COMMISSIONER POSEGATE MOVED TO DENY THE APPLICANT'S REQUEST ON DR-14-01 FOR AN ADJUSTMENT TO THE 50% MINIMUM WINDOW COVERAGE ON THE PROPOSED O'REILLY BUILDING. COMMISSIONER FREDERICK SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.**

The Commissioner reviewed and discussed the building orientation.

**COMMISSIONER POSEGATE MOVED TO DENY APPLICATION DR-14-01, TO CONSTRUCT A NEW 7,385 SQUARE FOOT COMMERCIAL BUILDING AT 120 C STREET. VICE CHAIRMAN FREDERICK SECONDED THE MOTION.**

Community Development Director Gottgetreu noted that Staff should be directed to prepare findings to deny the application based on the building orientation standards that it does not meet the architectural context in which it is located.

**COMMISSIONER POSEGATE WITHDREW HER MOTION. VICE CHAIRMAN FREDERICK WITHDREW HIS SECOND.**

**COMMISSIONER POSEGATE MOVED TO DENY APPLICATION DR-14-01, TO CONSTRUCT A NEW 7,385 SQUARE FOOT COMMERCIAL BUILDING AT 120 C STREET AND DIRECT STAFF TO PREPARE FINDINGS FOR DENIAL IN COMPLIANCE WITH THE CODE. COMMISSIONER APPLETON SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.**

Chairman Flowers noted that the applicant can appeal the decision with the City Council.

**V. REPORTS AND COMMUNICATIONS:**

Community Development Director Gottgetreu said there is a Type II partition pending decision. He said it will come to the Planning Commission as a Conditional Use due to the drive-throughs.

Chairman Flowers stated that Commissioner Khieu did not re-apply for another term. He updated the Commission on appointment process for the terms that are expiring at the end of the year. He said the appointments will be made at the January City Council Meeting.

**VI. ADJOURNMENT:**

The Meeting adjourned at 9:24 p.m.

Respectfully submitted,

/s/Lisa Figueroa,  
Administrative Assistant/City Clerk