

SILVERTON PLANNING COMMISSION  
**REGULAR MEETING**  
SILVERTON COMMUNITY CENTER  
421 S. WATER STREET  
**MAY 12, 2015 - 7:00 PM**

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**AGENDA**

**I. ROLL CALL**

Chairman – Clay Flowers  
Vice Chairman – Gus Frederick      Commissioner – Joe Pelletier  
Commissioner – Rich Piaskowski      Commissioner – Jeff DeSantis  
Commissioner – Stacy Posegate      Commissioner – Phillip Appleton

**II. MINUTES**

There are no Minutes to approve.

**III. BUSINESS FROM THE FLOOR**

Items not on the Agenda.

**IV. PUBLIC HEARINGS**

**4.1 Continue Public Hearing Of Conditional Use Application, CU-15-01, Silverton Dutch Brothers**

Conditional Use application to construct a 390 square foot commercial building with a drive-through at 705 McClaine Street. The proposed Use of the building will be Sales-Oriented Retail Sales and Service and will be a Dutch Brothers.

**V. REPORTS AND COMMUNICATIONS**

**VI. ADJOURNMENT**

*Written comments may be filed with the Community Development Department, prior to the Public Hearing or you may attend the Hearing and testify in person or in writing on these applications. Additional information and/or review of this application may be obtained at Silverton City Hall, 306 South Water Street or by contacting the Community Development Department at (503) 874-2207. Copies of the staff report will be available seven (7) days prior to the public hearing. All documents will be available on our website at [www.silverton.or.us](http://www.silverton.or.us).*

**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**  
**Community Development Department**  
306 South Water Street  
Silverton, OR 97381  
(503) 874-2207  
Jgottgetreu@silverton.or.us



## MEMO

**DATE:** May 7, 2015

**FROM:** Jason Gottgetreu, Community Development Director

**TO:** Planning Commission

**RE:** Revised Site Design, CU-15-01

The following is a review of the revised site plan submitted by the applicant for compliance with SDC.2.3.160.A.3 3. Drive-up/drive-in queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right-of-way.

The drive-through is oriented to the interior of the site. The proposed development infrastructure is expected to provide adequate internal circulation between public streets and project buildings. One of the primary concerns associated with the proposed Dutch Bros Coffee site is whether it will be able to provide adequate queues storage, particular during the a.m. rush hour. To better understand potential queuing conditions, queuing data was collected during the a.m. and p.m. peak periods at three other area Dutch Bros Coffee locations that were used as the basis for trip generation estimates. The queuing data collected included arrival and departure time for all vehicles, which service window was selected, and what number in the queue each vehicle became upon arrival.

The previous design had two drive through aisles and a walkup window. The previous design most closely resembled the Monmouth location which was used for the site analysis. The revised design has one drive aisle and one walkup window with more pedestrian amenities that include a large plaza area and tables. The TIA did a site analysis of a Dutch Brother in Dallas that has a similar setup of one drive aisle and one walkup window. However the Dallas location does not have a plaza area with tables for the walkup window. The road the Dallas Dutch Brothers is located on has an average daily trip (ADT) count of 10,000. McClaine Street has an ADT of 10,300. The Dallas location is the most comparable to the revised layout. Dallas is also comparable to Silverton in terms population and proximity to Salem.

The Dallas AM peak experiences 142 customers from 7:00 a.m. to 8:55 a.m. with 99 going through the drive thru and 43 going to the walk up window. The use of the walk up window correlates with the length of the drive thru queue indicating people prefer to park and use the walk up window when the queue starts to backup. The longest queue observed at the Dallas location was 7 cars, which was observed twice in any 5 minute period. During or just after those queues is when the walkup window also experience high usage. It is expected the Silverton location with one drive thru and one walk up to experience similar usage. The amount of AM customers was fairly consistent at all three observed Dutch Brothers, with 132 for the Keizer location, 156 for the Monmouth location and 142 for the Dallas location.

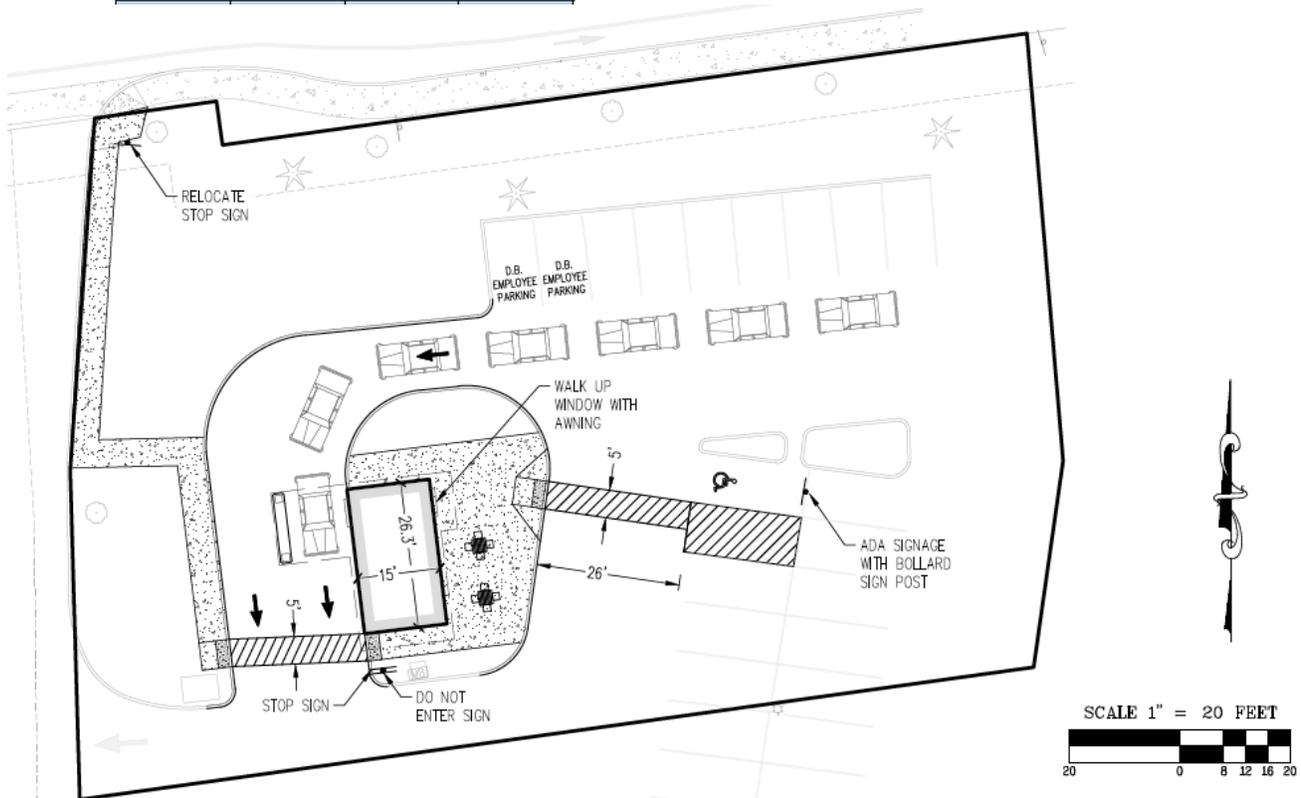
**DALLAS DUTCH BROS**

**AM**

Time	Drive Thru Window		Walk Up	
	Total In	Total Out	Total In	Total Out
7:00 AM	5	3	2	2
7:05 AM	5	4	1	0
7:10 AM	3	3	1	2
7:15 AM	6	5	2	0
7:20 AM	4	5	1	2
7:25 AM	4	5	3	1
7:30 AM	2	3	1	3
7:35 AM	7	4	2	1
7:40 AM	6	4	4	3
7:45 AM	3	4	3	3
7:50 AM	4	4	3	4
7:55 AM	5	6	2	3
8:00 AM	7	6	4	2
8:05 AM	5	4	1	3
8:10 AM	3	6	4	2
8:15 AM	6	4	4	3
8:20 AM	3	2	2	3
8:25 AM	2	5	0	3
8:30 AM	4	4	0	0
8:35 AM	3	4	0	0
8:40 AM	4	4	1	0
8:45 AM	4	2	1	2
8:50 AM	1	5	1	0
8:55 AM	3	3	0	1
<b>Total</b>	<b>99</b>	<b>99</b>	<b>43</b>	<b>43</b>

The revised site layout was prepared to accommodate 7 cars without blocking the entryway into the site. The applicant prepared two alternates that achieve this with one directing the cars to the south to drive around the parking lot and queue in the most northern parking lot aisle. This option provides the most assurance that the entry drive aisle will not be blocked, but it does rely on customers following signage for out of direction travel to enter the queue. This option also would temporarily block 6 of the northern parking stalls during the 7 car peak. However, it has been observed that these stalls are typically used by employees of other businesses in the plaza and have a low turnover rate which reduces the amount of actual conflicts. In addition, these stalls are typically empty during the AM peak. Adequate parking in the AM peak exists on site to serve the customers that would choose the walkup window when the drive thru queue starts to backup. There are 15 parking spaces adjacent to the walkup window that would be utilized by walkup customers. The main other AM business in the plaza is the gym in the opposite corner, with most gym users parking in the southeast corner of the site. The site has been observed to have 11 cars parked in the lot at around 8:00 a.m.

PM customer numbers for the three observed locations were lower than the AM counts and were 51 for the Keizer location, 78 for the Monmouth location, and 61 for the Dallas location. The PM queue at the Dallas location was observed to be 5 cars during one 5 minute period. The walkup window was less utilized in the PM at the Dallas location which



**PM**

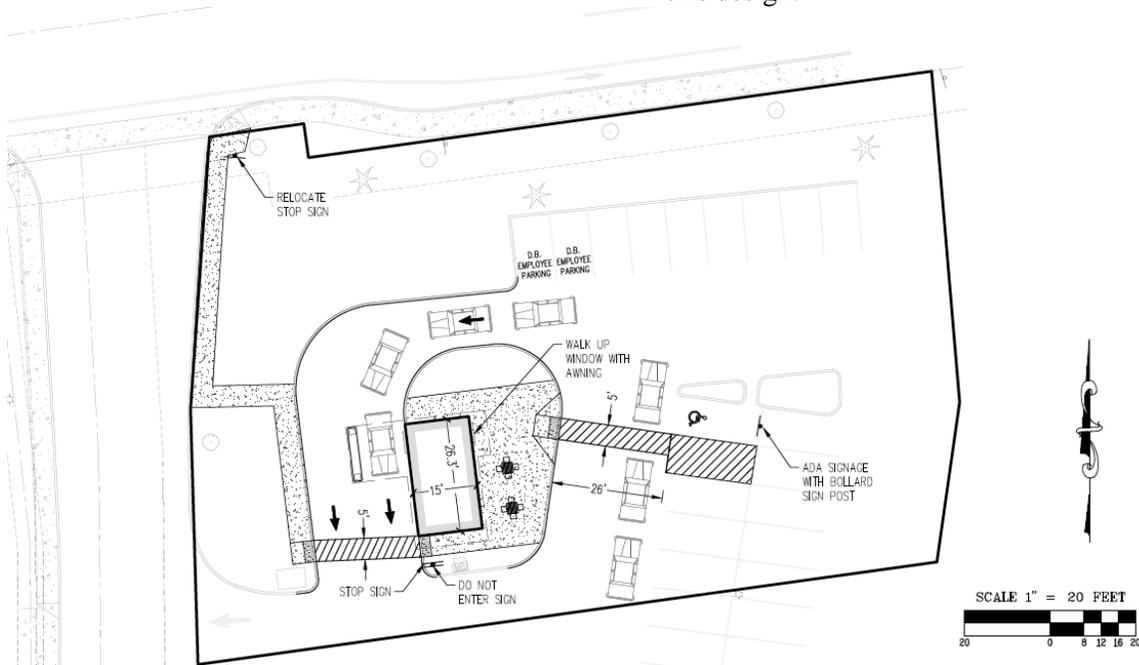
Time	Drive Thru Window		Walk Up	
	Total In	Total Out	Total In	Total Out
4:00 PM	4	1	1	1
4:05 PM	3	4	0	0
4:10 PM	2	3	1	1
4:15 PM	3	1	0	0
4:20 PM	1	2	1	0
4:25 PM	3	3	0	1
4:30 PM	4	3	1	0
4:35 PM	1	1	1	2
4:40 PM	3	2	2	2
4:45 PM	2	3	0	0
4:50 PM	1	2	1	0
4:55 PM	1	3	0	1
5:00 PM	3	3	0	0
5:05 PM	2	1	0	0
5:10 PM	1	2	0	0
5:15 PM	2	2	0	0
5:20 PM	2	2	0	0
5:25 PM	0	0	1	1
5:30 PM	2	1	0	0
5:35 PM	1	1	0	0
5:40 PM	5	3	0	0
5:45 PM	2	2	0	0
5:50 PM	2	3	0	0
5:55 PM	2	4	0	0
<b>Total</b>	<b>52</b>	<b>52</b>	<b>9</b>	<b>9</b>

<b>Total In</b>	<b>61</b>	<b>Total Out</b>	<b>61</b>
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indicates it was primarily used in the AM to avoid long car queues. The Silverton revised layout has a better pedestrian environment and would be expected to be more utilized in the PM than the Dallas location.

This may either equate to fewer cars in the PM queue or an increase in the amount of overall customers in the PM time period. A five car queue in the PM with this revised design would temporarily impact one of the non-Dutch Bro employee parking spaces in the northern parking bay. Cars parked to use the walkup window would likely have a relatively fast turn over compared to some of the other businesses in the plaza. The parking lot is utilized fairly heavily in the PM time period. The site has 85 total spaces and was observed to have 65 occupied spaces and 20 spaces (including 4 ADA spaces) open at 5:20 p.m. on May 6<sup>th</sup>. This equates to an occupancy rate of 76.5% with 23.5% spaces free. Donald Shoup, the author of the 2005 book *The High Cost of Free Parking*, identified that an occupancy rate of 85% is the most efficient use of public parking. This revised layout addresses the previous concerns of the queue blocking the entryway into the site but it does rely on customers following out of direction travel directions to enter the queue.

The applicant also provided an alternate revised design where cars enter the queue in the most direct manner. In this revised design the cars enter the site and turn left to enter the queue, which is the most direct route to the queue. No signage or out of direction travel is required in this design.



This option keeps the site drive aisle clear under the 7 car queue but may temporarily block the southern drive aisle with an 8 or 9 car queue, pending actual queue length. It should be noted that an 8 car queue was not observed at the Dallas location. The entryway into the site is anticipated to remain clear with this design. This option also would temporarily block 4 of the adjacent parking stalls during the 7 car peak. However, it has been observed that these are typically empty during the AM period. Adequate parking in the AM peak exists on site to serve the customers that would choose the walkup window when the drive thru queue starts to backup. There are 15 parking spaces adjacent to the walkup window that would be utilized by walkup customers. The PM queue of 5 cars is accommodated with the possibility of the ADA space being temporarily blocked.

This alternate revised layout addresses the previous concerns of the queue blocking the entryway into the site and provides the most direct access to the uses but does not have as much excess stacking depth as the other revised design. Given the uncertainty of people following signage for out of direction travel and lack of enforcement method, Staff recommends this alternate design as the preferred design. Based on the revised design, the stacking area is sufficient to ensure that the entry drive is not obstructed. Traffic will be able to enter and exit the site under the proposed design. The standard is met.



City of Silverton  
Community Development  
306 South Water Street  
Silverton, OR 97381

## PC STAFF REPORT

PROCEDURE TYPE III

FILE NO. CU-15-01

LAND USE DISTRICT:  
GC, GENERAL COMMERCIAL

PROPERTY DESCRIPTION:  
ASSESSOR MAP#: 061W34DB  
LOT#: 006800  
SITE SIZE: 2.78 ACRES  
ADDRESS: 705 McCLAIN STREET

APPLICANT:  
SHANNON WILLIAMS  
1775 MT HOOD AVE  
WOODBURN OR 97071

APPLICANT'S REPRESENTATIVE  
J. MICHAEL POISSANT  
4300 CHERRY AVE NE  
KEIZER, OR 97303

PROPERTY OWNER:  
SKIDMORE LIMITED PARTNERSHIP  
PO Box 1587  
CLACKAMAS, OR 97015

LOCATION: LOCATED ON THE SOUTH SIDE  
OF McCLAIN STREET, WEST OF THE C ST  
INTERSECTION

**PROPOSED DEVELOPMENT ACTION:** CONDITIONAL USE APPLICATION TO CONSTRUCT A 390 SQUARE FOOT COMMERCIAL BUILDING WITH A DRIVE-THROUGH AT 705 McCLAIN STREET. THE PROPOSED USE OF THE BUILDING WILL BE SALES-ORIENTED RETAIL SALES AND SERVICE AND WILL BE A DUTCH BROTHERS.

DATE: 4-7-2015

REVISED DATE: 5-7-2015

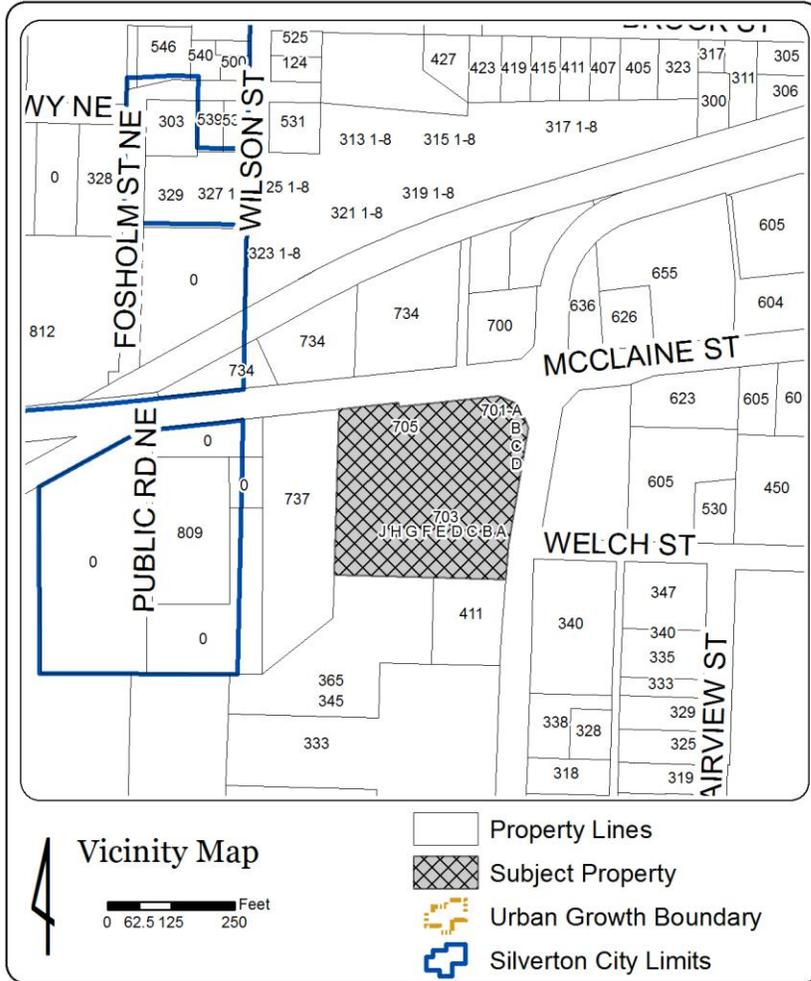
- Attachments
- A. Vicinity Map and Site Plan
  - B. Conditions of Approval
  - C. Staff Report
  - D. Testimony
  - E. Appeal Information
  - F. General Design Requirements and Policies

# ATTACHMENT A: VICINITY MAP & SITE PLAN

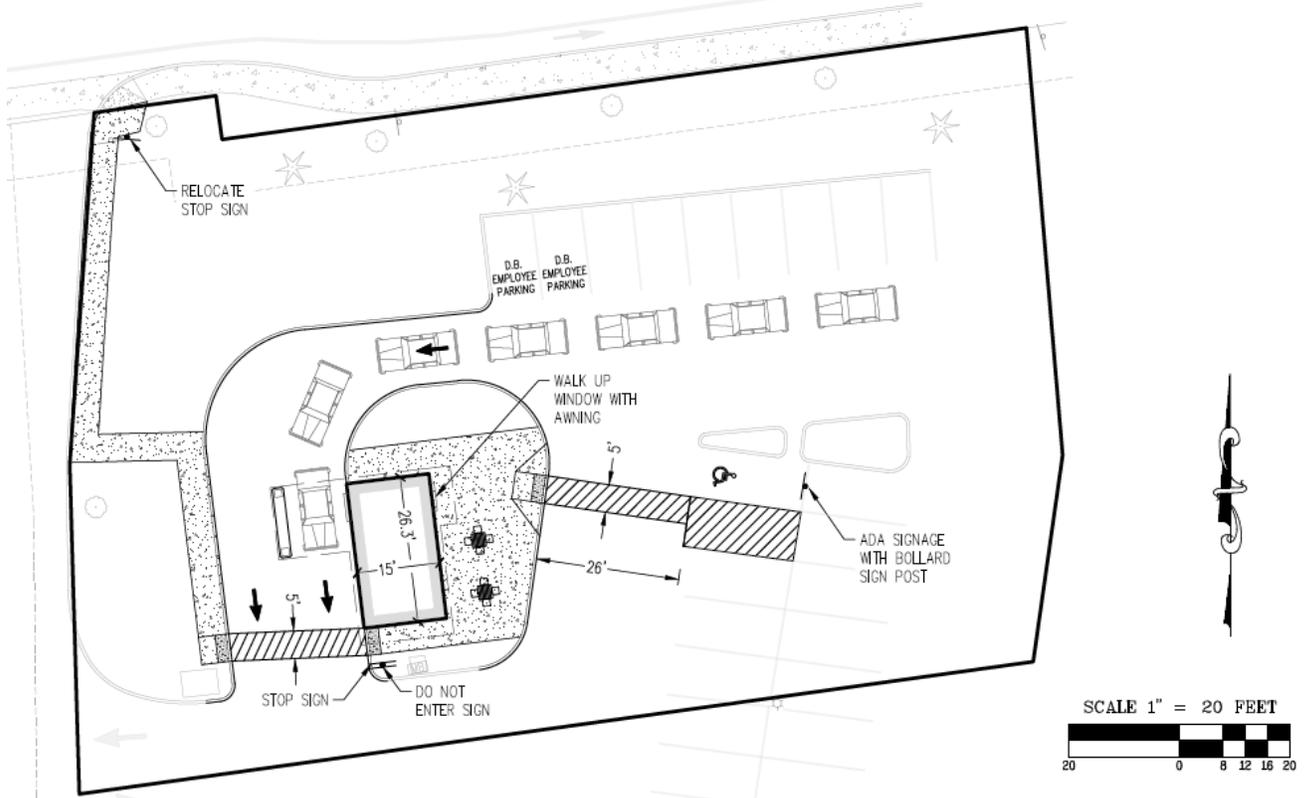
**Case File: CU-15-01**

Vicinity Map and Surrounding Land Use Districts

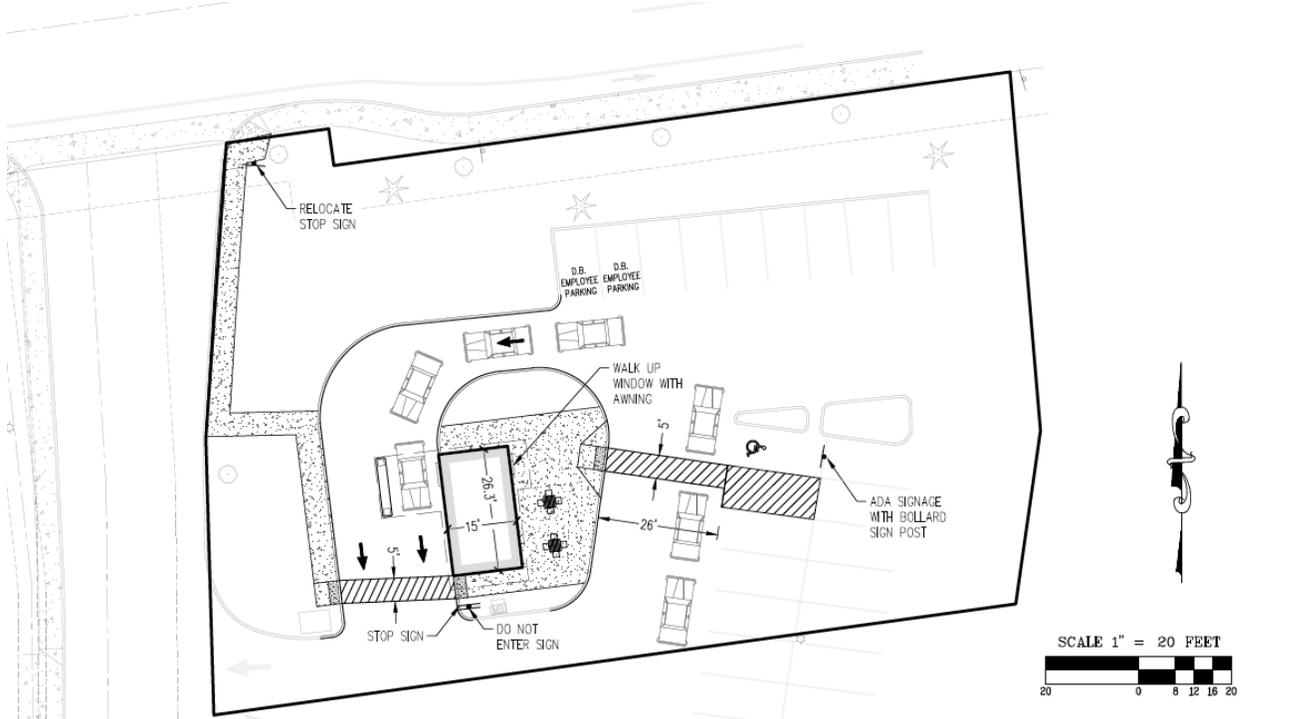
- North – LI, Light Industrial
- East – GC, General Commercial
- South – GC, General Commercial
- West – GC, General Commercial



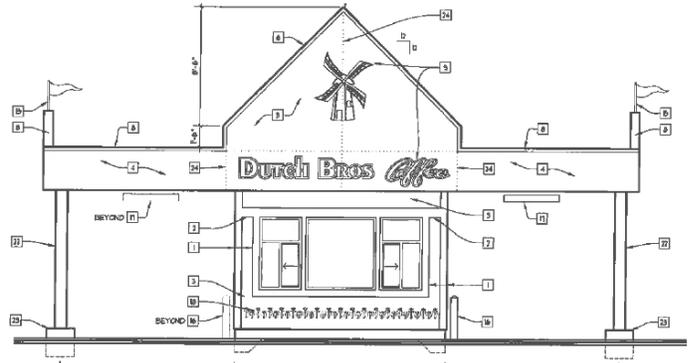
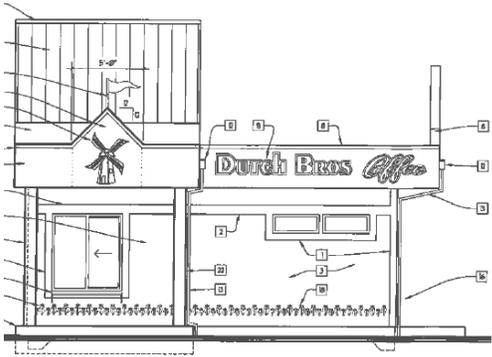
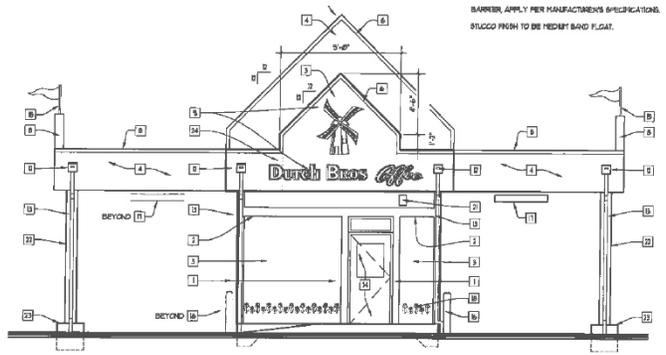
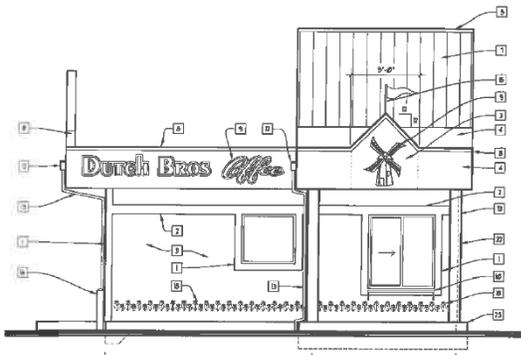
### Revised Site Plan



### Revised Alternate Site Plan



# Building Elevation



## **ATTACHMENT B: CONDITIONS OF APPROVAL**

1. All improvements on the site shall be in substantial conformance to the submitted plans taking all conditions of approval and Attachment F into account.
2. All applicable building permits shall be obtained prior to any work that requires a building permit.
3. A safe, convenient and readily accessible connection from the sidewalk on McClaine Street to the walk up window shall be provided.
4. An awning a minimum of 4' in width shall be provided over the customer walkup window.
5. The pitched roof shall have eaves, brackets, gables with decorative vents, or other detailing that is consistent with the surrounding architecture.
6. Utility equipment within landscaped areas or attached to structures shall be screened from view from public rights-of-way.
7. A 5' Public Utility Easement shall be provided along the frontage of McClaine Street.
8. In accordance with SMC 13.70.110 this design review/condition use permit does increase the impacts to the public improvement facility and is therefore subject to transportation SDC charges. Final SDC's will be calculated by the PW Director at time of plan and building permit approval.
9. In accordance with SMC 13.70.110 this design review/conditional use permit does increase the impacts to the public improvement facility and is therefore not exempt from water SDC charges.
10. In accordance with SMC 13.70.110 this design review/conditional use permit does increase the impacts to the public improvement facility and is therefore not exempt from sanitary SDC charges.
11. In accordance with SMC 13.70.110 this design review/conditional use permit does increase the impacts to the public improvement facility and is therefore not exempt from stormwater SDC charges.
12. All utilities to the project shall be served underground services. No overhead crossings of public right of way shall be approved by the city.
13. No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued. The City may require the developer or subdivider to provide assurance, bonding or other performance guarantees to ensure completion of required public improvements.

14. Improvements installed by the developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this Chapter, approved construction plans, and to improvement standards and specifications adopted by the City. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest.
15. The developer is responsible for making arrangements with the City, the applicable district, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. Public main line utility easements shall conform to City specification.

# ATTACHMENT C: STAFF REPORT, CU-15-01

## I. REVIEW CRITERIA

### A. Review Criteria.

1. The proposal satisfies the Conditional Use application submittal and content requirements;
2. The proposed use is listed as a conditional use in the zoning district, or the review body has determined it is similar to a use listed as such;
3. The proposed use will be compatible with existing and reasonable anticipated uses in the district, in terms of size and intensity of use; building scale, style, materials, and detailing; setbacks and lot coverage; landscaping; and other relevant code considerations; or the proposal provides for mitigation of difference in appearance, scale or intensity through such means as setbacks, screening, landscaping, or other design features that achieve the intended compatibility;
4. The proposed use will not have adverse noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, aesthetic or other similar impacts that would be out of character for permitted uses in the district;
5. The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other conditions of approval;
6. The transportation system is capable of supporting the proposed use, in addition to the existing uses in the subject area. Evaluation factors include, but are not limited to, street capacity and level of service, on-street parking impacts, access requirements, and pedestrian safety and comfort.
7. Public services for water, sanitary and storm sewer, water management, and fire and police protection are capable of servicing the proposed use;
8. The proposal will not have significant adverse impacts on the livability of nearby residentially zoned lands due to noise, glare, litter, hours of operation, privacy and safety.
9. Any special features of the site such as topography, flood plain, wetlands, vegetation, historic resources, and any other similar features, have been adequately considered and safeguarded, and the characteristics of the site are suitable for the proposed use considering size, shape, location, topography and location of improvements and natural features.

**B. Site Design Standards.** Conditional Use applications must conform to the Design Review review criteria in Section 4.2.600. The City shall consider the following review criteria and may approve, approve with conditions or deny a design review based on the following:

- A. Complete.** The application is complete, as determined in accordance with Chapter 4.1 - Types of Applications and Section 4.2.500, above.
- B. Zoning District.** The application complies with all of the applicable provisions of the underlying Zoning District (Article 2), including: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other special standards as may be required for certain land uses;

- C. Conformance.** The applicant shall be required to upgrade any existing development that does not comply with the applicable zoning district standards, in conformance with Chapter 5.2, Non-Conforming Uses and Development;
- D. Design Standards.** The application complies with all of the Design Standards in Article 3:
1. Article 2 – Design standards and special use standards of the applicable district;
  2. Chapter 3.1 - Access and Circulation;
  3. Chapter 3.2 - Landscaping, Street Trees, Fences and Walls;
  4. Chapter 3.3 - Parking and Loading;
  5. Chapter 3.4 - Public Facilities;

## **II. FINDINGS**

### **A. Background Information:**

1. The applicant submitted an application on March 6, 2015 requesting Conditional Use approval to construct a 390 square foot commercial building with a drive-through at 705 McClaine Street. The proposed Use of the building will be Sales-Oriented Retail Sales and Service and will be a Dutch Brothers.
2. Public Notice was mailed to all property owners and residents within 700' of the site on March 25, 2015. A Notice was advertised in the April 1, 2015 copy of the Silverton Appeal. The site was posted April 3, 2015.
3. The site consists of 2.78 acres and is zoned GC, General Commercial. The site is currently developed with a two large format commercial buildings.
4. No testimony was received regarding the application.

### **B. Silverton Development Code:**

#### **1. Article 4 – Administration of Land Use Development**

*The City shall consider the following review criteria and may approve, approve with conditions or deny a design review based on the following:*

##### **Section 4.1.400                      Type III Decision Requirements**

*Approval or denial of an appeal of a Type II Administrative decision or of a Type III application shall be based on standards and criteria in the development code. The Planning Commission shall issue a final written order containing the findings and conclusions stated in subsection 2, which either approves, denies, or approves with specific conditions.*

**Findings:** This application is being reviewed as a Type III procedure. A public notice for this request was mailed to all property owners and residents within 700 feet of the site on March 25, 2015. A Notice was advertised in the April 1, 2015 copy of the Silverton Appeal. The property was posted on April 3, 2015. The Planning Commission is meeting in a duly advertised public hearing on April 14, 2015 to consider the application. No citizen testimony regarding the application has been received.

##### **Section 4.4.400                      Conditional Uses - Criteria, Standards and Conditions of Approval**

*The review body shall consider the following review criteria and may approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the standards and review criteria in A-C.*

**A. Review Criteria.**

1. *The proposal satisfies the Conditional Use application submittal and content requirements;*

**Findings:** The applicant submitted Conditional Use application to construct a retail sales and service building with a drive through at 705 McClaine Street.

2. *The proposed use is listed as a conditional use in the zoning district, or the review body has determined it is similar to a use listed as such;*

**Findings:** The site is zoned GC which allows Drive-Through Uses with a Conditional Use approval subject to special use standards in SDC 2.3.160. Retail Sales and Service Uses are permitted outright. The Conditional Use review will be limited to the Drive-Through portion of the application with the Retail Sales portion being reviewed as part of the Design Review section. The Criterion is met.

3. *The proposed use will be compatible with existing and reasonable anticipated uses in the district, in terms of size and intensity of use; building scale, style, materials, and detailing; setbacks and lot coverage; landscaping; and other relevant code considerations; or the proposal provides for mitigation of difference in appearance, scale or intensity through such means as setbacks, screening, landscaping, or other design features that achieve the intended compatibility;*

**Findings:** The site is located in the GC zone. GC zoning exists to the east, west and south with Limited Industrial to the north. The area is primarily commercial with most uses being retail sales or service. The proposed use will be compatible with the surrounding area as retail uses are already a characteristic in the vicinity. The proposed building is relatively small compared with the existing commercial buildings in the vicinity. The location of the building is a vacant building pad in the existing commercial development and is within allowable setbacks. The applicant is proposing the standard Dutch Brothers building design and will be adding a dark brick on the bottom half of the building and on the overhangs to match the color utilized on the other buildings in the plaza. Planters will also be added to the overhang. Given the nature of the surrounding uses and the operating characteristics of the proposed use, it has been determined that the proposed use will be compatible with existing and anticipated uses in the district.

4. *The proposed use will not have adverse noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, aesthetic or other similar impacts that would be out of character for permitted uses in the district;*

**Findings:** Drive-through communication systems are limited to 55 dBA at the adjoining property line. Vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, aesthetic or other similar impacts will be similar to the other drive-through uses and commercial uses in the area and would not be considered out of character for a retail use,

which is a permitted use in the district. Automobile traffic is a primary character of retail uses. The Criterion is met.

5. *The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other conditions of approval; and*

**Findings:** The primary possible negative impact on adjacent properties is mainly the generation of additional traffic. A Traffic Impact Analysis was conducted for the proposed use and indicates the intersections in the project area will continue to meet mobility standards with the projected increase in traffic. The Criterion is met.

6. *The transportation system is capable of supporting the proposed use, in addition to the existing uses in the subject area. Evaluation factors include, but are not limited to, street capacity and level of service, on-street parking impacts, access requirements, and pedestrian safety and comfort.*

**Findings:** A Traffic Impact Analysis was conducted for the proposed use and indicates the intersections in the project area will continue to meet mobility standards with the projected increase in traffic. No on-street parking exists within the project area and no new accesses are being proposed. The Criterion is met.

7. *Public services for water, sanitary and storm sewer, water management, and fire and police protection are capable of servicing the proposed use;*

**Findings:** Adequate water, sanitary sewer, storm sewer, fire and police are available and capable of serving the proposed use. The Criterion is met.

8. *The proposal will not have significant adverse impacts on the livability of nearby residentially zoned lands due to noise, glare, litter, hours of operation, privacy and safety.*

**Findings:** There are no residentially zoned lands near the project area. The nearest residential land is located behind the Wilco and is accessed via Fossholm Street. Given the normal business hours, the low noise associated with the use, and the distance to residential land, the use will not have significant adverse impacts on nearby residentially zoned land.

9. *Any special features of the site such as topography, flood plain, wetlands, vegetation, historic resources, and any other similar features, have been adequately considered and safeguarded, and the characteristics of the site are suitable for the proposed use considering size, shape, location, topography and location of improvements and natural features.*

**Findings:** The site is relatively flat and is not located in a floodplain. The site contains little vegetation. The site was developed as a future building pad during the original plaza development application. The Criterion is met.

*Site Design Standards. Conditional Use applications must conform to the Design Review review criteria in Section 4.2.600 Review Criteria - Design Review. The City shall consider the following review criteria and may approve, approve with conditions or deny a design review based on the following:*

- A. *Complete. The application is complete, as determined in accordance with Chapter 4.1 - Types of Applications and Section 4.2.500, above.*

**Findings:** This application is being reviewed as a Type III procedure. A public notice for this request was mailed to all property owners and residents within 700 feet of the site on March 25, 2015. A Notice was advertised in the April 1, 2015 copy of the Silverton Appeal. The property was posted on April 3, 2015. The Planning Commission is meeting in a duly advertised public hearing on April 14, 2015 to consider the application. All improvements on the site shall be in substantial conformance to the submitted plans taking all conditions of approval into account (**Condition 1**). All applicable building permits shall be obtained prior to any work that requires a building permit (**Condition 2**).

This section will address the proposed Drive-Through, Retail Sales and Service Use and the design and layout of the proposed building.

- B *Zoning District. The application complies with all of the applicable provisions of the underlying Zoning District (Article 2), including: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other special standards as may be required for certain land uses;*

## **2. Article 2 – Land Use Districts**

### **Section 2.3.110**

### **Commercial District – Allowed Uses**

**Findings:** The property is currently zoned GC- General Commercial. The applicant is requesting approval to construct a 390 square foot commercial building with a drive-through at 705 McClaine Street. The proposed Use of the building will be Personal Entertainment-Oriented Retail Sales and Service and will be a Dutch Brothers Coffee. The use is classified as Retail Sales and Service, as found in SDC 1.6.250, which is permitted outright in the GC zoning district. The Drive-Through has been reviewed against the Conditional Use criteria. The criterion is met.

### **Section 2.3.120**

### **Commercial District – Development Standards**

**Findings:** The structure is below the allowable height of 35' and footprint of 45,000 sq. ft. Landscaping exists on the site. The build-to line is subject to standards in SDC 2.3.160.A. Based on the above findings the standards are met.

**Section 2.3.140**

**Commercial District – Lot coverage and impervious surfaces**

**Findings:** Landscaping exists within an area 20’ in width extending along the sites frontage of McClaine Street, exceeding the 10% minimum. Impervious surfaces on the site do not exceed the 90% maximum. The standard is met.

**Section 2.3.150**

**Commercial District – Building orientation and commercial block layout**

**Findings:** The property is designated GC and has frontage on McClaine Street. The proposed use is for a drive through coffee building. The building is proposed to be located in an existing building pad that was approved as part of the Silverton Plaza development in 2005. The primary building elevation is facing McClaine Street. The standard is met.

**Section 2.3.160**

**Commercial District – Special Use Standards**

*When drive-up or drive-through uses and facilities are allowed, they shall conform to all of the following standards, which are intended to calm traffic, and protect pedestrian comfort and safety:*

*1. Access to the drive-up/drive-through facility shall be from an alley, interior access way, (e.g., parking area) driveway, and/or private or public street when the other alternatives are not practicable. When access is provided from a public or private street, the drive-up/drive-in/drive-through facility shall be located on the site such that vehicles waiting to access the drive-up/drive-in/drive-through facility are not blocking the free flow of travel on the street, nor is the street being used to accommodate vehicles waiting to use the facility.*

**Findings:** The drive-through is accessed via the parking area. The standard is met.

*2. None of the drive-up, drive-in or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, kiosks, drop-boxes, or similar facilities) are located within 20 feet of a street and shall not be oriented to a street corner. (Walk-up-only teller machines and kiosks may be oriented to a street or placed adjacent to a street corner).*

**Findings:** The drive-through is approximately 50’ from the street right-of-way line and is not oriented to a street corner. The standard is met.

*3. Drive-up/drive-in queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right-of-way.*

**Findings:** The drive-through is oriented to the interior of the site. The proposed development infrastructure is expected to provide adequate internal circulation between public streets and project buildings. One of the primary concerns associated with the proposed Dutch Bros Coffee site is whether it will be able to provide adequate queues storage, particular during the a.m. rush hour. To better understand potential queuing conditions, queuing data was collected during the a.m. and p.m. peak periods at three other area Dutch Bros Coffee locations that were used as the basis for trip

generation estimates. The queuing data collected included arrival and departure time for all vehicles, which service window was selected, and what number in the queue each vehicle became upon arrival.

The previous design had two drive through aisles and a walkup window. The previous design most closely resembled the Monmouth location which was used for the site analysis. The revised design has one drive aisle and one walkup window with more pedestrian amenities that include a large plaza area and tables. The TIA did a site analysis of a Dutch Brother in Dallas that has a similar setup of one drive aisle and one walkup window. However the Dallas location does not have a plaza area with tables for the walkup window. The road the Dallas Dutch Brothers is located on has an average daily trip (ADT) count of 10,000. McClaine Street has an ADT of 10,300. The Dallas location is the most comparable to the revised layout. Dallas is also comparable to Silverton in terms population and proximity to Salem.

The Dallas AM peak experiences 142 customers from 7:00 a.m. to 8:55 a.m. with 99 going through the drive thru and 43 going to the walk up window. The use of the walk up window correlates with the length of the drive thru queue indicating people prefer to park and use the walk up window when the queue starts to backup. The longest queue observed at the Dallas location was 7 cars, which was observed twice in any 5 minute period. During or just after those queues is when the walkup window also experience high usage. It is expected the Silverton location with one drive

**DALLAS DUTCH BROS**

**AM**

Time	Drive Thru Window		Walk Up	
	Total In	Total Out	Total In	Total Out
7:00 AM	5	3	2	2
7:05 AM	5	4	1	0
7:10 AM	3	3	1	2
7:15 AM	6	5	2	0
7:20 AM	4	5	1	2
7:25 AM	4	5	3	1
7:30 AM	2	3	1	3
7:35 AM	7	4	2	1
7:40 AM	6	4	4	3
7:45 AM	3	4	3	3
7:50 AM	4	4	3	4
7:55 AM	5	6	2	3
8:00 AM	7	6	4	2
8:05 AM	5	4	1	3
8:10 AM	3	6	4	2
8:15 AM	6	4	4	3
8:20 AM	3	2	2	3
8:25 AM	2	5	0	3
8:30 AM	4	4	0	0
8:35 AM	3	4	0	0
8:40 AM	4	4	1	0
8:45 AM	4	2	1	2
8:50 AM	1	5	1	0
8:55 AM	3	3	0	1
<b>Total</b>	<b>99</b>	<b>99</b>	<b>43</b>	<b>43</b>

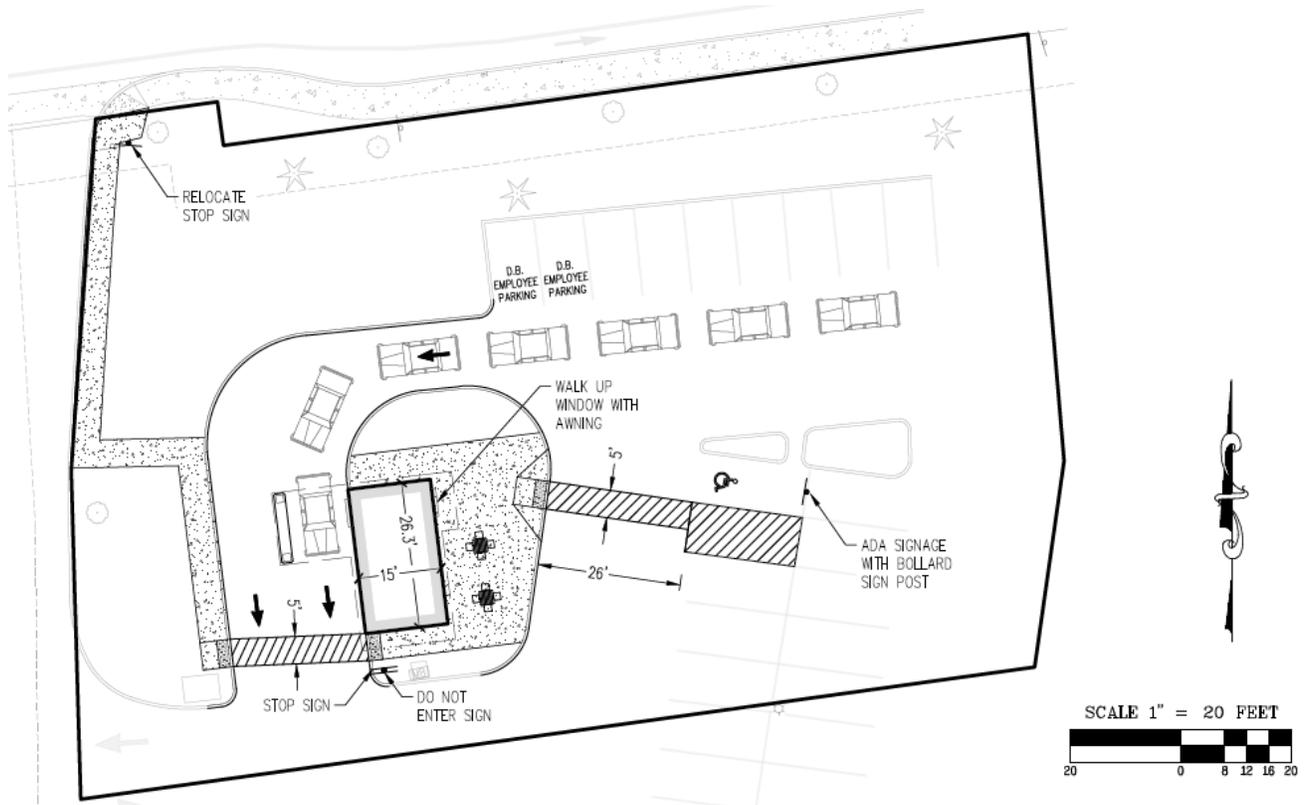
<b>Total In</b>	<b>142</b>	<b>Total Out</b>	<b>142</b>
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thru and one walk up to experience similar usage. The amount of AM customers was fairly consistent at all three observed Dutch Brothers, with 132 for the Keizer location, 156 for the Monmouth location and 142 for the Dallas location.

The revised site layout was prepared to accommodate 7 cars without blocking the entryway into the site. The applicant prepared two alternates that achieve this with one directing the cars to the south to drive around the parking lot and queue in the most northern parking lot aisle. This option provides the most assurance that the entry drive aisle will not be blocked, but it does rely on customers following signage for out of direction travel to enter the queue. This option also would temporarily block 6 of the northern parking stalls during the 7 car peak. However, it has been observed that these stalls are typically used by employees of other businesses in the plaza and have a low turnover rate which reduces the amount of actual conflicts and these stalls are typically empty. In addition, these stalls are typically empty during the AM peak. Adequate parking in the AM peak exists on site to serve the customers that would choose the walkup window when the drive thru queue starts to backup. There are 15 parking spaces adjacent to the walkup window that would be utilized by walkup customers. The main other AM business

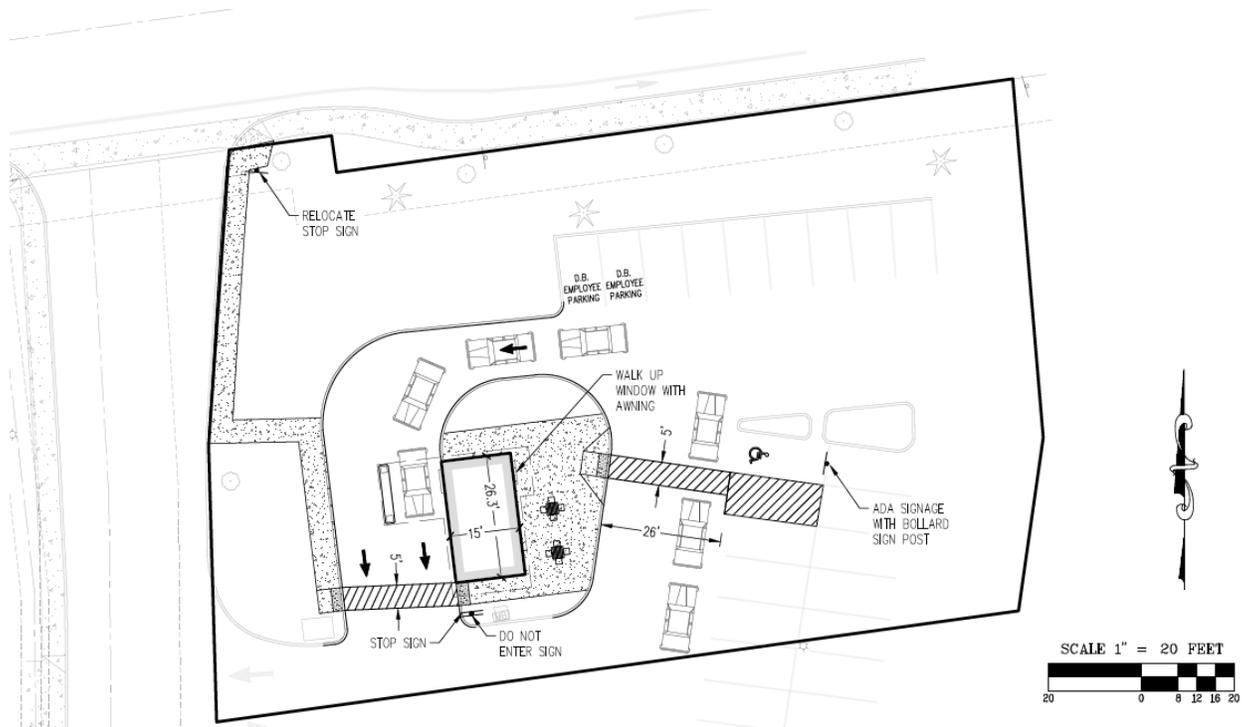
in the plaza is the gym in the opposite corner with most gym users parking in the southeast corner of the site. The site has been observed to have 11 cars parked in the lot at around 8:00 a.m.

PM customer numbers for the three observed locations were lower than the AM counts and were 51 for the Keizer location, 78 for the Monmouth location, and 61 for the Dallas location. The PM queue at the Dallas location was observed to be 5 cars during one 5 minute period. The walkup window was less utilized in the PM at the Dallas location which indicates it was primarily used in the AM to avoid long car queues. The Silverton revised layout has a better pedestrian environment and would be expected to be more utilized in the PM than the Dallas location.



This may either equate to fewer cars in the PM queue or an increase in the amount of overall customers in the PM time period. A five car queue in the PM with this revised design would temporarily impact one of the non-Dutch Bro employee parking spaces in the northern parking bay. Cars parked to use the walkup window would likely have a relatively fast turn over compared to some of the other businesses in the plaza. The parking lot is utilized fairly heavily in the PM time period. The site has 85 total spaces and was observed to have 65 occupied spaces and 20 spaces (including 4 ADA spaces) open at 5:20 p.m. on May 6<sup>th</sup>. This equates to an occupancy rate of 76.5% with 23.5% spaces free. Donald Shoup, the author of the 2005 book *The High Cost of Free Parking*, identified that an occupancy rate of 85% is the most efficient use of public parking. This revised layout addresses the previous concerns of the queue blocking the entryway into the site but it does rely on customers following out of direction travel directions to enter the queue.

The applicant also provided an alternate revised design where cars enter the queue in the most direct manner. In this revised design the cars enter the site and turn left to enter the queue, which is the most direct route to the queue. No signage or out of direction travel is required in this design.



This option keeps the site drive aisle clear under the 7 car queue but may temporarily block the southern drive aisle with an 8 car queue, pending actual queue length. It should be noted that an 8 car queue was not observed at the Dallas location. The entryway into the site is anticipated to remain clear with this design. This option also would temporarily block 4 of the adjacent parking stalls during the 7 car peak. However, it has been observed that these are typically empty during the AM period. Adequate parking in the AM peak exists on site to serve the customers that would choose the walkup window when the drive thru queue starts to backup. There are 15 parking spaces adjacent to the walkup window that would be utilized by walkup customers. The PM queue of 5 cars is accommodated with the ADA space being temporarily blocked.

This alternate revised layout addresses the previous concerns of the queue blocking the entryway into the site and provides the most direct access to the uses but does not have as much excess stacking depth as the other revised design. Given the uncertainty of people following signage for out of direction travel and lack of enforcement method, Staff recommends this alternate design as the preferred design. Based on the revised design the stacking area is sufficient to ensure that the entry drive is not obstructed. Traffic will be able to enter an exit the site under the proposed design. The standard is met.

*4. The minimum spacing of drive-up, drive-in, and drive-through facilities receiving access onto the same street is 400 linear feet along that street's block face (same side of street).*

**Findings:** There are no drive-through facilities within 400 feet along the southern side of McClaine Street. The standard is met.

*5. For restaurants, at least one designated parking space immediately beyond the service window, or other satisfactory methods, to allow customers requiring excessive waiting time to receive their food while parked.*

**Findings:** The proposed use is a coffee business and does not prepare food that is expected to have excessive wait times. However, there is adequate parking located on the site should a customer have to park in order to accommodate an excessive wait time.

*6. Commercial establishments providing drive-up window facilities that do not provide for walk-in customer service (i.e., not allowing transactions within the structure) shall provide for safe, convenient and readily accessible exterior walk-up window service. At least two parking spaces shall be provided allowing convenient access to the walk-up service window.*

**Findings:** The use is proposed to have a walk-up window service. A safe, convenient and readily accessible connection from the sidewalk on McClaine Street to the walkup window shall be provided (**Condition 3**). As Conditioned, the standard is met.

*7. The design of vehicle stacking areas shall allow customers' vehicles to leave the stacking line for emergency reasons.*

**Findings:** The drive-through consists of one service lanes with a through lane on the outside that will allow vehicles to exit for emergency reasons. The standard is met.

*8. On-site parking for walk-in customers shall be designed to be readily accessible to all public entrances to the building and to provide safe, convenient access.*

**Findings:** On-site parking exists on the site and is readily accessible. The standard is met.

*9. Establishments having drive-up window facilities shall have sufficient stacking area to ensure that public rights-of-way and driveways are not obstructed, as determined by the director of public works.*

**Findings:** The stacking area was addressed earlier in the report. Based on the revised design the stacking area is sufficient to ensure that the entry drive is not obstructed. Traffic will be able to enter an exit the site under the proposed design.

*10. The communication sound system shall not exceed a measurement of 55 decibels at the adjoining property line.*

**Findings:** The applicant is aware of the operating standard and will comply should a communication sound system be used. The standard is met.

### **Section 2.3.170 Commercial Districts – Pedestrian amenities**

**Findings:** The applicant is proposing to incorporate planters into the building design, which is a listed pedestrian amenity. The standard is met.

### **Section 2.3.180**

### **General Commercial Design Standards**

**Findings:** The applicant is proposing the standard Dutch Brothers building design. The building will have a stucco exterior that will have the Dutch Brother trade dress colors of blue and grey. The roof will be blue metal. The building will also incorporate a dark brick on the bottom half of the building and on the overhangs to match the color utilized on the other buildings in the plaza. Planters will also be added to the overhang. The building has a similar color palette as the Wilco structure across the street and is having brick added to the design to match the existing buildings in the plaza development. Windows are provided along all sides of the structure. An awning a minimum of 4' in width shall be provided over the customer walkup window (**Condition 4**). The proposed pitched roof is unadorned. The pitched roof shall have eaves, brackets, gables with decorative vents, or other detailing that is consistent with the surrounding architecture (**Condition 5**). Utility equipment within landscaped areas or attached to structures shall be screened from view from public rights-of-way (**Condition 6**).

- C. *Conformance. The applicant shall be required to upgrade any existing development that does not comply with the applicable zoning district standards, in conformance with Chapter 5.2, Non-Conforming Uses and Development;*

**Findings:** The proposed use will be constructed in an area that was developed for a future building as part of the Silverton Plaza development, the criteria is not applicable.

- D. *Design Standards. The application complies with all of the Design Standards in Article 3:*

## **3. Article 3 – Community Design Standards**

### **Section 3.1.200**

### **Vehicle Access and Circulation**

**Findings:** The circulation on the site was addressed under the Special Use Standards.

### **Section 3.1.300**

### **Pedestrian Access and Circulation**

**Findings:** A pedestrian connection to the walkup window has been conditioned. The standard is met.

### **Section 3.2.200**

### **Landscape Conservation**

**Findings:** No landscaping is proposed to be altered as part of the application.

### **Section 3.2.300**

### **Landscaping**

**Findings:** Landscaping exists along the sites frontage of McClaine Street. The standard is met.

### **Section 3.3.300**

### **Automobile Parking Standards**

- A. *The number of required off-street vehicle parking spaces is determined in accordance with the standards in Table 3.3.300A.*

**Findings:** The applicant has made adequate findings regarding parking. Retail uses require 1 spot per 400 sq ft of floor area, thereby making the minimum spaces required 1. The applicant is proposing 2 adequately sized paved parking spaces. The standard is met.

**Section 3.3.400 Bicycle Parking Standards**

*All uses that are subject to Land Use Review or Site Design Review, as applicable, shall provide bicycle parking, in conformance with the standards in Table 3.3.400*

**Findings:** The applicant indicates a 5 loop serpentine bike rack will be provided adjacent to the primary building entrance. The standard is met.

**Section 3.4.100 Transportation Standards**

**Findings:** The site has frontage along McClaine Street. A TIA was provided indicating all impacted intersections will continue to meet mobility standards. A 5' Public Utility Easement shall be provided along the frontage of McClaine Street (**Condition 7**).

In accordance with SMC 13.70.110 this design review/condition use permit does increase the impacts to the public improvement facility and is therefore subject to transportation SDC charges. Final SDC's will be calculated by the PW Director at time of plan and building permit approval (**Condition 8**).

**Section 3.4.300 Sanitary Sewers, Water, Street Lights and Fire Protection**

*Sanitary sewer system and water system improvements shall be installed with new development in accordance with the City's Sanitary Sewer Master Plan, Water System Master Plan, and Public Works Design Standards.*

**Findings:** An existing 12" C-900 water distribution main is located along the south right of way on McClaine Street. A 1" service can be taken off this line to serve said development. Water is adequate to serve the proposed use.

In accordance with SMC 13.70.110 this design review/conditional use permit does increase the impacts to the public improvement facility and is therefore not exempt from water SDC charges (**Condition 9**).

The site is served with a 4" sewer lateral near the SE corner of said project site. This lateral can be used by Dutch Brothers. Sanitary sewer is adequate to serve the proposed use.

In accordance with SMC 13.70.110 this design review/conditional use permit does increase the impacts to the public improvement facility and is therefore not exempt from sanitary SDC charges (**Condition 10**).

**Section 3.4.400 Storm Drainage and Erosion Control**

*The City shall issue a development permit only where adequate provisions for storm water runoff and erosion control have been made in conformance with the City of Silverton Storm Drainage Master Plan and Public Works Design Standards.*

**Findings:** There is a 12” storm line that runs along the westerly boundary of the proposed site. There is an existing catch basin located near the low point of the project site that would serve as a good connection point for on-site storm drainage.

In accordance with SMC 13.70.110 this design review/conditional use permit does increase the impacts to the public improvement facility and is therefore not exempt from stormwater SDC charges (**Condition 11**). As conditioned, the standard is met.

**Section 3.4.500 Sidewalks**

*Sidewalks shall be constructed on all public streets in the City by the owners of property next adjacent thereto. As such, sidewalks shall be constructed in accordance with the specification hereinafter provided. All development for which land use applications are required must include sidewalks adjacent to public streets.*

**Findings:** Sidewalks exist along the sites frontage of McClaine Street. The standard is met.

**Section 3.4.600 Utilities**

*All new utility lines including, but not limited to, those required for electric, communication, lighting, and cable television services and similar facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground,*

**Findings:** All utilities to the project shall be served underground services. No overhead crossings of public right of way shall be approved by the city (**Condition 12**).

**Section 3.4.700 Construction Plan Approval and Assurances**

*No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued.*

**Findings:** No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued. The City may require the developer or subdivider to provide assurance, bonding or other performance

guarantees to ensure completion of required public improvements (**Condition 13**). General Design Requirements and Policies can be found in Attachment F of this report.

**Section 3.4.800                      Installation**

*Improvements installed by the developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this Chapter, approved construction plans, and to improvement standards and specifications adopted by the City.*

**Findings:** Improvements installed by the developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this Chapter, approved construction plans, and to improvement standards and specifications adopted by the City. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest (**Condition 14**).

**Section 3.4.900                      Easements**

**Findings:** A 5-foot wide public utility easement has been conditioned to be dedicated to the City adjacent to all public right-of-way along McClaine Street. The developer is responsible for making arrangements with the City, the applicable district, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. Public main line utility easements shall conform to City specification (**Condition 15**).

- E. *Conditions of Approval. Existing conditions of approval required as part of a prior land division (Chapter 4.3 SDC), conditional use (Chapter 4.4 SDC), planned development (Chapter 4.5 SDC) or other approval shall be met.*

**Findings:** There are no existing conditions of approval required as part of a prior land use decision. The criterion is met.

**III. CONCLUSION**

The required findings have been made for all of the applicable Code sections. The proposal as conditioned meets all applicable Silverton Development Code Review Criteria and Standards. Therefore, Staff recommends the Planning Commission grant approval for a Conditional Use to construct a 390 square foot commercial building with a drive-through at 705 McClaine Street. The proposed Use of the building will be Sales-Oriented Retail Sales and Service and will be a Dutch Brothers.

## **ATTACHMENT D: TESTIMONY**

None Recieved

## **ATTACHMENT E: APPEAL INFORMATION**

The applicant or owner of the subject property or any person who participated in the proceeding by submitting oral or written comments have legal standing to appeal a Type III decision.

The decision, including conditions of approval, may be appealed and a public hearing held by filing a signed, complete Notice of Appeal within 10 days of the date the Notice of Decision being mailed.

The Notice of Appeal shall contain:

- (1) An identification of the decision being appealed, including the date of the decision;
- (2) A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
- (3) A statement explaining the specific issues being raised on appeal;
- (4) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period;
- (5) Filing fee of \$500.00.

The decision will be final if an appeal is not filed by within 10 days of the date the Notice of Decision being mailed.

The complete file is available in the Community Development Department at City Hall located at 306 South Water Street for review.

For further appeal information, contact Jason Gottgetreu at (503) 874-2212.

# ATTACHMENT F: GENERAL DESIGN REQUIREMENTS & POLICIES

## DESIGN REQUIREMENTS & POLICIES

### a. General Requirements:

- A. From the materials submitted, it appears that the storm drain, domestic water and sanitary sewer facilities will be obtained from main line connections.
- B. No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved by Staff, all fees have been paid, all necessary permits, bonding, right-of-way and easements have been obtained and approved by staff, and Staff is notified a minimum of 24 hours in advance.
- C. Staff reserves the right to require revisions/modifications to the public improvement construction plans and completed street improvements, if additional modifications or expansion of the sight distance onto adjacent streets is required.
- D. All public utility/improvement plans submitted for review shall be based upon a 24"x36" or 22"x 34" format and shall be prepared in accordance with the City of Silverton Public Work's Standards.
- E. All survey monuments on the subject site or that may be subject to disturbance within the construction area, or the construction of any off-site improvements shall be adequately referenced and protected prior to commencement of any construction activity. If the survey monuments are disturbed, moved, relocated or destroyed as a result of any construction, the project shall, at its cost, retain the services of a registered professional land surveyor in the State of Oregon to restore the monument to its original condition and file the necessary surveys as required by Oregon State law. A copy of any recorded survey shall be submitted to Staff.
- F. Plans submitted for review shall meet the following general format:
  - 1. Composite public/private utility improvement and grading plan.
  - 2. Detailed public/private utility improvement and grading plan.
  - 3. Public/private utility improvements that are not contained within any public street shall be provided a maintenance access acceptable to the City. The public/private utility improvements shall be centered in a 12-ft. wide public easement and shall be conveyed to the City on its dedication forms.
  - 4. Design of any public/private utility improvement shall be approved at the time of the issuance of a Public Works Permit.
  - 5. All proposed on and off-site public/private utility improvements shall comply with the State of Oregon and the City of Silverton requirements and any other applicable codes.
  - 6. Design plans shall identify locations for street lighting, mailboxes, right-of-way crossings for franchise utilities, and any other public or private utility within the general construction area.

7. All new gas, telephone, cable, fiber-optic and electric improvements etc. shall be installed underground.
8. All existing wells or abandoned wells of record shall be identified on improvement plans.
9. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering site distance.
10. All plans, specifications, calculations, etc. prepared in association with proposed public/private utility improvements shall be prepared by a Registered Professional Engineer of the State of Oregon.
11. Erosion Control Plan that conforms to City of Silverton Public Works standards.
12. Existing/proposed right-of-way, easements and adjacent driveways shall be identified.
13. At the completion of the installation of any required public improvements the Engineer shall perform a record survey. Said survey shall be the basis for the preparation of 'record drawings' which will serve as the physical record of those changes made to the plans and/or specifications, originally approved by Staff, that occurred during construction. Using the record survey as a guide, the appropriate changes will be made to the construction plans and/or specifications and a complete revised 'set' shall be submitted. The 'set' shall consist of drawings on photo Mylar (3 mils. minimum) and an electronic copy in AutoCAD version 2013 or older.

G. The applicant shall contact the Oregon Water Resources Department and inform them of any existing wells located on the subject site. Any existing well shall be limited to irrigation purposes only. Proper separation, in conformance with applicable State standards, shall be maintained between irrigation systems, public water systems, and public sanitary systems. Should the project abandon any existing wells, they shall be properly abandoned in conformance with State standards.

H. General Street Requirements:

1. The applicant shall provide adequate sight distance at all project driveways by driveway placement or vegetation control. Specific designs to be submitted and approved by the City Engineer.

I. General Storm Requirements:

1. Detention was provided at the time the strip mall was constructed. Therefore detention is not required.
2. Prior to issuance of a permit to construct storm sewer and connect to the existing public storm system, the developer's engineer must submit a detailed plan of the drainage basin used in the calculations which is acceptable to the City's Public Works Director showing storm drain pipe sizes, slopes, invert elevations, and materials.

J. General Sanitary Requirements:

1. Utilize existing storm sewer lateral to site.

K. General Water Requirements:

1. Install new service off existing 12" distribution main in McClaine

Street.

L. General Easements:

1. A 5-foot wide public utility easement shall be dedicated to the City adjacent to all public right-of-way and no structures are allowed to encroach into the easement.

M. General Erosion Control:

1. The applicant shall install, operate and maintain adequate erosion control measures in conformance with the standards adopted by the City of Silverton during the construction of any public/private utility and building improvements until such time as approved permanent vegetative materials have been installed.