

# **Historical and Architectural Review Commission**

## **Public Hearing Minutes**

**Wednesday, January 22, 2020**  
**6:00 p.m.**  
**Old City Hall, 205 W. Main St**

### **Call to Order/ Roll Call 6:00 pm**

**Present:** Councilor Liaison Jim Lewis, Vice Chair Trish Murdoch, Commissioner Jack Akin, Commissioner Sally Melgard, and Chair Penni Viets

**Absent:** None

**Staff Present:** Planning Director Ian J. Foster, City Planner Zac Thompson, Contract Principal Planner (RVCOG) Ryan Nolan, and Planning Technician Diane Oliver

### **Introductions and Review of Agenda**

**Minutes:** December 18<sup>th</sup>, 2019 minutes stand as submitted

**General Public Comment:** None

### **Officer Elections:**

**Move to:** Nominate Penni Viets as chair of the HARC Commission

**Motion by:** Trish Murdoch

**Seconded by:** Sally Melgard

**Vote:** Unanimous approval, **Penni Viets is the Chair of HARC**

**Move to:** Nominate Trish Murdoch as Vice Chair of the HARC Commission

**Motion by:** Council Liaison Jim Lewis

**Seconded by:** Chair Penni Viets

**Vote:** Unanimous approval, **Trish Murdoch is Vice Chair of the HARC**

### **Public Hearing Opened: 6:05 PM**

#### **a) File Number # 2019-203- Certificate of Appropriateness**

**Request:** New Outdoor Sales Enclosure; New Gooseneck Light Fixtures for Existing Sign; New Light Shields for Existing Lights

**Address:** 425 North Fifth Street MAP 372W32BA Tax Lot 300

**Applicant/Agent** Susan Elliot/C&K Market / Jon Ogden

**Zachery Thompson, City Planner** presented his staff report for the record and answered questions of commissioners and a brief discussion took place about the definition of front yards verses parking lots in the General Commercial Zone. **Planning Director Foster** reiterated that the yards are referring to a distance or space between the right of way and the building. In the General Commercial zone under the current ordinance, you would build a building right up to the street and not have a front yard setback at all. This building where it sits now in the General Commercial zone by our code definition, the parking lot is considered a yard even though you park cars there. Also, a discussion took place about the fact that rod iron materials are discouraged and not compatible to the district.

Jack Akin also wanted clarification because he thinks it would preclude any structure being put in that front yard no matter what the design is. He is correct, unless it is connected to the building. The fact is it is an existing,

nonconforming situation, so it can continue to exist with some consideration. There was a question whether or not a handicap parking stall was going to be eliminated, but the Planning Commission has already approved the parking. Also, the outdoor sales proposal was defined by the Planning Commission and is limited.

**Agent Jon Ogden with C&K Market 850 O’Hare Pkwy, Medford, OR 97504** presented the proposal and answered questions of commissioners about the design and the LED lumens and how bright that light will be. Questions were asked about what items will be sold in the outdoor enclosure. A question was asked about what the light shield will look like, but since it will need to be fabricated, a rendering was not provided. Staff believes that it will be a definite improvement to the site so that the light does not escape the parking lot, and didn’t request a rendering. The color will be from the approved historic colors, and the material used will be acceptable.

**Public Testimony:** *None*

**Rebuttal Testimony:** *None*

Commissioner Akin asked staff to clarify the parking lot being called a “yard” and what’s required if there’s going to be an addition, it does need to be connected to the building, right? It can’t be a separate structure in that parking lot correct?

**Planning Director Ian Foster**, answered that it could be connected to the building, so if the structure is part of the building, then that becomes part of the front of the building and then in the yard. So, if there is a way, the applicant could come back with a re-design in a separate application that would be connected to that frontage and still maintain something like a breezeway connected to it while having the sales area underneath it, still maintain the passage still from the Street which could work. The applicant would still go through the design standards of the code. There could be a design that staff would recommend differently.

**Applicant Rebuttal Testimony:** None

**Move to:** Close the public hearing

**Motion by:** Council Liaison Jim Lewis

**Seconded by:** Vice Chair Murdoch

**Vote:** All Ayes, none opposed, hearing is closed

**Move to:** Approve the request to add gooseneck lighting and to illuminate the Ace Hardware sign, including adding shielding to the existing parking lot lights and replacing the soffit lights with LED lighting. Per the request in File Number 2019-203; I move to deny the request to construct an outdoor storage/outbuilding in the front yard area per File Number 2019-203. The HARC finds that the lightning is consistent with lighting standards in chapter 18, the HARC finds that the proposed outbuilding structure does not comply with the outbuilding and accessory structure standards per 18.16.050 (A). The HARC further finds that the applicant did not meet the burden of proof demonstrating that the proposed accessory structure is compatible per 18.05.040 (B) of the Jacksonville Unified Development Code

**Motion by:** Councilor Lewis

**Seconded by:** Vice Chair Murdoch

**Discussion on the motion:** Commissioner Akin thinks a condition should be added in the motion that ensures that the lumen closely match what’s existing, because hue as well as lumen color can be very bright

**Motion to:** Amend the motion to include a condition that the hue color and lumens of the proposed lighting reasonably match existing with planning department review

**Motion By:** Commissioner Akin

**Second By:** Vice Chair Murdoch

**Discussion on the amended motion:** None

**Vote on amendment of the motion:** All “Ayes” none opposed **Motion passed, amendment will be added to the original motion**

**Discussion on original motion:** None

**Vote: On the original motion with the approved amendment** All those in favor vote “Aye” All Ayes, none opposed, motion carries

**Business from Commission and Staff:**

**City Council Update:** City Council has tabled the applications for CAC until March, and at that time we will have the CCI review those applications and we will pick 7 members from the pool of 12 to work on the code update. City council also appointed Brad Bennington and Mark Thomas as Planning Commissioner 's.

**Planning Liaison Update:** None

**Planning Director Update:** We will get a new liaison when planning commissioners has their elections. We will take the pool of 12 applicants to the CCI, and they will develop a pool of recommendations for council review in the month of March. Hopefully soon after that we will get things moving along on the code revision. Also, the staircase is up on the Courthouse building and it looks great. Ryan from the RVCOG will be assisting the planning department while Ian is gone in February. Ian was asked about new projects going on in Town, he mentioned the Townhomes on C Street who have run into issues with their sewer lateral running under the project. They will need to move it and draft up new easements, and before moving forward will need archeology back on site to monitor the digging.

**Chair Penni Viets** commended City planner Zac Thompson for the excellent staff report before them this evening, it was well researched and it made it easier to make decisions based on good facts and a great report

**Adjourn: 6:56 pm**

  
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**Penni Viets, HARC Chair**

  
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**Diane Oliver, Building/Planning Technician**

**Date of Approval:** 7/29/20