

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005



Si necesita ayuda para comprender esta información, por favor llame 503-588-6173

DECISION OF THE PLANNING ADMINISTRATOR

CLASS 1 SITE PLAN REVIEW

APPLICATION NO.: 24-103223-PLN

NOTICE OF DECISION DATE: April 4, 2024

REQUEST: A Class 1 Site Plan Review for interior tenant improvements for an empty shell building to establish a new *Commercial entertainment – indoor* use. The subject property is 13.43 acres in size, zoned CR (Retail Commercial) and located at 1010 Hawthorne Ave SE Suite 140 (Marion County Assessor's Map and Tax Lot Number 073W36 / 803).

APPLICANT: Lani Hickey, Rhine Cross Group Engineering

LOCATION: 1010 Hawthorne Ave SE Suite 140

FINDINGS: The findings are in the attached Decision dated April 5, 2024.

DECISION: The **Planning Administrator APPROVED** the application based upon the submitted materials and the findings as presented in the decision.

The rights granted by the attached decision, which are effective as of the date of this decision, must be exercised by March 21, 2028, or this approval shall be null and void.

Case Manager: Peter Domine, Planner II, pdomine@cityofsalem.net, 503-540-2311

This decision is final; there is no local appeal process. Any person with standing may appeal this decision by filing a "Notice of Intent to Appeal" with the Land Use Board of Appeals, 775 Summer St NE, Suite 330, Salem OR 97301, **not later than 21 days after April 4, 2024**. Anyone with questions regarding filing an appeal with the Oregon Land Use Board of Appeals should contact an attorney.

The following items are submitted to the record: 1) All materials and evidence submitted by the applicant, including any applicable professional studies; and 2) All materials, evidence, and comments from City Departments and public agencies. The application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. To view the materials without registering, you may use the search function and enter the permit number listed here: 24-106361.

<http://www.cityofsalem.net/planning>

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

IN THE MATTER OF APPROVAL OF) FINDINGS & ORDER
CLASS 1 SITE PLAN REVIEW)
24-106361-PLN)
1010 HAWTHORNE AVE SE SUITE 140) APRIL 4, 2024

In the matter of the application for a Class 1 Site Plan Review, the Planning Administrator, having received and reviewed the evidence and application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

A Class 1 Site Plan Review for interior tenant improvements for an empty shell building to establish a new Commercial entertainment – indoor use. The subject property is 13.43 acres in size, zoned CR (Retail Commercial) and located at 1010 Hawthorne Ave SE Suite 140 (Marion County Assessor's Map and Tax Lot Number 073W36 / 803).

PROCEDURAL FINDINGS

1. On March 14, 2023, an application for a Class 1 Site Plan Review was submitted for property located at 1010 Hawthorne Ave SE Suite 140.

SUBSTANTIVE FINDINGS

1. Proposal

The proposed Class 1 Site Plan Review affects property located at the 1010 Hawthorne Ave SE Suite 140 (**Attachment A**). The Class 1 Site Plan Review proposes interior tenant improvements within an empty shell building (the old Costco building) to establish a new *Commercial entertainment – indoor* use for an arcade and indoor go-kart arena. The applicant's site plan is included as **Attachment B**.

DECISION CRITERIA FINDINGS

2. Analysis of Class 1 Site Plan Review Approval Criteria

The purpose of Site plan review is to provide a unified, consistent, and efficient means to review for development activity that requires a building permit, to ensure that such development meets all applicable standards of the UDC, including, but not limited to, standards related to access, pedestrian connectivity, setbacks, parking areas, external refuse storage areas, open areas, landscaping, and transportation and utility infrastructure.

Pursuant to SRC 220.005(b)(1), Class 1 Site Plan Review is required for any development that requires a building permit, that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015, and that involves a change of use or change of occupancy where only construction or improvements to the interior of the building or structure are required.

SRC 220.005(f)(1) provides that an application for Class 1 Site Plan Review shall be granted if:

(a) The application involves only a change of use or a change of occupancy, and there is no pending application for an associated land use decision or limited land use decision;

Finding: The applicant is requesting an interior only tenant improvement and change of use. There are no associated land use or limited land use decisions with this request.

(b) Only construction or improvements to the interior of the building or structure will be made;

Finding: The scope of work for the project only includes interior improvements to the existing building.

(c) The new use or occupancy will not require exterior improvements to the building or structure or alteration to existing parking, landscaping, or buffer yards.

Finding: Modification to the exterior of the site is not in the scope of work for the proposed change of use.

(d) Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the site plan review application; and

Finding: Only clear and objective standards apply to the proposed development. Complete findings are included in section (e) below.

(e) The application meets all applicable standards of the SRC.

Finding: The subject property is zoned CR (Retail Commercial). Development of the property is therefore subject to the use and development standards of the CR zone (SRC Chapter 522) and all other applicable standards of the UDC. The proposal conforms to SRC Chapter 522 and all other applicable development standards of the UDC as follows:

Development Standards – CR (Retail Commercial) Zone:

SRC 522.005(a) – Uses:

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the MU-III zone are set forth in Table 522-1.

Finding: The proposed development includes interior tenant improvements within an existing shell building for an arcade and indoor go-kart arena, which is classified as a *Commercial entertainment – indoor* use, which is a permitted use in the CR zone, per SRC Chapter 522, Table 522-1.

SRC 601 – Floodplain Development

This chapter shall apply to all special flood hazard areas and interim flood hazard areas within the jurisdiction of the City of Salem. A floodplain development permit shall be obtained before construction or development begins within any floodplain area.

Finding: The proposed development is shown within an existing building that is located within the regulatory floodplain pursuant to SRC Chapter 601 and is nonconforming to current floodplain development standards. If the proposed development meets the definition of a substantial improvement, as defined in SRC 601.005(ff), the building must be brought into compliance with the current floodplain overlay zone regulations in SRC Chapter 601. The applicant is advised that at time of building permit review, the applicant shall describe the methods of building construction in sufficient detail to determine whether or not the project meets the definition of substantial improvement.

Off-Street Parking and Driveways

SRC 806.015 – Amount Off-Street Parking.

- (a) *Maximum Off-Street Parking.* Except as otherwise provided in this section, and unless otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-1. For the purposes of calculating the maximum amount of off-street parking allowed, driveways shall not be considered off-street parking spaces.

Finding: The proposal includes interior tenant improvements to establish a new *Commercial entertainment – indoor* use for a shell building within an existing shopping center. The allowed maximum amount of off-street parking spaces for a *Shopping center* is 1 space per 200 square feet of finished floor area. The building is 143,260 square feet, allowing a maximum of 716 parking spaces ($143,260 / 200 = 716$). The site is previously developed and includes 579 off-street parking spaces, less than the allowed maximum, and no new off-street parking spaces are proposed. This standard is met.

Bicycle Parking

SRC 806.045 – General Applicability.

- (a) Bicycle parking shall be provided as required under this chapter for each proposed new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity.
- (b) *Applicability to change of use of existing building in Central Business District (CB) zone.* Notwithstanding any other provision of this chapter, the bicycle parking requirements for a change of use of an existing building within the CB zone shall be met if there are a minimum of eight bicycle parking spaces located within the public right-of-way of the block face adjacent to the primary entrance of the building. If the minimum number of required bicycle parking spaces are not present within the block face, the applicant shall be required to obtain a permit to have the required number of spaces installed. For purposes of this subsection, "block face" means the area within the public street right-of-way located along one side of a block, from intersecting street to intersecting street.
- (c) *Applicability to nonconforming bicycle parking area.* When bicycle parking is required to be added to an existing bicycle parking area that has a nonconforming number of spaces, the number of spaces required under this chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use

or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.

SRC 806.050 – Proximity of Bicycle Parking to use or Activity Served.

Bicycle parking shall be located on the same development site as the use or activity it serves.

SRC 806.055 – Amount of Bicycle Parking.

Unless otherwise provided under the UDC, bicycle parking shall be provided in amounts not less than those set forth in Table 806-9.

Finding: Pursuant to SRC 806.045(a) and (c), the bicycle parking standards are applicable to the proposed new use. The proposal includes interior tenant improvements to establish a new *Commercial entertainment – indoor* use for a shell building within an existing shopping center. Per Table 806-9, a *Shopping center* requires a minimum of four bicycle parking spaces or 1 space per 5,000 square feet, whichever is greater, 25 percent of which may be long-term spaces. The new use is located within a 28,365 square foot tenant space, requiring a minimum of six spaces ($28,365 / 5,000 = 5.6$). The applicant's site plan indicates six spaces will be provided. This standard is met.

SRC 806.060 – Bicycle Parking Development Standards

Unless otherwise provided under the UDC, bicycle parking areas shall be developed and maintained as set forth in this section.

(a) Location.

(1)(A) Short-term bicycle parking. Short-term bicycle parking shall be located outside a building within a convenient distance of, and clearly visible from, the primary building entrance. In no event shall bicycle parking be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route.

Finding: The site plan indicates six bicycle parking spaces located within 50 feet and clearly visible from the primary building entrance. This standard is met.

(b) Access. Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area.

Finding: As shown on the site plan, the bicycle parking area is located on a paved walkway area, which has direct access to a primary building entrance and the public right-of-way, free of obstruction or barriers, in conformance with the requirements of SRC 806.060(b).

(c) Dimensions. All bicycle parking areas shall meet the following dimension requirements:

(1) Bicycle parking spaces. Bicycle parking spaces shall conform to the minimum dimensions set forth in Table 806-10.

(2) Access aisles. Bicycle parking spaces shall be served by access aisles conforming to the minimum widths set forth in Table 806-10.

Finding: The applicant's site plan indicates inverted/staple-style in-ground mounted racks with a minimum of six feet in length, three feet in between racks, and more than four feet of

access aisle width, meeting the dimensional standards of Table 806-10. The proposal meets the standard.

(d) *Surfacing*. Where bicycle parking is located outside a building, the bicycle parking area shall consist of a hard surface material, such as concrete, asphalt pavement, pavers, or similar material, meeting the Public Works Design Standards.

Finding: The site plan indicates the spaces will be placed on a paved walkway area, meeting the standard.

(e) *Bicycle Racks*. Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall meet the following standards.

- (1) For vertical racks, the rack must support the bicycle in a stable vertical position in two or more places without damage to the wheels, frame, or components.
- (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;
- (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
- (4) Racks shall be securely anchored.

Finding: The site plan indicates inverted/staple-style racks, meeting the materials standards of this section.

Off-Street Loading Areas

SRC 806.065 – General Applicability.

Off-street loading areas shall be provided and maintained for each proposed new use or activity; any change of use or activity, when such change of use or activity results in a greater number of required off-street loading spaces than the previous use or activity; or any intensification, expansion, or enlargement of a use or activity.

SRC 806.070 – Proximity of Off-Street Loading Areas to use or Activity Served.

Off-street loading shall be located on the same development site as the use or activity it serves.

SRC 806.075 – Amount of Off-Street Loading.

Unless otherwise provided under the UDC, off-street loading shall be provided in amounts not less than those set forth in Table 806-11.

Finding: The proposal includes interior tenant improvements to establish a new *Commercial entertainment – indoor* use. Per Table 806-11, a *Commercial entertainment – indoor* use of 5,000 to 60,000 square feet requires one off-street loading space. The site plan indicates a loading space more than 12 feet wide and 30 feet deep, meeting the standards of Table 806-11. The proposal meets the standard.

3. Conclusion

Based on the conformance with the preceding requirements the Planning Administrator certifies that the proposed Class 1 Site Plan Review is in conformance with the UDC and the

approval criteria provided in SRC 220.005(f)(1), provided compliance occurs with any applicable items noted above.

Please Note: Findings included in this decision by the direction of the Salem Fire Department are based on non-discretionary standards. Fire Code related findings are intended to inform the applicant of the clear and objective Fire Prevention Code standards of SRC Chapter 58 that will apply to this development proposal on application for building permit(s). Additional or different Fire Prevention Code standards may apply based on the actual building permit application submitted.

If a building permit application has not already been submitted for this project, please submit a copy of this decision with your building permit application for the work proposed.

IT IS HEREBY ORDERED

The proposed Class 1 Site Plan Review is consistent with the provisions of SRC Chapter 220 and is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code and the findings contained herein.

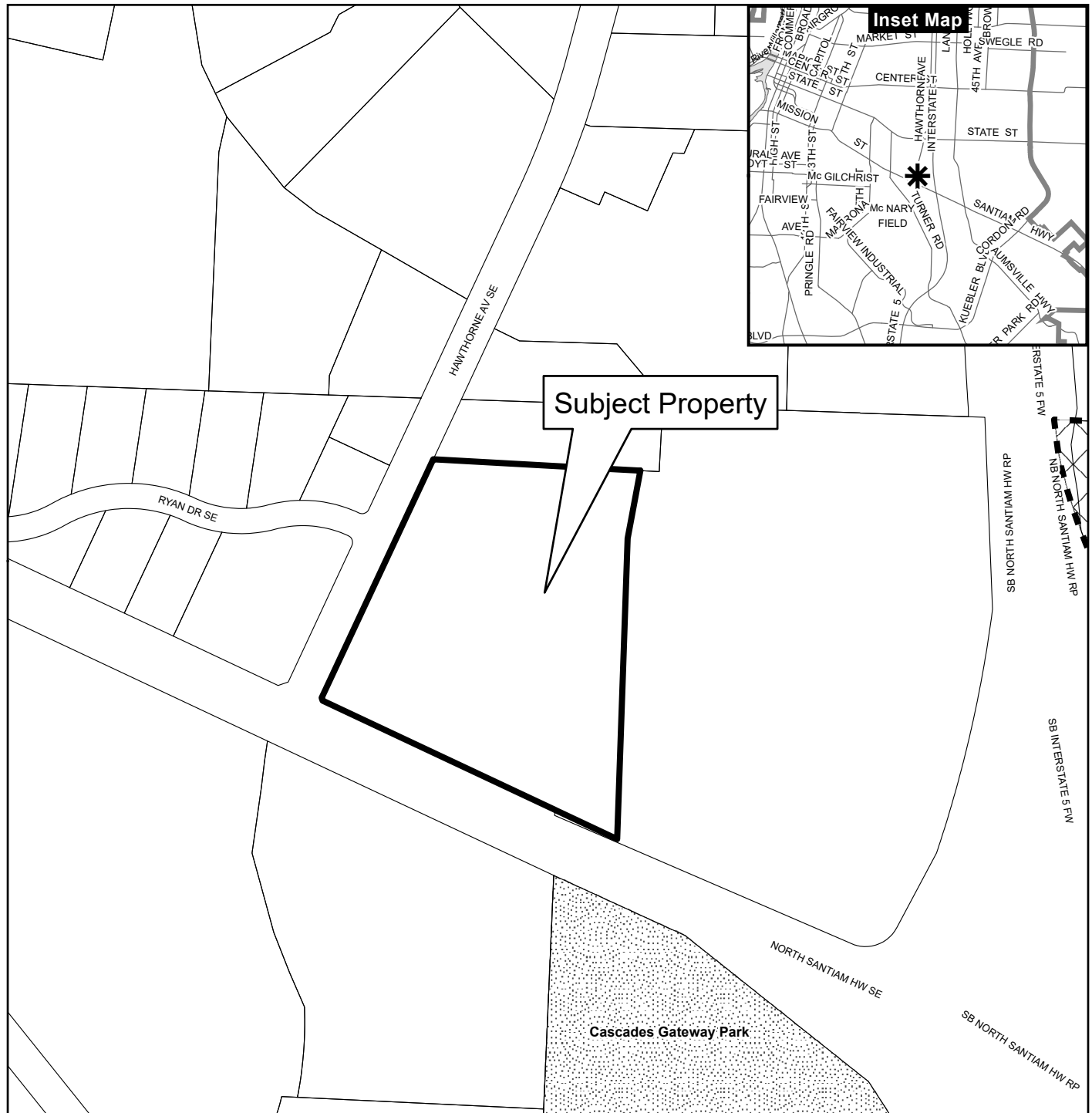


Peter Domine, Planner II, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map
 B. Site Plan

Vicinity Map

1010 Hawthorne Ave SE



Legend

- | | |
|-----------------------|---------------------------|
| Taxlots | Outside Salem City Limits |
| Urban Growth Boundary | Historic District |
| City Limits | Schools |

Parks

CITY OF Salem
AT YOUR SERVICE
Community Planning and Development

This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

0 100 200 400 Feet



DICKERHOOF PROPERTIES
PO BOX 1583
CORVALLIS, OR 97339
(541) 221-5077