

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.: 24-105129-PLN

NOTICE OF DECISION DATE: May 16, 2024

REQUEST: A Class 1 Site Plan Review for a change of use from personal services to retail sales for a tenant space in an existing shopping center. The subject property is 2.84 acres in size, zoned MU-III (Mixed Use-III) and located at 4450 Commercial Street SE (Marion County Assessor's Map and Tax Lot Number 083W10DA / 1302).

APPLICANT: Jonathan Soedhijanto

LOCATION: 4450 Commercial Street SE

FINDINGS: The findings are in the attached Decision dated May 16, 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 May 16, 2028, or this approval shall be null and void.

Case Manager: Abigail Pedersen, Planner I, apedersen@cityofsalem.net, 503-540-2309

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 May 16, 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: 24-105129.

<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)
24-105129-PLN)
4450 COMERCIAL STREET SE) MAY 16, 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 a change of use from personal services to retail sales for a tenant space in an existing shopping center. The subject property is 2.84 acres in size, zoned MU-III (Mixed Use-III) and located at 4450 Commercial Street SE (Marion County Assessor's Map and Tax Lot Number 083W10DA / 1302).

PROCEDURAL FINDINGS

1. On April 9, 2023, an application for a Class 1 Site Plan Review was submitted for the subject property.
2. After additional requested information was provided by the applicant, the application was deemed complete on May 14, 2024

SUBSTANTIVE FINDINGS

1. Proposal

The proposed Class 1 Site Plan Review is for a change of use from a Personal Services use to a Retail Sales use within Suite 120 of an existing building within the Hilfiker Shopping Center located at 4450 Commercial Street SE. The proposal includes interior changes to combine Suites 130 and 120 to create a single tenant space of approximately 11,000 square feet for Ulta Beauty Store, where Suite 130 was previously established as a Retail Sales use. The proposal also includes some exterior façade modifications to portions of the building which are not located within the setback and are therefore exempt from further review as there are no standards in the zone that are applicable to the proposed façade alteration, pursuant to SRC 220.005(a)(2)(iv). 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 a change of use and occupancy for Suite 120 from a Personal Service use (Weight Watchers) to a Retail Sales use within an existing building. 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 a change of use with interior and minor façade alterations. There are not standards applicable to the façade alterations, and are therefore exempt from further review, pursuant to SRC 220.005(a)(2)(iv).

(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 is limited to minor façade changes that do not impact the footprint of the building or any changes to parking, landscaping, or buffer yards. As indicated above, there are not standards applicable to the façade alterations, and are therefore exempt from further review, pursuant to SRC 220.005(a)(2)(IV).

(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 MU-III (Mixed Use-III). Development of the property is therefore subject to the use and development standards of the MU-III zone (SRC Chapter 535) and all other applicable standards of the UDC. The proposal conforms to SRC Chapter 535 and all other applicable development standards of the UDC as follows:

Development Standards – MU-III (Mixed Use III) Zone:

SRC 535.010(a) – Uses:

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the Industrial Commercial zone are set forth in Table 535-1.

Finding: The proposal includes a change of use and occupancy for Suite 120 from a Personal Service use (Weight Watchers) to a Retail Sales use, to be combined with Suite 130 to create a single tenant space of approximately 11,000 square feet for Ulta Beauty Store. Per SRC Chapter 535, Table 535-1, the proposed Retail Sales use is permitted within the MU-III zone.

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 proposed use is located within an existing building. No existing parking area is proposed for modification; therefore, this standard is not applicable.

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), West Salem Central Business District (WSCB), Mixed Use-I (MU-I), Mixed Use-II (MU-II), Mixed Use-III (MU-III), Mixed Use-Riverfront (MU-R), and Edgewater/Second Street Mixed-Use Corridor (ESMU) zone.* Notwithstanding any other provision of this chapter, the bicycle parking requirements for a change of use of an existing building within the CB, WSCB, MU-I, MU-II, MU-III, MU-R, and ESMU zones where at least 75 percent of the width of the lot at the front setback line is occupied by existing buildings 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: The proposal includes a change of use for a Retail Sales use within a shopping center. Per Table 806-9, a Shopping Center requires the greater of four bicycle parking spaces or one space per 5,000 square feet. The Shopping Center is approximately 83,776 square feet in size which would require a total of 17 bicycle parking spaces ($83,776 / 5,000 = 16.7$). The Shopping Center has an existing 11 bicycle parking spaces. The applicant's bicycle site plan (**Attachment C**) indicates four new bicycle racks providing eight additional bicycle parking spaces. The existing 11 and proposed eight proposed meets the minimum requirement.

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 two 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 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 an inverted/staple-style in-ground mounted rack with a minimum of six feet in length, two feet in between the rack and the wall, 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 surface, 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: Per Table 806-11 Personal Services and Retail Sales are both within the Retail sales and service use category no additional off-street loading spaces are required for the proposed change of use.

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.



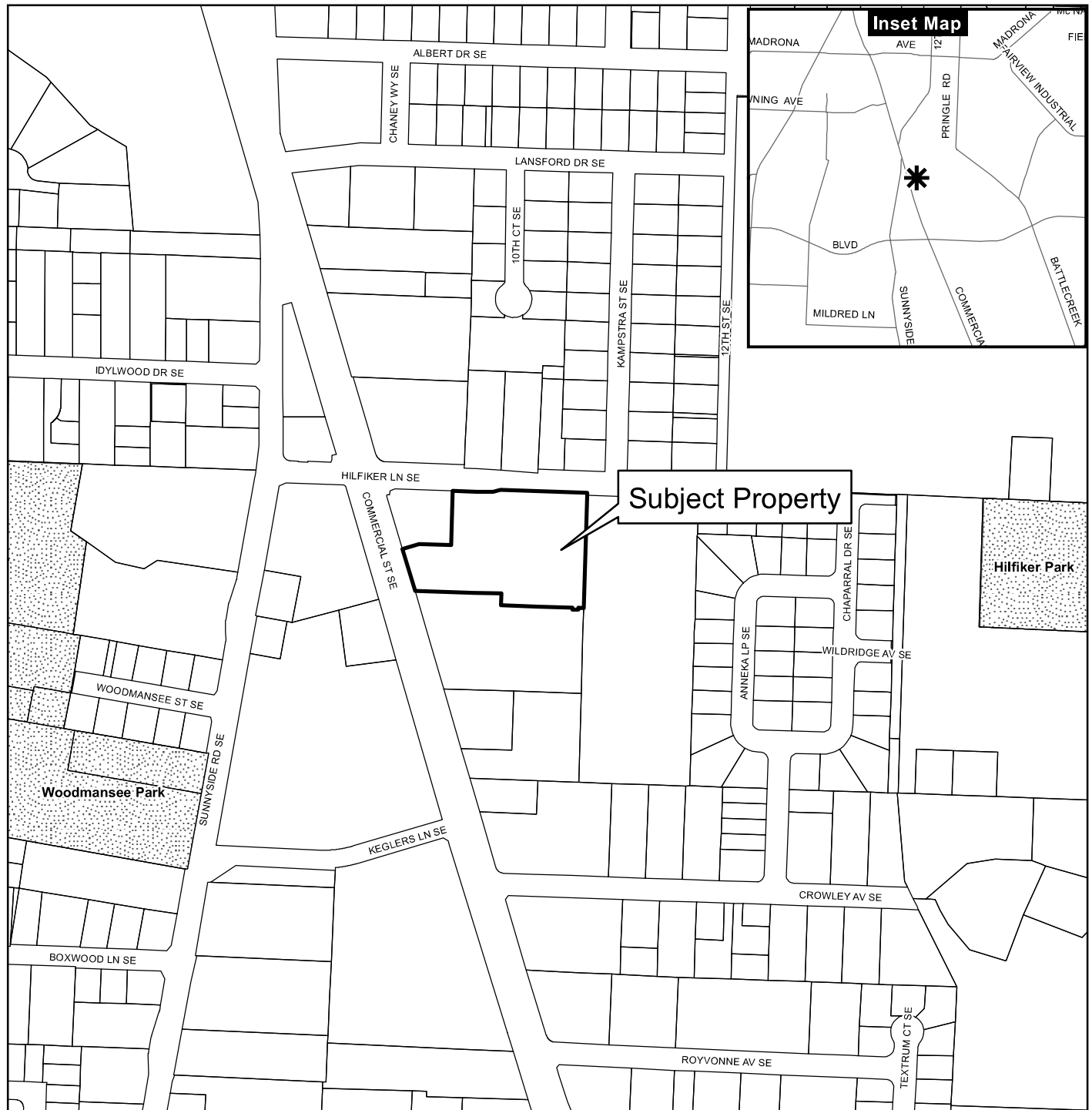
Abigail Pedersen, Planner I, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map
 B. Site Plan
 C. Bicycle Site Plan

G:\CD\PLANNING\CASE APPLICATION Files 2011-On\SITE PLAN REVIEW Type 1 (Class 1 and Class 2)\2024\24-105129 -PLN Decision.arp.docx

Vicinity Map

4450 Commercial Street SE



Legend

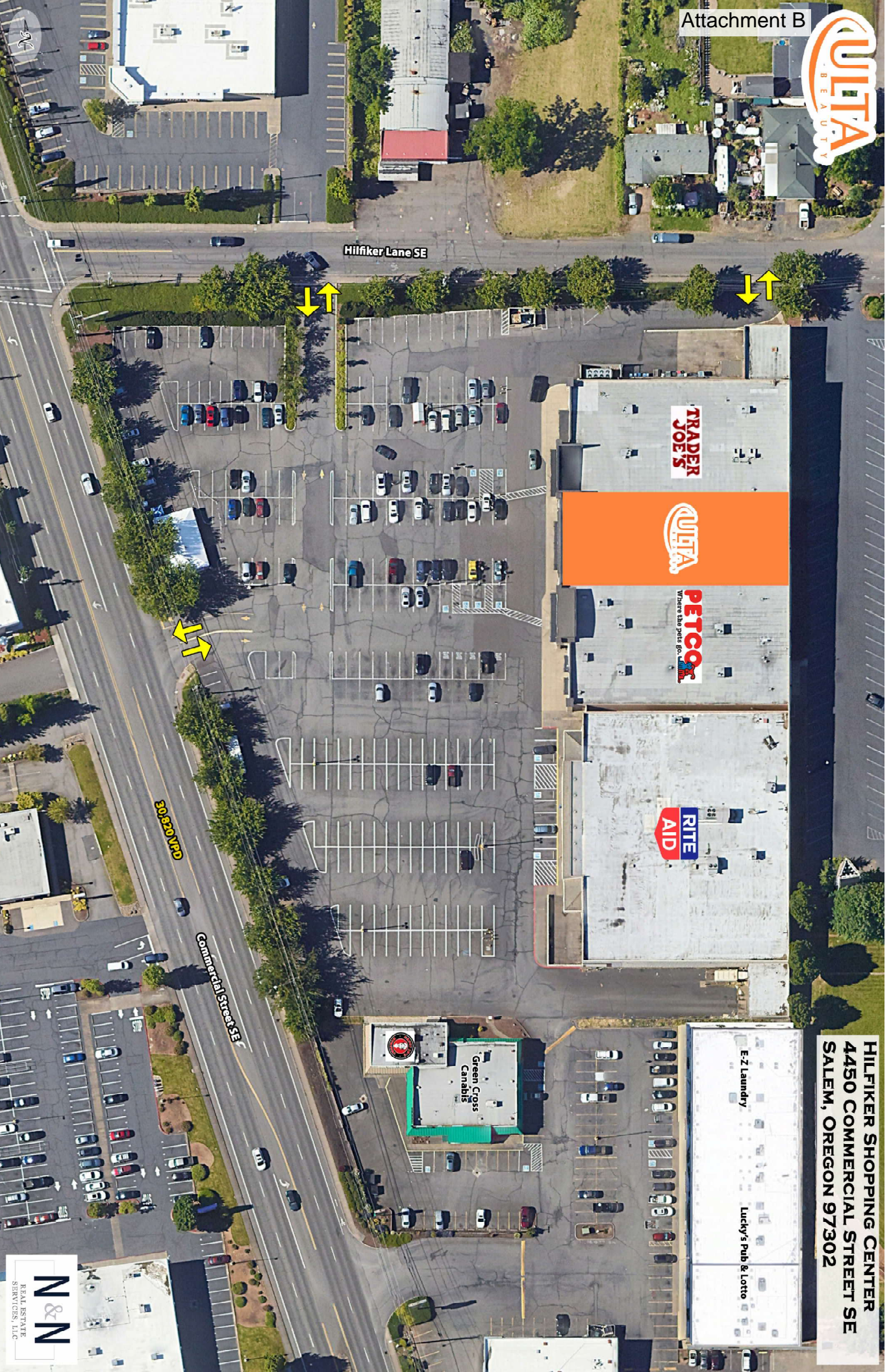
- Taxlots
- Urban Growth Boundary
- City Limits
- Outside Salem City Limits
- Historic District
- Schools
- Parks

0 100 200 400 Feet



CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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.



HILFIKER SHOPPING CENTER
4450 COMMERCIAL STREET SE
SALEM, OREGON 97302

E-Z Laundry

Lucky's Pub & Lotto

TRADER
JOE'S

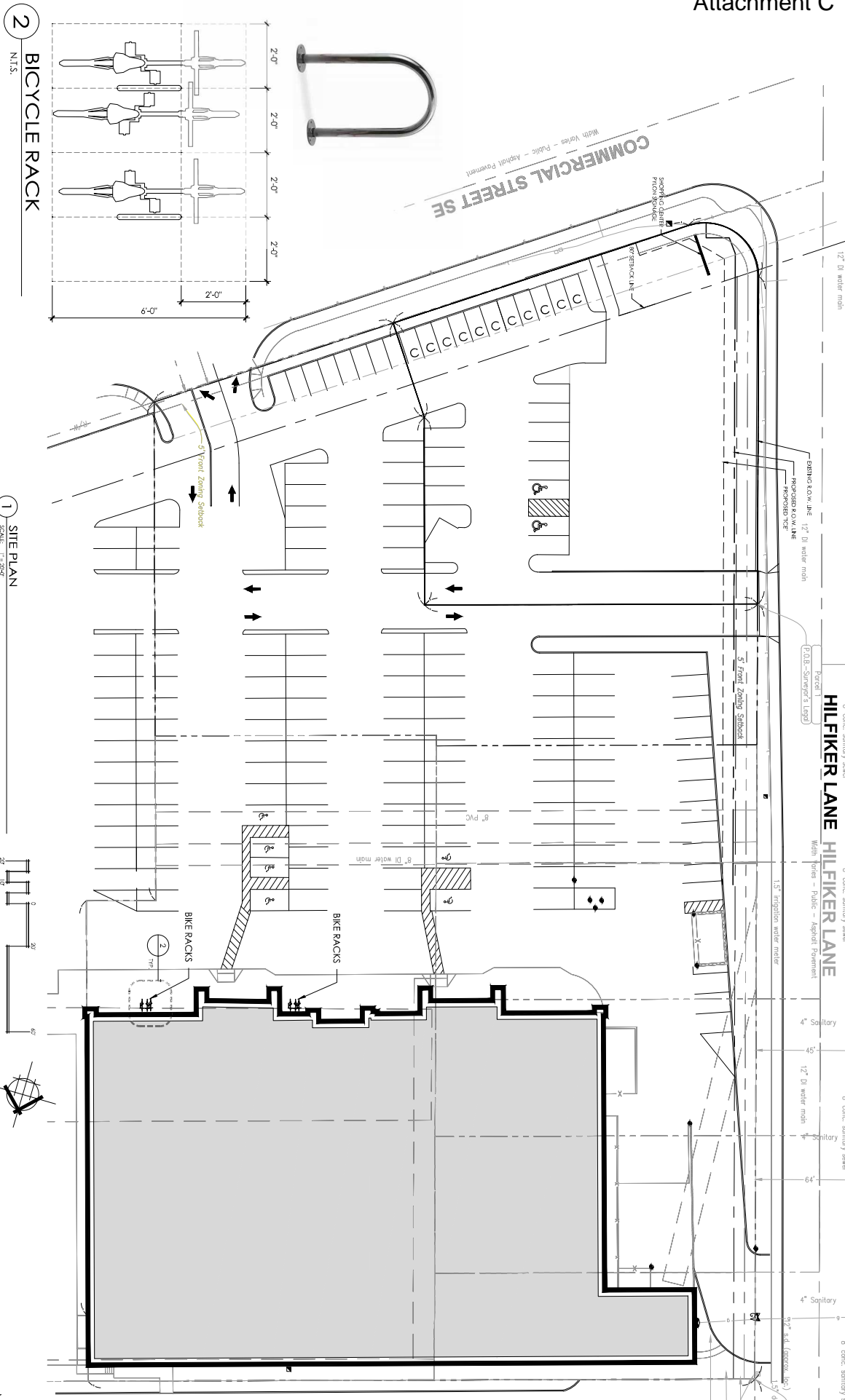


PETCO
Wholesale Bulk Pet Supplies

RITE
AID

Green Cross
Cannabis

N&N
REAL ESTATE
SERVICES, LLC



Phillips Edison & Company
3247 Santa Fe Rd.
Park City, UT 84098
Phone: (513) 692-7782

Hilfiker Square

Commercial St. SE & Hilfiker Ln. | Salem, Oregon

BENNER
STANGE
ASSOCIATES
ARCHITECTS, INC.
THE WATERMAN BUILDING
1000 1/2 AVENUE
PORTLAND, OREGON 97204
PHONE: 503.675.2258
FAX: 503.675.2258
WWW.BENNERSTANGE.COM



May 14, 2024

1:2023 BSA approved 12x18 Hilfiker Shopping Center - 4.54pm - 03.15 Development 2018.03.15.dwg