

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
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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.: 24-119244-PLN

NOTICE OF DECISION DATE: October 02, 2024

REQUEST:

A Class I Site Plan Review for interior tenant improvements and change of use for a new nail salon within the existing mixed-use building. The subject property is 2.82 acres in size, zoned MU-III (Mixed Use III) and located at 5775 Commercial Street SE (Marion County Tax Lot Number 083W14CD0 / 3000).

APPLICANT: Scott McDonald, Studio3 Architecture

LOCATION: 5775 Commercial Street SE

FINDINGS: The findings are in the attached Decision dated October 02, 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 October 02, 2028, or this approval shall be null and void.

Case Manager: Arthur Graves, Planner III, agraves@cityofsalem.net 503.540.2326

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 October 02, 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: 24-119244.

<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)
24-119244-PLN)
5775 Commercial Street SE) October 02, 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 I Site Plan Review for interior tenant improvements and change of use for a new nail salon within the existing mixed-use building. The subject property is 2.82 acres in size, zoned MU-III (Mixed Use III) and located at 5775 Commercial Street SE (Marion County Tax Lot Number 083W14CD0 / 3000).

PROCEDURAL FINDINGS

1. September 11, 2024, an application for a Class 1 Site Plan Review was submitted for the subject property.
2. The application was deemed complete September 25, 2024.

SUBSTANTIVE FINDINGS

1. Proposal

The proposed Class I Site Plan Review is for interior tenant improvements and change of use for a new nail salon within the existing mixed-use building. 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 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 proposed development includes interior renovations, change of use and occupancy to a nail salon (Per SRC 400.045: *Retail Sales and Service, personal services*), which is a permitted use in the MU-III zone per SRC Chapter 535, Table 535-1.

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: No off-street parking spaces are proposed on the subject property. The parking area was previously approved under CU20-08 and VAR-SPR-ADJ22-02, which met the standard at the time of construction. .

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:

There is no evidence of bike racks in the right-of-way along the block face of the existing building. However, the submitted site plan includes 15 existing bicycle parking staples (30 bicycle parking spaces) around the building. Five of the bicycle parking staples (10 bicycle parking spaces) are within 50-feet from the primary building entrance, exceeding

the requirement of 4 spaces per SRC 806.055, Table 806-9 and the previously approved site plan (VAR-SPR-ADJ22-02). This standard is met.

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: No additional off-street loading spaces are required for the proposed change of use.

Previous Land Use Actions

- **VAR-SPR-ADJ22-02:** A Variance request to remove Condition 4 from CU20-08 which requires an offset of at least four feet along the exterior wall of the proposed building, and a Class 3 Site Plan Review for a proposed mixed-use development including 71 multi-family residential units and approximately 11,998 square feet of retail commercial floor area, with the following Adjustments to:
 - 1) Increase the maximum building height from 50 feet, per Table 522-5, to 50 feet and 10 inches.
 - 2) Eliminate the requirement to provide pedestrian pathways connecting between other existing buildings on the development site per SRC 800.065(a)(2).
- **CU20-08:** Conditional use permit for mixed use building.
- **SUB-ADJ19-07:** Subdivision Tentative Plan
- **CU15-10:** Conditional use permit for mixed use building (Expired)
- **REP12-05:** Replat to reconfigure property lines. (Expired)
- **REP05-03:** Replat to reconfigure property lines. (Expired)

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.

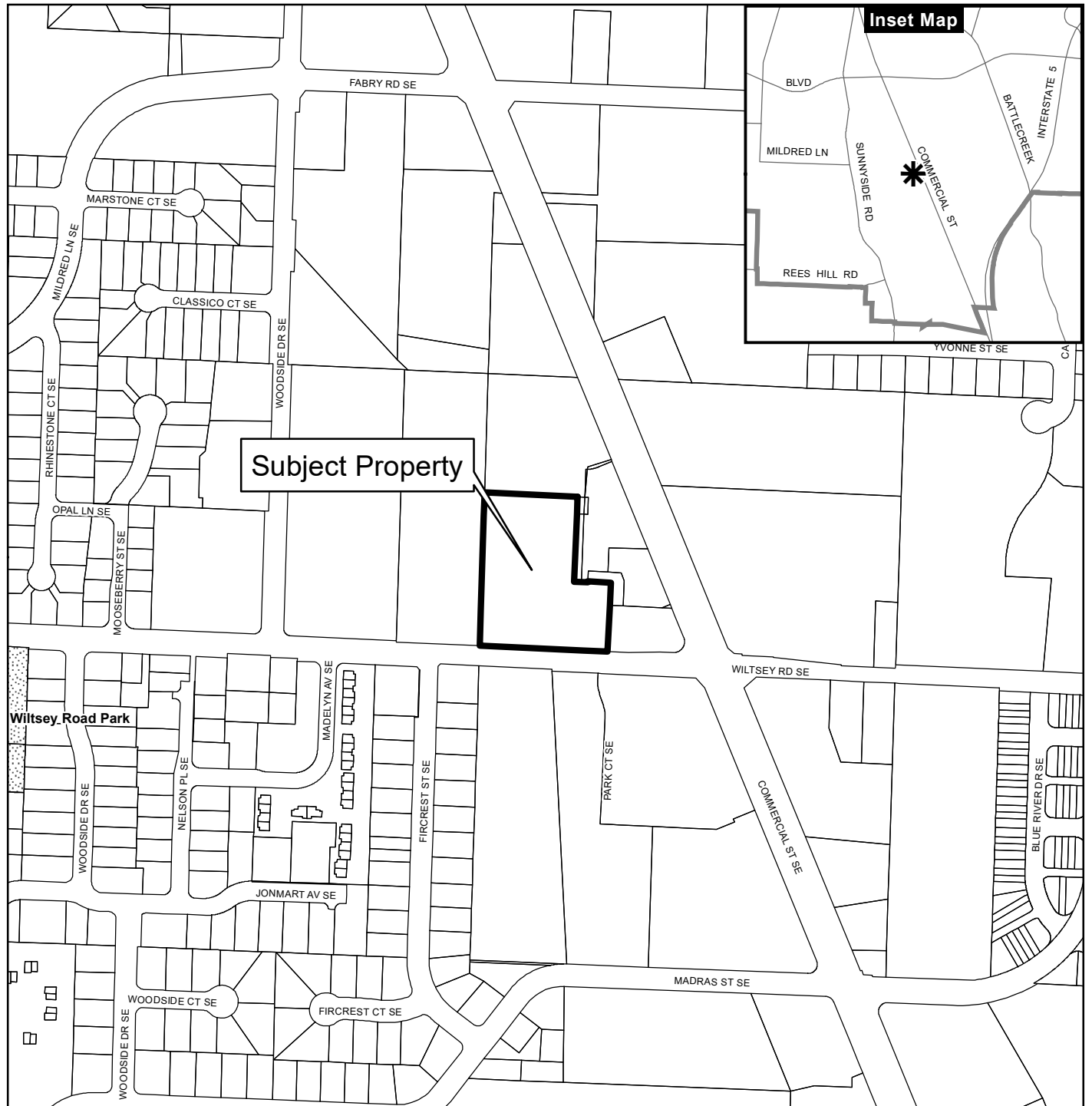


Arthur Graves, Planner III, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map
 B. Site Plan

Vicinity Map

5775 Commercial Street SE



Legend

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

Parks

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Community Planning and Development

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0 100 200 400 Feet



SITE PLAN GENERAL NOTES:

- THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVES. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTORS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.
- REFER TO CIVIL DRAWINGS FOR GRADING. SITE IS REQUIRED TO MEET THE LAWS OF FHA AND ADA. ACCESSIBLE ROUTES SHALL NOT EXCEED 5% (1 IN 20) OR CROSS SLOPES SHALL NOT EXCEED 2% (1 IN 50). ALL AT GRADE SIDEWALKS ARE ACCESSIBLE ROUTES.
- JOINTS IN CONCRETE WALKS NOTED AS E.J. ARE TO BE CONSTRUCTED AS EXPANSION JOINTS. ALL OTHER JOINTS SHOWN, TO BE TOOLED CONTROL JOINTS, SEE CIVIL.
- PROVIDE CONSTRUCTION FENCING AS REQUIRED TO SECURE SITE AND BUILDING DURING CONSTRUCTION.
- SEE LANDSCAPE DRAWINGS FOR LANDSCAPE AND IRRIGATION ELEMENTS.
- EXTREME CARE SHOULD BE TAKEN TO PRESERVE EXISTING ROOTS OF TREES TO REMAIN.
- SEE ELECTRICAL DRAWINGS FOR SITE LIGHTING.

SITE DEVELOPMENT CODE REVIEW:

ZONING DESIGNATION: MU-III
TOTAL SITE AREA: +/- 29,3142

TOTAL GROUND FLOOR AREA: 21,120 SF
GROUND FLOOR BUSINESS AREA: 2,175 SF
GROUND FLOOR MERCANTILE AREA: 9,758 SF
GROUND FLOOR RESIDENTIAL AREA: 9,187 SF

BUILDING HEIGHT: 44' -11 5/8"
TOTAL PARKING: NO CHANGE
PAVING: NO CHANGE

SITE PLAN NOTES:

- PROJECT LOCATION
- ADJACENT TENANT VACANT
- ADJACENT RESIDENTIAL
- EXISTING PARKING
- EXISTING TRASH
- EXISTING SIDEWALK
- EXISTING BIKE RACKS
- EXISTING LOADING ZONE

