

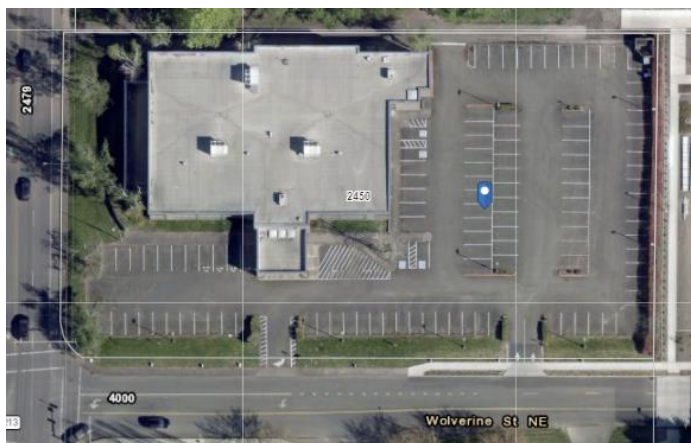
**SALEM-KEIZER SCHOOL DISTRICT 24J
LANCASTER PROFESSIONAL DEVELOPMENT CENTER
CLASS 3 SITE PLAN REVIEW WITH 5 CLASS 2 ADJUSTMENTS
WRITTEN STATEMENT**

OWNER/APPLICANT:

Salem-Keizer School District 24J
3630 State Street
Salem, OR 97301

APPLICANT'S REPRESENTATIVE:

Mark D. Shipman, Attorney
Margaret Y. Gander-Vo, Attorney
Saalfeld Griggs PC
PO Box 470
Salem, OR 97308
Phone: 503-399-1070
Email: mshipman@sglaw.com
margaret@sglaw.com



SUBJECT PROPERTY INFORMATION:

The subject property is approximately 1.86 acres in size and located at 2450 Lancaster Drive NE, in Salem, Oregon, designated by the Marion County Assessor as Tax Map 7S-2W-18CD, Tax Lot 300 (the **"Subject Property"**) as shown above and depicted on the attached **Exhibit "A."** The Subject Property is developed as the Salem-Keizer School District's (herein **"Applicant"**) Lancaster Professional Development Center. The City of Salem's (herein the **"City"**) Comprehensive Plan Map designates the Subject Property as "Commercial" (COM) and it is zoned "Commercial Office" (CO) (For Current Comprehensive Plan Designation and Zoning Map, See **Exhibit "B"**). The Subject Property is located within the City limits and within the City's Urban Service Area (**"USA"**).

The surrounding properties have the following zoning designations:

DIRECTION	ZONING	DESIGNATION	USE
North	Multi-Family Residential	Multi-Family Residential	McKay High School
West	Commercial Office	Commercial	Commercial Offices
East	Public Education	Community Service Education	McKay High School
South	Commercial Office	Commercial	Medical Offices

The Subject Property is located within the North Lancaster Neighborhood Association (“**NOLA**”). Applicant contacted the NOLA’s Chair and Land Use Chair on August 8, 2021, to provide notice and solicit comments in compliance with SRC 300.310. Applicant has submitted a copy of that letter and corresponding email as part of this Application (as defined below). Applicant also attended NOLA’s October 7, 2021, meeting to further discuss the Proposed Development (as defined below). An open house is not required for this Application.

Access to the Subject Property is provided by Wolverine ST NE, classified as a local street under the City’s Functional Street Classification Map (“**SCM**”). Applicant contacted Salem Cherriots on August 7, 2021, and provided a copy of the proposed site plan. Applicant has submitted that email and their response as part of this Application.

OWNERSHIP OF THE PROPERTY:

Applicant is the owner of the Subject Property and has provided a copy of the deed of record as part of this Application.

BACKGROUND INFORMATION:

Prior to filing this Application, Applicant filed for a Pre-Application Conference to discuss the anticipated applications needed for the renovation of the Subject Property as a part of the 2018 school bond. The Pre-Application Conference request was granted and a meeting with the Applicant, Applicant’s representatives and City Staff was held on January 28, 2021.

SUMMARY OF PROPOSAL:

Applicant proposes interior renovation to the existing Lancaster Professional Development Center (the “**LPDC**”) as well as the relocation of an existing trash enclosure to allow for siting of a generator on the Property, the addition of two ADA parking stalls, and the addition of a pedestrian pathway to the adjacent street which will require restriping the existing parking lot (the “**Proposed Development**”). Under Section 220.005 of the Salem Revised Code (“**SRC**”), Applicant is required to obtain Site Plan Review approval for the Proposed Development and Applicant is requesting five (5) Class 2 Adjustments as discussed in detail below (the “**Application**”). Applicant requests that the City process this Application as a consolidated land use application under SRC 300.120.

EXISTING SITE CONDITIONS:

The Subject Property has approximately two hundred ten (210’) feet of frontage along Lancaster Drive NE and approximately three hundred seventy (370’) feet of frontage along Wolverine Street NE. The Subject Property is currently the location of the LPDC which provided career development services for students throughout Salem-Keizer. The LPDC use is classified as either “Basic Education” or “Commercial Office” as it provides office space for a career training programs that prepare high school aged students to enter the work force post-graduation. Both classifications are a permitted use in the CO Zone. The site is generally level and is not identified as being located within a landslide hazard zone. The Subject Property is fully served by necessary facilities. The Existing Conditions Plan has been submitted as part of this Application.

SITE PLAN:

A proposed site plan (the “*Site Plan*”) has been submitted as part of this Application.

APPLICABLE DETAIL PLANS:

Detailed plans are prepared as policy guides to the Salem Area Comprehensive Plan (“*SACP*”) and are specific plans for a particular geographic area of the City, or for the provision or performance of some particular service or function. The NOLA does not have an adopted neighborhood plan.

SALEM TRANSPORTATION SYSTEM PLAN (STSP):

The STSP uses a Street Classification System to determine the functional classification of each street within the City’s street system. The Subject Property has approximately two hundred ten (210’) feet of frontage along Lancaster Drive NE and approximately three hundred seventy (370’) feet of frontage along Wolverine Street NE. Lancaster Drive is classified as a Major Arterial and Wolverine Street is classified as a local street in the STSP. The Subject Property has one (2) two-way driveway along Wolverine Street NE for ingress and egress and one (1) one-way drive closer to the intersection with Lancaster Drive NE for egress.

HOMEOWNERS ASSOCIATION INFORMATION:

The Subject Property is not subject to an active homeowner’s association (HOA). This Application does not require notice or approval from an HOA.

FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A CLASS 3 SITE PLAN REVIEW

Under Section 220.005(a) of the SRC, Applicant is required to obtain a Class 3 Site Plan Review for the Proposed Development. The criteria for Class 3 Site Plan Review is set out in the SRC in Chapter 220. The applicable provisions are set out in bold and italics below with Applicant’s proposed findings following in plain type.

Land Use Application & Development Review Chapters

☑ SRC Chapter 220 - Site Plan Review

Zoning & Development Standards Chapters

- SRC Chapter 521 - CO (Commercial Office)
- SRC Chapter 800 - General Development Standards
- SRC Chapter 802 - Public Improvements
- SRC Chapter 803 - Streets and Right-of-Way Improvements
- SRC Chapter 804 - Driveway Approaches
- SRC Chapter 805 - Vision Clearance
- SRC Chapter 806 - Off-Street Parking, Loading, and Driveways
- SRC Chapter 807 - Landscaping and Screening
- SRC Chapter 808 - Preservation of Trees and Vegetation

- SRC Chapter 809 – Wetlands
- SRC Chapter 810 - Landslide Hazards
- All other applicable provisions of the Salem Revised Code

Sec. 220.005. - Site plan review.

(f) Criteria.

(3) Class 3 site plan review. *Class 3 site plan review is required for any development that requires a building permit, and that involves a land use decision or limited land use decision, as those terms are defined in ORS 197.015. As used in this subsection, land use decisions and limited land use decisions include, but are not limited to, any development application that:*

(A) *Requires a Transportation Impact Analysis pursuant to SRC chapter 803;*

(B) *Requires a geotechnical report or geologic assessment under SRC chapter 810, except where a geotechnical report or geologic assessment has already been approved for the property subject to the development application;*

(C) *Requires deviation from clear and objective development standards of the UDC relating to streets, driveways or vision clearance areas;*

(D) *Proposes dedication of right-of-way which is less than the requirements of the Salem Transportation System Plan;*

(E) *Requires deviation from the clear and objective standards of the UDC and where the Review Authority is granted the authority to use limited discretion in deviating from the standard; or*

(F) *Requires a variance, adjustment, or conditional use permit;*

CO Zone (SRC Chapter 521)

SRC 521.005(a)- Uses

Proposed Finding: The existing use on the Subject Property is a career development center, which is classified under SRC Chapter 400 as either “Basic Education” or “Commercial Office” as it has components of both uses. Both Commercial Office and Basic Education is classified as a permitted use in the CO zone and is subject to the general development standards applicable to the zone. The LPC satisfies the applicable use standard.

SRC 522.010(a)- Lot Standards. *Lots within the CO zone shall conform to the standards set forth in Table 542-2.*

The CO zone requires a minimum lot size of 6,000 square feet with no minimum standard for lot width and depth and a minimum street frontage of 16 feet.

Proposed Finding: The Subject Property is approximately 81,021 square feet in size, measuring approximately three hundred eighty four (384') feet wide and (100') feet deep. The Subject Property has approximately two hundred ten (210') feet of frontage along Lancaster Drive NE and approximately three hundred seventy (370') feet of frontage along Wolverine Street NE. The Subject Property exceeds the applicable lot standards.

SRC 542.010(b)- Setbacks. *Setbacks within the PE zone shall be provided as set forth in Tables 542-3 and 542-4.*

(b) Setbacks.

Abutting Streets: Buildings, Accessory Structures, and Vehicle Use Areas must be setback from abutting streets by a minimum of 12 feet, with the exception of accessory structures less than four feet tall.

Abutting Property Lines: Buildings and Accessory Structures are subject to zone-to-zone setbacks established in Table 542-4. The zone-to-zone setback for a Residential Zone is fifteen (10') feet for buildings and accessory structures. The vehicle use areas in the Public Zone is a minimum of five (5') feet for vehicle use areas, with no other required setbacks.

Landscaping & Screening: The landscaping and screening requirements for the setbacks adjacent to the Residential Zone is Type C and for the setbacks abutting the Public Zone landscaping and screening requirement is Type A.

Proposed Finding: Applicant is not proposing renovations other than internal renovations, relocating the trash enclosure, and adding a generator.

North: The Subject Property is adjacent to properties zoned Multi Family Residential to the North; however, the property is primarily vacant with a building serving McKay High School on the eastern most portion of the adjacent parcel. The applicable setback in these areas is ten (10') feet for buildings and accessory structures. Applicant is not proposing additional exterior development on the Subject Property and the northern most portion of the existing building is outside of the setback. The Proposed Development complies with this standard.

East: The Subject Property is adjacent to McKay High School to the east, which is zoned PE. The applicable interior side setback is the zone-to-zone setback. There is no applicable zone to zone setback for buildings and accessory structures. The applicable zone-to-zone setback for vehicle use areas is five (5') feet. The vehicle use area is more than five (5') feet from the property line. The Proposed Development complies with this standard. There is existing landscaping in the form of a hedge that runs the full length of the property line.

West/South: The Subject Property abuts Lancaster Drive NE to the West and Wolverine Street NE to the south. The portion of the Subject Property abutting Wolverine Street NE is developed with a parking lot, meaning the applicable setback standard is five (5') feet. The existing parking area is set back more than five (5') feet from the property line. The Proposed Development complies with this standard.

The Proposed Development complies with the applicable setback spacing standards. This standard is satisfied.

SRC 521.010(c)- Lot Coverage, Height: Buildings and accessory structures within the PE zone shall conform to the lot coverage and height standards set forth in Table 542-5.

The CO zone limits lot coverage by all buildings and accessory structures to a maximum of sixty (60%) percent. The maximum height for buildings and accessory structures within the CO zone is established under SRC 521.010(c), Table 542-5. The maximum height for buildings within the CO zone is seventy (70') feet.

Proposed Finding: The Proposed Development includes interior renovations; Applicant is not proposing new construction or an expansion of the existing LPDC. The existing buildings are within the 70-foot restriction, the highest point of is well within the 70-foot restriction. The Proposed Development meets this standard.

Landscaping (SRC 521.010(d)):

- 1) Setbacks. Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.***
- 2) Vehicle Use Areas. Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.***

Proposed Finding: The landscaping and screening requirement for the setbacks adjacent to the Residential Zone is Type C and for the setbacks abutting the Public Zone and the remainder of the development site must satisfy the Type A landscaping and screening requirement. As addressed in detail below, Applicant is requesting Class 2 Adjustment to the applicable landscaping standards to allow Applicant to retain the existing landscaping on the Subject Property.

SRC 800.065. – Pedestrian access.

Except where pedestrian access standards are provided elsewhere under the UDC, all developments, other than single family, two family, and multiple family developments, shall include an on- site pedestrian circulation system developed in conformance with the standards in this section.

(a) Pedestrian connections required. The on-site pedestrian circulation system shall provide pedestrian connectivity throughout the development site as follows:

(1) Connection between building entrances and streets.

(A) A pedestrian connection shall be provided between the primary building entrance of each building on the development site and each adjacent street. Where a building has more than one primary building entrance, a single pedestrian connection from one of the building's primary entrances to each adjacent street is allowed; provided each of the building's primary entrances are connected, via a pedestrian connection, to the required connection to the street (see Figure 800-6).

Proposed Finding: As part of the Proposed Development, Applicant is developing pedestrian access from the primary entrance on the south side of the Existing Building to Wolverine Street NE. The pedestrian

access then ties into the existing adjacent sidewalk, providing access to Lancaster Drive NE. This standard is satisfied.

(B) Where an adjacent street is a transit route and there is an existing or planned transit stop along street frontage of the development site, at least one of the required pedestrian connections shall connect to the street within 20 feet of the transit stop (see Figure 800-7).

Proposed Finding: There is an adjacent transit route, Route 11, along Lancaster Drive NE but there is not a transit stop along the street frontage of the Proposed Development. This standard is not applicable.

(2) Connection between buildings on the same development site. Where there is more than one building on a development site, a pedestrian connection, or pedestrian connections, shall be provided to connect the primary building entrances of all of the buildings.

Proposed Finding: The Proposed Development involves interior renovations, there is only one (1) building on the Subject Property and Applicant will not be constructing any additional buildings on the Subject Property. This standard is not applicable.

(3) Connection through off-street parking areas.

(A) Surface parking areas. Except as provided under subsection (a)(3)(A)(iii) of this section, off-street surface parking areas greater than 25,000 square feet in size or including four or more consecutive parallel drive aisles shall include pedestrian connections through the parking area to the primary building entrance as provided in this subsection.

(i) The pedestrian connections shall be:

(aa) Provided in a minimum amount of either one connection for every four drive aisles or one connection for every 250 feet (See Figure 800-13); provided, however, in no case shall less than one pedestrian connection be provided. Where the pedestrian connection requirements of this subsection result in a fractional number, any fractional number greater than 0.5 shall be round up to require an additional pedestrian connection;

(bb) Spaced a minimum of two drive aisles apart; and

(cc) Connected to a pedestrian connection, or pedestrian connections, that lead to the primary building entrance. Where there is no building, the pedestrian connections shall connect to the street either at the sidewalk or at the public street right-of-way when there is no sidewalk.

(ii) Where the off-street surface parking area is adjacent to a street that is a transit route and there is an existing or planned transit stop along the street frontage of the development site, at least one of the required pedestrian connections shall connect to the street within 20 feet of the transit stop.

(iii) A pedestrian connection provided between a primary building entrance and a street may be counted as a required connection through an off-street surface parking area.

(iv) Regardless of the size of the off-street parking area, pedestrian connections are not required through off-street surface parking areas that have a depth, in all locations, of not more than 124 feet. For purposes of this subsection, parking area depth is measured through the parking area from its outside edge towards the building.

Proposed Finding: Applicant has a developed off-street parking area which does not currently have any internal pedestrian connections. The only proposed modification to the site is the relocation of the existing trash enclosure to allow for the siting of an emergency generator in its place, re-stripping to add two (2) additional ADA spaces, and the addition of a pedestrian connection to the adjacent street. Applicant is requesting a Class 2 Adjustment to this standard to allow Applicant to retain the existing parking lot configuration.

(5) Connection to abutting properties. Whenever a vehicular connection is provided from a development site to an abutting property, a pedestrian connection shall also be provided. A pedestrian connection is not required, however:

(A) To abutting properties used for activities falling within the following use classifications, use categories, and uses under SRC Chapter 400:

(i) Single family;

(ii) Two family;

(iii) Group living;

(iv) Industrial;

(v) Infrastructure and utilities; and

(vi) Natural resources.

(B) Where the use of an abutting property has specific security needs that make providing a connection impractical or undesirable;

(C) Where on-site activities on abutting properties, such as the operation of trucks, forklifts, and other equipment and machinery would present safety conflicts with pedestrians;

(D) Where buildings or other improvements on abutting properties physically preclude a connection now or in the future; or

(E) Where physical conditions of the land, such as topography or existing natural resource areas, including, but not limited to, wetlands, ponds, lakes, streams, or rivers, make providing a connection impractical.

Proposed Finding: Applicant is the owner of the adjacent, undeveloped property which is currently developed with an emergency access driveway which connects to the existing parking lot along the northern property line. Applicant may develop the adjacent property in the future, however, due safety and security concerns presented by pedestrians crossing the emergency access and walking through the undeveloped property, Applicant is requesting an adjustment to this standard.

(b) Design and materials. Required pedestrian connections shall be in the form of a walkway, or may be in the form of a plaza.

(c) Lighting. The on-site pedestrian circulation system shall be lighted to a level where the system can be used at night by employees, customers, and residents.

Proposed Finding: As stated above, the Subject Property are currently developed in a way which satisfies this standard with the exception of the pedestrian connection through the parking area. Applicant is proposing the addition of a pedestrian connection to Wolverine Street NE, in conformance with the Code. This access will be raised, and the existing lighting is consistent with the Code. This standard is met.

Streets and Right-of-Way Improvements (SRC Chapter 803)

SRC. 803.010. - STREETS, GENERALLY.

Except as otherwise provided in this chapter, all streets shall be improved to include the following: adequate right-of-way, paving, curbing, bike lanes (where required), sidewalks, street lighting, stormwater facilities; utility easements, turnarounds, construction strips, landscape strips, parking lanes, adequate right-of-way geometry, paving width, grade, structural sections and monumentation, that conforms to the Public Works Design Standards.

Proposed Finding: Wolverine Street NE is presently developed with adequate right-of-way, sidewalks curbs, landscape strips along a portion of the Subject Property, street lighting, and stormwater facilities. Applicant is providing additional street trees along Wolverine Street NE. This standard is satisfied.

SRC. 803.015. - TRAFFIC IMPACT ANALYSIS.

(b) Applicability. An applicant shall provide a traffic impact analysis if one of the following conditions exists:

- (1) The Development will generate 200 or more daily vehicle trips onto a local street or alley, or 1,000 daily vehicle trips onto a collector, minor arterial, major arterial, or parkway. Trips shall be calculated using the adopted Institute of Transportation Engineer's Trip Generation Manual. In developments involving a land division, the trips shall be calculated based on the Development that will occur on all lots that will be created by the***

land division.

(2) The increased traffic resulting from the Development will contribute to documented traffic problems, based on current accident rates, traffic volumes or speeds, and identified locations where pedestrian and/or bicyclist safety is a concern.

(3) The City has performed or reviewed traffic engineering analyses that indicate approval of the Development will result in levels of service of the street system that do not meet adopted level of service standards.

Proposed Finding: The Proposed Development is internal renovations of an existing building and is not anticipated to generate trips in excess of the two-hundred trips necessary to trigger a TIA. This criterion is not applicable.

Off-Street Parking, Loading, and Driveways (SRC Chapter 806)

SRC 806.005 - Off-Street Parking; When Required.

(a) General applicability. Off-street parking shall be provided and maintained for any intensification, expansion, or enlargement of a use or activity.

SRC 806.010 - Proximity of Off-Street Parking to Use or Activity Served.

Required off-street parking shall be located on the same development site as the use or activity it serves.

Table 806-1 states that the minimum parking area for the proposed use is 1 per 350 sq ft. Table 806-2 states that the maximum number of parking spaces is 2.5 times the minimum (for 20 spaces or fewer) or 1.75 times the minimum (greater than 20 spaces).

Proposed Finding: The Proposed Development is primarily interior renovations of an existing building. The Existing Building is approximately 35,157 square feet in size, requiring a minimum of one hundred (100) spaces and a maximum of one hundred seventy five (175) spaces. The parking on the Subject Property will be one hundred eleven (111) spaces. This standard is met.

Bicycle Parking

SRC 806.045(a) - General Applicability.

Bicycle parking shall be provided and maintained for any change of use or activity, when such change of use or activity results in a bicycle parking ratio requiring a greater number of spaces than the previous use or activity. The applicable requirement under SRC 806, Table 806-8 is one (1) space per 3,500 SQFT up to 50,00 SQFT, or ten (10) spaces.

Proposed Finding: There are currently nine (9) bike racks near the primary entrance to the building along with bike rack near the proposed location for the emergency generator. Applicant's bike parking is below the required bicycle parking standard, however, it is a pre-existing non-conforming development on the Property and an adjustment is not required for this element.

Interior Parking Lot Landscaping

SRC 806.035(d) establishes landscaping requirements for the interior of parking lot and vehicle use areas.

Proposed Finding: This Application triggers the addition of interior landscaping. Applicant is requesting an adjustment to allow Applicant to retain the existing configuration of the parking area.

Landscaping and Screening (SRC Chapter 807)

All required setbacks shall be landscaped with a minimum of one plant unit per twenty square feet of landscaped area. A minimum of forty percent of the required number of plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Plant materials and minimum plant unit values are defined in SRC Chapter 807, Table 807-2.

Proposed Finding: The Proposed Development will not impact the established setback landscaping which largely complies with the landscaping standard. As stated above, the Applicant is requesting an adjustment to the setback landscaping requirements to retain the existing landscaping on the Subject Property.

Preservation of Trees and Vegetation (SRC Chapter 808)

The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove a significant tree (Oregon White Oak greater than twenty-four (24) inches in diameter at breast height) (SRC 808.015) or a tree or native vegetation in a riparian corridor (SRC 808.020), unless the removal is excepted under SRC 808.030(a)(2), undertaken pursuant to a permit issued under SRC 808.030(d), undertaken pursuant to a tree conservation plan approved under SRC 808.035, or permitted by a variance granted under SRC 808.045.

Proposed Finding: No protected trees have been identified on the Site Plan for removal. Applicant is providing additional trees along Wolverine Street NE, in conformance with the Code.

Wetlands (SRC Chapter 809)

Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetland laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures.

Proposed Finding: There are no wetlands on the Subject Property. This standard is not applicable.

Landslide Hazards (SRC Chapter 810)

A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area.

Proposed Finding: The Subject Property is not within a mapped landslide hazard area. This standard is not applicable.

SECTION 250.005. – ADJUSTMENTS

(a) Applicability.

(1) Classes

(A) A Class 1 adjustment is an adjustment to any numerical development standard in the UDC that increases or decreases the standard by not more than 20 percent.

(B) A Class 2 adjustment is an adjustment to any development standard in the UDC other than a Class 1 adjustment, including an adjustment to any numerical development standard in the UDC that increases or decreases the standard by more than 20 percent.

Proposed Finding: Applicant is requesting five (5) adjustments to applicable development standards (1) an adjustment to the landscaping standards in SRC 521.010(d); (2) an adjustment to the pedestrian access standard in SRC 800.065(a)(3); (3) an adjustment to the interior landscaping standard in SRC 806.035(d); (4) an adjustment to the landscaping standard in SRC 806.065 and (5) an adjustment to 800.065(a)(5). Applicant is applying for relief from these standards to retain the existing conditions on the Subject Property, requiring Class 2 Adjustments to each standard.

(d) Criteria.

(2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:

(A) The purpose underlying the specific development standard proposed for adjustment is:

(i) Clearly inapplicable to the proposed development; or

(ii) Equally or better met by the proposed development.

Proposed Finding: Applicant is requesting five (5) Class 2 Adjustments. First, Applicant is requesting an adjustment to the setback landscaping standards to allow the Applicant to retain the existing landscaping within the setbacks along the northern property line. Applicant is not proposing any work in this area and the lack of irrigation as well fire and safety concerns due to the lack of space between the Existing Building and the property line make this standard clearly inapplicable to the proposed development. The adjustment to this standard will not impact the adjacent properties, which is the intent and purpose of the setback standards.

Second, Applicant is requesting an adjustment to the requirement to add pedestrian access through the existing parking area. The purpose of the pedestrian access requirement is to provide for the safe movement of people through vehicle use areas. The existing parking area is relatively small in size and there have been no safety incidents associated with pedestrian crossings. The traffic within the Subject Property is well controlled and the intent and purpose of this standard is equally met by the existing configuration.

Third, Applicant is requesting an adjustment to the requirement to add additional interior landscaping to the existing parking area. There are several existing landscaping islands within the existing parking area which provide green space within the existing parking area. Applicant is requesting an adjustment to

allow the Applicant to retain the existing conditions on the Subject Property. Applicant is providing additional landscaping along Wolverine Street NE and has mature landscaping throughout the Subject Property exceeding the requirement to landscape at least fifteen (15%) percent of the development site. The intent and purpose of this provision is to add additional opportunities for green space throughout the Subject Property, however, this is equally met by the existing and proposed landscaping on the Subject Property.

Fourth, Applicant is requesting an adjustment to the landscaping standards contained in SRC 806.065 allowing Applicant to retain existing non-conforming elements on the Subject Property. The purpose of the landscaping standard is to provide additional green space and screening for developed properties. The Subject Property is constrained by the Existing Building and associated improvements. Applicant is proposing the addition of several additional trees along Wolverine Street NE to increase the number of plant units on the Subject Property. The proposed adjustment retains existing greenspace and adds several additional planting units but does not meet the applicable planting unit requirement. As adjusted, the Subject Property equally meets the intent of the Code by providing green space and trees to the maximum extent feasible.

Finally, Applicant is requesting an adjustment to the standard in SRC 800.065(a)(5) which requires pedestrian connections to abutting properties when there is an existing vehicular connection. The intent of this provision of the code is to provide clear pathways for pedestrians through vehicle use areas, increasing pedestrian safety in these areas. The existing vehicular connection is a driveway from Lancaster drive along the northern property line which is only used for pedestrian access. Applicant is the owner of the adjacent property and, with the exception of the emergency access, that property is undeveloped. If Applicant were required to provide pedestrian access to this driveway it would encourage pedestrians to cross the existing driveway, impairing its use as an emergency access. This is expressly contrary to the intent and purpose of this section. Applicant is proposing as part of this application the addition of a locked gate (keys will be provided to emergency service providers) across the vehicular connection to the Subject Property, further limiting the use of this vehicle access and equally or better meeting the purpose and intent of this code provision.

(B) If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

Proposed Finding: The Subject Property is not located within a residential zone. This criterion is not applicable.

(C) If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

Proposed Finding: The Subject Property is already fully developed with the LPDC. The majority of the Proposed Development is interior renovations with the exception of some minimal regrading and re-stripping of the existing vehicle use area and the addition of a trash enclosure. Applicant's requested adjustments retain existing non-conforming conditions on the Subject Property allowing for the continuation of an existing use that is consistent with the overall purpose and intent of the zone. This criterion is satisfied.

CONCLUSION:

Based on the findings contained in this written statement, the Applicant has satisfactorily addressed the applicable criteria for granting this consolidated application for a Class 3 Site Plan Review and five (5) Class 2 Adjustments. Applicant respectfully requests that the Application be approved.

EXHIBIT A TAX MAP

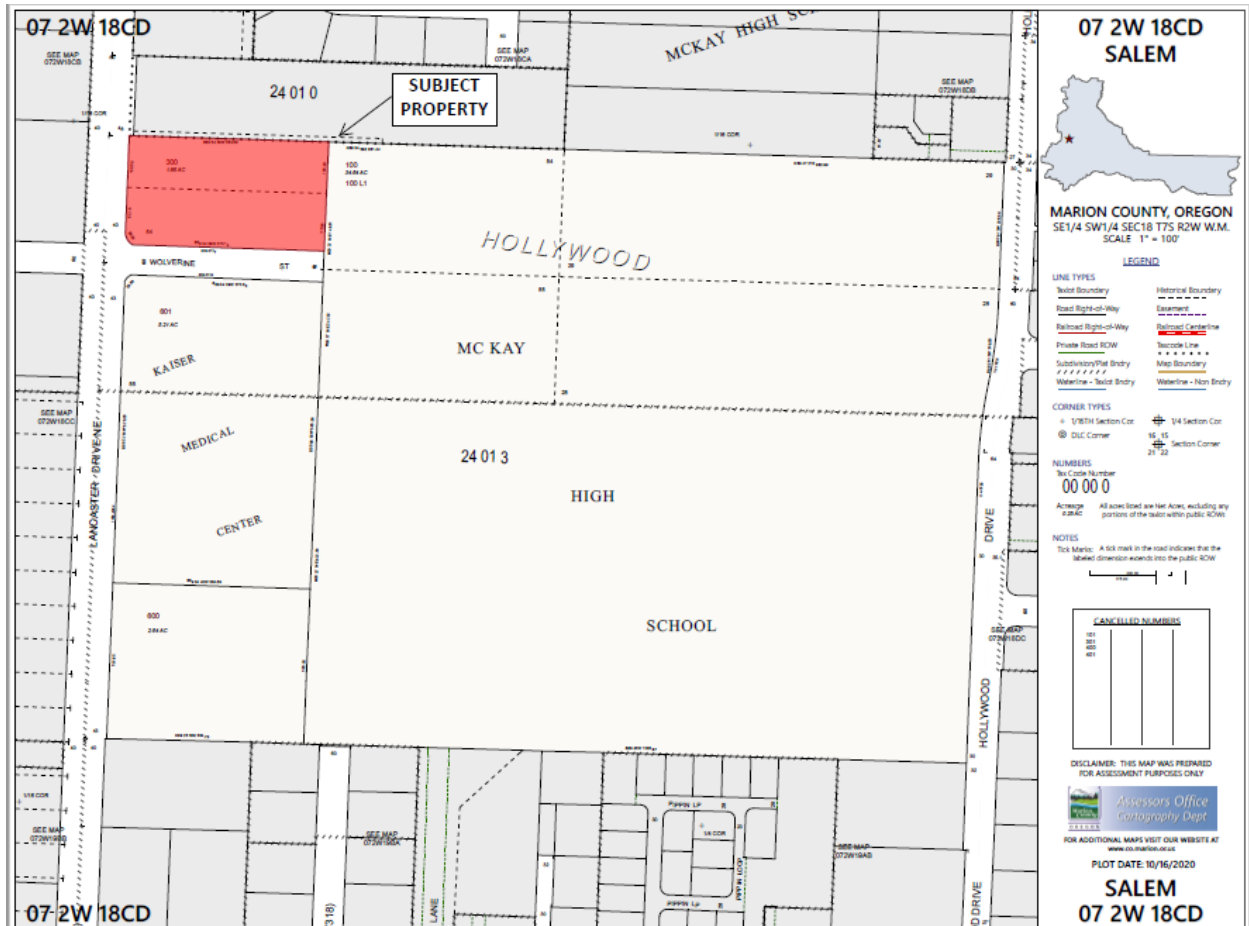


EXHIBIT B

COMPREHENSIVE PLAN DESIGNATION AND ZONING MAP

Map of Salem Area Comprehensive Plan

