

NOTICE OF DECISION

PLANNING DIVISION
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*Si necesita ayuda para comprender esta información, por favor llame
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PLANNING ADMINISTRATOR DECISION FOR SITE PLAN REVIEW

CASE TYPE: Class 1 Site Plan Review
AMANDA NO.: 21-114272-RP
DATE OF DECISION: October 27, 2021
PROPERTY LOCATION: 4555 Liberty Road S, Suite 350
APPLICANT: CH Sunnyslope LLC
ZONE: CR (Retail Commercial)
COMPREHENSIVE PLAN: Commercial
OVERLAY: None

REQUEST

A Class 1 Site Plan Review to establish a use of an Eating and Drinking Establishment (Heroes Tap House) for a tenant space of approximately 2,660 square feet (Suites 342 & 350), with an outdoor dining area of 546 square feet, in a shopping center on property zoned CR (Retail Commercial) and located at 4555 Liberty Road S – 97302 (Marion County Assessors Map and Tax Lot numbers: 083W09AC / 03800, 03900, 04000, 04100, 04200, 04300, and 04400).

FINDINGS

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.

1. Approval Criteria

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 is establishing a new 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. The outdoor dining component is under an existing breezeway within the shopping center and does not constitute as exterior improvement.

- c) The new use or occupancy will not require exterior improvements to the building or structure or alteration to existing parking, landscaping, or bufferyards;

Finding: Modification to the exterior of the site is not in the scope of work for the proposed change of use. As indicated above, the outdoor dining component is under an existing breezeway within the shopping center and does not constitute as exterior improvement; there will be no alteration to existing parking, landscaping, or bufferyards for the development site.

- 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 following is a summary of the applicable development standards of the SRC.

Land Use

The applicant is requesting to establish a use of an Eating and Drinking Establishment for combined tenant spaces Suite 342 and 350, within a shopping center where the tenant spaces were previously separated and vacant. The applicant has proposed that the total 2,660 square foot of both tenants spaces, including an outdoor dining area of 546 square feet, be re-established as an individual tenant for Heroes Tap House classified as an Eating and Drinking Establishment – Retail Sales and Services, which is a permitted use in the CR (Retail Commercial) zone.

Off-Street Parking and Loading

- i. Vehicle Parking Spaces:
SRC 806.005(a)(2) states that off-street parking shall be provided and maintained for any change of use or activity, when such change of use or activity results in a parking ratio requiring a greater number of spaces than the previous use or activity.

Finding: The proposed use is located within a multi-tenant shopping center with shared parking. A shopping center requires a minimum of one space per 250 square feet of gross floor area. The existing shopping center is 94,855 square feet of gross floor area. The shopping center requires 379 parking spaces ($94,855/250=379.42$).

The shopping center currently has 390 spaces; therefore, adequate parking is available for the proposed use.

ii. Bike Spaces:

SRC Chapter 806 states that bicycle parking shall be provided and maintained for each proposed new use or activity that requires a greater number of spaces than the previous use.

Finding: The bicycle parking requirement for a multi-tenant shopping center is the greater of four spaces or one space per 10,000 square feet of floor area for the first 50,000 square feet plus one space per 20,000 square feet for 50,000 to 100,000 square feet of gross floor area. The shopping center requires a minimum of seven bicycle parking spaces ($50,000/10,000=5$; [plus] $44,844/20,000=2.24$) The proposed use does not require a greater number of spaces than the previously approved; therefore, no additional bicycle parking spaces are required.

iii. Loading Spaces:

SRC Chapter 806 states that off-street loading shall be provided and maintained for 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.

Finding: An Eating and Drinking Establishment – Retail Sales and Services use under 5,000 square feet does not require an off-street loading space; therefore, no additional off-street loading spaces are required for the proposed use.

Historic Property Status

The subject property is not located within a historic district and is not individually listed as a historic resource.

Previous Land Use Actions

VAR00-04: A Variance to allow a subordinate freestanding sign on the subject property. Nothing in this decision prevents the proposed new use.

2. Conclusion

Based on conformance with the preceding requirements, the Planning Administrator finds that the proposed site plan for property located at 4555 Liberty Road S, Suite 350 complies with approval criteria provided in SRC 220.005(f)(1).

DECISION

Final approval of the attached site plan is hereby GRANTED subject to SRC Chapter 220 and the applicable standards of the Salem Revised Code and providing compliance occurs with any applicable items noted above. This decision is final a final land use decision.

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.

If you have any questions regarding items in this site plan review, please contact Jamie Donaldson at 503-540-2328 or by email at jdonaldson@cityofsalem.net



Jamie Donaldson, AICP, Planner II, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Application Deemed Complete:	<u>October 25, 2021</u>
Decision Mailing Date:	<u>October 27, 2021</u>
State Mandated Decision Date:	<u>February 22, 2022</u>