

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
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Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173

DECISION OF THE PLANNING ADMINISTRATOR

CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT CASE NO.:
SPR-ADJ21-33

APPLICATION NO.: 21-112200-RP / 21-119228-ZO

NOTICE OF DECISION DATE: January 3, 2022

SUMMARY: A proposal to construct a new building and site improvements at an existing shopping center.

Request: A consolidated application containing a Class 3 Site Plan Review for a new 3,400-square-foot building and site improvements, and Class 2 Adjustment requests to:

- 1) Increase the allowed distance between a pedestrian pathway and an adjacent transit stop from 20 feet to 83 feet;
- 2) Eliminate the required pedestrian pathways between existing buildings and the rest of the shopping center; and
- 3) Eliminate a required pedestrian pathway through an existing off-street parking area.

The subject property is approximately 8.18 acres in size, zoned CR (Retail Commercial), and located at 4507 Liberty Road S (Marion County Assessor map and tax lot numbers: 083W09AC / 3800, 3900, 4000, 4100, 4200, 4300, and 4400).

APPLICANT: Jim Toporek, Studio 3 Architecture, on behalf of Scott Chernoff

LOCATION: 4507 Liberty Rd S, Salem OR 97302

CRITERIA: Salem Revised Code (SRC) Chapters 220.005(f)(3) – Class 3 Site Plan Review; 250.005(d)(2) – Class 2 Adjustment

FINDINGS: The findings are in the attached Decision dated January 3, 2022.

DECISION: The **Planning Administrator APPROVED** Class 3 Site Plan Review and Class 2 Adjustment SPR-ADJ21-33 subject to the following conditions of approval:

Condition 1: Landscaping shall not block visibility of the transit stop along the property's street frontage as viewed from the southbound travel lanes of Liberty Road S. Any landscaping planted within the area directly northwest of the transit stop shall not be taller than 30 inches above curb level.

Condition 2: Prior to receiving certificate of occupancy for the proposed building, landscape plans shall be approved which show landscaped areas in substantial conformance with the proposed site plan, planted to the Type A standard.

- Condition 3:** Wheel stops or extended curbs shall be provided within the row of eight compact spaces west of the proposed building.
- Condition 4:** Replace the sidewalk along the westernmost driveway approach along Cunningham Lane S.
- Condition 5:** Provide a pedestrian connection between the main building in the shopping center and Liberty Road S, located in the approximate area south and east of the southernmost ADA parking stall. The pedestrian connection shall meet the design and materials standards of Salem Revised Code 800.065(b).
- Condition 6:** The adjusted development standards shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the Unified Development Code, unless adjusted through a future land use action.

The rights granted by the attached decision must be exercised, or an extension granted, by the dates listed below, or this approval shall be null and void.

Class 3 Site Plan Review: January 19, 2026
Class 2 Adjustment: January 19, 2024

Application Deemed Complete: November 23, 2021
Notice of Decision Mailing Date: January 3, 2022
Decision Effective Date: January 19, 2022
State Mandate Date: March 23, 2022

Case Manager: Brandon Pike, Planner I, bpike@cityofsalem.net, 503-540-2326

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m., Tuesday, January 18, 2022. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 220 and 250. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

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BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

IN THE MATTER OF APPROVAL OF) FINDINGS & ORDER
CLASS 3 SITE PLAN REVIEW AND)
CLASS 2 ADJUSTMENT)
CASE NO. 21-33)
4507 LIBERTY ROAD S) JANUARY 3, 2022

In the matter of the application for a Class 3 Site Plan Review and Class 2 Adjustment submitted by Jim Toporek, Studio 3 Architecture, on behalf of the applicant, Scott Chernoff, and property owner, CH Sunnyslope, LLC, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

Summary: A proposal to construct a new building and site improvements at an existing shopping center.

Request: A consolidated application containing a Class 3 Site Plan Review for a new 3,400-square-foot building and site improvements, and Class 2 Adjustment requests to:

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- 3) Eliminate a required pedestrian pathway through an existing off-street parking area.

The subject property is approximately 8.18 acres in size, zoned CR (Retail Commercial), and located at 4507 Liberty Road S (Marion County Assessor map and tax lot numbers: 083W09AC / 3800, 3900, 4000, 4100, 4200, 4300, and 4400).

A vicinity map illustrating the location of the property is attached hereto and made a part of this decision (**Attachment A**).

FINDINGS

1. Class 3 Site Plan Review Applicability

Site plan review is intended to provide a unified, consistent, and efficient means to review proposed development that requires a building permit, other than single-family, duplex residential, and installation of signs, to ensure that such development meets all applicable requirements imposed by the Salem Revised Code (SRC). SRC 220.005(b)(3) requires Class 3 Site Plan Review 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.

Class 3 Site Plan Review is required for this application pursuant to SRC 220.005(b)(3)(F) because Class 2 Adjustments are included in the request.

2. Background

On July 12, 2021, a Class 3 Site Plan Review application was submitted for a proposal to construct a new building and site improvements at an existing shopping center.

After receiving additional required information from the applicant, including Class 2 Adjustments, the consolidated application was deemed complete for processing on November 23, 2021 and notice of filing of the application was sent pursuant to SRC requirements on November 30, 2021. The 120-day state-mandated local decision deadline is March 23, 2022.

The applicant's proposed site plan and written statement are included as **Attachment B** and **Attachment C**, respectively.

Summary of Record:

The following items are submitted to the record and are available upon request: All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; any materials and comments from public agencies, City departments, neighborhood associations, and the public; and all documents referenced in this report.

Neighborhood Association, Citizen, and Homeowners Association Information:

The subject property is located within the boundaries of the Sunnyslope Neighborhood Association, and adjacent to the Faye Wright Neighborhood Association.

Applicant Neighborhood Association Contact

SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. The applicant's representative contacted Sunnyslope in July 2021 and Faye Wright in October 2021 to provide details about the proposal.

Neighborhood Association Comment

Notice of the application was provided to Sunnyslope and Faye Wright pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. Prior to the close of the comment period, no comments were received from the neighborhood associations.

Public Comment

Notice was also provided, pursuant to SRC 300.520(b)(1)(B)(vi) and (vii), to all property owners and tenants within 250 feet of the subject property.

Prior to the end of the public comment period, two comments were received from members of the public. Concerns received and Staff response can be summarized as follows:

- *Mail Drop-Box Location.* One comment indicated concern over the removal of USPS mail drop-boxes, which are currently near the proposed building's location.

Staff Response: There is no requirement of the SRC or previous land use cases involving the property to maintain these mail drop-boxes. However, Staff forwarded this comment to the applicant's representative in the hopes that a solution or resolution between the private parties may be reached.

- *Conflict with Neighborhood Character.* One comment stated that the proposed commercial business would conflict with the neighborhood being predominantly residential.

Staff Response: The subject property is zoned CR (Retail Commercial) and is subject to the use and development standards of CR zone. The proposed development includes a new *retail sales* use, which is permitted in the CR zone.

Homeowners Association

The subject property is not located within a Homeowners Association.

City Department Comments:

The Public Works Department reviewed the proposal and provided a memo which is included as **Attachment D**.

The Building and Safety Division reviewed the proposal and indicated no concerns.

The Fire Department reviewed the proposal and indicated no concerns.

Public Agency Comments:

Notice of the proposal was provided to public agencies, and to public and private service providers. The following is a summary of the comments received:

- Cherriots (Salem Area Mass Transit District) requested that the proposed tree northeast of the existing transit stop be removed from the proposal, as it could block visibility of the transit stop for bus operators.

Staff Response: The applicant's site plan incorrectly labels this a street tree, but it is on private property and is part of the development's landscaping. To ensure

the proposed development does not include landscaping which blocks visibility of the transit stop for bus operators, the following condition of approval shall apply:

Condition 1: Landscaping shall not block visibility of the transit stop along the property's street frontage as viewed from the southbound travel lanes of Liberty Road S. Any landscaping planted within the area directly northwest of the transit stop shall not be taller than 30 inches above curb level.

- The Oregon Department of Aviation (ODA) indicated they have no concerns with the proposal.

3. Analysis of Class 3 Site Plan Review Approval Criteria

Salem Revised Code (SRC) 220.005(f)(3) provides that an application for a Class 3 Site Plan Review shall be granted if the following criteria are met:

Criterion 1:

The application meets all applicable standards of the UDC.

Finding: The proposal includes a new 3,400-square-foot building and site improvements at an existing shopping center.

The proposed development conforms to SRC Chapter 522 and all other applicable development standards of the Salem Revised Code as follows:

Development Standards – CR (Retail Commercial) Zone:

SRC 522.005(a) – Uses:

Finding: The allowed uses within the CR zone are identified under SRC 522.005, Table 522-1. The proposed tenant, a paint retailer, is classified as a *retail sales* use. Within the CR zone, *retail sales* uses, excluding used merchandise stores where sales and storage of merchandise and equipment is not conducted entirely within a building, are allowed as a permitted use.

SRC 522.010(a) – Lot Standards:

There is no minimum lot size, lot width, or lot depth standard in the CR zone. The minimum street frontage requirement for all uses except for *single family* is 16 feet.

Finding: The existing lot complies with the lot standards of the CR zone and no changes to the lot size or dimensions are proposed.

SRC 522.010(b) – Setbacks:

Setbacks within the CR zone shall be provided as set forth in SRC Table 522-3 and Table 522-4.

Abutting Street

East: Adjacent to the east is right-of-way for Liberty Road S. There is a minimum setback of five feet for buildings and accessory structures, and a minimum setback of six to ten feet for vehicle use areas, pursuant to SRC chapter 806.

Finding: The proposed site plan shows a setback of 13 feet between the proposed building and the east property line, and no changes to the existing nonconforming setbacks between the nearest vehicle use area and the east property line. Except for existing nonconforming setbacks mentioned herein, the proposal meets the setback standards of the zone. As conditioned, the applicant will be required to provide landscape plans at the time of development showing required setbacks landscaped and screened as required under SRC chapters 806 and 807.

North: Adjacent to the north is right-of-way for Cunningham Lane S. There is a minimum setback of five feet for buildings and accessory structures, and a minimum setback of six to ten feet for vehicle use areas, pursuant to SRC chapter 806.

Finding: The proposed development does not change the existing development's setbacks along this property line, and no changes are required.

Interior Property Lines

South: Adjacent to the south is property zoned CR (Retail Commercial). Minimum zone-to-zone setbacks to this property line for buildings, accessory structures, and vehicle use areas for all uses not falling within the *household living* use category are established within the zone-to-zone setback table, SRC Table 522-4. There is no minimum setback for buildings or accessory structures, and vehicle use areas require a minimum setback of five feet. Landscaping and screening shall comply with the Type A standard per Chapter 807.

Finding: The proposed development does not change the existing development's setbacks along this property line, and no changes are required.

West: Adjacent to the west is property zoned RM-II (Multiple Family Residential-II). Minimum zone-to-zone setbacks to this property line for buildings, accessory structures, and vehicle use areas for all uses not falling within the *household living* use category are established within the zone-to-zone setback table, SRC Table 522-4. Buildings, accessory structures, and vehicle use areas require a minimum setback of 15 feet. Landscaping and screening shall comply with the Type C standard per Chapter 807.

Finding: The proposed development does not change the existing development's setbacks along this property line, and no changes are required.

SRC 522.010(c) – Lot Coverage, Height:

Pursuant to SRC Table 522-5, there is no maximum lot coverage in the CR zone, and the maximum allowed height for buildings and accessory structures for uses not within the *household living* use category is 50 feet.

Finding: The proposal meets the applicable lot coverage standard, as there is no maximum lot coverage in the CR zone. The proposed building is 22 feet in height. The proposal meets these standards.

SRC 522.010(d) – Landscaping:

- (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.
- (3) **Development Site.** A minimum of 15 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard set forth in SRC chapter 807. Other required landscaping under the UDC, such as landscaping required for setbacks or vehicle use areas, may count towards meeting this requirement.

Finding: The applicant did not submit a landscaping plan. The proposed development is part of an existing shopping center which includes nonconforming situations and does not meet the current standards for vehicle use area and development site landscaping. The proposal includes improvements to bring the site closer to conformance with current standards, including providing a minimum landscaped area of 8.6 percent of the development site, and additional landscaping within the vehicle use areas. To ensure the proposed development provides landscaping in conformance with the requirements of the SRC, the following condition of approval shall apply:

Condition 2: Prior to receiving certificate of occupancy for the proposed building, landscape plans shall be approved which show landscaped areas in substantial conformance with the proposed site plan, planted to the Type A standard.

Adherence to requirements related to interior landscaping for vehicle use areas are addressed under the Off-Street Parking and Vehicle Use Area Development Standards subsection below. Except where the development maintains existing nonconforming development, as conditioned, the proposal meets the landscaping standards of the CR zone.

General Development Standards (SRC Chapter 800):

SRC 800.055 – Solid Waste Service Areas.

SRC 800.055(a) – Applicability.

Solid waste service area design standards shall apply to all new solid waste, recycling, and compostable services areas, where use of a solid waste, recycling, and compostable receptacle of one cubic yard or larger is proposed; and where any change is proposed to an existing solid waste service area for receptacles of one cubic yard or larger that requires a building permit.

Finding: The proposed development includes one new solid waste service area with a receptacle of one cubic yard or larger. The standards of SRC 800.055 apply.

SRC 800.055(b) – Solid Waste Receptacle Placement Standards.

All solid waste receptacles shall be placed at grade on a concrete pad that is a minimum of four inches thick, or on an asphalt pad that is a minimum of six inches thick. The pad shall have a slope of no more than a three percent and shall be designed to

discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.

Finding: The applicant's development plans show the receptacle will be placed at grade on a concrete pad that is a minimum of four inches thick, with a slope of two percent or less. The proposal meets the standard.

SRC 800.055(b)(1) – Pad Area.

The pad area shall extend a minimum of one foot beyond the sides and rear of the receptacle; and the pad area shall extend a minimum three feet beyond the front of the receptacle. In situations where receptacles face each other, a minimum four feet of pad area shall be required between the fronts of the facing receptacles.

Finding: The applicant's development plans show the pad area extends a minimum of one foot beyond the sides and rear of the receptacle, and a minimum of three feet beyond the front of the receptacle. The proposal does not include receptacles which face each other. The proposal meets the standard.

SRC 800.055(b)(2) – Minimum Separation.

A minimum separation of 1.5 feet shall be provided between the receptacle and the side wall of the enclosure. A minimum separation of five feet shall be provided between the receptacle and any combustible walls, combustible roof eave lines, or building or structure openings.

SRC 800.055(b)(3) – Vertical Clearance.

Receptacles two cubic yards or less in size shall be provided with a minimum of eight feet of unobstructed overhead or vertical clearance for servicing. Receptacles greater than two cubic yards in size shall be provided with a minimum of 14 feet of unobstructed overhead or vertical clearance for servicing; provided, however, overhead or vertical clearance may be reduced to eight feet: For enclosures covered by partial roofs, where the partial roof over the enclosure does not cover more than the rear eight feet of the enclosure, as measured from the inside of the rear wall of the enclosure (see Figure 800-6); or where a physical barrier is installed within, and a maximum of eight feet from the front opening of, the enclosure preventing the backward movement of the receptacle (see Figure 800-7).

Finding: The applicant's development plans show receptacles greater than two cubic yards, with at least 14 feet of unobstructed overhead or vertical clearance for servicing. The proposal meets the standard.

SRC 800.055(c) – Permanent Drop Box and Compactor Placement Standards.

Permanent drop box and compactors shall meet the placement standards set forth in this section.

Finding: The proposal does not include permanent drop box or compactors. This standard does not apply to the proposed development.

SRC 800.055(d) – Solid Waste Service Area Screening Standards.

Solid waste, recycling, and compostable service areas shall be screened from all streets abutting the property and from all abutting residentially zoned property by a minimum six-foot-tall sight-obscuring fence or wall; provided, however, where receptacles, drop boxes, and compactors are located within an enclosure, screening is not required. For the purpose of this standard, abutting property shall also include any residentially zoned property located across an alley from the property. Existing screening at the property line shall satisfy screening requirements if it includes a six-foot-tall sight-obscuring fence or wall.

Finding: The applicant's development plans show the proposed solid waste service area will be screened with six-foot-tall sight-obscuring walls and gates. The proposal meets the standard.

SRC 800.055(e) – Solid Waste Service Area Enclosure Standards.

When enclosures are used for required screening or aesthetics, such enclosures shall conform to the standards set forth in this subsection. The overall dimensions of an enclosure are dependent upon the number and size of receptacles the enclosure is designed to accommodate.

SRC 800.055(e)(1) – Front Opening of Enclosure.

The front opening of the enclosure shall be unobstructed and shall be a minimum of 12 feet in width.

Finding: The applicant's development plans show an enclosure with a front opening of greater than 12 feet. The proposal meets the standard.

SRC 800.055(e)(2) – Measures to Prevent Damage to Enclosure.

Enclosures constructed of wood or chainlink fencing material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure to prevent damage from receptacle impacts. Enclosures constructed of concrete, brick, masonry block, or similar types of material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure, or a fixed bumper rail to prevent damage from receptacle impacts. The requirements under subsections (e)(2)(A) and (B) of this section shall not apply if the enclosure is designed to be separated: A minimum distance of two feet from the sides of the container or receptacles; and a minimum of three feet from the rear of the container or receptacles.

Finding: The applicant's development plans show enclosures constructed of concrete block material, with a fixed bumper rail inside the perimeter of the outside walls of the enclosure. The proposal meets the standard.

SRC 800.055(e)(3) – Enclosure Gates.

Any gate across the front opening of an enclosure shall swing freely without obstructions. For any enclosure opening with an unobstructed width of less than 15 feet, the gates shall open a minimum of 120 degrees. For any enclosure opening with an unobstructed width of 15 feet or greater, the gates shall open a minimum of 90 degrees. All gates shall have restrainers in the open and closed positions.

Finding: The proposed development includes an enclosure with an opening greater than 15 feet, with gates which open a minimum of 90 degrees. Restrainers are shown in both the open and closed positions. The proposal meets the standard.

SRC 800.055(e)(4) – Prohibited Structures.

Receptacles shall not be stored in buildings or entirely enclosed structures unless as set forth in this section.

Finding: The proposed site plan does not show a receptacle within an entirely enclosed structure. The proposal meets the standard.

SRC 800.055(f) – Solid Waste Service Area Vehicle Access.

SRC 800.055(f)(1) – Vehicle Operation Area.

(A) A vehicle operation area shall be provided for solid waste collection service vehicles that is free of obstructions and no less than 45 feet in length and 15 feet in width; provided, however, where the front opening of an enclosure is wider than 15 feet, the width of the vehicle operation area shall be increased to equal the width of the front opening of the enclosure. Vehicle operation areas shall be made available perpendicular to the front of every receptacle, or, in the case of multiple receptacles within an enclosure, perpendicular to every enclosure opening.

Finding: The proposed site plan shows a vehicle operation area a minimum of 45 feet in length and 22 feet in width, perpendicular to the enclosure and extending into a vehicle maneuvering area. The proposal meets the standard.

- (B) For solid waste service areas having receptacles of two cubic yards or less, the vehicle operation area may be located:
- (i) Perpendicular to the permanent location of the receptacle or the enclosure opening (see Figure 800-8);
 - (ii) Parallel to the permanent location of the receptacle or the enclosure opening (see Figure 800-9); or
 - (iii) In a location where the receptacle can be safely maneuvered manually not more than 45 feet into a position at one end of the vehicle operation area for receptacle servicing.

Finding: The proposal includes receptacles greater than two cubic yards in size. This standard does not apply.

(C) The vehicle operation area may be coincident with a parking lot drive aisle, driveway, or alley provided that such area is kept free of parked vehicles and other obstructions at all times except for the normal ingress and egress of vehicles.

(D) Vehicle operation areas shall have a minimum vertical clearance of 14 feet.

(E) In the event that access to the vehicle operation area is not a direct approach into position for operation of the service vehicle, a turnaround, in conformance with the minimum dimension and turning radius requirements shown in Figure

800-10, shall be required to allow safe and convenient access for collection service.

Finding: The proposed site plan shows a vehicle operation area which is coincident with a parking lot drive aisle and has a minimum vertical clearance of 14 feet. The proposal meets the standard.

SRC 800.065 – Pedestrian Access.

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

Finding: The pedestrian access standards of SRC Chapter 800 apply to the proposed development.

SRC 800.065(a)(1) – Connection Between Entrances and Streets.

(A) A pedestrian connection shall be provided between the primary 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.

Finding: The provided site plan indicates that pedestrian access is provided from the proposed building to both Liberty Road and Cunningham Lane. The proposal meets the standard.

(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.

Finding: There is an existing transit stop along the Liberty Road street frontage of the development site. The applicant has proposed a pedestrian connection near the transit stop, requesting an adjustment to increase the allowed distance between the pathway and the transit stop from 20 feet to 83 feet.

SRC 800.065(a)(2) – Connection Between Buildings on the Same Development Site.

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

Finding: The applicant has requested an adjustment to this standard.

SRC 800.065(a)(3) – Pedestrian 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.

Finding: The proposal includes existing off-street parking areas greater than 25,000 square feet in size. The applicant has requested an adjustment to this standard.

(B) Parking structures and parking garages. Where an individual floor of a parking structure or parking garage exceeds 25,000 square feet in size, a pedestrian connection shall be provided through the parking area on that floor to an entrance/exit.

Finding: The development site does not include existing or proposed parking structures or garages; therefore, this standard is not applicable.

SRC 800.065(a)(4) – Pedestrian Connection to Existing or Planned Paths and Trails.
Where an existing or planned path or trail identified in the Salem Transportation System Plan (TSP) or the Salem Comprehensive Parks System Master Plan passes through a development site, the path or trail shall:

(A) Be constructed, and a public access easement or dedication provided; or

(B) When no abutting section of the trail or path has been constructed on adjacent property, a public access easement or dedication shall be provided for future construction of the path or trail.

Finding: There are no planned paths or trails passing through the development site; therefore, this standard is not applicable.

SRC 800.065(a)(5) – Pedestrian 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, except as identified within this subsection.

Finding: There are no existing or proposed vehicular connections between the development site and abutting properties. This standard does not apply.

SRC 800.065(b) – Design and Materials.
Required pedestrian connections shall be in the form of a walkway, or may be in the form of a plaza.

SRC 800.065(b)(1) – Walkway Design and Materials
Walkways shall conform to the following:

(A) Materials and width. Walkways shall be paved with a hard-surface material meeting the Public Works Design Standards, and a minimum of five feet in width.

- (B) Where a walkway crosses driveways, parking areas, parking lot drive aisles, and loading areas, the walkway shall be visually differentiated from such areas through the use of elevation changes, a physical separation, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement, except when used in a parking structure or parking garage.
- (C) Where a walkway is located adjacent to an auto travel lane, the walkway shall be raised above the auto travel lane or separated from it by a raised curb, bollards, landscaping or other physical separation. If the walkway is raised above the auto travel lane it must be raised a minimum of four inches in height and the ends of the raised portions must be equipped with curb ramps. If the walkway is separated from the auto travel lane with bollards, bollard spacing must be no further than five feet on center.

Finding: Except for existing nonconforming walkways, the proposal includes pedestrian walkways which meet the materials, width, and other standards of this section.

SRC 800.065(b)(2) – Wheel Stops.

Wheel stops or extended curbs shall be provided along required pedestrian connections to prevent the encroachment of vehicles onto pedestrian connections.

Finding: The proposed site plan shows one row of eight compact spaces west of the proposed building which require wheel stops but none are shown. To ensure the proposal provides wheel stops or extended curbs along required pedestrian connections to prevent the encroachment of vehicles onto pedestrian connections, the following condition of approval shall apply:

Condition 3: Wheel stops or extended curbs shall be provided within the row of eight compact spaces west of the proposed building.

As conditioned, the proposal meets the standard.

SRC 800.065(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.

Finding: The proposed plans show lighting placed throughout the site, adjacent to the pedestrian circulation system. Full adherence with this standard will be ensured at the time of building permit review.

Off-Street Parking, Loading, and Driveways SRC 806

SRC 806.005 - Off-Street Parking; When Required.

Off-street parking 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 parking ratio requiring a greater number of spaces than the previous use or activity; or any intensification, expansion, or enlargement of a use or activity.

Finding: The proposal includes a new use or activity. The off-street parking development standards of this chapter apply.

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, or within the additional locations set forth under this section.

SRC 806.015 - Amount of Off-Street Parking.

- a) *Minimum Required Off-Street Parking.* The minimum off-street parking requirement for a shopping center is one per 250 square feet, where the square footage equals the gross floor area.
- b) *Compact Parking.* Up to 75 percent of the minimum off-street parking spaces required under this chapter may be compact parking spaces.
- c) *Carpool and Vanpool Parking.* New developments with 60 or more required off-street parking spaces, and falling within the public services and industrial use classifications, and the business and professional services use category, shall designate a minimum of five percent of their total off-street parking spaces for carpool or vanpool parking.
- d) *Maximum Off-Street Parking.* Except as otherwise provided in this section, and otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-2A. For uses requiring 20 spaces or less, the maximum number of off-street parking spaces allowed is 2.5 times the minimum number of spaces required. For uses requiring more than 20 spaces, the maximum number of off-street parking spaces allowed is 1.75 times the minimum number of spaces required.

Finding: The proposed gross floor area of the development is 98,285 square feet, requiring a minimum of 393 off-street parking spaces ($98,285 / 250 = 393.14$). The site plan proposes 404 off-street parking spaces, which meets the minimum standard.

Of the 404 off-street parking spaces shown on the proposed site plan, 33 are proposed as compact spaces. This meets the compact parking space allotment standard set forth in SRC 806.015(b).

The proposed development requires 60 or more off-street parking spaces, but does not fall within the public services and industrial use classifications or the business and professional services use category. No carpool or vanpool spaces are required.

Based on a minimum off-street parking requirement of 393 spaces, the maximum number of off-street parking spaces allowed is 688 spaces ($393 \times 1.75 = 687.75$). The proposed development includes a total of 404 spaces, which does not exceed the maximum standard.

SRC 806.035 - Off-Street Parking and Vehicle Use Area Development Standards.

- a) *General Applicability.* The off-street parking and vehicle use area development standards set forth in this section apply to the development of new off-street parking and vehicle use areas, expansion or alteration of existing off-street parking and vehicle use areas where existing paved surface is replaced with a new paved surface, or the paving of an unpaved area.

Finding: The proposal includes alteration of an existing off-street parking and vehicle use area. The development standards of this section apply to the proposed development.

- b) *Location.* Off-street parking and vehicle use areas shall not be located within required setbacks.
- c) *Perimeter Setbacks and Landscaping.* Perimeter setbacks shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures.

Finding: The proposed development is part of a larger shopping center development with existing nonconforming perimeter setbacks. Except where existing nonconforming situations are in place, the proposed reconfigured off-street parking area complies with all applicable location and perimeter setback requirements.

- d) *Interior Landscaping.* Except as otherwise set forth in this section, interior landscaping shall be provided in amounts not less than those set forth in Table 806-5.

Finding: The proposed development is part of an existing shopping center which includes a nonconforming off-street parking area and does not meet the current standards for interior landscaping. The proposal includes improvements to bring the site closer to conformance with current standards, including the addition of approximately 2,162 square feet of interior landscaping.

- e) *Off-Street Parking Area Dimensions.* Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-6.

Finding: The proposed off-street parking spaces, driveways, and drive aisles comply with the minimum dimensional requirements of Table 806-6.

- f) *Additional Off-Street Parking Development Standards 806.035(f)-(m).*

The proposed reconfigured off-street parking area is developed consistent with the additional development standards for grade, surfacing, drainage, bumper guards, and striping. The parking area marking, signage, and lighting shall comply with the standards of SRC chapter 806. No additional off-street parking area screening per SRC 806.035(m) is required for the proposed reconfigured vehicle parking area.

Bicycle Parking

SRC 806.045(a) - General Applicability.

Bicycle parking 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 bicycle parking ratio requiring a greater number of spaces than the previous use or activity, or any intensification, expansion, or enlargement of a use or activity.

Finding: The proposed development includes a new use or activity. The bicycle parking development standards of this chapter apply.

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.

Bicycle parking shall be provided in amounts not less than those set forth in Table 806-8. Shopping centers require a minimum of the greater of the following: four spaces; or one per 10,000 square feet for first 50,000 square feet; plus one per 20,000 square feet for 50,000 to 100,000 square feet.

Finding: The gross floor area of the proposed development is 98,285 square feet, requiring a minimum of eight bicycle parking spaces. The proposed development plans include a total of 14 existing and proposed bicycle parking spaces. The proposal meets the standard.

SRC 806.060 – Bicycle Parking Development Standards.

(a) *Location.* Except as otherwise provided in this section, bicycle parking shall be located outside a building.

- (1) Bicycle parking located outside a building shall be located within a convenient distance of, and be 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.
- (2) Where bicycle parking cannot be located outside a building, it may be located inside a building within a convenient distance of, and accessible from, the primary building entrance.

Finding: The proposal calls for four new spaces to be located adjacent to the proposed building, located less than 50 feet from the entrance, as well as two new spaces adjacent to the existing Subway restaurant at 4511 Liberty Road S. Eight existing spaces are dispersed throughout the site. The proposal meets the standard.

(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 proposed site plan, the proposed bicycle parking areas have direct access to the public right-of-way through the proposed pedestrian paths and vehicle use areas. Additionally, the bicycle parking areas have direct access to

primary building entrances through the proposed pedestrian pathways in conformance with the requirements of SRC 806.060(b).

(c) *Dimensions.* Except as provided in subsection (f) of this section, bicycle parking areas shall meet the following dimension requirements:

- (1) Bicycle parking spaces. Bicycle parking spaces shall be a minimum of six feet in length and two feet in width with the bicycle rack centered along the long edge of the bicycle parking space. Bicycle parking space width may be reduced, however, to a minimum of three feet between racks where the racks are located side-by-side.
- (2) Access aisles. Bicycle parking spaces shall be served by a minimum four-foot-wide access aisle. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

Finding: Each proposed bicycle parking space meets the minimum dimensions of this section. The spaces are arranged in rows adjacent to existing or proposed pedestrian accessways, providing a minimum 4-foot-wide access aisle. 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 proposed bicycle parking spaces are placed on hard surface materials. The proposal meets 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) Racks must support the bicycle frame in a stable position, in two or more places a minimum of six inches horizontally apart, without damage to 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.
- (5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-10.

Finding: The applicant has proposed three staple or inverted-U racks which meet these standards.

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.

Finding: The proposed development includes a new use or activity. The loading area development standards of this chapter apply.

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. Per Table 806-9, for *retail sales* uses with less than 5,000 square feet of gross floor area, no minimum off-street loading spaces are required.

Finding: The gross floor area of the proposed building is 3,400, requiring no minimum off-street loading spaces. The applicant has proposed one loading space adjacent to the new building which meet the minimum dimensional standards of this chapter. The proposal meets the standard.

Landscaping

SRC 807 – Landscaping and Screening: All required setbacks shall be landscaped to the Type A standard, with a minimum of 1 plant unit per 20 square feet of landscaped area. A minimum of 40 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.

All building permit applications for development subject to landscaping requirements shall include landscape and irrigation plans meeting the requirements of SRC Chapter 807.

Finding: The applicant's development plans show landscaped areas on the proposed site plan, but no landscaping plan was provided by the applicant. As conditioned, the applicant will be required to provide a landscaping plan meeting the standards of SRC chapter 807 at the time of development. A minimum of 40 percent of the required plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees.

Natural Resources

SRC 601 - Floodplain Overlay Zone: Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

SRC 808 - Preservation of Trees and Vegetation: The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove a significant tree (Oregon white oak greater than 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.

Finding: No trees or native vegetation protected under SRC chapter 808 are identified for removal.

SRC 809 - Wetlands: 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.

According to the Salem-Keizer Local Wetland Inventory (LWI), the subject property does not contain any wetland areas or hydric soils.

SRC 810 - Landslide Hazards: According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810, the subject property does not contain any mapped landslide hazard areas.

Other Sections

With completion of the conditions of approval, the subject property meets all applicable standards of the following chapters of the UDC: 601 – Floodplain, 802 – Public Improvements, 803 – Streets and Right-of-Way Improvements, 804 – Driveway Approaches, 805 – Vision Clearance, 809 – Wetlands, and 810 – Landslides.

Criterion 2:

The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately.

Finding: The existing street system is adequate to serve the proposed development and the development generates less than 20 new average daily vehicle trips; therefore, no right-of-way dedication or street improvements are required pursuant to SRC 803.040(d). Pursuant to SRC 78.180(a), the applicant has proposed to replace the sidewalk within the westernmost driveway approach along Cunningham Lane S. Otherwise, no changes to the existing street improvements are required or proposed.

The following condition of approval shall apply:

Condition 4: Replace the sidewalk along the westernmost driveway approach along Cunningham Lane S.

As conditioned, this criterion is met.

Criterion 3:

Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians.

Finding: The applicant's proposed site plan includes on-site vehicle, pedestrian, and bicycle infrastructure which will allow for safe and efficient movement throughout the site's parking areas, driveways, and walkways.

Criterion 4:

The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development.

Finding: The Public Works Department has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development. The applicant is proposing connections to existing public water and sewer infrastructure in Liberty Road S.

The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director.

As proposed, this criterion is met.

4. Analysis of Class 2 Adjustment Approval Criteria

SRC 250.005(d)(2) sets forth the following criteria that must be met before approval can be granted to an application for a Class 2 Adjustment. The following subsections are organized with approval criteria underlined, followed by findings evaluating the proposed development's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Class 2 Adjustment application, or for the issuance of certain conditions to ensure the criteria are met.

Criterion 1:

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.

Finding: The applicant has requested three adjustments to: 1) Increase the allowed distance between a pedestrian pathway and an adjacent transit stop from 20 feet to 83 feet; 2) Eliminate the required pedestrian pathways between existing buildings and the rest of the shopping center; and 3) Eliminate a required pedestrian pathway through an existing off-street parking area.

- *Adjustment to Increase the Allowed Distance Between a Pedestrian Pathway and an Adjacent Transit Stop from 20 Feet to 83 Feet*

The applicant has requested a Class 2 Adjustment to increase the allowed distance between a pedestrian pathway to Liberty Road and an adjacent transit stop to 83 feet, where SRC 800.065(a)(1)(B) allows a maximum of 20 feet.

In summary, the applicant's written statement (**Attachment C**) states the required pedestrian improvements in relation to the existing development are not proportional. They note the existing development is quite large and was developed under previous versions of the SRC, when pedestrian access standards were not in effect. To apply each of the standards of SRC 800.065 would require very significant changes to the site, eliminating existing parking spaces and bringing the site into noncompliance with off-street parking requirements of the SRC.

To justify the requested adjustment, the applicant has proposed pedestrian connections between the main building of the shopping center, which is set back away from Liberty Road, and the proposed building, which is placed near Liberty Road. This provides a connection from the street to both the proposed building and the main building, which previously had no designated pedestrian access point. There is an existing row of off-street parking spaces adjacent to Liberty Road and the transit stop in question. Putting a new pedestrian connection within 20 feet of the transit stop, as required under SRC chapter 800, would require the elimination of the entire row of parking spaces. The applicant chose to retain these spaces to keep the site in compliance with minimum off-street parking requirements, providing a pedestrian connection approximately 83 feet from the transit stop.

Due to existing site constraints and considering the applicant's proposed improvements to the site's pedestrian circulation system, Staff finds the purpose underlying the specific development standard proposed for adjustment is equally or better met by the proposed development.

- *Adjustment to Eliminate the Required Pedestrian Pathways Between Existing Buildings and the Rest of the Shopping Center*

The applicant has requested a Class 2 Adjustment to eliminate required pedestrian connections between the existing and proposed buildings on site, where SRC 800.065(a)(2) would require a connection between each primary building entrance.

In summary, the applicant's written statement (**Attachment C**) states the required pedestrian improvements in relation to the existing development are not proportional. They note the existing development is quite large and was developed under previous versions of the SRC, when pedestrian access standards were not in effect. To apply each of the standards of SRC 800.065 would require very significant changes to the site, eliminating existing parking spaces and bringing the site into noncompliance with off-street parking requirements of the SRC.

The purpose of this standard is to provide safe walkways between buildings on the same development site, so people can travel throughout the site with ease and efficiency. Due to the limited scope of the proposal and the existing improvements on site, it was not feasible for the applicant to meet this standard without bringing the site into noncompliance in other ways. The applicant notes that meeting the standard in this situation would require the removal of entire rows of off-street parking spaces for a development site with relatively limited off-street parking—the proposal provides 404 spaces, which is eleven spaces more than the minimum standard from SRC 806.015. While the applicant does not propose connections meeting this standard, they have proposed pedestrian improvements to the site to justify the three requested adjustments, including providing a new connection between the Subway restaurant and Liberty Road.

Staff finds the purpose underlying the specific development standard proposed for adjustment is clearly inapplicable to the proposed development.

- *Adjustment to Eliminate a Required Pedestrian Pathway Through an Existing Off-Street Parking Area*

The applicant has requested a Class 2 Adjustment to eliminate a required pedestrian pathway through an existing off-street parking area, where SRC 800.065(a)(3)(A) requires off-street surface parking areas greater than 25,000 square feet in size or including four or more consecutive parallel drive aisles to include pedestrian connections through the parking area to the primary building entrance.

Like the other two adjustments, the applicant notes the relatively limited scope of the proposal in relation to the site's existing development, and points out the difficulty of meeting this standard without bringing many other areas of the site out of compliance with the SRC. To meet this standard, the applicant would need to provide two pedestrian connections through the site's off-street parking areas. This would necessitate the removal of multiple rows of parking spaces. The applicant has proposed a connection between Liberty Road, the proposed building, and the main building of the shopping center, which acts as a point of separation between the two main sections of the site's off-street parking areas. This connection, while not meeting the standards of SRC 800.065(a)(3)(A), provides a useable path which partially meets the intent of the code and helps justify the requested adjustment.

Staff notes the main building within the shopping center is L-shaped, with most of the building set back away from Liberty Road and one corner of the building extending toward Liberty Road, with an existing pedestrian path wrapping around the front of the building. By connecting the corner of the building near Liberty Road to the public sidewalk along this street, this would further break up the site's large off-street parking areas and provide reasonable pedestrian circulation into, through, and out of the development site. Furthermore, it appears this would require the elimination of only one parking space, thereby limiting the impact to the rest of the site. The following condition of approval shall apply:

Condition 5: Provide a pedestrian connection between the main building in the shopping center and Liberty Road S, located in the approximate area south and east of the southernmost ADA parking stall. The pedestrian connection shall meet the design and materials standards of Salem Revised Code 800.065(b).

As conditioned, Staff finds the purpose underlying the specific development standard proposed for adjustment is equally or better met by the proposed development.

Criterion 2:

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

Finding: The subject property is not located with a residential zone. This criterion does not apply to the proposed development.

Criterion 3:

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.

Finding: A total of three adjustments have been requested. Pursuant to SRC chapter 522, the purpose of the CR zone is to implement the commercial designation of the Salem Area Comprehensive Plan and generally allows a wide array of retail sales and office uses. The requested adjustments allow for the partial redevelopment of a complex shopping center site with physical restraints, including existing site improvements. The proposed adjustments allow for a development which is consistent with the overall purpose of the zone.

The following condition of approval shall apply:

Condition 6: The adjusted development standards shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the Unified Development Code, unless adjusted through a future land use action.

5. Based upon review of SRC Chapters 220 and 250, the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

ORDER

Final approval of Class 3 Site Plan Review and Class 2 Adjustment case no. SPR-ADJ21-33 is hereby **APPROVED** subject to SRC Chapters 220 and 250, the applicable standards of the Salem Revised Code, conformance with the approved site plan included as **Attachment B**, and the following conditions of approval:

- Condition 1:** Landscaping shall not block visibility of the transit stop along the property's street frontage as viewed from the southbound travel lanes of Liberty Road S. Any landscaping planted within the area directly northwest of the transit stop shall not be taller than 30 inches above curb level.
- Condition 2:** Prior to receiving certificate of occupancy for the proposed building, landscape plans shall be approved which show landscaped areas in substantial conformance with the proposed site plan, planted to the Type A standard.
- Condition 3:** Wheel stops or extended curbs shall be provided within the row of eight compact spaces west of the proposed building.
- Condition 4:** Replace the sidewalk along the westernmost driveway approach along Cunningham Lane S.
- Condition 5:** Provide a pedestrian connection between the main building in the shopping center and Liberty Road S, located in the approximate area south and east of the southernmost ADA parking stall. The pedestrian connection shall meet the design and materials standards of Salem Revised Code 800.065(b).
- Condition 6:** The adjusted development standards shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the Unified Development Code, unless adjusted through a future land use action.



Brandon Pike, Planner I, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

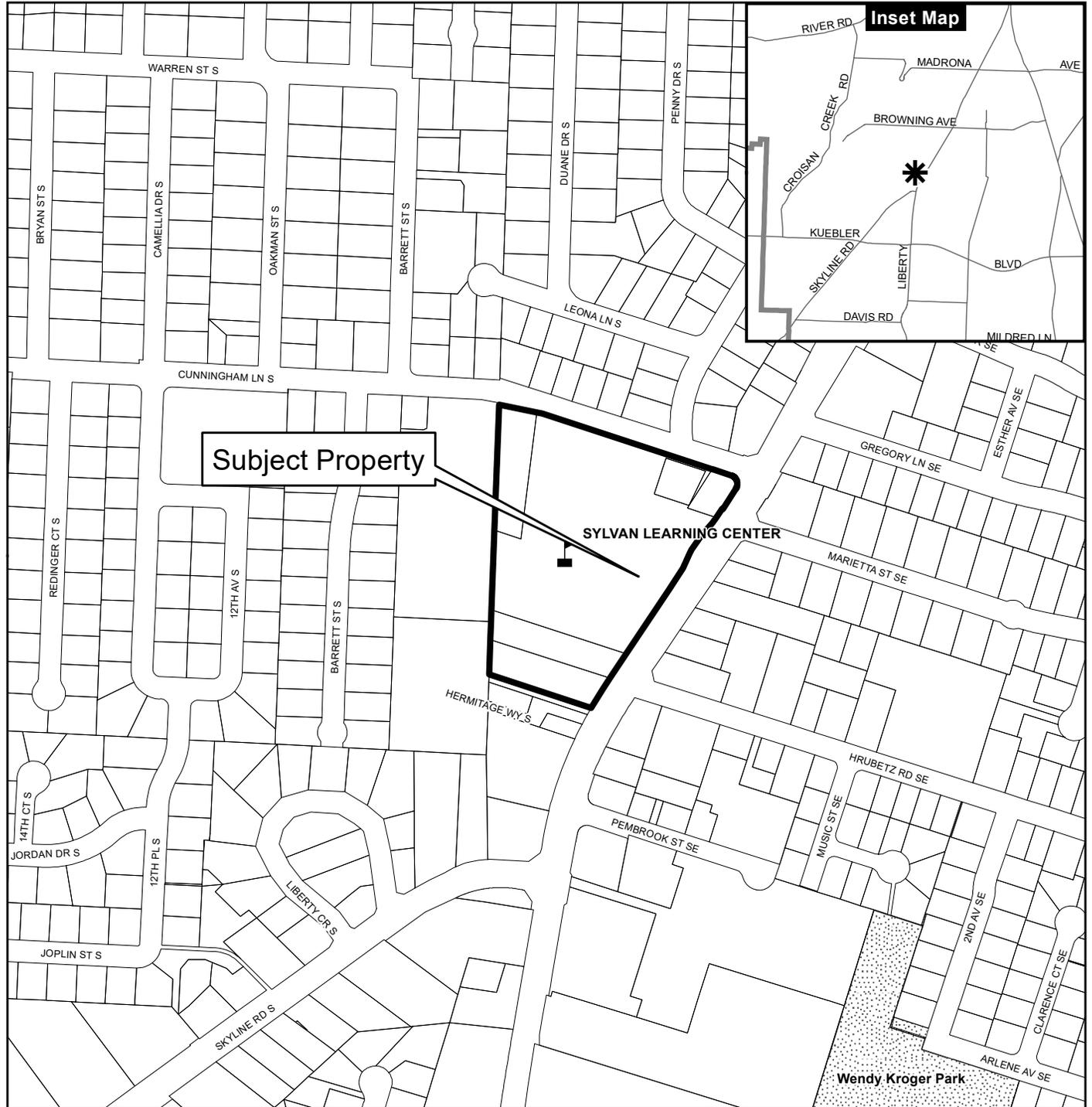
Prepared by Brandon Pike, Planner I

Attachments:

- A. Vicinity Map
- B. Proposed Site Plan
- C. Applicant's Written Statement
- D. Memo from the Public Works Department

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

Vicinity Map 4507 Liberty Road S



Legend

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



0 100 200 400 Feet



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ATTACHMENT B

SITE LEGEND:

SITE ELEMENT DESCRIPTION:	LEGEND:
BUILDINGS:	[Solid Grey Box]
LANDSCAPING:	[Dotted Pattern Box]
CONCRETE SIDEWALKS:	[Stippled Pattern Box]

ZONE: CR RETAIL COMMERCIAL
 TOTAL SITE AREA: 357,106sf
 PROPOSED BUILDING HEIGHT: 22'-0"
 USE OF PROPOSED BUILDING: RETAIL SALES

EXISTING CONDITIONS:
 TOTAL SF ALL BUILDINGS EXISTING: 94,885 SF
 PARKING PROVIDED: 390 SPACES
 94,885 SF/390 SPACES=1 SPACE PER 243.25 SF

27,225 SF LANDSCAPING - 7.6% OF SITE AREA
 94,885 SF BUILDING AREA - 26.5% OF SITE AREA

PROPOSED:
 TOTAL SF ALL BUILDINGS PROPOSED: 98,285 SF
 PARKING PROVIDED: 404 SPACES
 98,285 SF/400 SPACES=1 SPACE PER 245.71 SF
 MINIMUM 394 REQUIRED

COMPACT SPACES: 33
 FULL SIZE SPACES: 356
 FULL SIZE ACCESSIBLE SPACES: 15

30,867 SF LANDSCAPING - 8.6% OF SITE AREA
 98,285 SF BUILDING AREA - 27.5% OF SITE AREA

NOTE: SHOPPING CENTER REQUIRES 1 PARKING SPACE PER 250 SF OF GROSS BUILDING AREA.

BICYCLE PARKING REQUIRED:
 SHOPPING CENTER: 1 PER 10,000 SF FOR FIRST 50,000 SF AND 1 PER 20,000 SF FOR 50,000 TO 100,000 SF
 98,285 REQUIRES 8 BICYCLE PARKING SPACES.
 (4) SPACES PROPOSED AT SHERWIN WILLIAMS.
 (4) SPACES EXISTING IN FRONT OF ROTHS
 (4) SPACES EXISTING IN FRONT OF LOVE LOVE TERIYAKI
 (2) SPACES PROPOSED AT SUBWAY

SITE PLAN NOTES:

- 1 EXISTING STRIPING, NO WORK.
- 2 RECONFIGURED STRIPING.
- 3 NEW LANDSCAPE AREA.
- 4 NEW CONCRETE WALK.
- 5 AT GRADE, CONCRETE WALK. CUT ASPHALT AS REQUIRED.
- 6 STRIPING, NO PARKING AREA.
- 7 RAMP PER CIVIL DRAWINGS. PROVIDE 1/2" DIAMETER HANDRAIL BOTH SIDES.
- 8 48" SPECIAL SETBACK.
- 9 LOADING AREA. EXISTING ASPHALT TO REMAIN.
- 10 CUT ASPHALT AND REPLACE WITH CONCRETE. MODIFY SUBWAY GUARDRAIL AND POUR CONCRETE STEPS TO PATIO. CONNECT TO CITY SIDEWALK.
- 11 CUT ASPHALT AND REPLACE WITH CONCRETE. CONNECT EXISTING ROTHS SIDEWALK WITH CITY SIDEWALK.
- 12 (2) BICYCLE PARKING STALLS.
- 13 PROVIDE ACCESSIBLE STALL SYMBOL, POLE MOUNTED SIGN AND ADJACENT STRIPING PER DETAILS.
- 14 PLANT STREET TREES ALONG LIBERTY AT 30'-0" MAX SPACING.
- 15 EXISTING LOADING AREA, NO WORK.
- 16 ADD BICYCLE RACK TO SUBWAY PATIO AREA.

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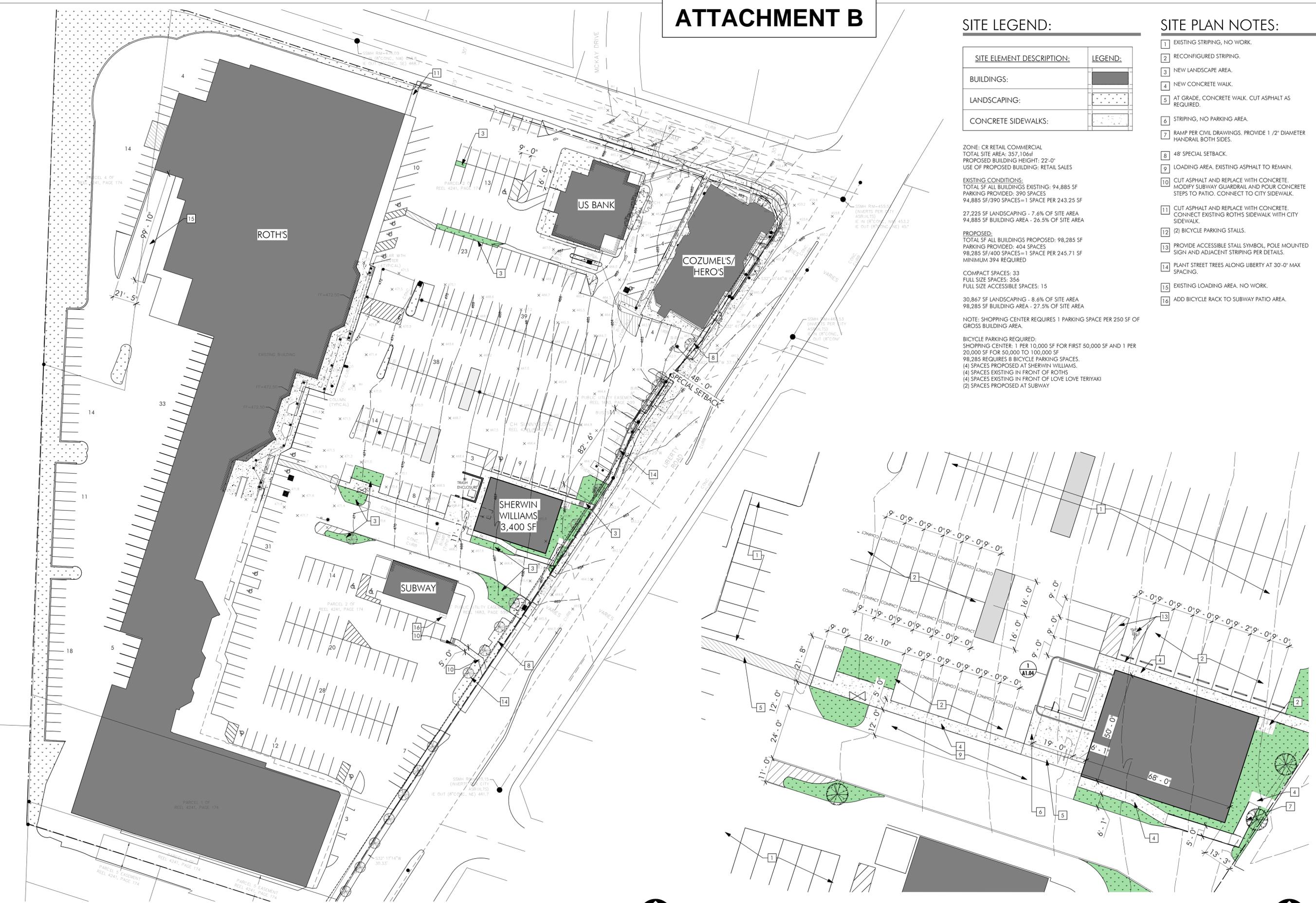
IN THE EVENT CONFLICTS ARE DISCOVERED BETWEEN THE ORIGINAL SIGNED AND SEALED DOCUMENTS PREPARED BY THE ARCHITECTS AND/OR THEIR CONSULTANTS, AND ANY COPY OF THE DOCUMENTS TRANSMITTED BY MAIL, FAX, ELECTRONICALLY OR OTHERWISE, THE ORIGINAL SIGNED AND SEALED DOCUMENTS SHALL GOVERN.

PROJECT # 2021-004
 DATE: 9/26/2021

REVISIONS

NEW BUILDING FOR:
SHERWIN WILLIAMS
 SUNNYSLOPE PLAZA - LIBERTY ROAD S - SALEM, OR

SHEET:
A1.01



1 Sunnyslope Site Plan
 0' 10' 20' 40' 60' 80' 100' 120' 1" = 40'-0"

2 Site Plan Callout 1
 0' 5' 10' 20' 40' 60' 1" = 20'-0"



**Request for Adjustment:**

Date: November 19, 2021

**Subject: Sherwin Williams
Sunnyslope Plaza
Liberty Road S - Salem, Oregon**

Standard

Sec. 800.065 Pedestrian Access

Pedestrian Access: The proposal does not appear to meet the following standard(s):

- SRC 800.065(a)(1)(A): This standard will require a connection to Cunningham Ln S.
- SRC 800.065(a)(1)(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 800-12). There is a transit stop along the development site's street frontage, which will require a pedestrian connection meeting this standard.
- SRC 800.065(a)(2): Connections between US Bank, Subway, and Cozumel's/Hero's are required to the rest of the development site.
- SRC 800.065(a)(3): The development site contains, by my measurements, two off-street parking areas (the area south of Subway and the area north of the proposed Sherwin Williams) which require a pedestrian connection under this section. The plan will need to be revised to meet this standard, or an adjustment will need to be requested.

Conflict:

Providing pedestrian access for the entire existing development is not feasible to accomplish while still meeting the vehicle parking requirements per current zoning standards. Furthermore, the scope of the work that would be required to fulfill 800.065 for the entire site is not proportional with the scale of our proposed impact to the site.

Proposed:

The proposal does include a pedestrian connection from the existing ROW to the Sherwin Williams building and then to the sidewalk in front of the Roth's building. This connection point is 82'-6" away from the bus stop. We ask that this distance is acceptable given that adding a pedestrian connection east/west through the greater parking area is not feasible.

Efforts are being made to better connect the existing street frontages to the primary building entrances throughout the site. We are proposing, in addition to the Sherwin Williams connection:

1. We will be removing the existing paint striped crosswalk between the Cunningham Lane sidewalk and the NE corner of the Roth's building sidewalk. The asphalt will be cut and removed and then replaced with concrete.
2. We are proposing to add a pedestrian connection from Liberty Rd to the Subway building. This will entail cutting asphalt and replacing with concrete, adding new concrete walkway, and adding stairs to meet the elevated patio at Subway.

Sec. 250.005. - Adjustments.

(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

This is an existing development that was designed and constructed under a previous version of Salem's Zoning Code. To apply the current zoning standards in question to the entire property is not possible and doing so would render the property as useless with the inability to obtain approval from the planning department due to a deficit of parking stalls. Therefore, the standards are clearly inapplicable; however, we are making great efforts to move the property closer to compliance with current standards, having a scope that reaches beyond what is proportional to the proposed development.

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

Not applicable.

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

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.

The adjustments requested do not fundamentally jeopardize the overall purpose of the zone but in fact brings the site closer the intent of the overall zone.



MEMO

TO: Brandon Pike, Planner I
Community Development Department

FROM: Glenn J. Davis, PE, CFM, Chief Development Engineer
Public Works Department 

DATE: December 30, 2021

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
SPR-ADJ21-33 (21-112200)
4507 LIBERTY ROAD S
NEW RETAIL BUILDING**

PROPOSAL

A consolidated Class 3 Site Plan Review for a new 3,400-square-foot building and associated site improvements with a Class 2 Adjustment to pedestrian access standards. The subject property is approximately 8.18 acres in size, zoned CR (Retail Commercial), and located at 4507 Liberty Road S (Marion County Assessor map and tax lot numbers: 083W09AC / 3800, 3900, 4000, 4100, 4200, 4300, and 4400).

RECOMMENDED CONDITIONS OF APPROVAL

1. Replace the sidewalk along the westernmost driveway approach along Cunningham Lane S pursuant to SRC 78.180(a).

FACTS

Streets

1. Liberty Road S
 - a. Standard—This street is designated as a Major Arterial street in the Salem TSP. The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way.
 - b. Existing Conditions—This street has an approximate 68-foot improvement within a varied 86-to-98-foot-wide right-of-way abutting the subject property.
 - c. The property is subject to a special setback equal to 48 feet measured from the centerline on the development side of Liberty Road S.

Code authority references are abbreviated in this document as follows: *Salem Revised Code* (SRC); *Public Works Design Standards* (PWDS); *Salem Transportation System Plan* (Salem TSP); and *Stormwater Management Plan* (SMP).

2. Cunningham Lane S

- a. Standard—This street is designated as a Collector street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Conditions—This street has an approximate 40-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions

- a. 12-inch and 18-inch storm mains are located in Liberty Road S.
- b. A 10-inch storm main is located in Cunningham Lane S.

Water

1. Existing Conditions

- a. The subject property is located in the S-2 water service level.
- b. A 12-inch water main is located in Liberty Road S and Cunningham Lane S.

Sanitary Sewer

1. Existing Conditions

- a. An 8-inch sewer main is located in Liberty Road S and Cunningham Lane S.

CRITERIA AND FINDINGS

Analysis of the development based on relevant criteria in SRC 220.005(f)(3) is as follows:

Criteria: SRC 220.005(f)(3)(A) The application meets all applicable standards of the UDC (*Unified Development Code*)

Finding—With completion of the conditions above, the subject property meets all applicable standards of the following chapters of the UDC: 601 – Floodplain, 802 – Public Improvements, 803 – Streets and Right-of-Way Improvements, 804 – Driveway Approaches, 805 – Vision Clearance, 809 – Wetlands, and 810 - Landslides.

Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property does not contain any wetland areas or hydric soils.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas on the subject property.

Criteria: SRC 220.005(f)(3)(B) The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately

Finding—The existing street system is adequate to serve the proposed development and the development generates less than 20 new average daily vehicle trips; therefore, no right-of-way dedication or street improvements are required (SRC 803.040(d)).

The proposed development is subject to a special setback equal to 48 feet from centerline on the development side of Liberty Road S.

Pursuant to SRC 78.180(a), the applicant has proposed to replace the sidewalk along the westernmost driveway approach along Cunningham Lane S. All other sidewalks along the property frontage are existing and provide for safe pedestrian access. The sidewalk may remain located along the curb line pursuant to SRC 803.035(l)(2)(B).

Criteria: SRC 220.005(f)(3)(C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians

Finding—The driveway approaches onto Liberty Road S and Cunningham Lane S provide for safe turning movements into and out of the property.

Criteria: SRC 220.005(f)(3)(D) The proposed development will be adequately served with City water, sewer, storm drainage, and other utilities appropriate to the nature of the development

Finding—The Public Works Department has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development. The applicant is proposing connections to existing public water and sewer infrastructure in Liberty Road S.

The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director.

Prepared by: Matt Olney, Program Manager
cc: File