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## PLANNING ADMINISTRATOR DECISION FOR SITE PLAN REVIEW

CASE TYPE:	Class 2 Site Plan Review
AMANDA NO.:	21-115171-RP
DATE OF DECISION:	January 3, 2022
PROPERTY LOCATION:	3514 Commercial St SE
APPLICANT:	Kevin Godwin for JJS Holdings, LLC
ZONE:	CR (Retail Commercial)
COMPREHENSIVE PLAN:	Commercial
OVERLAY:	None

# REQUEST

A Class 2 site plan review for a change of use from retail sales/vehicles services to solely retail sales with associated site upgrades including landscaping, new parking lot layout, and pedestrian connections for an existing building at 3514 Commercial St SE (Marion County Assessor Map and Tax Lot 083W03DB / 7300).

# 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. The site plan is attached.

Pursuant to SRC 220.005(b)(2), Class 2 Site Plan Review is required for any development that requires a building permit, other than development subject to Class 1 Site Plan Review, and that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015.

# 1. Approval Criteria

SRC 220.005(f)(2) provides that an application for Class 2 Site Plan Review shall be granted if:

(a) Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the application.

**Finding:** Only clear and objective standards apply to the proposed development.



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PLANNING DIVISION

(b) The application meets all the applicable standards of the UDC.

**Finding:** The following is a summary of the applicable development standards of the UDC.

### Land Use

The subject property is zoned CR (Commercial Retail), development of the property is subject to the use and development standards of the CR zone (SRC Chapter 522). Retail sales (recreational marijuana sales) is a permitted use in the CR zone.

There are no other limitations on use at this location.

## CR (Commercial Retail) Zone (SRC Chapter 522)

a. Lot Standards (SRC 522.010(a)):

There are no minimum lot sizes and a minimum of sixteen feet of street frontage in the CR Zone.

**Finding:** The existing lot complies with the minimum lot standards of the CR zone and no change to the lot size or dimensions is proposed.

 b. Setbacks (SRC 522.010(b)): Setbacks within the CR zone shall be provided as set forth in Table 522-3.

## Abutting Street

**North and West:** The subject property abuts Commercial St SE on the west and Madrona Ave SE on the north. There is a minimum five-foot setback for structures. The setbacks for vehicle use areas are per Chapter 806.

**Finding:** No changes are proposed to the building, which is already set back more than five feet from the property line which abuts the street on both the north and west sides. This standard is met. Vehicle use area setbacks are addressed in the section addressing SRC 806 below.

#### Interior Front, Side and Rear

**East and South:** The subject property is adjacent to a CR zone to the east and south. Interior lot lines are subject to the zone-to-zone setbacks found in Table 522-4. Structures adjacent to interior lot lines which abut a commercial zone have no minimum setback. Vehicle use areas have a minimum of five-foot setback with Type A landscaping.

**Finding:** There are no changes to the building or vehicle use areas adjacent to interior lot lines, this standard is not applicable.

c. Lot Coverage, Height (SRC 522.010(c)):

In the CR zone there is no maximum lot coverage. The maximum height for all uses is 50 feet.

**Finding:** There are no changes proposed to the existing building, which meets the coverage and height standards of the zone.

- d. Landscaping (SRC 522.010(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.
  - 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 has provided a tentative landscaping plan which meets the minimum landscaping standards of the zone. Full compliance with this standard will be reviewed at building permit.

## 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 us of a solid waste, recycling, and compostable receptacle of 1 cubic yard or larger is proposed; and any change to an existing solid waste service area for receptacles of one cubic yard or larger that requires a building permit.

**Finding:** There are no proposed changes to the solid waste service area, this standard does not apply.

#### 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:** Pedestrian access is proposed from both Commercial St SE and Madrona Ave SE to the existing building's primary entrance. 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 bus stop located along Madrona Ave SE. The applicant has proposed a new pedestrian connection that connects to the right-of-way within twenty feet of the bus stop. This standard is met.

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:** There is only one building on the development site, this standard does not apply.

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 development site contains an off-street parking area less than 25,000 square feet in size and do not include four or more consecutive parallel drive aisles. This standard does not apply to the proposed development.

(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 subject property and abutting properties. Therefore, this standard is not applicable.

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:** The proposed site plan shows pedestrian walkways required under this chapter which meet the materials, width, and other standards of this section. The applicant has proposed a different paving material to differentiate the walkways through vehicle use areas and are a minimum of five feet in width.

## 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 proposal does not include parking spaces which abut pedestrian connections required under this section. This standard does not apply to the proposed development.

### 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:** 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 the change of a use or activity, with associated site improvements. 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.

**Finding:** The applicant has provided parking on the same site as the proposed development. This standard is met.

## SRC 806.015 - Amount of Off-Street Parking.

- a) *Minimum Required Off-Street Parking.* The minimum off-street parking requirement for a *retail sales* use (recreational marijuana sales) use is 1 per classroom.
- 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 applicant is proposing a change of use to wholly retail sales. The ratio for retail sales is one off-street parking space per 250 sq. ft. The existing building is approximately 2,100 sq. ft., which requires a minimum of nine spaces (2100/250=8.5). The maximum is twenty-two spaces (9\*2.5=22). The applicant has proposed a total of twenty-one parking spaces, all of which are regular sized spaces. This standard is met.

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 proposed development includes the alteration of an existing off-street parking area where additional pavement is being added.

b) *Location.* Off-street parking and vehicle use areas shall not be located within required setbacks. Carpool and vanpool parking shall be located so it is the closest employee parking to the building entrance normally used by employees; provided, however, it shall not be located closer than any parking designated for disabled parking.

**Finding:** There are no off-street parking spaces located within setbacks. This standard is met.

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:** Where the applicant is proposing new paved areas, all of which are located adjacent to a street, there is a minimum ten-foot, landscaped setback between the property line and new parking area per Method A (SRC 806.035(c)(2)), including additional landscaping. Where parking abuts the existing building, there is a minimum five-foot paved walkway between the parking and the building, including wheel stops. The applicant has provided a tentative landscaping plan which shows the setback landscaping to Type A standard. Full compliance of the landscaping will be reviewed at the time of building permit. This standard is met.

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. For purposes of this subsection, the total interior area of an off-street parking area is the sum of all areas within the

perimeter of the off-street parking area, including parking spaces, aisles, planting islands, corner areas, and curbed areas, but not including interior driveways. Perimeter landscaped setbacks and required landscape strips separating off-street parking areas from buildings and structures shall not count towards satisfying minimum interior landscaping requirements.

**Finding:** The applicant's plans indicate the off-street parking area is approximately 4,000 square feet in size. Per Table 806-5, a minimum of 5 percent interior parking area landscaping is required, or 200 square feet (4,000 x 0.05 = 200). The off-street parking area shows approximately 400 square feet (10 percent) of interior parking area landscaping, exceeding the minimum requirement. This standard is met.

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).

**Finding:** The proposed off-street parking area is developed consistent with the additional development standards for grade, surfacing, and drainage. Bumper guards are being provided where parking spaces abut required landscaped setbacks.

## **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:

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. *Retail sales* uses require the greater of the following: four spaces; or one space per 10,000 sq. ft. for first 50,000 sq. ft.

**Finding:** The proposed development has an existing building approximately 2,100 sq. ft. in size, requiring a minimum of four bicycle parking spaces. The proposed site plan shows four 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 bike parking to be placed outside, less than 50 feet from the building entrances. 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 the 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:** The proposed bicycle parking spaces are located on a small paved area, with adequate dimensions to contain a total of four spaces. The spaces are adjacent to a proposed pedestrian accessway, 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 a hard surface material. The proposal meets the standard.

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- (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 staple 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 change of use. 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 buildings less than 5,000 square feet in size serving uses within the *retail sales* use category, zero off-street loading spaces are required.

Finding: There are no required loading spaces for this development.

## 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:** A minimum of 1 plant unit is required per 20 square feet of landscape area. 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. Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

Landscaping must be installed or maintained at the Type A standard, so existing trees and landscaping, if topped or otherwise damaged may need to be replaced.

## **Historic Property Status**

The subject property is not listed as a historic resource.

#### Previous Land Use Actions

There are no previous land use actions at this site.

#### **City Department Comments**

The Public Works Department and Building and Safety Division have reviewed the proposal and indicated no concerns.

The Fire Department commented and indicated that permits would be required to decommission the underground storage tanks.

#### 2. Conclusion

Based on conformance with the preceding requirements, the Planning Administrator finds that the proposed site plan for property located at 3514 Commercial St SE complies with approval criteria provided in SRC 220.005(f)(2).

#### **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 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.

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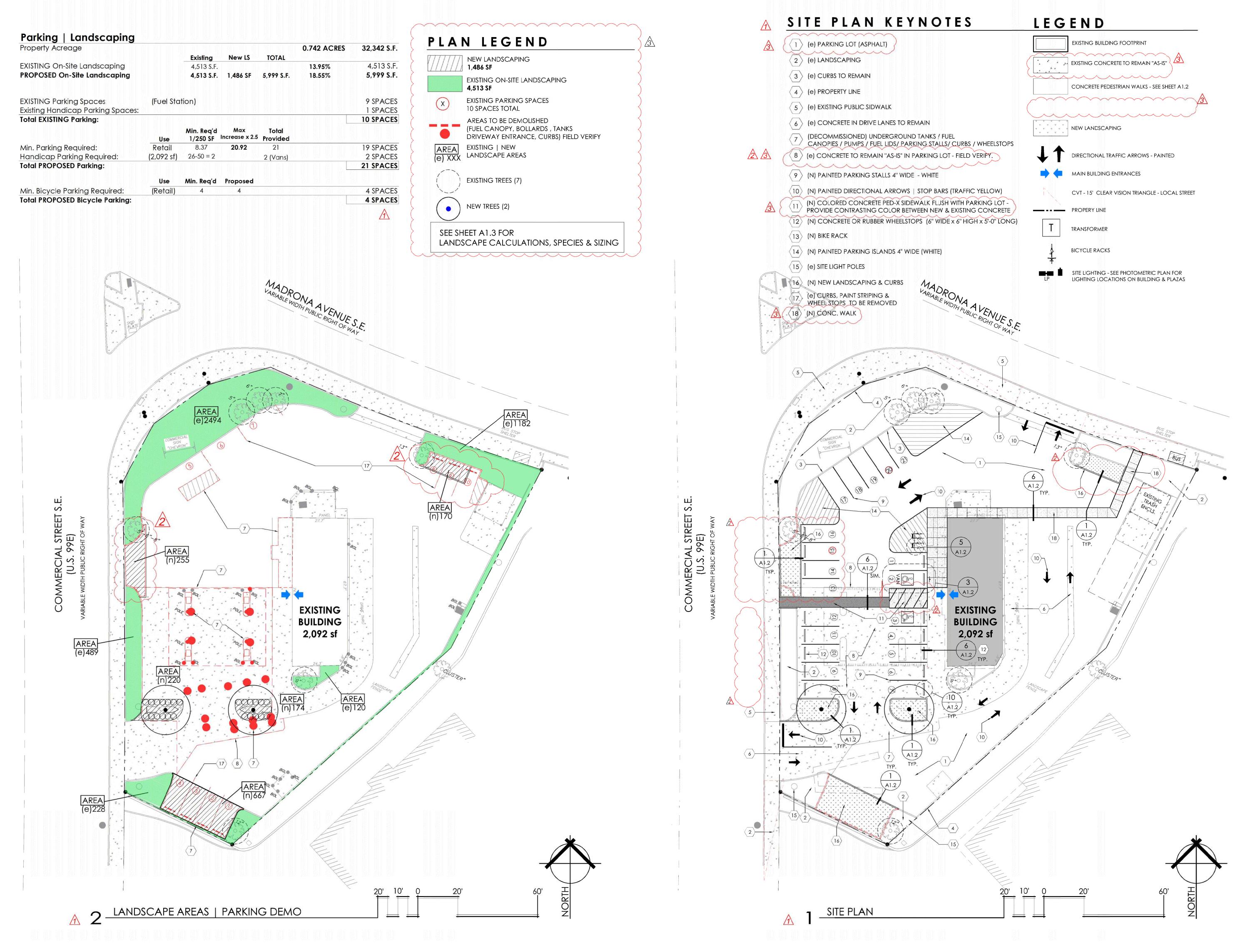
If you have any questions regarding items in this site plan review, please contact Kirsten Straus at 503-540-2347 or by email at <u>kstraus@cityofsalem.net.</u>

Planning Administrator Designee

Application Deemed Complete: Decision Mailing Date: State Mandated Decision Date: December 15, 2021 January 3, 2022 April 14, 2022

Attachments: 1) Proposed Site Plan and Building Elevations

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