

Design Review Class 3 - Written Statement

Since the initial submittal, we are adding a mixed-use multi-family housing for a non-profit trade school which will be located onsite (part of Phase 2).

The property located at 2410 FAIRGROUNDS ROAD NE, SALEM, OR 97301; Taxlot Number: 073W14DB01500. The property is also located in the Pine Street Mixed-Use Overlay Zone. The property was previously located inside the CG and IC zone. Used car sales, rental and service are permitted within the current zoning through a conditional use.

CHAPTER 604. - PINE STREET MIXED-USE OVERLAY ZONE

Sec. 604.001. - Purpose.

The purpose of the Pine Street Mixed-Use Overlay Zone is to identify allowed uses and to establish development standards that promote creation of a mixed-use center along the Portland/Fairgrounds Road Corridor serving the surrounding community with storefront businesses offering a wide range of goods and services in a pedestrian friendly environment.

(Prior Code, § 604.001; Ord. No. 31-13)

Sec. 604.005. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Mixed-use development means a combination of uses in two or more of the following use categories within a single building, or within separate buildings on the same lot or contiguous lots:

- (a) Household living; **Mixed use multi-family.**
- (b) Lodging;
- (c) Retail sales and service; **Used car sales, rental and service.**
- (d) Business and professional services;
- (e) Health services; or
- (f) Civic services.

Side street means any public street that intersects Portland/Fairgrounds Road.

(Prior Code, § 604.005; Ord. No. 31-13)

Sec. 604.010. - Pine Street Mixed-Use Overlay Zone boundary.

The boundaries of the Pine Street Mixed-Use Overlay Zone are shown in Figure 604-3.

The property at 2410 FAIRGROUNDS ROAD NE, SALEM, OR 97301 is located within the Pine Street Mixed-Use Overlay Zone boundary.

(Prior Code, § 604.010; Ord. No. 31-13)

Sec. 604.015. - Uses.

(a)General. Except as otherwise provided in this section, the uses set forth in Table 604-1 shall be the only permitted (P), special (S), conditional (C), and prohibited (N) uses in the Pine Street Mixed-Use Overlay Zone.

TABLE 604-1. USES

Multiple family, Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service are permitted through the conditional use procedure. Post-secondary and adult education is also permitted in this zone.

(b)Additional conditional uses. In addition to the uses set forth in Table 604-1, any permitted, special, or conditional use within the Pine Street Mixed-Use Overlay Zone shall be a conditional use within the overlay zone if developed with any of the following:

- (1)Drive-through;
- (2)Outside storage and parking of professional and commercial equipment; or
- (3>Loading of commercial vehicles over 20,000 pounds of gross vehicle weight.

(c)Continued uses. Uses existing within the Pine Street Mixed-Use Overlay Zone that were allowed as permitted, special, or conditional uses on October 1, 2001, but which would otherwise be made nonconforming uses by this chapter, are hereby deemed continued uses. The owner shall have the burden to demonstrate continued use status under this subsection.

(1)A continued use may be intensified, and buildings or structures housing a continued use may be enlarged, rebuilt, or the exterior altered, provided such intensification, enlargement, rebuilding, or exterior alteration complies with all applicable standards in the underlying zone.

(2)A continued use may be extended onto any contiguous vacant land under the same ownership if such land was held under the same ownership on October 1, 2001, and has been maintained under the same ownership continuously thereafter. The extension of a continued use onto contiguous vacant land under the same ownership must comply with all applicable standards in the underlying zone.

(3)A continued use may be changed to any use that is allowed in the Pine Street Mixed-Use Overlay Zone. Such change of use shall terminate the continued use status conferred by this subsection and the property must thereafter only be used for uses allowed in the Pine Street Mixed-Use Overlay Zone.

(4)A determination by the Building Official that the building or structure housing a continued use is derelict or dangerous, as defined in SRC 50.600 and 56.230, shall terminate the continued use status conferred by this subsection and the property may thereafter only be used for uses allowed in the Pine Street Mixed-Use Overlay Zone.

(Prior Code, § 604.015; Ord. No. 31-13; Ord. No. 11-14; Ord. No. 1-20 , § 2(Exh. B), 2-24-2020; Ord. No. 13-21 , § 1(Exh. A), 2-14-2022)

Sec. 604.020. - Development standards.

Development within the Pine Street Mixed-Use Overlay Zone must comply with the development standards applicable in the underlying zone and the development standards set forth in this section. The development standards in this section are in addition to, and not in lieu of, all other applicable development standards in the underlying zone. Where the development standards in this section conflict with the development standards applicable in the underlying zone, the development standards in this section shall be the applicable development standard.

(a)Continued development. Buildings and structures existing within the Pine Street Mixed-Use Overlay Zone that conformed to the development standards existing on October 1, 2001, but which would otherwise be made nonconforming development by this chapter, are hereby deemed continued development. The owner shall have the burden to demonstrate continued development status under this subsection.

(1)Continued development may be enlarged, rebuilt, or the exterior altered, provided such enlargement, rebuilding, or exterior alteration complies with all applicable standards in the underlying zone.

(2)Continued development may be extended onto any contiguous vacant land under the same ownership if such land was held under the same ownership on October 1, 2001, and has been maintained under the same ownership continuously thereafter. The extension of a continued development onto contiguous vacant land under the same ownership must comply with all applicable standards in the underlying zone.

(3)A determination by the Building Official that a continued development is derelict or dangerous, as defined in SRC 50.600 and 56.230, shall terminate the continued development status conferred by this subsection and the building or structure shall thereafter be deemed a nonconforming development.

(b)Lot standards. Lots for townhouses within the Pine Street Mixed-Use Overlay Zone shall conform to standards set forth in Table 604-2. **N/A**

(c)Dwelling unit density. Dwelling unit density within the Pine Street Mixed-Use Overlay Zone shall conform to the standards set forth in Table 604-3. Dwelling unit density cannot be varied or adjusted. **Standard=None applicable to mixed-use buildings where floors above the first floor are used entirely for dwelling units. We are proposing 6 units.**

(d)Building area. The aggregate floor area of a single development shall not exceed 50,000 square feet, unless developed as part of a mixed-use development. The aggregate floor area of a mixed-use development may exceed 50,000 square feet. All new buildings in a mixed-use development shall have a second floor with an area equal to at least 50 percent of the first floor area. **We are at 900 sf for the office/sales + 7,500 sf X 2 = 15,000 sf for the phase 2 multi-use building.**

(e)Setbacks. Setbacks within the Pine Street Mixed-Use Overlay Zone shall be provided as set forth in Table 604-4. **Setbacks for the mixed-use multi-family Phase 2 along with the office/sales building are maximized per Sec. 604.030.(a)(1)(A)(i)**

(f)Landscaping. Berms, mounds, raised beds, and grade drops shall not be allowed as a landscaping treatment, unless a bioswale treatment system or approved landscaping exists to adequately collect water runoff and the berms, mounds, raised beds, and grade drops do not exceed a 3:1 slope. **There is an existing drainage swale on the north side of the property.**

(g)Off-street parking and loading areas.

(1)Planter bays or islands shall have a minimum planting area of 50 square feet. **Planter bays/islands are a minimum of 50 s.f.**

(2)A minimum of one tree per eight parking spaces is required, of which a maximum of 25 percent may be evergreen trees. Trees shall be planted within 20 feet of the parking lot perimeter. Trees within the public street right-of-way shall not count toward the tree planting requirements. **We are proposing a surplus of parking lot trees, see landscape plan SPR-6**

(3)Off-street parking may be provided no more than 800 feet from the edge of the lot, or contiguous lots, upon which the main building is located. **N/A**

(4)Employee off-street parking may be provided no more than 2,000 feet from the edge of the lot, or contiguous lots, upon which the main building is located. **N/A**

(5)Parking lot light structures shall not exceed 25 feet in height. **Parking lot lights are indicated at 25 feet maximum per Site Lighting Key on sheet SPR-2.**

(6)The minimum off-street parking requirement for household living uses shall be one space per dwelling unit. **We proposing 13 spaces for the 2nd floor Mixed-Use Multi-Family 6 units (Part of Phase 2).**

(h)Screening.

(1)Trash receptacles shall be screened from adjacent household living uses and streets by a sight-obscuring fence, wall, or hedge. **We will be using curbside cart containers.**

(2)Concertina or barbed wire fencing shall not be located within 60 feet of the street right-of-way, unless such fencing is obstructed by a building or structure. **We are not using concertina or barbed wire fencing on the project.**

(3)Concertina or barbed wire fencing shall be screened from public view and adjacent property by sight-obscuring landscaping. **We are not using concertina or barbed wire fencing on the project.**

(i)Outdoor storage.

(1)Outdoor storage areas shall not be located within required setbacks. **N/A**

(2)Outdoor storage areas shall be enclosed by a minimum six-foot-high sight-obscuring fence, wall, hedge, or berm; provided, however, items more than six feet in height above grade shall be screened by sight-obscuring landscaping. **N/A**

(3) Items stored within outdoor storage areas shall not exceed a maximum height of 14 feet above grade. N/A

(j) Pedestrian access.

(1) A pedestrian connection shall be provided from the public sidewalk to the primary building entrance. The primary entrance for the sales/office building is located at the property line and directly adjacent to the public sidewalk.

(2) A pedestrian connection through the parking area to the primary building entrance shall be provided when the parking area is greater than 60 feet in depth. N/A

(3) Within shopping centers, office complexes, and mixed-use developments, pedestrian connections shall be provided to connect the buildings. Pedestrian connections shall be the most practical, direct route. N/A

(4) Pedestrian connections shall be a minimum of five feet in width, and defined by visual contrast or tactile finish texture. N/A

(5) Wheel stops or extended curbs shall be provided along required pedestrian connections to prevent the encroachment of vehicles onto pedestrian connections. N/A

(k) Project enhancements. Development within the Pine Street Mixed-Use Overlay Zone shall include four or more of the following project enhancements:

(1) Closure of one driveway approach on Portland/Fairgrounds Road; N/A

(2) Joint parking agreement under SRC 806.020(a)(5), or implementation of a plan to satisfy off-street parking requirements through alternative modes of transportation under SRC 806.015(e)(2); N/A

(3) Freestanding sign not more than five feet in height and placed upon a foundation; Any future proposed plans will comply with the five foot height restriction.

(4) Weather protection, in the form of awnings or canopies, along more than 75 percent of the length of the ground floor building facade adjacent to sidewalks or pedestrian connections; The sales/office has 76 feet of façade adjacent to sidewalk/pedestrian access with 58 feet (76%) of awning over those areas. The warehouse is connected to the proposed Smith ST NE public sidewalk with a 5 foot sidewalk/walkway; we are proposing a 6 foot awning over the 5 foot wide connection.

(5) Cast iron or wrought iron fencing adjacent to Portland/Fairgrounds Road; Cast iron or wrought iron fencing will be provided at Portland/Fairground Road. See Sheet SPR-2.

(6) Pedestrian connections that are:

(A) Constructed with pavers, scored or colored cement, and/or stamped asphalt; The sales/office building west facade is located at the property line and at the edge of the existing city sidewalk. The pedestrian connection from the primary south entrance of the warehouse facing Smith St SE is colored cement.

(B)Elevated above the parking area and driveway; or **See the proposed sidewalks on SPR-2.**

(C)Defined with landscaping or building features such as canopies, awnings, or arcades; **defined by awnings**

(7)Development on surface parking lots existing on October 1, 2001;

(8)Provision of one or more of the following pedestrian-oriented design features on private property adjacent to Portland/Fairgrounds Road:

(A)Pedestrian scale lighting not more than 16 feet in height; or **see pedestrian lighting on sheet SPR-2 ,and elevation sheet A3.1.**

(B)Plazas or other outdoor spaces open to the public;

(9)A minimum of seven percent interior landscaping within parking areas not more than 50,000 square feet in size; or a minimum of ten percent interior landscaping within parking areas greater than 50,000 square feet in size; **Total ware house required parking 9 spaces=1395 s.f. Interior landscaping = 208 s.f. $208 \text{ s.f.}/1395 \text{ s.f.} = 14\%$. Total sales/office required parking 3 spaces=665 sf. Interior landscaping = 103 s.f. $103 \text{ s.f.}/665 \text{ s.f.} = 15\%$. Total proposed parking spaces for 2nd floor multi-family = 13 spaces or 2,191 s.f. with 215 s.f. (9.8%) interior landscaping.**

(10)Installation of landscaping and irrigation using a plan designed by an Oregon landscape architect; or

(11)Development of a mixed-use building. **We are proposing a mixed-use development.**

(Prior Code, § 604.020; Ord. No. 31-13; Ord. No. 1-20 , § 2(Exh. B), 2-24-2020)

Sec. 604.025. - Design review.

Design review under SRC chapter 225 is required for development within the Pine Street Mixed-Use Overlay Zone as follows:

(a)Except as otherwise provided in this section, design review according to the design review guidelines or the design review standards set forth in SRC 604.030 is required for all development within the Pine Street Mixed-Use Overlay Zone.

(b)Multiple family development, other than multiple family development within a mixed-use building, shall only be subject to design review according to the multiple family design review standards set forth in SRC chapter 702. **NA**

(c)Multiple family development within a mixed-use building shall only be subject to design review according to the design review guidelines or the design review standards set forth in SRC 604.030. **See SRC 604.030 for multiple family development within a mixed-use building requirements.**

(d)Residential care with five or more self-contained dwelling units shall only be subject to design review according to the multiple family design review standards set forth in SRC chapter 702. **NA**

(e)Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230. **NA**

(Prior Code, § 604.025; Ord. No. 31-13; Ord. No. 6-19 , § 1(Exh. A), 6-24-2019, eff. 7-24-2019; Ord. No. 1-20 , § 2(Exh. B), 2-24-2020)

Sec. 604.030. - Design review guidelines and design review standards.

(a)Building location, orientation, and design.

(1)Building location.

(A)Design review guidelines.

(i)Building setbacks abutting street. Building setbacks from the street shall be minimized (see Figure 604-1). Buildings constructed contiguous to the street right-of-way are preferred. **Both buildings; office and warehouse/multi-family are located at the right-of way line.**

(ii)Accessory structures shall be located to minimize their appearance in relationship to the primary building. **We do not have any accessory structures.**

(B)Design review standards.

(i)Building setbacks abutting street. Buildings shall have the following setbacks abutting a street:

(aa)Minimum: zero feet. **Both buildings; office and warehouse/multi-family are located at the right-of way line.**

(bb)Maximum: ten feet.

(ii)Accessory structures shall be located no closer to the street than the primary building. **We do not have any accessory structures.**

FIGURE 604-1. BUILDING SETBACKS MINIMIZED FROM STREET

(2)Building orientation and design.

(A)Design review guidelines.

(i)Buildings facing Portland/Fairgrounds Road shall create safe, pleasant, and active pedestrian environments. **The building has ground level storefront at the primary entrance, along with an awning over storefront . The Fairground façade also has high windows above the awning. See the proposed exterior West elevation on sheet A3.1.**

(ii) Ground floor building facades facing Portland/Fairgrounds Road shall include transparent windows to ensure that the ground floor promotes a sense of interaction between activities in the building and activities in the public realm. The sales/office building façade is 30 feet long located at the property line, along Fairground road. The façade has 20 feet (66%) of storefront glazing, along with 12 LF (4) 3'x3' high windows.

(iii) Buildings shall be human scale and avoid long monotonous exterior walls. To minimize the appearance of bulk and divide overall building mass, building offsets and building articulation shall be provided throughout building facades. The sales/office building has a façade of only 30 LF facing Portland/Fairgrounds road with high and low glazing, awning and protruding soffits on the North and South side for added visual interest.

(iv) Weather protection, in the form of awnings or canopies appropriate to the design of the building, shall be provided along ground floor building facades adjacent to sidewalks or pedestrian connections in order to create a comfortable and inviting pedestrian environment. The sales/office has 76 feet of façade adjacent to sidewalk/pedestrian access with 58 feet (76%) of awning over those areas. The warehouse is connected to the proposed Smith ST NE public sidewalk with a 5 foot sidewalk/walkway; we are proposing a 6 foot awning over the 5 foot wide connection.

(B) Design review standards.

(i) A primary building entrance shall be provided for each building facade facing a street. If a building has frontage on more than one street, a single primary building entrance may be provided at the corner of the building where the streets intersect (see Figure 604-2). The sales/office building has the primary entrance facing Fairground road. The warehouse building also has its primary entrance facing Smith ST SE.

(aa) Alternative standard for existing buildings. Notwithstanding subsection (a)(2)(B)(i) of this section, where a building existing on October 1, 2001, has a primary building entrance facing a street, such entrance may be relocated but not eliminated. The relocated entrance must face a street.

(ii) Ground floor building facades facing Portland/Fairgrounds Road shall include transparent windows on a minimum of 65 percent of the ground floor facade. The windows shall not be mirrored or treated in such a way as to block visibility into the building. The windows shall have a minimum visible transmittance (VT) of 37 percent. The sales/office building façade is 30 feet long located at the property line, along Fairground road. The façade has 20 feet (66%) of storefront glazing, along with 12 LF (4) 3'x3' high windows.

(aa)Alternative standard for existing buildings. Notwithstanding subsection (a)(2)(B)(ii) of this section, where a building existing on October 1, 2001, does not include transparent windows on a minimum of 65 percent of the ground floor facade facing Portland/Fairgrounds Road, the percentage of transparent windows existing on the ground floor facade shall not be reduced. Additional windows meeting the transparency requirements of subsection (a)(2)(B)(ii) may be added without meeting the minimum ground floor facade window percentage of 65 percent.

(iii)Building offsets shall be provided for building frontages greater than 75 feet in width. Building frontages two or more stories in height may be constructed without required building offsets on the first floor, but all additional floors shall incorporate building offsets. Building offsets shall be a minimum four feet in depth and shall be provided at intervals of not more than 40 feet along the building frontage. Building offsets may extend into required setbacks. **We do not have building frontages greater than 75 feet.**

(iv)Weather protection, in the form of awnings or canopies, shall be provided along a minimum of 50 percent of the length of the ground floor building facade adjacent to sidewalks or pedestrian connections. Awnings or canopies shall have a minimum clearance height above the sidewalk of eight feet, and may encroach into the street right-of-way as provided in SRC 76.160. **The sales/office has 76 feet of façade adjacent to sidewalk/pedestrian access with 58 feet (76%) of awning over those areas. The warehouse is connected to the proposed Smith ST NE public sidewalk with a 5 foot sidewalk/walkway; we are proposing a 6 foot awning over the 5 foot wide connection.**

(aa)Alternative standard for existing buildings. Notwithstanding subsection (a)(2)(B)(iv) of this section, where a building existing on October 1, 2001, does not include weather protection, in the form of awnings or canopies, along a minimum of 50 percent of the length of the ground floor facade adjacent to sidewalks or pedestrian connections, the percentage of weather protection along the ground floor facade shall not be reduced. Additional weather protection meeting the sidewalk clearance requirements in subsection (a)(2)(B)(iv) of this section may be added without meeting the minimum weather protection standard of 50 percent.

(v)New buildings shall be a minimum of 25 feet in height. **Both buildings are 25 feet high or higher. See sheets A3.1 and A3.2.**

FIGURE 604-2. BUILDING CORNER ENTRY

(b)Landscaping.

(1)Landscaping for open sales and off-street parking.

(A)Design review guidelines.

(i)Landscaping shall be utilized to enhance the urban character of the area and provide adequate screening of surface parking lots and open sales areas. **See the landscape plan sheet SPR-6.**

(B)Design review standards.

(i)Open sales areas for items such as vehicles, boats, recreational vehicles, satellites, hot tubs, and other similar items shall be screened from the public right-of-way with a minimum three-foot tall sight-obscuring fence, masonry wall, or hedge, and a minimum three-foot wide landscape strip. The fence, masonry wall, or hedge shall not encroach into the vision clearance area. **The site is screened with a 6 foot high ornamental fence, and a 6 foot high (sight obscuring) slatted chain-link fence.**

(ii)A minimum ten-foot-wide landscape strip shall be provided between surface parking lots and the street right-of-way. The landscape strip shall be planted with a minimum of one plant unit per 20 square feet of planting area. Berms, mounds, raised beds, and grade drops are allowed if they meet the standards in SRC 604.020(f). **We are proposing a 10 foot setback along Fairgrounds RD NE and Smith ST NE. Landscaping is 1 pu per 20 sf. of planting area.**

(c)Off-street parking and loading.

(1)Off-street parking.

(A)Design review guidelines.

(i)The area devoted to off-street parking shall be minimized. **Off-street parking for sales/office = $900\text{sf}/900=1$ req'd. Increased from 1 req'd to 3 per Table 806-2A. Parking for warehouse $7,500\text{sf}/900 = 8.3$ spaces are required; we are providing 9 spaces. We are proposing 13 total spaces for the proposed 2nd floor multi-family mixed-use development. There are 6 total proposed units in the phase 2 mixed use building.**

(ii)Parking structures located adjacent to Portland/Fairgrounds Road shall include space for ground floor commercial uses along their Portland/Fairgrounds Road frontage in order to create a safe, pleasant, and active pedestrian environment. **N/A**

(B)Design review standards.

(i)Off-street parking areas shall not occupy more than 50 percent of the street frontage of a lot, except that where a lot has frontage on Portland/Fairgrounds Road and a side street, an off-street surface parking area may occupy more than 50 percent of the side street frontage. **The proposed off-street parking is located along the North and East side of the property.**

(ii)Parking structures located adjacent to Portland/Fairgrounds Road shall include space for ground floor commercial uses along their entire Portland/Fairgrounds Road frontage. **N/A**

Sincerely.

Ronald James Ped
Architect, PC