

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005



*Si necesita ayuda para comprender esta información, por favor llame
503-588-6173*

PLANNING ADMINISTRATOR DECISION FOR SITE PLAN REVIEW

CASE TYPE: Class 2 Site Plan Review
AMANDA NO.: 22-119636-PLN
DATE OF DECISION: October 28, 2022
PROPERTY LOCATION: 799 Lancaster Drive NE, Suite 110
APPLICANT: Justin Spackman for Jeffrey Parker Architects
ZONE: CR (Retail Commercial)
COMPREHENSIVE PLAN: COM (Commercial)
OVERLAY: None

REQUEST

A Class 2 Site Plan Review to construct a new patio structure of approximately 500 square-foot for outdoor seating at an eating and drinking establishment (Panera Bread) in Suite 110, which occupies a 4,000 square foot tenant space within a 12,005 square foot building, for property approximately 10 acres in size, in the CR (Retail Commercial) zone, and located at 799 Lancaster Drive NE (Marion County Assessor Map and Tax Lot 072W19CC / 5404).

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 proposed development plans are included as **Attachment A**.

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.

(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 (Retail Commercial), development of the property is subject to the use and development standards of the CR zone (SRC Chapter 522). The proposal includes construction of a patio structure for outdoor seating at Panera Bread, and eating and drinking establishment approved under Case Number 22-112020-RP. An Eating and Drinking Establishment is classified under the Retail Sales and Services uses, and is an outright permitted use within the CR zone, per Table 522-1 Uses. The building has already been reviewed and approved as a Retail Sales use in SPR-DAP-ADJ20-13.

CR Zone (SRC Chapter 522)

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

There is no minimum lot area, no minimum lot width, and no minimum lot depth in the CR zone. The minimum street frontage requirement is 16 feet for all uses other than single family.

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

b. Setbacks (SRC 522.010(b)):

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 the right-of-way for Lancaster Drive NE. Buildings and accessory structures must maintain a minimum 5-foot setback abutting a street. Vehicle use areas require a minimum 6 to 10-foot setback adjacent to a street.

Finding: No changes are proposed to the existing building or vehicle use areas abutting these property lines. The proposed accessory structure does not directly abut the street as the restaurant building is located between the street and the patio structure; therefore, the proposal meets the standard.

Interior Property Lines

North: Adjacent to the north is a separately owned property at 833-955 Lancaster Drive NE (072W19CC04200) zoned CR (Retail Commercial). There is no minimum building setback adjacent to a Retail Commercial Zone. A 5-foot setback is required between the parking and vehicle use area and the property line.

South: Adjacent to the south are separately owned properties at 707-743 Lancaster

Drive NE (072W19CC04600) and 747 Lancaster Drive NE (072W19CC04504) zoned CR (Retail Commercial). There is no minimum building setback adjacent to a Retail Commercial Zone. A 5-foot setback is required between the parking and vehicle use area and the property line.

Finding: No changes are proposed to the existing building or vehicle use areas abutting these property lines. The proposed accessory structure is located at least 100 feet from the nearest property line; therefore, the proposal meets the standard.

- c. Lot Coverage, Height (SRC 522.010(c)):
In the CR zone, there is no maximum lot coverage for buildings and accessory structures. The maximum height of buildings and accessory structures for all uses other than single family, three family, four family, and multiple family is 50 feet.

Finding: The proposal meets the lot coverage standards of the CR zone, as there is no maximum. The plans for the proposed accessory structure indicate the height to be 13 feet, well below the maximum allowed height for an accessory structure in the CR zone. The proposal meets these standards.

- 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's development plans show the proposed accessory structure in a location that was previously approved as pavement, and is therefore not displacing any existing landscape. The proposal meets these standards.

General Development Standards (SRC Chapter 800)

- a. Solid Waste Service Areas (SRC 800.055):
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 does not include a new solid waste service area or changes to an existing solid waste service area. The standards of SRC 800.055 do not apply.

- b. Pedestrian Access (SRC 800.065):
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. For purposes of this section development means the construction of, or addition to, a building or accessory structure or the construction of, or alteration or addition to, an off-street parking or vehicle use area. Development does not include construction of, or additions to, buildings or accessory structures that are less than 200 square feet in floor area.

Finding: The proposal includes construction of a patio structure of approximately 500 square feet in floor area. The development plans indicate that all pedestrian connections have been provided as required by previous approval SPR-DAP-ADJ20-13, including a connection over the adjacent drive-through lane providing direct access to the accessory structure. The subject property is adequately served by pedestrian connections and the proposal meets all standards of this section.

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

a. Off-Street Vehicle Parking (SRC 806.005):

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 proposed development involves expansion of the existing use with the addition of the 500 square foot patio structure. The building is within a shopping center with multiple uses. Retail Shopping Center uses require a minimum parking requirement of 1 space per 250 square feet of floor area, requiring two additional parking spaces for the expansion ($500 / 250 = 2$). The most recent land use decision for the shopping center development site indicates 2,998 parking spaces are provided on site. As demonstrated in the table below, adequate parking is available for the proposed use.

Use	Area	Ratio 1 /	Required Spaces
Hobby Lobby	60750	250	243
Sierra Trading	20000	250	80
Home Goods	20000	250	80
Ulta	10500	250	42
DSW	6500	250	26
Xfinity	3950	250	16
Former Sears	47177	250	189
TJ Maxx	25000	250	100
Famous Footwear	7970	250	32
Burlington	87030	250	348
Cinema	53195		503
Petco	13204	250	53
Best Buy	45000	900	50
Bank of America	4400	500	9
McGrath's	8220	250	33

US Bank	7200	500	14
Applebee's	5520	250	22
Sleep Train	5870	900	7
Crumbl Cookies	1400	250	6
MOD Pizza	5000	250	20
Super Cuts	1182	350	3
Affordable Framing	1557	350	4
Joann	28450	250	113
Pier 1	11450	250	46
DMV	10209	500	20
Sprint	1500	250	6
Baja Fresh	3500	250	14
Mall office	1800	350	5
Internal retail	82666	250	331
Panera Bread	4500	250	16-18
Visionworks Retail	3000	250	12
Acorn Dentistry	5005	350	14
<i>Phase II-A Restaurants:</i>			
<i>Jersey Mike's</i>	<i>1550</i>	<i>250</i>	<i>6</i>
<i>Dave's Hot Chicken</i>	<i>2915</i>	<i>250</i>	<i>12</i>
<i>Future Phase II-B Retail</i>	<i>6720</i>	<i>250</i>	<i>27</i>
Minimum			2,261
Maximum			3,957
Provided			Phase II-A: 2,998

b. Bicycle Parking (SRC 806.045):

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 involves expansion of the existing use with the addition of the 500 square foot patio structure. A retail sales use requires the greater of four bicycle parking spaces; or one space per 10,000 square feet for the first 50,000 square feet; plus 1 per 20,000 square feet for 50,000 to 100,000 square feet; plus 1 per 30,000 square feet for the remaining square footage over 100,000 square feet. The proposal includes construction of a 500 square foot patio structure which does add square footage to the existing building, but not enough to require more bicycle parking than is already provided on site. The subject property is adequately served with four bicycle parking spaces; therefore, this standard is met.

c. Off-street Loading Areas (SRC 806.065):

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 involves expansion of the existing use with the addition of the 500 square foot patio structure. A minimum of one off-street loading space 12 feet wide by 30 feet long by 14 feet high is required for retail sales uses with a gross floor area between 5,000-60,000 square feet in size. However, an off-street parking area may be used in place of a required off-street loading space when the use or activity does not require a delivery vehicle which exceeds a maximum combined vehicle and load rating of 8,000 pounds and the off-street parking area is located within 25 feet of the building or the use or activity that it serves. Under the previous approval SPR-DAP-ADJ20-13, it was indicated that the use or activity does not require a delivery vehicle which exceeds a maximum combined vehicle and load rating of 8,000 pounds. The addition of the outdoor patio does not change the delivery vehicle requirement; therefore, no loading space is required.

Historic Property Status

The subject property is not listed as a historic resource.

Previous Land Use Actions

SPR-ADJ20-20: A consolidated Class 3 Site Plan Review and Class 2 Adjustment request for a proposed parking lot modification and pedestrian access improvements in the CR (Retail Commercial) zone at 707, 717, 737, 743, and 747 Lancaster Drive NE 97301, within the 49.91-acre Willamette Town Center development site (Marion County Map and Tax Lots (072W19CC / 04200, 04502, 04504, 04600, 04700, 05300, 05400, 5703, 5800)). The adjustments are requested to:

- (1) Locate a required pedestrian connection from the building entrances to Lancaster Drive NE more than 20 feet from an existing transit stop (SRC 800.065(a)(1)(B));
- (2) Provide an indirect connection from the building to the mall building (SRC 800.065(a)(2));
- (3) Provide an indirect connection from the building to the adjacent building at 3955 Center Street NE (SRC 800.065(a)(2)).

SPR-ADJ-DAP20-26: An application for a Class 3 Site Plan Review, Class 2 Adjustments, a Class 2 Driveway Approach Permit, and alternative street standards for a phased development consisting of parking lot, pedestrian access, and landscape improvements on the west side of the existing "Sears" building and the demolition of the DMV building (Phase I); a new building with a drive-through, pedestrian access, parking lot modifications, and landscaping modifications adjacent to Center Street NE (Phase II-A); and a new building, pedestrian access, parking lot modifications, and landscaping modifications adjacent to Lancaster Drive NE (Phase II-B), on properties located in the CR (Retail Commercial) zone at 827 Lancaster Drive NE and 3801 Center Street NE 97301 within a 49.91 acre development site (Marion County Map and Tax Lots (072W19CC / 04200, 04502, 04504, 04600, 04700, 05300, 05400, 5402, 5403, 5404, 5800)). The Class 2 adjustments are requested to:

- (1) Increase the development site landscaping from to 6.4% with Phase 1, 6.5% with Phase 2, and 6.6% with Phase 3, when the standard is 15% (SRC 522.010(d)(3));

- (2) Request relief from the requirement to provide a pedestrian connection within 20 feet of a transit stop (SRC 800.065(a)(1)(B));
- (3) Request relief from the requirement to provide 5-foot-wide setbacks on both sides of interior property lines that cross parking and vehicle use areas (SRC 806.035(c)(3));
- (4) Request a reduction in the percentage of interior parking lot landscaping (SRC 806.035(d)(2)).

SPR-DAP-ADJ20-13 (development of this building and adjacent parking area): A consolidated Class 3 Site Plan Review, Class 2 Driveway Approach Permit, and Class 2 Adjustment request for a proposed 12,176 square foot retail building, drive-through lane, parking lot modification, driveway modifications, and landscaping improvements in the CR (Retail Commercial) zone at 799 Lancaster Drive NE 97301 (Marion County Map and Tax Lot 072W19CC05400), within the 49.91 acre Willamette Town Center development site (Marion County Map and Tax Lots (072W19CC / 04200, 04502, 04504, 04600, 04700, 05300, 05400, 5703, 5800)). The adjustments are requested to:

- (1) Increase development site landscaping to 6.5 percent rather than the minimum of 15 percent, a reduction of 56.7 percent;
- (2) Locate a required pedestrian connection at the edge of a parking lot rather than through the center of the parking lot;
- (3) Reduce parking and vehicle use area setbacks from both sides of an interior property line from 5 feet to 0 feet, a reduction of 100 percent.

SPR-ADJ17-12: A Class 3 Site Plan Review and Class 2 Adjustment for a phased development including partial renovation of a shopping center, parking lot and landscape improvements, and two new retail buildings, for a property approximately 49.82 acres in size, zoned CR (Retail Commercial), and located at 831 Lancaster Drive NE (Lancaster Mall) - 97301 (Marion County Assessor Map and Tax Lot Numbers 072W19CC / 04200, 04502, 04504, 04600, 04700, 05300, 05400, 05703, 05800). The adjustment is requested because the existing development and proposed development do not meet the requirement that 15 percent of the development site must be landscaped, and the proposed development would increase the amount of landscaping from 5.75 percent to 6.19 percent.

PLA19-08, PLA19-09, PLA19-10, PLA19-11, PLA20-28.

Note: This list does not include land use actions related to the mall's freestanding signs.

The previous land use actions do not include any conditions that would affect or preclude the proposed change of use.

City Department Comments

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

2. Conclusion

Based on conformance with the preceding requirements, the Planning Administrator finds that the proposed site plan for property located at 799 Lancaster Drive NE, Suite 110 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.

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



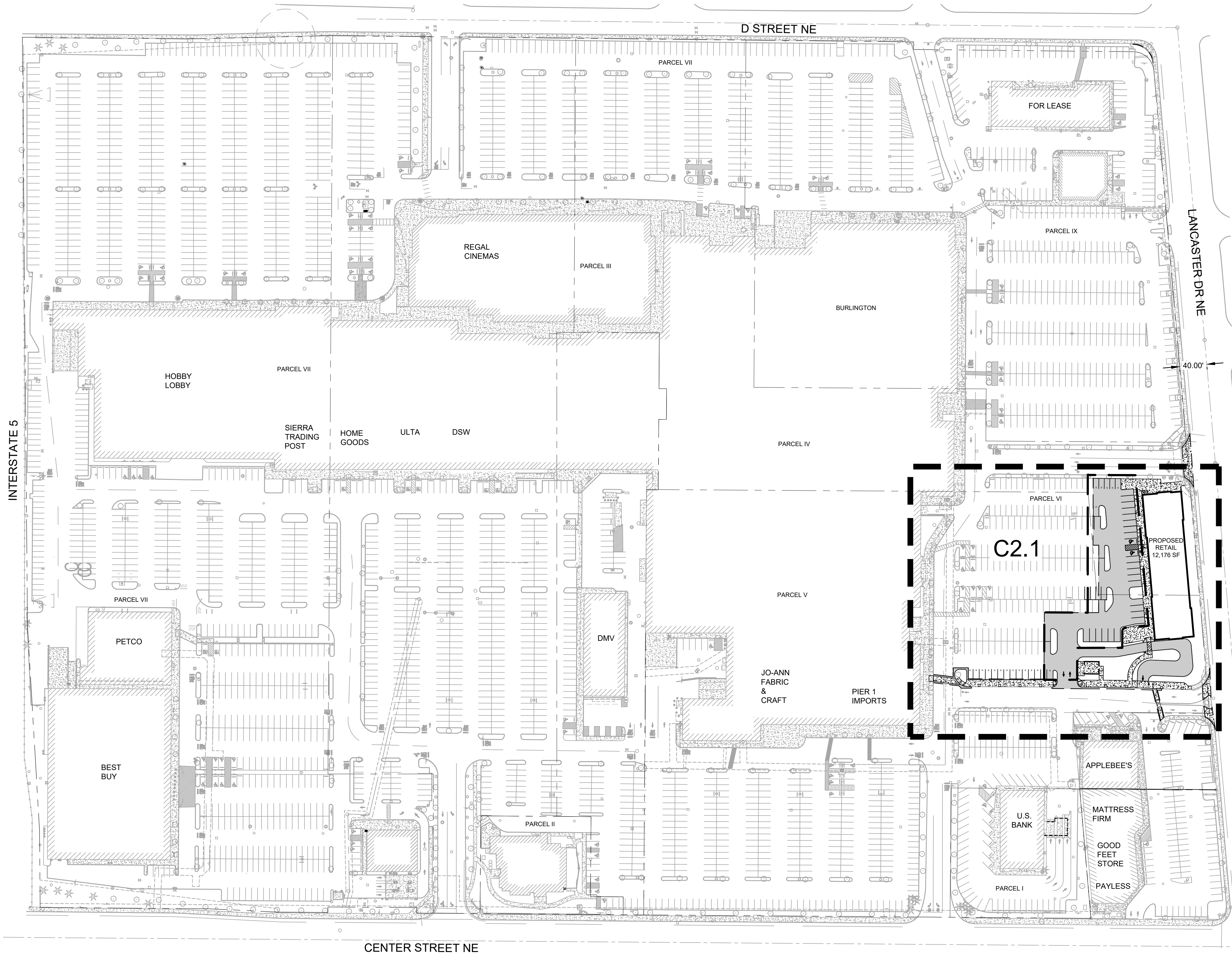
Jamie Donaldson, Planner II, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Application Deemed Complete:	<u>October 21, 2022</u>
Decision Mailing Date:	<u>October 28, 2022</u>
State Mandated Decision Date:	<u>September 30, 2022</u>

Attachment(s):

A. Proposed Development Plans

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LEGEND

- EXISTING PROPERTY LINE
- PROPOSED DEVELOPMENT LIMITS
- EXISTING CENTERLINE
- PROPOSED SAWCUT LINE
- PROPOSED BUILDING
- PROPOSED CURB
- PROPOSED CONCRETE
- PROPOSED AC
- PROPOSED SIGN

PARKING INFORMATION

EXISTING PARKING:	
STANDARD PARKING STALLS POST PETCO PHASE:	3,019
ADA PARKING STALLS POST PETCO PHASE:	74
TOTAL STALLS ON SITE (INCLUDING ADA PARKING):	3,093
PROPOSED PARKING:	
TOTAL EXISTING PARKING STALLS REMOVED:	162
TOTAL PROPOSED PARKING STALLS (INCLUDING ADA STALLS):	42
TOTAL PARKING STALLS (INCLUDING ADA STALLS):	2,973
REQUIRED ADA STALLS (20 + 1 PER 100 OVER 1000):	40
REQUIRED WHEELCHAIR (1 PER 6 PROVIDED):	13
TOTAL ADA PARKING STALLS:	75
TOTAL STANDARD ADA PARKING STALLS:	59
TOTAL WHEELCHAIR ACCESSIBLE PARKING STALLS:	16
BICYCLE PARKING:	
AS PER SALEM MUNICIPAL CODE SECTION 806.060:	
BICYCLE PARKING REQUIRED	4
BICYCLE PARKING PROVIDED	4

LANDSCAPE INFORMATION

OVERALL SITE AREA	49.91 AC
TOTAL EXISTING LANDSCAPE AREA:	3.074 AC (6.16%)
TOTAL PROPOSED LANDSCAPE AFTER DEVELOPMENT:	3.246 AC (6.50%)

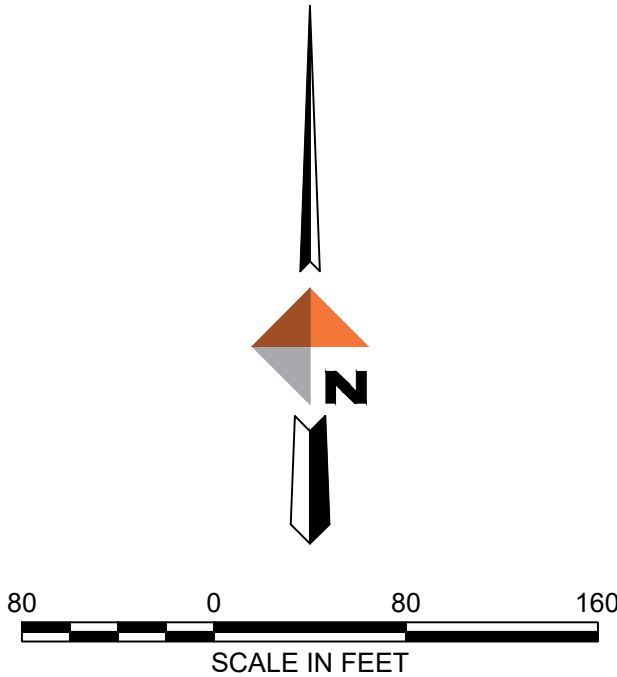
DEVELOPMENT AREA

PROPOSED DEVELOPMENT AREA:	55,784 SF
EXISTING LANDSCAPE WITHIN DEVELOPMENT AREA	3,901 SF (6.99%)
PROPOSED TOTAL LANDSCAPE WITHIN DEVELOPMENT AREA:	8,847 SF (15.86%)
PROPOSED INTERNAL PARKING AREA WITHIN DEVELOPMENT AREA:	24,800 SF
PROPOSED INTERNAL PARKING LOT LANDSCAPE WITHIN DEVELOPMENT AREA:	2,688 SF (10.76%)

OREGON UTILITY
NOTIFICATION CENTER
1-800-332-2344



ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER. (NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS (503) 232-1987).



REVISIONS

REV	DATE	DESCRIPTION	BY

REGISTERED PROFESSIONAL
ENGINEER
MICHAEL D. TONY
JUN 16, 21
EXP. DATE 06/30/20

WWW.DOWL.COM

DOWL

720 SW Washington Street, #750
Portland, Oregon 97205
971-280-8641

WILLAMETTE TOWN CENTER - LANCASTER SHOPS BUILDING
LANCASTER DEVELOPMENT, LLC

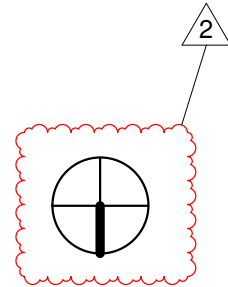
SITE PLAN OVERALL

SE 1/4 S19, T7S, R2W WM TL5400
MARION COUNTY, OR

PROJECT	14573-01
DATE	03/09/2020
©DOWL 2020	
SHEET	
C2.0	

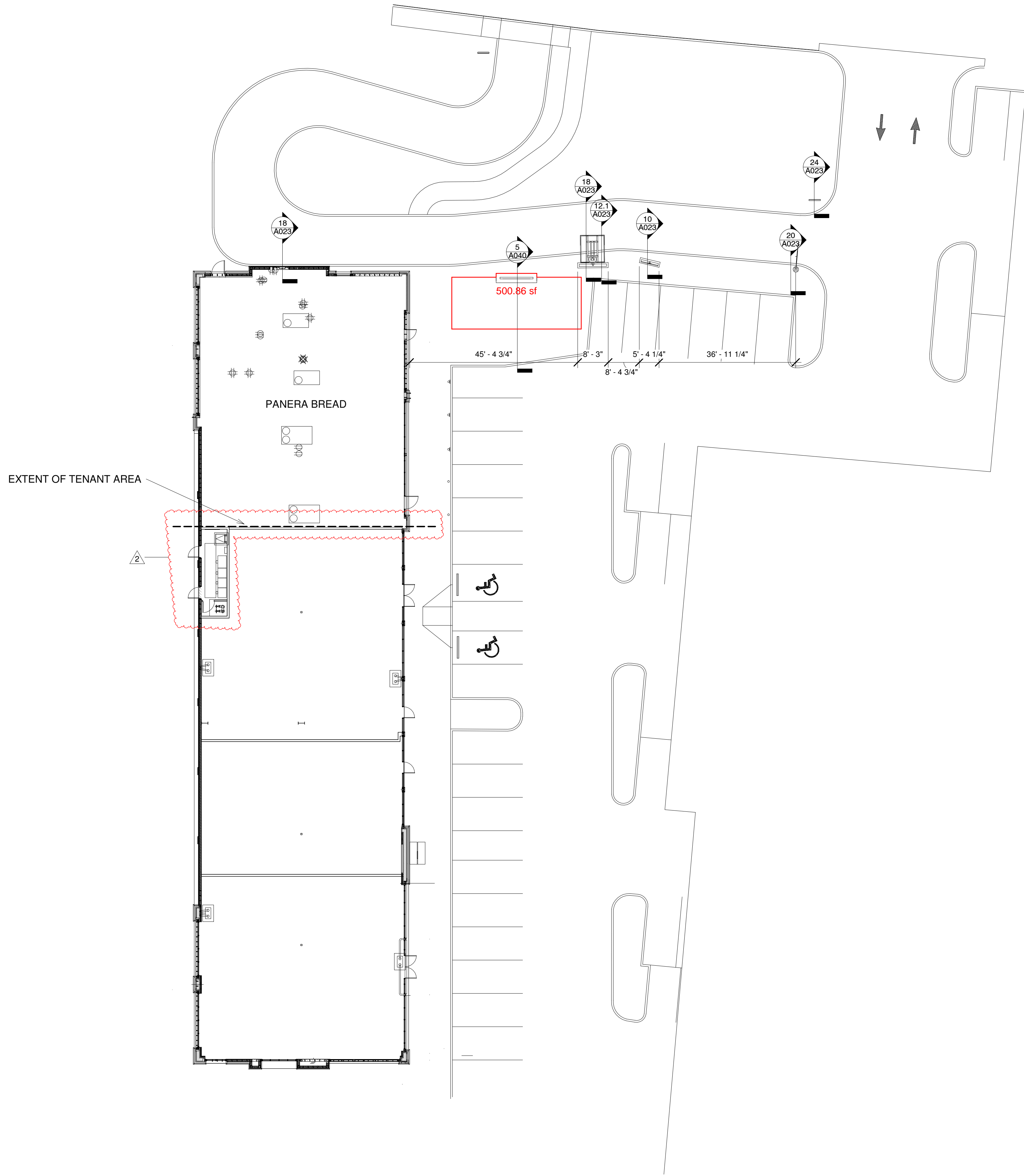
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PR020-CA V1



24 SITE PLAN
1/16" = 1'-0"

EXTENT OF TENANT AREA



GENERAL NOTES:

- SITE PLAN PROVIDED FOR REFERENCE. REFER TO CIVIL DOCUMENTS FOR ADDITIONAL INFORMATION.
- LANDSCAPE HAS BEEN INTENTIONALLY EXCLUDED FROM THIS SHEET. SEE CIVIL DRAWINGS FOR ALL LANDSCAPE INFORMATION AND REQUIREMENTS.
- ALL WORK SHALL COMPLY WITH THE REGULATION AND ORDINANCES OF SALEM, OR AND ANY OTHER APPLICABLE CODES.
- THE GENERAL CONTRACTOR (G.C.) SHALL CONTACT LOCAL UTILITIES TO VERIFY ALL SIZES, LOCATIONS, AND CONNECTION POINTS FOR ALL UTILITIES AFFECTED.
- ANY CONNECTIONS, DISCONNECTIONS, AND INSTALLATIONS TO LOCAL UTILITIES SHALL BE MADE IN ACCORDANCE WITH APPLICABLE CODES.
- EXTERIOR BUILDING SIGN FURNISHED AND INSTALLED BY OWNER'S SIGN VENDOR. G.C. TO PROVIDE POWER.
- G.C. TO VERIFY EXISTING SITE CONDITIONS PRIOR TO BID. ALSO PROVIDE CONTINUOUS CURB CUTS AND SMOOTH PAVEMENT & CURB TRANSITIONS BETWEEN NEW AND EXISTING CONDITIONS AS REQUIRED FOR SITE WORK AS REQUIRED.
- G.C. SHALL PROVIDE AND INSTALL ELECTRICAL CONDUIT AND STRUCTURAL FOOTINGS FOR ALL NEW SITE DRIVE-THRU SIGNAGE (TYPICAL).
- REFER TO CIVIL DOCUMENTS FOR GENERAL SITE LIGHTING.

KEYED NOTES

Bakery-Cafe:

#2168

SYSTEM: G4 (ARIA)

Project Team:

Professional Seal:



Project Title:

Bakery Cafe #2168
799 LANCASTER DRIVE NE
SUITE 110
SALEM, OR 97301



Consultant Copyright Placeholder



Jeffrey Parker *architects*

855 28th Street SE, Grand Rapids, MI 49508 | 616-241-0090 | jp-architects.com

No.	Description	Date
2	PLAN REVIEW COMMENTS	07/25/22

ARCHITECTURAL SITE PLAN

Project Number:

#2168

Drawn By:

Author:

Issue Date:

05/24/21

DPM:

DPM

Sheet Number:

A001

CPM:

CPM

