

NOTICE OF DECISION

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

PLANNING ADMINISTRATOR DECISION FOR SITE PLAN REVIEW

CASE TYPE: Class 1 Site Plan Review
AMANDA NO.: 22-123492-PLN
DATE OF DECISION: December 15, 2022
PROPERTY LOCATION: 1595 Cottage St NE
APPLICANT: H&J Construction Services LLC
ZONE: MU-II (Mixed Use II)
COMPREHENSIVE PLAN: Mixed Use
OVERLAY: None

REQUEST

A Class 1 Site Plan Review for a change of use to *Day care* within an existing building for property located at 1595 Cottage St NE - 97301 (Marion County Assessor's Map and Tax Lot 073W23BB0 / 4200) and zoned MU-II (Mixed Use II).

FINDINGS

The purpose of site plan review is to provide a unified, consistent, and efficient means to review for development activity that requires a building permit, to ensure that such development meets all applicable standards of the UDC, including, but not limited to, standards related to access, pedestrian connectivity, setbacks, parking areas, external refuse storage areas, open areas, landscaping, and transportation and utility infrastructure.

Pursuant to SRC 220.005(b)(1), Class 1 Site Plan Review is required for any development that requires a building permit, that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015, and that involves a change of use or change of occupancy where only construction or improvements to the interior of the building or structure are required.

1. Approval Criteria

SRC 220.005(f)(1) provides that an application for Class 1 Site Plan Review shall be granted if:

- a) The application involves only a change of use or a change of occupancy, and there is no pending application for an associated land use decision or limited land use decision;

Finding: The applicant is requesting an interior only tenant improvement and change of use. There are no associated land use or limited land use decisions with this request.

- b) Only construction or improvements to the interior of the building or structure will be made;

Finding: The scope of work for the project only includes interior improvements to the existing building and a change of occupancy.

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

Finding: Modification to the exterior of the site is not in the scope of work for the proposed change of use.

- d) Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the site plan review application; and

Finding: Only clear and objective standards apply to the proposed development. Complete findings are included in section (e) below.

- e) The application meets all applicable standards of the SRC.

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

Land Use

The subject property is zoned MU-II. Development in the MU-II zone is subject to the standards in SRC Chapter 534 and all other applicable provisions of the Salem Revised Code. The previous use at this address was *Retail sales*. The proposed use is *Day care*, which is a permitted use in the MU-II zone per SRC Sec. 534.010, Table 534-1.

Off-Street Parking and Loading

- i. Parking Spaces:

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

Finding: The previous use designation for this location was *Retail sales* which required 1 space per 400 sq. ft in the MU-II zone. The building is 2700 sq. ft., which would have required 7 spaces ($2700 / 400 = 6.75$). Per SRC 806.015, Table 806-1, the proposed use, *Day care*, requires 2 parking spaces for a day care serving 13 to 18 persons. Per communication with the applicant, the proposed day care will serve 10 to 16 children. Because there is no increase in the required parking for the change of use, no additional parking is required.

- ii. Bike Spaces:

SRC Chapter 806 states that bicycle parking shall be provided and maintained for each proposed new use or activity; any change of use or activity; or any intensification, expansion, or enlargement of a use or activity.

When bicycle parking is required to be added to an existing bicycle parking area that has a nonconforming number of spaces, the number of spaces required under this chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.

Finding: The proposed change of use is located within an existing 2700 sq. ft. building. Per SRC chapter 806.055, Table 806-9, the prior use, *Retail sales*, required the greater of 4 spaces or 1 per 10,000 sq. ft. for the first 50,000 sq. ft. The proposed use, *Day care*, requires 4 bicycle parking spaces. The requirement is the same, therefore, no additional bicycle parking is required for the proposed change of use.

iii. Loading Spaces:

SRC Chapter 806 states that off-street loading shall be provided and maintained for any change of use or activity, when such change of use or activity results in a greater number of required off-street loading spaces than the previous use or activity.

Finding: Per SRC 806.075, Table 806-11, the off-street loading space requirement is the same as the previous use, therefore, no additional off-street loading spaces are required for the proposed change of use.

Historic Property Status

The subject property is not listed as a historic resource.

Previous Land Use Actions

There are no previous land use actions for this property.

City Department Comments

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

The Fire Marshal reviewed the proposal and indicated no concerns.

2. Conclusion

Based on conformance with the preceding requirements, the Planning Administrator finds that the proposed change of use for property located at 1595 Cottage St NE complies with approval criteria provided in SRC 220.005(f)(1).

DECISION

Final approval of the attached site plan is hereby GRANTED subject to SRC Chapter 220 and the applicable standards of the Salem Revised Code and providing compliance

occurs with any applicable items noted above. This decision is final a final land use decision.

Please Note: Findings included in this decision by the direction of the Salem Fire Department are based on non-discretionary standards. Fire Code related findings are intended to inform the applicant of the clear and objective Fire Prevention Code standards of SRC Chapter 58 that will apply to this development proposal on application for building permit(s). Additional or different Fire Prevention Code standards may apply based on the actual building permit application submitted.

If a building permit application has not already been submitted for this project, please submit a copy of this decision with your building permit application for the work proposed.

If you have any questions regarding items in this site plan review, please contact Peter Domine at 503-540-2311 or by email at pdomine@cityofsalem.net.



Peter Domine, Planner I, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Application Deemed Complete:	<u>December 12, 2022</u>
Decision Mailing Date:	<u>December 15, 2022</u>
State Mandated Decision Date:	<u>April 14, 2023</u>

