

NOTICE OF DECISION

PLANNING DIVISION
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*Si necesita ayuda para comprender esta informacion, por favor llame
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PLANNING ADMINISTRATOR DECISION FOR SITE PLAN REVIEW

CASE TYPE: Class 2 Site Plan Review
AMANDA NO.: 23-106025-PLN
DATE OF DECISION: March 31, 2023
PROPERTY LOCATION: 706 Madrona Avenue SE
APPLICANT: Ronald Ped
ZONE: Mixed Use-III
COMPREHENSIVE PLAN: Mixed Use
OVERLAY: None

REQUEST

A Class 2 Site Plan Review to add a loading dock addition, including a raised loading dock, new sectional door and a new dock leveler for a property zoned MU-III (Mixed Use – III) and located at 706 Madrona Avenue SE 97301 - (Marion County Assessor Map and Tax Lot number 083W03DB/7100)

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.

(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

Zoning

The subject property is zoned MU-III (Mixed-Use III); development of the property is subject to the use and development standards of the MU-III zone (SRC Chapter 535) and all other applicable provisions of the Salem Revised Code.

Uses

The Salem Zoning Code Chapter 400 establishes a framework for the classification of land uses based upon common functional, product, or physical characteristics, and to provide the basis for assignment of land uses to zones and overlay zones. The use is classified as a Commercial entertainment—indoor is permitted outright per Table 535-1: Uses. The proposed site plan is included as **Attachment A**.

Lot Standards (SRC 535.015(a)):

There is no minimum lot area or lot dimension requirement in the MU-III zone. The minimum street frontage requirement is 16 feet for all uses.

Finding: The subject property consists of a lot that has frontage on Madrona Avenue SE, exceeding the minimum frontage requirement.

Dwelling Unit Density (SRC 535.015(b)):

Pursuant to SRC 535.015(b), a development within the MU-III zone that is exclusively residential shall have a minimum density of 15 dwelling units per acre.

Finding: The applicant is proposing a docking station for delivery vehicles for retail sales and Commercial entertainment – indoor; therefore, this standard is not applicable to the evaluation of this proposal.

Setbacks (SRC 535.015(c)):

Setback requirements for buildings and accessory structures within the MU-III zone are established under SRC 535.015(c), Tables 535-3. Pursuant to setback requirements for off-street parking and vehicle use areas within the MU-III zone are based on the zone-to-zone setback requirements under Table 535-4 and SRC Chapter 806 (Off-Street Parking, Loading, and Driveways). SRC 806.035(c) establishes perimeter setback requirements for parking and vehicle use areas adjacent to streets, interior property lines, and buildings.

Abutting Street

North: Adjacent to the south is the right-of-way for Madrona Avenue SE. There is a five-foot minimum setback for all new non-residual buildings in MU-III zone. The maximum setback of up to 30 feet is applicable to all new buildings and is permitted, provided the setback area is used for a combination of landscaping and pedestrian amenities SRC 535.015(c). Vehicle use areas require a minimum six to 10-foot setback abutting a street

per alternative setback methods under SRC 806.035(c)(2). The use of a berm under 806.035(c)(2)(B) is prohibited.

Finding: The north of the property is adjacent is the right-of-way for Madrona Avenue SE. The north property line is currently developed with an existing building and driveway approach. The existing building and driveway approach are in compliance with setback requirements of SRC Chapter 535 and 806.

Interior Side and Rear

East: Adjacent to the east is residential homes within the RS Zone (Single-Family Residential Zone). There is a minimum 10 ft. plus 1.5 feet for each 1 foot of building height above 15 feet, but in no case should there be more than a 50 ft setback requirement for a zone-to-zone setback to a residential zone (Table 535-4).

West: The subject property is adjacent to a MU-III zone to the west. No building setback is required adjacent to a MU-III zone. Vehicle use areas require a minimum five-foot setback with Type A Landscaping.

South: The subject property is adjacent to a MU-III zone to the south. No building setback is required adjacent to a MU-III zone. Vehicle use areas require a minimum five-foot setback with Type A Landscaping.

Finding: The existing building is in compliance with setback requirements of SRC Chapter 535. The applicant is not proposing changes to the parking area abutting the western or northern property lines. The proposed loading area is ten feet to the south property line, meeting the standard.

SRC 535.015(d) - Lot Coverage:

Lot coverage requirements within the MU-III zone are established under SRC 535.015(d), Table 535-5. There is no maximum lot coverage for buildings and accessory structures within the MU-II zone.

Finding: There is no maximum lot coverage standard for buildings and accessory structures. The proposed development meets the standard.

SRC 535.015(d) - Height:

Height requirements for buildings and accessory structures within the MU-III zone are established under SRC 535.015(d), Table 535-5. Within the MU-III zone, the maximum height is 70 feet for buildings and accessory structures on a lot.

Finding: The existing building will remain the same height, which is in compliance with the maximum 55-foot height requirement of SRC Chapter 535.

SRC 535.015(e) - Landscaping:

Landscaping requirements within the MU-III zone are established under SRC 535.015(e):

- (1) Setbacks. Setbacks, except setback areas abutting a street that provide pedestrian amenities, shall be landscaped to conform to the following standards:

(A) The required setback abutting a street for development that is exclusively residential shall meet the standard of a minimum of one plant unit per 16 square feet of landscaped area. Landscaping shall conform to the standards set forth in SRC chapter 807.

(B) For all other uses, 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 chapters 806 and 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.

(4) Gasoline stations. In addition to the landscaping requirements set forth in this section, gasoline stations shall be required to provide a minimum of one plant unit per 16 square feet of landscaped area. The landscaped area shall conform to the standards set forth in SRC chapter 807.

Finding: The site is approximately 86,917 square feet in size, requiring a minimum of 13,037.55 square feet of landscaped area ($86,917 \times 0.15 = 13,037.55$). The site plan indicates a total of 14,512 square feet (16.7 percent) of landscaped area is provided on the site. The 16.7-percent meets the standard of 15-percent landscaping.

SRC 534.015(f) - Continued Development:

Pursuant to SRC 534.015(f), buildings or structures that existed in the MU-III zone prior August 24, 2022, that would be made non-conforming development by this chapter are hereby deemed continued development.

1. Building or structures housing a continued use may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding complies with the standards set forth in SRC 535.015(f).

Finding: The building existed prior to August 24, 2022, the building is undamaged therefor the site is not subject to this standard.

SRC 535.015(g) - Pedestrian-oriented design:

Pursuant to SRC 534.015(g), Development within the MU-III zone shall conform to the pedestrian-oriented design standards set forth in this section.

1. New off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. They shall not be located between a building or structure and a street. SRC 535.015(g)(1).
2. New drive throughs shall be located behind or beside buildings and structures. SRC 535.015 (g)(2)
3. Outdoor storage of merchandise located within 50 feet of the right-of-way shall be screened with landscaping or a site-obscuring fence or wall. SRC 535.015(g)(3)
4. For buildings within the maximum setback abutting a street, a primary building entrance for each building facade facing a street shall be facing the street. If a building has frontage on more than one street, a single primary building entrance on the ground floor may be provided at the corner of the building where the streets. SRC 535.015(g)(4)

5. If the building has the minimum setback requirements, then 50 percent of the ground floor windows need to be at least 37 percent Transparent. SRC 535.015(g)(5)

Findings: The project will not be adding new parking, vehicle maneuvering areas, drive-through's, outdoor storage and has an existing structure abutting a street with no proposed changes, therefore these standards do not apply.

Solid Waste Service Areas

SRC 800.055 – Applicability.

Solid waste service areas are to provide for the safe and convenient collection of solid waste, recyclable and compostable materials by the local solid waste collection franchisee. Pursuant to SRC 800.055, solid waste service area design standards shall apply to all new solid waste, recycling, and compostable service areas, where use of a solid waste, recycling, and compostable receptacle one cubic yard or larger is proposed, and to any change to an existing solid waste service area for receptacles one cubic yard or larger that requires a building permit.

Finding: The applicant's site plan does not indicate a new solid waste service area, therefore, these standards are not applicable to the proposed development.

Pedestrian Access SRC 800

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. 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.

When a development site is comprised of lots under separate ownership, the pedestrian access standards set forth in this section shall apply only to the lot, or lots, proposed for development, together with any additional contiguous lots within the development site that are under the same ownership as those proposed for development.

Finding: The proposed development is for a change of use and off-street loading space to serve an existing development site. The development proposed does not exceed 200 square feet of floor area; the pedestrian access standards of SRC Chapter 800 do not apply to the proposed development.

SRC CHAPTER 806 (OFF-STREET PARKING, LOADING, & DRIVEWAYS)

SRC 806.005 - Off-Street Parking; When Required.

Pursuant to SRC 806.005(a), off-street parking shall be provided and maintained for a proposed new use or activity, a change of use or activity that results in a greater number

of spaces than previously required, or any intensification, expansion, or enlargement of a use or activity.

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.

SRC 806.015 - Amount of Off-Street Parking.

Minimum Required Off-Street Parking. The minimum number of off-street parking spaces required for a Commercial entertainment—indoor use is one parking space per 300 sq. ft.

Compact Parking. Up to 75 percent of the minimum off-street parking spaces required under this Chapter may be compact parking spaces.

Carpool and Vanpool Parking. New developments with 60 or more required off-street parking spaces shall designate a minimum of 5 percent of their total off-street parking spaces for carpool or vanpool parking.

Maximum Off-Street Parking. Unless otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-2B.

Finding: These spaces have use classifications of Commercial entertainment (indoor) SRC806.015(Table 806-1) states that there needs to be one parking space per every 300 sq. ft. therefore the site needs 32 parking spaces. This standard is being met by the 98 total space currently on the property.

Bicycle Parking

SRC 806.045 - General Applicability.

Bicycle parking shall be provided and maintained for each proposed new use or activity, a change of use or activity that results in a greater number of bicycle parking spaces than previously required, or any intensification, expansion, or enlargement of a use or activity.

SRC 806.050 - Proximity of Bicycle Parking.

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 806-9. The use requires the greater of 4 spaces or 1 space per 500 square feet.

Finding: The Tennent space categorized as Commercial entertainment—indoor requires four bicycle parking spaces, the bike parking standard are meet by the six bike parking spaces located at the front of the existing building.

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.

SRC 806.070 - Proximity of Off-Street Loading Areas to Use or Activity Served.

Off-street loading areas shall be located on the same development site as the use or activity it serves.

SRC 806.075 - Amount of Off-Street Loading.

Off-street loading shall be provided in amounts not less than those set forth in Table 806-9. No off-street loading spaces are required for.

Finding: The existing building has a use classification of Retail Sales and Commercial entertainment—indoor, which do not require an Off-Street Loading area.

Natural Resources

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 (tree that is 30" diameter at breast Height or an Oregon White Oak at is 20" DBH) (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.

No protected trees or native vegetation have been identified on the site plan for removal.

SRC 809 – Wetlands: The Salem-Keizer Local Wetland Inventory (LWI) does not show wetland area(s) or hydric soils mapped on the property.

SRC 810 - Landslide Hazards: SRC Chapter 810 requires a geological assessment or report when regulated activity is proposed in a mapped landslide hazard area. According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810, there are no mapped landslide hazard areas in construction. Therefore, no geological assessment of the property is required.

Historic Property Status

The subject property is not listed as a historic resource.

Previous Land Use Actions

CPC-ZO-NP 87-11: To consider a comprehensive Plan Change from "Single Family Residential" to "Commercial" and a Morningside Neighborhood plan change form "single family" to "commercial retail" for property located in the 700 Block of Madrona.

City Department Comments

The Building and Safety Division reviewed the proposal and indicated

The Fire Department has reviewed the proposal and indicated no apparent site issues.

2. Conclusion

Based on conformance with the preceding requirements, the Planning Administrator finds that the proposed site plan for property located at 706 Madrona Avenue SE 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 Sally Long at 503-540-2326 or by email at lkeller@cityofsalem.net.



Lydia Keller, Planner I, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Application Deemed Complete:	<u>March 22, 2023</u>
Decision Mailing Date:	<u>March 27, 2023</u>
State Mandated Decision Date:	<u>March 27, 2023</u>

Attachments: A) Proposed Site Plan

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