

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 1 Site Plan Review
AMANDA NO.: 23-108590-PLN
DATE OF DECISION: May 1, 2023
PROPERTY LOCATION: 3773 Commercial St SE
APPLICANT: Corey Jenks
ZONE: MU-III (Mixed Use III)
COMPREHENSIVE PLAN: Mixed Use
OVERLAY: None

REQUEST

A Class 1 Site Plan Review for a change of use to retail sales located at 3773 Commercial St SE, within an existing building on property located in the MU-III (Mixed-Use III) zone and located at 3773 Commercial St SE – 97306 (Marion County Assessor's Map and Tax Lot 083W03CA/8000).

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, or involves a change of use or change of occupancy where only construction or improvements to the interior of the building or structure are required; or a change of use when a building permit is not otherwise 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 a 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 property will need to establish a new building occupancy and will need a Secondhand dealer License

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

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-III. Development in the MU-III zone is subject to the standards in SRC Chapter 535 and all other applicable provisions of the Salem Revised Code. The previous use at this address was an office; the proposed use is retail sales, which is a permitted use with the limitation for used merchandise stores, where sales and storage of merchandise and equipment is not conducted entirely within a building is prohibited in the MU-III zone according. The applicant is not conducting sales or storage outside of the building.

Off-Street Parking and Loading

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 proposed change of use is located within a shopping center, which requires a parking ratio of one parking space per 250 square feet. The three buildings in the shopping center area total 12,160 sq. ft., requiring 49 parking spots. The development site currently has 74 parking spots that meeting the standard.

Bicycle Parking

SRC 806.045 - General Applicability.

- a) Bicycle parking shall be provided as required under this chapter for:
 - (1) Each proposed new use or activity.
 - (2) Any change of use or activity.
 - (3) Any intensification, expansion, or enlargement of a use or activity.
- b) Applicability to change of use of existing building in Central Business District (CB) zone. Notwithstanding any other provision of this chapter, the bicycle parking requirements for a change of use of an existing building within the CB zone shall be met if there are a minimum of eight bicycle parking spaces located within the public right-of-way of the block face adjacent to the primary entrance of the building. If the minimum number of required bicycle parking spaces are not present within the block face, the applicant shall be required to obtain a permit to have the required number of spaces installed. For purposes of this subsection, "block face" means the area within the public street right-of-way located along one side of a block, from intersecting street to intersecting street.
- c) Applicability to nonconforming bicycle parking area. 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.

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 5000 square feet.

Finding: the shopping center building total 12,160 sq. ft and therefore would need 4 bike parking space. The applicant's site plan includes construction details for the 4 bike parking spaces to be installed on the west of the main door of the building.

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 site plan indicates the proposed bicycle parking is within 50 feet of a primary entrance; therefore, this standard is met.

- (a) *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 to access the bicycle parking area.

Finding: As shown on the site plan, each bicycle parking area has direct access to a primary building entrance through the pedestrian pathways, free of obstruction or barriers, in conformance with the requirements of SRC 806.060(b).

- (b) *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 one and half feet in width when the proposed bicycle racks are side-by-side. For horizontal spaces, the bike rack shall be centered along the long edge of the bicycle parking space.
 - (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 paved parking lot, with adequate dimensions to provide pedestrian passage for all four proposed spaces; the length of each proposed stall is at least six feet, while the width is at least two feet wide. The bicycle parking cluster is arranged in a manner that will be able to adequately provide access to each main entrance via the pedestrian walkway. The bike racks need to be installed at the same angle as the car parking spaces, as to not block parking. The applicant is also providing a minimum five-foot-wide access aisle; therefore, the standard is met.

- (c) *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; therefore, the standard is met.

- (d) *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 site plan indicates post, and ring style bike racks will be provided. The proposed bike racks conform to material requirements of SRC 806.060(e).

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: No additional off-street loading spaces are required for the proposed new 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 stated the following 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 3773 Commercial St 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 Lydia Keller 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>April 26, 2023</u>
Decision Mailing Date:	<u>May 1, 2023</u>
State Mandated Decision Date:	<u>May 1, 2023</u>

Vicinity Map

3773 Commercial Street SE



Legend

- Taxlots
- Urban Growth Boundary
- City Limits
- Outside Salem City Limits
- Historic District
- Schools

Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

0 100 200 400 Feet



SE



50

60

1/16 COR

50'

EWALD AVE

50'

SEE MAP
083W03DC

100'



