

TO: HEARINGS OFFICER

**FROM: LISA ANDERSON-OGILVIE, AICP, DEPUTY COMMUNITY
DEVELOPMENT DIRECTOR AND PLANNING ADMINISTRATOR**

**SUBJECT: CONDITIONAL USE / CLASS 3 SITE PLAN REVIEW / CLASS 2 AND
ADJUSTMENT / CLASS 2 DRIVEWAY APPROACH PERMIT / CLASS 1
DESIGN REVIEW CASE NO. CU-SPR-ADJ-DAP-DR20-02
2095 FAIRGROUNDS ROAD NE
AMANDA NO. 19-124717-ZO, 19-124718-RP, 19-125096-ZO, 19-
125097-ZO & 19-125098-DR**

REQUEST

Summary: A proposal to construct a coffee cafe with a drive-through lane.

Request: A consolidated Conditional Use, Class 3 Site Plan Review, Class 2 Zoning Adjustment, Class 2 Driveway Approach Permit, and Class 1 Design Review for a proposed 2,206 square foot eating and drinking establishment with a drive-through on a property of 0.58 acres located at 2095 Fairgrounds Road NE (Marion County Assessor 073W14CD01300) in the CR (Retail Commercial) zone and Portland/Fairgrounds Overlay Zone. The Class 2 Adjustment is requested to reduce the required width of the landscaped setback abutting residential zones from 15 feet to 5 feet.

A vicinity map illustrating the location of the property is attached hereto and made a part of this staff report (**Attachment A**).

APPLICANT: Hummelt Development Company (Jon Hummelt and Fritz Hummelt)

OWNER: B and W LLC (Diane Wearne, Greg Batdorf)

FILER: Fritz Hummelt

RECOMMENDATION

Based upon the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer APPROVE the request for a conditional use, site plan review, adjustment, driveway approach permit, and design review application for the proposed 2,206 square foot eating and drinking establishment with a drive-through on a property of 0.58 acres located at 2095 Fairgrounds Road NE, subject to the following conditions of approval:

CONDITIONAL USE:

Condition 1: Provide a raised surface or speed bumps to delineate the pedestrian pathways that cross the drive-through lane.

Condition 2: Install a small sign indicating “Do Not Block Crosswalk” at the northern pedestrian pathway that crosses the drive-through lane.

Condition 3: Install a small sign indicating “Yield to Pedestrians” at the southern pedestrian pathway that crosses the drive-through lane.

SITE PLAN REVIEW:

Condition 4: Construct all walls of the building at least five feet from the property line abutting Fairgrounds Road NE and retain four-foot building offsets required to meet the design standards.

Condition 5: Provide a minimum 6-foot-tall sight-obscuring fence along the property line abutting the residential zones.

Condition 6: Provide a solid waste service area meeting all applicable standards of SRC 800.055.

Condition 7: Replace nonconforming portions of existing sidewalk along the frontage of the property pursuant to SRC 78.180(a).

Condition 8: Install street trees to the maximum extent feasible along the frontage of Fairgrounds Road NE pursuant to SRC 86.015(e).

Condition 9: Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and *Public Works Design Standards (PWDS)*.

ADJUSTMENT:

Condition 10: The adjusted perimeter setback abutting residential zones, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

APPLICATION PROCESSING

On December 17, 2019, Conditional Use Permit, Class 3 Site Plan Review, Class 2 Driveway Approach Permit, Class 2 Adjustment, and Class 1 Design Review applications were accepted for processing. The collective applications were deemed complete for processing on February 18, 2020.

The public hearing before the City of Salem Hearings Officer is scheduled for March 11, 2020, at 5:30 p.m. Notice of public hearing was sent by mail to surrounding property

owners and tenants pursuant to Salem Revised Code (SRC) requirements on February 20, 2020. Public hearing notice was also posted on the property by the applicant pursuant to SRC requirements.

PROPOSAL

The applicant is requesting approval for development of a proposed 2,206 square foot eating and drinking establishment with a drive-through. The application includes a request for adjustment to reduce the required width of the landscaped setback abutting residential zones from 15 feet to 5 feet.

SUMMARY OF RECORD

The following items are submitted to the record and are available upon request: All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; any materials and comments from public agencies, City departments, neighborhood associations, and the public; and all documents referenced in this report.

APPLICANT'S STATEMENT

The applicant's proposed development plans are included as **Attachment B**, and the applicant's statement addressing the applicable approval criteria for the consolidated applications is included as **Attachment C**.

FACTS AND FINDINGS

1. Salem Area Comprehensive Plan (SACP) designation

The Salem Area Comprehensive Plan (SACP) map designation for the subject property is "Commercial." The subject property is within the Urban Growth Boundary and within the Urban Service Area.

2. Zoning and Surrounding Land Uses

The subject property is zoned CR (Retail Commercial) and located in the Portland/Fairgrounds Overlay Zone. In the CR zone, eating and drinking establishment uses are permitted. In the Portland/Fairgrounds Overlay Zone, any use that is a permitted use in the underlying zone is a permitted use in the Portland/Fairgrounds Road Overlay Zone; however, any permitted use shall be a conditional use if developed with a drive-through.

The zoning of surrounding properties is as follows:

Northwest: RS (Single Family Residential)

Southwest: RM-II (Multi-Family Residential)

Northeast: Across Myrtle Avenue NE, RM-II (Multi-Family Residential) and CG (General Commercial)

Southeast: Across Fairgrounds Road NE and Capitol Street NE, CR (Retail Commercial)

3. Site Analysis

The subject property is a single tax lot of approximately 0.58 acres and has approximately 145 feet of frontage on Myrtle Avenue NE and approximately 210 feet of frontage on Fairgrounds Road NE. Fairgrounds Road NE is designated as a Major Arterial street in the Transportation System Plan and Myrtle Avenue NE is designated as a Local street.

4. Neighborhood and Citizen Comments

The subject property is located within the Highland Neighborhood Association. Notice was provided to Highland and to surrounding addresses, property owners, and tenants within 250 feet of the subject property. At the time of this staff report, no neighborhood association or public comments had been received.

5. City Department and Public Agency Comments

The Public Works Department reviewed the proposal and provided a memo which is included as **Attachment D**.

The Salem Building and Safety Division reviewed the proposal and identified no issues.

The Salem Fire Department reviewed the proposal and commented:

Items including fire department access and water supply appear to be provided. This will be verified at the time of building permit plan review. NOTE: The provided code summary references the old editions of the state building and fire codes and indicated an A-2 occupancy with an occupant load over 100 without fire sprinklers. Items including but not limited to these will be reviewed at the time of building permit plan review.

Portland General Electric (PGE) reviewed the proposal and indicated that development costs are determined by current tariff and service requirements.

6. Analysis of Conditional Use Criteria

SRC Chapter 240.005(a)(1) provides that:

No building, structure, or land shall be used or developed for any use which is designated as a conditional use in the UDC unless a conditional use permit has been granted pursuant to this Chapter.

SRC Chapter 240.005(d) establishes the following approval criteria for a conditional use permit:

Criterion 1:

The proposed use is allowed as a conditional use in the zone.

Finding: SRC Chapter 603.015(b)(2) provides that permitted uses developed with a drive-through are allowed in the Portland/Fairgrounds Overlay Zone with a conditional use permit.

Criterion 2:

The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions.

Finding: The written statement provided by the applicant indicates that the proposed drive-through will have little to no impact on the neighborhood. The proposed drive-through is located in the interior of the lot and on the back side of the building that will be placed near and parallel to Fairgrounds Road NE. A 15-foot setback is proposed along the most northerly sections of the northwest property line abutting the RS zone, except for an area where the solid waste enclosure will be located. An adjustment to provide a narrower 5-foot setback is proposed along the remainder of the property line abutting the residential zones.

Existing 6-foot chain link fencing and a tall arborvitae hedge provide buffering from the sounds and visual impacts of the drive-through along most of the property line abutting the residential zones. The applicant proposes to fill gaps within the vegetation screening to provide complete screening. Conditions of approval below would require that the existing fencing be made sight-obscuring or replaced with a sight-obscuring fence.

Staff concurs with the findings included in the applicant's written statement. The screening helps to eliminate any visual or noise impacts, and the location of the drive-through provides adequate length for vehicle queuing within the parking area and in the drive-through lane. These features help eliminate any impacts on the surrounding neighborhood. The development standards of the CR zone included under SRC Chapter 522 and the design review requirements for development within the Portland/Fairgrounds Road Overlay Zone included under SRC Chapter 603 are intended to ensure development within this area is conducted in a manner consistent with the area's role as the northern gateway

into Salem. The proposed development has been reviewed for conformance with these requirements and, as recommended to be conditioned under Sections 7 and 10 of this report, conforms to such requirements, except as conditioned below; thereby ensuring that adverse impacts of the proposed drive-through use on the immediate neighborhood will be minimized.

The proposed design includes two pedestrian pathways that cross the proposed drive-through lane, and one of these also serves as an accessible route to the ADA parking space. The proposed design meets standards for pedestrian pathways crossing driveways and drive aisles, where drivers may reasonably expect to see pedestrians. However, because drivers in drive-through lanes do not typically expect pedestrian traffic to cross, and because vehicles may be stationary for extended periods of time while drivers wait for service, staff recommends the following conditions to ensure pedestrian safety and unobstructed pedestrian access:

- Condition 1:** Provide a raised surface or speed bumps to delineate the pedestrian pathways that cross the drive-through lane.
- Condition 2:** Install a small sign indicating “Do Not Block Crosswalk” at the northern pedestrian pathway that crosses the drive-through lane.
- Condition 3:** Install a small sign indicating “Yield to Pedestrians” at the southern pedestrian pathway that crosses the drive-through lane.

As conditioned, the proposed development will have a minimal impact on the immediate neighborhood.

Criterion 3:

The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.

Finding: The written statement provided by the applicant (**Attachment C**) indicates the development will be compatible with adjacent uses surrounding the subject property. The applicant explains that the proposed development complies with design standards and site amenities of the Portland/Fairgrounds Overlay Zone. Building and site amenities such as building offsets, 65% storefront glass, and pedestrian paths will improve the visual appeal of the property and reduce impacts on the neighborhood. The design standards are in place to help ensure compatibly with adjacent uses.

Staff concurs with the findings included within the applicant’s written statement. The subject property is located in an area characterized predominantly by

commercial zoning and a variety of non-residential uses including, but not limited to, medical clinics, financial institutions, a post office, auto service uses, retail, and warehouses.

The subject property is zoned CR (Commercial Retail) and falls within the Portland/Fairgrounds Road Overlay Zone. Commercial uses with a drive-through use are allowed use within the Portland/Fairgrounds Road Overlay Zone subject to receiving conditional use permit approval. Due to the location of the subject property and the zoning of surrounding properties, the proposed development is near shopping, employment, and other services anticipated by the applicable policies of the City's Comprehensive Policies Plan for the siting of commercial development.

Development of the property is subject to the development standards of the CR zone included under SRC Chapter 522 and the development standards and design review requirements for commercial developments within the Portland/Fairgrounds Road Overlay Zone included under SRC Chapter 603. The requirements established under these chapters are intended to minimize the potential impacts of development on surrounding properties. As indicated in Sections 7 and 11 of this report, the proposed development has been reviewed for conformance with these requirements and, as recommended to be conditioned, conforms to such requirements; thereby ensuring the proposed development will have minimal impact on the development of surrounding property.

Because the development will have minimal impact on surrounding uses, the proposed development meets this approval criterion.

7. Analysis of Class 3 Site Plan Review Approval Criteria

SRC 220.005(f)(3) establishes the following approval criteria for a Class 3 Site Plan Review:

Criterion 1:

The application meets all applicable standards of the UDC.

Finding: The applicant is requesting approval for development of an eating and drinking establishment of 2,206 square feet. The proposed site plan complies with all applicable development standards except the minimum required vehicle use area setback to property lines abutting residential zones. Findings for the adjustment are addressed below in Section 8.

Use and Development Standards – CR (Retail Commercial) Zone:

SRC 522.005(a) – Uses:

Finding: Permitted, special and conditional uses for the CR zone are found in SRC Chapter 522, Table 522-1. Eating and drinking establishment uses are permitted uses.

SRC 522.010(a) – Lot Standards:

There are no minimum lot area or dimension requirements in the CR zone. All uses are required to have a minimum of 16 feet of street frontage.

Finding: The subject property is approximately 0.58 acres in size and has approximately 145 feet of frontage on Myrtle Avenue NE and approximately 210 feet of frontage on Fairgrounds Road NE, exceeding the minimum lot standards of the CR zone.

SRC 522.010(b) – Setbacks:

Northwest: Adjacent to the northwest is property zoned RS (Single-Family Residential). There is a minimum 15-foot building and vehicle use area setback required adjacent to a residential zone.

Finding: The proposed building is located more than 65 feet from the property line. The proposed vehicle use area is five to 15 feet from the property line, and the applicant has requested an adjustment. Findings for the adjustment are in Section 8 of this report.

Southwest: Adjacent to the southwest is property zoned RM-II (Multi-Family Residential). There is a minimum 15-foot building and vehicle use area setback required adjacent to a residential zone.

Finding: The proposed building is located approximately 75 feet from the property line. The proposed vehicle use area is five feet from the property line, and the applicant has requested an adjustment. Findings for the adjustment are in Section 8 of this report.

Northeast: Adjacent to the northeast is right-of-way for Myrtle Avenue NE. Buildings and structures adjacent to a street require a minimum five-foot setback, and vehicle use areas require a minimum 6- to 10-foot setback.

Finding: The proposed building is located 52 to 60 feet from the property line. The proposed vehicle use area is 10 feet from the property line, in compliance with the minimum standard.

Southeast: Adjacent to the southeast is right-of-way for Fairgrounds Road NE. Buildings and structures adjacent to a street require a minimum five-foot setback, and vehicle use areas require a minimum 6- to 10-foot setback.

Finding: The proposed building is set back more than five feet from the property line. However, wing walls at the main entry proposed to provide a building offset to meet design standards are approximately 1'9" from the front property line. The applicant may meet the five-foot setback as well as the design standards in several ways: for example, by shifting the building, drive-through lane, and landscaped area farther away from the street and changing parking spaces 9 through 19 to compact spaces (13-foot stripes rather than 17-foot stripes) or by redesigning the building to recess the entryway by four feet rather than extend the entryway outward by four feet. Staff recommends the following condition to ensure that the proposal meets the setback in the CR zone.

Condition 4: Construct all walls of the building at least five feet from the property line abutting Fairgrounds Road NE and retain four-foot building offsets required to meet the design standards.

SRC 522.010(c) – Lot Coverage, Height:

There is no maximum lot coverage standard in the CR zone, the maximum height allowance for all buildings and structures is 50 feet.

Finding: The proposed building is less than 20 feet in height, in compliance with the maximum height allowance of the CR zone.

SRC 522.010(d) – Landscaping:

- (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: Within the required setbacks for buildings and parking and vehicle use areas abutting the streets, Type A landscaping of one plant unit per 20 square feet is required. The preliminary landscape plan complies with this standard.

Within the landscaped setbacks for the vehicle use areas abutting residential zones, Type C landscaping with one plant unit per 20 square feet and a minimum 6-foot-tall fence or wall is required. Required screening in the form of a fence, wall, or landscaping shall be sight-obscuring (at least 75 percent opaque when viewed from any angle at a point 25 feet away). Landscaping shall be of an evergreen species that will attain a height of at least 6 feet and 75 percent opacity within three years after planting. The site plan indicates an existing 6-foot-tall chain link fence along the property line abutting the residential zones. The fence must be opaque to meet the standard. Staff recommends the following

condition to ensure compliance with the standard:

Condition 5: Provide a minimum 6-foot-tall sight-obscuring fence along the property line abutting the residential zones.

The interior vehicle use area landscaping meets the standards of SRC Chapter 806 and SRC Chapter 807 as explained later in this report.

The subject property is approximately 0.58 acres, or 25,265 square feet, requiring a minimum of 3,790 square feet of landscaping ($25,265 \times 0.15 = 3,789.75$). The site plan indicates that 8,399 square feet (33%) of the site will be landscaped, exceeding the minimum requirement.

Use and Development Standards – Portland/Fairgrounds Road Overlay Zone (SRC 603.020)

SRC 603.020(e) -- 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.

Finding: The applicant submitted a site plan which details the proposed landscaping. Most of the landscaping is proposed to be on grade with the street. However, bioswales are proposed in several locations. The applicant submitted preliminary bioswale designs indicating compliance with the slope standard.

SRC 603.020(f) -- Off-street parking and loading areas:

(1) Planter bays or islands shall have a minimum planting area of 50 square feet.

Finding: As shown on the proposed site plan, the proposed development all proposed planter bays exceed the minimum area of 50 square feet. Therefore, this standard has been met.

(2) A minimum of one tree per eight parking spaces is required, of which a maximum on 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.

Finding: The applicant proposes 20 parking spaces, requiring a minimum of three trees. The applicant provided a landscaping plan which indicates more than three trees will be planted within the parking area. Therefore, this standard has been met.

- (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.*

Finding: The off-street parking areas serving the proposed development will all be on the same property. Therefore, this standard has been met.

- (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.*

Finding: The off-street parking areas serving the proposed development will all be on the same property. Therefore, this standard has been met.

- (5) *Parking lot light structures shall not exceed 25 feet in height.*

Finding: The applicant stated that the proposed parking lot light structures would not exceed 25 feet in height. Therefore, this standard has been met.

SRC 603.020(g) -- Screening:

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

Finding: The proposed development, as conditioned, includes a cmu trash enclosure area which will be screened by a sight-obscuring fence and hedge. Therefore, this standard has been met.

- (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.*

Finding: The proposal does not include the use of concertina or barbed wire fencing. As proposed, the development meets the standard.

- (3) *Concertina or barbed wire fencing shall be screened from public view and adjacent property by sight-obscuring landscaping.*

Finding: The proposal does not include the use of concertina or barbed wire fencing. As proposed, the development meets the standard.

SRC 603.020(h) Outdoor Storage:

- (1) *Outdoor storage areas shall not be located within required setbacks.*

Finding: The applicant's site plan does not include any space for outdoor storage. This standard is not applicable.

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

Finding: The applicant's site plan does not include any space for outdoor storage. This standard is not applicable.

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

Finding: The applicant's site plan does not include any space for outdoor storage. This standard is not applicable.

SRC 603.020(i) -- Pedestrian Access:

- (1) *A pedestrian connection shall be provided from the public sidewalk to the primary building entrance.*

Finding: The proposed site plan shows pedestrian connections from the public sidewalk along Fairgrounds Road NE and Myrtle Avenue NE to the three building entrances. This standard is met.

- (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.*

Finding: The proposed site plan indicates pedestrian connections through all parking areas to the building entrances. This standard is met.

- (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.*

Finding: The proposed development is a single building. This standard is not applicable.

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

Finding: The pedestrian connections shown on the applicant's plans are planned to striped and colored asphalt crossing the drive-through and parking lot and scored concrete at the plazas connecting to the public sidewalk. Additionally, all internal pedestrian connections are a minimum of five feet in width. As proposed, the development meets this criterion.

- (5) *Wheel stops, or extended curbs shall be provided along required pedestrian connections to prevent the encroachment of vehicles onto pedestrian connections.*

Finding: The pedestrian connections shown on the applicant's plans are not perpendicular to parking spaces, and no wheel stops or extended curbs are required. Where parking spaces are perpendicular to landscaped areas, the applicant has proposed extended curbs. As proposed, the development meets these criteria.

SRC 603.020(j) -- Project Enhancements

Development within the Portland/Fairgrounds Road Overlay Zone shall include four or more of the following project enhancements.

- (1) *Closure of one driveway approach on Portland/Fairgrounds Road;*

Finding: The applicant is not proposing this enhancement.

- (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);*

Finding: The applicant is not proposing this enhancement.

- (3) *Freestanding sign not more than five feet in height and placed upon a foundation;*

Finding: The applicant's site plan indicates intent to provide a freestanding sign no more than five feet in height near the corner of Myrtle Avenue NE and Fairgrounds Road NE.

- (4) *Weather protection, in the form of awnings or canopies, along more than 50 percent of the length of the ground floor building facade adjacent to sidewalks or pedestrian connections;*

Finding: The applicant's site plan indicates awnings and a roofed alcove along the facades of the building for weather protection. The proposed awnings extend over the building entrances and cover more than 50 percent of the length of the ground floor building façades (northeast, southeast, and southwest) that are adjacent to the public sidewalk and the internal pedestrian connections.

- (5) *Cast iron or wrought iron fencing adjacent to Portland/Fairgrounds Road;*

Finding: The applicant's site plan indicates a wrought iron ornamental fence at the exterior dining area near the northeast entrance adjacent to

Myrtle Avenue NE and Fairgrounds Road NE.

(6) *Pedestrian connections that are:*

- (A) Constructed with pavers, scored, or colored cement, and/or stamped asphalt;*
- (B) Elevated above the parking area and driveway; or*
- (C) Defined with landscaping or building features such as canopies, awnings, or arcades;*

Finding: The applicant is not proposing this enhancement.

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

Finding: The subject site is not a surface parking lot.

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

Finding: The applicant's site plan indicates pedestrian plazas and outdoor spaces adjacent to Fairgrounds Road NE.

(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;*

Finding: The applicant's site plan indicates approximately 16 percent interior landscaping.

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

Finding: The applicant's site plan indicates installation of landscaping and irrigation by a landscape architect.

(11) *Development of a mixed-use building; or*

Finding: The proposed development is not a mixed-use building.

(12) *Construction of a building where at least 50 percent of the building frontage is constructed contiguous to the minimum building setback line.*

Finding: Within the Portland/Fairgrounds Overlay Zone, the minimum building setback is zero feet. The applicant is not proposed a building setback of zero feet.

The applicant's site plan and written statement demonstrate conformance with six of the 12 project enhancements which exceeds the minimum requirement of four project enhancements. This criterion is met.

General Development Standards SRC 800

SRC 800.055(a) – Applicability.

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 1 cubic yard or larger is proposed.

Finding: The site plan indicates that a new solid waste enclosure with receptacles greater than 1 cubic yard in size is proposed.

SRC 800.055(b) – Solid Waste Receptacle Placement Standards.

All solid waste receptacles shall be placed at grade on a concrete pad that is a minimum of 4 inches thick, or on an asphalt pad that is a minimum of 6 inches thick. The pad shall have a slope of no more than 3 percent and shall be designed to discharge stormwater runoff.

- 1) Pad area. In determining the total concrete pad area for any solid waste service area:
 - a. The pad area shall extend a minimum of 1-foot beyond the sides and rear of the receptacle.
 - b. The pad area shall extend a minimum 3 feet beyond the front of the receptacle.
 - c. In situations where receptacles face each other, a minimum four feet of pad area shall be required between the fronts of the facing receptacles.

Finding: The materials for the slab are indicated as concrete and asphalt in the proposed plans. The proposed slope meets the standard. More than four feet of pad area is provided between receptacles that face each other. Compliance with this standard will be verified at building permit.

- 2) Minimum Separation.
 - a. A minimum separation of 1.5 feet shall be provided between the receptacle and the side wall of the enclosure.
 - b. A minimum separation of 5 feet shall be provided between the receptacle and any combustible walls, combustible roof eave lines, or building or structure openings.

Finding: Receptacles will not be placed within 5 feet of a building or structure. Adequate separation distance is available for 1.5 feet of separation between receptacles and side walls of the enclosure, but only one foot of separation is

shown on the site plan. Compliance with this standard will be verified at building permit.

3) Vertical Clearance.

- a. Receptacles 2 cubic yards or less in size shall be provided with a minimum of 8 feet of unobstructed overhead or vertical clearance for servicing.
- b. Receptacles greater than 2 cubic yards in size shall be provided with a minimum of 14 feet of unobstructed overhead or vertical clearance for servicing.

Finding: No roof is proposed for the solid waste enclosure, therefore this standard is not applicable.

SRC 800.055(d) – Solid Waste Service Area Screening Standards.

- 1) Solid waste, recycling, and compostable service areas shall be screened from all streets abutting the property and from all abutting residentially zoned property by a minimum six-foot-tall sight-obscuring fence or wall; provided, however, where receptacles, drop boxes, and compactors are located within an enclosure, screening is not required. For the purpose of this standard, abutting property shall also include any residentially zoned property located across an alley from the property.
- 2) Existing screening at the property line shall satisfy screening requirements if it includes a six-foot-tall sight-obscuring fence or wall.

Finding: The solid waste service area is completely enclosed with a cmu wall and sight-obscuring gate and screened from view from surrounding streets and residentially zoned property.

SRC 800.055(e) – Solid Waste Service Area Enclosure Standards.

When enclosures area used for required screening or aesthetics, such enclosure shall conform to the following standards:

- 1) Front Opening of Enclosure. The front opening of the enclosure shall be unobstructed and shall be a minimum of 12 feet in width.

Finding: The unobstructed width of the proposed front opening for the enclosure is less than 12 feet. Compliance with this standard will be verified at building permit.

- 2) Measures to Prevent Damage to Enclosure. Enclosures constructed of concrete, brick, masonry block, or similar types of material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure, or a fixed bumper rail to prevent damage from receptacle impacts.

Finding: The proposed site plan indicates that the enclosure walls will be cmu block. A bumper curb 12 inches inside the perimeter of the enclosure walls is required and indicated on the proposed plans.

- 3) Enclosure Gates. Any gate across the front opening of an enclosure shall swing freely without obstructions. For any opening that is less than 15 feet in width, the gates shall open a minimum of 120 degrees. All gates shall have restrainers in the open and closed positions.

Finding: The proposed gates can swing to 120 degrees in compliance with this provision, but no restrainers are shown. Compliance will be verified at building permit.

SRC 800.055(f) – Solid Waste Service Area Vehicle Access.

- 1) Vehicle Operation Area. A vehicle operation area shall be provided for solid waste collection service vehicles that are free of obstructions and no less than 45 feet in length and 12 feet in width. Vehicle operation areas shall be made available in front of every receptacle.

Finding: The proposed vehicle operation area meets the minimum dimensional requirements for service vehicle access.

Staff recommends the following condition of approval to ensure compliance with all applicable standards:

Condition 6: Provide a solid waste service area meeting all applicable standards of SRC 800.055.

Off-Street Parking, Loading, and Driveways SRC 806

SRC 806.005 - Off-Street Parking; When Required.

Off-street parking shall be provided and maintained for each proposed new 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.

- a) *Minimum Required Off-Street Parking.* The proposal is for an eating and drinking establishment. A minimum of one space per 250 square feet of gross floor area is required.
- b) *Compact Parking.* Up to 75 percent of the minimum off-street parking spaces required under this Chapter may be compact parking spaces.

- c) *Carpool and Vanpool Parking.* New developments with 60 or more required off-street parking spaces, and falling within the public services and industrial use classifications, and the business and professional services use category, shall designate a minimum of five percent of their total off-street parking spaces for carpool or vanpool parking.
- d) *Maximum Off-Street Parking.* Unless otherwise provided in the SRC, off-street parking shall not exceed the amounts set forth in Table 806-2.

Finding: The proposed use is an eating and drinking establishment. The gross floor area is approximately 2,206 square feet, requiring a minimum of 9 spaces ($2,206 / 250 = 8.824$).

A maximum of 7 of the 9 required parking spaces may be compact spaces; at least two required parking spaces must be standard spaces. No carpool/vanpool spaces are required for the proposed development. A maximum of 23 off-street parking spaces are allowed ($9 \times 2.5 = 22.5$).

The proposed site plan indicates that 20 new off-street parking spaces will be provided. One of the proposed parking spaces will be ADA and the remainder are standard size parking spaces. No compact spaces are indicated on the site plan, but the conditions of approval above may require redesigning some spaces to compact spaces.

SRC 806.035 - Off-Street Parking and Vehicle Use Area Development Standards.

- a) *General Applicability.* The off-street parking and vehicle use area development standards set forth in this section apply to the development of new off-street parking and vehicle use areas.
- b) *Location.* Off-street parking and vehicle use areas shall not be located within required setbacks.
- c) *Perimeter Setbacks and Landscaping.* Perimeter setbacks shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures.

Abutting Property Lines: Off-street parking and vehicle use areas shall be set back a minimum of six to 10 feet from property lines abutting streets (unless a greater setback is required elsewhere within the UDC) and 5 feet from interior front, side, and rear property lines (unless a greater setback is required elsewhere within the UDC).

Adjacent to Buildings and Structures: The off-street parking or vehicle use area shall be set back from the exterior wall of the building or structure by a minimum 5-foot wide landscape strip or by a minimum 5-foot wide paved

pedestrian walkway.

Finding: The proposed vehicle use area complies with the minimum 5-foot setback requirement adjacent to a building or structure and the minimum perimeter setback standards identified in SRC Chapter 806 and the greater setbacks of the CR zone development standards, except the applicant has requested an adjustment to reduce the 15-foot zone-to-zone setback from residential zones to 5 feet. Findings for the adjustment are in Section 8 of this report.

- d) *Interior Landscaping.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. For parking areas less than 50,000 square feet in size, a minimum of 5 percent of the interior parking area shall be landscaped.

Finding: The proposed parking area is approximately 12,307 square feet, requiring a minimum of 615 square feet of interior parking lot landscape area ($12,307 \times 0.05 = 615.35$). Approximately 1,977 square feet (16 percent) of interior parking lot landscaping is proposed, which exceeds the minimum interior parking lot landscaping requirement.

A minimum of 1 deciduous shade tree shall be planted for every 12 parking spaces within the off-street parking area. Landscape islands and planter bays shall have a minimum planting area of 25 square feet and shall have a minimum width of 5 feet. The applicant's landscape plans indicate deciduous shade trees and planter bays that meet or exceed the standards.

- e) *Off-Street Parking Area Dimensions.* Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-6.

Finding: The proposed parking spaces, driveway and drive aisle for the off-street parking area meet the minimum dimensional requirements of SRC Chapter 806.

- f) *Additional Off-Street Parking Development Standards 806.035(f)-(m).*

Finding: The proposed off-street parking area is developed consistent with the additional development standards for grade, surfacing, and drainage. Extended curbs allowing a two-foot vehicle overhang are shown as wheel barriers on the proposed site plan.

The parking area striping, marking, signage and lighting shall be consistent with SRC Chapter 806, required compact parking spaces shall be marked and signed per SRC 806.035(k)(2). The subject property is adjacent to residential zones to the northwest and southwest, and SRC 806.035(m) requires a minimum six-foot tall sight-obscuring fence, wall, or hedge be provided to screen the off-street parking area from abutting residentially zoned property. The site plan indicates

an existing 6-foot-high chain link fence along that property line and an existing hedge along most of the property line. The conditions above require a sight-obscuring fence, and much of the landscaped setback is occupied by a mature hedge. As conditioned, the proposal meets the standards.

SRC 806.040 - Driveway Development Standards.

- a) *Access.* Off-street parking and vehicle use areas shall have either separate driveways for ingress and egress, a single driveway for ingress and egress with an adequate turnaround that is always available, or a loop to the single point of access. The driveway approaches to the driveways shall conform to SRC Chapter 804.
- b) *Location.* Driveways shall not be located within required setbacks except where the driveway provides direct access to the street, alley, or abutting property or the driveway is a shared driveway located over the common lot line and providing access to two or more uses.
- c) *Perimeter Setbacks and Landscaping.* Perimeter setbacks shall be required for driveways abutting streets, abutting interior front, side, and rear property lines, except where the driveway provides direct access to the street, alley, or abutting property or the driveway is a shared driveway located over the common lot line and providing access to two or more uses.

Abutting Streets and Property Lines: For the corner lot, an existing driveway on Fairgrounds Road NE and a proposed driveway on Myrtle Avenue NE are proposed. Both driveways meet the standards of SRC Chapter 804 and minimum width of SRC Chapter 806 for two-way traffic. Public Works has not restricted either driveway to one-way traffic. The proposed driveways exceed the minimum access requirements.

Unless a greater setback is required elsewhere in the UDC, driveways shall be set back a minimum of six to 10 feet from property lines abutting streets as set forth in the standards for vehicle use areas in SRC 806.035(c)(2) and 5 feet from interior front, side, and rear property lines. The proposed driveways meet location, setbacks, and landscaping standards.

Bicycle Parking

SRC 806.045 - General Applicability.

Bicycle parking shall be provided and maintained for each proposed new use or activity.

SRC 806.050 – Proximity of Bicycle Parking to use or Activity Served.

Bicycle parking shall be located on the same development site as the use or activity it serves.

SRC 806.055 - Amount of Bicycle Parking.

Per SRC Chapter 806, Table 806-8, eating and drinking establishment uses are required to provide a minimum of one space per 1,000 square feet or four bicycle parking spaces, whichever is greater.

Finding: The proposed use is an eating and drinking establishment. The gross floor area is approximately 2,206 square feet, requiring a minimum of four spaces. The site plan indicates six bicycle parking spaces, meeting the minimum bicycle parking requirements.

SRC 806.060 – Bicycle Parking Development Standards.

Bicycle parking areas shall be developed and maintained as set forth in this section.

- a) Location. 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 areas be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route.
- b) 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 in order to access the bicycle parking area
- c) Dimensions. Except as provided for bicycle lockers, bicycle parking spaces shall be a minimum of 6 feet in length and 2 feet in width, with the bicycle rack centered along the long edge of the bicycle parking space. Bicycle parking space width may be reduced, however, to a minimum of three feet between racks where the racks are located side-by-side. Bicycle parking spaces shall be served by a minimum 4-foot-wide access aisle. Access aisles serving bicycle parking spaces may be located within the public right-of-way.
- d) 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.
- e) 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 proposed site plan indicates that bicycle racks will be provided with one rack next to the northeast entrance and two next to the southwest entrance in compliance with the standards of this section. Compliance with the standards will be verified at building permit.

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 806.075 - Amount of Off-Street Loading.

No off-street loading space is required for retail sales and services uses, including eating and drinking establishments, that are in buildings less than 5,000 square feet.

Landscaping

All required setbacks shall be landscaped with a minimum of 1 plant unit per 20 square feet of landscaped area. A minimum of 40 percent of the required number of plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Plant materials and minimum plant unit values are defined in SRC Chapter 807, Table 807-2.

All building permit applications for development subject to landscaping requirements shall include landscape and irrigation plans meeting the requirements of SRC Chapter 807.

The preservation of existing trees and vegetation is encouraged. If preserved, existing trees as defined under SRC Chapter 808, existing trees less than ten inches dbh, and existing vegetation may be utilized to satisfy required landscaping if they conform to the minimum plant unit requirements specified in this chapter.

In addition to the landscaping required under this chapter, when existing trees, as defined under SRC chapter 808, are proposed for removal from within required setbacks or from a development site, replanting shall be required as provided in this subsection.

(1) *Removal of trees within required setbacks.* When an existing tree or trees, as defined under SRC chapter 808, within a required setback are proposed for

removal, two new trees shall be planted for each tree removed. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5 inch caliper.

(2) *Removal of trees from development site.* When more than 75 percent of the existing trees, as defined under SRC chapter 808, on a development site are proposed for removal, two new trees shall be planted for each tree removed in excess of 75 percent. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5 inch caliper. For purposes of this section, existing trees within vision clearance areas, or within areas to be cleared for required roads, utilities, sidewalks, trails, or stormwater facilities, shall not be counted in the total percentage of trees removed from the development site.

Finding: The proposed site plan indicates that 8,399 square feet of landscaping will be provided for the development site requiring a minimum of 420 plant units ($8,399 / 20 = 419.95$). Of the required plant units, a minimum of 168 plant units ($420 \times 0.4 = 168$) shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees.

Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

The preliminary landscape plan indicates that all existing trees in the required setbacks and on the property will be preserved.

Natural Resources

SRC Chapter 601 (Floodplain): Public Works Department staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

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 (Oregon White Oak greater than 24 inches in diameter at breast height) (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 riparian trees or significant trees have been identified on the site plan for removal.

SRC 809 - Wetlands: Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetland laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed

through application and enforcement of appropriate mitigation measures.

According to the Salem-Keizer Local Wetland Inventory (LWI), the subject property does not contain any wetland areas.

SRC 810 - Landslide Hazards: A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area. City records show that the subject property may be located within a landslide hazard area. The applicant submitted findings, prepared by TerraMark, Inc. and dated October 31, 2019, which demonstrate that the proposed development is a low landslide hazard risk based on SRC Chapter 810.

With completion of the recommended conditions, the subject property meets all applicable standards of the following chapters of the UDC: 601–Floodplain, 802–Public Improvements, 803–Streets and Right-of-Way Improvements, 804–Driveway Approaches, 805–Vision Clearance, 809–Wetlands, and 810–Landslides.

Criterion 2:

The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately.

Finding: Fairgrounds Road NE is fully developed and meets the right-of-way width and pavement width standards pursuant to the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed development.

Myrtle Avenue NE meets the right-of-way width and pavement width standards pursuant to the Salem TSP, Table 3-1; therefore, no additional street improvements are required as a condition of the proposed development.

No special setback is required along Myrtle Avenue NE nor Fairgrounds Road NE because the existing rights-of-way meet the standards for their classifications of street.

The applicant shall replace nonconforming portions of existing sidewalk along the frontage of the property pursuant to SRC 78.180(a). The sidewalk may remain located along the curb line pursuant to SRC 803.035(l)(2)(B). The applicant shall install street trees to the maximum extent feasible along the frontage of Fairgrounds Road NE pursuant to SRC 86.015(e). Staff recommends the following conditions to ensure compliance with this criterion:

Condition 7: Replace nonconforming portions of existing sidewalk along the frontage of the property pursuant to SRC 78.180(a).

Condition 8: Install street trees to the maximum extent feasible along the frontage of Fairgrounds Road NE pursuant to SRC 86.015(e).

Criterion 3:

Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians.

Finding: The relocated driveway access onto Myrtle Avenue NE provides for safe turning movements into and out of the property. The existing driveway to Fairgrounds Road NE is proposed to remain in the existing location and provides safe turning movements with the existing configuration.

Criterion 4:

The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development.

Finding: The Public Works Department has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development.

The applicant's engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E(4) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible.

The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director. The trash area shall be designed in compliance with Public Works Standards.

Staff recommends the following condition to ensure compliance with this criterion:

Condition 9: Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and *Public Works Design Standards (PWDS)*.

8. Analysis of Class 2 Zoning Adjustment Permit Criteria

SRC Chapter 250.005(d)(2) provides that an applicant for a Class 2 Adjustment shall be granted if all of the following criteria are met:

Criterion 1:

The purpose underlying the specific development standard proposed for adjustment is:

- (i) Clearly inapplicable to the proposed development; or
- (ii) Equally or better met by the proposed development.

Finding: The applicant is requesting a Class 2 Adjustment to reduce the required zone-to-zone setback of 15 feet for the parking and vehicle use area and trash enclosure along portions of the northwest and southwest property lines abutting RS and RM-II zones.

The purpose of the 15-foot landscaped setback abutting residential zones is a buffer between commercial and residential uses to reduce impacts such as noise, light, and visual impacts. The standard is a 15-foot setback landscaped with one plant unit per 20 square feet of landscaped area and a minimum 6-foot-tall sight-obscuring fence or wall. The conditions above would require a 6-foot-tall sight-obscuring fence or wall.

In the written statement, the applicant states that the intent of the standard can be equally met through vegetation and fencing, as the existing fencing and screening will be enhanced at locations of void to create a sight and sound barrier. The adjustment would allow the development to meet design standards, create a pleasing landscape aesthetic, promote safe vehicular travel and parking, and provide for the safest pedestrian passage through the property.

Staff concurs with the applicant's statement that the proposal to utilize and enhance the existing mature hedges and fencing, combined with the condition above to provide a sight-obscuring fence, equally or better meets the purpose of the code.

Criterion 2:

If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

Finding: The subject property is not located within a residential zone; therefore, this criterion is not applicable.

Criterion 3:

If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

Finding: One adjustment has been requested.

Any future development, beyond what is shown in the proposed plans, shall conform to all applicable development requirements of the zoning code, unless adjusted through a future land use action. Staff recommends the following condition:

Condition 10: The adjusted perimeter setback abutting residential zones, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

9. Analysis of Class 2 Driveway Approach Permit Criteria

Salem Revised Code (SRC) 804.025(d) sets forth the following criteria that must be met before approval can be granted to an application for a Driveway Approach Permit. The Driveway Approach Permit is required for the driveway on Myrtle Avenue NE.

Criterion 1:

The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.

Finding: The proposed driveway to Myrtle Avenue SE meets the standards for SRC Chapter 804 and PWDS.

Criterion 2:

No site conditions prevent placing the driveway approach in the required location.

Finding: There are no site conditions prohibiting the location of the proposed driveway.

Criterion 3:

The number of driveways onto an arterial is minimized.

Finding: The proposed driveway is not accessing onto an arterial street.

Criterion 4:

The proposed driveway approach, where possible:

- a) Is shared with an adjacent property; or
- b) Takes access from the lowest classification of street abutting the property.

Finding: The proposed driveway is currently located with access to the lowest classification of street abutting the subject property.

Criterion 5:

The proposed driveway approach meets vision clearance standards.

Finding: The proposed driveway meets the PWDS vision clearance standards set forth in SRC Chapter 805.

Criterion 6:

The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access.

Finding: No evidence has been submitted to indicate that the proposed driveway will create traffic hazards or unsafe turning movements. Additionally, staff analysis of the proposed driveway indicates that it will not create a traffic hazard and will provide for safe turning movements for access to the subject property.

Criterion 7:

The proposed driveway approach does not result in significant adverse impacts in the vicinity.

Finding: Staff analysis of the proposed driveway and the evidence that has been submitted indicate that the location of the proposed driveway will not have any adverse impacts to the adjacent properties or streets.

Criterion 8:

The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections.

Finding: The proposed driveway approach is located on a Local street and does not create a significant impact to adjacent streets and intersections. The existing driveway to Myrtle Avenue NE is proposed to be closed and moved further north from the intersection, thereby improving functionality of the Fairgrounds Road NE and Myrtle Avenue NE intersection.

Criterion 9:

The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

Finding: The proposed development is surrounded by residentially zoned property. The proposed driveway is taken from the lowest classification street abutting the subject property. The driveway balances the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets.

10. Analysis of Class 1 Design Review Criteria

Salem Revised Code (SRC) 225.005(e)(1) sets forth the criteria that must be met before approval can be granted to an application for Class 1 Design Review. Pursuant to SRC 225.005(e)(1) an application for a Class 1 Design Review shall be approved if all applicable design review standards are met.

The applicable design review standards for commercial development within the Portland/Fairgrounds Overlay Zone are included under SRC Chapter 603.030. The following subsections are organized with the Portland/Fairgrounds Road Overlay Zone design standard shown in ***bold italic***, followed by findings evaluating the proposal for conformance with the design standard.

Building location, orientation, and design (SRC 603.030(a)):

(1) Building location

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

- i. Minimum zero feet.***
- ii. Maximum 60 feet.***

Finding: With the conditions of approval above, the proposed building will be located at least five feet from the property lines abutting both streets and no more than 60 feet from the property lines abutting both streets. This standard is met.

(B) Accessory structures shall be located no closer to the street than the primary building.

Finding: The proposed solid waste enclosure is not roofed, so it is not considered an accessory structure. This standard is not applicable. Nevertheless, it is farther from the streets than the primary building.

(2) Orientation and design

(A) A primary building entrance shall be provided for each building façade 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.

Finding: The applicant submitted a site plan and correlating building elevations which depict three main entrances, one facing northeast to Myrtle Avenue NE, one facing southeast to Fairgrounds Road NE, and one facing southwest to the parking area. As proposed, the development meets this standard.

(B) Ground floor building façades facing Portland/Fairgrounds Road shall include transparent windows on a minimum of 65 percent of the

ground floor façade. 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.

Finding: The site plan indicates that the façade facing Fairgrounds Road NE is 82 feet long, which requires a minimum of 53.3 linear feet of glazing ($82 \times .65 = 53.3$). The applicant's written statement and site plan indicate glazing along 55 linear feet, exceeding the minimum. The development meets this standard.

(C) 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.

Finding: The plans submitted by the applicant show that the proposed building is 82 feet long, and offsets of at least four feet are provided at intervals of not more than 40 feet. The conditions above would require constructing all walls of the building at least five feet from the property line abutting Fairgrounds Road NE to meet the minimum setbacks of the CR zone and retaining four-foot building offsets to meet the design standards. As proposed and conditioned, the development meets this standard.

(D) 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.

Finding: Awnings along the pedestrian connection on the northeast building elevation facing Myrtle Avenue NE, along the public sidewalk on Fairgrounds Road NE, and along the pedestrian connection on the southwest facade exceed the minimum requirement of 50 percent of the length of the building. Each proposed awning maintains the minimum clearance of at least eight feet. As designed, the development meets this standard.

Landscaping (SRC 603.030(b))

(A) 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.

Finding: The proposed development does not include open sales areas. This standard is not applicable.

(B) 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 603.020(e).

Finding: Landscape strips of at least 10 feet in width are provided between the parking lots and street rights-of-way. On the preliminary plans, the landscaping provides for one plant unit per 20 square feet and the grade drops meet the standards of SRC 603.020(e). As designed, the development meets this standard.

Off-street parking and loading (SRC 603.030(c))

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

Finding: The proposed development does not include a parking structure. This design review standard is not applicable to the proposed development.

RECOMMENDATION

Based upon the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer APPROVE the request for a conditional use, site plan review, adjustment, driveway approach permit, and design review application for the proposed 2,206 square foot eating and drinking establishment with a drive-through on a property of 0.58 acres located at 2095 Fairgrounds Road NE, subject to the following conditions of approval:

CONDITIONAL USE:

Condition 1: Provide a raised surface or speed bumps to delineate the pedestrian pathways that cross the drive-through lane.

Condition 2: Install a small sign indicating "Do Not Block Crosswalk" at the northern pedestrian pathway that crosses the drive-through lane.

Condition 3: Install a small sign indicating “Yield to Pedestrians” at the southern pedestrian pathway that crosses the drive-through lane.

SITE PLAN REVIEW:

Condition 4: Construct all walls of the building at least five feet from the property line abutting Fairgrounds Road NE and retain four-foot building offsets required to meet the design standards.

Condition 5: Provide a minimum 6-foot-tall sight-obscuring fence along the property line abutting the residential zones.

Condition 6: Provide a solid waste service area meeting all applicable standards of SRC 800.055.

Condition 7: Replace nonconforming portions of existing sidewalk along the frontage of the property pursuant to SRC 78.180(a).

Condition 8: Install street trees to the maximum extent feasible along the frontage of Fairgrounds Road NE pursuant to SRC 86.015(e).

Condition 9: Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and *Public Works Design Standards (PWDS)*.

ADJUSTMENT:

Condition 10: The adjusted perimeter setback abutting residential zones, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

Prepared by Pamela Cole, Planner II

Application Deemed Complete Date: February 18, 2020

State Mandated Decision Date: June 17, 2020

Attachments: A. Vicinity Map
B. Proposed Development Plans
C. Applicant’s Statement Addressing Approval Criteria
D. Public Works Memo

Vicinity Map

2095 Fairgrounds Road NE



Legend

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

Parks

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0 100 200 400 Feet



Project: 1933
Project name: Coffee Cafe with Drive Thru
Location: 2095 Fairgrounds Road NE
Salem Oregon 97301

Scope of work
Site development for a new stand-alone coffee cafe with drive thru.
The site is currently developed and includes a built structure and operating used car dealership. The existing development will be removed prior to the new development.

Governing Applicable Building Codes:
2014 Oregon Structural Specialty Code (OSSC)
2014 Oregon Mechanical Specialty Code (OMSC)
2014 Oregon Energy Efficiency Specialty Code (OEESC)
2017 Oregon Plumbing Specialty Code (OPSC)
2017 Oregon Electrical Specialty Code (OESC)
2014 Oregon Fire Code (OFC)
2009 Accessible and Usable Buildings and Facilities ICCA117.1

City Jurisdiction: City Salem, Oregon

Site development Information:
Zone: CR Retail Commercial
Fairground Overlay Zone

Section 806.0.20 Method of providing off street parking
Table 806-3 minimum off street parking space dimensions
Compact 8x15
Standard 9x19

Table 806-5 Interior off street parking area landscaping
Less than 50,000 s.f., min 5%
Tree every 12 spaces

90 deg parking

Compact
Stall width 8'-8 1/2" if next to wall or post
Stall to curb 15'
Aisle width 22'
Curb length 8'
Front stall to front stall 54'

Standard
Stall width 9'
Stall to curb 19'
Aisle width 24'
Curb length 9'
Front stall to front stall 62'

Table 806-8 Bicycle parking
The greater of 4 spaces or 1 space per 1,000 sq. ft.

Section 806.015 Amount of off-street Parking
Up to 80% compact spaces allowed

Pre-Application report narrative response:

603.020 - Development Standards:

1. Landscaping:
 - a. Refer to civil drawings for grading indicating no berms, mounds, raised beds or grade drops not meeting compliance.
 - b. Refer to Landscape plans for design provided by landscape Architect.
2. Off-street Parking and loading areas:
 - a. Refer to site plan for compliant planter bays and islands exceeding the minimum 50 s.f. area.
3. Minimum of one tree per eight parking spaces:
 - a. Refer to Landscape Plan indicating three new proposed large trees for 20 proposed parking spaces.
4. Parking Light Structures not to exceed 25 feet in height:
 - a. Refer to site plan locating proposed interior light fixtures. Parking light fixtures shall not exceed 25' in height.
5. Screening - Trash receptacles shall be screened from adjacent household living use and streets by a site obscuring fence, wall or hedge:
 - a. Refer to site and Landscape plans indicating compliance to

6. Pedestrian connection shall be provided from public sidewalk to the primary building entrance:
 - a. Refer to site plan indicating delineation of pedestrian connection from the ROW to the building entrances.
7. A pedestrian connection through the parking area to the primary building entrance shall be provided when the parking area is greater than 60' in depth:
 - a. Refer to site plan showing proposed pedestrian connections from the parking lot to the building entrances.
8. Pedestrian connections shall be a minimum of 5 feet in width and defined by visual contrasting color or tactile finish texture:
 - a. Refer to Site plan showing width and visual contrast to walkways.
9. Wheel stops:
 - a. The project will be using a 24" landscape buffer in lieu of wheel stops.
10. Free Standing Sign:
 - a. A monument sign is proposed at the corner of Myrtle avenue and Fairgrounds Road.
11. Weather protection in form of awnings or canopies:
 - a. The project proposes to provide awnings over two entries while the third entrance will be roofed over within an alcove.
12. Cast Iron or wrought iron fencing adjacent to Portland Fairgrounds Road:
 - a. A wrought iron ornamental fence is proposed at the exterior dining area at the entrance along Fairgrounds Road.
13. Pedestrian connections that are defined:
 - a. Pedestrian connections proposed to be striped and colored

14. Development of surface parking lot:
 - a. The Existing parking lot will be re constructed to meet the needs of the new building.
15. Provision of pedestrian oriented design features adjacent to Portland /Fairgrounds Road:
 - a. An open air dining area plaza will be constructed at the East Entrance of the proposed building.
16. A minimum of 7% landscaping within parking areas not more than 50,000 s.f. in size; or a minimum of 10% interior landscaping within parking areas greater than 50,000 s.f. in size.
 - a. Parking and drive ile surface is calculated at 13,420 s.f. Interior landscape is calculated at 1,400 s.f. the % of landscaping within parking area is 10.2%
17. Installation of landscaping and irrigation using a plan designed by an Oregon Landscape Architect:
 - a. Refer to Landscape Plans provided by Darrell Mulch, Landscape Architect.
18. Construction of a building where at least 50% of the building frontage is constructed contiguous to the minimum building setback line.
 - a. We interpret this to be the following:
 - i. The total building length is 83 feet long facing Fairgrounds Road, of which 70 feet is contiguous to the building setback line, or 84%
19. Building must be constructed within 60' of the ROW.
 - a. Refer to Site plan indicating the building entrance within 60' of Myrtle Avenue and Fairgrounds road.
20. Primary Building entrance shall be provided for each building faade facing a street.

21. Ground floor building facades facing Fairgrounds Road shall include transparent windows at a minimum of 65% of the ground floor faade.
 - a. The building is 82 feet long, the window opening total is 55'. There is 67% glazing of the ground floor street facing faade.
22. Building offsets shall be provided for building frontages greater than 75 feet.
 - a. Refer to building footprint complying to this requirement.
23. Weather Protection in the form of awnings or canopies. Canopies above the sidewalk may encroach into the ROW as provided in S8C 76.160.
 - a. The Proposed design will have canopies over the East and West entrances while a roof will cover the South entrance.

Building information:

Proposed Building Type, Use and Occupancy:

Narrative:

Site will be developed to accommodate a new Coffee Cafe with Drive thru.

Use is classified as Assembly without fixed seats, un-concentrated (Occupant load factor - 15)
Relevant Occupancy is A-2
Proposed building construction type: VB, +/- 1,900 s.f., one story
No fire sprinkler or fire alarm
Maximum building size 1,900 s.f.

Calculated Occupant load: 1,900 / 15 = 127 occupants
2 egress exits required

Building Height: 19'-8" +/-

Oregon Energy Code:

HVAC Gas Fired Heat - Electric Cooling
Table 502.1.1 for insulation minimums
Roof: R-20ci
Walls: R-21
Slabs: R-10 Perimeter
Doors: U-0.70
Roof Curbs: R-5

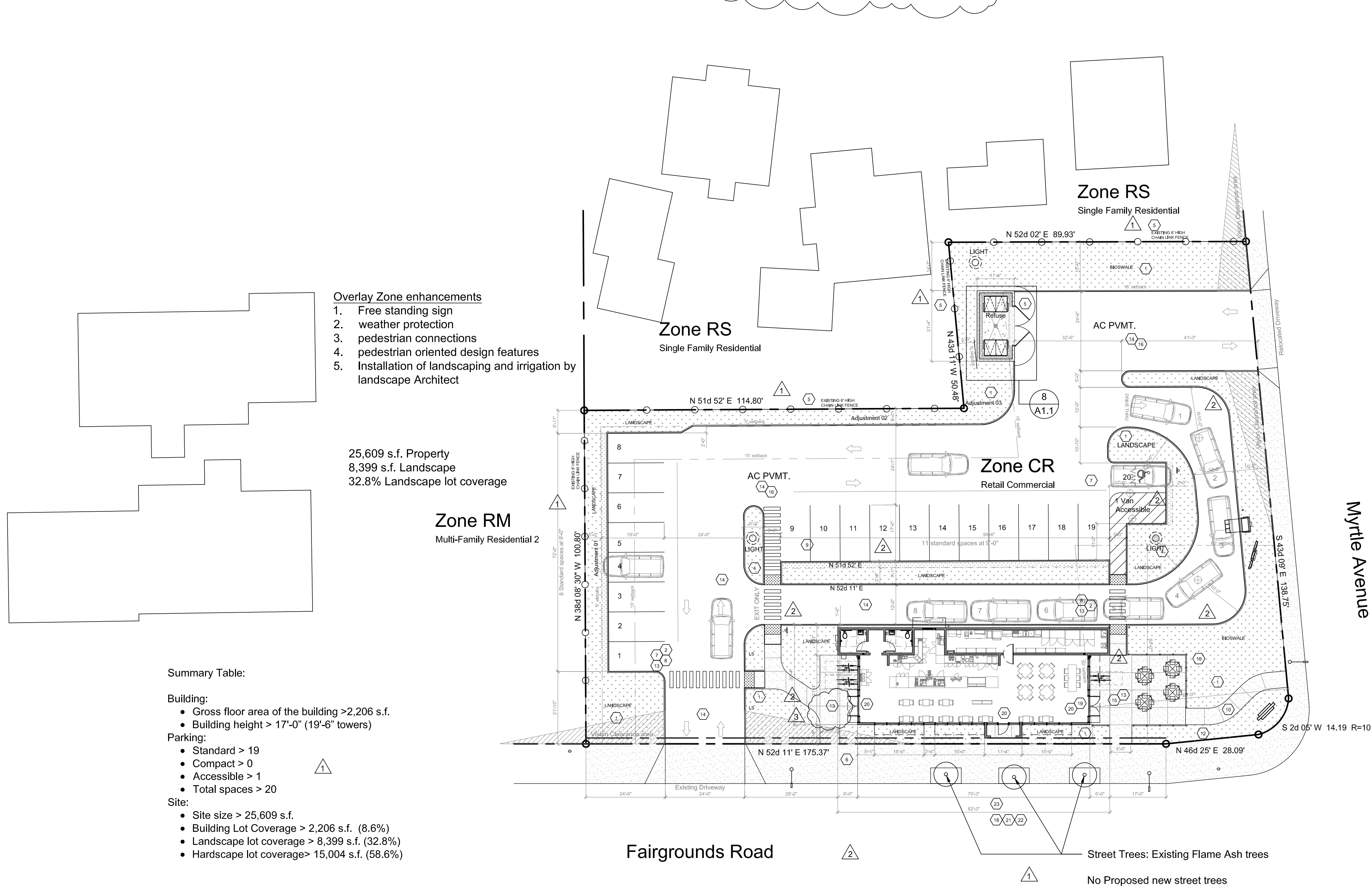
Plumbing Systems (Proposed Tenant Space)
Table 2902.1
A-2 (Restaurants, Banquet halls and food courts)

Water Closets:
Male 1 per 75
Female 1 per 75

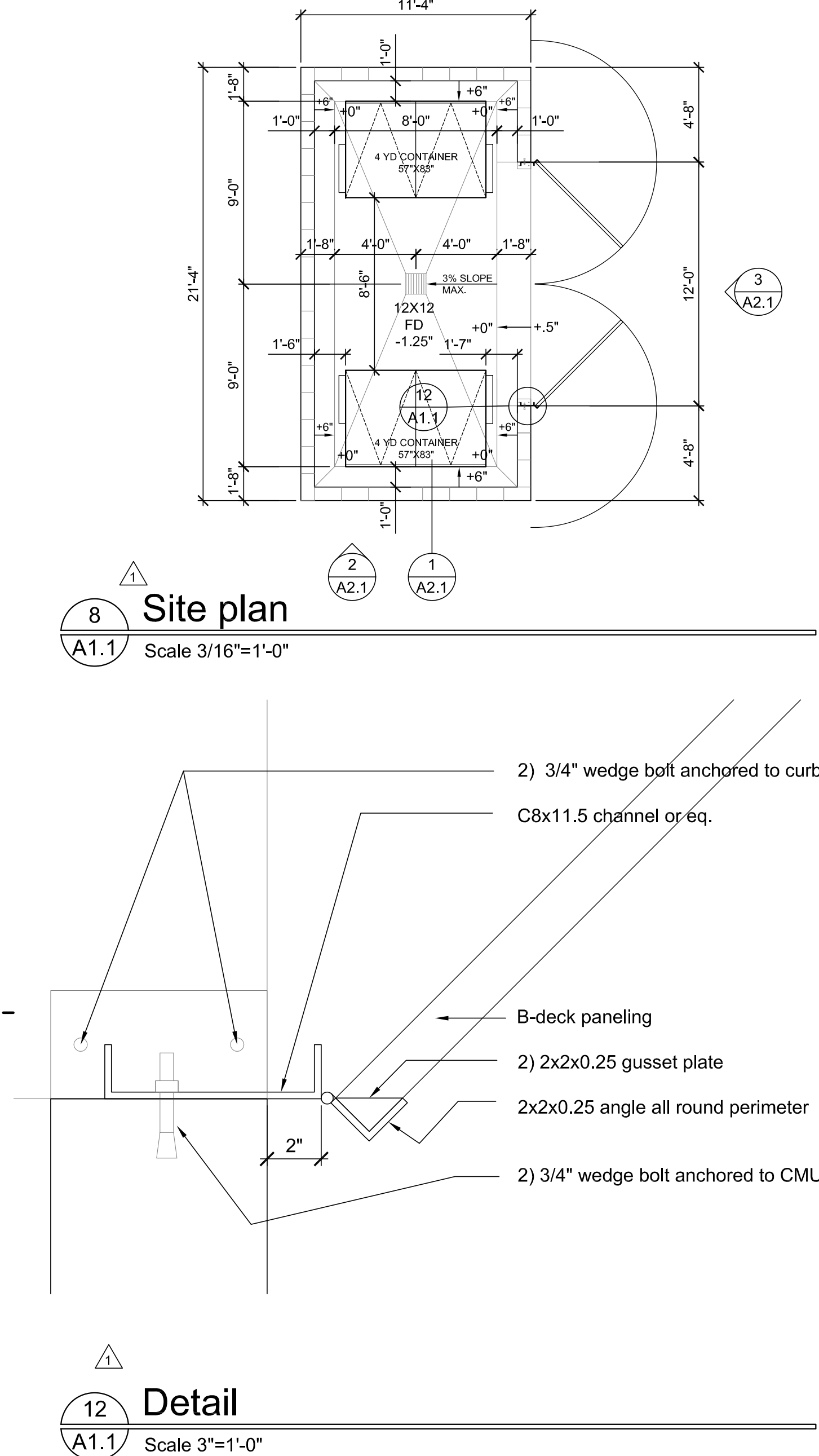
Lavatories:
Male 1 per 200
Female 1 per 200

Drinking Fountain:
One Per floor

2902.2 Separate facilities appear to be required.



9 Site plan
A1.1 Scale 1:20



REGISTERED ARCHITECT
NEIL LEEKA
PORTLAND, OREGON

LEEKA Architecture and Planning
Creating Positive Impressions in the Built Environment
1001 SE Water Avenue Suite 175
Portland, Oregon 97214
503.844.4222
neil@leeka.com
www.leeka.com

Revised:
1/16/20
1/31/20
2/4/20

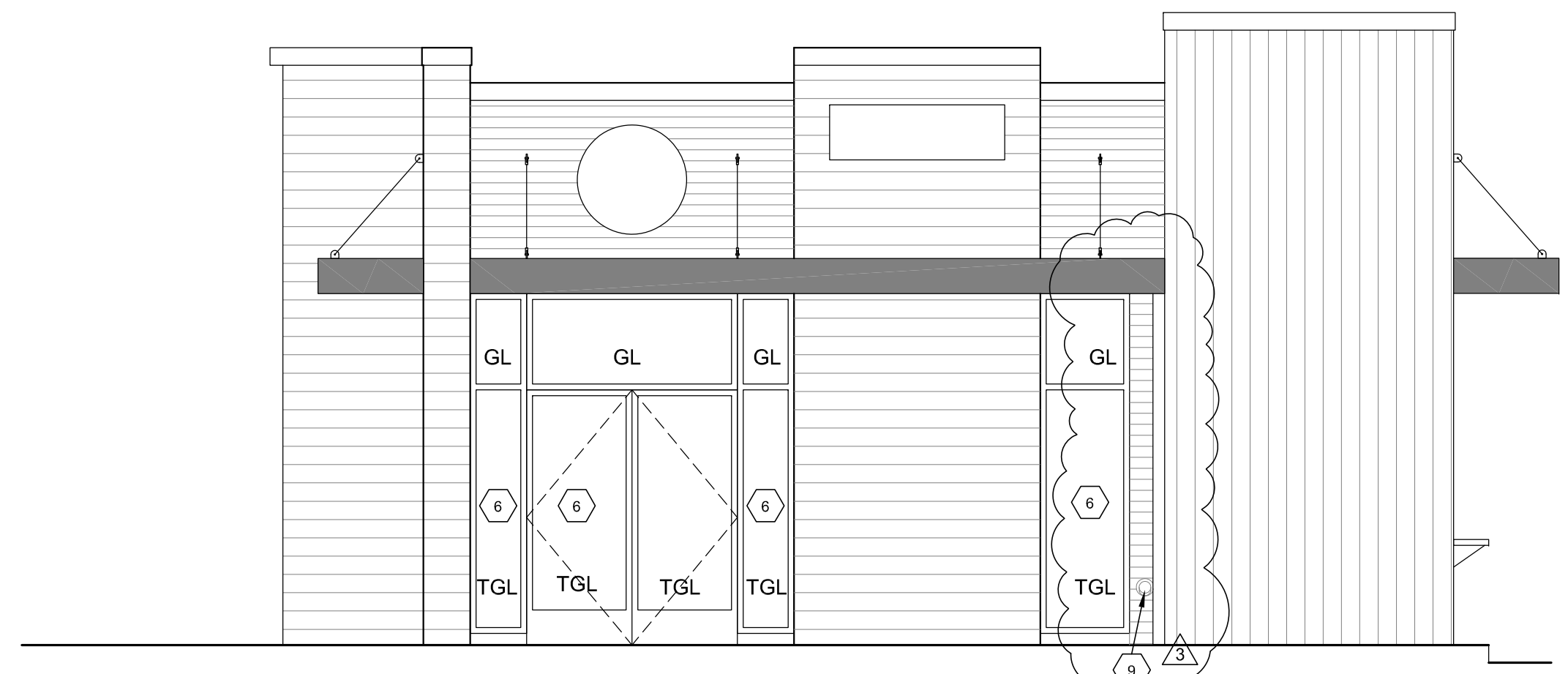
Completeness check list
Client Update
Completeness check comments

Job No: 1933
Date: Nov. 11, 2019
File:
Site Design Issue Set
DRAWN:
CHECKED: NYL
Sheet Title
Site Plan
Sheet Number
A1.1

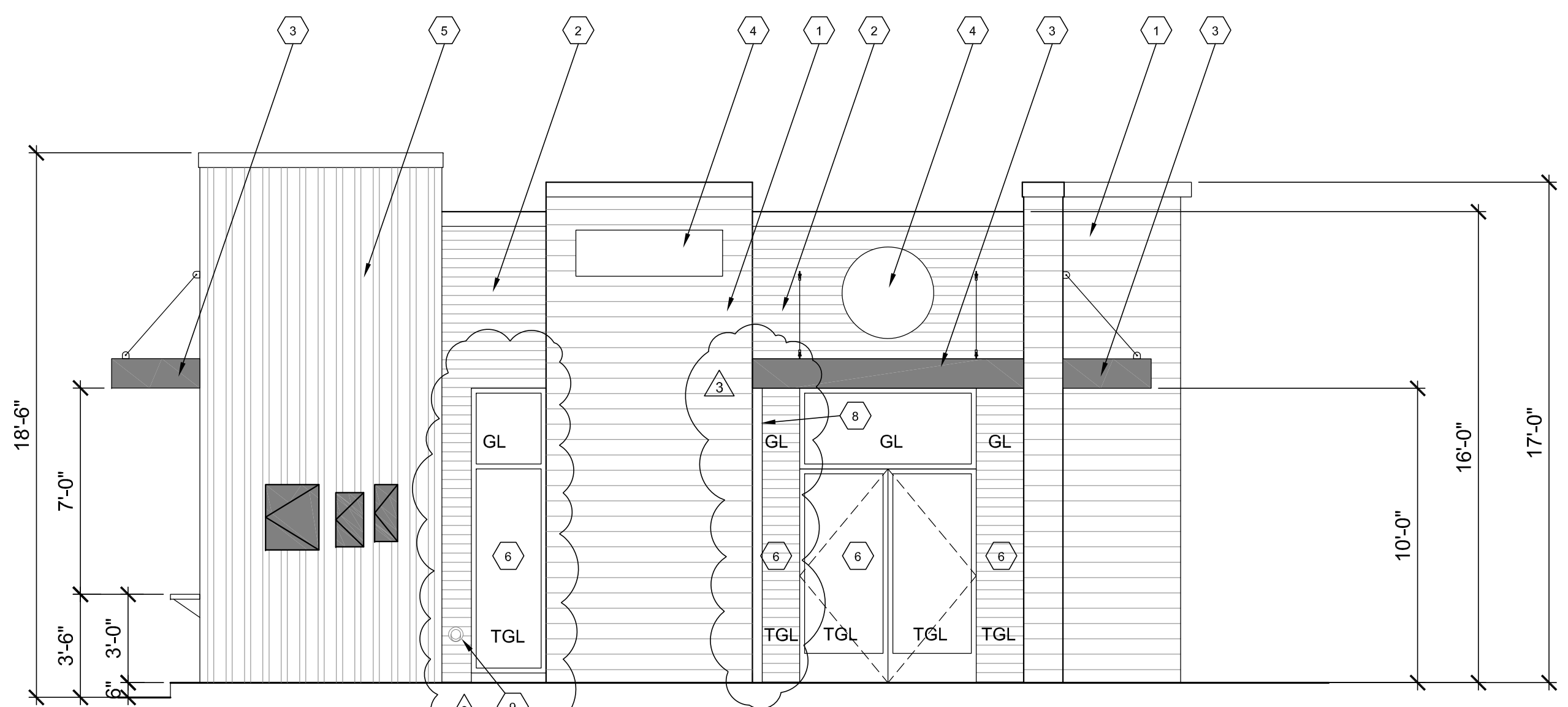


- KEY NOTES**
- 1 Fiber Cement Panel horizontal orientation (Type 1)
 - 2 Fiber Cement Panel horizontal orientation (Type 2)
 - 3 Metal canopy
 - 4 Signage location
 - 5 Fiber Cement Panel Vertical orientation (Type 3)
 - 6 Storefront System
 - 7 Drive thru window
 - 8 Down spout
 - 9 Overflow scupper 18" above grade

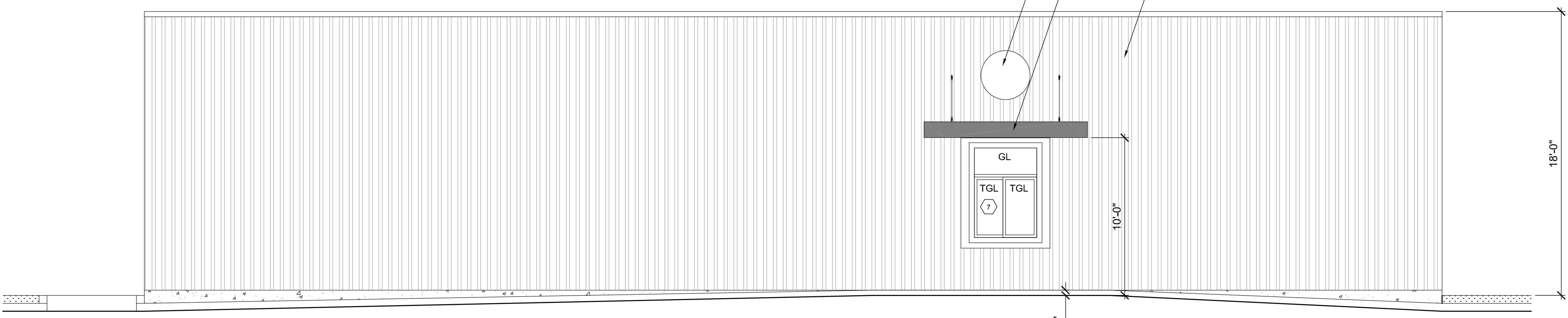
1 South Elevation
A6.1 Scale 1/4"=1'-0"



5 East Elevation
A6.1 Scale 1/4"=1'-0"



7 West Elevation
A6.1 Scale 1/4"=1'-0"



9 North Elevation
A6.1 Scale 1/4"=1'-0"

REGISTERED ARCHITECT
#3474
NEIL LEE
PORTLAND, OREGON
STATE OF OREGON

LEEKA Architecture and Planning
Creating Positive Impressions in the Built Environment
503.844.4222
sue@leeka.com
www.leeka.com

Site and Building Shell Development
Coffee Cafe with Drive Thru
Salem Oregon

Revised: 1/4/19 Conditions of Approval
1/31/20 Client Update
2/4/20 Conditions of Approval

Job No: 1933
Date: Nov. 11, 2019
File: Site Design Issue Set
DRAWN:
CHECKED: NYL
Sheet Title
Exterior Elevations

Sheet Number
A6.1

(SALEM PLANTER) 100 SF / MIN SIZE IS 1 GALLON

ZONE 1

FOUR LARGE SHRUBS/SMALL TREES: 3-GALLON CONTAINER OR EQUIVALENT

SIX SHRUBS: 1-GALLON CONTAINER OR EQUIVALENT.

100 HERBACEOUS PLANTS 1-GALLON AT 12" OC

SYM.	#	BOTANICAL	COMMON	SIZE
PLANTER-A /314 SF /100 SF= AT= /16 LARGE SHRUBS/ 24 SMALL SHRUBS/ 314 HERBACEOUS PLANTS				
AC	16	ACER CIRCINATUM	NATIVE VINE MAPLE / LARGE SHRUB	3 GAL
CSK	24	CORNUS STOLONIFERA "KELSEYII"	KELSEYI REDTWIG DOGWOOD	1 GAL
JP	314	JUNCUS PATENTS	SPREADING RUSH /RUSH	1 GAL

PLANTER-B /181 SF/100 SF= AT= /8 LARGE SHRUBS/ 12 SMALL SHRUBS/ 181 HERBACEOUS PLANTS				
AC	8	ACER CIRCINATUM	NATIVE VINE MAPLE / LARGE SHRUB	3 GAL
CSK	12	CORNUS STOLONIFERA "KELSEYII"	KELSEYI REDTWIG DOGWOOD	1 GAL
JP	181	JUNCUS PATENTS	SPREADING RUSH /RUSH	1 GAL

PLANTER-C /100 SF/100 SF= AT= /4 LARGE SHRUBS/ 6 SMALL SHRUBS/ 100 HERBACEOUS PLANTS				
AC	4	ACER CIRCINATUM	NATIVE VINE MAPLE / LARGE SHRUB	3 GAL
CSK	6	CORNUS STOLONIFERA "KELSEYII"	KELSEYI REDTWIG DOGWOOD	1 GAL
JP	100	JUNCUS PATENTS	SPREADING RUSH /RUSH	1 GAL

PLANTER-D /358 SF/100 SF= AT= /15 LARGE SHRUBS/ 22 SMALL SHRUBS/ 358 HERBACEOUS PLANTS				
AC	15	ACER CIRCINATUM	NATIVE VINE MAPLE / LARGE SHRUB	3 GAL
CSK	22	CORNUS STOLONIFERA "KELSEYII"	KELSEYI REDTWIG DOGWOOD	1 GAL
JP	358	JUNCUS PATENTS	SPREADING RUSH /RUSH	1 GAL

PLANTER-E /501 SF/100 SF= AT= 24 LARGE SHRUBS/ 36 SMALL SHRUBS/ 501 HERBACEOUS PLANTS				
AC	24	ACER CIRCINATUM	NATIVE VINE MAPLE / LARGE SHRUB	3 GAL
CSK	36	CORNUS STOLONIFERA "KELSEYII"	KELSEYI REDTWIG DOGWOOD	1 GAL
JP	501	JUNCUS PATENTS	SPREADING RUSH /RUSH	1 GAL

PLANTER-F /455 SF/100 SF= AT= /24 LARGE SHRUBS/ 54 SMALL SHRUBS/ 455 HERBACEOUS PLANTS				
AC	24	ACER CIRCINATUM	NATIVE VINE MAPLE / LARGE SHRUB	3 GAL
CSK	54	CORNUS STOLONIFERA "KELSEYII"	KELSEYI REDTWIG DOGWOOD	1 GAL
JP	455	JUNCUS PATENTS	SPREADING RUSH /RUSH	1 GAL

A twelve inch layer of amended topsoil per City of Salem Stormwater code shall be placed in facility prior to planting.
(See Civil for specifications)

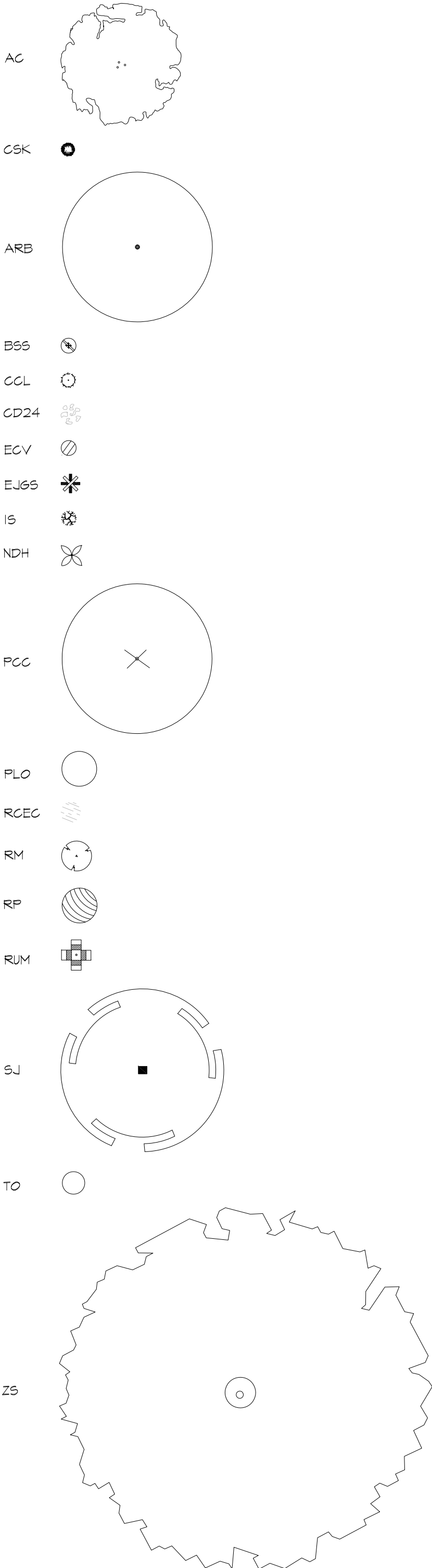
A two-inch layer of pea gravel (not bark dust or bark chips) shall be specified over the growing medium between the plantings in Planting Zone 1. Organic mulch such as straw, bark, sawdust, or compost shall be placed at a depth of two to three inches above the high water mark, in Planting Zones 2 or 3. Organic mulch shall not be placed such that it may enter waterways or clog inlets/outlets.

MAINTENANCE AND MONITORING

- LANDSCAPE PROFESSIONAL OR DESIGNER SHALL MONITOR THE REQUIRED PLANTINGS FOR TWO YEARS TO ENSURE SURVIVAL AND REPLACEMENT AS DESCRIBED AS FOLLOWS:
- THE LANDOWNER IS RESPONSIBLE FOR THE ONGOING SURVIVAL OF REQUIRED PLANTINGS AND IS RESPONSIBLE FOR SUPPLYING AND REPLACING ANY DEAD PLANTS.
 - CONDUCT ANNUAL PLANT INSPECTION DURING THE EARLY SUMMER GROWING SEASON.
 - A COUNT OF THE NUMBER OF PLANTS THAT HAVE DIED. ONE REPLACEMENT PLANT MUST BE PLANTED FOR EACH PLANT THAT HAS DIED (REPLACEMENT MUST OCCUR WITHIN ONE PLANTING SEASON).
 - A LIST OF REPLACEMENT PLANTS
 - PROVIDE THREE LETTERS (TO SERVE AS MONITORING AND MAINTENANCE SALEM STORMWATER REPORTS) TO SERVICES CONTAINING THE ABOVE MONITORING INFORMATION. SUBMIT THE FIRST LETTER TO VERIFY THE SITE HAS BEEN PLANTED, SUBMIT THE SECOND LETTER WITHIN 12 TO 14 MONTHS AFTER INITIAL PLANTING AND THE THIRD LETTER 24 TO 27 MONTHS AFTER INITIAL PLANTING.

PLANT LEGEND "VERIFY ALL QUANTITIES"

SYM.	#	BOTANICAL	COMMON	SIZE
ARB	4	ACER RUBRUM "BOYHALL"	COLUMNAR RED MAPLE	1-1/2 IN CAL
BSS	51	BUNUS S. "SUFFRUTICOSA"	DWARF ENGLISH BOXWOOD	12 IN x 15 IN
CCL	49	CROCOSMIA CURTANUS "LUCIFER"	CROCOSMIA	1 GAL
CD24	254	COTONEASTER DAMMERII	BEARBERRY COTONEASTER	4 IN 24" O.C.
ECV	30	ERIGA CARNEA "VIVELLI"	SPRING HEATHER	1 GAL
ELGS	24	EUONYMUS JAPONICUS "GREEN SPIRE"	GREEN SPIRE EUONYMUS	5 GAL
IS	17	IBERIS SEMPERVIRENS	CANDYTUFF	1 GAL
NDH	19	NANDINA DOMESTICA "HARBOUR DWARF"	HARBOUR NANDINA	2 GAL
PCC	3	PYRUS CALLERYANA "CAPITAL"	COLUMNAR FLOWERING PEAR	1-1/2 IN CAL
FLO	27	PRUNUS L. "OTTO-LUYKEN"	OTTO-LUYKEN LAUREL	15-18 IN
RCEC	206	RUBUS CALYCAINDIDES "EMERALD CARPET"	EMERALD CARPET	4 IN 24" O.C.
RM	32	ROSA MEIDILAND "SCARLET"	SCARLET MEIDILAND ROSE	2 GAL
RP	6	RHODODENDRON "P.J.M."	P.J.M. RHODY	2 GAL
RUM	17	RHAPHIOLEPIS U. MINOR "GULF GREEN"	DWARF YEDDO HANTHORN	2 GAL
SJ	7	STYRAX JAPONICA	JAPANESE SNOWBELL	1-1/2 IN CAL
TO	44	THUJA OCCIDENTALIS	ARBORVITAE	4 FT x 5 FT
ZS	1	ZELKOVA SERRATA "GREEN VASE"	GREEN VASE ZELKOVA	1-1/2 IN CAL



DARRELL MULCH
LANDSCAPE
ARCHITECTURE

1907 N.E. 66TH AVENUE #168
PORTLAND, OREGON 97213
(503) 222-7416 TEL



Coffee Café with Drive Thru Salem Oregon

2095 Fairgrounds Road Northeast Salem, OR 97301 - 920347 Salem Oregon

DATE:	11-20-19
PROJECT NO:	X
DESIGNED:	DM
DRAWN:	DM
CHECKED:	DM
REVISIONS:	1-10-20



DARRELL MULCH
LANDSCAPE
ARCHITECTURE

1907 N.E. 66TH AVENUE #168
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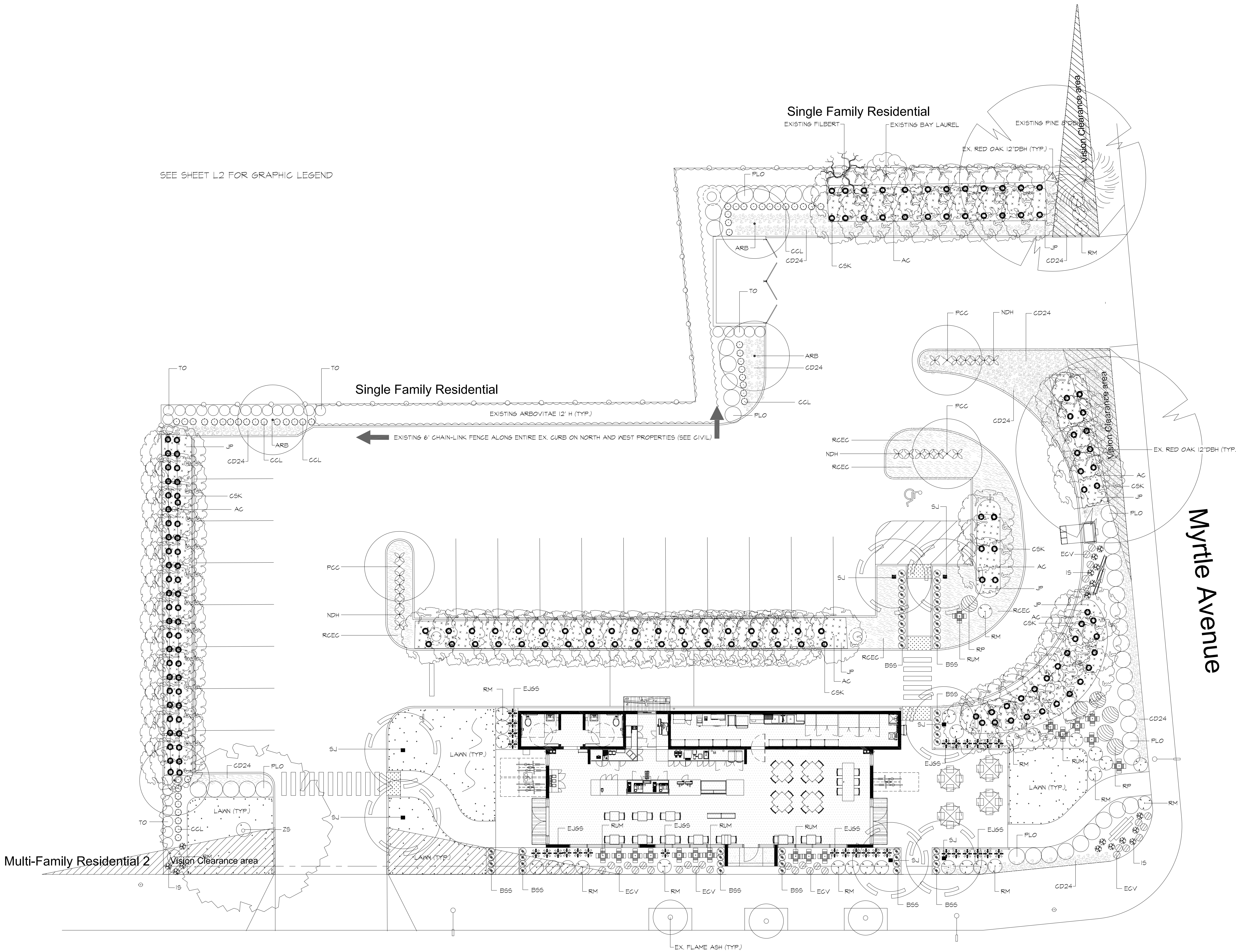
REVISIONS: 1-10-20

SHEET

L1

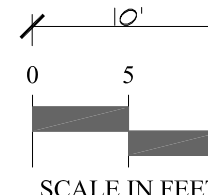
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SEE SHEET L2 FOR GRAPHIC LEGEND



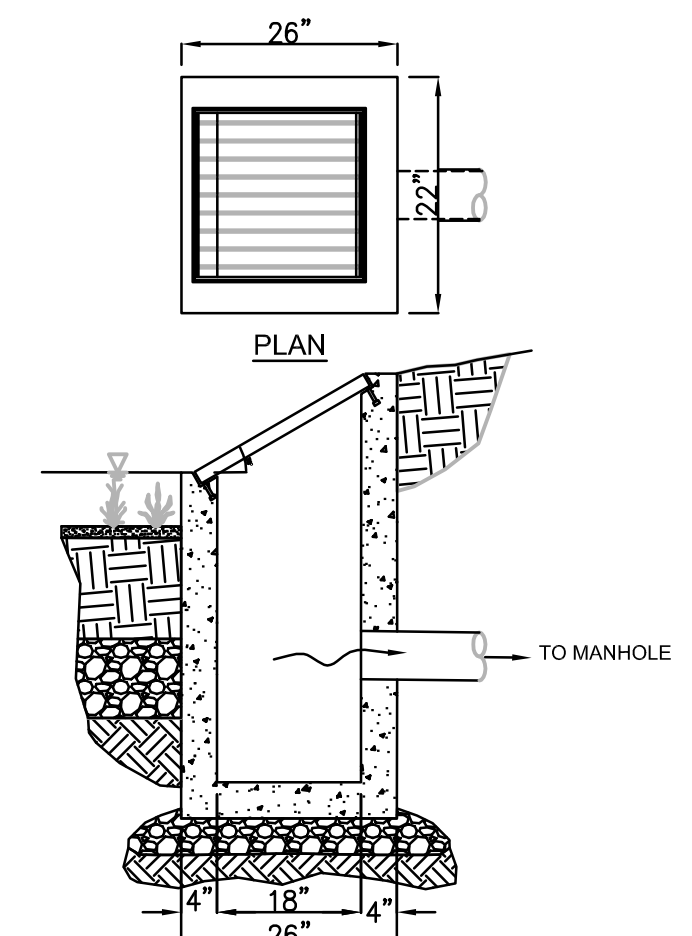
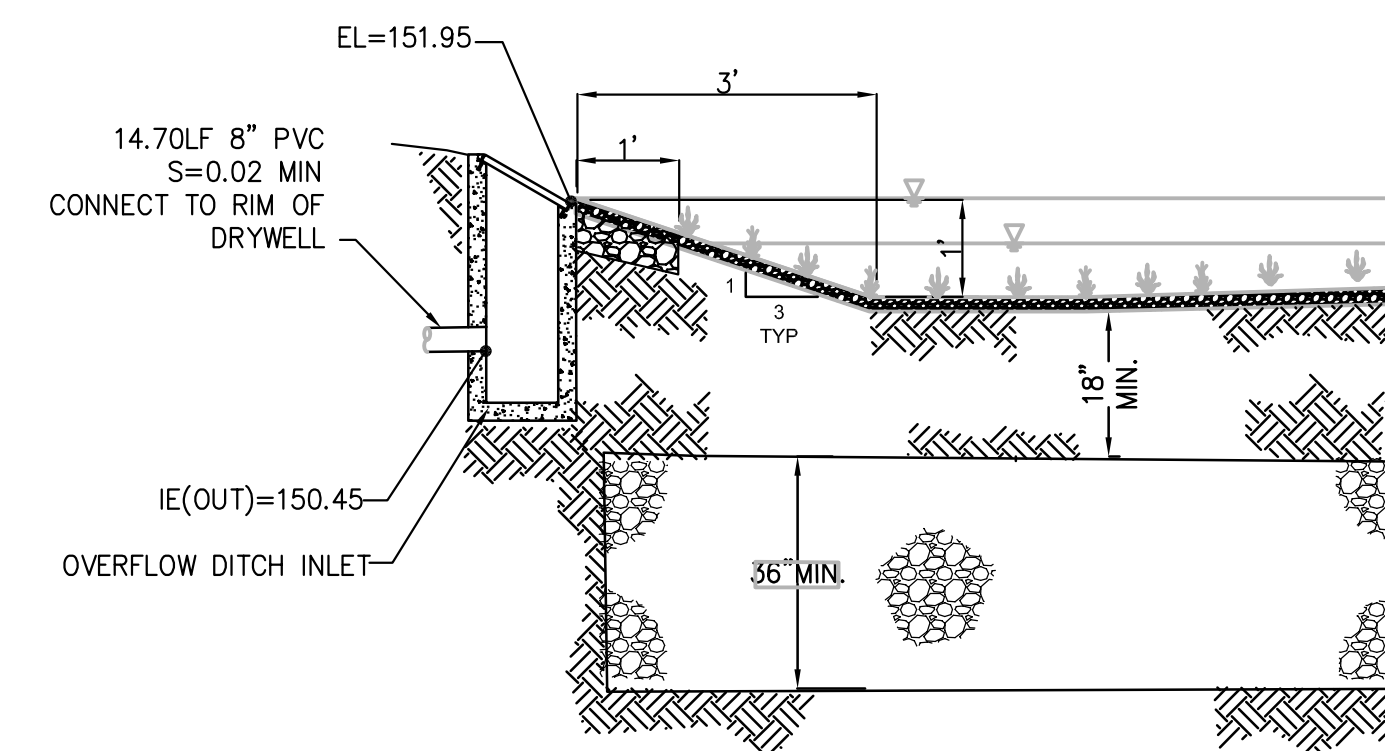
PLANTING PLAN

SEE SITE PLAN FOR DIMENSIONS AND SF. OF LANDSCAPE AREAS

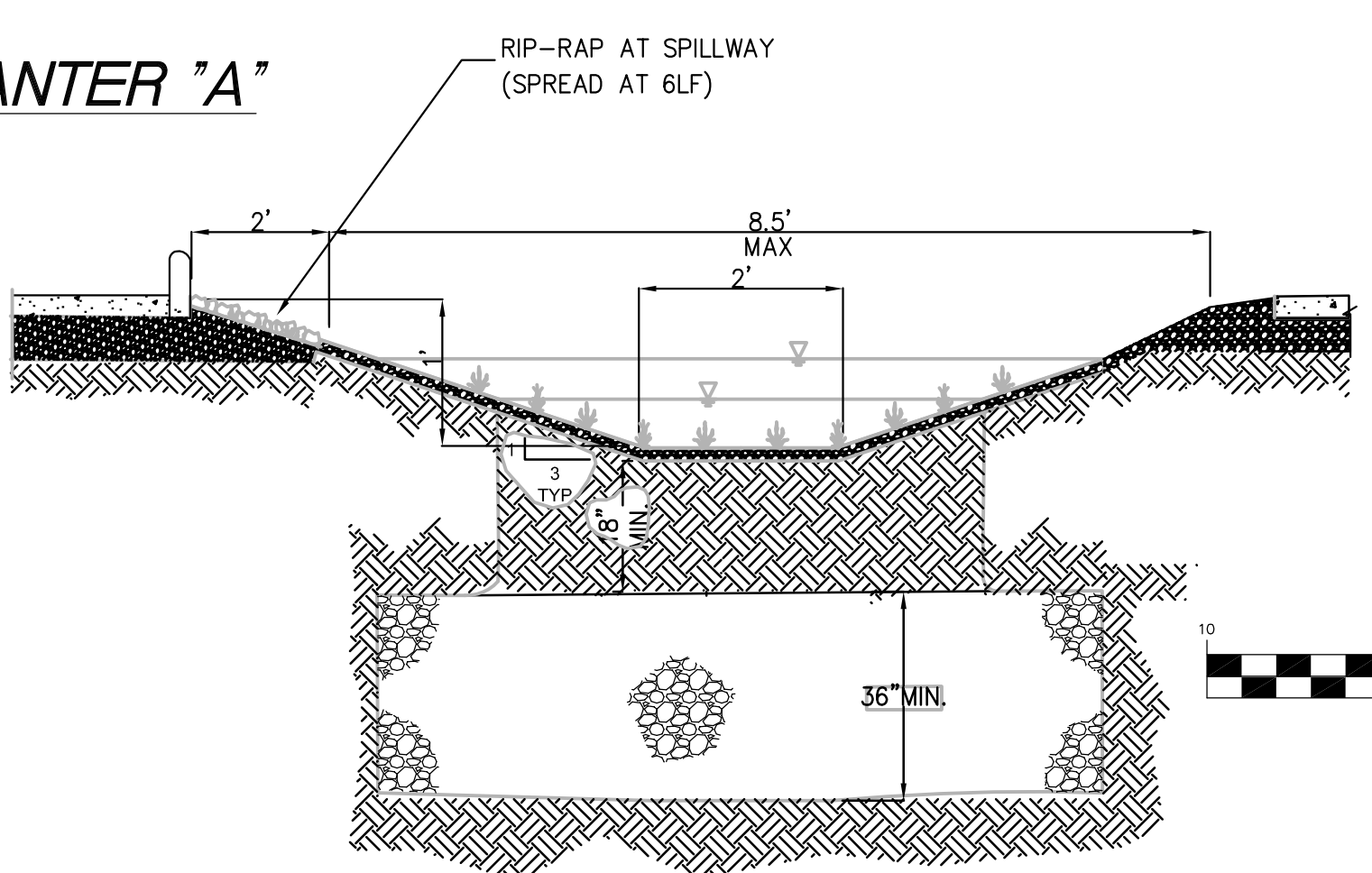


SCALE IN FEET

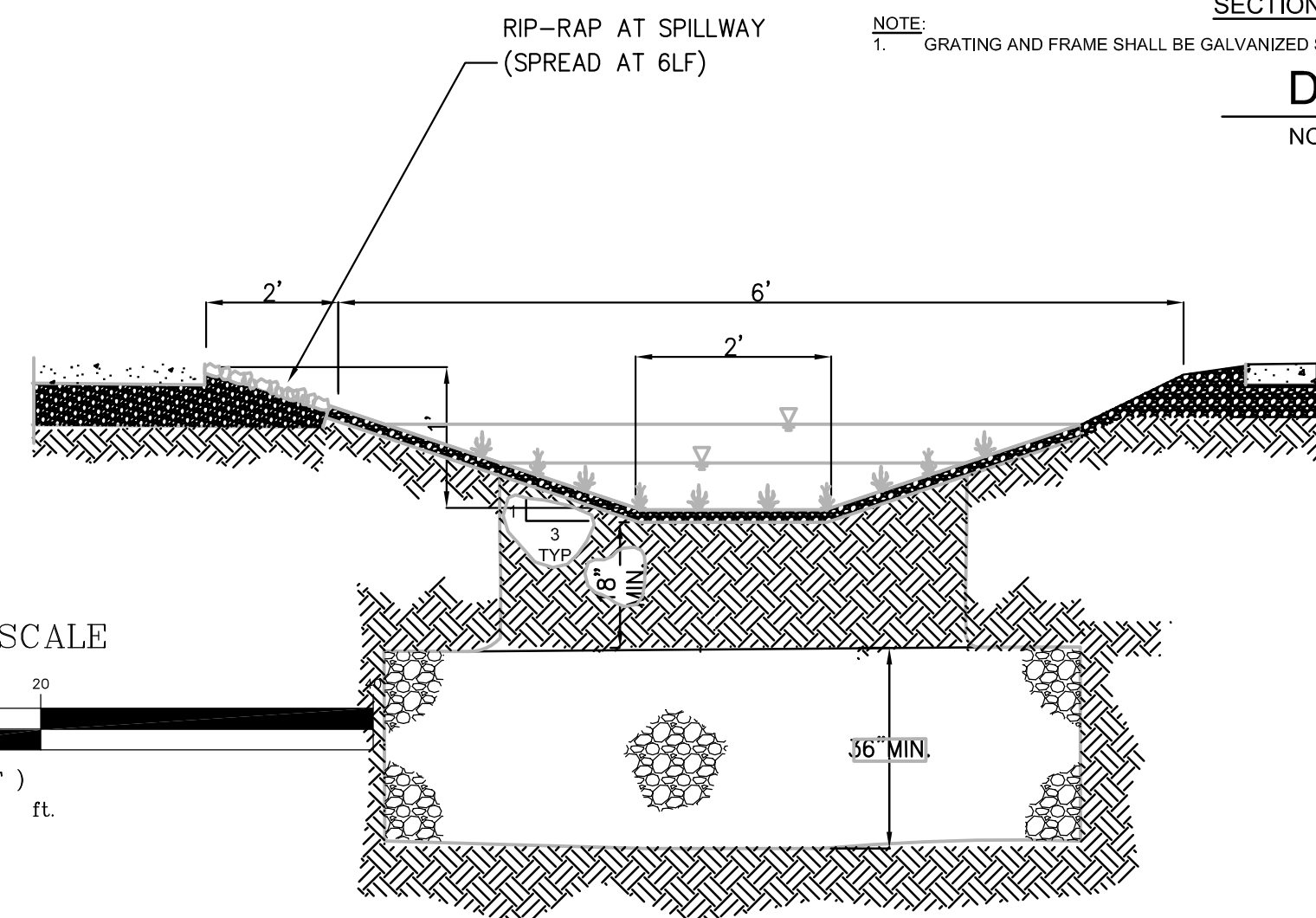
ATTENTION: Oregon law requires you to follow rules adopted by the Oregon Utility Notification Center. Those rules are set forth in OAR 952-001-0000 through OAR 952-001-0090. You may obtain copies of the rules by calling the center. (Note: the telephone number for the Oregon Utility Notification Center is (503) 232-1987).



INFILTRATION PLANTER SECTION AT DITCH INLET-TYPICAL



INFILTRATION PLANTER "A"

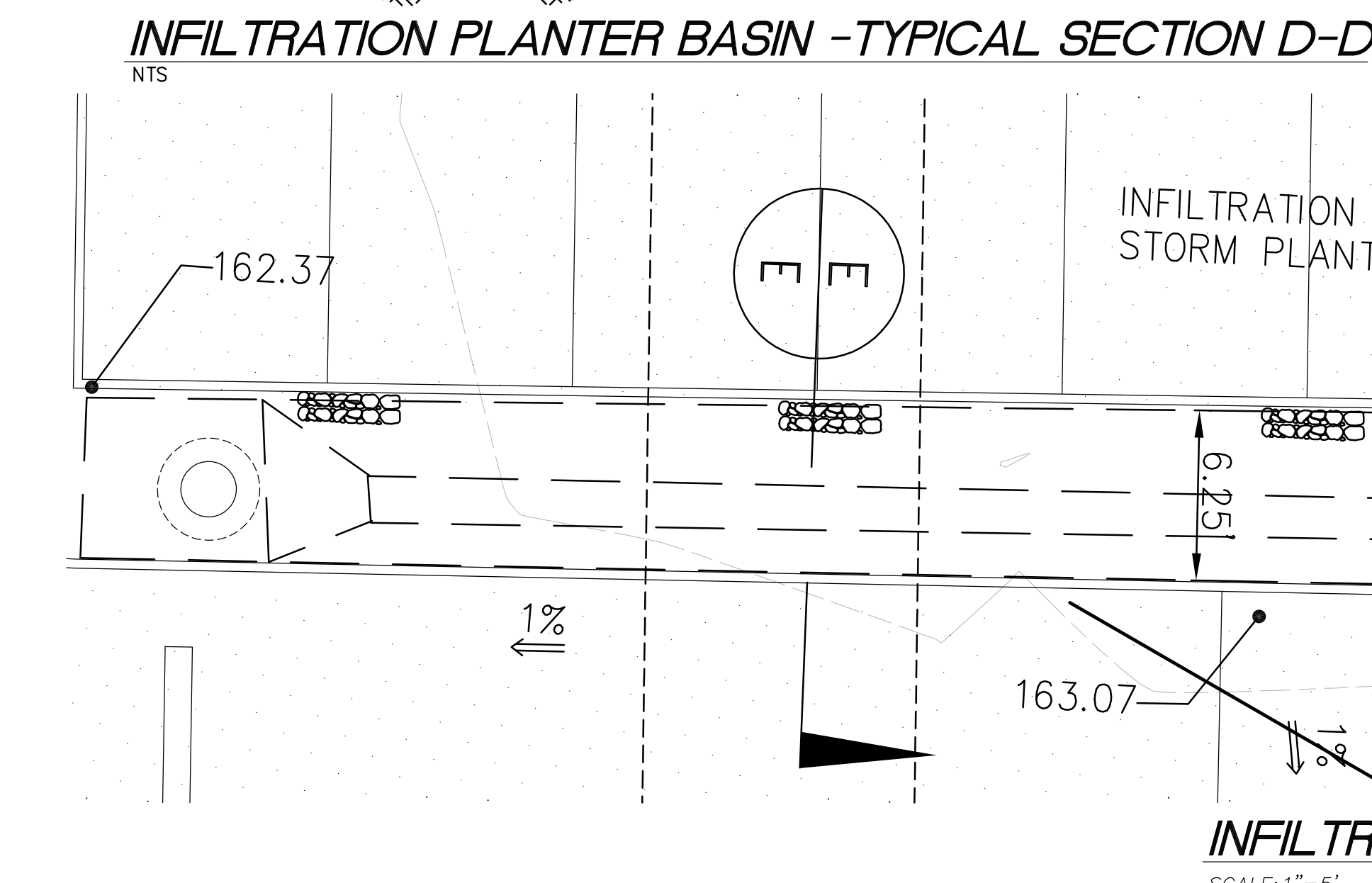


SECTION

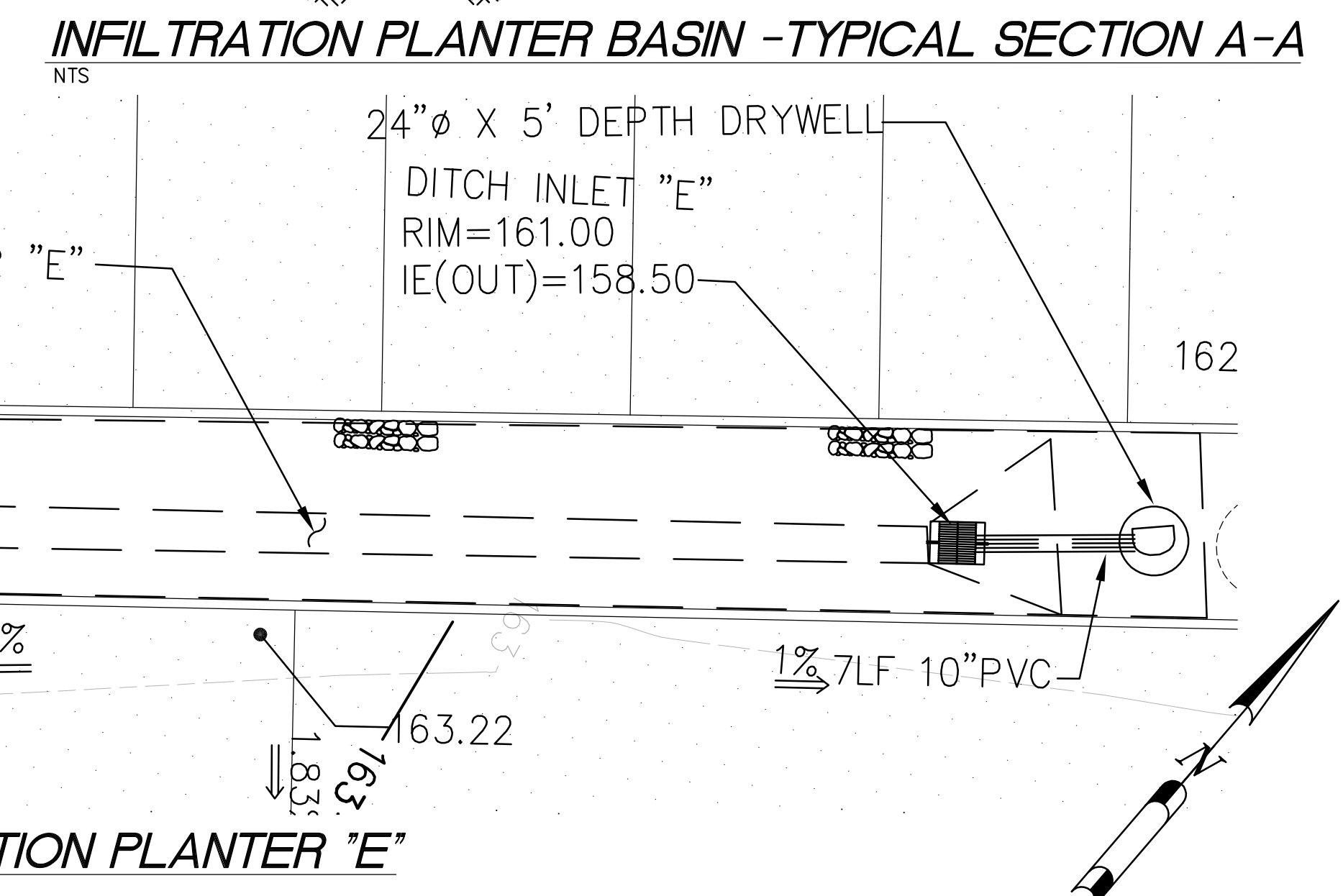
GALVANIZED STEEL MEDIUM DUTY.

DITCH INLET

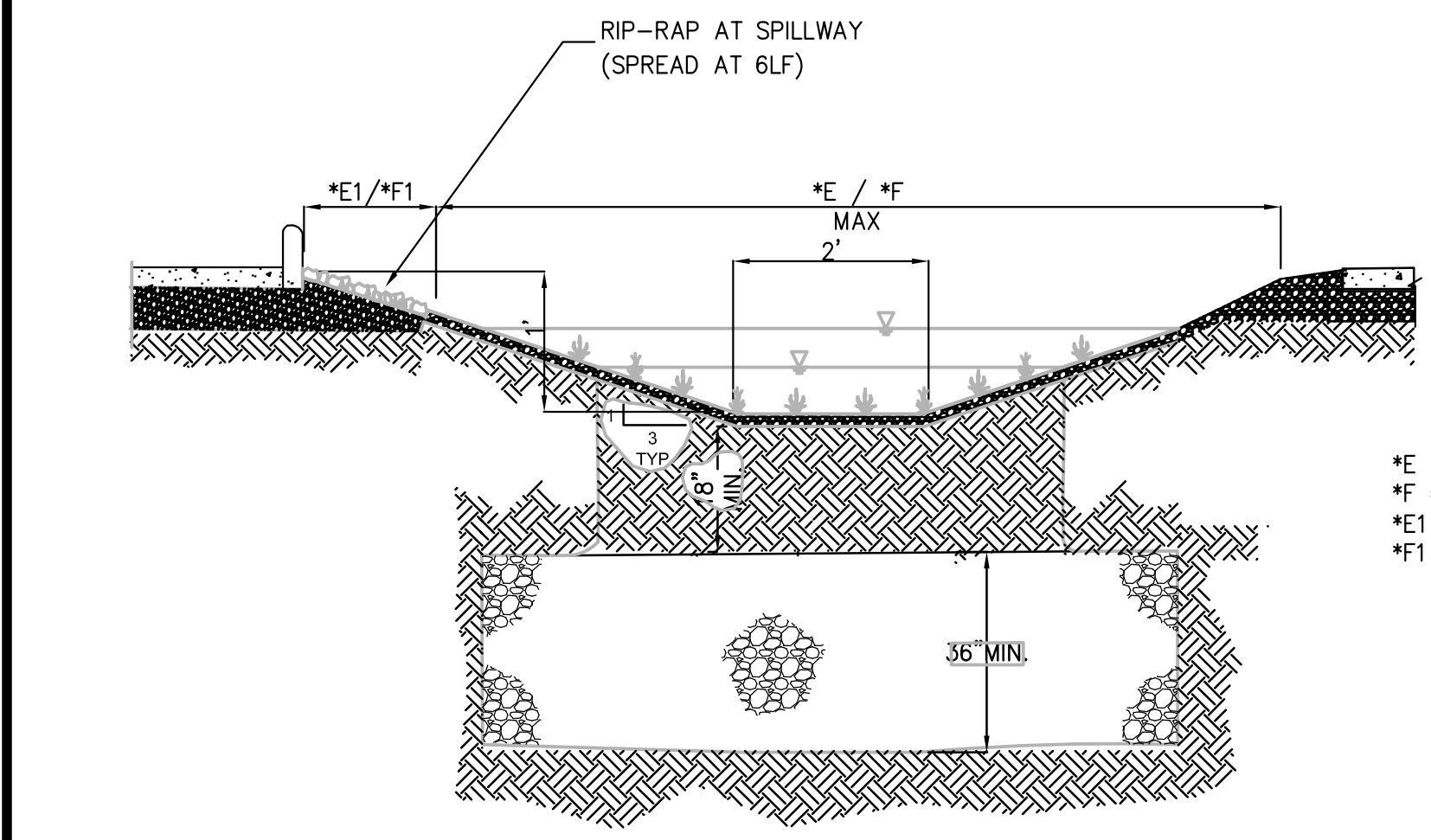
NOT TO SCALE



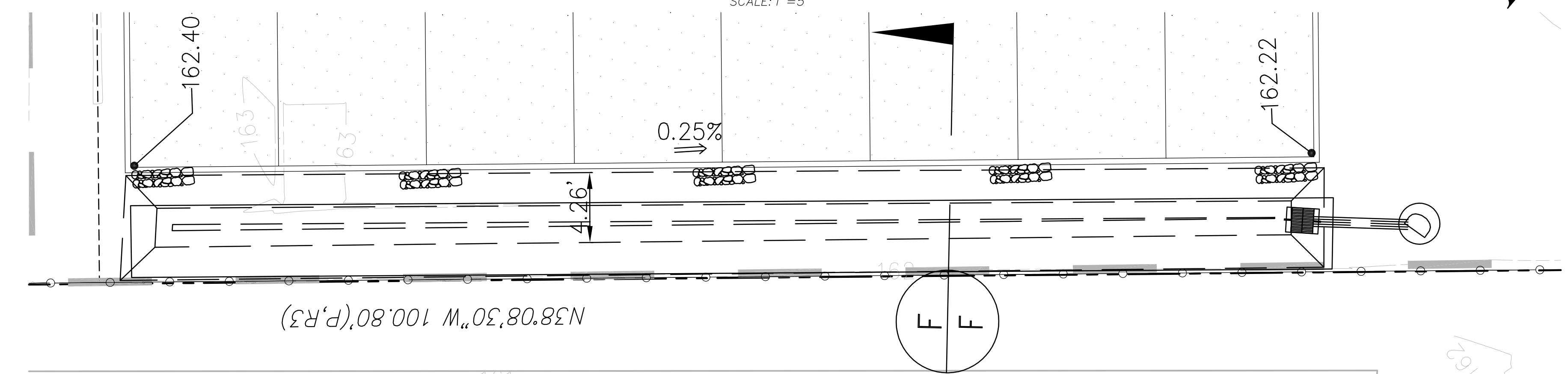
INFILTRATION PLANTER BASIN -TYPICAL SECTION D-D



INFILTRATION PLANTER BASIN -TYPICAL SECTION A-A



INFILTRATION PLANTER BASIN -TYPICAL SECTION E-E AND F-F



INFILTRATION PLANTER "F"

2095 Fairgrounds Road Drive-Through

Conditional Use

Site History:

The site is located at 2095 Fairgrounds Road NE (073W14CD/Tax Lot 01300). The subject property is 0.58 acres in size, zoned CR (Commercial Retail), and located within the Portland/Fairgrounds Road Overlay Zone. The subject property is designated as “Commercial” on the Salem Area Comprehensive Plan (SACP) Map.

The City held a pre-application conference with Hummelt Development Company on May 13, 2019 for the purpose of discussing the redevelopment of the property (Pre-App 19-52 / 19-109857-PA).

Proposal:

Under SRC 603.015(b)(2)(A), use with a drive-through is allowed within the Portland/Fairgrounds Road Overlay Zone with a Conditional Use Permit.

Hummelt Development Company is applying for a Conditional Use for the construction of a food/coffee commercial retail building with a drive-through.

Conditional Use Criteria:

SRC 240.005(d)- An application for a Conditional Use shall be granted if all of the following criteria are met:

- 1) The proposed use is allowed as a conditional use in the zone;
- 2) The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions; and
- 3) The proposed use will be reasonably compatible and have minimal impact on the livability or appropriate development of the surrounding property.

Hummelt Development Company’s Reasons for Addressing Chapter 240.005(d):

- 1) Under SRC 603.015(b)(2)(A), use with a drive-through is allowed within the Portland/Fairgrounds Road Overlay Zone with a Conditional Use Permit.

The applicant is applying for a Conditional Use for the construction of a food/coffee commercial retail building with a drive-through.

- 2) The proposed drive-through will have little to no impact on the neighborhood. The proposed drive-through is located on the back side of the building, opposite Fairgrounds Road, which provides a buffer and a setback of at least 40 feet from Fairgrounds Road. Myrtle Avenue provides a spacing buffer to the CG Zone uses to the east. To minimize impacts to the immediate neighborhood, a 15 foot setback on the north property line (horizontal line farthest to the east) buffers the abutting RS zone from the drive-through entry and stack lane. Existing 6 foot fencing and solid 10 foot plus arborvitae hedge (typical of all property lines) along this same property line provides sight and sound buffering as well. The west property line abutting the RS

zone (vertical line on north property line perimeter) has a 15 foot setback along with the same sight and sound obscuring fencing and arborvitae vegetation, excepting an encroachment for a traffic and sound obscuring trash enclosure buffering the RS zone. A 5 foot setback, along with the existing fencing and existing sight and sound obscuring arborvitae vegetation, buffers the drive aisle along the north property line (horizontal line farthest to the west) abutting the RS Zone. A 5 foot setback, along with the same sight and sound obscuring fencing and vegetation, buffers the west property line abutting the CRM zone's parking area. Existing gaps, if any, in vegetation screening will be infilled to create a complete screen. The combination of setbacks with vegetation and fencing screening minimizes any impacts on the surrounding neighborhood.

- 3) The subject property, existing used car sales, is surrounded by the following uses:

North: RS (existing Single-Family Residential)

East: Across Myrtle Avenue: CG (General Commercial); existing used car sales

West: RM2 (existing Multiple Family Residential 2)

South: Across Fairgrounds Road: CR (Commercial Retail); existing

The proposed food/coffee commercial retail building and drive-through complies with site design guidelines and standards being placed within the building setback requirements for corner lots in the Portland/Fairgrounds Road Overlay Zone and includes building designs and landscaping that will improve the visual appeal of the property and reduce impacts on the neighborhood. Some building and site amenities include providing building offsets for buildings with frontages greater than 75' in width, the use of 65% storefront glass on Fairgrounds Road, and pedestrian paths providing property access and circulation along Fairgrounds Road. The design standards are in place to help ensure compatibility with adjacent uses.

2095 Fairgrounds Road NE

Class II Adjustment Application

Proposal:

The site is located at 2095 Fairgrounds Road NE (073W14CD/Tax Lot 01300). The subject property is 0.58 acres in size, zoned CR (Commercial Retail), and located within the Portland/Fairgrounds Road Overlay Zone. The subject property is designated as "Commercial" on the Salem Area Comprehensive Plan (SACP) Map. An RS (Single-Family Residential) Zone borders the subject property to the north, and an RM2 (Multi-Family Residential) Zone borders the subject property to the west.

Hummelt Development Company is proposing an adjustment to the 15 foot setback distance along the west property line and the northwesterly property lines. These property line locations are indicated as "Adjustment 1," "Adjustment 2," and "Adjustment 3" on the attached site plan. "Adjustment 1" borders an RM2 zone parking area, and "Adjustment 2" and "Adjustment 3" border an RS zone. "Adjustment 3" involves the placement of a trash structure within the 15 foot setback. 50 feet of this property line meets the 15 foot setback requirement. An adjustment is requested for 20 feet of this distance.

Adjustment Criteria-SRC 250.005(d)(2) Criteria:

(A) The purpose underlying the specific development standard proposed for adjustment is:

- (i) Clearly inapplicable to the proposed development; or
- (ii) Equally or better met by the proposed development.

(B) If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

(C) If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

(A)(ii) The purpose underlying the specific development standard of a 15 foot setback distance is to provide a buffer between neighboring property uses. Hummelt Development Company proposes to reduce setback distances on said three property lines, or portions of them, to 5 feet. This adjustment allows the development to meet design standards and guidelines, create a pleasing landscape aesthetic, promote safe vehicular travel and parking throughout the site, and provide for the safest pedestrian passage through the property. The intent of this standard can be equally met through vegetation and fencing screening. Existing fencing and screening will be enhanced at locations of void to create a sight and sound barrier between properties. Fencing and screening of the trash enclosure will be provided per Salem Code. Although an adjustment to the Portland/Fairgrounds Road Overlay Zone setback distance, the proposed setback distance is 5 feet greater than existing conditions on the property. Also worthy of note is the distance of approximately 70 feet between the subject property's west property line and the existing buildings in the RM2 Zone.

While the property is not located in a residential zone, the proposed development will enhance the livability and appearance of all surrounding zones by creating a more aesthetically pleasing building and site area whose use creates a meeting place and draws the community together.

The cumulative effect of the three adjustments results in a project which is still consistent with the overall purpose of the CR zone by implementing the commercial designation of the Salem Comprehensive Plan through the permitted(P) use of an eating and drinking establishment with retail sales (SRC 522.001 & 522.005).

Class I Design Review Narrative

Hummelt Development Company has identified redevelopment potential for the property at 2095 Fairgrounds Road NE, Salem.

The site is located at 2095 Fairgrounds Road NE (073W14CD/Tax Lot 01300). The subject property is 0.58 acres in size, zoned CR (Commercial Retail), and located within the Portland/Fairgrounds Road Overlay Zone. The subject property is designated as "Commercial" on the Salem Area Comprehensive Plan (SACP) Map. An RS (Single-Family Residential) Zone borders the subject property to the north, and an RM2 (Multi-Family Residential) Zone borders the subject property to the west.

The City held a pre-application conference with the applicant on May 13, 2019 for the purpose of discussing the redevelopment of the property (Pre-App 19-52 / 19-109857-PA).

The proposed development's site plan demonstrates that the project meets all of the design standards of the Portland/Fairgrounds Road Overlay Zone (SRC 603.030).

As per SRC 603.030 (a) (1) (B) (i) (aa) (bb), building setback on Fairgrounds Road is at the minimum required 0 ft. setback, and building setback on Myrtle Avenue is within the 60 ft. maximum required setback.

As per SRC 603.030 (a) (2) (B) (i), primary building entrances are provided for each building façade facing a street: one primary entrance faces Fairgrounds Road, and one primary entrance faces Myrtle Avenue. An additional primary entrance is provided at the building's west facade.

As per SRC 603.030 (a) (2) (B) (ii), the ground floor building facade facing Fairgrounds Road includes transparent windows on 65% of the ground floor facade.

As per SRC 603.030 (a) (2) (B) (iii), a building offset meeting the minimum 4 ft. depth requirement is provided along the building frontage on Fairgrounds Road.


As per SRC 603.030 (a) (2) (B) (iv), weather protection, in the form of awnings or canopies, is provided along a minimum of 50 percent of the length of the ground floor building facade adjacent to sidewalks or pedestrian connections.

As per SRC 603.030 (b) (ii), 10 ft. wide landscape strips are provided between surface parking lots and street right-of-way. These landscape strips are located along the Myrtle Avenue property line and at the property's southwest corner on Fairgrounds Road.



MEMO

TO: Pamela Cole, Planner II
Community Development Department

FROM: Glenn J. Davis, PE, CFM, Chief Development Engineer
Public Works Department 

DATE: March 3, 2020

SUBJECT: **PUBLIC WORKS RECOMMENDATIONS**
CU-SPR-ADJ-DAP-DR20-02 (19-124717-ZO)
2095 FAIRGROUNDS ROAD NE
PROPOSAL FOR A NEW COFFEE CAFÉ WITH DRIVE-THROUGH

PROPOSAL

A consolidated Conditional Use, Class 3 Site Plan Review, Class 2 Zoning Adjustment, Class 2 Driveway Approach Permit, and Class 1 Design Review for a proposed 2,206-square-foot eating and drinking establishment with a drive-through on a property of 0.58 acres located at 2095 Fairgrounds Road NE (Marion County Assessor's Map and Tax Lot 073W14CD01300) in the CR (Retail Commercial) zone and Portland/Fairgrounds Overlay Zone. The Class 2 Adjustment is requested to reduce the required width of the landscaped setback abutting residential zones from 15 feet to 5 feet.

RECOMMENDED CONDITIONS OF APPROVAL

1. Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.
2. Replace nonconforming portions of existing sidewalk along the frontage of the property pursuant to SRC 78.180(a).
3. Install street trees to the maximum extent feasible along the frontage of Fairgrounds Road NE pursuant to SRC 86.015(e).

FACTS

Streets

1. Fairgrounds Road NE
 - a. Standard—This street is designated as a Major Arterial street in the Salem TSP. The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way.

- b. Existing Condition—This street has an approximate 30- to 38-foot improvement within a 100- to 125-foot-wide right-of-way abutting the subject property.

2. Myrtle Avenue NE

- a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Condition—This street has an approximate 30- to 40-foot improvement within a 54-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Condition

- a. A 24-inch storm main is located in Fairgrounds Road NE.
- b. A 10-inch storm main is located in Fairgrounds Road NE.

Water

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. A 4-inch water main is located in Myrtle Avenue NE.
- c. A 6-inch water main is located in Fairgrounds Road NE.

Sanitary Sewer

1. Existing Conditions

- a. An 8-inch sewer main is located in Myrtle Avenue NE.
- b. An 18-inch sewer main is located in Fairgrounds Road NE.
- c. An 8-inch sewer main is located in Fairgrounds Road NE.

CRITERIA AND FINDINGS

Analysis of the development based on relevant criteria in SRC 220.005(f)(3) is as follows:

SRC 220.005(f)(3)(A) – The application meets all applicable standards of the *Unified Development Code (UDC)*

Finding—With completion of the conditions above, the subject property meets all applicable standards of the following chapters of the UDC: 601–Floodplain; 802–Public Improvements; 803–Streets and Right-of-Way Improvements; 804–Driveway Approaches; 805–Vision Clearance; 809–Wetlands; and 810–Landslides.

Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

According to the Salem-Keizer Local Wetland Inventory the subject property does not contain any wetland areas.

City records show that the subject property may be located within a landslide hazard area. The applicant submitted findings, prepared by TerraMark, Inc. and dated October 31, 2019, that demonstrate the proposed development is a low landslide hazard risk based on SRC Chapter 810.

SRC 220.005(f)(3)(B) – The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately

Finding— Fairgrounds Road NE is fully developed and meets the right-of-way width and pavement width standards pursuant to the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed development.

Myrtle Avenue NE meets the right-of-way width and pavement width standards pursuant to the Salem TSP, Table 3-1; therefore, no additional street improvements are required as a condition of the proposed development.

No special setback is required along Myrtle Avenue NE nor Fairgrounds Road NE because the existing rights-of-way meet the standards for their classifications of street.

The applicant shall replace nonconforming portions of existing sidewalk along the frontage of the property pursuant to SRC 78.180(a). The sidewalk may remain located along the curb line pursuant to SRC 803.035(l)(2)(B). The applicant shall install street trees to the maximum extent feasible along the frontage of Fairgrounds Road NE pursuant to SRC 86.015(e).

SRC 220.005(f)(3)(C) – Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians

Finding—The relocated driveway access onto Myrtle Avenue NE provides for safe turning movements into and out of the property. The existing driveway to Fairgrounds

Road NE is proposed to remain in the existing location and provides safe turning movements with the existing configuration.

SRC 220.005(f)(3)(D) – The proposed development will be adequately served with City water, sewer, storm drainage, and other utilities appropriate to the nature of the development

Finding—The Public Works Department has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development.

The applicant's engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E(4) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible.

The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director. The trash area shall be designed in compliance with PWDS.

Criteria—A Class 2 Driveway Approach Permit shall be granted if:

- (1) The proposed driveway approach meets the standards of this Chapter and the PWDS;**

Finding—The proposed driveway to Myrtle Avenue SE meet the standards for SRC Chapter 804 and PWDS.

- (2) No site conditions prevent placing the driveway approach in the required location;**

Finding—There are no site conditions prohibiting the location of the proposed driveway.

- (3) The number of driveway approaches onto an Arterial are minimized;**

Finding— The proposed driveway is not accessing onto an arterial street.

- (4) The proposed driveway approach, where possible:**

- i. Is shared with an adjacent property; or
- ii. Takes access from the lowest classification of street abutting the property;

Finding—The proposed driveway is currently located with access to the lowest classification of street abutting the subject property.

(5) Proposed driveway approach meets vision clearance standards;

Finding—The proposed driveway meets the PWDS vision clearance standards set forth in SRC Chapter 805.

(6) The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;

Finding—No evidence has been submitted to indicate that the proposed driveway will create traffic hazards or unsafe turning movements. Additionally, staff analysis of the proposed driveway indicates that it will not create a traffic hazard and will provide for safe turning movements for access to the subject property.

(7) The proposed driveway approach does not result in significant adverse impacts to the vicinity;

Finding—Staff analysis of the proposed driveway and the evidence that has been submitted indicate that the location of the proposed driveway will not have any adverse impacts to the adjacent properties or streets.

(8) The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and

Finding—The proposed driveway approach is located on a Local street and does not create a significant impact to adjacent streets and intersections. The existing driveway to Myrtle Avenue NE is proposed to be closed and moved further north from the intersection, thereby improving functionality of the Fairgrounds Road NE and Myrtle Avenue NE intersection.

(9) The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

Finding—The proposed development is surrounded by residentially zoned property. The proposed driveway is taken from the lowest classification street abutting the subject property. The driveway balances the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets.

Prepared by: Jennifer Scott, Program Manager
cc: File