

SALEM HEARINGS OFFICER MINUTES

March 22, 2023

Hearings Officer

Catherine Pratt

Staff Present

Jamie Donaldson, Planner II

Aaron Panko, Planner III

Zachery Cardoso, Recorder

Hearings Officer Catherine Pratt called the meeting to order at 5:30 p.m. and explained the procedures of the night's hearings. City of Salem staff members present were Jamie Donaldson, Planner II; Aaron Panko, Planner III; and Zachery Cardoso, Recorder.

1. CONDITIONAL USE / CLASS 3 SITE PLAN REVIEW

- **CU-SPR23-02 for 3997 Carson Dr SE**

Request: A Conditional Use Permit to add a drive-through oil change facility to the existing development at 3997 Carson Drive SE (Marion County Assessor Map and Tax Lot 082W06AB / 10100); in conjunction with a Class 3 Site Plan Review to construct three residential units above a retail building on the abutting property at 4005 Hagers Grove Road SE (Marion County Assessor Map and Tax Lot 082W06AB / 10000). The subject properties are approximately 1.5 acres in size and zoned CR (Retail Commercial).

The Hearings Officer read the applicable criteria into the record. No objection to jurisdiction was raised and the public hearing was opened at 5:33 p.m.

Case Manager Jamie Donaldson entered the staff report, all attachments, the presentation, and comments submitted by the public into the record and proceeded with the presentation.

RECOMMENDATION:

Based upon the Facts and Findings contained in the staff report and presentation, staff recommends that the Hearings Officer **APPROVE** the request for a Conditional Use and Site Plan Review consolidated application for the proposed development of a motor vehicle services use, with the addition of three residential units to an approved retail building and located at 3997 Carson Drive SE and 4005 Hagers Grove Road SE, subject to the following conditions of approval:

CONDITIONAL USE:

- Condition 1:** There shall be no outdoor storage of vehicles or vehicle parts on site. No parking spaces shall be used for the storage of vehicles. Any outdoor storage shall require site plan review to obtain approval for a sight-obscuring enclosure to be screened from all adjacent properties.
- Condition 2:** At the time of building permit review, the applicant shall provide either six large shrubs or six ornamental trees (equivalent of 12 plant units) within the landscape strip along the 44-foot-long length of the oil-change facility abutting Lancaster Drive SE.

Condition 3: Normal hours of operation where the business is open to the public may only be between the hours of 8 AM and 8 PM.

SITE PLAN REVIEW:

- Condition 4:** At the time of building permit review, the applicant shall demonstrate that all required pedestrian connections conform with the design and material requirements of SRC Chapter 800, specifically SRC 800.065(b) and 800.065(c).
- Condition 5:** Construct the following streetscape improvements:
- a. Along Carson Drive SE and Hagers Grove Road SE, provide curblined sidewalks, curb ramps at street intersections, and street trees, including existing areas where street trees are inadequate.
 - b. Along Lancaster Drive SE, provide curb ramps at street intersections and street trees.
- Condition 6:** Convey land for dedication to equal a half-width right-of-way of 48 feet on the development side of Lancaster Drive SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 7:** All or a portion of the slope easement on the subject property that conflicts with the proposed building shall be quitclaimed prior to building permit issuance.
- Condition 8:** Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

At this time the Hearings Officer had questions for Staff.

PERSONS TESTIFYING:

Applicant: Leonard Lodder, 275 Court St NE

At this time the Hearings Officer had questions for the applicant.

Neighborhood Association: None

Support: None

Oppose: None

Neutral: None

Rebuttal from Applicant: None

Because of the late posting to the property, the Hearings Officer has left the record open for additional testimony. Additional testimony from any party will be accepted until Wednesday, March 29, 2023 at 5:00 p.m. No new testimony will be accepted after this period. Rebuttal to testimony in the record will be accepted until Wednesday, April 5, 2023 at 5:00 p.m. The

Applicant will have an opportunity to provide final rebuttal until Wednesday, April 12, 2023 at 5:00 p.m.

The Hearings Officer had no additional questions for staff.

With no further questions or testimony to present, the Hearings Officer closed the public hearing at 5:46 p.m.

2. CONDITIONAL USE / CLASS 3 SITE PLAN REVIEW

- **CU-SPR23-03 for 1717 Freeway Ct NE**

Request: A Conditional Use Permit and Class 3 Site Plan Review to allow a used car dealership tenant space in an existing building with associated site changes for vehicle display and improvements to pedestrian connections, for properties totaling approximately 1.4 acres in size, zoned MU-III (Mixed Use-III) and located at 1717 Freeway Court NE - 97301 (Marion County Assessor's Map and Tax Lot numbers: 073W24AD / 0500 & 0202).

The Hearings Officer read the applicable criteria into the record. No objection to jurisdiction was raised and the public hearing was opened at 5:49 p.m.

Case Manager Jamie Donaldson entered the staff report, all attachments, the presentation, and comments submitted by the public into the record and proceeded with the presentation.

RECOMMENDATION:

Based upon the Facts and Findings contained in the staff report and presentation, staff recommends that the Hearings Officer **APPROVE** the request for a Conditional Use and Site Plan Review consolidated application for the proposed development of a motor vehicle sales use tenant and vehicle display lot, located at 1717 Freeway Court NE, subject to the following conditions of approval:

CONDITIONAL USE:

Condition 1: The applicant shall install cast iron or wrought iron fencing surrounding the vehicle display lot and the pedestrian fencing along the Market Street NE frontage.

Condition 2: Normal hours of operation where the business is open to the public may only be between the hours of 8 AM and 8 PM. When the use is not open for business, vehicle display area lighting shall be turned off, and only pedestrian and security lighting may be used.

SITE PLAN REVIEW:

Condition 3: At the time of building permit review, the applicant shall submit plans that include a minimum six-foot setback to the east property line, with Type A landscaping.

- Condition 4:** At the time of building permit review, the applicant shall provide a full landscape plan demonstrating how the development site meets Type A landscaping, including all existing landscaped areas, by providing a minimum of one plant unit per 20 square feet, with 40 percent of the plant units being trees.
- Condition 5:** The gate located at the corner of the building granting pedestrian access from the street shall have a restrainer in the open position so as to remain open during business hours.
- Condition 6:** All windows within the tenant space for the used car dealership 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.
- Condition 7:** At the time of building permit review, the applicant shall demonstrate that all required pedestrian connections conform with the design and material requirements of SRC Chapter 800, specifically SRC 800.065(b) and 800.065(c).
- Condition 8:** At the time of building permit review, the applicant shall provide details that indicate the bicycle racks meet the required dimensions, design standards, and accessibility requirements of SRC Chapter 806.
- Condition 9:** The proposed development is subject to a special setback equal to 48 feet from centerline on the development side of Hawthorne Street NE, which shall be included on development plans at the time of permit review.

At this time the Hearings Officer had questions for Staff.

PERSONS TESTIFYING:

Applicant: Ron Ped, 1220 20th St SE Suite 120

At this time the Hearings Officer had no questions for the applicant.

Neighborhood Association: None

Support: None

Oppose: None

Neutral: None

Rebuttal from Applicant: None

At this time the Hearings Officer asked if anyone would like to record to remain open. The applicant waived their right for final written arguments.

The Hearings Officer had no additional questions for staff.

With no further questions or testimony to present, the Hearings Officer closed the public hearing at 6:00 p.m.

3. CONDITIONAL USE / CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT / CLASS 1 DESIGN REVIEW

- **CU-SPR-ADJ-DR23-04 for the 4900 Block of State St SE**

Request: A Conditional Use Permit request to allow a new multi-family residential use, and Class 3 Site Plan Review and Class 1 Design Review for development of the second phase of the East Park Apartments, including an additional four buildings containing a total of 42 dwelling units, with a Class 2 Adjustment request to:

- 1) To allow buildings to be placed at an approximate 20-foot setback along State Street and Greencrest Street NE, instead of five feet as required by 702.020(e)(4); and
- 2) To eliminate the direct pedestrian access to adjacent sidewalk requirement for ground level units adjacent to State Street and Greencrest Street NE as required by 702.020(e)(5).

For a portion of property approximately 1.74 acres in size, zoned CR (Retail Commercial), and located at the 4900 Block of State Street - 97301 (Marion County Assessor Map and Tax Lot numbers: 072W29C / 00100 and 00101).

The Hearings Officer read the applicable criteria into the record. No objection to jurisdiction was raised and the public hearing was opened at 6:04 p.m.

Case Manager Aaron Panko entered the staff report, all attachments, the presentation, and comments submitted by the public into the record and proceeded with the presentation.

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, design review, and the adjustment request to increase the setback requirement along State Street and Greencrest Street NE, and the adjustment request to eliminate the direct pedestrian access requirement for ground floor units abutting State Street, but is recommending for ground level units abutting Greencrest Street NE that the Hearings Officer **DENY** the applicant's adjustment request, for the proposed development of a 42-unit multi-family residential apartment complex for a portion of property approximately 1.74 acres in size and located at the 4900 Block of State Street subject to the following conditions of approval:

SITE PLAN REVIEW:

Condition 1: The final plat for this phase of the East Park Estates Planned Unit Development/Subdivision shall be recorded prior to issuance of any civil site work or building permits.

- Condition 2:** Convey land for dedication to equal a half-width right-of-way of 48 feet on the development side of State Street, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 3:** Construct a half-street improvement along the frontage of State Street to Major Arterial street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 4:** Convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Greencrest Street NE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 5:** Construct a half-street improvement along the frontage of Greencrest Street NE to Collector standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 6:** As specified in the applicant's Traffic Impact Analysis, construct eastbound-to-northbound and westbound-to-southbound left-turn lanes at the intersection of State Street and Greencrest Street NE.
- Condition 7:** Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

CLASS 2 ADJUSTMENT:

- Condition 8:** Proposed Buildings 30-32 shall comply with the direct pedestrian access standard of SRC 702.020(e)(5) along Greencrest Street NE.
- Condition 9:** The adjusted development standards, 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 standards of the UDC, unless adjusted through a future land use action.

At this time the Hearings Officer had no questions for Staff.

PERSONS TESTIFYING:

Applicant: Joseph Schaefer, 1211 SW 5th Ave, Portland OR 97204

At this time the Hearings Officer had questions for the applicant.

Neighborhood Association: None

Support: None

Oppose: None

Neutral: None

Rebuttal from Applicant: None

The Hearings Officer had additional questions for staff.

The Hearings Officer allowed the applicant additional time to address staff comments.

The applicant requested the Hearings Officer leave the record open.

With no further questions or testimony to present, the Hearings Officer closed the public hearing at 6:44 p.m.

The meeting ended at 6:44 P.M.
Prepared by: Zachery Cardoso, March 22, 2023
Approved: March 23, 2023