

FOR MEETING OF: JANUARY 9, 2018
CASE NO.: CU-SPR18-12

TO: HEARINGS OFFICER

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

**SUBJECT: CONDITIONAL USE – SITE PLAN REVIEW
CASE 18-12; 1715 CAPITOL ST NE
AMANDA NOS. 18-120389-ZO, & 18-120390-RP**

REQUEST

Summary: A conditional use and site plan review to allow a religious assembly.

Description: Conditional Use and Class 3 Site Plan Review to allow a religious assembly where the subject property and existing development does not meet the special use standards in SRC 700.055, at 1715 Capital Street NE 97302 (Marion County Assessor Map and Tax Lot 083W10BB06200).

OWNER: Ian Levin

APPLICANT: Bridge Covenant Church

FILER: Mike Junge, Architect, Carlson Veit Architects

RECOMMENDATION

Based upon the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer APPROVE the request for a consolidated conditional use and site plan review to modify an existing parking area and associated landscaping and screening for a religious assembly for property located at 1715 Capital Street NE subject to the following conditions of approval:

- Condition 1:** The proposed development shall be in substantial conformance with the approved site plan included as Attachment B.
- Condition 2:** Existing landscape areas shall be planted with a minimum of 1 plant unit per 20 square feet of landscape area. A minimum of 40 percent of the required number of plant units shall be a combination of shade trees, evergreen/conifer trees, or ornamental trees.
- Condition 3:** The applicant shall install a sight-obscuring fence, wall, or hedge that complies with the vision clearance standards of SRC Chapter 805 and screening standards of SRC 807.015(e), and the minimum height of 6

feet shall be measured from the paved surface of the adjacent parking and vehicle use area.

BACKGROUND

The subject property was developed with an office building. The applicant is proposing a religious use which is subject to the use standards in SRC (Salem Revised Code) 700.055.

The applicant received a variance approval on February 5, 2009 to reduce the minimum lot size, reduce the minimum landscape bufferyards, reduce the minimum setback for a parking area, reduce the minimum drive aisle width, and reduce the minimum driveway width for an office use.

On October 4, 2018, conditional use permit and site plan review applications were submitted. After additional information was received, the applications were deemed complete for processing on December 17, 2018.

The public hearing before the City of Salem Hearings Officer is scheduled for January 9, 2019, at 5:30 p.m. in Civic Center Room 305, located at 555 Liberty Street SE. Notice of public hearing was sent by mail to surrounding property owners pursuant to Salem Revised Code (SRC) requirements on December 20, 2018. Public hearing notice was also posted on the property by the applicant pursuant to SRC requirements.

PROPOSAL

The applicant is requesting to allow a religious assembly where the subject property and existing development does not meet the special use standards in SRC 700.055, at 1715 Capital Street NE 97302 (Marion County Assessor Map and Tax Lot 083W10BB06200). **(Attachment A).**

Religious assembly uses in the CO (Commercial Office) zone are subject to Special Use standards of SRC 700.055. As allowed by SRC 700.005(d), special use standards may be modified, unless otherwise specially provided in this chapter. Modification to a special use standard is by conditional use approval, as provided in SRC Chapter 240.

A Conditional Use permit is requested to:

- Reduce the frontage requirement of SRC 700.050(f), from 150-feet to 42 feet abutting Capital Street and 110 feet abutting Jefferson Street.
- Reduce a setback requirements of SRC 700.050(g) for buildings from 20-feet to 2.5-feet abutting Jefferson Street and 10-feet abutting Capital Street feet; in addition, reduce the vehicle use area required setback from 12-feet to 8-feet (with 36" exiting wall) abutting Jefferson Street.

- Reduce a setback requirement SRC 700.050(g) for vehicle use areas abutting residential from 50-feet to 3-feet abutting the west property line.
- Reduce setback requirement SRC 700.050(g) for vehicle use areas abutting CO zone from 5-feet to 0-feet abutting the north property line.

The proposed site plan is included as **Attachment B**.

APPLICANT'S STATEMENT

The applicant's statement addressing the applicable approval criteria for the consolidated request 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 the Urban Service Area.

2. Zoning and Surrounding Land Uses

The subject property is zoned CO (Commercial Office). Religious Assembly uses are Special Uses in the CO zone. SRC Chapter 700.005(d) provides that modifications to special use standards shall be made pursuant to Conditional Use approval, as provided in SRC Chapter 240, and in no case shall Conditional Use approval allow a standard that is less restrictive than the development standards established in the zone or overlay zone.

A Conditional Use permit is requested to:

- Reduce the frontage requirement of SRC 700.050(f), from 150-feet to 42 feet abutting Capital Street and 110 feet abutting Jefferson Street.
- Reduce a setback requirements of SRC 700.050(g) for buildings from 20-feet to 2.5-feet abutting Jefferson Street and 10-feet abutting Capital Street feet; in addition, reduce the vehicle use area required setback from 12-feet to 8-feet (with 36" exiting wall) abutting Jefferson Street.
- Reduce a setback requirement SRC 700.050(g) for vehicle use areas abutting residential from 50-feet to 3-feet abutting the west property line.
- Reduce setback requirement SRC 700.050(g) for vehicle use areas abutting CO zone from 5-feet to 0-feet abutting the north property line.

The zoning of surrounding properties includes:

North: CO (Commercial Office) – offices
East: Across Capitol St NE, RM-II (Multiple Family Residential) – apartments and single family dwellings
South: Across Jefferson St NE, CO (Commercial Office) – Medical office
West: RM-II (Multiple Family Residential) –single family dwellings

3. Site Analysis

The subject property is approximately 4,610 square feet, or 0.1 acres, in size and abuts Capitol St NE to the east and Jefferson St NE to the south. Surrounding properties are zoned CO and RM-II. Capitol St NE is designated as a major arterial street and Jefferson St NE a local within the Salem TSP (Transportation System Plan).

4. Neighborhood and Citizen Comments

The subject property is located within the Grant Neighborhood Association (GRANT). Notice was provided to GRANT and surrounding property owners within 250 feet of the subject property. No comments were received at the time of writing this report.

5. City Department and Public Agency Comments

The Building and Safety Division reviewed the proposal and commented, “This structure is existing non-compliant for the distance to property lines on the north side. It is acceptable due to being existing.”

The Fire Department reviewed the proposal and commented, “Building is existing. Any increase to the fire flow requirements will require an approved water supply. The existing fire hydrant is across Capitol Street, a major arterial.”

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

6. Analysis of Conditional Use Criteria

Religious Assembly uses are subject to special use standards in the CO (Commercial Office) zone. SRC Chapter 700.005(d) provides:

Modifications to special use standards shall be made pursuant to Conditional Use approval, as provided in SRC Chapter 240, and in no case shall Conditional Use approval allow a standard that is less restrictive than the development standards established in the zone or overlay zone.

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.

Applicant's Statement: Per the CO zone, Religious Assembly is allowed as a Special Use.

Staff Finding: While the use is allowed as a Special Use, conditional use approval is required to deviate from the applicable Special Use standards. The proposal meets this criterion.

Criterion 2:

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

Applicant's Statement: The applicant addresses this criterion in Attachment C. The applicant's statement is summarized below.

The Conditional Use is requested to reduce the following special use standards:

- (1) Reduce the frontage requirement of SRC 700.050(f), from 150-feet to 42 feet abutting Capital Street and 110 feet abutting Jefferson Street.
- (2) Reduce a setback requirements of SRC 700.050(g) for buildings from 20-feet to 2.5-feet abutting Jefferson Street and 10-feet abutting Capital Street feet; in addition, reduce the vehicle use area required setback from 12-feet to 8-feet (with 36" exiting wall) abutting Jefferson Street.
- (3) Reduce a setback requirement SRC 700.050(g) for vehicle use areas abutting residential from 50-feet to 3-feet abutting the west property line.
- (4) Reduce setback requirement SRC 700.050(g) for vehicle use areas abutting CO zone from 5-feet to 0-feet abutting the north property line.

All of the non-conforming standards are able to be modified through a Conditional Use Permit process and there is no proposed change to the site or building with the request. The existing property was redeveloped from a derelict house to a commercial building in 2009. The previous redevelopment required several Variances, due to the small parcel and existing structures.

Staff Finding:

- (1) Reduce the frontage requirement of SRC 700.050(f), from 150-feet to 42 feet abutting Capital Street and 110 feet abutting Jefferson Street.

The special use standards require a minimum of 150-feet of frontage abutting a street. The requested reduction of the frontage will not create additional adverse impacts on the neighboring area because approval of the reduction will simply allow the existing property to remain at its current size, the proposal will meet this criterion.

- (2) Reduce a setback requirements of SRC 700.050(g) for buildings from 20-feet to 2.5-feet abutting Jefferson Street and 10-feet abutting Capital Street feet; in addition, reduce the vehicle use area required setback from 12-feet to 8-feet (with 36" exiting wall) abutting Jefferson Street.

The special use standards require a minimum setback of 20 feet for buildings and 12-feet for vehicle use areas abutting a street. The requested reduction of the setback will not create additional adverse impacts on the neighboring area because approval of the reduction will simply allow the applicant to retain the existing setback. The proposal will meet this criterion.

- (3) Reduce a setback requirement SRC 700.050(g) for vehicle use areas abutting residential from 50-feet to 7-feet abutting the west property line.

The special use standards require that off-street parking areas shall be screened from abutting residential zoned property, and the screening standards of SRC Chapter 807 require screening to be a minimum of 6 feet in height and at least 75 percent opaque when viewed from any angle at a point 25 feet away. There is an existing fence and landscaping between the neighboring property and subject property. It is unclear the height of the existing fence. To ensure that the proposal minimizes the impacts on the neighboring property now and in the future, staff recommends the following conditions:

Condition 1: The proposed development shall be in substantial conformance with the approved site plan included as Attachment B.

Condition 2: Existing landscape areas shall be planted with a minimum of 1 plant unit per 20 square feet of landscape area. A minimum of 40 percent of the required number of plant units shall be a combination of shade trees, evergreen/conifer trees, or ornamental trees.

Condition 3: The applicant shall install a sight-obscuring fence, wall, or hedge that complies with the vision clearance standards of SRC Chapter 805 and screening standards of SRC 807.015(e), and the minimum height of 6 feet shall be measured from the paved surface of the adjacent parking and vehicle use area.

The development, with the proposed conditions of approval, minimizes reasonably likely adverse impacts of the use on the immediate neighborhood.

- (4) Reduce setback requirement SRC 700.050(g) for vehicle use areas abutting CO zone from 5-feet to 0-feet abutting the north property line.

The special use standards require a minimum setback of 5 feet for vehicle use areas abutting an interior side property line. A variance was granted (VAR08-9) in 2009 to reduce the interior side property line from 5-feet to 0-feet. The requested reduction of the special use setback will not create additional adverse impacts on the neighboring area because approval of the reduction will simply allow the applicant to retain the existing setback and is consistent with the approved variance. The proposal will meet this criterion.

Criterion 3:

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

Staff Finding:

The requested reduction of the frontage and setbacks will be reasonably compatible with and have minimal impact on the livability of the surrounding property because it will allow the applicant to retain the existing setback.

The requested elimination of the requirement for additional screening will be reasonably compatible with and have minimal impact on the livability of the surrounding property because it will allow the applicant to retain the existing screening along most of the property line. With the conditions for screening and landscaping recommended above, the proposal will meet this 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 proposal is only for a change of occupancy to a religious assembly, no site work is proposed. The proposal does not comply with requirements for setbacks and frontage of SRC Chapter 700 and the applicant has requested conditional use approval to reduce those requirements. The subject property has previously been approved for a variance (VAR08-9) to reduce setbacks, minimum parking, lot size, and vehicle use area standards. The proposed development otherwise complies with all applicable development standards of the Salem Revised Code.

Development Standards – CO Zone:

SRC 521.005(a) - Uses:

Except as otherwise provided in Chapter 521, the permitted, special, conditional and prohibited uses in the CO zone are set forth in Table 521-1.

Finding: A religious assembly use is allowed in the CO zone per SRC 521, Table 521-1 as a special use, subject to the standards of SRC 700.055.

SRC 521.010(a) – Lot Standards:

In the CO zone, religious assembly uses are required to have a minimum lot area of 6,000 square feet.

Finding: The subject property is approximately 4,610 square feet in area. Variance 08-09 approved a reduction to the minimum lot size for non-residential use.

SRC 521.010(b) – Setbacks:

North: Adjacent to the north is a CO (Commercial Office) zone. There is no minimum building setback. A minimum 5-foot vehicle use area setback is required. The existing building footprint and parking area are not changing.

South: Adjacent to the south is the right-of-way for Jefferson St NE. A minimum 12-foot setback is required for buildings and vehicle use areas adjacent to a street. The existing building footprint and parking area are not changing.

West: Adjacent to the west is a RM-II (Multiple Family Residential) zone. A minimum 15-foot building setback and vehicle use area setback are required. The existing building footprint and parking area are not changing.

East: Adjacent to the south is the right-of-way for Jefferson St NE. A minimum 12-foot setback is required for buildings and vehicle use areas adjacent to a street. The existing building footprint and parking area are not changing.

Finding: Variance 08-09 approved a reduction of the minimum 5-foot vehicle use area setback to 0 feet along the north property line, a reduction of the

minimum 12-foot vehicle use area setback to 8 feet with a 3-foot tall screening wall and landscaping along the south property line, and a reduction of the minimum vehicle use area setback to 7 feet with a 6-foot tall screening wall or fence and additional landscaping along the west property line. With the variance, the existing site complies all applicable setback requirements of the CO zone.

SRC 521.010(c) - Lot Coverage, Height:

The maximum lot coverage standard for a religious assembly use is 60 percent. The maximum building height for a religious assembly use is 70 feet.

Finding: The existing building is less than 70 feet in height and covers approximately 29 percent of the lot. Therefore, the development complies with the maximum height standard and existing lot coverage. The existing building or parking area is not increasing.

Special Use Standards SRC 700.055

The special use standards set forth in Chapter 700 apply where a use is designated as a special use and are in addition to the standards that apply to uses generally within a zone or overlay zone. The special use standards set forth in Chapter 700 may be modified, unless otherwise specially provided in this Chapter. Modification to a special use standard shall be made pursuant to Conditional Use approval, as provided in SRC Chapter 240. In no case shall Conditional Use approval allow a standard that is less restrictive than the development standards established in the zone or overlay zone.

SRC 700.055(c) - Seating Capacity:

The seating capacity of the largest space within a religious assembly shall not exceed the standards set forth in Table 700-2. Maximum seating capacity cannot be modified through Conditional Use approval. In the CO zone, a maximum seating capacity of 500 is applicable to lots abutting a local, collector, or Arterial Street.

Finding: There are 50 seats in the principal worship area. The facility is located on an Arterial street. The proposal meets the standard.

SRC 700.055(d) - Locational Standards:

Religious assemblies shall be located on streets as set forth in Table 700-3. In the CO zone, location on a local street is allowed for seating capacity of 500 seats or less. Location on a Collector or Arterial Street is allowed for seating capacity of 500 seats or less, when not located at the intersection of a collector and Arterial Street, 2 collector streets, or 2 arterial streets. Location on a Collector or Arterial Street is allowed, regardless of seating capacity, when located at the intersection of a collector and Arterial Street, 2 Collector Streets, or 2 Arterial Streets.

Finding: There are 50 seats in the principal worship area. The facility is located

on an Arterial Street. The proposal meets the standard.

SRC 700.055(e) - Access:

Access point for religious assemblies shall be located not more than 125 feet from a collector or arterial street.

Finding: The existing access to and from the site is from a local street. The proposal meets the standard.

SRC 700.055(f) - Lot Standards:

Maximum lot area and minimum street frontage requirements for religious assemblies are set forth in Table 700-5. In the CO zone, a maximum of 3.5 acres applies to a lot abutting a local street, a lot abutting a collector or arterial street, but which is not located at the intersection of a collector and Arterial Street, 2 collector streets, or 2 arterial streets.

Finding: The subject property is 4,610 square feet. The minimum lot size in the CO zone is 6,000 square feet for non-residential uses, the subject property was granted a variance to reduce the minimum lot size to 4,610 square feet (VAR08-9).

SRC 700.055(g) – Setbacks:

South and East – abutting street: The setback requirements of SRC 700.050(g) for buildings is 20-feet and vehicle use areas are required setback 12-feet abutting a street.

North – abutting CO zone: The zoning district requires no setback for buildings a 5-foot setback for vehicle use areas.

West – abutting RM-II zone: The zoning district requires a 15-foot setback for both buildings and vehicle use areas, but the special use standards increases his to 50-feet for buildings and vehicles areas.

Finding:

South and East – abutting street: The setback requirements of SRC 700.050(g) for buildings is 20-feet and vehicle use areas are required setback 12-feet abutting a street. The applicant is requesting with a conditional use permit above for the building and vehicle use area to be reduced. The existing building from 20-feet to 2.5-feet abutting Jefferson Street and 10-feet abutting Capital Street feet; in addition, reduce the vehicle use area required setback from 12-feet to 8-feet (with 36" existing wall) abutting Jefferson Street. The subject property was previously approved for a variance (VAR08-9) to reduce the parking area adjacent to Jefferson Street to 8- feet with a three-foot-tall screening wall.

North – abutting CO zone: The zoning district requires no setback for buildings a 5-foot setback for vehicle use areas. The existing building is more than 50 feet

from the west property, meeting the standard. The applicant is requesting with a conditional use permit for the parking and vehicle use area to be 0 feet from the north property line. The subject property was granted approval of a Variance (VAR08-9) to reduce the 5-foot setback to zero feet.

West – abutting RM-II zone: The zoning district requires a 15-foot setback for both buildings and vehicle use areas, but the special use standards increases his to 50-feet for buildings and vehicles areas. The existing building is more than 50 feet from the west property, meeting the standard. The applicant is requesting with a conditional use permit above for the parking and vehicle use area to be 7 feet from the property line. The subject property was granted approval of a Variance (VAR08-9) to reduce the 15-foot setback to seven feet.

SRC 700.055(h) - Lot Coverage; Height:

Buildings and accessory structures for religious assemblies shall conform to the lot coverage and height standards set forth in Table 700-7. In the CO zone, the maximum lot coverage by buildings and accessory structures is 40%. In the CO zone, the maximum height is 35 feet for buildings and 50 feet for spires, steeples, and towers without usable floor space.

Finding: The lot coverage by the existing/proposed building is approximately 34% of the lot area. The height of the building meets the standards of the special use and the underlying zone.

SRC 700.055(i) - Off-Street Parking:

(1) Location.

(A) Off-street parking may be located on-site or off-site. When parking is provided offsite, it shall be located:

- (i) On a lot or lots that are contiguous to the lot containing the main building or use; or
- (ii) Within 600 feet of the lot containing the main building or use, on a lot or lots within a non-residential zone.

(B) For the purposes of this paragraph, contiguous shall include a lot or lots that are separated from the lot containing the main building or use by an alley.

(2) Screening. Off-street parking areas shall be screened from abutting residential zoned property.

Finding: Some of the required parking spaces are located on the lot with the building and some are located (through a parking agreement) within 600-feet of the subject property at 1605 Summer Street. The off-street parking area is screened from abutting residentially zoned property to the west.

SRC 700.055(j) – Landscaping:

All lot area not developed for buildings, structures, parking, loading, or driveways shall be landscaped as provided in SRC Chapter 807.

Finding: No changes to the site is proposed. All lot area not developed for buildings, structures, parking, loading, or driveways is currently landscaped.

SRC 700.055(k) – Related Uses:

Schools, day care facilities, kindergartens, meeting facilities for clubs and organizations, and other similar activities operated primarily for the purpose of religious instruction, worship, government of the church, or the fellowship of its congregation shall be permitted. When such activities are not operated primarily for the purpose of religious instruction, worship, government of the church, or the fellowship of its congregation, the activities shall be allowed only if they are an allowed use in the zone.

Finding: The proposal does not include any related activities.

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; any change of use or activity, when such change of use or activity results in a parking ratio requiring a greater number of spaces than the previous use or activity; and for any intensification, expansion, or enlargement of a use or activity.

SRC 806.010 - Proximity of Off-Street Parking to Use or Activity Served.

Required off-street parking shall be located on the same development site as the use or activity it serves; or, within the CO (Commercial Office) zone, required off-street parking may be located within 500 feet of the development site containing the use or activity it serves. The special use standards for Religious Assemblies requires off-street parking to be located within 600-feet, which applies to the proposal.

SRC 806.015 - Amount of Off-Street Parking.

- a) *Minimum Required Off-Street Parking.* The minimum number of off-street parking spaces required for a Religious Assembly use is 1 space per 5 seats or 10 feet of bench length within the principal worship area or 1 per 80 square feet within the principal worship area, when no fixed seating or benches are provided.
- 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 shall designate a minimum of 5 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 principal worship area does not provide fixed seating or benches and is approximately 957 square feet in size. Based on the square footage the religious facility is required to have a minimum of 12 off-street parking spaces ($80 / 957 = 11.96$). The maximum off-street parking allowance for the use is 51 spaces ($12 \times 1.75 = 21$). There are 3 off-street parking spaces provided on the subject property, and the church has provided an executed agreement to use up to 11 stalls on the property located at 1605 Summer Street, approximately 400 feet southwest of the subject property in the RM-II (Multi-Family Residential) zone, which allows religious assemblies. No carpool or vanpool parking is required. The proposed and existing parking spaces are adequate.

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

Unless otherwise provided under the UDC, off-street parking and vehicle use areas, other than driveways and loading areas, for uses or activities other than Single Family and Two Family shall be developed and maintained as provided in this section.

- 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; the expansion of existing off-street parking and vehicle use areas, where additional paved surface is added; the alteration of existing off-street parking and vehicle use areas, where the existing paved surface is replaced with a new paved surface; and the paving of an un-paved area.
- 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.

Finding: The proposed development does not involve alteration of existing parking and vehicle use areas.

South and East – abutting street: The setback requirements of SRC 700.050(g) for buildings is 20-feet and vehicle use areas are required setback 12-feet abutting a street.

The applicant is requesting with a conditional use permit above for the building and vehicle use area to be reduced. The existing building from 20-feet to 2.5-feet abutting Jefferson Street and 10-feet abutting Capital Street feet; in addition,

reduce the vehicle use area required setback from 12-feet to 8-feet (with 36" exiting wall) abutting Jefferson Street. The subject property was previously approved for a variance (VAR08-9) to reduce the parking area adjacent to Jefferson Street to 8- feet with a three-foot-tall screening wall.

North – abutting CO zone: The zoning district requires no setback for buildings a 5-foot setback for vehicle use areas. The existing building is more than 50 feet from the west property, meeting the standard.

The applicant is requesting with a conditional use permit above for the parking and vehicle use area to be 0 feet from the north property line. The subject property was granted approval of a Variance (VAR08-9) to reduce the 5-foot setback to zero feet.

West – abutting RM-II zone: The zoning district requires a 15-foot setback for both buildings and vehicle use areas, but the special use standards increases his to 50-feet for buildings and vehicles areas. The existing building is more than 50 feet from the west property, meeting the standard.

The applicant is requesting with a conditional use permit above for the parking and vehicle use area to be 7 feet from the property line. The subject property was granted approval of a Variance (VAR08-9) to reduce the 15-foot setback to seven feet.

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 per SRC Chapter 806.035(c)(4).

Staff Response: There are no proposed changes to the vehicle use are nor any building additions to the existing building. The applicant has requested a conditional use to address the frontage and setbacks in in SRC Chapter 700 and the property has been granted several variances for the existing development (VAR08-9). The proposed parking and vehicle use area setbacks adjacent to buildings and structures would not meet the standard for 5 feet of separation from the building. The proposal meets these standards as described above.

d) *Interior Landscaping.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. For parking areas between 5,000 and 50,000 square feet in size a minimum of 5 percent of the interior parking area shall be landscaped. A minimum of one deciduous shade tree is required for every 12 parking spaces. The minimum planting area for a landscape island or planter bay is 25 square feet, with a minimum width of 5 feet.

Staff Response: The parking area is less than 5,000 square feet; therefore the standard is not applicable.

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

Staff Response: The proposed parking spaces, driveways, and drive aisles meet the minimum dimensional requirements of SRC Chapter 806 and/or approved by VAR08-9.

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

Staff Response: There is no proposed change to the off-street parking.

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.
- 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) *Additional Development Standards 806.040(c)-(g).*

Staff Response: The existing driveway has been reviewed by Public Works. The existing access onto Jefferson Street NE provides for safe turning movements into and out of the property.

Bicycle Parking

SRC 806.045 - General Applicability.

Bicycle parking shall be provided and maintained for each proposed new use or activity; any change of use or activity, when such change of use or activity results in a parking ratio requiring a greater number of spaces than the previous use or activity; and for any intensification, expansion, or enlargement of a use or activity.

SRC 806.055 - Amount of Bicycle Parking.

A Religious Assembly use is required to have a minimum of 1 bicycle parking space per 30 vehicle parking spaces.

Finding: The proposal is required to have 11 parking space, which would require a minimum of one bicycle parking space. The site plan indicates a bicycle rack for bicycles, meeting the standard.

Off-Street Loading Areas

SRC 806.065 - General Applicability.

Off-street loading shall be provided and maintained for each proposed new use or activity; any change of use or activity, when such change of use or activity results in a parking ratio requiring a greater number of spaces than the previous use or activity; and for any intensification, expansion, or enlargement of a use or activity.

SRC 806.075 - Amount of Off-Street Loading.

A Religious Assembly use between 5,000 and 60,000 square feet is required to have a minimum of one 12 foot by 30 foot by 14 foot loading space. An off-street parking space may be used in place of a required off-street loading space when the use or activity does not require a delivery vehicle which exceeds a maximum combined vehicle and load rating of 8,000 pounds and the off-street parking area is located within 25 feet of the building.

Finding: The existing church use is not increased in intensity of use or expanded or enlarged. The proposed development does not result in any additional off-street loading spaces required for the development site.

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.

Finding: The applicant is not proposing any changes or development to the site. If a building permit is required, landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

Natural Resources

SRC 808 - Preservation of Trees and Vegetation: The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove a significant tree (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 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. Wetlands are not identified on the subject property and the entire property is mapped with hydric soil.

SRC 810 - Landslide Hazards: A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area. There are no mapped landslide hazard areas on the property. Therefore, no geological assessment of the property is required.

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: The existing street system is adequate to serve the proposed development and the development is not proposing a building addition subject to 803.040(a); therefore, no right-of-way dedication or street improvements are required.

No special setback is required because the existing rights-of-way meet or exceed the standards or requirements for the abutting streets.

Criterion 3:

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

Finding: The driveway access onto Jefferson Street NE provides for safe turning movements into and out of the property.

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 water, sewer, and storm infrastructure are available within surrounding streets / areas and appear to be adequate to serve the proposed development. The applicant is not proposing any new connections to City infrastructure.

RECOMMENDATION

Based upon the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer APPROVE the request for a consolidated conditional use, site plan review and adjustment to modify an existing parking area and associated landscaping and screening for a religious assembly for property located at 1715 Capital Street NE subject to the following conditions of approval:

- Condition 1:** The proposed development shall be in substantial conformance with the approved site plan included as Attachment B.
- Condition 2:** Existing landscape areas shall be planted with a minimum of 1 plant unit per 20 square feet of landscape area. A minimum of 40 percent of the required number of plant units shall be a combination of shade trees, evergreen/conifer trees, or ornamental trees.
- Condition 3:** The applicant shall install a sight-obscuring fence, wall, or hedge that complies with the vision clearance standards of SRC Chapter 805 and screening standards of SRC 807.015(e), and the minimum height of 6 feet shall be measured from the paved surface of the adjacent parking and vehicle use area.

Prepared by Olivia Glantz, Planner III

Application Deemed Complete Date: December 17, 2018
State Mandated Decision Date: April 16, 2019

Attachments: A. Vicinity Map
B. Proposed Site Plan
C. Applicant's Statement
D. Public Works Memo

Vicinity Map 1715 Capital Street NE



Legend

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

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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REGISTERED ARCHITECT
MICHAEL W. JUNG
SALEM, OREGON

STATE OF OREGON

CONDITIONAL USE & CLASS 3 SITE PLAN REVIEW

project: BRIDGE COVENANT CHURCH
1715 CAPITOL STREET NE
SALEM, OREGON 97301

consultants:

revisions:

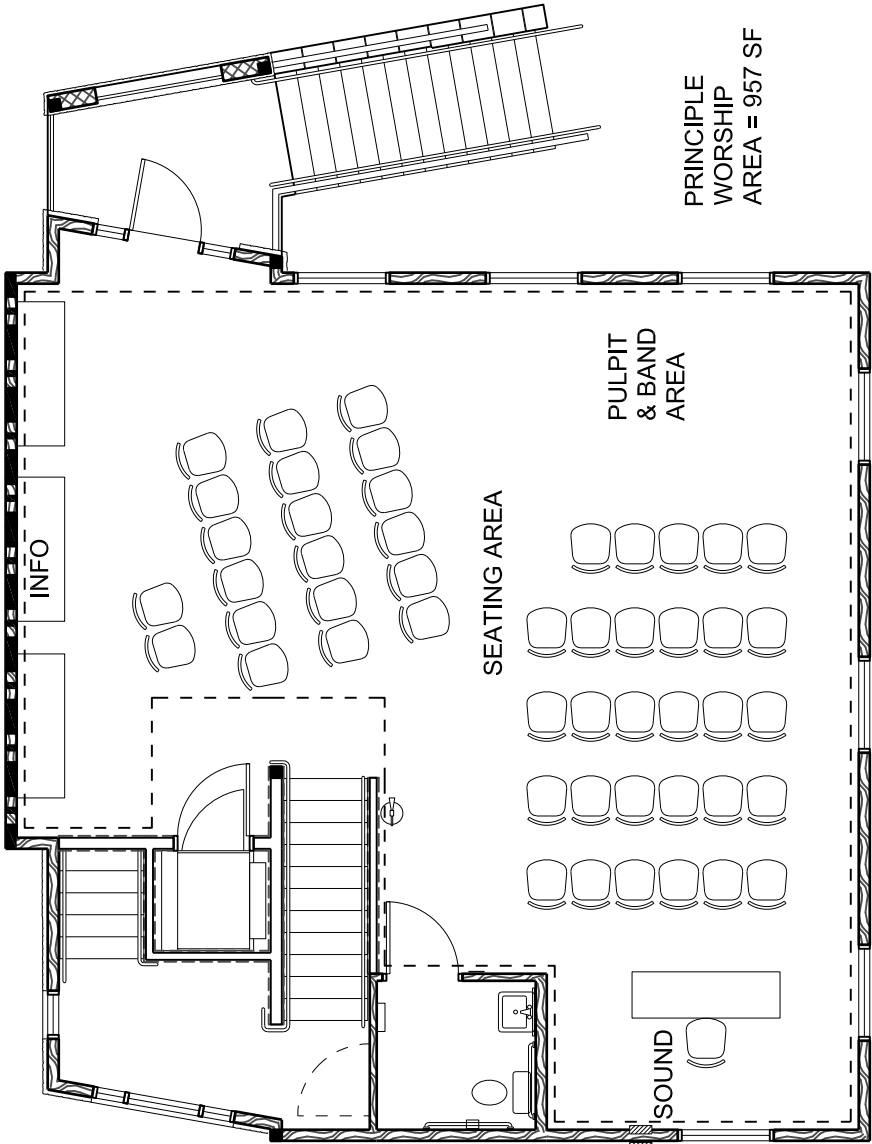
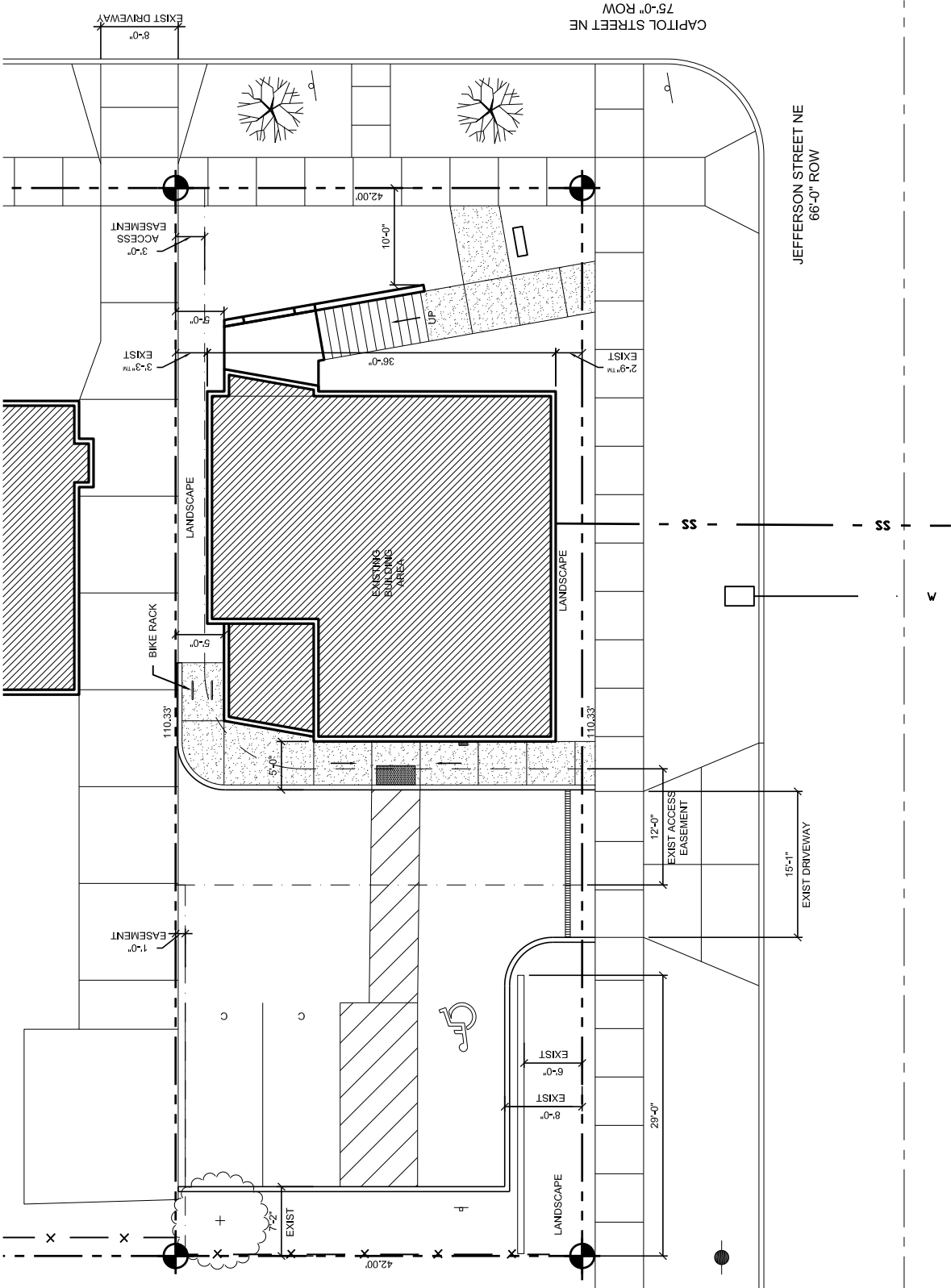
date: 10-3-2018
project: 08318
dwg title: A-101-08318
drawn by: MJ
checked by: MJ
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Carlson Veit Architects P.C.

SITE PLAN
FLOOR PLAN

sheet: A-101
of: 1

ZONING NOTES

- PLANNING ZONE
- O0 (COMMERCIAL OFFICE)
- LOT SIZE (42.0' X 110.33')
- = 4,634 SF (0.11 ACRE)
- BUILDING USE
- = RELIGIOUS ASSEMBLY
- MINIMUM LANDSCAPING REQUIRED
- LANDSCAPING
- 15%
- = 1,156 SF
- = 24.9% OF LOT AREA
- MAXIMUM LOT COVERAGE (60% x4,634 SF)
- EXISTING LOT COVERAGE
- PROPOSED LOT COVERAGE
- = 2,780 SF
- = 1,168 SF
- = 25.2% OF LOT AREA
- = 1,283 SF
- = 27.7% OF LOT AREA
- PARKING REQUIRED (1 SPACE/60 SF SEATING) @ 957 SF
- = 13 SPACES
- PARKING PROVIDED ON SITE
- LEASED PARKING PROVIDED
- TOTAL PARKING PROVIDED
- = 3 SPACES
- = 11 SPACES
- = 14 SPACES
- BICYCLE PARKING REQUIRED
- BICYCLE PARKING PROVIDED
- MAXIMUM ALLOWABLE BUILDING HEIGHT
- EXISTING BUILDING HEIGHT
- = 1 SPACES MIN
- = 4 SPACES
- = 70'-0"
- = 25'-2"





October 3, 2018

City of Salem
Planning Division
555 Liberty Street SE
Salem, OR 97301

RE: Bridge Covenant Church
1715 Capitol Street NE
Conditional Use & Class 3 Site Plan Review Application

Zoning: CO – Commercial Office
Existing Use: Office
Proposed Use: Religious Assembly
Past Land Use Actions: Variance 08-9 for the following:

- Reduce min lot size
- Reduce bufferyard at west property line
- Reduce parking setback at south and north
- Reduce drive aisle width

Proposed Change in Use:

The project consists of a new church tenant in an existing 1,978 square foot building previously occupied as a professional office use. The church is a small congregation that usually has 30-40 people in attendance at the services on Sunday and less than that at other activities during the week. The building has a lower level that will be used for the pastor's office and children's area during services. There are no exterior or interior improvements necessary for the tenant to occupy the space. Parking requirements have been met thru on-site parking and an approved joint parking agreement with a neighboring property.

Modifications through the Conditional Use approval:

Due to the property not meeting all of the special use standards as required in SRC Chapter 700 for Religious Assembly uses, we are requesting a conditional use approval to allow the Church to occupy this existing building. The following are the standards which this property does not meet:

- **Street Frontage:** The property does not meet the minimum of 150 feet of frontage per street (SRC Table 700-5) – the existing property has two street frontages of 42 feet and 110.33 feet.
- **Setbacks:** The property does not meet the minimum setbacks for the building or vehicular use areas.
 - Building abutting streets – 20 feet required; 10'-0" East, 2'-9" South existing
 - Parking abutting streets – 12 feet required; 8'-0" South with 36" screen wall existing
 - Building Interior Side Yard (North property line) – 50 feet required, 3'-3" existing
 - Parking Interior Side Yard (North property line) – 5 feet required, 0' existing
 - Building Interior Rear Yard (West property line) – 50 feet required, 3'-3" existing
 - Parking Interior Rear Yard (West property line) – 15 feet required, 7'-2" existing

Approval Criteria:

An application for conditional use permit 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;
- (3) The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.

All of the non-conforming standards are able to be modified through the Conditional Use approval process. There are no proposed changes to the site or building with this project.

The existing property was redeveloped from a derelict house to a contemporary commercial building in 2009. This redevelopment required several of the development code requirements to

be adjusted through the Variance process at that time. These variances allowed this very small parcel of land to be revitalized with a 1,978 sf commercial building that is smaller than many people's homes. The new Church tenants will enhance that revitalization by creating a community worship space that fits into the neighborhood. The small scale of the congregation will not overwhelm the area with traffic, noise or undesirable activities. While there is minimal on-site parking, the church has secured a parking agreement for enough parking spaces to exceed the code minimum at a nearby property. The 2009 renovation reconstructed the building from the foundation up. This created a well-insulated envelope which has double pane, non-operable windows and insulated hollow steel doors. These things help to keep the sound from worship services inside.

Per SRC Chapter 521, the CO zone generally allows office and professional services, along with a mix of housing and limited retail and personal services. More importantly, Capitol Street has a development goal of being a mixed-use corridor, which includes appropriate uses such as this small, neighborhood-scale church.

Sincerely,





Michael Junge, AIA CSI
Project Architect



MEMO

TO: Olivia Glantz, Planner III
Community Development Department

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

DATE: December 24, 2018 

SUBJECT: PUBLIC WORKS RECOMMENDATIONS
CU-SPR18-12 (18-120389-ZO / 18-120390-RP)
1715 CAPITOL STREET NE
NEW RELIGIOUS ASSEMBLY USE

PROPOSAL

Conditional Use, and Class 3 Site Plan Review, to allow a religious assembly where the subject property and existing development does not meet the special use standards in SRC 700.050, at 1715 Capital Street NE 97302 (Marion County Assessor Map and Tax Lot 083W10BB06200).

SUMMARY OF FINDINGS

The proposed development meets applicable criteria related to Public Works infrastructure.

FACTS

Streets

1. Capitol Street NE
 - a. Standard—This street is designated as a Major Arterial street with a special right-of-way and improvement requirement pursuant to Table G-1 in the Salem TSP. The requirement for this section of street is a 40-foot-wide improvement within a 75-foot-wide right-of-way.
 - b. Existing Conditions—This street has an approximate 40-foot improvement within a 75-foot-wide right-of-way abutting the subject property.

2. Jefferson Street 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 Conditions—This street has an approximate 30-foot improvement within a 66-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions

- a. A 10-inch storm main is located in Capitol Street NE.

Water

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. A 6-inch water main is located in Jefferson Street NE. Mains of this size generally convey flows of 500 to 1,200 gallons per minute.

Sanitary Sewer

1. Existing Conditions

- a. An 18-inch sewer main is located in Jefferson Street NE.

CRITERIA AND FINDINGS

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

Finding: 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.

The Salem-Keizer Local Wetland Inventory shows that there are hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s).

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas on the subject property.

Criteria: 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: The existing street system is adequate to serve the proposed development and the development is not proposing a building addition subject to 803.040(a); therefore, no right-of-way dedication or street improvements are required.

No special setback is required because the existing rights-of-way meet or exceed the standards or requirements for the abutting streets.

Criteria: 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 driveway access onto Jefferson Street NE provides for safe turning movements into and out of the property.

Criteria: 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 water, sewer, and storm infrastructure are available within surrounding streets / areas and appear to be adequate to serve the proposed development. The applicant is not proposing any new connections to City infrastructure.

Prepared by: Jennifer Scott, Program Manager
cc: File