

TO: Hearings Officer

FROM: Lisa Anderson-Ogilvie, AICP, Deputy Community Development Director and Planning Administrator

STAFF: Britany Randall, Planner II

HEARING DATE: April 11, 2018

APPLICATION: Zone Change 18-01

LOCATION: 630 Mary Avenue SE

SIZE: Subject property is approximately 0.31 acres in size – see vicinity map in Attachment A.

REQUEST: A proposal to add office uses to a list of uses currently allowed on a property zoned CO (Commercial Office). Application No. CPC/ZC 94-04 limits the uses allowed to medical and dental laboratories and uses allowed within the RS zone. The subject property is approximately 14,090 square feet (0.31 acres) in size, is zoned CO (Commercial Office), with a comprehensive plan designation of COM (Commercial), and is located at 630 Mary Avenue SE (Block 2, Lot 12 of Highway View Addition), and can be identified as Marion County Assessor Map and Tax Lot Number 083W03CA 07700.

APPLICANT: Mr. Kansky, LLC (Richard Kansky, Robert Kansky, Amy Kansky and Stacie Kansky)

APPROVAL CRITERIA: Salem Revised Code Chapter 265.005(e)

RECOMMENDATION: APPROVE

BACKGROUND

On January 24, 2018, a zone change application was filed for the subject property by Paul Xin on behalf of the applicant, Mr. Kansky, and property owners Morris and Ellen Vaterlaus. The application was deemed complete for processing on March 16, 2018.

The public hearing before the City of Salem Hearings Officer is scheduled for April 11, 2018, at 5:30 p.m. in Council Chambers, Civic Center, Room 240, 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 March 22, 2018. Public hearing notice was also posted on the property by the applicant on March 29, 2018 pursuant to SRC requirements.

The state-mandated 120-day deadline to issue a final local decision for this case is July 14, 2018.

PROPOSAL

The applicant has submitted a zone change application requesting to add office uses to a list of uses currently allowed on a property zoned CO (Commercial Office). The previously approved Comprehensive Plan Change and Zone Change (CPC/ZC 94-04) limits the uses allowed to medical and dental laboratories and uses allowed within the RS zone. Pursuant to SRC 265.005(e) a zone change is required to alter use limitations. The applicant's existing conditions plan is included as **Attachment B**.

APPLICANT'S STATEMENT

A request for a zone change must be supported by proof that it conforms to all applicable criteria imposed by the Salem Revised Code. The applicant submitted a written statement, which is included in its entirety as **Attachment C** in this staff report. Staff utilized the information from the applicant's statements to evaluate the applicant's proposal and to compose the facts and findings within the staff report.

FACTS AND FINDINGS

1. Salem Area Comprehensive Plan (SACP) Designation

The Salem Area Comprehensive Plan (SACP) map designates the subject property as "Commercial." The Salem Comprehensive Policies Plan describes the predominant use in the Commercial designation as commercial. The designation indicates commercial areas that provide shopping and service opportunities including regional shopping facilities, community and neighborhood shopping and service facilities, convenience stores, commercial offices, and specialized shopping and service facilities.

Because the proposed CO (Commercial Office) zoning is consistent with the Comprehensive Plan designation, a concurrent Comprehensive Plan Map Amendment is not required.

The Comprehensive Plan designations of surrounding properties include:

North: "Commercial" (Across Mary Ave. SE)
South: "Commercial"
East: "Commercial"
West: "Single Family Residential"

The property is within the Urban Service Area.

2. Zoning of Surrounding Properties

The subject site is currently zoned CO but has a use restriction imposed by the conditions of comprehensive plan/zone change application CPC/ZC 94-04. A copy of CPC/ZC 94-04 is included as **Attachment C**. The property owners, Mr. and Mrs. Vaterlaus, applied for the comprehensive plan and zone change application that was previously approved to change the zoning designation of the property from RS to CO. In an effort to buffer the abutting residential uses from the intensive commercial uses along Commercial Street

SE, they proposed to limit the uses to just the dental laboratory that they owned and operated from the site. Additional measures were taken at the time of the previous application to buffer the residential uses from the commercial uses closer to Commercial Street SE. The existing structure on the site was required to maintain its residential character as well as all of the trees and vegetation. A fence was required to be installed for screening against the residential use and the size of the structure was restricted and could not be enlarged. The parking area was located on the easterly portion of the site against the CR (Retail Commercial) zoned property in order to further reduce the impacts to the residential uses to the west. A right turn only sign was installed to direct any commercial traffic from the subject site directly to Commercial Street SE and to prevent commercial traffic from traveling through the RS zone. The first of 10 conditions for CPC/ZC 94-04 states that if additional uses are desired for the subject site, a zone change application would be required to add additional uses to the list of uses allowed. The applicant is seeking a zone change to establish Office uses as an allowed use on this site.

The zoning of surrounding properties is described as follows:

North: CR (Retail Commercial) - Across Mary Avenue SE
South: RS (Single Family Residential)
East: CR (Retail Commercial)
West: RS (Single Family Residential)

3. Neighborhood and Citizen Comments

The subject property is located within the boundaries of Faye Wright Neighborhood Association. Notification was sent on March 22, 2018 to the neighborhood association and surrounding property owners within 250 feet of the property. At the time of writing this staff report, no comments were received from either the neighborhood association or from any adjoining property owners.

4. City Department and Public Agency Comments

- The Public Works Department reviewed the proposal and identified no issues.
- The Building and Safety Division reviewed the proposal and identified no issues.
- The Fire Department reviewed the proposal and had no comments.
- The Police Department reviewed the proposal and had no comments.

5. Public Agency and Private Service Provider Comments

- At the time of writing this staff report, no comments were received from any public agencies or private service providers.

6. Criteria for Granting a Quasi-Judicial Zone Change

The following analysis addresses the proposed change of zoning to CO (Commercial

Office) to add Office uses to list of uses allowed on the property.

SRC Chapter 265.005(e) provides the criteria for approval for Quasi-Judicial Zone Changes. In order to approve a quasi-judicial Zone Map amendment request, the review authority shall make findings based on evidence provided by the applicant demonstrating that all the following criteria and factors are satisfied. The extent of the consideration given to the various factors set forth below will depend on the degree of impact of the proposed change, and the greater the impact of a proposal on the area, the greater is the burden on the applicant to demonstrate that, in weighing all the factors, the zone change is appropriate.

The applicable criteria and factors are stated below in **bold** print. Following each criterion is a response and/or finding relative to the amendment requested.

(A) The zone change is justified based on one or more of the following:

- (i) A mistake in the application of a land use designation to the property.***

Finding: In the application, the applicant does not assert that a mistake has been made in the application of the CO zone to the subject property. There is not a conflict between the Comprehensive Plan designation and the CO zone.

- (ii) A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the zone would be compatible with the vicinity's development pattern.***

Finding: The applicant did not address this criterion.

- (iii) A demonstration that the proposed zone change is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited for the property than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.***

Finding: Staff reviewed the previously approved comprehensive plan and zone change application (Application No. CPC/ZC94-04) which limited the uses allowed on the subject property to medical and dental laboratories and uses allowed within the RS zone. In accordance with the conditions imposed by the previous approval, the applicant has submitted a zone change application to expand the uses allowed to include office. The additional use is consistent with the zoning and comprehensive plan designation of the subject property.

The Salem Area Comprehensive Plan (SACP) designates the subject property as "Commercial" and it has a matching zoning designation of CO. The applicant is proposing to add office uses to the list of limited uses allowed on the subject site. The proposal is consistent with both the SACP and the zoning designation. Office use is

permitted outright within the CO zone, per SRC Chapter 521, Table 521-1 Uses. However, the previous land use action was approved with conditions which limited the uses allowed to medical and dental laboratories and uses allowed in the RS zone.

In the applicant's written statement, the proposed use is described in more detail. The applicant plans to use the site as the offices for their business, Mr. Kansky, LLC. The applicant further states that retail sales of goods and storage of equipment will not take place at this site keeping the impacts to the surrounding area at a minimum.

The conditions imposed by the previous comprehensive plan and zone change application (CPC/ZC 94-04) helped to reduce the impacts to the residential uses to the west of the subject property. The conditions imposed were implemented in an effort to buffer the abutting RS zone and are still in place on the site today. This includes maintaining the residential character of the existing building on the site, preserving the trees and vegetation and incorporating them into the buffer yards, installing an opaque fence to provide further screening, limiting the square footage of the building to the existing 1,570 square feet, thereby limiting the number of required parking spaces to four spaces. Additionally, the topography of the subject site was considered when approving the comprehensive plan and zone change application. The subject site has significant fall from the southwesterly corner to the northeasterly corner of the site. As such, it looks down over the commercial uses across Mary Avenue SE and down along Commercial Street SE. The parking lot was located on the easterly portion of the subject site abutting the CR zoned property. In addition to locating the parking area at the furthest point from the residential uses, a right turn only sign was installed which directs any commercial traffic from the subject property directly to Commercial Street SE away from the residences.

The subject property is designated on the Salem Area Comprehensive Plan as "Commercial," and the proposed expansion of uses to include office use would be consistent with the CO designation. The application takes into account the impact to the surrounding uses. It is not anticipated that the impacts to surrounding property will be greater than the impacts of the uses currently allowed. Based on the information provided above, staff finds that all uses allowed within the CO zone, with the exception of commercial parking, would be appropriate for the subject property. Staff recommends the following condition to mitigate impacts to surrounding properties:

Condition 1: Conditions 2 through 10 imposed by Comprehensive Plan/Zone Change application CPC/ZC 94-04 are still applicable to the subject property.

(B) If the zone change is City-initiated, and the change is for other than City-owned property, the zone change is in the public interest and would be of general benefit.

Finding: The proposal is not a City-initiated zone change. Therefore, this criterion does not apply.

(C) The zone change complies with the applicable provisions of the Salem Area

Comprehensive Plan.

Finding: The Comprehensive Plan Map designates the subject property as “Commercial.” Goals and policies for Commercial Development are contained in section IV.G of the Salem Area Comprehensive Plan (SACP). The applicable goal and related policies are addressed below. The proposal meets this criterion.

Goal G. To promote development of commercial office buildings for a range of employment uses, especially in downtown, mixed use districts, and commercially-oriented urban renewal areas.

Finding: The proposed zone change would allow office uses on the subject site which is already zoned CO and designated as Commercial in the SACP. The subject site is developed and the applicant is not proposing any changes to the development at this time. Lifting the use restrictions will fulfill this policy by allowing a range of uses within this CO zoned property. The proposed zone change is consistent with the applicable Commercial Development policies identified below.

Policy 6. Commercial office uses shall have direct access to collector and arterial street or be located within one-quarter mile of a collector or arterial street.

Finding: There is existing development adjacent to the subject property to the east and is located on Commercial Street SE. Commercial Street SE is designated as a Major Arterial in the Salem Transportation System Plan (TSP) Plan. Mary Avenue SE intersects with Commercial Street SE in less than one-quarter mile from the subject site.

The subject property is well-served by the street network in the vicinity, which includes Major Arterial, Commercial Street SE. The proposal conforms to this policy.

(D) The zone change complies with applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development.

Finding: The City’s adopted Comprehensive Plan implements the Statewide Planning Goals and applicable administrative rules, and is acknowledged to be in compliance with the Statewide Planning Goals. The proposed CO (Commercial Office) zoning designation is consistent with the existing “Commercial” Comprehensive Plan Map designation, its intent and its applicable provisions. Therefore, the proposal satisfies this criterion.

(E) If the zone change requires a comprehensive plan change from an industrial use designation to a non-industrial use designation, or from a commercial or employment designation to any other use designation, a demonstration that the proposed zone change is consistent with the most recent economic opportunities analysis and the parts of the Comprehensive Plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the Comprehensive Plan to address the proposed zone change; or include both the demonstration and

an amendment to the Comprehensive Plan.

Finding: The application is to add office uses to a list of allowed uses on property currently zoned CO. The comprehensive plan designation of "Commercial" is not proposed to be altered. Therefore, this criterion does not apply.

(F) The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.

Finding: The subject property has frontage on Mary Avenue SE, designated as a Local Road in the Transportation System Plan. Pursuant to Oregon Administrative Rule 660-012-0060(9), this request is exempt from the Transportation Planning Rule determination of significant affect. The proposed zone change will not trigger analysis or improvements to the surrounding transportation system. Adequate urban services are available at the boundaries of the subject property. Infrastructure requirements to serve any development on the property are addressed as part of the Site Plan Review process with future development. The proposal satisfies this criterion.

(G) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed zone.

Finding: The water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve the future tenants. Site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220. The proposal meets this criterion.

(2) The greater the impact of the proposed zone change on the area, the greater the burden on the applicant to demonstrate that the criteria are satisfied.

Finding: The applicant has provided a written justification for the zone change request and indicates that the purpose of the request is to add office uses to a list of uses allowed on the subject property which is currently zoned CO.

The applicant discussed the impact of their proposal on surrounding development. By limiting the additional allowed uses to office and not conducting retail sales or the storage of equipment on the site, the impacts to surrounding property will be minimized.

To measure the impact of this request, staff considered the area of the land to be rezoned, the neighborhood compatibility of the uses allowed under the proposed zone as compared to the current RS zoning, and the character of the existing land uses immediately surrounding the property.

The proposed zone change would add office uses to a small list of uses allowed on the subject property currently zoned CO. The property is currently developed and has historically been used as a dental laboratory. The proposed change would have little

impact on the existing land use pattern, transportation system, or utilities.

Considering the relatively small area subject to the zone change, and the minor impact on the surrounding area, staff finds that the level of information provided in the applicant's statement addressing the factors listed under SRC Chapter 265.005(e) corresponds to the anticipated impact of the zone change proposal.

Conclusion:

The proposal is consistent with and in compliance with the applicable goals and policies of the Salem Area Comprehensive Plan and the Statewide Planning Goals and satisfies all applicable criteria.

Based upon the facts and findings presented in the staff report and by the applicant, staff concludes that the proposed zone change to expand the uses allowed on the subject site to include office uses satisfies the criteria for approval and that the applicant has met the required burden of proof in demonstrating compliance with those criteria. The applicant met the burden of proof in satisfying the Statewide Planning Goals through compliance with the Salem Area Comprehensive Plan, and the evaluation of factors for zone change defined under SRC 265.005(e), thereby meeting the approval criteria for a zone change.

RECOMMENDATION

Based on the application and information presented in the staff report, staff recommends that the Hearings Officer adopt the Facts and Findings of the staff report and **APPROVE** the request with the following modification: allow all uses permitted within the CO zone with the exception of commercial parking uses, on the subject site which is currently zoned CO (Commercial Office), approximately 14,090 square feet (0.31 acres) in size, and located at 630 Mary Avenue SE, identified as Marion County Assessor Map and Tax Lot Number 083W03CA 07700, and designated Commercial in the Salem Area Comprehensive Plan. The requested zone change should be subject to the following condition of approval:

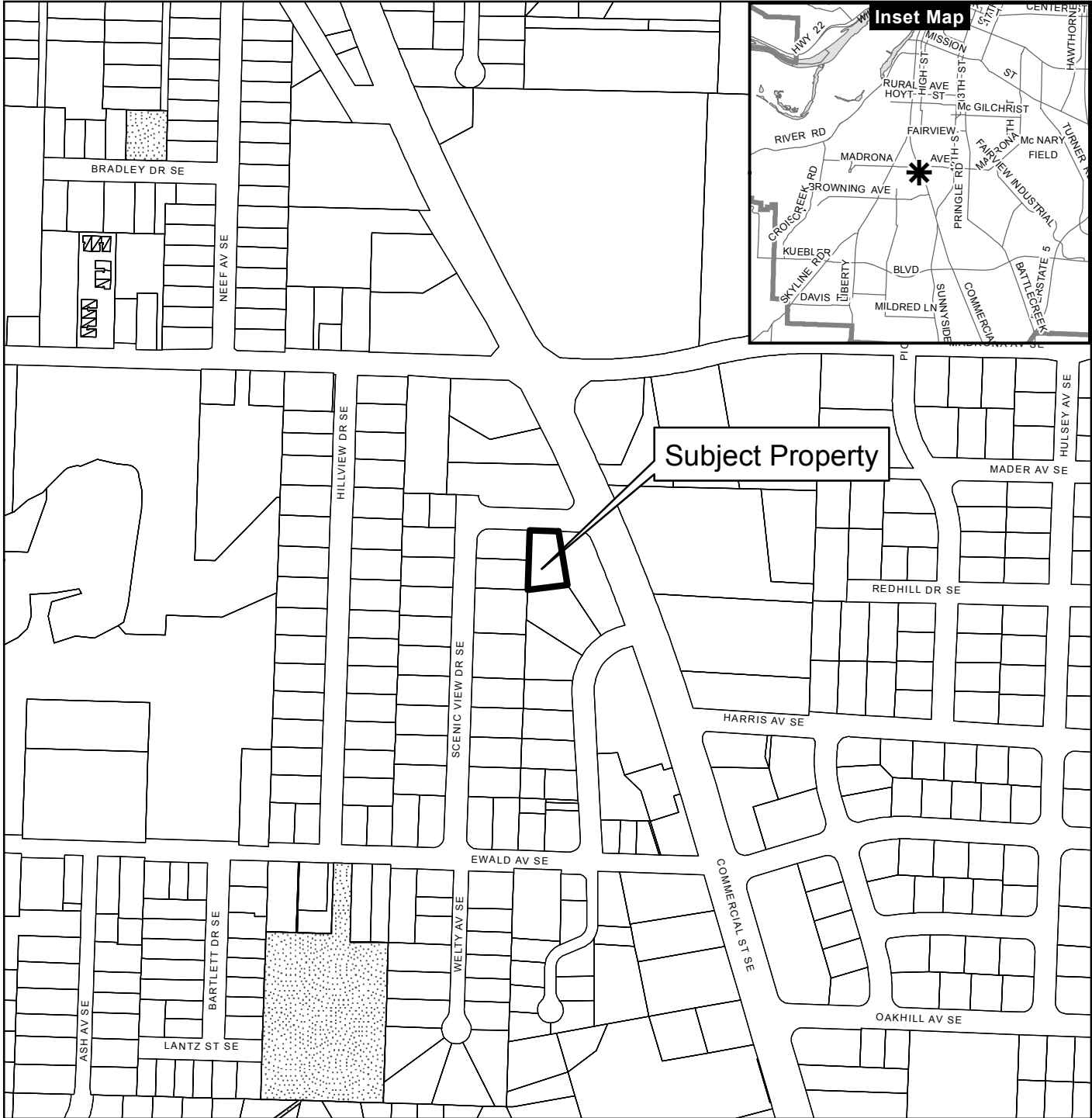
Condition 1: Conditions 2 through 10 imposed by Comprehensive Plan/Zone Change application CPC/ZC 94-04 are still applicable to the subject property.

Attachments:








- A. Vicinity Map & Public Hearing Notice
- B. Applicant's Existing Conditions Plan
- C. Comprehensive Plan/Zone Change CPC/ZC94-04 Decision
- D. Zoning Map
- E. Applicant's Statement

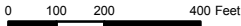
Prepared by Britany Randall, Planner II

Vicinity Map 630 Mary Avenue SE



Legend

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



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HEARING NOTICE

LAND USE REQUEST AFFECTING THIS AREA

Audiencia Pública

Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173

CASE NUMBER:	Quasi-Judicial Zone Change Case No.ZC18-01
AMANDA APPLICATION NO:	18-102895-ZO
HEARING INFORMATION:	Hearings Officer, Wednesday, April 11, 2018, 5:30 P.M., Council Chambers, Room 240, Civic Center, 555 Liberty St SE, Salem, OR 97301
PROPERTY LOCATION:	630 Mary Avenue SE, Salem, OR 97302
OWNER(S):	Morris and Ellen Vaterlaus
APPLICANT(S):	Mr Kansky LLC (Richard Kansky, Robert Kansky, Amy Kansky, Stacie Kansky)
DESCRIPTION OF REQUEST:	<p>Summary: A proposal to add office uses to a list of uses currently allowed on a property zoned CO (Commerical Office).</p> <p>Request: A proposal to add office uses to a list of uses currently allowed on a property zoned CO (Commerical Office). Application No. CPC/ZC94-04 limits the uses allowed to medical and dental laboratories and uses allowed in the RS zone.</p> <p>The subject property is approximately 14,090 square feet (0.31 acres) in size, zoned CO (Commercial Office), and located at 630 Mary Avenue SE (Block 2, Lot 12 of Highway View Addition) (Marion County Assessor Map and Tax Lot Number 083W03CA 07700).</p>
CRITERIA TO BE CONSIDERED:	<p>Pursuant to SRC 265.005(e), a QUASI-JUDICIAL ZONE CHANGE shall be granted if the following criteria are met:</p> <ol style="list-style-type: none">1. A quasi-judicial zone change shall be granted if the following criteria are met:<ol style="list-style-type: none">A. The zone change is justified based on the existence of one or more of the following:<ol style="list-style-type: none">(1) A mistake in the application of a land use designation to the property.(2) A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the zone would be compatible with the vicinity's development pattern.(3) A demonstration that the proposed zone change is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.B. If the zone change is City-initiated, and the change is for other than City-owned property, the zone change is in the public interest and would be of general benefit.C. The zone change conforms with the applicable provisions of the Salem Area Comprehensive Plan.D. The zone change complies with applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development.E. If the zone change requires a comprehensive plan change from an industrial use designation to a non-industrial use designation, or from a commercial or employment designation to any other use designation, a demonstration that the proposed rezone is consistent with its most recent economic opportunities

analysis and the parts of the Comprehensive Plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the Comprehensive Plan to address the proposed rezone; or include both the demonstration and an amendment to the Comprehensive Plan.

- F. The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.
- G. The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed zone.

2. The greater the impact of the proposed zone change on the area, the greater the burden on the applicant to demonstrate that the criteria are satisfied.

HOW TO PROVIDE TESTIMONY:

Any person wishing to speak either for or against the proposed request may do so in person or by representative at the Public Hearing. Written comments may also be submitted at the Public Hearing. Include case number with the written comments. Prior to the Public Hearing, written comments may be filed with the Salem Planning Division, Community Development Department, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Only those participating at the hearing, in person or by submission of written testimony, have the right to appeal the decision.

HEARING PROCEDURE:

The hearing will be conducted with the staff presentation first, followed by the applicant's case, neighborhood organization comments, testimony of persons in favor or opposition, and rebuttal by the applicant, if necessary. The applicant has the burden of proof to show that the approval criteria can be satisfied by the facts. Opponents may rebut the applicant's testimony by showing alternative facts or by showing that the evidence submitted does not satisfy the approval criteria. Any participant may request an opportunity to present additional evidence or testimony regarding the application. A ruling will then be made to either continue the Public Hearing to another date or leave the record open to receive additional written testimony.

Failure to raise an issue in person or by letter prior to the close of the Public Hearing with sufficient specificity to provide the opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals (LUBA) on this issue. A similar failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.

Following the close of the Public Hearing a decision will be issued and mailed to the applicant, property owner, affected neighborhood association, anyone who participated in the hearing, either in person or in writing, and anyone who requested to receive notice of the decision.

CASE MANAGER:

Britany Randall, Planner II, City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: 503 540-2304; E-mail: brandall@cityofsalem.net.

NEIGHBORHOOD ORGANIZATION:

Faye Wright Neighborhood Association, Michael Slater, Land Use Chair; Phone: (202) 425-5493; Email: michael.k.slater@gmail.com

DOCUMENTATION AND STAFF REPORT:

Copies of the application, all documents and evidence submitted by the applicant are available for inspection at no cost at the Planning Division office, City Hall, 555 Liberty Street SE, Room 305, during regular business hours. Copies can be obtained at a reasonable cost. The Staff Report will be available seven (7) days prior to the hearing, and will thereafter be posted on the Community Development website:

ACCESS:

www.cityofsalem.net/notices

The Americans with Disabilities Act (ADA) accommodations will be provided on request.

NOTICE MAILING DATE:

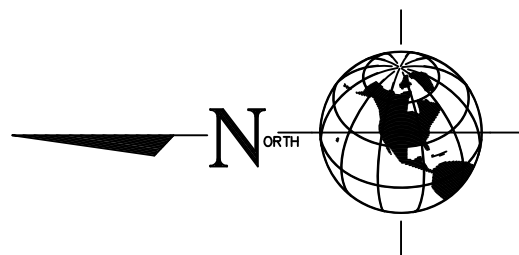
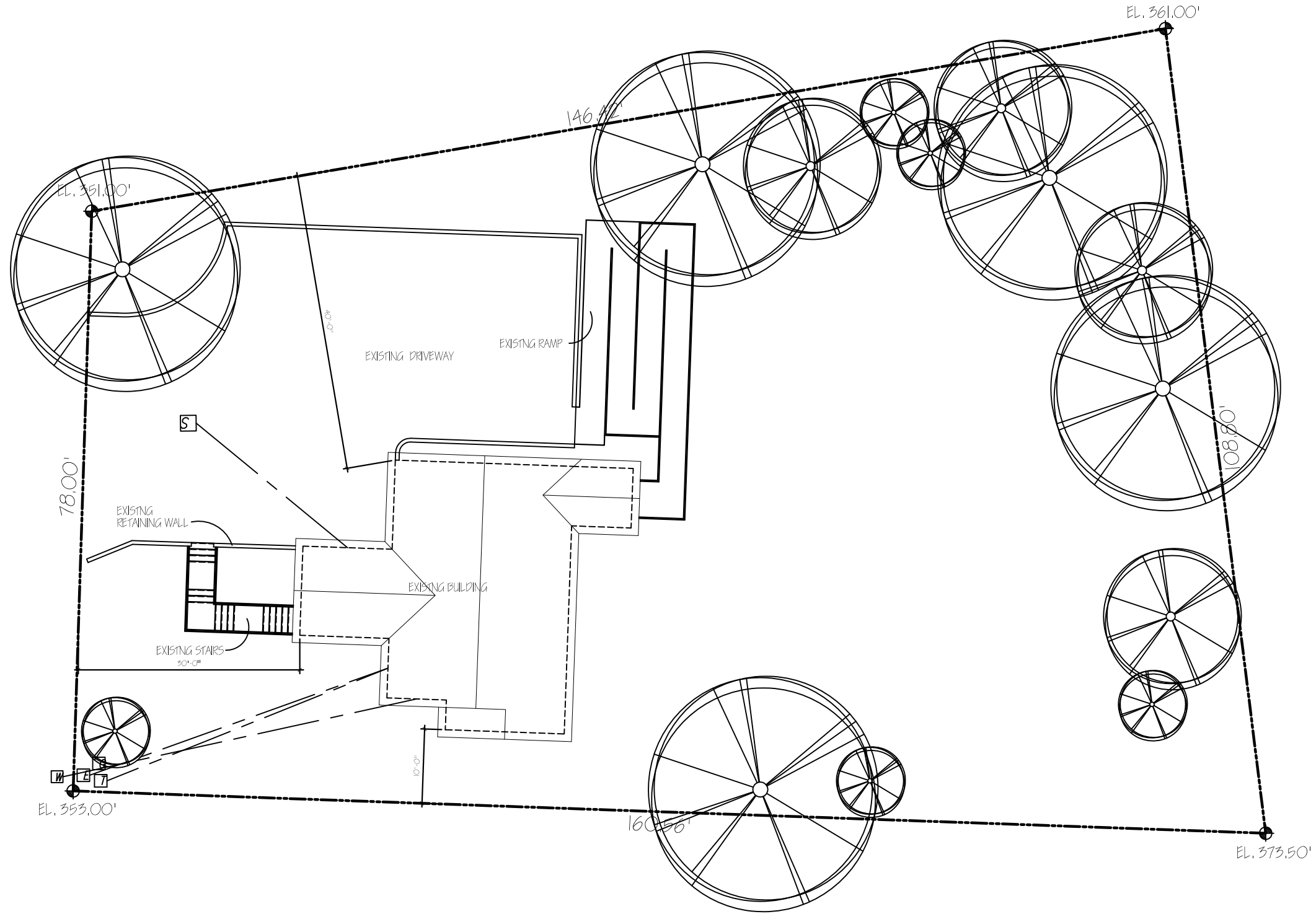
March 22, 2018

PLEASE PROMPTLY FORWARD A COPY OF THIS NOTICE TO ANY OTHER OWNER, TENANT OR LESSEE.
For more information about Planning in Salem:
<http://www.cityofsalem.net/planning>

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It is the City of Salem's policy to assure that no person shall be discriminated against on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income, as provided by Salem Revised Code Chapter 97. The City of Salem also fully complies with Title VI of the Civil Rights Act of 1964, and related statutes and regulations, in all programs and activities. Disability-related modification or accommodation, including auxiliary aids or services, in order to participate in this meeting or event, are available upon request. Sign language and interpreters for languages other than English are also available upon request. To request such an accommodation or interpretation, contact the Community Development Department at 503-588-6173 at least three business days before this meeting or event. TTD/TTY telephone 503-588-6439 is also available 24/7

630 MARY ST.



	(SPECIES & DIA AS NOTED) TREE TO BE REMOVED		WATER STUBOUT
	TREE (DIA AS NOTED)		WATER VALVE
	FIRE HYDRANT		PROPERTY CORNER
	SEWER STUBOUT		MONUMENT FOUND AS NOTED
	CATV PEDESTAL		COUNTOUR (ASSUMED ELEV)
	TELEPHONE PEDESTAL		EASEMENT / SETBACK LINE
	ELECTRIC PEDESTAL		CONCRETE CURB
	GAS STUBOUT		UTILITY LINE (AS NOTED)
			PROPERTY BOUNDARY

SITE PLAN

DATE: 1-03-2017

SCALE: 1/16" = 1'-0"

FILE #

PROJECT:

PAGE
5

RESOLUTION NO.: PC 94-4

COMPREHENSIVE PLAN CHANGE/ZONE CHANGE 94-2

WHEREAS, a petition for a Comprehensive Plan change from

"Single Family Residential to Commercial"

and zone change from

RS (Single Family Residential) to CO (Commercial Office)

for property located at

630 Mary Avenue SE

was filed by

Morris and Ellen Vaterlaus

with the Planning Commission of the City of Salem, and

WHEREAS, after due notice, a public hearing on the proposed changes was held before the Planning Commission on May 24, 1994, at which time witnesses were heard and evidence received; and

WHEREAS, the Planning Commission having carefully considered the entire record of this proceeding including the testimony presented at the hearing, after due deliberation and being fully advised; NOW THEREFORE

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SALEM, OREGON:

Section 1. FINDINGS:

The Planning Commission hereby adopts as its findings of fact the staff report(s) on this matter dated May 24, 1994, herewith attached and by this reference incorporated herein.

Section 2. ORDER:

Based upon the foregoing findings and conclusions, it is hereby ordered:

- (a) The proposed Comprehensive Plan change in this matter from "Single Family Residential" to "Commercial" be granted;
- (b) The zone change from RS (Single Family Residential) to CO (Commercial Office) for the above defined area be granted, subject to the following conditions:

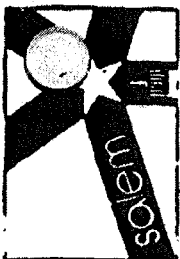
- 1. The subject property shall only be used for medical and dental laboratories (Standard Industrial Classification (SIC) # 807) and those uses permitted within the RS zone. This use restriction shall be recorded against the subject property in the deed records of Marion County.

If in the future, additional uses listed in the CO zone were proposed for the subject property, the owner would be required to obtain a zone change prior to the commencement of any such uses.

PLANNING COMMISSION

City Hall / 555 Liberty St. S.E.
Zip Code 97301
PLANNING DIVISION
Room 305
Telephone No. (503)588-6173

CITY OF SALEM, OREGON



2. The residential character of the existing house and the subject property shall be maintained. The existing trees and vegetation shall be preserved and incorporated into the required landscape areas. The bufferyards, as required by SRC 132, shall incorporate the existing trees and vegetation to combine with a fence or wall, where necessary, to provide screening. The landscape plan shall be approved by the Parks Department.
3. The total floor area of buildings on the premises, including accessory buildings, shall not exceed 1570 square feet in area, thereby limiting the number of parking spaces required to 4 spaces.
4. The parking area shall be located within the northern 60 feet of the subject property and east of the existing house. All setback requirements shall be provided. The parking area shall be screened from adjacent uses by a sight-obscuring fence, wall or hedge.
5. The vehicular egress from the off-street parking area onto Mary Avenue shall be limited to a right turn only. The applicant shall be responsible for the installation of the appropriate "right-turn only" signage.
6. The signage for the proposed commercial use shall be limited to the same requirements for businesses in the residentially zoned area (SRC 62.360). No billboards shall be permitted on the subject property.
7. Outdoor lighting shall be so designed as not to shine or reflect into adjacent residentially zoned or used property.
8. There shall be no outside storage or display of materials, equipment or merchandise used in or produced in connection with the permitted uses.
9. The applicant shall construct a curb along Mary Avenue, adjacent to the subject property, 17 feet from the centerline of the street right-of-way.
10. The gutters on the existing house and the drainage from the new parking area shall be connected to a public storm drain system. An approved point of discharge is the existing catch basin located at the northwest corner of Mary Avenue and Commercial Street.

ADOPTED by the Planning Commission this 24th day of May, 1994.



President, Planning Commission

APPEAL PERIOD ENDS: June 15, 1994

Copies of the staff report containing the Facts and Findings adopted by the Planning Commission are available upon request at Room 305, Civic Center, during City business hours, 8:00 a.m. to 5:00 p.m.

SUMMARY OF STAFF REPORT

City Hall / 555 Liberty St. S.E.
Zip Code 97301
PLANNING DIVISION
Room 305

**CITY
OF SALEM,
OREGON**



PROPOSED LAND USE ACTION: Comprehensive Plan Change/Zone Change 94-2

LOCATION: 630 Mary Avenue SE

OWNER/FILER: Morris and Ellen Vaterlaus/Jeff Tross

REQUEST:

To change the Comprehensive Plan designation from "Single-Family Residential" to "Commercial" with a concurrent zone change from RS (Single Family Residential) to CO (Commercial Office) for property located at 630 Mary Avenue SE.

PROPOSAL:

The subject property was the issue of a previous Comprehensive Plan and zone change application (Case #86-13). The 1986 requested changes were the same as this 1994 request. The 1986 request was withdrawn by the applicant in response to a letter written by city staff which stated that the application lacked adequate findings to justify an approval for commercial office use of the subject property. This 1994 application addresses the review criteria for the requested changes and specifically cites the changes which have occurred in the vicinity of the site since 1986.

An application for a comprehensive plan change with a concurrent zone change was submitted on April 5, 1994 (Case # 94-2). The proposed use of this subject property is a dental lab (Standard Industrial Classification (SIC) #807) which is a permitted use in the requested CO zone. The property owners, Mr. and Mrs. Vaterlaus, are the owners and operators of Capitol City Dental Lab which is a commercial dental lab that provides services to dentists in the Salem area. If the requested changes are granted, the applicants propose to locate Capitol City Dental Lab on the subject property, 630 Mary Ave SE. The dental lab is proposed to have no customer or client traffic to the subject property because this business operates as a service to dentists, and orders are picked up and delivered directly to the dentists' offices. The applicant's reasons provide this additional information about the propose use:

"The Vaterlaus' work normal daytime hours, and all activity is conducted inside. No exterior signs are needed, or proposed... By maintaining its residential character the structure will maintain a harmonious relationship with the adjacent uses, and will be compatible with its surroundings."

STAFF RECOMMENDATION:

Based on the facts and findings presented in this staff report and the applicant's reasons, it is recommended that:

The Planning Commission adopt the facts and findings of the staff report and adopt the attached Resolution (Attachment 5) which orders that:

- A. The requested change in the Salem Area Comprehensive Plan designation from "Single-Family Residential" to "Commercial" for property located at 630 Mary Avenue SE be GRANTED; and
- B. The requested zone classification change from RS (Single Family Residential) to CO (Commercial Office) for the property located at 630 Mary Avenue SE be GRANTED, subject to the following conditions:

- 1. The subject property shall only be used for medical and dental laboratories (Standard Industrial Classification (SIC) # 807) and those uses permitted within the RS zone. This use restriction shall be recorded against the subject property in the deed records of Marion County.

If in the future, additional uses listed in the CO zone were proposed for the subject property, the owner would be required to obtain a zone change prior to the commencement of any such uses.

- 2. The residential character of the existing house and the subject property shall be maintained. The existing trees and vegetation shall be preserved and incorporated into the required landscape areas. The bufferyards, as required by SRC 132, shall incorporate the existing trees and vegetation to combine with a fence or wall, where necessary, to provide screening. The landscape plan shall be approved by the Parks Department.
- 3. The total floor area of buildings on the premises, including accessory buildings, shall not exceed 1570 square feet in area, thereby limiting the number of parking spaces required to 4 spaces.
- 4. The parking area shall be located within the northern 60 feet of the subject property and east of the existing house. All setback requirements shall be provided. The parking area shall be screened from adjacent uses by a sight-obscuring fence, wall or ledge.

5. The vehicular egress from the off-street parking area onto Mary Avenue shall be limited to a right turn only. The applicant shall be responsible for the installation of the appropriate "right-turn only" signage.
6. The signage for the proposed commercial use shall be limited to the same requirements for businesses in the residentially zoned area (SRC 62.360). No billboards shall be permitted on the subject property.
7. Outdoor lighting shall be so designed as not to shine or reflect into adjacent residentially zoned or used property.
8. There shall be no outside storage or display of materials, equipment or merchandise used in or produced in connection with the permitted uses.
9. The applicant shall construct a curb along Mary Avenue, adjacent to the subject property, 17 feet from the centerline of the street right-of-way.
10. The gutters on the existing house and the drainage from the new parking area shall be connected to a public storm drain system. An approved point of discharge is the existing catch basin located at the northwest corner of Mary Avenue and Commercial Street.

FOR MEETING OF: May 24, 1994

AGENDA ITEM NO.: 4.2

TO: PLANNING COMMISSION, CITY OF SALEM

FROM: KENNETH P. BATAILE
PLANNING ADMINISTRATOR *KPB*

SUBJECT: COMPREHENSIVE PLAN CHANGE/ZONE CHANGE 94-2: 630 MARY AVENUE SE

ISSUE

To change the Comprehensive Plan designation from "Single-Family Residential" to "Commercial" with a concurrent zone change from RS (Single Family Residential) to CO (Commercial Office) for property located at 630 Mary Avenue SE.

OWNER: Morris and Ellen Vaterlaus

FILED BY: Jeff Tross, Planning Consultant

BACKGROUND/PROPOSAL

The subject property was the issue of a previous Comprehensive Plan and zone change application (Case #86-13). The 1986 requested changes were the same as this 1994 request. The 1986 request was withdrawn by the applicant in response to a letter written by city staff which stated that the application lacked adequate findings to justify an approval for commercial office use of the subject property. This 1994 application addresses the review criteria for the requested changes and specifically cites the changes which have occurred in the vicinity of the site since 1986.

An application for a comprehensive plan change with a concurrent zone change was submitted on April 5, 1994 (Case # 94-2). The proposed use of this subject property is a dental lab (Standard Industrial Classification (SIC) #807) which is a permitted use in the requested CO zone. The property owners, Mr. and Mrs. Vaterlaus, are the owners and operator of Capitol City Dental Lab which is a commercial dental lab that provides services to dentists in the Salem area. If the requested changes are granted, the applicants propose to locate Capitol City Dental Lab on the subject property, 630 Mary Ave SE. The dental lab is proposed to have no customer or client traffic to the subject property because this business operates as a service to dentists, and orders are picked up and delivered directly to the dentists' offices. The applicant's reasons provide this additional information about the propose use:

"The Vaterlaus' work normal daytime hours, and all activity is conducted inside. No exterior signs are needed, or proposed... By maintaining its residential character the structure will maintain a harmonious relationship with the adjacent uses, and will be compatible with its surroundings."

FACTS AND FINDINGS

1. The Salem Area Comprehensive Plan (SACP) map designates the subject property as "Single-Family Residential". The abutting properties to the west and south are also designated "Single-Family Residential". The properties to the north, across Mary Avenue, and east of the subject

property are designated as "Commercial." The proposed Comprehensive Plan change would be consistent with the designations along Commercial Street.

2. The subject property and the abutting properties to the west and the south are zoned RS (Single Family Residential) and used for residential purposes. The properties to the north, across Mary Avenue, and east are zoned CR (Commercial Retail) and used as a restaurant, retail, and a bank. The requested rezoning to CO would be consistent with the surrounding uses. A transition between the CR and RS zone activities would be provided if the rezoning is approved subject to the recommended conditions, such as retaining the residential character of the existing house and lot, limiting the office type use to "medical and dental lab," and limiting the size of structure.
3. The applicant has provided reasons to address the criteria for the comprehensive plan change and the zone change requests (Attachment 2). A vicinity map and a site plan for the subject property, showing the existing house and trees and the proposed parking area, has been prepared by the applicant (Attachment 3). These documents are attached and hereby made a part of this staff report.

Physical Description of the Subject Property:

4. The applicants' site plan indicates that the subject property slopes from the southwest property corner, with an elevation of approximately 372 feet, to the northeast corner of subject property which has an elevation of approximately 346 feet. Because of the natural slope to the subject property, the northeast corner is the lowest elevation and furthest from other residential uses. Therefore, if the new parking area was limited to this northeast corner of the property, the potential negative effects of a parking area with relationship to the residential area could be minimized. The subject property is an irregular rectangular shape and contains approximately 14,350 square feet.
5. The existing trees, including fir, spruce, cedar, locust, pine, and oak trees, are located along the perimeter of the subject property. It appears that the majority of the trees will be unaffected by this change of use. SRC 132.200 (e) states that 25 percent of the significant trees for the entire development be retained and SRC 132.200(d) states that all significant trees within the required yards should be retained. The code requires that if any significant trees are removed, that a tree replanting program be implemented.

The applicant has not indicated that any of the existing trees would be removed except for the area proposed for parking.

6. The existing improvements on the subject property is a 1½ story house, with a garage located on the lower level. The applicant's site plan shows that the foundation of the house creates an area of approximately 1,160 square feet; and the applicant's written narrative describes the house as having approximately 1400 square feet of floor area.

Circulation and Parking

7. The subject property has approximately 78 lineal feet of frontage along Mary Avenue SE. There is currently one driveway access serving the subject property. Mary Avenue is designated as a local street in the Salem Transportation Plan. Commercial Street, a designated arterial street, is located approximately 60 feet east of the subject property. If the vehicular egress from the site was limited to right turn only, the traffic would be funneled directly to Commercial Street.
8. The applicant's site plan indicates that a proposed parking lot would be constructed to accommodate on-site parking for 4 cars. According to the applicant's written submittal, the gross floor area is approximately 1,400 square feet and therefore, would require 4 off-street parking spaces. If the amount of floor area used by the business was reduced, the required parking would also be reduced. The existing garage could be counted as one parking space, as long as the access and maneuvering area is provided for that space. It appears that there would be adequate room to provide the 3 additional parking spaces within the current vacant area to the east of the existing house and within the northernmost 60 feet of the lot. This alternative location for parking would reduce the amount of land to be paved and retain the rear yard in its current residential character. This alternative location could provide parking at the lowest elevation on the lot to minimize the view from surrounding residential uses. This alternative location, would also avoid a secluded parking area on the rear portion of the lot, as designed by the applicant, which was stated as a concern of the Faye Wright Neighborhood Association.

COMPREHENSIVE PLAN CHANGE

9. SRC 64.040(g) defines a minor plan change as a single proceeding for amendment to the Comprehensive Plan affecting less than five privately and separately owned tax lots. This request is a Category 4 minor plan change, which is a quasi-judicial act and the burden of proof rests with the proponent of the change (SRC 64.090(a)).
10. SRC 64.090(b) establishes the approval criteria for minor plan changes. A summary and analysis of the approval criteria as presented by the applicant is as follows:

Criteria 1: A lack of appropriately designated suitable alternative sites within the vicinity for a proposed use. Factors in determining the suitability of the alternative sites are limited to one or both of the following:

- A. Size: Suitability of the size of the alternative sites to accommodate the proposed use; or
- B. Location: Suitability of the location of the alternative sites to permit the proposed use; or

Criteria 2: A major change in circumstances affecting a significant number of properties within the vicinity. Such change is defined to include and be limited to one or both of the following:

- A. The construction of a major capital improvement (e.g. an arterial or major collector, a regional shopping center, etc.) which was unanticipated when the Salem Area Comprehensive Plan (SACP) or elements of the Comprehensive Plan were adopted or last amended.
- B. Previously approved plan amendments for properties in an area that have changed the character of the area to the extent that the existing designations for other properties in the area are no longer appropriate.

The applicant has the option of addressing either criteria 1A, 1B, 2A, or 2B.

The proposed dental lab use is a specialized, small scale, low intensity office type use. The existing commercial zoned areas in the immediate vicinity and along Commercial Street are zoned CR (Commercial Retail). The CR zone provides for high intensity commercial activity. The surrounding area of CR zoned properties include large scale retail stores and traffic intensive retail or service uses, i.e., Fred Meyer, service station, and banks. It is appropriate that these types of commercial uses, which attract high volumes of traffic, be located along an arterial street.

Based on size and location, the proposed change will provide for a low intensity office type use that would be a compatible transition from the high intensity commercial activity along Commercial Street and the surrounding residential uses. The applicant states that based on the suitability of the location of alternative sites there is a lack of appropriately designated sites within the vicinity for the proposed use.

Conditions to support the requested Comprehensive Plan with concurrent zone change exist.

Criteria 3: The proposed plan change considers and accommodates as much as possible all applicable statewide planning goals.

The applicants have addressed statewide planning goals 1, 2, 6, 9, 10, 11, 12, 13, and 14 as follows:

- Citizen involvement (Goal 1) will be ensured through the public hearing process with interested parties being notified of the proposal and given the opportunity to comment. Prior to submitting the request, the applicant/owners discussed the proposal with the Faye Wight Neighborhood Association.
- The Salem Area Comprehensive Plan (SACP) is an acknowledged Comprehensive Plan which is in compliance with the Statewide Planning Goals. The application request was filed in compliance with local land use planning requirements and meets procedural requirements (Goal 2).
- The applicant states that the subject property is currently being served with city sanitary sewer, storm drainage, and water at adequate levels (Goal 6). Public Works has indicated that the existing water service is provided by a 3" public water line in

Mary Avenue. Since the proposed use will not be an intensification for water usage, this existing line is adequate. Public Works also states that a storm drainage system will be required. The applicant states that all city and state standards for water, sewer, and storm drainage will be met.

The applicant states that the traffic created by the proposed development will have an insignificant impact on the overall air quality since the traffic generated by this limited proposal will be no greater than that generated by a dwelling.

- The proposed development will contribute to the economy of the city by converting the site to a small office and continuing a business operation within the community (Goal 9).
- The applicant states that there will be the loss of one single family dwelling but that there is adequate land designated for single family residential development within the Urban Growth Boundary (UGB) (Goal 10).
- The site is developed and is adequately served by public facilities and services which include sewer, water, and public transportation (Goal 11). The applicant has agreed to provide additional facilities and services as required at the time of change of use.
- An adequate street system serving the subject property supports and encourages a safe, convenient and economic transportation system (Goal 12). The subject property is located on a local street (Mary Avenue SE) which connects to Commercial Street SE, approximately 60 feet to the east. The subject property is therefore readily accessible to major arterial and transit routes.
- The applicant states that the proposed development will not result in increased energy consumption (Goal 13).
- The proposed development will redevelop property within the city that is provided with necessary urban services (Goal 14).

Criteria 4: The proposed change is logical and harmonious with the land use pattern for the greater area as shown on the detailed and general plan maps.

According to the applicant, based on the reuse of the existing structure, its size, location, and type of use proposed, the proposed change will be logical and harmonious with the land use pattern of the neighborhood.

Criteria 5: The proposed change conforms to all criteria imposed by applicable goals and policies of the Comprehensive Plan in light of its intent statements.

The applicant's reasons address the applicable goals and policies of the Comprehensive Plan. In regard to the Plan map, the applicant indicates the Plan was developed with the recognition that factors determining the

use of property change over time and in response to changing needs and market considerations. The Plan change process and intent was developed to respond to such factors in order to provide flexibility in the overall land use pattern within the community, consistent with adopted goals and policies of the Plan. The Plan map designations indicate predominant land uses in the area rather than a predetermined projection of future land uses.

The commercial designation would be implemented by the CO zone which is part of the applicant's request. Commercial offices are included as a category under the "Commercial" designation as provided for and developed according to CO zone requirements.

The applicant has addressed the applicable goals and policies of the SACF as follows:

B. GENERAL DEVELOPMENT:

Policy 7: Structures and their siting in all residential, commercial, and industrial developments shall optimize the use of land. The cumulative effect of all new residential development in the Salem urban area should average 6.5 dwelling units per gross acre of residential development. Development should minimize adverse alteration of the natural terrain and watercourses, the potential for erosion and adverse effects upon the existing topography and soil conditions.

The applicant has submitted information stating that "no new structures are proposed. The proposal is to reuse an existing structure. Parking facilities will be added as required by the Zone Code and will be designed to City standards."

Policy 14: Outdoor storage areas should be screened from the public streets and from adjacent uses.

The applicant states that there will be no outdoor storage for this redevelopment.

Policy 15: Exterior lighting shall be designed to provide illumination to the site and not cause glare into the public right-of-way and adjacent properties.

The applicant states that if there is exterior lighting, it will be minimal and will be similar to residential lighting to avoid impacts on adjacent properties.

F. COMMERCIAL DEVELOPMENT

GOAL: To maintain and promote the Salem urban area as a commercial center for the Marion-Polk County metropolitan area.

The proposal to convert the single family dwelling to a dental lab provided a service to residents, via their dentists and therefore, is an conformance with this Goal.

Policy 6: Commercial office uses shall have convenient access to collector and arterial streets.

The applicant states that the subject property is approximately 60 feet west of Commercial Street. Therefore, access to the arterial street is convenient.

Criteria 6: The proposed change benefits the public.

The applicant states that the proposed development will benefit the public having independent practitioners in a variety of professional service fields, in various locations around the city.

11. Based on the applicant's reasons and the findings of fact, the approval criteria for granting a Comprehensive Plan Change have been addressed and found to be met by the application.

ZONE CHANGE

12. SRC 114.160 provides the approval criteria for a zone change as quoted below:

"The applicant...shall have the burden of proving justification for the proposal. The greater the impact of the proposal in an area, the greater is the burden of the proponent.

The proposal must be supported by proof that it conforms to all applicable criteria imposed in this zoning code; that it conforms to all standards imposed by applicable goals and policies of the comprehensive plan in light of its intent statements, including adopted neighborhood plans; and that it conforms with all applicable land use standards imposed by state law or administrative regulation. The burden rests ultimately on the proponent to bring forward testimony or other evidence sufficient to prove compliance with these standards. At a minimum, the proponent's case should identify and evaluate the proposal in the context of all applicable standards."

In addition to the proof above, the following factors should be evaluated by the proponent and shall, where relevant, be addressed by the administrative body in its final decision (SRC 114.160(c)):

- (1) The existence of a mistake in the compilation of any map, or in the application of a particular land use designation to any property in this zoning code or the comprehensive plan;
- (2) A change in the social, economic, or demographic patterns of the neighborhood or of the community;
- (3) A change of conditions in the character of the neighborhood in which the use or development is proposed;

(4) The effect of the proposal on the neighborhood, the physical characteristics of the subject property, and public facilities and services;

(5) All other factors relating to the public health, safety, and general welfare which the administrative body deems relevant."

13. The applicant has provided reasons to address the approval criteria listed in Item 12 of this report. The following is an analysis of that criteria:

a. The existence of a mistake

The applicant does not allege that any mistake was made in the zoning of this property. The applicant further states that as commercial activities have expanded in this area, that it is reasonable to consider a zone change to reflect a new, appropriate use for this subject property.

b. A change in the social, economic or demographic patterns and a change in the character of neighborhood

In the recent years, the new commercial development and the traffic patterns in this area have caused a change in the pattern and character of this neighborhood. The commercial activity has intensified with the recent development around the Commercial/Madronna intersection and the large Fred Meyer Home Improvement Center, east of Commercial. Additionally the opening of Madronna between Commercial and 12th Streets has created a new traffic pattern. These developments have increased the focus of retail and service activity in this South Salem area, and increased traffic volumes. All of these changes have effected the subject property because of its proximity to the arterial frontage, approximately 60 feet from Commercial Street, and the higher elevation of the subject property resulting in the view of all of the new commercial activity.

c. Effect of the proposal on the neighborhood

The applicant has stated that the conversion of the existing single family dwelling to a dental lab will result in no customer or client traffic, the building will retain the appearance and character of a residence and will retain its relationship to the adjacent residences to the west and south in terms of size, design, and mass. The applicant's narrative cited that the only possible negative effect on the property might be the construction of the parking area in the back yard of the property. An alternative location for the parking area, the northeast corner of the property, is recommended in lieu of the proposed back yard location. This design revision should avoid any negative effect of the parking area. Another recommended condition of approval addresses the traffic exiting the subject property, by requiring egress traffic to only be allowed to turn right onto Mary Avenue and then proceed directly to Commercial Street, an arterial street. This would direct traffic away from the residential area

and minimize traffic infiltration into the residential neighborhood.

d. Public Health, Safety and Welfare

In the material that was submitted to the City it is stated that, the proposal will not create impacts that will be detrimental to the public health, safety or welfare. The applicant has stated that there will be no significant changes to the structure and that all activity will be inside the building. The recommended conditions of approval will ensure that the redevelopment of the subject property will occur as described by the applicant.

14. As indicated the applicant's reasons and the findings of the staff report, the approval criteria for a zone change were addressed and justification exists to warrant the requested zone change subject to the recommended conditions listed in this staff report.

15. Public Works Department Comments

"Streets

- a. Mary Avenue has an existing 34-foot turnpike pavement section within a 60-foot-wide right-of-way.
- b. This street is designated as a local street in the Salem Transportation Plan.
- c. The applicant should be required to construct a curb along Mary Avenue, adjacent to the subject property, 17 feet from the centerline of the right-of-way.
- d. All street improvements shall be designed and constructed to meet the requirements of the City of Salem Street Design Standards (PWDS 1.02).

Storm Drainage

- e. The gutters on the existing house are not connected to a public storm drain system. Also, the proposed development will be constructing a parking lot which will increase impervious area. There is an existing catchbasin located at the northwest corner of Mary Avenue and Commercial Street. This is the approved point of discharge.
- f. The applicant shall be required to design and construct a complete storm drainage system at the time of development. All drainage systems shall be designed and constructed as required in the City of Salem Stormwater Management Design Standards (PWDS 1.02). This may require a drainage study and capacity calculations for the proposed point of disposal.

Water

- g. There is an existing 3-inch public water line located in Mary Avenue and Scenic View Drive.
- h. All water lines shall be designed and constructed as required in the City of Salem Water Distribution Design Standards (PWDS 1.03).

Sanitary Sewer

- i. There is an existing 8-inch sewer line which currently serves the subject property located in Mary Avenue.
- j. All sanitary sewer lines shall be designed and constructed as required in the City of Salem Sanitary Sewer Design Standards (PWDS 1.03).

General comments:

- k. All development activity will require building and/or construction permits in accordance with Salem Revised Code and the Department of Public Works Design Standards and Construction Specifications. Permits will not be issued by the City of Salem Permit Application Center until all construction plans have been approved by the Department of Public Works.
 - l. Building over pipelines or public utility easements is prohibited as described in SRC 63.165 and Policy and Procedure GM 1-24.
 - m. All utilities and roadway facilities shall be designed and constructed to meet the requirements of the City of Salem Design Standards.
 - n. All utility easements required to extend sanitary sewer, water, or storm drainage systems to or through the subject property or adjacent properties shall be the obligation of the applicant.
 - o. The applicant shall be required to obtain an excavation cut and fill permit prior to conducting any clearing and grubbing operations on parcels within the city limits, if such parcels contain an easement of any kind for City public utilities."
16. The Salem Area Transit District was advised of the proposed development and has not submitted any written comments as of the publication date of this staff report.
17. The Faye Wright Neighborhood Association was advised of the land use application and has submitted comments (Attachment 5). The neighborhood association is supportive of the proposal if approved with 4 specific conditions which address the following issues:
- a. The existing structure shall remain compatible with the neighborhood
 - b. The existing landscaping shall be preserved.

- c. Eliminate the proposed parking area at the rear of the house in an effort to avoid a "hiding spot for cruises"; allow business to utilize on-street parking in lieu of required off-street parking.
 - d. The owners of the subject property should be the same as the use which occupies the property.
18. Marion County Department of Public Works and the Oregon Department of Transportation (ODOT) - Region 2 indicated that they will not be reviewing this proposal and have no comments.
 19. Salem Area Transit District indicated that they reviewed the proposal and have no objections to the proposal.
 20. The Salem/Keizer School District 24-J was advised of the proposed Comprehensive Plan/Zone change application. The District has advised the City that they will accommodate school growth as it occurs. No other comments have been received from the District as of the publication date of this staff report.

RECOMMENDATION

Based on the facts and findings presented in this staff report and the applicant's reasons, it is recommended that:

The Planning Commission adopt the facts and findings of the staff report and adopt the attached Resolution (Attachment 5) which orders that:

- A. The requested change in the Salem Area Comprehensive Plan designation from "Single-Family Residential" to "Commercial" for property located at 630 Mary Avenue SE be GRANTED; and
- B. The requested zone classification change from RS (Single Family Residential) to CO (Commercial Office) for the property located at 630 Mary Avenue SE be GRANTED, subject to the following conditions:
 1. The subject property shall only be used for medical and dental laboratories (Standard Industrial Classification (SIC) # 807) and those uses permitted within the RS zone. This use restriction shall be recorded against the subject property in the deed records of Marion County.

If in the future, additional uses listed in the CO zone were proposed for the subject property, the owner would be required to obtain a zone change prior to the commencement of any such uses.
 2. The residential character of the existing house and the subject property shall be maintained. The existing trees and vegetation shall be preserved and incorporated into the required landscape areas. The bufferyards, as required by SRC 132, shall incorporate the existing trees and vegetation to combine with a fence or wall, where necessary, to provide screening. The landscape plan shall be approved by the Parks Department.
 3. The total floor area of buildings on the premises, including accessory buildings, shall not exceed 1570 square feet in area,

thereby limiting the number of parking spaces required to 4 spaces.

4. The parking area shall be located within the northern 60 feet of the subject property and east of the existing house. All setback requirements shall be provided. The parking area shall be screened from adjacent uses by a sight-obscuring fence, wall or hedge.
5. The vehicular egress from the off-street parking area onto Mary Avenue shall be limited to a right turn only. The applicant shall be responsible for the installation of the appropriate "right-turn only" signage.
6. The signage for the proposed commercial use shall be limited to the same requirements for businesses in the residentially zoned area (SRC 62.360). No billboards shall be permitted on the subject property.
7. Outdoor lighting shall be so designed as not to shine or reflect into adjacent residentially zoned or used property.
8. There shall be no outside storage or display of materials, equipment or merchandise used in or produced in connection with the permitted uses.
9. The applicant shall construct a curb along Mary Avenue, adjacent to the subject property, 17 feet from the centerline of the street right-of-way.
10. The gutters on the existing house and the drainage from the new parking area shall be connected to a public storm drain system. An approved point of discharge is the existing catch basin located at the northwest corner of Mary Avenue and Commercial Street.

Application Filing Date: April 5, 1994

State Mandated Decision Date: August 3, 1994

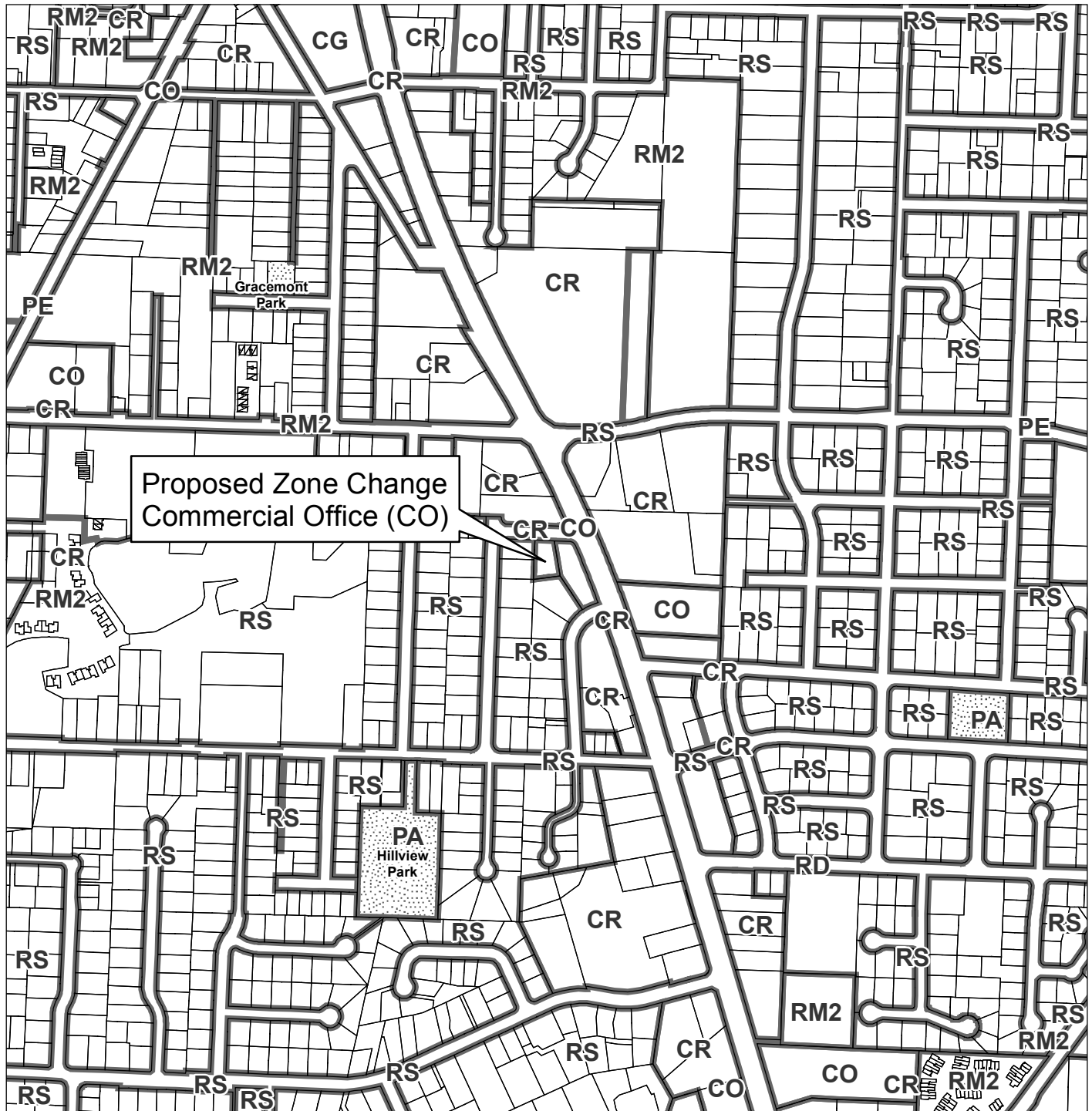
Attachments:

1. Public Hearing Map
2. Applicants' Reasons
3. Vicinity map and site plan
4. Comments from the Faye Wright Neighborhood Association
5. Draft Resolution

Prepared by Cecilia DeSantis Urbani, Senior Planner

cpc94-2.stf

Zoning Map Southwest Corner of Kuebler Boulevard & Interstate-5



Legend

- RS Base Zoning
- Urban Growth Boundary
- Outside Salem City Limits
- Taxlots
- Parks
- 🏫 Schools

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

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MR Kansky, LLC.
PO Box 4341
Salem, OR 97302
503-871-7324

January 23, 2018

City of Salem
Community Development
Planning Division
555 Liberty St. SE
Salem, OR 97302

MR Kansky, LLC. is requesting a Zone Change for the property located at **630 Mary Ave. SE Salem OR 97302**. This change is better suited for the property and surrounding neighborhood area. The property was being used as a dental office and the requested change is for it to be used as a business office/workspace for MR Kansky, LLC.

The benefits of this zone change will draw less traffic volume to the property and the surrounding neighborhood. There will not be regular traffic to the property because it will be used primarily for a personal workspace without sales. No storage of equipment will be at the property and no structural changes of the building will take place. There will be less of an impact made to the area than what currently exists. The proposed zone change is better suited for the property and better serves the public interest of the surrounding neighborhood.

Thank you for your consideration.

Richard Kansky
MR Kansky, LLC.