

SALEM HEARINGS OFFICER MINUTES
September 28, 2022

Hearings Officer
James Brewer

Staff Present
Aaron Panko, Planner III
Glenn Davis, Chief Development Engineer
Zachery Cardoso, Recorder

Hearings Officer James Brewer called the meeting to order at 5:30 p.m. and explained the procedures of the night's hearings. City of Salem staff members present were Aaron Panko, Planner III; Glenn Davis, Chief Development Engineer; and Zachery Cardoso, Recorder.

VARIANCE / CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT

• **VAR-SPR-ADJ22-02 for 5775 Commercial St SE**

Request: A Variance request to remove Condition 4 from CU20-08 which requires an offset of at least four feet along the exterior wall of the proposed building, and a Class 3 Site Plan Review for a proposed mixed-use development including 71 multi-family residential units and approximately 11,998 square feet of retail commercial floor area, with the following Adjustments to:

- 1) Increase the maximum building height from 50 feet, per Table 522-5, to 50 feet and 10 inches.
- 2) Eliminate the requirement to provide pedestrian pathways connecting between other existing buildings on the development site per SRC 800.065(a)(2).

For property approximately 2.95 acres in size, zoned CR (Retail Commercial), and located at 5775 Commercial Street SE - 97306 (Marion County Assessors Map and Tax Lot number: 083W14CD / 00700).

Mr. Brewer read the applicable criteria into the record. No objection to jurisdiction was raised and the public hearing was re-opened at 5:35 p.m.

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

RECOMMENDATION-

Based upon the Facts and Findings contained in the staff report, staff recommends that the Hearings Officer **APPROVE** the request for a variance, site plan review, and adjustment, for the proposed development of a new mixed-use building containing 71-dwelling units and 11,998 square feet of retail commercial floor area for property approximately 2.95 acres in size and located at 5775 Commercial Street SE subject to the following conditions of approval:

SITE PLAN REVIEW:

Condition 1: Weather protection in the form of awnings or canopies shall be provided along the ground floor building façade for a minimum of 75 percent of the length of the building façade for any wall which includes entrances for non-residential uses. Awnings or canopies shall have a minimum clearance height above the sidewalk or ground surface of 8 feet.

- Condition 2:** The final plat for Tentative Subdivision Case No. SUB-ADJ19-07 shall be recorded prior to issuance of any civil site work or building permits.
- Condition 3:** Development of the solid waste service areas shall conform to all applicable standards of SRC Chapter 800.
- Condition 4:** At the time of building permit, the applicant shall demonstrate that required pedestrian connections conform with the design and material requirements of SRC Chapter 800, specifically SRC 800.065(b)(1) and 800.065(c).
- Condition 5:** Prior to building permit approval the applicant shall provide an updated site plan and parking analysis demonstrating the off-street parking requirements of SRC Chapter 806 are met for the development site.
- Condition 6:** At the time of building permit, the applicant shall demonstrate that the proposal complies with minimum bicycle parking requirements and all applicable development standards of SRC Chapter 806.
- Condition 7:** Obtain all applicable permits regarding placement of fill and parking within existing City easements, including but not limited to an excavation fill permit pursuant to SRC 65.110.
- Condition 8:** Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).

ADJUSTMENTS:

- Condition 9:** The applicant shall provide pedestrian connections between the proposed mixed-use building and existing buildings to the north (5755-5757 Commercial Street SE) and to the east (5765 Commercial Street SE) in compliance with the development standards of SRC Chapter 800. A pedestrian pathway leading from the proposed mixed-use building to 5795 Commercial Street SE is not required.
- Condition 10:** The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

At this time the Hearings Officer had questions for Staff.

PERSONS TESTIFYING:

Applicant: Brandie Dalton, 1155 13th St SE, Salem OR 97302

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

Neighborhood Association: None

Support: None

Oppose: None

Neutral: None

Rebuttal from Applicant: None

At this time the Hearings Officer asked if anyone would like to record to remain open.

The Hearings Officer had no additional questions for staff.

With no further questions or testimony to present, the Hearings Officer closed the public hearing at 5:58 p.m.

The meeting ended at 5:58 P.M.

Prepared by: Zachery Cardoso, September 28, 2022

Approved: September 29, 2022