

City of Salem

Hearings Officer

Community Development Department

June 14, 2023

5:30 PM – 7:30 PM

City Hall, Council Chambers

555 Liberty St SE, Room 240

Si necesita ayuda para comprender esta información, por favor llame 503-588-6178

AGENDA

1. Conditional Use / Class 3 Site Plan Review / Class 2 Adjustment / Class 2 Driveway Approach Permit / Property Line Adjustment Case No. CU-SPR-ADJ-DAP-PLA23-05PLA23-11

- a. CU-SPR-ADJ-DAP-PLA23-05PLA23-11 for 2908 Market St NE

Summary: Redevelopment of an existing automotive dealership, including demolition of the existing sales building, construction of a new approximate 25,256 square-foot vehicle dealership, and redevelopment of the existing off-street parking and vehicle sales/display areas.

Request: A consolidated application for the proposed redevelopment of an existing automotive dealership, including demolition of the existing sales building, construction of a new approximate 25,256 square-foot vehicle dealership, and redevelopment of the existing off-street parking and vehicle sales/display areas. The application includes:

- 1) A Conditional Use Permit for the proposed motor vehicle sales and service use in the MU-III (Mixed-Use-III) zone;
- 2) A Class 3 Site Plan Review for the proposed development;
- 3) A Class 2 Adjustment to:
 - a) Allow the proposed new vehicle dealership building to be located more than the maximum allowed 30-foot setback from Market Street NE and Park Avenue NE (SRC 535.015(c));
 - b) Allow the ground building façade of the proposed new vehicle dealership building facing Park Avenue NE to include less than the minimum required 50 percent transparent windows (SRC 535.015(g)(5));
 - c) Allow the proposed pedestrian connection from the primary entrance of the new vehicle dealership building to Market Street NE to be located more than the maximum allowed 20 feet from the proposed new transit stop on Market Street (SRC 800.065(a)(1)(B));
 - d) Allow a driveway approach for the proposed development onto Market Street NE (a major arterial street) although the property abuts a collector street (SRC 804.035(a)(2));
 - e) Allow the proposed development, which is located on a corner lot abutting a collector street, to take access to Market Street NE (the street with the higher street classification) rather than solely to Park Avenue NE (the street with the lower street classification) (SRC 804.035(c)(2)); and
 - f) Allow the proposed driveway approach onto Market Street NE to be located less than the minimum required 370-foot spacing from the nearest driveway to the east of the subject property on Market Street (SRC 804.035(d)).
- 4) A Class 2 Driveway Approach Permit for the proposed driveway approaches serving the development onto Market Street NE and Park Avenue NE; and
- 5) Two Property Line Adjustments to eliminate the interior property lines between three individual units of land included in the subject property (Marion County Tax Numbers: 073W24BD08800, 073W24BD08900, and 073W24AC02700) and consolidate them into one lot to accommodate the

proposed development.

The subject property totals approximately 3.35 acres in size, is zoned MU-III (Mixed-Use-III), and located at 2908 Market Street NE (Marion County Assessor Map and Tax Lot Numbers: 073W24BD08800, 073W24BD08900, 073W24AC02700, and 073W24AC04701).

Staff Report: ([Click here to view](#))

Case Manager: Bryce Bishop, Planner III, bbishop@cityofsalem.net

DIGITAL MEETING ACCESS

To view this meeting LIVE on YouTube, please visit this link with your computer, tablet, or smartphone by clicking this link: <https://bit.ly/planningpublicmeetings>

TO PROVIDE WRITTEN TESTIMONY ON A PUBLIC HEARING ITEM: Email written testimony to the Case Manager or mail to City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. We recommend you email comments to ensure receipt before the public hearing.

To submit written comments for items not on the agenda please contact Zachery Cardoso, Administrative Analyst, at zcardoso@cityofsalem.net or 503-540-2304.

Staff Reports and presentations for this meeting will be available at this link, see "Agendas and Meeting Minutes": <https://www.cityofsalem.net/government/boards-commissions/hearings-officer>

Special accommodations are available, upon request, for persons with disabilities or those needing sign language interpretation, or languages other than English. To request accommodations or services, please call 503-540-2371 (TTD/TTY 503-588-6439) at least two business days in advance.

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 97. The City of Salem also fully complies with Title VI of the Civil Rights Act of 1964, Americans with Disabilities Act of 1990, and related statutes and regulations, in all programs and activities.

**HEARINGS OFFICER
PUBLIC HEARING PROCEDURES**

THE STATEMENT OF CRITERIA WILL BE READ BEFORE EACH HEARING

THE HEARING WILL BE CONDUCTED with the staff presentation first, followed by the applicant's case presentation (limited to a total of 15 minutes), neighborhood organization comments (limited to a total of 10 minutes), testimony of persons either in favor or opposition (limited to 5 minutes each, discretionary), and a rebuttal opportunity for the applicant (limited to 5 minutes), should opposition be raised. The Hearings Officer may ask questions between or after presentations/testimony. The public testimony portion will then be closed

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 that the hearing be continued or that the record be left open for submission of additional evidence or testimony.

HEARINGS OFFICER DECISIONS are based on the criteria contained in the Salem Revised Code. Applicable criteria for each case, referenced in the public hearing notice and staff report, can be found in the Salem Revised Code. Applications may be approved, conditionally approved, or denied on the basis of conformity with the applicable criteria. Conditions of approval may be placed on an approval to ensure the proposal complies with all applicable portions of the Salem Revised Code.

ALL ISSUES MUST BE RAISED AT THE HEARING. Failure to raise an issue, accompanied by statements or evidence sufficient to afford the parties an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals (LUBA) on that issue. A similar failure to raise constitutional issues relating to any proposed conditions of approval precludes an action for damages in Circuit Court.

Salem Revised Code (SRC) and other informative documents may be accessed online at:
<https://www.cityofsalem.net/business/land-use-zoning>