

TO: HEARINGS OFFICER

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

SUBJECT: **CONDITIONAL USE / CLASS 3 SITE PLAN REVIEW CASE NO. CU-SPR24-01**
4340 COMMERCIAL ST SE SUITE 110 – 97302
AMANDA NO. 23-123757-PLN

REQUEST

Summary: A Conditional Use Permit and Class 3 Site Plan Review for a new motor vehicle rental office.

Request: A consolidated application for a Conditional Use Permit and Class 3 Site Plan Review to establish a new motor vehicle and manufactured dwelling and trailers sales use in an existing suite. The subject properties are 1.32 acres in size, zoned MU-III (Mixed Use) and located at 4340 Commercial St SE Suite 110 (Marion County Assessor's Map and Tax Lot Numbers 083W10AD1 / 400; 201)

A vicinity map illustrating the location of the properties is attached hereto and made a part of this staff report (**Attachment A**).

APPLICANT: Thomas Di Benedetto, TPD Architects, on behalf of the Hertz Corporation

OWNER: Rushing Commercial Crossing LLC (Bonita K Rushing)

AGENT: Same as Applicant

APPLICATION PROCESSING

On December 8, 2023, Conditional Use Permit and Class 3 Site Plan Review applications were accepted for processing. After receiving additional information, the collective applications were deemed complete for processing on January 23, 2023. The 120-day state mandated decision deadline for this collective application is May 22, 2024.

The public hearing before the City of Salem Hearings Officer is scheduled for February 14, 2024, at 5:30 p.m. Notice of public hearing was sent by mail to surrounding property owners and tenants pursuant to Salem Revised Code (SRC) requirements on January 25, 2024. Public hearing notice was also posted on the property on February 2, 2024 pursuant to SRC requirements.

PROPOSAL

The applicant has submitted Conditional Use Permit and Class 3 Site Plan Review applications for a change of use for a new *Motor vehicle and manufactured dwelling and trailer sales and services* use in the MU-III zone, for an existing tenant space located at 4340 Commercial St SE, Suite 110 and an abutting parking lot to be used for vehicle storage.

The development site consists of two separate units of land, where the north parcel is developed with two existing buildings 4,784 square feet (Building 1) and 4,576 square feet in size (Building 2), and an associated parking lot on the south parcel. The applicant is requesting a change of use for a tenant space of approximately 1,811 square feet within Building 2 to be used for a car rental office with vehicle storage in eleven parking spaces on the adjacent lot, labeled Parking Area B on the site plan (**Attachment B**).

SUMMARY OF RECORD

The following items are submitted to the record and are available upon request: 1) All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; 2) any materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public; and 3) all documents referenced in this report. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You can use the search function without registering and enter the permit number listed here: 23 123757.

APPLICANT'S MATERIALS

The applicant's site plan is included as **Attachment B**, and the applicant's statement addressing the applicable approval criteria for the consolidated applications can be found in the record, accessible online as indicated above.

FACTS AND FINDINGS

1. Salem Area Comprehensive Plan (SACP) designation

The applications were submitted on December 8, 2023. At the time this application was submitted, the Salem Area Comprehensive Plan (SACP) map designation for the subject property is Mixed Use.

2. Zoning and Surrounding Land Uses

The applications were submitted on December 8, 2023. The subject properties are currently zoned MU-III (Mixed Use-III) as of August 25, 2022, with the changes implemented with the City's Our Salem project.

The zoning designation of surrounding properties is as follows:

North: MU-III (Mixed Use-III) Zone; RM-II (Multiple-Family Residential) Zone

South: MU-III (Mixed Use-III) Zone

East: RS (Single-Family Residential) Zone

West: Across Commercial St SE, MU-III (Mixed Use-III) Zone; MU-I (Mixed Use-I) Zone

3. Site Analysis

The proposal is part of a development site consisting of two units of land totaling 1.32 acres in size with 118 feet of frontage along Commercial St SE, which is designated as a Major Arterial Street in the Salem Transportation System Plan (TSP). The subject property is located within the Urban Growth Boundary and within the Urban Service Area.

4. Neighborhood and Citizen Comments

The subject property is located within the Morningside Neighborhood Association and adjacent to the Faye Wright Neighborhood Association, across Commercial St SE and Sunnyside Rd SE. Pursuant to SRC Chapter 300, the applicant is required to contact the Neighborhood Association prior to submittal of this consolidated application. On December 19, 2023, the applicant contacted the Morningside Neighborhood Association and Faye Wright Neighborhood Association, meeting the requirements of SRC 300.310(c). Notice was provided to the Morningside Neighborhood Association and Faye Wright Neighborhood Association, and to surrounding addresses, property owners, and tenants within 250 feet of the subject property.

At the time of this staff report, one public comment was received from the owner and manager of the neighboring apartments to the north. The comment asked what the hours of operation of the proposed development will be, and indicated concerns the proposed development will increase noise from traffic and asked whether lighting is proposed that would shine onto the apartments. The comment also indicated concerns with the stability of the parking lot and also indicated current maintenance of the development site has resulted in dirt/mud and debris and leaves being blown off the development site and down to the neighboring property.

Staff Response: As indicated in the applicant's written statement, the hours of operation will be limited to Monday through Friday, from 8:00 am to 5:00 pm. No service or maintenance of vehicles will be performed on site. The parking area of the development site (labeled Parking Area B on the site plan) is proposed to be used for vehicle storage of the rental cars only. The properties are developed with two existing buildings and an associated parking area, which includes existing lighting; however, the lot proposed for the storage of the rental vehicles (Parking Area B) does not include any existing lighting. The applicant has not proposed any additional lighting to the development site; however, to address this concern, the following condition shall apply:

Condition 1: Any additional lighting installed on the development site shall conform to the lighting standards of SRC 800.060 and shall not shine or reflect onto adjacent properties, or cause glare onto the public right-of-way; exterior fixtures shall be located and designed so that the light source, when viewed at a height of five feet above the ground at a distance of five feet outside the boundary of the lot, shall be either completely shielded from direct view or no greater than five-foot candles in illumination.

Property maintenance, including issues such as blowing leaves onto neighboring properties, is not an applicable approval criteria for a conditional use permit or site plan review permit.

With regards to the stability of the parking lot, as addressed in the Development Services memo, there are no mapped landslide hazards on the subject property.

5. City Department and Public Agency Comments

Notice of the proposal was provided to City Departments, public agencies, and to public & private service providers. The following comments were received:

City of Salem Development Services Division: Reviewed the proposal and provided a memo which is included as **Attachment C**.

City of Salem Building and Safety Division: Reviewed the proposal and indicated no concerns.

City of Salem Fire Department: Reviewed the proposal and indicated no concerns.

DECISION CRITERIA FINDINGS

6. Analysis of Conditional Use Criteria

Salem Revised Code (SRC) Chapter 240.005(a)(1) provides that no building, structure, or land shall be used or developed for any use which is designated as a conditional use in the UDC unless a conditional use permit has been granted pursuant to this Chapter.

Salem Revised Code (SRC) 240.005(d) provides that an application for a Conditional Use Permit shall be granted if the following criteria are met.

SRC 240.005(d)(1): The proposed use is allowed as a conditional use in the zone.

Finding: The proposal includes development of a rental office for passenger vehicles, which is classified as a *Motor vehicle, trailer, and manufactured dwelling sales and services* use. In the MU-III zone, *Motor vehicle sales* uses require a Conditional Use Permit; therefore, a Conditional Use Permit is required to establish the proposed use on the subject property.

SRC 240.005(d)(2): The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions.

Finding: The proposed *Motor vehicle sales* use is limited to the rental of passenger vehicles only. The applicant's written statement indicates no fueling, maintenance, or other vehicle services will be provided on site, and the number of rental vehicles will be limited to 13. The rental office is consistent with the character of the Commercial Street SE corridor, in which other commercial and retail sales uses, as well as other motor vehicle service uses, can be found, and is a reasonably compatible use for the area.

The proposed development includes a new motor vehicle rental office within an existing building at the east end of the development site. The existing tenant space has ground floor windows and an entrance facing the interior parking area and toward the street, with a striped pedestrian path leading directly to the public sidewalk on Commercial St SE. The existing building contains three tenant suites. The applicant proposes to occupy Suite 110 for use of

the vehicle rental office, with two parking spaces in front of the suite and eleven spaces in the adjacent lot (labeled Parking Area B on the site plan) to be used to be used for rental vehicles. No exterior additions or alterations are proposed to the development site, and the parking area for the rental vehicles is entirely screened by existing landscaping from the abutting properties to the south and east. The amount of average daily trips expected to the site does not require a traffic impact analysis and is expected to have minimal impact on the immediate area.

To mitigate the impacts of the rental vehicle storage on the development site from the neighboring properties and uses, the following condition shall apply:

Condition 2: The operation shall be limited to the proposed 13 rental vehicles on the development site at a time.

As conditioned, staff finds that the proposed development will have a minimal impact on the immediate neighborhood.

SRC 240.005(d)(3): The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.

Finding: The subject property previously operated as a salon and the other two suites in the building are occupied by a marijuana dispensary. All other suites on the development site are currently vacant. Adjacent neighboring properties include the following uses:

North: A gas station and car wash, an RV park, and a multiple-family apartment complex.

South: An office complex and hotel.

East: Single-family dwellings.

West: Across Commercial St SE and Sunnyside Rd SE, an office complex, single-family dwelling, and a vacant lot.

The property is located along a commercial corridor with uses that share a similar impact, with several offices and business services, motor vehicle services, as well as residential uses on the abutting properties to the north and east. The applicant's written statement indicates hours of operation will be limited to Monday through Friday from 8:00 am to 5:00 pm, similar to other office and business services in the area.

7. Analysis of Class 3 Site Plan Review Approval Criteria

Salem Revised Code (SRC) 220.005(f)(3) provides that an application for a Class 3 Site Plan Review shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

SRC 220.005(f)(3)(A): The application meets all applicable standards of the UDC.

Finding: The applicant is requesting a change of use for a tenant space within an existing building from a *Personal services* use (a salon) to a *Motor vehicle sales* use (a rental car office). The proposed site plan complies with all applicable development standards of the Unified Development Code (UDC) as follows.

Use and Development Standards – MU-III (Retail Commercial) Zone:

SRC 535.010(a) – Uses:

Table 535-1 lists permitted uses in the MU-III Zone.

Finding: The proposal includes a change of use for a tenant space of approximately 1,811 square feet within an existing building to support a vehicle rental office. The vehicle rental office is classified as a *Motor vehicle sales* use. In the MU-III zone, all *Motor vehicle sales* uses require a Conditional Use Permit; therefore, a Conditional Use Permit is required to establish the proposed use on the subject property.

SRC 535.015(a) – Lot Standards:

There are no minimum lot area or dimension requirements in the MU-III zone. All uses, other than single family, are required to have a minimum of 16 feet of street frontage.

Finding: The proposal is part of a development site consisting of two units of land totaling 1.32 acres in size with 118 feet of frontage along Commercial St SE, exceeding the minimum standard of 16 feet. No changes are proposed to the existing development site's lot size or dimensions.

SRC 535.015(c) – Dwelling unit density:

Development within the MU-III zone that is exclusively residential shall have a minimum density of 15 dwelling units per acre.

Finding: The proposal does not include development of any residential units; therefore, this standard does not apply.

SRC 535.015(c) – Setbacks:

Setbacks within the MU-III zone shall be provided as set forth in Table 535-3 and Table 535-4.

Abutting Street/Alley

West: Adjacent to the west is right-of-way for Commercial St SE. New buildings and accessory structures for uses other than household living require a minimum setback of five feet abutting a street with an allowed maximum of 30 feet, provided the setback area is used for a combination of landscaping and pedestrian amenities. Vehicle use areas require a minimum 6-10-foot setback per Chapter 806 adjacent to a street.

Interior side and rear

North: Adjacent to the north of tax lot 400 is property zoned MU-III (Mixed Use III) and RM-II (Multiple Family Residential). There is no setback for buildings and accessory structures for uses other than three and four family or multiple-family uses abutting a mixed-use zone;

abutting a residential zone, buildings and accessory structures require a minimum 10-foot setback, plus an additional 1.5 feet for each foot of building height above 15 feet, but in no case more than 50. Vehicle use areas require a minimum five-foot setback with Type A landscaping abutting a mixed-use zone, and Type C landscaping abutting a residential zone. Adjacent to the north of tax lot 201 is property zoned MU-III (tax lot 400). There is no setback for buildings and accessory structures for uses other than three and four family or multiple-family uses abutting a mixed-use zone, and vehicle use areas require a minimum five-foot setback with Type A landscaping.

South: Adjacent to the south of tax lot 400 is property zoned MU-III (Mixed Use III). There are no setbacks for buildings or accessory structures, and vehicle use areas require a minimum five-foot setback with Type A landscaping. Adjacent to the south of tax lot 201 is property zoned MU-III (Mixed Use III). There are no setbacks for buildings or accessory structures, and vehicle use areas require a minimum five-foot setback with Type A landscaping.

East: Adjacent to the east of both tax lots 400 and 201 is property zoned RS (Single Family Residential). Buildings and accessory structures require a minimum 10-foot setback, plus an additional 1.5 feet for each foot of building height above 15 feet, but in no case more than 50. Vehicle use areas require a minimum five-foot setback with Type C landscaping.

Finding: The proposed change of use does not include any changes to the square footage or height of the existing buildings or changes to the existing vehicle use areas. The vehicle use area of tax lot 400 abutting Commercial St SE is setback more than 10 feet and the existing buildings are setback more than 40 feet. Abutting the MU-III and RM-II zoned properties to the north, the vehicle use area is setback five feet and includes landscaping and a four-foot-tall privacy fence abutting the RM-III zoned property. Buildings A and B are setback 30 and 10 feet, respectively. To the south the vehicle use area is setback from the abutting MU-III zoned property by a five-foot-wide striped pedestrian path and a shared driveway to the vehicle use area of tax lot 201 (Parking Area B). To the abutting residentially zoned properties to the east, Building B is setback 20 feet with landscaping.

The vehicle use area of tax lot 201 (Parking Area B) is setback from the abutting residentially zoned properties to the east by 20 feet with existing landscaping. To the MU-III properties to the south and west, the vehicle use area is setback five feet with existing landscaping. To the north abutting the MU-III zoned property of tax lot 400, no setback is provided. Permit history for the buildings and vehicle use area on tax lot 400 did not include any development of the vehicle use area on tax lot 201. As such, the vehicle use area on tax lot 201 is an unpermitted development and may not be used until permitted through land use and building permit approval. To ensure the lot is brought into conformance, the following condition shall apply:

Condition 3: Prior to any use of the unpermitted vehicle use area on tax lot 201, the development shall be approved for site plan review and building permits, and any other applicable permits, as required by the Unified Development Code.

SRC 535.015(d) – Lot Coverage, Height:

There is no maximum lot coverage requirement. The maximum height in the MU-III zone is 70 feet.

Finding: There are no changes proposed to the existing building, which is less than 70 feet in height and is in compliance with the maximum height standard in the MU-III zone.

SRC 535.015(e) – Landscaping:

- (1) *Setbacks.* Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.
- (2) *Vehicle use areas.* Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.
- (3) *Development site.* A minimum of 15 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard set forth in SRC Chapter 807. Other required landscaping under the UDC, such as landscaping required for setbacks or vehicular use areas, may count toward meeting this requirement.
- (4) *Gasoline stations.* Gasoline stations shall be required to provide a minimum of one plant unit per 16 square feet of landscaped area. The landscaped area shall conform to the standards set forth in SRC Chapter 807.

Finding: The proposal is for interior tenant improvements and a change of use within an existing building only. No changes are proposed to the exterior of the development site that would require additional landscaping.

SRC 535.015(f) – Development standards for continued uses:

Buildings housing a continued use and existing accessory structures may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding conforms to development standards in this chapter and to all other applicable provisions of the UDC.

Finding: The proposal includes a request for a change of use, and therefore, does not classify as a continued use.

SRC 535.015(f) – Pedestrian-oriented design.

Development within the MU-III zone, excluding development requiring historic design review and multiple family development, shall conform to the pedestrian-oriented design standards set forth in this section.

- (1) *Off-street parking location.* New off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. New off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street.

Finding: The proposal is for interior tenant improvements and a change of use within an existing building only. No changes are proposed to the existing off-street parking areas; therefore, this standard does not apply.

- (2) *Drive through location.* New drive throughs shall be located behind or beside buildings and structures.

Finding: There are no drive-through areas included with the development proposal; therefore, this standard does not apply.

- (3) *Outdoor storage.* Outdoor storage of merchandise located within 50 feet of the right-of-way shall be screened with landscaping or a site-obscuring fence or wall.

Finding: The rental vehicle storage lot associated with the proposed development is not classified as outdoor storage of merchandise; therefore, this standard does not apply. The rental vehicle storage lot is screened from abutting properties with landscaping on the north, south and east sides.

- (4) *Building entrances:* For buildings within the maximum setback abutting a street, a primary building entrance for each building facade facing a street shall be facing the street. If a building has frontage on more than one street, a single primary building entrance on the ground floor may be provided at the corner of the building where the streets intersect.

Finding: The proposal is for interior tenant improvements and a change of use within an existing building only. No changes are proposed to the existing building, which is not within the maximum setback abutting a street but does include a primary entrance facing west towards the interior parking area and street frontage.

- (5) *Ground-floor windows.* For buildings within the maximum setback abutting a street, ground floor building facades facing that street shall include transparent windows on a minimum of 50 percent of the ground floor facade. The windows shall not be mirrored or treated in such a way as to block visibility into the building. The windows shall have a minimum visible transmittance (VT) of 37 percent.

Finding: The proposal is for interior tenant improvements and a change of use within an existing building only. No changes are proposed to the existing building, which is not within the maximum setback abutting a street; therefore, this standard does not apply.

General Development Standards SRC 800

SRC 800.055(a) – Applicability.

Solid waste service area design standards shall apply to all new solid waste, recycling, and compostable services areas, where use of a solid waste, recycling, and compostable receptacle of 1 cubic yard or larger is proposed.

Finding: The proposal is for interior tenant improvements and a change of use only and does not include a new solid waste service area; therefore, this section is not applicable to the proposal.

SRC 800.065 – Pedestrian Access.

Except where pedestrian access standards are provided elsewhere under the UDC, all developments, other than single family, two family, three family, four family, and multiple family developments, shall include an on-site pedestrian circulation system developed in conformance with the standards in this section. For purposes of this section development means the construction of, or addition to, a building or accessory structure or the construction of, or alteration or addition to, an off-street parking or vehicle use area. Development does not include construction of, or additions to, buildings or accessory structures that are less than 200 square feet in floor area.

When a development site is comprised of lots under separate ownership, the pedestrian access standards set forth in this section shall apply only to the lot, or lots, proposed for development, together with any additional contiguous lots within the development site that are under the same ownership as those proposed for development.

Finding: The proposal is for interior tenant improvements and a change of use only and does not meet the definition of development, as defined in this chapter; therefore, this section is not applicable to the proposal.

Off-Street Parking, Loading, and Driveways SRC 806

SRC 806.015 – Amount Off-Street Parking.

(a) *Maximum Off-Street Parking.* Except as otherwise provided in this section, and unless otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-1. For the purposes of calculating the maximum amount of off-street parking allowed, driveways shall not be considered off-street parking spaces.

Finding: The proposal is for interior tenant improvements and a change of use only. The proposed *Motor vehicle sales* use is located within a *Shopping center*, which is allowed a maximum of one parking space per 200 square feet of gross building floor area. The two buildings on the development site have a combined square footage of 9,050 square feet, allowing a maximum of 45 parking spaces ($9,050 / 200 = 45.25$). There are an existing 37 parking spaces on tax lot 400, meeting the allowed maximum. As conditioned above, the unpermitted vehicle use area on tax lot 201 (Parking Area B) shall not be used until land use and building permit approval is granted.

(b) *Compact Parking.* Up to 75 percent of the off-street parking spaces provided on a development site may be compact parking spaces.

Finding: There are three existing compact parking spaces in the vehicle use area on tax lot 201 (Parking Area B), and no new off-street parking spaces are proposed.

(c) *Carpool and Vanpool Parking.* New developments with 60 or more off-street parking spaces, and falling within the Public Services and Industrial use classifications, and the Business and Professional Services use category, shall designate a minimum of five percent of their total off-street parking spaces for carpool or vanpool parking.

Finding: The proposal is not for development of a new Public Services or Industrial use with 60 or more parking spaces; therefore, this standard does is not applicable.

(d) *Required electric vehicle charging spaces.* For any newly constructed building with five or more dwelling units on the same lot, including buildings with a mix of residential and nonresidential uses, a minimum of 40 percent of the off-street parking spaces provided on the site for the building shall be designated as spaces to serve electrical vehicle charging. In order to comply with this subsection, such spaces shall include provisions for electrical service capacity, as defined in ORS 455.417.

Finding: The proposed development does not include any dwelling units; therefore, this standard is not applicable.

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

(a) *General Applicability.* The off-street parking and vehicle use area development standards set forth in this section apply to:

1. The development of new off-street parking and vehicle use areas;
2. The expansion of existing off-street parking and vehicle use areas, where additional paved surface is added;
3. The alteration of existing off-street parking and vehicle use areas, where the existing paved surface is replaced with a new paved surface; and
4. The paving of an unpaved area.

Finding: The development does not include any changes to the existing off-street parking and vehicle use area; therefore, these standards are not applicable.

Bicycle Parking

SRC 806.045 – General Applicability.

Bicycle parking shall be provided and maintained for each proposed new use or activity.

SRC 806.050 – Proximity of Bicycle Parking to use or Activity Served.

Bicycle parking shall be located on the same development site as the use or activity it serves.

SRC 806.055 – Amount of Bicycle Parking.

Unless otherwise provided under the UDC, bicycle parking shall be provided in amounts not less than those set forth in Table 806-9.

Finding: The proposal includes a change of use from a *Personal services* use to a *Motor vehicle sales* use within an existing 1,811 square foot suite in a *Shopping center*. A *Shopping center* requires the greater of four bicycle parking spaces or one space per 5,000 square feet. The two buildings on the development site have a combined square footage of 9,050 square feet; therefore, four bicycle parking spaces are required on the development site. The applicant's site plan indicates there are an existing four bicycle parking spaces on the development site, meeting the minimum requirement.

SRC 806.060 – Bicycle Parking Development Standards.

Bicycle parking areas shall be developed and maintained as set forth in this section.

- (a) *Location.* Short-term bicycle parking located outside a building shall be located within a convenient distance of, and be clearly visible from, the primary building entrance. In no event shall bicycle parking areas be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route.
- (b) *Access.* Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area
- (c) *Dimensions.* Except as provided for bicycle lockers, bicycle parking spaces shall be a minimum of 6 feet in length and 2 feet in width, with the bicycle rack centered along the

long edge of the bicycle parking space. Bicycle parking space width may be reduced, however, to a minimum of three feet between racks where the racks are located side-by-side. Bicycle parking spaces shall be served by a minimum 4-foot-wide access aisle. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

- (d) *Surfacing.* Where bicycle parking is located outside a building, the bicycle parking area shall consist of a hard surface material, such as concrete, asphalt pavement, pavers, or similar material, meeting the Public Works Design Standards.
- (e) *Bicycle Racks.* Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall meet the following standards:
 - (1) Racks must support the bicycle frame in a stable position, in two or more places a minimum of six inches horizontally apart, without damage to wheels, frame, or components.
 - (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;
 - (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
 - (4) Racks shall be securely anchored.
 - (5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-10.

Finding: The applicant's site plan indicates there are four existing bicycle parking spaces on site, and no additional bicycle parking is required; therefore, these standards do not apply.

Off-Street Loading Areas

SRC 806.065 – General Applicability.

Off-street loading areas shall be provided and maintained for each proposed new use or activity.

SRC 806.070 – Proximity of Off-Street Loading Areas to use or Activity Served.

Off-street loading shall be located on the same development site as the use or activity it serves.

SRC 806.075 – Amount of Off-Street Loading.

Unless otherwise provided under the UDC, off-street loading shall be provided in amounts not less than those set forth in Table 806-11.

Finding: The proposed *Motor vehicle sales* use is located in a tenant suite 1,811 square feet in size. Per Table 806-11, a *Motor vehicle sales* use less than 5,000 square feet does not require a loading space. This standard is met.

Landscaping

SRC 807 – Landscape and Screening: 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.

Finding: The proposal is for interior tenant improvements and a change of use within an existing building only. No changes are proposed to the exterior of the development site that would require additional landscaping.

Natural Resources

SRC 601 – Floodplain: Development in the floodplain shall be regulated to preserve and maintain the capability to the floodplain to convey the flood water discharges and to minimize danger to life and property.

Finding: 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.

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 20 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.

Finding: There are no protected trees identified on the subject property.

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.

Finding: According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property does not contain any wetland areas or hydric soils.

SRC 810 – Landslide Hazards: A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area.

Finding: 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.

SRC 802 – Public Improvements, SRC 803 – Streets and Right-of-Way Improvements, SRC 804 – Driveway Approaches, and SRC 805 – Vision Clearance: With completion of the conditions of approval, the subject property meets all applicable standards of the following chapters of the UDC.

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 subject property abuts Commercial St SE, which is classified as a Major Arterial Street according to the Salem Transportation System Plan (TSP). Commercial St SE is fully developed and meets the minimum right-of-way width and pavement standards of the TSP; therefore, no additional street improvements are required as a condition of approval for the proposed development.

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 subject property is served by one existing driveway approach onto Commercial St SE; no changes to the existing driveway access are proposed. The existing driveway access onto Commercial St SE provides for safe turning movements into and out of the property and does not warrant modification.

SRC 220.005(f)(3)(D): 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 subject property is located inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit is required. The Development Services Division has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development. The applicant is not proposing any new connections to public utility infrastructure.

RECOMMENDATION

Based upon the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer **APPROVE** the request for a Conditional Use and Site Plan Review consolidated application for the proposed development of a *Motor vehicle sales* vehicle rental office and associated vehicle storage use, located at 4340 Commercial St SE Suite 110, subject to the following conditions of approval:

CONDITIONS OF APPROVAL:

- Condition 1:** Any additional lighting installed on the development site shall conform to the lighting standards of SRC 800.060 and shall not shine or reflect onto adjacent properties, or cause glare onto the public right-of-way; exterior fixtures shall be located and designed so that the light source, when viewed at a height of five feet above the ground at a distance of five feet outside the boundary of the lot, shall be either completely shielded from direct view or no greater than five-foot candles in illumination.
- Condition 2:** The operation shall be limited to the proposed 13 rental vehicles on the development site at a time.

Condition 3: Prior to any use of the unpermitted vehicle use area on tax lot 201, the development shall be approved of site plan review and building permits, and any other applicable permits, as required by the Unified Development Code.

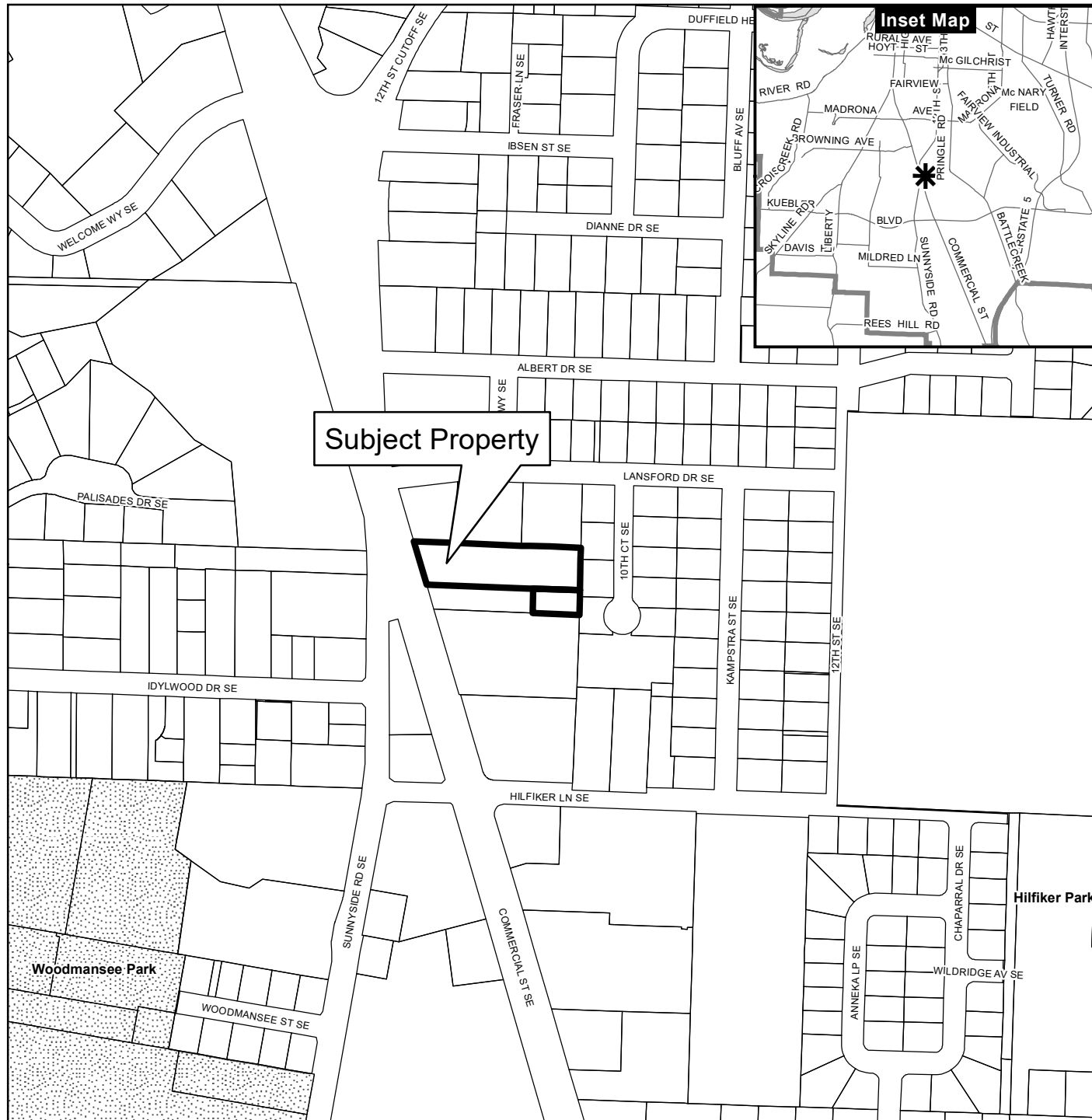
Prepared by Peter Domine, Planner II

Attachments: A. Vicinity Map
B. Applicant's Site Plan
C. City of Salem Development Services Memo

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Vicinity Map

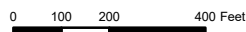
4340 Commercial St SE Suite 110



Subject Property

Legend

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



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PROJECT SCORE:

OWNER OF THE FIRST CORPORATION, WE ARE REQUESTING A LETTER OF SALES CONTRACTUAL USE BEING FOR A BEST INTEREST OF THE CITY OF SALEM, OREGON. THE PROPOSED PROJECT IS A 10-STORY OFFICE BUILDING WITH A BEST INTEREST OF THE CITY OF SALEM, OREGON. THE PROPOSED PROJECT IS A 10-STORY OFFICE BUILDING WITH A BEST INTEREST OF THE CITY OF SALEM, OREGON. THE PROPOSED PROJECT IS A 10-STORY OFFICE BUILDING WITH A BEST INTEREST OF THE CITY OF SALEM, OREGON.

SALM OREGON CODE OF ORDINANCES, TITLE X, UNIMPROVED DEVELOPMENT, CHAPTER 886-005, SECTION 886.005 - MAXIMUM OF OFF-STREET PARKING, TABLE 886.005.1, MAXIMUM OFF-STREET PARKING RATIO, SHEET 11 OF 11

1.81 SF HERTZ TENANT SPACED 200 SF = 10 PARKING STALLS REQUIRED

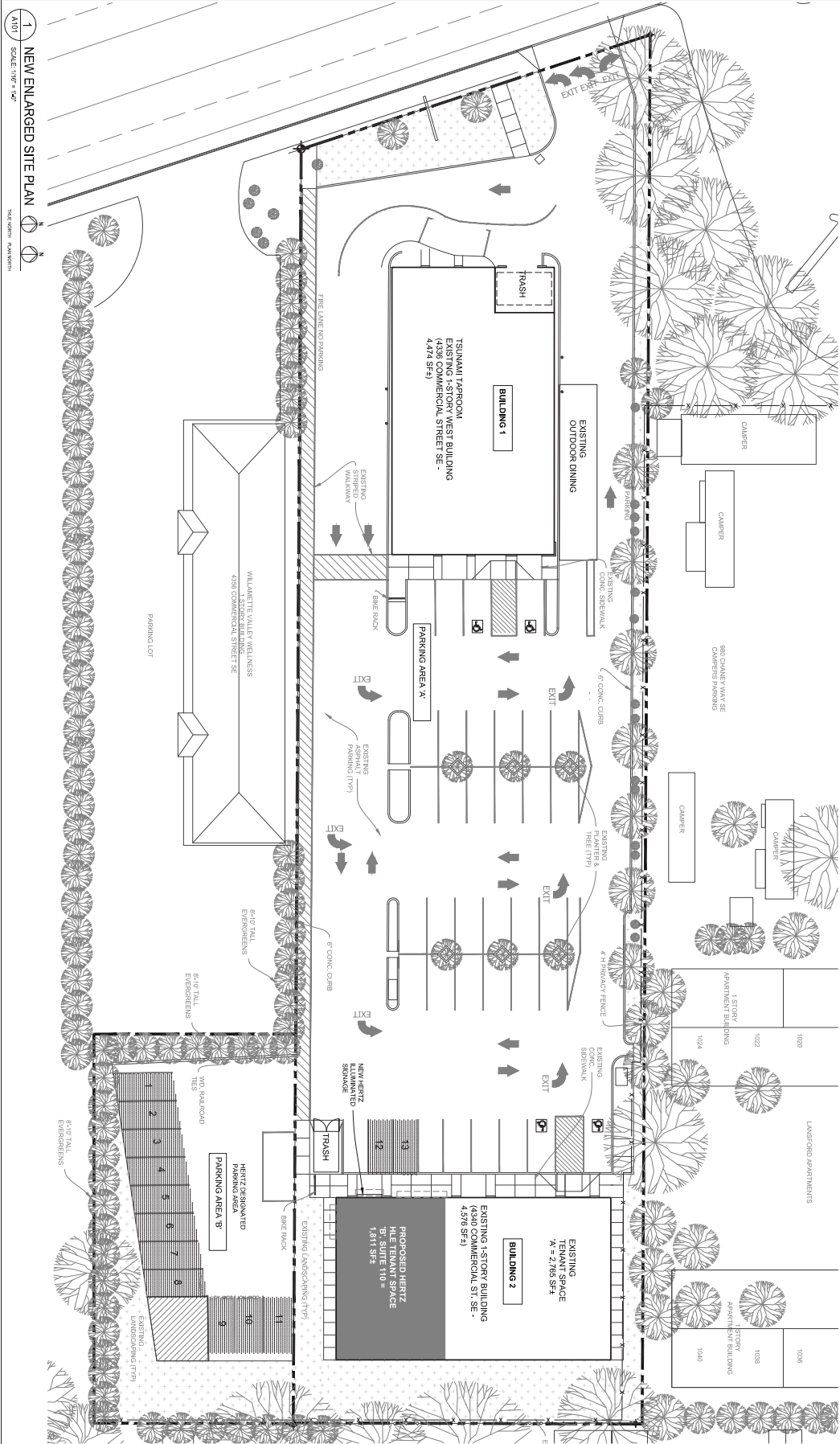
HERTZ DESIGNATED PARKING STALLS: 13 PARKING STALLS PROVIDED

PARKING ANALYSIS:

EXISTING PARKING STALL COUNT	PARKING AREA 'A'	STANDARD PARKING STALLS	HERTZ DESIGNATED PARKING STALLS	PARKING AREA 'B'	STANDARD PARKING STALLS	HERTZ DESIGNATED PARKING STALLS	TOTAL HERTZ PARKING STALLS
34	34	34	2	11	11	11	13

PROPERTY INFORMATION:

PROPOSED TENANT: THE HERTZ CORPORATION
 PROPOSED ADDRESS: 4358 COMMERCIAL STREET SE, SALEM, OR 97302
 PROPOSED TENANT: HERTZ CAR RENTAL, HERTZ EQUIPMENT RENTAL, HERTZ TRUCK RENTAL, HERTZ TRAILER RENTAL, HERTZ TRUCKS & SERVICES INCLUDING RENTAL, HERTZ SALES & SERVICES, PERSONAL SERVICES, SALON, LAUNDRY AND BULKY BAK, SALON AND SPA
 ZONE: M-1A
 PREVIOUS TENANT: YES
 COP/REQ. MFG: YES



1 NEW ENLARGED SITE PLAN
 SCALE: 1/8" = 1'-0"
 NORTH

TPD ARCHITECTS, LLC
 ARCHITECTS PLANNING ENGINEERS BUILDERS

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LOCATION MAP

REVISION	DESCRIPTION	DATE
	HERTZ CAR RENTAL SALEM, OREGON HIE OFFICE SUITE FIT-OUT THE HERTZ CORPORATION 1000 COMMERCIAL STREET SE SALEM, OREGON 97302	

NEW SITE PLAN ENLARGED

JOB NO: 4992023 CHECKER: TPD/AMD
 DRAWN: JCH/TPD DATE: 11-16-2023
 WORK NO:
 DRAWING NO: **A101**



MEMO

TO: Peter Domine, Planner II
Community Planning and Development Department

FROM: Shelby Guizar, Infrastructure Planner I
Community Planning and Development Department *Shelby Guizar*

DATE: January 30, 2024

SUBJECT: **Infrastructure Memo**
CU-SPR24-01 (23-123757-PLN)
4340 Commercial Street SE
Tenant Improvement for Motor Vehicle Rental Office

PROPOSAL

A consolidated application for a Conditional Use Permit and Class 3 Site Plan Review to establish a new motor vehicle and manufactured dwelling and trailers sales use in an existing suite. The subject properties are 1.32 acres in size, zoned MU-III (Mixed Use) and located at 4340 Commercial St SE Suite 110 (Marion County Assessors Map and Tax Lot Numbers 083W10AD1 / 400; 201).

SUMMARY OF FINDINGS

The proposed development meets applicable criteria related to public infrastructure.

FACTS

Streets

1. Commercial Street SE
 - a. Standard—This street is designated as a major arterial street in the Salem TSP. The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way.
 - b. Existing Conditions—This street has an approximate 80-foot improvement within a variable right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions

Code authority references are abbreviated in this document as follows: *Salem Revised Code* (SRC); *Public Works Design Standards* (PWDS); *Salem Transportation System Plan* (Salem TSP); and *Stormwater Management Plan* (SMP).

- a. A 12-inch storm main is located in Commercial Street SE.

Water

1. Existing Conditions

- a. The subject property is located in the S-2 water service level.
- b. An 8-inch water main is located in Commercial Street SE.

Sanitary Sewer

1. Existing Conditions

- a. An 8-inch sewer main is located along the eastern property line of the subject property within an easement.

CRITERIA AND FINDINGS—SITE PLAN REVIEW

Analysis of the development based on relevant criteria in SRC 220.005(f)(3) is as follows:

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.

According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property does not contain any wetland areas or hydric soils.

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 subject property abuts Commercial Street SE which is classified as a major arterial street according to the Salem Transportation System Plan (TSP). Commercial Street SE is fully developed and meets the minimum right-of-way width and pavement width standards pursuant to the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed development.

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 subject property is served by one existing driveway approach onto Commercial Street SE; no changes to the existing driveway access are proposed. The existing driveway access onto Commercial Street SE provides for safe turning movements into and out of the property and does not warrant modification.

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 subject property is located inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit is required. The Development Services Division has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development. The applicant is not proposing any new connections to public utility infrastructure.

Prepared by: Shelby Guizar, Infrastructure Planner I
cc: File