

TO: Hearings Officer

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

DATE: January 26, 2022

SUBJECT: **Conditional Use Permit, Site Plan Review, Adjustment Driveway Approach Permit and Design Review Case No. CU-SPR-DAP-DR21-05 – 4900 Block of State Street – 97301; Supplemental Staff Report**

On December 22, 2021, a public hearing was conducted for a proposed twenty-six building apartment complex with a total of 291 dwelling units with associated site improvements for property located at the 4900 Block of State Street.

The Hearings Officer continued the public hearing to January 26, 2022 to allow for additional findings and testimony to be submitted. At the December 22, 2021 hearing the applicant granted a 35-day time extension to the state mandated decision deadline for this collective application to allow for additional time for the continued hearing, extending the deadline from March 31, 2022 to May 5, 2022.

On January 24, 2022, the applicant submitted an updated site plan (Sheet SDR3) and building elevation plans (**Attachment A**). On January 26, 2022 the applicant submitted an updated written response. The following is a staff response to the applicant's updated plans and findings (**Attachment B**).

1) Updated Plans – Sheet SDR 3 and Building Elevations

The applicant's updated site plan provides five key changes from the site plan provided for the December 22, 2021 hearing.

a. Driveway to State Street has been removed.

The site plan provided for the December 22, 2021 hearing included a driveway approach with direct access to State Street. State Street is classified as a major arterial in the Salem Transportation System Plan, and the minimum driveway spacing standard between driveway approaches or intersection is 370 feet per SRC 804.035, the proposed driveway was approximately 275-feet from the intersection of Greencrest Street NE, and did not comply with minimum standards. The driveway has been removed. Primary access for the proposed multi-family use is now from Greencrest Street NE and secondary access is provided by Stella Street NE, however Stella Street NE will not be constructed until Phased 5 of the East Park Estates Planned Unit Development.

The Fire Department will require a minimum of two approved points of access for the apartment complex. Greencrest Street NE is scheduled to be complete with Phase 3 of the East Park Estates Planned Unit Development and Stella Street NE is scheduled to be complete with Phase 5. If the Hearings Officer approves the proposed multi-family development, Stella Street NE may be constructed later than the multi-family development, the applicant will need to provide a means for secondary access to the site, which may mean construction of Stella Street NE prior to Phase 5.

- b. A pedestrian pathway has been added on the east side of buildings 23 and 28.

The site plan provided for the December 22, 2021 hearing did not include a pedestrian connection on the east side of buildings 23 and 28. A pedestrian connection between the adjacent parking area and building entrance is required per SRC 702.020(d)(4). The applicant's updated site plan provides this missing pedestrian connection, staff has no further concerns.

- c. Adjusted bicycle parking location.

The site plan provided for the December 22, 2021 hearing showed required bicycle parking spaces in a location that was further than 50 feet from a primary building entrance, and therefore not in compliance with the bicycle parking location standards in SRC 806.060(a)(1). The applicant's updated site plan shifted the location of the bicycle parking space near Building 21 in a location within 50 feet of a primary building entrance consistent with the standards in SRC 806.060(a)(1), staff has no further concerns.

- d. Additional window area.

The building plans and elevations provided for the December 22, 2021 hearing showed that windows were not provided in habitable rooms at the end elevations for proposed buildings 1-8, 10, 14-20, 22, 25 and 27 which is not in compliance with the multi-family design standards for site safety and security. The applicant's update building plans identify additional windows provided in habitable rooms in compliance with the multi-family design standards, staff has no further concerns.

- e. Applicant has updated the site plan showing a new line to measure setbacks between the proposed multi-family use and a future commercial use.

The site plan provided for the December 22, 2021 hearing included a shared drive aisle between the proposed multi-family use and a future commercial use in the southwest corner of the property. Staff had previously noted that a shared drive aisle is not allowed to be located across the common property line separating the two uses and had also expressed concerns with compatibility between the multi-family use and a future gasoline service station and convenience store.

The updated site plan changes the location where the setback is measured but does not explain if the property line is shifting to this new location, to add to the

confusion, the line identifying the limits for the project seem to include development of drive aisles and parking spaces for the future commercial use. If the property line is shifting to the new bold line, then the multi-family use is required to have a minimum 10-foot wide landscaped setback per Table 522-3 meeting the Type C standard set forth in Chapter 807 along this line. In addition to landscaping, the Type C Standard includes the requirement for a six-foot-tall fence or wall. The applicant does not indicate how fencing will be provided for the site. Fencing could further complicate pedestrian access from the site to Greencrest Street and State Street. Provisions for access easements across the future commercial property and the proposed multi-family use are also not addressed on the updated site plan.

Staff's concern regarding compatibility has not been addressed with the revised method for measuring the required setbacks between uses. The update site plan continues to provide shared vehicle access between the proposed commercial use and the multi-family use while further limiting pedestrian access to the multi-family use.

2) Conclusion

While the applicant has addressed some of the deficiencies relating to the multi-family design review standards and development standards in the CR zone, the proposal does not adequately demonstrate the required setbacks and separation between the proposed multi-family use and future commercial use are in compliance with City standards. In addition, the concerns identified by staff in the findings for the Conditional Use Permit request regarding the compatibility of the proposed multi-family use for the subject property have not been addressed by the updated plans. Staff recommends that the Hearings Officer deny the Conditional Use Permit and Class 3 Site Plan Review applications for these reasons.

City staff has not had adequate time to review and respond to the issues identified in the January 26, 2022 updated written statement provided by the applicant. **Staff asks that the Hearings Officer close the public hearing and leave the record open to allow for a formal response by staff.**

Attachments:

- A. Applicant's Updated Plans Dated January 25, 2022
- B. Applicant's Updated Written Statement Dated January 26, 2022