

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005



*Si necesita ayuda para comprender esta información, por favor llame
503-588-6173.*

ADMINISTRATIVE DECISION FOR CLASS 2 TIME EXTENSION

CASE NO.: DR-ZC-VAR-SPR12-04EXT2
AMANDA NOS.: 16-115150-ZO & 16-115153-DR
DATE OF DECISION : September 9, 2016
PROPERTY LOCATION: 910 Front Street NE / 97301
OWNER: Harmon Com, LLC (Elizabeth R. Harmon)
APPLICANT: Harmon Com, LLC (Elizabeth R. Harmon)

REQUEST

A Class 2 Time Extension request to extend a discretionary design review approval and two variance approvals that were issued by the Salem Planning Commission in 2012 for a proposed wellness clinic (Case No. DR-ZC-VAR-SPR12-04). The design review approval was to ensure the wellness clinic within an existing building and a new parking area met the Riverfront Overlay Zone design guidelines. The first variance approval reduced the minimum required off-street parking from 118 to 31 spaces, and the other variance is to eliminate a 5-foot-wide landscaped strip requirement on the east interior property line. The property is approximately 0.88 acre in size, zoned CB (Central Business District), within the Riverfront Overlay Zone, and located at 910 Front Street NE (Marion County Assessor's Map and Tax Lot number: 073W22AC / 2900).

BACKGROUND

On August 9, 2016, an extension request was submitted by the applicant seeking to extend the approval of the design review and variance components of the consolidated design review, zone change, variance, and site plan review approval (DR-ZC-VAR-SPR12-04) for a period of two years.

The consolidated approval, which was approved in 2012, was to establish a wellness clinic within an existing building. On August 17, 2016, the application was deemed complete and public notice was provided pursuant to Salem Revised Code (SRC) requirements.

On October 21, 2014, a Class 2 Extension was granted to extend the approvals of the proposed wellness clinic for two years, to September 6, 2016 (Case No. DR-VAR-SPR12-04EXT2). On August 9, 2016, the applicant submitted a request to extend the approvals for an additional period of two years, to September 6, 2018. Under the Class 2 Extension granted in DR-ZC-VAR-SPR12-04EXT2, the Design Review and Variance approvals would expire on September 6, 2016. SRC 300.850(b)(1) provides that no extensions are allowed for Site Plan Review approvals.

FINDINGS

1. Consolidated Case DR-ZC-VAR-SPR12-04 was originally approved on August 22, 2012 (Attachment B). However, due to overall market conditions, the applicant was not able to commence with development of the project within the initial 2-year expiration period. In 2014, the applicant was granted a 2-year extension of the approval (Case No. DR-ZC-VAR-SPR12-04EXT1), which extended the expiration period for Design Review and Variance approvals to September 6, 2016.

2. The Site Plan Review approval is not eligible for an extension pursuant to SRC 300.850(b)(1), and the September 6, 2014 expiration date for that approval remains unchanged. Under the City's Unified Development Code, extension requests are classified under one of the following two classes:

- **Class 1 Extension.** A Class 1 Extension is an extension that applies when there have been no changes to the standards and criteria used to approve the original application; or
- **Class 2 Extension.** A Class 2 Extension is an extension that applies when there have been changes to the standards and criteria used to approve the original application, but such changes to the standards and criteria would not require modification of the original approval.

Because there have been changes to the standards and criteria used to approve the original application, this new extension request is classified as a Class 2 Extension.

3. Neighborhood Association and Citizen Comments

- a. The subject property is located within the Central Area Neighborhood Development Organization (CAN-DO). The neighborhood association was notified of the proposal and did not comment.
- b. All property owners within 250 feet of the subject property were mailed notification of the proposal. No comments were received.

4. City Department and Public Agency Comments

The Building and Safety, Public Works Department, Building and Safety and Salem Fire Department reviewed the proposal and indicated no objections.

5. Public and Private Service Provider Comments

Notification and request for comments on the proposed extension was distributed to public and private agencies and service providers for the subject property. Public and private agencies submitted the following comments:

Portland General Electric (PGE) reviewed the proposal, and submitted comments noting that development cost per current tariff and service requirements and that a 10-foot PUE is required on all front street lots.

6. Class 2 Time Extension Approval Criteria

SRC 300.850(b)(4)(B) establishes the following approval criterion which must be met in order for a Class 2 Time Extension to be approved:

A Class 2 extension shall be granted if there have been no changes to the standards and criteria used to approve the original application that would require modification of the original approval.

7. **Analysis of Class 2 Time Extension Approval Criteria**

A Class 2 Extension shall be granted if there have been no changes to the standards and criteria used to approve the original application that would require modification of the original approval.

Finding: DR-ZC-VAR-SPR12-04 was approved in 2012. The design review and variance components of the decision were approved under the requirements of former SRC Chapters 120 (Design Review), 137 (Riverfront Overlay), and 115 (Variances). Since the 2012 approval, the City's zoning and development codes have been amended as part of the City's Unified Development Code (UDC) project. The UDC was a multi-year project to update the City's zoning and development codes to make them easier to understand and administer. The intent of the project was to reorganize and streamline, but not to make major policy changes to existing standards and criteria. The design review guidelines and variance criteria used to render the original decision for this case were included in the standards and criteria updated as part of the UDC. However, because the UDC was not intended to make policy changes, none of those revisions require modification of the original approval.

Furthermore, Section 198 of Ordinance 31-13, the ordinance adopting the UDC code changes to the Riverfront Overlay design review guidelines, states:

Upon submittal of an application for extension as required under SRC 300.850(b), requests for extensions of land use actions approved prior to the effective date of this ordinance may be approved notwithstanding the fact that the standards and criteria under which the original application was approved may have been changed by adoption of this ordinance. An applicant requesting an extension must comply with all other requirements for an extension.

This language in the UDC ordinance makes it clear that the legislative intent of the UDC code changes was to not prevent an applicant from obtaining a time extension of a land use approval made prior to the adoption of the UDC, even when changes were made to the standards and criteria used to make the original decision. The Class 2 Extension is the appropriate process to allow outstanding approvals such as the wellness clinic to be extended. This criterion is met.

DECISION

Based on the requirements of SRC 300.850(b)(4)(B), the proposed Class 2 Extension complies with the requirements for an affirmative decision.

The Class 2 Extension to extend the approval of the design review and variance components of Case No. DR-ZC-VAR-SPR12-04EXT2, a proposed wellness clinic approved in 2012 on property approximately 0.88 acre in size, zoned CB (Central Business District), and located at 910 Front Street NE (Marion County Assessor Map and Tax Lot Number: 073W22AC / 2900), is hereby **APPROVED**. **The extension shall be valid through September 6, 2018.**

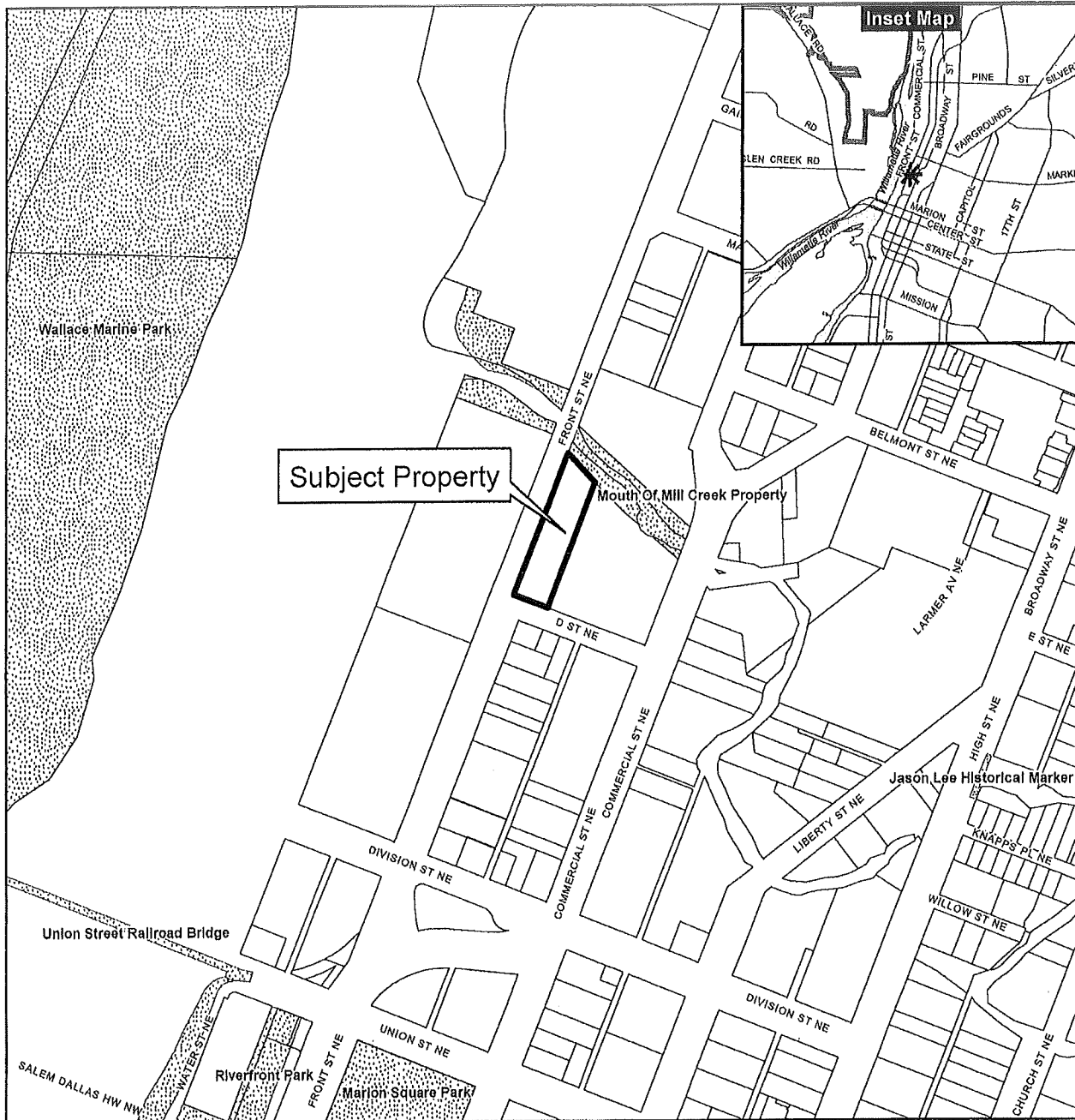

Olivia Glantz, Planner II
Urban Planning Administrator Designee

Attachments: A. Vicinity Map
B. Zoning Map
C. Site Plan and Elevation
D. Case No. DR-ZC-VAR-SPR12-04 Decision

Application Deemed Complete: August 17, 2016
Decision Mailing Date: September 9, 2016
Decision Effective Date: September 27, 2016
State Mandated Decision Date: December 15, 2016

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division Room 305, 555 Liberty Street SE Salem OR 97301, **no later than September 26, 2016 by 5:00 p.m.** The notice of appeal must contain the information required by SRC 300.1020. The notice of appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the notice of appeal is untimely and/or lacks the proper fee, the notice of appeal will be rejected. The Salem Hearings Officer will review the appeal at a public hearing. The Hearings Officer may amend, rescind, or affirm the action or refer the matter to staff for additional information.

Vicinity Map 910 Front Street NE



Legend

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

Parks

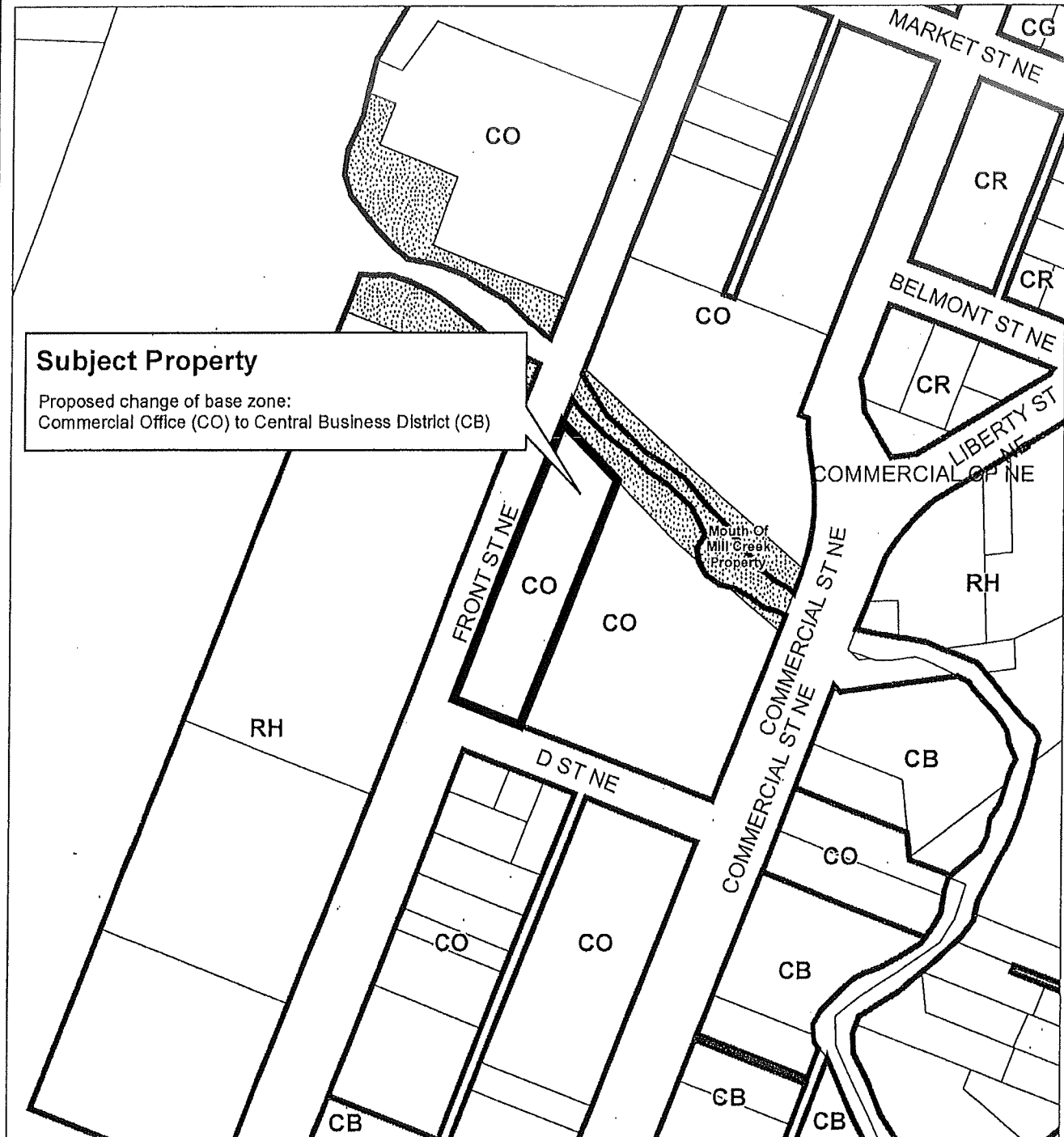
CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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Design Review/Zone Change/Variations/ Site Plan Review Case No. 12-04

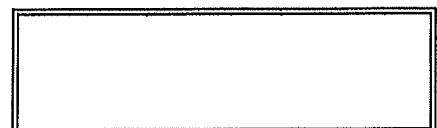


Legend

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

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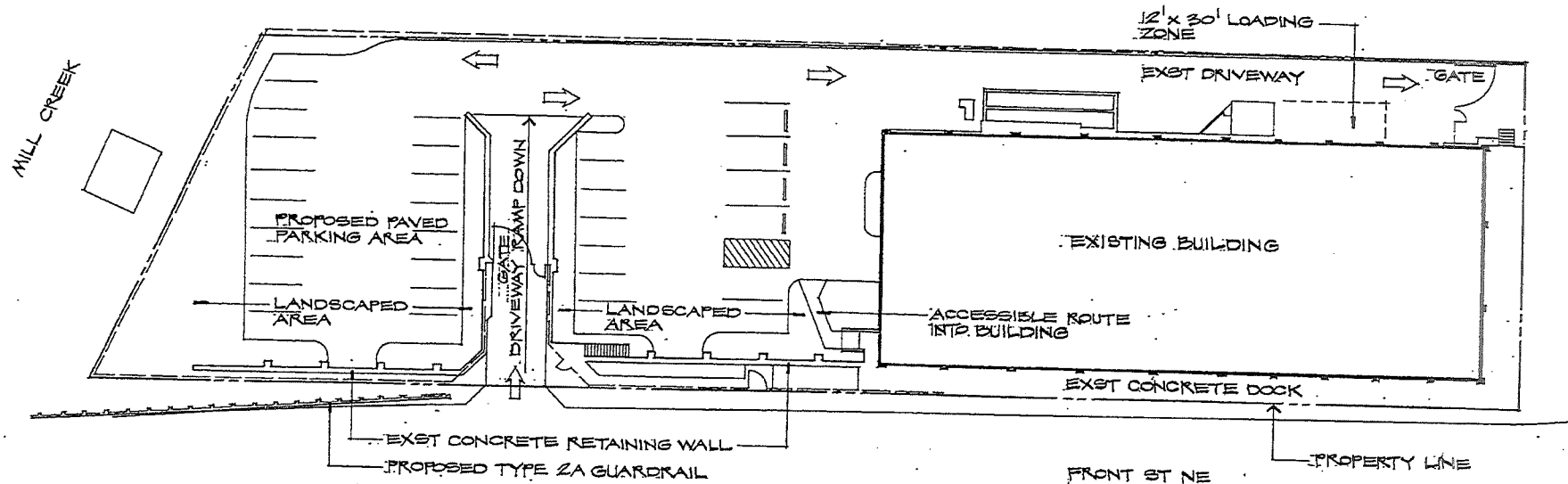


ATTACHMENT C

RECEIVED

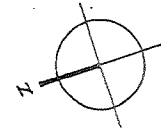
JUL 31 2012

COMMUNITY DEVELOPMENT



SITE PLAN
31 JULY 2012

0 10 20 40 80

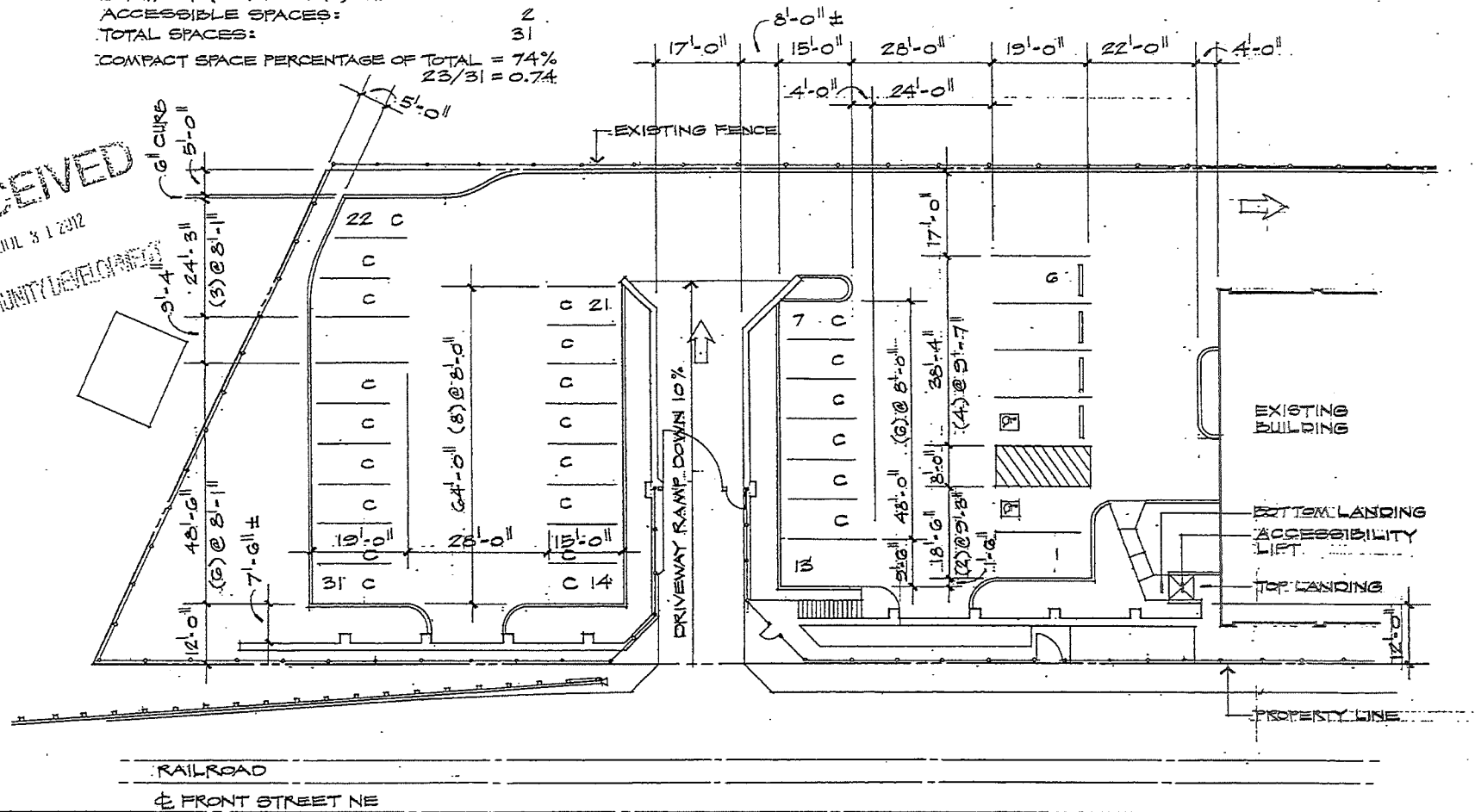


ATTACHMENT C

STANDARD-SIZED SPACES:	6
COMPACT (SMALL CAR) SPACES:	23
ACCESSIBLE SPACES:	2
TOTAL SPACES:	31
COMPACT SPACE PERCENTAGE OF TOTAL = 74%	
	$23/31 = 0.74$

RECEIVED
JUN 1 1962

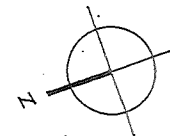
COMMUNITY DEVELOPMENT

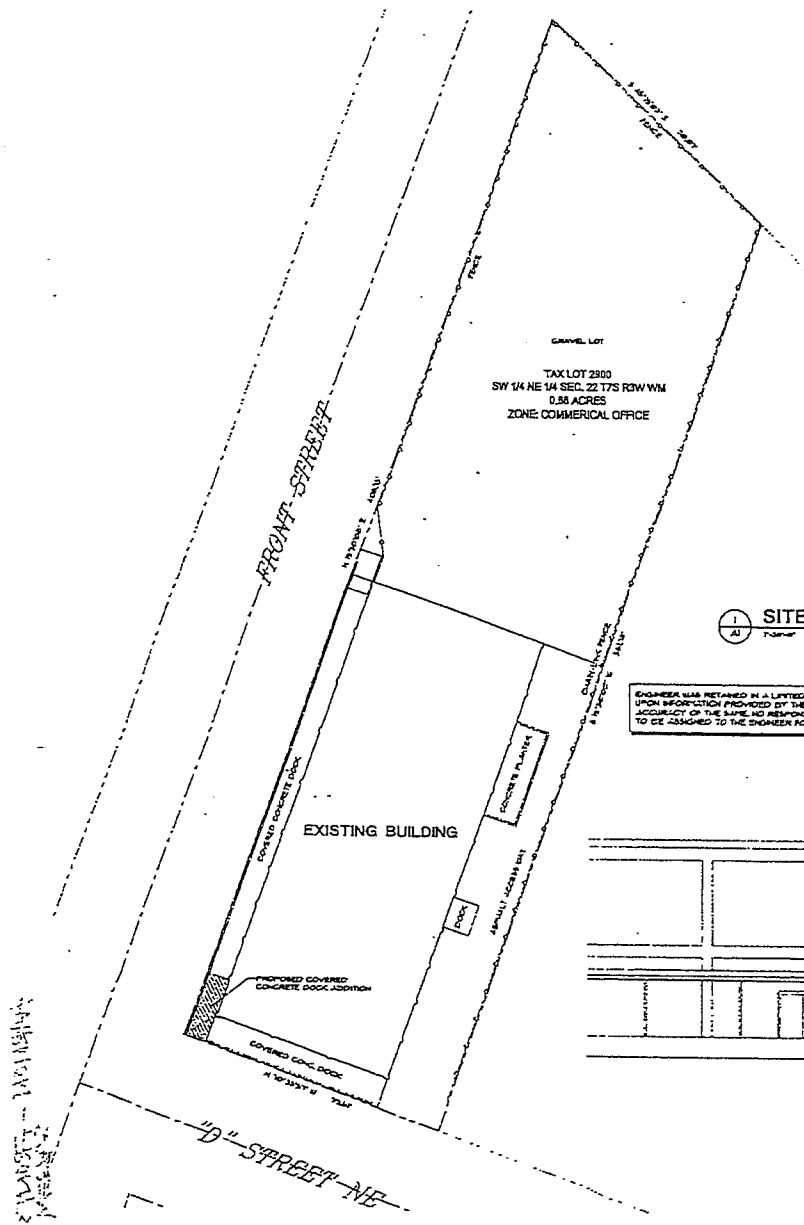


PARTIAL SITE PLAN - PARKING AREA.

12 JUNE 2012

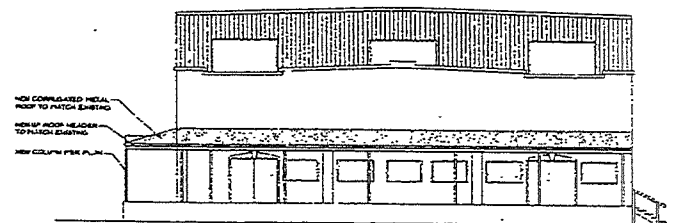
REVISED 28 JULY 2012 & 31 JULY 2012



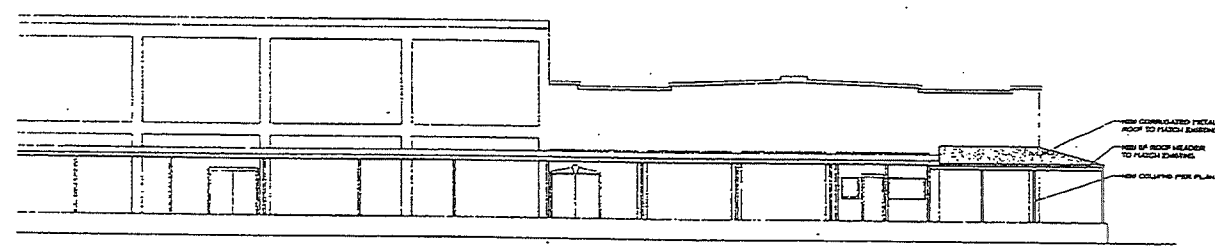


1 SITE PLAN
AI

ENGINEER WAS RETAINED IN A LIMITED CAPACITY FOR THIS PROJECT. DESIGN IS BASED UPON INFORMATION PROVIDED BY THE CLIENT, WHO IS SOLELY RESPONSIBLE FOR ACCURACY OF THE SAME. NO RESPONSIBILITY AND/OR LIABILITY IS ASSIGNED BY OR IS TO BE ASSIGNED TO THE ENGINEER FOR ITEMS BEYOND THAT SHOWN ON THESE SHEETS.



2 EXISTING SOUTH EXTERIOR ELEVATION
AI



3 PARTIAL EXISTING WEST EXTERIOR ELEVATION
AI



Dan Green Engineering, Inc.
Structural Engineers
5330 Thistle Way B.E.
Salem, Oregon 97302-4508
Phone 503-581-2988
Fax 503-588-8880

JOB NO. 101013
DATE: 2/1/11

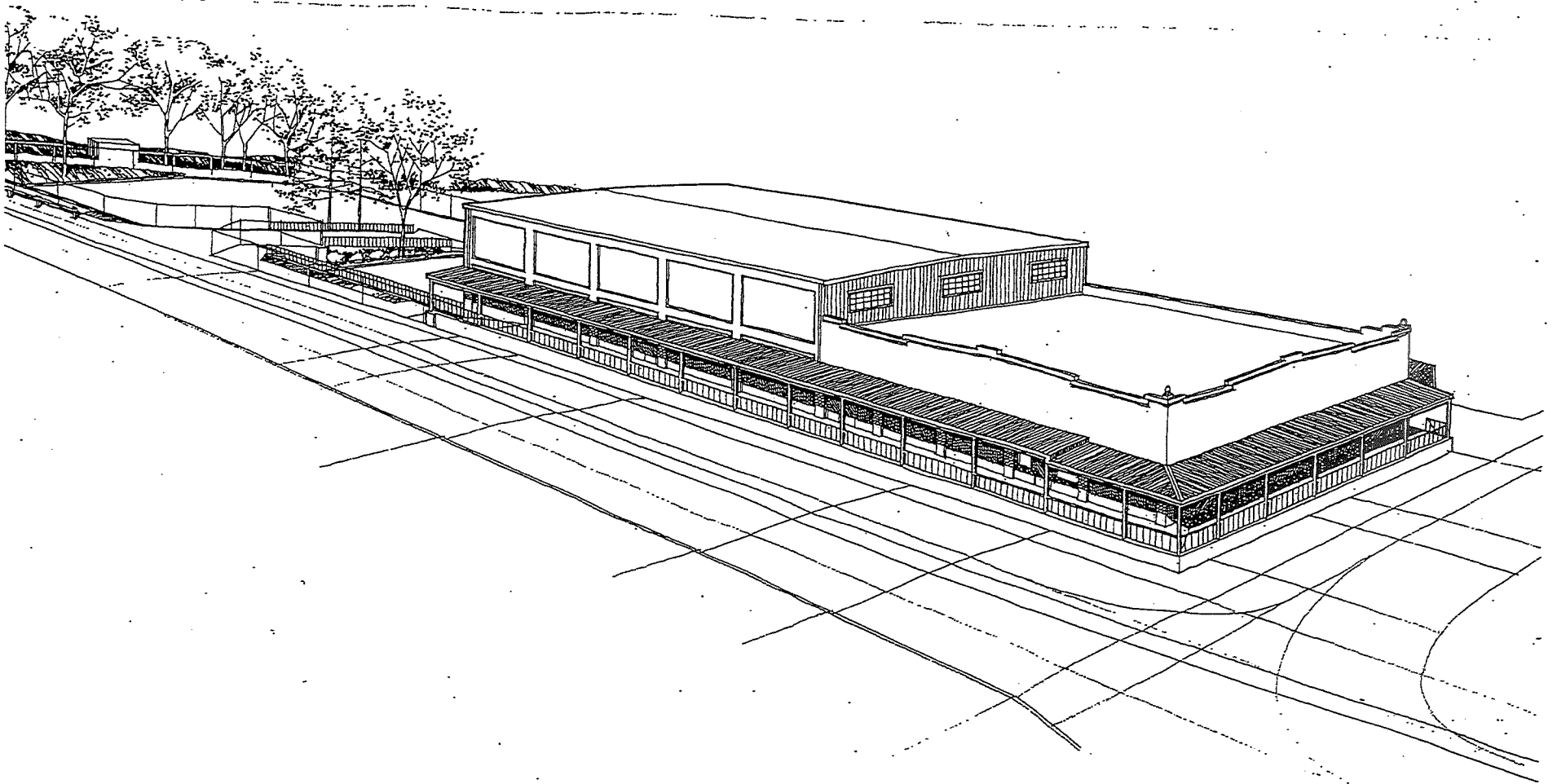
FILE: Site Plan

REVISION
DATE

SITE PLAN and EXTERIOR ELEVATIONS

JEFF HARMON
REMODEL
11 FRONT STREET, SALEM, OREGON 97301, CLATSOP COUNTY

SHEET NO.
A1
1 OF 1



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

**DECISION OF THE
SALEM PLANNING COMMISSION
DESIGN REVIEW/ZONE CHANGE/VARIANCE/SITE PLAN REVIEW
Case No. DR-ZC-VAR-SPR12-04
APPLICATION NOS. : 12-107630-DR, 12-107628-ZO, 12-107629-ZO,
and 12-107631-RP**

NOTICE OF DECISION & MAILING DATE: August 22, 2012

REQUEST: A consolidated application for a proposed wellness clinic that provides a medically supervised health and wellness program (Standard Industrial Classification [SIC] 7997) in an existing building and development of a new off-street parking area. This consolidated application contains the following requests:

- (1) Discretionary Design Review;
- (2) Zone Change request to change the base zone district from CO (Commercial Office) to CB (Central Business District);
- (3) Variance to reduce the minimum number of required off-street parking spaces from 118 to 31;
- (4) Variance to eliminate the required 5-foot-wide landscaped strip along the east interior property line; and
- (5) Type II Site Plan Review;

For property approximately 0.88 acre in size, zoned CO (Commercial Office), within the Riverfront Overlay Zone, and located at 910 Front Street NE (Marion County Assessor's Map and Tax Lot number: 073W22AC / 2900).

APPLICANT: HARMON COM LLC

LOCATION: 910 FRONT ST NE

CRITERIA: Salem Revised Code Chapters 120, 113, 115, and 163

DECISION: The Planning Commission **GRANTED** Design Review/Zone Change/ Variance/Site Plan Review Case No. DR-ZC-VAR-SPR12-04 subject to the following conditions of approval:

- A. **APPROVE the Discretionary Design Review;**
- B. **APPROVE the Zone Change request from CO (Commercial Office) to CB (Central Business District);**
- C. **APPROVE the Variance request to reduce the minimum number of required off-street parking spaces from 118 to 31, subject to the following condition of approval:**

Condition 1. The parking reduction granted by this variance shall be limited to the use of the existing building as a wellness clinic that provides a medically supervised health and wellness program, as proposed by the applicant, and shall not be transferable to any other uses classified under SIC 79.

- D. **APPROVE the Variance request to eliminate the required 5-foot-wide landscaped strip along the east interior property line; and**

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM. 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005




E. APPROVE the Site Plan Review subject to the following conditions of approval:

- Condition 1.** The consolidated Zone Change request to change the subject property's zoning from CO (Commercial Office) to CB (Central Business District) shall be approved.
- Condition 2.** The consolidated Discretionary Design Review shall be approved.
- Condition 3.** The consolidated Variance to reduce the off-street parking requirement from 118 to 31 spaces shall be approved.
- Condition 4.** The consolidated Variance to eliminate the required 5-foot-wide landscaped strip along the east interior property line shall be approved.

VOTE:

Yes 5 No 0 Absent 1 (Levin) Abstained 1 (Fry)



Jim Lewis, President
Planning Commission

The rights granted by the attached decision must be exercised by the following dates or this approval shall be null and void:

<u>September 6, 2014</u>	Design Review
<u>September 6, 2014</u>	Variances
<u>September 6, 2016</u>	Type 2 Site Plan Review

A copy of the decision is attached.

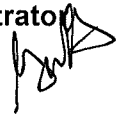
Application Deemed Complete:	<u>July 31, 2012</u>
Public Hearing Date:	<u>August 21, 2012</u>
Notice of Decision Mailing Date:	<u>August 22, 2012</u>
Decision Effective Date:	<u>September 6, 2012</u>
State Mandate Date:	<u>November 28, 2012</u>

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m., September 5, 2012.** Any person who presented evidence or testimony at the hearing may appeal the decision. The appeal must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapters 120, 113, 115 and 163. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

Case Manager: Bryan Colbourne, Case Manager, bcolbourne@cityofsalem.net

TO: Planning Commission

FROM: Glenn W. Gross, Urban Planning Administrator 

STAFF: Bryan Colbourne, Planner III

HEARING DATE: August 21, 2012

APPLICATION: Design Review/Zone Change/Variance/Site Plan Review 12-04

LOCATION: 910 Front Street NE

SIZE: Approximately 0.88 acres

REQUEST: A consolidated application for a proposed wellness clinic that provides a medically supervised health and wellness program (Standard Industrial Classification [SIC] 7997) in an existing building and development of a new off-street parking area. This consolidated application contains the following requests:

- (1) Discretionary Design Review;
- (2) a Zone Change request to change the base zone district from CO (Commercial Office) to CB (Central Business District);
- (3) a Variance to reduce the minimum number of required off-street parking spaces from 118 to 31;
- (4) a Variance to eliminate the required 5-foot-wide landscaped strip along the east interior property line; and
- (5) a Type II Site Plan Review;

For property approximately 0.88 acre in size, zoned CO (Commercial Office), within the Riverfront Overlay Zone, and located at 910 Front Street NE (Marion County Assessor's Map and Tax Lot number: 073W22AC / 2900).

APPLICANT: Harmon Coms LLC
John Brosy, Representative

APPROVAL CRITERIA: Design Review: Salem Revised Code, Chapter 120, and Development Design Handbook

Zone Map Amendment: Salem Revised Code, Chapter 113

Variances: Salem Revised Code, Chapter 115

Site Plan Review: Salem Revised Code, Chapter 163

RECOMMENDATION:

- A. APPROVE the Discretionary Design Review;
- B. APPROVE the Zone Change request from CO (Commercial Office) to CB (Central Business District);

- C. **APPROVE the Variance request to reduce the minimum number of required off-street parking spaces from 118 to 31, subject to the following condition of approval:**

Condition 1. The parking reduction granted by this variance shall be limited to the use of the existing building as a wellness clinic that provides a medically supervised health and wellness program, as proposed by the applicant, and shall not be transferable to any other uses classified under SIC 79.

- D. **APPROVE the Variance request to eliminate the required 5-foot-wide landscaped strip along the east interior property line; and**

- E. **APPROVE the Site Plan Review subject to the following conditions of approval:**

Condition 1. The consolidated Zone Change request to change the subject property's zoning from CO (Commercial Office) to CB (Central Business District) shall be approved.

Condition 2. The consolidated Discretionary Design Review shall be approved.

Condition 3. The consolidated Variance to reduce the off-street parking requirement from 118 to 31 spaces shall be approved.

Condition 4. The consolidated Variance to eliminate the required 5-foot-wide landscaped strip along the east interior property line shall be approved.

APPLICATION PROCESSING

Subject Application

On May 9, 2012, John L Brosy, on behalf of the applicants, Harmon Com LLC, filed a consolidated application including a request for Discretionary Design Review, Zone Change, two Variances, and Site Plan Reviews for a proposed wellness clinic that provides a medically supervised health and wellness program in an existing building and development of a new off-street parking area. After additional information was submitted, the application was deemed complete for processing on July 30, 2012.

Notice must be given in accordance with Section 300.620(b) of the Salem Revised Code. An approval by the Planning Commission shall not be construed to have granted a variance from the provisions of any City ordinance unless the approval clearly states that a variance has been granted. Notice was mailed to property owners within 250 feet of the subject property on August 1, 2012. The property was posted in accordance with the posting provision outlined in SRC 300.620.

The quasi-judicial decision by the Planning Commission requires a decision be filed with the Planning Administrator and entered into the record of the proceedings within 30 days following the public hearing, unless the applicant consents to an extension for specific additional time. The Planning Administrator must record the date of the decision upon receipt of the decision. The Planning Administrator must also mail a copy of the decision to the applicant and to everyone who submitted verbal or written testimony during the process.

The public hearing for the consolidated application is scheduled for August 21, 2012.

Consolidated Processing

SRC Chapter 300.120 provides that when multiple land use actions are required or desired by an applicant, the applications may be processed individually, in sequence, concurrently, or collectively

through the consolidated procedure provided in this section. The applicant shall elect how the land use applications are to be processed.

In this case, the applicant has requested that the applications be processed collectively pursuant to SRC Chapter 300.120(c). Review of the application shall be according to the highest numbered procedure type required for any of the land use applications. The Review Authority shall be the highest applicable Review Authority under the highest numbered procedure type required for any of the land use applications.

In this case, the applicant has submitted five land use applications: a Discretionary Design Review (Type III), a Zone Change (Type III), two Variances (Type III), and a Type II Site Plan Review. The Discretionary Design Review is a Type III request, normally heard by the Planning Commission, which is the highest decision authority of the requests involved. Therefore, the procedure for the collective processing of the five applications shall follow the Type III land use application procedure and shall be heard by the Planning Commission.

Appeals

Appeal of a Planning Commission decision is to the Salem City Council (Council), as set forth in Table 300.100-2 of the Salem Revised Code (SRC). Written notice of an appeal and the applicable fee shall be filed with the Planning Administrator within fifteen days after the record date of the decision as set forth in SRC 300.1000 – SRC 300.1040. SRC 300.1050 states that whether or not an appeal is filed, the Council may, by majority vote, initiate review of a Planning Commission decision by resolution filed with the City Recorder. Such a review shall be initiated prior to the adjournment of the first regular Council meeting following Council notification of the Planning Commission decision. Review shall proceed according to SRC Section 300.1040.

120-Day Requirement

The consolidated application is subject to the 120-day rule, which starts on the day the application was deemed complete for processing. In this case, the consolidated application was deemed complete for processing on July 30, 2012. Therefore, the state-mandated local decision deadline is November 27, 2012.

BACKGROUND INFORMATION

The subject property is approximately 0.88 acres in size. There is an existing vacant building on the site that is approximately 11,800 square feet in size. This building is a remnant of a larger former building complex that housed the Terminal Ice & Cold Storage Company at the site for many years. The northern portion of the site where the parking lot is proposed is currently vacant land.

The immediate vicinity has historically been an industrial area, but now has a wide variety of commercial and industrial uses, including a tavern, a grocery store, several warehouses, government office buildings, a thrift store, and a food processing factory. Mill Creek, immediately to the north of the site, has cut a ravine through this area, near its confluence with the Willamette River to the west. The riparian vegetation along this creek is also shown on the aerial photograph.

In 1998, the Riverfront Overlay Zone, SRC Chapter 137, was adopted with the stated purpose “. . . to establish a mixed-use residential and commercial district with emphasis on pedestrian access to and along the riverfront.” The Overlay applies to the subject property and all land in the immediate vicinity of the subject property. The base zoning of the subject property and much of the surrounding land was also changed to CO in 1998. The Comprehensive Plan Map designation was also changed to River Oriented Mixed Use at that time.

Summary of Requested Actions

The applicant is proposing to establish a wellness clinic in the currently vacant industrial warehouse located at the site. The clinic will provide a medically supervised health and wellness program for women that includes health education, exercise rooms, nutrition counseling, and networking opportunities. In addition to the change of use of the existing building, a 31 stall parking area is proposed at the site, to the north of the building, with proposed vehicle ingress on Front Street and egress to D Street by way of a proposed one-way commercial driveway (See Site Plan, Attachment 3).

Any development, such as development of a new parking area or improvements to the exterior of an existing building, requires design review within the Riverfront Overlay Zone. The applicant has requested discretionary design review for the proposal.

The proposed wellness clinic use is best classified under Standard Industrial Classification (SIC) 7997, Membership Sports and Recreation Clubs. SIC 7997 is not a permitted use under the property's current CO zoning. In order to allow the proposed use at the site, a change in the property's base zoning from CO (Commercial Office) to CB (Central Business District) has been requested.

The applicant also requests two variances: to reduce the required number of off-street parking spaces for the proposal from 118 spaces to 31 spaces, and to eliminate the east interior landscaped strip required between the new parking area and the east property line. The applicant also requests Type II Site Plan Review for the project, as is required for all development requiring a building permit, pursuant to SRC Chapter 163.

Neighborhood Association Comments

SRC 300.620(b)(2)(B)(iii) requires public notice be sent to "any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property." The subject property is within the Central Area Neighborhood Development Organization (CAN-DO). As of the date of writing this staff report, the neighborhood association has not provided any comments.

Public Comments

At the time of writing this staff report, no comments have been received from adjoining property owners.

City Department Comments

Public Works (Development Services and City Traffic Engineer) – Public Works Department Staff reviewed the Transportation Planning Rule Analysis (TPR) that was submitted by the applicant and agree with its findings. The Public Works Department's comments are included here as Attachment 6.

Fire Department – Reviewed the proposal and submitted the following comments:

Proposed change of occupancy and/or construction shall meet the requirements of the Salem Fire Prevention code and will be reviewed during the building permit phase.

Public Agency and Private Service Provider Comments

Department of Land Conservation and Development (DLCD) – DLCD was notified of the proposal and did not provide comments.

Salem Area Comprehensive Plan (SACP) Designation

Land Use: The Salem Area Comprehensive Plan Map designates the subject property as "River Oriented Mixed Use". The Comprehensive Plan designation of surrounding properties is as follows:

North: "River Oriented Mixed Use"
South: Across D Street NE, "Central Business District"
East: "River-Oriented Mixed Use"
West: Across Front Street NE, "River Oriented Mixed Use"

Neighborhood Plan: The subject property is within the Central Area Neighborhood Development Organization (CAN-DO). CAN-DO is a City-recognized neighborhood association. CAN-DO also has a Neighborhood Plan, which was adopted by the Salem City Council in 1979. The subject property is designated "Central Business" on the CAN-DO Neighborhood Plan Land Use Map, which is consistent with the requested CB zoning and the existing "River Oriented Mixed Use" Comprehensive Plan Map designation.

Zoning

The subject property is currently zoned CO (Commercial Office) and is within the Riverfront Overlay Zone, Area 2. Zoning of surrounding properties include:

North: Across Mill Creek, CO (Commercial Office) & within the Riverfront Overlay Zone, Area 2
South: Across D Street NE, CO (Commercial Office) & within the Riverfront Overlay Zone, Area 2
East: CO (Commercial Office) & within the Riverfront Overlay Zone, Area 2
West: Across Front Street NE, RH (High Rise Residential) & within the Riverfront Overlay Zone, Area 1

Existing Site Conditions

The site is approximately 0.88 acres in size. There is an existing 11,800 square foot vacant building on the subject property. This building is a remnant of a larger former building complex that housed the the Terminal Ice & Cold Storage Company at the site for many years. The northern portion of the site where the parking lot is proposed is currently vacant land.

Trees: The City's tree preservation ordinance, SRC Chapter 68.100(a) requires tree conservation plans only for development proposals involving the creation of lots or parcels to be used for the construction of single-family or duplex dwelling units. Because the proposal does not involve the creation of lots or parcels for single-family or duplex dwelling unit construction, a tree conservation plan was not required.

Pursuant to SRC Chapter 68, Preservation of Trees and Vegetation, a Tree Removal Permit is required for removal of any significant trees and any removal of trees within a riparian corridor. Furthermore, no heritage tree shall be removed.

Wetlands: According to Salem's Local Wetland Inventory, there are no wetlands on the subject property.

Landslide Hazards: The site slopes downward to the north of the property towards Mill Creek. City records show that the proposed development is a low landslide risk based on the Graduated Response Table in SRC Chapter 69.

Site Plan: A site plan for the proposal was submitted with the application and is included as Attachment 3.

Applicant Submittal Information:

The applicant submitted written statements and proof that the proposal conforms to all applicable criteria imposed by the Salem Revised Code for each of the requests. The applicant's statements are included in their entirety as attachments to 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.

FINDINGS APPLYING TO DISCRETIONARY DESIGN REVIEW

The proposal is located on property within the Riverfront Overlay Zone (SRC Chapter 137). SRC 137.040 requires that development and change of use within the Riverfront Overlay Zone "... shall conform to either 1) the prescriptive design standards or 2) design guidelines or the intent of such guidelines contained in the City of Salem Development Design Handbook." The applicant has applied for discretionary design review. The Development Design Handbook specifies the following Design Guidelines applicable to development within the Riverfront Overlay Zone.

1. BUILDING SETBACKS (Section 6.B.1.a.):

1) Provide and enhance for public access to and along the riverfront.

Applicant's Response: The subject property is not adjacent to the riverfront . . . This application has little or no affect on this guideline.

Finding: Staff concurs. The subject property is not located next to the river. The site is separated from the river by Front Street and the properties along the west side of Front Street. Mill Creek runs along the site's northern property line. Mill Creek leads to the Willamette River. At this time, however, there is no practical way for the building setbacks and yard areas provided on the subject site to contribute toward enhanced public access to and along the riverfront.

2) Provide building setbacks that minimize environmental impacts and protects riparian corridors.

Applicant's Response: Please see [the attached vicinity maps and] the proposed site plan. Our on-site parking area will not encroach on any existing riparian vegetation near Mill Creek on the north. The geometry of our proposed parking area leaves a triangular shaped sloped area open near the existing bridge (see site plan) that provides an additional buffer for the creek corridor.

Finding: The proposed site plan provides a sufficient buffer from the riparian area to the north. Based on the submitted plans and site observations made by staff, there is no indication that the proposal will negatively impact riparian vegetation at this site.

2. BUILDING ORIENTATION AND DESIGN (Section 6.B.2.a.):

1) Where appropriate, incorporate into the project design the riverfront and Mill Creek as public amenities.

Applicant's Response: It is difficult to use Mill Creek as an amenity, as the creek flows within a heavily wooded, steep ravine, well below the grade of most of this property, and only a few feet from the creek's confluence with the river. The City already owns this steep ravine bank. The applicants have had preliminary discussions with the City about ways of using an old pump station/house that is now abandoned, within the City's creek-side ownership adjacent to this proposal.

Finding: The project is an adaptive re-use of an existing industrial building, which is oriented toward D and Front Streets, not the creek. The rear of the property is adjacent to Mill Creek, along the north property line, however, it is difficult to use Mill Creek as an amenity in the project design because the creek flows within a heavily wooded, steep ravine, well below the grade of most of this property. The proposal satisfies this guideline.

- 2) ***For building faces adjacent the riverfront, facilitate pedestrian interaction by incorporating pedestrian arcades and plazas into project design.***
- 3) ***For ground floor faces adjacent the riverfront, provide views into shops and offices. Upper building levels facing the riverfront should incorporate decks and balconies.***

Applicant's Response: This existing building does not abut the riverfront . . .

Finding: These guidelines are not applicable to the proposal because the building is not adjacent to the riverfront.

- 4) ***For new structures within the Riverfront Overlay Zone, take measures to minimize the noise impacts of surrounding industrial uses and the road.***

Applicant's Response: By virtue of the existing building's past industrial utilitarian design, few openings of any kind now exist in this building, and construction is "heavy gauge," all features providing excellent protection against noise impacts of nearby industrial uses and Front Street.

Finding: Reuse and renovation of an existing building is proposed, with some relatively minor structural additions and exterior modifications. The building's heavy construction and past industrial use suggests that it will provide good noise attenuation for future occupants of the wellness clinic. The proposal is consistent with this guideline.

3. OPEN SPACE (Section 6.B.3.a.):

- 1) ***Provide private open space for mixed use and residential buildings.***

Applicant Response: This is not a mixed-use or residential building proposal.

Finding: These guidelines are not applicable to the proposal because the building is not mixed use or residential.

4. ACCESS (Section 6.B.4.a.):

- 1) ***Minimize vehicle access and driveways onto Front Street. The joint use of driveways accessing Front Street is encouraged.***

Applicant Response: Only one point of access, for ingress only, is proposed on this property frontage with Front Street, taking the place of an original driveway location closer to the bridge. Egress from the site will be to D Street (see site plan). The Front Street ingress point is a safe distance from the nearest intersection. The adjacent Grocery Outlet parking area already has ample access points on D Street, with no need to jointly use this driveway (ramp).

Finding: A driveway on Front Street is proposed. The impacts of the Front Street driveway on vehicular traffic and pedestrians will be minimal because it will be a ingress only driveway and it actually replaces a two-way driveway that previously provided Front Street access for the subject property. Due to the relatively minimal impacts of the proposed Front Street driveway, the intent of the guideline is met.

- 2) ***Include in the project design public pedestrian access between the riverfront and Front Street to provide an inter-connected pedestrian circulation system.***

Applicant Response: This application has no impact on this design guideline. This proposed new use and site plan alteration does not preclude future pedestrian access between the riverfront and Front Street.

Finding: Staff concurs. This guideline does not directly apply because the subject property is not located between the riverfront and Front Street, where it could provide a public pedestrian access to the Willamette River.

5. **OFF-STREET PARKING AND LOADING (Section 6.B.5.a.):**

- 1) ***Design the scale and orientation of parking lots consistent with a pedestrian oriented retail and residential district.***

Applicant's Response: The scale of the proposed parking areas is consistent with a pedestrian-oriented area that is gradually evolving, one new use at a time in this changing part of downtown Salem. It is argued that the proposed number of parking spaces, which are adequate for the needs of this health-care type of business, is more in keeping with this design guideline than the number of parking spaces required without our requested parking variance (118 spaces). These two smaller scale parking areas are also consistent within this area that has ample on-street parking opportunities. No nearby residential uses now exist, but the scale of our proposed parking will be consistent with such residential uses when they may be located in the future.

Finding: Staff concurs with the applicant's statement. The proposed parking area is broken up with landscaping and a driveway ramp; it is moderately scaled with just 31 spaces; and is set down from street grade so it will be less visible from Front Street. Together, these design features make the new parking area an appropriate addition for this planned pedestrian oriented retail and residential district. The proposal satisfies this guideline.

- 2) ***Where physically possible, provide shared and structured parking to minimize the amount of land necessary to accommodate parking.***

Applicant's Response: Structured parking is the long-term plan for this site, as previously described. The existing retaining wall along the Front Street side of the property and grade difference enables a relatively efficient opportunity to locate a "tray" of structured parking on the Front Street grade, above the existing parking grade, in the future. The adjacent Grocery Outlet store on the same block has ample parking areas with ample access to D Street. The corporate owners and managers of Grocery Outlet have been approached by the applicants, and recognize that some of their parking may be shared or shared trips with the Wellness Center clients. They also support the re-use of this property and building.

Finding: The applicant proposes a future phase of development at the site, which will involve the construction of a parking structure that will provide a second level of parking, built over the proposed parking area. The structured parking is not part of this application, but the fact that the site design will allow for future parking structure is consistent with the spirit of this guideline and minimizes the amount of land necessary to accommodate future parking needs at the site. This guideline is met.

FINDINGS APPLYING TO THE ZONING MAP AMENDMENT

The following analysis addresses the change of base zone of the subject property from CO (Commercial Office) to CB (Central Business District).

SRC Chapter 113.150 provides the criteria for approval for Zone Map amendments. In order to approve a quasi-judicial Zone Map amendment request, the administrative body 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 nature and circumstances of each individual case. Unless any of the factors are deemed irrelevant, something more than an unsupported conclusion is required, but the degree of detail in the treatment of relevant factors depends on the degree of proposed change or deviation, and the scale and intensity of the proposed use or development. The requisite degree of consideration is directly related to the impact of the proposal: the greater the impact of a proposal in an area, the greater is the burden on the proponent.

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. The applicant provided justification for all applicable criteria (Attachment 4).

Criterion (a): The applicant for any quasi-judicial zone change . . . has the burden of proving justification for the change. The greater the impact of the proposed zone change on the area, the greater the burden of proving the justification on the proponent.

Finding: In order to measure the impact of this request, staff considered the size of the land to be rezoned, the neighborhood compatibility of the uses allowed under the proposed CB zoning, compared to the current CO zoning, and the character of the existing land uses immediately surrounding the property. The existing CO zoning primarily allows office uses such as finance, insurance, real estate, business services, doctor's offices, public administration, as well as some residential uses. The proposed CB zone allows a wider range of commercial uses and allows amusement and recreation services (SIC Major Group 79), including Membership Sports and Recreation Clubs SIC 7997. The 0.88 acre subject property is surrounded by a wide variety of commercial and industrial uses, including a tavern, a grocery store, several warehouses, government office buildings, a thrift store, and a food processing factory. In terms of potential impact on surrounding properties, the main impact of the zone change from CO to CB at this location will be to allow a wider range of uses at the site. This potential impact is relatively small, however, given the additional commercial uses already allowed for certain nearby properties under the Riverfront Overlay Zoning, and the mix of high and low impact uses already existing in the vicinity. Based on this, staff finds that the applicant's analysis of potential traffic, parking, and other potential land use impacts of the proposal and the body of evidence presented in the case file corresponds to the anticipated impact of the proposal.

Criterion (b): The proposal must be supported by proof that the proposed zone change is consistent with goals and policies of the Comprehensive Plan in light of their intent statements; those portions of adopted neighborhood plans that are part of the Comprehensive Plan; and any standards imposed by state land use law. . . .

Applicant's Statement: This proposal is consistent with the goals and policies of the City's Comprehensive Plan. The proposal supports all applicable statewide planning goals. It enables the retention and expansion of an existing local business (Salem Women's Clinic) (Statewide Goal 9, Economic Development). The proposal is at a site with the full complement of existing public facilities and services (Statewide Goal 11, Public Facilities and Services). Our enclosed traffic analysis concludes that increased traffic expected from this proposed remodeling is not significant under the Transportation Planning Rule standards (Statewide Goal 12, Transportation). The proposed business expansion utilizes an existing building and makes improvements to a well-established commercial/industrial neighborhood. Building remodeling plans will meet all modern energy-efficient building code standards (Statewide Goal 13, Energy Conservation). Some green building principals are planned for treating storm water runoff from impervious surfaces.

Urban Growth Policy 6 is Infill Development: "New developments shall make maximum use of available land areas with minimal environmental disturbance and be located and designed to minimize such public costs as extension of sewer and water services, schools, parks and transportation facilities." Clearly, this creative, adaptive re-use of this large former industrial building meets this Infill Development Policy. Minimal disturbance will occur because the large existing building will be refurbished and re-used, and existing retaining walls and grades will be maintained to a great extent. The site is already served by adequate sized sewer, water and streets, so no extension of those facilities is required.

Urban Growth Policy 9 is Infill on Facilities, and says nearly the same thing: "New development shall be encouraged to locate in areas where facilities are already available and in areas which require the least public costs to provide needed facilities and services." This remodel/expansion proposal conforms to this Plan policy for the same reasons as previously described. No upgrade or extensions of the existing utility system is requested or required for this proposed use. Please also see the conclusion in our traffic impact analysis regarding impact of additional traffic to this site.

The proposal supports Commercial Development Goals and Policies of the Comprehensive Plan. Policy 3 is "Redevelopment of existing shopping and service facilities should be encouraged where appropriate." This proposed Plan change enables the redevelopment (remodeling) of this old building for use as a wellness service facility. The proposal supports Policy 6, which states that commercial office uses shall have convenient access to collector and arterial streets, which this site has, being adjacent to Front and D Streets, and being only one block from Commercial Street, an important arterial street to the east.

The proposal also generally supports the Plan's Transportation Goal and Policies, being located within an existing, fully-improved street and sidewalk network. This is part of a well-established development pattern and land use designation of commercial and industrial uses (Policy 6). Our traffic impact analysis also concluded that the traffic affects resulting from this Plan amendment are not significant, given the expected additional traffic and the existing level of traffic and capacity of the local street system.

The proposed change enables the remodeling of an existing, large building in a central location of Salem. The proposal fits the neighborhood in a sustainable and stable manner. The proposal enables the significant updating and improvement of a large, existing building. The new improvements will greatly improve the physical appearance of this site, including building, parking area, and landscaping.

Finding: Staff concurs. The applicant's statement demonstrates that the proposed zone change conforms to the Salem Area Comprehensive Plan (SACP) and Statewide Planning Goals. The City Traffic Engineer has reviewed the applicant's Transportation Planning Rule (TPR) Analysis (Attachment 5) and agrees with its findings and conclusion that this zone change will not create a significant impact to the surrounding transportation system.

Criterion (b): . . . In addition, the following factors should be evaluated by the Review Authority, and shall be addressed in the decision:

Factor 1: The existence of [a] mistake in the compilation of any map, or in the application of a land use designation to the property;

Applicant's Statement: The need for this zone change really comes down to the difficulty in classifying this medically supervised health and wellness program. It appears to be "on the edge" of a use that would typically be anticipated in a Commercial Office (existing) zone. In this manner, the zone change is the result of a "mistake" in the application of the CO zone, because this use has so many similar attributes of a health practitioner office that is in fact allowed in the CO zone. The proposed Central Business (CB) zone allows a wider variety of land uses. The CB zone will more accurately reflect the existing mix of uses in this neighborhood. The neighborhood has always been

fairly "eclectic" in that a large variety of use types in fact are located in this neighborhood, but the City, at least at one time had aspirations for mostly office commercial uses. Commercial Office never was the predominant use within this CO-zoned immediate area. Wellness Center clients will be drawn from a large area of Salem and the mid-valley. This proposed use is best suited therefore in a centrally located place in Salem, and the zone should reflect this central place function.

Finding: Staff does not agree with the applicant's assertion that there has been a "mistake" in the application of the CO zone. However, there is an error on the Comprehensive Plan Map at this property, which does not negatively affect the proposed zone change, but should be clarified for the record nonetheless. The Comprehensive Plan Map designation of the property was changed from Industrial Commercial to River Oriented Mixed-Use in 1998 when the Riverfront Overlay Zone was applied to the area and the site re-zoned from IC to CO. The Salem Zoning Map reflects that change, but the Comprehensive Plan Map was never updated to reflect the change to River Oriented Mixed Use. City staff are in the process of now correcting this oversight by updating the Comprehensive Plan Map. There is a clear legislative record, in the 1998 Ordinance that adopted these changes, which demonstrates that the property's true Comprehensive Plan Map designation is River Oriented Mixed Use. The proposed zone change from CO to CB is consistent with the River Oriented Mixed-Use Plan Map designation. Therefore, as already stated, the mapping issue does not affect the zone change proposal in this case.

Factor 2: A change in the social, economic, or demographic patterns of the neighborhood or the community;

Applicant's Statement: Certainly, this area has undergone significant changes throughout its long history. The attached Sanborn fire insurance rating company map shows how much of this area was once a heavy industrial area, and to this day, this block represents a transition in actual use between industrial to the north (Truitt Bros., etc.) and a mix of service, retail and office uses to the south. This building's most recent past use as a warehouse was nonconforming in the existing CO zone, as is the Grocery Outlet store on the same block. From the aspirations found in the Riverfront Overlay zone and the Design Review Guidelines, it appears that the City sees this area as a much more diverse blend of use types than are listed in the existing CO zone. The preservation of the old railroad bridge over the Willamette and its conversion to a bike and pedestrian bridge has helped to make this general area more conducive to pedestrians in general. As the overall City has grown, there becomes an increased need for mixed-use areas in the central part of the City. This use allowed by this CB zone will complement future new residential, commercial and office uses nearby.

Finding: Staff concurs. Based on the findings provided by the applicant, staff finds that the requested CB zone is consistent with the evolving social, economic, and demographic patterns of the neighborhood, and is suitable for the subject property. This factor has been addressed.

Factor 3: A change of conditions in the character of the neighborhood;

Applicant's Statement: Please see the response to (2), above. The area has not developed as an exclusively commercial office-type of neighborhood, as envisioned by the zoning pattern. The location of the nearby grocery store, tavern and thrift store in the immediate vicinity is an example of the eclectic, more central business - type trend for this area.

Finding: Staff finds that the character of the immediate neighborhood is in the process of change, from a mix of industrial and heavy commercial uses to a mix of office, retail, and commercial services. The emerging new character of the neighborhood in terms of mix of existing land uses more closely resembles the broad range found in a central business district than that of a Commercial Office zone. In addition, the CAN-DO Neighborhood Plan has long designated the subject property and all land to the south as "Central Business". This factor has been addressed.

Factor 4: The effect of the proposal on the neighborhood;

Applicant's Statement: The use enabled by this zone change will be a compliment to any number of future uses in this central area, including residential, commercial and offices. The Wellness Clinic is an adaptive re-use of an old industrial building. This "re-casts" a building from this neighborhood's heavy industrial past into a modern service use that will attract new persons (Wellness Clinic clients) to this central area. Having this type of active use that will extend the time of day that persons come into the neighborhood over time should improve the safety for other pedestrians in this area. It is difficult to imagine a negative consequence of adding this CB zone to this vicinity, given the wide variety of non-CO zoned uses already existing on this block and surrounding blocks where the CO zone now exists. The area appears to be in transition to more diverse uses than are now allowed in that zone. The Urban Development Department of the City has supported our efforts and believes that this particular use, especially since it means re-using an important building from Salem's industrial past, will be a useful addition to several initiatives underway to improve this part of downtown.

Finding: The main potential effect of the proposed rezone on the neighborhood is the traffic that could be generated by the retail or service uses that would be allowed under the CB zoning.

Any new development at the site will be required to provide landscaped off-street parking. This will reduce the likelihood of parked vehicles spilling into the public streets. The applicant has submitted a Transportation Planning Rule (TPR) analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed zone change will not have a significant effect on the transportation system as defined by OAR 660-012-0060.

It is not likely that there will be any noticeable change to the character of the neighborhood with the granting of the zone change request. Instead, the zone change will help facilitate the productive use of the site. Staff agrees with the applicant's response. This factor has been addressed.

Factor 5: The physical characteristics of the subject property, and public facilities and services; and

Factor 6: Any other factor that relates to the public health, safety, and general welfare that the Review Authority identifies as relevant to the proposed change;

Applicant's Statement: This 0.88 acre site is dominated by the large, existing industrial building. It was built to large-scale industrial standards. It has a large open floor surface and a large, high-ceiling open area. Please refer to the floor plan, attached. Few other uses could utilize such a large, unusual building without expending much energy and resources and tearing it down. It is hard to imagine how the building could be saved if the site were constrained to uses allowed under the existing CO zone. The site's long urban history has provided a full range of urban-level public facilities including streets and underground utilities, and is easily accessible to public safety services such as police and fire.

Finding: Staff concurs with the applicant's assessment that the physical characteristics of this site are appropriate to accommodate the range of uses allowed by the CB zone. The Public Works Department has reviewed the applicant's preliminary utility plans submitted with the consolidated site plan review requests for this site. The water, sewer, and storm infrastructure are available within surrounding streets and areas and are adequate to serve the proposed wellness clinic development and any foreseeable CB uses at the site.

Conclusion: Staff concurs with the statements submitted by the applicant's representative, as set forth above, and concludes that each of the factors has been addressed. Therefore, the proposed zone change conforms to Criterion B as defined under SRC 113.150(b).

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 on the facts and findings presented by the applicant, staff concludes that the proposed amendment meets the criteria for approval. The applicant met their burden of proof in satisfying the Statewide Planning Goals, and the evaluation of factors for zone change defined under SRC 113.150, thereby meeting the approval criteria for a zone change.

FINDINGS APPLYING TO THE VARIANCE TO REDUCE THE MINIMUM NUMBER OF REQUIRED OFF-STREET PARKING SPACES FROM 118 TO 31

SRC 115.020 sets forth the criteria that must be met before approval can be granted to a variance request. The Planning Commission may grant the degree of variance from any of the development standards imposed on a particular subject property under the provisions of this zoning code which is reasonably necessary to permit development for an otherwise lawful use upon finding that each of the following criteria is met:

Criterion (a): There are special conditions applying to the land, buildings, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, or uses in the same district, and which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance. Nonconforming land, uses, or structures in the vicinity shall not in themselves constitute such special conditions, nor shall the purely economic interests of the applicant. The potential for economic development of the subject property itself may, however, be considered among the factors specified in this subsection.

Applicant's Statement: See Attachment 4 for the applicant's written statement.

Finding: SRC Table 133-1 requires one off-street parking space per 100 square feet gross floor area for Membership Sports and Recreation Clubs (SIC 7997). The proposed wellness clinic is classified as a Membership Sports and Recreation Club, and therefore requires 118 off-street parking spaces for the approximately 11,800 square foot building. There are at least two special conditions applying to this proposal, which make a reduction in parking appropriate. First, the size of the existing building associated with the relatively small area available to improve with parking on this 0.88 acre site creates a special condition when attempting to make a new, adaptive re-use of this large old structure. This site configuration is the result of the needs of the former ice and cold storage plant use. The proposal is an innovative attempt to adapt this old building to a new use by utilizing the large, open-beam surface for active wellness recreation activities, and thereby contributing toward the economic development of the City.

The second special condition is the unique nature of how the property will be used. The wellness clinic concept will include fitness equipment areas and exercise rooms like a sports club, but the more specialized nature of the wellness program means that it will attract fewer customers at any one time than a more general sports club. In this sense, the wellness clinic use is similar to a Health Service use, which would only be required to provide one space per 350 square feet of building area, or 34 spaces, under SRC Table 133-1. The applicant proposes 31 spaces, which would be very close to compliance for a Health Service use.

It is also a special condition that providing 118 parking spaces for this one use would require a much larger parking lot than is proposed, which would not comply with the pedestrian-scale design guidelines of the Riverfront Overlay zone. Adding to special conditions are the relatively numerous on-street parking spaces on Front Street and D Street, which are also available for the business patrons.

In addition to the 31 proposed parking spaces, the proposal includes a basement level vehicle storage area for six tandem style parking spaces, stacked one in front of the other, primarily to be used by employees. These spaces are not being counted as part of the 31 total because they do not meet the off-street parking standards of SRC Chapter 133, but these six off-street spaces should be considered in the variance decision because they will absorb some of the parking need of the wellness clinic. The applicant also submitted plans for a second level of structured parking above the proposed surface parking area that could possibly be built as a second phase of development at the site in approximately three years time. The structured parking is not part of the development application currently under consideration. Finally, the applicant has also contacted the nearby Union Gospel Mission Store about a possible future parking lease agreement in the unlikely event that additional off-street parking are needed for the proposal. As with the structured parking idea, the Union Gospel Mission Store parking agreement is not part of the proposal at this time, and does not meet the parking lease agreement requirements of SRC Chapter 133, but it does nonetheless show a willingness by the applicant to address any parking concerns that could arise.

The requested variance is appropriate for the proposed wellness clinic use, but may not be appropriate for other uses classified under SIC 79 that may generate more traffic than this proposal. Therefore, to ensure that this variance, if approved, only applies to the applicant's proposed use, the following condition is recommended:

Condition 1. The parking reduction granted by this variance shall be limited to the use of the existing building as a wellness clinic that provides a medically supervised health and wellness program, as proposed by the applicant, and shall not be transferable to any other uses classified under SIC 79.

The proposal is a creative way to use this unique building, and it is hard to foresee a full utilization of this existing building for another use that would not also need some degree of variance for off-street parking, based on the requirements of SRC Table 133-1. For these reasons, staff concurs with the applicant's statement and finds that the request satisfies this criterion.

Criterion (b): Granting a variance will not be unreasonably detrimental to the public welfare or to property or improvements in the neighborhood of the subject property.

Applicant's Statement: See Attachment 4 for the applicant's written statement.

Finding: As already stated, the wellness clinic concept will include fitness equipment areas and exercise rooms similar to a sports club, but the more specialized nature of the wellness program means that it will attract fewer customers at any one time than a more general sports club. In this sense, the traffic generation and parking needs of the wellness clinic use is similar to a Health Service use.

At the time of writing this staff report, the CAN-CO neighborhood association has not provided any comments or raised any concerns about the proposal's effect on area on-street parking. In the unlikely event that the proposed on-site parking is not sufficient, there is ample on-street parking in this vicinity. The provision of all 118 required off-street parking spaces would likely be more detrimental for the neighborhood than what is now proposed, as much of those spaces would likely go unused and such a large parking area would also take space that could otherwise be used for other positive new developments in the area. Reduced off-street parking is appropriate for uses such as this that are located in a pedestrian-oriented central city location because alternate modes of transportation are available, such as transit and pedestrian and bicycle connections.

For these reasons, Staff does not find any evidence that granting the reduction in parking spaces will be unreasonably detrimental to the public welfare or property or improvements in the area, and concurs with the applicant that this criterion is met.

Criterion (c): Granting a variance will not, under the circumstances of the particular case, unreasonably affect the health or safety of persons working or residing in the neighborhood of the subject property.

Applicant's Statement: See Attachment 4 for the applicant's written statement.

Finding: Providing an adequate number of parking spaces this close to the building will create a safe environment for both clients and staff. Both parking areas are planned to be gated during evening hours, which will further enhance safety. Providing a new business with activity over a wide span of time in a typical day will also enhance general safety for surrounding uses, which have often been negatively impacted by itinerant persons. This criterion is met.

Criterion (d): Granting a variance will be consistent with the Comprehensive Plan and with the intent and purpose of this zoning code.

Applicant's Statement: See Attachment 4 for the applicant's written statement.

Finding: Staff concurs with the applicant's statement. The subject property is designated "River-Oriented Mixed Use" on the Comprehensive Plan map. The applicant's proposal for a reduced minimum off-street parking requirement is consistent with the following applicable goals and policies of the Comprehensive Plan: General Development Policy No. 3 (Economic Growth); General Development Policy No. 7 (Optimal Use of the Land); Commercial Development Policy No. 3 (Redevelopment). The variance request is also consistent with the Salem Transportation System Plan (TSP), Parking Management Element. This section of the TSP relates to parking. The following policies of the TSP Parking Management Element are applicable: 2.1 Provision of an Appropriate Supply of Off-Street Parking Facilities; 2.4 Promoting Alternative Modes; 3.4 Satisfaction of Off-Street Parking Requirements through Alternative Modes of Transportation.

The variance is requested in order to help allow the applicant to make good use of the site. The policies of the Comprehensive Plan identified above encourage this sort of redevelopment of properties in order to optimize use of the land within the urban area. Maintaining the city as a center of community services, and providing services where efficient access is available is also encouraged by the Comprehensive Plan. The proposal's location less than one block from public transit supports the identified TSP policies related to alternate modes of transportation.

Staff concurs with the applicant that the proposal is consistent with the Comprehensive Plan and the intent and purpose of the Zoning Code. Staff finds that this criterion is met.

FINDINGS APPLYING TO THE VARIANCE TO ELIMINATE THE REQUIRED 5-FOOT-WIDE LANDSCAPED STRIP ALONG THE EAST INTERIOR PROPERTY LINE

SRC 115.020 sets forth the criteria that must be met before approval can be granted to a variance request. The Planning Commission may grant the degree of variance from any of the development standards imposed on a particular subject property under the provisions of this zoning code which is reasonably necessary to permit development for an otherwise lawful use upon finding that each of the following criteria is met:

Criterion (a): There are special conditions applying to the land, buildings, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, or uses in the same district, and which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance. Nonconforming land, uses, or structures in the vicinity shall not in themselves constitute such special conditions, nor shall the purely economic interests of the applicant. The potential for economic development of the subject property itself may, however, be considered among the factors specified in this subsection.

Applicant's Statement: See Attachment 4 for the applicant's written statement.

Finding: The applicant proposes a 31-stall off-street parking area, which meets all dimensional requirements for safe vehicle maneuvering and meets all interior and perimeter landscaping requirements, except along the east interior property line. The special condition which applies to the site warranting a variance to eliminate the required five-foot-wide landscaped strip along the east property line is the relatively large old building remaining on a rather small lot. Adding to this is the grade drop from Front Street to the proposed parking area. The parking area will be one floor level below the grade of Front Street. The City recently installed a traffic safety barrier along the property's Front Street frontage at the northwest corner of the site, to protect the small bridge over Mill Creek. This forced the property owner to re-locate the access to the parking area in its present location, necessitating the long ramp through the middle of the proposed parking. The combination of the ramp slope and the need to maintain a 24 ft. wide parking aisle width left no room for the required five-foot-wide landscape strip on the east property line of the parking area. The elevation difference between Front Street and the parking area is a special condition that creates the need for this large driveway ramp.

Granting the variance to eliminate the east landscaped setback allows the proposal to otherwise comply with off-street parking design standards, thereby helping make good use of the property. This, in turn, allows economic development of the subject property and contributes to the economic development of the Front Street riverfront area. This criterion is met.

Criterion (b): Granting a variance will not be unreasonably detrimental to the public welfare or to property or improvements in the neighborhood of the subject property.

Applicant's Statement: See Attachment 4 for the applicant's written statement.

Finding: Where the site lacks this five-foot-wide landscape strip is mid-block, and adjacent to a large, existing parking area that has no landscaping of its own. Any detrimental effects will be minimal, as the landscape materials the applicant proposes to add to this site will be the first ones on this block, not including natural vegetation along the creek banks. This criterion is met.

Criterion (c): Granting a variance will not, under the circumstances of the particular case, unreasonably affect the health or safety of persons working or residing in the neighborhood of the subject property.

Applicant's Statement: See Attachment 4 for the applicant's written statement.

Finding: Inasmuch as the lack of a landscaping feature affects health or safety of persons working or residing in the neighborhood, any such effect is minimized by the fact that the proposal will be complying with all other landscaping requirements for the parking lot, such as interior parking lot landscaping in the form of planter bays and perimeter landscaping along the west, north and south sides of the new parking area. This will be a considerable improvement to the existing conditions of the site and surrounding area. Maintaining safe required aisle width, safe slope (10 percent) on the driveway ramp, and other parking area dimensions in this instance is more important for public health and safety than the eastern perimeter landscaping.

Criterion (d): Granting a variance will be consistent with the Comprehensive Plan and with the intent and purpose of this zoning code.

Applicant's Statement: See Attachment 4 for the applicant's written statement.

Finding: Staff concurs with the applicant's statement. The subject property is designated "River-Oriented Mixed Use" on the Comprehensive Plan map. The applicant's proposal to eliminate the east interior landscape strip requirement is consistent with the following applicable goals and policies of the Comprehensive Plan: General Development Policy No. 3 (Economic Growth);

The variance is requested in order to help allow the applicant to make good use of the site. The policies of the Comprehensive Plan identified above encourage this sort of redevelopment of properties in order to optimize use of the land within the urban area. Maintaining the city as a center of community services, and providing services where efficient access is available is also encouraged by the Comprehensive Plan.

Staff concurs with the applicant that the proposal is consistent with the Comprehensive Plan and the intent and purpose of the Zoning Code. Staff finds that this criterion is met.

FINDINGS APPLYING TO THE TYPE II SITE PLAN REVIEW

SRC 163.070(b) states that approval of a Type II Site Plan Review application shall be granted if the decision authority finds that:

- (1) The application has met all applicable standards of the Salem Revised Code, or the application has met all standards requiring the exercise of discretion or legal judgment necessary to grant an appropriate deviation, including approval of a concurrent zoning adjustment consistent with SRC Chapter 116;
- (2) 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;
- (3) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and
- (4) The proposed development will be adequately served with City water, sewer, storm drainage, and other utilities appropriate to the nature of the development.

Analysis of Type II Site Plan Review Criteria:

Criterion (1): The application has met all applicable standards of the Salem Revised Code, or the application has met all standards requiring the exercise of discretion or legal judgment necessary to grant an appropriate deviation, including approval of a concurrent zoning adjustment consistent with SRC Chapter 116.

Applicant's Statement: This application, including the two variance requests described later in this narrative, addresses all applicable standards of the code.

Finding: The applicant proposes to establish a wellness clinic that provides a medically supervised health and wellness program (Standard Industrial Classification [SIC] 7997) in an existing building and development of a new off-street parking area. The applicant has requested a zone change from CO (Commercial Office) to CB (Central Business District) for the site consolidated with this application. SIC 7997 is a permitted use in the proposed CB zone, but not in the existing CO zoning. The following condition of site plan approval is recommended, to make clear that approval of this site plan review requires the approval of the consolidated zone change request:

Condition 1. The consolidated Zone Change request to change the subject property's zoning from CO (Commercial Office) to CB (Central Business District) shall be approved.

The proposal meets or can meet all applicable development standards. The following is a summary of the development standards applicable to this proposal.

Design Review

The applicant has applied for discretionary design review, consolidated with this site plan review request. To ensure the project receives design review approval, staff recommends the following condition of approval:

Condition 2. The consolidated Discretionary Design Review shall be approved.

Off Street Parking and Loading (SRC Chapter 133)

The minimum off-street parking requirement for the proposal would be 118 spaces pursuant to SRC Table 133-1, for uses classified under SIC 79. The applicant has requested a variance to this requirement to reduce the required off-street parking requirement from 118 to 31. To ensure the proposal receives approval for the needed parking variance, staff recommends the following condition of site plan approval:

Condition 3. The consolidated Variance to reduce the off-street parking requirement from 118 to 31 spaces shall be approved.

The site plan also complies with the minimum loading space requirements of SRC Table 133-2 and all other parking area development standards.

Required Yards

The required setback from the new parking area to Front Street is a 6-foot-wide landscaped strip measured from the special setback line (pursuant to SRC 132.230(d)(1)(C)). The Front Street special setback line is 36 feet from centerline, or approximately 6 feet from existing right-of-way line at this property. Therefore the total required setback from the new parking area to the Front Street right-of-way line is 12 feet. The proposal meets this standard. The required setback from the new parking area to the north and east property lines is a 5-foot-wide landscaped strip. The proposal satisfies this standard at the north side, but only partially meets this standard along the east side. A variance to the 5-foot-wide landscaped strip setback along the east property line has been requested as part of this application. To ensure this needed variance is approved before site plan approval is granted, the following condition is recommended:

Condition 4. The consolidated Variance to eliminate the required 5-foot-wide landscaped strip along the east interior property line shall be approved.

Criterion (2): 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.

Applicant's Statement: The report from our traffic engineer (attached) addresses the Statewide Transportation Rule, and concludes that the traffic affects resulting from our proposal are not significant, given the anticipated traffic after the remodel/expansion, and the existing street system capacity, neighboring street traffic volumes and capacities.

Finding: The existing street system is adequate to serve the proposed development and the development is not proposing a building addition pursuant to 77.150(a)(1)(b), so no right-of-way dedication or street improvements are required.

A special setback of 36 feet from the centerline of Front Street NE is required. The applicant's site plan provides the necessary special setback.

Criterion (3): Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians.

Applicant's Statement: Please again refer to the traffic engineer's report, attached. The location of our ingress/egress ramp from Front Street down to the proposed on-site parking has been

designed after discussions with City Public Works' engineering staff. That access point is located a safe distance between the Mill Creek bridge and the D Street intersection. A second point, an egress-only route east of the building is an existing driveway that provides additional circulation and a secondary option for emergency vehicles. The access to the leased parking across Front Street on the Saffron property utilizes an existing driveway.

Finding: The driveway access onto Front Street NE and D Street NE meet the minimum spacing requirements in the Public Works Design Standards to provide for safe turning movements into and out of the property. Staff finds that the proposal meets this criterion.

Criterion (4): The proposed development will be adequately served with City water, sewer, storm drainage, and other utilities appropriate to the nature of the development.

Applicant's Statement: Please see the attached City aerial photo with utility locations. The historical use of this area provides the complete and adequate compliment of all required utilities appropriate to this new, proposed service use.

Finding: The Public Works Department has reviewed the applicant's preliminary utility plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets and areas and are adequate to serve the proposed development.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the facts and findings of the staff report and APPROVE, by resolution, the following actions for Design Review/Zone Change/Variations/Site Plan Review 12-04, on property approximately 0.88 acre in size, zoned CO (Commercial Office), within the Riverfront Overlay Zone, and located at 910 Front Street NE (Marion County Assessor's Map and Tax Lot number: 073W22AC / 2900):

- A. APPROVE the Discretionary Design Review;
- B. APPROVE the Zone Change request from CO (Commercial Office) to CB (Central Business District);
- C. APPROVE the Variance request to reduce the minimum number of required off-street parking spaces from 118 to 31, subject to the following condition of approval:

Condition 1. The parking reduction granted by this variance shall be limited to the use of the existing building as a wellness clinic that provides a medically supervised health and wellness program, as proposed by the applicant, and shall not be transferable to any other uses classified under SIC 79.

- D. APPROVE the Variance request to eliminate the required 5-foot-wide landscaped strip along the east interior property line; and
- E. APPROVE the Site Plan Review subject to the following conditions of approval:

Condition 1. The consolidated Zone Change request to change the subject property's zoning from CO (Commercial Office) to CB (Central Business District) shall be approved.

Condition 2. The consolidated Discretionary Design Review shall be approved.

Condition 3. The consolidated Variance to reduce the off-street parking requirement from 118 to 31 spaces shall be approved.

Condition 4. The consolidated Variance to eliminate the required 5-foot-wide landscaped strip along the east interior property line shall be approved.

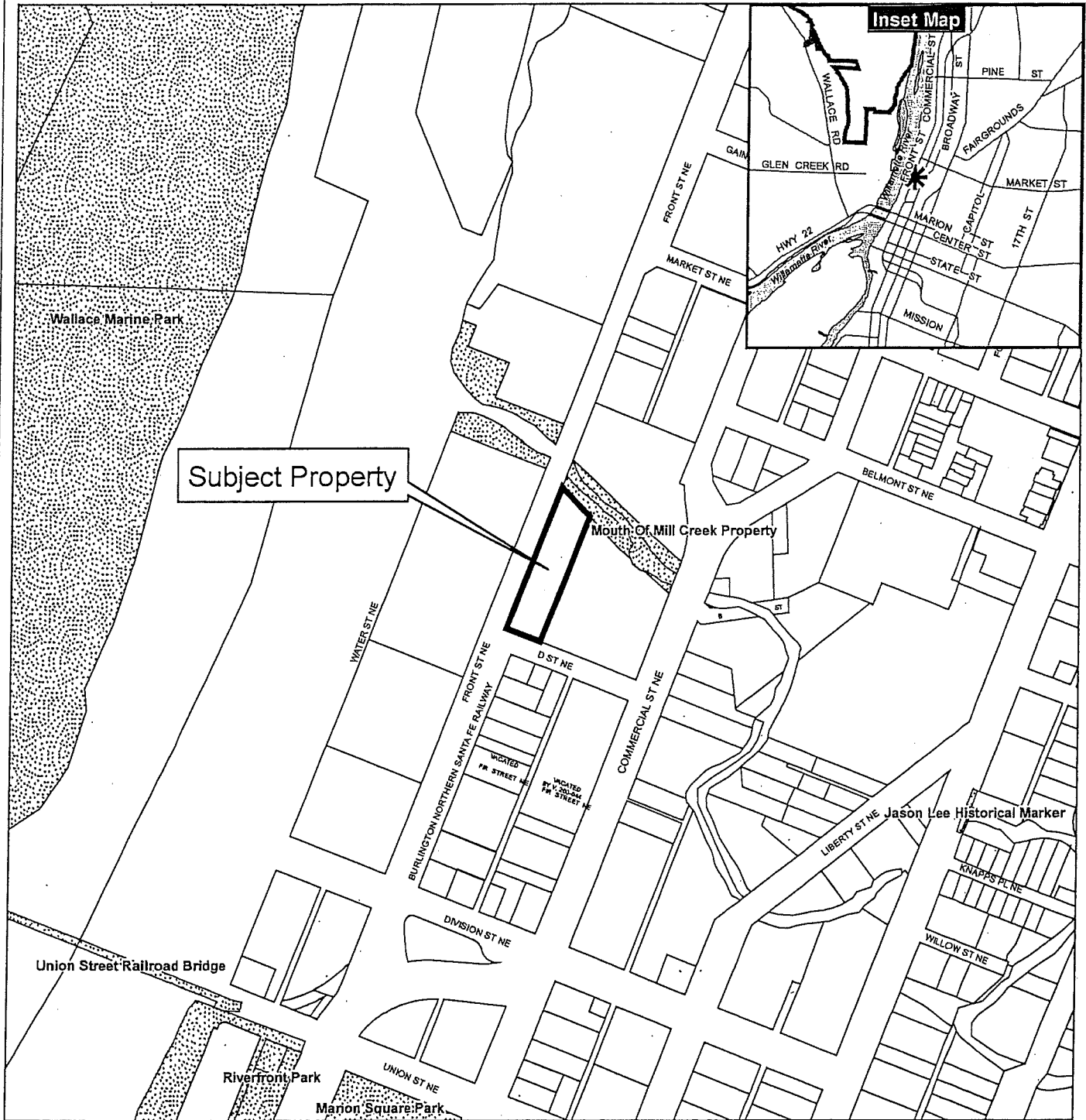
Attachments:

1. Vicinity Map
2. Zoning Map
3. Site Plan and Building Elevations
4. Applicant's Statement
5. Transportation Planning Rule (TPR) Analysis
6. Public Works Department Memorandum

Prepared by: Bryan Colbourne, Planner III

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Vicinity Map 910 Front Street NE



Legend

Taxlots

Urban Growth Boundary

City Limits

Outside Salem City Limits

Historic District

Schools

Parks

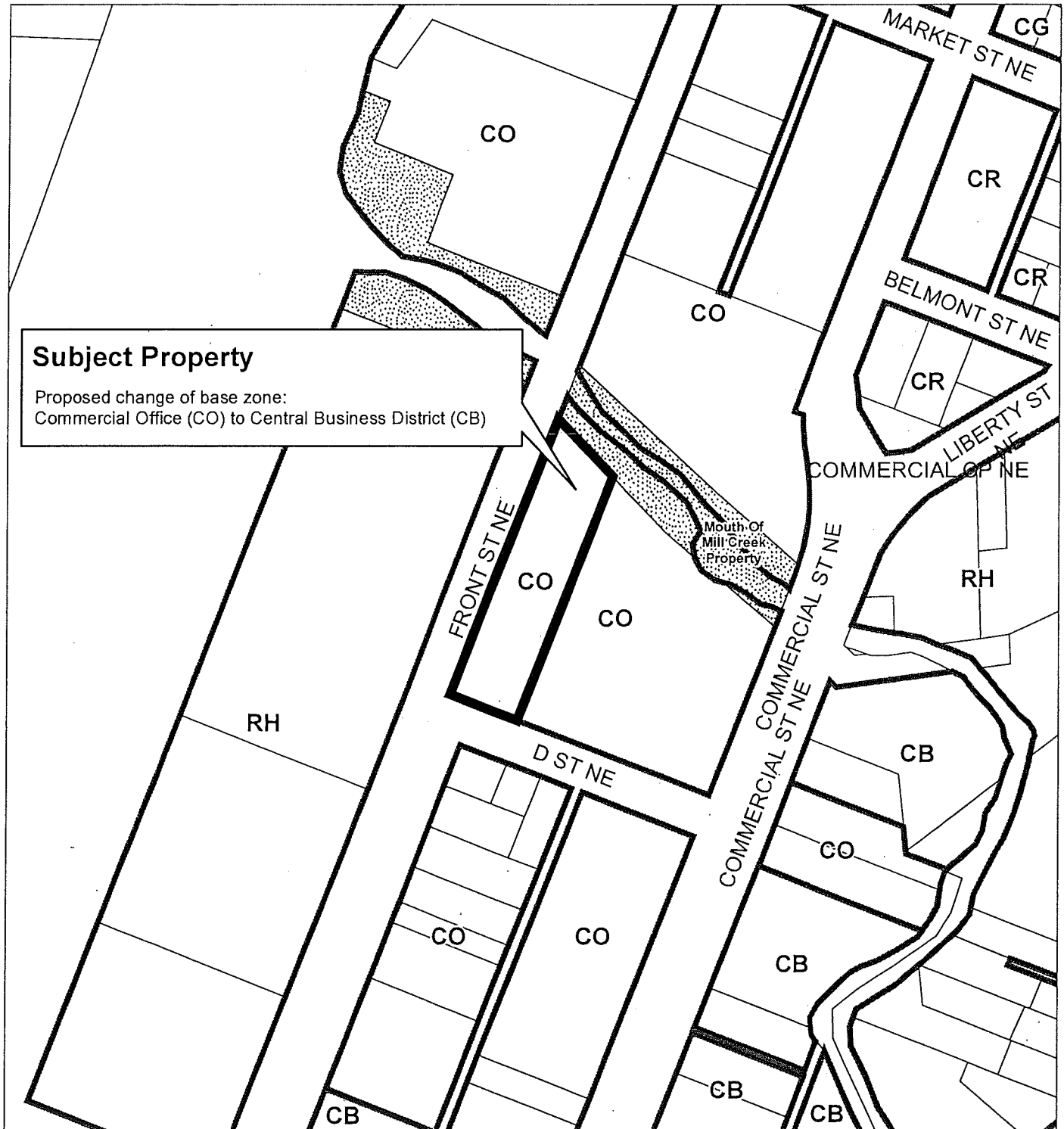
CITY OF Salem
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Community Development Dept.

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Design R view/Zone Change./variances/ Site Plan Review Case No. 12-04



Legend

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

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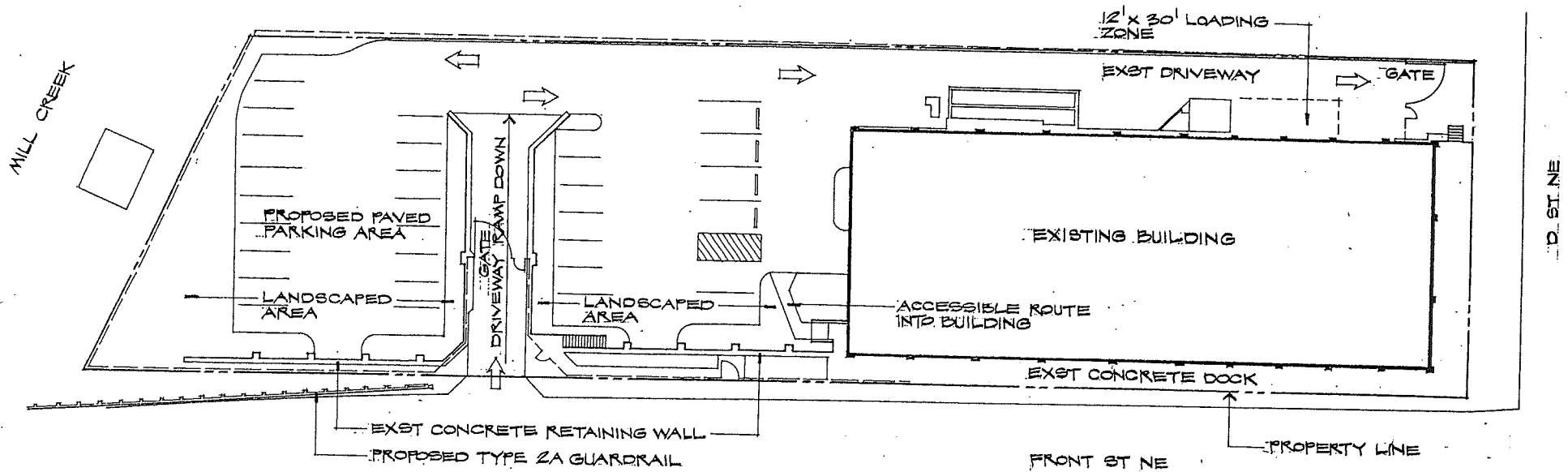
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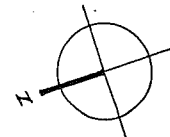
JUL 31 2012

COMMUNITY DEVELOPMENT



SITE PLAN
31 JULY 2012

0 10 20 40 80



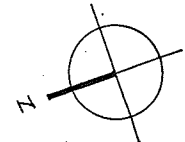
STANDARD-SIZED SPACES:	6
COMPACT (SMALL CAR) SPACES:	23
ACCESSIBLE SPACES:	2
TOTAL SPACES:	31
COMPACT SPACE PERCENTAGE OF TOTAL = 74%	
	$23/31 = 0.74$

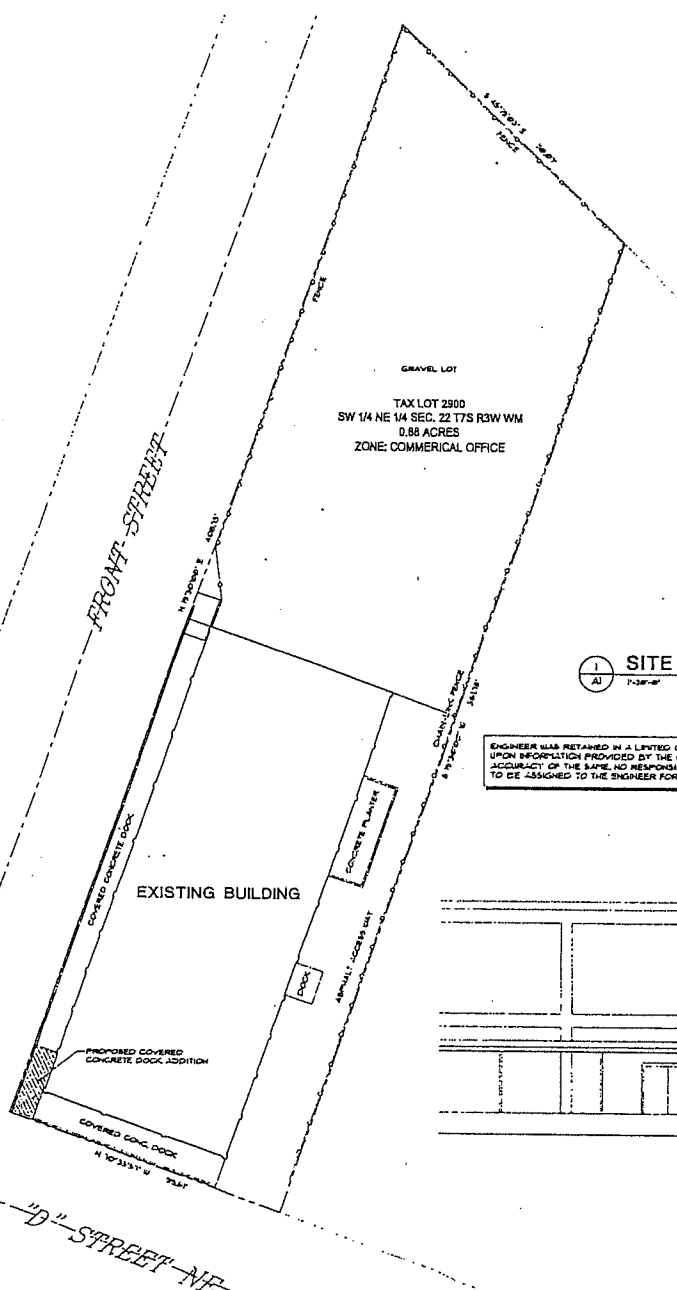
COMMUNITY DEVELOPMENT



REVISED 28 JULY 2012 & 31 JULY 2012

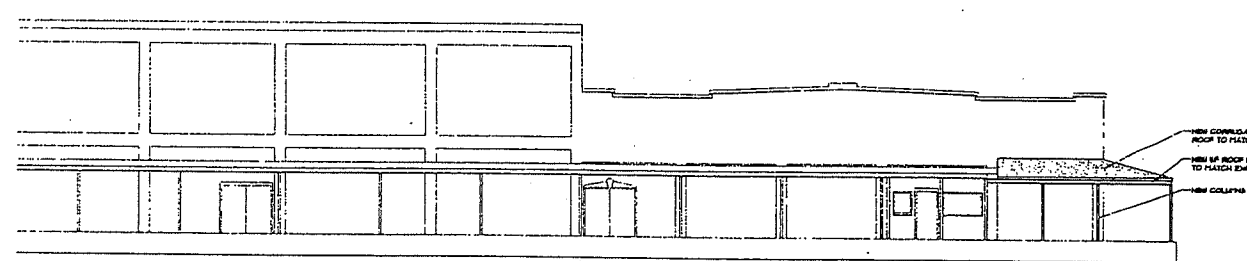
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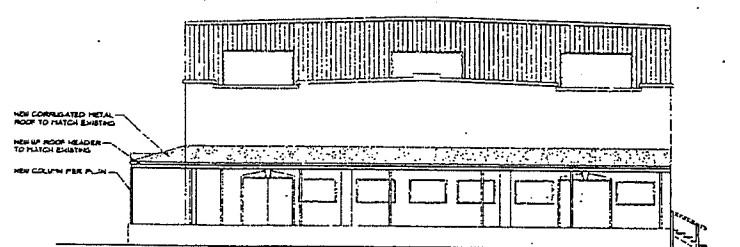


1 SITE PLAN
1"=30'-0"

ENGINEER WAS RETAINED IN A LIMITED CAPACITY FOR THIS PROJECT. DESIGN IS BASED UPON INFORMATION PROVIDED BY THE CLIENT, WHO IS SOLELY RESPONSIBLE FOR ACCURACY OF THE SAME. NO RESPONSIBILITY AND/OR LIABILITY IS ASSUMED BY, OR IS TO BE ASSIGNED TO THE ENGINEER FOR ITEMS BEYOND THAT SHOWN ON THESE SHEETS.



3 PARTIAL EXISTING WEST EXTERIOR ELEVATION
1/8"=1'-0"



2 EXISTING SOUTH EXTERIOR ELEVATION
1/8"=1'-0"

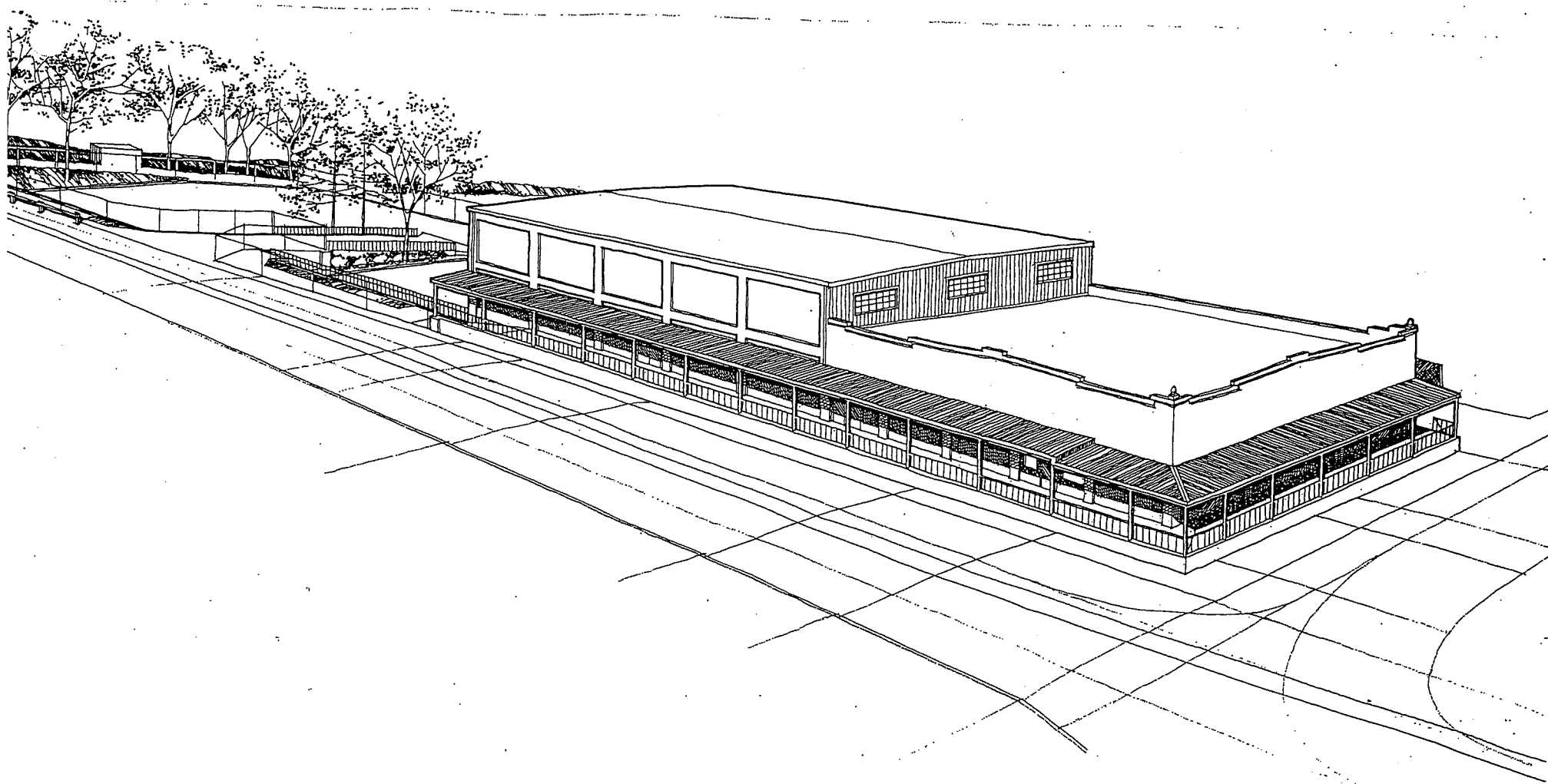


Dan Green Engineering, Inc.
Structural Engineers
3230 Triangle Drive S.E.
Salem, Oregon 97302-4506
Phone 503-301-2309
Fax 503-568-8680

JOB NO. 101013
DATE: 2/1/11

REVISION	
NO.	DATE

SITE PLAN and EXTERIOR ELEVATIONS
JEFF HARMON
REMODEL
910 FRONT STREET, SALEM, OREGON 97301, MADISON COUNTY





JOHN L BROSZY

Land Planning & Development Services Consultant

161 High St. SE, Suite 224
Salem, Oregon 97301
phone 503.316.1842
fax 503.362.2541
portland 503.703.7305

May 9, 2012
As Amended July 20, 2012
Salem Planning Commission
C/O Community Development Department
555 Liberty Street SE, Room 305
Salem, OR 97301

RECEIVED

JUL 20 2012

COMMUNITY DEVELOPMENT

**Re: Land Use Application for Salem Wellness Clinic
910 Front Street NE, Salem**

Members of the Commission:

The following land use application is for a creative, adaptive re-use of a very old building and property at 910 Front Street NE, in a mixed industrial and commercial part of downtown Salem.

The applicants, Salem Wellness Clinic, intend to locate a medically supervised health and wellness program facility and related parking in an old, existing historic building and property.

The City of Salem Comprehensive Plan designation for this property is "River-Oriented Mixed Use. The zoning for the property is Office Commercial (OC). The property is also within the Riverfront Overlay Zone.

The following applications are made, and requested to be reviewed concurrently:

- **Zone Change** – to Central Business District (CB)
- **Design Review** ("Guidelines" option)
- **Site Plan Review**
- **Variances** – off-street parking and parking lot design standards

A former use of this property was the Terminal Ice & Cold Storage Company. Ice of varying sizes and packaging was manufactured and sold wholesale and retail from this location. Most recently the existing building was used as a warehouse. What remains of that business that once covered much of the block, is this existing, large industrial building.

The Salem Wellness Clinic is proposed to be located within this building, which is in the process of being remodeled and refurbished. The Salem Wellness Clinic will be operated

ATTACHMENT 4

in conjunction with the Salem Women's Clinic at 1395 Liberty Street SE. Please see the attached Mission Statement for the Salem Wellness Clinic.

Background

After early meetings with the City about this proposed use, the property was acquired by Harmon COM (Salem Wellness Clinic) in 2010. Basic building rehabilitation began after acquisition. A pre-application conference was held with City officials in March 2011 (Pre-Application Conference No. 11-07).

The existing City zoning code does not have a land use definition that accurately describes what is envisioned for the Salem Wellness Clinic. We discussed at length with City staff that the use will most closely resemble a CO zone service (f) type (18) "*office of other health practitioners,*" and (33) *services, not elsewhere classified.*" At the end of protracted discussions and correspondences, the City maintained that our proposed use should be classified as a "*membership sports and recreation club*", which is classified as industry group number 7997, in the Standard Industrial Classification (SIC) system. Since that use is not allowed in the existing OC zone, the zone change request is made.

This application will accurately describe how the property will be used, because the distinction is also important from the standpoint of offstreet parking standards.

In 2011, the City of Salem constructed a long barrier along the east edge of the Front Street right-of-way in order to protect the approach to its narrow, old bridge that crosses Mill Creek immediately north of this property. That barrier required us to re-design the access and on-site parking layout considerably, to the location that is now proposed in this application. The site also has access on D Street. Proposed access points and direction of on-site circulation are shown on the proposed site plan, attached.

The former large ice and cold storage business property was converted to other uses over the years, including what is now the Grocery Outlet store on the same block, at Commercial and D Streets. The existing large industrial building was eventually left with a relatively small area that could be used for parking, north of the building. The applicant attempted to lease land that appears to be surplus to the needs of the adjacent Grocery Outlet business. During the negotiations, that corporation was sold to new owners, who declined to pursue a lease for their surplus land.

Later, a lease was negotiated with Union Gospel Mission, owners of a large part of the block immediately south of D Street. That lease, signed July 10, 2012, allows up to 20 spaces of their improved parking lot to be used for Salem Wellness Clinic, in the event that there is a need for additional parking beyond that provided on-site at 910 Front Street. The UGM property was formerly a car dealership, so a surplus of parking area exists beyond the typical UGM needs.

It should be noted that there is a friendly business relationship with this adjacent land use. Grocery Outlet recognizes that some Wellness Center users may also shop at their store, and may occasionally park in the Grocery Outlet lot. That adjacent business favors new business activity on this block and the owners and managers look forward to the Salem Wellness Center location.

Vicinity Description

Please see the attached aerial photograph. The vicinity has a wide variety of uses, including a tavern, a grocery store, several warehouses, government office buildings, a thrift store, and a food processing factory. Mill Creek, immediately to the north of the site, has cut a ravine through this area, near its confluence with the Willamette River to the west. The riparian vegetation along this creek is also shown on the aerial photograph.

Site Description

The existing building proposed for this new use is a major remnant of a large former business known as Terminal Ice & Cold Storage Company. Sheet 137 of the Sanborn Fire Insurance Company maps (1970 edition) for Salem is also attached to this application to show the historical use of this property and its vicinity.

Infrastructure

All necessary utilities are presently in place. Please see the attached aerial photo/utility map from the City of Salem.

Proposed Improvements

As noted, the building has gradually been refurbished from its former warehouse use and non-use. Please see the proposed floor plan, attached. Please also see the attached building and site perspective, which shows how the walkway adjacent to the building on the D Street and Front Street side will be protected by awnings and hand/guard rails.

The ramp down from the Front Street right-of-way will lead to 32 off-street parking spaces, plus up to six spaces inside the lower level of the building for employee use. These "inside" spaces will be available for use but are not counted, as they will be arranged in a "valet" manner that will require moving of other cars before moving out of that area.

Ultimately, we plan to build a structured parking "tray," over this lower level parking area, at the same approximate elevation as the main building floor. Please see the

preliminary parking structure concept drawings, attached. The parking tray will utilize the existing grade differences in an efficient manner and will maximize the number of parking spaces that can feasibly be located on this site. That future "tray" is expected to add approximately 18-20 parking spaces, for an ultimate total of 50-52 spaces on-site.

As allowed in the City's zoning ordinance, optional additional off-street parking is also leased and available on the UGM property, across D Street from the proposal. This leased area would be improved in the event that clinic parking needs exceed the 32 on-site spaces initially available. The UGM lot would add 20 spaces for that need scenario.

Zone Change Criteria

This zone change (Office Commercial to Central Business District) is requested by a property owner/applicant. Such request types are governed by the Zoning Code's Section 113.140 Application-Initiated Zone Changes. As such, the request becomes a quasi-judicial zone change. The burden of proof and approval criteria are found at 113.150:

- (a) *The applicant for any quasi-judicial zone change, other than a zone change which involves the classification of zoning for newly annexed areas that most closely corresponds to the county zoning, has the burden of proving justification for the change. The greater the impact of the proposed zone change on the area, the greater the burden of proving the justification on the proponent.*
- (b) *The proposal must be supported by proof that the proposed zone change is consistent with goals and policies of the comprehensive plan in light of their intent statements; those portions of adopted neighborhood plans that are part of the comprehensive plan; and any standards imposed by state land use law.*

Response:

The relevant City of Salem Comprehensive Plan goals and policies, and how this application conforms to those goals and policies are discussed below.

This proposal is consistent with the goals and policies of the City's Comprehensive Plan. The proposal supports all applicable statewide planning goals. It enables the retention and expansion of an existing local business (Salem Womens Clinic)(Statewide Goal 9, Economic Development). The proposal is at a site with the full complement of existing public facilities and services (Statewide Goal 11, Public Facilities and Services). Our enclosed traffic analysis concludes that increased traffic expected from this proposed remodeling is not significant under the Transportation Planning Rule standards (Statewide Goal 12, Transportation). The proposed business expansion utilizes an existing building and makes improvements to a well-established commercial/industrial neighborhood. Building remodeling plans will meet all modern energy-efficient building

code standards (Statewide Goal 13, Energy Conservation). Some green building principals are planned for treating storm water runoff from impervious surfaces.

Urban Growth Policy 6 is Infill Development: *"New developments shall make maximum use of available land areas with minimal environmental disturbance and be located and designed to minimize such public costs as extension of sewer and water services, schools, parks and transportation facilities."* Clearly, this creative, adaptive re-use of this large former industrial building meets this Infill Development Policy. Minimal disturbance will occur because the large existing building will be refurbished and re-used, and existing retaining walls and grades will be maintained to a great extent. The site is already served by adequate sized sewer, water and streets, so no extension of those facilities is required.

Urban Growth Policy 9 is Infill on Facilities, and says nearly the same thing: *"New development shall be encouraged to locate in areas where facilities are already available and in areas which require the least public costs to provide needed facilities and services."* This (remodel/expansion) proposal conforms to this Plan policy for the same reasons as previously described. No upgrade or extensions of the existing utility system is requested or required for this proposed use. Please also see the conclusion in our traffic impact analysis regarding impact of additional traffic to this site.

The proposal supports Commercial Development Goals and Policies of the Comprehensive Plan. Policy 3 is *"Redevelopment of existing shopping and service facilities should be encouraged where appropriate."* This proposed Plan change enables the redevelopment (remodeling) of this old building for use as a wellness service facility. The proposal supports Policy 6, which states that commercial office uses shall have convenient access to collector and arterial streets, which this site has, being adjacent to Front and D Streets, and being only one block from Commercial Street, an important arterial street to the east.

The proposal also generally supports the Plan's Transportation Goal and Policies, being located within an existing, fully-improved street and sidewalk network. This is part of a well-established development pattern and land use designation of commercial and industrial uses (Policy 6). Our traffic impact analysis also concluded that the traffic affects resulting from this Plan amendment are not significant, given the expected additional traffic and the existing level of traffic and capacity of the local street system.

The proposed change enables the remodeling of an existing, large building in a central location of Salem. The proposal fits the neighborhood in a sustainable and stable manner. The proposal enables the significant updating and improvement of a large, existing building. The new improvements will greatly improve the physical appearance of this site, including building, parking area and landscaping.

Zone change approval criterion (b) of 113.150 continues:

In addition, the following factors should be evaluated by the review Authority, and shall be addressed in the decision:

- (1) *The existence of mistake in the compilation of any map, or in the application of a land use designation to the property;*

Response:

The need for this zone change really comes down to the difficulty in classifying this medically supervised health and wellness program. It appears to be "on the edge" of a use that would typically be anticipated in an Office Commercial (existing) zone. In this manner, the zone change is the result of a "mistake" in the application of the OC zone, because this use has so many similar attributes of a health practitioner office that is in fact allowed in the OC zone.

The proposed Central Business (CB) zone allows a wider variety of land uses. The CB zone will more accurately reflect the existing mix of uses in this neighborhood. The neighborhood has always been fairly "eclectic" in that a large variety of use types in fact are located in this neighborhood, but the City, at least at one time had aspirations for mostly office commercial uses. Office Commercial never was the predominant use within this OC zone immediate area. Wellness Center clients will be drawn from a large area of Salem and the mid-valley. This proposed use is best suited therefore in a centrally located place in Salem, and the zone should reflect this central place function.

- (2) *A change in the social, economic, or demographic patterns of the neighborhood or the community;*

Response:

Certainly, this area has undergone significant changes throughout its long history. The attached Sanborn fire insurance rating company map shows how much of this area was once a heavy industrial area, and to this day, this block represents a transition in actual use between industrial to the north (Truitt Bros., etc.) and a mix of service, retail and office uses to the north. This building's most recent past use as a warehouse was nonconforming in the existing OC zone, as is the Grocery Outlet store on the same block. From the aspirations found in the Riverfront Overlay zone and the Design Review Guidelines, it appears that the City sees this area as a much more diverse blend of use types than are listed in the existing OC zone. The preservation of the old railroad bridge over the Willamette and its conversion to a bike and pedestrian bridge has helped to make this general area more conducive to pedestrians in general. As the overall City has

grown, there becomes an increased need for mixed-use areas in the central part of the City. This use allowed by this CB zone will complement future new residential, commercial and office uses nearby.

(3) *A change of conditions in the character of the neighborhood;*

Response:

Please see the response to (2), above. The area has not developed as an exclusively commercial office-type of neighborhood, as envisioned by the zoning pattern. The location of the nearby grocery store, tavern and thrift store in the immediate vicinity is an example of the eclectic, more central business – type trend for this area.

(4) *The effect of the proposal on the neighborhood;*

Response:

The use enabled by this zone change will be a compliment to any number of future uses in this central area, including residential, commercial and offices. The Wellness Clinic is an adaptive re-use of an old industrial building. This “re-casts” a building from this neighborhood’s heavy industrial past into a modern service use that will attract new persons (Wellness Clinic clients) to this central area. Having this type of active use that will extend the time of day that persons come into the neighborhood over time should improve the safety for other pedestrians in this area.

It is difficult to imagine a negative consequence of adding this CB zone to this vicinity, given the wide variety of non-OC zoned uses already existing on this block and surrounding blocks where the OC zone now exists. The area appears to be in transition to more diverse uses than are now allowed in that zone. The Urban Development Department of the City has supported our efforts and believes that this particular use, especially since it means re-using an important building from Salem’s industrial past, will be a useful addition to several initiatives underway to improve this part of downtown.

(5) *The physical characteristics of the subject property, and public facilities and services; and*

Response:

This .88 acre site is dominated by the large, existing industrial building. It was built to large-scale industrial standards. It has a large open floor surface and a large, high-ceiling open area. Please refer to the floor plan, attached. Few other uses could utilize such a large, unusual building without expending much energy and resources and tearing it

down. It is hard to imagine how the building could be saved if the site were constrained to uses allowed under the existing CO zone.

The site's long urban history has provided a full range of urban-level public facilities including streets and underground utilities, and is easily accessible to public safety services such as police and fire.

- (6) *Any other factor that relates to the public health, safety, and general welfare that the Review Authority identifies as relevant to the proposed change.*

Response:

In this application we address all issues raised in the March 2011 pre-application conference.

- (3) *The proposed plan change considers and accommodates as much as possible all applicable statewide planning goals; and*

Response:

In a central area urban location such as this, the application should be considered to accommodate all relevant statewide planning goals if the application supports all relevant City Comprehensive Plan goals, since the City Plan is considered to be in compliance with statewide goals and is acknowledged by the state.

Please also refer to the findings and conclusion of our consulting traffic engineer (see attachment) regarding the statewide Transportation Planning Rule.

CB Central Business District Zone Development Standards

Besides off-street parking (discussed in the variance section of this application) the other development standards of the CB zone are found beginning at 154.060.

There are generally no side or rear yard standards in the CB zone, and in any case, the building footprint in relation to exterior property lines is not proposed to be modified. (154.060)

The yards adjacent to streets standard in the CB zone defaults to the City's Development Design Handbook, addressed later in this application. In any case, no yard areas are being changed as part of the site improvements proposed for this site (154.070).

There are no building height standards that pertain to this site if zoned CB since the site is not located in either of the overlay districts identified in 154.080. In any case, the height of the existing building is not proposed to be modified.

154.090 requires CB zone sites to also receive design approval through the handbook standards and process. This is part of our application and discussed later in this application narrative.

Riverfront Overlay Zone Development Standards

As noted, the property is within the Riverfront Overlay Zone. Development standards for this zone are in addition to the development standards of the CB zone. The development standards for the overlay zone are at 137.070.

Most of the Riverfront Overlay Zone land use development standards (137.070(a) relate to residential uses (1) (not applicable) or uses within Area 1 of this overlay zone [(2) through (4)], which are not applicable, as this site is within the overlay zone Area 2, or outdoor business activities (5)(not applicable).

New buildings in this overlay zone are limited to 70 ft. height [(b)(1)]. No new buildings are proposed.

Signs are regulated by [(c)(1) through (4)] in this overlay zone. No signage is yet proposed, but will conform to the standards when selected.

Site Plan Review

This property is also subject to the City's Site Plan Review process. The criteria for approval are found at SRC 163.070(b):

- 1) *The application has met all applicable standards of the Salem Revised Code, or the application has met all standards requiring the exercise of discretion or legal judgment necessary to grant an appropriate deviation, including approval of a concurrent zoning adjustment consistent with SRC Chapter 116;*

Response:

This application, including the two variance requests described later in this narrative, addresses all applicable standards of the code.

- 2) *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;*

Response:

The report from our traffic engineer (attached) addresses the Statewide Transportation Rule, and concludes that the traffic affects resulting from our proposal are not significant, given the anticipated traffic after the remodel/expansion, and the existing street system capacity, neighboring street traffic volumes and capacities.

- 3) *Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and*

Response:

Please again refer to the traffic engineer's report, attached. The location of our ingress/egress ramp from Front Street down to the proposed on-site parking has been designed after discussions with City Public Works' engineering staff. That access point is located a safe distance between the Mill Creek bridge and the D Street intersection. A second point, an egress-only route east of the building is an existing driveway that provides additional circulation and a secondary option for emergency vehicles. The access to the leased parking across Front Street on the Saffron property utilizes an existing driveway.

- 4) *The proposed development will be adequately served with City water, sewer, storm drainage, and other utilities appropriate to the nature of the development.*

Response:

Please see the attached City aerial photo with utility locations. The historical use of this area provides the complete and adequate compliment of all required utilities appropriate to this new, proposed service use.

Design Review Guidelines

By virtue of its central location in Salem, this site is subject to the City's design review process. The City code provides two design review options in its Design Review Handbook – either "Guidelines" or "Standards." We have chosen to use the "Guidelines" option.

B. Riverfront Overlay Zone

1. Building Setbacks

a. Guidelines:

- 1) *Provide and enhance for public access to and along the riverfront.*

Response:

The subject property is not adjacent to the riverfront. The leased parking area at the Saffron property is an existing open area, and using that area for off-street parking will not affect access to or along the riverfront. The leased parking will not preclude any future plans for the City to increase access to this section of riverfront. It is possible if and when the Saffron property is redeveloped, that riverfront access could be provided or enhanced at that time. This application has little or no affect on this guideline.

- 2) *Provide building setbacks that minimize environmental impacts and protects riparian corridors.*

Response:

Please see the attached aerial photographs and the proposed site plan. Our on-site parking area will not encroach on any existing riparian vegetation near Mill Creek on the north. The geometry of our proposed parking area leaves a triangular shaped sloped area open near the existing bridge (see site plan) that provides an additional buffer for the creek corridor.

2. Building Orientation and Design

a. Guidelines:

- 1) *Where appropriate, incorporate into the project design the riverfront and Mill Creek as amenities.*

Response:

It is difficult to use Mill Creek as an amenity, as the creek flows within a heavily wooded, steep ravine, well below the grade of most of this property, and only a few feet from the creek's confluence with the river. The City already owns this steep ravine bank. The applicants have had preliminary discussions with the City about ways of using an old pump station/house that is now abandoned, within the City's creekside ownership adjacent to this proposal.

- 2) *For building faces adjacent to the riverfront, facilitate pedestrian interaction by incorporating pedestrian arcades and plazas into project design.*
- 3) *For ground floor faces adjacent the riverfront, provide views into shops and offices. Upper building levels facing the riverfront should incorporate decks and balconies.*

Response:

This existing building does not abut the riverfront. Only a small amount of existing open land is being leased on the Saffron property which does have riverfront access.

- 4) *For new structures within the Riverfront Overlay Zone, take measures to minimize the noise impacts of surrounding industrial uses and the road.*

Response:

By virtue of the existing building's past industrial utilitarian design, few openings of any kind now exist in this building, and construction is "heavy gauge," all features providing excellent protection against noise impacts of nearby industrial uses and Front Street.

3. Open Space

a. Guideline:

- 1) *Provide private open space for mixed use and residential buildings.*

Response:

This is not a mixed-use or residential building proposal.

4. Access

a. Guidelines:

- 1) *Minimize vehicle access and driveways onto Front Street. The joint use of driveways accessing Front Street is encouraged.*

Response:

Only one point of access, for ingress only, is proposed on this property frontage with Front Street, taking the place of an original driveway location closer to the bridge. Egress from the site will be to D Street (see site plan). The Front Street ingress point is a safe distance from the nearest intersection. The adjacent Grocery Outlet parking area already has ample access points on D Street, with no need to jointly use this driveway (ramp).

- 2) *Include in the project design public pedestrian access between the riverfront and Front Street to provide an inter-connected pedestrian circulation system.*

Response:

This application has no impact on this design guideline. This proposed new use and site plan alteration does not preclude future pedestrian access between the riverfront and Front Street.

5. Off-Street Parking and Loading

a. Guidelines:

- 1) *Design the scale and orientation of parking lots consistent with a pedestrian-oriented retail and residential district.*

Response:

The scale of the proposed parking areas is consistent with a pedestrian-oriented area that is gradually evolving, one new use at a time in this changing part of downtown Salem. It is argued that the proposed number of parking spaces, which are adequate for the needs of this health-care type of business, is more in keeping with this design guideline than the number of parking spaces required without our requested parking variance (118 spaces). These two smaller scale parking areas are also consistent within this area that has ample on-street parking opportunities. No nearby residential uses now exist, but the scale of our proposed parking will be consistent with such residential uses when they may be located in the future.

- 2) *Where physically possible, provide shared and structured parking to minimize the amount of land necessary to accommodate parking.*

Response:

Structured parking is the long-term plan for this site, as previously described. The existing retaining wall along the Front Street side of the property and grade difference enables a relatively efficient opportunity to locate a "tray" of structured parking on the Front Street grade, above the existing parking grade, in the future.

The adjacent Grocery Outlet store on the same block has ample parking areas with ample access to D Street. The corporate owners and managers of Grocery Outlet have been approached by the applicants, and recognize that some of their parking may be shared or shared trips with the Wellness Center clients. They also support the re-use of this property and building.

Variance Requested – Number of Parking Spaces

The two variances proposed in this land use application are discussed separately, together with proposed findings addressing the variance approval criteria.

The first variance request relates to off-street parking are requested as part of this land use application. As noted, this business has been classified by the City as a

"membership sports and recreation club," rather than something more resembling a medically supervised health and wellness program/facility. The closest category found for that definition on Table 133-1, Minimum Parking Space Requirements, is Amusement and Recreational Services (Table 133-1, #14). As such the use requires 1 space per 100 sq. ft. of building. The existing building has approximately 11,760 sq. ft., so 118 spaces are required by strict interpretation of the code. We propose 32 spaces, plus the 20 spaces on the UGM property (lease), if the need is demonstrated.

The 20 spaces provided on the UGM property to the south, meets City requirements for off-street parking. 133.050 (a)(3) allows customer parking to be within 800 feet of the business in a CB zone, and within 2,000 feet for employees. Leasing is allowed by 133.200(b), and the five-year term is allowed by (c) and (d) of the same code section.

Compliance with Variance Standards

SRC Section 115.020 sets forth the following conditions which must be met before variances can be granted.

- i. *There are special conditions applying to the land, buildings, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, or uses in the same district, and which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance. Nonconforming land, uses or structures in the vicinity shall not in themselves constitute such special conditions, nor shall the purely economic interests of the applicant. The potential for economic development of the subject property itself may, however, be considered among the factors specified in this subsection;*

Response:

There are at least two special conditions that meet this criterion. First, the size of the existing building associated with the relatively small area available to improve with parking on this .88 acre site creates a special condition when attempting to make a new, adaptive re-use of this large old structure. The second special condition is the issue regarding how the property will be used, which we feel much more closely resembles a health facility than a sports club. Health service uses are required to provide one space per 350 sq. ft. of building, which in our case would require 34 spaces.

We propose 32 spaces, which from that standpoint, would be very close to compliance. The 32 spaces are considered adequate for the business activity level anticipated when devising the floor plan and capacity of this facility for the wellness programs. The

limited amount of land available on this lot that includes this large old building is a unique situation. This is a creative way to use this unique building, and it is hard to imagine a full utilization of this existing building for any other kind of business that would not also need some sort of variance for off-street parking, based on city code requirements found in Table 133-1.

As noted, the UGM lot across the street will be used in the event that the business activity exceeds original projections. That area, already leased for this potential outcome, would add 20 parking spaces. Please refer to the mission statement of the business, attached, and the floor plan to see the medically supervised nature of this business, which really more closely will resemble a medical clinic than a drop-in type of amusement business.

It is also a special condition that providing 118 parking spaces for this one use would require a parking lot that would not comply with the pedestrian-scale guidelines of the Riverfront Overlay zone.

Adding to special conditions are the relatively numerous on-street parking spaces on Front Street and D Street, which are also available for the business patrons.

It should be remembered that this is a large private business decision, and we believe the 32 proposed parking spaces are adequate for this use. It would be imprudent to attempt to locate a new business with too few parking spaces to adequately accommodate the business. This is a case where the private business decision regarding off-street parking spaces should inform the City as to how this building will actually be used. As noted, we have a lease to use the UGM property (20 additional spaces) in the event more parking is needed.

It is a special condition that the former ice and cold storage plant was divided up in this manner, leaving a relatively small area on the same ownership for parking next to the large existing building. The application is an innovative attempt to adapt this old building to a new use, utilizing the large, open-beam surface for active wellness-recreation activities. The actual use of the building will more closely resemble a use that requires 34 spaces under code requirements. 32 are proposed on-site, with six available inside the lower level of the building, and an additional 20 spaces available if needed on the UGM site.

- ii. *Granting a variance will not be unreasonably detrimental to the public welfare or to property or improvements in the neighborhood of the subject property;*

Response:

The Urban Development Division of the City, knowing the site limitations to off-street parking, nonetheless has encouraged this new use for this downtown area. The provision of 32 parking spaces will be adequate for the needs of this business, whereas providing so many more spaces than necessary (118) would be counter-productive to the scale of the use, would be an unused eyesore for the neighborhood and the space required would preclude locating other positive new businesses in this vicinity.

Besides the 32 on-site spaces, there are ample on-street parking areas in this vicinity. There is the option to use the 20 spaces on the UGM site as well. Seeing how parking demand for the existing neighborhood uses is being accommodated, it seems unlikely that there will be local demand for parking that could reach detrimental levels for the surrounding uses.

- iii. *Granting a variance will not, under the circumstances of the particular case, unreasonably affect the health or safety of persons working or residing in the neighborhood of the subject property; and*

Response:

Providing an adequate number of parking spaces this close to the building will create a safe environment for both clients and staff. Both parking areas are planned to be gated during evening hours, which will further enhance safety. Providing a new business with activity over a wide span of time in a typical day will also enhance general safety for surrounding uses, which have often been negatively impacted by itinerant persons.

- iv. *Granting a variance will be consistent with the comprehensive plan and with the intent and purpose of this zoning code.*

Response:

Assuming the business owners understand how their own business will operate, the 32 parking spaces proposed for this site will be consistent of the City's comprehensive plan and intent of the zoning code. Please refer to our proposed findings regarding Comprehensive Plan goals and policies, found earlier in this proposal.

Variance Requested – Parking Lot Design

As noted, the area available for off-street parking is relatively limited, especially with the land required for a ramp down from the Front Street elevation to this area. What needed to be sacrificed was the five-foot wide landscape area on the eastern edge of the parking area, where the chain-link fence now exists. All other parking lot and landscape design requirements can be met except for this five-foot wide landscape feature. Fortunately it is an interior-block situation adjacent to another existing parking lot area that has no landscaping. If that five-foot landscape strip was built, the ramp would need to be steepened and at least three parking spaces would be lost. Please refer to all other landscape features as shown on our attachment # 15.

It should be noted that all other parking lot dimensional requirements will be met, including aisle widths and parking space dimensions.

- i. *There are special conditions applying to the land, buildings, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, or uses in the same district, and which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance. Nonconforming land, uses or structures in the vicinity shall not in themselves constitute such special conditions, nor shall the purely economic interests of the applicant. The potential for economic development of the subject property itself may, however, be considered among the factors specified in this subsection;*

Response:

The special conditions are the relatively large old building remaining on a rather small lot, with parking area one floor level below street (Front Street) grade. After the City located its barrier protecting the small, narrow and old bridge over Mill Creek, we were forced to locate the access to our parking area in its present location, necessitating the long ramp. The combination of the ramp slope and the need to maintain a 24 ft. wide parking aisle width left no room for the required five ft. width landscape strip on the east property line of the parking area.

The elevation difference between Front Street and the parking area is a special condition that creates the need for this large driveway ramp. In the future we will take advantage of this special condition, however, when a parking structure is built, extending a tray of parking on the Front Street elevation, over the existing parking below. Until then, however, the geometric requirements of the rest of the parking and maneuvering areas mean that this one landscape feature must be sacrificed.

- ii. *Granting a variance will not be unreasonably detrimental to the public welfare or to property or improvements in the neighborhood of the subject property;*

Response:

As noted, where the site lacks this five-ft. wide landscape strip is mid-block, and adjacent to a large, existing parking area that has no landscaping of its own. Any detrimental effects will be minimal, as the landscape materials we propose to add to this site will be the first ones on this block, not including natural vegetation along the creek banks.

- iii. *Granting a variance will not, under the circumstances of the particular case, unreasonably affect the health or safety of persons working or residing in the neighborhood of the subject property; and*

Response:

Inasmuch as the lack of a landscaping feature ever affects health or safety of persons working or residing in the neighborhood, any such effect is minimized by being in the middle of the block and adjacent to another parking area that no landscaping of its own. Maintaining required aisle width and other parking area dimensions seems more important for vehicular circulation and emergency vehicle access considerations, as does maintaining a reasonable slope (10%) on the driveway ramp.

- iv. *Granting a variance will be consistent with the comprehensive plan and with the intent and purpose of this zoning code.*

Response:

Assuming the rest of the application meets the Comprehensive Plan goals and policies and purpose of the zoning code, the proposed parking lot design variance with its relatively minimal impact, should also be "consistent" with the City comprehensive plan and intent and purpose of the zoning code. This design detail is not addressed by the Comprehensive Plan, in any case.

We are open to discussing conditions of approval that may make the appearance of this off-street parking area more attractive, despite this variance.

Conclusion

Our proposal for zone change to CB, our design review and site plan review applications and our two variance applications all meet City code approval criteria as described in this application narrative and proposed findings of fact, and should be approved as submitted.

Respectfully submitted,

John L. Brosy, Planning Consultant
Representing Harmon COM and Salem Wellness Center, applicants

Attachments – see list

SALEM WELLNESS CLINIC

Mission Statement:

To provide a primary medical care and a **medically supervised health and wellness program** to the women of Salem in a safe and nurturing environment and to improve their health by education, exercise, nutrition and networking.

Salem Wellness Center is a new concept in our community. In the past, health education was delegated to grade school through high school health teachers. After high school most adults are left to their own devices to continue healthy lifestyles. As we all know the information that we learned in health class has not stayed with us into adulthood. Health class was a necessary inconvenience to most of us and the knowledge we were supposed to learn is long forgotten. I am proposing a wellness center to reconnect women with the idea of healthy living and a subsequent decrease in the costs for their medical care. The medical community has always known and it is intuitive to most that healthy people spend less on medical care than unhealthy people. In today's political and economic climate, "wellness" has become a major focal point in discussions regarding the cost benefits and savings for society. We can discuss wellness and the potential for medical savings endlessly. Salem Wellness Center will combine medicine and wellness to provide an environment that educates and promotes wellness and optimal health as an attainable life style.

Our national administration has embraced wellness and innovative methods of delivering health care evidenced by the federally funded Health Care Innovation Challenge. The Center for Medicare and Medicaid Innovation that has sponsored the Innovation Challenge program has embraced the "Triple Aim" which in summary challenges providers of health care to provide better health care to individuals, to improve the health of their community and to develop programs that provide cost savings. Salem Wellness Center will be an innovative and leading edge program that will embrace the "Triple Aim" at the most

"upstream" point of care; well patients who wish to maintain and improve their health.

Salem Women's Clinic was founded in 1991 with the mission statement "To provide high quality medical care to the women of Salem in a kind and nurturing environment". **As part of the same ownership, Salem Wellness Center is a natural extension of Salem Women's Clinic.** After more than 22 years of providing medical care to the women of Salem I have come to realize that we are in need of a health and wellness center. Most women are not knowledgeable enough about health and wellness for themselves or their family members. They are uncertain about what exercises are safe and they are not knowledgeable about the benefits of exercise. Many are overwhelmed with the information that they are bombarded with daily about nutrition and basic diet planning. I plan to change this knowledge deficit at Salem Wellness Center. I am particularly knowledgeable about women's health because Salem Women's Clinic serves women and I am a women's healthcare physician. Salem Wellness Center will provide primary health care to the women of Salem with an emphasis on health and wellness. I will provide basic primary care with additional services to include health education, dietary counseling and exercise programs to maximize the health of each patient.

Background for wellness and health:

In the U.S. alone, excess weight, obesity, and inactivity are reportedly responsible for about 300,000 deaths every year. America is getting obese. In the last 40 years the obesity rate in America has climbed to an alarming rate. Today more than 65% of Americans are overweight and more than 30% are obese to the point of morbid obesity. Morbid obesity is defined as obesity that is contributing to medical illness. It is well documented in the medical literature that obesity contributes to many illnesses and medical conditions. I list the most common:

Heart disease

Hypertension

Hyperlipidemia

Stroke

Type 2 Diabetes

Nonalcoholic fatty liver disease

Gallbladder disease

Increased complications from surgery	Colon cancer
Gallbladder cancer	Endometrial cancer
Kidney cancer	Breast cancer Prostate cancer
Birth complications (higher Caesarean-section rates)	
Gestational Diabetes	Menstrual irregularities
PCOS	Asthma Urinary incontinence
Osteoarthritis	Sleep apnea Depression

In addition to the physical and medical complications and disorders that are associated with obesity there are also adverse psychological, social and economic consequences of obesity. Prejudice and discrimination in education, employment, health care and social relationships may lead to anxiety, depression and poor self-esteem. As America gets more and more obese we are starting to see a dangerous climb in childhood obesity rates. Children today are at an all-time high risk of obesity related illnesses at very young ages. The childhood obesity epidemic is real and there are many who predict that the life expectancy for our children will be lower than it is for adults today. For example, children are getting gallbladder disease in their teens. This was a problem typically seen in women in their forties. This is an alarming trend and it is not without a huge financial toll for everyone. Obese people require more medical care due to obesity related medical conditions and complications and the costs to provide this care is more expensive. Salem Wellness Center will be proactive and provide primary care and wellness options to our community to improve health and lower costs.

A Healthy Choice for Salem:

Salem Wellness Center will be a healthy choice for Salem, providing primary care with a paradigm shift from sickness care to proactive wellness care. Besides basic primary care services Salem Wellness center will provide resistance training equipment and instruction, health education, nutrition counseling, a weight loss program, indoor year round aerobic exercise opportunities, health coaching, and networking for women who are seeking better health and wellness

for themselves and their families. I believe that women will learn health and wellness habits and they in turn will share this knowledge with their families and friends. The "concession" area will provide healthy and nutritionally balanced snacks and beverages along with cooking lessons to teach patients how to cook nutritious meals.

The Salem Wellness Center will house a primary care medical clinic with conventional exam rooms and medical equipment. It will be staffed by a primary care nurse practitioner and health coaches to provide both primary care and health coaching to each patient as desired. In addition to conventional primary medical care each patient of the Salem Wellness Center will be counseled on how to achieve their optimal health and a custom health and wellness plan will be developed for each one. The next step will be to monitor the progress of our patients as they begin their quest for better health. The Salem Wellness Center will provide a safe and supervised environment where each patient can pursue their individual wellness plans to improve and maintain optimal health. Wellness programs may include aerobic exercise for cardiovascular health, resistance training for better coordination and strength, relaxation activities, group and individual exercise activities, diet and nutrition counseling, health coaching and most importantly networking opportunities for patients. Networking naturally lends itself to more support outside of the Center.

Diet alone is not enough. I have learned from more than 22 years of caring for thousands of women and researching the medical literature that traditional diet plans don't work. In fact eighty-five percent of people who go on a diet without subsequent changes in lifestyle will gain the weight back within two years. Unfortunately, this is why the diet industry is so successful. There is no "coaching" for better life habits to support healthy weight loss. At Salem Wellness Center diet and health will go hand in hand. I know that you can't have one without the other and I plan to make this connection evident to each patient.

Most group exercise activities require a large flat surface and most (non-stationary) aerobic exercise activities also require large flat surfaces. A multifunction court will serve the needs for aerobic exercise, resistance training

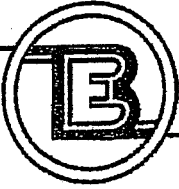
and relaxation activities. Salem Wellness Center will incorporate primary medical care and wellness teaching as well as provide the facilities for patients to pursue their very best health possible.

Salem Wellness Center will become the benchmark program for medically supervised health and wellness in Salem. We plan to provide a health roadmap to each patient to reach their health and wellness goals. I am taking the first step to embrace wellness in our community and I believe that this will be one of many steps taken to enhance the health of our community and citizens. I believe that wellness centers will become health landmarks in every neighborhood. Our citizens will become fitter, stronger and healthier and less dependent on traditional and costly medical care. The savings are almost unlimited in terms of quality of life and healthcare dollars. Our citizens will be engaged in their health and wellness and will start promoting health and wellness to their friends and families.

Salem Wellness Center will be a resource for the community and will bring a new level of health and wellness to Salem. We chose Front Street due to its centralized location. Front Street is central to all of Salem and will bring women to the downtown core area as well. We look forward to working together with the city of Salem on this project. I hope this describes our program and intentions adequately. We look forward to continuing the building, remodeling and site improvements at 910 Front Street.

Sincerely

Elizebeth Harmon, MD, F.A.C.O.G.



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Ronald J. Derrick, PE
James A. Branch, PE, PLS

TECHNICAL MEMORANDUM

Date: April 25, 2012

To: John Brosy
161 High Street NE #224
Salem, OR 97301

From: Damien Gilbert, P.E.;
Dan Haga, E.I.T.

Re: Zone Change for 910 NE Front Street, Salem Property
Assessors Map: 07-03-22AC, Tax Lot: 2900
Branch Project No. 11-162



EXPIRES: 6/30/2013

In an effort to identify a potential "significant impact", as defined in the Transportation Planning Rule (TPR) under Oregon Administrative Rule 660-012-0060(1), I am supplying this memorandum summarizing the trip generation associated with the subject development land use application. Recent changes to statewide transportation planning rule applicability went into effect January 1, 2012, that state that if a proposed rezoning is consistent with the existing comprehensive plan map designation, and consistent with the acknowledged transportation system plan, then it can be approved without considering the effect on the transportation system.

Existing Conditions

The subject property is located at 910 Front Street, NE in Salem. The site is at the corner of D Street NE and Front Street NE. The functional classification of D Street is a local street and the functional classification of Front Street NE is minor arterial street on the Salem Street Plan Map. The property totals 0.88 acres and is generally flat. The site is currently developed with a single structure that is utilized as an ice manufacturing and packaging facility. The existing structure consists of 11,418 square feet at ground level and 3,762 square feet of basement. The current zoning of the land is Commercial Office (CO) with Riverfront Mixed-Use (11B/Area 2) overlay.

Reasonable worst case existing and proposed zoning land use development scenario comparisons are typically required by transportation planning rule analysis to determine if a proposal to change land use permissions with a different zoning designation would have a significant effect on transportation infrastructure over the existing use designation's potential. A *reasonable* worst

CIVIL

STRUCTURES

TRANSPORTATION

GEOTECHNICAL

SALEM WELLNESS CLINIC

ATTACHMENT 5

case development scenario implies the most likely maximum trip generation potential that a site could reasonably support, given the site location, neighborhood and travel character among other factors. As a reasonable worst case development scenario, the 910 Front Street site's existing zoning could include remodeling of the existing structure to accommodate a medical office building. Other notable permitted *worst* case land uses in the commercial office-riverfront mixed use area that are not necessarily as *reasonable*, given neighborhood character and location, include: financial institutions (banks), child day care services, and eating places (as an accessory use, not to exceed 25 percent of the floor area of single story buildings and 50 percent of the floor area of multiple story buildings).

Proposed Rezoning and Development

The proposed use will operate as a member-restricted health/wellness clinic. The proposed change of use will require a zone change from the existing CO designation to a central business (CB) designation to allow the proposed use at the site. Please refer to the main land use application/narrative for more information. The proposed central business district (CB) zoning designation of the site is consistent with the City of Salem Comprehensive Plan, and will not require a comprehensive plan amendment.

To compare the *reasonable* worst case trip generation potential of the proposed zoning to the existing zoning permissions, the *reasonable* worst case development intensity of the proposed zoning development scenario was analyzed as a health/fitness club. Other notable worst case trip generation land uses permitted in the central business zone include similar uses to the existing CO zone, except that a more intense high-turnover restaurant trip generator could be permitted without limitation to the floor area.

Trip Generation

To project trip generation for the existing and proposed land uses, a reference was made to Trip Generation, 8th Edition, published by the Institute of Transportation Engineers (ITE). The location of the site with respect to local and arterial streets, residential neighborhoods and commercial business districts were considered in the selection of *reasonable* land uses for trip generation purposes under the existing and proposed developed conditions.

To determine appropriate land use assumptions, a reference was made to the Salem Revised Code (SRC), Title 10, Sections 137, 143F, 150 and 154. Permitted uses in the existing CO Zone were reviewed and evaluated for reasonable viability on the subject property, and the *reasonable* worst case permitted commercial office uses were selected from to represent a redevelopment scenario with the existing zoning. The medical office land use was assumed to be a *reasonable* worst case trip generator for the existing commercial office redevelopment conditions. The previously referred to health/fitness club was assumed to be the most likely trip generator for the proposed zoning designation, based on the applicant's proposed use of the site, the permitted uses, and the site's location.

The following table summarizes the differences in site generated traffic from the proposed change in zoning from CO to CB:

Trip Generation Comparison (PM Peak Hour Adjacent Street Traffic)			
Land Use	Average Rate per Unit	Number of Units	Total Trips
Existing Zoning: Medical/Dental Office (ITE Land Use Code 720)	3.46 Trips per 1,000 square feet of Gross floor area	11.418	40
Proposed Zoning: Health/Fitness Club (ITE Land Use Code 492)	3.53 Trips per 1,000 square feet of Gross floor area	11.418	40

In summary, the most likely potential site generated traffic associated with the land use application and the CB Zone will be approximately equal to the most likely potential for the CO Zone designation when assuming a *reasonable* worst case development scenario for each use. Therefore, Goal 12 is satisfied as there is no increase in site generated traffic that would cause a significant impact to a transportation facility by causing a facility to perform below its intended mobility standard or cause a failing facility to be further degraded beyond the potential impacts under the existing zone.

Please do not hesitate to contact me with any questions, or if I can provide any additional assistance.

RECEIVED

AUG 13 2012



COMMUNITY DEVELOPMENT

MEMO

TO: Bryan Colbourne, Planner II
Community Development Department

FROM: *for* Glenn J. Davis, P.E., C.F.M., Chief Development Engineer
Public Works Department

DATE: August 10, 2012

SUBJECT: PUBLIC WORKS RECOMMENDATIONS
DR-ZO-VAR-SITE PLAN REVIEW 12-04 (12-107631)
910 FRONT STREET NE
PROPOSED WELLNESS CLINIC

PROPOSAL

A consolidated application for a proposed wellness clinic that provides a medically supervised health and wellness program (Standard Industrial Classification [SIC] 7997) in an existing building and development of a new off-street parking area. This consolidated application contains the following requests:

1. Discretionary Design Review;
2. A Zone Change request to change the base zone district from CO (Commerical Office to CB (Central Business District);
3. A variance to reduce the minimum number of required off-street parking spaces from 118 to 31;
4. A variance to eliminate the required 5-foot-wide landscaped strip along the east interior property line and;
5. A Type II Site Plan Review;

For property approximately 0.88 acre in size, zoned CO (Commercial Office), within the Riverfront Overlay Zone, and located at 910 Front Street NE.

SUMMARY OF FINDINGS

Public Works staff does not recommend any Site Plan Review conditions for the proposed development.

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

ATTACHMENT 6

FACTS

Streets

1. Front Street NE

- a. Standard – This street is designated as a minor arterial street in the Salem TSP. The standard for this street is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
- b. Existing Conditions – There is an approximate 35- to 40-foot improvement within a 60-foot-wide right-of-way adjacent to the subject property. There is approximately 30 feet of right-of-way adjacent to the subject property and 30 feet opposite. The proposed development is subject to a special setback equal to 36 feet from centerline of Front Street NE.

2. D Street NE

- a. Standard – This street is designated as a local street in the Salem TSP. The standard for this street is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Conditions – There is an approximate 30-foot improvement within a 60-foot-wide right-of-way adjacent to the subject property.

Storm Drainage

1. Existing Conditions

- a. An 8-inch storm line is located in D Street NE.

Water

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. A 4-inch water line is located in D Street NE. Mains of this size generally convey flows of 120 to 300 gallons per minute.
- c. A 16-inch water line is located in Front Street NE. Mains of this size generally convey flows of 3,800 to 8,800 gallons per minute.

Sanitary Sewer

1. Existing Sewer

- a. An 8-inch sewer line is located in D Street NE. Mains of this size generally convey flows of 500 to 1,100 gallons per minute.
- b. There appears to be a private 6-inch sewer line through the subject property that serves the existing building.

Natural Hazards

City records show that the proposed development is a low landslide risk based on the Graduated Response Table in SRC Chapter 69.

CRITERIA AND FINDINGS

Analysis of the development based on relevant criteria in SRC 163.070(b) is as follows:

Criteria – 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 existing street system is adequate to serve the proposed development and the development is not proposing a building addition pursuant to 77.150(a)(1)(b), therefore no right-of-way dedication or street improvements are required.

A special setback of 36 feet from the centerline of Front Street NE is required.

Criteria – Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians.

Finding – The driveway access onto Front Street NE and D Street NE meet the minimum spacing requirements in the PWDS to provide for safe turning movements into and out of the property.

Criteria – 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 Public Works Department has reviewed the applicant's preliminary utility plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve the proposed development.

Analysis of the development based on relevant criteria in SRC 113.150 (b) related to the zone change is as follows:

Criteria – The effect of the proposal on the neighborhood.

Bryan Colbourne, Planner III
August 13, 2012
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MEMO

Finding – The applicant has submitted a Transportation Planning Rule (TPR) analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed zone change will not have a significant effect on the transportation system as defined by OAR 660-012-0060.

Prepared by: Robin Bunse, Administrative Analyst II
cc: File