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

DECISION OF THE PLANNING COMMISSION

CLASS 3 DESIGN REVIEW / CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT / CLASS 2 DRIVEWAY APPROACH PERMIT CASE NO. DR-SPR-ADJ-DAP17-01

APPLICATION NO.: 17-103011-DR, 17-103007-RP & 17-103013-ZO

NOTICE OF DECISION DATE: APRIL 19, 2017

SUMMARY: Proposed development of a 24-unit apartment complex, with an Adjustment request to reduce required interior setbacks.

REQUEST: A Class 3 Design Review, Class 3 Site Plan Review, and Class 2 Driveway Approach Permit for development of a 24-unit apartment complex, with Class 2 Adjustments to:

1) Reduce the required setback from the RM-II (Multi-Family Residential) zone to the east from 10 feet to 8 feet;

2) Reduce the required setback from the IG (General Industrial) zone to the south from 15 feet to 10 feet; and

3) Reduce the required setback from the IC (Industrial Commercial) zone to the west from 15 feet to 9.5 feet.

For property approximately 0.96 acres in size, zoned RM-II (Multi-Family Residential), and located at 2758 Claxter Road NE - 97301 (Marion County Assessor's Map and Tax Lot number: 073W12A / 01000).

APPLICANT: Modelia LLC (Robyn Morley, Patrick Morley)

LOCATION: 2758 Claxter Road NE

CRITERIA: Class 3 Design Review: 225.005(e)(2) Class 3 Site Plan Review: 220.005(f)(3) Class 2 Adjustment: 250.005(d)(2) Class 2 Driveway Approach Permit: 804.025(d)

FINDINGS: The facts and findings are in the attached Exhibit dated April 19, 2017.

DECISION: The Planning Commission, **APPROVED** Class 3 Design Review, Class 3 Site Plan Review, and Class 2 Driveway Approach Permit Case No. DR-SPR-ADJ-DAP17-01 subject to the following conditions of approval:

Condition 1. The front opening of the solid waste area enclosure shall be a minimum of 12 feet in width.

Condition 2. Where the existing street condition along the frontage of Claxter Road NE is underimproved, as defined in SRC 803.040(a), construct a half-street improvement to local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. Prior to building permit issuance, construction plans shall be approved and secured per SRC Chapter 77, or a street improvement deferral agreement shall be completed and recorded pursuant to SRC 803.070(c).



DR-SPR-ADJ-DAP17-01 Notice of Decision Page 2

Condition 3: Convey land for dedication to equal a half-width right-of-way of 25 feet on the development side of Claxter Road NE.

Condition 4: Comply with Public Works Design Standards (PWDS) 4.2(j) by either:

- a. Constructing off-site perimeter stormwater facilities and obtaining an off-site easement for the purpose of conveying stormwater to existing public stormwater facilities; or
- b. Constructing on-site stormwater facilities sufficient to retain the design storm onsite so that the quantity of discharge flowing onto neighboring properties does not exceed the allowable discharge in SRC 71.095(c).

Condition 5: The adjusted perimeter setbacks, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to the setback requirements for the development site, unless adjusted through a future land use action.

VOTE:

Yes 9	No 0	Absent 0	Abstention 0
Bula	1		
Rich Env E	President		

Salem Planning Commission

The rights granted by the attached decision must be exercised, or an extension granted, as follows or this approval shall be null and void:

Class 3 Design Review	<u>May 5, 2019</u>
Class 3 Site Plan Review	<u>May 5, 2021</u>
Class 2 Adjustment	<u>May 5, 2019</u>
Class 2 Driveway Approach Permit	<u>May 5, 2019</u>

Application Deemed Complete:	<u>March 16, 2017</u>
Public Hearing Date:	April 18, 2017
Notice of Decision Mailing Date:	April 19, 2017
Decision Effective Date:	May 5, 2017
State Mandate Date:	July 14, 2017

Case Manager: Aaron Panko, APanko@cityofsalem.net

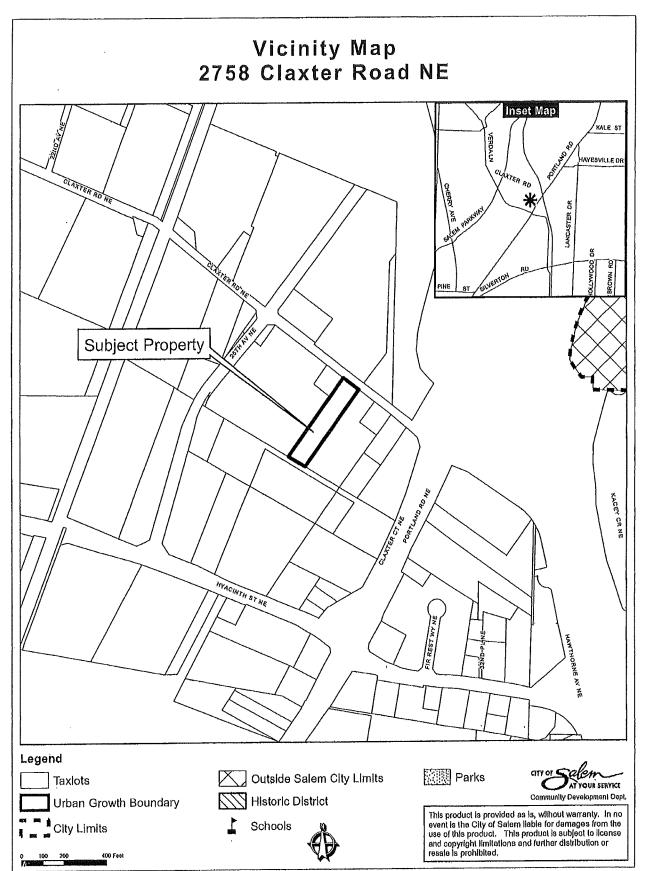
DR-SPR-ADJ-DAP17-01 Notice of Decision Page 3

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., May 4, 2017**. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 220, 225, 250, and 804. 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.

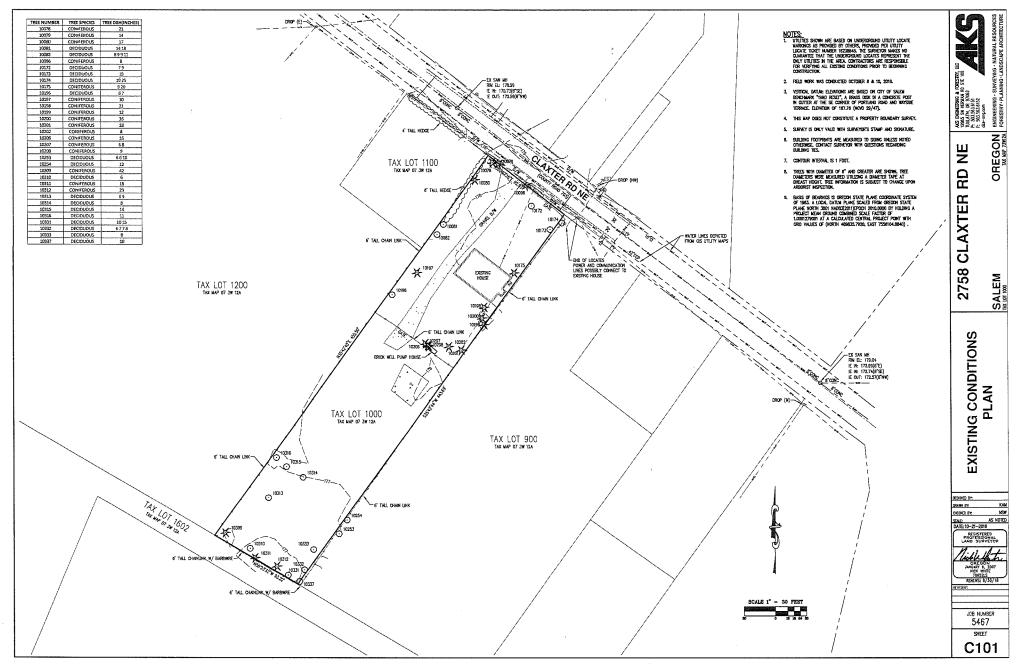
The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

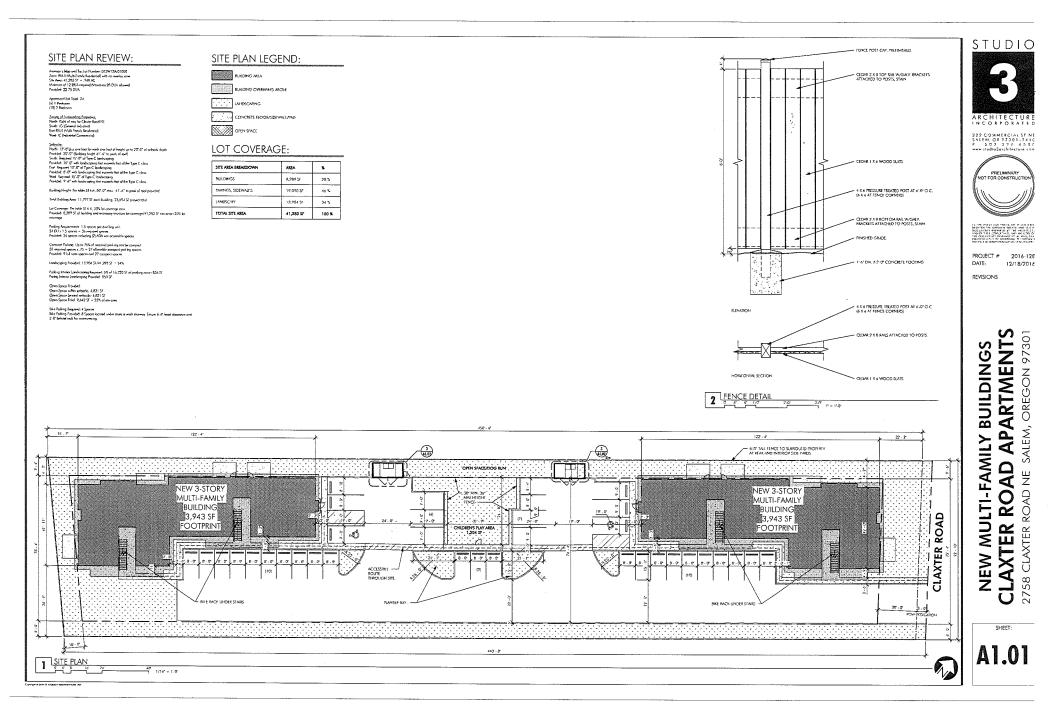
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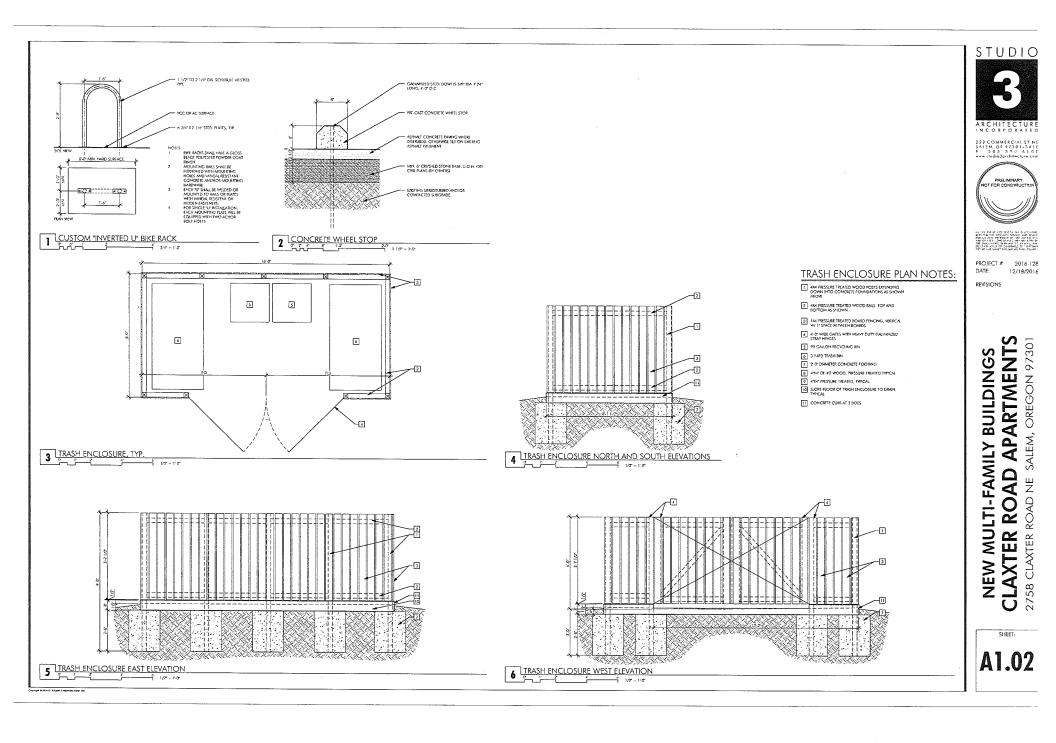
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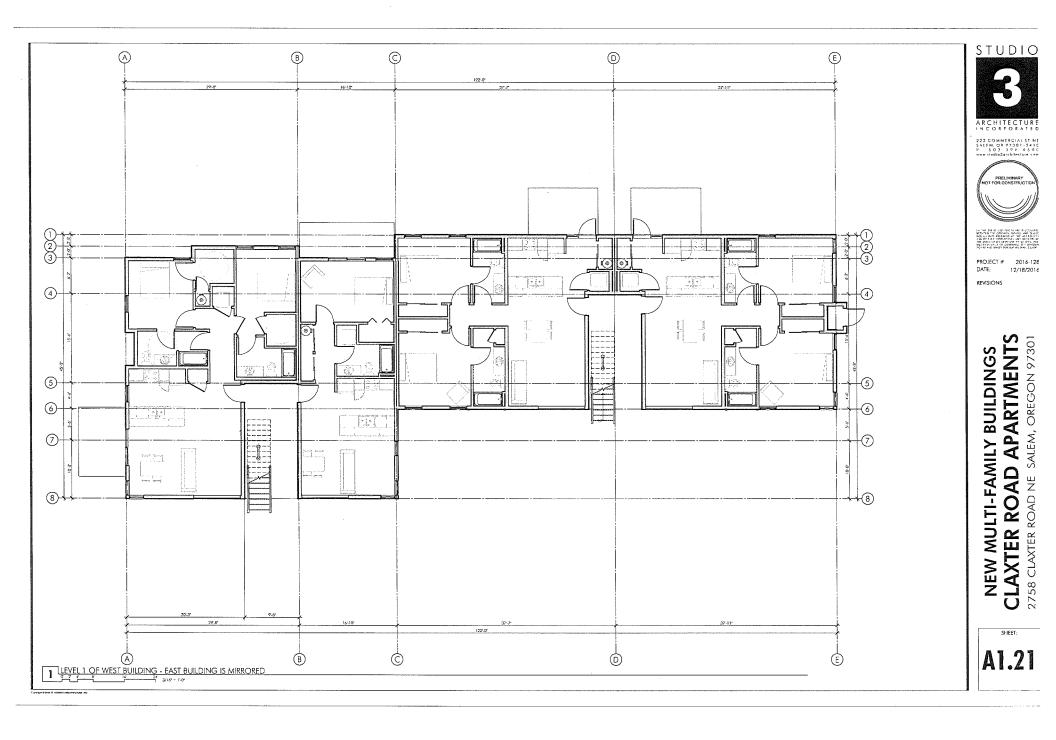


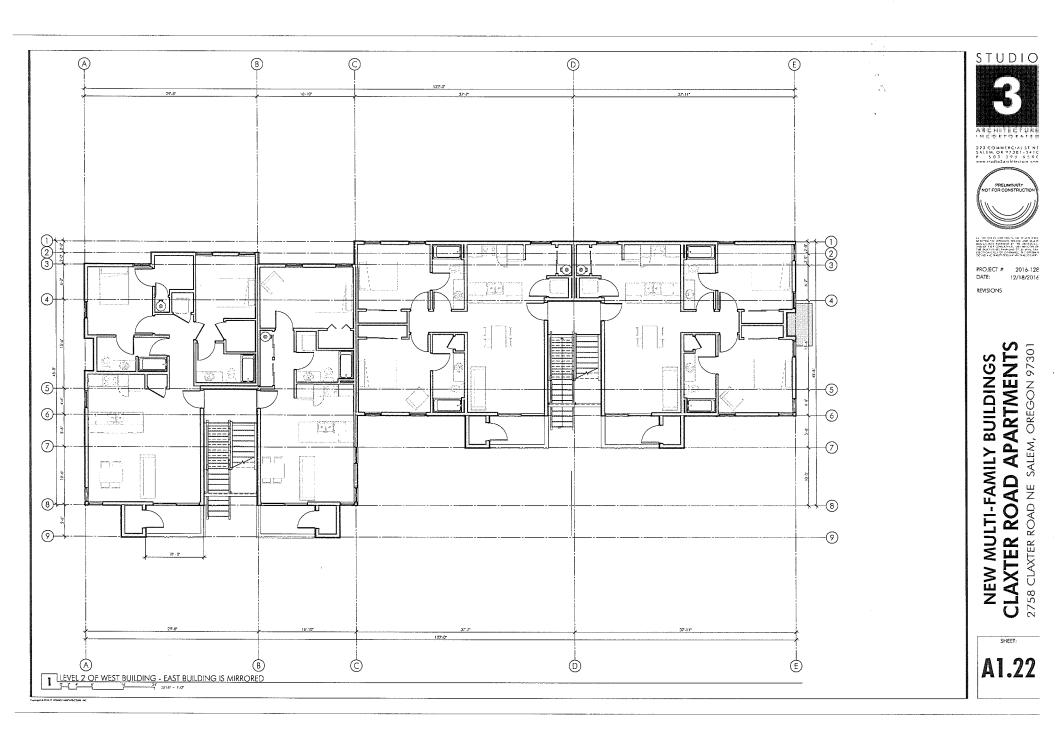
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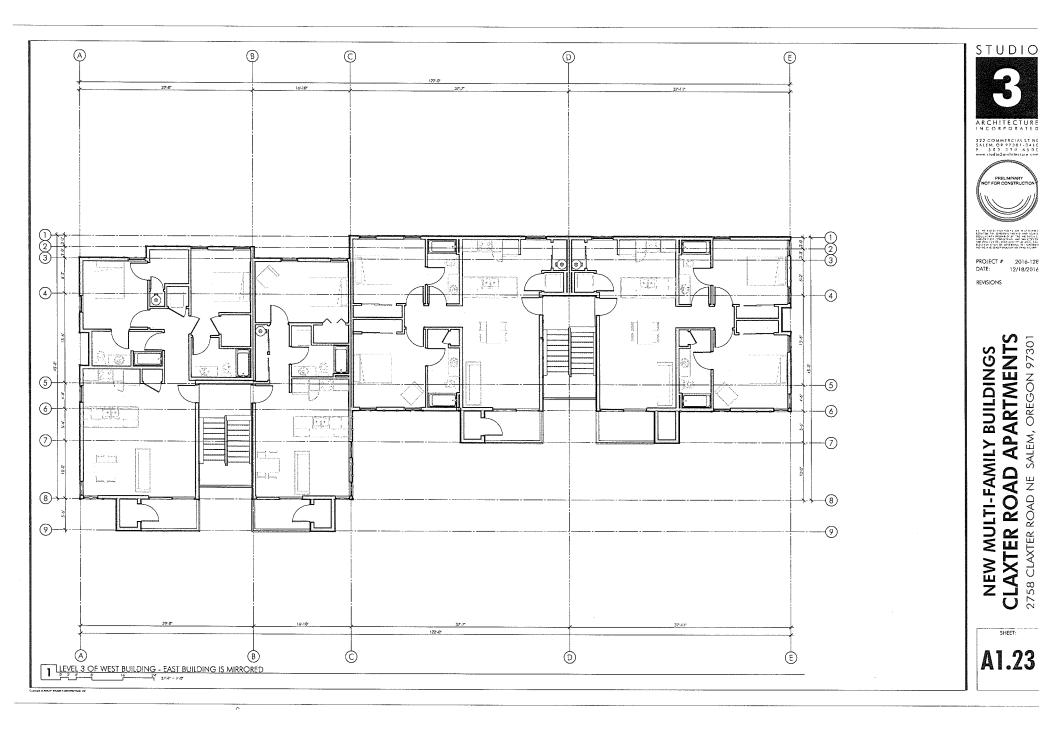
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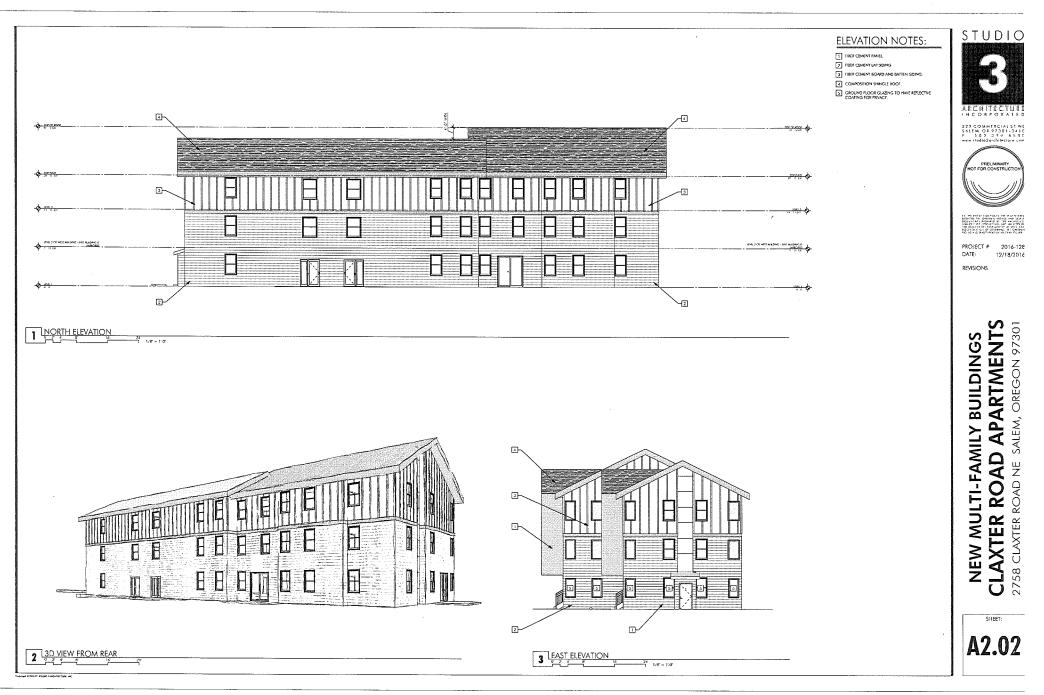
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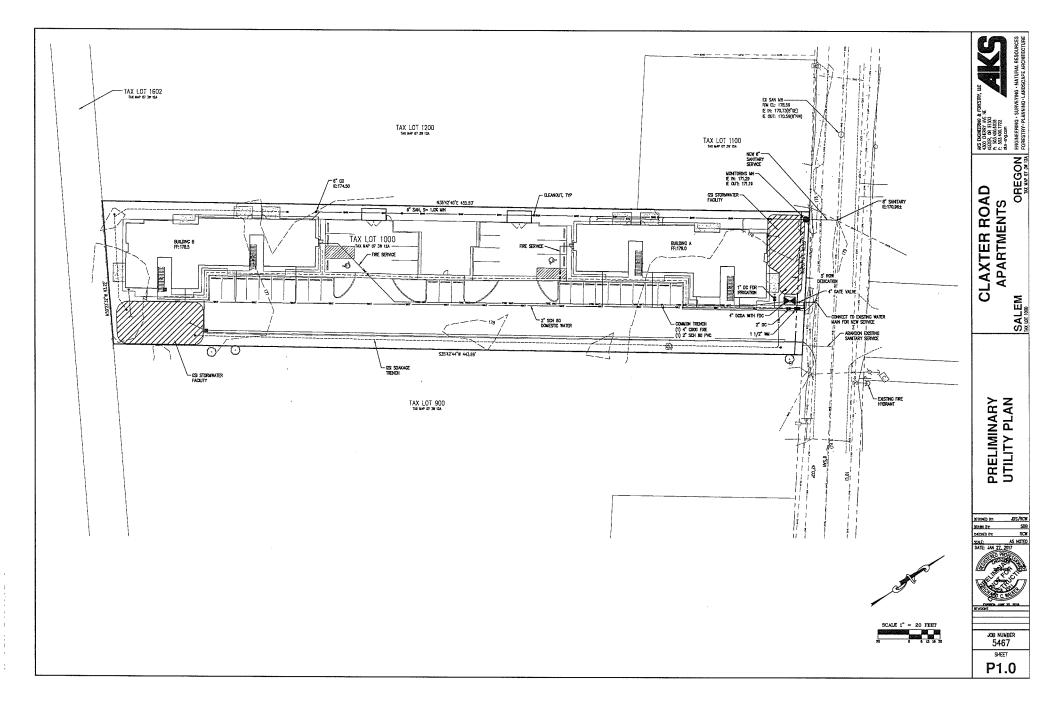




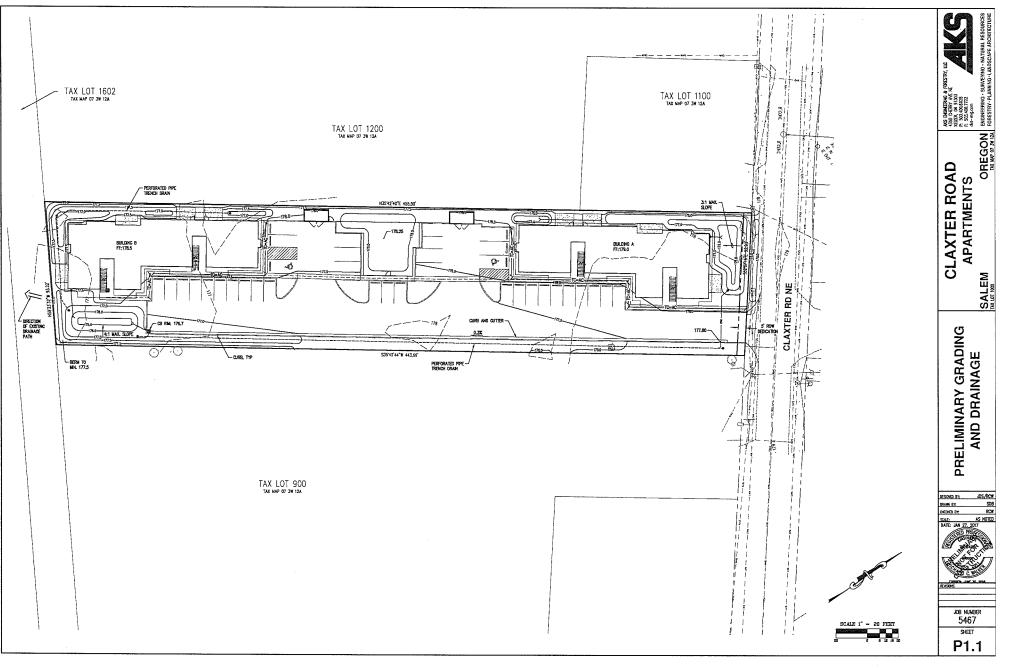




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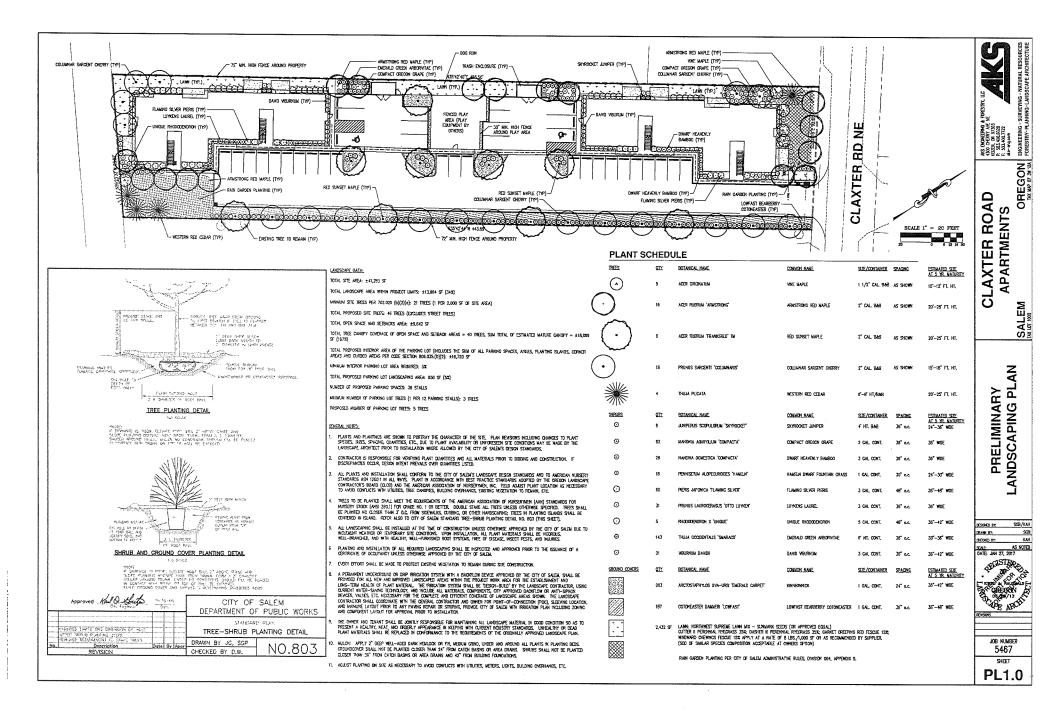


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CASE NO: DR-SPR-ADJ-DAP17-01 – FACTS AND FINDINGS

- APPLICATION: Design Review, Site Plan Review, Adjustment and Driveway Approach Permit Case No. 17-01 LOCATION: 2758 Claxter Road NE (Marion County Assessor's Map and Tax Lot number: 073W12A / 01000) SIZE: 0.96 Acres **REQUEST:** A proposed Class 3 Design Review, Class 3 Site Plan Review, Class 2 Adjustment and Class 2 Driveway Approach Permit to allow development of a 24-unit apartment complex, for property approximately 0.96 acres in size, zoned RM-II (Multi-Family Residential) **APPLICANT/OWNER:** Robyn Morley, Modelia LLC AGENT: David Karr, AKS Engineering and Forestry **APPROVAL CRITERIA:** Class 3 Design Review: Salem Revised Code, Chapter 225 Class 3 Site Plan Review: Salem Revised Code, Chapter 220 Class 2 Adjustment: Salem Revised Code, Chapter 250 Class 2 Driveway Approach Permit: Salem Revised Code, Chapter 804 ACTION: **APPROVE**, subject to the following conditions:
- **Condition 1:** The front opening of the solid waste area enclosure shall be a minimum of 12 feet in width.
- **Condition 2:** Where the existing street condition along the frontage of Claxter Road NE is underimproved, as defined in SRC 803.040(a), construct a half-street improvement to local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. Prior to building permit issuance, construction plans shall be approved and secured per SRC Chapter 77, or a street improvement deferral agreement shall be completed and recorded pursuant to SRC 803.070(c).
- **Condition 3:** Convey land for dedication to equal a half-width right-of-way of 25 feet on the development side of Claxter Road NE.

Condition 4: Comply with Public Works Design Standards (PWDS) 4.2(j) by either:

- a. Constructing off-site perimeter stormwater facilities and obtaining an offsite easement for the purpose of conveying stormwater to existing public stormwater facilities; or
- b. Constructing on-site stormwater facilities sufficient to retain the design storm on-site so that the quantity of discharge flowing onto neighboring properties does not exceed the allowable discharge in SRC 71.095(c).
- **Condition 5:** The adjusted perimeter setbacks, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to the setback requirements for the development site, unless adjusted through a future land use action.

120-DAY REQUIREMENT

The application was deemed complete for processing on March 16, 2017. The State Mandated 120-deadline to issue a final local decision for this consolidated application is July 14, 2017.

BACKGROUND

On February 1, 2017, design review, site plan review, adjustment and driveway approach permit applications were submitted to develop the subject property with a 24-unit multi-family residential use. After receiving additional information, the applications were deemed complete for processing on March 16, 2017.

The public hearing before the City of Salem Planning Commission was conducted on April 18, 2017, at 5:30 p.m. in the Salem City Council Chambers, Civic Center Room 240, located at 555 Liberty Street SE. Notice of public hearing was sent by mail to surrounding property owners pursuant to Salem Revised Code (SRC) requirements on March 29, 2017. Public hearing notice was posted on the property on April 4, 2017 by the applicant pursuant to SRC requirements.

PROPOSAL

The applicant has submitted Design Review, Site Plan Review, Adjustment and Driveway Approach Permit applications for development of a 24-unit multi-family use for property located at 2758 Claxter Road NE.

FACTS AND FINDINGS

1. Salem Area Comprehensive Plan (SACP) designation

The Salem Area Comprehensive Plan (SACP) map designation for the subject property is "Multi-Family Residential". The subject property is within the Urban Growth Boundary and is outside of the Urban Service Area.

Exhibit 1 April 19, 2017 Page 3

2. Zoning and Surrounding Land Uses

The subject property is zoned RM-II (Multi-Family Residential). The proposed use is a 24-unit apartment complex, which falls under the Household Living, Multiple Family use classification. Multiple Family uses are allowed in the RM-II zone as a Permitted Use.

3. Site Analysis

The subject property is approximately 0.96 acres in size. Claxter Road NE, which his designated as a local street within the Salem TSP (Transportation System Plan), abuts the property to the north. Surrounding properties are zoned RM-II (Multiple Family Residential), IG (General Industrial), and IC (Industrial Commercial).

4. Neighborhood and Citizen Comments

The subject property is located within the Northgate Neighborhood Association (Northgate). Notice was provided to Northgate and surrounding property owners within 250 feet of the subject property. No comments were received from Northgate or surrounding property owners during the public comment period.

The land use chair for Northgate appeared at the public hearing and provided testimony regarding the removal of existing trees from the property and questioning the replanting and landscaping requirements for the proposed development.

5. City Department and Public Agency Comments

The Building and Safety Division reviewed the proposal and indicated that fire rated walls are required within 10 feet of a side or rear property line.

The Fire Department commented that fire lanes shall be marked on the building permit application plan set. The fire hydrant that is approximately 65-70 feet to the southeast on Claxter cannot be used for the Fire Department connection (FDC) as this would close the only access into the complex. Options include:

1) Relocate FDC to the SE side of the entrance into the complex, or

2) Install a fire hydrant NW of the entrance on the south side of the street. Fire may have other requirements at time plans are submitted for building permits, i.e. fire sprinklers, alarms, FD lock boxes.

The Public Works Department has reviewed the proposal and provided a memo included in the staff report.

Salem Keizer School District has reviewed the proposal and provided comments included in the staff report.

6. Analysis of Class 3 Design Review Criteria

SRC Chapter 225.005(e)(2) provides that:

A Class 3 Design Review shall be approved if all of the applicable design review guidelines are met.

SRC 702.010 provides that multiple family developments shall comply with all of the applicable design review guidelines set forth in SRC Chapter 702.

Open Space Design Review Guidelines and Standards

702.015(b)(1) – Common Open Space

(A) A variety of open space areas of sufficient size shall be provided for use by all residents.

Finding: The proposed development does not comply with the corresponding design standard which requires a minimum of 30 percent of the gross site area to be designated as common open space. The subject property is long at approximately 450 feet in length, and relatively narrow at approximately 93 feet in width. The shape of the property makes development of the property consistent with the design standards difficult.

The proposed development includes approximately 9,642 square feet of open space area (23 percent of the site area), with approximately 50 percent (4,821 SF) of the common open space area within required setback areas.

The proposed apartment complex includes a variety of open space areas available for residents including a children's play area, an enclosed dog run, and other open landscaped areas around the site.

(B) Common open space shall be distributed around buildings and throughout the site.

Finding: Common open space areas are provided throughout the site.

(C) The amount of perimeter setbacks used for common open space shall be minimized.

Finding: Approximately 50 percent (4,821 square feet) of the common open space area is provided outside of the perimeter setback areas. A children's play area and landscaped areas are provided within the interior of the site.

702.015(c)(1) – Children's Play Areas and Adult Recreation Areas

(A) A variety of common open area opportunities shall be provided for enjoyment by all residents.

Finding: The proposed apartment complex includes a variety of open space

Exhibit 1 April 19, 2017 Page 5

areas available for residents including a children's play area, an enclosed dog run, and other open landscaped areas around the site.

(B) Children's play and/or adult recreation areas shall be located centrally within the development.

Finding: The proposed children's play area is located between Building 1 and Building 2, outside the perimeter setback area, and near the center of the property.

(C) Children's play areas, if provided, shall be located in a manner to incorporate safety into the design by including such things as locating play areas to be visible from dwelling units, locating play areas away from physical barriers such as driveways and parking areas, and selection of play equipment with safe designs.

Finding: The proposed children's play area is located in the center of the property with pedestrian access provided to both proposed buildings. There are parking areas located around the play area, however, a 30-36" tall fence will be provided around the perimeter of the children's play area to provide a safety barrier.

- 702.015(d)(1) Private Open Space.
- (A) Individual private open space shall be provided for each dwelling unit in all newly constructed multiple family developments.

Finding: Each of the proposed dwelling units is provided with a private open space area. Patios at least 96 square feet in size are provided for the ground floor units, and decks/balconies at least 48 square feet in size are provided for the second and third floor units.

(B) Private open space shall be easily accessible from the dwelling unit.

Finding: Private open space areas are accessible from each dwelling unit.

(C) If private open space is located adjacent to common open space, a buffer between the two open space areas shall be provided.

Finding: Ground floor private open space areas are separated from common open space areas by landscaping.

Landscaping Design Review Guidelines and Standards

702.020(b)(1) – General Landscaping

(A) A variety of tree types shall be distributed throughout the site to maximize tree canopy.

Finding: The corresponding design standard requires a minimum of one tree to be planted for every 2,000 square feet of gross floor area. The subject property is approximately 42,000 square feet in size, requiring a minimum of 21 trees, the landscape plan indicates that 52 trees will be provided, exceeding the minimum requirement.

(B) Landscaping shall be used to shield the site from winter winds and summer sun.

Finding: Trees and shrubs will be distributed throughout the development site to provide shade during the summer and to shield from winter winds.

(C) Existing trees shall be preserved to the maximum extent possible.

Finding: The existing conditions plan indicates that there are 31 trees on the subject property. Due to the shape of the property and the location of the trees, each of the existing trees will need to be removed to accommodate the proposed development.

(D) Where a development site abuts property zoned Residential Agriculture (RA) or Single Family Residential (RS), an appropriate combination of landscaping and screening shall be provided that is sufficient to buffer between the multiple family development and the abutting RA or RS zoned property.

Finding: The subject property does not abut property zoned RA (Residential Agriculture) or RS (Single Family Residential).

702.020(c)(1) – Street Frontage

(A) The residential character of the site shall be enhanced with trees planted within the public right-of-way.

Finding: The preliminary landscaping plan shows street trees to be planted within the public right-of-way approximately every 15-20 feet. 702.020(d)(1) – Building Exteriors

(A) Landscaping shall be planted to define and accentuate the primary entry way of each dwelling unit, or combination of dwelling units.

Finding: Landscaping is provided on both sides of the entry stairway for each of the proposed buildings.

(B) Vertical and horizontal landscape elements shall be provided along all exterior walls to soften the visual impact of buildings and create residential character.

Finding: The corresponding design standard requires a minimum of 71 plant units to be provided per building, the proposed landscape plan indicates that 71 plants will be provided, consistent with the design standard.

702.020(e)(1) - Privacy

(A) Landscaping, or a combination of landscaping and fencing, shall be used to buffer the multiple family development from abutting properties.

Finding: A minimum 6-foot tall sight obscuring fence will be provided around the interior property lines. The applicant is requesting an adjustment to reduce required interior setback areas, the proposed setback areas will provide the full required plantings.

(B) Landscaping shall be used to enhance the privacy of dwelling units. Methods may include fencing in combination with plant units.

Finding: The preliminary landscape plan indicates that trees and shrub beds will be provided around the exterior walls of the proposed buildings and landscaping will be placed around ground floor private open space areas.

702.020(f)(1) – Parking Areas

(A) Canopy trees shall be distributed throughout the interior, and planted along the perimeter, of parking areas.

Finding: The preliminary landscape plan indicates that a variety of canopy trees will be provided throughout the proposed parking areas.

Crime Prevention Through Environmental Design

702.025(a)(1) – Safety Features for Residents

(A) Multiple family developments shall be designed in a manner that considers crime prevention and resident safety.

Finding: The applicant indicates that all buildings have windows provided in habitable rooms which are oriented towards common open space areas and the proposed parking area. Dwelling unit entrances, parking areas and pedestrian paths will be illuminated.

(B) Landscaping and fencing shall be provided in a manner that does not obscure visual surveillance of common open space, parking areas, or dwelling unit entryways.

Finding: The preliminary landscape plan and the applicant's statement indicate that no fences or plant materials will be located in areas which obstruct visibility. All landscaping adjacent to open space areas will not exceed 3 feet in height. Proposed fencing around the children's play area does not exceed 36" in height.

Parking, Site Access, and Circulation

702.030(b)(1) – General Parking and Site Access

(A) Parking areas shall be designed to minimize the expanse of continuous parking.

Finding: Landscape islands with canopy trees are provided at regular intervals around the proposed parking area to minimize the expanse of continuous parking.

(B) Pedestrian pathways shall be provided that connect to and between buildings, common open space, parking areas, and surrounding uses.

Finding: The proposed site plan includes pedestrian pathways which connect the parking areas, common open space areas and dwelling units to the public right-of-way.

(C) Parking shall be located to maximize the convenience of residents.

Finding: Parking areas are provided at the center of the development site, in a convenient distance from the proposed multi-family dwelling units.

(D) Parking areas and circulation systems shall be designed in a manner that considers site topography, natural contours, and any abutting properties zoned Residential Agriculture (RA) or Single Family Residential (RS).

Finding: The subject property does not abut any RA (Residential Agriculture) or RS (Single Family Residential) zoned properties.

702.030(c)(1) – Site Access

(A) Accessibility to and from the site shall be provided for both automobiles and pedestrians.

Finding: The development site is served by one driveway onto Claxter Road NE. A pedestrian connection system is provided throughout the development to connect to the public right-of-way along Claxter Road NE.

(B) Site access shall be provided in a manner that minimizes vehicle and pedestrian conflicts.

Finding: Marked crosswalks will be provided along major pedestrian routes within the development where the route crosses over a vehicle use area.

(C) Where possible, driveway access shall be provided onto collector or local streets rather than arterial streets.

Finding: The proposed driveway will access Claxter Road NE, which is designated as a local street. No driveways will access an arterial street.

(D) Where possible, driveway access shall be consolidated with either existing or future driveways serving adjacent developments.

Finding: Abutting property to the south and east is zoned for Industrial use, where shared access through a residentially zoned property is not permitted. There is an existing apartment complex to the east, with a proposed fence and landscaping abutting this property. If the property is redeveloped in the future, it is possible for the driveway to be utilized in the future for shared access.

(E) Parking areas shall be located to minimize their visibility from the public rightof-way and abutting properties.

Finding: The proposed parking area setback exceeds the minimum 20 foot setback adjacent to a street. Proposed landscaping and the footprint of the building obstructs visibility of the parking area from the public right-of-way.

Building Mass & Façade Design

702.035(b)(1) – General Siting and Building Mass

(A) Buildings shall be sited with sensitivity to topography and natural landform.

Finding: The development site is relatively flat and does not contain any areas of mapped landslide hazards. There are no riparian or wetland areas located on or adjacent to the property.

(B) The development shall be designed to reinforce human scale.

Finding: The proposed three story buildings comply with height requirements of the underlying zone.

(C)Buildings with long monotonous exterior walls shall be avoided.

Finding: Building offsets are provided in the design for each building. No dimension exceeds more than 150 feet in length.

702.035(c)(1) – Compatibility

(A) Contrast and compatibility shall be provided throughout the site through building design, size, and location.

Finding: Horizontal and vertical building offsets are provided in the design for each building. No dimension exceeds more than 150 feet in length.

(B) Appropriate transitions shall be provided between new buildings and structures on-site and existing buildings and structures on abutting sites.

Finding: The proposed buildings comply with the maximum height

Exhibit 1 April 19, 2017 Page 10

requirement of the RM-II zone. The applicant has requested an adjustment to reduce required interior setbacks, however the applicant is proposing to provide the full amount of required landscaping in the reduced setback area. The proposed height and setbacks for the apartment comply provide an appropriate transition with abutting property.

(C)Architectural elements and façade materials shall be used to provide continuity throughout the site.

Finding: Building offsets, varied roof elevations and contrasting facade materials are provided in the design for both of the proposed buildings.

(D) The majority of dwelling units within the development shall be placed as close as possible to the street right-of-way.

Finding: The proposed site plan shows one of the proposed buildings to be placed on the setback line, which will occupy approximately 55 percent of the buildable frontage along Claxter Road NE.

(E) Architecturally defined and covered entryways shall be incorporated into the design of buildings.

Finding: Covered entry ways are provided in the design of the primary entrance for each of the buildings.

702.035(d)(1) – Building Articulation

- (A) The appearance of building bulk shall be minimized by:
 - (i) Establishing a building offset interval along building facades; and

Finding: Each of the proposed buildings includes a 4-foot building offset between every two dwelling units.

(ii) Dispersing windows throughout building facades.

Finding: The design standards require windows to be provided in all habitable rooms, other than bathrooms, that face required setbacks, common open areas, and parking areas.

The proposed plans indicate that windows will be provided in all habitable spaces which face toward common open space and parking areas.

(B) Articulation shall be provided at the common entry way to all residential buildings.

Finding: Covered entry ways, which are clearly defined and accessible, are provided for at the common entries for each building.

(C) Building roofs shall reinforce the residential character of the neighborhood.

Exhibit 1 April 19, 2017 Page 11

Finding: The design standards require that the horizontal length of roof shall not exceed 100 feet without providing a change of elevation of at least 4 feet. The proposed design does not include a horizontal roof length which exceeds 100 feet without an elevation change of at least 4 feet, in compliance with the corresponding design standard.

Recycling

702.040(a)(1) – On-Site Design and Location of Facilities

(A) Facilities shall be provided to allow recycling opportunities for tenants that are as conveniently located as the trash receptacles, and that are in compliance with any applicable federal, state, or local laws.

Finding: The site plan includes two trash and recycling areas which are provided to serve residents. As proposed and conditioned, the proposed enclosures meet the solid waste service area requirements of SRC Chapter 800.055.

(B) The design and materials of recycling areas shall be similar to the design and materials of the buildings within the development.

Finding: The proposed enclosures will be constructed of pressure treated board fencing for the walls and the gates.

(C) Recycling areas shall be located to provide adequate access for franchised haulers, and shall have containers sufficient to allow collection of all recyclables collected by the haulers.

Finding: The proposed enclosures, as conditioned, meet the solid waste service area requirements of SRC Chapter 800.055, including requirements for vehicle operation and servicing area. Adequate space is provided to allow for the servicing of recyclables.

7. Analysis of Class 3 Site Plan Review Approval Criteria

SRC 220.005(f)(3) establishes the following criteria for a Class 3 Site Plan Review:

Criterion 1:

The application meets all applicable standards of the UDC.

Finding: The proposal includes a request to develop a 24-unit apartment complex in a RM-II zone on the subject property. The following is a summary of the use and development standards of the RM-II zone (SRC Chapter 514).

Development Standards – RM-II Zone:

SRC 514.005(a) - Uses:

Except as otherwise provided in Chapter 514, the permitted, special, conditional and prohibited uses in the RM-II zone are set forth in Table 514-1.

Finding: Multiple Family Uses are allowed in the RM-II zone as a permitted use.

SRC 514.010(a) – Land Division in the RM-II zone:

Lots subdivided or partitioned in the RM-II zone shall be a minimum of 20,000 square feet in size, unless the lots are restricted to contain three or more attached dwelling units per lot, are used for townhouse development, or are used for allowed uses other than Household Living.

Finding: The proposed development does not include a subdivision or partition of the subject property. This provision is not applicable.

SRC 514.010(b) – Lot Standards:

The minimum lot area for a multi-family use in the RM-II zone is 6,000 square feet, lot width is 40 feet and lot depth is 70 feet. The minimum street frontage requirement is 40 feet.

Finding: The subject property is approximately 0.96 acres in size, is approximately 94 feet in width, approximately 450 feet in length and has approximately 94 feet of street frontage along Claxter Road NE, exceeding the minimum lot standard requirements for the proposed use.

SRC 514.010(c) – Dwelling Unit Density:

Dwelling unit density within the RM-II zone shall conform to the standards set forth in Table 514-3. Maximum dwelling unit density cannot be varied or adjusted. Table 514-3 requires a minimum of 12 dwelling units per acre and allows a maximum of 28 units per acre.

Finding: The subject property is approximately 0.96 acres in size. The dwelling unit density requirement for the subject property is a minimum of 12 dwelling units and a maximum of 27 dwelling units. The proposed development is for a 24 dwelling unit apartment complex, which is consistent with the density requirement of the RM-II zone.

SRC 514.010(d) – Setbacks:

North: Adjacent to the north is the right-of-way for Claxter Road NE. There is a minimum 12 foot setback, plus one-foot for each one-foot of height over 12 feet, but need not exceed 20 feet in depth.

Finding: The proposed building adjacent to Claxter Road NE is approximately 35 feet in height, requiring a minimum 20 foot setback adjacent to Claxter Road NE. The proposed site plan indicates that there will be a 20 foot setback provided

measured from the right-of-way dedication line on Claxter Road NE.

South: Adjacent to the west is an IG (General Industrial) zone. There is a minimum 15 foot setback for buildings and vehicle use areas adjacent to an industrial zone. Required landscaping shall meet the Type C standard set forth in SRC Chapter 807. Type C landscaping includes a minimum of 1 plant unit per 20 square feet of landscape area and installation of a 6-foot-tall sight obscuring fence or wall.

Finding: The applicant has requested an adjustment to reduce the required setback adjacent to the southern property line from 15 feet to 10 feet. Findings for the adjustment are included in Section 8 of this report.

East: Adjacent to the east is a RM-II (Multi-Family Residential) zone. There is a minimum 10 foot setback for buildings and vehicle use areas adjacent to a residential zone. Required landscaping shall meet the Type C standard set forth in SRC Chapter 807. Type C landscaping includes a minimum of 1 plant unit per 20 square feet of landscape area and installation of a 6-foot-tall sight obscuring fence or wall.

Finding: The applicant has requested an adjustment to reduce the required setback adjacent to the eastern property line from 10 feet to 8 feet. Findings for the adjustment are included in Section 8 of this report.

West: Adjacent to the west is an IC (Industrial Commercial) zone. There is a minimum 15 foot setback for buildings and vehicle use areas adjacent to an industrial zone. Required landscaping shall meet the Type C standard set forth in SRC Chapter 807. Type C landscaping includes a minimum of 1 plant unit per 20 square feet of landscape area and installation of a 6-foot-tall sight obscuring fence or wall.

Finding: The applicant has requested an adjustment to reduce the required setback adjacent to the western property line from 15 feet to 9.5 feet. Findings for the adjustment are included in Section 8 of this report.

SRC 514.010(e) - Lot Coverage, Height:

The maximum lot coverage allowance for all uses in the RM-II zone is 50 percent. The maximum building height allowance for multi-family uses is 50 feet.

Finding: The site plan indicates that the lot coverage for the two proposed buildings is 20 percent. The average height of the proposed buildings is approximately 35 feet, less than the maximum height allowance.

SRC 514.010(f) – Maximum Square Footage for All Accessory Structures: In addition to the maximum coverage requirements established in Table 514-6, accessory structures to Single Family and Two Family uses shall be limited to the maximum aggregate total square footage set forth in Table 514-7. Exhibit 1 April 19, 2017 Page 14

Finding: The proposed development does not include a single or two family use, this section is not applicable.

SRC 514.010(g) - Landscaping:

Landscaping within the RM-II zone shall be provided as set forth in this subsection.

- (1) **Setbacks.** Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.
- (2) **Vehicle Use Areas.** Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.

Finding: Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

SRC 514.010(h) – Outdoor Storage:

Within the RM-II zone, outdoor storage shall be screened from streets and adjacent properties by a minimum 6-foot high sight-obscuring fence, wall, or hedge.

Finding: Outdoor storage areas are not provided for the proposed use. *SRC 514.015 – Design Review:*

Multiple family development shall be subject to design review according to the multiple family design review guidelines or the multiple family design review standards set forth in SRC Chapter 702.

Finding: A Class 3 Design Review application has been submitted for the proposed multi-family development.

Solid Waste Service Area Development Standards SRC 800

SRC 800.055(a) – Applicability.

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

SRC 800.055(b) – Solid Waste Receptacle Placement Standards.

All solid waste receptacles shall be placed at grade on a concrete pad that is a minimum of 4 inches thick, or on an asphalt pad that is a minimum of 6 inches thick. The pad shall have a slope of no more than 3 percent and shall be designed to discharge stormwater runoff.

- 1) Pad area. In determining the total concrete pad area for any solid waste service area:
 - a. The pad area shall extend a minimum of 1-foot beyond the sides and rear of the receptacle.
 - b. The pad area shall extend a minimum 3 feet beyond the front of the receptacle.

Finding: A concrete slab is proposed, meeting the requirements of this section.

- 2) Minimum Separation.
 - a. A minimum separation of 1.5 feet shall be provided between the receptacle and the side wall of the enclosure.
 - b. A minimum separation of 5 feet shall be provided between the receptacle and any combustible walls, combustible roof eave lines, or building or structure openings.

Finding: Adequate separation distance is provided within the enclosure. Receptacles will not be placed within 5 feet of a building or structure.

- 3) Vertical Clearance.
 - a. Receptacles 2 cubic yards or less in size shall be provided with a minimum of 8 feet of unobstructed overhead or vertical clearance for servicing.
 - Receptacles greater than 2 cubic yards in size shall be provided with a minimum of 14 feet of unobstructed overhead or vertical clearance for serving.

Finding: The proposed enclosure does not include roof cover, there are no overhead obstructions proposed.

SRC 800.055(e) – Solid Waste Service Area Enclosure Standards. When enclosures area used for required screening or aesthetics, such enclosure shall conform to the following standards:

1) Front Opening of Enclosure. The front opening of the enclosure shall be unobstructed and shall be a minimum of 12 feet in width.

Finding: The width of the proposed front opening for both enclosures is 10 feet, which does not comply with the minimum standard.

Condition 1: The front opening of the solid waste area enclosure shall be a minimum of 12 feet in width.

2) Measures to Prevent Damage to Enclosure. Enclosures constructed of wood or chain link fencing material shall contain a minimum 4-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure to prevent damage from receptacles impacts.

Finding: The proposed trash enclosure plans provide a bumper curb at ground level in compliance with this provision.

3) Enclosure Gates. Any gate across the front opening of an enclosure shall swing freely without obstructions. For any opening that is less than 15 feet in width, the gates shall open a minimum of 120 degrees. All gates shall have restrainers in the open and closed positions. **Finding:** The proposed gates can swing to 120 degrees in compliance with this provision.

SRC 800.055(f) – Solid Waste Service Area Vehicle Access.

 Vehicle Operation Area. A vehicle operation area shall be provided for solid waste collection service vehicles that are free of obstructions and no less than 45 feet in length and 12 feet in width. Vehicle operation areas shall be made available in front of every receptacle.

Finding: The proposed vehicle operation area meets the minimum dimensional requirements for service vehicle access.

Off-Street Parking, Loading, and Driveways SRC 806

SRC 806.005 - Off-Street Parking; When Required. Off-street parking shall be provided and maintained for each proposed new use or activity.

SRC 806.010 - Proximity of Off-Street Parking to Use or Activity Served. Required off-street parking shall be located on the same development site as the use or activity it serves; or, within the RM-II (Multi-Family Residential) zone, required off-street parking may be located within 200 feet of the development site containing the use or activity it serves.

SRC 806.015 - Amount of Off-Street Parking.

- a) *Minimum Required Off-Street Parking.* The minimum number of off-street parking spaces required for a multi-family use is 1.5 spaces per dwelling unit.
- b) *Compact Parking.* Up to 75 percent of the minimum off-street parking spaces required under this Chapter may be compact parking spaces.
- c) Carpool and Vanpool Parking. New developments with 60 or more required off-street parking spaces, and falling within the Public Services and Industrial use classifications, and the Business and Professional Services use category, shall designate a minimum of 5 percent of their total off-street parking spaces for carpool or vanpool parking.
- d) *Maximum Off-Street Parking.* Unless otherwise provided in the SRC, offstreet parking shall not exceed the amounts set forth in Table 806-2.

Finding: The proposed 24-unit apartment complex requires a minimum of 36 off-street parking spaces ($24 \times 1.5 = 36$). The maximum off-street parking allowance for the use is 63 spaces ($36 \times 1.75 = 63$). There are 36 proposed off-street parking spaces provided for the proposed use, consistent with the minimum and maximum off-street parking requirements.

Twenty seven of the proposed parking spaces are designated as compact

spaces (75 percent). Carpool/vanpool spaces are not required for the proposed multi-family residential use.

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

Unless otherwise provided under the UDC, off-street parking and vehicle use areas, other than driveways and loading areas, for uses or activities other than Single Family and Two Family shall be developed and maintained as provided in this section.

- a) *General Applicability.* The off-street parking and vehicle use area development standards set forth in this section apply to:
 - 1. The development of new off-street parking and vehicle use areas.
 - 2. The expansion of existing off-street parking and vehicle use areas, where additional paved surface is added.
 - 3. The alteration of existing off-street parking and vehicle use areas, where the existing paved surface is replaced with a new paved surface; and
 - 4. The paving of an un-paved area.

Finding: Off-street parking and vehicle use area development standards apply to the new off-street parking area.

b) *Location.* Off-street parking and vehicle use areas shall not be located within required setbacks.

Finding: The applicant has requested a zoning adjustment to reduce the vehicle use area setback requirements to eastern property line from 10 feet to 8 feet and the western property line from 15 feet to 9.5 feet, findings for the Adjustment are included in Section 8 of this report.

c) *Perimeter Setbacks and Landscaping.* Perimeter setbacks shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures.

Where an off-street parking or vehicular use area is located adjacent to a building or structure, the off-street parking or vehicle use area shall be setback from the exterior wall of the building or structure by a minimum 5-foot-wide landscape strip or by a minimum 5-foot-wide paved pedestrian walkway.

Finding: The proposed vehicle use area and parking spaces are setback greater than 5 feet from the exterior wall of adjacent buildings.

d) *Interior Landscaping*. Interior landscaping shall be required for off-street parking areas 5,000 square feet or greater in size.

Finding: The proposed site plan indicates that the parking and driveway area is approximately 16,720 square feet in size. A minimum of 836 square feet of interior parking lot landscaping is required ($16,720 \times 0.05 = 836$). The site plan indicates that approximately 850 square feet (5.1 percent) of interior parking lot landscaping is provided in the parking area.

e) Off-Street Parking Area Dimensions. Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-6.

Finding: The proposed off-street parking spaces are sufficient to meet the minimum dimensions for standard and compact sized parking spaces.

f) Additional Off-Street Parking Area Development Standards 806.035(f-m).

Finding: The proposed off-street parking area is developed consistent with the additional standards for grade, surfacing, and drainage. Bumper guards or wheel barriers are not required for the proposed off-street parking area. The proposed compact parking spaces shall be clearly marked indicating the spaces are reserved for compact parking only. The striping, and lighting will meet the standards of SRC 806.

Bicycle Parking

SRC 806.045 - General Applicability. Bicycle parking shall be provided and maintained for any new use or activity.

SRC 806.050 – Proximity of Bicycle Parking to use or Activity Served. Bicycle parking shall be located on the same development site as the use or activity it serves.

SRC 806.055 - Amount of Bicycle Parking.

A multi-family use is required to have the greater of 4 bicycle spaces or a minimum of 0.1 bicycle spaces per dwelling unit.

Finding: The proposed development is for a 24-unit apartment complex, which requires a minimum of 4 bicycle parking spaces. The proposed site plan indicates 8 bicycle parking spaces will be provided, located under stairs at each stairway.

SRC 806.060 – Bicycle Parking Development Standards

Unless otherwise provided under the UDC, bicycle parking areas shall be developed and maintained as set forth in this section.

- a) Location. Bicycle parking areas shall be located within a convenient distance of, and shall be clearly visible from, the primary building entrance. In no event shall bicycle parking areas be located more than 50 feet from the primary building entrance.
- b) Access. Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance.

- c) Dimensions. Bicycle parking spaces shall be a minimum of 6 feet by 2 feet, and shall be served by a minimum 4-foot-wide access aisle.
- d) Bicycle Racks. Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall accommodate the bicyclist's own locking device.

Finding: The proposed bicycle parking spaces are within 50 feet of the main entry for the buildings. Dimensions and design of the bicycle parking spaces will be reviewed at the time of Building Permit.

Off-Street Loading Areas

SRC 806.065 - General Applicability.

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

SRC 806.070 – Proximity of Off-Street Loading Areas to Use or Activity Served. Off-street loading shall be located on the same development site as the use or activity it serves.

SRC 806.075 - Amount of Off-Street Loading.

For multiple family uses containing 0-49 units, there is not a requirement for offstreet loading spaces.

Finding: Off-street loading spaces are not required for the proposed development.

Landscaping

All required setbacks shall be landscaped with a minimum of 1 plant unit per 20 square feet of landscaped area. A minimum of 40 percent of the required number of plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Plant materials and minimum plant unit values are defined in SRC Chapter 807, Table 807-2.

All building permit applications for development subject to landscaping requirements shall include landscape and irrigation plans meeting the requirements of SRC Chapter 807.

Finding: Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

Natural Resources

SRC 808 - Preservation of Trees and Vegetation: The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove a significant tree (Oregon White Oak greater than 24 inches in diameter at breast height) (SRC 808.015) or a tree or native vegetation in a riparian corridor (SRC

808.020), unless the removal is excepted under SRC 808.030(a)(2), undertaken pursuant to a permit issued under SRC 808.030(d), undertaken pursuant to a tree conservation plan approved under SRC 808.035, or permitted by a variance granted under SRC 808.045.

No protected trees have been identified on the site plan for removal.

SRC 809 - Wetlands: Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetland laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures.

According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property does not contain any wetlands and/or hydric soil areas.

SRC 810 - Landslide Hazards: A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area. The subject property does not contain any mapped landslide hazard areas; two activity points are assigned to the proposed multifamily development. A total of two points indicates a low landslide hazard risk; a geological assessment is not required.

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.

Finding: The existing configuration of Claxter Road NE does not meet current standards for its classification of street per the Salem TSP. As a condition of approval, a half-street improvement shall be constructed to local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The applicant has requested a deferral of required boundary street improvements, pursuant to SRC 803.070(a)(1)(A)(iii). City staff concurs with the applicant's request and recommends a deferral as an option to satisfy the required boundary street improvements. Prior to building permit issuance, construction plans shall be approved and secured per SRC Chapter 77, or a street improvement deferral agreement shall be completed and recorded pursuant to SRC Chapter 803.070(c).

Condition 2: Where the existing street condition along the frontage of Claxter Road NE is underimproved, as defined in SRC 803.040(a), construct a half-street improvement to local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. Prior to building permit issuance, construction plans shall be approved and secured per SRC Chapter 77, or a street improvement deferral agreement shall be completed and recorded pursuant to SRC 803.070(c).

Required right-of-way dedication is specified in the conditions of approval consistent with SRC Chapter 803 and the proposed development plan.

Condition 3: Convey land for dedication to equal a half-width right-of-way of 25 feet on the development side of Claxter Road NE.

Criterion 3:

Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians. **Finding:** The driveway access onto Claxter Road NE provides for safe turning movements into and out of the property.

Criterion 4:

The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development.

Finding: The 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 appear to be adequate to serve the proposed development.

The proposed utility plan shows a connection to the existing 42-inch water transmission main in Claxter Road NE. New water services will not be permitted to this main. At the time of building permit application, the applicant shall submit a revised utility plan showing service to the existing 10-inch water main in Claxter Road NE.

The applicant is advised that a sewer monitoring manhole may be required, and the trash area shall be designed in compliance with Public Works Standards.

There are no stormwater facilities located along the south line of the proposed development. The applicant shall be required to comply with Public Works Design Standards (PWDS) 4.2(j) by either:

- a. Constructing off-site private stormwater facilities and obtaining an off-site easement for the purpose of conveying stormwater to existing public stormwater facilities; or
- b. Constructing on-site stormwater facilities sufficient to retain the design storm on-site so that the quantity of discharge flowing onto neighboring properties does not exceed the allowable discharge in SRC 71.095(c).

Condition 4: Comply with Public Works Design Standards (PWDS) 4.2(j) by either:

- a. Constructing off-site perimeter stormwater facilities and obtaining an off-site easement for the purpose of conveying stormwater to existing public stormwater facilities; or
- b. Constructing on-site stormwater facilities sufficient to retain the design storm on-site so that the quantity of discharge flowing onto neighboring properties does not exceed the allowable discharge in SRC 71.095(c).

The proposed plan demonstrates compliance with PWDS Appendix 4E related to green stormwater infrastructure by setting aside at least ten percent of the total new impervious surface area for installation of green stormwater infrastructure. The applicant's engineer shall design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

8. Analysis of Class 2 Adjustment Approval Criteria

SRC Chapter 250.005(d)(2) provides that an applicant for a Class 2 Adjustment shall be granted if all of the following criteria are met:

Criterion 1:

The purpose underlying the specific development standard proposed for adjustment is:

- (i) <u>Clearly</u> inapplicable to the proposed development; or
- (ii) Equally or better met by the proposed development.

Finding: The applicant is requesting Adjustments to reduce the interior setback requirements for the proposed development as follows:

South – Reduce the minimum setback required adjacent to an IG (General Industrial) zone from 15 feet to 10 feet.

East – Reduce the minimum setback required adjacent to a RM-II (Multi-Family Residential) zone from 10 feet to 8 feet.

West – Reduce the minimum setback required adjacent to an IC (Industrial Commercial) zone from 15 feet to 9.5 feet.

The subject property is approximately 450 feet in length and is rather narrow at 93 feet in width. Full compliance with the minimum setbacks for the buildings and vehicle use area creates a difficulty in this case due to the narrowness of the lot. A 6 foot tall sight obscuring fence is provided around the interior property line, and the applicant proposes providing landscaping in the setback areas that meets or exceeds the landscaping that would be required had the full setback been required. The proposed buildings are oriented on the west side of the property, the furthest distance away for an abutting residential use to the east. Proposed fencing and landscaping provide a buffer between the proposed multifamily use and the abutting industrial uses.

The request to reduce the setback area, while providing a sight-obscuring fence and a greater density of landscaping provides a buffer between the subject property and abutting uses which equally or better meets the intent of the setback requirements.

Criterion 2:

If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

Finding: A greater density of plant units, including trees and shrubs, will be provide in the proposed interior setback areas, in order to equally or better comply with the minimum landscaping standard. The reduced setback area will meet the intent of providing a physical and visual buffer between abutting uses, and will not detract from the livability or appearance of the residential area.

Criterion 3:

If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

Finding: Three setback adjustments have been requested with this development. Each of the adjustments has been evaluated separately for conformance with the Adjustment approval criteria. The cumulative impact of the adjustments results in an overall project which is consistent with the intent and purpose of the zoning code.

Any future development, beyond what is shown in the proposed plans, shall conform to the minimum perimeter setback requirements, unless adjusted through a future land use action.

Condition 5: The adjusted perimeter setbacks, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to the setback requirements for the development site, unless adjusted through a future land use action.

9. Analysis of Class 2 Driveway Approval Permit Criteria

SRC 804.025(d) states that a Class 2 Driveway Approach Permit shall be granted if:

Criterion 1:

The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.

Finding: The proposed driveway meets the standards for SRC 804 and Public Works Design Standards.

Criterion 2:

No site conditions prevent placing the driveway approach in the required location.

Finding: There are no site conditions prohibiting the location of the proposed driveway.

Criterion 3:

The number of driveway approaches onto an arterial are minimized.

Finding: The proposed driveway is not accessing onto an arterial street.

Criterion 4:

The proposed driveway approach, where possible:

- a) Is shared with an adjacent property; or
- b) <u>Takes access from the lowest classification of street abutting the property.</u>

Finding: The proposed driveway to Claxter Road NE is currently located with access to the lowest classification of street abutting the subject property.

Criterion 5:

The proposed driveway approach meets vision clearance standards.

Finding: The proposed driveway meets the PWDS vision clearance standards set forth in SRC Chapter 805.

Criterion 6:

The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access.

Finding: The proposed driveway is located on a low-volume cul-de-sac street. The driveway will not create a known traffic hazard and will provide for safe turning movements for access to the subject property.

Criterion 7:

The proposed driveway approach does not result in significant adverse impacts to the vicinity.

Finding: The location of the proposed driveway is consistent with those in the vicinity and does not appear to have any adverse impacts to the adjacent

Exhibit 1 April 19, 2017 Page 25 properties or streets.

Criterion 8:

The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections.

Finding: The proposed driveway approach is located on a local street and does not create a significant impact to adjacent streets and intersections.

Criterion 9:

The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

Finding: The proposed driveway approach is not located in the vicinity of a residentially zoned area. The driveway will not have an effect on the functionality of the adjacent streets.

Conclusion: Based on the findings and conditions of approval contained above, the Applicant has satisfactorily addressed the applicable criteria for granting approval of a Design Review, Site Plan Review, Adjustment and Driveway Approach Permit the Planning Commission has voted to approve the consolidated application to allow development of a 24-unit multi-family apartment complex for property approximately 0.96 acres in size and zoned RM-II (Multi-Family Residential) and located at 2758 Claxter Road NE.