

BEFORE THE CITY COUNCIL OF THE CITY OF SALEM

IN THE MATTER OF APPROVAL OF
CONSOLIDATED DESIGN REVIEW
SITE PLAN REVIEW AND CLASS 2
ADJUSTMENT CASE NO. 19-07
1175 NEBRASKA AVENUE NE

) ORDER NO. 2019-12-DR-SPR-ADJ19-07
) DESIGN REVIEW/SITE PLAN
) REVIEW/ CLASS 2
) ADJUSTMENT CASE NO. 19-07
)

This matter coming regularly for hearing before the City Council, at its September 23, 2019 meeting, and deliberated upon, on September 23, 2019, meeting, and the City Council, having received evidence and heard testimony, makes the following findings, and adopts the following order affirming the decision of the Planning Commission in Class 3 Design Review, Class 3 Site Plan Review and Class 2 Adjustment Case No. DR-SPR-ADJ19-07, and approving the application.

PROCEDURAL FINDINGS:

- (a) On May 23, 2019, Jose Garcia, on behalf of Jose Garcia Construction (Thomas Kay & Gail B. Jones), filed an application for a in Class 3 Design Review, Class 3 Site Plan Review and Class 2 Adjustment to develop a three-unit multi-family complex, located at the 1175 Nebraska Avenue - 97301.
- (b) On August 7, 2019, the Planning Commission issued a decision approving the consolidated in Class 3 Design Review, Class 3 Site Plan Review and Class 2 Adjustment subject to conditions of approval.
- (c) On August 21, 2019, the Planning Commission decision was appealed.
- (d) On September 23, 2019, City Council held a public hearing, received public testimony conducted deliberations and voted to affirm the Planning Commission's decision to approve the applications subject to conditions of approval.
- (e) The 120-day State mandated deadline for final decision is November 8, 2019.

SUBSTANTIVE FINDINGS:

The City Council adopts the following as findings for this decision:

- (a) The Class 3 Design Review, Class 3 Site Plan Review and Class 2 Adjustment applications to develop an 0.20-acre property with three multi-family units, as proposed and conditioned, meets the approval criteria set forth in SRC 225.005(e)(2), SRC 220.005(f)(3) and SRC 250.005(d)(2).

(b) The findings, attached hereto as exhibit 1, are incorporated to this decision as set forth herein.

(c) The City Council therefore APPROVES the consolidated application subject to conditions of approval from the August 7, 2019 decision of the Planning Commission.

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF SALEM, OREGON:

Section 1. The Planning Commission's decision Class 3 Design Review, Class 3 Site Plan Review and Class 2 Adjustment Case No. DR-SPR-ADJ19-07 is hereby modified to include the findings and facts in exhibit 1, and the following conditions of approval:

- Condition 1:** The recycling area shall be similar materials and design as the proposed development.
- Condition 2:** The applicant shall pave the alley abutting the subject property from the west boundary of the subject property to 12th Street NE pursuant to PWDS. The pavement shall abut the south right-of-way line of the alley and shall be a minimum of 17 feet wide.
- Condition 3:** Design and construct a storm drainage system at the time of development in SRC Chapter 71 and PWDS.
- Condition 4:** A minimum of 13 plant units shall be provided between the vehicle use and the eastern property line.
- Condition 5:** A minimum of 13 plant units shall be provided between the vehicle use and the western property line.
- Condition 6:** A minimum 6-foot-tall site obscuring fence shall be provided along the eastern and western interior property lines abutting the proposed vehicle use area. The fence shall be constructed of materials commonly used in the construction of fences and walls, such as wood, stone, rock, brick, or other durable materials. Chain link fencing with slats shall not be allowed.
- Condition 7:** The reduction in the minimum off-street parking requirement for a three unit multi-family development, 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 minimum off-street parking requirements of SRC Chapter 806, unless adjusted through a future land use action.

Section 2. This order constitutes the final land use decision and any appeal must be filed with the Oregon Land Use Board of Appeals within 21 days of the date that notice of this decision is mailed to persons with standing to appeal.

Exhibit 1: Findings for DR-SPR-ADJ19-07

ADOPTED by the City Council this 14th day of October, 2019.

ATTEST:

City Recorder

Checked by: Olivia Glantz