



Legislation Details (With Text)

File #: 17-308 **Version:** 1
Type: Ordinance Second Reading **Status:** Passed
In control: City Council
On agenda: 6/12/2017 **Final action:** 6/12/2017
Title: Proposed Comprehensive Plan Map Change and Neighborhood Plan Change - "Single Family" to "Commercial" for a 0.57-acre portion of a 1.66-acre site at the northwest corner of Lancaster Drive NE and D Street NE.

Ward(s): Ward 6
 Councilor(s): Hoy
 Neighborhood(s): NESCA

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment 1 - Vicinity Comprehensive Plan Map, 2. Attachment 2 - Planning Commission Recommendation, 3. Attachment 3 - Ordinance 16-17, 4. Attachment 4 - Ordinance 16-17 Exhibit 1, 5. Attachment 5 - Ordinance 16-17 Exhibit 2

Date	Ver.	Action By	Action	Result
6/12/2017	1	City Council	adopted	Pass

TO: Mayor and City Council
THROUGH: Steve Powers, City Manager
FROM: Lisa Anderson-Ogilvie, AICP, Interim Community Development Director

SUBJECT:

Proposed Comprehensive Plan Map Change and Neighborhood Plan Change - "Single Family" to "Commercial" for a 0.57-acre portion of a 1.66-acre site at the northwest corner of Lancaster Drive NE and D Street NE.

Ward(s): Ward 6
 Councilor(s): Hoy
 Neighborhood(s): NESCA

ISSUE:

Should the City Council conduct second reading of Ordinance Bill No. 16-17 changing the Comprehensive Plan Map designation from "Single Family" to "Commercial" for a 0.57-acre portion of a 1.66-acre site at the northwest corner of Lancaster Drive NE and D Street NE?

RECOMMENDATION:

Conduct second reading of Ordinance Bill No. 16-17 changing the Comprehensive Plan Map designation from "Single Family" to "Commercial" for a 0.57-acre portion of a 1.66-acre site at the northwest corner of Lancaster Drive NE and D Street NE.

SUMMARY AND BACKGROUND:

On February 2, 2017, the Planning Division received an application for a Comprehensive Plan Change, Neighborhood Plan Change, and Zone Change to change the Comprehensive Plan Map designation of an approximately 0.57-acre portion of a 1.66-acre site from "Single Family Residential" to "Commercial" and to change the zoning from RS (Single Family Residential) to CR (Retail Commercial). The consolidated application included applications for Site Plan Review, an Adjustment to increase the maximum number of allowed off-street parking spaces, and a Driveway Approach Permit to demolish and redevelop the existing fast food restaurant on the site (Attachment 1).

The Planning Commission recommends approval of the proposed Comprehensive Plan Map Change and Neighborhood Plan Change (Attachment 2). The Planning Commission has approved the proposed Zone Change, Site Plan Review, Adjustment, and Driveway Approach Permit subject to conditions of approval and the City Council's approval of the proposed Comprehensive Plan Map Change.

The City conducted its first reading on this ordinance on May 22, 2017.

FACTS AND FINDINGS:

The facts and findings supporting the Comprehensive Plan Map Change can be found in Ordinance No. 16-17.

On February 2, 2017, Mark D. Shipman of Saalfeld Griggs PC, on behalf of applicants Seaman Real Estate Investments LLC and McDonald's Corporation, filed an application for a Comprehensive Plan Change, Neighborhood Plan Change, and Zone Change to change the Comprehensive Plan Map designation of a 0.57-acre portion of a 1.66-acre site from "Single Family Residential" to "Commercial" and to change the zoning from RS (Single Family Residential) to CR (Retail Commercial). The consolidated application also included applications for Site Plan Review, an Adjustment, and a Driveway Approach Permit to redevelop the existing fast food restaurant across the larger site. The consolidated application was deemed complete for processing on February 23, 2017.

On April 25, 2017 the Planning Commission held a public hearing on the consolidated application, deliberated, and approved the requested Zone Change, Site Plan Review, Adjustment, and Driveway Approach Permit applications and moved to forward a favorable recommendation to the City Council on the Comprehensive Plan Map Change.

Pursuant to ORS 197.010(1), an amendment to the Comprehensive Plan Map must be approved by City Council. Previously, the Salem Planning Commission made the determination for approval of a Comprehensive Plan Map change. The Land Use Board of Appeals (LUBA) in *Housing Land Advocates v. City of Happy Valley LUBA No. 2016-031*, has concluded that a Comprehensive Plan

Map Change must be adopted by a local government's governing body. City policy has been adjusted to be consistent with State Law.

Christopher Green, AICP
Planner II

Attachments:

1. 1011 Lancaster Drive NE Vicinity Comprehensive Plan Map
2. Planning Commission Recommendation to City Council
3. Ordinance Bill 16-17 with Exhibits

05/30/2017