

# CITY OF SALEM



585 Liberty St SE  
Salem, OR 97301

## Staff Report

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File #: 17-238

Version: 1

Date: 5/22/2017

Item #: 7.1d.

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**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 first 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 first 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 and proceed to second reading.

### **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 also 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).

Pursuant to ORS 197.010(1), an amendment to the Comprehensive Plan Map must be approved by the City Council. Previously, the Salem Planning Commission made the determination for approval of a Comprehensive Plan Map change. However, in light of a recent decision by the Land Use Board of Appeals (LUBA) *Housing Land Advocates v. City of Happy Valley LUBA No. 2016-031*, in which LUBA concluded that a Comprehensive Plan Map Change must be adopted by a local government's governing body, the City of Salem has adjusted the policy to be consistent with State Law.

Therefore, the Planning Commission is forwarding its recommendation for approval of the proposed Comprehensive Plan Map Change and Neighborhood Plan Change to the City Council (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.

## **FACTS AND FINDINGS:**

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

Christopher Green, AICP  
Planner II

### Attachments:

1. 1011 Lancaster Drive NE Vicinity Comprehensive Plan Map
2. Planning Commission Recommendation to City Council

05/05/2017