

Legislation Details (With Text)

File #:	16-327	Version:	2
Type:	Ordinance Second Reading	Status:	Passed
		In control:	City Council
On agenda:	11/28/2016	Final action:	11/28/2016
Title:	Proposed Comprehensive Plan Map Change - “Single Family” to “Commercial” for a 0.52-acre site at the southeast corner of Liberty Street SE and Mission Street SE.		
	Ward(s): Ward 2		
	Councilor(s): Andersen		
	Neighborhood(s): SCAN		

Sponsors:

Indexes:

Code sections:

Attachments: 1. Vicinity Map, 2. Planning Commission Recommendation, 3. Ordinance 20-16, 4. Ordinance 20-16 Exhibit 1, 5. Ordinance 20-16 Exhibit 2

Date	Ver.	Action By	Action	Result
11/28/2016	2	City Council	approved	Pass
11/14/2016	1	City Council	approved	Pass

TO: Mayor and City Council

THROUGH: Steve Powers, City Manager

FROM: Glenn W. Gross, Community Development Director

SUBJECT:

Proposed Comprehensive Plan Map Change - "Single Family" to "Commercial" for a 0.52-acre site at the southeast corner of Liberty Street SE and Mission Street SE.

Ward(s): Ward 2
Councilor(s): Andersen
Neighborhood(s): SCAN

ISSUE:

Should the City Council conduct second reading of Ordinance Bill No. 20-16 changing the Comprehensive Plan Map designation from "Single Family" to "Commercial" for a 0.52-acre site at the southeast corner of Liberty Street SE and Mission Street SE?

RECOMMENDATION:

Conduct second reading of Ordinance Bill No. 20-16 changing the Comprehensive Plan Map designation from "Single Family" to "Commercial" for a 0.52-acre site at the southeast corner of Liberty Street SE and Mission Street SE.

SUMMARY AND BACKGROUND:

On July 1, 2016, the Planning Division received an application for a Comprehensive Plan Change and Zone Change to change the Comprehensive Plan Map designation of an approximately 0.52-acre site at the southeast corner of Liberty Street SE and Mission Street SE from "Single Family Residential" to "Commercial" and to change the zoning from RS (Single Family Residential) to CO (Commercial Office). The consolidated application also included applications for Site Plan Review, an Adjustment to minimum driveway spacing from an arterial intersection, and a Driveway Approach Permit to develop an outpatient foot and ankle clinic 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 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 the City Council's approval of the proposed Comprehensive Plan Map Change. The City conducted its first reading of this ordinance on November 14, 2016.

FACTS AND FINDINGS:

On July 1, 2016, Jeff Tross, on behalf of applicants Dr. Tyson Scott and Jennifer Scott, filed an application for a Comprehensive Plan Change and Zone Change to change the Comprehensive Plan Map designation of a 0.52-acre site from "Single Family Residential" to "Commercial" and to change the zoning from RS (Single Family Residential) to CO (Commercial Office). The applicant later submitted additional requests resulting in a consolidated application that included applications for Site Plan Review, an Adjustment, and a Driveway Approach Permit to develop an outpatient foot and ankle clinic on the site. The consolidated application was deemed complete for processing on August 25, 2016.

On September 20, 2016 the Planning Commission held a public hearing on the consolidated application. On October 18, 2016, the Planning Commission 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. 20-16.

Christopher Green, AICP
Planner II

Attachments:

1. 800-868 Liberty Street SE; 440 Mission Street SE Vicinity Map
2. Planning Commission Recommendation to City Council

11/15/2016