

Legislation Details (With Text)

File #: 17-551 **Version:** 1

Type: Public Hearings **Status:** Passed

In control: City Council

On agenda: 11/27/2017 **Final action:** 11/27/2017

Title: Appeal of Planning Commission's decision approving Design Review/Conditional Use/Site Plan Review/Driveway Approach Permit Case No. DR/CU/SPR/DAP17-05 for property located at 3010 Silverton Road NE - 97301

Ward(s): Ward 5
Councilor(s): Ausec
Neighborhood(s): Lansing

Sponsors:**Indexes:****Code sections:**

Attachments: 1. Vicinity Map, 2. Planning Commission Decision, Part 1, 3. Planning Commission Decision, Part 2, 4. Lansing Neighborhood Association Appeal Letter, 5. Applicant's Illustration of Reduction in Units and Addition of Parking Spaces, 6. Applicant's Illustration of Building Height and Setbacks, 7. Written Testimony - Lansing Neighborhood Association, 8. Applicant's Written Testimony

Date	Ver.	Action By	Action	Result
11/27/2017	1	City Council	approved	Pass

TO: Mayor and City Council

THROUGH: Steve Powers, City Manager

FROM: Norman Wright, Community Development Director

SUBJECT:

Appeal of Planning Commission's decision approving Design Review/Conditional Use/Site Plan Review/Driveway Approach Permit Case No. DR/CU/SPR/DAP17-05 for property located at 3010 Silverton Road NE - 97301

Ward(s): Ward 5
Councilor(s): Ausec
Neighborhood(s): Lansing

ISSUE:

Shall the City Council affirm, amend, or reverse the decision of the Planning Commission for Design Review/Conditional Use/Site Plan Review/Driveway Approach Permit Case No. DR/CU/SPR/DAP17-05?

RECOMMENDATION:

Staff recommends that the City Council AMEND the September 21, 2017 Planning Commission's Decision.

SUMMARY AND BACKGROUND:

The subject property is located at the southeast corner of the intersection of Silverton Road NE and Lansing Avenue NE (Attachment 1). A consolidated Design Review/Conditional Use/Site Plan Review/Driveway Approach Permit application was approved by the Planning Commission, subject to conditions of approval (Attachments 2 and 3). An appeal of the decision was filed by the Lansing Neighborhood Association (Attachment 4).

FACTS AND FINDINGS:

Procedural Findings

1. On March 1, 2017, an application for a Conditional Use, Class 1 Design Review, Class 3 Site Plan Review, and Class 2 Driveway Approach Permit was submitted to the Community Development Department. Staff notified the applicant that the application did not meet all of the applicable design review standards and must either be modified to meet the standards or resubmitted as a Class 3 Design Review.
2. On June 27, 2017, the applicant withdrew the Class 1 Design Review and submitted a Class 3 Design Review to the Community Development Department. The application was deemed complete on August 24, 2017.
3. On September 21, 2017, the Planning Commission issued a decision approving the Conditional Use, Class 1 Design Review, Class 3 Site Plan Review, and Class 2 Driveway Approach Permit request.
4. On October 6, 2017, the Lansing Neighborhood Association filed a timely appeal of the decision. A public hearing before the City Council is scheduled for November 27, 2017.
5. On November 7, 2017, notice of the appeal hearing was sent to the Lansing Neighborhood Association, Northgate Neighborhood Association, and surrounding property owners pursuant to Salem Revised Code requirements. On November 9, 2017, the case manager found that notice had not been mailed to one person who had submitted written testimony, and staff mailed notice to that person. Notice of the appeal hearing was posted on the subject property on November 13, 2017.

Substantive Findings

1. The applicable criteria and considerations that must be satisfied for the approval of the Class 3 Design Review, Conditional Use, Class 3 Site Plan Review, and Class 3 Driveway Approach Permit in this case are included within the City's design review chapter (SRC Chapter 225) under section 225.005(e)(2), the multi-family design standards and guidelines chapter (SRC

Chapter 702), the conditional use chapter (SRC Chapter 240) under section 240.005(d), the site plan review chapter (SRC Chapter 220) under section SRC 220.005(f)(3), and the driveway chapter (SRC Chapter 804) under section SRC 804.025(d).

Findings establishing the conformance of the proposed Class 3 Design Review, Conditional Use, Class 3 Site Plan Review, and Class 3 Driveway Approach Permit with the applicable approval criteria are included in the September 21, 2017 decision, which is included as Attachments 2 and 3 to this report and incorporated by reference.

2. Lansing Neighborhood Association's appeal of the Class 3 Design Review, Conditional Use, Class 3 Site Plan Review, and Class 3 Driveway Approach Permit decision is included as Attachment 4. The appellant asserts that the applicant has not considered the environment of the people, neighborhood, and quality of life because the applicant failed to consult with the Neighborhood Association, is not providing enough parking spaces for the apartments, is providing a single driveway into the complex that may be inadequate for emergency responders, is contributing to overcrowding of streets and schools that may create safety hazards for pedestrians and motorists, and is providing buildings that are incompatible with the neighborhood. The appellant recommends reducing the number of units from 96 to 48 to allow area for additional on-site parking; providing one driveway into the complex and one driveway out of the complex; contacting the Fire Department and Police to ensure that the design provides adequate emergency access; and limiting the buildings to two stories rather than three.

Staff Response:

The appellant does not specifically state which criteria the Planning Commission decision for the Class 3 Design Review, Conditional Use, Class 3 Site Plan Review, and Class 3 Driveway Approach Permit fails to meet. The issues raised by the applicant and the related criteria are addressed below.

1. The applicant failed to contact the Neighborhood Association.

Applicants are not required to contact neighborhood associations prior to submitting applications. Staff provided the applicant with contact information for the Lansing and Northgate Neighborhood Associations at the pre-application conference and recommended that the applicant contact them. The applicant indicated on the application form that they had not contacted the neighborhood association.

2. The number of parking spaces is inadequate because households will have two or three cars, leading apartment residents to park on Hammel Street NE and Sedona Street NE, which already have many vehicles parked on-street. The number of units should be reduced from 96 to 48 to allow enough parking for renters.

The proposal exceeds the applicable standard of 1.5 parking spaces per apartment. The minimum parking requirement is 144 spaces, and the applicant proposes 151. In response to the appeal, the applicant notified staff that they will prepare a parking management plan for designated parking by unit and visitor spaces. On-street parking on Hammel Street NE and Sedona Street NE is available to all members of the public. No on-street parking is

allowed on Silverton Road NE or Lansing Avenue NE.

The subject property is zoned CR (Retail Commercial). There is no minimum and maximum density requirement in this zone. The proposal for 96 units would result in a density of approximately 30 units per acre. If the subject property were zoned RM2 (Multiple Family Residential), the maximum density would be 28 units per acre, allowing a maximum of 89 units. The Planning Commission found that the proposed development of 96 units, with conditions of approval, met all applicable multi-family design guidelines and other development standards.

The purpose of the Conditional Use Permit process is to determine whether conditions can minimize reasonably likely adverse impacts on uses in the surrounding area. To ensure that the proposal meets the Conditional Use Permit criteria, a condition was placed on the approval specifically to minimize the impact of the multi-family use on the surrounding property owners:

Condition 6: The multi-family use shall contain no more than 96 dwelling units. Any future increase of the development beyond 96 dwelling units will require approval of a separate conditional use permit.

In response to the appeal, the applicant prepared a sketch indicating that the deletion of 12 units in Building H, the building closest to the adjacent residences, would result in a net increase of 14 parking spaces (Attachment 5). The applicant stated that an 84-unit project would no longer meet lending standards due to the cost of the land, the fixed-cost site improvements, and the cost of construction of the project. The project would not be feasible with the reduction in units.

3. The single driveway serving the complex may not be adequate for emergency vehicle access and does not consider the traffic from cars and buses, increasing safety hazards for pedestrians and drivers crossing Lansing Avenue NE and trying to turn onto Silverton Road NE.

The proposed two-way driveway onto Lansing Avenue NE and looped driveway within the complex meet all applicable standards for the Driveway Approach Permit and all applicable development standards for driveways. The driveway takes access from the lowest classification of street abutting the property, provides for safe turning movements, and minimizes traffic conflicts by being located opposite Sedona Avenue NE.

The proposed single driveway and loop are adequate for Fire Department access. Portions of the driveway will be marked as fire lanes with no parking on the sides. The Fire Department will also require sprinklers and alarms.

To ensure that the proposal meets the criteria, the Planning Commission adopted a condition to mitigate traffic impacts during school hours:

Condition 7: Deliveries by trucks which exceed a maximum combined vehicle and load rating of 8,000 pounds to the driveway off Lansing Avenue shall be restricted to the hours of 9:00 AM to 2:00 PM and 3:30 PM to 6:00 PM.

4. The proposal will mean up to 288 more children in the neighborhood, and they may not be safe from cars and buses.

The Salem Keizer School District estimated that the development would increase enrollment by 34 students. To serve students in the complex, an existing painted crosswalk is available from the east side of Lansing Avenue NE to the schools on the west side of Lansing Avenue NE.

The existing configuration of the Silverton Road NE and Lansing Avenue NE intersection includes painted crosswalks across both streets; a left turn signal from westbound Silverton Road NE onto southbound Lansing Avenue NE; a left turn lane and left turn signal from northbound Lansing Avenue NE to westbound Silverton Road NE; and a left turn signal from the commercial property north of the intersection onto eastbound Silverton Road NE.

The Class 3 Site Plan Review criteria require that 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. The Public Works Department determined that the number of trips generated from the proposed development will not trigger a requirement for a Transportation Impact Analysis or improvements to the streets or signals. To ensure that the proposal meets the Class 3 Site Plan Review criteria, the Planning Commission adopted the Public Works recommendations for conditions of approval:

Condition 11: Convey land for dedication to equal a half-width right-of-way of 48 feet from the centerline on the development side of Silverton Road NE and 30 feet from the centerline on the development side of Lansing Avenue NE, including sufficient right-of-way to accommodate public infrastructure at the property corners.

Condition 12: Provide street trees and street lights along the entire frontage of Lansing Avenue NE and Silverton Road NE according to Public Works Design Standards (PWDS).

Staff recommends a modification of Condition 12 to clarify that the applicant will be responsible for replacing the existing sidewalks:

Condition 12: Provide street trees, and street lights, and sidewalks along the entire frontage of Lansing Avenue NE and Silverton Road NE according to Public Works Design Standards (PWDS).

5. The proposed buildings will be incompatible. Residents near the apartments do not want renters to look down in their backyards and invade their lives. Two floors will blend in better and result in better quality of life in the neighborhood.

The conditional use criteria require that the use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property. The Planning Commission found that the proposal is consistent with the goals and policies

of the Salem Area Comprehensive Plan for multi-family residential development and siting and complies with this criterion.

The Planning Commission also found that the proposal complies with the height and setback requirements of the CR (Retail Commercial) zone and is consistent with the multi-family design review guidelines for transitions between the new buildings on the site and the existing buildings and structures on abutting sites.

In response to the appeal, the applicant provided several drawings illustrating the height and setback of the buildings in relation to the south property line, included as Attachment 6. The proposal, with conditions of approval, meets all applicable setbacks. The minimum setback to the south property line is 15 feet to buildings and vehicle use areas. A 15-foot-wide landscaped area with trees would separate the proposed parking area from the south property line, and an 8-foot-tall wall would be constructed along that property line. The nearest proposed building would be 80 feet from the south property line.

3. In conclusion, the proposed Class 3 Design Review/Conditional Use/Class 3 Site Plan Review/Class 2 Driveway Approach Permit satisfies the applicable approval criteria of SRC 225.005(e)(2), 240.005(d), SRC 220.005(f)(3), and SRC 804.025(d) with the following modification of Condition 12:

Condition 12: Provide street trees, and street lights, and sidewalks along the entire frontage of Lansing Avenue NE and Silverton Road NE according to Public Works Design Standards (PWDS).

Pamela Cole
Planner II

Attachments:

1. Vicinity Map
2. Planning Commission Decision, Part 1
3. Planning Commission Decision, Part 2
4. Lansing Neighborhood Association Appeal Letter
5. Applicant's Illustration of Reduction in Units and Addition of Parking Spaces
6. Applicant's Illustration of Building Height and Setbacks

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