

Legislation Details (With Text)

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Title: AMENDED REPORT - SEE PAGE 3

City Council review of the Planning Administrator's decision for Phased Subdivision / Class 2 Adjustment Case No. SUB-ADJ17-09 for property located at the 3700 and 3800 Blocks of Dogwood Drive S.

Ward(s): Ward 7
Councilor(s): Cook
Neighborhood(s): SWAN

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

Attachments: 1. Vicinity Map, 2. Site Plan, 3. SUB-ADJ17-09 Planning Administrator's Decision, 4. Written Testimony - Donovan, 5. Memo and Additional Attachments, 6. Written Testimony 1, 7. Written Testimony 2

Date	Ver.	Action By	Action	Result
12/4/2017	1	City Council	approved	Pass

TO: Mayor and City Council

THROUGH: Steve Powers, City Manager

FROM: Norman Wright, Community Development Director

SUBJECT:**AMENDED REPORT - SEE PAGE 3**

City Council review of the Planning Administrator's decision for Phased Subdivision / Class 2 Adjustment Case No. SUB-ADJ17-09 for property located at the 3700 and 3800 Blocks of Dogwood Drive S.

Ward(s): Ward 7
Councilor(s): Cook
Neighborhood(s): SWAN

ISSUE:

Shall the City Council affirm, amend, or reverse the decision of the Planning Administrator for Subdivision / Class 2 Adjustment Case No. SUB-ADJ17-09?

RECOMMENDATION:

MODIFY the Planning Administrator's October 30, 2017 decision.

SUMMARY AND BACKGROUND:

On October 30, 2017, the Planning Administrator adopted an order approving Phased Tentative Subdivision Plan and Class 2 Adjustment Case No. SUB-ADJ17-09 subject to 20 conditions of approval (**Attachment 3**). At the November 13, 2017 regular meeting, the City Council voted to initiate review of the Planning Administrator's decision.

The original version of this staff report was provided to Council on November 27, 2017 in conformance with state and city procedural requirements. Subsequent to the date of that report, staff is proposing a modification to Condition 9 of the decision to require additional improvements to Balm Street S, as further explained in Finding 12, pages 3-4, of this Amended Report .

FACTS AND FINDINGS:

Procedural Findings

1. On June 12, 2017, the applicant submitted an application for a Phased Subdivision Tentative Plan and Class 2 Adjustments for a proposal to divide an approximately 14.14 acre property at the 3700 and 3800 blocks of Dogwood Drive S (**Attachment 1**) into 46 lots over the course of four phases (**Attachment 2**). After the applicant submitted additional required information, the consolidated application was deemed complete for processing on August 7, 2017.
2. Notice of Filing and a Request for Comments on the proposal was sent to the Southwest Association of Neighbors (SWAN) and surrounding property owners pursuant to Salem Revised Code requirements on August 14, 2017. A revised Notice of Filing was issued on August 28, 2017, which extended the comment deadline to September 11, 2017.
3. On October 30, 2017, the Planning Administrator issued a decision approving the proposed Phased Tentative Subdivision Plan and Class 2 Adjustment subject to conditions of approval.
4. At the November 13, 2017 regular meeting, the City Council voted to initiate the review of the Planning Administrator's decision. A public hearing before the City Council is scheduled for December 4, 2017.
5. Notice of the public hearing was sent to SWAN, surrounding property owners and everyone that submitted comments on the proposal, pursuant to Salem Revised Code requirements, on November 14, 2017. Notice of the public hearing was posted on the subject property on November 21, 2017.
6. The applicant has granted one extension of the state mandated local decision deadline for this

case, to December 26, 2017.

Substantive Findings

7. The tentative plan proposes to divide 14.14 acres into 46 lots for residential development, with development taking place in four phases. Phase 1 would contain 20 lots ranging in size from 4,577 square feet to 11,169 square feet, located on the northern portion of the subject property. Phase 2 would contain 11 lots ranging in size from 6,061 square feet to 6,939 square feet. Phase 3 would contain 4 lots ranging in size from 10,825 square feet to 11,571 square feet. Phase 4 would subdivide the remaining acreage into 11 lots ranging in size from 12,979 square feet to 34,793 square feet for residential development.
8. The phased subdivision application is consolidated with requests for Class 2 Adjustments to increase the maximum allowed grade of certain segments of local streets from 12 percent, as required under SRC 803.035(c), to 15 percent, and a Class 2 Adjustment request to increase the maximum length of the flag lot accessway serving Lots 36-39 from 400 feet, as required under SRC 800.025(c), to 500 feet.
9. The applicable criteria and considerations that must be satisfied for the consolidated application are found in SRC Chapter 205 (Land Division and Reconfiguration) and SRC Chapter 250 (Adjustments). Findings establishing conformance with the applicable approval criteria are included in the Planning Administrator's October 30, 2017 decision order and can be found on pages 18-38 (**Attachment 3**).
10. SWAN submitted comments in response to the August 28, 2017 Revised Notice of Filing and Request for Comments. SWAN's comments generally raise issues related to the street network adjacent to the subject property, the adequacy of the geotechnical report submitted as part of the consolidated application, the impact of the proposal on the stormwater capacity of Croisan Creek, and the requested adjustment to maximum street grade. The issues raised by SWAN are summarized and addressed on pages 9-11 of the October 30, 2017 decision order (**Attachment 3**).
11. Comments were received from surrounding property owners and citizens at large generally concerning traffic safety, drainage and flooding, loss of open space and forested land, access to trails in the vicinity, the requested adjustment to maximum street grade, geotechnical hazards related to development, impacts of construction activities, lot sizes, property values, and impact on the capacity of public infrastructure and services. The issues raised by nearby property owners and citizens at large are summarized and addressed on pages 11-18 of the October 30, 2017 decision order (**Attachment 3**).
12. Currently, the right-of-way of Balm Street S terminates at the south boundary of the subject property, while the paved section of the street terminates approximately 35 feet south of the subject property. Phase 1 of the proposed subdivision would extend Balm Street S into the subject property, consistent with SRC 803.035(a) and other applicable standards related to connectivity, fire access, and circulation. In order to clarify that the existing paved section of Balm Street S must be extended to provide a direct connection to the new section of Balm

Street S proposed within the subdivision, staff recommends that Condition 9, as adopted in the Planning Administrator's October 30, 2017 decision order, be modified as shown in **bold underline** below:

Condition 9: Prior to final plat approval of Phase 1, construct Croisan Scenic Way S / Spring Street S through the subject property as a Minor Arterial street, **and construct Balm Street S through the subject property and to the existing paved section of Balm Street S as a local street**, as shown on the revised tentative phased subdivision plan (Attachment C), with tapers pursuant to Public Works Design Standards.

ALTERNATIVES

The City Council may affirm, amend, or reverse the decision of the Planning Administrator for Subdivision / Class 2 Adjustment Case No. SUB-ADJ17-09.

- I. AFFIRM** the decision for SUB-ADJ17-09.
- II. MODIFY** the decision for SUB-ADJ17-09.
- III. DENY** the application.

RECOMMENDATION

14. Based on the facts and findings within the October 30, 2017 decision, staff recommends that the City Council find that the proposed Phased Tentative Subdivision Plan and Class 2 Adjustments satisfy the applicable approval criteria of SRC Chapter 205 and 250 and **MODIFY** the decision of the Planning Administrator to incorporate the proposed changes to Condition 9.

Christopher Green, AICP
Planner II

Attachments:

- 1. Vicinity Map
- 2. Site Plan
- 3. October 30, 2017 Decision of the Planning Administrator