

Legislation Details (With Text)

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On agenda: 6/24/2019 **Final action:** 6/24/2019

Title: City Council review of the Planning Administrator's decision approving a Tentative Subdivision Review with a Class 2 Adjustment application for Permit Case No. SUB-ADJ19-03 for property located at the 600 Block of Mildred Lane SE.

Ward(s): Ward 4
Councilor(s): Leung
Neighborhood(s): South Gateway Neighborhood Association
Result Area(s): Welcoming and Livable Community

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

Attachments: 1. Vicinity Map, 2. Tentative Subdivision Plan, 3. Planning Administrator Decision

Date	Ver.	Action By	Action	Result
6/24/2019	1	City Council	approved	Pass

TO: Mayor and City Council

THROUGH: Steve Powers, City Manager

FROM: Norman Wright, Community Development Director

SUBJECT:

City Council review of the Planning Administrator's decision approving a Tentative Subdivision Review with a Class 2 Adjustment application for Permit Case No. SUB-ADJ19-03 for property located at the 600 Block of Mildred Lane SE.

Ward(s): Ward 4
Councilor(s): Leung
Neighborhood(s): South Gateway Neighborhood Association
Result Area(s): Welcoming and Livable Community

ISSUE:

Shall the City Council affirm, amend, or reverse the Planning Administrator's decision for Tentative Subdivision Review and Class 2 Adjustment Permit Case No. SUB-ADJ19-03?

RECOMMENDATION:

Staff recommends that the City Council AFFIRM the May 6, 2019 Planning Administrator's Decision.

SUMMARY:

The subject property is approximately 9.63 acres in size and is located on the north side of Mildred Lane SE approximately 0.25-miles from the intersection of Mildred Lane SE and Lone Oak Road SE (**Attachment 1**). The Planning Administrator approved a consolidated Tentative Subdivision and Class 2 Adjustment application subject to conditions of approval (**Attachment 2 and 3**). City Council moved to call-up the decision for Council review.

FACTS AND FINDINGS:

Procedural Findings

1. On December 21, 2018, an application for a Tentative Subdivision Review and Class 2 Adjustment was submitted to the Planning Division.
2. On April 9, 2019, the application was deemed complete after submission of additional requested materials.
3. On May 6, 2019, the Planning Administrator issued a decision approving the tentative subdivision with two alternative street standards and a Class 2 Adjustment.
4. On May 28, 2019, at a regularly scheduled 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 June 24, 2019.
5. On June 4, 2019, notice of the hearing was sent to the South Gateway Neighborhood Association, and surrounding property owners pursuant to Salem Revised Code requirements. Notice of the hearing was posted on the subject property on June 10, 2019.
6. The 120-day State mandated deadline for final decision is August 7, 2019.

Substantive Findings

1. The applicable criteria and considerations that must be satisfied for the approval of the Tentative Subdivision Review and Class 2 Zoning Adjustment in this case are included within the City's land division chapter (SRC Chapter 205) under section 205.010(d), and the class 2 zoning adjustment (SRC Chapter 250) under section SRC 250.005(d)(2).

Findings for the proposed Tentative Subdivision Review and Class 2 Zoning Adjustment with the applicable approval criteria are included in the May 6, 2019 decision, which is included as **Attachment 3** to this report and incorporated by reference.

2. Subdivision Criteria

The Planning Administrator approved the tentative subdivision after review of the applicable decision criteria. The proposed subdivision met the approval criteria for a single family subdivision in the Single Family Residential (RS) zone, except for the width of East Street and the re-designated front lot lines for several lots.

The Class 2 Adjustment was approved to allow for proposed single family dwellings to meet applicable setbacks and be ordained towards the streets or flag lot accessways and would eliminate a request in the future for an adjustment to setbacks.

3. Neighboring Trees

The subject property abuts a 6.3-acre property to the east that contains a single family dwelling, and a grove of trees along the shared property line. The trees are located on the neighbor's property, and therefore, are not included as part of the application. The applicant and Staff were concerned about grading activities on the subject property potentially harming the root system of the existing trees. The applicant submitted an arborist report, which identified the additional depth of the lots and best practices during grading to protect the critical root zone of the existing trees.

As part of the subdivision application, the applicant requested to reduce the right-of-way of East Street from 60-feet to 50-feet with property line sidewalks and a four-foot landscaping strip. The ten-foot reduction would allow for the lots on along the eastern property line to be over 100-foot deep. The reduction of the street width to 50-feet and Conditions 8-11 of the Planning Administrator's Decision (**Attachment 3**) are intended to mitigate the impacts to the neighboring property by requiring a preservation and protection report prepare by an arborist, marked protection zones for the trees and an onsite arborist during construction on lots 5-16.

4. Additional Comments Received

Additional comments were received regarding traffic, school overcrowding, loss of habitat and objections to the Zoning Adjustment. Comments are addressed in the Planning Administrator's Decision on pages 4-6.

ALTERNATIVES

4. The City Council may affirm, amend, or reverse the decision of the Planning Administrator for Tentative Subdivision Review and Class 2 Adjustment Case No. SUB-ADJ19-03.

- I. **AFFIRM** the decision;
- II. **MODIFY** the decision; or
- III. **REVERSE** the decision.

Olivia Glantz
Planner III

Attachments:

1. Vicinity Map
2. Tentative Subdivision Plan
3. Planning Administrator Decision