

Legislation Details (With Text)

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Type: Public Hearings **Status:** Passed

In control: City Council

On agenda: 11/12/2019 **Final action:** 11/12/2019

Title: City Council review of the Planning Administrator's decision approving a Tentative Subdivision Review application for Permit Case No. SUB19-06 for property located at the 5800 Block of Battle Creek Road 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, 4. Comments Submitted School District

Date	Ver.	Action By	Action	Result
11/12/2019	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 application for Permit Case No. SUB19-06 for property located at the 5800 Block of Battle Creek Road 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 Permit Case No. SUB19-06?

RECOMMENDATION:

Staff recommends that the City Council AFFIRM the September 20, 2019 Planning Administrator's Decision.

SUMMARY:

The subject property is approximately 18.9 acres in size and is located southwest corner of Battle Creek Road SE and Landau Street SE (**Attachment 1**). The Planning Administrator approved a Phased Tentative Subdivision 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 May 14, 2019, an application for a Phased Tentative Subdivision was submitted to the Planning Division.
2. On August 8, 2019, the application was deemed complete after submission of additional requested materials.
3. On September 20, 2019, the Planning Administrator issued a decision approving the phased tentative subdivision with one alternative street standard.
4. On October 14, 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 November 12, 2019.
5. On October 22, 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 October 29, 2019.
6. The 120-day State mandated deadline for final decision is December 6, 2019.

Substantive Findings

1. The applicable criteria and considerations that must be satisfied for the approval of the Phased Tentative Subdivision Review in this case are included within the City's land division chapter (SRC Chapter 205) under section 205.010(d).

Findings for the proposed Tentative Subdivision Review with the applicable approval criteria are included in the September 20, 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.

An Alternative Street Standard was approved for Landau Street to increase the grade from 12% to 12.4%, increase the block length of Soapstone Avenue from 600-feet to 640-feet and to allow the sidewalk to meander to save trees.

3. Closing of Landau Street SE

Comments received state that:

- Landau Street SE should not be closed since traffic will filter through the existing neighborhood using Soapstone Avenue SE;
- Soapstone Avenue SE should not be connected; and
- Traffic will use Soapstone Avenue SE as a cut-through which will be unsafe for the existing neighborhood.

The proposed subdivision is not proposing to close Landau Street SE, nor will the proposal connect Soapstone Avenue SE to Battle Creek Road SE. There are currently two properties (approximately 300-feet) between the existing Mossy Ridge Subdivision and the proposed Landau Heights. At the time of future development of those properties, Soapstone Avenue SE will connect, as it was built as a stub-street (not a cul-de-sac) and is planned to connect.

Though the City does plan to close Landau Street SE in the future due to topography and limited site distance, it will not close Landau Street SE until Fabry Rd SE is extended between Reed Lane SE and Battle Creek Road SE, which is located north of the proposal. In addition, the connection of Soapstone Avenue SE between Mossy Ridge subdivision and Landau Heights, the proposed subdivision, would need to be constructed.

Landau Heights (the proposed subdivision) is required to stub a street in alignment with Soapstone Avenue SE. The Code requirement is meant to ensure that residential streets provide complete connectivity to ensure pedestrian, bicycle, vehicular, and emergency services can easily reach adjacent neighborhoods. The designation of Soapstone Avenue SE as a local street will not change. Local street standards include a 30-foot-wide improvement with parking allowed on both sides of the street. When vehicles are parked on both sides of a local street, vehicles approaching from opposite directions must slow in order to safely pass. This is the desired effect in a residential neighborhood.

4. School Overcrowding

Comments were received that the additional dwellings will cause overcrowding within existing schools. Comments provided discuss the safety of school children walking to Pringle Elementary School along Landau Street.

The Salem-Keizer School District commented (**Attachment 4**) that the proposed dwellings

would be served by Pringle Elementary, Judson Middle School and South Salem High School. According to the School District's comments, all three schools are over capacity. The capacity of the schools is not a decision criterion for the review of the subdivision.

The property is outside of the walk zone for the middle school and high school. The property is within the walk zone for students attending Pringle Elementary School. Staff contacted the school district to confirm that the lack of sidewalks along Landau Street between the subject property and Mossy Ridge Subdivision would be a hazard and students are likely to be bussed until the hazard is eliminated. The approximately 300-feet of Landau Street between the two subdivisions is currently located outside of the City of Salem and when developed would likely connect Soapstone Street, providing adequate pedestrian access to Pringle Elementary School.

5. Additional Comments Received

Additional comments were received regarding traffic, school overcrowding, and loss of habitat. Comments are addressed in the Planning Administrator's Decision on pages 6-9.

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
- 4. Salem-Keizer School District Comments