

HEARINGS OFFICER

PLANNING DIVISION
555 LIBERTY ST. SE/ROOM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
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ISSUE: Conditional Use Case No. 07-5

DATE OF DECISION: July 10, 2007

APPLICANT: Aspen Green Wall LLC; Jeff Benner, Architect

PURPOSE OF REQUEST:

Conditional Use permit request to allow a drive-through associated with a proposed new Walgreens Pharmacy pursuant to SRC 143B.060(a)(1) on property approximately 1.78 acres in size, zoned IC (Industrial Commercial) with Portland/Fairgrounds Road Overlay, and located at 2150 Fairgrounds Road NE (Marion County Assessor's Map and Tax Lot Numbers: 73W14DC/3500).

ACTION:

The Hearings Officer GRANTS the request to allow a drive-through associated with a proposed new Walgreens Pharmacy, pursuant to SRC 143B.060(a)(1), on property approximately 1.78 acres in size and zoned IC (Industrial Commercial) with Portland/Fairgrounds Road Overlay and located at 2150 Fairgrounds Road NE, subject to the following condition of approval:

Condition 1: The proposed drive-through shall be located behind the building as shown on the site plan.

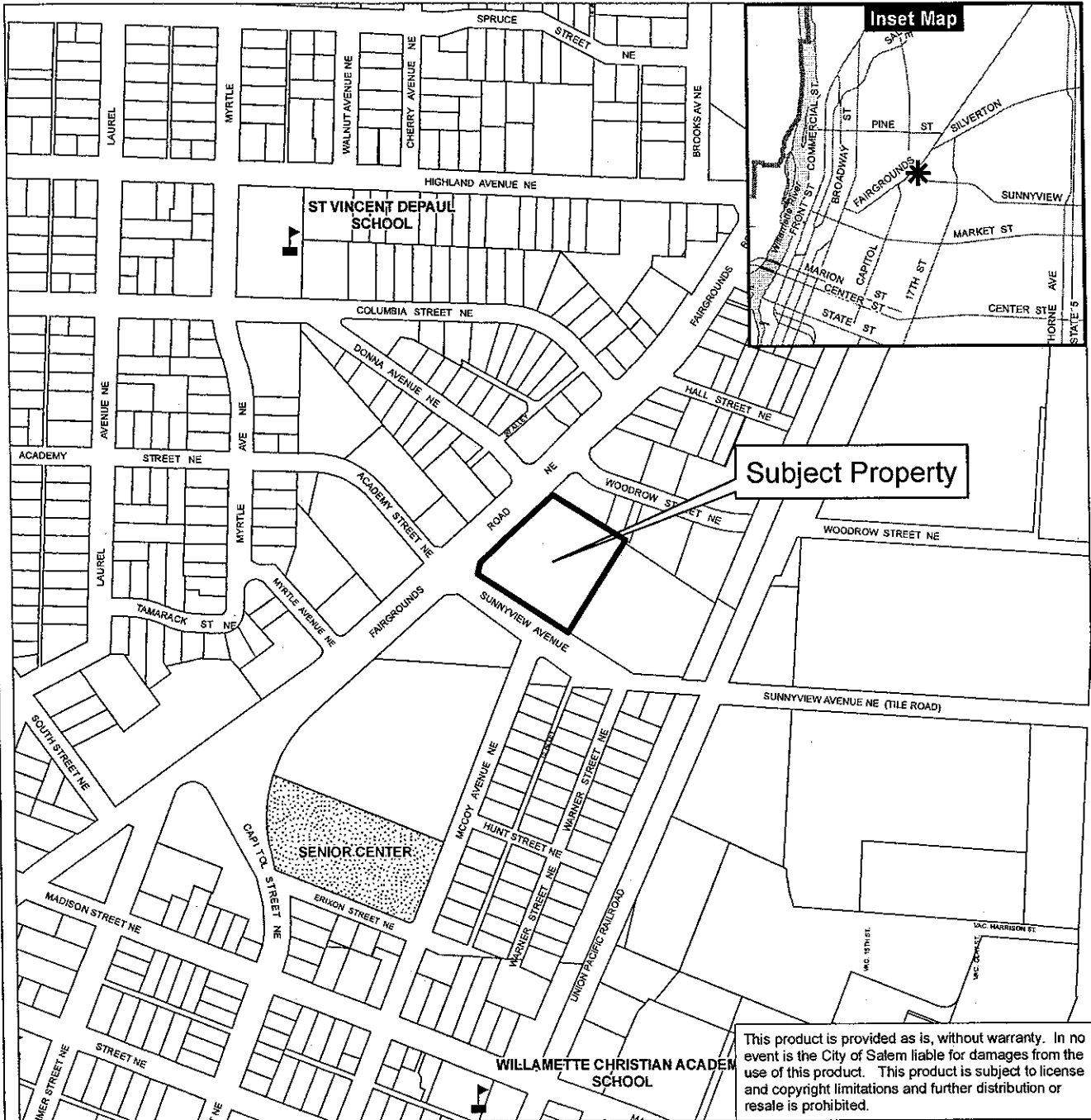
Application Completion Date: June 7, 2007
State Mandated Decision Date: October 4, 2007
Decision Effective Date: July 26, 2007

The rights granted by this decision must be exercised by July 10, 2008, or this approval shall be null and void.

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, no later than July 25, 2007, 5:00 p.m. The appeal must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter 112. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Salem City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

Case Planner: Bryce Bishop, Associate Planner, Ph. 503.588.6173 ext 7599; email: bbishop@cityofsalem.net

Vicinity Map 2150 Fairgrounds Road NE



Subject Property

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Legend

- Outside Salem City Limits
- Urban Growth Boundary
- Taxlots
- Schools
- Parks



CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

SUMMARY OF ACTION

1. **Case:** Conditional Use No. 07-5; 2150 Fairgrounds Road NE
2. **Summary of Issue(s):** Conditional Use permit request to allow a drive-through associated with a proposed new Walgreens pharmacy pursuant to SRC 143B.060(a)(1) on property approximately 1.78 acres in size, zoned IC (Industrial Commercial) with Portland/Fairgrounds Road Overlay, and located at 2150 Fairgrounds Road NE (Marion County Assessor's Map and Tax Lot Numbers: 73W14DC/3500).
3. **Staff Recommendation:** Grant the conditional use subject to SRC Chapters 117, 143B, and 155.
4. **Neighborhood Association:** Highland Neighborhood Association
Testimony: The neighborhood association provided testimony indicating that they do not have a problem with the drive-through, but they disagree with the overall placement and orientation of the building on the site. They prefer that the building be placed contiguous with the property lines adjacent to both Fairgrounds Road NE and Sunnyview Road NE.
Staff Response: Because the design review requirements for the Portland/Fairgrounds Road Overlay zone address issues of building placement and orientation, concerns about these issues were more appropriately addressed through the concurrent design review approval being sought by the applicant. The Historic Landmarks and Design Review Commission (HLDRC) considered the issue of building placement and orientation at their June 28, 2007, public hearing. The HLDRC approved the proposed design.
5. **Interested Parties:**
Testimony: The applicant's representatives spoke in favor of the proposed development. No other testimony was provided.
6. **Decision:** The Hearings Officer Granted the conditional use permit subject to the condition of approval contained in the findings and order.
7. **Basis of Decision:** The Hearings Officer's decision was based upon finding that the proposed drive-through conforms to the applicable goals and policies of the comprehensive plan and that based upon the location of the site and nature of surrounding uses, it is not likely that the proposed use will result in any adverse impacts to the immediate neighborhood.

Note: This summary statement is for information only and is not a part of the official record or finding of the case.