

TO: HEARINGS OFFICER

**FROM: LISA ANDERSON-OGILVIE, AICP
DEPUTY COMMUNITY DEVELOPMENT DIRECTOR AND PLANNING
ADMINISTRATOR**

**SUBJECT: CONDITIONAL USE NO. CU18-11; FOR PROPERTY LOCATED AT 1020
LIBERTY STREET NE - 97301**

REQUEST

A conditional use application to allow a hair salon within an existing building in the RH (Multiple Family High-Rise Residential) zone and located at 1020 Liberty Street NE - 97301 (Marion County Assessor Map and Tax Lot 073W22AD 10800).

APPLICANT/OWNER: Belmont Group, LLC (Chris Blackburn)

AGENT: Gene Bolante for Studio3 Architecture

RECOMMENDATION

Staff recommends that the Hearings Officer adopt the facts and findings of the staff report and take the following action for the subject property located at 1020 Liberty Street NE - 97301 (Marion County Assessor Map and Tax Lot 073W22AD 10800):

APPROVE the Conditional Use Permit to allow a hair salon within an existing building located at 1020 Liberty Street NE - 97301 (Marion County Assessor Map and Tax Lot 073W22AD 10800), subject to the following conditions of approval:

- Condition 1:** The area identified as “gravel parking” shall meet the off-street parking standards of SRC Chapter 806 if in the future more off-street parking is required.
- Condition 2:** No off street parking, or vehicle use, shall be allowed on the portion of the site that is graveled.

BACKGROUND/PROPOSAL

The application under review by the Hearings Officer is a Conditional Use Permit application for property located at 1020 Liberty Street NE - 97301 (**Attachment A**).

The Conditional Use Permit is required in order to allow a hair salon within the existing building located within the Multiple Family High-Rise Residential (RH) zone.

The site plan prepared by the applicant showing the location of the existing building and parking lot on the property is included as **Attachment B**. The written statement provided by the applicant addressing the proposal’s conformance with the applicable approval criteria for the conditional use permit is included as **Attachment C**.

FACTS AND FINDINGS

1. Procedural Findings

On October 19, 2018, Gene Bolante of Studio3 Architecture, the representative for Belmont Group, LLC, the applicant and owner of the property located at 1020 Liberty Street NE, filed an application for a Conditional Use Permit to allow a hair salon within the existing building located within the Multiple Family High-Rise Residential (RH) zone.

The application was deemed complete for processing on November 19, 2018. Notice of the public hearing on the proposed development was subsequently provided pursuant to SRC requirements on November 21, 2018. Notice was also posted on the subject property by the applicant pursuant to SRC requirements on December 3, 2018.

The public hearing on the proposed Conditional Use Permit application is scheduled for December 12, 2018. The state-mandated 120-day local decision deadline for the application is March 19, 2019.

2. Salem Area Comprehensive Plan (SACP)

The subject property is designated “Multi-Family Residential” on the Salem Area Comprehensive Plan map and is located within the Urban Growth Boundary and the City’s Urban Service Area.

3. Zoning

The subject property is zoned RH (Multiple Family High-Rise Residential). The zoning of surrounding properties is as follows:

Zoning of Surrounding Properties	
North	Across Belmont St NE and Liberty Street NE - CR (Retail Commercial)
South	RH (Multiple Family High-Rise Residential)
East	RH (Multiple Family High-Rise Residential)
West	RH (Multiple Family High-Rise Residential)

4. Existing Conditions

The subject property at 1020 Liberty Street NE – 97301 is approximately 1 acre (43,766 square feet). The property is improved with a two-story, 9,856 square-foot building, built in 1936, according to assessor’s records. The site also includes an existing off-street parking area.

A. Circulation & Access: The subject property abuts Liberty Street NE along its northwesterly boundary. Liberty Street NE is designated as a Major Arterial street under the City’s Transportation System Plan (TSP).

Primary vehicular access to the subject property is provided via the existing driveway onto Liberty Street NE.

B. Natural Features:

Trees: The City's tree preservation ordinance (SRC Chapter 808) protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves."

No trees have been identified for removal by the applicant as part of this conditional use permit application. Any removal of trees from the property must comply with the requirements of the City's tree preservation ordinance (SRC Chapter 808).

Wetlands: Grading and construction activities within jurisdictional waters of the state are regulated by the Oregon Department of State Lands (DSL) and U.S. Army Corps of Engineers. State and federal wetlands laws are also administered by DSL and the Army Corps of Engineers, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures.

The Salem-Keizer Local Wetlands Inventory (LWI) does not identify mapped wetlands or waterways as being present on the subject property. No grading or construction activities are planned. As such, no impacts to wetlands or required mitigation measures are required in conjunction with the proposal.

Landslide Hazards: The topography of the subject property is relatively flat. According to the City's adopted landslide hazard susceptibility maps, the subject property does not contain areas of mapped landslide hazard susceptibility points. Pursuant to the City's landslide hazard ordinance (SRC Chapter 810), a geologic assessment is not required in conjunction with the proposal.

5. Neighborhood Association Comments

The subject property is located within the boundaries of the Central Area Neighborhood Development Organization (CAN-DO). The neighborhood association was notified of the proposal. As of the date of completion of this staff report, no comments have been received from the neighborhood association.

6. Public Comments

All property owners and tenants within 250 feet of the subject property were mailed notice of the proposal. Notice of public hearing was also posted on the subject property. As of the date of completion of this staff report, no comments have been received.

7. City Department Comments

A. The Building and Safety Division reviewed the proposal and provided comments indicating they have no concerns with the proposal.

- B. The Fire Department reviewed the proposal and provided comments indicating they have no concerns with the proposal.
- C. The Public Works Department reviewed the proposal and provided comments indicating they have no concerns with the proposal.

8. Public Agency & Private Service Provider Comments

Notice of the proposal was provided to public agencies and to public & private service providers. As of the date of completing this staff report, one comment was received from the Oregon Department of Transportation (ODOT) stating they have no objections to the proposal.

Comments were received from Salem Electric that services will be provided.

Portland General Electric (PGE) reviewed the proposal and provided the following comment: Development cost per current tariff and service requirements.

9. Applicant Submittal Information

Land use applications must include a written statement addressing the applicable approval criteria and be supported by proof they conform to all applicable standards and criteria of the Salem Revised Code. The written statement from the applicant that was provided with the land use application submittal addressing the applicable application approval criteria is included as **Attachment C** to this staff report.

FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR CONDITINOAL USE PERMIT

10. CONDITIONAL USE PERMIT APPROVAL CRITERIA

The subject property at 1020 Liberty Street NE - 97301 is zoned RH (Multiple Family High-Rise Residential). Within the RH zone, hair salons are allowed as a conditional use pursuant to SRC 515.005(a), Table 515-1. In order for a use that is allowed as a conditional use in a zone be established it must first receive approval of a Conditional Use Permit pursuant to the requirements of SRC Chapter 240 (Conditional Use). Salem Revised Code (SRC) 240.005(d) sets forth the following criteria that must be met before approval can be granted to an application for a Conditional Use Permit. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposal's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Conditional Use Permit application, or for the issuance of certain conditions to ensure the criteria are met.

(1) The proposed use is allowed as a conditional use in the zone.

Finding: The subject property at 1020 Liberty Street NE - 97301 is zoned RH (Multiple Family High-Rise Residential). Within the RH zone, hair salons are allowed as a conditional use pursuant to SRC 515.005(a), Table 515-1. Because hair

salons are specifically identified as being allowed as a conditional use within the RHS zone, this criterion is met.

(2) *The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions.*

Finding: The written statement provided by the applicant (**Attachment C**) indicates, in summary, that the hair salon will require only minor interior improvements to the space in order to provide hair care. The existing tenant space will not be increased or decreased in size. The applicant indicates that the previous use of the space was retail and on-site parking is provided.

As previously identified in this report, hair salons are allowed as a conditional use within the RH zone. Given the nature of the existing conditions of the subject site such as the location. The subject site is located adjacent to a major arterial street and is directly across from CR (Retail Commercial) zones. Though the properties adjacent to the east, west, and south of the subject property are zoned RM2 (Multiple Family Residential 2) they are developed with commercial uses. Additionally, as indicated in the applicant's written statement, the existing building is used for commercial tenants and doesn't have any residential uses.

The existing development, including the number of off-street parking spaces, appears to be sufficient to support the proposed hair salon and the other existing uses within the building. However, the site does include a non-conforming graveled parking area which is not allowed within the RH zone. If additional parking is required in the future, the area identified as gravel off-street parking on the applicant's site plan, should be developed pursuant to the requirements of Salem Revised Code (SRC) Chapter 806.

In order to ensure the off-street parking area will meet the standards of SRC Chapter 806 at the time more parking is needed in the future, the following conditions are recommended:

Condition 1: The area identified as "gravel parking" shall meet the off-street parking standards of SRC Chapter 806 if in the future more off-street is required.

Condition 2: No off street parking, or vehicle use shall be allowed on the portion of the site that is graveled.

As identified in the applicant's written statement and discussed in the associated findings in response to this approval criterion, the reasonably likely adverse impacts of the proposed hair salon on the immediate neighborhood are minimized through the recommended conditions of approval. This criterion is met.

(3) *The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.*

Finding: The written statement provided by the applicant (**Attachment C**) indicates that the proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.

The existing building includes commercial uses and the surrounding areas are developed with mostly commercial uses. The proposed hair salon will not require an expansion or alteration of the existing building or development site. As proposed and recommended to be conditioned, the hair salon will have a minimal impact on the livability or development of the surrounding property. This approval criterion is met.

CONCLUSION

Based on the facts and findings presented herein, staff concludes that the proposed Conditional Use Permit, as recommended to be conditioned, satisfies the applicable criteria contained under SRC 240.005(d) and SRC 250.005(d)(2) for approval.

RECOMMENDATION

Staff recommends that the Hearings Officer adopt the facts and findings of the staff report and take the following action for the subject property located at 1020 Liberty Street NE - 97301 (Marion County Assessor Map and Tax Lot 073W22AD 10800):

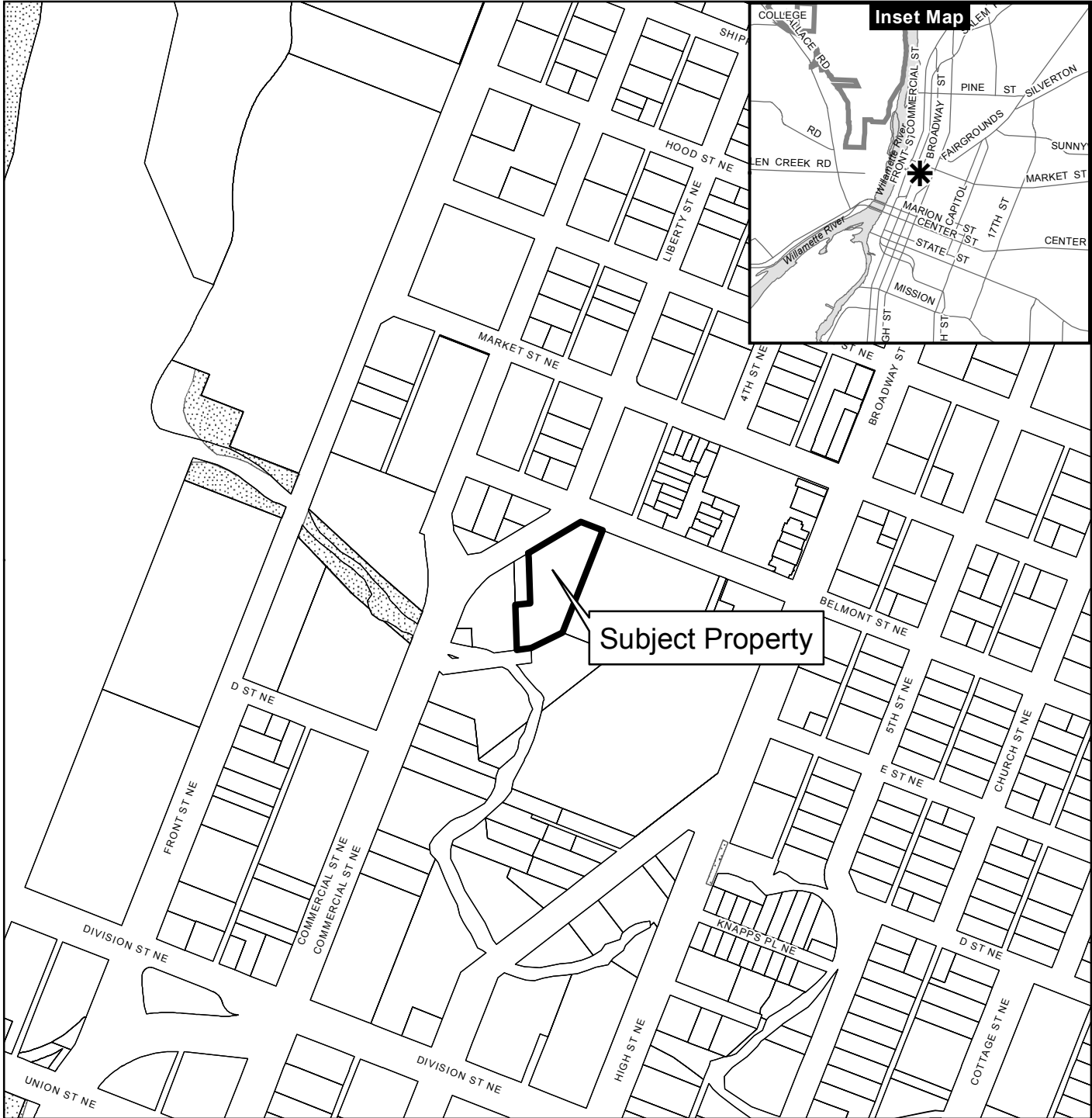
APPROVE the Conditional Use Permit to allow the existing building located at 1020 Liberty Street NE to be used for a hair salon, subject to the following conditions of approval:

- Condition 1:** The area identified as “gravel parking” shall meet the off-street parking standards of SRC Chapter 806 if in the future more off-street parking is required.
- Condition 2:** No off street parking, or vehicle use, shall be allowed on the portion of the site that is graveled.




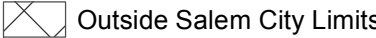

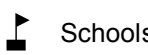

Attachments: A. Vicinity Map
B. Site Plan
C. Applicant’s Written Statement

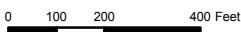
Prepared by Brittany Randall, Planner II

Vicinity Map 1020 Liberty Street NE

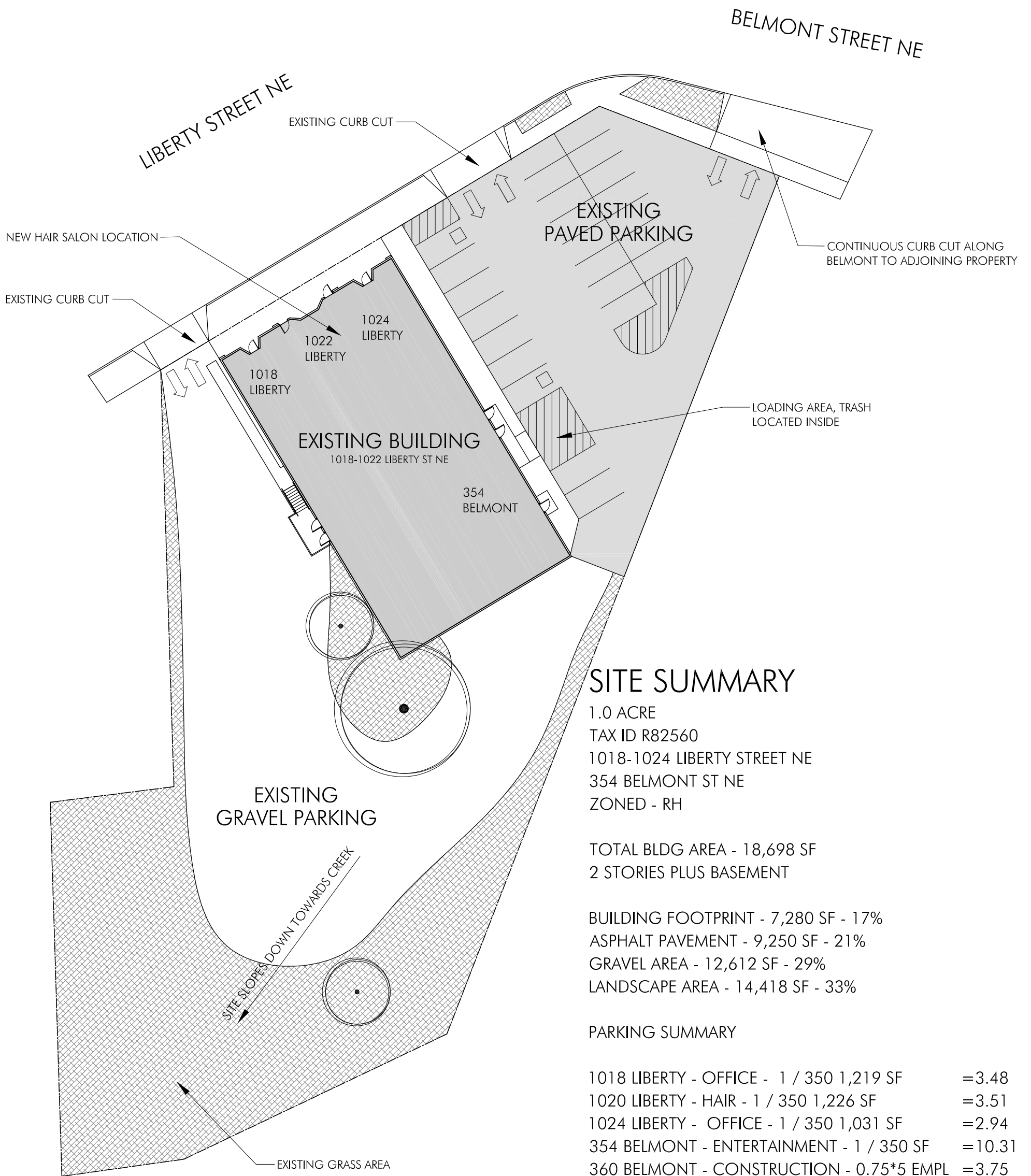


Legend

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



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SITE SUMMARY

1.0 ACRE
 TAX ID R82560
 1018-1024 LIBERTY STREET NE
 354 BELMONT ST NE
 ZONED - RH

TOTAL BLDG AREA - 18,698 SF
 2 STORIES PLUS BASEMENT

BUILDING FOOTPRINT - 7,280 SF - 17%
 ASPHALT PAVEMENT - 9,250 SF - 21%
 GRAVEL AREA - 12,612 SF - 29%
 LANDSCAPE AREA - 14,418 SF - 33%

PARKING SUMMARY

1018 LIBERTY - OFFICE - 1 / 350	1,219 SF	=3.48
1020 LIBERTY - HAIR - 1 / 350	1,226 SF	=3.51
1024 LIBERTY - OFFICE - 1 / 350	1,031 SF	=2.94
354 BELMONT - ENTERTAINMENT - 1 / 350	SF	=10.31
360 BELMONT - CONSTRUCTION - 0.75*5 EMPL		=3.75
TOTAL		=23.99

PROVIDED PAVED	=24.00
PROVIDED UNPAVED	=12.00



EXISTING SITE PLAN - NO CHANGES

1/32" = 1'-0" @ 11 x 17 (R) 14 NOV 2018



Oct 1, 2018

Conditional Use Application

1020 Liberty Street NE, Salem, Oregon

Criteria. An application for conditional use permit shall be granted if all of the following criteria are met:

The proposed use is allowed as a conditional use in the zone;

The use of hair salon is an allowed use under a conditional use permit.

The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions; and

The proposed hair salon will be a tenant improvement located within an existing building and is addressed at 1020 Liberty Street NE. The hair salon will require minor interior improvements to the space to provide for hair care. The existing tenant space will not be increased or decreased in size. The previous use was retail. On site parking is provided for the building. The proposed use would not have any negative impact on the neighborhood.

The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.

The existing building is commercial use with a mix of tenant types that change over time. The proposed tenants use as a hair salon would not have any negative impacts to the adjoining uses. The hair salon could actually benefit the adjoining neighbors providing close proximity hair services.