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503-588-6173*

## DECISION OF THE HEARINGS OFFICER

**SIGN VARIANCE / SIGN PERMIT CASE NO.:** VAR-SI-18-02

**APPLICATION NO. :** 18-111539-SA & 18-112287-SI

**NOTICE OF DECISION DATE:** AUGUST 2, 2018

**SUMMARY:** A request for a sign permit and sign variance to allow construction of a new wall sign 193.56 square feet in size, facing south towards a parking area.

**REQUEST:** A Sign Permit to construct a wall sign on the south face of a new building and a Sign Variance to increase the display surface area for the sign from a maximum of 100 square feet per SRC 900.210(b)(2) to 193.56 square feet, a 94 percent increase, for property approximately 61.75 acres in size, zoned EC (Employment Center), and located at 4775 Depot Court SE (Marion County Assessors Map and Tax lot number: 082W05 / 02001).

**APPLICANT:** Lauren Golden Jones for Capstone Partners, LLC

- Capstone Partners LLC members include: Brix Law Service Company LLC, Triangle Development Company and Sapient Advisory Corporation
- Brix Law Service Company LLC members include: Kyle Wuepper and Brix Law LLP
- Triangle Development Company members include: Jeffrey M. Sackett
- Sapient Advisory Corporation members include: Barbara Monteith Nelson and Christopher James Nelson
- Brix Law LLP members include: Laura Craska Cooper, Bradley S. Miller and Kyle Wuepper

**LOCATION:** 4775 Depot Court SE / 97317

**CRITERIA:** Sign Variance: SRC Chapter 900.040(d)

**FINDINGS:** The findings are in the attached Order dated August 2, 2018.

**DECISION:** The Hearings Officer **APPROVED** the request for Sign Variance / Sign Permit Case No. VAR-SI-18-02 based upon the findings as presented in this report.

The rights granted by the attached decision must be exercised, or an extension granted, by **August 18, 2020** or this approval shall be null and void.

Application Deemed Complete:	<u>June 25, 2018</u>
Public Hearing Date:	<u>July 25, 2018</u>
Notice of Decision Mailing Date:	<u>August 2, 2018</u>
Decision Effective Date:	<u>August 18, 2018</u>
State Mandate Date:	<u>October 23, 2018</u>

**Case Manager:** Aaron Panko, [APanko@cityofsalem.net](mailto:APanko@cityofsalem.net); 503.540.2356

**NOTICE OF DECISION**

PLANNING DIVISION  
555 LIBERTY ST. SE, RM 305  
SALEM, OREGON 97301  
PHONE: 503-588-6173  
FAX: 503-588-6005

**CITY OF Salem**  
AT YOUR SERVICE

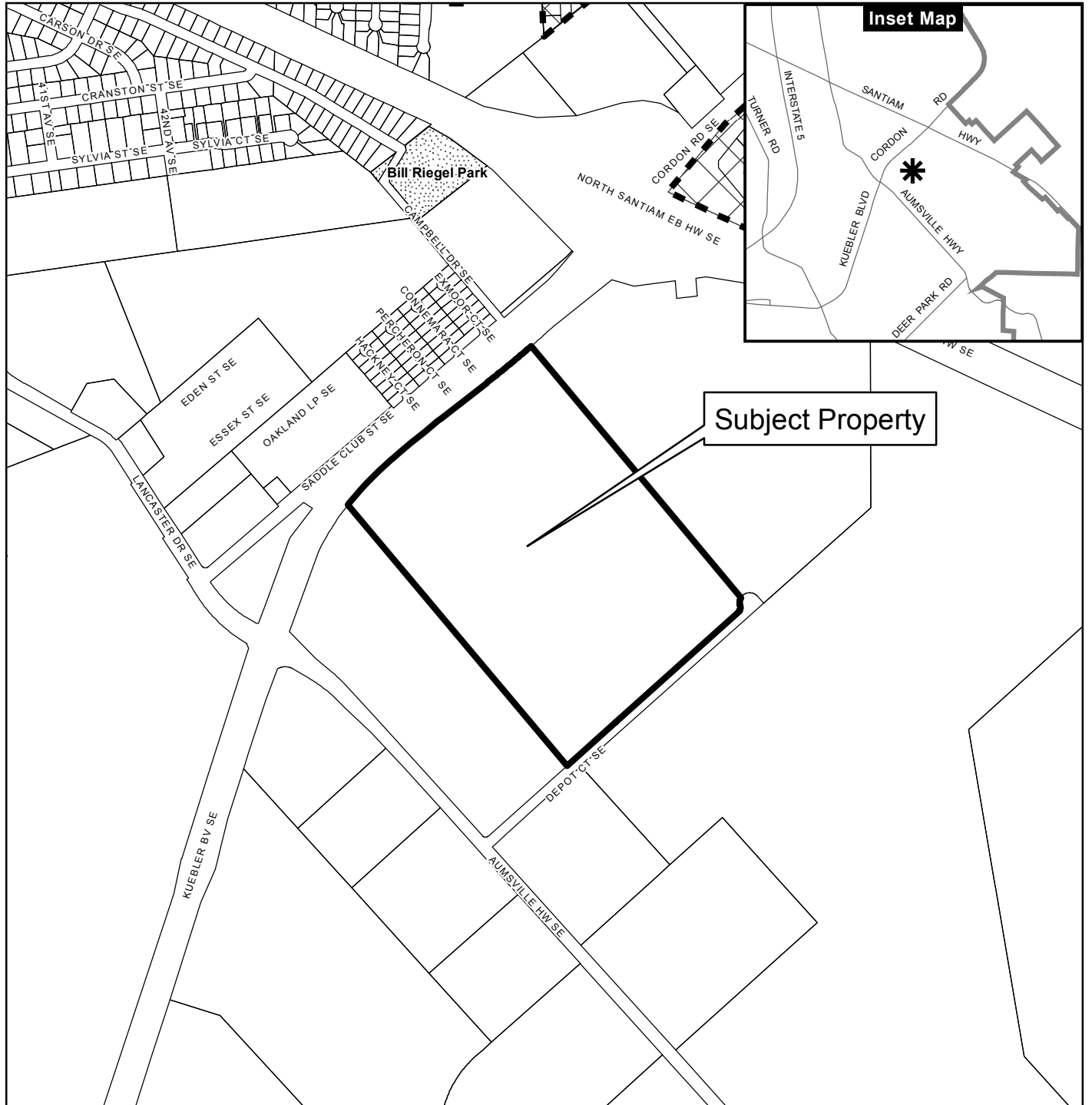
This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, no later than **5:00 p.m., Friday, August 17, 2018.** Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter 900.

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 Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.








The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

<http://www.cityofsalem.net/planning>

# Vicinity Map 4775 Depot Court SE



## Legend

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

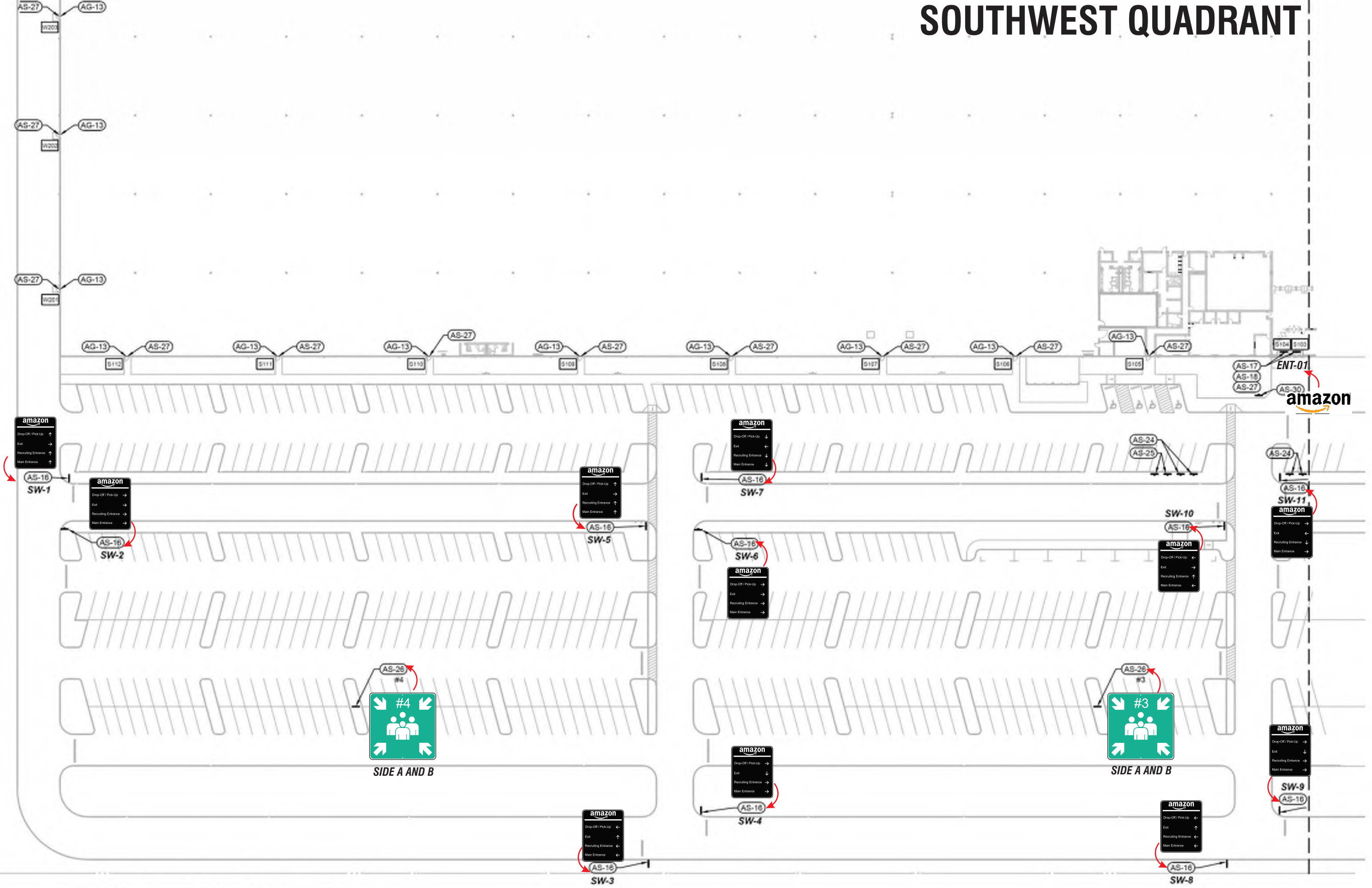
**CITY OF Salem**  
AT YOUR SERVICE  
Community Development Dept.

0 100 200 400 Feet



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# SOUTHWEST QUADRANT



SOUTHWEST SITE SIGNAGE PLAN



**TUBE ART GROUP**

Portland Office  
4243-A SE International Way  
Milwaukie, OR 97222  
503.653.1133  
800.562.2854  
Fax 503.659.9191

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4213  
Customer Number  
**132955SP**  
Quote Number  
**132955SP Amazon**  
File Name  
**Jack Bailey**  
Salesperson  
**Tom Maxwell**  
Drawn By  
\*  
Checked By  
**April 11, 2018**  
Date

Revisions  
 Approved  
 Approved With Changes Noted

Customer Signature \_\_\_\_\_  
Date \_\_\_\_\_  
Landlord Signature \_\_\_\_\_  
Date \_\_\_\_\_

**Signtype ENT 01**

Amazon Fulfillment Center  
4775 Depot Ct. SE  
Salem, OR

Colors on print do not accurately depict specific colors.



1 Elevation View - Wall Sign **193.56 Sq. Ft.**  
Scale: 1/4"=1'-0"

**Manufacture and Install One (1) Set of Illuminated Channel letters and Logo**

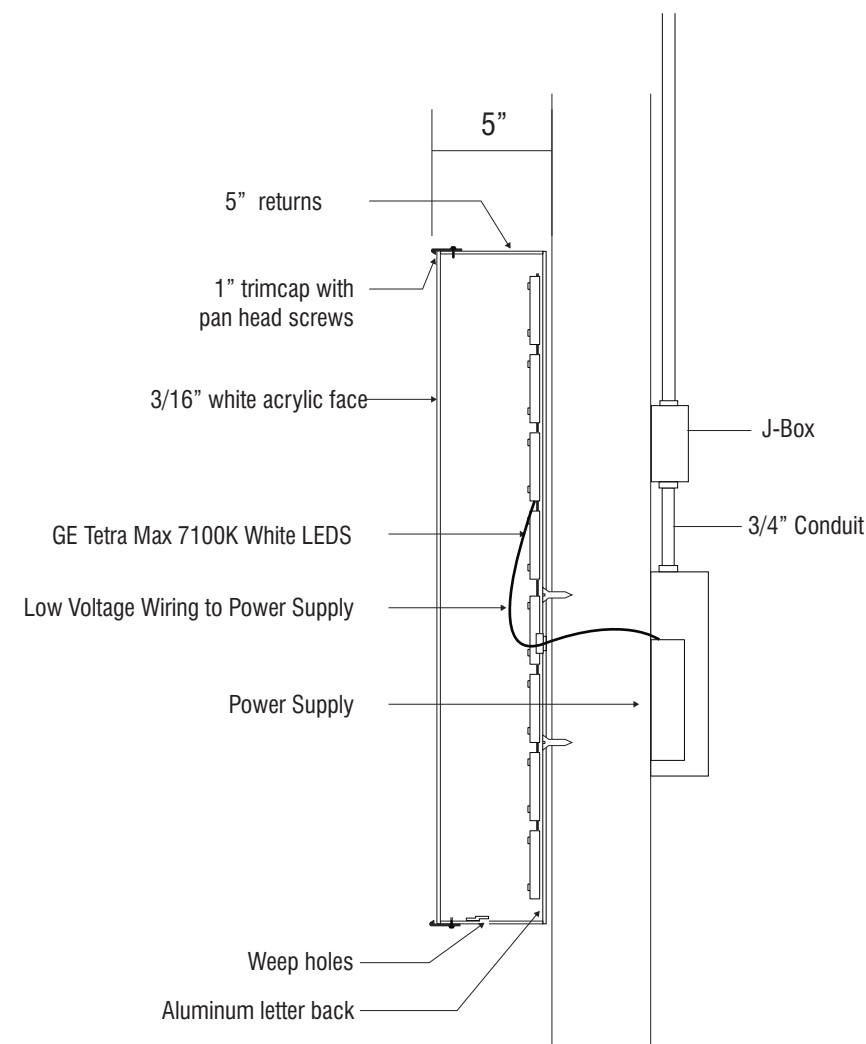
**Letters:** 5" deep .063 aluminum returns, painted Matthews N923SP Black. 3/16" white acrylic faces with 1st surface black 220-22 opaque vinyl, leave 1" white scratch border, 1" black trimcaps.

**Logo:** 5" deep .063 aluminum returns, painted Matthews N923SP Black. 3/16" white acrylic faces with 1st surface Orange vinyl and 1" black trimcaps.

**Illumination:** White GE Tetra Max 7100k LEDs with power supply located in remote location in building.

**Installation:** Mount flush to wall with required fasteners.

- Paint  
Matthews N923SP Black
- Vinyl  
3M 220-22 Black
- Digital Print 2  
Pantone 1375C Orange

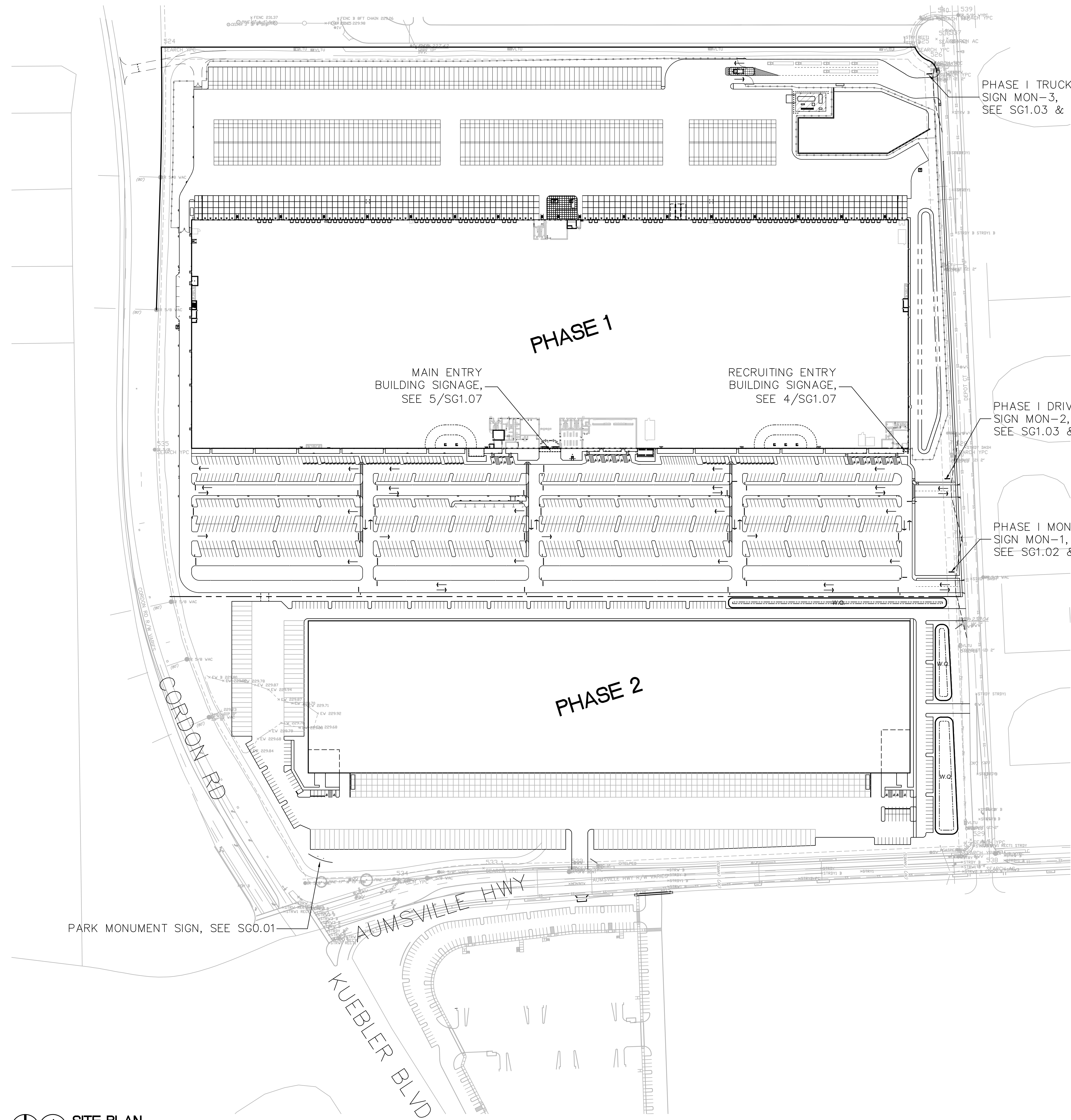


**SOLD**  
5/14/18



# MILL CREEK LOGISTICS CENTER SIGNAGE

DESIGN REVIEW SET 03/09/18



**DRAWING INDEX**

SG0.00	SITE PLAN
SG0.01	PARK MONUMENT SIGN
SG1.01	NORTHWEST SITE SIGNAGE PLAN
SG1.02	NORTHEAST SITE SIGNAGE PLAN
SG1.03	SOUTHWEST SITE SIGNAGE PLAN
SG1.04	SOUTHEAST SITE SIGNAGE PLAN
SG1.05	ENLARGED SITE DETAILS
SG1.06	SITE SIGNAGE LEGEND
SG1.07	MONUMENT SIGN
SG1.07A	MONUMENT SIGN
SG1.08	INTERIOR SIGNAGE

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 OR REPRODUCED IN ANY MANNER,  
 WITHOUT PRIOR WRITTEN PERMISSION

REVISIONS:

NO.	DATE	REVISIONS	REVISION DELTA	CLOSING DATE

SHEET TITLE:  
**SITE PLAN**

DRAWN BY: BTM  
 CHECKED BY: RCT  
 SHEET

**SG0.00**

JOB NO. 2170178.15

**CITY OF SALEM  
BEFORE THE HEARINGS OFFICER**

A REQUEST FOR A SIGN PERMIT TO  
CONSTRUCT A WALL SIGN ON THE SOUTH  
FACE OF A NEW BUILDING AND A SIGN  
VARIANCE TO INCREASE THE DISPLAY  
SURFACE AREA FOR THE SIGN FROM A  
MAXIMUM OF 100 SQUARE FEET PER SRC  
900.210(B)(2) TO 193.56 SQUARE FEET, A  
94 PERCENT INCREASE, FOR PROPERTY  
APPROXIMATELY 61.75 ACRES IN SIZE,  
ZONED EC (EMPLOYMENT CENTER), AND  
LOCATED AT 4775 DEPOT COURT SE -  
97317 (MARION COUNTY ASSESSORS MAP  
AND TAX LOT NUMBER: 082W05 / 02001). )

} VAR-SI18-02  
} FINDINGS OF FACT, CONCLUSIONS, AND  
} DECISION

**DATE AND PLACE OF HEARING:**

July 25, 2018, Salem City Council Chambers, Room 240, Civic Center, 555  
Liberty Street SE, Salem, Oregon.

**APPEARANCES:**

Staff: Aaron Panko, Planner III

Neighborhood Association: None

Proponents: Lee Leighton, Mackenzie, Applicant

Opponents: None

**SUMMARY OF THE APPLICATION AND HEARING**

**BACKGROUND**

The City of Salem held a duly authorized and noticed public hearing on July 25, 2018, regarding a request for a sign permit and sign variance to allow construction of a new wall sign 193.56 square feet in size, facing south towards a parking area. Prior to the close of the public hearing, the applicant waived the additional 7-day period for additional testimony.

## **FINDINGS OF FACT AND CONCLUSIONS**

### **1. Salem Area Comprehensive Plan (SACP) designation**

The Salem Area Comprehensive Plan (SACP) map designation for the subject property is "Employment Center." The subject property is within the Urban Growth Boundary but is located outside the Urban Service Area.

### **2. Zoning and Surrounding Land Uses**

The subject property is zoned EC (Employment Center).

The zoning and uses of surrounding properties includes:

Northeast: EC (Employment Center) – Home Depot

Southeast: Across Depot Court SE – PH (Public and Private Health Services) – State Corrections, and Marion County Dog Shelter

Northwest: Across Kuebler Boulevard – RM-II (Multi-Family Residential) – Residential uses

Southwest: EC (Employment Center) – Vacant

### **3. Site Analysis**

The subject property is approximately 61.75 acres in size and has frontage along Kuebler Boulevard SE which is designated as a Parkway street on the Salem Transportation System Plan (TSP), and along Depot Court SE which is designated as a local street on the TSP. The sign will be located on the south side of the new building facing towards a new off-street parking area, not facing either of the abutting streets.

### **4. Neighborhood and Citizen Comments**

Notice of the application was sent to the Southeast Mill Creek Association (SEMCA), and all property owners of record within 250 feet of the subject property. No comments were received from SEMCA or surrounding property owners.

### **5. City Department and Public Agency Comments**

The Building and Safety Division reviewed the proposal and indicated no concerns.



## 6. Analysis of Sign Variance Criteria – SRC Chapter 900

SRC 900.040(a) provides that sign variances may be granted to the height and display surface standards, to increase the number of allowed signs, to allow relocation of a sign, and to allow structural alterations to a sign.

A sign variance shall not provide for any of the following:

- a) To allow a sign prohibited by SRC 900.020 (Prohibited Signs).
- b) To decrease a setback or special setback.
- c) To allow placement of a sign in a vision clearance area.
- d) To allow structural alterations to a non-conforming or non-complying sign.
- e) To authorize a sign not otherwise permitted on the property for which the variance is sought.
- f) To allow any sign other than those specifically allowed by this Chapter.
- g) To modify the display and brightness regulations for electronic display signs established by SRC 900.090.

Pursuant to SRC 900.040(d), an application for a sign variance shall be granted if the following criteria are met:

### Criterion 1:

Compliance with the applicable standard would create an unnecessary hardship due to unique or unusual physical conditions of the property over which the applicant has no control, such as topography and lot shape, which are not present on other properties in the vicinity that have the same zone designation; the hardship does not result from actions of the applicant, owner, or previous owners of the property; and the sign variance is limited to the minimum reasonably necessary to alleviate the problem created by the unique or unusual physical conditions.

The Hearings Officer finds that the subject property is approximately 61.75 acres in size and contains an exceptionally large building that is approximately 1,018,020 square feet in size. The property has frontage along two streets, Kuebler Boulevard SE and Depot Court SE. No wall signs are proposed on the building that would be directed towards Kuebler Boulevard SE or Depot Court SE. Monument signs will be installed at each of the three driveway entrances to the property on Depot Court SE.

The wall sign will be roughly in the center of the southern building façade, which is approximately 1,700 feet in length. The sign will mark the main entrance into the building and is not intended to be visible from abutting

streets or the surrounding area. The letters are approximately four feet in height and are intended to be visible from the outermost parking spaces.

SRC 900.210(b)(2) provides that any number of additional wall signs are allowed on each building; provided, however, that the total display surface of all signs allowed under this subsection does not exceed the maximum display surface set forth in Table 900-19. No single wall sign allowed under this subsection shall have a display surface exceeding 100 square feet. Based on the southern façade area for the building of approximately 73,000 square feet, Table 900-19 would allow up to 3,650 square feet of wall sign area, or 5 percent of the façade. The wall sign is approximately 193.56 square feet in area and represents approximately 0.35 percent of the total façade area.

The appearance and function of the sign will not adversely affect, or be out of character with, other signage used by businesses in the surrounding Mill Creek Corporate Center.

The variance is necessary due to the large size of the property. The distance between the outermost parking spaces and the main entrance of the building creates a practical difficulty, and the variance requested is the minimum needed to alleviate the problem.

Criterion 2:

The sign variance is necessary to permit signage comparable with other properties in the vicinity that have the same zone designation.

The Hearings Officer notes that the other comparable property in the vicinity is the Home Depot Distribution Center located at 4999 Depot Court SE. This abutting property shares the same EC (Employment Center) zoning designation and is subject to the same sign requirements of SRC Chapter 900. The wall sign for this building is approximately 64 square feet in size placed on a building façade that is approximately 14,683 square feet in size. The wall sign represents approximately 0.43 percent of the façade area, which is comparable to the proposed 0.35 percent proposed by the Amazon wall sign.

The Hearings Officer finds that the proposed wall sign is comparable to other properties in the vicinity with the same zone designation.

Criterion 3:

The sign variance will not adversely affect the function or appearance of the development and use of the property and surrounding properties.

The Hearings Officer finds that the variance will allow a larger wall sign to be placed on the main entrance into the newly constructed building. The wall sign will represent a fairly small percentage of the total southern building façade area that the sign will be installed on, and the sign is not designed to be visible from abutting streets or surrounding areas. The appearance and function of the sign will not adversely affect, or be out of character with, other signage used by businesses in the Mill Creek Corporate Center.

Criterion 4:

The sign variance will not impose limitations on other properties and signage in the area, including signage that would be allowed on adjacent properties.

The Hearings Officer finds that the sign variance will not limit allowed signage for other buildings on the subject property or the allowed signage for adjacent properties.

**7. Analysis of Sign Permit Approval Criteria – SRC Chapter 900**

SRC Chapter 900.025(d) provides that an application for a sign permit shall be granted if the following criteria are met:

Criterion 1:

The sign meets the requirements of SRC Chapter 56.

The Hearings Officer finds that the applicant has applied for a building permit (18-111533-BP) to install the wall sign. The building permit application has been reviewed by the Building and Safety Division and meets the requirements of SRC Chapter 56.

Criterion 2:

The sign is allowed in the zone.

The Hearings Officer finds that the wall sign is permitted in the EC zone, the variance request is to increase the maximum display surface for this permitted wall sign.

Criterion 3:

The sign will not interfere with the use of any public right-of-way, other public easements, or other publicly owned property.

The Hearings Officer notes that no evidence has been presented that the sign will interfere with use of the public right-of-way, public easements or other publicly owned property.

Criterion 4:

The sign conforms to all the applicable standards in this Chapter.

The Hearings Officer notes that SRC 900.210(b)(2) provides that any number of additional wall signs are allowed on each building; provided, however, that the total display surface of all signs allowed under this subsection does not exceed the maximum display surface set forth in Table 900-19. No single wall sign allowed under this subsection shall have a display surface exceeding 100 square feet. The hearings Officer finds that the variance request will allow the wall sign to exceed the 100 square foot maximum allowance. The wall sign complies with all other standards of SRC Chapter 900.

**DECISION**

The Hearings Officer APPROVES the request for a Sign Variance and Sign Permit to increase the display surface area for a new wall sign from a maximum of 100 square feet per SRC 900.210(b)(2), to 193.56 square feet, for property approximately 61.75 acres in size zoned EC (Employment Center) and located at 4775 Depot Court SE - 97317.

DATED: August 2, 2018



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Amy L. Cook, Hearings Officer