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503-588-6173*

## **REVISED DECISION OF THE HEARINGS OFFICER**

**SIGN VARIANCE / SIGN PERMIT CASE NO.: VAR-SI-18-01**

**APPLICATION NO. : 17-123235-SA, 17-123246-SI**

**NOTICE OF DECISION DATE: MARCH ~~24~~, 22, 2018**

**SUMMARY:** A request for a sign variance to replace an existing freestanding sign for a shopping center with a new freestanding sign.

**REQUEST:** A request for a sign variance to replace an existing freestanding sign for a shopping center with a new freestanding sign approximately 28 feet in height with a display surface approximately 170 square feet in size, for property approximately 47.68 acres in size, zoned CR (Retail Commercial), and located at 827-955 Lancaster Drive NE (Willamette Town Center) - 97301; (Marion County Assessor Map and Tax Lot Numbers #072W19CC / 04200, 04502, 4504, 4600, 4700 05300, 05400, 05703, 05800).

**APPLICANT:** Cyndi Stocks for Security Signs Inc.

**LOCATION:** 827-955 Lancaster Drive NE / 97301

**CRITERIA:** Salem Revised Code (SRC) Chapter 900

**FINDINGS:** The findings are in the attached Order dated March 21, 2018.

**DECISION:** The Hearings Officer **APPROVED** Sign Variance / Sign Permit Case No. VAR-SI-18-01 based upon the findings as presented in this report.

The rights granted by the attached decision must be exercised, or an extension granted, by, ~~2020~~ **April 7, 2020** or this approval shall be null and void. A copy of the decision is attached.

Application Deemed Complete:	<u>January 26, 2018</u>
Public Hearing Date:	<u>March 14, 2018</u>
Notice of Decision Mailing Date:	<u>March <del>24</del>, <u>22</u>, 2018</u>
Decision Effective Date:	<u>April <del>6</del>, <u>7</u>, 2018</u>
State Mandate Date:	<u>May 26, 2018</u>

**Case Manager:** Olivia Glantz, [OGlantz@cityofsalem.net](mailto:OGlantz@cityofsalem.net), 503.540.2343

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., Thursday, Friday, April 5, 6, 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.

**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**

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.

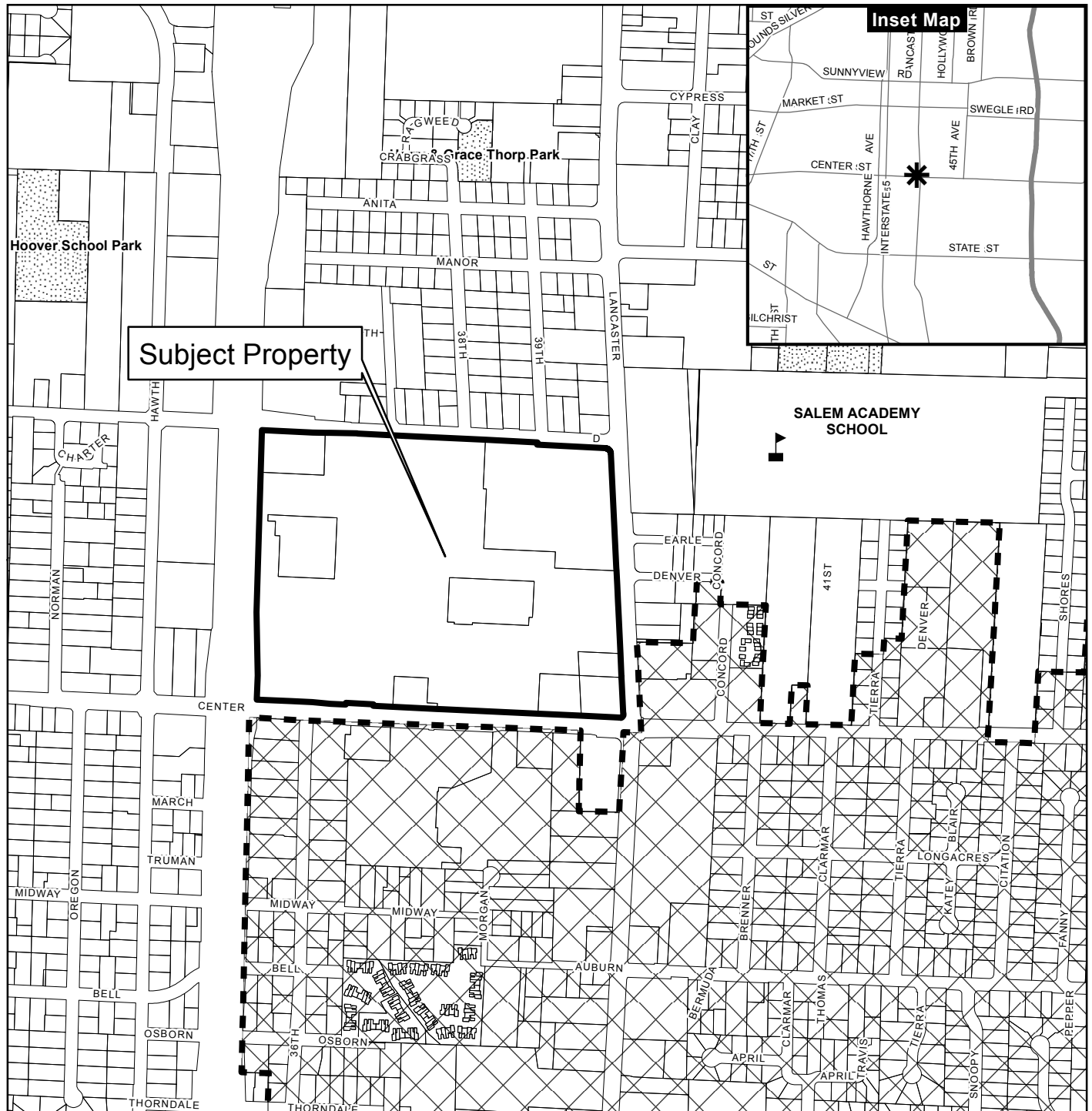
The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

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# Vicinity Map

## 833-955 Lancaster Drive NE



### Legend

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

Parks

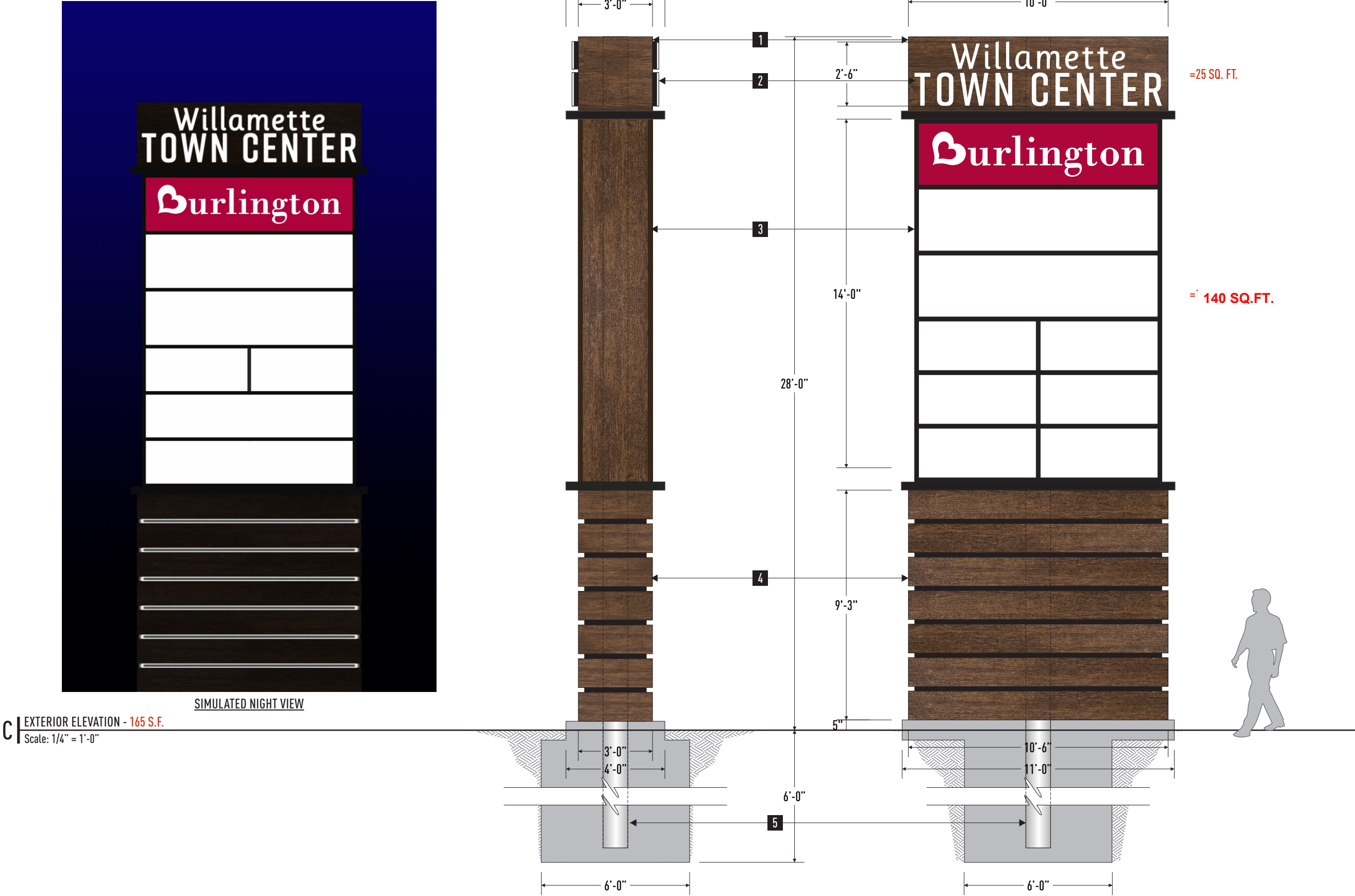
**CITY OF Salem**  
AT YOUR SERVICE  
Community Development Dept.

This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

0 100 200 400 Feet



EXTERIOR | PYLON SPECIFICATIONS



C EXTERIOR ELEVATION - 165 S.F.  
Scale: 1/4" = 1'-0"



CONCEPTUAL | PYLON DISPLAY



EXISTING



PROPOSED

C | EXTERIOR ELEVATION  
Scale: 1/4" = 1'-0"

C | EXTERIOR ELEVATION  
Scale: 1/4" = 1'-0"

COLORS

CITY CODE ALLOWANCE  
MAX: 30' TALL, 165 SQUARE FEET

NOTE(S): SURVEY + ENGINEERING REQUIRED

© Copyright 2016 Security Signs, Inc.  
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Unauthorized use, reproduction, and/or display shall render the infringer liable for up to \$150,000 in Statutory Damages, plus attorneys fees and costs, for each infringement, under the U.S. Copyright Act (17 U.S.C. 412 & 504)

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

Date: 01.16.2018  
Drawing: 17-jw071r3P  
Sheet: 1 of 3



2424 SE Holgate Boulevard  
Portland, Oregon 97202  
503-232-4172

securitysigns.com

OR CCB# 122809  
WA SECURS1020CF



Project Manager: Dylan Martin

Project Name

Willamette TOWN CENTER

831 Lancaster Dr.  
Salem, OR 97301

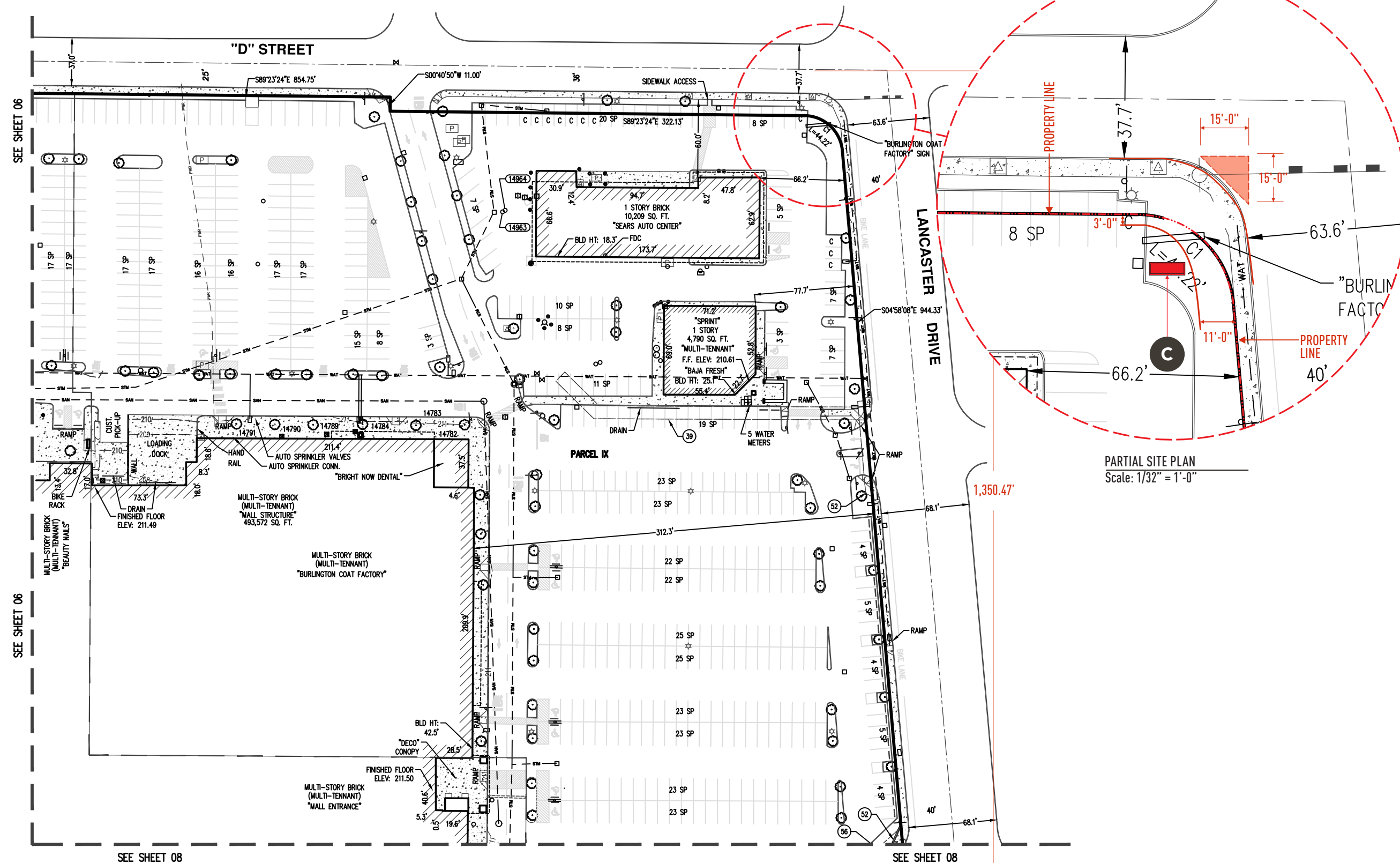
Sign Type E  
Illuminated.  
Remove existing pylon displays and footings, dispose.  
Manufacture and install one (1) D/F pylon display.

Client Approval: \_\_\_\_\_

Landlord Approval: \_\_\_\_\_



## EXTERIOR | SIGN LOCATION PLAN



**SITE PLAN**  
**Scale: 1" = 80'-0"**



## COLORS

**CITY CODE  
ALLOWANCE**

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Date: 01.16.2018

Drawing:  
17-iw071r3P

Sheet: 3 of 3



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SIGNS**  
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2424 SE Holgate Boulevard  
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OR CCB# 122809  
WA SECURS1020CF



Project Manager: Dylan Martin

Project Name

Willamette  
**TOWN CENTER**

831 Lancaster Dr.  
Salem, OR 97301

Client Approval: \_\_\_\_\_

Landlord Approval: \_\_\_\_\_

**CITY OF SALEM  
BEFORE THE HEARINGS OFFICER**

A REQUEST FOR A VARIANCE TO INCREASE THE AMOUNT OF FREESTANDING SIGN, AS ALLOWED BY SRC 900.200(C), AND TO INSTALL A FREESTANDING SIGN APPROXIMATELY 28 FEET IN HEIGHT AND 170 SQUARE FEET IN SIZE, FOR PROPERTY APPROXIMATELY 47.68 ACRES IN SIZE, ZONED CR (RETAIL COMMERCIAL), AND LOCATED AT 827-955 LANCASTER DRIVE NE (LANCASTER MALL) SALEM, OREGON 97301; (MARION COUNTY ASSESSOR MAP AND TAX LOT NUMBERS #072W19CC / 04200, 04502, 04504, 04600, 04700 05300, 05400, 05703, 05800).	} VAR-SI18-01  } FINDINGS OF FACT, CONCLUSIONS, AND } DECISION
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**DATE AND PLACE OF HEARING:**

March 14, 2018, Salem City Council Chambers, Room 240, Civic Center, 555  
Liberty Street SE, Salem, Oregon.

**APPEARANCES:**

<u>Staff:</u>	Olivia Glantz, Planner II
<u>Neighborhood Association:</u>	Eli Brody, NESCA Neighborhood Association Chair
<u>Proponents:</u>	Seth GaRey, Applicant, CE John Company
<u>Opponents:</u>	None

**SUMMARY OF THE APPLICATION AND HEARING**

**BACKGROUND**

The City of Salem held a duly authorized and noticed public hearing on March  
14, 2018, regarding an application requesting a Sign Variance and Sign Permit to

increase the amount of freestanding sign and to install a freestanding sign approximately 28 feet in height and 170 square feet in size, for property approximately 47.68 acres. 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 "Commercial." The subject property is within the Urban Growth Boundary and the Urban Service Area.

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

The subject property consists of several lots which are all zoned CR (Retail Commercial) and are part of an existing regional shopping center.

The zoning and uses of surrounding properties include:

North: CR (Retail Commercial), CO (Commercial Office), RM2 (Multiple Family Residential), RS (Single Family Residential), (across D Street NE): Apartments, single family dwellings, and commercial uses.

South: CR (Retail Commercial), County (across Center Street NE): Multi-tenant shopping complexes, restaurants, drug store.

East: CR (Retail Commercial), County (across Lancaster Drive NE): Multi-tenant shopping complex, restaurants, bank, grocery store, retail store

West: CG (General Commercial), CO (Commercial Office), PS (Public Service), (across Interstate-5): multi-tenant business complex and school bus yard.

#### **3. Site Analysis**

The subject property is approximately 47.68 acres in size and has frontage along Lancaster Drive NE, D Street, Center Street NE and Interstate-5. Lancaster Drive NE and Center Street NE are designated as major arterial streets, D Street NE is designated a minor arterial street, and I-5 is designated as a Freeway in the Salem Transportation System Plan. The sign will be located at the northeast corner of the shopping center, on the corner of Lancaster Drive NE and D Street NE.



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

Notice of the application was sent to the North East Salem Community Association (NESCA), East Lancaster Neighborhood Association (ELNA), and all property owners of record within 250 feet of the subject property. No written comments were received from NESCA, ELNA, or surrounding property owners at the time of the staff report. Eli Brody, NESCA Neighborhood Association Chair, spoke in favor of the application, describing the property as a good neighbor, and addressing both the appearance of the sign, and improvements to safety from both the design and new location.

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

The Building and Safety Division did not express concern with the application. A building permit and engineering plans may be required depending on the height of the freestanding sign.

Portland General Electric commented, "Development cost per current tariff and service requirements. 10' PUE required on all front street lots."

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

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 notes that the shopping center is unusually large at approximately 47.68 acres in size, has approximately 1,200 feet of frontage along Lancaster Drive NE, and approximately 1,700 feet of frontage along D Street NE. The Hearings Officer notes that the subject property is larger and contains more tenant spaces than any other property in the area. The proposal is to replace an existing non-conforming sign, and the only change will be the appearance of the sign. Consequently, granting the variance will not change the number of freestanding signs on the property. The Hearings Officer notes that the appearance and function of the proposed sign will not adversely affect, or be out of character with, other signage used by businesses along Lancaster Drive NE.

The Hearings Officer notes that several of the other freestanding signs are located at entrances to the shopping center and this sign would be the first sign visible for southbound motorists on Lancaster Drive. The Hearings Officer notes that the sign would provide notification of the shopping center to those motorists traveling southbound on Lancaster Drive from a distance and provide an opportunity for maneuvering on the four lane arterial street.

The Hearings Officer notes that the variance is necessary due to the large size of the property. The Hearings Officer notes that given the size of the property, the distance between the freestanding sign and other signs and driveways, the number of tenants the property supports, the proposal is the minimum needed to alleviate the problem created by this site's existing conditions. The Hearings Officer finds that the proposal satisfies this criterion.

#### 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 a shopping center in the CR zone can have one freestanding sign on each building frontage which is designated an arterial or

collector street. However, if the shopping center is located on a corner lot where two intersecting streets are either designated as arterial or collector streets, only one freestanding sign is allowed. In addition, shopping centers with street frontage greater than 300 feet may have an additional freestanding sign. An individual business within a shopping center in the CR zone may have a wall sign for each building frontage or building face. The subject property is approximately 47.68 acres in size and has approximately 1,200 feet of frontage along Lancaster Drive NE and approximately 1,700 feet of frontage along D Street NE, which is much larger than other properties in the vicinity. The proposal is to replace an existing non-conforming sign, the only change will be to the appearance of the sign. The property will have the same amount of freestanding signs, if the variance is approved. The appearance and function of the proposed sign will not adversely affect, or be out of character with, other signage used by businesses along Lancaster Drive NE.

When reviewing properties within a mile, north and south of the shopping center along Lancaster Drive, the next largest property is 16 acres in size. The existing shopping center currently supports approximately 60 businesses. Each business could be entitled to a wall sign. Due to the size of the property, wall signs are not likely to be viewed from the public right of way.

The shopping center consists of eight separate buildings, on several tax lots under common ownership which share a vehicle use area. If the lots had separate businesses which did not share a vehicle use area, each lot would be permitted to have a freestanding sign on their building frontage. The proposed freestanding sign is approximately 28 feet in height and 170 square feet area is comparable to other freestanding signs permitted in the CR zoning district. The Hearings Officer finds that the proposal satisfies this criterion.

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 Lancaster Drive NE is designated as a major arterial street in the Salem Transportation System Plan. Most properties along the Lancaster Drive corridor have a CR (Retail Commercial) zoning designation, which allows signs similar in size. The proposal is to replace an existing non-conforming sign, the only change will be the appearance of the sign. The property will have the same number of freestanding signs, if the variance is approved. The appearance and function of the proposed sign will not adversely affect, or be out of character with, other signage used by businesses along Lancaster Drive NE. As noted by Mr. Brody, the appearance of the sign is an improvement over the current sign, and will likely improve safety for



pedestrians and drivers. The Hearings Officer finds that the proposal satisfies this criterion.

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 notes that if granted, the sign variance to allow the replacement of an existing non-conforming sign approximately 28 feet in height and 170 square feet would not limit allowed signage for other buildings on the subject property or the allowed signage for adjacent properties. The Hearings Officer finds the proposal satisfies this criterion.

**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 notes that the Building and Safety Division has received a building permit including engineering, which has been approved pending the variance application. The Hearings Officer finds that the proposal satisfies this criterion.

Criterion 2:

The sign is allowed in the zone.

The Hearings Officer finds that with the approval of the variance, the freestanding sign would be allowed in the CR zone. The Hearings Officer finds that the proposal satisfies this criterion.

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 there is no evidence that the sign would interfere with use of the public right-of-way, public easements or other publicly owned property. The Hearings Officer finds that the proposal satisfies this criterion.

Criterion 4:

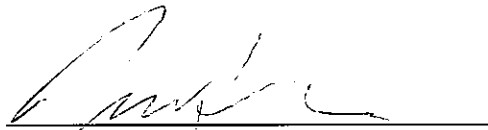
The sign conforms to all the applicable standards in this Chapter.

The Hearings Officer notes that SRC Chapter 900.200(c)(1) provides that freestanding signs are allowed for each building frontage on a designated arterial or collector, however, when the shopping center is located on a corner lot where the two intersecting streets are either designated as an arterial street or designated as a collector street, only one freestanding sign shall be allowed. The variance request is to allow the replacement of a non-conforming sign approximately 28 feet in height and 170 square feet. If the variance is granted, the sign will conform to the standards of this chapter and the sign permit shall be granted. The Hearings Officer finds that the proposal satisfies this criterion.

**DECISION**

The Hearings Officer APPROVES the request for a Sign Variance and Sign Permit to increase the amount of freestanding sign, as allowed by SRC 900.200(c), and to install a freestanding sign approximately 28 feet in height and 170 square feet in size, for property approximately 47.68 acres in size zoned CR (Retail Commercial) and located at 827-955 Lancaster Drive NE (Lancaster Mall).

DATED: March 21, 2018

  
James K. Brewer, Hearings Officer