



City of Portland, Oregon
Bureau of Development Services
Land Use Services

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Date: August 26, 2010
To: Interested Person
From: Nan Stark, Land Use Services
503-823-7828 / nstark@ci.portland.or.us

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 10-148399 AD

GENERAL INFORMATION

Applicant: Melissa Hayden, Security Signs
2424 SE Holgate Blvd
Portland OR 97202

Owner: Jantzen Dynamic Corp
PO Box 528
Columbia, SC 29202

Site Address: 1500 N HAYDEN ISLAND DR

Legal Description: TL 100 56.31 ACRES LAND & IMPS SEE R598735 (R951330521) FOR OTHER IMPS, SECTION 33 2N 1E

Tax Account No.: R951330520

State ID No.: 2N1E33 00100

Quarter Section: 1728

Neighborhood: Hayden Island; contact Roger Staver at 503-297-6601.
Business District: Columbia Corridor Assn, contact Peter Livingston at 503-796-2892.
District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.

Plan District: Hayden Island - Jantzen Beach subdistrict; West sub-area
Zoning: CGx - General Commercial with 'x' PDX Noise Impact overlay zone

Case Type: AD, Adjustment
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal:

Petco is applying for a Sign Adjustment to allow an 18.7 square-foot sign on the rear of their building at Jantzen Beach Center. The sign is 2 feet tall and 9 feet, 4 ¾ inches long, proposed at the top of the center wall that is the rear of the Petco store. The City's Sign code allows a

maximum sign area equivalent to the area of the primary (in this case, front) building wall. The Petco sign on the front of the building, above the main entrance, uses the allowed building area. Consequently, they request this Adjustment to standard 32.32.020, Standards for Signs in Commercial zones, to allow the proposed sign on their rear wall.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 32.38.030 C., Sign Adjustments.

ANALYSIS

Site and Vicinity: The Petco store is part of a multi-tenant storefront building in the Jantzen Beach shopping center. The building is in the center of the parking lot that serves all of the various buildings and tenants in the shopping center. Its main entrance faces the buildings that are adjacent to N Hayden Island Drive, the main street leading to the center. The rear of the building contains only the rear doors to the tenant spaces, which are not public entrances. The proposed sign would be towards the top of the rear wall of the Petco store, directly facing the entrance to The Home Depot, as well as other shops nearby oriented to that side of the shopping center complex.

The Jantzen Beach Center shopping center complex comprises over 60 acres of area on the southeast side of Hayden Island, south on the Columbia River of the State of Washington.

Zoning: The site is zoned CGx. The CG, General Commercial zone is intended to allow auto-accommodating commercial development, allowing a full range of retail and service businesses with a local or regional market. The 'x' represents the PDX Noise Impact Zone, applied to the noise impact area surrounding Portland International Airport. The regulations of the 'x' overlay do not apply to the proposed Sign Adjustment.

The site is in the Jantzen Beach subdistrict of the Hayden Island Plan District, in the West sub area. There are no development standards of the plan district that are applicable to this proposal.

Land Use History: City records indicate there are several prior land use reviews for the Jantzen Beach Center, from 1979 (when it was first developed and was in Multnomah County's jurisdiction) through the past decade, primarily for Sign Adjustments for various tenant spaces.

Summary of Applicant's Statement: The applicant is requesting this Sign Adjustment in order to provide a sign on the rear of the building that will indicate its location as seen from the adjacent stores and within the parking lot of the Jantzen Beach Center.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **July 30, 2010**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Bureau of Parks-Forestry Division

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on July 30, 2010. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

32.38.030 Sign Adjustments

C. Approval criteria. Sign adjustments will be approved if the review body finds that the applicant has shown that the criteria of Paragraph C.1. or 2 are met. The applicant has chosen to address criteria C.1.

1. Area enhancement. The applicant must meet criteria C.1.a. and b. and either C.1.c. or d.

a. The adjustment for the proposed sign will not significantly increase or lead to street level sign clutter, to signs adversely dominating the visual image of the area, or to a sign that will be inconsistent with the objectives of a specific plan district or design district; and

b. The sign will not create a traffic or safety hazard; and

c. The adjustment will allow a unique sign of exceptional design or style that will enhance the area or that will be a visible landmark; or

d. The adjustment will allow a sign that is more consistent with the architecture and development of the site.

Findings: The proposed sign is 18.7 square-feet in area, at 9' 4 ³/₄" in length by 2' in height. The sign is proposed towards the top of the rear wall of the Petco store, centered on a 24' long wall that is slightly articulated from the rest of the façade, and about 3 feet higher than the roof of the building. The sign would be at that portion, which would visually inform customers from the other side of the shopping center of the shop in that space, since the entry to Petco is on the other side of the building.

Due to the scale of the Jantzen Beach shopping center, with several buildings occupied by large and small tenants built around the parking lot, many signs are fairly large fascia signs with the store's name in its particular logo. The Petco store occupies a building that is in the middle of the expansive parking area, with tenant entrances facing Hayden Island Drive, and the rear facing the entrances of several large stores on the south side of the center. The proposed 18.7 square-foot sign is fairly minimal in this context, allowing adequate visibility from the entrances of the stores that are 350 to 600 feet away that will identify the store without adding to visual clutter or creating a traffic or safety hazard. A similar identification sign is on the rear of the building identifying the "Pier One Imports" store in the same building. For these reasons, the request satisfies these criteria (C.1.a, b and d).

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

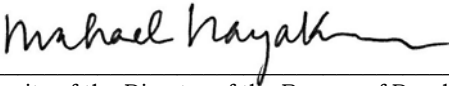
The applicants have proposed a reasonable request for a sign on the rear wall of their tenant space in order to identify it from other sides of the site within this large shopping center. The proposed 18.7 square-foot sign satisfies all of the relevant approval criteria for Sign adjustments.

ADMINISTRATIVE DECISION

Approval of a Sign Adjustment to allow an 18.7 square-foot fascia sign on the rear of their building at Jantzen Beach Center. The sign is 2' tall x 9' 4 ³/₄" long, to be installed at the top of

the center wall on the rear of the Petco store. This approval is per the approved site plan, (Exhibit C-1), rear building elevation drawing (Exhibit C-2) and proposed sign detail (Exhibit C-3), signed and dated August 24, 2010. These drawings must be submitted with the application for a sign permit.

Staff Planner: Nan Stark

Decision rendered by:  **on August 24, 2010**

By authority of the Director of the Bureau of Development Services

Decision mailed: August 26, 2010

About this Decision. This land use decision is **not a permit** for development. A Final Plat must be completed and recorded before the proposed lots can be sold or developed. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on June 22, 2010, and was determined to be complete on July 27, 2010.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on June 22, 2010.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: November 24, 2010.**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Adjustment Committee, which will hold a public hearing. Appeals must be filed **by 4:30 PM on September 9, 2010** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be**

charged. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Adjustment Committee is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Adjustment Committee an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder.

A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed,* The final decision may be recorded on or after **September 10, 2010 – (the day following the last day to appeal).**
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034.

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-7967.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

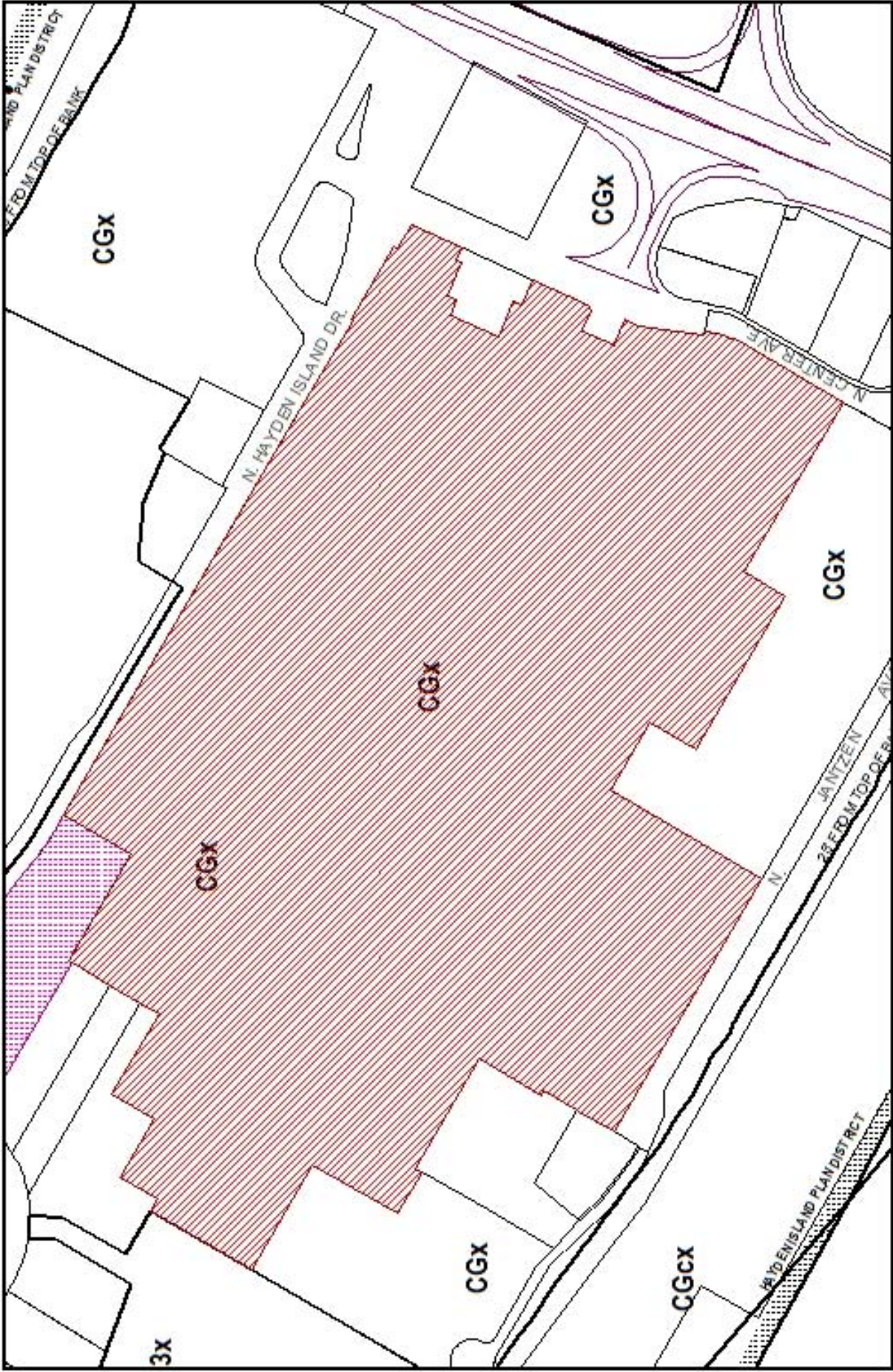
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Rear building elevation
 - 3. Sign detail, proposed (attached)
 - 4. Building plan with proposed sign location
 - 5. Front building elevation
 - 6. Sign details, existing signs
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
- F. Correspondence: none
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Incomplete letter, N. Stark to M. Hayden, July 23, 2010

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



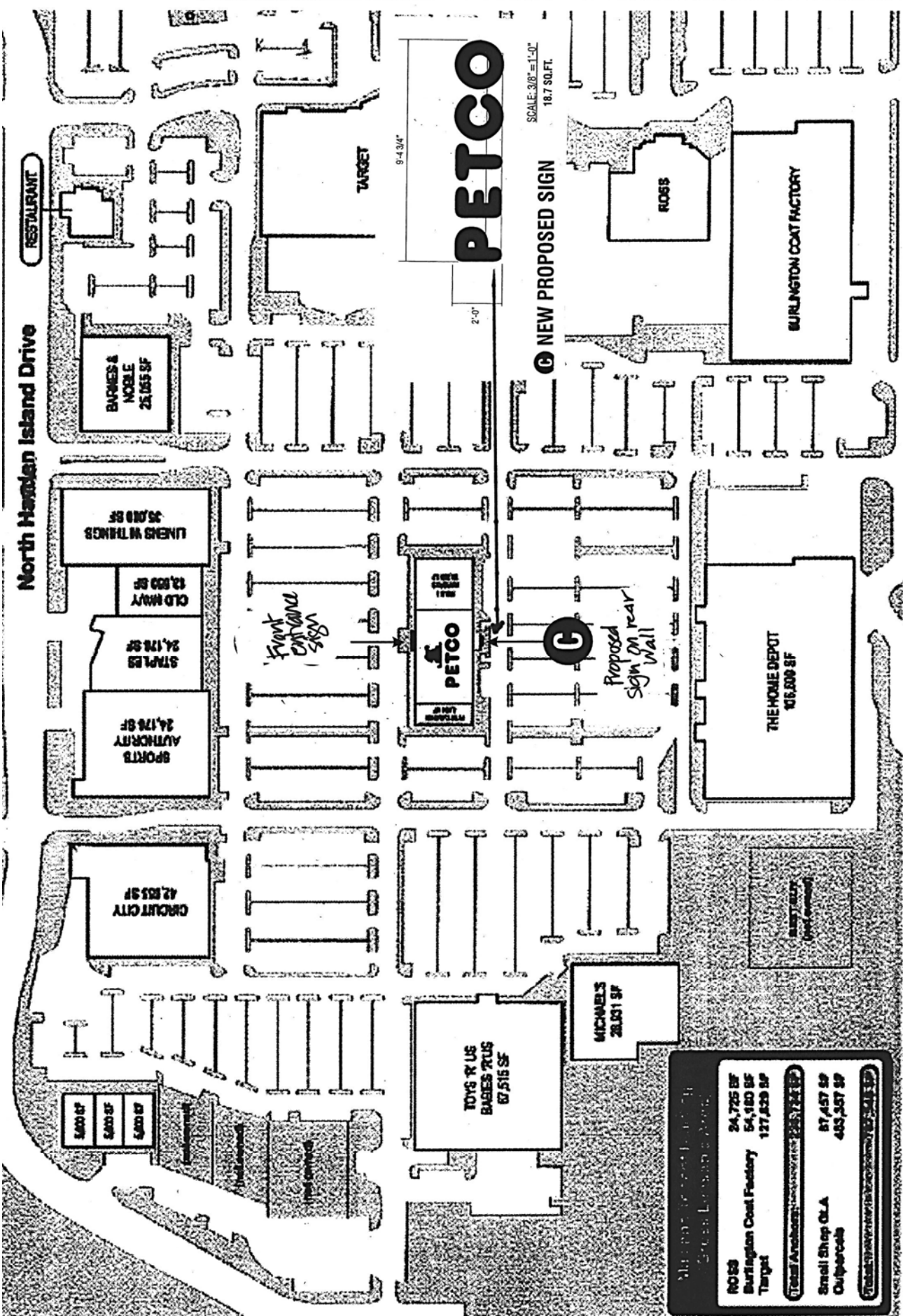
ZONING

File No. LU 10-148399 AD
 1/4 Section 1728.1729.1828.1829
 Scale 1 inch = 300 feet
 State_Id 2N1E33 100
 Exhibit B (Jun 25, 2010)

-  Site
-  Also Owned
-  Historic Land mark

This site lies within the:
HAYDEN ISLAND PLAN DISTRICT





Site Plan NOT TO SCALE

North Arrow

Jantzen Beach

Exhibit C-1 (site plan) and C-3 (detail)

ROSS	24,725 SF
Burlington Coat Factory	54,180 SF
Target	127,829 SF
Total Anchorage	206,734 SF
Small Shop O.L.A.	87,457 SF
Outparcels	453,357 SF
Total Site Area	747,548 SF