



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

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7300
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www.portlandonline.com/bds

Date: December 18, 2008
To: Interested Person
From: Suzanne Savin, Land Use Services
503-823-5888 / Suzanne.Savin@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 08-177354 AD

GENERAL INFORMATION

Applicant: Cheri Fletcher-Powell
ES & A Sign & Awning
89975 Prairie Road
Eugene, OR 97402

Owners: Robert Avalon & Virginia Avalon
P O Box 711
Dallas, TX 75221-0711

Also Notify: Ryan Mitchell
7-Eleven Corporation
20819 72nd Av South Ste 800
Kent, WA 98032

Site Address: 14750 SE STARK ST

Legal Description: TL 9800 LOT 1&2, LOMA AC
Tax Account No.: R505500010
State ID No.: 1S2E01BA 09800
Quarter Section: 3145

Neighborhood: Centennial, contact Louise Cody at 503-252-4302.
Business District: Gateway Area Business Association, contact Fred Sanchez at 503-256-3910.
District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

Plan District: None

Zoning: CS (Storefront Commercial)

Case Type: AD (Adjustment Review)

Procedure: Type II, administrative decision with appeal to Adjustment Committee.

Proposal:

The site contains a convenience store with a marquee sign, one free-standing sign, and surface parking. The property owner plans to replace the convenience store's existing marquee sign. An existing 4-foot by 4-foot sign is located in the center of the marquee's north elevation, which contains the business name (7-Eleven). Painted wall highlights (horizontal stripes) are located on either side of the sign, which extend the full length of the marquee's north elevation. The north elevation of the marquee is illuminated with external down-lighting. Horizontal stripes are also located along the 5-foot length of the east elevation of the marquee and along the 6-foot length of the west elevation of the marquee. The horizontal stripes do not convey a message or image, so their area is not included as part of the existing sign's total area. The east and west marquee elevations are not currently illuminated.

The replacement sign will consist of approximately 9 sign cabinets on the marquee's north elevation, one cabinet on its east elevation, and one cabinet on its west elevation. On the north elevation, a central 3-foot by 3-foot cabinet will contain the business name. Flanking this central cabinet will be a total of 8 cabinets (four on each side) that will contain a horizontal stripe pattern. The cabinets on the east and west sides of the marquee will also contain a horizontal stripe pattern. Because the horizontal stripes are within sign cabinets, they are required to be included in the total area of the replacement sign.

The total area of all proposed cabinets on the north side of the marquee will be approximately 153 square feet (3 feet high by 51 feet long). The cabinet on the east side of the marquee will be 15 square feet (3 feet high by 5 feet long), and the cabinet on the west side of the marquee will be 18 square feet (3 feet high by 6 feet long). Therefore, the total size allocation of the proposed sign cabinets will be approximately 186 square feet. The sign cabinets on the north, east, and west elevations will be internally illuminated.

For signs attached to buildings within the CS zone, Section 32.32.020 and Table 32.32-2 of the Sign Code allow a maximum size allocation of 1 square foot per 1 foot of primary building wall if a free-standing sign is also on the same street frontage. The north (primary) building wall of the store is approximately 60 feet in length. Therefore, for this convenience store, the Sign Code allows a maximum size allocation of approximately 60 square feet. In addition, in the CS zone, Table 32.32-2 limits the maximum size per sign to 100 square feet.

The applicant requests approval of an Adjustment to Section 32.32.020 and Table 32.32-2, to allow the total sign area of the replacement signs on the north, east and west elevations to be approximately 186 square feet, rather than complying with the maximum size allocation of approximately 60 square feet; and to allow the replacement sign on the north elevation to be approximately 153 square feet, rather than complying with the maximum sign size of 100 square feet.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are the Adjustment Review Criteria of Section 32.38.030.C of the City of Portland Sign Code.

ANALYSIS

Site and Vicinity: The site is located on the southwest corner of SE Stark Street and SE 148th Avenue, and is approximately 16,784 square feet in size. The site contains the existing convenience store, surface parking, and a free-standing sign.

The properties that immediately surround the site are commercially zoned and are developed with commercial uses. To the north of the site, on the north side of SE Stark Street to the east and west of SE 148th Avenue, are CS-zoned properties developed with commercial uses

including two auto repair facilities, a gas station / mini-mart, and a retail shopping center. To the east of site, on the east side of SE 148th Avenue, are CS and CN1-zoned properties developed with an auto tire store and a boat supply store. To the south is a CS-zoned property developed with a furniture store. To the west are CS-zoned properties on the south side of SE Stark, developed with a video store, a bingo hall and large surface parking area.

Zoning: The site is zoned CS, Storefront Commercial. The Storefront Commercial (CS) zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone intends that new development in these areas will be compatible with this desired character. The zone allows a full range of retail, service and business uses with a local and regional market area. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. The desired character includes areas which are predominantly built-up, with buildings close to and oriented towards the sidewalk especially at corners. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **November 24, 2008**. 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 November 24, 2008. 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.A Adjustment Review – Purpose.

Sign adjustments are intended to allow flexibility to the sign regulations while still fulfilling the purpose of the regulations. The specific approval criteria allow signs that enhance the overall character of an area or allow for mitigation of unusual site conditions.

32.38.030.C Adjustment Review

Sign adjustments will be approved if the review body finds that the applicant has shown that the criteria of Paragraph C.1. or 2, below are met.

1. Area enhancement. The applicant must meet criteria C.1.a & 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

Findings: The subject property is not within a plan district or design district. The applicant states that the proposed increase in signage will not significantly increase or lead to street level clutter or adversely dominate the visual image of the area. The existing graphic elements on the store's north elevation marquee (the existing 7-11 sign in the center, plus the horizontal stripes on either side, which are not categorized as

sign area) comprise an area that is approximately 204 square feet in size. The existing graphic elements on the store's east and west elevation marquee (horizontal stripes) comprise an area that is approximately 20 square feet on the east elevation and 24 square feet on the west elevation. The existing horizontal stripes on either side of the 7-11 sign on the north elevation, and on the north and south marquee elevations, are not categorized as sign area because they are not within sign cabinets. However, under the new proposal, the horizontal stripes will be within sign cabinets, so they will be categorized as sign area.

The proposed signage on the north elevation of the marquee will measure approximately 3 feet high by 51 feet long, resulting in approximately 153 square feet of signage. Although the proposed sign area exceeds the Sign Code allowance for sign area, it constitutes a 25% reduction of the existing graphic area on the north-facing portion of the marquee. The replacement sign on the north elevation will be internally illuminated. However, the existing sign and painted wall stripes on the north elevation are currently illuminated by external down-lighting. The applicant states that the internal illumination of the replacement sign will be similar in lighting effect and intensity to the down-lighting of the existing sign, and to the internal illumination of the existing pole sign. With a similar lighting intensity to the existing conditions and a reduced graphic area, it is reasonable to conclude that the proposed signage on the north elevation will not significantly increase street level sign clutter.

The proposed sign cabinets on the east and west elevations of the marquee will be 3 feet by 5 feet on the east elevation and 3 feet by 6 feet on the west elevation, resulting in 15 square feet and 18 square feet of signage on these elevations. The proposed sign area on the east and west elevations constitutes a 25% reduction of the existing graphic area on the east and west portions of the marquee. Because the east and west marquee elevations are not currently illuminated, the proposed sign cabinets will represent an increase in illuminated sign area on each of these elevations. However, the illuminated sign area on these elevations is relatively small in size, and it is therefore reasonable to conclude that they will not significantly increase street level sign clutter.

Lastly, the proposed signage on the north, east, and west marquee elevations will not affect any nearby residential uses, due to a separation distance of at least 350 feet between the marquee sign and the closest residential uses to the north, east, and west.

For the above reasons, the proposed marquee signage on the store's north, east, and west elevation will not significantly increase or lead to street level sign clutter, or adversely dominate the visual image of the area. This criterion is met.

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

Findings: The applicant notes that the proposed signage consists of a wall signage that is illuminated, but does not flash, scroll, or rotate on the storefront. The sign is static illumination that is lit only during nighttime hours and the lighting is concealed behind the sign faces. The end result, per the applicant, is a lighting effect and intensity that is almost the same as the existing storefront down-lighting. Furthermore, the applicant notes that the proposed illuminated storefront signage is relative in lumen intensity to the lighted pole sign on site, which does not create a traffic or safety hazard. In addition, the Bureau of Transportation (PDOT) has responded that they have no concerns with the requested adjustment for the replacement wall signage.

On the basis of the above information, Staff concurs with the applicant's findings.

This criterion is met.

- 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 applicant states that the adjustment will allow a sign that is more consistent with the architecture and development of the site. The proposed signage is consistent with what exists at the site now, with the exception that the type of lighting will be internal rather than external. In addition, the applicant notes that approval of the adjustment will allow the wall signage to match the existing internally illuminated pole sign and its graphics. Staff concurs with the applicant's findings.

This criterion is met.

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.

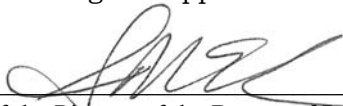
CONCLUSIONS

The purpose of the regulation is met. The addition of the proposed sign elements along the east, north, and west-facing portions of the marquee will result in a wall sign area of approximately 186 square feet, which exceeds the maximum wall sign size allocation of approximately 60 square feet. In addition, the proposed sign on the north elevation will be approximately 153 square feet, which exceeds the maximum sign size of 100 square feet. However, the proposed east, north and south-facing sign elements will constitute an approximately 25% reduction in graphic area for those portions of the marquee. As a result, the proposed sign elements will comply with the approval criteria for sign adjustments, and the requested Adjustment can be approved. Approval of sign permits is still required, after the decision is final and has been recorded with Multnomah County.

ADMINISTRATIVE DECISION

Approval of an Adjustment to Section 32.32.020 and Table 32.32-2 of the City of Portland Sign Code, to allow the sign area of the replacement signs on the east, north and west elevations to total approximately 186 square feet, and to allow the sign size of the replacement sign on the north elevation to be approximately 153 square feet, per the approved plans, Exhibits C-1 through C-2, signed and dated December 16, 2008, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-177354 AD."

Decision rendered by:  **on December 16, 2008.**

By authority of the Director of the Bureau of Development Services

Decision mailed: December 18, 2008

Staff Planner: Suzanne Savin

About this Decision. This land use decision is **not a permit** for development. 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 November 13, 2008, and was determined to be complete on November 20, 2008.

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 November 13, 2008.

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.

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 January 2, 2009** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., 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 contact the receptionist at 503-823-7967 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 **January 5, 2009 – (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 503-823-0625.

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.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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:

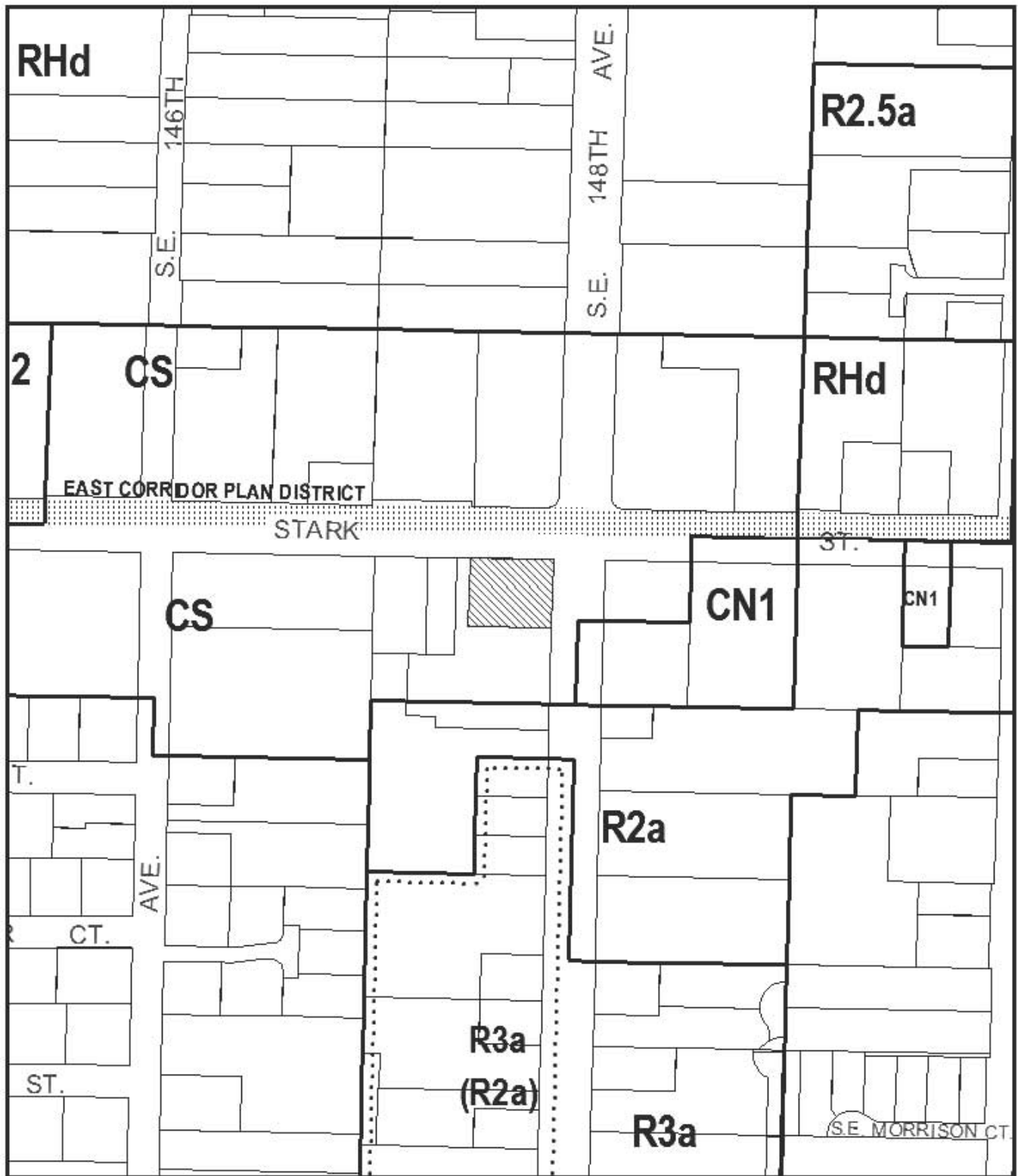
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevations (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. "No concerns" responses from the Bureau of Environmental Services, Bureau of Transportation Engineering and Development Review, Water Bureau, Fire Bureau, Site Development Review Section of BDS, Bureau of Parks - Forestry Division
- F. Correspondence:
 - 1. No correspondence submitted.
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



ZONING

 Site



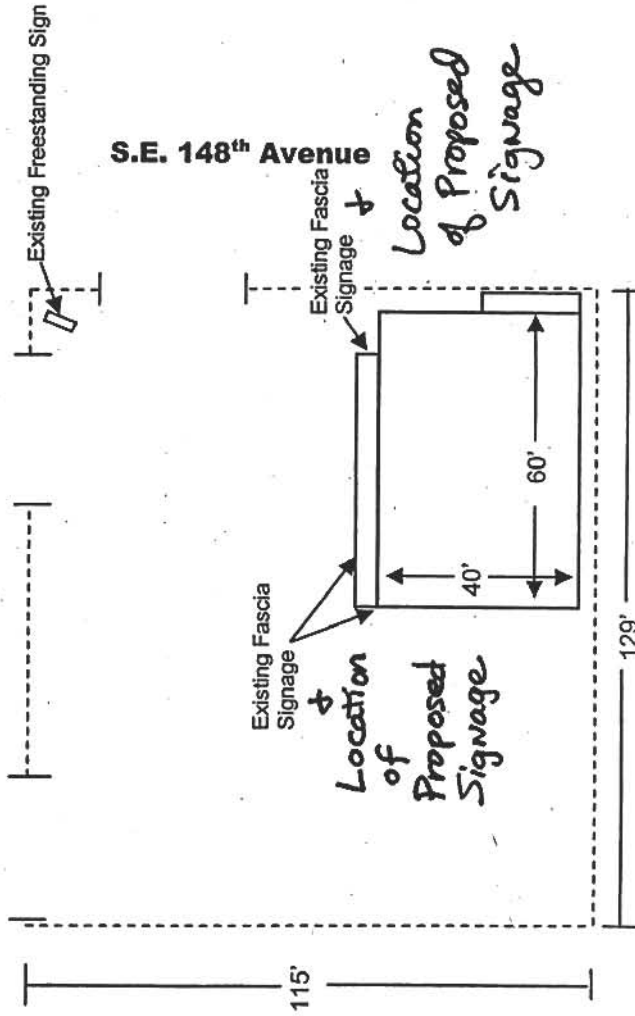
File No. LU 08-177354 AD
 1/4 Section 3145
 Scale 1 inch = 200 feet
 State_Id 1S2E01BA 9800
 Exhibit B (Nov 17, 2008)

Site Plan for:
7-Eleven #14503
14750 SE Stark
Portland, OR 97233

Scale: 1/2" = 20'
Property Line = -----



S.E. Stark Street



Exc-1

Approved

City of Portland - Bureau of Development Services

P.

Suzanne Levin Date *December 16, 2008*

* 1

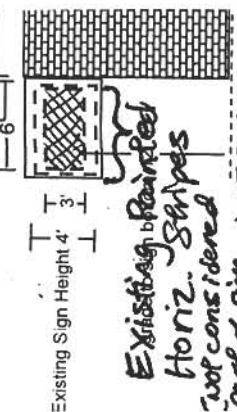
con

as only to the reviews requested and is subject to all
Additional zoning requirements may apply.

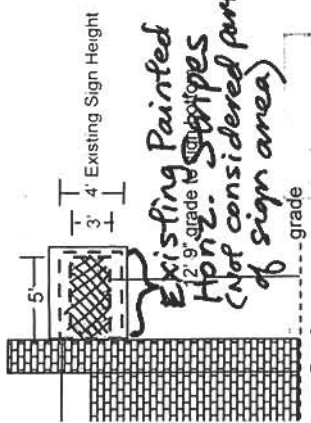
LW08-177354AD

SITE PLAN

Color Key:
 Existing Signage - - -
 Proposed Signage - - -
 Light Hood - - -
 Scale: 1/2" = 5'



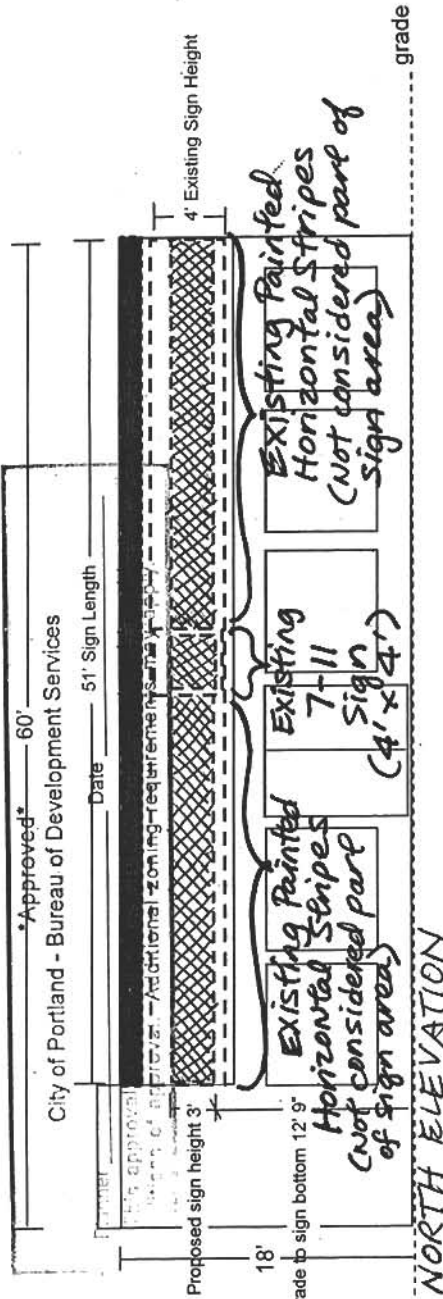
WEST ELEVATION



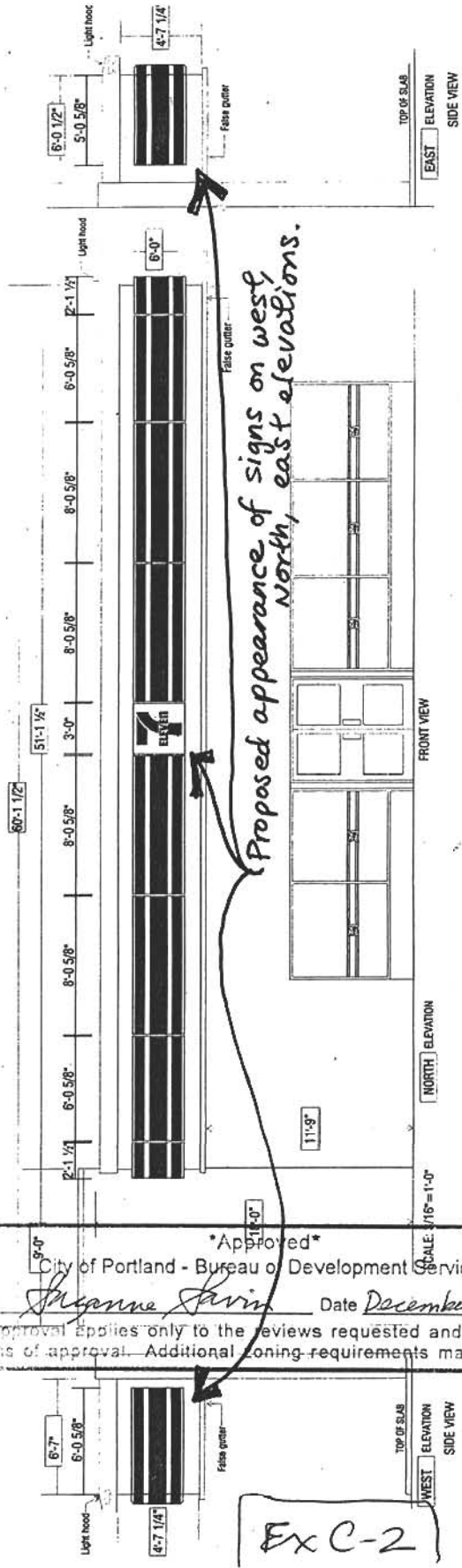
EAST ELEVATION

[Cross-hatched box] = Proposed sign area

(153 sq ft of sign area for north elevation,
 18 sq ft of sign area for west elevation,
 15 sq ft of sign area for east elevation.)



NORTH ELEVATION



Proposed appearance of signs on west, north, east elevations.

EX C-2

PROVIDE & INSTALL NEW STRIPED FASCIA SIGN PANELS FOR EXISTING BUILDING FASCIA

ELEVATIONS

LU 08-177354 AD

Approved
 City of Portland - Bureau of Development Services
 Planner: *Suzanne Savin* Date: *December 16, 2008*
 This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.