



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
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Date: December 20, 2013
To: Interested Person
From: Sheila Frugoli, Land Use Services
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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 the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 13-224751 AD

GENERAL INFORMATION

Applicant: Reid Storm, Contractor
Vancouver Sign
2600 NE Andresen Road, Suite 50
Vancouver, WA 98661

Owner: Oikonomos Iv, LLC
PO Box 711
Dallas, TX 75221-0711

Site Address: 12214 SE POWELL BLVD

Legal Description: BLOCK A LOT 1 TL 1001, SUBURBAN HMS CLUB TR
Tax Account No.: R804300020
State ID No.: 1S2E11CB 01001
Quarter Section: 3443

Neighborhood: Powellhurst-Gilbert, contact Mark White at 503-761-0222.
Business District: Midway, contact Bill Dayton at 503-252-2017.
District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

Plan District: Johnson Creek Basin
Zoning: CG, General Commercial

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

Proposal:
The applicant is requesting a Sign Adjustment for a new 7-Eleven convenience store, located at SE 122nd Avenue and SE Powell Boulevard. For the subject retail use, the Sign Code allows a total of 78 square feet of sign area for wall mounted signs. The applicant is requesting an

Adjustment to allow an additional 39 square foot wall sign, to be installed on the north elevation, facing SE Powell Boulevard. Sign permits have been issued for this site for two 39 square foot wall signs, on the west and south facades. See the attached site plan and exterior building elevations.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 32.38.030 C.1 and C.2, Sign Adjustments.

ANALYSIS

Site and Vicinity: The subject site contains a convenience store with entrances facing west towards SE 122nd Avenue and south toward on-site parking. The immediate area at the SE Powell Boulevard and SE 122nd intersection is developed with commercial businesses. There is a mix of building types, the older buildings are generally set back from the street with parking prominent from the street. In contrast, there are newer buildings, including the subject property, that are located near the street lot lines. On the west side of SE 122nd Avenue, is a large grocery store—Safeway and a gas station at the corner. On the north side of SE Powell is a drug store—Walgreens. This building is built up to the street property lines.

The subject site abuts the “Powell Villa Shopping Center”. Most of the strip commercial buildings are set back from the streets. However, the immediately adjacent detached building contains small tenant spaces and an ice cream shop—Baskin Robbins. This building is located near the SE 122nd Avenue street lot line. The Powell Villa site has a freestanding/pole sign, visible from SE 122nd Avenue that identifies the shopping center and tenants. Each retail space also has a fascia/wall sign at the entrance of each retail space. The Baskin Robbins store also has a pole sign near SE 122nd Avenue and there are small marquee signs on the south and west facades.

At this signalized intersection, the streets are 76 feet-wide with 4 travel lanes, turning lanes. There are sidewalks on both sides of SE 122nd Avenue. SE Powell is not fully improved.

Zoning: The site is zoned CG, General Commercial. This zone is intended to allow auto-accommodating commercial development in areas already predominantly built in this manner and in most new commercial areas. Also, the site is located within the Johnson Creek Basin Plan District (Chapter 33.537).

Land Use History: City records indicate there was prior land use reviews for this site, as follows:

- **MCF 14-84:** Multnomah County approval of a proposal to construct a baseball batter’s box.
- **MCF DR 84-06-05:** Multnomah County approval for retail shops.
- **MCF DR 79-05-10:** Multnomah County approval of a proposal for a service station on the northern portion of the subject property.
- **PR 11-135861:** A Property Line Adjustment was approved for changes to the existing lot lines on the commercial site.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **November 25, 2013**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services (Exhibit E.5)
- Bureau of Transportation (Exhibit E.5)
- Water Bureau (Exhibit E.1)
- Fire Bureau (Exhibit E.5)
- Site Development Section of BDS (Exhibit E.2)

- Life Safety Plan Review Section of BDS (Exhibit E.3)
- Bureau of Parks-Forestry Division (Exhibit E.5)

The **Oregon Department of Transportation** submitted information about sign regulations that apply along State highways. SE Powell is a designated State highway. The information regulates billboards/outdoor advertising signs and changing image signs. (Exhibit E.4)

BDS Comments: The proposal is not a billboard or a changing image sign.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on November 25, 2013. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

33.38.030.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., 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: As noted in the proposal description, the applicant wishes to place a 39 square foot wall sign on the north façade, facing SE Powell Boulevard. The applicant has received sign permits for two other 39 square foot signs that are located on the west and south facades above the entrances to the store. Combined, these two sign utilize the maximum amount of sign area that is allowed for the building.

The subject property is within the Johnson Creek Basin Plan District (JCBPD) but is not within a design district. The Johnson Creek Plan District applies additional regulations that address environmental issues including flood control. Design impacts of commercial development and associated signs are not addressed in the JCBPD regulations. Therefore, the proposed signs do not conflict with the objectives of the plan district. The properties near the SE 122nd and SE Powell Boulevard intersection are comprised of a variety of commercial businesses.

There are a variety of signs that follow the diverse development pattern and architecture found in the immediate area. The newer buildings generally have smaller wall signs located above entrance or near the parapet. The new "7-Eleven" building is located near the street property lines, which satisfies the commercial zone transit-orientation requirement (maximum setback). The sign will help identify the building on SE Powell, similar to the signs on the Walgreen store that is located directly north, on the other side of SE Powell. Both facades have limited window area and no entrances facing SE Powell. The proposed additional fascia sign will not dominate the visual image of the area.

This criterion is met.

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

Findings: Like most commercial signs, the proposed wall signs will be illuminated. The back lighted signs will not create traffic or other safety hazards. 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: As proposed, the adjustment will result in signs that are consistent in size and appearance on three sides of the building. The signs include the recognizable colored strip logo and 7-Eleven name. They will be located as upper bands near the parapet of the flat roof. The signs are consistent with the storefront-style retail building, as required by Criterion d above. The signs do not dominate the facades and the sign style compliments the architecture of the building. 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

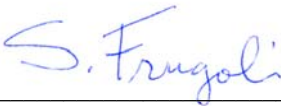
The applicant has demonstrated that the approval criterion has been met. The proposed north-facing wall sign will not adversely impact the character of the area and will not create visual clutter at this active commercial area. The street facing sign is relatively small and will fit the architecture of the building. Therefore, the Adjustment should be approved.

ADMINISTRATIVE DECISION

Approval of a Sign Adjustment for the 7-Eleven store to increase the total sign area allowance from 78 to 117 square feet for a 39 square foot fascia sign on the north façade, per the approved plans, Exhibits C.1 and C.2, signed and dated Decemeber 18, 2013, subject to the following condition:

- 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 and C.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-224751 AD. No field changes allowed."

Staff Planner: Sheila Frugoli

Decision rendered by:  **on December 18, 2013**

By authority of the Director of the Bureau of Development Services

Decision mailed: December 20, 2013

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 5, 2013, and was determined to be complete on November 21, 2013.

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 5, 2013.

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 3, 2014** 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. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. 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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 6, 2014 – (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.

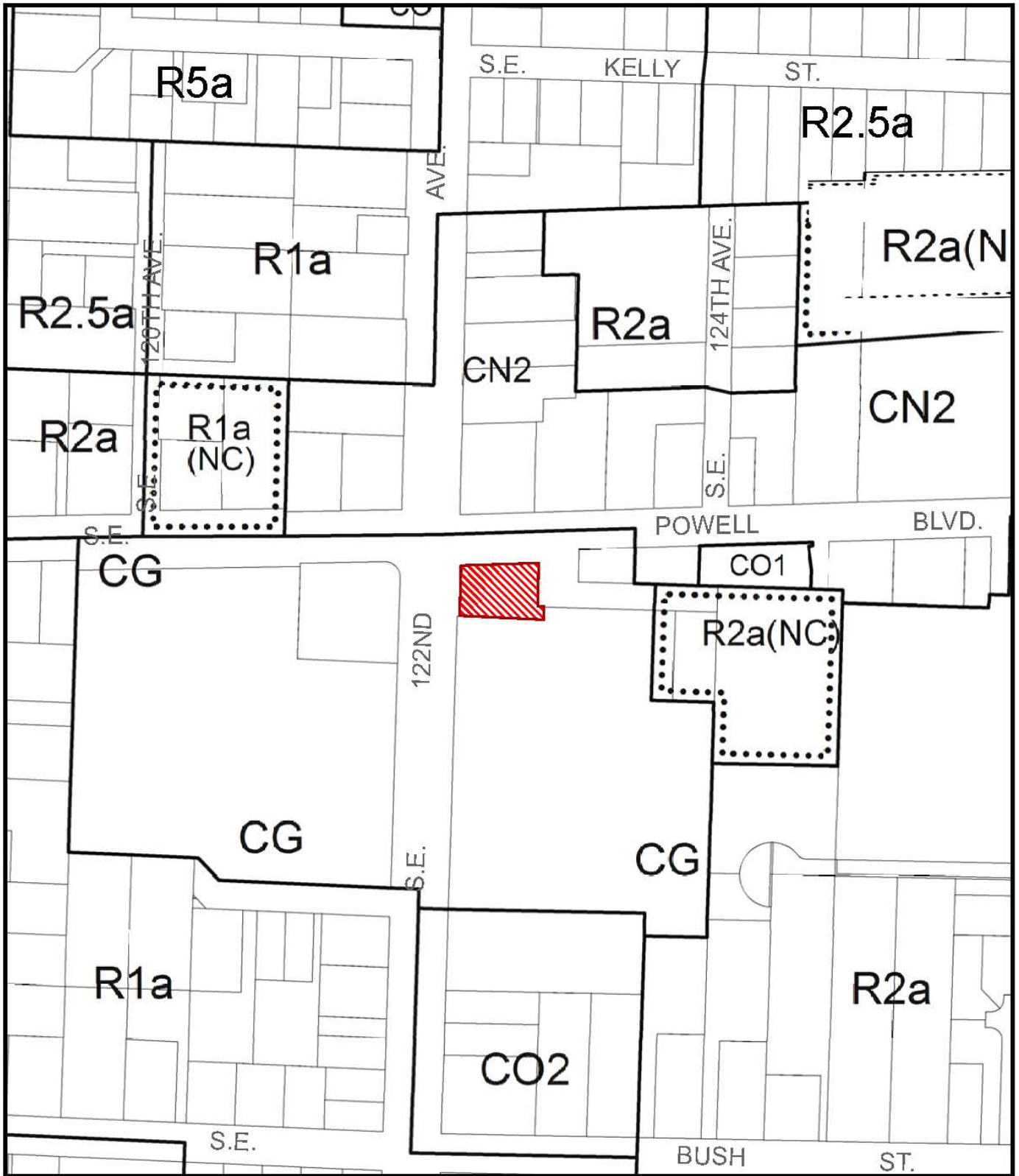
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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. North/Facing SE Powell Elevation – Proposed Sign (attached)
 - 3. West Elevation
 - 4. South Elevation
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Water Bureau
 - 2. Site Development Review Section of BDS
 - 3. Life Safety Plan Review Section of BDS
 - 4. Oregon Department of Transportation
 - 5. TRACS Print-Out showing "No Concerns" from Bureau of Environmental Services, Bureau of Transportation, Fire Bureau, and Bureau of Parks, Forestry Division
- F. Correspondence: NONE
- G. Other:
 - 1. Original LU Application

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



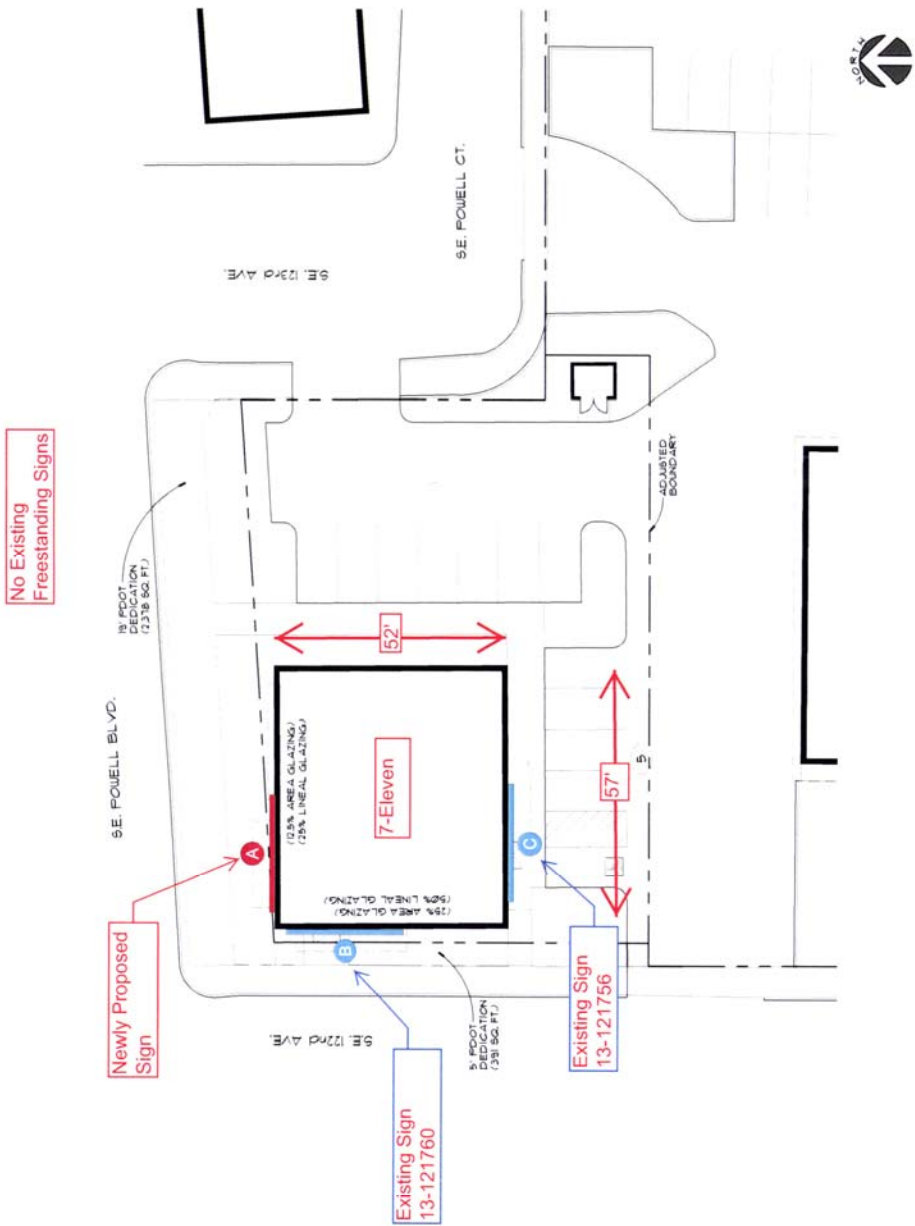
Site



This site lies within the:
JOHNSON CREEK BASIN PLAN DISTRICT

File No. LU 13-224751 AD
 1/4 Section 3443
 Scale 1 inch = 200 feet
 State_Id 1S2E11CB 1001
 Exhibit B (Nov 07, 2013)

Approved
 City of Portland - Bureau of Development Services
 Planner S. Frugoli Date Dec. 18, 2013
 * This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.



12 Site Plan
 NTS


 MET
 THE CITY OF PORTLAND'S METAL SIGN PROGRAM
 TO MEET OR EXCEED ALL APPLICABLE LOCAL AND
 STATE REQUIREMENTS OF THE NEC 2008 AND OHS
 2900 TFC AND OR THE 2007 DIBC

7-Eleven #135021
 3500 S.E. 122nd Ave
 Portland, OR 97236
 5300 SHAD ROAD JACKSONVILLE, FL 32237 904-264-4441

SVE3008-00
 E:\Customers\7-Eleven\A11
 SVE3008-00 # 135021.dwg

Conceptual Photo Overlay
 09/27/13 ORIGINAL CONCEPT

Salesperson: RG
 Designer: GH
 PM: BB
 Page: 5

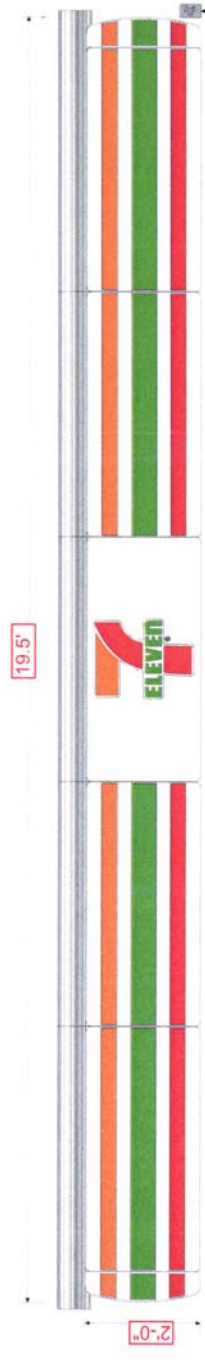
customer approval _____ date _____

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LW 13-224751 AD
 Exhibit C.1

harbinger.
 sign of the future

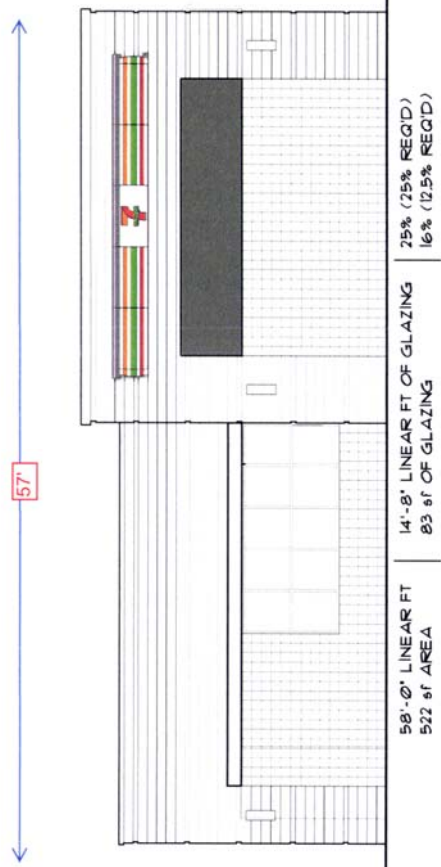
New proposed Sign on North Elevation
39 square feet



ONE (1) SET OF 24" SF INTERNALLY ILLUMINATED WALL SIGNS (SEJ 1300 SERIES).

ELECTRICAL NOTE: EXPOSED EXTERIOR 20 AMP WEATHERPROOF ELECTRICAL DISCONNECT REQUIRED WITHIN VISUAL RANGE OF SIGN REQUIRED FOR EVERY 15 AMPS OF SIGNAGE. ACTUAL NUMBER OF CIRCUITS TO BE DETERMINED BY LICENSED ELECTRICAL CONTRACTOR. ACTUAL LOCATION OF BOX MAY VARY. CIRCUITS AND SWITCH TO BE PROVIDED BY OTHERS. INPUT VOLTAGE - 120V. ALL SIGNAGE WILL BE (MET) LISTED (UL) 485TD COMPLIANT AND CARRY (MET) LABELS.

Front Elevation - SEJ Wall Sign Cabinets - Sign A



NORTH

Photo Overlay - West Elevation - SEJ Wall Sign Cabinets - Sign A

Approved

City of Portland - Bureau of Development Services

Planner: S. Frugoli Date: Dec 18, 2013

This approval applies only to the reviews requested and is subject to additional zoning requirements may apply.

7'22"

MOUNTED W/ TOGGLE BOLTS
PAVING
EMBOSSED FACE
BUILDING WALL TOP SURFACE

Side Marking Cabinet - Sign A
2 NTS



harbinger.
sign of the future

5300 SHAD ROAD JACKSONVILLE, FL 32257 904.268.4481

7-Eleven #35021
3500 S. E. 122nd Ave.
Portland, OR 97226

Conceptual/Photo Overlay
09/27/13 - ORIGINAL CONCEPT

Signage # SVE3008-00
F:\Customers\7-Eleven\Art\35021\35021-00-#35021.cdr

Customer approval

Designer: GH
PM: BB
Suspension: RG
Page: 1

Exhibit C.2
LW 13-224751AD