



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

Ted Wheeler, Mayor
Rebecca Esau, Interim Director
Phone: (503) 823-7300
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www.portlandoregon.gov/bds

Date: May 23, 2017
To: Interested Person
From: Don Kienholz, Land Use Services
503-823-7771 / Don.Kienholz@portlandoregon.gov

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 mailed copy of this document is only a summary of the decision. 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 17-118286 AD

GENERAL INFORMATION

Applicant: Anthony McCormick | Meyer Sign of Oregon
15205 SW 74th Ave
Tigard, OR 97224

Owner: Michael Zieg | Store Capital Acquisitions LLC
8377 E Hartford Dr #100
Scottsdale, AZ 85255

Site Address: 2028 N JANTZEN BEACH CT

Legal Description: BLOCK 1, LOT 2 TL 700, JANTZEN BEACH WEST
Tax Account No.: R426950110
State ID No.: 2N1E33D 00700
Quarter Section: 1828

Neighborhood: Hayden Island, contact Ron Ebersole at 503-320-8398.
Business District: Columbia Corridor Association, contact Debbie Deetz-Silva at 503-978-6044.
District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.

Plan District: Hayden Island - Jantzen Beach

Zoning: CGhx – General Commercial with an Aircraft Landing Zone ('h') overlay and a Portland International Airport Noise Impact Zone ('x') overlay.

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

Proposal:

The applicant is proposing to locate a 10x20-foot freestanding sign with a maximum height of 25-feet in the northeast corner of the subject property. In commercial zones, a site may have one freestanding sign with one square foot of signage allowed per linear foot of street frontage, up to a maximum of 200-square feet (32.32.020, Table 2). The subject site has 87-feet of street frontage along a private road extension of N. Jantzen Avenue. Because the proposed 200-square foot sign is 113-feet larger than allowed based upon the street frontage, an Adjustment to the sign size is required.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria for Sign Adjustments in Sign Code Section 32.38.030.C.

ANALYSIS

Site and Vicinity: The subject parcel is slightly less than two acres and has an existing 24,747 square foot building according to Multnomah County records. The subject property is immediately southwest and adjacent to the Jantzen Beach shopping center complex that is a primary destination point on Hayden Island. The parcel does not have direct access to a public street as the street to the immediate south is private, gated and associated with a self-storage business. While not officially in the shopping center or the Hayden Island Pedestrian District, the subject property takes access from the private roads in the shopping center parcel and visually appears as part of the complex.

Zoning: The site is zoned CGhx. 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 'h' represents the Aircraft Landing Overlay Zone, applied to the vicinity of the airport to provide safer operating conditions for aircraft by limiting the height of structures, vegetation, and construction equipment. 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 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 that there are no prior land use reviews associated with the property.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **March 22, 2017**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services (Exhibit E.1);
- Bureau of Transportation Engineering (Exhibit E.2);
- Water Bureau (Exhibit E.3);
- Fire Bureau (Exhibit E.4);
- Site Development Section of BDS (Exhibit E.5); and
- Life Safety (Exhibit E.6).

Please note that Site Development indicated the extreme southwest corner of the site lies within a Flood Hazard Area, although it does not impact the sign proposal.

Neighborhood Review: 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 Adjustment Review**

- A. 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.**
- B. Procedures. The adjustment procedures stated in Chapter 33.805, Adjustments, apply to sign adjustments. However, the approval criteria of this section are used, rather than of those of Chapter 33.805 of the Zoning Code.**
- 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, below are met.**

Finding: The applicant elected to apply under 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**

Findings: The three aspects of this criterion are discussed separately below:

Street level sign clutter

The subject parcel is adjacent to N. Jantzen Ave, a private road that is gated with limited access. The public portion of N. Jantzen Ave is over 150-feet from the subject property and is the primary route to the moorages along the Columbia Slough. The road is the 'back' of the shopping center with one entrance into the complex with one single freestanding sign. It should be noted that the lot and building on site is oriented towards N. Starlight Avenue, an internal driveway in the complex that is constructed and acts as a street. The subject lot has over 250-feet of frontage on N. Starlight and if it were a private or public street, the proposed sign would be allowed by right.

The proposed free standing sign for Ashley Furniture is located in the interior northeast corner of the parcel as seen on the submitted site plan (Exhibit C.1), approximately 330-feet from N. Jantzen Ave, and would be the only free-standing sign on the property. The sign is oriented north towards the shopping complex to attract the shoppers entering the complex from N. Hayden Island Drive (public street) or N. Mohawk Island Drive (internal driveway that is built and acts as a street), the primary entry points of the complex. Because there is only one proposed free-standing sign for the property and it is proposed to be located in the interior of the lot, it will not create street level clutter.

Visual image of the area

The visual image of the area is partly determined by the Hayden Island Plan District as well as the existing development pattern. The "vision statement" in the Hayden Island Plan includes the following relevant statement:

Island Community

Create a shared community identity and sense of place by creating physical space and building form that has a mix of uses and community open space that focuses on the transit station as a community amenity.

f. Develop a transit-oriented community in the station area.

The transit stop serving the area is in the middle of the shopping complex approximately 800-feet away. The proposed 200-square foot sign is oriented towards the transit station, allowing transit riders to identify the Ashley store at a great distance. Additionally, the shopping center and vicinity is home to several big-box retail stores such as Target, Ross Dress for Less, Home Depot and Best Buy among others. Each retailer has large signs announcing the identity of the store to shoppers within the complex that stretches more than 2,200-feet long and approximately 1,500-feet wide. Because of the sheer size of the complex, sign adjustments have been approved for several of the retailers in order to be able to provide visually identifiable signs across the shopping center, a unique area within the City of Portland. The proposed sign, at 200-feet, would be allowed outright if the subject property wasn't a flag lot with the 'pole' having the street frontage free standing signs sizes are based on (Table 2 of 32.32.020). With several signs over 200-square feet present in the area, the proposed sign would fit in with the visual image of the area.

Plan district or design district objectives

The property is within the Hayden Island Plan District. There are no relevant objectives in the plan district related to signs.

Criterion met.

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

Findings: The free standing sign is proposed to be located in a planting strip in the northeast corner and will be secured using the latest standards as set forth in applicable building codes adopted by the City of Portland. The sign will not overhang any public right-of-way, will not overhang the private access road on the subject lot and has a 15-foot tall unobstructed vision clearance area under the sign. Additionally, the sign will not be a distraction to drivers given the proposed sign is comparable in size to other signs in this shopping center. Considering the above, the sign will not create a traffic or safety hazard.

Criterion 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 code gives an applicant a choice to meet either c or d above. The applicant chose to address d.

As described above, the commercial development at Jantzen Beach is characterized by large scale retail uses, large parking lots, and large signs, both freestanding and wall-mounted. The proposed sign is reasonably scaled to the large building it serves and the large buildings in the retail complex. The proposed sign is also scaled to the other approved primary signs for other retailers in the vicinity. Lastly, the sign would be allowed by right if the property was rectangular instead of a flag shaped lot and any of the other lot lines were adjacent to a street. As noted above, the site takes access from N. Starlight Avenue, which is an internal driveway within the shopping complex. Given the length of frontage the site has on this access drive, the size of the sign would be allowed by right if it were a street. Based on the evidence, staff finds the criterion is met.

Criterion met.

- 2. Site difficulties. If there are unusual site factors that preclude an allowed sign from being visible to the street immediately in front of the site, an adjustment will be granted to achieve the visibility standards of Subparagraph d below. This adjustment is not intended to be used to make signs visible to other streets and rights of way or to freeways. Site difficulties may include the sign face being blocked due to topography of the site, existing development or landscaping on the site, or from an abutting development or landscaping. This set of adjustment criteria is generally intended for freestanding and projecting signs and allows greater flexibility in placement of the sign.**

Findings: There are no unusual site factors in this case.

This approval criterion does not apply.

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 32 and Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building, zoning or sign permit.

CONCLUSIONS


The proposed free standing will not cause street-level sign clutter, will not adversely dominate the visual image of the area, and will not cause traffic or safety impacts. Approval of the Adjustment will allow signage that is consistent with the development and use on the site and in the vicinity. Because the applicant has demonstrated that the approval criteria have been met, the Adjustment must be approved.

ADMINISTRATIVE DECISION

Approval of a Sign Adjustment to allow a 200-square foot free-standing sign on the subject property (Portland Code Section 32.32.020.A and Table 2), per the approved exhibits (Exhibits C.1 and C.3, signed and dated May 19, 2017, 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.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 17-118286 AD. No field changes allowed."

Staff Planner: Don Kienholz

Decision rendered by:  **on May 19, 2017**
By authority of the Director of the Bureau of Development Services

Decision mailed: May 23, 2017

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 February 8, 2017, and was determined to be complete on March 17, 2017.

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 February 8, 2017.

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: July 15, 2017.**

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 Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on June 6, 2017** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **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 Hearings Officer 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 Hearings Officer 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 **June 7, 2017**.
- 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.

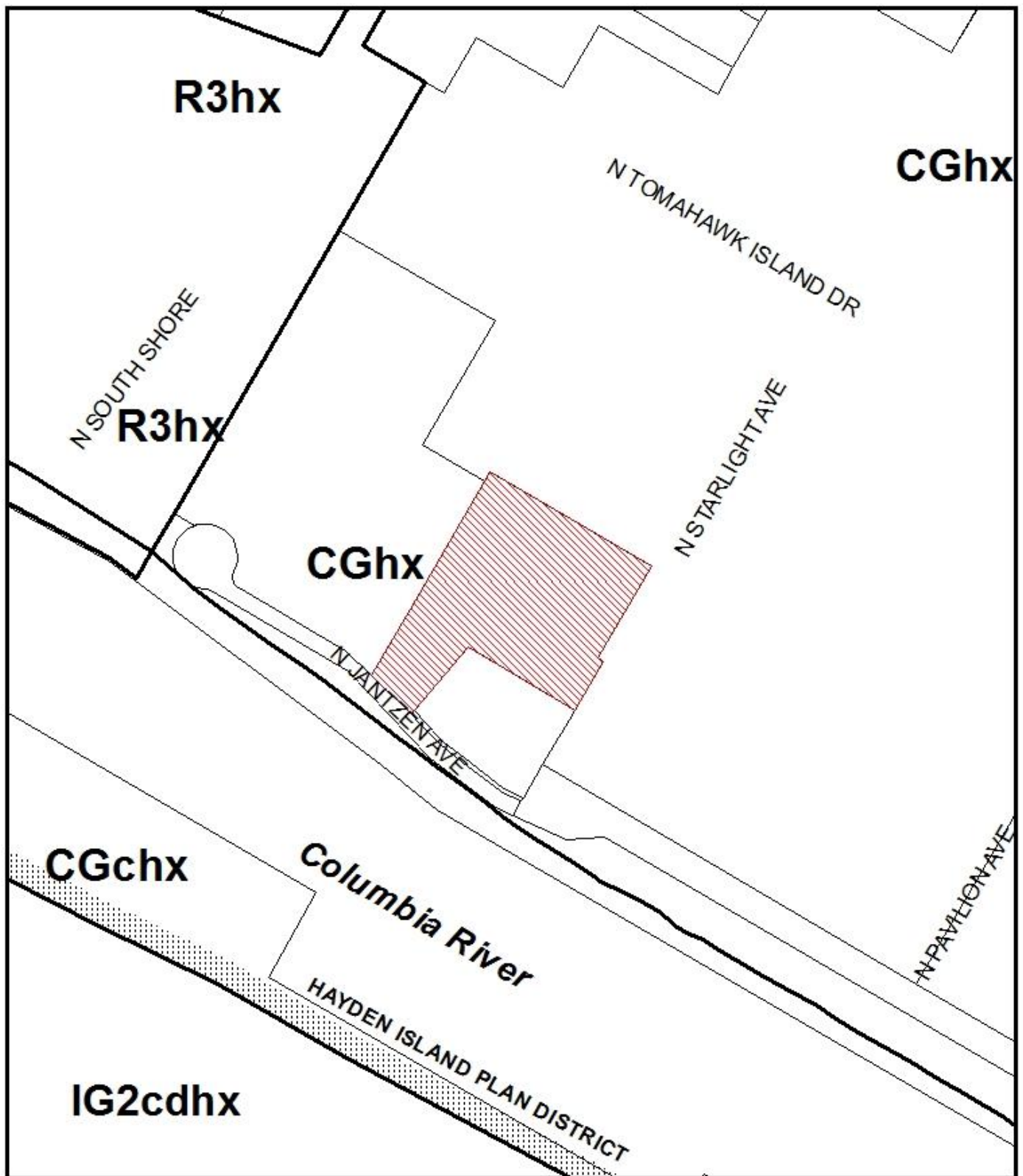
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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 Information
 - 1. February 8, 2017 Narrative
 - 2. March 13, 2017 Narrative
- B. Zoning Map (Attached)
- C. Plans/Drawings:
 - 1. Site Plan Sheet AS101 (Attached)
 - 2. Magnified Site Plan
 - 3. Sign Elevation Plans with Dimensions (Attached)
 - 4. Building Floor Plan
 - 5. Aerial Perspective of Site
 - 6. Sign Structural Calculations
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
- F. Correspondence: None
- G. Other:
 - 1. Original LU Application
 - 2. Receipt of Payment
 - 3. February 22, 2017 Incomplete Letter

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



NORTH

This site lies within the:
 HAYDEN ISLAND PLAN DISTRICT
 JANTZEN BEACH SUBDISTRICT
 WEST SUBAREA

| | |
|-------------|-------------------|
| File No. | LU 17-118286 AD |
| 1/4 Section | 1828 |
| Scale | 1 inch = 200 feet |
| State_Id | 2N1E33D 700 |
| Exhibit | B (Feb 13, 2017) |

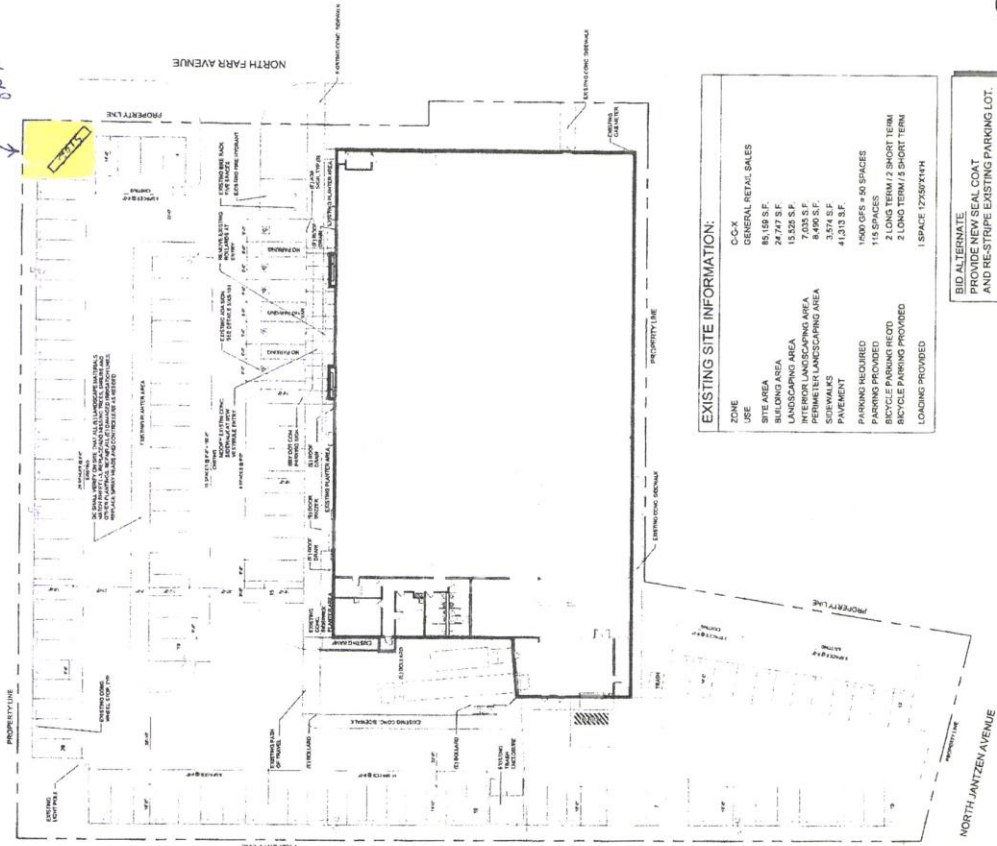


PROJECT NO. 17108
 STORE NO. 02 F.L.I.
 DATE: 05/19/17
 DRAWN BY: [Name]
 SCALE: AS SHOWN
 DESIGNED BY: [Name]
 DESIGNED DATE: 05/19/17
 PROJECT: ASHLEY FURNITURE HOMEDECOR
 207 W. 1st Street, Portland, ME 04101
 207 W. 1st Street, Portland, ME 04101
 207 W. 1st Street, Portland, ME 04101
 207 W. 1st Street, Portland, ME 04101

SHEET TITLE: SITE PLAN
 PROJECT: ASHLEY FURNITURE HOMEDECOR
 207 W. 1st Street, Portland, ME 04101
 207 W. 1st Street, Portland, ME 04101
 207 W. 1st Street, Portland, ME 04101
 207 W. 1st Street, Portland, ME 04101

AS101

Highlighted area Blown up on Attachment

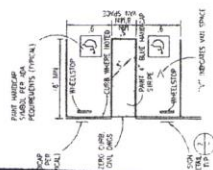


EXISTING SITE INFORMATION:

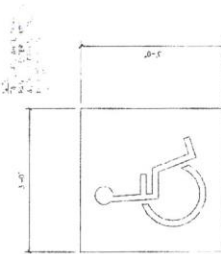
| | |
|--------------------------|----------------------------|
| ZONE | C-C-X |
| USE | GENERAL RETAIL SALES |
| SITE AREA | 85,168 S.F. |
| BUILDING AREA | 24,747 S.F. |
| LANDSCAPING AREA | 15,535 S.F. |
| PERMITS LANDSCAPING AREA | 8,400 S.F. |
| SCREENWALKS | 3,574 S.F. |
| PAVEMENT | 41,313 S.F. |
| PARKING REQUIRED | 1500 SPACES + 40 SPACES |
| PARKING PROVIDED | 118 SPACES |
| BICYCLE PARKING REQUIRED | 2 LONG TERM / 2 SHORT TERM |
| BICYCLE PARKING PROVIDED | 2 LONG TERM / 3 SHORT TERM |
| LOADING PROVIDED | 1 SPACE 12'x50'x14' |

BID ALTERNATE
PROVIDE NEW SEAL COAT
AND RE-STRIPE EXISTING PARKING LOT.

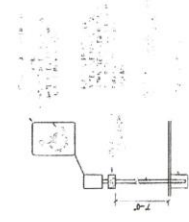
Approved
City of Portland
 Bureau of Development Services
 Planner Don Kenkel
 Date 5/19/17
 This approval applies only to the reviews requested and is subject to all conditions of approval.
 Additional zoning requirements may apply.



EXISTING ADA PARKING PLAN
SCALE: NONE



EXISTING ADA SYMBOL
SCALE: NONE



EXISTING ADA SIGN
SCALE: NONE

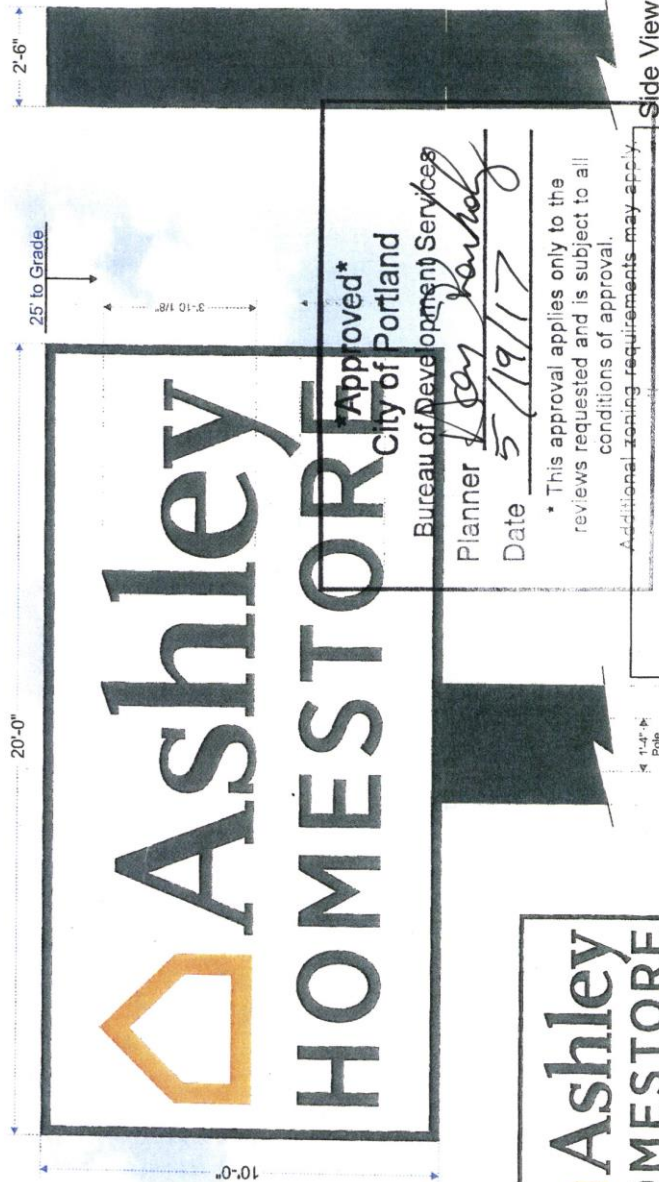
CASE NO. _____
 EXHIBIT C.1

LW 17-118286 AD

CABINET AND PYLON SIGN

SCALE: 3/8" = 1'

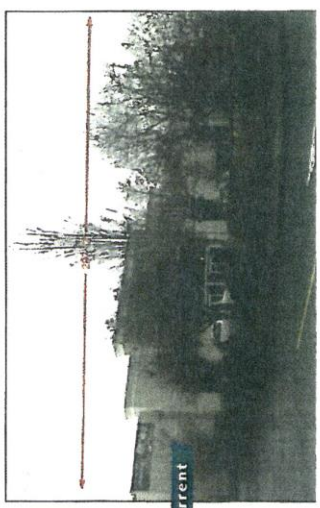
| DESCRIPTION OF WORK | |
|---|--|
| SQ. FT | QTY. 1 |
| Manufacture and Install new single faced Internally Illuminated Cabinet and Pylon Sign | |
| Cabinet | Aluminum construction 30" Deep Paint Black color |
| Face | White Panallex with Vinyl graphics applied |
| Vinyl Colors | Match customer logo colors (Verify exact colors) |
| Illumination | Internally illuminated with white lamps |
| Installation | Install as indicated proposal photo (at corner behind the bushes) |
| Pylon | 16" Aluminum round tube |
| Pylon Cover | Aluminum construction 36" x 30" Deep x (verify height) Paint Black color |



Bureau of Development Services
City of Portland
Planner *Kay Parkley*
Date *5/19/17*

* This approval applies only to the reviews requested and is subject to all conditions of approval.
Additional zoning requirements may apply.

Side View



CASE NO. _____
EXHIBIT *C-3*

PROJECT: Ashley Homestore
 ADDRESS: 202N. Tomahawk Blvd. Everett OR 97117
 PHONE: 503 620-8200
 FAX: 503 620-7074
 DESIGNER: Alberto

ACCT. MGR: RB
 SHOP MGR: 5 C A L E : 3/8" = 1'
 DATE: 12-05-16

FILE INFO: jpb@ashleyhomestore.com
 DRAWING: ashley-homestore-eylon
 SHEET: 1 OF 1

| REV | DATE | REVISIONS |
|-----|------|-----------|
| 1 | 0 | 0 |
| 2 | 0 | 0 |
| 3 | 0 | 0 |
| 4 | 0 | 0 |
| 5 | 0 | 0 |
| 6 | 0 | 0 |

| CUSTOMER APPROVAL: | | DATE | |
|---------------------|--|------|--|
| INITIALS | | DATE | |
| LANDSCAPE APPROVAL: | | DATE | |
| INITIALS | | DATE | |

Attention:
 Copies shown on this drawing are for representational purposes only. An inkjet printer printing on standard computer monitor display is not suitable for reproduction. For a true color reproduction, please refer to the actual signmaking process.

LW 17-11 8286 AD