



# HEARING NOTICE

## LAND USE REQUEST AFFECTING THIS AREA

### *Audiencia Pública*

*Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173*

|                                   |  |
|-----------------------------------|--|
| <b>CASE NUMBER:</b>               | Sign Variances Case No. VAR-SI19-03  |
| <b>AMANDA APPLICATION NO:</b>     | 19-113014-SA /19-109906-SI / 19-109907-SI  |
| <b>HEARING INFORMATION:</b>       | <u>Hearings Officer, Wednesday, September 25, 2019, 5:30 P.M., Council Chambers, Room 240, Civic Center, 555 Liberty Street SE, Salem, OR 97301</u>  |
| <b>PROPERTY LOCATION:</b>         | 1598 Hawthorne Ave NE, Salem OR 97301  |
| <b>OWNER/APPLICANT:</b>           | McDonald's USA, LLC (Corporation Service Company, Jerome Krulewitch, Marcy Miller, Denise Horne, Kevin Ozan, Catherine Martin, Robert Switzer)   |
| <b>REPRESENTATIVE:</b>            | Site Enhancement Services  |
| <b>DESCRIPTION OF REQUEST:</b>    | <p>Summary: A request for two sign permits and a sign variance to allow construction of two freestanding vehicle viewing signs approximately 20 square feet and 13.7 square feet in size.</p> <p>Request: A consolidated request including a Sign Variance and two Sign Permits to allow two additional vehicle viewing signs permitted under SRC 900.200(b)(6) for use as an additional menu board and pre-sell menu board in the drive-through lane of an existing eating and drinking establishment. The subject property is approximately 0.72 acres in size, zoned CR (Retail Commercial) and located at 1598 Hawthorne Avenue NE - 97301 (Marion County Assessors Map and Tax lot number: 073W24AD / 02800 / 02703).</p>   |
| <b>CRITERIA TO BE CONSIDERED:</b> | <p>Pursuant to SRC 900.040(d), the testimony and evidence for the SIGN VARIANCE must be directed toward the following criteria:</p> <ol style="list-style-type: none"><li>(1) Compliance with the applicable standard would create an unnecessary hardship due to unique or unusual physical conditions of the property over which the applicant has no control, such as topography and lot shape, which are not present on other properties in the vicinity that have the same zone designation; the hardship does not result from actions of the applicant, owner, or previous owners of the property; and the sign variance is limited to the minimum reasonably necessary to alleviate the problem created by the unique or unusual physical conditions;</li><li>(2) The sign variance is necessary to permit signage comparable with other properties in the vicinity that have the same zone designation;</li><li>(3) The sign variance will not adversely affect the function or appearance of the development and use of the property and surrounding properties; and</li><li>(4) The sign variance will not impose limitations on other properties and signage in the area, including signage that would be allowed on adjacent properties.</li></ol> |
| <b>HOW TO PROVIDE TESTIMONY:</b>  | <p>Any person wishing to speak either for or against the proposed request may do so in person or by representative at the Public Hearing. Written comments may also be submitted at the Public Hearing. Include case number with the written comments. Prior to the Public Hearing, written comments may be filed with the Salem Planning Division, Community Development Department, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Only those participating at the hearing, in person or by submission of written testimony, have the right to appeal the decision.</p>   |

**HEARING PROCEDURE:**

The hearing will be conducted with the staff presentation first, followed by the applicant's case, neighborhood organization comments, testimony of persons in favor or opposition, and rebuttal by the applicant, if necessary. The applicant has the burden of proof to show that the approval criteria can be satisfied by the facts. Opponents may rebut the applicant's testimony by showing alternative facts or by showing that the evidence submitted does not satisfy the approval criteria. Any participant may request an opportunity to present additional evidence or testimony regarding the application. A ruling will then be made to either continue the Public Hearing to another date or leave the record open to receive additional written testimony.

Failure to raise an issue in person or by letter prior to the close of the Public Hearing with sufficient specificity to provide the opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals (LUBA) on this issue. A similar failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.

Following the close of the Public Hearing a decision will be issued and mailed to the applicant, property owner, affected neighborhood association, anyone who participated in the hearing, either in person or in writing, and anyone who requested to receive notice of the decision.

**CASE MANAGER:**

**Hayley Feightner, Planner I**, City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: 503-540-2315; E-mail: [hfeightner@cityofsalem.net](mailto:hfeightner@cityofsalem.net).

**NEIGHBORHOOD ORGANIZATION:**

Northeast Salem Community Association (NESCA), Ian Johnson, Land Use Chair; Phone: 503-990-4460; Email: [johnson.ian.patrick@gmail.com](mailto:johnson.ian.patrick@gmail.com).

**DOCUMENTATION AND STAFF REPORT:**

Copies of the application, all documents and evidence submitted by the applicant are available for inspection at no cost at the Planning Division office, City Hall, 555 Liberty Street SE, Room 305, during regular business hours. Copies can be obtained at a reasonable cost. The Staff Report will be available seven (7) days prior to the hearing, and will thereafter be posted on the Community Development website:

<https://www.cityofsalem.net/Pages/planning-notices-decisions.aspx>

**ACCESS:**

The Americans with Disabilities Act (ADA) accommodations will be provided on request.

**NOTICE MAILING DATE:**

September 5, 2019

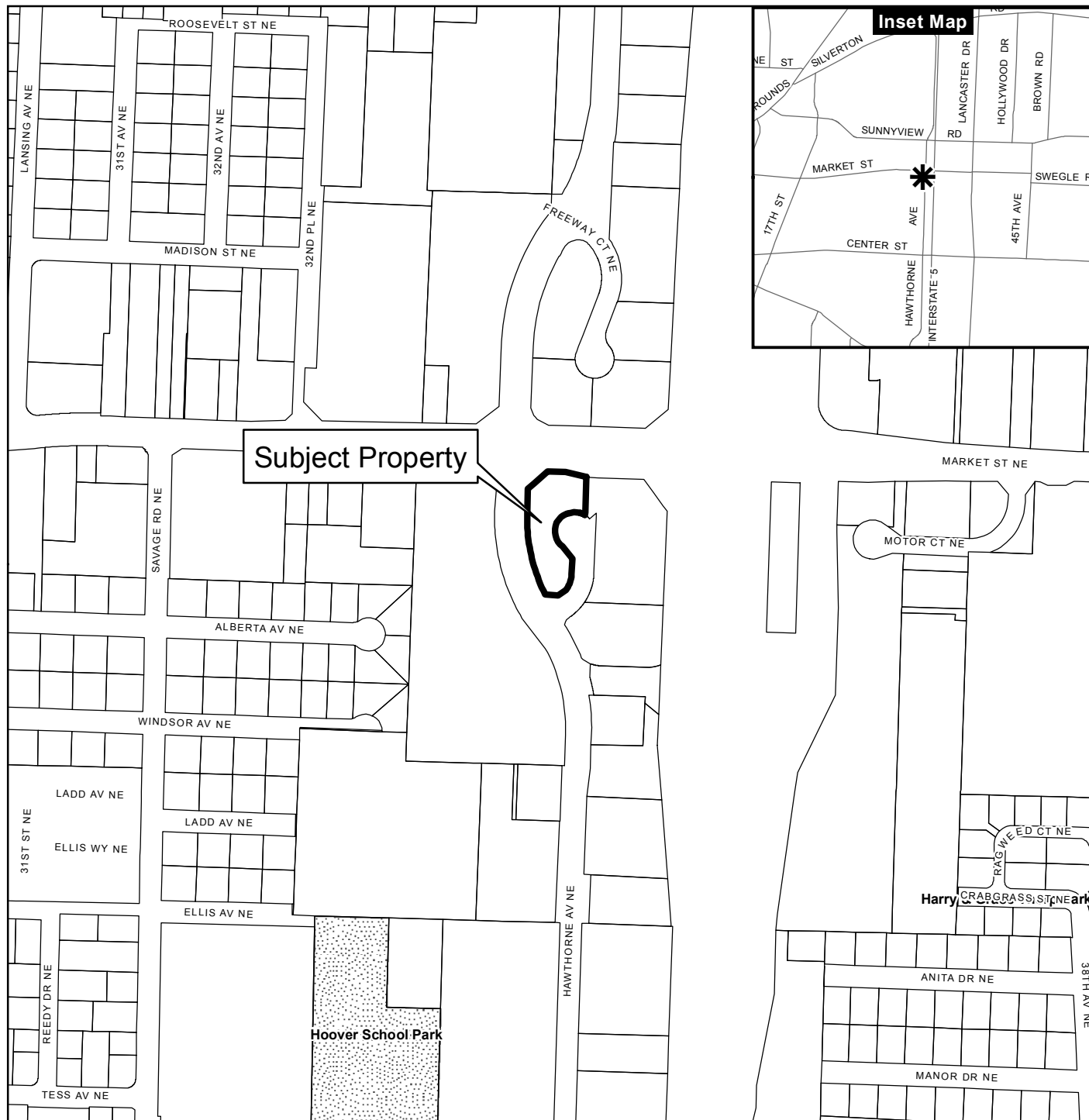
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**PLEASE PROMPTLY FORWARD A COPY OF THIS NOTICE TO ANY OTHER OWNER, TENANT OR LESSEE.**  
**For more information about Planning in Salem:**  
<http://www.cityofsalem.net/planning>

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*It is the City of Salem's policy to assure that no person shall be discriminated against on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income, as provided by Salem Revised Code Chapter 97. The City of Salem also fully complies with Title VI of the Civil Rights Act of 1964, and related statutes and regulations, in all programs and activities. Disability-related modification or accommodation, including auxiliary aids or services, in order to participate in this meeting or event, are available upon request. Sign language and interpreters for languages other than English are also available upon request. To request such an accommodation or interpretation, contact the Community Development Department at 503-588-6173 at least three business days before this meeting or event. TTD/TTY telephone 503-588-6439 is also available 24/7*

# Vicinity Map 1598 Hawthorne Avenue NE

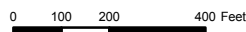


Subject Property

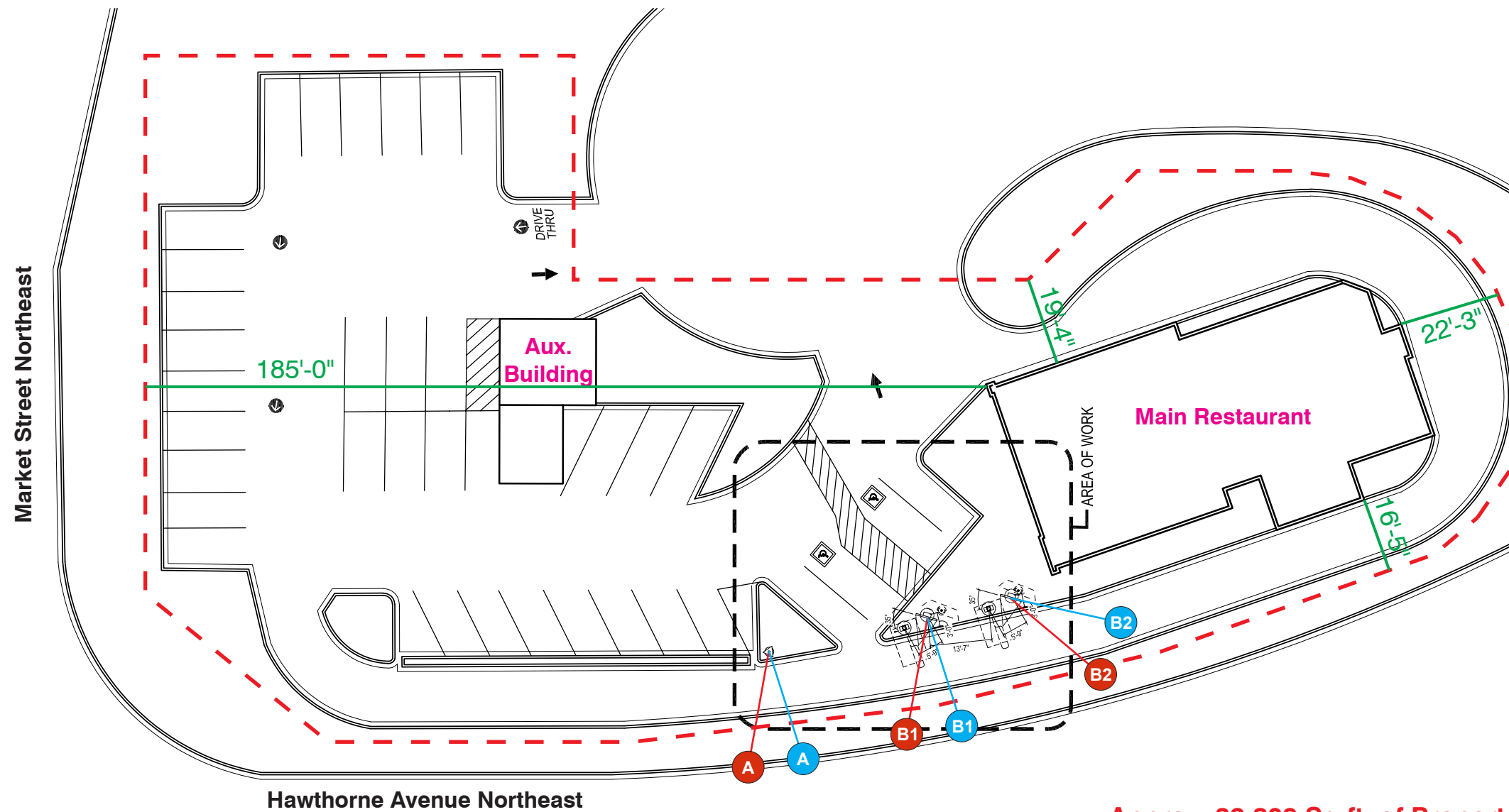
Inset Map

**Legend**

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



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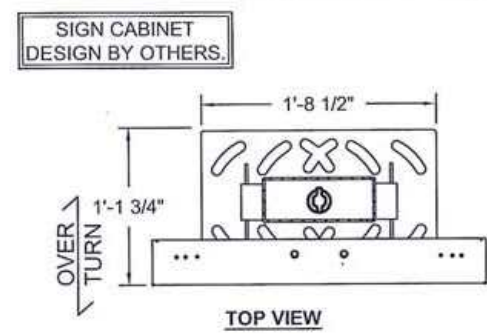
Approx. 32,809 Sq.ft. of Property

Process permit for sign B1,  
that is to be permitted outright

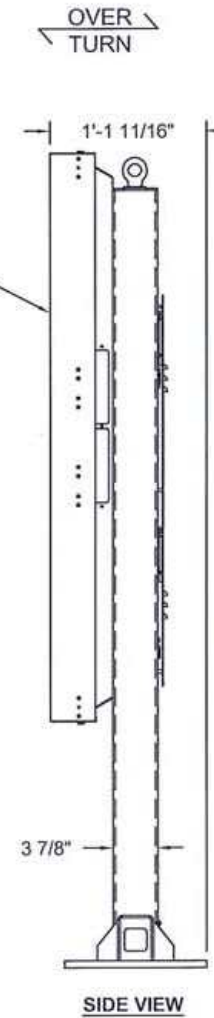
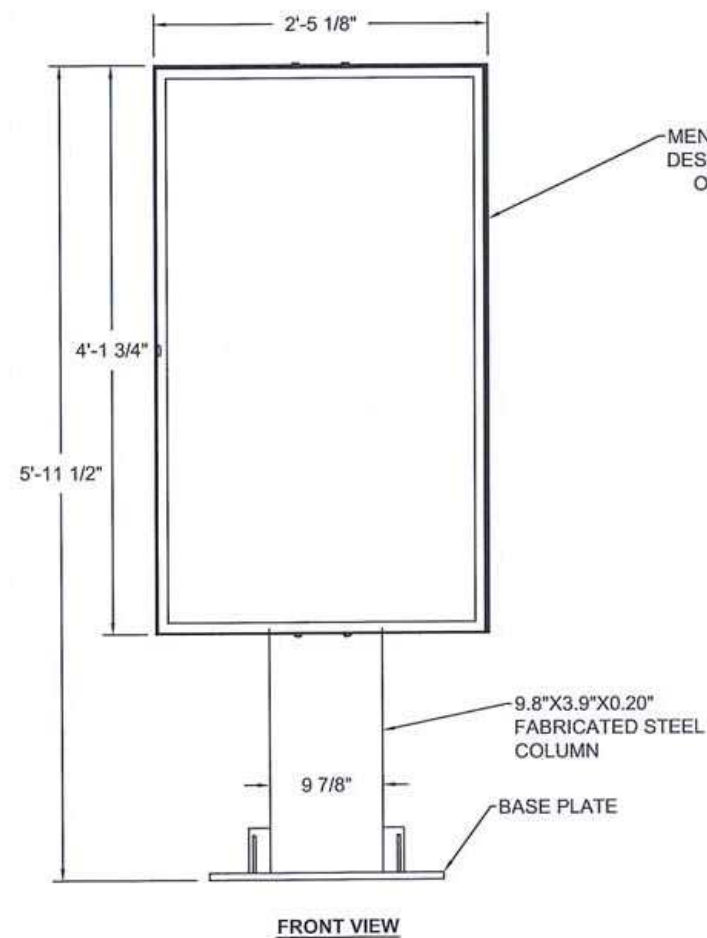


Scale: 1" = 20'

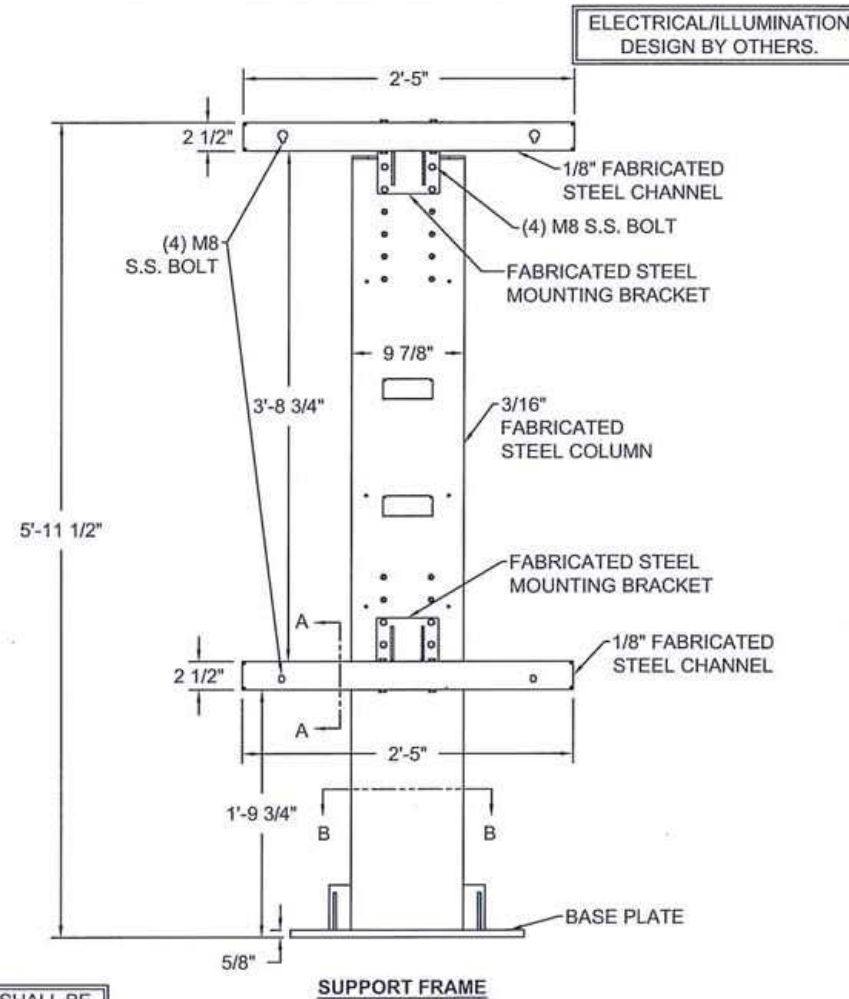
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**NOTES:**  
 1. THIS STRUCTURE HAS BEEN DESIGNED TO MEET THE LOADING REQUIREMENTS OF A 180 MPH WIND SPEED PER THE FLORIDA BUILDING CODE 5TH ED. 2014/IBC 2012, EXPOSURE C.  
 2. FABRICATED STEEL SUPPORT MEMBERS SHALL MEET ASTM A36 OR EQUIVALENT.  
 3. STEEL WELDS SHALL BE MADE WITH E70XX ELECTRODES BY PERSON CURRENTLY QUALIFIED IN ACCORDANCE WITH AWS STANDARDS.  
 4. THE DESIGN DEPICTED ON THIS DRAWING IS PROTOTYPICAL, AND SHOULD NOT BE USED AT A SPECIFIC SITE UNLESS DEEMED SUITABLE FOR THAT SITE BY A COMPETENT PROFESSIONAL ENGINEER.



ALL STEEL SHALL BE HOT DIP GALVANIZED.



Proposed Signage Specifications

B1 B2

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