FOR MEETING OF: July 26, 2023

CASE NO.: VAR-SI23-01

TO: HEARINGS OFFICER

FROM: LISA ANDERSON-OGILVIE, AICP, DEPUTY COMMUNITY DEVELOPMENT

DIRECTOR AND PLANNING ADMINISTRATOR

SUBJECT: SIGN VARIANCE AND SIGN PERMIT CASE NO. VAR-SI23-01;

3025 - 3033 LANCASTER DR NE;

AMANDA NO.: 23-110213-SA, 23-107695- SI, 23-107696-SI, 23-107967-SI

REQUEST

Summary: A request for a Sign Variance and Sign Permit to increase the amount of wall signs allowed, for an additional three wall signs where two wall signs are allowed.

Request: A request for a variance to increase the amount of wall signs, as allowed by SRC 900.290(c), to install three additional wall signs. The allowed square footage of signage is 282 sq ft. The square footage being applied for is 264 sq ft. The subject property is approximately 16.63 acres in size, zoned MU-I (Mixed-Use I), and located at 3025 - 3033 Lancaster Drive NE - 97301; (Marion County Assessor Map and Tax Lot Numbers 072W18BC / 0204, 3300, 3303).

A vicinity map illustrating the location of the property is attached hereto and made a part of this staff report (**Attachment A**).

APPLICANT: Jennifer Paquin, PB2 Architecture and Engineering

OWNER: Walmart Real Estate Business Trust

AGENT: Jeff Davis, PB2 Architecture and Engineering

APPLICATION PROCESSING

On May 15, 2023, PB2 Architecture and Engineering filed a sign variance and sign permit applications on behalf of the applicants, Walmart Real Estate Business Trust were accepted for processing. After receiving additional information, the collective applications were deemed complete for processing on June 30, 2023. The 120-day state mandated decision deadline for this collective application is October 28, 2023.

The public hearing before the City of Salem Hearings Officer is scheduled for July 26, 2023 at 5:30 p.m. in the Council Chambers, Room 240, Civic Center, located at 555 Liberty Street SE. A request for comments was sent to surrounding property owners and residents on June 30, 2023. Public hearing notice was also posted on the property on July 11, 2023, 15 days prior to the hearing, pursuant to SRC requirements.

PROPOSAL

The applicant is requesting a sign variance and five sign permits to allow three additional wall signs and one freestanding sign. The property was rezoned to MU-I (Mixed Use I) in 2022 in the *Our Salem* Comprehensive Plan Update project. Signage in the MU-I zone is less than what was previously allowed on the site in the CR-Commercial retail zoning. The variance is requested because SRC 900.290(c) allows only one sign for each building frontage.

SUMMARY OF RECORD

The following items are submitted to the record and are available upon request: 1) All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; 2) any materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public; and 3) all documents referenced in this report. All application materials are available on the City's online Permit Application Center at https://permits.cityofsalem.net. You may use the search function without registering and enter the permit number listed here: 23-110213-SA.

APPLICANT'S STATEMENT

The applicant's proposed sign plans are included as **Attachment B**, and the applicant's statement addressing the applicable approval criteria for the consolidated applications is included as **Attachment C**.

FACTS AND FINDINGS

1. Salem Area Comprehensive Plan (SACP) designation

The Salem Area Comprehensive Plan (SACP) map designation for the subject property is "Mixed Use." The subject property is within the Urban Growth Boundary and the Urban Service Area.

2. Zoning and Surrounding Land Uses

The subject property is zoned MU-I (Mixed Use - I). The zoning and uses of the surrounding properties include:

North: Across Devonshire Av NE – CR (Commercial Retail) & MU-I (Mixed Use-I) –

Mega Foods (retail) & A&W Restaurant (eating and drinking establishments)

South: RS (Residential Single Family) –homes, townhomes (single family homes)

East: Across Lancaster Drive NE: Marion County CR (Commercial Retail, CG

(Commercial General and RM (Multi-Family Residential)

West: Across Fisher Rd NE – CO (Commercial Office) and RA

3. Site Analysis

The subject property is approximately 16.63 acres in size. It has frontage along Lancaster Dr NE, which is designated as a Major Arterial Street in the Salem Transportation System Plan (TSP), along Devonshire Av NE which is designated as a Local Street in the TSP, and Fisher Rd NE which is designated as a Collector Street. The signs are proposed to be located on the east building elevation facing the parking lot abutting Lancaster Drive NE.

4. Neighborhood and Citizen Comments

Notice of the application was sent pursuant to SRC requirements, including to the North Lancaster Neighborhood Association and all property owners and tenants within 250 feet of

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the subject property. At the time of this staff report, no comments have been received from the neighborhood association or surrounding property owners.

5. City Department and Public Agency Comments

The Public Works Department reviewed the proposal and provided a memo which is included as **Attachment D**.

The Salem Building and Safety, the Salem Fire Department and Salem Public Works Department reviewed the proposal and indicated no concerns.

6. Analysis of Sign Variance Criteria

SRC 900.040(a) provides that sign variances may be granted to the height and display surface standards, to increase the number of allowed signs, to allow relocation of a sign, and to allow structural alterations to a sign.

A sign variance shall not provide for any of the following:

- a) To allow a sign prohibited by SRC 900.020 (Prohibited Signs).
- b) To decrease a setback or special setback.
- c) To allow placement of a sign in a vision clearance area.
- d) To allow structural alterations to a non-conforming or non-complying sign.
- e) To authorize a sign not otherwise permitted on the property for which the variance is sought.
- f) To allow any sign other than those specifically allowed by this Chapter.
- g) To modify the display and brightness regulations for electronic display signs established by SRC 900.090.

SRC Chapter 900.040(d) establishes the following approval criteria for a conditional use permit:

SRC 900.040(d)(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.

Finding: The property was rezoned to MU-I (Mixed Use I) in 2022 in the *Our Salem* Comprehensive Plan Update project. Signage in the MU-I zone is less than what was previously allowed on the site in the CR-Commercial retail zoning. The City's redesignation to MU-I zoning is intended to implement a long-term vision of this area as a dense, walkable, mixed-use area. Development standards in the MU-I require new buildings to be much closer to the street, thereby reducing the need for large wall signs.

The applicant states that the front building elevation measures 485 feet wide and the front property street frontage measures approximately 720 feet. These measurements are larger than similar buildings and properties in the area. The subject building has multiple retail uses, which requires multiple signs to direct pedestrians to the correct department. The neighboring properties have smaller street frontage, building elevations, and only contain one retail use. In

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addition, the subject building has a significantly larger setback, approximately 750 feet, from the street than the neighboring businesses, which are about 350 feet. Due to the subject property's particular physical conditions and shape of the lot, additional signs are necessary to alleviate the problem of lack of visibility from the right of way.

Based on the information above, staff finds that this criterion is met.

SRC 900.040(d)(2) The sign variance is necessary to permit signage comparable with other properties in the vicinity that have the same zone designation.

Finding: The property is located one block north of similar commercial properties but is unique in the area as one of a handful of newly rezoned MU-I zoned properties. The number of signs allowed in MU-I is considerably fewer than what is allowed in other commercial zones. The subject property and existing signage were developed under CR – Commercial Retail zoning. The City's redesignation to MU-I zoning is intended to implement a long-term vision of this area as a dense, walkable, mixed use area Development standards in the MU-I require new buildings to be much closer to the street, which alleviates the necessity of large wall signage. However, due to the large size of the property, how far set back the building is from Lancaster Dr NE and the existing site development pattern, the proposed signage is comparable to other retail uses and development in the general vicinity. The proposal also meets the overall allowed square footage for signs of the MU-I zone, across all the requested signs.

Staff finds that the proposal meets this criterion.

SRC 900.040(d)(3) The sign variance will not adversely affect the function or appearance of the development and use of the property and surrounding properties.

Finding: Reducing the number of signs currently located on the building could cause more confusion among patrons. The applicant has proposed, under this application, to reduce the square footage of the signs from approximately 505 square feet to approximately 265 square feet, which greatly reduces the amount of signage on the building. The applicant states that the number of signs will still provide adequate direction to patrons for the business while reducing the overall number of signs and improving the appearance of the property.

Staff finds that the proposal meets this criterion.

SRC 900.040(d)(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.

Finding: If granted, Staff finds that the sign variance to allow construction of the additional signs would not impose limitations on other properties and signage in the area. Staff finds that this criterion is met.

7. Analysis of Sign Permit Approval Criteria

SRC Chapter 900.025(d) provides that an application for a sign permit shall be granted if the following criteria are met:

SRC 900.025(d)(1) The sign meets the requirements of SRC Chapter 56.

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Finding: Wall signs less than 400 lbs. and that do not project more than 18 inches from the building do not require a building permit through the Building and Safety Division. The proposed wall signs weigh less and project less than the standard.

SRC 900.025(d)(2) The sign is allowed in the zone.

Finding: Two wall signs and the existing freestanding sign are permitted in the MU-I zone, pursuant to SRC 900.290(c)(1)(A). The variance request is to increase the number of allowed wall signs from two to five signs.

SRC 900.025(d)(3) The sign will not interfere with the use of any public right-of-way, other public easements, or other publicly owned property.

Finding: No evidence has been presented that the signs will interfere with use of the public right-of-way, public easements or other publicly owned property.

SRC 900.025(d)(4) The sign conforms to all the applicable standards in this Chapter.

Finding: SRC 900.290(c)(1)(A) allows one wall sign for each building frontage. The display surface of the wall sign shall not exceed the greater of 32 square feet or 2% of the gross face area of the building frontage. The proposed additional wall signs are each approximately less than 50 sq ft. The sign variance request would allow the erection of three additional wall signs. If approved, the applicant has already obtained the required electrical permits for the proposed illuminated signs. The proposed wall signs comply with all other standards of SRC Chapter 900.

RECOMMENDATION

Based upon the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer **APPROVE** the request for a sign variance and sign permits to allow three additional wall signs located at 3025 Lancaster Dr NE (Marion County Assessor Map and Tax Lot Numbers #072W18BC / 0204, 3300, 3303).

Prepared by Olivia Dias, Current Planning Manager

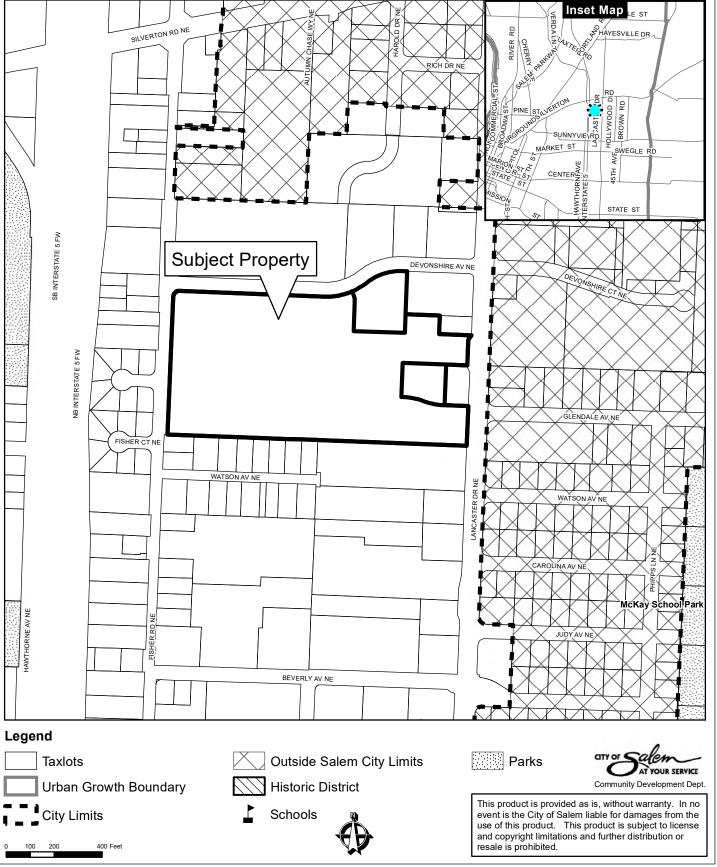
Application Deemed Complete Date: <u>June 30, 2023</u>
State Mandated Decision Date: <u>October 28, 2023</u>

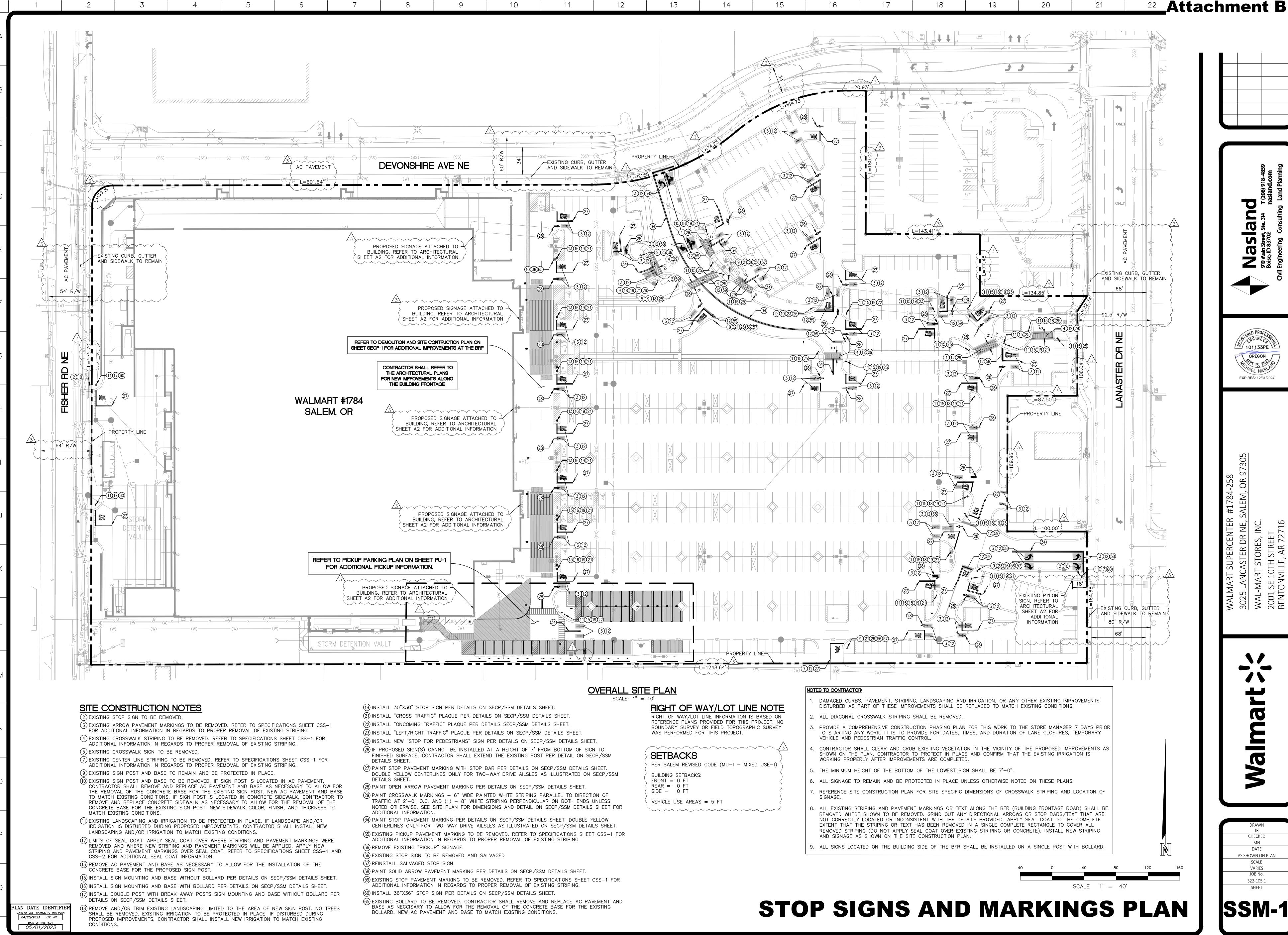
Attachments: A. Vicinity Map

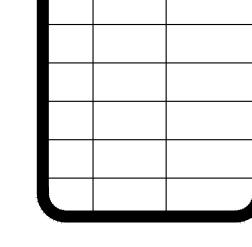
B. Proposed Sign Plans

C. Applicant's Statement Addressing Approval Criteria

Vicinity Map 3025 Lancaster Drive NE

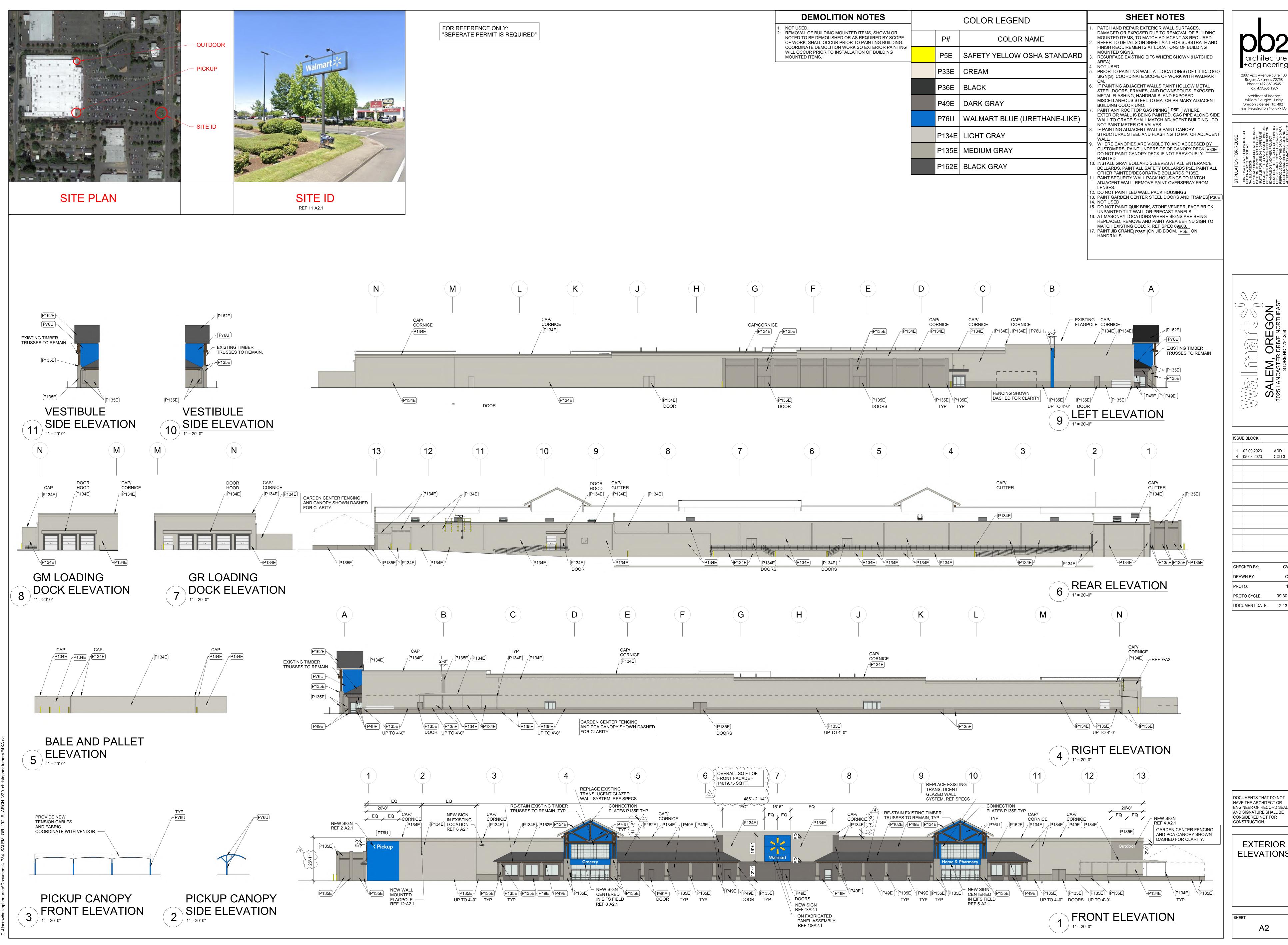








AS SHOWN ON PLAN SCALE VARIES JOB No. 322-105.1

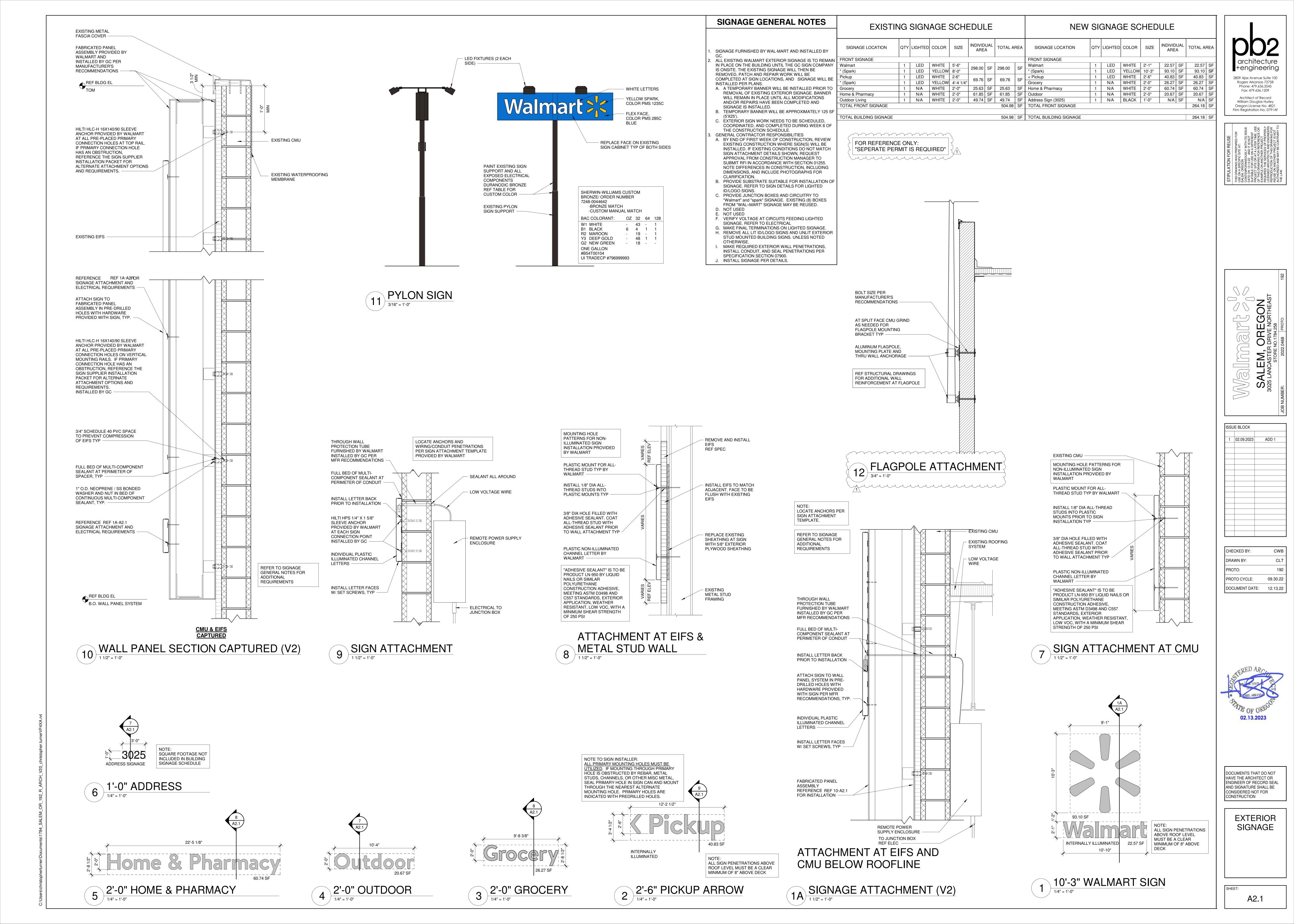


+engineering 2809 Ajax Avenue Suite 100 Rogers Arkansas 72758 Phone: 479.636.3545 Fax: 479.636.1209 Architect of Record William Douglas Hurley Oregon License No. 4821

DOCUMENT DATE: 12.13.22

DOCUMENTS THAT DO NOT HAVE THE ARCHITECT OR ENGINEER OF RECORD SEAL AND SIGNATURE SHALL BE CONSIDERED NOT FOR

EXTERIOR ELEVATIONS





2809 Ajax Avenue Suite 100 Rogers, Arkansas 72758 Phone: 479.636.3545

June 19, 2023

City of Salem Community Development Planning Division 555 Liberty St. SE Salem, OR 97301-3503

Attn: Olivia Dias

RE: Walmart store # 1784 – 3025 Lancaster Dr SE.

Variance request for new signs

Walmart stores is requesting a variance for relief from Salem Revised Code, Title X, Chapter 900.290 "Permanent signs in the Edgewater/Second Street Mixed Use Corridor, Mixed Use-I, Mixed Use-II, and Mixed Use-Riverfront zones."

900.290(c): Standalone business. Each building that only contains one business is allowed the following signs:

- (1) One wall sign, one projecting sign, or one freestanding sign for each building frontage. When the development site is located on a corner lot, only one freestanding sign shall be allowed.
 - (A) A wall sign shall be limited to a display surface not exceeding the greater of 32 square feet or two percent of gross face area of the building frontage. No wall sign shall be allowed on a building face where the sign would be directed towards an abutting residential area.

Currently there are five (5) wall signs on the building with a total of 504.98 sq. ft. Walmart's plan is to remove these signs and replace them with 5 new signs. Total building sq. ft. will decrease to 264.18 sq. ft. Below are responses to the variance criteria noted in the Planning Review Checklist dated June 2, 2023.

- 1) Compliance with the applicable standard will create an unnecessary hardship for the store. The front elevation of the store is very large: approximately 485 linear feet wide, and has three separate entrances: Grocery, Home & Pharmacy, and Outdoor. Each sign is meant to direct pedestrian traffic to the appropriate area of the store based on the reason for their visit. Grocery for foodstuffs, Home & Pharmacy for home goods and pharmacy services, Outdoor for garden and outdoor items, and Pickup directing customers to the Pickup parking area. The purpose of these signs is to direct traffic into the store and not advertise to traffic along Lancaster Dr. NE.
- 2) The sign variance is necessary to permit signage comparable with other properties in the vicinity that have the same zone designation. The only other comparable big-box store in the area would be the Fred Meyer store located at 3740 Market Street NE. It is zoned MU-III while the Walmart store is zoned MU-I. According to Google Maps, Fred Meyer store has approximately 600 linear feet of frontage along

- Market St. NE and approximately 236 linear feet of frontage along Lancaster Dr. NE. This store has a total of 5 signs: 2 "Fred Meyer" logo signs facing Market St. NE. 1 "Fred Meyer" logo sign facing Lancaster Dr NE. with 1 "Garden" and 1 "Center" sign facing Lancaster as well.
- 3) The sign variance will not adversely affect the function or appearance of the development and use of the property and surrounding properties. Currently there are 5 signs on the building and Walmart is asking to switch them out with similar signs of the same design. Grocery and Home & Pharmacy will be like for like replacement with a font change. Outdoor Living will drop the "Living" section of the sign and just remain as Outdoor. The Pickup sign will have the spark logo removed and replaced with a directional arrow pointing towards the parking area. The Walmart identification sign will change layout and switch to a large spark logo with Walmart copy below it. The effect of these changes is an overall reduction of square footage of signage by approximately 50% (504.98 sq. ft. existing to 264.18 sq. ft. proposed.)
- 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. Since Walmart is asking to replace existing signs with new versions of those signs, there should not be any impact to surrounding businesses.

Please let me know if you have any questions regarding this variance application.

Thank you for your time and consideration.

Respectfully,

Jeff Davis
Permit coordinator
pb2 architecture + engineering
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