

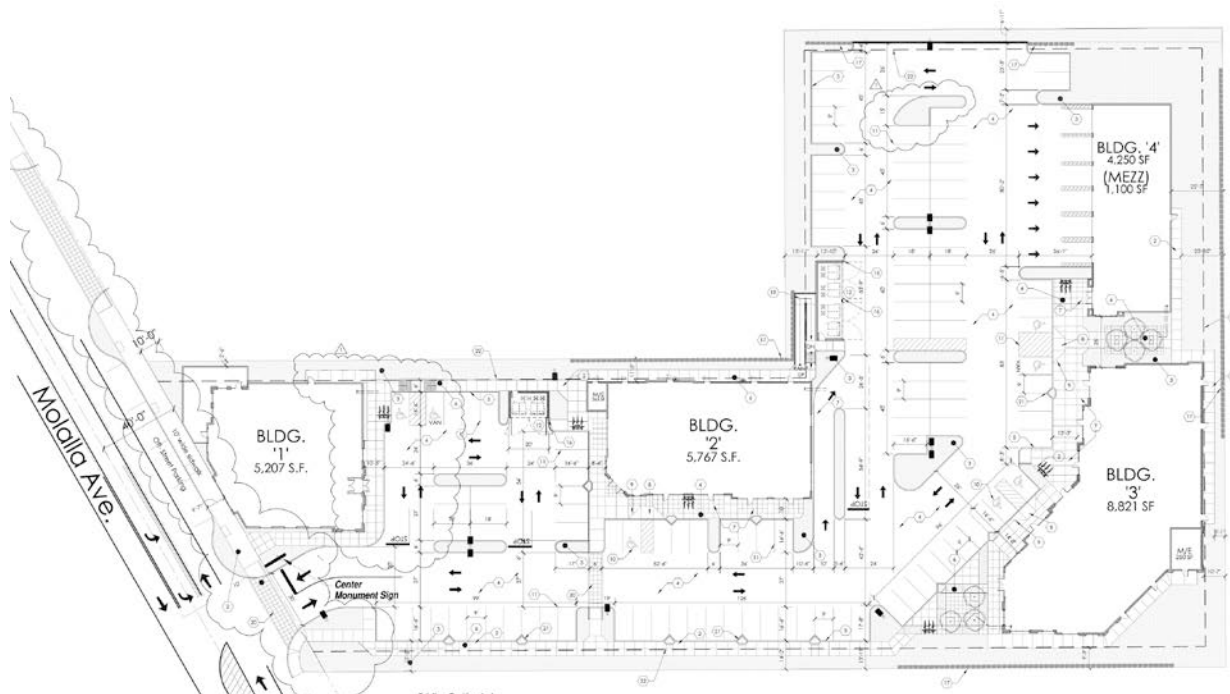
# Settlers Square Sign Variance

19352 Molalla Avenue

## Introduction:

This application requests approval of a variance to the maximum display area standard for the free-standing sign for the Settlers Square retail development located at 19352 Molalla Avenue. The requested variance is needed in order to provide sufficient area for all tenants of the development to have signage for their business.

The Settlers Square retail development is located on a 2.58 acre site that is L-shaped in configuration, being approximately 154 feet in width near Molalla Avenue, widening to 316 feet on the rear portion of the property. The property is developed with four commercial buildings. The Li'l Cooperstown Pub and Grill occupies a 5,207 sq. ft. building along the Molalla Avenue frontage. Three other buildings on the rear portion of the site provide another 18,838 sq. ft. of retail space (plus an additional 1,100 sq. ft. mezzanine area in Building 4). The property has 176.81 feet of frontage on Molalla Avenue, which is relevant to the amount of sign area allowed by Article 15 of the Oregon City Municipal Code (OCMC).



The existing free-standing sign is located at the southwest corner of the subject property. Its original design has a sign area measuring approximately 5 feet high by 10 feet wide, with 50 sq. ft. of sign area on each side of the sign. Both sides of the sign

include the same information so that the signage may be read coming from either direction on Molalla Avenue.



As shown in the photograph above, an additional panel measuring approximately 3 feet high by 10 feet wide has recently been added to the sign. The applicant intended to provide needed signage for new tenants and was unaware that this addition would violate the provisions of Article 15. After being informed by the City of a code violation, the applicant began this process to obtain a variance and approval of the addition to the sign.

The provisions of OCMC 15.28.080C establish the standards applicable to free-standing signs:

## **15.28.080 - Signs in office, commercial, mixed use and industrial zones.**

*Freestanding Signs. All of the following standards apply to freestanding signs in office, commercial, mixed use and industrial zones:*

1. *A maximum of one freestanding sign is allowed for each street frontage. On arterial streets, if a frontage exceeds a length of six hundred linear feet a second freestanding sign is allowed. In all cases, no freestanding sign shall be permitted on the same frontage where there is a projecting or roof sign.*
2. *Freestanding signs on the same frontage shall be separated by a minimum of fifty feet distance.*
3. *Maximum display area:*
  - a. *Where the street frontage is less than fifty feet in length, the display area shall not exceed fifty square feet and the sign face shall not exceed twenty-five square feet.*
  - b. *Where the street frontage is fifty feet or greater but less than two hundred feet in length, display area shall not exceed one hundred square feet and the sign face shall not exceed fifty square feet.***
  - c. *Where the street frontage is two hundred feet or greater in length, the display area shall not exceed three hundred square feet and the sign face shall not exceed one hundred fifty square feet.*
  - d. *In no case shall any sign have a display area in excess of three hundred square feet.*
4. *The sign width shall not exceed twenty linear feet.*
5. ***Where the street frontage is two hundred feet in length or less the sign height shall not exceed twenty-five feet. Where the street frontage is more than two hundred feet in length, the sign height shall not exceed thirty feet.***

Comment: The frontage of the subject property has frontage on one street, Molalla Avenue, which measures 176.81 feet in length. Per the provisions of this section, one free-standing sign, a maximum of twenty-five feet in height and having one hundred sq. ft. of sign display area (with a maximum of 50 sq. ft. per face) is allowed. The freestanding sign, as approved, complied with the standards of this section in that the display area consisted of two 5' x 10' (50 sq. ft.) faces, for a total of 100 sq. ft. The height of the sign is less than 25 feet. The proposed additional display area will increase the display area by adding two 3' x 10' faces (30 sq. ft. each) below the existing signage. The overall height of the sign will not be increased. With the additional display area, the total sign faces will have approximately 80 sq. ft. of face area and the total display area for the site will be approximately 160 sq. ft.

## **15.28.130 - Variances.**

*All of the following standards apply to variances to this chapter:*

- A. *Grounds for Variance. Upon application by an applicant, the planning commission may grant a specific variance from provisions of this chapter provided all of the following circumstances exist:*
  1. *That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;*

Comment: There will be no significant damage to adjacent properties caused by the proposed increase in sign display area. The sign is located at the southwest corner of the subject property. Property to the north is separated from the sign by the Li'l Cooperstown building on the subject property and, thus, will have no impacts from the proposed change. The property adjacent to the south of the subject property, at 19394 Molalla Ave., is developed with the Followers Of Christ church and offices. The parking lot for the church is immediately adjacent to the sign and no buildings are located within the area that would be potentially impacted by the signage. Being to the south of the sign, the shadow pattern from the sign does not fall onto the church property. The location of the sign does not impact access to the church.

2. *That the request is the minimum variance that would alleviate the hardship;*

Comment: Site development consists of four separate buildings. Building One contains Li'l Cooperstown Bar and Grill, which is the sole building to have frontage on Molalla Avenue. The signage for this business is provided with on-building signs. None of the display area on the freestanding sign is used for Building One. Building Two contains Le Croissant, Pine Garden restaurant, and Oregonians Credit Union. Building Three contains a surveying company (Centerline Concepts, Inc.) Oregon City Barber, Building Blocks 4 Kids/Bloomin Clothes Closet and newly leased space that will become Cider Works, a tasting room for hard cider. As shown on the photograph of the sign, four of the existing businesses are constrained to a very small space that does not provide for signs that can be seen effectively from the road. Le Croissant is new to the development and needs larger signage to advertise its business. There is no room for signage for the new Cider Works. The new sign will provide for sufficient room for larger signage for Le Croissant and Cider Works and will allow for the signs for the other four existing businesses to be somewhat increased in size so that they are readable to passing motorists. The proposed additional sign area is the minimum that will alleviate the hardship of having insufficient space to effectively advertise these Oregon City businesses.

3. *Granting the variance will equal or exceed the purpose of the regulation to be modified;*

Comment: The purposes for sign regulations as listed in OCMC 15.28.010 include:

- A. *Allows signs compatible with the character and uses allowed in the zoning district in which they are located;*
- B. *Maintains the effectiveness of traffic control signs throughout the city;*
- C. *Prohibits signs, or portions thereof, that conflict with the safe movement of people and emergency services, constitute a public nuisance or hazard, are of unsafe construction, or that demand attention as a result of their dominating size or motion;*
- D. *Maintains and enhances the scenic and other aesthetic qualities of the city;*
- E. *Supports the economic development of Oregon City businesses;*
- F. *Allows citizens and businesses the freedom to express their needs or views without unnecessary interference; and*

G. Is not intended to regulate the content of signs in any way.

The proposed sign, as shown in the photograph on Page 2, is compatible with the character and uses allowed in the City's General Commercial Zone, in which the site is located. Similar signs advertise businesses in retail developments along the length of Molalla Avenue. The proposed sign would be beneficial to the effectiveness of traffic signs in that it will make it easier for motorists to find the businesses that they are looking for without slowing traffic to read too small of signage. The proposed sign would have no impact upon the safe movement of pedestrians or emergency services, or constitute a nuisance or hazard. The sign has existed safely in its present location for several years since the Settlers Square development was constructed and has caused no such negative impacts.

Presumably the most significant reason for the limitations on sign sizing is to maintain the scenic and aesthetic qualities of the city. Too much, or too large of signage can impact these qualities. In this instance, however, the proposed increase in signage is modest in scale, adding only 30 square feet to the sign face. It should be noted that if the site had street frontage that was only an additional 24 feet in length, the permissible sign face would be 150 sq. ft. The proposed variance would result in only 80 sq. ft. of sign face area. This modest increase is more than offset by the fact that there is minimal signage found in this section of Molalla Avenue.



The church property to the south of the subject site has only a very small sign along its frontage. The fire station to the north of the site also has a very small sign on its

frontage. Across Molalla Avenue, the Char Diaz Estate manufactured home subdivision has only a brick monument sign at the entry to the neighborhood.



As shown on the photo above, the street view on this stretch of Molalla Avenue has very minimal signage along it. The addition of 30 sq. ft. of sign area below the existing sign face will not have any significant impact upon the aesthetic qualities of this street view.

4. *Any impacts resulting from the adjustment are mitigated;*

Comment: Any minor impact of increasing the sign area by 30 sq. ft. per face is offset by the fact that the additional area is being provided below the existing signage. As such, it will have a lesser impact upon the street view.

5. *No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and*

Comment: Additional display area is needed to effectively provide signage for the number of businesses that are housed in this development. There is no other alternative that will accomplish this purpose.

6. *The variance conforms to the comprehensive plan and the intent of the ordinance being varied.*

Comment: There are no comprehensive plan policies that directly relate to the proposed variance. The purposes of the signage provisions have been addressed above in this narrative.

B. *Variance Fee. At the time of application for variance from the provisions of this chapter, the applicant shall pay a fee in accordance with the fee schedule established and amended from time to time by the city commission and on file with the city recorder.*

Comment: The required variance fee has been paid by the applicant.

*C. Procedure. A variance application shall be treated in the manner provided by Chapter 17.50 of this code with respect to zoning variances.*

Comment: The procedures set forth in Chapter 17.50 will be followed in the City's processing of this application.