



## COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING 541-917-7553 | PLANNING 541-917-7550

# Staff Report Adjustment

AD-04-18

March 12, 2019

## Summary

The proposed adjustment is to allow a freestanding sign on property with 73.5 feet of street frontage where a minimum of 75 feet of street frontage is required. Per section 13.530, Table 13-3, of the Albany Development Code (ADC), a minimum of 75 feet of street frontage is required for a freestanding sign in the Community Commercial (CC) Zoning District. The applicant seeks an adjustment of 1.5 feet to allow a freestanding sign.

Adjustment Review criteria contained in Albany Development Code (ADC) 2.080 are addressed in this report. These criteria must be satisfied to grant approval for this application.

## Application Information

Review Body:	Staff (Type I-L review)
Staff Report Prepared By:	Travis North, Planner I
Property Owner:	Bankers Development Corporation; Joseph Cho; 12838 SE Spring Mountain Court., Happy Valley, OR 97086
Applicant:	Hui Mackey; 35718 Knox Butte Road E, Albany, OR 97322.
Address/Location	2736 Pacific Boulevard SE.
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-05DD; Tax Lot 606
Zoning:	Community Commercial (CC)
Overlay Districts:	Airport Approach
Total Land Area:	.80 acres
Existing Land Use:	Commercial Retail (Dry Cleaners, Beauty Salon)
Neighborhood:	Santiam
Surrounding Zoning	North: CC (Community Commercial) East: CC (Community Commercial) South: CC (Community Commercial) West: CC (Community Commercial)

Surrounding Uses:	North: Fitness Center, Motel East: Medical Offices South: Office, Parking Lot West: Restaurant, Retail Plaza
Prior History:	SP-12-05. Site plan review to establish a fitness center in an existing building. SP-30-06. Site plan review to establish a beauty salon in an existing building.

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## Notice Information

Notices were mailed to surrounding property owners within 100 feet of the subject property on February 5, 2019. At the time the comment period ended on February 19, 2019, the Albany Planning Division had received no comments.

## Analysis of Development Code Criteria

Section 2.080 of the Albany Development Code (ADC) includes the following review criteria, which must be met for this application to be approved. Code criteria are written in **bold** and are followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

### Criterion 1

**The adjustment is not requested to avoid a land use review process or increase density; AND**

### Findings of Fact

- 1.1 The applicant proposes one freestanding sign at the front of the property. One freestanding sign is permitted outright in the CC zoning district, so long as the dimension and location requirements of the ADC are met. Therefore, the adjustment is not requested to exceed the maximum number of signs allowed on the property. Dimension and location standards are discussed below.
- 1.2 Per ADC 13.530 (5), “signs shall not exceed a total face area of  $\frac{3}{4}$  square feet of each lineal foot of street frontage...” The subject property has 73.5 feet of street frontage. This equates to a maximum sign size of 55 square feet. The applicant’s proposed sign totals approximately 53 square feet. Therefore, the adjustment is not requested to exceed the maximum allowable size.
- 1.3 Per the definition provided in ADC 13.910, the subject property and associated building qualifies as an integrated business center with “a group of two or more businesses that are planned or designed as a center...”
- 1.4 ADC 13.530(7)(a) allows a minimum of 60 square feet of sign area when two or more businesses in an integrated business center combine their permitted freestanding signs into one sign. Due to the constricted street frontage, the maximum allowable sign size is 55 square feet, as determined by the sizing equation provided in ADC 13.530 (5).
- 1.5 This review grants approval to allow a freestanding sign on the subject property. The sign may not exceed 55 square feet. It is a private matter between the applicant, property owner, and building tenants how that 55 square feet is distributed amongst the various tenants.
- 1.6 ADC 13.530 (7)(d) states that “if the business within an Integrated Business Center is not represented on a shared freestanding sign, one freestanding monument sign is permitted for each freestanding pad

- building...” Due to the constricted street frontage, under no circumstance will the city permit an additional freestanding sign on the subject property.
- 1.7 Per ADC 13.530, Table 13-3, a freestanding sign in the CC zoning district may not exceed 30 feet in height. The height of the proposed sign is 30 feet. Therefore, the adjustment is not requested to exceed the maximum allowable height.
  - 1.8 The subject property adjoins an Oregon Department of Transportation (ODOT) right-of-way. ADC 13.530 (2)(a) states that “no freestanding sign shall be closer than 2.5 feet from the curb line or over any state highway right-of-way as specified in state law.” At the time of building permit issuance, the applicant must demonstrate that the sign is at least 2.5 feet from the curb line.
  - 1.9 ADC 13.530 (3) states that “signs shall be placed on the central 50 percent of the street frontage or 50 feet from any adjacent freestanding sign.” The proposed sign location is roughly at the 50 percent mark of the street frontage. However, overhead powerlines are near the proposed sign location. Pacific Power requires a minimum approach distance of 10 feet to their lines, including the neutral line located second from the bottom. Therefore, the proposed sign location may need to be moved further south. At the time of building permit, the applicant must demonstrate the sign is at least 10 feet from the power line.
  - 1.10 The proposed sign is not related in any manner to an increase in density.

## Conclusions

- 1.1 The proposed sign meets the dimension and location standards of the CC zoning district.
- 1.2 The adjustment is not requested to avoid a land use review.
- 1.3 The adjustment will not result in an increase in density.
- 1.4 This criterion is met with the following condition.

## Condition

Condition 1 At the time of building permit issuance, the applicant shall demonstrate that the sign is located at least 2.5 feet from the curb line and at least 10 feet from the overhead powerlines.

## Criterion 2

**The need for the adjustment is created by the unusual configuration of the property, to protect natural features, due to the location of an existing structure on the site, or the site is an infill or redevelopment site less than one acre with development on both sides; AND**

## Findings of Fact

- 2.1 The subject parcel has 73.5 feet of street frontage. Seventy-five (75) feet of frontage is required to place a freestanding sign.
- 2.2 The subject parcel is .8 acres. The widest portion of the lot is approximately 174 feet. The narrowest portion of the lot is 73.5 feet, which is the portion that adjoins the street. The subject parcel widens to 75 feet within just three feet of the front lot line. This unique configuration necessitates the adjustment request.
- 2.3 ADC 13.530(4)(a) states that “two or more parcels of less than the minimum required street frontage each may be combined for purposes of meeting [the minimum required street frontage]...” Both

adjoining parcels exceed the minimum 75 feet of required street frontage. Therefore, the subject parcel may not combine with, or utilize, either of the adjoining parcel's street frontage for the purposes meeting the minimum required street frontage.

- 2.4 All abutting parcels are developed.

## Conclusions

- 2.1 The need for the adjustment is created from the unique configuration of the parcel.
- 2.2 The subject parcel may not utilize the street frontage provision in ADC 13.530(4)(a) to meet the minimum required street frontage.
- 2.3 Only one freestanding sign is permitted on the property. The sign shall not exceed 55 square feet.
- 2.3 This criterion is met without conditions.

## Criterion 3

**The adjustment is the minimum necessary to address the unusual circumstance, generally no more than 10 percent from a numeric standard, and the request is still consistent with the purpose of the zoning district and any applicable overlay districts.**

## Findings of Fact

- 3.1 ADC 13.530, Table 13-3, requires a minimum of 75 feet of street frontage to place a freestanding sign in the Community Commercial zoning district.
- 3.2 The subject parcel has a street frontage of 73.5 feet. Therefore, the applicant requests 1.5 feet of relief from the dimensional standard, or 2%, well within the 10 percent numeric guideline.
- 3.3 ADC 4.020 (3) states that the CC zoning district is intended for a diversity of small to medium-scale businesses, services and sites mostly located on arterial streets and highways. The subject property is located on an arterial street. The proposed adjustment and associated sign will help identify the location of the business, improving the functionality of the site and the viability of the businesses located on the property. Therefore, the requested adjustment is consistent with the purpose of the CC zoning district and its intent to accommodate small to medium-scale businesses located on arterial streets.
- 3.4 The subject property is located in the Airport Overlay District, which restricts the height of buildings and signs to ensure air traffic safety. The proposed sign height is less than the height restrictions required by Airport Overlay District. Therefore, the height restrictions of the Airport Overlay District are not applicable to this proposal.

## Conclusions

- 3.1 The requested adjustment of 1.5 feet, or 2 percent, is within the 10 percent numeric guideline.
- 3.2 The request is the minimum necessary to address the unusual circumstance (i.e. lot configuration).
- 3.3 The requested adjustment is consistent with the CC zoning district.
- 3.4 The proposed sign height is less than the height restrictions required by the Airport Overlay zoning district.
- 3.5 This review criterion is met without conditions.

## Overall Conclusion

As proposed and conditioned, the application for an adjustment to place a freestanding sign on the subject property meets the review criteria in ADC 2.080 as outlined in this report.

## Conditions of Approval

Condition 1 At the time of building permit issuance, the applicant shall demonstrate that the sign is located at least 2.5 feet from the curb line and at least 10 feet from the overhead powerlines.

## Attachments

Attachment A: Location Map

## Acronyms

ADC	Albany Development Code
CC	Community Commercial (Zoning District)
ODOT	Oregon Department of Transportation
SP	Site Plan Review



G:\Community Development\Planning\Land Use Cases\2010s\2018\Adjustments (AD)\AD-04-18 (2736 Pacific) Project Review\2736 Pacific Blvd SE\_Location Map.mxd

# Legend

 Subject Property

RS-6.5

Lake St.

Waverly Lake

COCK CREEK

4th Ave.

Highway 99E

CC

Swan Lake

7th Ave.

OP

RMA



0 25 50 100 Feet

Date: 1/3/2019 Map Source: City of Albany

**2736 Pacific Blvd. SE.**

Location / Zoning Map