

**TO: HEARINGS OFFICER**

**FROM: LISA ANDERSON-OGILVIE, AICP, DEPUTY COMMUNITY  
DEVELOPMENT DIRECTOR AND PLANNING ADMINISTRATOR**

**SUBJECT: VARIANCE CASE 18-01; 831 LANCASTER DRIVE NE 97301;  
AMANDA NO.: 17-123235-SA & 17-123246-SI**

**REQUEST**

Summary: A request for a Sign Variance and Sign Permit to increase the amount of freestanding sign approximately 28 feet in height and 170 square feet in size, for property approximately 47.68 acres.

Request: A request for a variance to increase the amount of freestanding sign, as allowed by SRC 900.200(c), to install a freestanding sign approximately 28 feet in height and 170 square feet in size, for property approximately 47.68 acres in size, zoned CR (Retail Commercial), and located at 827-955 Lancaster Drive NE (Lancaster Mall) - 97301; (Marion County Assessor Map and Tax Lot Numbers #072W19CC / 04200, 04502, 04504, 04600, 04700 05300, 05400, 05703, 05800).

**OWNER:** Lancaster Properties 52, LLC (Margaret B. Kushner, Four Bears Holdings Limited Partnership (Jon B. Hummelt, Hummelt Development Company ((Jon. B. Hummelt, Judith P. Hummelt, Harold B. Hummelt, Frederick K. Hummelt)) C.E. John Family LLC, A Washington Limited Liability Company (Jeffrey V. Thompson, Jon B. Hummelt, Hartzman John Family MSC LLC ((James E. John)), KOS Holding MSC LLC ((Mark Osborn)), GreenFlash Partners MSC LLC ((Jeffrey V. Thompson)), J & A John Family Group MSC LLC ((Walker C. John))

**FILER:** Cyndi Stocks, Security Signs

**RECOMMENDATION**

Based on the Facts and Findings presented in this staff report, staff recommends the Hearings Officer APPROVE the request for a Sign Variance and Sign Permit to allow a freestanding sign approximately 28 feet in height and 170 square feet in size, located on the southwest corner of Lancaster Drive NE and D Street NE.

**BACKGROUND**

On December 5, 2017, Cyndi Stocks, Security Signs, filed sign variance and sign permit applications on behalf of the property owner, Lancaster Properties 52, LLC, with a request to increase the amount of freestanding sign, as allowed by SRC 900.200(c), to install a freestanding sign approximately 28 feet in height and 170 square feet in size, located at 831 Lancaster Drive NE, a vicinity map of the property is included as Attachment A.

The sign is proposed for the Willamette Town Center, formally known as the Lancaster

mall which is located within the CR (Retail Commercial) zone. SRC Chapter 900.200(c) allows freestanding signs in a shopping center based on the building frontage on a designated arterial or collector street. The proposal is to replace an existing non-conforming freestanding sign. The applicant is requesting a sign variance for a freestanding sign approximately 28 feet in height and 170 square feet in size.

The public hearing before the City of Salem Hearings Officer is scheduled for March 14, 2018, at 5:30 p.m. in the Council Chambers, Room 240, Civic Center, located at 555 Liberty Street SE. Notice of public hearing was sent by mail to surrounding property owners pursuant to Salem Revised Code (SRC) requirements on February 22, 2018. Public hearing notice was also posted on the property by the applicant pursuant to SRC requirements.

### **PROPOSAL**

The applicant is requesting a sign variance and sign permit to increase the amount of freestanding sign approximately 28 feet in height and 170 square feet in size, for property approximately 47.68 acres.

### **APPLICANT'S STATEMENT**

The applicant's plans and written statement are attached and made a part of the staff report (Attachment B).

### **FACTS AND FINDINGS**

#### **1. Salem Area Comprehensive Plan (SACP) designation**

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

#### **2. Zoning and Surrounding Land Uses**

The subject property consists of several lots which are all zoned CR (Retail Commercial) and are part of an existing regional shopping center.

The zoning and uses of surrounding properties includes:

North:	CR (Retail Commercial), CO (Commercial Office), RM2 (Multiple Family Residential), RS (Single Family Residential), (across D Street NE): Apartments, single family dwellings, and commercial uses.
South:	CR (Retail Commercial), County (across Center Street NE): Multi-tenant shopping complexes, restaurants, drug store.
East:	CR (Retail Commercial), County (across Lancaster Drive NE): Multi-tenant shopping complex, restaurants, bank, grocery store, retail store

West: CG (General Commercial), CO (Commercial Office), PS (Public Service), (across Interstate-5): multi-tenant business complex and school bus yard.

### **3. Site Analysis**

The subject property is approximately 47.68 acres in size and has frontage along Lancaster Drive NE, D Street, Center Street NE and Interstate-5. Lancaster Drive NE and Center Street NE are designated as major arterial streets, D Street NE is designated a minor arterial street, and I-5 is designated as a Freeway in the Salem Transportation System Plan. The sign will be located at the northeast corner of the shopping center, on the corner of Lancaster Drive NE and D Street NE.

### **4. Neighborhood and Citizen Comments**

Notice of the application was sent to the North East Salem Community Association (NESCA), East Lancaster Neighborhood Association (ELNA), and all property owners of record within 250 feet of the subject property. No comments were received from NESCA, ELNA, or surrounding property owners.

### **5. City Department and Public Agency Comments**

The Building and Safety Division did not express concern with the application. A building permit and engineering plans may be required depending on the height of the freestanding sign.

Portland General Electric commented, "Development cost per current tariff and service requirements. 10' PUE required on all front street lots."

### **6. Analysis of Sign Variance Criteria – SRC Chapter 900**

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.

Pursuant to SRC 900.040(d), an application for a sign variance shall be granted if the following criteria are met:

#### **Criterion 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.

**Applicant Response:** The Lancaster Mall property is unique in size and depth that is not present on other CR (Retail Commercial) zoned property along Lancaster Drive. The shopping center has approximately 1,000 lineal feet of frontage along Lancaster Drive and is approximately 1,700 feet deep (east-west), which is significantly deeper than other properties in the area. The larger area results in more retail square footage and tenants than any other property along Lancaster Drive, which makes visibility of the tenant's building signage difficult to view from the right-of-way.

**Staff Finding:** The shopping center is approximately 47.68 acres in size, has approximately 1,200 feet of frontage along Lancaster Drive NE, and approximately 1,700 feet of frontage along D Street NE. As the applicant discussed, the subject property is larger and contains more tenant spaces than any other property in the area. The proposal is to replace an existing non-conforming sign, the only change will be the appearance of the sign. This variance will not change the number of freestanding signs on the property, if approved. The appearance and function of the proposed sign will not adversely affect, or be out of character with, other signage used by businesses along Lancaster Drive NE.

Several of the other freestanding signs are located at entrances to the shopping center and this sign would be the first sign visible for southbound motorists on Lancaster Drive. The sign would provide notification of the shopping center to those motorists traveling southbound on Lancaster Drive from a distance and provide an opportunity for maneuvering on the four lane arterial street.

The variance is necessary due to the large size of the property. The distance between the freestanding sign, the amount of tenants the property supports, and the proposal is the minimum needed to alleviate the problem created by this site's existing conditions.

Criterion 2:

The sign variance is necessary to permit signage comparable with other properties in the vicinity that have the same zone designation.

**Applicant Response:** The proposed sign is comparable to existing signs along Lancaster Drive, as it would be a typical size for a property with a 300-foot frontage. Other properties along Lancaster Drive, especially corner properties

vary from 300-600 feet of frontage. As such, this sign as requested would be comparable, although on the smaller end.

**Staff Finding:** A shopping center in the CR zone can have one freestanding sign on each building frontage which is designated an arterial or collector street. However, if the shopping center is located on a corner lot where two intersecting streets are either designated as arterial or collector streets, only one freestanding sign is allowed. In addition, shopping centers with street frontage greater than 300 feet may have an additional freestanding sign. An individual business within a shopping center in the CR zone may have a wall sign for each building frontage or building face. The subject property is approximately 47.68 acres in size and has approximately 1,200 feet of frontage along Lancaster Drive NE and approximately 1,700 feet of frontage along D Street NE, which is much larger than other properties in the vicinity. The proposal is to replace an existing non-conforming sign, the only change will be the appearance of the sign. The property will have the same amount of freestanding signs, if the variance is approved. The appearance and function of the proposed sign will not adversely affect, or be out of character with, other signage used by businesses along Lancaster Drive NE.

When reviewing properties within a mile, north and south of the shopping center along Lancaster Drive, the next largest property is 16 acres in size. The existing shopping center currently supports approximately 60 businesses. Each business could be entitled to a wall sign. Due to the size of the property, wall signs are not likely to be viewed from the public right of way.

The shopping center consists of eight separate buildings, on several tax lots under common ownership, which share a vehicle use area. If the lots had separate businesses which did not share a vehicle use area, each lot would be permitted to have a freestanding sign on their building frontage. The proposed freestanding sign approximately 28 feet in height and 170 square feet is comparable to other freestanding signs permitted in the CR zoning district.

Criterion 3:

The sign variance will not adversely affect the function or appearance of the development and use of the property and surrounding properties.

**Applicant Response:** The sign will replace the existing Burlington sign, which is in disrepair, near its existing location. The new sign will significantly boost the appearance along Lancaster Drive resulting in an overall improvement to the surrounding area. This will not add an additional sign, instead it will simply replace an existing non-conforming sign, used for a single tenant with a shopping center sign for multiple tenants.

**Staff Finding:** Lancaster Drive NE is designated as a major arterial street in the Salem Transportation System Plan. Most properties along the Lancaster Drive corridor have a CR (Retail Commercial) zoning designation, which allows signs

similar in size. The proposal is to replace an existing non-conforming sign, the only change will be the appearance of the sign. The property will have the same amount of freestanding signs, if the variance is approved. The appearance and function of the proposed sign will not adversely affect, or be out of character with, other signage used by businesses along Lancaster Drive NE.

Criterion 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.

**Staff Finding:** If granted, the sign variance to allow the replacement of an existing non-conforming sign approximately 28 feet in height and 170 square feet would not limit allowed signage for other buildings on the subject property or the allowed signage for adjacent properties.

**7. Analysis of Sign Permit Approval Criteria – SRC Chapter 900**

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

Criterion 1:

The sign meets the requirements of SRC Chapter 56.

**Staff Finding:** The Building and Safety Division has received a building permit including engineering, which has been approved pending the variance application.

Criterion 2:

The sign is allowed in the zone.

**Staff Finding:** With the variance approval, the freestanding sign would be allowed in the CR zone.

Criterion 3:

The sign will not interfere with the use of any public right-of-way, other public easements, or other publicly owned property.

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

Criterion 4:

The sign conforms to all the applicable standards in this Chapter.

**Staff Finding:** SRC Chapter 900.200(c)(1) provides that freestanding signs are allowed for each building frontage on a designated arterial or collector, however, when the shopping center is located on a corner lot where the two intersecting streets are either designated as an arterial street or designated as a collector street, only one freestanding sign shall be allowed. The variance request is to allow the replacement of a non-conforming sign approximately 28 feet in height and 170 square feet. If the variance is granted, the sign will conform to the standards of this chapter and the sign permit shall be granted.

## **RECOMMENDATION**

Based on the Facts and Findings presented in this staff report, staff recommends the Hearings Officer APPROVE the request for a Sign Variance and Sign Permit to increase the amount of freestanding sign, as allowed by SRC 900.200(c), to install a freestanding sign approximately 28 feet in height and 170 square feet in size, for property approximately 47.68 acres in size zoned CR (Retail Commercial), and located at 827-955 Lancaster Drive NE (Lancaster Mall).

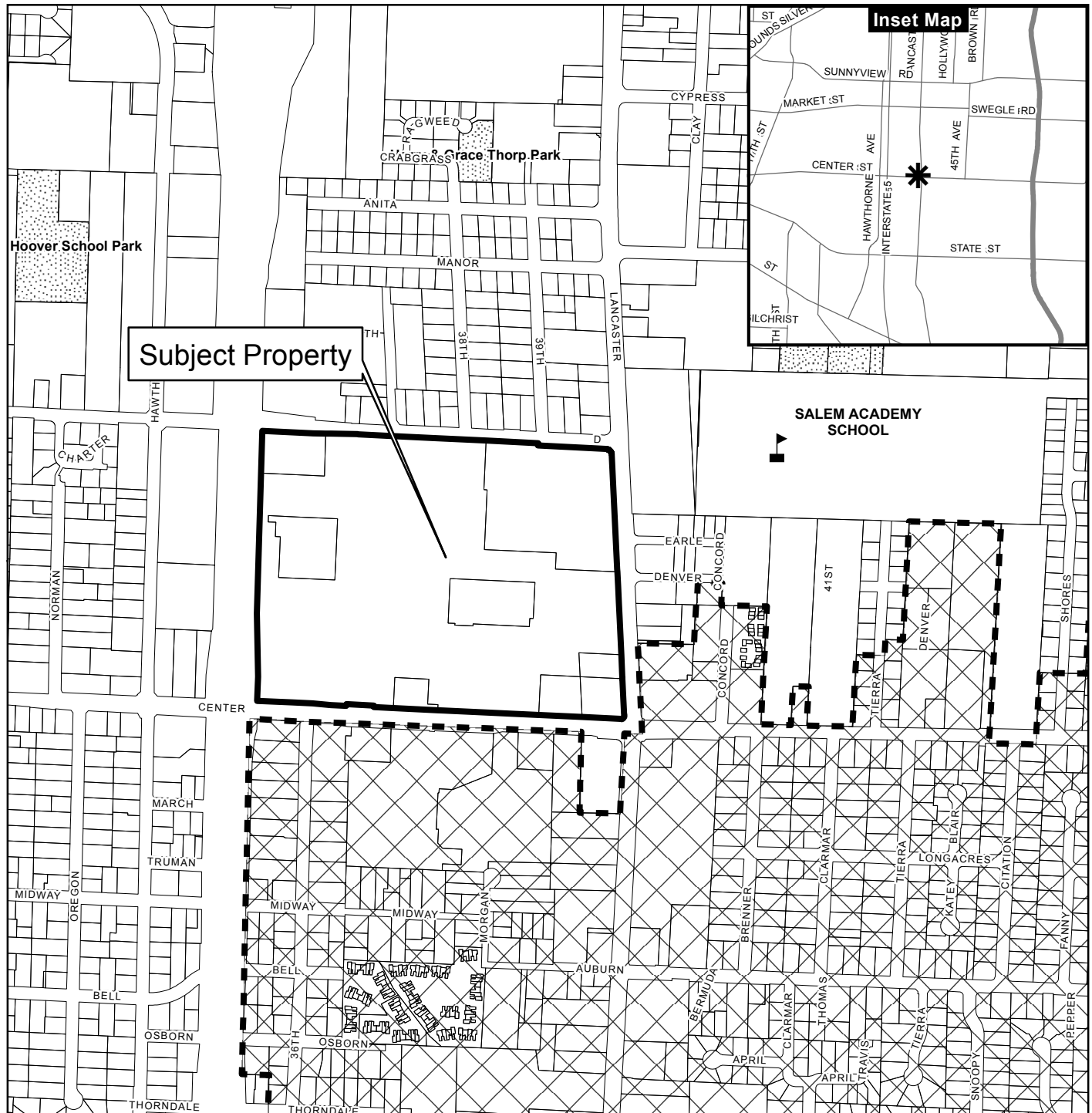
Attachments: A. Vicinity Map  
B. Applicant's Plans and Statement

Application Filing Date: December 5, 2017  
Mandated Decision Date: May 26, 2018

Prepared by: Olivia Glantz, Planner II

# Vicinity Map

## 833-955 Lancaster Drive NE



### Legend

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

Parks

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Community Development Dept.

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0 100 200 400 Feet





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WA SECURS1020CF

INTERNATIONAL  
SIGN ASSOCIATION

WSA  
WORLD SIGN ASSOCIATES

NORTHWEST SIGN COUNCIL

Project Manager: Dylan Martin

Project Name

Willamette  
TOWN CENTER

831 Lancaster Dr.  
Salem, OR 97301

**Sign Type E**  
Illuminated.  
Remove existing pylon displays and footings, dispose.  
Manufacture and install one (1) D/F pylon display.

Client Approval: \_\_\_\_\_

Landlord Approval: \_\_\_\_\_



EXISTING



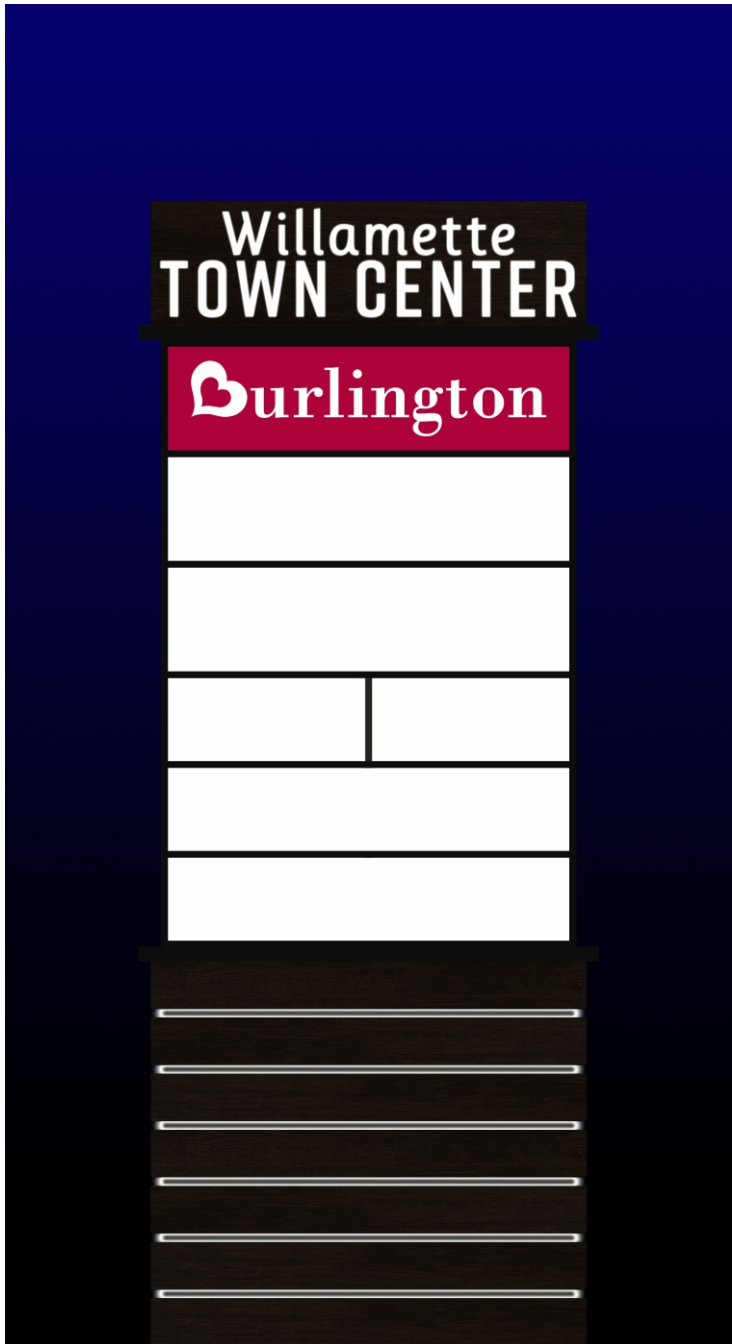
PROPOSED

C | EXTERIOR ELEVATION  
Scale: 1/4" = 1'-0"

C | EXTERIOR ELEVATION  
Scale: 1/4" = 1'-0"

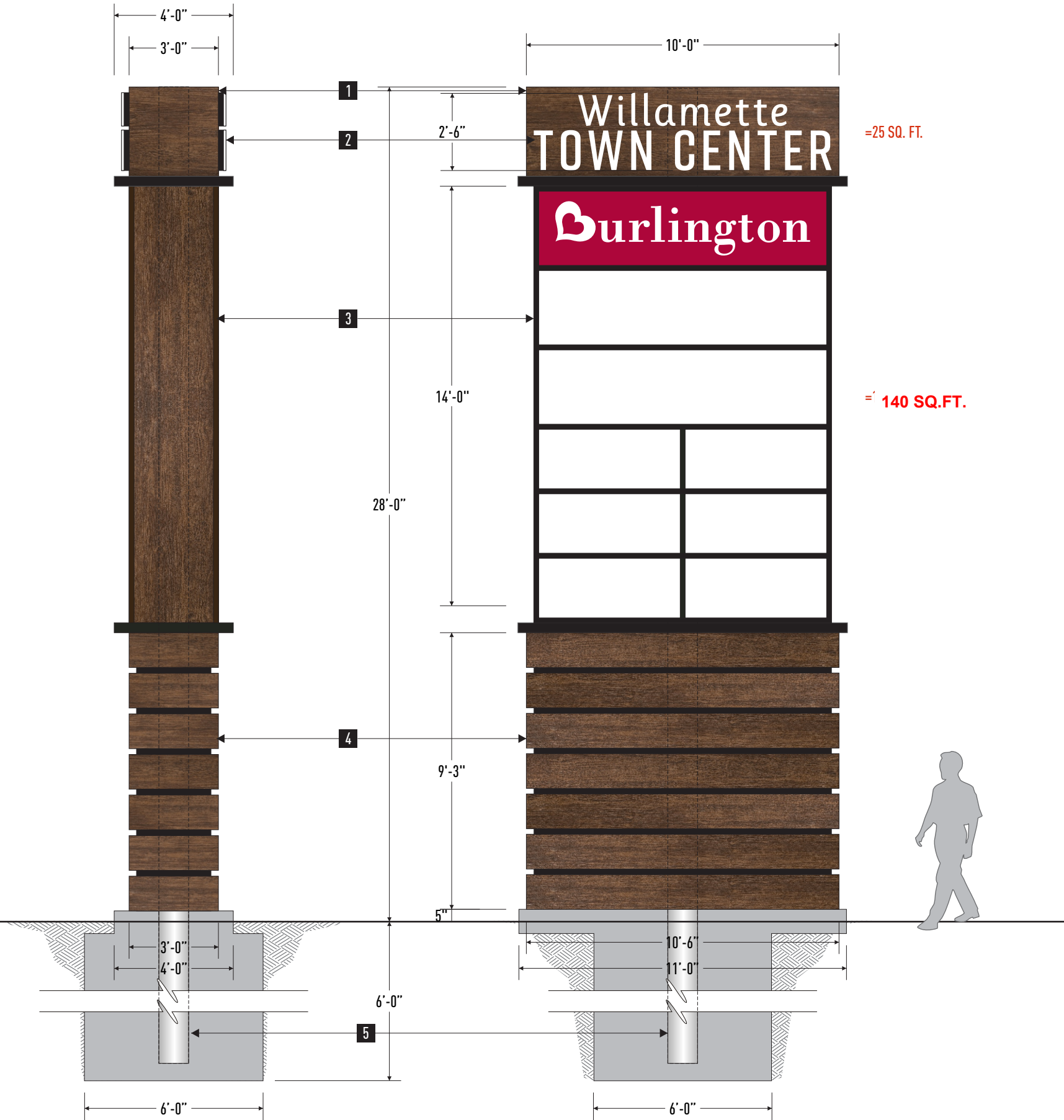


EXTERIOR | PYLON SPECIFICATIONS



SIMULATED NIGHT VIEW

C EXTERIOR ELEVATION - 165 S.F.  
Scale: 1/4" = 1'-0"



=25 SQ. FT.

= 140 SQ.FT.



**SECURITY SIGNS**  
Quality Since 1925

2424 SE Holgate Boulevard  
Portland, Oregon 97202  
503-232-4172

**securitysigns.com**

OR CCB# 122809  
WA SECURS1020CF



INTERNATIONAL SIGN ASSOCIATION



WORLD SIGN ASSOCIATION



NORTHWEST SIGN COUNCIL

Project Manager: Dylan Martin

Project Name  
**Willamette TOWN CENTER**  
831 Lancaster Dr.  
Salem, OR 97301

**Sign Type E**  
Illuminated.  
Remove existing pylon display and footings, dispose.  
Manufacture and install one (1) D/F pylon display.

**1 MAIN STRUCTURE**  
Construction: Fabricated aluminum, various depths, painted to match texture, verify.  
End Construction: .090" Aluminum panels w/ English Walnut powder coated texture.  
Bump Out Revels: Fabricated aluminum, painted MP Satin Black

**2 CENTER ID**  
Construction: Fabricated aluminum, various depths, painted to match texture, verify.  
**WILLAMETTE TOWN CENTER**  
Faces: .177" White acrylic  
Trim Cap: 1" White Jewelite  
**WILLAMETTE Returns:** .040 aluminum, 3" deep, Black  
**TOWN CENTER Returns:** .040 aluminum, 5" deep, Black  
Backs: .040 aluminum, pre-coat white  
Illumination: White LEDs.

**3 TENANT CABINET**  
Construction: Fabricated aluminum, 36" deep, painted to match texture, verify.  
Retainer: 2" painted to match texture, verify.  
Illumination: White LEDs.  
Faces: .150" Polycarb w/ 3M Vinyl and/or digitally printed graphics, per tenant, verify

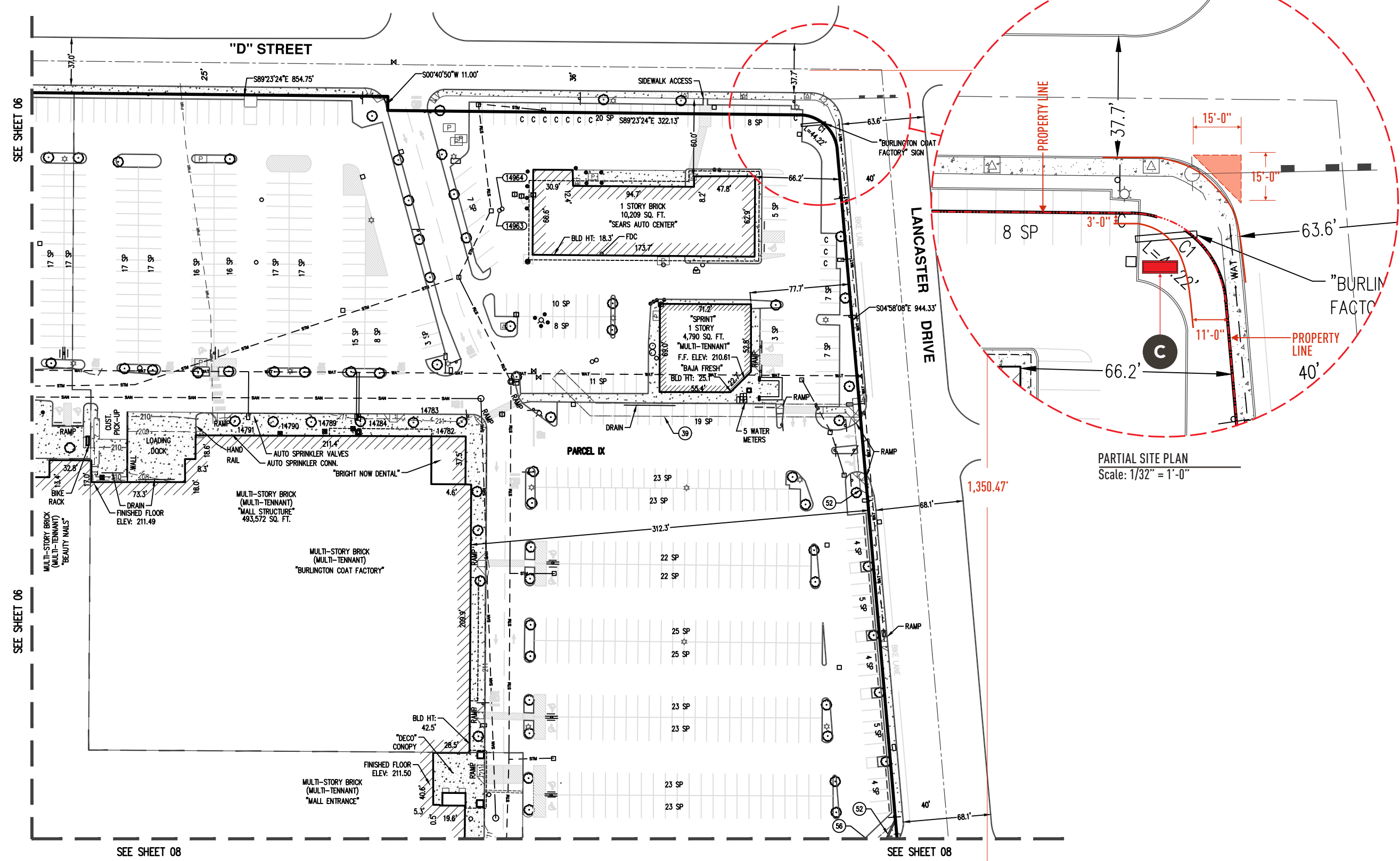
**4 BASE**  
Construction: Fabricated aluminum, .090" Aluminum panels w/ English Walnut powder coated texture.  
Decorative Cove Illumination: White LEDs.

**5 INSTALLATION**  
Pole: 12" sch. 40 pipe painted  
Installation: Poured concrete footing, pending engineering  
Primary: One dedicated 120v/20amp circuit for sign(s) that supplies no other loads

Client Approval: \_\_\_\_\_

Landlord Approval: \_\_\_\_\_

## EXTERIOR | SIGN LOCATION PLAN



**SITE PLAN**  
**Scale: 1" = 80'-0"**





**SECURITY  
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OR CCB# 122809  
WA SECURSI020CF





Project Manager: Dylan Martin

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Project Name

Willamette  
**TOWN CENTER**

831 Lancaster Dr.  
Salem, OR 97301

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Client Approval: \_\_\_\_\_

Landlord Approval: \_\_\_\_\_

Lancaster Properties 52, LLC is proposing a Type III Signage Variance pursuant to Section 900.040 in order to replace the existing Burlington Coat sign at the corner of Lancaster Dr. and D Street. The Lancaster Mall has been a staple of the city for over 40 years. In recent years, the shopping mall industry has been severely hurt by Amazon and traditional department stores and mall tenants have been falling by the way side. We have come to realize the only way to keep the Lancaster Mall viable is through a significant investment and redevelopment that will include many new and much stronger tenants. The first phase of redevelopment will replace Macy's, the out of business Sports Authority, and a largely vacant western end of the mall with HomeGoods, Sierra Trading Post, Ulta Beauty, and Hobby Lobby. The name of the mall will also be changed to the Willamette Town Center which is intended to portray a more regional shopping center. In order to attract strong national tenants that will reinvigorate the mall and attract customers back that have long stayed away, it is important that we can compete with other area competitors, most notably Kaiser Station. Kaiser Station has a major advantage in its seemingly unrestricted I-5 pylon sign and adjacent interchange. What differentiates the Lancaster Mall is its central location in the Salem metro area and its frontage on Lancaster Drive with its high traffic counts. What we heard loud and clear, was that signage on Lancaster Drive is a deal killer if we can't provide it. The next phase of redevelopment is already in negotiations and the sign included in this variance is vital to these additional tenants signing on.

Based upon discussions with City Staff, the legal lots shown in Exhibit A have been combined as the Lancaster Mall for past land use approvals and that is what we should continue to do moving forward as the property continues as unified shopping center. With the property being a corner lot and Lancaster Dr and D Street both being arterials, we are limited by the code to one pylon sign. The current Burlington sign is approximately 100 SF and would be a non-conforming sign. We are asking for a second pylon due to the unique size and shape of the Lancaster Mall property and believe that the proposed sign is what is reasonably minimally necessary to alleviate the issue on Lancaster Dr.

This application has met the Approval Criteria as set forth below and respectfully requests approval of the variance application.

#### **Approval Criteria – 900.040**

(d) Criteria. An application for a sign variance shall be granted if the following criteria are met:

(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;

The Lancaster Mall property presents a unique size (48 acres) and depth that is not present on any other CR zoned properties in the vicinity along the Lancaster Drive corridor. The mall property contains approximately 1,000 lineal feet along Lancaster Drive, distinctly with an east-west depth of 1,700 lineal feet, significantly deeper than any other property in the vicinity. The larger area results in more retail square footage and tenants than any other property along Lancaster Dr. This also makes visibility of the tenants building signage, even large anchor tenants on the western two-thirds of the property impossible. As the subject property is a corner property, it is allowed only one major sign on Lancaster

Drive. In order for the center to remain viable, and attract new tenants as department stores and traditional retailers continue to close, additional signage is essential. This variance is being requested to meet this requirement for new signage to keep the Lancaster Mall viable. In all commercial property along Lancaster Dr the vast majority of tenants, big and small have both building and pylon signage visible from Lancaster Dr. The Lancaster Mall's property unique lot shape makes this impossible. By allowing the replacement of the existing Burlington sign with a reasonably sized replacement, this will allow us to attract additional anchor tenants that are needed to fill the empty west side of the mall as it redevelops.

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

The requested signage is at a scale that would be commensurate with the majority of properties along Lancaster Dr, as it would be typical size for a property with a 300' frontage. Other properties along the Lancaster Dr, especially corner properties vary from 300-600 feet of frontage. As such, this sign as requested would be comparable, although on the smaller end of what would be comparable.

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

The sign will replace the existing Burlington sign in its existing location. The Burlington sign is in disrepair. The new sign will significantly boost the appearance along Lancaster resulting in an overall improvement to the surrounding properties. The signage will allow for more redevelopment and reinvestment in the Lancaster Mall (soon to be Willamette Town Center) which will be the catalyst for additional urban renewal for the area, benefiting surrounding properties. This will not add an additional sign, simply replace an existing non-conforming single tenant sign with a new great looking multi-tenant one.

(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. The sign variance does not request any changes to how the Lancaster Mall property is viewed by the city or result in change or impact or limit what would be allowed on adjacent properties.

### **Neighborhood Outreach**

Both the NESCA (which contains the property) and ELNA (adjacent) neighborhood association were contacted via email with the details of this proposal in August 2017. We received no response from ELNA but the NESCA chair provided an email voicing his support of the application. These emails are attached in the addenda of this application.