

**BEFORE THE PLANNING
COMMISSION FOR
THE CITY OF BEAVERTON,
OREGON**

After recording return to:
City of Beaverton, City Recorder:
12725 SW Millikan Way
P.O. Box 4755
Beaverton, OR 97076

IN THE MATTER OF A REQUEST FOR APPROVAL) ORDER NO. 2721
OF A VARIANCE FOR A SIGN ASSOCIATED WITH) VAR2019-0005 ORDER DENYING
ARTS AND COMMUNICATION MAGNET) ACMA MIDDLE AND HIGH SCHOOL, SIGN
ACADEMY (ACMA) MIDDLE AND HIGH SCHOOL.) VARIANCE
BEAVERTON SCHOOL DISTRICT, APPLICANT.)

The matter came before the Planning Commission on September 25, 2019, on a request for a Variance for a wall sign associated with Arts and Communication Magnet Academy (ACMA) Middle and High School. The subject site is located at 11375 SW Center Street. Tax Lot 2000 on Washington County Tax Assessor's Map 1S110DB.

Pursuant to Ordinance 2050 (Development Code) Section 50.45, the Planning Commission conducted a public hearing and considered testimony and exhibits on the subject proposal.

Staff presented the staff report. Commissioner Nye asked staff if the proposed technique could be used as a mural element as approved with the Design Review application and if the proposed logo could be considered art and reviewed by the Arts Commission. Staff responded that to be considered art it

would require approval by the Arts Commission through a separate process. No other questions from commissioners.

The applicant, Frank Angelo, of Angelo Planning Group, and Tim Ganey, of DLR Group, presented the sign variance and stated that they are in disagreement with staff's recommendation for denial. They stated that the sign was designed as a subtle design element and not meant to attract attention as a sign. They stated that this is a unique school within the district and the design of the wall is appropriate for the use. The applicant believes that the approval criteria can be met and approved as a variance, as every variance is reviewed individually on its own merit.

City Attorney, Peter Livingston, questioned the applicant asking if they believe this is a pictorial device that is meant to inform the public. He also questioned if an image, instead of the letters, would work as well in this location on the building. The applicant responded that this is a figurative and abstract design and represents the unique nature of the school.

Commissioner Nye and City Attorney Livingston discussed whether what is proposed is a sign. Commissioner Nye questioned if she did not consider it a sign and rather art, then a sign variance would not be required. City Attorney Livingston stated that if it informs it is a sign and if it does not inform then it could be considered art.

Commissioner Brucker acknowledged that the Planning Commission approved the technique for the sign in the Design Review application; however, the Planning Commission was informed by staff that the sign was not within

the purview of the review. He also questioned the applicant if a larger architectural feature may have the same affect. The four letters are clear and the four letters together forms a logo. Even though it is a subtle masonry technique it is still clear it is a four letter logo, which is considered a sign.

The commission received public testimony from Jami Curl, an ACMA parent and Bjorn Paige, ACMA Principal. Jami Curl commented that ACMA is a unique school in Beaverton School District and the design of the school would benefit from a unique sign. The school does not have a mascot or a logo and the four letters are an interpretation of what the school is. Bjorn Paige commented that the sign is an architectural element and is quiet and creative.

The applicant provided a rebuttal stating that there are special circumstances that would warrant approving the variance and the signage that was previously approved with the Design Review application.

Commissioner Nye stated that the approval criteria requires that the physical characteristics of the site warranting the variance be addressed. The staff report and applicant's testimony do not address physical characteristics of the site warranting a variance.

Staff provided a rebuttal that the Development Code does not regulate art. The proposal and requested variance is for a sign that exceeds the allowable sign area for non-residential uses in residential zones.

The commissioners deliberated and concurred that while the sign is well designed and would add to the aesthetics of the school, it is still a sign that is

subject to the sign code. The variance approval criteria have to be addressed and the variance request does not meet the approval criteria.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated September 18, 2019, and the findings contained therein, as applicable to the approval criteria contained in Section 40.95.15.1.C of the Development Code.

Therefore, **IT IS HEREBY ORDERED** that **VAR2019-0005** is **DENIED**, based on the testimony, reports and exhibits, and evidence presented during the public hearing on the matter and based on the facts, findings, and conclusions found in the Staff Report dated September 18, 2019.

Motion **CARRIED**, by the following vote:

AYES: Brucker, Lawler, Nye, Winter.
NAYS: None.
ABSTAIN: None.
ABSENT: Matar, Overhage, Uba.

Dated this 4TH day of OCTOBER, 2019.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2721 an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Community Development Department's office by no later than 4:30 p.m. on OCTOBER 14, 2019.

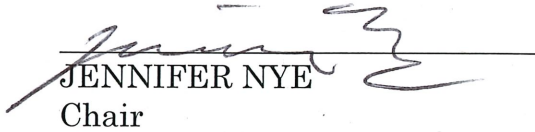
PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

APPROVED:



SIERRA PETERSON
Associate Planner



JENNIFER NYE
Chair



JANA FOX
Current Planning Manager