



Community Development Department
Planning Division
12725 SW Millikan Way /PO Box 4755
Beaverton, OR 97076
General Information: (503) 526-2222 V/TDD
www.BeavertonOregon.gov

STAFF REPORT

HEARING DATE: May 22, 2018

STAFF REPORT DATE: May 15, 2018

TO: Planning Commission

STAFF: Steve Regner, Senior Planner

APPLICATION: **William Walker Elementary School Sign Variance
VAR2019-0002**

LOCATION: William Walker Elementary school is located at 2350 SW Cedar Hills Boulevard. The property is also identified as Tax Lot 18700 on Washington County's Tax Assessors Map 1S1110BD.

ZONING/ NAC: Residential Urban Standard Density (R7) / Central Beaverton

REQUEST: The proposal is to vary from the standard as described in Section 60.40.40.1.A of the Development Code, that limits the size of signs in residential zones. Where the code allows one 32 square foot sign for an authorized non-residential use, the applicant, Beaverton School District, proposes a 70 square foot wall sign.

PROPERTY OWNER/
APPLICANT: Beaverton School District
16550 SW Merlo Road
Beaverton, OR 97003

DECISION CRITERIA: Beaverton Development Code, Section 40.95.15.1.C.1-12
Variance.

RECOMMENDATION: **Approval of VAR2019-0002 (William Walker Elementary School Sign Variance)** subject to conditions identified at the end of this report.

BACKGROUND FACTS

Key Application Dates

Application	Submittal Date	Submittal Complete	Final Written Decision Deadline	240-Day*
VAR2019-0002	March 20, 2019	March 20, 2019	July 18, 2019	March 19, 2020

* Pursuant to Section 50.25.9 of the Development Code this is the latest date, without a continuance, by which a final written decision on the proposal can be made.

** This is the latest date, with a continuance, by which a final written decision on the proposal can be made.

Existing Conditions Table

Zoning	Residential Urban Standard Density (R7)	
Comprehensive Plan	Standard Density (NR-SD)	
Current Development	Elementary School	
Site Size	Approximately 7.5 acres	
Surrounding Uses	Zoning: North: County R-5 Residential South: County R-5 Residential East: Beaverton R7 County R-5 Residential West: Beaverton R7	Uses: North: Residential South: Residential East: Residential West: Community Park

The redevelopment of William Walker Elementary School received approval from the Planning Commission on July 12, 2017 (CU2017-0002 DR2017-0004 TP2017-0002). Signs were not included as part of the development proposal at the time.

DESCRIPTION OF APPLICATION AND TABLE OF CONTENTS

	<u>Page No.</u>
<u>Attachment A:</u> VAR2019-0002 <i>Variance</i>	VAR1 – VAR9
<u>Attachment B:</u> <i>Conditions of Approval</i>	COA1

EXHIBITS

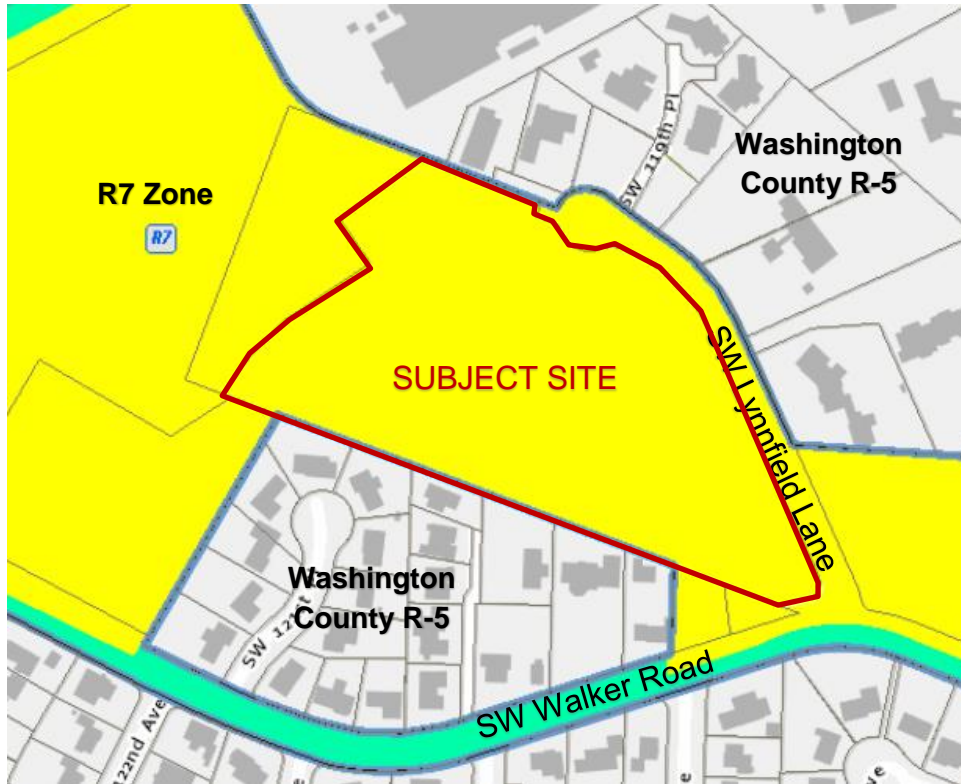
Exhibit 1. Zoning Map and Aerial Photograph (page VAR-4)

Exhibit 2. Materials Submitted by the Applicant

Exhibit 3. Materials Submitted by the public

No written materials received to the date of this report.

ZONING MAP



AERIAL PHOTOGRAPH



VAR2019-0002 (William Walker Elementary School Sign Variance)**ANALYSIS AND FINDINGS****Section 40.95.05 Variance Applications; Purpose**

The purpose of a Variance application is to provide for the consideration of varying from the applicable provisions of the Development Code where it can be shown that, owing to special and unusual circumstances, the literal interpretation of these provisions would cause an undue or unnecessary hardship without a corresponding public benefit. This Section is carried out by the approval criteria listed herein.

Section 40.95.15.1.C Variance Approval Criteria

In order to approve a Variance application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. *The proposal satisfies the threshold requirements for a Variance application.*

The proposal is to vary from the provision found in Section 60.40.40.1.A of the Beaverton Development Code which limits the number, size and height of freestanding signs in residential zones. Threshold No. 2 of the Variance application describes any change from the numerical requirements contained in Section 60.40 (Sign Regulations). In this case, the applicant proposes a 70 square foot wall sign, larger than the allowed 32 square foot sign as described in Section 60.40.40.1.A.

Staff therefore finds that the proposal meets the criterion for approval.

2. *All City application fees related to the application under consideration by the decision making authority have been submitted.*

The requisite application fee for a Variance has been paid.

Staff therefore finds that the proposal meets the criterion for approval.

3. *Special conditions exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, buildings, or structures in the same zoning district.*

Staff refer to and incorporate the applicant's written statement prepared by Beaverton School District, dated March 15, 2019, (Exhibit 2.1). According to applicant, the previous main entrance to the school was via SW Lynnfield Lane, east of the school facility. In 2017, the Planning Commission approved plans to rebuild the school, and relocate the primary access to Cedar Hills Boulevard, west of the school facility, through the abutting Cedar Hills Park. The applicant explains this was done to accommodate improved vehicle access through a new signalized intersection at Cedar Hills Boulevard. The result, however, is that the new elementary school no

longer has street frontage along where primary access is taken for users of the facility. The new building is approximately 900 feet from Cedar Hills Boulevard, significantly reducing the visibility of any wall sign from the street. The applicant argues that the school facility is a community resource and should be easily identifiable from the street to assist in navigation.

Staff concurs with the applicant's statement. In this case, special conditions exist with respect to the land and buildings involved that are not applicable to other land, buildings, or structures in the same zoning district. Because the Variance proposal is solely related to signs, staff refer to and incorporate the findings as stated in response to Criterion No. 8 herein. In part, Criterion No. 8 contains criteria similar to Criterion No. 3. Specifically, Criterion No. 8 describes:

"...special circumstances involving size, shape, topography, location or surroundings attached to the property referred to in the application, which do not apply generally to other properties in the same zoning district."

Where the focus of Criterion No. 8 is property, and applies to signs, staff incorporate the findings as stated in response to Criterion No. 8 in support of Criterion No. 3.

Therefore, staff finds that the proposal meets the criterion for approval.

4. *Strict interpretation of the provisions of this ordinance would deprive the applicant of the rights commonly enjoyed by other properties in the same zoning district under the terms of this Code.*

In response to Criterion No. 4, the applicant explains how BSD operates 28 schools within the corporate limits of Beaverton. The applicant explains how each of these schools have multiple signs which typically include a wall sign in addition to a reader-board sign. The applicant notes that no reader board or other wall signage is proposed on-site. As the applicant explains, the proposal is intended to have enough signage to reasonably identify the school from the new primary access point, which is consistent with signage strategy other elementary schools in BSD. The applicant notes that many other schools are accessed from an arterial street, but none are located 900 feet from that street, providing a unique situation where the 32 square foot limit deprives the applicant the ability to convey to its users where the school is located.

For this reason, staff finds the applicant is deprived of a right commonly enjoyed by other properties in the same zoning district under similar circumstances and the terms of this Code.

Therefore, staff finds that the proposal meets the criterion for approval.

5. *The special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute financial hardship or inconvenience.*

The applicant states that financial hardship or inconvenience is not the cause of the special circumstance or special condition. The applicant identifies the size of the size and distance from the primary entrance as the main cause of the special conditions. The change of primary entrance was driven by the desire to create a more safe, effective, and efficient access to the site via a signalized intersection through the abutting Cedar Hills Park. The proposal for the larger wall sign is proposed to mitigate the reduced visibility from a public street 900 feet away.

Staff concurs with the applicant's statement that the request for a larger sign is driven by a uniquely large distance between the school and the public street, and that distance was caused by an effort to improve access to the school. These conditions and circumstances do not merely constitute financial hardship or inconvenience.

In response to Criterion No. 5, staff also incorporates the findings as stated in response to Criterion No. 8 describing special circumstances involving size, shape, topography, location and surroundings.

Therefore, staff finds that the proposal meets the criterion for approval.

- 6. *If more than one variance is being requested, the cumulative effect of the variances will result in a project which is still consistent with the overall purpose of the applicable zoning district.***

According to the applicant, BSD is requesting a single variance to the city's sign standards. The applicant therefore states that Criterion No. 6 is not applicable. Staff concurs with the applicant's statement as the subject Variance proposal is limited to the addition of one sign with a total face area of approximately 70 square feet, and no additional Variance is required to approve the proposed sign.

Therefore, staff finds that the criterion to be not applicable.

- 7. *Any variance granted shall be the minimum variance that will make possible a reasonable use of land, building, and structures.***

The applicant identifies the scope of this request as one 70 square foot wall sign. The applicant describes the special conditions and circumstances that are unique to the school, identified in response to Criterion No. 3. The applicant states that the wall sign is scaled appropriately for the size of the building, and that the size of the sign is the minimum size that is visible from SW Cedar Hills Boulevard. The applicant has provided images demonstrating the visibility of the sign's proposed size, 70 square feet, and the permitted size, 32 square feet, to demonstrate the visibility of the proposed sign from SW Cedar Hills Boulevard (see exhibit 2). Based on the findings of Criterion No. 3 and the visibility demonstrated in the previously referenced sign renderings, staff finds the variance proposal to be the minimum necessary to make reasonable use of land, building and structures.

Therefore, staff finds that the proposal meets the criterion for approval.

- 8. For a proposal for a variance from sign regulations, no variance shall be granted unless it can be shown that there are special circumstances involving size, shape, topography, location or surroundings attached to the property referred to in the application, which do not apply generally to other properties in the same zoning district, and that the granting of the variance will not result in material damage or prejudice to other property in the vicinity and not be detrimental to the public safety and welfare. Variances shall not be granted merely for the convenience of the applicant or for the convenience of regional or national businesses which wish to use a standard sign.**

The response to Criterion No. 8, the applicant refers to the special circumstances identified in response to Criterion No. 3, with respect to the size and of William Walker Elementary School and the distance from its primary entrance. The applicant also explains how the sign is requested for the purpose of improving the safe, effective and efficient access to the site. Additionally, the applicant explains how the proposed sign is not a brand or size common to the District but is unique to the site and complementary to the design of the building.

Staff concur with the applicant's statement for findings in support of Criterion No. 8. Staff observes. Staff also incorporates the findings stated in response to Criterion No. 4, explaining how the proposed sign is designed for identifying the school from a uniquely large distance. For this reason, staff finds the sign is not intended merely for convenience.

Staff further finds that the granting of this variance will not result in material damage or prejudice to other properties in the vicinity as other properties are not approved for the same institutional use. The Planning Commission granted a conditional use permit for the rebuilt school in 2017 (CU2017-0002). . For these reason, staff finds that the granting of this variance will not be detrimental to the public safety and welfare. Finally, staff finds that granting of the variance will not be for purpose of identifying regional or national businesses, as the applicant is an local school district.

Therefore, staff finds that the proposal meets the criterion for approval.

- 9. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless applicable provisions modified by means of one or more applications that already have been approved or are considered concurrently with the subject proposal.**

The applicant states that all applicable provisions of Chapter 20 are met by the proposed sign. Staff concurs and finds provisions of Chapter 20 (mostly related to land use and site development) more relevant in review of buildings or structures when subject to Variance consideration. For signs, provisions that govern height, size and location are only identified in Chapter 60.

Therefore, staff finds that the criterion is not applicable.

10. ***The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.***

In response to Criterion No. 10, the applicant refers to the scope of the Variance proposal which is limited to review of specific sign standards as contained in Section 60.40.40 of the Development Code. Staff concurs and finds no other provisions of Chapter 60 to be relevant.

Therefore, staff finds that the proposal meets the criterion for approval.

11. ***The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.***

Section 50.25.1 identifies the various items necessary for the city to determine land use applications as complete, thereby initiating the land use process. For the purpose of this application, staff finds the proposal to contain all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

Therefore, staff finds that the proposal meets the criterion for approval.

12. ***Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.***

In response to Criterion No.12, the applicant explains how BSD will submit the Sign Permit application once the Variance is approved. Staff proposes one condition of approval that requires the Sign Permit and building permits if necessary.

Therefore, staff finds that the proposal meets the criterion for approval with conditions.

Recommendation and Conditions

Based on the facts and findings presented, staff recommend **APPROVAL** of **VAR2019-0002 (William Walker Elementary School Sign Variance)** subject to the conditions identified in Attachment B.

CONDITIONS OF APPROVAL

1. The wall sign approved for Variance is subject to administrative Sign Permits and potential Building Permits (for electrical and/or structural as determined necessary). (Planning / SR)