

Minutes  
**City of Newport Planning Commission Regular Session**  
**Monday, April 13, 2009**

**Commissioners Present:** Jim Patrick, Mark Fisher, Jim McIntyre, John Reh fuss, and Teresa Atwill.

**Commissioners Absent:** Dawn Newman (excused).

**City Staff Present:** Community Development Director (CDD) James Bassingthwaite, Senior Planner Meredith Savage, and Senior Administrative Assistant Wanda Haney.

Chair Patrick called the meeting to order in the Newport City Council Chambers at 7:00 p.m.

**A. Approval of Minutes.**

1. Approval of the work session and regular session Planning Commission meeting minutes of March 23, 2009, and the regular session meeting of March 30, 2009. **MOTION** was made by Commissioner McIntyre, seconded by Commissioner Atwill, to approve the minutes of the Planning Commission meetings as presented. The motion carried unanimously in a voice vote.

**B. Citizen/Public Comment.** There was no public comment.

**C. Consent Calendar.** There were no items on the consent calendar.

**D. New Business.** There was no new business to discuss.

**E. Public Hearings.**

**Quasi-judicial actions:**

1. File No. 2-VAR-09. A request submitted by Newport Hospitality, LLC (Dale Clark/Clark Signs, authorized representative) for approval of a Type I variance pursuant to Section 10.10.050(A) of the City of Newport Municipal Code to allow a proposed 66 square-foot wall sign located on the gabled roof above the portico on the west side of the building at the new Holiday Inn Express to be 48 feet high from grade to the top of the sign. Section 10.10.050 (A) of the Newport Municipal Code limits sign height to 30 feet from grade to the top of the sign. The subject property is located at 135 SE 32<sup>nd</sup> St. (Assessor's Map 11-11-17-DB; Tax Lots 500, 501, 502 & 400).

Patrick opened the public hearing at 7:04 p.m. by reading the summary of the file from the agenda. He read the statement of rights and relevance and asked the Commissioners for declarations of ex parte contact, bias, conflicts of interest, or site visits. Reh fuss had made a site visit. Patrick asked for objections to any of the Planning Commissioners or the Commission as a whole hearing this matter; and no objections were heard. He then asked for the staff report. Bassingthwaite explained that this is a sign variance that follows the variance process within the Newport Zoning Ordinance and gave the applicable criteria from the City's Municipal Code. He entered into the record the affidavit of mailing of hearing notice on March 23, 2009, the proof of publication in the Newport News-Times on April 3, 2009, and the complete set of application materials. Bassingthwaite noted that since the staff report was prepared, additional written correspondence has been received from the following: Greg McCormack of Sign Management in favor of the variance request; recommendations of approval from the following: Roxie Frahm, Debbie Zahradnicek, John Tharp, Barbara Abshire, Bob Ramstead; a letter of opposition from Janet Webster; and a written note of opposition received just prior to the hearing from Gary and Linda Cook. Bassingthwaite noted that the staff report identified issues that apply to the request. Their request is to exceed the 30 feet to allow a sign to be at 48 feet on the gabled wall. Under the sign code, there would be no height limitation for the same type of sign if it were a painted wall mural sign; the 30-foot maximum applies only to other types of signs. Bassingthwaite explained that one other alternative the applicant has noted is to place a 30-foot high pole sign. The applicant has reviewed these options and determined that they don't work for what they are attempting to do. The Planning Commission will have to determine if the applicant has met the criteria for a sign variance. He noted that if the Commission decides to approve the request, Staff has a couple of recommended conditions of approval. In answer to a question, Bassingthwaite noted that a pole sign potentially could have much greater square footage without a variance request than the proposed 66 square foot sign. The square footage would have to be calculated based on street frontage of the property. He noted that the variance is just related to height, they are not asking for additional square footage. Bassingthwaite noted that if the Commission approved the variance request, they could attach a condition limiting the applicant to the three signs.

**Proponents:** Dale Clark of Clark Signs, 31365 Signs Drive, Deer Island, OR 97054 came forward as the applicant's agent. Clark entered into the record one more letter of support from Mary Parker, a neighbor within 200 feet of the property across Ferry Slip Road. He noted that the La Quinta sign is lighted, and the applicant could actually put another sign behind that one. If they

wanted, they could put a 30-foot high free-standing illuminated sign on the Holiday Inn property. However, there is a tree that would block part of it. Clark said that all they are asking for is 66 square feet, and stated that there is really no other place on the building that it could be seen. He noted that Sign Management does all the designs for Holiday Inn Express. The only other signs applied for and permitted are the 2 foot wide by 4 foot high directional signs at each driveway. He noted that they are allowed two free-standing signs, which they used. They could take down one of the directional signs and install the 30-foot free-standing sign instead. They feel that the wall sign would be better in appearance and not blocking views. Clark explained that the wall sign is individual letters with LEDs, and the green square around the H is also illuminated. The sign shows green and white. If the sign were painted, it wouldn't look like any other Holiday Inn. If lights were shown on it, it would all be white. He said that Holiday Inn won't allow them to do that. Clark explained that when the owners applied for their building permit, it did show this sign being there on the building. The owner had no idea that the 30 foot height limitation applied to wall signs. He noted that this sign would be flat on the building and only facing west for Highway 101 exposure. He said we do have signs in Newport over 30 feet in height that he actually installed. He also had no idea that there was a problem with the height. Bassingthwaite noted that the current sign code went into effect about two years ago, but the 30 feet maximum height has been in the sign ordinance since the 1980s. Clark expressed that really the sign is small for the building's size. He noted that if they put up a free-standing sign, it would probably be about 125 square feet in size. Bassingthwaite gave the definition of sign and explained that the whole wall sign is reviewed as one sign for measuring square footage. McIntyre agreed that even though the sign is made up of individual letters, it is all one unit as a sign; and he couldn't see any other area on the building where they could put this sign together. Clark noted also that this area is built where they can get in behind the sign and it has power wired for LEDs behind the wall. All other areas have rooms behind them. Reh fuss asked if the landscaping at the La Quinta is causing a hardship making them have to place the sign higher. Clark said that one thing is that the building was designed by architects so that it would have a sign on the building. The owners had no idea that there was a problem with the sign being there. The building permit had the sign shown in that position. Bassingthwaite noted that on the building permit it was just an illustration and could have been a mural sign. A sign permit was not submitted at the same time as the building permit. Bassingthwaite clarified that this is not a bigger sign; it is just at a greater height than allowed by the code. Clark said that he has been in the sign business for 25 years, and he honestly didn't know there would be a problem with the sign going on the wall. He said that generally you don't apply for a sign permit when submitting a building permit. He thought it was reviewed as a package, but they actually apply for the sign permit when it is decided what signs are needed. Clark noted that the sign could still be there; they could actually paint it in the same location. They would like to have it lighted in that area so that it looks like the rest of the Holiday Inn Expresses. He feels the proposed sign would be a lot more attractive on the building.

There were no other proponents wishing to testify.

**Opponents or Interested Parties:** Tom Chandler, 3650 SE Leeks High Road, Newport, came forward to testify. Chandler says that he goes around that corner every day. He commended the Holiday Inn Express people for the design and development of that piece of property. He said that it is a nice-looking structure that will add to that corner. His concern is the building was built specifically for that sign to be in that location. He sees no other reason for that gable area to be there. It has no other structural responsibility than background for lighting the sign. Chandler said that as you go over the bridge and look at the sign, you will see that Holiday Inn Express directly in the middle of the bridge. He described it as beautiful positioning for that sign. He said that it seems Mr. Clark submitted that they have been putting up signs in this area for a long time. There is a three-story neighbor with no sign, yet they expressed no objection. The other properties do comply with the law. Chandler told the Commissioners that each time they cross the bridge; it will be illuminated there for them to see that they gave a variance to the law. He believes, even though it is lower, the sign could be placed on the portico above the door. He said that the building was designed for the sign to be located on the gable, and he understands their concern about that. He noted that on every cookie-cutter Holiday Inn Express you will see the sign in that location on the roof. That bothers him a little bit. It will be the only sign you see going south. Other than that he has no concerns. Bassingthwaite said that on the building permit even with signage illustrated, it didn't show that it was illuminated. It easily could have been a mural sign. They would not be prohibited from lighting a mural sign. Either as a mural sign or as the sign proposed, you would be able to see the sign from the bridge. Bassingthwaite noted that the gable does help break up the roof mass on top.

Joyce Gaffin, PO Box 530, South Beach, OR, testified next. Gaffin said that she drives over the bridge all the time. Most recently, as she drove over she has been looking at the Holiday Inn building. Until tonight, she thought the sign was going above the portico and not on the gable roof above the portico. She said that regardless of that, when one passes the crest of the bridge right in front of you all the way down to La Quinta Inn, which is in front of the Holiday Inn Express, you have a clear view of the entire building including the portico. She thought that any sign that went above the gable roof on the portico would be seen coming over the bridge and would be sufficient for the publicity of the building. She fails to understand why we should fit ourselves into their mold. She questioned why make decisions based on what is already there as opposed to the view shed, which is extremely important. The South Beach community forum has spent many hours on planning for South Beach and all of those meetings were for the vision of South Beach. The City spent considerable money for the plan, getting suggestions on what should happen with urban renewal money. The people were interested in the look of South Beach as a destination place. Setting a precedent by allowing large companies to get variances in order to make what happens in South Beach look the same as all over the world, would be a concern to those who live here and so many people planning for the future of South Beach. As far as the criteria, she is unsure where the hardship is. She wondered if it would be a hardship if the sign were at the 30-foot level. Bassingthwaite said that the hardship the applicant noted if the sign were lower at 30 feet was the obstruction of visibility because

of vegetation along the property line with La Quinta Inn. Gaffin said that no matter whether the sign is on the portico or the gable, it is visible from the crest of the bridge down. She drove around and the only trees that would be in the way of anything might be a few that La Quinta Inn has, which may cover a five-foot portion for a person already driving down 32<sup>nd</sup> Street. She finds it unusual that the required landscaping for one entity would be used as an excuse for another entity to get a variance so they could be more visible. In driving around, she found few motel/hotel signs that had a 30-foot free-standing sign in front of them. She believes it would be a lack of insight to make the south end of the bridge a haven for big signs when it hasn't happened in the rest of the city. She said that on the south side, we shouldn't throw it all to the wind and not consider the continuity of the view shed. The signage should be done tastefully and not with everybody going for their own company's architecture and company already-made signs.

**Rebuttal:** Dale Clark returned for rebuttal. Clark noted that the Inn at Yaquina Bay has a sign above the 30 feet that is illuminated. He said the sign was installed as Ashley Inn and then was changed. Regarding seeing the sign as you come off the bridge, a 66 square foot sign could be painted on as an illuminated mural in the same place. Then they could place another 200 square feet of sign counting the entrance sign and a free-standing sign. He said that they would like to have the wall sign illuminated. He noted that also the Elizabeth Street Inn has signage above the 30 foot height; about the same as this at 48-50 feet.

Chair Patrick closed the hearing at 7:45 p.m. for deliberation. Rehffuss said that although there are some exceptions to the height, it is specified in the code. He said that he is finding it difficult to establish hardship. Even though, the applicant can put another sign on the lot, Rehffuss is inclined to deny the request. McIntyre had mixed feelings. He said that he understands the building is beautiful and adds a lot to South Beach and signage is a very strong issue with any business. He understands the reason the sign is on top of the building is to have gained better visibility over their competitors if they can. McIntyre said that he would rather see a free-standing sign next to the one that La Quinta Inn has so that every business has equal opportunity. Atwill agreed that the building is nice looking. It is definitely visible from around the community. She doesn't necessarily see a need for it to be up at the top. In terms of the hardship criteria, she is having trouble finding a hardship when they could have it on the portico or have a free-standing sign meeting the height requirement. She said that she is leaning toward denying the request. Fisher said that he has agreement with Ms. Gaffin, Mr. Chandler, and Mr. Clark. Community attractiveness is very important especially in a tourist town. He talked about a few years ago when the Rogue Brewery installed their red tank with a Volkswagen on top and how the Port Commission talked to the brewery about it and they changed it. He said it is very important to have an attractive town. Mr. Chandler was right when he read the words printed in the guidelines, that this technically doesn't fit in there. That is why this is before the Commission tonight. He believes Mr. Clark that the Holiday Inn people weren't aware of the sign height limitation. The architects don't live in Newport and don't know all of our ordinances. They designed attractive breaks in the roofline with this design. It is not an ugly building like some motels around. The alternative, which they have a right to do, is plant a 30-foot pole with a bigger sign than this standing up on top. As a citizen, Fisher said that he feels the wall sign is a much more attractive element. He would much rather drive over the bridge and see this every day than a big pole. He said sometimes there is a balance. He would rather live with this than the alternative. He said that he may vote in favor. Patrick said that he agrees somewhat with Fisher, but unless there is a better reason, he will be voting to deny the request. He too thinks this sign is much better in appearance, but there is a set of criteria that the Commission has to follow. He understands corporate branding. He said that we will probably see a 30-foot pole sign and this one painted on the building and lit up anyway. Patrick said that however, he can't find grounds for hardship. Atwill said it is a nice-looking sign, and she hopes they could move it to the portico.

**MOTION** was made by Commissioner Fisher to grant the sign variance request in File No. 2-VAR-09 with the two staff recommended conditions. The motion died due to lack of a second. **MOTION** was made by Commissioner Atwill, seconded by Commissioner Rehffuss, to deny the sign variance request in File No. 2-VAR-09 as it fails to meet the criteria. The motion carried unanimously in a voice vote. Bassingthwaite noted that a final order will be brought back to the Planning Commission for their consideration at the next meeting, followed by a two-week appeal period when it could be appealed to the City Council.

**F. Unfinished Business.** There was no unfinished business.

**G. Adjournment.** There being no further business to come before the Planning Commission, the meeting adjourned at 7:59 p.m.

Respectfully submitted,

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Wanda Haney  
Senior Administrative Assistant