



CITY OF MILWAUKIE

March 5, 2025

Land Use File(s): VR-2025-003

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Manager on March 5, 2025.

Traducciones de este documento e información sobre este proyecto están disponibles en español. Para solicitar información o preguntar en español, favor de email espanol@milwaukieoregon.gov.

Applicant(s):	Jezreel George, Ramsay Signs
Location(s):	11050 SE Oak St
Tax Lot(s):	11E36AC12400
Application Type(s):	Variance
Decision:	Approved
Review Criteria:	Milwaukie Sign Ordinance: <ul style="list-style-type: none">• MMC Section 14.16.040 Commercial Zones Sign District• MMC Section 14.32 - Adjustments Milwaukie Zoning Ordinance: <ul style="list-style-type: none">• MMC Section 19.1005 Type II Review
Neighborhood(s):	Lake Road

Appeal period closes: 5:00 p.m., March 20, 2025

This notice is issued in accordance with Milwaukie Municipal Code (MMC) Section 19.1005 Type II Review. The complete case file for this application is available for review by appointment between 8:00 a.m. and 5:00 p.m. on regular business days at the Planning Department, City Hall, 10501 SE Main St. Please contact Vera Kolias, Senior Planner, at 503-786-7653 or koliasv@milwaukieoregon.gov, if you wish to view this case file or visit the project webpage at <https://www.milwaukieoregon.gov/planning/vr-2025-003>.

This decision may be appealed by 5:00 p.m. on March 20, 2025, which is 15 days from the date of this decision.¹ (Note: Please arrive by 4:45 p.m. for appeal payment processing.) Any person who is adversely affected or aggrieved by this decision may appeal the decision by filing a written appeal. An appeal of this decision would be heard by the Milwaukie Planning Commission following the procedures of MMC Section 19.1010 Appeals. This decision will become final on the date above if no appeal is filed during the appeal period. Milwaukie Planning staff can provide information regarding forms, fees, and the appeal process at 503-786-7630 or planning@milwaukieoregon.gov.

Per MMC Subsection 19.1001.7.E, this land use approval expires unless the applicant has: (1) obtained and paid for all necessary development permits and started construction within 2 years of land use approval, and (2) passed final inspection and/or obtained a certificate of occupancy within 4 years of land use approval. Extensions can be granted per MMC Section 19.908.

Findings in Support of Approval

The Findings for this application are included as Exhibit 1.

Conditions of Approval


None.

Manager's Declaration of Impartiality

I certify that neither I nor any member of my immediate family has a material, personal, or financial relationship with the applicant. I further certify that no other relationship, bias, or ethical conflict exists which would have prevented me from evaluating the land use application solely on its merits and in accordance with the Milwaukie Municipal Code.

Decision

- Approved
- Approved with Conditions
- Denied



Laura Weigel, AICP
Planning Manager

Exhibits

1. Findings in Support of Approval

¹ As per MMC Section 19.1010, if the 15th day falls on a weekend or legal holiday, the end of the appeal period shall be extended to the end of the next business day.

cc: Jezreel George, Ramsay Signs (via email)
Planning Commission (via email)
Joseph Briglio, Community Development Director (via email)
Jennifer Garbely, City Engineer (via email)
Engineering Development Review (via email)
Patrick McLeod Building Official (via email)
Stephanie Marcinkiewicz, Inspector/Plans Examiner (via email)
Harmony Drake, Permit Coordinator (via email)
Emilie Bushlen, Permit Technician (via email)
Tim Salyers, Code Enforcement Coordinator (via email)
Shawn Olsen, CFD#1 (via email)
NDA: Lake Road (via email)

Land Use File(s): VR-2025-003

EXHIBIT 1
Findings in Support of Approval
File #VR-2025-003
Pietro's Sign Height Adjustment—11050 SE Oak St

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, Jezreel George with Ramsay Signs, on behalf of Pietro's Restaurant Group, has applied for an adjustment to maximum sign height (processed as a variance) to relocate the existing Pietro's Pizza freestanding sign from its current location at 10300 SE Main St to the new restaurant location at 11050 SE Oak St. The relocated sign would exceed the maximum sign height of 25 ft by 6.25 ft (less than 25%) for a total sign height of 31.25 ft. The land use application file number is VR-2025-003.
2. Because the total sign height would exceed 25 ft by less than 25%, the applicant has requested a Type II variance to allow the additional 6.25 ft.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 14.16.040 Commercial Zones Sign District
 - MMC Section 14.32 - Adjustments
 - MMC Section 19.1005 Type II Review

The application has been processed and public notice provided in accordance with MMC Section 19.1005 Type II Review.

4. MMC 14.16.040 Commercial Zones Sign District

Table 14.16.040 provides standards for a variety of sign types. The applicable portions of this section pertaining to freestanding signs are addressed below:

- a. Area.

A freestanding sign may have a maximum of 1.5 square feet of area for every foot of street frontage, and for each foot of frontage over 100 feet, an additional square foot may be added to the maximum allowable. The maximum sign area allowed is 250 square feet per side up to 1,000 square feet total.

The Oak St frontage is approximately 195 feet and the Hwy 224 frontage is approximately 167 feet. The area of the relocated sign is 127.6 square feet, well within the allowed area.

- b. Height.

A maximum height of 25 feet is permitted.

The existing sign at the Main St location is 34 feet tall. The relocated sign will be installed on an existing pole and would be 31.25 feet tall, and is subject to the adjustment criteria. These criteria are addressed in Finding 5 below.

c. Location.

Freestanding signs may not be located in any portion of the street, sidewalk, or public right-of-way.

The proposed relocated freestanding sign would be in the same location as the existing McGrath's sign, which is in a landscaped area. The location will comply with this standard by being located on the property.

d. Number.

One freestanding sign is allowed.

The request is to have one freestanding sign.

e. Illumination.

Freestanding signs may be illuminated.

The sign will be illuminated.

The Planning Manager finds these provisions are met, subject to the sign height adjustment.

5. MMC Chapter 14.32 Adjustments

- a. MMC 14.32.020.B authorizes the Planning Manager to review certain sign adjustments. The aspect of the adjustment application is allow a freestanding with a height of 31.25 feet where a maximum of 25 feet is permitted. As provided in MMC 14.32.020.B, sign adjustment requests of less than 25% from the required standard shall be reviewed by the Planning Manager per MMC 19.1005 Type II review. MMC 14.32.010.B provides two criteria of which an adjustment must meet one:

- (1) Strict application of this chapter would cause an undue or unnecessary hardship.

The sign height requirements are based on typical commercial sites in the city, which are generally flat with minimal difference in elevation, especially between the street and the property. The frontage along Highway 224, where the sign would be installed, is clearly different with a drop in elevation of approximately 9 feet between the roadway and the southeastern corner of the property. The additional 6.25 feet in height compensates for this difference, and strict enforcement of the 25-foot height would mean the sign would not be sufficiently visible. Further, the existing sign cannot be modified to meet the height standard with damaging it.

- (2) The adjustment serves to protect or enhance significant features such as, but not limited to, trees, historic or culturally significant buildings, or landmark signs.

Pietro's Pizza was established in 1969 in downtown Milwaukie. The existing iconic 34-foot tall neon pole sign was commissioned by Norm Kolln and the sign was made by Ramsay Signs soon after the business opened. Over the past 50 years the sign has become a community landmark. The sign is a nostalgic piece for the community which is why the proposal is to relocate the existing sign to the new restaurant location.

Moreover, the sign has been well-maintained over the decades and remains functional, representing a historical piece that has outlasted many other businesses. The sign is synonymous with Pietro's Pizza and its use and purpose is essential to the success of the business, particularly in its new location. The sign was originally compliant with regulations but cannot be modified to meet current standards without damaging its integrity,

The Planning Manager finds that both criteria are met.

b. MMC 14.32.030 contains five criteria, which must be satisfied:

- (1) That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Sign Ordinance.

The proposal is to relocate an existing landmark sign to a new location. The sign height requirements are based on typical commercial sites in the city, which are generally flat with minimal difference in elevation, especially between the street and the property. The frontage along Highway 224, where the sign would be installed, is clearly different with a drop in elevation of approximately 9 feet between the roadway and the southeastern corner of the property. The additional 6.25 feet in height compensates for this difference, and strict enforcement of the 25-foot height would mean the sign would not be sufficiently visible.

- (2) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, which do not apply generally to other properties classified in the same zoning district.

A unique difference that does not apply to other businesses in the same zone is that this sign was commissioned approximately 60 years ago, it's a recognizable piece that would be impossible to modify to fit current code height standards. As noted above in Finding 5.a.(1), the sign height requirements are based upon relatively flat terrain, not a 9-foot drop in elevation between the roadway edge and the property boundary. The additional 6.25 feet of height simply compensates for this elevation difference. The sign will be perceived as a 25-foot high sign from the Highway 224 vantage point.

- (3) That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.

The overall intent of the sign regulations is to allow for appropriate identification of businesses and prevent an undue proliferation of signs and sign area. Because of the topography issue noted above, the additional height is necessary for the sign to be visible from Highway 224. Requiring a 25-foot maximum height would greatly compromise the effectiveness of the sign without providing a corresponding visual or aesthetic benefit.

- (4) That the granting of the adjustment will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.

The additional 6.25 feet of height are appropriate given the topographic situation over which the applicant has no control. In the context of its location, the taller sign will not appear more dominant than other signs along Highway 224. Granting this reasonable height adjustment recognizes the uniqueness of a landmark sign and its location and topographic challenges relative to other properties that is not inconsistent with the intent and purpose of the sign code.

- (5) That the granting of the adjustment will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

With its location visible to Hwy 224, but set back approximately 80 ft due to the existing pond, the modest increase in sign height will not create a distraction for motorists, or have any effect upon adjoining properties. ODOT was contacted and has no objection regarding the sign.

The Planning Manager finds that the approval criteria for a Type II variance are met.

6. The application was referred to the following departments and agencies on February 18, 2025:

- Milwaukie Community Development Department
- Milwaukie Engineering Department
- Milwaukie Building Department
- Milwaukie Public Works Department
- Clackamas Fire District #1 (CFD#1)

In addition, notice of the application was mailed to property owners and residents within 300 ft of the subject property on February 18, 2025. Public notice signs were posted on the property on February XX, 2025.

No comments were received.