



# City of Leavenworth

700 Highway 2 / PO Box 287  
Leavenworth, WA 98826  
(509) 548-5275 / FAX: (509) 548-6429

## NOTICE OF FINAL DECISION / ACTION OF THE LEAVENWORTH DESIGN REVIEW BOARD

### IN THE MATTER OF

### Sign Permit Application No. 20-018-S

### “Chevron” Freestanding Sign Replacement & Chester’s Chicken Wall Sign

Date: March 2, 2020

To: Christensen Inc. for: Santokh Singh  
1060 Jadwin Ave 920 US Highway 2  
Richland, WA 99352 Leavenworth, WA 98826

THIS MATTER having come before the Leavenworth Design Review Board on February 26, 2020, and the Board having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, Decision and Conditions of Approval:

### I. FINDINGS OF FACT

1. The Applicant seeks approval of a Sign Permit, pursuant to Leavenworth Municipal Code (LMC) Chapter 14.10, Signs, as described within the Staff Report, dated February 19, 2020.

The Applicant seeks a Sign Permit Application for replacement of a multi-tenant freestanding sign frame<sup>1</sup>, new “Chevron” sign (mounted on new frame) and new “Chester’s Chicken” wall sign, consistent with LMC 14.10, as follows:

#### ***Sign 1 (Chevron):***

1. Type/Description: Double-sided sign to be installed on freestanding business listing sign frame. The signage is to read “Chevron” in “DS Wallau” lettering.
2. Materials and Dimensions: 1-3/4” thick Western Red Cedar with hand carved graphics and custom painted finish. Background is white with lettering in Chevron Blue, Chevron logo in Chevron Blue and Red (PMS 186C), with decorative embellishments in the corners. The sign area measures 5’-3 1/4” x 5’-7 1/4” (29.5 sq ft).
3. Sign Frame: The freestanding sign structure will be constructed of steel and aluminum with faux wood grain finish, to mimic a wood appearance, with a black metal top cap.

#### ***Sign 2 (Chester’s Chicken):***

1. Type/Description: New wall sign to read “Chester’s Chicken” in “DS Wallau” lettering.
  2. Materials and Dimensions: 1-3/4” thick Western Red Cedar with hand carved graphics and custom painted finish. Background color is Country Garden (MP5658) with black lettering (to match freestanding sign). The sign area measures 18 1/2” x 96” (12.3 sq ft).
  3. Location: The sign will be mounted to the wall, located above the windows, to the right of the main entry door.
2. The Applicant submitted colored renderings of the proposed signage and items as discussed within the Staff Report, and incorporated herein.

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<sup>1</sup> Signage for gas prices, Subway and Chester’s Chicken previously approved by permit 19-125-S. Overall sign area of all four signs will be 49.9 square feet.

3. The application is subject to a hearing before the Leavenworth Design Review Board pursuant to LMC 21.09.050, Quasi Judicial Review of Applications.
  - 3.1. A public hearing was held on February 26, 2020.
4. Appearing and testifying on behalf of the proposal was Jim Sutterfield (sign contractor).
5. The entire Planning Staff file was admitted into the record at the public hearing.
6. The board discussed necessary modifications to the freestanding sign support structure, for compliance with the Old World Bavarian Alpine Theme.
7. The applicant discussed the possibility of interior illumination of the fuel dispenser valences.
8. The design review board is responsible for considering the compatibility of the proposed sign with the existing design review board approved Bavarian structures and designs in the commercial zoning districts of the City and the City's Urban Growth Area.
9. The Board is responsible for determining the compatibility of the proposed sign with the Old World Bavarian Alpine Theme (OWBAT).
10. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

## **II. CONCLUSIONS OF LAW**

1. The application has been processed in compliance with LMC 21.09.050, Quasi-Judicial Review of Applications.
2. The Leavenworth Design Review Board has been granted authority to render this Decision pursuant to LMC 14.10.170(E) and LMC 14.28.060(C).
3. The file of record and comments of the applicant, staff, and/or the public have been considered in rendering this Decision and forming Conditions of Approval.
4. The proposal, as reviewed, includes a logo of a chain or franchised business which has previously been determined by this Board to be in keeping with the Old World Bavarian Alpine theme (Chevron Sign), with the inclusion of Bavarian lettering and embellishments on the sign.
5. The freestanding sign support structure, as proposed, includes structural design and roofing material that is inconsistent with LMC 14.08.040 and requires modification. As conditioned, the project can comply with LMC 14.080.040.
6. The proposal, as reviewed, includes interiorly illuminated signage on the fuel dispensers. Pursuant to LMC 14.10.040(I), interiorly illuminated sign(s) exterior and visible from public rights-of-way are prohibited. The fuel dispenser valences shall not be illuminated. All illumination shall be from the canopy above.
7. The Design Review Board has considered the proposed general design, lettering, arrangement, size, texture, materials, colors, and placement of the proposed signage in relation to other signs and other structures on the premises and contiguous area, and in keeping with the intent of LMC Chapter 14.10 and the Old World Bavarian Alpine theme.
8. As conditioned, the signage, to be located within a commercial zoning district of the city, will be compatible in design and color with the Old World Bavarian Alpine theme and with the building and use with which the signage is associated. Such signage will include the elements as required by LMC 14.10.180 (C).
9. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

## **III. DECISION**

Based on the above Findings of Fact and Conclusions of Law, Permit Application No. 20-018-S for "Chevron and Chester's Chicken" located at 920 US Highway 2, within the City's Central Commercial zoning district, is hereby **APPROVED** subject to the following conditions:

#### IV. CONDITIONS OF APPROVAL

1. All conditions imposed herein shall be binding on the “Applicant,” which term shall include the owner or owners of the property, representatives, heirs, assigns, and successors.
  2. This approval is limited to the proposed design as described within the application materials, dated February 11, 2020, as received by the City, as reviewed by the Leavenworth Design Review Board, and as described in the Staff Report and attached Exhibits, except as conditioned herein. Where a Condition of Approval does not alter a design element as reviewed by the Board, such design element shall be approved for use as shown within the application materials.
  3. The Design Review Board has approved the design, subject to the following:
    - 3.1. **The Chester’s Chicken sign is approved as submitted.**
    - 3.2. **The Chevron Sign (excluding freestanding sign support structure) is approved as submitted.**
    - 3.3. **All other signage has been previously approved under permit number 19-125-S.**
    - 3.4. **The freestanding sign support structure shall be modified in accordance with drawing specifications identified in “Exhibit A” of this decision and as follows:**
      - 3.4.1. **Utilize 8 x 8 cross beams with scalloped edge;**
      - 3.4.2. **Utilize 4 x 4 rafters (x 3) with 1 ½ steel tube steel substructure capped on bottom to mimic wood;**
      - 3.4.3. **Roofing materials shall be compliant composite asphaltic roof or composite shingles;**
      - 3.4.4. **Use 1x aluminum to mimic wood on fascia atop 2x aluminum to mimic wood, with roof overlapping;**
      - 3.4.5. **No fascia on end of rafters (open ends);**
      - 3.4.6. **Remove diagonals from design.**
    - 3.5. **The design of the dispensers shall not include illumination. All lighting shall be from the existing overhead canopy.**
  4. **Construction plans and engineering, in accordance with the 2015 IBC, shall be submitted for review and approval by the Department prior to installation of the new freestanding sign. The structure shall meet the applicable design criteria for the City of Leavenworth, pursuant to LMC 15.04.30, as listed in “Exhibit A” of this decision.**
  5. **The existing freestanding sign and nonconforming sign frame (located at the southwest property corner) shall be removed prior to installation of the new freestanding sign.**
  6. Any design details which are subject to review and approval of the Design Review Board that have not received approval with this application, or which may be added in the future (including but not limited to lighting or additional signage), or any changes to design details as submitted by the Applicant in this proposal, shall be brought before the Board for review and approval prior to installation as part of a new permit application or revision.
  7. This approval and the terms, provisions and requirements of Leavenworth Municipal Code 14.08 and 14.10 shall be in addition to and not in lieu of the requirements set forth in the International Building Code and other uniform codes adopted by the City or in any other ordinance, state statute or regulation governing the construction, building, zoning or other similar regulations applicable to the city.
  8. The Applicant shall obtain all permits required by all federal, State, and local agencies with jurisdiction, including but not limited to building, lighting, and electrical permits.
  9. Design review board approved architectural and sign permits shall expire in conformance with LMC 15.04.030 and associated building permits (as necessary).
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## V. APPEALS

This decision is final unless appealed as provided in Chapter 21.11 LMC, Appeals.

As provided by Leavenworth Municipal Code (LMC) 21.11.020: Applicants or parties of record may appeal this decision as provided for in LMC 21.11.030 provided, however that no such appeal may be filed unless such party has first brought a timely motion for reconsideration of this decision pursuant to LMC 21.15.120.

In order to appeal a decision made by the Design Review Board the appellant must exhaust available remedies prior to filing for an appeal. The appellant(s) shall seek reconsideration of a final decision pursuant to the requirements of Section 21.15.120 LMC in order to file for an appeal. The City must receive a request for reconsideration by no later than 10 days from the date of the decision as cited above.

21.15.120 – Reconsideration. An applicant or party of record to a Hearing Examiner’s (Design Review Board) public hearing may seek reconsideration only of a final decision by filing a written request for reconsideration with the City within ten days of the final decision. The request shall comply with Section 21.11.030(B). The Hearing Examiner (Design Review Board) shall consider the request at the next regularly scheduled meeting, without public comment or argument by the party filing the request. If the request is denied, the previous action shall become final. If the request is granted, the Hearing Examiner (Design Review Board) may immediately revise and reissue its decision, or may call for argument in accordance with the procedures for closed record appeals. Reconsideration should be granted only when an obvious legal error has occurred or a material factual issue has been overlooked that would change the previous decision.

21.11.030(B) – Contents. The notice of appeal shall contain a concise statement including the following information:

1. The decision being appealed;
2. The name and address of the appellant and his/her interest(s) in the matter;
3. The specific reasons why the appellant believes the decision to be wrong, including identification of each finding of fact, each conclusion, and each condition or action ordered which the appellant alleges is erroneous. The appellant shall bear the burden of proving the decision was wrong;
4. The specific desired outcome or changes to the decision;
5. The applicable appeal fee; and
6. The notice of appeal shall include a copy of the receipt evidencing payment of the applicable appeal fee.

After the appellant(s) has exhausted all available remedies in accordance with Section 21.15.120 of the LMC, the decision may be appealed, by applicants or parties of record from the Design Review Board public hearing, to the Leavenworth Hearing Examiner as provided for in Section 21.11.030 of the LMC.

## VI. FILE REVIEW

The complete case file, including findings and conclusions is available for inspection at Leavenworth City Hall at 700 Highway 2, Leavenworth, Washington, from 9:00 a.m. to 5:00 p.m. Monday through Friday, excluding holidays. Please contact Development Services Department staff at (509) 548-5275 to arrange for an inspection time.

Dated this 2<sup>nd</sup> day of March, 2020.

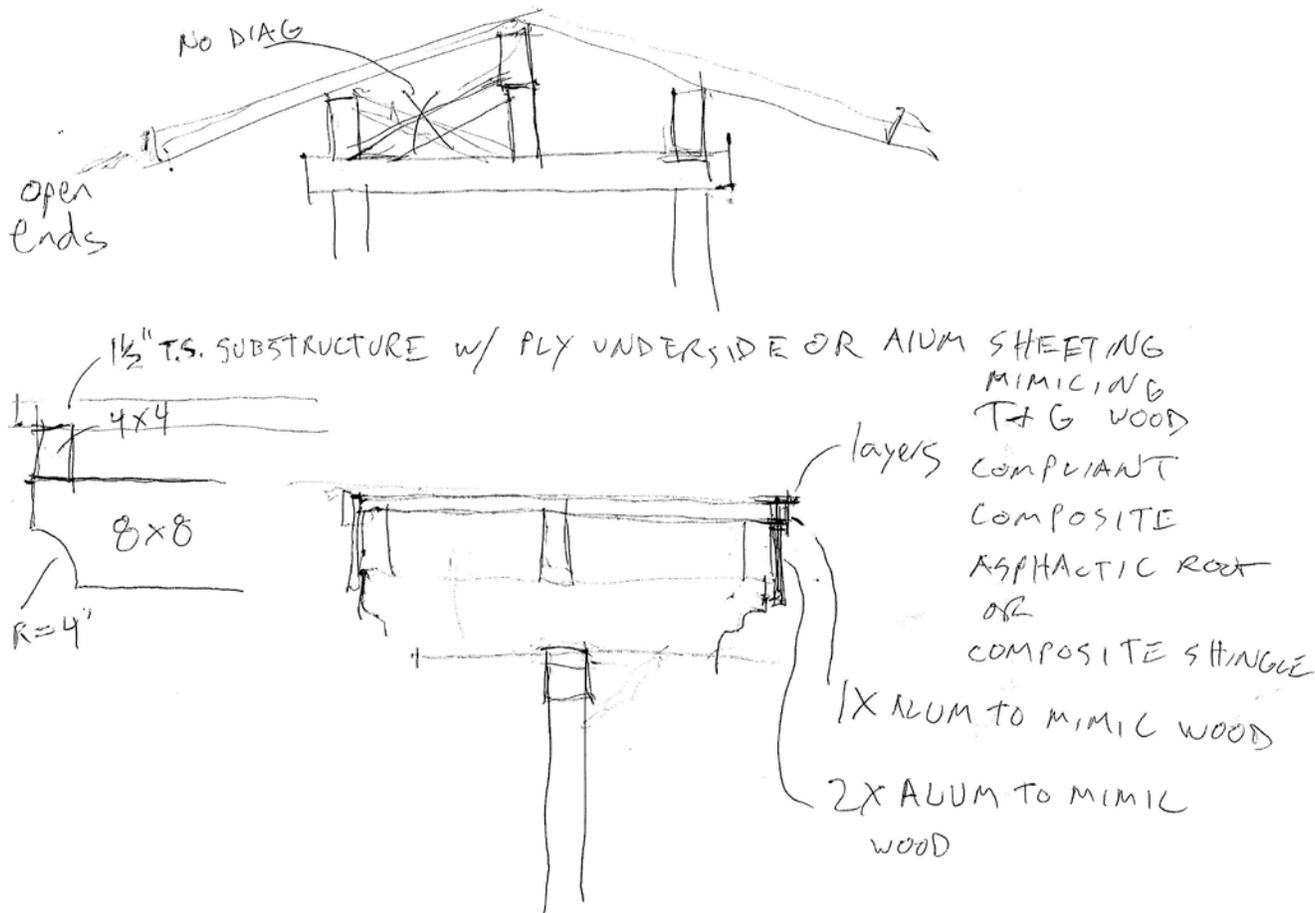
CITY OF LEAVENWORTH DESIGN REVIEW BOARD SECRETARY

  
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Maggie Boles, Planner

*Every permit issued by the City of Leavenworth under the provisions of the Leavenworth Municipal Code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180*

*days from the date of issuance of such permit. Call to request inspection of your project before expiration in order to validate your permit.*      **Contact City Hall to request inspection - 509.548.5275**

EXHIBIT A



Design Requirements – Climate and Geographic Design Criteria

Roof Snow Load	Ground Snow Load	Wind Speed	Wind Topo Effects	Weathering	Frost Line Depth	Termites	Winter Design Temp.	Ice Barrier under-layment	Flood Hazard	Air Freeze Index	Mean Annual Temp
85 PSF	115 PSF	85 MPH	Yes – "B"	Severe	24"	Moderate to Heavy	5 degrees F.	Yes	Yes	1050	51.5