HEARING EXAMINER
AGENDA
Thursday, October 27, 2016
5:30 p.m.
City Council Chambers
911 N. Seventh Avenue
Pocatello, ID

City Hall is accessible to persons with disabilities. Program access accommodations may be provided with three (3) days' advance notice by contacting Dave Hunt at dhunt@pocatello.us; 208.234.6248 or 5815 South 5th Avenue, Pocatello, ID.

HEARING EXAMINER: James Mullen

1. Disclosure of ex parte communication and site visit. Disclose who was talked to, the basic substance of the conversation and whether the conversation had any influence. Disclose if a site visit was done, location(s) of the visit and what was seen.

2. Jeff and Jessica Carson requests a variance to allow expansion of an existing shed by up to fifty percent (50%) of the existing square footage and not to exceed an additional ninety-three (93) square feet and maintaining the existing non-conforming setback of two-foot three-inches, where a five-foot rear setback is required by Code. The property is located in a Residential Medium Density Multi-family zoning district.

3. Lamar Outdoor Advertising requests a sign exception to install an off-premises sign at 249 Yellowstone Avenue. The new sign is proposed to be 35 feet tall and 238 square feet in size. The property is located within a Commercial General zoning district and is within 250 feet of a park and residential zoning district.

4. Lamar Outdoor Advertising requests a sign exception to install an off-premises sign at 415 E. Oak Street. The new sign is proposed to be 35 feet in height and 238 square feet in size. The property is located within a Residential Commercial Professional zoning district and is less than 250 from a residential zoning district.

AGENDA ITEM NO. 2

HEARING EXAMINER
Staff Report

APPLICANT:	Jeff & Jessica Carson
MAILING ADDRESS:	1354 N. Garfield Avenue
LOCATION OF REQUEST:	1354 N. Garfield Avenue
LEGAL DESCRIPTION:	Westerly 90 feet of Lots 19 and 20, Block 474, Pocatello Townsite, Bannock County, Idaho, as the same appears on the official plat thereof
ASSIGNED STAFF:	Terri Neu, Assistant Planner
HEARING DATE:	October 27, 2016

DESCRIPTION OF REQUEST

Jeff and Jessica Carson request a variance to expand an existing legal non-conforming shed at 1354 N. Garfield Avenue. The shed has a rear setback of 2 feet and a side setback of 2 feet, 3 inches where Municipal Code 17.06.200 requires a 5 foot setback for both the side and the rear. The property is located within a Residential High Density (RH) zoning district.

BACKGROUND

The properties to the north, south and east are zoned Residential High Density (RH). The properties to the west are zoned Residential Medium Density Multi-Family (RMM). The current setbacks as noted above are considered legal nonconforming.

STAFF RECOMMENDATION

Based upon staff review and analysis of the application material, subject site and surrounding area, and applicable Municipal Code sections, Planning Division staff finds that this proposal meets all of the required standards for a variance which is a requirement under Municipal Code 17.02.170(H). Therefore, Planning Division staff recommends **approval** of the request with the following conditions.

1. All right-of-way improvement installation and/or repair, such as but not limited to, curb, gutter, sidewalk, planter strip, street patch back, shall be made as determined necessary by and in accordance with City Engineering Department standards.
2. Proper building permits shall be obtained and the expansion shall meet all building codes.
3. All City standards not specifically exempted or varied by the Hearing Examiner shall be adhered to.

A public hearing is to be held regarding the request and staff's recommendation is made in advance of this hearing and prior to any public input at the hearing. Therefore, the decision of the Hearing Examiner may differ as deemed appropriate.

MUNICIPAL CODE PROVISIONS

Municipal Code 17.01.170(A)(2) addresses legal nonconforming building/structures and expansion of up to 50% requires a variance. Municipal Code 17.01.170(A)(2)(c) lists the criteria for nonconforming structure expansion or replacement.

A variance is subject to Municipal Code 17.02.170. Municipal Code Section 17.02.170(A) defines variances as: "A variance is a modification of the bulk and placement requirements of this ordinance as to lot size, lot coverage, lot width, lot depth; front yard, side yard rear yard setbacks; parking space requirements, height of buildings, or other ordinance provisions adversely affecting the development or use of property. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of the characteristics of the site and that the variance is not in conflict with the public interest."

PUBLIC NOTICE

Notice of this application was mailed to adjoining property owners on October 11, 2016 and signage was posted on the subject property. This report was completed on October 20, 2016 and as of this date no public comments either for or against have been received. Any letters or comments received after the completion of this report will be presented at the scheduled hearing.

VARIANCE ANALYSIS

Municipal Code 17.02.170(E), "Authority to Grant: The hearing examiner may approve, approve with conditions, or modification, or deny an application for a variance. The decision may be appealed by the applicant or other affected persons according to the provision of Idaho Code Section 67-6521. Said appeal is to the City Council pursuant to the process outlined in Section 17.02.400, 'Appeals', of this Chapter."

Municipal Code 17.01.170(A)(2)(c), Criteria for Review: The hearing examiner shall review the facts and circumstances of each proposal and render a decision based on written findings of fact that address all of the following criteria:

1. **The lot or parcel was legally created.**

The lot was legally created.

2. **All bulk and placement standards such as height, setbacks, etc., shall be met except as specifically varied through this process.**

All other bulk and placement standards shall be met except for the setbacks on the rear and the side.

3. **The proposed development shall not adversely impact the public's health, safety, or general welfare and the visual appearance of the development will not produce an effect inconsistent with adjacent and surrounding architecture and site development patterns.**

The development will not adversely impact the public's health, safety, or general welfare and will blend with the neighborhood.

Municipal Code 17.02.170(F), Criteria for Review: The hearing examiner shall review the facts and circumstances of each proposal and render a decision based on written findings of fact that address all of the following criteria:

A. The applicant shall have taken all reasonable steps to comply with the strict terms of the ordinance from which he or she requests the variance.

Applicant's response: The proposed project is to upgrade and expand an existing out building. Construction will comply with current standards with the exception of the requested variance. We seek to utilize the existing out building's relationship to the property lines instead of the setback requirements specified in current code.

Staff analysis: The applicant is able to rebuild the shed without the requested variance. However, they desire an enlarged shed. In order to build a larger shed, they will need a variance. Either way, the setbacks remain the same.

B. The variance sought must be the result of unusual physical characteristics of the site in question.

Applicant's response: Due to the size of the available space, if current setback requirements were used, there would not be room for an out building comparable to the existing one in square footage. This would deny the owners use of an out building that they currently utilize and of a feature that other nearby properties enjoy.

Staff analysis: The lot is relatively small, approximately 5400 square feet and the house takes up a large portion of the lot. In order to have an adequately sized shed/garage the applicant needs to have a variance from the setbacks.

C. The circumstances surrounding the variance request shall be due to an undue hardship as related to the characteristics of the land and the applicant shall show that, absent a variance he/she would be deprived of rights commonly enjoyed by other properties in the identical zoning district.

Applicant's response: Due to the size of the available space, if current setback requirements were used, there would not be room for an out building comparable to the existing one in square footage. This would deny the owners use of an out building that they currently utilize and of a feature that other nearby properties enjoy.

Staff analysis: The hardship is the fact that the lot is relatively small and the home is relatively large. There isn't much space for a detached structure. There is currently one on the property that the applicant would like to enlarge.

D. The undue hardship cited as the basis of a variance request did not result from the actions of the applicant, or the current or prior landowner or any of their agents.

Applicant's response: This size constraint did not result from the actions of the current or previous owners. The size constraint appears to be resulting from a time when this setback to the property line was acceptable.

Staff analysis: The hardship is from prior to the current Zoning Ordinance. It is unclear when the shed was built originally but it does not conform to the current Zoning Ordinance.

E. The applicant shall demonstrate that the proposed variance does not adversely affect adjacent/nearby property.

Applicant's response: The upgraded structure is intended to be used as it is now, and the new design conforms to the requirement to increase the square footage by no more than 50% of the current square footage. Therefore, no adverse effect to adjacent properties is expected.

Staff analysis: If the applicant adheres to the recommended conditions, the proposed variance will not adversely affect nearby property.

F. Granting the variance will not be detrimental to the public health, safety, or general welfare.

Applicant's response: We intend to honor the intention of the current setback requirement as a fire preventative measure by using CMU construction, therefore granting this variance will not be detrimental to the public health, safety or general welfare.

Staff analysis: If the applicant adheres to the recommended conditions, the proposed variance will not be detrimental to the public health, safety or general welfare.

Municipal Code 17.02.170(G), Precedents: The granting of a prior variance or referencing property developed under prior regulations is not admissible evidence for the granting of a new variance. Each request for a variance shall be judged on its own facts and circumstances.

Municipal Code 17.02.170(H), Burden of Proof: The burden of proof that the proposed variance complies with all of the variance criteria as described under Section F above is the responsibility of the applicant. The applicant must support their case with substantial and competent evidence.

CONCLUSION

Staff finds the applicant has shown the burden of proof based on the characteristics of the site in question. Therefore, staff is recommending approval.

Attachments: A – Application
B – Overhead view of the property

PLANNING & DEVELOPMENT SERVICES Attachment A
PO Box 4169, 911 North Seventh Avenue
Pocatello, Idaho 83205
(208)234-6184 FAX (208)234-6586

A MUNICIPAL CORPORATION OF IDAHO

VARIANCE APPLICATION

Submittal Date: 10.5.16 Permit #: 16-2322

Contact Person: TN Receipt #: _____

Meeting Date: 10/27/16 Receipt Date: _____

Dates for public hearing will not be scheduled until application is deemed complete.

Filing Fee: $400.00 + 8 address labels x $3.00 = $ ~~8~~ 24 for a **Total Due $** 424

Applicant Information:

Jeff & Jessica Carson
Name/Firm

1354 N. Garfield
Mailing address

Jess wk: 233-4226 cell: 208-406-3604
Phone (work/cell/home)

Representative Information:

Name/Firm

Mailing address

Phone (work/cell/home)

Project Information:

Zoning District: RMM

Street Address: 1354 N. GARFIELD, POCATELLO Zip: 83204

Legal Description (attach documentation—see C, below): WESTERLY 90' OF LOTS 19 & 20, BLOCK 474 POCATELLO TOWNSITE, BANNOCK COUNTY, ID AS THE SAME APPEARS ON THE OFFICIAL PLAT THEREOF

Brief Description of Proposed Variance: UPGRADE & EXPAND EXISTING OUT-BUILDING, USING & SET-BACKS OF EXISTING BLDG INSTEAD OF CURRENT SET-BACK REQUIREMENTS.

THE FOLLOWING INFORMATION MUST ACCOMPANY EACH APPLICATION TO BE COMPLETE

✓A. All necessary filing fees must be paid and other required plans and information in support of the application.

✓B. **Two sets of typed**, gummed mailing labels with the names and addresses of all property owners which share a common boundary line, minus public right-of-way, with the subject property. A charge of $3.00 per property owner address is required in addition to the application fee. A signed Affidavit of Mailing List must also be submitted (attached).

✓C. The complete and accurate legal description for the subject property (recorded deed, title report or other legal documentation of ownership) shall be submitted.

✓D. Two (2) site plans, one (1) measuring 8-1/2" x 11" and one (1) 18" x 24" (or larger), which describes the proposal and contains the following information:

✓1. Drawn to scale.
✓2. Location of buildings, landscaping, setbacks, parking areas, existing and proposed fencing.
✓3. Location of adjoining streets (including any public improvements), alleys, driveways, and property lines.

E. PURSUANT TO MUNICIPAL CODE 17.02.170 VARIANCES, ALL OF THE FOLLOWING CRITERIA FOR REVIEW **MUST** BE ADDRESSED IN A WRITTEN NARRATIVE:

1. The applicant shall have taken all reasonable steps to comply with the strict terms of the ordinance from which he or she requests the variance.
2. The variance sought must be the result of unusual physical characteristics of the site in question.
3. The circumstances surrounding the variance request shall be due to an undue hardship as related to the characteristics of the land and the applicant shall show that, absent a variance he/she would be deprived of rights commonly enjoyed by other properties in the identical zoning district.
4. The undue hardship cited as the basis of a variance request did not result from the actions of the applicant, or the current or a prior landowner or any of their agents.
5. The applicant shall demonstrate that the proposed variance does not adversely affect adjacent/nearby property.
6. Granting the variance will not be detrimental to the public health, safety, or general welfare.

F. Precedents. The granting of a prior variance or referencing property developed under prior regulations is not admissible evidence for the granting of a new variance. Each request for a variance shall be judged on its own facts and circumstances.

G. If a representative will be submitting the application, an affidavit, power of attorney, or other document evidencing the right of the representative to appear and submit items on behalf of the property owner is required.

H. Burden of Proof: The burden of proof that the proposed variance complies with all of the variance criteria as described above is the responsibility of the applicant. The applicant must support their case with substantial and competent evidence.

A variance must be established within one (1) year of the granting of the variance. Actual construction of the permitted building shall constitute such establishment. This period may be extended by the staff for an additional six (6) months upon request submitted at least thirty (30) days prior to its expiration (Municipal Code Section 17.02.170(J)).

The approval of this application does not permit the violation of any federal or state codes, any section of the Building Code, or other Pocatello Municipal Codes as adopted. Approval of this land use permit does not exempt applicant from the provisions of the Federal Fair Housing Act or ADA requirements. Further, other conditions, requirements, etc. may be imposed as part of the building permit process.

I hereby acknowledge that I have read this application and state that the above information, including all submitted materials, is correct and I agree to the above terms and conditions. I further agree to abide by any and all conditions the Hearing Examiner and/or City Council may impose on my use of this property. I also understand that non-conformance with these conditions in a timely manner will result in automatic forfeiture of my permit. I am also aware that the applicant or a representative must be present at the public hearing and that the decision on this request will be recorded in the official records of Bannock County.

By signing this application, I hereby consent to allow the City to place a sign giving public notice regarding this application on the subject property during the course of these proceedings.

Signature of Applicant: Jessica T Carson Date: 10/5/16

Signature of Representative: _____ Date: _____

Jeff & Jessica Carson

1354 N. Garfield

Petition for Variance

Find below the supporting information for 17.02.170 criteria.

c. Criteria for Variance.

1. The proposed project is to upgrade and expand an existing out building. Construction will comply with current standards with the exception of the requested variance, noted below.

   We seek to utilize the existing out-building's relationship to the property lines instead of the set-back requirements specified in current code.

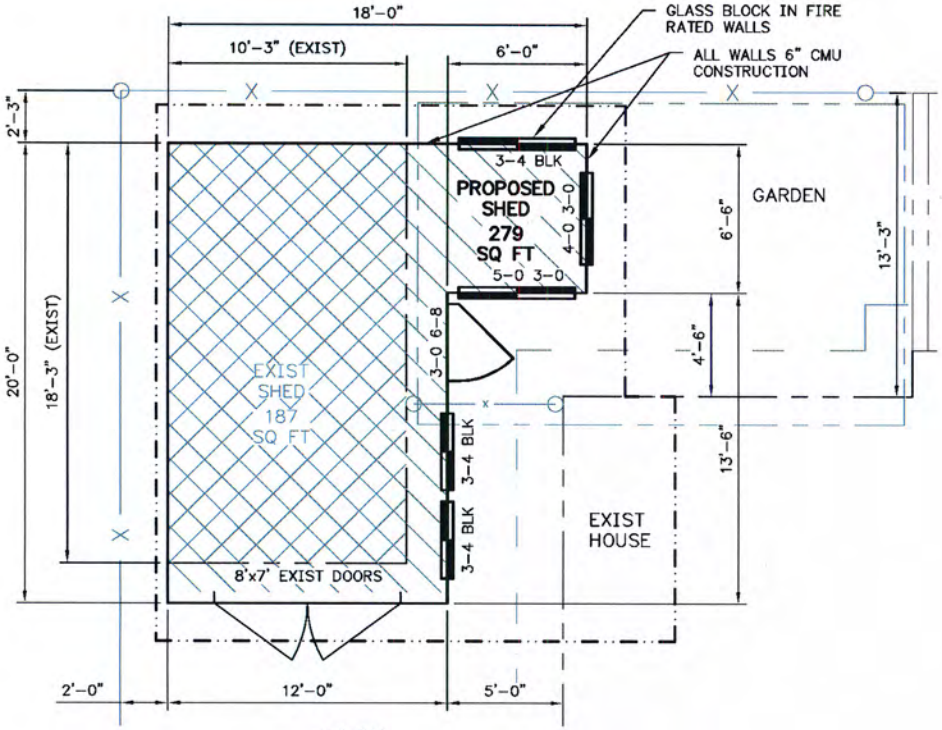
2. & 3. Due to the size of the available space, if current set-back requirements were used, there would not be room for an out-building comparable to the existing one in square footage. This would deny the owners use of an out building that they currently utilize and of a feature that other nearby properties enjoy.

4. This size constraint did not result from the actions of the current or previous owners. The size constraint appears to be resulting from a time when this set-back to the property line was acceptable.

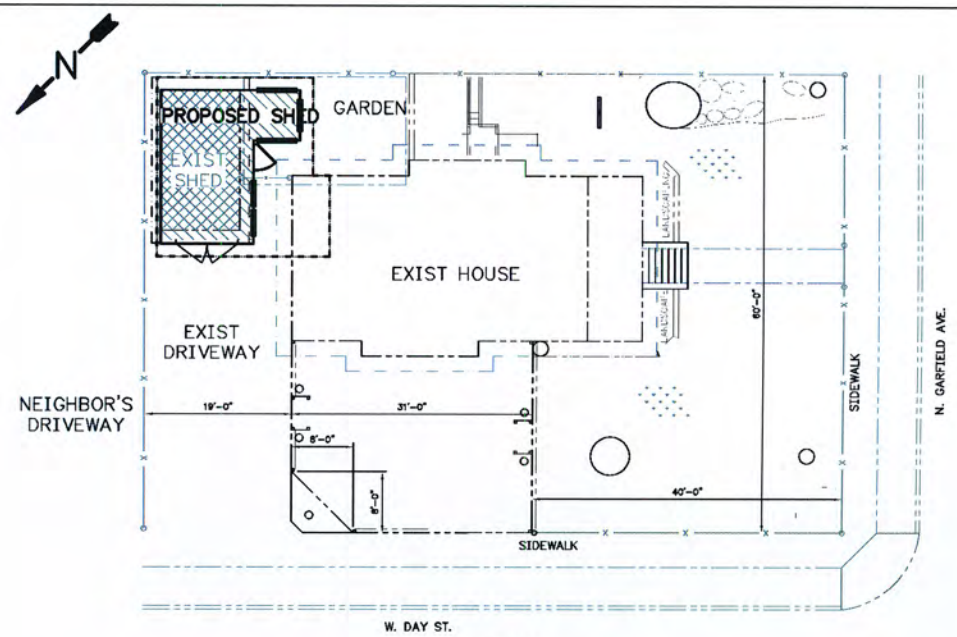
5. The upgraded structure is intended to be used as it is now, and the new design conforms to the requirement to increase the square footage by no more than 50% of the current square footage. Therefore, no adverse effect to adjacent properties is expected.

6. We intend to honor the intention of the current set-back requirements as a fire-preventative measure by using CMU construction, therefore granting this variance will not be detrimental to the public health, safety or general welfare.

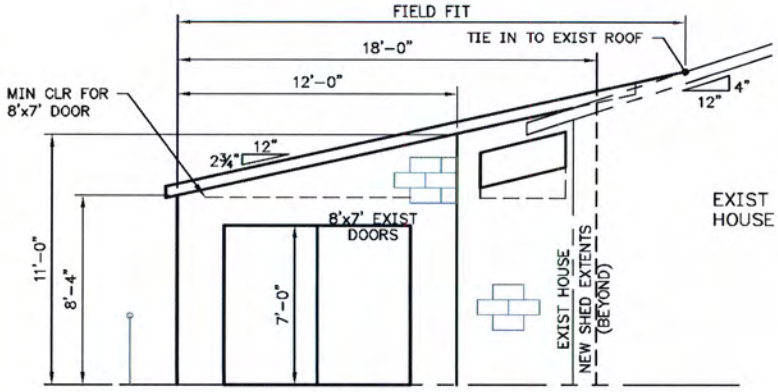
Jessica Carson
10/5/16



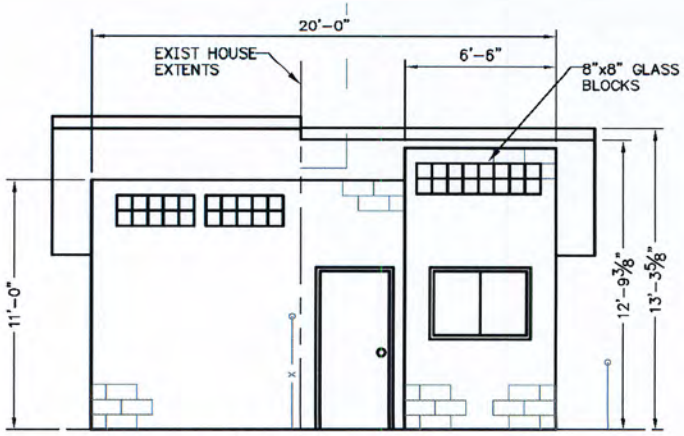
PLAN



SITE PLAN



NORTH ELEV



WEST ELEV

JEFF & JESSICA CARSON
1354 N. GARFIELD

2016 SHED
REMODEL-UPGRADE

SEP 2 9 2016

(LOOKING SOUTH EAST)

(LOOKING NORTH EAST)

1354 N. GARFIELD
EXISTNG OUT-BUILDING FOR PROPOSED UPGRADE

1354 N Garfield as seen from W Day

City of Pocatello
Web Map

N
W E
S

10/18/2016

10m
40ft
576720.126 438949.106 Scale 1:323

Pocatello
A MUNICIPAL CORPORATION OF IDAHO

The City of Pocatello does not Guarantee the information contained In this map to be an accurate Representation of actual existing Conditions

Attachment B

AGENDA ITEM NO. 3

STAFF REPORT
SIGN EXCEPTION

APPLICANT/REPRESENTATIVE: Lamar Outdoor Advertising
LOCATION OF REQUEST: 249 Yellowstone Avenue
ASSIGNED STAFF: Terri Neu, Assistant Planner
MEETING DATE: October 27, 2016

DESCRIPTION OF REQUEST

Lamar Outdoor Advertising (mailing address: 2250 Empire Way, Boise, ID 83709) requests a sign exception to install an off-premise sign at 249 Yellowstone Avenue. The new sign is proposed to be 35 feet tall and 238 square feet in size. The property is located within a Commercial General zoning district and is within 250 feet of a park and residential zoning district.

STAFF RECOMMENDATION

Based upon a review and analysis of the application material, subject site and surrounding area and applicable Municipal Code sections, Planning Division staff recommends ***approval*** of the request based on the following findings:

1. The maturity of the trees at Freckleton Park will help obscure the view of the sign from the residences.
2. The railroad tracks that run between the subject site and the park would be more intrusive to the area than the off-premises sign.

A public hearing is to be held regarding this proposal and staff's recommendation is made in advance of this hearing and prior to any public input. Therefore, the decision of the Hearing Examiner may differ as deemed appropriate.

MUNICIPAL CODE

Municipal Code Section 15.20.240 governs off premises/billboard signs and Municipal Code Sections 15.20.250 and 15.20.260 outlines the requirements for sign exceptions.

PROJECT REVIEW

The subject site is located at 249 Yellowstone Avenue. The requested sign is proposed to be placed at the southeast corner of the property and will be setback 10 feet from the property line. The proposed sign location is approximately 165 feet from Freckleton Park and a residential zoning district which violates Municipal Code Section 15.20.240(B)(8)(b).

PUBLIC NOTICE

Notice of this application was sent to property owners and occupants of adjacent properties of the subject site. As of the date this staff report was completed (10/20/16), one comments in opposition to the request has been received.

SIGN EXCEPTION STANDARDS

Standards for a Sign Exception from Municipal Code Section 15.20.260 are listed below:

A. An exception sought should be the result of unique physical characteristics of the site in question.

Analysis: The subject property does not have unique physical characteristics. However, the east side of the site does abut railroad tracks which are heavily used. Freckleton Park is on the west side of the railroad tracks. The park is one of the few remaining small neighborhood parks as it only encompasses approximately 25,175 square feet, or 0.58 acres. The park is heavily landscaped with mature trees. Staff suggests that the mature trees will help block the sign structure and associated lighting from the residential properties to the west.

Although not mentioned in their written narrative, the applicant has advised staff that in an effort to improve their signs they would like to reduce the size of the sign at 1359 Yellowstone Avenue from 14' x 48' (672 square feet) to 10.5' x 36' (378 square feet).

B. The applicant shall have taken all reasonable steps to comply with the strict terms of the ordinance from which he or she requests an exception.

Analysis: Due to separation standards, the applicant is unable to comply with the terms of the ordinance. However, the subject property is separated from the park and residential zoning district by the railroad tracks and the sign will be facing north and south rather than east and west making the sign less visible at the park or neighborhood.

C. The circumstances surrounding the request shall be extraordinary as related to the applicant's land and the reasonable use thereof.

Analysis: The owner of the property still has reasonable use of the property.

D. The applicant should show that, absent an exception, no reasonable identification of the subject land remains.

Analysis: Due to the fact that the request is for an off-premises sign it will not be able to advertise the business located on the property. Thus, reasonable identification of the land is not an issue.

E. The applicant for an exception shall show how the proposed exception has been designed to minimize adverse effects on adjoining land.

Analysis: The subject property is separated from the park and residential district by the railroad tracks and the sign will be facing north and south rather than east and west making the sign less visible at the park or neighborhood.

F. The proposal must be in conformance with the purpose set forth in this chapter.

Section 15.20.010 lists the purpose of the sign code is to protect and enhance the physical appearance of the community, reserve scenic and natural beauty, provide an enjoyable and pleasing community, protect property values, and create an attractive economic and business climate. It is further intended to reduce sign or advertising distractions and obstructions that may contribute to

safety hazards. Staff finds that this proposal complies with the purpose of the sign code since the proposal is attractive, in scale with the site and buildings, and will not result in any distractions or obstructions causing safety concerns.

CONCLUSION

Staff finds that this proposal complies with the purpose of the sign code in terms of the sign being as unobtrusive as possible for the surrounding neighborhood.

Attachments: A – Letter in opposition
B – Photos of Freckleton Park and subject site
C – Application materials

Attachment A

October 1, 2016

RECEIVED
OCT - 7 2016
By

Thomas Maydew
49470 Ali Court
La Quinta, CA

Pocatello Planning and Development Services
Terri Neu
P.O. Box 4169
Pocatello, ID 83205-4169

Dear Terri,

Thank you for informing me of the Notice of Public Hearing concerning the Lamar Outdoor Advertising zoning request at 249 Yellowstone Avenue.

I have owned the building at 299 Yellowstone Avenue since 1999. When I purchased the property the plot included the parcel currently owned by Dominos Pizza. At that time, Lamar Outdoor Advertising had a billboard sign structure in place where the new proposed sign is proposed to be located if the zoning request is granted. I instructed Lamar to remove the sign structure from my property as was my right as the new property owner. I found the company to be contentious and litigious, but was ultimately able to force the removal. They had been leasing the site from the former property owner.

I would like to strongly oppose the replacement of the sign structure. It is my opinion that overhead sign structures have no place in the Yellowstone business corridor. They are large, obtrusive and add visual noise that competes with the signs of local shops and businesses.

In 1999, the Pocatello Planning and Zoning Services was very much opposed to such structures in business corridors, but were forced to grandfather structures that were already in existence. They were happy to see this structure eliminated. I would hate to see such structures be allowed to re-infest the major business arterials in Pocatello.

If you have any additional questions, please feel free to contact me at 760-777-0592.

Sincerely,

T. E. Maydew

Thomas Maydew

Attachment B

Subject property
FRECK ETON
PA K

PLANNING & DEVELOPMENT SERVICES
PO Box 4169, 911 North Seventh Avenue
Pocatello, Idaho 83205
(208)234-6184 FAX (208)234-6586

Attachment C

APPLICATION FOR SIGN EXCEPTION

(For Legally-Established Land Uses)

Submittal Date: 9.19.16
Contact Person: TN
Public Hearing: 10.13.16

Permit No.: 16-2170
Receipt No.: 179394
Receipt Date: 9.19.16

Filing Fee: $200.00 + 18 addresses X $3.00 = $ 54 = Total Due $ 254

Sign Contractor Information:

Name: LAMAR OUTDOOR ADVERTISING
Address: 2250 EMPIRE WAY BOISE, ID 83709
Phone: 208-362-6101
Email: DMILLER@LAMAR.COM

Business/Site Information:

Name: LAMAR ARMSTONG TRUST - EL JARALITOS
Address: 249 YELLOWSTONE AVE.
Phone: 208-251-1221
Email: NONE

Zoning: Commercial Historic District: Yes ☐ No ☐
Type of sign(s): OFF-PREMISE
Illumination Source: ID Power overhead
Dimension of Face(s): 10'6" X 22'8"
Power Source: Existing☐ New☑ If new, electrical contractor name: DC ELECTRIC
Is the electrical connection a standard three-prong? Yes☐ No☐
Height (from ground level to top of sign): 35'
Total Sign Area Existing on Site (include all painted wall signs, pole signs, and window signs): 75 Sq. FT.
Building Frontage (per street front): Approx. 35'
Open Space (per street front): Approx. 150'

Is this a multi-use facility (more than one tenant in bldg.)? Yes☐ No☑
Would this signage overhang a public sidewalk or right-of-way? Yes☐ No☑
Would this signage utilize an existing pole, not presently in use? Yes☐ No☐
Would this signage utilize an existing cabinet, not presently in use, or a face reflecting a "closed" business? Yes☐ No☑
If the answer to either of the previous two questions is yes, do the proposed changes constitute fifty (50) percent of the sign's total value? Yes☐ No☐
Is this request for a new pole/ground sign? Yes☑ No☐ If yes, what is the distance to any neighboring pole/ground sign(s)? APPROXIMATELY 1,384' FROM ANOTHER OFF-PREMISE SIGN
If a pole/ground sign, does it meet sight triangle regulations? Yes☑ No☐
Is this business relocating from another site? Yes☐ No☑

THE FOLLOWING INFORMATION MUST ACCOMPANY EACH APPLICATION

1. A site plan that includes the site with property lines, street locations, lot frontage dimensions, building locations(s), building frontage dimension, open space dimension, landscaping, location of all existing and proposed signage with setback dimensions from property lines, and the dimensions of each sign.

2. Schematic drawings, inked, of the proposed sign(s) which indicate dimensions, height, colors, copy, type of illumination, and construction materials.

3. Structural details showing mounting to a building or pole (pole size, anchoring, concrete footings, etc.).

4. Color photographs of the site showing building and proposed location of sign(s). A color photograph of the entire building face on which the sign is to be erected is required for proposed wall signs.

5. **Typed**, gummed mailing labels with all of the names and addresses of the property owners and occupants that share a common boundary line, minus public right-of-way, with the project site on which the proposed sign is to be located. A charge of $3.00 per property owner and occupant is required. A signed Affidavit of Mailing List must also be submitted (attached).

THE FOLLOWING SIGN EXCEPTION STANDARDS MUST BE ADDRESSED IN A WRITTEN NARRATIVE:

A. An exception sought should be the result of unique physical characteristics of the site in question.
B. The applicant shall have taken all reasonable steps to comply with the strict terms of the ordinance from which he/she requests an exception.
C. The circumstances surrounding the request shall be extraordinary as related to the applicant's land and the reasonable use thereof.
D. The applicant should show that, absent an exception, no reasonable identification of the subject land remains.
E. The applicant for an exception shall show how the proposed exception has been designed to minimize adverse effects on adjoining land.
F. The proposal must be in conformance with the purpose set forth in Chapter 15.20.

The undersigned applicant and/or applicant's representative hereby agree to indemnify, protect, and save the City harmless from all costs, loss, or damage, which may be sustained by reason of the erection, maintenance, use, or removal of the sign(s), and that the sign(s) may be removed as provided in the City ordinances. **The approval of this sign does not permit the violation of any section of this or other City ordinances.** I/we hereby acknowledge that I/we have read this application and certify that the information provided is correct. Further, I/we understand that it is my responsibility, as the sign contractor, to secure the exception and permit prior to commencement of any work including fabrication and installation of said signs. The permit should be available in the City Planning & Development Services Department 5 working days after final processing of this exception, including expiration of the appeal period. Further, by my signature below, I acknowledge that any and all conditions will be adhered to and are understood, that all work will be done in accordance with the issued permit, and that I am authorized to do so by the building/property/business owner.

LAMAR ARMSTRONG	SEE ATTACHED LEASE #5	
PRINT NAME OF BUSINESS/PROPERTY OWNER	SIGNATURE OF BUSINESS/PROPERTY OWNER	DATE
LAMAR OUTDOOR ADVERTISING	[illegible]	9/8/16
PRINT NAME OF SIGN CONTRACTOR	SIGNATURE OF SIGN CONTRACTOR	DATE

(NOTE: Both signatures required.)

Signage should be completed within ninety days of obtaining a permit. Permits and exceptions are not transferable from one sign contractor to another (Municipal Code 15.20.250.G).

Lamar of Idaho

September 8, 2016

City Of Pocatello
Pocatello Planning & Development Services
911 North 7th Avenue PO Box 4169
Pocatello, Idaho 83205-4169

Dear Pocatello Planning & Development Services:

Lamar Outdoor Advertising is applying for a Sign Exception for an Off Premise Sign to be located at 249 Yellowstone Avenue. This application is for a new sign however we maintained an Off Premise Sign on this parcel previously. At that time, we lost our lease agreement for the sign on the property and were forced to remove it, now we are applying to replace it. This sign exception is being sought because of the sign permit requirement for an proposed off premise sign not to be located within 250ft. of a residentially zoned property, designated historical district, park, school, church, cemetery, or a government facility. The proposed sign **would be** located approximately 210ft. from a park to the west of the property and we cannot overcome that requirement. However, there is a train track that runs the full length of the property immediately to the west that separates the property and proposed sign from the park which makes this site unique in our request. Additionally, the proposed sign faces will not be facing the park and will show to Yellowstone Avenue significantly decreasing any possible adverse effects.

In considering this request we hope the Planning Staff as well as the Commission understand that our proposed sign meets all the other necessary requirements to be granted a sign permit. We feel that the proposed use is compatible and appropriate with the neighborhood and zone and will be integrated with the overall character of the properties and existing developments along Yellowstone Avenue.

Thank you for your consideration of this application. We look forward to continue to work with the City of Pocatello to maintain and create signage that is the best interest for the city, our landowners, our advertisers, and the community as a whole.

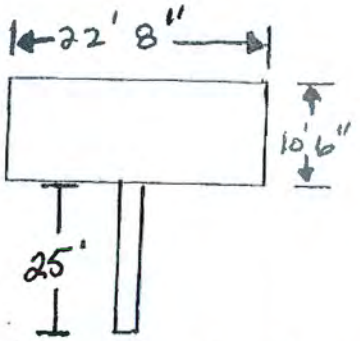
Sincerely,
LAMAR OUTDOOR ADVERTISING

DaWuan Miller
Real Estate Manager

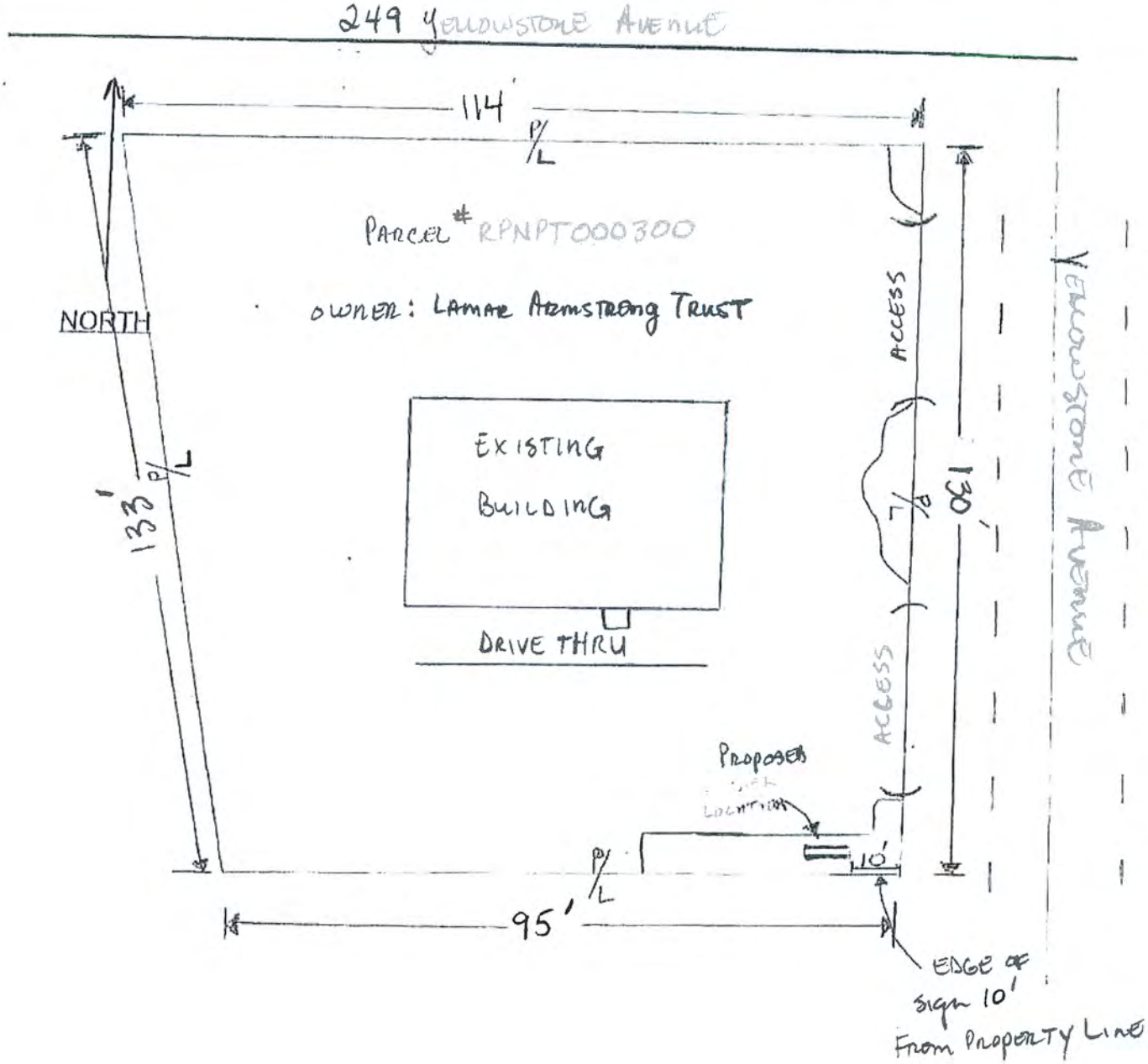
2250 Empire Way • Boise, Idaho 83709 | 208.362.6101 • Fax 208.362.5694

SITE PLAN

LAMAR OUTDOOR ADVERTISING
P.O. BOX 16647
BOISE, IDAHO 83715
(208) 362-6101



Center Mount Back to Back Poster structure



AGENDA ITEM NO. 4

STAFF REPORT
SIGN EXCEPTION

APPLICANT/REPRESENTATIVE: Lamar Outdoor Advertising
LOCATION OF REQUEST: 415 E. Oak Street
ASSIGNED STAFF: Terri Neu, Assistant Planner
MEETING DATE: October 27, 2016

DESCRIPTION OF REQUEST

Lamar Outdoor Advertising (mailing address: 2250 Empire Way, Boise, ID 83709) requests a sign exception to install an off-premise sign at 415 E. Oak Street. The new sign is proposed to be 35 feet tall and 238 square feet. The property is located within a Residential Commercial Professional (RCP) zoning district and is less than 250 feet from a residential zoning district.

STAFF RECOMMENDATION

Based upon a review and analysis of the application material, subject site and surrounding area, and applicable Municipal Code sections, Planning Division staff recommends ***denial*** based on the following findings:

1. Municipal Code Section 15.20.240(A) does not allow off-premise signs in RCP zoning districts.
2. The sign structure would be located approximately 40 feet from a residential zoning district which is a violation of Municipal Code 15.20.240(B)(8)(b) which requires 250 feet separation.
3. Staff finds the placement of the structure is not in conformance with the purpose under 15.20.010.

A public hearing is to be held regarding this proposal and staff's recommendation is made in advance of this hearing and prior to any public input. Therefore, the decision of the Hearing Examiner may differ as deemed appropriate.

MUNICIPAL CODE

Municipal Code Section 15.20.240 governs off premises/billboard signs and Municipal Code Sections 15.20.250 and 15.20.260 outlines the requirements for sign exceptions.

PROJECT REVIEW

The subject site is located at 415 E. Oak Street. The requested sign is proposed to be placed next to the building and will be setback 10 feet from the property line. The proposed sign location is approximately 40 feet from a residential zoning district and is within a RCP zoning district. Municipal Code 15.20.240 doesn't allow off-premises signs to be in RCP zoning districts and must be 250 feet from a residential zoning district.

PUBLIC NOTICE

Notice of this application was sent to property owners and occupants of adjacent properties of the subject site. As of the date this staff report was completed (10/6/16), no comments either in support or in opposition have been received.

SIGN EXCEPTION STANDARDS

Findings regarding compliance with standards for a Sign Exception (Section 15.20.260) are listed below:

A. An exception sought should be the result of unique physical characteristics of the site in question.

Analysis: The subject property is not unique and is on a main thoroughfare which is why the applicant is seeking to put a billboard at this location.

B. The applicant shall have taken all reasonable steps to comply with the strict terms of the ordinance from which he or she requests an exception.

Analysis: Due to separation standards, the applicant is unable to comply with the terms of the ordinance.

C. The circumstances surrounding the request shall be extraordinary as related to the applicant's land and the reasonable use thereof.

Analysis: The owner of the property still has reasonable use of the property without placement of an off-premise sign as this would only result as a secondary income to the principle use.

D. The applicant should show that, absent an exception, no reasonable identification of the subject land remains.

Analysis: Due to the fact that the request is for an off-premises sign it will not be able to advertise the business located on the property. Thus, reasonable identification of the land is not an issue.

E. The applicant for an exception shall show how the proposed exception has been designed to minimize adverse effects on adjoining land.

Analysis: The subject property is located within a zoning district where off-premises signs aren't allowed and within 40 feet of a residential zoning district where Municipal Code requires a separation of 250 feet.

F. The proposal must be in conformance with the purpose set forth in this chapter.

Section 15.20.010 lists the purpose of the sign code is to protect and enhance the physical appearance of the community, reserve scenic and natural beauty, provide an enjoyable and pleasing community, protect property values, and create an attractive economic and business climate. It is further intended to reduce sign or advertising distractions and obstructions that may contribute to safety hazards. Staff finds that this proposal complies with the purpose of the sign code since the proposal is attractive, in scale with the site and buildings, and will not result in any distractions or obstructions causing safety concerns.

CONCLUSION

Staff finds that this proposal does not comply with the purpose of the sign code in terms of the sign being as unobtrusive as possible for the surrounding neighborhood.

Attachments: A – Photos of property and surrounding neighborhood
B – Application materials

Attachment A

FOR
LEASE

PLANNING & DEVELOPMENT SERVICES
PO Box 4169, 911 North Seventh Avenue
Pocatello, Idaho 83205
(208)234-6184 FAX (208)234-6586

Attachment B

APPLICATION FOR SIGN EXCEPTION

(For Legally-Established Land Uses)

Submittal Date: 9.19.16
Contact Person: TN
Public Hearing: 10/13/16

Permit No.: 16-2169
Receipt No.: 179391
Receipt Date: 9.19.16

Filing Fee: $200.00 + 19 addresses X $3.00 = $ 57 = Total Due $ 257.00

Sign Contractor Information:

Name: LAMAR OUTDOOR ADVERTISING
Address: 2250 EMPIRE WAY BOISE, ID 83709
Phone: 208-362-6101
Email: DMILLER@LAMAR.COM

Business/Site Information:

Name: LAMAR ARMSTRONG TRUST
Address: 415 E. OAK ST.
Phone: 208-251-1221
Email: None

Zoning: _____ Historic District: Yes ☐ No ☐

Type of sign(s): OFF-PREMISE BILLBOARDS

Illumination Source: ID Power OVERHEAD

Dimension of Face(s): 10'6" x 22'8"

Power Source: Existing☐ New☑ If new, electrical contractor name: DC ELECTRIC

Is the electrical connection a standard three-prong? Yes☐ No☐

Height (from ground level to top of sign): 35'

Total Sign Area Existing on Site (include all painted wall signs, pole signs, and window signs): _____

Building Frontage (per street front): 38' & 70'

Open Space (per street front): 56'

Is this a multi-use facility (more than one tenant in bldg.)? Yes☐ No☐

Would this signage overhang a public sidewalk or right-of-way? Yes☐ No☑

Would this signage utilize an existing pole, not presently in use? Yes☐ No☑

Would this signage utilize an existing cabinet, not presently in use, or a face reflecting a "closed" business? Yes☐ No☑

If the answer to either of the previous two questions is yes, do the proposed changes constitute fifty (50) percent of the sign's total value? Yes☐ No☐

Is this request for a new pole/ground sign? Yes☑ No☐ If yes, what is the distance to any neighboring pole/ground sign(s)? _____

If a pole/ground sign, does it meet sight triangle regulations? Yes☑ No☐

Is this business relocating from another site? Yes☐ No☑

THE FOLLOWING INFORMATION MUST ACCOMPANY EACH APPLICATION

1. A site plan that includes the site with property lines, street locations, lot frontage dimensions, building locations(s), building frontage dimension, open space dimension, landscaping, location of all existing and proposed signage with setback dimensions from property lines, and the dimensions of each sign.

2. Schematic drawings, inked, of the proposed sign(s) which indicate dimensions, height, colors, copy, type of illumination, and construction materials.

3. Structural details showing mounting to a building or pole (pole size, anchoring, concrete footings, etc.).

4. Color photographs of the site showing building and proposed location of sign(s). A color photograph of the entire building face on which the sign is to be erected is required for proposed wall signs.

5. **Typed**, gummed mailing labels with all of the names and addresses of the property owners and occupants that share a common boundary line, minus public right-of-way, with the project site on which the proposed sign is to be located. A charge of $3.00 per property owner and occupant is required. A signed Affidavit of Mailing List must also be submitted (attached).

THE FOLLOWING SIGN EXCEPTION STANDARDS MUST BE ADDRESSED IN A WRITTEN NARRATIVE:

A. An exception sought should be the result of unique physical characteristics of the site in question.
B. The applicant shall have taken all reasonable steps to comply with the strict terms of the ordinance from which he/she requests an exception.
C. The circumstances surrounding the request shall be extraordinary as related to the applicant's land and the reasonable use thereof.
D. The applicant should show that, absent an exception, no reasonable identification of the subject land remains.
E. The applicant for an exception shall show how the proposed exception has been designed to minimize adverse effects on adjoining land.
F. The proposal must be in conformance with the purpose set forth in Chapter 15.20.

The undersigned applicant and/or applicant's representative hereby agree to indemnify, protect, and save the City harmless from all costs, loss, or damage, which may be sustained by reason of the erection, maintenance, use, or removal of the sign(s), and that the sign(s) may be removed as provided in the City ordinances. **The approval of this sign does not permit the violation of any section of this or other City ordinances.** I/we hereby acknowledge that I/we have read this application and certify that the information provided is correct. Further, I/we understand that it is my responsibility, as the sign contractor, to secure the exception and permit prior to commencement of any work including fabrication and installation of said signs. The permit should be available in the City Planning & Development Services Department 5 working days after final processing of this exception, including expiration of the appeal period. Further, by my signature below, I acknowledge that any and all conditions will be adhered to and are understood, that all work will be done in accordance with the issued permit, and that I am authorized to do so by the building/property/business owner.

LAMAR ARMSTRONG	SEE ATTACHED LEASE #5	
PRINT NAME OF BUSINESS/PROPERTY OWNER	SIGNATURE OF BUSINESS/PROPERTY OWNER	DATE
LAMAR OUTDOOR ADVERTISING		9/8/16
PRINT NAME OF SIGN CONTRACTOR	SIGNATURE OF SIGN CONTRACTOR	DATE

(NOTE: Both signatures required.)

Signage should be completed within ninety days of obtaining a permit. Permits and exceptions are not transferable from one sign contractor to another (Municipal Code 15.20.250.G).

Lamar of Idaho

September 8, 2016

City Of Pocatello
Pocatello Planning & Development Services
911 North 7th Avenue PO Box 4169
Pocatello, Idaho 83205-4169

Dear Pocatello Planning & Development Services:

Lamar Outdoor Advertising is applying for a Sign Exception for an Off Premise Sign to be located at 415 E. Oak Street. This sign exception is being sought because of the sign permit requirement for a proposed off premise sign not to be located within 250ft. of a residentially zoned property, designated historical district, park, school, church, cemetery, or a government facility. The proposed sign **would be** located approximately 75ft. from a residential zoned district to the south. The proposed sign, however, will be facing east and west on the opposite side of the property away from the residential zone and the property is separated by an alley and trees. The proposed sign faces will not be facing the residential zone and will show to Oak Street decreasing any possible adverse effects.

In considering this request we hope the Planning Staff as well as the Commission understand that our proposed sign meets all the other necessary requirements to be granted a sign permit. We feel that the proposed use is compatible and appropriate with the neighborhood and zone and will be integrated with the overall character of the property and existing developments nearby as the other uses are commercial with associated signage for those businesses.

Please also consider that Lamar Outdoor Advertising has always had a good working relationship with the City of Pocatello in regards to Off Premise signs and have done a number of things (Attachment A) in regards to our sign sites in the past in an effort to help clean-up our inventory, reduce our signs square footage, and help the City skyline have a better look.

If granted this Sign Exception permit we also intend to do some additional clean-up for the City on existing sign structures still located within the City limits that we have had discussions with the Planning Staff about previously in regards to reducing sign square footage and the appearance of some sign structures by removing the current existing I-beams and rebuilding with modern monopole designs. Specifically, we would reduce the size of our sign structure located at 1359 Yellowstone from a 14' x 48' sign to a 10'6" x 36' sign which would significantly reduce the square footage from 672 sq. ft. to 378 sq. ft. We would also clean-up the design by removing the exiting 5 I-beam posts and replace with a more modern and better looking single monopole design. The other site is at 1100 S. Main St. We would remove the

2250 Empire Way • Boise, Idaho 83709 | 208.362.6101 • Fax 208.362.5694

existing I-Beam post structure and replace it with a single monopole structure and move it north away from the residential homes across the street.

Again, we feel that the propose use is compatible and appropriate with the neighborhood and zone and will be integrated with the overall character of the properties and existing developments surrounding the area. Additionally, what would be done to clean-up some of our unsightly existing structures located in the City makes this proposal a **win-win** for all involved.

Thank you for your consideration of this application. We look forward to continue to work with the City of Pocatello to maintain and create signage that is the best interest for the city, our landowners, our advertisers, and the community as a whole.

Sincerely,
LAMAR OUTDOOR ADVERTISING

DaWuan Miller
Real Estate Manager

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Lamar of Idaho

ATTACHMENT A

420 Yellowstone ave- we reduced the square footage by half and went to a monopole sign and removed 4 ugly I-beams.

244 Yellowstone ave McKees Feed- reduced the square footage by half and went to a monopole and removed 4 I-beams.

Quinn rd. / Flandro we took down 4 faces and 8 I-beams for the city and moved them on city property where now we have a tree issue at Costco.

We reduced the square footage on every Retro face from 12'x24' to 10' .9" x 23' for a more city friendly size and look; we also paint and maintain our structures on a regular basis. We remodeled our shop on Yellowstone ave and just painted the outside of our building.

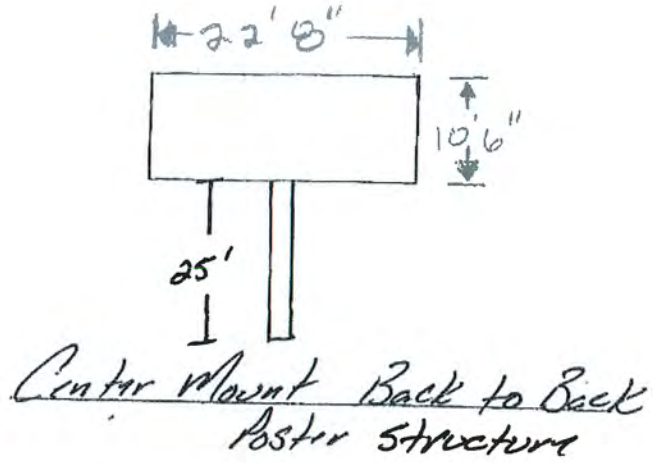
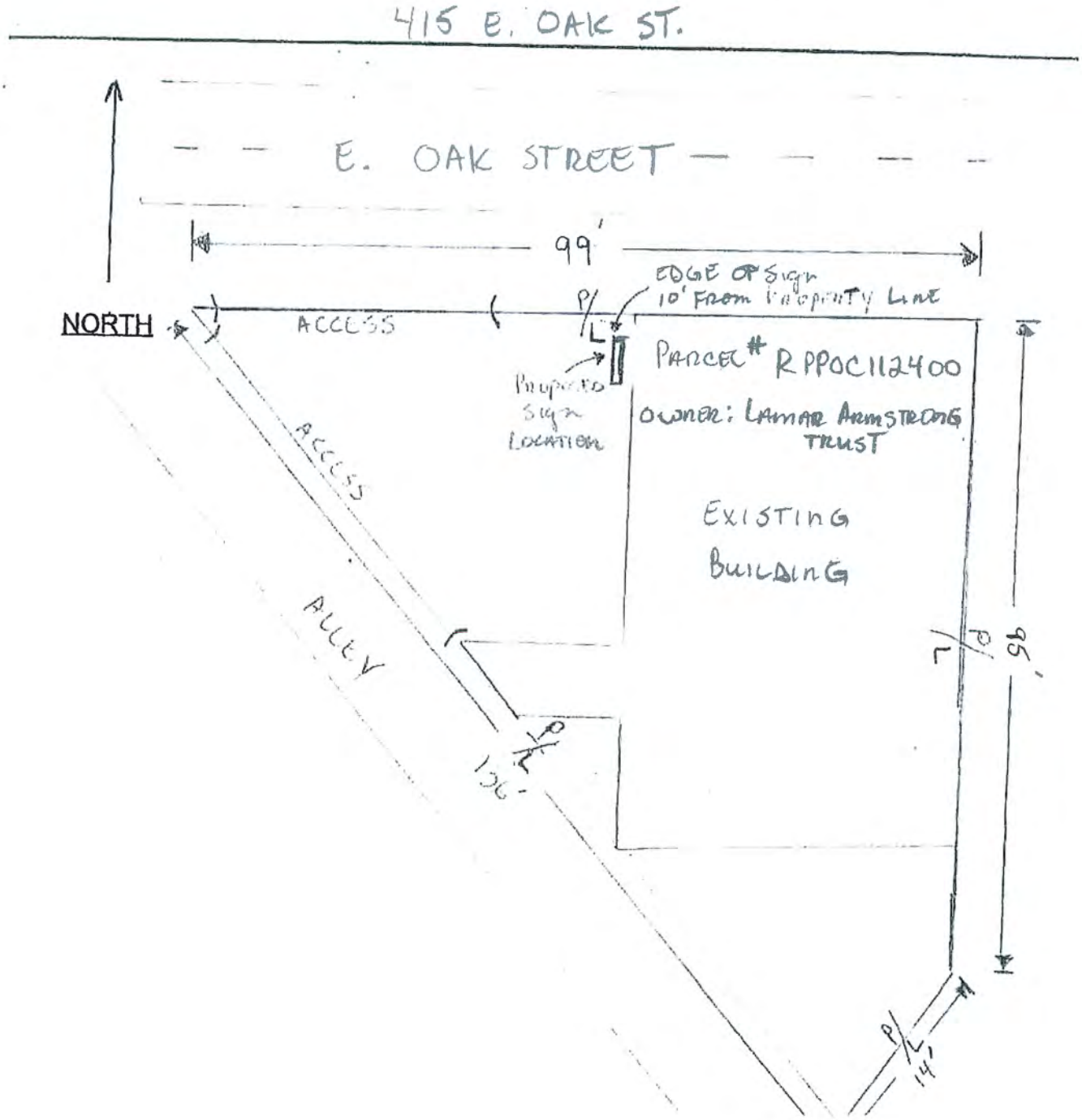
Here is what we need or would like to do in Pocatello.

Build the 2 posters on Mr. Armstrong's land, Yellowstone ave and the Oak st location. Replace old structure we lost years ago on Yellowstone at the old Taco Johns (El Jacalito's).

1359 Yellowstone ave Lottery/ Hirning 14x48 bulletin reducing the square footage to 10'.6x36' and removing 5 I-beams in Feb or March 2017.

Rebuild # 54731 on 1100 s Main, takedown Back to Back poster I-beam structure and build a monopole structure and move it North away from the residential homes across the street.

2250 Empire Way • Boise, Idaho 83709 | 208.362.6101 • Fax 208.362.5694

SITE PLAN

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