HEARING EXAMINER
SIGN EXCEPTION
FINDINGS OF FACT AND DECISION

DATE: June 31, 2016

APPLICANT: Driscoll Management
Represented by Sign Up Signs and Graphic

MAILING ADDRESS: 3275 W. Highway 30
Pocatello, Idaho 83201

LOCATION OF REQUEST: 2043 E. Center Street
Pocatello, Idaho 83201

I. REQUEST

Driscoll Management, represented by Scott Holloway of Sign Up Signs and Graphics (mailing address: 3275 W. Highway 30, Pocatello, ID 83201), requests a sign exception to install a 48 square foot wall sign on the south side of the office building at 2043 E. Center Street. The professional office building is located within a Residential Medium Density Single Family zoning district which allows one 32 square foot directory wall sign and a building identification sign but not signage for an individual business within the building. This building is located in a residential zoning district but has always been an office building.

The subject site is located at 2043 E. Center Street. The requested wall sign is proposed to be placed on the south side of the building. The only other sign on the building is the address. There is a monument sign located next to the driveway entrance.

They are allowed a directory wall sign up to 32 square feet in size and a building identification sign. The sign will be the only sign on the south side of the building and will be located above the entrance to their office. It will have a gray background with white and green lettering and graphics.

II. PUBLIC HEARING

A public hearing was conducted by the Hearing Examiner on May 26, 2016. Presentations were provided by the City Staff, then the applicant's representative, then the public was provided an opportunity for comment. The Staff presentation summarized their evaluation of the proposal and made a recommendation for approval subject to the following conditions:

1. If the sign is internally illuminated, the background shall be opaque with only the message illuminated (Municipal Code 15.20.180(C)).

2. No additional signs shall be permitted on this building without going through the sign exception process.

III. MUNICIPAL CODE/COMPREHENSIVE PLAN

The following Municipal Code Sections are applicable to this request:

15.20.220 Residential Commercial Professional zoning.

15.20.250 regulate sign exception procedures.

15.20.260 regulate sign exception standards.

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

Applicant's response: The building has limited exposure to street traffic, and thus a larger sign is needed to be legible from the viewing distances to be effective.

Analysis: The entrance to the building faces E. Lewis Street. Having a sign above the entrance to the business will make it easier for patrons that are traveling northwest on E. Center Street to locate and identify the business prior to the street splitting into one-way traffic.

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

Applicant's response: The viewing distance and traffic exposure times are a hindrance on the legibility of the sign. A larger sign is necessary to be effective but the sign will remain within a reasonable size relative to the building dimensions.

Analysis: The office building is allowed a 32 square foot directory sign that will list all tenants, which they don't have. The building is located on a curve and at the start of Clark and Center becoming one-way streets. The monument sign is around the curve and isn't as visible to northwest-bound traffic. The wall sign will help their visibility.

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

Applicant's response: The business property has limited street exposure and minimal viewing angles.

Analysis: The circumstances surrounding this request are not extraordinary. There have been other businesses in this building that didn't have individual wall signs.

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

Applicant's response: The business property will not have any legible signage from the oncoming traffic heading southbound on Clark Street.

Analysis: There is reasonable identification for the property but won't provide the visibility that the applicant is looking for.

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

Applicant's response: The sign will have soft glow LED lighting with only the sign letters exposing the light. The letter lighting effect, known as push thru lettering, only lights the letters and will not be a nuisance to the residents.

Analysis: The requested sign will be back lit. This will help minimize adverse effects on the adjoining land.

F. The proposal must be in conformance with the purpose set forth in this chapter. (Ord. 2349, 1991).

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.

IV. FINDINGS OF FACT

Based on an analysis of the application materials, pertinent Municipal Sign Code Sections, Comprehensive Plan Goals and Objectives, and information obtained at the public meeting, the Hearing Examiner finds the following:

1) The Hearing Examiner discloses that he has visited the site to observe physical character and relationships of the subject property. No ex-parte communications took place with anyone prior to the public hearing or during the writing of this report beyond the information gathered, stated, or requested at said public hearing.

2) Staff indicated they received no comments for or against the application.

3) Neither the Applicant nor their Representative were present for the public hearing.

4) One individual, Richard Shehan of 207 S 20th, the property owner across the street to the south expressed concern of having light from the sign cast on his property.

5) The Hearing Examiner inquired if Staff might be aware of the number of tenants in the building and they believed there was only the applicant.

6) Reference Staffs report for project review and public input as other Findings of Fact.

V. CONCLUSIONS AND DECISION

Based on the above findings, the Hearing Examiner concludes that the request meets the standards for a sign exception; therefore, this request is **approved** subject to the following conditions: (bold text indicates Hearing Examiner modifications to City Staff conditions).

1. If the sign is internally illuminated, the background shall be opaque with only the message illuminated (Municipal Code 15.20.180(C)).

2. No additional signs shall be permitted on this building without going through the sign exception process.

R. Keeven Shropshire
Hearing Examiner

Adopted by Hearing Examiner: 5-31-16.

STATE OF IDAHO)
ss:
County of Bannock)

On this 31 day of May, 2016, before me, the undersigned, a Notary Public in and for the State, personally appeared Keeven Shropshire, known to me or proved to me to be the person whose name is subscribed to the foregoing instrument, and being duly sworn, acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Terri Neu

NOTARY PUBLIC FOR IDAHO
Residing in Pocatello, ID
My commission expires: 1/18/2019

TERRI NEU
NOTARY PUBLIC
STATE OF IDAHO

HEARING EXAMINER
SIGN EXCEPTION
FINDINGS OF FACT AND DECISION

DATE: June 31, 2016

APPLICANT: Century High School
Represented by Blaze Sign Company

MAILING ADDRESS: 7801 Diamondback Drive
Pocatello, Idaho 83201

LOCATION OF REQUEST: 7801 Diamondback Drive
Pocatello, Idaho

I. REQUEST

Century High School, represented by Alaina Eldredge of Blaze Sign Company (mailing address: 525 West Maple, Pocatello ID 83201), requests a sign exception to move their existing monument sign approximately 560 feet to the south and install a new, additional sign at the same location where the monument is currently located at 7801 Diamondback Drive. The new sign is proposed to be 17 feet tall and will include an electronic reader board. The school is located within a Residential Commercial Professional zoning district which allows one 32 square foot sign that is 6 feet tall per street frontage.

The subject site is located at 7801 Diamondback Drive. The requested signs are proposed to be placed on the east side of the property, along S. 5th Avenue. The frontage along S. 5th Avenue is approximately 2,240 feet.

They are allowed a wall sign and a monument sign up to 32 square feet each with the monument sign not being taller than 6 feet tall. The proposed pole sign is 17 feet tall with 54 square feet of signage in addition to the signage on the existing monument sign.

II. PUBLIC HEARING

A public hearing was conducted by the Hearing Examiner on May 26, 2016. Presentations were provided by the City Staff, then the applicant's representative, then the public was provided an

opportunity for comment. The Staff presentation summarized their evaluation of the proposal and made a recommendation for approval subject to the following conditions:

1. If the sign is internally illuminated, the background shall be opaque with only the message illuminated (Municipal Code 15.20.180(C)).
2. The electronic reader board shall be turned off between the hours of 9:30 pm and 6:30 am (Municipal Code 15.20.180(A)(5)).
3. No additional signs shall be permitted on this building without going through the sign exception process.

III. MUNICIPAL CODE/COMPREHENSIVE PLAN

The following Municipal Code Sections are applicable to this request:

15.20.180 Residential Commercial Professional zoning.

15.20.250 regulate sign exception procedures.

15.20.260 regulate sign exception standards.

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

Applicant's response: CHS frontage along 5th Avenue is more than ½ mile (~2,240 feet). Given the amount of frontage, a tall sign is necessary to alert travelers they are approaching CHS and, if necessary, that they may want to begin signaling to turn.

Analysis: Century High School's property is not unique in the fact that it is flat, with no curves and on a main thoroughfare. However, the frontage along S. 5th Avenue is approximately 2,240 feet and a tall sign will be easier to see than a monument sign that is 6 feet tall.

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

Applicant's response: The proposed height will reduce, and potentially eliminate, vandalism damage to the LED. Because of the inherent competitiveness amongst high schools in general, we believe it is wise to place the LED high enough to deter vandalism.

Analysis: The high school currently has a sign that meets the standards but is difficult to see due to the length of the frontage. They plan on moving and continuing to use this sign but it won't be lit. An electronic reader board will be easier to see and vandalism is a concern. Their current sign has a plexi-glass face over the reader board to protect it from theft of the letters.

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

Applicant's response: The proposed height will reduce, and potentially eliminate, vandalism damage to the LED. Because of the inherent competitiveness amongst high schools in general, we believe it is wise to place the LED high enough to deter vandalism.

CHS is the only Pocatello high school that doesn't currently have a pole sign. The current signage doesn't reflect the pursuit of excellence that drives our Pocatello schools. Even some of our middle and elementary schools have pole signs.

Analysis: The frontage in front of the school is extraordinary. A taller sign will alert travelers that the school is ahead and they need to prepare. The smaller monument sign is more difficult to see from a distance.

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

Applicant's response: Not addressed.

Analysis: There is reasonable identification for the property but won't provide the visibility that the applicant is looking for.

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

Applicant's response: We recognize and appreciate that existing and future CHS neighbors may prefer that the LED not be illuminated 24 hours a day. As such, we are happy to turn off LED illumination between the hours of 9:30 pm and 6:30 am.

Analysis: If the requested sign is to be back lit, the background shall be opaque with only the letters being illuminated and the LED portion being turned off between 9:30 pm and 6:30 am (Municipal Code 15.20.180(C) and 15.20.180(A)(5). This will help minimize adverse effects on the adjoining land.

F. The proposal must be in conformance with the purpose set forth in this chapter. (Ord. 2349, 1991).

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.

IV. FINDINGS OF FACT

Based on an analysis of the application materials, pertinent Municipal Sign Code Sections, Comprehensive Plan Goals and Objectives, and information obtained at the public meeting, the Hearing Examiner finds the following:

1) The Hearing Examiner discloses that he has visited the site to observe physical character and relationships of the subject property. No ex-parte communications took place with anyone prior to the public hearing or during the writing of this report beyond the information gathered, stated, or requested at said public hearing.

2) Staff indicated they received no comments for or against the application.

3) The Hearing Examiner questioned the Applicant to ensure that they have read and understand the conditions recommended by Staff.

4) The Hearing Examiner clarified with Staff if they thought there might be any future consideration to modify the zoning in this area to outright allow the subject pole sign. The response was no due to the current property was annexed from the County therefore the County has authority over zoning around the property.

5) The Hearing Examiner clarified the intent of Conditions 1 & 2 in that the upper portion of the sign with the logo could be lit continuously through the night and the lower portion with the reader board would have to be shut off at the times stipulated. The Hearing Examiner subsequently clarified with the Applicants Representative that to be there understanding as well.

6) The main reason for the request is to provide visitors a greater warning of approaching the school and the relocation of the existing monument sign is to alert the visitors for outdoor sporting events where they should park in close proximity to the outdoor sporting events.

7) There was no public comment during the Public Hearing.

8) Reference Staffs report for project review and public input as other Findings of Fact.

V. CONCLUSIONS AND DECISION

Based on the above findings, the Hearing Examiner concludes that the request meets the standards for a sign exception; therefore, this request is **approved** subject to the following conditions: (bold text indicates Hearing Examiner modifications to City Staff conditions).

1. If the sign is internally illuminated, the background shall be opaque with only the message illuminated (Municipal Code 15.20.180(C)).

2. The electronic reader board shall be turned off between the hours of 9:30 pm and 6:30 am (Municipal Code 15.20.180(A)(5)).

3. No additional signs shall be permitted on this building without going through the sign exception process.

R. Keeven Shropshire
Hearing Examiner

Adopted by Hearing Examiner: 5-31-16.

STATE OF IDAHO)
ss:
County of Bannock)

On this 31 day of May, 2016, before me, the undersigned, a Notary Public in and for the State, personally appeared Kevin Shropshire, known to me or proved to me to be the person whose name is subscribed to the foregoing instrument, and being duly sworn, acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

TERRI NEU
NOTARY PUBLIC
STATE OF IDAHO

Terri Neu

NOTARY PUBLIC FOR IDAHO
Residing in Pocatello, ID
My commission expires: 1/18/2019

HEARING EXAMINER
SIGN EXCEPTION
FINDINGS OF FACT AND DECISION

DATE: June 31, 2016

APPLICANT: Physicians and Surgeons Clinic of Pocatello
Represented by Blaze Sign Company

MAILING ADDRESS: 525 W. Maple Street
Pocatello, Idaho 83201

LOCATION OF REQUEST: 1151 Hospital Way
Pocatello, Idaho 83201

I. REQUEST

Physicians and Surgeons Clinic of Pocatello, represented by Tony Golsarry of Blaze Sign (mailing address: 525 W. Maple Street, Pocatello, ID 83201), requests a sign exception to replace their existing monument sign with a larger one located at 1151 Hospital Way. The new sign is proposed to be 12 feet tall and approximately 58.6 square feet. The clinic is located within a Residential Commercial Professional zoning district which allows one 32 square foot sign that is 6 feet tall per street frontage.

The subject site is located at 1151 Hospital Way, on the corner of Hospital Way and Medical Way. The requested sign is proposed to be placed on the east side of the property, along Hospital Way. The frontage along Hospital Way is approximately 400 feet.

They are allowed a directory-type wall sign and a directory-type monument sign up to 32 square feet each with the monument sign not being taller than 6 feet tall. The proposed pole sign is 12 feet tall with 58.6 square feet of signage in addition to the signage on the existing monument sign. The proposed sign will be a directory-type sign rather than generic sign that is currently there.

II. PUBLIC HEARING

A public hearing was conducted by the Hearing Examiner on May 26, 2016. Presentations were provided by the City Staff, then the applicant's representative, then the public was provided an opportunity for comment. The Staff presentation summarized their evaluation of the proposal and made a recommendation for approval subject to the following conditions:

1. If the sign is internally illuminated, the background shall be opaque with only the message illuminated (Municipal Code 15.20.180(C)).

2. No additional signs shall be permitted on this building without going through the sign exception process.

III. MUNICIPAL CODE/COMPREHENSIVE PLAN

The following Municipal Code Sections are applicable to this request:

15.20.180 Residential Commercial Professional zoning.

15.20.250 regulate sign exception procedures.

15.20.260 regulate sign exception standards.

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

Applicant's response: The purpose of this sign would be way finding as much as advertising. The somewhat older demographic of the clients and the winding road and sloping terrain require ample visibility in advance to make the turn, especially traveling from north to south on Hospital Way.

Analysis: Physicians and Surgeon's Clinic of Pocatello property and the surrounding property do have unique physical characteristics. It is located on a hill and a curve. The sign is located over 100 feet from the corner of Hospital Way and Medical Way and partially blocked by the Pocatello Professional Plaza sign. It will be difficult to read the sign from that distance if it were a directory-type sign.

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

Applicant's response: The current sign is within the limit of the code, but will no longer legibly accommodate all of the entities using the building. To solve this problem, we are proposing a taller sign.

Analysis: The existing sign meets code but is inadequate for the applicant's needs. Due to the terrain and the distance of the sign from the intersection, the sign is difficult to read.

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

Applicant's response: The current sign is within the limit of the code, but will no longer legibly accommodate all of the entities using the building. To solve this problem, we are proposing a taller sign.

Analysis: A taller sign will alert travelers that the doctors' office is ahead and they need to prepare. A smaller directory-type monument sign will be more difficult to see from a distance.

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

Applicant's response: Not addressed.

Analysis: There is reasonable identification for the property but won't provide the visibility that the applicant is looking for.

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

Applicant's response: The proposed sign is much more aesthetically pleasing and blends better with the surrounding area than the current sign. The surrounding area is predominately without structures and the sign does not block other signs or interfere with sight triangles.

Analysis: If the requested sign is to be back lit, the background shall be opaque with only the letters being illuminated (Municipal Code 15.20.180(C). This will help minimize adverse effects on the adjoining land.

F. The proposal must be in conformance with the purpose set forth in this chapter. (Ord. 2349, 1991).

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.

IV. FINDINGS OF FACT

Based on an analysis of the application materials, pertinent Municipal Sign Code Sections, Comprehensive Plan Goals and Objectives, and information obtained at the public meeting, the Hearing Examiner finds the following:

1) The Hearing Examiner discloses that he has visited the site to observe physical character and relationships of the subject property. No ex-parte communications took place with anyone prior to the public hearing or during the writing of this report beyond the information gathered, stated, or requested at said public hearing.

2) Staff indicated they received no comments for or against the application.

3) The Hearing Examiner questioned the Applicant to ensure that they have read and understand the conditions recommended by Staff.

4) The Hearing Examiner noted that the proposed sign is a modification to the existing monument sign base.

5) The Hearing Examiner clarified the intent of Condition 1 in that there are two blocks of white background on the sign with the logo that could be lit continuously through the night. The

Hearing Examiner subsequently clarified with the Applicants Representative that to be there understanding as well.

6) The main reason for the request is to provide visitors a greater warning of approaching the school and the relocation of the existing monument sign is to alert the visitors for outdoor sporting events where they should park in close proximity to the outdoor sporting events.

7) The Hearing Examiner questioned a comment of the Applicants written response to Item E above whereby they state the proposed sign does not block other signs. While that is technically correct, the Hearing Examiner suggested that Staff should have Traffic review the conditions surrounding the "No Parking" sign to the south of the monument sign as it may need to be relocated for better unobstructed visibility.

8) Reference Staffs report for project review and public input as other Findings of Fact.

V. CONCLUSIONS AND DECISION

Based on the above findings, the Hearing Examiner concludes that the request meets the standards for a sign exception; therefore, this request is **approved** subject to the following conditions: (bold text indicates Hearing Examiner modifications to City Staff conditions).

1. If the sign is internally illuminated, the background shall be opaque with only the message illuminated (Municipal Code 15.20.180(C)). **Exception is granted to the two portions of the sign with the white background that will be diffusely illuminated and have dark lettering.**

2. No additional signs **or modifications to the existing sign** shall be permitted on this building without going through the sign exception process.

R. Keeven Shropshire
Hearing Examiner

Adopted by Hearing Examiner: 5-31-16.

STATE OF IDAHO)
ss:
County of Bannock)

On this 31 day of May, 2016, before me, the undersigned, a Notary Public in and for the State, personally appeared Kevin Shropshire, known to me or proved to me to be the person whose name is subscribed to the foregoing instrument, and being duly sworn, acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

TERRI NEU
NOTARY PUBLIC
STATE OF IDAHO

NOTARY PUBLIC FOR IDAHO
Residing in Pocatello, ID
My commission expires: 1/18/2019