Hearing Examiner's Report and Findings

DATE: June 13, 2016

APPLICANT/REPRESENTATIVE NAME: JM Corporation/ Sign Up Signs and Graphics

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

PROPERTY OWNER: JM Corporation

MAILING ADDRESS: 520 Yellowstone Avenue, Pocatello ID 83201

LOCATION OF REQUEST: The request is to place a sign on the pole at 520 Yellowstone Avenue, Deleta Skating Rink to advertise the business located at 555 Pershing Avenue. The new sign is proposed to be 24 square feet and be 8 feet off the ground. The businesses are located in a Commercial General zoning district which allows two square feet for each linear foot of building frontage plus one square foot for each linear foot of open space frontage. The business at 555 Pershing Avenue has frontage on Pershing Avenue, rather than on Yellowstone Avenue. Therefore, the sign location would be considered off-premise.

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TYPE OF REQUEST: JM Corporation, represented by Retha Cain of Sign Up Signs and Graphics (mailing address: 3275 W. Highway 30, Pocatello, ID 83201), requests a sign exception to install a new sign proposed to be 24 square feet and be 8 feet off the ground. The sign would be located on the pole at 520 Yellowstone in front of the Deleta skating rink.

CONCLUSIONS AND CONDITIONS:

Based on review of the Application for a Sign Exception and analysis of the staff report, applicant's presentation, and lack of citizen's comments and testimony in support of the variance, against the variance and neutral to the variance, the Hearing Examiner finds that this request does meet the conditions for a sign exception. **The Hearing Examiner approves request** for a sign exception to install a sign to be 24 square feet and eight feet off the ground with the following conditions:

1. The sign shall not be lit.
2. No additional signs shall be permitted on this pole due to concerns with sight and distance problems that would be created.

ANALYSIS AND FINDINGS OF FACT:

1 On June 03, 2016 I visited both the site where the pole is located on Yellowstone Avenue and the business location on Pershing. I was able to see the concern that signage on the building would not be visible from the main traffic area and would not be very helpful to customers looking for the business. I am familiar with the owner of JM Corporation however I have had no "ex-parte contacts and have no conflicts of interest regarding this request.

2 Public Hearing

No neighbors or other citizens attended the public hearing and no comments were submitted in advance of the hearing.

The applicant was not present therefore the staff made the applicant presentation. During the staff presentation a mockup of the sign and its location on the pole was reviewed. The property owner's representative submitted the drawing to demonstrate how it will look when the sign is hung.

3 Municipal Code Standards Applicable to the Request

MUNICIPAL CODE/COMPREHENSIVE PLAN

MUNICIPAL CODE

Municipal Code Section 15.20.190 governs signs in Commercial General zoning districts and Municipal Code Sections 15.20.250 and 15.20.260 outlines the requirements for sign exceptions.

Hearing Examiner finds the following Comprehensive Plan goal and objective applicable to this application:

Community Design Goal 1. Improve the physical image of the city.
Objective 1.2. Regulate the use of signs to enhance public safety and aesthetic character.

PROJECT REVIEW

The subject site is located at 520 Yellowstone Avenue. The requested sign is proposed to be placed on the existing pole that advertises Deleta Skating Rink. The property that encompasses 555 Pershing Avenue and 520 Yellowstone Avenue are all under the same ownership.

They are allowed a pole sign but it is to be on the street where their business fronts. The exception is to allow the sign to be off-premises.

Public Input. No public input either for or against the request has been received.

SIGN EXCEPTION FINDINGS

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.

Applicant's response: The business is located at 555 Pershing Avenue and is behind Papa Murphy's. It is quite hidden and their ability for signs is limited to only the walls.

Analysis: The purpose of this sign would be wayfinding as much as advertising. The business is located on Pershing Avenue and is difficult to find.

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.

Applicant's response: Not addressed.

Analysis: The applicant is allowed signage on Pershing Avenue but not Yellowstone Avenue. They don't have any signage on their building and have chosen to request an exception for signage on Yellowstone Avenue.

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 is located at 555 Pershing Avenue and is behind Papa Murphy's. It is quite hidden and their ability for signs is limited to only the walls. There have been multiple businesses at this location that have not been very successful due to the inability to make the traffic and potential customers aware that they are back there, having some signage on Yellowstone should help them out significantly!

Analysis: The circumstances surrounding the request are not extraordinary. The applicant is allowed signage on Pershing Avenue but would like visibility from Yellowstone Avenue. The building is located behind Papa Murphy's and they have approximately 15 feet of frontage on Yellowstone Avenue but the building is difficult to see from Yellowstone Avenue.

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

Applicant's response: The business is located at 555 Pershing Avenue and is behind Papa Murphy's. It is quite hidden and their ability for signs is limited to only the walls. There have been multiple businesses at this location that have not been very successful due to the inability to make the traffic and potential customers aware that they are back there, having some signage on Yellowstone should help them out significantly!

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 request is to install a 3' x 8' non-illuminated double face sign on the existing Deleta pole sign.

Analysis: The proposed sign won't be lit and will be located on the same pole as another business. This will help reduce sign clutter due to the fact that an additional pole will not be added to an already congested area.

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.

Respectfully submitted this 13th day of June 2016,

Susan Lorenz

Susan Lorenz
Hearing Examiner