

**HEARING EXAMINER  
SIGN EXCEPTION  
FINDINGS OF FACT AND DECISION**

**DATE:** February 14th, 2017

**APPLICANT:** PipeCo  
Represented by Blaze Signs

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

**LOCATION OF REQUEST:** 3725 Poleline Road  
Pocatello, Idaho 83201

**I. REQUEST**

PipeCo, represented by Alaina Eldredge of Blaze Sign (mailing address: 525 W. Maple Street, Pocatello, ID 83201), requests a sign exception to replace their existing monument sign with a new pole sign at 3725 Poleline Road. The proposed sign is to be 17 feet 3 inches tall and 31.2 square feet. The business 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 exception is therefore for the height of the sign and not square footage.

The frontage along Poleline Road is approximately 155 feet. The business is in the middle of the block with Tanager Drive to the north and Berryman Road approximately 150 feet to the south. Land uses on this side of Poleline Road are predominately single family residences. On the east side of Poleline Road is Gateway Industrial Park (formerly the Naval Ordnance Plant) which is home to several industrial businesses and is zoned Industrial.

**II. PUBLIC HEARING**

A public hearing was conducted by the Hearing Examiner on February 9th, 2017. Presentations were provided by the City Staff, then the applicant's representative, then the public was provided an opportunity for comment though there was no community members present at the hearing.

The Staff presentation summarized their evaluation of the proposal and made a recommendation for denial 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)) or shall be turned off between 9pm and 7am as indicated in the written narrative provided by the applicant.
2. No additional signs shall be permitted at this business 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:** PipeCo is located on the west side of Poleline Road, and the speed limit is 35 miles per hour (mph). During spring, summer and early fall PipeCo's existing monument sign is partially obscured by the landscaping and foliage on the adjacent properties. The obstruction impacts the ability of drivers to see the sign, and slow down and signal in time to safely make the turn into PipeCo's parking lot. Customers and delivery drivers new to PipeCo often comment that they had to slam on their brakes, or drive past PipeCo then turn around and come back.

**Analysis:** PipeCo's property is not unique with regards to topography or lot configuration which would warrant the need for an exception for the height of the 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 business currently has a sign that is 5 feet tall but is difficult to see due to the speed of vehicles and the foliage on adjacent properties. They have trimmed back the foliage on the adjacent properties but visibility continues to be a problem. The objective is to improve visibility for PipeCo customers and delivery truck drivers.

**Analysis:** The business currently has a sign that meets the standards but is difficult to see due to the speed of vehicles and the foliage on adjacent properties.

*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 currently has a sign that is difficult to see due to the speed of vehicles and the foliage on adjacent properties. They have trimmed back the foliage on the adjacent properties but visibility continues to be a problem.

**Analysis:** The applicant has reasonable use of the property without the sign exception. However, a taller, illuminated sign may make visibility better for motorists.

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

**Applicant's response:** Their objective is to improve visibility for PipeCo customers and delivery truck drivers. During spring, summer and early fall PipeCo's existing monument sign is partially obscured by landscaping and foliage on the adjacent properties. They have trimmed back the foliage but visibility continues to be a problem.

**Analysis:** There is reasonable identification for the property without the need for an exception 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:** PipeCo proposes that the sign be on a timer so the sign emits no illumination between 9pm and 7am.

**Analysis:** Municipal Code 15.20.180(C) requires that if the sign is illuminated the background be opaque with only the message illuminated. If the applicant is willing to have the sign on a timer and shut off between 9pm and 7am it will greatly reduce the adverse effects on 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 disclosed that he had 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) Staff indicated their recommendation for denial was because the Applicant had not taken all the steps to conform to the requirements along with other design considerations.
- 4) The Applicants Representative, indicated the primary goal for the proposed sign was to attract attention of the truck drivers delivering product for their business. They stated that the flag pole was an attempt to be an attention grabber but that hasn't worked. They indicated that with permission from the adjoining property owners, they have been trimming the bushes and trees but to no avail. One of the property owners is the City of Pocatello and Applicant had

approached them about the possibility of having some of the trees removed but that was discouraged by the City Forester.

- 5) The site visit by the Hearing Examiner observed several conditions which diminish visibility of the business. One is the curb line for this and other more commercially developed properties along the street where the residential properties immediately to the north and south both have a line of over developed tree line in line with the curb/gutter/sidewalk of the subject property making it extremely difficult for the drivers or other motorists to see existing monument sign. Another condition came to mind due to not really being able to see the flag that is 15-18 feet in the air due to the tree canopy. When foliage is on the trees, there would be no opportunity to see the requested sign.
- 6) The Hearing Examiner made a suggestion for compromise as noted in the Conclusions below. The compromise would be the best height relative to the tree canopy at either side of the property as well as being out of the sight triangle.
- 7) 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 does not meet the standards for a sign exception; therefore, this request is denied. However the Hearing Examiner proposed a compromise of having the bottom of a pole mounted sign be at 8-ft above the ground which would place the top at approximately 14-ft. Both the Staff and the Applicant indicated they would be good with the compromise therefore the compromise sign 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) and any lighting shall be turned off between the hours of 9pm and 7am as indicated in the written narrative provided by the applicant.
2. No additional signs shall be permitted on this building without going through the sign exception process.

