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OFFICIAL RECORD BK#
BANNOCK COUNTY IDAHO

File #19-3643
RECORDED AT REQUEST OF
FEE DEPUTY

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

City of Pocatello

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DATE: January 9th, 2020

APPLICANT: Gables Assisted Living Center
Represented by Tate Schuldies of Fast Signs

MAILING ADDRESS: 2805 S. Grant Avenue
Pocatello, Idaho, 83204

REPRESENTATIVE: Tate Schuldies of Fast Signs
340 E Elva St, Idaho Falls, Idaho

LOCATION OF REQUEST: 2805 S. Grant Avenue
Pocatello, Idaho 83204

I. REQUEST

Gables Assisted Living Center, represented by Tate Schuldies of Fast Signs of Idaho Falls, requests a sign exception to allow placement of a wall sign approximately 117 square feet in size at 2805 S, Grant Avenue. The assisted living center is located within a Residential Medium Density Single Family zoning district. Municipal Code 15.20.170 does not allow new business signage within residential zoning districts without approval of a sign exception.

SITE CHARACTERISTICS: Zoning designation: Residential Medium Density Single Family.

STAFF RECOMMENDATION: Based upon a review and analysis of the application material, subject site and surrounding area, and applicable Municipal Code sections and goals of the City's Comprehensive Plan, Planning Division staff finds that this request is not in compliance with the standards for an exception. However, if the Hearing Examiner should choose to approve the exception, staff recommends the following conditions:

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1. Any lighting of the sign structure shall be prohibited;
2. No additional signs shall be permitted without first applying for a sign exception.
3. Any standards/regulations not herein noted but applicable to placement of the sign structure under Chapter 15 shall be strictly adhered to.

II. PUBLIC HEARING

A public hearing was conducted by the Hearing Examiner on January 9th, 2020. Presentations were provided by the City Staff, then the applicant's representative and the public was provided an opportunity for comment. There was no public comment.

As noted above, the subject site is located at 2805 S. Grant Avenue consisting of approximately 45,708 square feet or 1.049 (+/-) in area. The property is accessed from Grant Avenue. Surrounding land uses consist of single family residential homes with Riverside Golf Course directly east. Bannock Highway also abuts the property to the east as well as Hawkweed Road on the west.

III. MUNICIPAL CODE/COMPREHENSIVE PLAN

The following Municipal Code Sections are applicable to this request:

Municipal Code §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.

Municipal Code §15.20.220 Residential Medium Density Single Family zoning.

Municipal Code §15.20.260(B) states, "The hearing examiner has the authority to approve signs with or without special conditions concerning sign size, design, illumination, height, width, landscaping, placement on site, or any other condition it deems pertinent for sign enhancement. The hearing examiner shall only approve signs and sign structures that are consistent with the purpose set out in section 15.20.010 of this chapter and with the comprehensive plan of the city." The decision may be appealed by the applicant or other affected persons according to the provisions of Idaho Code Section §67-6521. Said appeal is to the city council pursuant to the process outlined in section §17.02.400, 'Appeals.'

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Municipal Code §17.02.300 states that sign exceptions shall be heard and decided on by the Hearing Examiner with an appeal to City Council.

Municipal Code §15.20.270 regulate sign exception standards as follows

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

Applicant's response: "This is in a residential zone. I believe it meets standards for the sign code."

Staff Analysis: The Gables Assisted Living Center has no unique circumstances in regard to topography or lot configuration which would warrant the need for approval of a sign exception. The property is landscaped with the building setback in an angle approximately 78 feet on the north and 25 feet on the south. The speed limit on Bannock Highway is 35mph, which in combination with the building setback, may result in clients and visitors passing by the living center if not previously aware of the location. Placement of the proposed sign may be helpful to better locate the assisted living center.

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: "I have reviewed the zoning code and feel we are within the sign codes."

Staff Analysis: A sign exception is required in light of the residential zoning.

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 property is zoned within specified requirements."

Staff Analysis: The applicant has reasonable use of the property without the sign exception.

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

Applicant's response: "The Gables of Pocatello Assisted Living and Memory Care is within good standings of zoning requirements."

Staff Analysis: Records show that The Gables Assisted Living Center was constructed in 2004 with no signage on site since that time.

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 are sending out mailing avadavat to the surrounding neighbors in accordance to the process of the Sign Acceptations."

Staff Analysis: The applicant does not propose to illuminate the sign which may help eliminate possible adverse effects on adjoining land.

F. The proposal must be in conformance with the purpose set forth in §15.20.010.

Applicant's response: "Fastsigns has submitted all other sign coding requirements set forth b the City of Pocatello."

Staff Analysis: Municipal Code §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 hearing, the Hearing Examiner finds the following:

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- 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) The applicant confirmed that they have read, understand, but do not agree with the Staff recommendation for denial.
- 4) No members of the public spoke at the hearing and Staff indicated they received not public comments.
- 5) Staff indicated the subject facility was constructed in 2004 and there has not been a sign on the structure for those previous 16 years.
- 6) Staff indicated that though wall signs are not allowed in a Residential Medium Density Single Family zoning district, the Hearing Examiner might consider the building setback conditions of approximately 78-feet on the north and 25-feet on the south (average of 51.5-feet at the location of the sign) and with the 35 mph speed limit on the east side, some consideration for compromise might be allowed.
- 7) The applicants representative confirmed having read, understood, and agreed with the Staff recommended conditions.
- 8) The applicants representative indicated the size of the sign was motivated by the industry standard minimum letter size being based on 2-inches high per 50-feet.
- 9) The applicants representative admitted to the fact that part of the motivation for the large sign was to completely cover an existing window with the ideal proportions of the sign relative to the graphic and text as designed.

V. CONCLUSIONS AND DECISION

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This Hearing Examiner understands the desire by the applicant to identify their facility from Bannock Highway where the design and character of the structure blends into the surrounding neighborhood nicely and the proposed sign portrays a compatible and appealing character. While the proposed sign also has a character that blends into the character, colors scheme, and proportions well with the facade, it's size as proposed is far to large to be considered in the Residential Medium Density Single Family zoning district.

This Hearing Examiner stipulated that although the zoning does not allow for wall signs of any kind and that he understands the need for sight recognition and identification from the street for their clients and visitors and would therefore consider a compromise to allow a smaller sign. In consideration of a smaller sign, other similar zoning would allow a 32-square foot sign which could generate the smallest letter to be 9.25-inches high proportionately to the 117-square foot for the proposed sign where the smallest letter is approximately 12-inch high. This compromise by itself would allow larger letters than the minimum industry size of 2-inches per 50-foot of setback. As further compromise, the Hearing Examiner stated to the applicants representative that he would consider allowing up to a 48-square foot sign to allow greater flexibility in the proportions of all lettering and graphic which would be the largest sign allowed by this Hearing Examiner for this request.

Based on the above findings, the Hearing Examiner concludes that the request does not meet the standards for a sign exception; however, **a compromise on the sign size of 48-square feet is approved** subject to the following conditions recommended by Staff and any appeal to City Council.

1. Any lighting of the sign structure shall be prohibited;
2. No additional signs shall be permitted without first applying for a sign exception.
3. Any standards/regulations not herein noted but applicable to placement of the sign structure under Chapter 15 shall be strictly adhered to.

IV. APPLICANT NOTICE:

Notice is hereby given that this decision may be appealed by the applicant or other affected persons (according to the provisions of Idaho Code Section 67-6521) to the City Council, using the process outlined in Municipal Code Section 17.02.400 pursuant to Idaho Code Section 67-8003 within 28 days after this Decision.

