



**PLANNING & DEVELOPMENT**  
808 W. SPOKANE FALLS BLVD.  
SPOKANE, WASHINGTON 99201-3329  
509.625.6300  
FAX 509.625.6013  
www.spokanecity.org

**DECISION ON CONDITIONAL USE PERMIT  
FILE NO. Z150030CUP2**

**I. SUMMARY OF REQUEST AND RECOMMENDATIONS:**

**DESCRIPTION OF PROPOSAL:** The agent, Joel Baldwin, Baldwin Signs, on behalf of Jewelry Design Center, has applied for a Type II Permit to install an electronic message center (EMC) to a replacement free-standing sign currently on-site. This application was made after a sign permit application was submitted on July 18, 2014 and denied by Planning and Development. Currently electronic message centers are prohibited in all Downtown zones. The applicant has requested the installation of this EMC through the application for a Type II Conditional Use Permit as allowed per Spokane Municipal Code 17C.240.290 "Bonus Allowance for Outstanding Design".

Staff approves this application with conditions.

**II. GENERAL INFORMATION:**

- |                                     |  |
|-------------------------------------|--|
| A. Applicant/<br>Property Owner(s): | Toone Properties, L.L.C.<br>c/o Brian Toone<br>829 N. Division Street<br>Spokane, WA 99202 |
| B. Agent:                           | Joel Baldwin<br>c/o Baldwin Signs<br>6409. N. Pittsburg<br>Spokane, WA 99202               |
| C. Location of Proposal:            | 821 N. Division Street<br>Spokane, WA 99202  |
| D. Existing Zoning:                 | "DTG" (Downtown General)   |
| E. Land Use Plan Designation:       | Downtown   |
| F. SEPA Status:                     | Categorically Exempt   |
| G. Enabling Zoning:                 | SMC 17C.240.290.B.3  |
| H. Decision Date:                   | June 23, 2015  |
| I. Staff Contact:                   | Dave Compton   |

The property is located at 821 N. Division Street on parcel number 35181.0040 and legally described as:

PTN OF TR 'D' OF SP 91-07 AUD #9112230109 DAF: BEG AT SW COR OF TR 'D' TH ALG S LN OF TR 'D' N73DEG48MIN26MINE 47.67FT TH N80DEG09MIN12SECE 107.39FT TO POB TH N00DEG19MIN54SECW 289.19FT TO N LN OF PARCEL D TH S89°38'55"E 216.40FT TO WLY LN OF DIVISION ST TH S04DEG09MIN39SECW 85.16FT TH S05DEG06MIN11SECW 68.72FT TH S05DEG05MIN03SECE 57.67FT TH N89DEG28MIN14SECW 10.82FT TH S01DEG43MIN16SECW 45.02FT TO S LN OF TR 'D' TH S80DEG09MIN12SECW 187.92FT TO POB.

### **III. FINDINGS OF FACT**

1. Site Description: The site is relatively flat. The site has frontage only on Division Street with one ingress/egress point. There is access to adjacent parcels from this point to parking areas and an office building. The site is approximately 1.28 acres (55,756 square feet). The jewelry retail store is approximately 14,937 square feet.
2. Project Description: The applicant has requested an EMC to be attached to a new replacement pole sign.
3. Surrounding Zoning: DTG (Downtown General) is located to the north, south and west of the proposal and GC-150 (General Commercial – 150 height limitation) to the east.
4. Zoning History: This area was previously zoned CBD – 6 prior to January 16, 2010.
5. Adjacent Land Use: A hotel complex is located on the property to the south, a convenience store and gas station to the north, a parking lot to the west, and a fast food restaurant to the east across Division Street.
6. Applicable Zoning Regulations: SMC 17G.060 Land Use Application Procedures; SMC 17C.240.290.B.3 Approval Criteria.
7. Procedural Requirements:
  - Application was submitted on April 20, 2015;
  - Application was routed for comments on April 29, 2015;
  - Application was determined Technically Complete on May 20, 2015;
  - Application Notice was sent to agent on May 20, 2015;
  - Application Notice was posted and mailed on May 29, 2015;
  - Comment period ended June 13, 2015
8. The application material regarding the Type II Bonus Sign Allowance was sent to City departments and outside agencies for their review and comments on April 29, 2015. Their comments are included within the file and are made part of this application by reference.
9. Notice of the application was mailed to surrounding property owners, taxpayers and residents within 400 feet of the subject property, as specified on the Notification District Map, on May 29, 2015 and posted on the site, downtown library and City Hall on the same date. No comments were received during the public comment period.

#### **IV. CONCLUSIONS AND DECISION CRITERIA - BONUS SIGN ALLOWANCE FOR OUTSTANDING DESIGN**

##### SMC 17C.240.290.B.3 Approval Criteria

A bonus allowance for outstanding design is intended to allow flexibility to the sign regulations while still fulfilling the purpose of the regulations. The specific approval criteria allow signs that enhance the overall character of an area. A bonus allowance for outstanding design sign will be approved if the planning director finds that the applicant has shown that the criteria below are met:

##### *1. Sign Area Bonus.*

*A sign area bonus may be granted if the applicant meets the criteria subsections (B)(3)(a)(i), (ii), and (iii) of this section.*

- i. The adjustment for the proposed sign will not significantly increase or lead to street level sign clutter, to signs adversely dominating the visual image of the area, or to a sign that will be inconsistent with the objectives of an overlay zone or adopted sub-area plan; and*

##### Staff analysis:

The permitted signage allowed for a free-standing pole in a Downtown zone is 1 square foot per 1 foot of arterial street frontage up to a maximum of 250 square feet in size per sign. The maximum number of free-standing signs for each parcel is limited to 1 per site or 1 per 300 feet of arterial street frontage and 1 for each additional 300 feet or fraction thereof as outlined in Spokane Municipal Code (SMC) 17C.240 – Signs, Table 2 – Standards for Permanent Signs in Commercial, Center and Corridor and Industrial Zones.” This site has approximately 254 feet of street frontage. The allowance for EMC signs are found in Table 4 of the same code. There it states that the maximum allowance is no greater than 50 percent of the maximum total signage allowed in that zone or 48 square feet, with the lesser of the two permitted. This allowance for electronic message centers in the Downtown is the same given to General Commercial, Light Industrial and Heavy Industrial zoning. Table 4 though has a footnote that applies to the Downtown zoning, previously Central Business District (CBD) zoning, stating electronic message centers are prohibited in CBD 1 – 6 zones.

When the sign permit was originally submitted on the date mentioned above, the applicant’s agent was unaware that this property was in the Downtown zoning category and even if it were Table 17C.240-3 of the SMC show that EMC’s are allowed. The footnote in that table refers it then back to SMC 17C.240.240 (J) that then refers it back to Table 4. Planning finds the current sign code very confusing to those trying to research code provisions for signs, especially EMC’s.

The applicant submitted rational for this request in their application with renderings of the proposed sign, the existing one, and the businesses front elevation. Staff finds that the visual aspects of the proposal matches

the rustic façade of the building and better blends into the surroundings than the existing sign that shows weathering and additional signage that was permitted on the pole when additional businesses occupied the same building/ parcel. The proposed sign will also be approximately twelve (12) feet shorter than the existing one and five (5) feet below the thirty-five (35) foot maximum height limit. The overall image of this proposal will be less cluttered and no more obtrusive than any other signage immediately adjacent to the site or in either direction on Division Street. There are no overlay zones or sub-area plans with which this proposal will conflict with.

This criterion is met.

*ii. The sign will not create a traffic or safety hazard; and*

Staff analysis:

The sign will not create traffic or safety hazards as long as the clear view triangle is kept clear at the driveway approach. The proposal shows that the fourteen (14) foot clear view area below the sign will be met unlike the existing sign that had additional signage attached to it within this area. The Washington Department of Transportation (WSDOT) was notified of this proposal since Division Street is a state highway. They provided comments that will be included as conditions of approval.

This criterion is met.

*iii. The adjustment will allow a unique sign of exceptional design or style that will:*

*A. achieve a positive and tasteful image*

Staff analysis:

While there is no specific design criteria or guidelines to gauge the sign proposal submitted, staff finds it much more compatible with the building to which it is associated than the existing sign. It will be constructed of wood or be made to appear that way, which will match the wooden post and beam construction of the building itself.

The signage proposed would lend itself to the promotion of a positive and tasteful image and meet the provision of being unique or of exceptional design or style.

This criterion is met.

*B. have good legibility;*

Staff analysis:

The static portion of the signage proposed appears to have simple and clear legibility. The EMC will be required to meet the criteria of the Letter of Compliance for EMC's that will be made a condition of approval. The owner will be required to sign this document agreeing to control the

brightness level, the timing and movement of static images, the prohibition of flashing images and the limitation of on-site advertising only.

This criterion is met.

- C. *exhibit technical competence and quality in design, construction, durability, and have standard details uncluttered by wires, angles, or other elements that detract from the appearance;*

Staff analysis:

The signage proposed exhibits all the above elements that won't detract from its appearance. The EMC portion of the sign will be the latest state of the art technology that is most easily controllable.

This criterion is met.

- D. *relate to architectural features rather than obscure or disregard building planes;*

Staff analysis:

The signage proposed relates well to the architectural features and planes of the building as mentioned earlier.

This criterion is met.

- E. *present a harmonious relationship to other graphics and street furniture in the vicinity;*

Staff analysis:

The signage proposed will be far superior to all the existing freestanding signs and billboards in the vicinity. Other than the Wendy's sign across Division Street to the east, all free-standing signs in the area are either a single or double metal pipe pole with box type cabinets affixed on top. Therefore the harmonious relationship to other graphics and street furniture is not a valid criterion for this project.

This criterion is met.

- F. *Be of a size that is in scale with the setting, building, or structure where located; and*

Staff analysis:

The site is already developed with the single story building constructed in 2005. It has approximately 160 feet of primary building wall on Division Street. The amount of signage proposed is approximately 34 square feet for static display and 48 square feet for the EMC with the sum of both being significantly below the allowance for free-standing signage in this zone.

This criterion is met.

G. *avoid glare.*

Staff analysis:

The signage proposed will avoid glare if it meets the criteria in the Letter of Compliance for EMC's to be signed by the owner.

This criterion is met.

A. Time Limitation.

*A CUP (type II or type III) application automatically expires and becomes void if the applicant fails to apply for a building permit within **three** years of the effective date of the CUP.*

STAFF CONCLUSION: The staff recommends approval of the requested Type II Conditional Use Permit.

**VI: Recommendations**

The staff recommends approval of the proposal subject to the following conditions:

1. Re-apply for the sign permit (B1408588) that was denied to include any changes from the sign design and structure approved by this Conditional Use Permit.
2. Submit the Letter of Compliance for Electronic Message Centers with the owner's signature at time of application for the new free-standing sign and message center.
3. Adhere to all regulations outlined in Revised Code of Washington (RCW) 47.42 and Washington Administrative Code (WAC) 468-66 for signs that are on private property but visible to regulated state highway routes.
4. Record the "Conditional Use Permit Agreement" with the Spokane County Auditor's Office.
5. Adhere to any additional performance and development standards documented in comment or required by City of Spokane, Spokane County Washington State, and any Federal agency.

**NOTICE OF RIGHT TO APPEAL**

Appeals or requests for reconsideration of decisions by the Planning and Development Director are governed by Spokane Municipal Code 17G.060.210 - Appeals. Decisions of the Planning and Development Director regarding Type I or II applications are final unless appealed to the City of Spokane Hearing Examiner. All appeals must be filed with Planning and Development within fourteen (14) calendar days of the date of the decision. All requests for reconsideration must be filed with Planning and Development within seven (7) days of the date of the decision. The date of the decision is June 23, 2015. **THE DATE OF THE LAST DAY TO APPEAL IS JULY 7, 2015 AT 5:00 P.M.** In addition to paying the appeal fee to appeal the decision, the ordinance requires payment of a transcript fee to the City of Spokane to cover the costs of preparing any required transcripts.

Sincerely,



Louis Meuler, Interim Director  
Planning and Development

By: Dave Compton, Assistant Planner *DBC*  
Planning and Development