



Town of Alpine

DATE: December 13th, 2005

Attending: Board members: Paula Stevens, Scott Reed, Don Sherman and Dave Gustafson.
Property Owner: Carla Stone and BofA secretary.

Board of Adjustment Meeting MINUTES

1 - CALL TO ORDER at 7:05pm

2 - ROLL CALL & ESTABLISHED a QUORUM

3 - P&Z MINUTES November 8th, 2005 (Given at this meeting) ****No P&Z meeting for November 22nd, 2005.**

4 - COUNCIL MINUTES: October 18th, November 1st and November 15th, 2005 (Given at this meeting)

5 - TONIGHT'S APPOINTMENTS/ NEW BUSINESS:

- **FYI Only-** Eric Taft has advised the Town in writing that any inquiries regarding any future home building in the Palispark Subdivision should be sent to him as he is the acting president of the Palispark Homeowner's Association.
- **7:00pm- Signage Variance Request Permit #V-07-05 Carla & Mike Stone** - They are requesting a variance to have a 22ft. high free-standing sign and 280 sq.ft. of physical signage from the 80sq.ft. maximum allowed to accommodate approximately seven (7) businesses. As per their written request they believe the neighborhood businesses will benefit from high visibility highway signage, as most of these retail and office businesses sit back off Highway 89 with no visibility.

Town Clerk sent out notices to all adjacent neighbors but Dodie Urban was the only letter received. Secretary read her letter (enclosed with these minutes). Dodie's letter expressed that she was in favor of the multi sign and all the variances needed for it.

Carla Stone presented her reasons for the requested variances for the signage on 171 Alpine Drive. She said it is being done because of the recent rezoning on some of the properties on Trail Drive and Short Street and more businesses are now way off the highway and in order to facilitate access to their businesses she would like to add them to her sign, which she is asking for in front of 171 Alpine Drive. She added there are several reasons such as to eliminate many other freestanding signs, bring in the customers into this business area which might not normally know that there was access there, that will bring money into the community. It will add to landlords availability for leasing out to business tenants. It will make that more attractive. They feel by providing sign visibility inside the city limits they can add to the downtown access area, presenting several businesses at once. They think that would also attract people into those neighborhoods knowing that there is more than one business there that they can shop at. They would like to assist that commerce by providing it at the building at 171 Alpine Drive. They think it will benefit all the businesses, the Town of Alpine. They would like it to compass an area of maybe 1/8 to 1/4 of a mile for future business rezoning. There are so few business/commercial lots in the Town of Alpine that they'd like to make sure in the future that anyone rezoned to business in that area would have the opportunity to advertise on the highway, if at all possible. She thinks that would make the properties on Alpine Drive that are zoned business, that are now multi-family homes it would make that more attractive to them as well to have businesses along that road and increase our revenue area. Also under the State Statute C, the sign will be made of natural materials, the frame of naturally materials, the shingles for each business shall be symmetrical and the same color scheme. It will only present the business name, their logo, a phone number and how to access that business. Therefore it won't be a busy scenario. Each one will have a shingle; the sign will be lit as needed to provide for visibility for safety and for evening hours and winter short days to bring people in. She thinks that the height they are asking for is pretty much in order to rise above the snow storage in the winter time. It also eliminates the need for a wide sign.

Scott Reed added his concerns that seeing that area rezoned as a business district, that now there are businesses that want to rent and the biggest problem for them is to get recognized in the back area. What him and Carla are proposing is to consolidate signage so most or all businesses can agree on which would eliminate junk signage and overlapping signage or obstructive signage, in ways that businesses will have to compete with each other to show themselves to the road. He said Carla has a key property there to do that with and off-site signage maybe an issue a part of the variance, as long as the off-site signage is a part of the Town. He has spoken to many people and others in big cities, big businesses cannot succeed nor try to succeed if they cannot properly advertise. Hence if someone like Journeys cannot advertise, they cannot rent out their spot. He feels Carla has a good proposal in trying to consolidate all the businesses in that area. He added the square footage would not be a full 280 sq. ft., each sign is 15 square and there would be seven (7) signs. Scott asked about the issue with the square footage as the individual businesses may want to have signage on their buildings too.

Paula said based on their regulations right now, what they are proposing to do is more or less signage for a shopping center. Which is what Scott is alluding to, whereas with a shopping center there is a portion of signage that can be allocated to the different businesses within the shopping center. This is not a shopping center. Scott said there is a variance for square footage and a variance for height. Don said each and every person that wants a sign on their property will have to come get a variance then. It's not a shopping center it is individual lots. Scott said they were not trying to be a shopping center. Paula said in order for it to be called a shopping center there would have to be shared parking, shared agreements in regards to what they are talking about here. If there is going to be an offset in any signage from, if they are going to propose a certain amount of signage here and there is going to be an offset on the other buildings there has to be some sort of agreement in place so those property owners are held to that standard. The only applicant they have here is Carla's. So the other folks who would benefit from what Carla is talking about or be a party to it are not part of this application. Don asked Carla if she was charging those people (business owners) to have their name on her sign. Carla said it was disgusted to have a rental per shingle, very minimal. Don verified that the sign would then be on her (Carla's) property. Carla answered yes. Paula asked then is the Real Estate of Star Valley going to remain where it is. Carla said yes it would and would have a shingle with the name and arrow across the street. Paula said she didn't understand why that would be necessary. Carla answered it was to have advertising on both sides of the street, as they felt it would be an asset. Paula agreed it would. Don said but they had already been given a sign that is close to the 80 sq.ft. on her (RESV office) side. Scott asked to keep this exclusive to this (171 Alpine Drive) property. Don said we could but it's not because they can't have another sign on the property. Paula said we have nothing in our regulations that provide for it, so in essence you may say it's not allowed because it is not addressed.

Dave said Paula has a very good point, as these other businesses that are involved need to be involved in the variance process. However that works out with an agreement within all these businesses. He doesn't think individual variances are the way to go, instead to go with one variance with agreements with all the businesses approach. He had a couple issues with the Real Estate of Star Valley and the Land Title Company from the State Statute standpoint. He said this is always a difficult one to comply to or to have a certain situation where it'll work. Dave read WY State Statute 15-1-608 B: *For reasons fully set forth in the board's findings, the circumstances or conditions are such that the strict application of the provisions of the ordinance would deprive the applicant of the reasonable use of the land or building, the granting of the adjustment is necessary for the reasonable use thereof and the adjustment as granted is the minimum adjustment that will accomplish this purpose.* Having advertised signage for Real Estate of Star Valley and Land Title who both have highway frontage with signs, he doesn't see that it would meet that criteria on this variance.

They discussed clutter with several signs within that area and the problems with losing visibility of the signs that are hidden from the snow storage from the highway. Paula said how do we have any assurance that these other folks will actually move the signs, keep them removed as to what Carla is proposing right here. As they are not a part of this variance. Carla asked why the other owner's signs would have to be removed if it is simply a placard on their building. Paula answered that our regulations do not talk about that because there is an inheritant assumption that you either are a shopping center or you have a stand alone business. The signage would be in front of the stand alone business or at the shopping center. Scott said for the record they are all stand alone businesses and will not be turning it into a shopping center. They are not going to have common parking. Carla asked how do we resolve that if there are only two ways on the books that address this. Paula said she thinks it's very purposeful that the regulations do not address what you talk about because offsite signage takes care of the proliferation of signs on other people's properties on the highway frontage. They have regulations in place which allows them to say "that is an offsite sign, remove it". So that is how it would be handled. That's one reason why it is not mentioned. The other is because the regulations allow for shopping center signage when people are clustered. So that is how it is handled, it's either stand alone business or shopping center. It's not mentioned in any other fashion because it's not promoted.

Carla said to avoid the clutter of multiple signs that is why she feels that owners should not have their right taken a way from them to have a placard on their building instead of another freestanding sign. She understands the issue of clutter and the example of if Jackson had offsite signage on Broadway. She is just trying to promote business in the first case here, is there any way that they can find a compromise that may help promote business in the area without having each one of these small businesses either to have signage on the back road with no access nor visibility or to only have a shingle on the road.

Dave said maybe we are looking at a much larger problem in town. Maybe this is an issue where the businesses got together and established some sort of kiosk outside of town on each end, might be a solution. To this specific issue, following along with what Paula was saying, without having a code that addresses that and not having all the business owners in agreement together or a proposal on how they would handle the onsite signage with respect to the offsite signage. It's very difficult for them (*Board of Adjustment*) to evaluate this variance. Paula said there are too many uncertainties. She could just envision any number of scenarios of how something could go wrong here and they would have no control over it because those folks (*other business owners in that area*) weren't a party to this application and have no reason to comply to what Carla has offered them to do through this application. Carla said that they came to them to do, Land Title wanted to put up their sign, and couldn't do that without their sign permit but they were hoping to include all of that. Carla asked that her other thought that because of all the other commercial area being developed outside the town limits. She really felt this would be a way to create some commerce in the community instead they will all be going over to the big development. Paula said she would hate to see the business be siphoned off and folks would be relocating to these other areas for whatever reason. Paula said she agreed. She said they haven't had too much time to think about this or what we want to do or how to help to get to a win-win situation.

Don said it's a B-1 zone, not a commercial zone, which is light, quiet businesses and it's not where you are trying to ship a hundred cars into these parking lots for these people. He's not so sure for some of these people it's necessary that they have all this signage. If you have a little sewing shop back there you do not need every tourist in the country stopping to see what you are sewing. Carla said the placard is so if people pull up to the building and realize oh no this is the sewing shop over here, not the barber shop. Don said the area is already established as a B-1 zone not a shopping center so it would have to be redeveloped. Don said they are in kind of a mixed use area. He said there are homes with businesses they are not on the main street conducting a grocery store, a lumber yard, a gas station. Carla said there is still a retail enterprise that these people want to bring in the revenue and we want to support that revenue coming into the Town somehow. Don said he understood. Carla asked if there is an "Old Town" kind of zoning or something Town can do that could create an atmosphere of other than a commercial or shopping center feel, can we find that like from Cody or some other city in Wyoming so we can research to see what their older parts of the community that have become charming, crafty and retail, walkable, that type of thing. Is there a way to look at part of our business section in this part of Town being something in that nature, while the big, high box, big box retailers on the other side of the highway continue to be what they are but we can be attracting business over here by being a charming, quaint part of the community. Paula said she thinks we need to do what we can to make sure that our existing community remains viable. To export it over across the river...

Dave said in the developments proposed for over there, they have given some presentations and from the Board's standpoint, they are very concerned about the commercial entity over here in the Town of Alpine proper. They have raised that question to them, which they want the center to stay here. They understand the highway will be developed as commercial, but we really do not want to see commercial centers in the midst of their development. So they are aware of that and Dave said he has made that comment several times to the developers. Secondly, what Carla is trying to do is needed but where they are right now at the variance level is too premature. He thinks in order to solve this, all the businesses in town need to get together, whether it's forming a chamber. This is going to be a problem that will come down the road. These developers think they're going to sell these commercial properties in two years and there is going to be commercial activity. Well they do not know what they are talking about. Maybe 5-10 years it will be all built out. So there is time, but it has to come from the commercial community. Dave said he'd be more than willing to help out to do something like that, because he thinks if it's the kiosk idea at each end of town or something like this. But it is too early, in his opinion, to be at this point and time. We need to get everyone together and brainstorm. It might be time that this Town needs a chamber. *(the Town is a member of both Jackson Chamber of Commerce and Star Valley Chamber of Commerce)*

Carla said Alpine Drive was zoned business but has residential, Grey's River Road was zoned business but has been allowed to become residential and so our business district is gone. Don agreed with Paula of the foresight of what Carla could get into with her neighbors with this sign, and the things we *(Board of Adjustment)* have to deal with with this sign, could be catastrophic. Carla asked if she could go to the neighbors, none of them haven't said they didn't want this. The only one that wouldn't want to be on the sign is Bob Barlow. Carla asked if there is a way to go to them and say they can't put plaques or free standing signage on their properties if we were allowed to do this on the highways. Is there anything we can do to make this happen? Secretary added in agreement with Carla, that property owners would have to have some sort of small signage on their building to identify their business or who they are. Don said what happens in the future when someone comes in and says why aren't they on the sign, what do they do if the sign is already at the maximum square footage? Scott says he proposed some sort of agreement as he didn't want to turn it into a shopping center deal. Don said what happens if someone wants to buy his house, and wants then a sign, but there is no room left. Carla answered that actually his lot is planned for on the sign. Scott said maybe Don would be able to sell his property better if he knew he could put a placard on the highway. Scott said they are not disclosing anyone in that area. Don said he can foresee issues with more people wanting to be on the main sign on the highway.

The secretary said that there use to be an Alpine business alliance group and that the businesses really need to get back together and form that group before all this new building goes in north of town and start making changes and working on these things. Scott added if there isn't something done, Alpine business is dead. Dave said the solution has to come from the business owners in this town, they need to form an alliance. Dave said to answer Carla's question, if she is going to proceed with this sign, the major obstacle that he sees is that item B on the State Statute. He said Carla has to prove or show that this offsite advertising code would be a deterrent for that business to be able to operate. Dave said he'd use Carla's and Land Title companies as an example: These companies are on the highway, Carla has her sign on this side of highway and Land Title will. Carla said but the other businesses will suffer is what she was trying to say. Dave said he understood but her's and Land Title's would not. Carla said then how do we address this when we are also trying to support other businesses in the business community? Dave said he thinks the solution comes from the businesses as the whole Town needs to deal with it. Carla asked if the business association got together and came up with something and came and talked to the them, they are Planning and Zoning, the board is the ones that have to make the ultimate decision. Is that not correct? Can we work together. Dave said absolutely we could. The secretary added that they could do a workshop just like the Council does, you have the business people come in and have a workshop with P&Z or Board of Adjustment.

Paula expressed concern for the future if this was approved, how do they tell others no that are further back and want highway signage also and then potentially we have another sign and another sign and the folks on the highway say wait a minute you can't see my sign anymore because we have all these offsite signs, big offsite signs, that are blocking the view of people going by. Carla said we're not even as tall as Jackson Hole Real Estate & Appraisal or Sotheby's. She said they are not trying to block anything. Paula said no it's not but when putting multiple signs on a post it does become fairly dense. Carla asked if they could we do it on a timeframe, could we do a momentary fix for a small business community. There is no other business around here. It's just for these few businesses here.

Don said when we approve a variance, we are setting a precedent. There is a possibility that businesses could then have duplicates on the highway by adding their business name to other's multiple offsite sign posts. Paula says it then sets the standard. Don said if we approve this one then why would we deny each person that comes next that wants another main sign with smaller offsite signs on it.

Dave said the business community makes proposals, we have workshops, with each other and P&Z and Jim (*Town Planner*) and change the code. Dave said he agrees with Paula and Don, that this is premature and there is not enough agreements with this right here. Scott said the Town has not come to maturity in its own ordinances. Dave said this is the time to get everyone together and lets change or make the ordinance commercial friendly for this area in a well planned out approach. Carla said what is to say in the future if all the multi family houses do decide to become store fronts. That would be very cute, quaint, if they used the same street lights that we have, she may want her sign down in that part of town. She would want her sign in the high traffic area in the business district wherever that winds up. Paula said some towns that have the off highway business district, that a sign, that WYDOT could potentially support that says Business District with an arrow. Something as simple as that that would not cause us any problems whatsoever because it's an informational signage within the highway right of way that still gives people the understanding that in that direction they will find more businesses. That is very different then what we have here. Scott says we're trying to get our foot in the door and maybe there are more steps to follow. Paula said for tonight she cannot agree with this but feels very strongly, as does Dave, Don and Scott, that there is some way to make sure that our existing business core area remains viable. Carla added and attracts new business. Paula agreed.

Carla said she needed to at least get the Land Title sign up and could we do that this evening. Dave asked what was preventing them from getting a sign up. Scott said it was going to be part of the variance because their property is the same property where this sign was going to go on the building. Secretary asked if they could do a temporary sign possibly. Board advised they need an actual sign application with all information in order to review it.

Don said since now there is a non-refundable \$400 variance request fee, he did not feel good about not refunding in these circumstances for premature reasons unseen. He said Carla's idea is a great idea, except for all this unseen things that have come up, so is there a way to change the non-refunding. Paula answered that work has still gone into it and there is a certain amount that we would be foregoing. We have an obligation that we recoup the costs that go with considering the variance. Scott said this was the first person incurring this cost too. The secretary reminded Scott that he had had plenty of time to file the variance request application before the ordinance was changed to have a \$400 non-refundable fee. He has talked about this a long time ago before they changed the ordinance. Carla said she appreciated Don's concern. Paula said lets look into this with the non-refundable fees on the variance requests. If this person comes in for a variance and is denied and another comes in and is denied, we cannot refund money just because someone is denied, that is a risk they take when they fill out an application with just about everything else someone comes in with, that is one way in looking at it. Paula said how would we justify it, as we would be setting a precedent. There would have to be full documentation as to why we felt it was an appropriate thing to do in giving a partial refund, as she could not support full refund as there has been staff time that has gone into it. Paula added she did not know if P&Z had the authority to do that, that maybe it is decided by Council. The secretary added that they would have to change the ordinance also to reflect the ability do partial refunds. Dave said he agreed with Paula that he didn't want to set precedence with refunding money. He said to Carla that hopefully when she leaves the meeting will get on the phone tomorrow and get some sort of alliance going with these businesses and he wanted to offer his time to volunteer to help out. This will be ongoing. Carla said in that sense it is an education for all of us. Dave said it's an investment.

Dave said they would not on the variance but would keep it open. He told Carla that she may encounter that some of the other businesses owners may not see the need for this, and may have their blinders on and not see the threat across the river. They don't see the need for an alliance so Carla would be right back in the same situation. Land Title would have to have a separate sign permit application to get their sign up and come through another meeting. Paula said there maybe a risk in going forward with the Land Title sign with the variance application still open and on the table. Because then for the Land Title portion of it, they'd have to say that your signage is here now so the signage on the structure will have to be amended somehow. So maybe there is a risk right now for Land Title going forward with their sign. Carla said not if they know it's a temporary issue. Paula said as long as they understand that. Paula added that Land Title's individual sign would not be transferable to this (*the variance application*). Carla said she understood. Scott asked if the variance could be changed to have different conditions or issues. The secretary advised they would have to re-advertise if it were changed. Paula said they've had applications come in where they can attach conditions to it or the applicant agrees to change it somehow with there import, so this could be the same situation here. Dave added that Land Title's signage, however this will evolve, will have to make some concessions too, they will be in the same boat as the other businesses. Paula said we can attach some conditions to the Land Title sign permit as a result of this variance. Dave said if this alliance thing takes off the Council needs to be approached, because it's a community involvement and community effort. Don said we are trying to promote business. He said they always try.

Paula Stevens moves to continue this item as an ongoing agenda item, Don Sherman seconded. All in favor.

6 - UNFINISHED/ONGOING BUSINESS:

