

NORTH SALT LAKE CITY
PLANNING COMMISSION MEETING
MARCH 10, 2015

FINAL

Chairman Robert Drinkall called the meeting to order at 6:31 p.m. and welcomed those present. Ben, BSA, led those present in the Pledge of Allegiance.

PRESENT: Commission Chairman Robert Drinkall
Commissioner Ted Knowlton
Commissioner Stephen Garn
Commissioner Kent Kirkham
Commissioner Kim Jensen
Commissioner Lisa Watts Baskin
Council Member Ryan Mumford

STAFF PRESENT: Ken Leetham, Assistant City Manager and Community and Economic Development Director; Ali Avery, City Planner; Jim Spung; City Planner; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Mel Stokesberry, Lytle Signs; J Anderson; Josh Patel, applicant; Tyler Buswell, Kirton and McConkie; Pedro Salvador, Dave Curtis, National Commercial Properties; Aaron Cain, YESCO, Sharan Multani, Harpue Multani, applicants; Dean Kent, Kent Morby, Lisa Peterson, Rachel Peterson, Andrea Peterson, Jessica Peterson, Wayne Peterson, Teresa Gehring, Otto Gehring, Rachael Brisko, Bountiful residents; Brian Muir, Stan Porter, residents.

1. PUBLIC COMMENTS

There were no public comments.

2. PUBLIC HEARING FOR AND CONSIDERATION OF A CONDITIONAL USE PERMIT FOR AN ANIMATED SIGN FOR JARDINE'S SINCLAIR LOCATED AT 3427 ORCHARD DRIVE IN NORTH SALT LAKE. STACY MAVENCAMP-LYTTLE SIGNS, APPLICANT

Jim Spung reported that this application had previously been presented to the Planning Commission on February 10, 2015 and upon review, the Commission requested that the item be tabled until the adjacent neighbors were notified and a public hearing be held. The properties

adjacent to the subject parcel are mainly residential with some commercial and institutional land uses in the vicinity.

The applicant is proposing to upgrade a portion of the existing freestanding sign on the northwest corner of the property to include a full color LED message center which will measure 2'9" x 6'9". These types of signs are a conditional use in the S-2 Sign Overlay zoning district.

The applicant has provided additional information regarding the sign and the illumination as per the Planning Commission's request. The sign manufacturer, Daktronics, Inc., provided a letter stating that the sign would come equipped with the ability not to exceed more than 0.3 foot candles above ambient light levels as measured from a distance of 43 feet from the display; is equipped with a light-sensor that detects ambient light levels and adjusts automatically; and the sign LEDs produce directional illumination which would limit the amount of illumination onto unintended areas. Daktronics, Inc. also included a light analysis graph depicting illumination levels in foot-candles that the proposed display will produce based on nighttime running levels.

The message center is proposed to cycle through messages approximately every 3 seconds. This conditional use permit is only addressing the message center components. The applicant will still need to apply for a sign permit through the City's Building Department. The Development Review Committee (DRC) recommends approval of the conditional use permit with the condition that the sign permit be issued by the City's Building Department prior to installation of the message center sign.

Commissioner Drinkall opened the public hearing at 6:41 p.m.

Kent Morby, 3366 Orchard Drive Bountiful, commented that he lives across the street from Jardine's Sinclair and that he has a direct view of the sign. He said he is under the impression that it will be a super bright, flashing LED sign and if that is the case then he is opposed. He would not be opposed to a small lighted sign that does not constantly flash.

Commissioner Drinkall asked City staff if they could ensure that this would not be a flashing sign. Jim Spung responded that the message on the sign would rotate every 3 seconds. A flashing sign is a conditional use in the S-2 overlay zone; however the applicant is not proposing a flashing sign

Mel Stokesberry, Lytle Signs, commented that a perfect example of the proposed sign would be the City Hall sign. He said the sign at the City is the same brand as the proposed sign and is also larger than the applicant's sign. The signs are fully controllable and the brilliance can be dimmed down.

Wayne Peterson, 636 West 3600 South Bountiful, commented that he lives adjacent to the sign and can already see the existing sign from his home. He expressed concern that anything more than the current display would be annoying especially if it is rotating every 3 seconds and changing colors. He said he is opposed to seeing anything more than what is already there.

Kent Morby also commented that the City Hall sign is bright and if the proposed sign is installed and is too bright there should be some type of recourse for residents.

Commissioner Drinkall asked what the illumination of the City sign is and how it compares to the proposed sign. Ken Leetham replied that City staff could find out but that the City Hall sign is not in a direct line of site for residences.

Commissioner Baskin commented that the City Hall sign could be adjusted by the City and asked if the owners of Jardine's Sinclair could control their sign on site. Mel Stokesberry commented that the sign brightness should be controlled on site.

Commissioner Kirkham asked for clarification on the lumens of light and how it would compare to the 10 foot-candles shown on the presentation. Mel Stokesberry replied that the lumens are what is being cast on something. He said it would be very nominal ambient light and that the brightness would not be much different from the current fuel price sign that is there.

Council Member Mumford arrived at 6:51 p.m.

Commissioner Jensen asked who would determine whether the brightness needed to be adjusted or not. Ken Leetham replied that there is currently no City standards regulating sign brightness. If the sign is flashing or in violation, the City could do something but there is no adopted standard for brightness.

Otto Gehring, 681 West 3400 South Bountiful, commented that the amount of light perceived is more about perception and not measurement. He also said that this sign may not be that bright but it would set precedence for illuminated signs in this mostly residential zone.

Rachael Brisko, 668 West 3400 South Bountiful, commented that she was not informed by the City but said that she can see the sign from the front windows of her home. She said the sign is bright enough already and that she would like to keep the small town feel and that the LED sign would affect the feeling of the neighborhood.

Ken Leetham commented that Jardine's Sinclair is not a 24 hour store and that the sign may be turned off at 11 p.m. He said the City could regulate the time when the sign is shut off.

Commissioner Drinkall expressed concern that the Sinclair could be changed to a 24 hour business and asked the business owners why they feel the LED sign is necessary. Sharan Multani, Jardine's Sinclair, replied that they had just opened a Mexican restaurant in the store and that the new sign would be used to advertise the restaurant and the ice cream parlor. They have asked Sinclair for the LED sign to help with advertising and to increase business. He said they are not open 24 hours and do not plan to extend their hours. They close at 11 p.m. and he would turn off the sign between the hours of 11 p.m and 6 a.m. The sign would automatically dim at night and he would have control of the brightness and graphics.

Kent Morby said that there are currently no regulations and said it would be better to have the regulations in place now in case there are future issues. The regulations would allow the residents to challenge the sign if the agreements are not met.

Lisa Peterson, 636 West 3600 South Bountiful, said that the owners have done a lot of improvements to the property but that she was concerned that this residential area will become a large commercial area if the progression is not stopped. She said she appreciates having nearby stores but already has issues with the existing Sinclair sign shining into her home.

Commissioner Drinkall closed the public hearing at 7:07 p.m.

Commissioner Jensen expressed concern for another business taking over and keeping the sign on after 11 p.m. Jim Spung replied that a condition of approval could be placed on the application where the sign is required to be turned off at 11 p.m. and enforced by the Code Enforcement Officer.

Ali Avery read the standards for a conditional use permit which includes: conditions related to health and sanitation, environmental concerns, compliance with intent of General Plan and characteristics of vicinity or neighborhood, performance including time limits, energy conservation concerns and public hearings. Mrs. Avery then read the grounds for denial of a conditional use permit application which include: the use is detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity or no practical means for the applicant to mitigate said detrimental effects or non-assurance of compliance.

Commissioner Knowlton said that conditions should be put in place that reasonably mitigates the impacts of conditional use permits that the Planning Commission approves. Ken Leetham replied that there is a presumption in State law and City code that conditional use permits must be approved unless there are findings that do not meet the above named standards.

Commissioner Drinkall confirmed with the business owner of Jardine's Sinclair that business hours are 6 a.m. to 11 p.m.

Commissioner Garn asked the business owner if they would be agreeable to turning the sign off at 10 p.m. instead of 11 p.m. Sharan Multani said that he would agree to turning the proposed LED sign off at 10 p.m.

Commissioner Kirkham moved that the Planning Commission approve the conditional use permit for 2'9" x 6'9" "message center" sign at Jardine's Sinclair located at 3427 Orchard Drive subject to the following conditions:

- 1) A sign permit be issued by the City's Building Department prior to installation of the message center sign.**
- 2) All illumination on the new signage would be turned off at 10 p.m. to 6 a.m.**

Commissioner Jensen seconded the motion.

Commissioner Kirkham withdrew his previous motion.

Commissioner Kirkham withdrew his motion to allow Commissioner Baskin to elaborate on the motion.

Commissioner Baskin moved that the Planning Commission approve the conditional use permit for 2'9" x 6'9" "message center" sign at Jardine's Sinclair located at 3427 Orchard Drive subject to the following conditions:

- 1) A sign permit be issued by the City's Building Department prior to installation of the message center sign.**
- 2) The illumination of the message center sign is limited to 6%, or as recommended by the manufacturer, of maximum daytime brightness 30 minutes after sunset until 10 p.m.**
- 3) The message center sign will be turned off between the hours of 10 p.m. and 6 a.m.**
- 4) The building owner will allow for the inspector to have access to the property to measure lumens in the case of a complaint.**

5) These conditions will be complied with in written form and on file with the City.

Commissioner Garn seconded the motion. The motion was approved by Commissioners Kirkham, Garn, Knowlton, Drinkall, Jensen, Baskin and Council Member Mumford.

The Planning Commission discussed that the sign would not exceed 6% of the maximum daytime brightness during nighttime hours. Mel Stokesberry commented that he was unsure on the percentage of dimming for this particular sign but that the photocells on the sign dims down depending on the surrounding light.

Ken Leetham clarified that the conditions of the motion include: that the display brightness would be limited to 6% of the daytime brightness during nighttime conditions, the sign would be turned off between the hours of 10 p.m. and 6 a.m., the building owner will allow the City to have access to measure the lumens in the case of a complaint and that all of these conditions would be agreed to in writing by the owner and kept on file with the City.

Council Member Mumford thanked those present and commented that many of those who were in attendance and who had commented on this agenda item were not residents of the City but were residents of the County who were affected by this conditional use permit.

3. PUBLIC HEARING FOR AND CONSIDERATION OF PROPOSED AMENDMENTS TO THE CITY OF NORTH SALT LAKE LAND USE ORDINANCE REGARDING ON-PREMISE SIGNAGE IN THE S-3 SIGN OVERLAY ZONE. JOSH PATEL- PROPERTY OWNER, APPLICANT

Jim Spung reported that the request and code amendment was initiated by Josh Patel who owns property at 640 North Main Street. The applicant is requesting to upgrade an existing freeway oriented sign near 1-15 to include a full color LED message center. The applicant is proposing to install the electronic message center sign below the existing sign panel which would bring the sign square footage from 187.5 square feet to 510.5 square feet. Since this proposed sign exceeds the maximum allowable sign square footage in the S-3 sign zone, the applicant is requesting to amend the sign ordinance to increase the maximum allowable sign square footage. The proposed amendment would also increase the allowable sign height from 45 feet to 60 feet.

The City has no record of the original construction of the sign. On March 3, 2007 a building permit was issued to re-do the existing sign and to add a message center converting the usage to advertising purposes. The permit was issued even though it was not in compliance with the City's sign ordinance at that time. The work on the sign was never completed and the building permit has since expired. On October 13, 2014 the City was contacted by YESCO, which is a

sign contractor hired by the landowner, to proceed with retrofitting the existing sign. The applicant is now submitting an application to amend the City's current sign ordinance to increase the maximum sign square footage and height allowed in the S-3 sign overlay zone.

In January of 2014 the property owner applied for a code amendment. During the initial review the DRC had concerns with increasing the maximum square footage and height of the sign. It was requested that City staff conduct a "freeway oriented sign" inventory to determine an appropriate height and square footage maximum for signage along freeway corridors. This research compared similar signs along the Wasatch Front and showed that the average maximum sign square footage allowed in the jurisdictions studied is 246.8 square feet. The average sign square footage for comparable signs in the City is 266 square feet. The current City Code limits signage to 200 square feet in this zone.

The DRC recommends denial of the proposed changes based on the purpose statement in the City's Sign Ordinance which states that sign regulations are to minimize potential hazards to motorists and pedestrians and that such signage would not be compatible, integrated or harmonious to the buildings and sites which they occupy. The DRC also concludes that the proposed amendments to the sign code would detract from the appearance of the City as the S-3 sign zone may appear to be filled with billboards as the City's current square footage and height maximums for off-premise billboards are 672 square feet and 45 feet tall.

Josh Patel, applicant, commented that he has owned the property for over a decade and has put considerable time and energy into this area. He said the sign is advertising for a multi-tenant space and that the larger sign would be more attractive for leasing the building as only 50% of the building was currently occupied.

Tyler Buswell, Kirton and McConkie, stated that the applicant would be open to amending this application and to work with the City. He asked for recommendations from the Planning Commission on the location of the sign and the size and height. He also said that the existing sign was installed in 2007 but the panels were not installed at that time and that they would like to maximize the use of the existing structure.

Commissioner Drinkall opened the public hearing at 8:06 p.m. regarding the consideration of proposed amendments for a sign overlay in the S-3 zone. There were no comments and he closed the public hearing at 8:07 p.m.

Aaron Cain, YESCO, explained that the perception of the sign size is based on how close an individual is in proximity to the sign. He explained that for motorist to be able to discern the sign from the freeway that the applicant's proposed size for the sign is justified. Mr. Cain also said

that YESCO would work with the City's building department to make sure the sign was still structurally sound.

Commissioner Drinkall stated that the Planning Commission would deny the current application as stated and that the applicant would come back with a new application. Jim Spung recommended that the item be tabled and then amended at a future meeting.

Commissioner Baskin moved to table the item. Commissioner Jensen seconded the motion. The motion was approved by Commissioners Kirkham, Garn, Knowlton, Drinkall, Jensen, Baskin and Council Member Mumford.

The applicant asked for direction or guidance on the proposed amendments to the signage. Commissioner Knowlton said that he may be able to support basing the sign size regulation on the freeway frontage that properties near the freeway have. The Planning Commission will send suggestions to City staff regarding sign location, height and size.

4. CONSIDERATION OF A GENERAL DEVELOPMENT PLAN FOR TOWNE PLAZA
LOCATED AT APPROXIMATELY 70 SOUTH 130 EAST. DAVE CURTIS-
NATIONAL COMMERCIAL PROPERTIES, APPLICANT

Ken Leetham reported on the proposed general development plan for Towne Plaza and said that this project meets a number of the City's goals for this area. The site is 5.13 acres of property located between Center Street and Orchard Drive. The development will include fifty-two (52) unit townhouses and retail and office buildings. The townhouses will consist of two-story 2,883 square foot units and three-story 2,410 square foot units with 2 car garages. Mr. Leetham said that the applicant had made many changes based on suggestions from the Planning Commission, City staff and Landmark Design to introduce urban design concepts to the plan.

Ken Leetham commented that the next steps would be general development plan action by the Planning Commission and City Council, approval of the general development plan, an application to re-zone the property to a Planned District (P-District), adoption of an ordinance to rezone the property and approval of a development agreement to implement the concepts in the general development plan. Approval of site plans for the residential units and preliminary and final plats could be done concurrently with the zone change. The DRC recommends approval of this application and that the Planning Commission takes action on the general development plan tonight. The Planning Commission would also approve the exceptions to the land use ordinance and concept plan including building and architectural standards and streetscapes, etc.

Dave Curtis, National Commercial Properties, commented that he lives in the City and that this will be a nice looking project. He explained that the residential units will have garages in the rear and will be modern looking. The commercial building area will also be modern looking and will have planter boxes and street lights for pedestrians.

Commissioner Drinkall asked the applicant if there would be sidewalks installed for crossing to Center Street. Ken Leetham replied that the DRC have discussed how pedestrians could get from the school to this new development. He also said that this project is near rapid transit and the bus line. Dave Curtis clarified that there are 52 residential units with 2 car garages in this development. He also said that there would be an agreement with the HOA to provide extra parking in the commercial area for the residential overflow during the hours of 6 p.m. to 1 a.m. He then confirmed that the residential project would be started first, the bowling alley would then be demolished and the commercial and second phase of residential would commence.

Council Member Mumford expressed concern for multi-phase developments as sometimes the phases of these projects are drastically changed or not completed. Dave Curtis replied that he has been a developer for 30 years and has always finished his projects. He said that these units will be sold for a reasonable price and that there is demand for this project.

Commissioner Knowlton moved that the Planning Commission recommend approval to the City Council of the general development plan for the Towne Plaza project comprised of:

- 1) Concept plans for the Towne Plaza General Development Plan (5 sheets)**
- 2) Exhibit “C” Architectural Standards for Towne Plaza at North Salt Lake**
- 3) Exhibit “D” Towne Center P District Building Standards**
- 4) Streetscape/Public Space Design Concept & Details**
- 5) The land uses in the Commercial zoning (C-S zone) with the following excluded: automobile and other motor vehicle wholesalers, car dealers, recreational vehicle, motorcycle and boat dealers, all other motor vehicle dealers, gasoline stations with convenience stores, other gasoline stations, and tire dealers.**

Commissioner Jensen seconded the motion. The motion was approved by Commissioners Kirkham, Garn, Knowlton, Drinkall, Jensen, Baskin and Council Member Mumford.

5. PUBLIC HEARING FOR AND CONSIDERATION OF PROPOSED AMENDMENTS TO THE CITY OF NORTH SALT LAKE LAND USE ORDINANCE REGARDING CUL-DE-SAC LENGTH

Jim Spung reported that in July of 2014 City staff presented an amendment to the City's Land Use Ordinance regarding cul-de-sac length directly referring to the Eaglewood Cove development. Since that time a different property owner has approached the City with a similar request to allow a cul-de-sac longer than 600 feet. City staff has prepared the following amendment to allow for a longer length. The DRC has agreed that in some circumstances a longer cul-de-sac may be appropriate in the case of deeper lots or to allow property owners to maximize the use of their properties. This request was initiated by the property owner of 1018 West Center Street who wishes to subdivide and further develop his lot. The proposed ordinance includes the following changes: further specifies design standards for temporary and permanent cul-de-sacs including paving with 2-3" of asphalt, addresses design standards and the approval process for downhill cul-de-sacs and establishes a cul-de-sac length and a process for an exception. Mr. Spung explained that the South Davis Metro Fire Agency is a member of the DRC and expressed concern for increasing the length of a cul-de-sac due to safety reasons. For this purpose a longer cul-de-sac will only be allowed if the DRC approves it.

Council Member Mumford asked what the applicant was proposing for the parcel. Jim Spung replied that the property owner may extend the road and subdivide the property into a subdivision.

Ken Leetham commented that this would be another tool similar to the Mixed Commercial (MXC) zoning district, to help assist in developing distressed properties in the City.

Commissioner Drinkall opened the public hearing at 9:24 p.m. There were no comments and he closed the public hearing at 9:24 p.m.

Commissioner Garn moved that the Planning Commission recommend approval to the City Council of the proposed amendments to the Land Use Ordinance related to cul-de-sac standards. Commissioner Kirkham seconded the motion. The motion was approved by Commissioners Kirkham, Garn, Knowlton, Drinkall, Jensen, Baskin and Council Member Mumford.

6. APPROVAL OF MINUTES

The Planning Commission meeting minutes of February 24, 2015 were reviewed and approved.

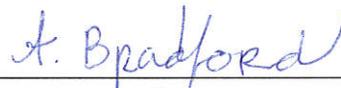
Commissioner Baskin moved to approve the minutes of February 24, 2015 as amended. Commissioner Knowlton seconded the motion. The motion was approved by Commissioners Kirkham, Garn, Knowlton, Drinkall, Jensen, Baskin and Council Member Mumford.

7. ADJOURN

Chairman Drinkall adjourned the meeting at 9:29 p.m.



Chairman



Secretary