

Provo City Planning Commission

Report of Action

June 22, 2022

ITEM #1 Planning Commission review and classification of a sign per Section 14.38.110, Provo City Code, for an apartment building in the CMU (Campus Mixed Use) zone, located at 1902 N Canyon Road. Pleasant View Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org

The following action was taken by the Planning Commission on the above described item at its regular meeting of June 22, 2022:

APPROVED WITH CONDITIONS

On a vote of 8:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Conditions:

1. That Section 14.38.085, North University Avenue Riverbottoms Design Corridor and Specialty Support Commercial (SSC) Sign Standards, be applied to the sign permit.
2. That the size of the sign be no larger than eighty-seven (87) square feet.
3. That the brightness of the sign does not exceed the Nits of a street light.

Motion By: Miles Miller

Second By: Dave Anderson

Votes in Favor of Motion: Miles Miller, Daniel Gonzales, Laurie Urquiaga, Lisa Jensen, Robert Knudsen, Dave Anderson, Melissa Kendall, Brian Henrie

Laurie Urquiaga was present as Chair.

- Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

- Staff responded to questions from the Planning Commission regarding sign location, size, brightness, what other sign classifications would permit, and what drove staff to the recommendation in the staff report.
- Due to concerns with the staff recommended Downtown Sign Standards, staff suggested that the North University Avenue Riverbottoms Sign Standards with additional conditions for size and brightness of the sign could be a possible solution.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair was present or did not address the Planning Commission during the hearing.
- Neighbors or other interested parties were present or addressed the Planning Commission.

CONCERNS RAISED BY PUBLIC

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

- There were several written comments received from the public, including the Pleasant View neighborhood chair, subsequent to the Staff Report and prior to the hearing. Concerns raised in these written comments included sign size, light pollution, degradation of the neighborhood feel, and adverse impacts on neighboring properties.
- The neighborhood chair, Paul Evans, addressed the Planning Commission and restated his concerns from his correspondence that the sign should not be allowed. He gave some history on the apartment building original approval in 2019, stated concerns for the sign being incongruent with the neighborhood, and felt the staff justifications for the recommendation were inappropriate. He suggested the RC zone and requested the PC rescind the sign permit and follow up on other issues with the building.
- Eleven (11) other residents addressed the Planning Commission and shared concerns about the proposed sign size, brightness, downtown sign standard classification, and the negative impacts on the neighborhood.

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- David Hunter, the developer for the building, addressed the Planning Commission and stated his past compromises with the building and attempts to file for a building permit for the sign. He also noted that the previous building on the location had two large lighted signs, and that the proposed sign faces an alleyway between the condos and a church building to the west. He indicated that the process was followed for the sign and that the sign has been manufactured. He committed to hold down the brightness of the sign to a warm glow, nothing above a street light.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Planning Commission discussed what would constitute a nuisance with the sign and different light allowances the city code allows for.
- North University Sign Standards were discussed on what allowance that would give to the proposed sign.
- Planning Commission confirmed with staff that this type of review is case by case and determined by similar characteristic and use. The Planning Commission responsibilities and limits of review were also discussed.
- The Planning Commission addressed the staff error with the initial review of the permit and clarified with the applicant and staff on the proposed sign location.
- Discussion on what zone matches the best to the CMU zone and the existing building led to the Planning Commission determining that the size of the sign is not an issue, but brightness should be addressed.
- The Planning Commission discussed the accommodations the developer has made in the past and has offered with the sign brightness. They concluded that if the brightness is held down that there isn't any adverse impact on the neighborhood with the proposed sign. No public from the west addressed the Commission, and those would be the most impacted by the proposed sign.
- The size of the sign, what the sign is facing to the west, and the limit for the brightness don't present any concerns for the Planning Commission.

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

That the North University Riverbottoms Design Corridor and Specialty Support Commercial (SSC) Sign Standards, Section 14.38.085, are more similar in use and characteristics to the building and use for the sign permit submittal.



Planning Commission Chair



Director of Development Services

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees to the Community and Neighborhood Services Department, 330 West 100 South, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS