



AGENDA
May 26, 2015
6:00 p.m.

The Roy City Planning Commission meeting will be held in the Administrative Conference Room in the Roy City Municipal Building located at 5051 South 1900 West. The meeting will commence with the Pledge of Allegiance, which will be appointed by the Chair.

Agenda Items

1. Declaration of Conflicts
2. Approval of May 12, 2015 minutes
3. 6:00 p.m. – PUBLIC HEARING - Request for Conditional Use approval of an Pole Sign with an EMC component at City Hall located at 5051 South 1900 West
4. Discussion of Roy City Sign Ordinance
5. Commissioners Minute
6. Staff Update
7. Adjourn



ROY CITY PLANNING COMMISSION

May 26, 2015

Minutes of the Roy City Planning Commission Meeting held in the Administrative Conference Room of the Roy City Municipal Building on May 26, 2015, at 6:00 p.m.

The meeting was a regularly scheduled meeting designated by resolution. Notice of the meeting was provided to the *Standard Examiner* at least 24 hours in advance. A copy of the agenda was posted.

The following members were in attendance:

Gennie Kirch, Chairman
Bob Dandoy
Leland Karras
Lindsey Ohlin
Joe Paul
Tom Stonehocker

Steve Parkinson, Planner
Michelle Drago, Secretary

Others present were: Greg Sagen; Jason Kunzler; and Ernest Rowley.

Pledge of Allegiance: Lindsey Ohlin

There were no declarations of conflict.

1. APPROVAL OF MAY 12, 2015, MINUTES

Commissioner Karras moved to approve the May 12, 2015, minutes as corrected. Commissioner Stonehocker seconded the motion. Commission members Dandoy, Karras, Kirch, Ohlin, Paul, and Stonehocker voted "aye." The motion carried.

2. PUBLIC HEARING TO CONSIDER A REQUEST FOR APPROVAL OF A CONDITIONAL USE FOR A POLE SIGN WITH AN EMC COMPONENT AT CITY HALL LOCATED AT 5051 SOUTH 1900 WEST

Steve Parkinson stated that Roy City Corporation was requesting approval of a conditional use for a pole sign with and EMC (electronic message center) component which would be located in front of City Hall at 5051 South 1900 West. The zoning for City Hall was a mix of R-1-8 and R-4. Usually an EMC was prohibited in a residential zone, except for a public or quasi-public use. A public or quasi-public use could seek a conditional use for an EMC if it was determined that a public need could be met or a public benefit could be provided and that impact to surrounding properties could be property mitigated.

Mr. Parkinson said the EMC component would be 49% of the overall sign, which was slightly less than the 50% allowed. The sign would be 17 feet 6½ inches in height, which was less than the 20 feet allowed. The EMC would be used to provide information for public events, such as Roy Days, Christmas lights, and sports sign-ups. There would be landscaping around the sign. The sign itself would meet every aspect of the Zoning Ordinance.

Chairman Kirch asked if the current sign would be taken down. Mr. Parkinson said it would.

Commissioner Paul asked if the sign could be a monument sign rather than a pole sign. Steve Parkinson said the City wanted the sign to be high enough to be seen. The EMC component would be 10 to 13 feet above ground. The overall height of the sign would be less than the 20 feet allowed by the ordinance.

Steve Parkinson said the staff had found that the proposed conditional use and EMC sign complied with the intent and regulations of the Zoning Ordinance and the goals of the General Plan. The application complied with the requirements for the granting of conditional use permits as outlined by the Zoning Ordinance. The staff recommended that the Planning Commission recommend that the City Council approve the conditional use subject to the applicant mitigating any potential impact to the surrounding residential neighborhood and the requirements from each department as outlined in the May 7, 2015, DRC Review Memo.

Commissioner Ohlin moved to open the public hearing at 6:06 p.m. Commissioner Paul seconded the motion. Commission members Dandoy, Karras, Kirch, Ohlin, Paul, and Stonehocker voted "aye." The motion carried.

Chairman Kirch opened the floor for public comments.

Greg Sagen, 4027 West 4900 South, felt it was ironic that the City was requesting approval of a pole sign when the Planning Commission had been considering monument signs in favor of pole signs. He asked about the reasoning for a pole sign versus a monument sign.

Steve Parkinson said the proposed sign was chosen by the Beautification Committee. He had made a statement that he personally preferred monuments signs. After listening to the presentation from the Utah Sign Association during the April 28th work session, he understood that it was better to have signs that were over eight feet in height so they could be seen by drivers. Businesses should be given the option of choosing a pole sign or a monument sign.

Chairman Kirch stated that if the City restricted the use of pole signs, people would question this sign. She felt the sign itself would make a big impression. It would be a nice for the City to display messages on the EMC component. Not everyone read the newsletter. The elevation change would make the sign more visible.

Commissioner Stonehocker moved to close the public hearing at 6:09 p.m. Commissioner Karras seconded the motion. Commission members Dandoy, Karras, Kirch, Ohlin, Paul, and Stonehocker voted "aye." The motion carried.

Commissioner Dandoy felt the City's decision to begin putting up the sign before the Planning Commission could even discuss it meant the City planned to move forward with the sign regardless of what the Planning Commission had to say. He asked if the sign was a pylon or a pole sign.

Chairman Kirch said the pole would be wrapped.

Commissioner Dandoy felt the sign would set a precedent. If the City had the right to put up a pole sign, business owners would assume they had the same right. This type of sign would enhance the City's beautification efforts. He felt using the sign to convey information to citizens

was more professional than hanging a banner. The EMC would reach more people in the long run.

Chairman Kirch asked about the foot candles. Steve Parkinson said the sign's foot candles would be zero at the property line.

Commissioner Stonehocker moved to recommend that the City Council approve a conditional use for a sign with an EMC component for City Hall located at 5051 South 1900 West based on the staff's findings and subject to the recommendations of the Development Review Committee. Commissioner Dandoy seconded the motion. Commission members Dandoy, Karras, Kirch, Ohlin, Paul, and Stonehocker voted "aye." The motion carried.

3. DISCUSSION OF ROY CITY SIGN ORDINANCE

Steve Parkinson proposed that the Planning Commission discuss EMC signs, pole signs, monument signs, and possible language for temporary signs. There were already regulations for three of the four types in the ordinance.

EMC Signs

Mr. Parkinson asked the Commission members to answer the following questions about EMC signs:

- Should they only be allowed in zones as indicated, or should they be allowed in all zones?
- Should they continue as permitted uses in some zones and conditional in others, or permitted in all zones with standards written in the ordinance?
- How many EMC signs could be located on a parcel?
- How many EMC signs could a business have?
- Does brightness (foot candles > ambient light) matter if it's commercial property adjacent to commercial property or only when it's adjacent to residential?

Steve Parkinson stated that the EMC regulations really limited EMC's in the Community Commercial Zone

Chairman Kirch stated that the Utah Sign Association indicated that Roy's Sign Ordinance was not that bad. She asked if the Section 2002 of Sign Ordinance needed to be redefined to include a formula to calculate the size of a sign. Mr. Parkinson said it did. Chairman Kirch said the sign regulations allowed an EMC to be up to 50% of the size of the sign. Mr. Parkinson said it did.

Steve Parkinson said the Sign Ordinance currently limited businesses to four square feet of signage for every linear foot of frontage up to a maximum of 300 square feet. Did the City want to allow every business to have its own pole sign? If so, it could become an issue in strip malls.

Commissioner Dandoy stated that if each business in a strip mall were allowed to have its own sign, it could become a real mess. He felt businesses in a strip mall could collectively request a sign with an EMC component which they all could advertise on. He felt it would be too much risk

for each business to put up a sign. The City could not accommodate that. The distance between signs became important as a limiting factor and how many signs per property.

Mr. Parkinson said some developers would put up as many signs as allowed per ordinance with an EMC in each. He did not have a problem with one sign for a strip mall with an EMC.

Commissioner Karras felt that if there were too many signs close together no one would be able to read them, and it would not look good. It would not be good to have too many signs compressed in an area.

Chairman Kirch said the current sign regulations already said there shouldn't be more than one EMC per property, except large shopping centers with over five acres, could have two, which had to be separated by at least 100 feet. She was comfortable with that regulation. She felt businesses in the Regional Commercial could have more than one sign if the frontage allowed it; Community Commercial should be allowed one; and EMC's didn't really apply in residential zones. If EMC's were in residential zones they should be conditional uses or only allowed under certain circumstances, such as a certain amount of frontage, advertising a business, or for public or quasi-public uses. She felt the ordinance already defined size and numbers.

Steve Parkinson said the current regulations weren't that bad, except EMC's in the Community Commercial Zone were very limited. The property had to be over three acres and in certain intersections. Was it really bad if a business more than 100 feet from an intersection had an EMC? For instance the Midland Market at 3805 South Midland Drive was not able to have an EMC because it did not meet the criteria.

Chairman Kirch felt that part of the ordinance should be rewritten. Each property in the Community Commercial Zone should be allowed to have an EMC if it had a certain amount of frontage. Mr. Parkinson said the size of a lot in the Community Commercial Zone would determine the size of sign, which would determine the size of the EMC. Was an EMC really that bad for a smaller lot?

Commissioner Stonehocker said Midland Market was really separated from everything around it.

Steve Parkinson said the question was could EMC be allowed in the CC Zone with the size determined by lot size.

Commissioner Karras asked if EMC's would be a conditional use.

Commissioner Stonehocker felt all EMC's should be a conditional use. Mr. Parkinson asked why.

Commissioner Dandoy didn't feel a conditional use would be necessary if the City had a solid enough ordinance. What about those businesses on the margins? Should those exceptions be presented to the Planning Commission? The Planning Commission could take a look at their position and make a recommendation to the City Council.

Chairman Kirch stated that in the Community Commercial, a smaller lot would only allow a smaller EMC. If the City had a character height regulation, it could wipe out EMC's for the smaller lots in the CC Zone. The Utah Sign Association said the character height had to be a minimum for visibility by drivers.

Steve Parkinson said he would not regulate character height. Such a requirement would be extremely difficult to enforce and would be regulating content. The Planning Commission felt the height of characters on an EMC should be left up to the business owner.

Commissioner Dandoy said those businesses had some right to consider an EMC sign. The Planning Commission and City Council wanted to set a standard for uniformity. The ordinance is pretty good, but there were businesses on the margins that would not be able to meet the requirements. They should have a voice in the discussion. They could apply for a conditional use and submit their proposal to the Planning Commission. The Planning Commission could take a serious look at it.

Steve Parkinson asked why make a sign conditional. From a legal aspect, 95% of a uses would receive a yes. There was a little bit of mitigation. If the City set a standard, was it really necessary to hold a meeting where the public felt they could talk. In reality the Planning Commission could not listen to the public clamor. The City could not deny a conditional use unless it did not meet the requirements of the ordinance. He would rather write the ordinance to address the conditions. He wanted to keep the City out of legal problems.

Commissioner Dandoy said if the ordinance was written well enough to define expectations and the Council approved it, why would the Planning Commission need to review every EMC request? If a sign did not fall within the boundaries of the ordinance, was there a way for a business to circumvent the ordinance?

Steve Parkinson stated that the Planning Commission would be able to have its say in the standards in the ordinance.

Commissioner Dandoy felt that exceptions to the rule should be able to approach the Planning Commission.

Chairman Kirch asked how many properties would not meet the requirements of the ordinance. Steve Parkinson stated that any business in Community Commercial or Business Park Zone that did not have over three acres and was not within 500 feet of a main intersection would not be able to have an EMC.

Steve Parkinson suggested that businesses in Community Commercial, Business Park and residential zones fall under the same EMC regulations as Regional Commercial. If the foot candles were zero at the property line, the EMC would not be intrusive.

Chairman Kirch suggested striking 2003-4(a); and allowing EMC components in manufacturing zones and residential zones for businesses and for public and quasi-public uses. She also suggested that properties in Community Commercial, Manufacturing, Business Park and residential zones be limited to one EMC per site rather than going through the hassle of listing acreages.

There was a discussion about businesses that might be the exception.

Commissioner Karras liked the idea of restricting the EMC to how much frontage a business had. Chairman Kirch said that regulation was already in the ordinance. No EMC sign can be located within 100 feet of another EMC sign. The ordinance was pretty good if 4(a) was pulled out.

Steve Parkinson was concerned about separate parcels being excluded due to the separation requirement. It should be up to business owners how close to put their sign to another one.

Commissioner Karras felt the City needed to be as fair as it could and not meddle in the business owner's decision. The City just needed to make sure everybody was playing by the same rules.

Commissioner Dandoy asked what the impact would be if take out 4(a).

Steve Parkinson felt that EMC's should be permitted in all zones with different standards in each zone

Commissioner Dandoy stated that business owners should not be excluded from options. They should have a voice. If the sign regulations were written right, the number of requests coming to the Planning Commission would be limited. If the ordinance wasn't written right, an owner could petition the Planning Commission and City Council for a change.

Chairman Kirch concluded the discussion on EMC's by recommending that 2003-4(a)(1) be reworded to remove reference to NITS. It needed to refer to a brightness standard of 0.3 foot candles above ambient light, address scintillation (flashing images), and indicated that the City would use a light meter versus a luminance meter (nit gun) to measure foot candles. She suggested that the signs be listed in a table.

Pole Signs

Steve Parkinson asked the Planning Commission to consider the following questions:

- Should pole signs be allowed in zones as indicated, or should they be allowed in all zones?
- Should the height be the same in each zone as indicated?
- Should the Regional Commercial Zones have different regulations than Community Commercial or Business Parks?
- Should Freeway Oriented signs be allowed to continue? If so, at the same height?
- Pole versus pole covers?
- How many pole signs should be allowed on a parcel?
- How many pole signs can a business have?
- Can an EMC be part of a pole sign? If so, what percentage of the sign can be EMC?

Steve Parkinson asked how the Planning Commission felt about poles versus pole covers. The Planning Commission agreed that pole covers raised pole signs to a higher standard.

There was a discussion about whether to regulate the size of pole covers. The Planning Commission decided to simply require a proportionate pole cover.

Chairman Kirch felt the minimum height of pole signs should comply with the Manual for Uniform Traffic Control Devices (MUTCD), which requires the bottom of pole signs to be five feet from the

ground in rural areas and seven feet in urban areas. Steve Parkinson said the City currently required all pole signs to be a minimum of ten feet above the ground.

Commissioner Dandoy felt the intent should be defined in the ordinance.

Commissioner Karras did not particularly care for pole signs, but he did not feel the City should tell businessmen what to do. He felt the intent of the sign regulations was to have some consistency. Business owners needed to understand what the sign regulations were. The sign regulations should be simple. The size of the property should determine the size of the sign, and then the options should be listed.

Chairman Kirch stated that Freeway Oriented signs were currently allowed up to 50 feet in height.

Steve Parkinson said businesses were only allowed one pole sign. If a business had a Freeway Oriented sign, it could not have another pole sign along 1900 West.

Chairman Kirch felt Freeway Oriented signs needed to be kept separate.

Commissioner Karras asked if there were State regulations that applied to Freeway Oriented signs. Steve Parkinson said billboards were governed by federal regulations. On-premise signs were only regulated by the City.

Chairman Kirch asked if 50 feet was high enough. The Planning Commission felt it was.

Steve Parkinson asked if the Planning Commission wanted to keep Freeway Oriented signs a conditional use. Chairman Kirch felt they should be permitted.

Chairman Kirch suggested that shopping center signs be a permitted use rather than a conditional use.

Monument Signs

Steve Parkinson asked the Planning Commission to consider these questions:

- Should monument signs be allowed in zones as indicated, or should they be allowed in all zones?
- How many can be on a parcel?
- How many can a business have?
- What percentage of the sign can be an EMC?
- Should the height remain as indicated, or can they be taller?

Mr. Parkinson said a monument sign could have an EMC component that was 50% of the sign's size. A monument sign could be a maximum of 6 feet in height and 8 feet in width. The Planning Commission agreed with all three regulations.

Commissioner Paul asked about monument signs in residential subdivisions. After a discussion, Chairman Kirch stated that there were not that many. She suggested that the ordinance be left as it was.

Temporary Signs

Steve Parkinson proposed regulations for temporary signs (see attached copy). He asked the Planning Commission to consider these questions:

- What types of temporary signs should be allowed?
 - Murals (painted or fabric)
 - Balloon or air activated
 - Banner
 - Blade
 - Freestanding/Yard
 - Light Pole/Support Pole
 - People
 - Portable
 - Projected Image
 - Sidewalk
 - Vehicle and Wraps
 - Window (what percentage?)
- How many temporary signs can be on a parcel?
- How many temporary signs can a business have (strip mall versus single building)?
- What length of time can a business have a temporary sign?
- For what occasion can a business have a temporary sign? How many occasions?
- Should a permit be required for a temporary sign? If so, what should the cost be?

Chairman Kirch felt the proposed regulations should include language limiting the size of temporary signs. She felt the size regulations should follow the same parameter as other signs. The regulations needed to identify what a temporary sign was. Businesses needed to understand the difference between temporary and permanent signs. A list of types of temporary signs should be included in the regulations. She didn't feel projected images should be allowed.

There was a discussion about 'people' as temporary signs. Steve Parkinson said 'people' actually fell under free speech. His only concern was that they didn't block the sidewalk or an entrance into a building.

The Planning Commission decided not to include 'people' on the types of temporary signs allowed.

Commissioner Dandoy was concerned about the proposed holiday periods. What gave the City the right to determine when a business owner could hold a sale? Chairman Kirch said the proposed holidays were set national sale dates for retail sales. She proposed that the words 'such as' be added to the end of the sentence, "A business may advertise a special service, product or sale during the following holiday periods, *such as:*" She also suggested that an additional category be added to the holidays periods labeled as "Other holiday – please define on permit."

Chairman Kirch asked about the permit. Mr. Parkinson was proposing a no fee permit. Chairman Kirch asked if the City would issue a decal to be placed on the temporary sign. Mr. Parkinson said a decal would be issued if he could find one the right size that would stick and was inexpensive. Chairman Kirch suggested using plastic sleeves in which a piece of paper could be inserted.

Commissioner Paul was excused at 7:26 p.m.

Chairman Kirch felt there should be a limit on the number of balloons and blades allowed on a property. If a business used all of the special promotions and sales dates allowed by the proposed regulations, there could be quite a few temporary signs in the City. She felt there should be language in the overall sign regulations limiting the number of signs on any property, whether they were permanent or temporary.

Steve Parkinson stated that he planned to invite business owners to the next work session to discuss temporary signs. Every temporary sign in the City was currently illegal. The City wanted business owners to have signs. It understood the need for temporary signs, but the number of temporary signs needed to be reeled in.

Chairman Kirch felt business owners needed to know that too many temporary signs was counter-productive.

Commissioner Dandoy felt there was good information on the table. What would happen if business owners came to the work session and said the City was strangling them? Would it change the City's position?

Commissioner Karras wasn't as worried about what businessmen felt about the ordinance as he was about whether the City's regulations were out of line with other cities. There had to be some regulations.

Commissioner Dandoy felt the City had to be careful not to offend businesses in the community. Offending them would create problems. Ordinances were about making things better for both residents and businesses.

There was a discussion about making temporary signs permanent.

4. COMMISSIONER'S MINUTES

Chairman Kirch invited public comments from the audience.

Ernest Rowley, 3648 West 6050 South, stated that he owned a surveying company. He knew of a few occasions that stipulations in Roy's ordinances had chased businesses out of the community because it was too hard to develop property. He hoped the Planning Commission would start to look at the development portions of the ordinance and open it up for discussion. At that time he could not relate particular details.

Commissioner Dandoy asked that Mr. Rowley write down specific details and submit them to Mr. Parkinson who would forward them to the Planning Commission. Unless the Planning Commission knew about the details, it would be clueless about where to start.

Steve Parkinson asked if the problems were with standards or building regulations. Mr. Rowley said yes. Mr. Parkinson said there was a community to the south with stricter regulations than Roy that was booming.

Commissioner Dandoy stated that he had visited UDOT's website and found that UDOT was planning to widen 5600 South between 1900 and 2050 West. UDOT still had not informed the City about the project, and there weren't specific details on its website. UDOT did say 5600 South was being widened for public safety.

5. STAFF UPDATE

Steve Parkinson reported that the Lutheran Church had submitted a revised site plan that was under review. The main issue right now was storm drainage. The Planning Commission would be considering a site plan for Station Square at the next meeting. Aderra Apartments had submitted a site plan. West Park Subdivision was trying to get their improvement drawings approved so they could begin construction. The 4000 South round-about was beginning construction. When 4000 South was done, the City would start on the 4800 South round-about.

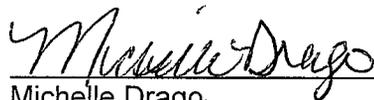
Chairman Kirch asked if the City had approved the black color of the library. Mr. Parkinson said he would have to check. Chairman Kirch said the amphitheater was not the same position as shown on the site plan.

Chairman Kirch stated that UTA needed to take care of the Dyer's Woad at its 4000 South Station.

6. ADJOURN

Commissioner Karras moved to adjourn at 7:49 p.m. Commissioner Ohlin seconded the motion. Commission members Dandoy, Karras, Kirch, Ohlin, and Stonehocker voted "aye." The motion carried.

Attest:



Michelle Drago
Secretary


Gennie Kirch
Chairman

dc:pmay2615