

**TAYLORSVILLE CITY COUNCIL
AGENDA ITEM SUMMARY**

MEETING DATE: August 19, 2015

AGENDA ITEM: **Public Hearing.** Ordinance #15-12 Concerning a proposed amendment to Section 13.26.090 H. 5. of the Taylorsville Land Development Code regarding the height of pylon signs with frontage adjacent to Interstate 215.

PRESENTER: Mark McGrath

SUMMARY: The applicant previously submitted an application to amend Section 13.26.090 H.5. of the Taylorsville Land Development Code regarding the allowable height for a freeway oriented pylon sign from 25 feet to 45 feet above the nearest freeway lane. The proposal was denied by the City Council at the June 17, 2015 meeting.

Subsequently, the applicant submitted a new application for a text amendment altering their original proposal. The new request would limit the overall height of the sign to 35 feet above freeway grade and further limiting the sign by stipulating that no portion of an electronic message center (EMC) can be higher than 25 feet above freeway grade. In this particular situation, the ordinance amendment would allow a 65 foot tall sign that includes an EMC 10 feet below the top of the sign (see illustration #1). By current code the applicants could build a 55 foot tall sign with the EMC at the top of the sign essentially in the same location as the 65 foot tall sign (see illustration #2).

As you can observe by comparing illustration #1 and illustration #2, the primary difference between the two signs is the location of the shopping center name. In illustration #1 the shopping center name is above the EMC making the overall sign height 65 feet, while in illustration #2 the shopping center name is at the bottom of the sign with the overall sign height at 55 feet.

The applicant submitted the following specific language with his test amendment application:

13.26.090 H.5. Height Standards: *The height of a pylon sign shall be the distance from the highest point of the sign to the top of the curb or sidewalk or crown of the street when there is no curb or sidewalk. Signs may not exceed 25 feet above grade. Properties along Interstate 215 or the frontage road may have a height not greater than ~~25~~ 35 feet above the nearest traveled freeway lane or frontage road, whichever is greater. In addition, no portion of an electronic message center sign shall be located higher than 25 feet above the freeway grade for a freeway oriented pylon sign.*

PLANNING COMMISSION RECOMMENDATION: In a 4-2 vote on July 14, 2015, the Taylorsville Planning Commission voted to recommend to the City Council approval of the proposed changes.

STAFF RECOMMENDATION: Staff feels that although this proposal is an improvement of the previous submittal, potential unintended consequences have not been sufficiently addressed and that this proposal should be wrapped into the comprehensive analysis of the sign code currently being conducted by the City's Planning Department.

TAYLORSVILLE, UTAH
ORDINANCE NO. 15-12

AN ORDINANCE OF THE CITY OF TAYLORSVILLE TO AMEND SECTION
13.26.090 (STANDARDS FOR PERMANENT SIGNS THAT REQUIRE A PERMIT)
OF THE TAYLORSVILLE LAND DEVELOPMENT CODE.

The City Council of Taylorsville ordains as follows:

WHEREAS, on July 14, 2015 the Taylorsville Planning Commission properly noticed and held a public hearing and voted 4-2 to forward a positive recommendation to amend the text of Section 13.26.090 of the Taylorsville Land Development Code; and

WHEREAS, on July 3, 2015 a notice of public hearing regarding the proposed amendment was posted on the state public notice website; and

WHEREAS, on July 3, 2105 a notice of public hearing regarding the proposed text amendment was posted in 3 different places within the City of Taylorsville boundaries; and

WHEREAS, the Taylorsville City Council met in a regular session on August 19, 2015 to conduct and consider, among other things, a public hearing regarding the proposed text amendment; and

WHEREAS, after careful consideration and review, the City Council has determined that it is in the best interest of the health, safety, and welfare of the citizens of Taylorsville to amend Section 13.26.090 of the Taylorsville Land Development Code

NOW, THEREFORE, BE IT ORDAINED by the Taylorsville City Council that the amendments made in the attached exhibit "A" are hereby adopted and are designated by interlineating the words to be deleted and underlining the words to be added.

EXHIBIT A

13.26.090 H.5.a. The height of a pylon sign shall be the distance from the highest point of the sign to the top of the curb or sidewalk or crown of the street when there is no curb or sidewalk. Signs may not exceed 25 feet above grade. Properties along Interstate 215 or the frontage road may have a height not greater than ~~25~~ 35 feet above the nearest traveled freeway lane or frontage road, whichever is greater. In addition, no portion of an electronic message center sign shall be located higher than 25 feet above the freeway grade for a freeway oriented pylon sign.

This Ordinance, assigned Ordinance No. 15-12, shall take effect as soon as it shall be published or posted as required by law, deposited, and recorded in the office of the City Recorder, and accepted as required herein.

PASSED AND APPROVED this _____ day of _____, 2015.

TAYLORSVILLE CITY COUNCIL

By: _____
Kristie S. Overson, Chair

VOTING:

Daniel Armstrong	Yea	___	Nay	___
Dama Barbour	Yea	___	Nay	___
Ernest Burgess	Yea	___	Nay	___
Bradley W. Christopherson	Yea	___	Nay	___
Kristie S. Overson	Yea	___	Nay	___

PRESENTED to Mayor of Taylorsville for his approval this _____ day of _____, 2015.

APPROVED this _____ day of _____, 2015.

By: _____
Lawrence Johnson, Mayor

ATTEST:

Cheryl Peacock Cottle, Recorder

DEPOSITED in the Recorder's office this _____ day of _____,
2015.

POSTED this _____ day of _____, 2015.

City of Taylorsville

Community Development Department
2600 West Taylorsville Boulevard
Taylorsville, Utah 84129
Phone: (801) 963-5400 Fax: (801) 955-2052



ZONING AMENDMENT APPLICATION

PLEASE COMPLETE BOTH SIDES OF APPLICATION

Type of Application: Zoning Map Amendment
 Zoning Text Amendment

Subject Property Address: 5600 S & Redwood Rd

Parcel Area: 6 P. 37 Ac Current Use: Retail

Parcel Identification (or Sidwell) Number: See att ALTA.

Applicant Name: S Square Development

Mailing Address: 13029 Danielson St. #204

City, State, Zip: Poway, CA. 92064

Daytime Phone #: 858-6425375 Fax #: NA.

E-mail: gsherman@S2-Dev.com

Business Name (if applicable): The Crossroads of Taylorsville

Property Owners Name (if different): TPP217 Taylorsville LLC

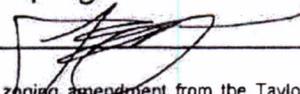
Mailing Address: 750 N. St Paul St. #900

City, State, Zip: Dallas, TX 75201

Daytime Phone #: 214-615-3319 Fax #: _____

Describe your request in detail (use additional paper if necessary):

Modify zoning to allow an additional 10' of height over the current allowable 55' limitation. The additional 10' will only be used for project and City Identification. No reader based above 55'

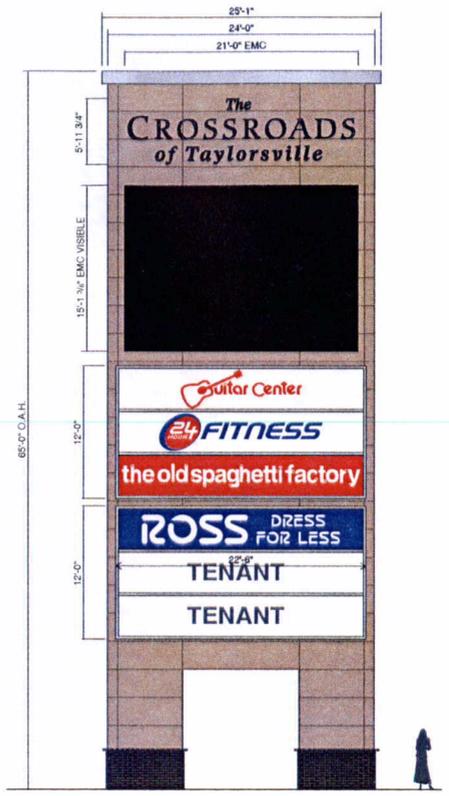
Authorized Signature:  Date: 6/29/15

Note: Obtaining approval of a zoning amendment from the Taylorsville City Council does not eliminate the necessity of obtaining a building permit, business license or approval from other agencies (if applicable) prior to start of construction or land use. Please contact the appropriate Taylorsville City department regarding additional required permits.

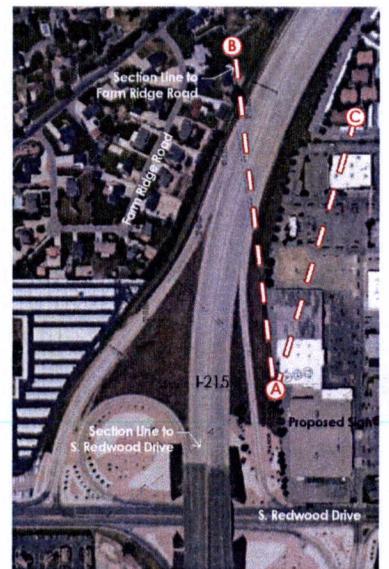
Office Use Only	
FILING #	<u>6215</u>
ENERGOV #	<u>ZTXT-6-15-6388</u>
FILING FEE	<u>\$300.00</u>
DATE ACCEPTED	<u>6/30/15</u>
ACCEPTED BY	<u>MSM</u>
RECEIPT NUMBER	<u>3.052052</u>
CURRENT ZONING DISTRICT	<u>RC</u>
MEETING DATE(S)	<u>7/14/15</u>
Application approved: <input type="checkbox"/> yes <input type="checkbox"/> no Conditions: <input type="checkbox"/> yes <input type="checkbox"/> no	
_____ Chair, City Council	

FOR YOUR INFORMATION...

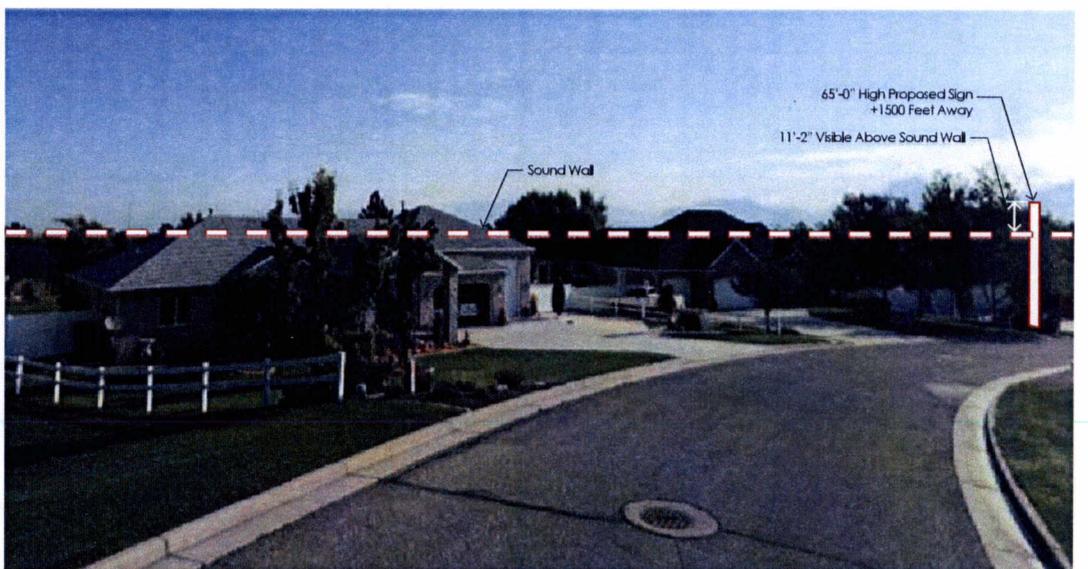
For more information regarding zoning amendments and application procedures, please refer to **Taylorsville Information Form P-9 Applying for a Zoning Amendment** available from the Community Development Department at Taylorsville City Hall or online at www.taylorsvilleut.gov.



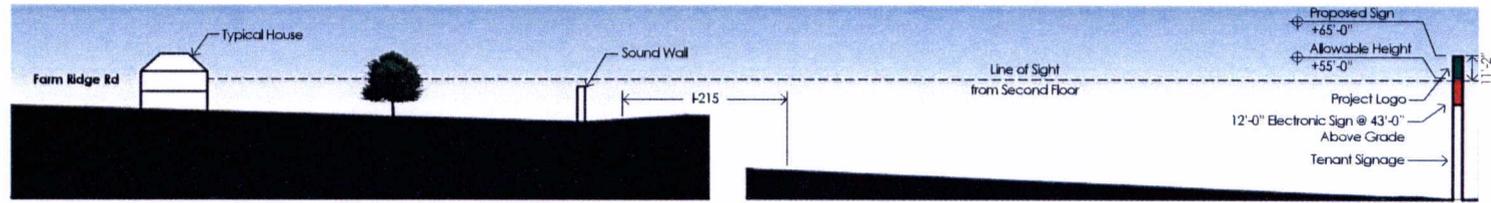
SIGN ELEVATION



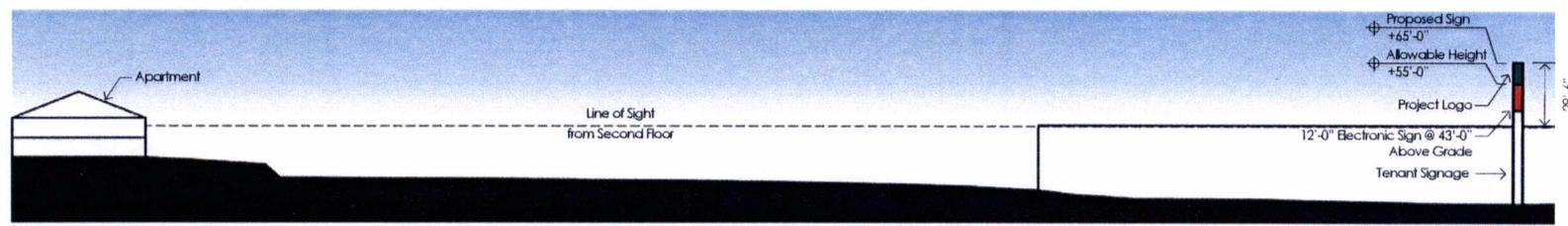
VICINITY PLAN



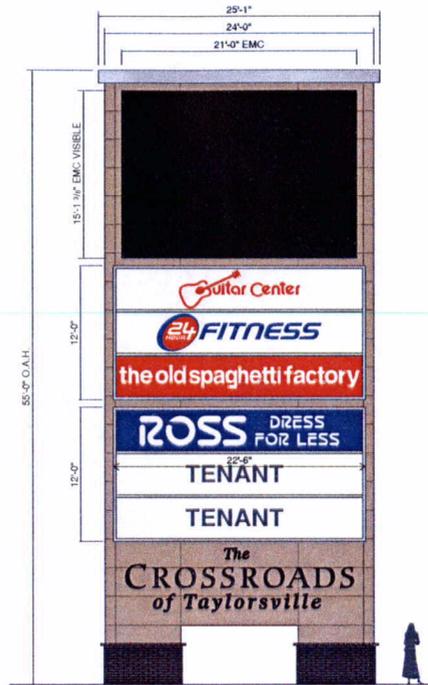
VIEW LOOKING NORTH EAST ON FARM RIDGE ROAD



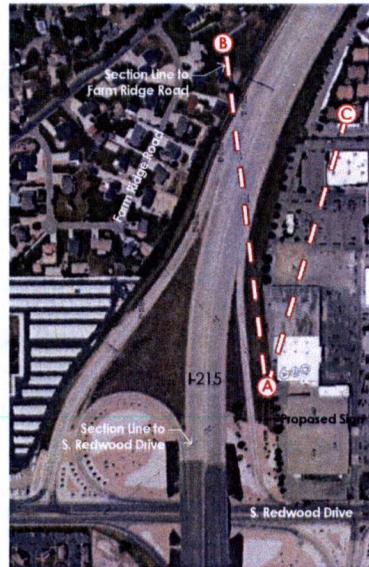
SITE SECTION A-B



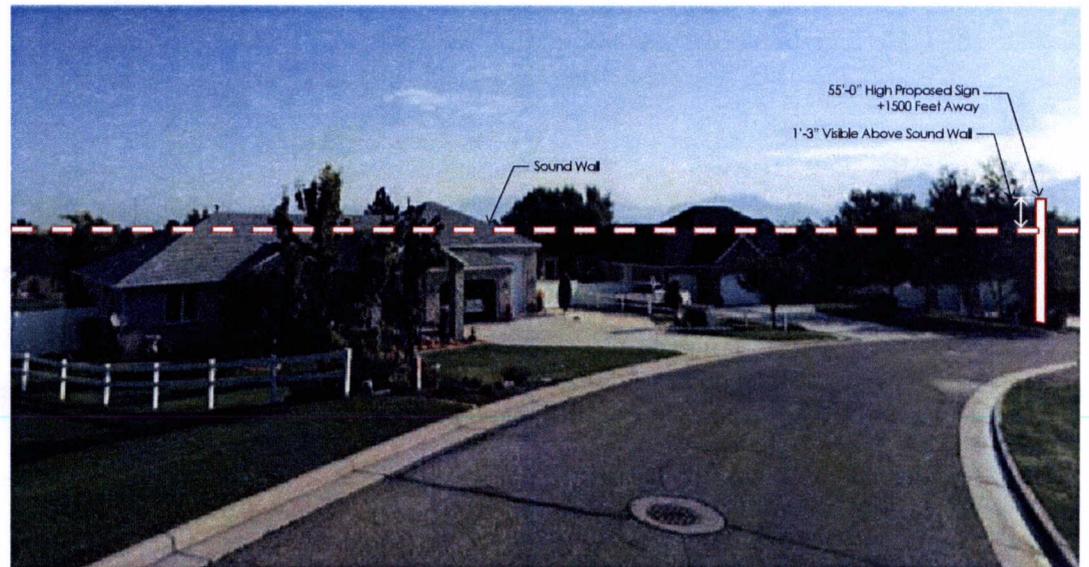
SITE SECTION A-C



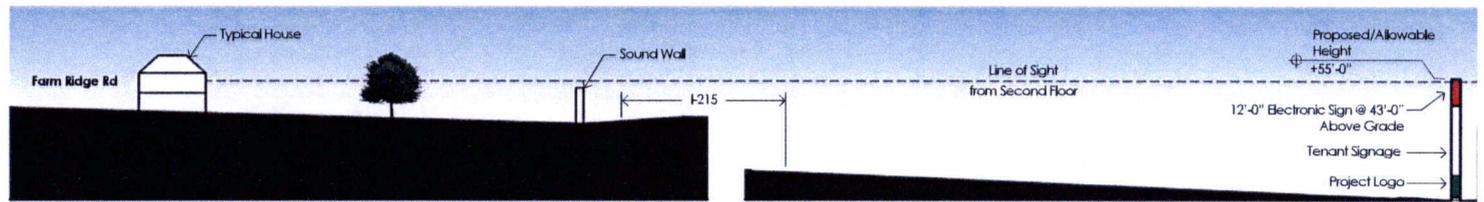
SIGN ELEVATION



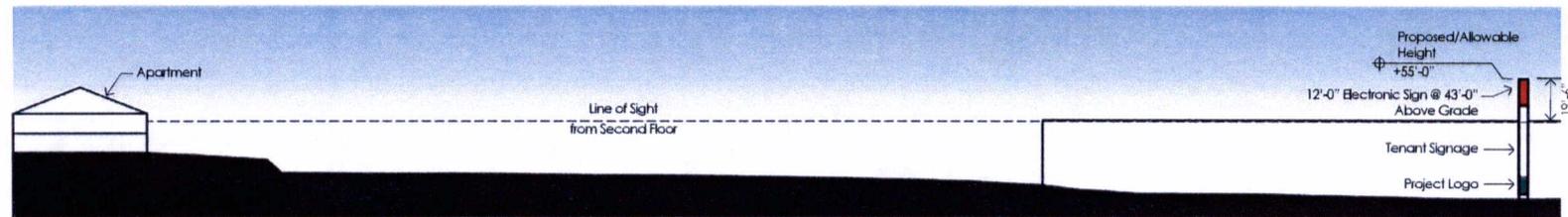
VICINITY PLAN



VIEW LOOKING NORTH EAST ON FARM RIDGE ROAD



SITE SECTION A-B



SITE SECTION A-C

11. 6Z15 Recommendation to the City Council for a Text Amendment to Title 13.26.090 H.5 of the Taylorsville Lane Development Code – Signs. Geoff Sherman – S Squared (Michael Meldrum/Principal Planner) 10:13:45 PM

11.1 **Mr. McGrath** presented this item. The applicant previously submitted an application to amend Section 13.26.090 H.5 of the Taylorsville Land Development Code regarding the allowable height for a freeway pylon/pole sign to 45 feet above the nearest freeway lane. The Planning Commission forwarded a positive (32 vote) recommendation to the City Council to amend this section of the Code. The City Council denied the application to amend Section 13.26.090 H.5 at their June 27, 2015 meeting. The applicant has now submitted a different request that would allow a sign to be a maximum of 35 feet above the nearest travel lane on Interstate 215. This proposal limits the height of the electronic message center portion of the sign to no more than 25 feet above grade. As proposed there would be an additional 10 feet of sign area located above the electronic message center portion of the sign. The total height of the sign could vary depending on the actual location of a proposed sign. In one location, the elevation (grade) of the nearest travel lane may be much closer to the grade of where the sign would be located than in another location. Thus staff has not included an overall height in their text.

11.2. **Findings of Fact:**

- 11.2.1 An application to allow a sign to be a maximum of 35 feet above the nearest travel lane on Interstate 215 has been submitted.
- 11.2.2 The applicant was denied by the City Council on their request to amend the language of the ordinance allowing a freeway oriented sign to be 45 feet above the height of the nearest travel lane.
- 11.2.3 The new proposal would limit the height of the electronic message center to a maximum of 25 feet above grade with an overall height of 35 feet above the height of the nearest travel lane.
- 11.2.4 A sight line image was included for both options provided by the applicant.
- 11.2.5 Test amendments are not site specific.

11.3 **Staff Recommendation:** Staff recommends that the Planning Commission considers all available information and forwards to the City Council the recommendation they deem appropriate.

11.4 **APPLICANT ADDRESS:** **Geoff Sherman.** **Mr. Sherman** advised that the problem that surfaced during the City Council hearing was that the neighbors were concerned about the glare from the EMC. By lowering the EMC to 55' it goes below the sound wall, eliminating the glare for the neighborhood. They tried to show that under the current code, the sign can be built with the EMC up to 55'. All that is being asked is for 10 more feet to only put the name of the shopping center. If we can't put it up there, they it must go at the bottom of the sign. It was felt that having the name up there was not only good for the shopping center but also good for the City because it talks about Taylorsville. That is the only change being asked for is to add an extra 10'

to the sign to put the name of the shopping center on the top, otherwise it can be built at 55' with the name of the shopping center at the bottom, which no one will be able to see obviously.

11.4.1 **Commissioner Kehl** asked how far the sign could be seen going east or west. **Mr. Stone** said that is part of the problem. At the 55' it can be seen as you start around the corner heading east or south. Coming from the other direction it is more visible. **Mr. Sherman** added that is because of the K-Rail that is located there. They would love to have the sign at 75' but don't want to alienate the neighbors and are suggesting compromising at 65'.

11.4.2 **Commissioner Kehl** added that it was his preference to have the name of the shopping center on top rather than at the bottom. **Commissioner Quigley** agreed with not putting the name of the shopping center on the bottom of the sign. That the City wants people to know where this location is, especially with the new theater. People driving by on the freeway will make that connection for future use. **Mr. Sherman** felt that was a good point and added that the new Regal Theater will draw people from the entire valley. It is State of the Art and there is nothing else like it here.

11.4.3 **Commissioner Barbieri** advised that then the sign could be at 55', move the EMT down and put the name above. **Mr. Sherman** advised that they lowered the EMT as low as it can be and still make it worthwhile. If it is dropped anymore the effect is totally lost.

11.4.4 **Commissioner Fauschou** asked what the purpose was for all the canned signs there then. **Mr. Sherman** said that those signs would be visible up close but they won't be seen from any distance.

11.4.5 **Commissioner Barbieri** asked what he meant when he said that if it would lowered it too much it would not be seen and did that mean not be seen from a mile away or would not be seen a block away. **Mr. Sherman** said a quarter of a mile away. The problem is when coming from the west to the east, because of the K-Rail in the center, visibility is lost when it is lower than proposed.

11.4.6 **Commissioner Quigley** added that one of the benefits of having that electronic media visible from the freeway is that these owners are also going to make that available for some public notifications such as "Taylorvilledazz", etc.

11.4.7 **Commissioner Barbieri's** concern was that this does not turn into one of those really large signs one sees along the freeway. **Mr. Sherman** said that is why they lowered it as low as we could get and still make it useful. He felt this compromise is equally good for everyone concerned.

11.5 **SPEAKING: Commissioner Grossman** opened the public hearing

11.6 As no one else asked to speak in favor or opposition to this application, **Commissioner Grossman** closed the public hearing and opened it up to the Commission for discussion or a motion.

11.8 **DISCUSSION:**

11.8.1 **Commissioner Jensen** said he was not in favor of the sign as proposed. Lowering the sign may ease the problem for the residential owners but the apartment dwellers will still be impacted. That there were several individuals at the City Council meeting who said that they did not want this sign at this location. The City Council apparently agreed and turned it down. If this sign is approved, it could be approved at every other place along I-215. There are unintended consequences involved with this and the City would not be supporting the contents of the sign ordinance if it is approved. If the electronic sign was on a 55' high sign it would probably be okay. He noted that he has never seen one electronic sign at night that has been dimmed as promised and they do not follow City Code with other issues such as animation, etc. His suggestion is to rebuild the sign at exactly the same height it is now and maybe relocate it a little further to the east.

11.8.2 **Commissioner Quigley** 10:23:26 PM was not in favor of having the name of the shopping center on the bottom of the sign and wanted it on top where it will be noticed. He felt that if people see it, they will make that connection for future use. **Mr. Sherman** advised that was a good point. That what is going to happen with the new Regal Theater is it will draw from the entire valley because there is nothing else like it here right now. **Commissioner Barbieri** asked if the sign could be at 55' and move the EMC down and put the name above it. **Mr. Sherman** advised that would make it so the EMC could not be seen. That they have

put it as low on the sign as it can be and still be effective. Commissioner Barbieri advised that being a small business owner herself, she knows that signs do make a difference and in fact can make or break a business. She asserted the importance of having the name of the shopping center at the top of the sign and was supportive of this proposal.

- 11.8.3 Commissioner Kehl offered an apology to Mr. Werts, who had the same type request tonight and with that one the Commission decided to make no change to the Code. However, he commented that this particular request is different because it is for a freeway sign and felt that it should be forwarded to the City Council for consideration. Commissioner Faurchou advised that under the Code they can have the 55 feet, just not the 10' on top with the name. Commissioner Barbieri said that in fact the Commission is allowing them to have 10 more feet. Commissioner Faurchou said that this again changes the Code. Commissioner Quigley said that the City Council should be given the opportunity to make that decision. 10:25:46 PM

11.9

MOTION: Commissioner Quigley - i would like to make a motion that we send a positive recommendation to the City Council for File #6Z15.

SECOND: Commissioner Fink

VOTE: Commissioner Faurchou - Nay, Commissioner Kehl - Yes, Commissioner Barbieri - Yes, Commissioner Fink - Yes, Commissioner Jensen - Nay, Commissioner Quigley - Yes. Motion passes 4 to 2.