



**PLANNING COMMISSION
REGULAR SESSION
November 26, 2013 – 6:00 PM**

Commissioners in attendance: Joyce Nolte; Carl Clyde; Craig Huff; and Michael Clay
Commissioners excused: Brad Mertz; Frank Young and Brent Packard
Staff in attendance: Director Fred Aegerter and Secretary Darlene Gray
Council Representative: Rick Child

Call to Order

CM Huff called the meeting to order at 6:00 PM.

Approval of Agenda

CM Clay requested adding himself as an administrative item that he would like to discuss. CM Huff stated that he would be added to the agenda. With that change CM Clay moved to approve the agenda as written. CM Clyde seconded the motion. The vote to approve the agenda was unanimous.

Approval of Minutes: November 12, 2013

CM Nolte moved to approve the November 12, 2013 meeting minutes. CM Clyde seconded the motion. The vote to approve the November 12, 2013 meeting minutes was unanimous.

Consent Agenda

CM Huff indicated that there were no Consent Agenda items.

Legislative Session

Springville City seeking an amendment to Title 11, Chapter 4, Section 501 et. Seq. of the Municipal Code pertaining to accessory structures in a commercial and industrial site development and 11-6-313, Types of Signs. (Continued from November 12, 2013)

Director Aegerter approached the Commissioners and reviewed the background of the item and the information in the staff report. He explained that the frame structure was located at the Wiggy Wash on 500 South. Director Aegerter indicated that when the applicant constructed the Wiggy Wash, the frame structure was not on the site plan. The applicant has brought in the proposal to allow what is in place.

Director Aegerter reviewed the specifics of the proposed change to the Ordinance; the definition of Frame Structure; the development chart regarding setback minimum and height maximums for accessory frame structure in the rear yard of a double frontage lot; and the maximum signage area associated with the frame structure and sign location. Director Aegerter indicated that the frame structure was located in the planting strip, back about eight to ten feet into the landscape area. He stated that this was an unusual situation and would not be used at many other locations within the City. Director Aegerter indicated that staff did not feel this was in violation of the General Plan in any way.

CM Huff asked if corner lots would count as a double frontage. Director Aegerter indicated that in the Ordinance, it would apply to a lot with street frontage on a front and rear yard. CM Huff asked how close the structure could be to the sidewalk. Director Aegerter indicated that the setback should be eight feet and would not affect pedestrians.

CM Nolte asked what the height of the structure was and asked if that was a change. Director Aegerter indicated that the height would not change as proposed by the applicant.

Director Aegerter indicated that there was an additional challenge with the signage hanging from the structure. He stated that the proposal would be to change the setback to 8 foot; signage maximum would be 25 square feet or 10% whichever is less. He stated that the question for the commission would be to accommodate what is proposed or discuss the things that they feel are not in the best interest of the City.

Director Aegerter indicated that the proposed change would be that the structure be at least 8 foot back from property line and 25' or 10% whichever is less, of the enclosed area for signage.

CM Huff opened the Public Hearing and asked if there was anyone who would like to address the Commissioners.

CM Nolte asked for a scenario if the Ordinance was changed, what might the Commissioners see. Director Aegerter stated that typically as staff has looked at different places they may see some type of arm for maximum vehicle height. He added that the only other situation may be something similar to this site.

CM Nolte stated that the original site plan had six-foot poles. She asked what would be the alternative if the Commissioners recommended against the changes. Director Aegerter reviewed the three options that the Commissioners had.

With no other comments, CM Huff opened the Public Hearing.

Brent Wignall, a co-owner of Wiggy Wash indicated that he resides in Spanish Fork. He stated that their intent was not to just build the structure and then try to get past the City Code. Mr. Wignall reported that the footing and foundations were installed in order to beat the weather. He added that the structures were key to directional purposes of the customers. He indicated that the closest competition was approximately 30 miles away and that there were few facilities like theirs. Mr. Wignall stated that with the idea of a full-service car wash there are thousands of customers who needed order and recognition regarding where the vehicles needed to go. He commented that the structure was to make the facility architectural pleasing as well as the highest priority to make sure customers know where they are going. Mr. Wignall expressed appreciation for Director Aegerter's help. He stated that the footings and foundations were on the site plan, but the structures were not. He stated that he would strongly urge the Commissioners to look at the affects; esthetics pleasing, etc. of the structure.

Karen Ifediba, stated that she knew that the City Council and the Planning Commissioners were very concerned with making esthetic pleasing but not obnoxious signage. She indicated that the proposed amendment was probably appropriate and that the way that it has been recommended it appeared that it would limit anyone else trying to do something to get around the ordinances. She commented that Mr. Wignall's purpose was to try and make the signage more viable for people to see where they should go. She stated that she knew what has been done with the landscaping and the work done still maintained the

tree city idea, although the landscaping is not fully functional, the landscaping will alleviate the obnoxiousness. She suggested waiting for a few years to see if the landscaping growth would help alleviate this problem. Ms. Ifediba stated that she appreciated the fact the City was working with business owners who are coming to Springville. She added that she appreciates the way most of the employees of the City have been working closely with the businesses coming into Springville. Springville does not really have car washes and the Planning Commission has spent a lot of time talking about car washes and what to do with them. She added that this was probably not the way the Planning Commissioners planned on looking at this. She also appreciated the way the Planning Commission and City Council work together to be business friendly and for encouragement for other businesses to come here. She stated that maybe this was not the best way this could have been handled, but a good job has been done trying to resolve the issue.

CM Clyde moved to close the Public Hearing. CM Clay seconded the motion. The vote to close the Public Hearing was unanimous.

Consideration

CM Clay expressed his concern and indicated that he wished the City Attorney would have been at the meeting. He stated that he felt that this was a special case and that the proposed change to the ordinance was being crafted as much as possible for one party, one parcel, and one instance. CM Clay indicated that the Planning Commissioners were required to provide equal treatment under the law and if they open the door to do special cases when desired and questioned what would that open the Commission up to. He asked if every law would become a special case to meet the needs of every business owner. He stated that he did not know that there is a health, safety, or welfare concern with what has been done that would necessarily hurt someone. CM Clay indicated that what had been done at this site had been esthetically pleasing, but stated that this felt like this was special case and if the Commissioners treat this case as if it's accommodating with ordinance, anyone who comes before the commission could ask for special treatment. He felt this would set a precedent to give special treatment.

CM Nolte agreed and quoted 11-7-101 regarding intent. She referred to the five questions from the General Plan, but stated that the General Plan also directed the City to work with businesses. She stated that this was a legitimate concern and asked what had changed. CM Clay stated that he felt a mistake had been made by the applicant with no malicious intent, but added that no economic condition had changes that would warrant a change to the General Plan. He indicated that nothing he expressed was detrimental to the owner or Wiggy Wash, but his concern was that this felt like a special case.

CM Huff asked if whether anytime an ordinance change came before the Planning Commission, wasn't it because of a special case. He stated that proposed ordinance changes were unique and always originated on a site and then were looked at citywide. CM Clay stated this was not crafted for citywide use, but for only this spot. CM Huff indicated this was specific to double frontage lots. He stated that CM Clay raised a legitimate question because any time there is a change to an ordinance the change sets a precedent.

CM Nolte indicated that the General Plan states that one of the strategies was to work with business owners to encourage economic development. She wondered if there was some way to look at the sign ordinance to make sure something like this type of sign did not happen along the viaducts. CM Nolte stated that the General Plan currently allows for this type of signage and added that one strategy in the General Plan was to attract business.

CM Clyde stated that he agreed with the other comments expressed. He added that the Commissioners had to look at this citywide. If the proposed changes would have a negative effect, then the changes should not be made. CM Nolte stated that given the limits and restrictions, she would rather want to see this be a viable business.

CM Huff asked Director Aegerter if this situation had not happened or if he felt the Commissioners would have felt comfortable making the changes to the ordinance. Director Aegerter stated that if this had been an interior lot, there would have been no setback requirement at all. He explained that with the double frontage residential lots there must be an additional depth on the rear yards. Director Aegerter indicated that this would be brought to the Council with a ten-foot setback from the sidewalk on residential lots. He added that it would be ideal if there was no part of the structure in the landscape area. In terms of the affect it has, his biggest concern was in terms of the circulation and exiting the lot in an emergency situation.

Director Aegerter informed the Commissioners that as staff reviews zoning issues, they have to take into consideration how the change may affect the neighboring properties. He added that the structures at the Wiggy Wash do not affect neighboring properties. Director Aegerter indicated that staff made an adjustment and added that he did not know how often this would be seen.

CM Huff reviewed the three options and stated that option one was not applicable because changes had already been made. He stated that the Commissioners could recommend option two or three with no changes.

With no further discussion, CM Clyde moved to amend the recommended proposal to include the setback of the frame structure to no less than eight-feet back from the property line with a 25-foot maximum height and amending 11-6-308(4)(b) to include signage in connection with a frame structure with up to 10% or 25 square foot whichever is less of the area within the enclosure formed by the support beams and arch or crossbeam structure may include informational signage intended for on-site viewing.

CM Clyde added that the Commissions finds that the proposed amendment meets the requirement of the Springville City Code, particularly 11-7-101, that it maintains the intent of the General Plan and is in the best interest of Springville City and its residents. CM Nolte seconded the motion.

The vote was as follows:

CM Nolte – Aye
CM Huff – Aye
CM Clyde – Aye
CM Clay – Nay

The motion to recommend approval with the changes passed.

Director Aegerter informed the applicant that the recommendation to approve the ordinance with changes should be before the City Council on the third Tuesday in December.

Administrative Session

CM Clay expressed his concern regarding the sign at the Wiggy Wash and the Professional Plaza on 400 South. He stated that the concern was with the community welfare and whether or not the sign was considered attractive. He stated that he would like to direct staff to look at ways to disallow any additional

signs of that nature. CM Nolte stated that signage must meet the sign ordinance requirements. CM Clay stated that the signs were too bright. Director Aegerter indicated that a lot of signs were now coming out of China and were high in intensity with no ability to adjust the lighting.

CM Nolte suggested looking at controlling the lumens. Director Aegerter agreed. CM Nolte asked if these types of signs would be allowed in the Village Center. Director Aegerter indicated that they would be allowed. CM Nolte stated that she would be in favor of tightening up the sign ordinance and suggested reviewing the ordinance. She reported that a lot of compromise had been made when the sign ordinance was first looked at. CM Nolte stated that she felt the ordinance was fair because both sides came together and the final outcome was reasonable. CM Huff was concerned that the City Council indicated that the sign ordinance was too restrictive and yet the Planning Commissioners were saying that it should be more restrictive.

CM Clyde indicated that the brightness of the Wiggy Wash sign was too bright and obnoxious. Director Aegerter responded that was why ambient light was important in adjusting the signage light. He referred to Las Vegas adding that the signage there was great because that is what the 'strip' was about. He stated it was the same with Time Square in New York City. He reported that he has heard comments about the Wiggy Wash sign from about two-dozen people.

CM Huff stated that he noticed the sign and it seemed that it did not fit with that building. CM Clay agreed. He stated that the community character of Springville as The Art City did not mix with the Las Vegas style sign.

CM Nolte suggested reviewing the sign ordinance and then make a recommendation to the Council. CM Clay stated that nothing could be done with the existing signs, but it could with future signage. Director Aegerter stated that was the question and suggested having a joint meeting with the new Council members. CM Nolte informed the Commissioners that it took Ad Hoc committees to create the sign ordinance and she felt this should not be a burden for staff. Director Aegerter reported that it was a two-year process. CM Clay referred to the McDonalds at 1400 North and how a sign is not needed there. Director Aegerter explained that in the past it was the size of the sign. When the sign ordinance was being reviewed, comments were made that residents did not want Springville to look like Orem's State Street.

Karen Ifediba approached the Commissioners and stated that she had watched the process of the sign ordinance as well as what it had done to the director. She explained that when the sign ordinance was passed there was a lot of animosity expressed towards Director Aegerter. She stated that when items were brought to the City Council, business owners had the feeling that what had been done had been programmed by the Director and they refused to allow him to present or explain what was going on. They went to the attorney or administrator and made it so they were the ones who presented the point of view of the city. She reported that because of that, there were problems with the director presenting another sign ordinance. She reiterated that she wanted the Commissioners to be aware that there is a lot of animosity and believed that the director feared losing his job because of the Mayor's reaction to comments made. She added that individuals personally expressed anger towards the director and this presents major problems for the employees.

With no others items to discuss, CM Clay moved to adjourn the meeting. CM Nolte seconded the motion. CM Huff adjourned the meeting at 7:15 PM.