

# FARMINGTON CITY PLANNING COMMISSION

Tuesday, September 26, 2006

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## PLANNING COMMISSION STUDY SESSION

**Present:** Chairman Jim Talbot, Commission Members, John Bilton, Andrew Hiller, Kevin Poff, Cory Ritz, Rick Wyss, City Planner David Petersen, City Attorney Todd Godfrey and Recording Secretary Jill Hedberg. Paul Barker was excused.

**Chairman Talbot** called the study session to order at 5:30 P.M. **Kevin Poff** offered the invocation. The following items were reviewed:

The Planning Commission agreed to change their October 12<sup>th</sup> Planning Commission to October 10, 2006, to accommodate the UEA break.

### **Agenda Item #1: Public Hearing: Reagan Outdoor Advertising and I-Transact Building LLC - Applicants are Requesting Approval for a Special Exception to Establish a Billboard Adjacent to the East Side of the Frontage Road/Lagoon Drive at approximately 300 South in a BP Zone (M-2-06).**

**David Petersen** passed out a copy of the Planning Commission staff report. He informed the Commission that City staff met with representatives from Reagan Outdoor Advertising the day before at 4:00 pm. It is up to the Planning Commission to determine whether the applicant should be allowed to increase their sign height to 65' or if the sign should remain the height of the existing sign which is approximately 37'. He said a condition from the previous Planning Commission staff report was excluded since the City has since received a letter from **Gerald Jensen** of UDOT. City staff recommends that the Commission grant the special exception as requested allowing the sign to be approximately 37' in height.

### **Agenda Item #2: CenterCal - Applicant is Requesting a Recommendation to Amend Various Sections of Chapter 18 of the Zoning Ordinance regarding Transportation Oriented Development (ZT-13-06).**

**Todd Godfrey** said he approves of the proposed amendments to Chapter 18 of the Zoning Ordinance regarding Transportation Oriented Development. As per his last conversation with CenterCal representatives and their counsel, they are approving of the proposed text amendments.

**David Petersen** said it is also the recommendation of City staff that the amendments be approved.

### **Joint Planning Commission/City Council Meeting**

The Planning Commission discussed the suggested order of events for the joint Planning Commission/City Council meeting.

**David Petersen** said the City has received approximately 120 emails. Many residents were concerned that the proposed corridor would negatively impact their quality of life.

**Todd Godfrey** reviewed the Utah Law with the Commissioners, which pertains to the Planning Commissioner's position in relation to the issue being addressed.

The Planning Commissioners discussed the Utah Law and also discussed issues relating to the proposed corridor preservation.

**David Petersen** informed the Commissioners that the Mayor recommends that the item be tabled to allow UDOT to provide demand models, alternative alignments, and to provide a second opinion from a different consulting engineer.

The study session adjourned at 6:05 P.M.

### **PLANNING COMMISSION REGULAR SESSION**

**Present:** Chairman Jim Talbot, Commission Members John Bilton, Andrew Hiller, Kevin Poff, Cory Ritz, Rick Wyss, City Planner David Petersen, City Attorney Todd Godfrey and Recording Secretary Jill Hedberg. Paul Barker was excused.

**Chairman Talbot** called the meeting to order at 6:07 P.M.

### **PUBLIC HEARING: REAGAN OUTDOOR ADVERTISING AND I-TRANSACTION BUILDING LLC - APPLICANTS ARE REQUESTING APPROVAL FOR A SPECIAL EXCEPTION TO ESTABLISH A BILLBOARD ADJACENT TO THE EAST SIDE OF THE FRONTAGE ROAD/LAGOON DRIVE AT APPROXIMATELY 300 SOUTH IN A BP ZONE (M-2-06) (Agenda Item #1)**

#### **Background Information**

The Planning Commission held a public hearing regarding this application on July 13, 2006. A special exception from Farmington City is being sought because billboards are not allowed in the BP zone. At the request of Reagan representatives, with concurrence by City staff, the Commission voted to table the request in order to allow for representatives from Reagan and the City to meet together to review information from Reagan.

Representatives from Reagan met with City staff on August 22, 2006. Reagan indicated that they need to raise the sign to 65 feet in height to avoid vegetation and trees that would otherwise block the sign (the existing sign is approximately 37 feet in height and the sign face is 588 square feet in area). They informed the City that the vegetation was not within the UDOT right-of-way but on the I-Transact property. They further stated that to mitigate impacts

resulting from relocating the sign further from the freeway, lights must be provided for the sign, the sign face must be increased in area (to 672 square feet), and the sign must be reconfigured from a back-to-back type sign to a V-type sign.

Section 72-7-510(6)(a) of the Utah Outdoor Advertising Act was discussed. The attorney for Reagan informed the City that this Section is applicable because although the Legacy Parkway is not an interstate, it is either a federal aid primary highway or a national highway systems highway. Subsequently, a UDOT representative has informed City staff that the Legacy Highway is not an interstate, a federal aid primary highway, or a national highway systems highway. The City requested written confirmation of this from UDOT and received a letter from Jerrold S. Jensen of the State Attorney Generals office dated September 13, 2006, which stated in part, "Will UDOT still permit Reagan to relocate the sign to a new location? The answer is "yes."

Some members of the Planning Commission questioned whether or not the BP zone is a commercial zoned area. The Utah Outdoor Advertising Act defines a "commercial or an industrial zone" as that area within the boundaries of cities or towns that are used or reserved for business, commerce or trade, or zoned as a highway service zone, under enabling state legislation or comprehensive local zoning ordinances or regulations" (Section 72-7-502(2)(a)). It appears to staff that the BP zone is a commercial zone as defined by the Act.

The Commission again reviewed this item on September 14, 2006. Reagan had new information to present, but the applicant did not show it at the meeting. The Commission determined that the public should have an opportunity to provide comments regarding the new information and they tabled the request a scheduled a public hearing for September 26, 2006, at 6:00 p.m. The request was tabled, with concurrence by Reagan representatives who needed more time to prepare, in order to allow time for the notices to be posted for the public hearing. Upon a request made by City staff at the September 14 meeting, representatives from Reagan said they would meet with staff before the next meeting to review the new information.

Representatives from Reagan agreed to meet with City staff at 4:00 p.m., September 25, 2006. They showed the staff three pictures, one of which illustrates that a UDOT information sign will partially block the view of a billboard 50 feet in height at a given point on the east should of the southbound lanes of I-15. Another picture shows that at a different point on the east should of the southbound lanes of I-15 the same UDOT information sign does not obstruct the view of a billboard 65 feet in height.

Reagan representatives informed City staff that industry standards dictate that a clear vision zone of 500 feet is necessary for billboards. However, it appears that the Reagan pictures were taken approximately 750 to 850 feet away from the proposed sign. Upon further review by City staff, it is determined that the view of a sign 37 feet in height, at the location proposed by Reagan, from the farthest east lane of southbound I-15 is entirely unobstructed from 500 feet

away.

END OF PACKET MATERIAL.

### **Public Hearing**

**Chairman Talbot** opened the meeting to a public hearing and invited the applicant to address the Commission.

**Leslie Van Frank**, a representative for Reagan Outdoor Advertising, reviewed the history of the application. City staff has determined that the proposed property is located in a commercial area. She explained that there were misunderstandings during earlier communications between the City and Reagan due to the fact that UDOT referenced a section of the code that states that billboard signs may be relocated if it is the result of construction on an interstate. According to a UDOT representative, they should have referenced Section 72-7-513(2) which states that billboard signs may be relocated if it is the result of the construction of a state highway. There is a statutory basis for the request.

**Leslie Van Frank** addressed the issue regarding the height of the sign. She referred to Section 72-7-513(5) which states that the height or angle of the sign should be clearly visible to traffic on the main traveled way and may be erected to at least the same height as the previous structure. The statutory language implies it may be higher, if necessary, so that the new sign may be as visible as it was prior to the condemnation of the sign.

She presented a slide presentation which included photos of the following items:

- ***Existing Sign:*** The existing sign is more valuable since it is made up of two small signs, which is more affordable for smaller companies.
- ***Proposed Site with Superimposed Billboard:*** The superimposed photo illustrates that the sign would not be visible due to the trees that exist in the wetlands. According to an arborist at Red Butte Gardens, the trees are Green Ash which will grow to be 35 to 60 feet tall.
- ***Proposed Site with Limited Visibility due to the Highway Directional Signage:*** According to State statute, billboard sign heights may be increased if their visibility is blocked by directional signs.
- ***Other Structures Located in Farmington City that are at least 65' High:*** Cell phone towers, park lights, Arby's sign, structures and signage at Lagoon.

**Leslie Van Frank** said the proposed sign will be 14' x 48' and will be V-shaped which will compensate for their having to relocate the sign 95' further away from the highway than the existing sign. If the sign height is increased to 65', the sign will not be obstructed by the

highway signs and trees. The proposed sign will be lit, but the lights will be directed away from the residents to the east. Reagan Outdoor Advertising is in the business of determining the height a sign needs to be in order to be successful. They have taken careful measurements and have determined that a 37' sign will not be successful.

**Leslie Van Frank** reviewed the "Findings" that were included in the Planning Commission staff report. She made the following arguments:

1. Reagan does not have the right to trim the trees on the property to the north. Even if the property owner were to agree to trim the trees, there is no way to ensure that the trees will remain trimmed in the future.
4. Reagan does not prefer taller signs but knows that there are times it is necessary in order for the sign to be successful.
9. There was a misunderstanding between Reagan representatives and City staff. The industry standard for site distance is not mentioned in the State Code. The 500' standard references something else.
10. Reagan has not studied the feasibility of relocating the sign to the northwest corner of the property.

**David Petersen** showed the Commissioners a photo of the proposed sign at a height of 50 feet, the proposed sign at a height of 65 feet, and the Green Ash trees. These three photos were presented to City staff on September 25, 2006 at 4:00 p.m. He passed out a copy of an aerial map which included the actual location of the sign as shown on the site plan prepared by Reagan in relation to surrounding area. At a meeting between City staff and representatives from Reagan, it was represented to City staff that industry standards dictate that billboards should have a clear vision zone of 500 feet, and this was also set forth in State Code.

The aerial photo showed that the sign will be visible at a distance of 825 for I-15 southbound traffic whether or not it is 37' high or 65' high. A 37' high sign may be more visible since the motorists will not have to look up to see the sign. It will also be less expensive. Mr. Petersen referred to the Green Ash trees that are located near the proposed site. He demonstrated that they will not block the sign even if the trees grow to a height of 60' (note: the trees were planted in the 90's and are only 19 to 20 feet tall).

**Mr. Petersen** indicated that Reagan representatives informed Farmington City staff on September 25, 2006, at 4:00 pm. that the standard site distance for the outdoor advertising industry is 500 feet. He informed the Planning Commission that in the event the applicant changes their mind and decides to report to the City that the industry standard for site distance for such signs is greater than 500 feet, he spoke with a UDOT representative who indicated that it would likely be possible to relocate the highway information sign to the north thus creating a site distance of possibly more than a 1000 feet. City staff recommends granting the special exception, as requested, subject to the two conditions recommended in the staff report.

**Public Hearing Closed**

With no further comments, **Chairman Talbot** closed the public hearing. The Commission members discussed the issues, including the following points:

**Rick Wyss** read the definition for “commercial zone,” as found in Section 72-7-502(2)(a) of the state code which states:

“Commercial or industrial zone” means only: those areas within the boundaries of cities or towns that are used or reserved for business, commerce, or trade, or zoned as a highway service zone, under enabling state legislation or comprehensive local zoning ordinances or regulations.

He said the applicant has referred to the “neighbors to the east of the sign” and he asked what is the subject property zoned and are residential uses allowed in this zone. **Mr. Petersen** said the subject property is zoned BP (Business Park) and residential uses are allowed as a conditional use in the BP zone. **Mr. Wyss** questioned whether the proposed location is within a commercial zone as defined by state code because such zones are “only” those areas used or reserved for business, commerce, or trade and not for residential uses.

**Todd Godfrey** said he would like to further consider the argument since it has not been brought up in the past.

**Kevin Poff** asked if Reagan preferred the proposed location or at a location closer to the northwest corner of the site.

**Leslie Van Frank** said they preferred the existing location.

**Kevin Poff** asked if Reagan has explored the possibility of relocating the sign next to the Legacy Highway.

**Leslie Van Frank** said Reagan has spent a great amount of time finding an appropriate sign location in Farmington. She said the current application needs to be considered since UDOT requires that the sign be relocated in November.

Several Commissioners discussed the fact that they notice the Yesco billboard and the Stephen’s sign (which are only 26' and 24' in height) north of the I-transact building but they do not notice the existing Reagan sign. It was suggested that Reagan remove the Russian Olive trees that are located in the wetlands, which is also encouraged by the Army Corp of Engineers.

**Leslie Van Frank** said according to the State regulations that interpret the code, the

proposed location clearly has a commercial use in the BP zone.

**Cory Ritz** said it should not be the responsibility of Farmington City to compensate Reagan for having to relocate their sign. It should be the responsibility of UDOT or the State since they are responsible for condemning the sign.

**John Bilton** suggested that the City Attorney and City staff further study the issue brought up by **Commissioner Wyss** to determine whether the proposed site is located in a commercial area.

**Chairman Talbot** said he does not think it is appropriate to compare billboards to park lighting or cell phone towers. In his opinion, the photo of the sign being blocked by the highway sign is misleading since the car was stopped. When traveling on the freeway, the visibility would only be limited for less than a second. He said it could possibly affect the fair trade market to allow the sign to be significantly taller than any other sign in the area. He said he supports City staff's recommendation to approve the special exception of a 37' high sign.

The Reagan representative said even if the sign is only blocked by the highway sign for a second, it will make a difference as to whether the sign is successful.

**John Bilton** said in his opinion, the City is accommodating Reagan's relocation by allowing the sign to be larger with a new configuration and additional lighting in exchange for the new sign being located 95' further away from the highway.

### **Motion**

**Cory Ritz** moved that the Planning Commission grant the special exception as requested subject to the following conditions:

1. The height of the proposed billboard shall not exceed the height of the existing billboard relative to the elevation, above sea level, of the travel lanes of I-15, which may be approximately 37 feet in height. This shall be verified by the applicant to the satisfaction of City staff.
2. The lights for the billboard must be directed solely on the sign face of the billboard itself and shall be in no way illuminate or reflect anywhere else but the sign face of the billboard.

**Andrew Hiller** seconded the motion.

**Rick Wyss** questioned why the Commission would allow the new sign to have more lighting than existed on the condemned sign.

**David Petersen** said the applicant indicated that additional lights are necessary since the sign will be located 90' further away from the highway than the existing sign. He said the existing sign was unlit for ten to twelve years.

**Motion**

**Rick Wyss** moved that the Planning Commission grant the special exception as requested subject to the following conditions:

1. The height of the proposed billboard shall not exceed the height of the existing billboard relative to the elevation, above sea level, of the travel lanes of I-15, which may be approximately 37 feet in height. This shall be verified by the applicant to the satisfaction of City staff.
2. *The proposed billboard shall have the same number of lights as the existing billboard. The lighting for the billboard must be directed solely on the sign face of the billboard itself and shall be in no way illuminate for reflect anywhere else but the sign face of the billboard.*

The motion died for lack of a second.

**The original motion passed by a 4 to 1 vote.**

**Findings**

1. Reagan acknowledged to the City that the reason they requested a taller sign was the need to clear the trees that exist on site. However, the property owner's preference is to have a shorter sign and he is willing to remove the existing trees to make sure the sign is visible.
2. Reagan entered into a lease agreement with the property owner who authorizes Reagan to cut down whatever trees, bushes, brush as it deems necessary to ensure an unobstructed view of its advertising display.
3. It appears that no trees on UDOT property obstruct the site, but in the event this occurs, a landscape control program is set forth in Section 72-7-514 of the Utah Outdoor Advertising Act.
4. Reagan represented to the City staff that it is not in the best interest of their company to go higher with a sign because taller signs are more expensive and

their clients don't like signs that are high.

5. John Leonard of UDOT said signs that are closer to the ground are more visible because passers-by do not have to "crook their necks" to see the sign.
6. A taller sign will be visible from residential neighborhoods east of the site - especially at night as Reagan desires to light the relocated sign.
7. The height of the sign, versus a sign 65 feet in height, will be more consisting with two existing non-conforming billboards north of the site, which are respectively 26 feet (parcel 08-087-0103) and 28 feet (parcel 08-087-0081) in height.
8. No lights presently exist on the existing back-to-back sign and the proposed sign is larger than the existing sign (672 square feet versus 588 square feet). The proposed lights, the increase in size, and the V-type configuration of the proposed sign will compensate for relocating the sign from its present location approximately 115 feet from the I-15 right-of-way to the proposed location which is approximately 205 feet from said right-of-way.
9. Reagan represented to City staff that industry standards dictate that billboards should have a clear vision zone of 500 feet. A sign at the proposed location equal in height to the existing sign on the west side of I-15 will meet this standard.
10. It appears that no wetlands exist in the northwest corner of the property. If so, the sign may be moved to this area if desired by the applicant.

**CENTER-CAL - APPLICANT IS REQUESTING A RECOMMENDATION TO AMEND VARIOUS SECTIONS OF CHAPTER 18 OF THE ZONING ORDINANCE REGARDING TRANSPORTATION ORIENTED DEVELOPMENT (ZT-13-06) (Agenda Item #2)**

**Public Hearing**

**Chairman Talbot** opened the meeting to a public hearing and invited the applicant to address the Commission.

**Elizabeth Angyal** said Center-Cal concurs with the amendments to Chapter 18 of the Zoning Ordinance.

**Public Hearing Closed**

With no forthcoming comments, **Chairman Talbot** closed the public hearing.

**Motion**

**Kevin Poff** moved that the Planning Commission recommend to amend various sections of Chapter 18 of the Zoning Ordinance regarding Transportation Oriented Development. **Rick Wyss** seconded the motion, which passed by unanimous vote.

**ADJOURNMENT**

**Andrew Hiller** moved that the Planning Commission adjourn at 7:00 P.M.

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*Jim Talbot, Chairman  
Farmington City Planning Commission*