



VINEYARD PLANNING COMMISSION MEETING
Site Visit: ~ 734 E Mill Road, Vineyard Utah @5:30 PM
Public Hearing and Regular Meeting: Vineyard Town Hall,
240 East Gammon Road, 6 PM
Wednesday, April 18, 2018

Present	Absent
Madam Chair Cristy Welsh	Commissioner Tim Blackburn
Commissioner Bryce Brady	Commissioner Jeff Knighton
Commissioner Stan Jene	Commissioner Nate Carter
Commissioner Shan Sullivan	
Commissioner Anthony Jenkins	

Staff Present: Asst. Engineer Chris Wilson, Engineer Don Overson
Others Present: Eric Malmberg Starbucks, Michael Lee Planning Intern

1. CALL TO ORDER

Madam Chair Welsh called the meeting to order at 6:01 PM

2. INVOCATION/INSPIRATIONAL THOUGHTS/PLEDGE OF ALLEGIANCE

Pledge of Allegiance given by Madam Chair Welsh

3. OPEN SESSION

Madam Chair Welsh opened the open session at 6:01PM and asked for public comment on items not on the agenda. No comment was given and the session closed at 6:01PM

4. MINUTES REVIEW AND APPROVAL

There are no minutes for review.

5. BUSINESS ITEMS:

5.1 Site Visit, Public Hearing, and Consideration – Starbucks Conditional Use Permit and Site Plan Application.

Ms. Hart went over the conditional use and site plan application for Starbucks. She stated that the reason for this conditional use permit is because Starbucks wants to put the drive thru in the front of the building. Ms. Hart went over the requirements for the width of the drive aisle, screening of the drive aisle, berms, and the cross walk they are proposing. She stated that they meet all of the site plan requirements. She paused for questions and seeing none went on to talk about the site plan.

Ms. Hart, stated that they do meet all of the site plan requirements for drive through. She spoke about the stacking space, the traffic directions arrows, and the material board.



Mr. Malmberg asked if the commission had been provided with a letter from the architect stating why they were planning on not using multiple materials. Ms. Hart answered yes and that all other requirements had been met.

Commissioner Jenkins asked about parking lot lighting.

Discussion ensued about lighting. Commissioner Jenkins and Madam Chair Welsh asked to see where the lighting would land and Mr. Malmberg said he could have the architect provide the city with a lighting plan. Commissioner Jenkins stated that he is fine with staff approval but would like to make it a requirement.

The discussion changed to the tree manual and tree standards. Mr. Brim stated that the tree manual is a standard for a public right of way because it's a code requirement. Discussions then ensued about different types of trees on the lot. Mr. Brim explained to the commissioners that if the applicant wanted to put in a tree that wasn't in the tree manual then it could be a condition that it be approved by staff. Discussion ensued about the different trees the applicant wanted to plant.

Ms. Hart stated twenty-three percent (23%) of the site is dedicated to landscaped space and that include the outdoor seating area in front of the building.

Madam Chair Welsh asked if Mr. Brim and Ms. Hart felt like popping the side out a few inches was a sufficient trade-off for a conditional use permit.

Mr. Brim, the applicant brought in a good design that got rid of the large expanses which is one of the variable options. Because of this staff feels they meet the general requirement.

Commissioner Jenkins stated the narrative states that the areas that are recessed of the stucco are going to be finished with the smooth texture and the non-recessed area will be finished with the smooth texture so that'll vary the planes as well as provide contrast.

Madam Chair Welsh added that at a development review committee (DRC) meeting they discussed having planters attached to the wall.

Mr. Malmberg, stated that they brought it up with the owner and the architect and felt it provided a really clean look. He added that as far as adding plants was concerned they may not be able to do that because of ADA compliance issues. The owner is hesitant to add plants outside because he wants the building to have more of a clean modern look.

Ms. Hart continued and stated that the parking requirements had been met and asked if the commissioners had any more questions.

Madam Chair Welsh, seeing that there was no further questions asked for a motion.

MOTION: COMMISSIONER JENE MOTIONED TO OPEN THE PUBLIC HEARING. THERE WAS NO PUBLIC COMMENT MADE. COMMISSIONER BRADY MOTIONED TO CLOSE 6:22. ALL WERE IN FAVOR.

Commissioner Jene, asked if there were any access agreements on the road they came in on at the site visit by the Alloy apartments.

Mr. Malmberg, I'd have to look and see if there is a shared access agreement.

Discussion ensued regarding access points for America First, Starbucks, and Maverick.



Mr. Overson, wanted to make sure that with the parking issues they remember that there is a fence around the lot for a purpose and if that is opened up it will give them a connection so they'll be able to park in that area again. He added he is sure that the credit union is going to want that closed and have the fence up.

Mr. Brim, stated that if the commissioners wanted it to be connected now they should require a conditional use permit.

Commissioner Brady, stated that he was fine with having the land owner's work it out with one another and it doesn't need to be a required condition.

Commissioner Brady asked what the timeline was like on the credit union development. Mr. Malmberg responded that they would like to start construction within the year and that they hope to have it done by the end of the year. He added that Starbucks wants to be open by mid-December.

Commissioner Jene asked if having a second access onto the site is a concern or if it would just be nice to have.

Mr. Brim, as far as safety is concerned the Fire Marshal looked at it and it met fire code, from a public safety standpoint it would be good. It would be convenient because Maverick is so busy and having a second access could reduce stacking. He added that it's in the purview of the Planning Commission that through conditional use permit applicants would be required to add an access point. He added that if they chose to do this now then Mr. Malmberg would be able to talk to America First about it.

Commissioner Jene, expressed concern that with that access it may hurt the construction of the credit union as they are going to need room to move machinery and everything else.

Discussion ensued regarding whether or not there should be an additional access point. Mr. Brim concluded that the commissioners should base whether or not they have an additional access point be a condition on whether or not it's a public safety issue.

Madam Chair Welsh asked Mr. Overson if he saw any safety issues that would require a second access.

Mr. Overson, stated that the parking stalls with the single access shouldn't be an issue seeing as the majority of Starbucks cliental are going through drive-thru. His concern was having Starbucks and Maverick agree on a parking change so that there would be full access.

Mr. Brim, Maverick is going to come forward with an expansion plan and try to solve parking issues on their own.

Mr. Overson, commented that he and the Assistant City Engineer Chris Wilson looked over the plan and each of the adjacent properties owned the road and The Alloy has a cross access agreement, meaning the Credit Union and the Utah Valley Home Builders Association property lines go into the middle of the road.

Mr. Wilson, commented that The Alloy built it for access

Madam Chair Welsh asked if the property owners plowed that in the winter. Mr. Wilson responded that The Alloy will probably do that at this point.



Mr. Overson, stated that the second access was required because of the number of units in there which was when Anderson sold this property to Alloy. An access agreement was done so that Alloy could have its second access point. The two property owners actually own the road and they'll be required to maintain it.

Ms. Hart asked if the commission had any other questions. There was none.

Madam Chair Welsh asked for a motion.

MOTION: COMMISSIONER JENKINS MADE A MOTION TO APPROVE PLAN WITH THE CONDITIONS LISTED BY STAFF AND THAT THE APPLICANT PROVIDE A SITE LIGHTING PLAN TO BE APPROVED BY STAFF. COMMISSIONER SULLIVAN SECONDED THE MOTION. ALL WERE IN FAVOR AND THE MOTION PASSED UNANIMOUSLY.

6. WORK SESSION:

6.1 Home Occupation Ordinance

Mr. Brim introduced Michael Lee the intern for the Planning Department. He stated that Mr. Lee has been working on taking the home occupation ordinance from general to specific.

Mr. Lee went through his process for putting together a new home occupation ordinance. He stated that he looked at neighboring cities. He went through the four different kinds of home occupation uses which are home occupation without impact, home occupation with impact, with day care home occupation, and preschool home occupation. He then went into detail about the individual types.

Mr. Brim, commented that the commission was free to jump in with any questions.

Madam Chair Welsh asked what Mr. Lee meant when he said they have to operate twice a week. She wanted to know if they couldn't operate just one day a week.

Mr. Brim, stated that if they are under one day a week they aren't required to have a license. Mr. Lee is discussed about once you hit a certain level of impact what category you fall in.

Commissioner Jenkins asked if a business license is completely separate from this.

Mr. Brim answered yes because that the business license is your home occupation and your home occupation is your business. He added it kind of like having an ADU in that it's a permitted use it's called a regulatory business license.

Commissioner Jene commented that if it's a day care then having it open at 8 AM won't work for people because they have to get to work by 8 AM.

Mr. Brim asked what the commission felt would be reasonable.

Discussion ensued regarding what time the time that the day care should open. The commission came to the conclusion that seven would work best and that is what should be recommended to council.



Madam Chair Welsh commented that it made sense to do that for the day care but not for a preschool

Mr. Lee read the Vineyards preschool code “complying with all license no more than four hours per session and the session shall not overlap. An individual may only attend one preschool session in a 24 hour period.” Mr. Lee added that this is specifically relating to the code maximum of two sessions per day between 8 AM and 8 PM

Mr. Jenkins asked how enforcement would work

Mr. Brim stated that it’s mostly based on complaints. A neighbor would have to gather evidence and be willing to be a witness in court. He added that staff is only able to give a fine if you can actually identify that there’s a code violation.

Mr. Jenkins commented that he hopes that day cares and preschools would come to the public hearing and want to be part of it.

Mr. Brim commented that there are three legal preschools that he knows of and potentially many unofficial day cares.

Mr. Lee commented that there are certain uses that are prohibited like medical practitioners or accessory structures being used as occupations.

Mr. Brim explained that this would be like using a shed as a shop. He added that residents can have personal workshops and things just not use them for business.

Commissioner Brady asked if someone were to have an accessory structure where they were making things and selling them online if that would be allowed.

Discussion ensued regarding accessory structures and permitted uses. Mr. Brim discussed that the intent of the code was to keep home occupations contained within the home and that citizens are permitted to have accessory structures as long as they’re not for commercial use. He added that the code was usually enforced when neighbors reported code violations.

Mr. Lee stated that the required conditions say that the occupation can’t take away from the primary use of the home, that they are not allowed to change the exterior of the home to fit the home occupation, and that all storage has to be contained within the home. He added that all of these criteria needed to be met prior to issuance of a home occupation license.

Madam Chair Welsh asked what if the owner was getting frequent large deliveries.

Commissioner Jenkins commented that he felt that was addressed with the storage that says everything must be stored inside the home. The test was if you could walk by and tell that it is not just a regular residence.

Mr. Brim explained that deliveries couldn’t really be regulated because they would have to get UPS to agree to comply with that standard and that’s why cities don’t have code on it.



Madam Chair Welsh asked if this kind of thing was only enforced when a neighbor complained.

Mr. Brim stated that most people will follow the code if they know about it because they don't want to be in violation of the law. He added that when someone submits for a home occupation license they're going to have a list of requirements that we'll go through with them.

Commissioner Jene commented that most people weren't going to come to the city and figure out what the rules are.

Mr. Brim stated that the code doesn't require all home occupations to come and get a license. We can look at the actual standards

Discussion ensued regarding what the requirements were that someone would have to meet to be considered a home occupation and require a license. Commissioner Brady has a home occupation license and assured commissioners that people who have a home occupation will get a license in order to file their taxes because the federal government requires a business license number from the city. Mr. Brim concluded that the purpose of a home occupation was to incubate it so that it could grow.

Mr. Lee stated that the required parking for home occupation is a minimum of four on-site parking spaces. He explained that nuisances such as machinery or any process that would cause noise, odor, or any other impacts to neighbors are allowed. He stated that a showroom is not allowed within the home. The off-site employees of the home occupation may not come to the house or home occupation for business purposes. Multiple business licenses are allowed as long as all requirements are met.

Mr. Brim added that if for example you sell purses and you have a website design business you need to have two licenses.

Madam Chair Welsh talked about her neighbor having three home businesses and asked how she would fit in.

Mr. Brim answered that she could have only one employee coming to her house for all three of those things and couldn't violate any of the set regulations.

Mr. Lee stated that a maximum of 25% of the total floor area is allowed to be used for the home occupation. He continued that along with the required conditions for the application they would need to have a site plan and floor plan list, a list of materials and equipment used, the hours of operation, the trips and deliveries and any other government approvals, a building permit when needed and lastly a sign if requested by the applicant.

Mr. Brim, noted that they have the comment about changing the time for day cares and asked the commissioners if there was anything else they wanted in the code.

Commissioner Sullivan asked if this had to be renewed or it was something that had to apply for annually.



Mr. Brim, stated that the day care permit is a regulatory process but you have to renew your business license every year.

Commissioner Jene commented that when short-term rentals were being discussed the comment was made that it would bring revenue into the city. He then asked what revenue comes to the city from all of these homebased businesses other than the business license fee.

Mr. Brim explained that if you're making something and selling something then there is a sales tax. You get a sales tax number and you have to report what you sell. If you work for a company and you're a consultant you pay state taxes.

Madam Chair Welsh asked if she were to be making pillows and selling them out of her house would she technically supposed to be paying the city.

Mr. Brim answered yes you record the sales tax and a portion of that goes to the city

Discussion ensued regarding city revenue from home-based businesses. Commissioners concluded that home-based businesses while they don't make a city wealthy they allow people to have a launching pad for their business and allowing them is an incentive to keep people in Vineyard.

Ms. Hart commented that George Reid the Vineyard Building Official wanted to add that this ordinance does not exempt them from any building code requirements so we want to make sure that they are meeting building code when they are applying for a home occupation.

Commissioner Jenkins asked if they have to meet ADA requirements

Mr. Brim commented that they had a home occupation that was a salon and Mr. Reid required her to put in an accessibility ramp.

Commissioner Jenkins commented that if there were a day care in someone's basement and they didn't pull a building permit that would need to be checked out before they could get a home occupation license.

Madam Chair Welsh asked if a preschool or daycare would have to have wheelchair access.

Ms. Hart answered that there were no planning requirements for it but there may be building ones.

Mr. Brim commented that that was maybe something that they put on the forms so that there's a department check.

Chris Wilson commented that they could make it simply by just saying the applicant must comply with all federal and state codes.

Mr. Brim added that for the actual check they could just ensure that that's something the building department will check for.



Madam Chair Welsh asked what the next steps would be in moving forward.

Mr. Brim there will be a public hearing and this will come back so it would be good to post about it on the city Facebook page

Madam Chair Welsh suggested they reach out to anyone who has a business license and email them so that they're aware of the public hearing

Mr. Brim commented that if this gets a lot of attention on Facebook they may do a stakeholder meeting.

Madam Chair Welsh added that she wanted to make sure that they were being transparent about this change.

Commissioner Jene commented that they were going to learn a lot from people who have home businesses.

6.2 Signage Ordinance

Ms. Hart gave a background of why they were updating the sign ordinance. She explained that there was a Supreme Court case regarding the type and placement of signs between the Good News Community Church and the town of Gilbert Arizona. The case was that the church was putting up signs without a permit and they were cited twice by the city for exceeding the time limits of a temporary directional sign and failing to include the date and time of the event on the sign. The Church said that the city was infringing on freedom of speech. The Supreme Court held that the signs code distinction was content based and didn't satisfy strict scrutiny.

Content Based Sign Regulations – the Supreme Court says that if you are going to make regulations based on the content of the sign it needs to meet strict scrutiny. This means that it meets two standards which are serving a compelling governmental interest as well as is narrowly tailored to meet the interest. Ms. Hart explains that narrowly tailored means that it is a law written to specifically fulfill its intended goal. The intent being to reduce clutter.

Madam Chair Welsh asked about the Keep My Voice political signs that are strictly for the Republican Party talking about caucuses.

Ms. Hart, answered that they are not allowed in a public right of way. She continued that the code does call out political and ideological signs specifically which is why the sign code is being amended.

Mr. Brim added that if we say religious signs can't be in the right-of-way it has to be based on the sign itself and not the content of the sign.

Ms. Hart continued to explain content regulated signs. She said that strict scrutiny must be met if a sign is a non-commercial sign because of the town of Gilbert ruling. The government must prove that the regulation is designed to preserve a compelling government interest. She added that signs that pass strict scrutiny are things like warning signs on private property, signs that



direct traffic, and house number signs. Vineyard's sign code is going to be based off of content neutral signs so the regulations will be about size, materials, portability, location, and lighting.

Ms. Hart explained that she also put in that governments can forbid posting signs on public property as long as it does so in an even handed and neutral manner. Commercial speech is subject to intermediate scrutiny which means the law must advance a substantial government interest and be no more extensive than necessary.

Aesthetic concerns- the court pointed out that aesthetic concern could potentially justify uniform regulations but singling out particular commercial messages for more restrictive regulation would be considered content based regulation. Ms. Hart continued that what she is proposing for the sign code is that Vineyard's purpose and intent will go through four general things namely; provide each sign user an opportunity to provide effective identification by providing the time, place and manner for each sign, encourage well designed signs that contribute in a positive way to the cities visual environment, help maintain an image of quality for the city to support the roles and policy of our general plan, and to establish a process of review and approval of sign permit applications.

Sign Locations- For the sign locations Ms. Hart is proposing that permanent signs are not allowed within the public right-of-way or within the easement. Permanent signs must a minimum of five (5) feet from the property line. She added that for site triangles at intersections or on corners signs can't be placed within that triangle of thirty feet going one way. Temporary signs are also not allowed in any public right-of-way.

Commissioner Brady asked if this was regardless of the size of the sign.

Mr. Brim yes that's policy.

Sign Illumination – Ms. Hart, external light sources shall be directed onto the sign shielded to limit illumination of any direct object. Signs shall not have exposed florescent tubes or incandescent bulbs. She added that this would include something like a neon open signs and if the commissioners wanted to look into that it was an option.

Madam Chair Welsh, asked if what Ms. Hart was saying was that we couldn't have open signs to which Ms. Hart responded that they could have an open sign just not with florescent tubing.

Commissioner Jenkins asked if that would include if it was behind a window or not. Ms. Hart stated yes it would include signs behind a window.

Madam Chair Welsh asked if there would be an alternative to that kind of sign.

Ms. Hart answered that the signs could be restricted to brightness and how big the fluorescent lights could be.

Commissioner Brady suggested that they could make those restrictions applicable only to open signs.

Madam Chair Welsh asked what the reasoning was behind not allowing open signs

Ms. Hart answered that most of the sign codes that she researched don't allow them and that it's pretty common to restrict them.

Mr. Brim explained that those kinds of signs are so bright that people feel that they conflict with traffic lights. For some people it's hard to distinguish between them and traffic lights.

Commissioner Brady commented that there are open signs that are florescent bulbs.



Mr. Brim commented that the idea is to prevent people from creating a lot of really bright distracting light. If the commission wanted they could restrict the square footage for those types of signs.

Madam Chair Welsh commented that she likes not allowing those when thinking about how she wants the future downtown area to look.

Mr. Brim asked Ms. Hart how far away from the window signs can be without being considered in the maximum sign area. Ms. Hart stated it was three (3) feet. Mr. Brim then suggested that they could have it so that applicants put it on the back wall so that people could still see a sign.

Commissioner Brady commented that that could be a possibility as long as they let businesses know specifically.

Internally Illuminated signs- Ms. Hart explained that internally illuminated signs shall have opaque face panels so that only the letters, logos, numbers, and symbols appear illuminated. Awning with backlight text and graphic logos would not be allowed.

Discussions ensued regarding what would be considered internally illuminated and what wouldn't.

Sign Measurement- Ms. Hart stated that for sign height measurement the signs would be measured from the finished street. She mentioned that she talked to Mr. Overson (City Engineer) about it earlier and that would be changed to the top of back of curb. For projecting signs it's a maximum of 8ft above the finished sidewalk and can't project further than 3 ft. from the building. She added that the town center has its own sign code which is where she got this code.

Madam Chair Welsh, asked if they are going to be rehashing the town center code

Mr. Brim, answered that the plan is eventually to move the town center sign code into the city sign code. He added that this was so all of the special regulations would be in one spot.

Prohibited Signs- Ms. Hart stated signs with intermittent or flashing lights, animated or moving signs, video television computer displays.

Madam Chair Welsh asked if that is something that we would want to limit because doing so that would be limiting certain businesses

Ms. Hart explained that there is a difference between and electronic display that a static message and displaying video.

Madam Chair Welsh asked if this meant that signs couldn't show things like Youtube videos. Ms. Hart stated yes.

Commissioner Jenkins asked if vertical banners/flags would be allowed under this code

Ms. Hart, answered that there was a limit of three per property. She also added that inflatable signs wouldn't be allowed either.

Mr. Brim directed the conversation back to electronic displays. He asked if the commissioners wanted the ability to in some instances put up large electronic displays.



Madam Chair Welsh commented that those aren't something she really wants but she is hesitant to limit them.

Commissioner Brady commented that those signs are something most malls are moving towards.

Mr. Brim commented that the design for the promenade they took the pedestrian overpass and put a screen in the middle of it.

Ms. Hart commented that that was something they could do it would just have to be a static display that can't change more than once every eight seconds and no animation or special effects are permitted.

Mr. Brim added that it is safer to have it more restrictive rather than less.

Commissioner Jenkins asked what the process would be for someone to get a sign like that.

Mr. Brim responded that they could look at it in a special text amendment.

Madam Chair Welsh commented that she felt they should look at it how they looked at the drive thru ordinance by doing something like a conditional use permit.

Ms. Hart, agreed that they could write it like a conditional use permit. She continued that one of the things that she will talk about later in the presentation is freestanding pole signs and multitenant signs. She added that if an applicant wants their max to be higher than ten feet or a design that is not allowed, they could potentially come to the Planning Commission.

Madam Chair Welsh asked how that would affect the Megaplex.

Ms. Hart responded that they would have to be grandfathered in unless they changed their sign, in that case they would have to meet the new sign code.

Madam Chair Welsh commented that moving forward she didn't want the sign code to be too restrictive. She added she wanted the town to look classy but to allow businesses to be able to come in and create the signs they want.

Ms. Hart suggest they look into doing some type of permit for allowing a sign that doesn't meet the code.

Mr. Brim added that it would essentially be a conditional use permit. It allows them to come to the city and have their plans approved by the commission.

Commissioner Jene commented that he liked that idea because then the city doesn't just say no they say come in and work with us.

Mr. Brim stated that they could limit it to certain types of signs. For example for shared monument signs or electronic signs they would have to come in and talk with the city.

Madam Chair Welsh commented that she felt that is the avenue they should pursue.

Ms. Hart commented that another thing that they would be prohibiting is portable or A-Frame signs.

Commissioner Sulliva, asked if that would go for the town center as well.

Ms. Hart answered that the town center might be different.



Mr. Brim commented that he's worked in areas where those kinds of signs have been allowed downtown and that's something that the city really would have to keep on top of because people will put them right in walkways.

Ms. Hart added that another thing they could limit would be location and how many signs they would be allowed to have.

Commissioner Brady commented that since we're not regulating content there could potentially be a sandwich board outside that says vote for me.

Mr. Brim explained that there's a public sidewalk and then a private internal sidewalk that developments have so if we allow signs on the public sidewalk then the city would have to regulate it.

Ms. Hart explained that right now we wouldn't be allowed to do that unless there were changes made to say it would be allowed within certain limitations.

Mr. Brim a lot of downtowns will have buildings and in front of the building part of it is privately owned and part is publicly owned and they will place their signs on their private property.

Mr. Overson commented that on Main Street they're going to have a five-foot sidewalk and they are expecting that when the buildings come in they were going to add five feet or so that the businesses could use to set up tables and things in front.

Mr. Brim commented that it could be a pedestrian sphere.

Discussion ensued regarding whether or not they wanted to allow A-Frames. Safety and aesthetic concerns were discussed and the commissioners concluded that they didn't want to allow A-frame signs.

Ms. Hart, commented that they also won't be allowing bench or roof signs.

Freestanding Signs- Ms. Hart stated that permanent freestanding signs can only be of monument style and shall compliment the site architecture. Landscaping needs to be provided at the base. Within residential districts the maximum size of a freestanding sign is 25sq ft and 5ft in height. They can have one sign per pedestrian or vehicle entrance. For commercial districts a single tenant can be a max of 40 sq ft and 6ft maximum height. There may be one sign for single unit users and two signs for properties with frontage on two arterial streets. For multitenant one per street frontage and then properties with 800 sq ft or more shall be permitted signs for every sq ft.

Commissioner Jenkins asked if the signs that Woodside and Flagship have would be included in that.

Ms. Hart explained that those are temporary signs and through the definition permanent freestanding signs need to be monument style. There are restrictions for temporary signs and with our code it's a little more restrictive.

Discussion ensued regarding regulating temporary signs.

Wall Signs- Ms. Hart stated they shall consist of individual lettering only and may be internally or externally illuminated. What we allow is one square foot for every linear square foot of street frontage and not exceed 60 square feet. Minimum of 8 feet above the finished grade shall not extend above the lowest portion of the roof and shall be located within the middle 80% of the



building frontage and one per street frontage with a maximum of two. It shall not project more than 15 inches from the wall.

Discussion ensued regarding what would be considered frontage for a development with multiple businesses.

Mr. Overson asked if they would be allowed to have a sign on the building and a monument sign out front to which Ms. Hart responded yes.

Commissioner Brady asked if they were on a corner if they could have a sign on both sides of the building.

Mr. Brim answered yes and said that what they are going to run into is issues like the Milltown where you have internal streets that are fronting on private roads. He added that it might get confusing with street frontage because their road is still a street just a private one.

Madam Chair Welsh asked if they can do it on a private street.

Mr. Brim answered yes it's just arterial and if you're talking a development that's really large.

Awning Signs – Ms. Hart stated letters shall be located within the middle 70% of the valence area. They can be lit from under the awning backlit so it appears internally. The maximum size is 50% of the awning. There's an 8ft minimum clearance to the finished grade for the awning. Only the street fronting face of the awning can show the logo.

Mr. Brim, asked if she was counting the slope as the face or as something else.

Ms. Hart answered that currently how this is being proposed is you can't have anything but the logo on the valence but we're going to change that so that it can be done but otherwise you couldn't.

Madam Chair Welsh asked if this mean that they couldn't have phone numbers and other things like that on their signs.

Commissioner Brady suggested they make maximum sizes for awnings.

Mr. Brim, commented that they would be able to see the awning plan in the submitted site plan and it would be subject to building design code. He then asked if the signage would count towards the wall sign. He asked if they were to have an awning side could they then also have a wall sign. Ms. Hart stated yes.

Mr. Brim commented that an awning sign should be a subcategory of wall signs and included in the total maximum sign area for wall signs.

Commissioner Jenkins asked if a painted wall counted as a sign.

Ms. Hart yes if it contains a commercial message related to the business. She gave the example that if a pizza restaurant painted a pizza on their wall then it would be considered a wall sign but if it was of a unicorn then it would be considered a mural or art.

Projecting Signs- Ms. Hart stated that she took this section from the town center code. There's no maximum area for the sign, maximum height of eight feet in length, minimum of eight feet in clearance to finished grade, the top of the sign shall not be located below the windows on the second floor building. There shall be one per store front entrance and shall not project further than three feet.



Window signs – Ms. Hart stated that window signs shall not occupy more than 25% of the total area of a single window surface this rule applies to temporary signs as well. Any sign located inside of a building within three feet of an exterior window shall be counted as a window sign. All video displays visible from an exterior window are prohibited.

Commissioner Brady asked how the 25% was calculated.

Ms. Hart answered that it's per window panel.

Mr. Brim added that that is for aesthetic and safety reasons.

Changeable Copy Signs – Ms. Hart stated changeable copy signs shall have static displays that shall not change more than once every eight seconds. Animation or special effects such as traveling, scrolling, fading, dissolving, and bursting shall not be permitted. Ms. Hart explained that changeable copy signs also include the signs with the plastic letters that you can take off a board.

Drive Thru Menu Signs- Ms. Hart stated that only one preview menu board and one ordering menu board is allowed per drive thru business. Such signs may be freestanding or wall mounted. She added that all permanent freestanding signs are only monument style.

Commissioner Brady asked if that wouldn't allow dual drive thru lanes.

Discussion ensued regarding dual drive thru lanes. Mr. Brim concluded that this was something that the city will review and look into making a small amendment.

Flags and Flagpoles – Ms. Hart stated that flags and flagpoles shall not be located within any right-of-way. For open space, agriculture, and residential districts the maximum square foot for the flag would be 24 square feet. The maximum height would be 35 ft and the maximum number per lot would be two for all other districts. She added that this is flagpoles per lot and not just flags.

Mr. Brim asked if they could limit flags to just patriotic flags.

Madam Chair Welsh asked if that would be limiting content.

Ms. Hart, answered that the Supreme Court allows cities to distinguish between commercial and non-commercial flags.

Mr. Brim, commented that the city could have a good definition for commercial and non-commercial. He added that right now our code allows for people to have a flag pole.

Discussion regarding temporary signs in apartment complexes ensued. Morgan concluded that they would look in to regulations for blade signs.

Temporary Signs- Ms. Hart stated temporary signs are only allowed on private property. They can't be attached to permanent signs or temporary structures. They can be placed only in locations where permanent signs are allowed. They shall not be illuminated or constructed of durable rigid material. They must be suitable to location and purpose. They have to put the date the sign was erected on the sign and they have to remove it at the date of expiration. For all districts they may be displayed on private property for a maximum of 45 days in a calendar year and a maximum of 14 consecutive days at one time. They may be up for no more than four times in a calendar year.

Madam Chair Welsh asked if this would include Flagship signs.



Ms. Hart answered that it would fall under that and it is a very restrictive code. She added that she was open to looking into other things.

Mr. Brim commented that if they force them to do that than their competitive edge is gone.

Commissioner Jene, asked if political signs would fall under this

Ms. Hart answered that there is code regarding political signs and they can't be up more than 60 days before the election.

Madam Chair Welsh, asked if that would include the Keep My Voice signs.

Mr. Brim suggested that they get this code adopted and put it on a work session agenda with the city council because the council should be briefed before we start hard core regulating the sign code.

Mr. Overson commented that public works has gotten in trouble before for moving political signs in order to mow the lawn and he wants to make sure that this is addressed before the next election.

Commissioner Jene, commented that he had mixed feelings about this because he wants people to get out and vote and only allowing signs to be displayed for 14 consecutive days is restrictive.

Mr. Brim, explained that state code is different for political signs. They can be up for the duration of the campaign.

Mr. Jene agreed that this was a reasonable restriction.

Mr. Overson, commented that they needed to be careful where they allowed signs because it is a big issue for maintenance.

Ms. Hart answered that they are not allowed in public right of way only on private property to which Madam Chair Welsh pointed out that there are political signs in the median.

Mr. Brim commented that staff could research all of these topics and have a public hearing or they could have another work session.

Ms. Hart and Madam Chair Welsh stated that they could like to do another work session

Commissioner Brad, commented that most people want to be compliant and if they are aware that a code is in place they will try and stick to it but some people will put it in the median any way.

Mr. Brim responded that if you have a code in place that can be regulated.

Madam Chair Welsh, commented that since we are working on sign code it might be good to let every developer know that we'll be cracking down.

The work session closed with an agreement that another session on sign code would take place.

7. COMMISSION MEMBERS' REPORTS AND EX PARTE DISCUSSION DISCLOSURE

No commissioners provided any reports

8. STAFF REPORTS

- Morgan Brim, Planning Director



- General Plan Open House- Mr. Brim reported that the open house was successful and that they are currently compiling comments. He added that they've interviewed all the commissioner, council members, and heads of departments and have found themes of a focus on big projects and pedestrian friendly areas. He continued that they are going to start interviewing community members in order to get more feedback.

- Don Overson, Town Engineer
Nothing to report

9. ADJOURNMENT

Motion: COMMISSIONER SULLIVAN MOTIONED TO CLOSE THE MEETING. COMMISSIONER JENE SECONDED THE MOTION. ALL WERE IN FAVOR AND THE MOTION PASSED UNANIMOUSLY AND THE MEETING CLOSED AT 8:48 PM.

MINUTES APPROVED ON: August 15, 2018

CORRECTED BY: /s/ Claire Hague

Claire Hague, Permit Technician