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**MINUTES OF THE SPRINGDALE PLANNING COMMISSION REGULAR MEETING ON
TUESDAY, NOVEMBER 18, 2014, MEETING BEGAN AT 5:03 PM**

MEMBERS PRESENT: Chairman Joe Pitti, Commissioners Jack Archer, Liz West, Allan Staker, Randy Taylor, Mike Marriott

EXCUSED: Kezia Nielsen

ALSO PRESENT: DCD Tom Dansie and Town Clerk Darci Carlson recording
Two citizens signed in; see attached list.

Discussion/Information/Non-Action Items

Approval of Agenda: Motion made by Mike Marriott to approve the agenda as posted; Seconded by Liz West.

Taylor: Aye

Pitti: Aye

West: Aye

Archer: Aye

Marriott: Aye

Motion passed unanimously.

Discussion and Announcements: Mr. Dansie announced

- Thank you extended to those who participated in the University of Utah planning project. Students collected information during their three day stay in Springdale which will be presented to the Planning Commission later. The www.listeningtospringdale.com website will only be available for a little while longer, so anyone interested in providing input via the survey should log on soon.
- Sumner Swaner (from the Center for Green Space Design) will be teaming up with the University of Utah students to bring his planning principles into our General Plan and Land Use ordinance text. The Planning Commission will have the opportunity to review and consider adopting.
- The December Planning Commission meetings have been altered. There will only be one meeting on Tuesday, December 2nd. In January, Commissioners will pick up on working sessions for the General Plan.

Discussion/Information/Non-Action Items

Ordinance Revision: Changing planning commission term of office from 5 years to 3 years: Mr. Dansie indicated the Mayor has difficulty finding people to serve on the Planning Commission. Part of the reason is the length of time required to fulfill the commitment. It is rare for a Commissioner to complete the full five-year term. By changing to a three-year term more people may be interested in serving. The recommended change to the ordinance is only to the term of office language from five-years to three-years. This change would affect new Commissioners only, not ones currently in office. The existing service expiration dates have been determined.

Mr. Pitti thought this was a good idea and a different recruitment tool. He suggested additional text edits. He recommended there be one ex-officio member from Zion National Park and to strike the Rockville member requirement. It has been ten years since a resident from Rockville was on the Commission. Also, since this position was a non-voting role, they can come and provide input but it doesn't need to be in the ordinance language.

Mr. Taylor said the word "resident" of Zion National Park should more properly be "representative". He also asked if this revision would require a Public Hearing to which Mr. Dansie answered "yes". Tonight was for

discussion only and if the Commission wanted to pursue the revisions, all three of the ordinance amendments would need to be sent to Public Hearing.

Motion made by Joe Pitti to take ordinance 10-5-1, Planning Commission created rules, to a public hearing with changes to the language that allows for one ex-officio member of Zion National Park, strikes the Rockville member requirement, corrects the word resident to representative as it relates to the Zion National Park member and changes the term of office from five years to three years; seconded by Mike

Marriott.

Taylor: Aye

Pitti: Aye

West: Aye

Archer: Aye

Marriott: Aye

Motion passed unanimously.

Allan Staker is not voting tonight because all members are present.

Ordinance Revision: Potential revisions to regulations for illuminated signage: Mr. Dansie began by stating the current Town code allows for illuminated/neon signs that read 'open', 'vacancy/no vacancy', with limits to one sign per side of a building. Previous Town Council discussion highlighted possible issues in the way these neon signs are regulated. Issues included:

- What is the regulation accomplishing and does it matter what the sign says? Does a sign that says 'open' have a different impact than a sign that says 'pizza' and should they be treated differently?
- From a constitutionality standpoint, the Town can regulate size, appearance and location but can they regulate content?

Mr. Dansie said the Town attorney took a quick, initial glance and thought this may be problematic. A refined opinion is coming. The Town may consider different regulations not based on content. In his staff report, Mr. Dansie suggested the Planning Commission consider three different options to regulate neon signage -

- 1) The Planning Commission can recognize the issues but leave the ordinance as-is.
- 2) They can say 'no' to all use of neon/LED signs, despite being allowed before.
- 3) They can recognize use for this lighting and regulate quantity, size and color, but not content.

Mr. Taylor asked what other restrictions are in the ordinance language. Mr. Dansie elaborated and said the ordinance limits size, placement in a window and allows only one sign for each side of a building.

Mr. Pitti felt it would be difficult to go back and ask the signs be taken down.

Ms. West wanted to know why the subject was being brought up and asked if there had been a complaint.

To provide more background, Mr. Dansie explained that the staff typically waits for complaints. With neon signs however the Town proactively gets involved in enforcing. In a recent round of regulation enforcement, a business owner reacted to a sign advertising a service and asked what the difference was between that and a sign that said 'open'. This prompted Town Council discussion.

Mr. Archer asked when the Town attorney will provide language. Mr. Dansie said in his initial call with the attorney they thought it was a constitutionality issue, however they called back and said there may be other nuanced issues which will be expressed in an opinion letter soon. Mr. Dansie explained that even if there is a potential to regulate content, the Town must carefully demonstrate there is a legitimate governmental purpose that cannot be satisfied in any other way.

Mr. Staker asked if there was any particular wording the Town would consider prohibiting. Mr. Dansie said the Town can't regulate content except for offensive, vulgar or pornographic messages.

Mr. Taylor asked if beer signs would be included. Mr. Dansie said these probably would not be considered offensive and therefore would not be regulated under this ordinance.

Chairman Pitti said the current language of the ordinance prohibits all neon signs with the exception of 'open', 'vacancy/no vacancy' signs. He was concerned about proliferation. The Commission should look at the purpose of the regulation. This was an important part of the discussion. Visual clutter and light pollution were solid arguments. He was open to option #3 and suggested they fix the ordinance so not to restrict free speech but to regulate size and placement.

Mr. Taylor questioned why the ordinance language allows for two signs and not just one. This allowed for a proliferation of signs. Mr. Marriott said that some business have two signs on the same side of the building.

To assist the Commission with the current language, Mr. Dansie read from section 10.24.8 paragraph B, subparagraph 19 in the Town code, which states "*Neon lighting (and similar high intensity lighting) is prohibited, except for signs that read "vacancy/no vacancy" or "open" provided such signs are less than three and a half (3.5) square feet in area.*"

He continued reading section 10.24.9 paragraph G which states "*Intensely Lighted Signs: Intensely lighted or exposed luminary sources such as exposed bulbs or tubes shall be prohibited. Exposed neon signs shall be prohibited, except for "open", "now serving" and "vacancy/no vacancy" signs.*"

Section 10.24.8 paragraph B subparagraph 11 says "*Each business shall be permitted up to two (2) exterior signs not to exceed six (6) square feet in area that contain only the word "open" to designate that a business is indeed open for business, provided such a sign shall be removed or turned off at the end of each business day.*" This helped clarify that a business can have two signs.

Ms. West stated that the question for the attorney is if it's legal to say 'open', 'close', 'vacant' or, if given freedom of speech, can business owners say what they want. Mr. Dansie reiterated that content-based sign regulations may not be supported unless it serves a specific governmental purpose that cannot be accomplished any other way.

Mr. Archer suggested the Commission add language to the ordinance that will allow signs be lit only during open hours. Mr. Dansie said this would be a supportable regulation. Mr. Pitti said that with the light audit, night sky ordinance and new street lighting it was counter-intuitive to keep lights on all night.

Both Ms. West and Mr. Pitti thought the Commission should wait for attorney content but that the Commission could make a decision on quantity, etc. Mr. Dansie said there are two issues:

- Regardless of constitutionality, the Commission needs to determine if there is different impact between a sign that reads 'open' versus a beer sign.
- Regarding the constitutionality, yes, the Commission can wait for the opinion of the attorney.

Mr. Dansie said that even if supportable, it was not encouraged. Mr. Staker felt it prudent to wait for the opinion of the attorney before the Commission makes any decisions. Mr. Pitti said businesses should be able to be more creative with their signs as long as it fits within our size limit. There are enough restrictions in place that addresses size and placement.

Mr. Taylor asked if the ten-sided octagon rule would apply to which Mr. Dansie replied 'yes'.

Mr. Marriott expressed his opinion that the word 'beer' doesn't have an increased visual impact or clutter over the word 'open'. However Mr. Taylor indicated that generally there is more than just a word; there is a picture/logo. Mr. Marriott said that even an 'open' sign can be elaborate. He believed regulating language was a violation of free speech and was therefore in favor of option #3.

Mr. Taylor agreed but said the Commission should reduce the sign size. Mr. Dansie indicated that the 3.5' dimension came from an analysis of current signs on the market and what business owners could realistically find.

Mr. Pitti said he would be in favor of limiting quantity and the polygon issue made it complicated. The 3.5' square feet could be used in any way. Mr. Taylor agreed that the ten-sided polygon rule was vetted enough and should stay in place. Mr. Marriott said you could regulate total size and then allow people to decide what they wanted the sign to say.

Mr. Pitti said it sounded as though the Commissioners were leaning toward option #3, keeping the size and placement restrictions the same but limiting quantity to two.

Both Ms. West and Mr. Archer agreed signs should be turned off when the business is closed.

Mr. Taylor again expressed concern that the Commission was increasing the number of neon signs. Mr. Marriott said this was not the case. Currently they are allowed two signs. Mr. Taylor was under the impression that you could have only one sign per face of the building.

To help clarify, Mr. Dansie looked in the code for language regarding frontage issues but did not locate. Mr. Pitti recalled language in the current ordinance that allowed signs only on a street front. He suggested that this type of language be added. Mr. Marriott said they get a total of two signs regardless of frontage.

Mr. Taylor asked how the Town measures the square footage of a sign, was it the polygon rule. Mr. Dansie said the polygon rule was the easiest and most consistent to apply. Originally it was a rectangle, then an unlimited polygon, and then compromised to the ten-sided polygon.

In terms of regulating, Mr. Marriott asked if signs were permitted before they went up. According to Mr. Dansie the Town does not currently permit signs and staff is never looking to add more process. He would prefer to set standards via the ordinance and then regulate. Mr. Pitti agreed and said the Commission should put out what is acceptable. Mr. Archer said that if problems persisted the Town could add language to the ordinance. Mr. Taylor felt the Town was more proactive in regulating signs.

Based on the discussions, Mr. Pitti asked Mr. Dansie to draft ordinance language and set a Public Meeting.

Ordinance Revision: Potential revisions to the color palette for historic structures: Mr. Dansie said this item was placed on the agenda at the request of the Historic Preservation Commission. In addition to design, it was their belief that color was an important component to the historic integrity of a structure. The current ordinance has the following provisions:

- Colors that existed prior to the adoption of the current palette would be allowed to remain.
- If a structure is altered, renovated or remodeled greater than 25% of original floor area then the entire structure needs to be painted a conforming color.
- Historic Preservation Commission would like an ordinance revision that allows historic structures to retain their original color and not have to comply with current palette.

Mr. Archer asked if this exception would apply even if an addition or remodel was greater than 25%. Mr. Dansie answered 'yes'.

Both Mr. Pitti and Mr. Taylor questioned how the Town would know if the color was the historic color. Mr. Pitti said that if a property owner wanted to keep the historical integrity they should be flexible. It is a complicated issue and difficult to determine if color is original.

Mr. Taylor said in the example of the Worthington Gallery, the question arises as to when the house was painted that color. Mr. Marriott said the proposed addition to the Worthington Gallery will ultimately be much larger than the original structure.

Mr. Pitti said the existing color palette is very extensive so he questioned finding a suitable color from what was already approved. Mr. Dansie said that to a casual observer there is something close, but from a historical integrity standpoint there is not a color on the palette that is satisfactory.

Mr. Dansie said the main concern of the Commission would be determining which structures were historic and therefore qualify for this special treatment. They did not think it problematic to determine what the historical color actually was.

Reading from the October draft minutes of the Historic Preservation Commission meeting, Ms. West commented about the mention of a survey to see what people in town thought. Mr. Dansie clarified and said the survey related to the identification of historical structures. Ms. West went on to add that the color palette should be based on historic facts, findings and documentation. She visited the National Trust for Historic Preservation

website and they had over 250 colors. Ms. West therefore concluded that you would have to look at each individual building and not a color palette.

Mr. Dansie agreed and said this would be a building-specific exemption. Someone would need to demonstrate the building is historic and present the historic color associated with it. Mr. Taylor said an exception would be granted based on a certain set of factors.

Mr. Archer asked if they should consider paint from the original building or something painted 20-30 years later. Mr. Dansie agreed the Commission would need to make this determination.

Ms. West said that if a color was allowed that didn't conform to the norm perhaps there could be a plaque displayed to describe.

Bringing up the Worthington Gallery again, Mr. Staker asked if the original front part of the building would need to be painted to match the back. Mr. Taylor said the historic part of the structure would need to be painted in a color from the approved palette to match the new addition. This meant the historic part of the building would be painted a color different from its historic color.

Mr. Staker then raised the question about a two-toned house, with one color in the front and another in back. He suggested the property owner be allowed to paint the back compliant with the approved color palette and the front historical part be able to stay as-is. Mr. Dansie said this was an option, however the current ordinance doesn't allow. Once you add an addition or alteration greater than 25% of the floor area of the historic structure, the entire building needs to be compliant with the current palette.

Ms. West suggested a differentiation between the old and new sections; keep the historic building color as close to original as possible and paint the addition according to the current palette.

Mr. Pitti said it may be difficult to do an ordinance revision. They may have to assess on a case-by-case basis. Once a structure was identified as historic and the property owners come to the Planning Commission, they can then review and see what is appropriate.

Mr. Marriott asked how many historical structures existed in Town. Mr. Dansie said the proposed survey would bring in a historic preservation professional to identify historic structures in Town. The Town is submitting applications and looking for funding through the certified local government program. Once completed, it will give a better idea of how many historic structures are in Town.

Mr. Dansie said that when they met with the Executive Director of the Utah Heritage Foundation he actually pointed out some structures you wouldn't think of are historic. For example, Zion Park Motel represents an important period in the development of auto-tourism in the early 1960's. Historic assets don't need to mean pioneer structures.

Mr. Marriott liked the idea that historic didn't necessarily mean pioneer. He also discussed developing a historic palette and opening up that palette to whoever wanted to use it – new or old. Mr. Staker said a slight adjustment to the existing color palette may accomplish what they are talking about.

Mr. Dansie said the current Munsell system classifies ranges of colors. It would be administratively easy to go back into that system and identify different ranges for historic use. Historic experts can help the Town identify what these ranges may have been.

Ms. West agrees with Mr. Pitti that it will be a case-by-case basis.

Again Mr. Taylor asked the question of what a historic color means. Is this the color the structure was born with or the color it was repainted years later? Mr. Pitti felt most would be looking at the time period when the structure was erected.

Chairman Pitti recommended that the Commission draft language that would give property owners an opportunity to petition the Town for a color choice that is significant for their structure. Mr. Archer agreed it is an individual situation by structure.

Mr. Marriott suggested the Commission consider the requirement that the architectural structure of an addition remain consistent with the old.

Mr. Taylor was interested in the outcome of the survey so they understand which buildings were designated as having historical significance. Mr. Staker pointed out that historic buildings he is familiar with are raw wood or brick; no paint.

Mr. Pitti said the burden of proof would fall to the property owner to prove the historical significance of a particular color. Color ranges vary throughout the years.

Ms. West felt that the structure should be identified to the public in some way either through a sign, plaque or designation on a Town map. Mr. Pitti did not want to impose on a home owner to force them to register their home as historic or to place a sign. He mentioned that there are many other restrictions to properties that are listed on the National Historic Registry. This was a conversation for another time.

Mr. Pitti concluded by asking Mr. Dansie if the discussions provided good feedback for the Historic Preservation Commission. Mr. Dansie said 'yes'.

General Plan Revision: Status update: Mr. Dansie offered the Commissioners an opportunity ask questions on progress, status, process or individual sections. He said they will continue in January with the section review.

Mr. Pitti gave a brief summary from the previous meeting for the audience. He reiterated that there are twelve chapters in the General Plan. The Commission decided to break into three sub-committees and work on eight of the twelve chapters. They then came back together to discuss. The remaining and more complex chapters would be tackled as a full group. Mr. Pitti expressed the Commission's desire to receive public feedback. He suggested residents provide emails and participate in surveys and open house meetings and public hearings.

Mr. Dansie thought the previous meeting went well and was a valuable exercise. The Commission made good progress. He made the following suggestions for the Commissioners as they go through their assigned chapters:

- Don't focus on wording or grammar issues right now.
- Does the goal and objective still apply?
- Will changes make the discussions more meaningful once you meet up again as a full Commission?
- Is this still the direction of the Town?
- Be sure to focus discussions on the big picture.

Ms. West mentioned that she had scheduled an appointment with Robbie Totten on Friday at 11am to tour the water treatment plant. Mr. Dansie felt it would be helpful and interesting to understand more about the Town's Public Works system if Commissioners had not done so.

Opportunity for public comment/input regarding General Plan Revision: Chairman Pitti opened up the meeting to public comment. From the audience Mary Stults spoke and said it would be nice for people to receive updates on the Commission's general thinking and perhaps have more frequent meetings. Mr. Pitti replied that was the intent of the Commission. The first Tuesday meeting was a work meeting but the second Tuesday meeting was reserved for DCD reviews and public comment. Residents are also able to access the minutes and come listen to the essence of the work meeting discussions.

Ms. Stults asked if there was a record of the discussions held in the Planning Commission work meetings. Mr. Pitti said 'yes'. He also expressed that the General Plan process would take months.

Ms. West added that the Commission is happy to take comments and questions. They can be emailed to Tom Dansie. Mr. Pitti agreed that getting feedback was important to the process.

The Commissioners agreed to keep the same format for the next work meeting. Randy Taylor, Mike Marriott, Joe Pitti, and Alan Staker will review *Parks, Recreation and the Arts* while Liz West, Jack Archer and Kezia Nielson will continue to review their assigned sections.

The December meeting will be a regular meeting. Mr. Dansie indicated topics for the next meeting will include the ordinance revisions discussed tonight, the 2015 meeting schedule, selection of Planning Commission Chair and

Vice Chair. There will also likely be a zone change application and potential design development review for a house.

Consent Agenda

Motion made by Jack Archer to approve the consent agenda; seconded by Liz West.

Taylor: Aye

Pitti: Aye

West: Aye

Archer: Aye

Marriott: Aye

Motion passed unanimously.

Adjourn:

Motion to adjourn made by Randy Taylor at 6:24 PM; seconded by Mike Marriott.

Taylor: Aye

Pitti: Aye

West: Aye

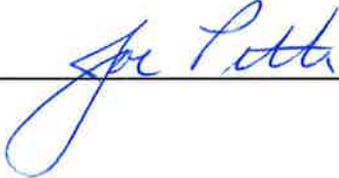
Archer: Aye

Marriott: Aye

Motion passed unanimously.



Darci Carlson, Town Clerk

APPROVAL: _____



TOWN OF SPRINGDALE

PO Box 187 118 Lion Blvd Springdale UT 84767

ATTENDANCE RECORD
Please sign

Meeting of Planning Commission on Nov. 18, 2014

If you'd like to be included on our great e-notice list, please give us your email address. That's the only reason you need to provide that information. Your address will never be sold, though we may have to provide it as public information. If you have provided the information before, you don't need to add it again.

Form with 18 rows for name entry. Handwritten entries include 'Mary STUITS' and 'Kimberlee Schear'.

Form with 18 rows for email entry. The first row contains a yellowed-out area.

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