

Syracuse City Planning Commission Meeting
November 17, 2009
Minutes

1. Meeting called to Order, Adoption of Agenda, and Approval of Minutes

Planning Commission Chair Robert Whiteley called the meeting to order at 6:04 p.m., indicating City staff posted the agenda 24 hours prior to the meeting and delivered copies to all Commission members. Nathan Miller offered the prayer, and Troy Moyes led the pledge of allegiance.

Members Present: Chairman Robert Whiteley, Vice Chair Kenneth Hellewell, Nathan Miller, and Mike Norton as well as GIS Specialist Troy Moyes.

Excused: Tena Campbell, Jamie Nagle, and Administrative Assistant Judy Merrill

Visitors: Josh Wilde Reed Reinhold Chris Blake Targhee Child
 T.J. Jensen

KENNETH HELLEWELL MADE A MOTION TO ADOPT THE NOVEMBER 17, 2009, AGENDA SECONDED BY NATHAN MILLER; ALL VOTED IN FAVOR.

2. Approval of Minutes for the October 6, 2009, Meeting

Chairman Whiteley asked if the commissioners had any amendments for this set of minutes. Although no one responded, he mentioned a minor correction he already forwarded to Assistant Merrill to change Commissioner Campbell's vote, regarding some previous minutes, from approval to abstain since she had not been present at the meeting specific to those minutes.

NATHAN MILLER MOVED TO APPROVE THE MINUTES OF THE OCTOBER 6, 2009, MEETING AS AMENDED, SECONDED BY KENNETH HELLEWELL; ALL VOTED IN FAVOR.

3. Syd's Dry Cleaning Public Hearing and Conditional Use for On-Premise Signage

Josh Wilde, with Syd's Dry Cleaning, appeared before the Planning Commission requesting Conditional Use approval for Impact Signs to place identical signs on three sides of the HN Capital's commercial strip building, located at 2058 West 1700 South Suite 101. Specialist Moyes explained that, although these signs would be identical, the one facing the business entrance and the other facing 1700 South would have internally illuminated pan-channel lettering while the sign on the side, facing west, would have no lighting. The total allowable square footage for signage would be 288 square feet. These three signs would consume just 135 square feet of that total. The Architectural Review Committee recommended approval of this request on November 10, 2009. Staff met with the applicant on site on November 6, 2009, and reviewed the application, determined compliance with all requirements of the Land Use Ordinance and Town Center restrictions, and recommended approval as well.

Chairman Whiteley opened up the meeting for public hearing. No one came forward, so he closed the public hearing.

Vice Chair Hellewell asked when they planned to open. Mr. Wilde told him as soon as possible. Depending on adjustments the City wanted them to make on the plans and acquiring a building permit, he hoped to open by the end of the year since it should only take about three weeks to finish the building.

MIKE NORTON MADE A MOTION TO GRANT CONDITIONAL USE APPROVAL FOR SIGNAGE AT SYD'S DRY CLEANING, LOCATED AT 2058 WEST 1700 SOUTH SUITE 101, SUBJECT TO ALL REQUIREMENTS OF THE SYRACUSE LAND USE ORDINANCE SPECIFIC TO SIGNAGE. KENNETH HELLEWELL SECONDED THE MOTION; ALL VOTED IN FAVOR.

Assistant Moyes informed Mr. Wilde that he could turn in his building permit application the next day and to include stamped drawings. The Building Department would only take a few days to approve it.

4. Iceberg Drive Inn Public Hearing and Conditional Use for On-Premise Signage

Chris Blake, of Allied Electric Sign & Awning Co., and Reed Reinhold, of Iceberg Drive Inn, approached the Commission requesting Conditional Use approval to place three signs on the building exterior of this restaurant, located at 1792 South 2000 West in the Lake View Plaza of the Gertge Business

Park Subdivision. Specialist Moyes explained that these signs would have internally-illuminated pan-channel lettering. The Architectural Review Committee recommended approval on November 10, 2009, without concerns. However, they tabled the requested monument sign so the applicant could redesign it to comply with City requirements. The allowable square footage for signage on this lot would be 215 square feet. The attached building signs would consume 116 square feet of that total or 164 square feet with the monument. Staff met with the applicant on site on November 3, 2009, reviewed the application to determine compliance with all requirements of the Land Use Ordinance and Town Center restrictions, and recommended approval.

Chairman Whiteley opened up the meeting for public hearing.

T.J. Jensen, 3242 South 1000 West, referred to the restaurant's directional signage, not shown but discussed in the Architectural Review Committee meeting. One option included the name and one did not. He recommended the option with the name.

No one else came forward, so Chairman Whiteley closed the public hearing.

Commissioner Norton asked if any approval given tonight would include that directional signage. Chairman Whiteley told him yes. Specialist Moyes asked the applicants about the Committee's discussion of the directional signs and if they preferred the option with the logos. Mr. Blake told him the Committee's preference was for the logos because the restaurant shared an entrance into the Plaza with Arby's. The logos would differentiate between the driveways into Arby's, Iceberg, and the car wash. Vice Chair Hellewell believed it made sense and would be beneficial in reducing confusion. He then asked when they planned to open. Mr. Blake told him January 4. They probably could have opened before Christmas but did not want to interfere with the holiday and decided it would give them more time for training.

NATHAN MILLER MOVED TO GRANT CONDITIONAL USE APPROVAL FOR ATTACHED BUILDING SIGNAGE FOR THE ICEBERG DRIVE INN, LOCATED AT 1792 SOUTH 2000 WEST, AND DETACHED DIRECTIONAL ON-PREMISE SIGNAGE, WITH THE RESTAURANT LOGO, SUBJECT TO ALL REQUIREMENTS OF THE SYRACUSE LAND USE ORDINANCE SPECIFIC TO SIGNAGE BUT THAT SUCH APPROVAL WOULD NOT INCLUDE THE MONUMENT SIGN. MIKE NORTON SECONDED THE MOTION; ALL VOTED IN FAVOR.

Specialist Moyes reiterated the need for the applicants to submit wet-stamped plans with the building permit application in order for the Building Department to process their paperwork.

5. Destination Homes Public Hearing and Conditional Use for Subdivision Sign

Targhee Child, representing Destination Homes, came forward requesting Conditional Use approval to place a temporary subdivision sign at 1192 West 2850 South for the Sawgrass Meadows development. Specialist Moyes explained how Destination Homes would be taking over most of Liberty Homes' building lots in this Subdivision. Because the requested location was on a corner lot, the proposed location of the sign would be within the clear-view area prohibited in Section 10-6-060(B) of the Land Use Ordinance. Staff notified the applicant that they would need to relocate it approximately 10 feet towards the southeast corner of the lot, and they complied. Staff met with Mr. Child on site, on November 6, 2009, reviewed the application for compliance with all requirements of the Land Use Ordinance specific to signage, and recommended approval.

Chairman Whiteley opened up the meeting for public hearing. No one came forward, so he closed the public hearing.

KENNETH HELLEWELL MADE A MOTION TO GRANT CONDITIONAL USE APPROVAL TO DESTINATION HOMES FOR A TEMPORARY SUBDIVISION SIGN, LOCATED AT 1192 WEST 2850 SOUTH, SUBJECT TO ALL REQUIREMENTS OF THE SYRACUSE LAND USE ORDINANCE SPECIFIC TO SIGNAGE. NATHAN MILLER SECONDED THE MOTION; ALL VOTED IN FAVOR.

6. Public Hearing of Amendments to Title X Land Use Ordinance

Specialist Moyes reminded the Commission of an amendment they sent to City Council about four weeks earlier. The Council wanted clarification on homeowners associations so they could approve the proposed changes to the setback requirements. Consequently, the first proposal before them was a set of new definitions for a homeowners association and an active homeowners association.

HOMEOWNERS ASSOCIATION: An association operating under recorded land agreements through which each lot owner of a planned development, condominium development, subdivision or other described land area is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property.

HOMEOWNERS ASSOCIATION, ACTIVE: A recorded and legally-bound homeowners association with an elected board of representatives who maintain an active, annual application with the Syracuse City Community Development Department every year during the same month.

Active would mean they submitted an application to the City that year, with no fees, identifying the association's presidency and their contact information.

The second proposal reinstated two definitions into the Sign and Lighting Regulations chapter that, for some reason, disappeared after the last major change to Title X.

(B) SIGN, ADVERTISING. Any sign that directs attention to a use, product, commodity, or service not related to the premises.

(C) SIGN, IDENTIFICATION. Any sign that directs attention to a use, product, commodity, or service related to the premises.

Another proposed change to Chapter 8, in Section 10-8-030(H)8, would allow subdivision advertisement signs for two years. Applicants could apply for one-year extensions prior to the expiration date if they still owned lots within the development.

8. Sign, Subdivision. Advertisement for lots in a subdivision, ~~such advertisement shall be erected within the interior of the subdivision boundaries pursuant to a permit and displayed for a specific period of time. The advertisement may be displayed for no longer than of up to two (2) years or the date of sale for the final lot or unit, whichever comes first.~~ Applicants may apply for a one- (1) year extension, prior to the expiration of the Conditional Use approval, if they still own lots for sale in the subdivision. (Ord. 08-07)

This amendment would also correct a conflict in the Ordinance regarding subdivision signs allowed only within a development's boundaries and provide home builders the option to advertise outside of subdivisions. Vice Chair Hellewell asked if the new language meant an approval would be valid for two years and then the applicant would need to apply for one-year extensions or if it maximized approvals to just two years. Specialist Moyes advised him the approval would be valid for two years and then they could apply for one-year extensions rather than just six-month extensions. Chairman Whiteley suggested a change in language to read: "At the expiration of two years, the applicant may apply for one-year extensions." Vice Chair Hellewell then suggested language at the end regarding an 80% developed mark. Specialist Moyes advised him the Ordinance referred to that percentage for model homes but not for signs. Vice Chair Hellewell agreed and suggested they at least make the word "extension" plural so applicants could have as long as needed.

Specialist Moyes moved on to the table in Chapter 8 and pointed out the proposed change to off-premise commercial businesses. Staff wanted to strike commercial/business and make it permanent because the categories below included agriculture, residential, and industrial, so it did not make sense to call it just commercial/business. The bench signs all said "As directed by Planning Commission," so staff proposed the elimination of those rows to consolidate it more and then simply added "or as directed by the Land Use Authority for bench signs" at the end of each off-premise permanent sign category.

| SIGN TYPE AND ZONE | MAXIMUM SIZE ALLOWED | MINIMUM SIZE ALLOWED | APPROVAL REQUIRED |
|---|---|-------------------------|---|
| Off-Premise Commercial/Business (Non-Resalty) Permanent | | | |
| Agriculture, Residential | Twenty-four (24) square feet <u>(or as directed by the Land Use Authority for bench signs)</u> | Twelve (12) square feet | Conditional use; Permanent signs require a building permit |
| Commercial | The remainder of allowable sign area calculated using the corresponding On-Premise formula set forth below <u>(or as directed by the Land Use Authority for</u> | N/A | Conditional use; Permanent signs required a building permit |

| | | | |
|---------------------|---|-----|---|
| | <u>bench signs)</u> | | |
| Industrial | The remainder of allowable sign area calculated using the corresponding On-Premise formula set forth below (<u>or as directed by the Land Use Authority for bench signs)</u> | N/A | Conditional use; Permanent signs require a building permit |
| Bench Signs | | | |
| General Commercial | <u>As directed by Planning Commission</u> | N/A | <u>Conditional use; Permanent signs require a building permit</u> |
| Industrial | <u>As directed by Planning Commission</u> | N/A | <u>Conditional use; Permanent signs require a building permit</u> |
| Professional Office | <u>As directed by Planning Commission</u> | N/A | <u>Conditional use; Permanent signs require a building permit</u> |
| Residential | <u>As directed by Planning Commission</u> | N/A | <u>Conditional use; Permanent signs require a building permit</u> |

Chairman Whiteley clarified it by saying the Commission could still allow bench signs, but those signs would no longer have their own section in the table. Specialist Moyes told him he was correct but pointed out that bench signs had their own regulations spelled out in that Chapter. This change just made the table easier to read. He then referred to the proposed elimination of political signs in the table, since he could not think of any reason the City would ever want to regulate them. He suggested the Ordinance simply allow them in all zones.

| | | | |
|--|--|--------------------------------|------------------------|
| Political | | | |
| All zones | Thirty-two (32) square feet – no limit on quantity | N/A | No approval required |
| <u>Agriculture, Commercial, and Industrial</u> | <u>Thirty-two (32) square feet</u> | <u>Twelve (12) square feet</u> | <u>Conditional use</u> |

Vice Chair Hellewell stated that the City never used to require Conditional Use approval for political signs. Commissioner Miller pointed out the potential for very large signs if a candidate had the money. Although it might conflict with free speech, he preferred to limit political signs to a maximum size. Vice Chair Hellewell reminded Commissioner Miller that the Ordinance already restricted size and that the staff's proposal was to only strike the second row of the table that identified zones. Specialist Moyes then referred to the next proposal to completely strike the realty advertising on-premise and off-premise sections and combine them into one section.

| | | | |
|---|---|-----|---|
| Realty Advertising (Temporary Off-Premise) | | | |
| Agriculture, Commercial, and Industrial | Thirty-two (32) square feet | N/A | <u>No approval required Site plan; otherwise, Conditional Use</u> |
| Residential | <u>Twenty-four (24) square feet Thirty-two (32) square feet</u> | N/A | No approval required |
| Realty Advertising (Temporary On-Premise) | | | |
| Agriculture, Commercial, and Industrial | Thirty-two (32) square feet | N/A | <u>Granted at the time of final site plan approval or through Conditional Use</u> |
| Residential | Thirty-two (32) square feet | N/A | No approval required |

He could not think of a reason someone would place a realty sign off-premise. Commissioner Miller suggested open house signs placed at the entrance to a subdivision. Specialist Moyes asked commissioners if they wanted any of those types of signs to acquire Conditional Use approval. Chairman Whiteley told him no. Specialist Moyes continued by referring to the next proposal for temporary signs, mainly for banners.

| Temporary | | | |
|--|--|-----|--|
| All zones (limited to <u>thirty one</u> <u>hundred fifty</u> <u>(30 150)</u> days | Sixteen (16) square feet <u>One hundred fifty (150) square</u> <u>feet</u> | N/A | No approval required Conditional Use |

The Ordinance originally allowed only 5 days, but the Council approved a change to 30. Staff now proposed a change to 150 days. Vice Chair Hellewell suggested 180 days to make it an even 6 months. He also requested a horizontal line through the second, third, and fourth columns to separate the two types of sign sizes and their approvals. Commissioner Miller suggested the Commission eliminate the entire third column for minimum size requirements. He then voiced concern for the City’s appearance versus being business friendly and asked how the City would handle a banner left after a store went out of business. He worried about these temporary signs staying up for years until the next business acquired the space and erected another banner. He hoped that businesses could install permanent signs within six months. Specialist Moyes suggested they wait and see how this amendment affected banners and then implement more restrictions to the definition, such as limiting temporary signs to two, if necessary. Any new amendments would not affect the banners already out there, and some had been up longer than two years. This change, however, would only help clean up the City. Commissioner Miller argued that a business owner might decide to hold off on erecting a permanent sign if the Ordinance allowed temporary signs for 6 months. Specialist Moyes reminded him that many businesses also had to adhere to stricter private covenants. Syracuse would actually be more business friendly and that most businesses wanted a sign up right away. Commissioner Miller asked about those situations where the business did not have covenants in place. A frugal owner would most likely wait to purchase a sign for the entire 6 months and asked if the Commission wanted Syracuse to look that way. Vice Chair Hellewell pointed out that business owners would know by then if they were going to be successful enough to invest in a permanent sign and that temporary signs would be much easier to take down if they did go out of business. Soaking all that money into a permanent sign right away rather than the commercial enterprise would simply advertise another failed occupation once they were gone. Commissioner Norton agreed 30 days was too short but wondered if 6 months was too long and suggested that 120 days might be more reasonable. He asked if most business owners knew within 4 months whether they were going to be successful enough to make the commitment for a permanent sign. Commissioner Miller changed his mind, due to the current economic climate, and supported the proposal for 6 months, suggesting that the Commission could watch the results and recommend changes if they saw a need. He hoped to attract businesses to Syracuse that would create a synergistic cycle to bring in more businesses so everyone would be successful. Specialist Moyes added that, on an administrative front, it would be a lot easier to manage and enforce 180 days than 30. Chairman Whiteley asked how staff would know which day a business posted a banner. Specialist Moyes shared his plans of developing good relationships with these business owners and motivating them to submit applications for the City to keep on file. Ordinances would always have loopholes, such as taking down banners for a day and posting them back up to start the 180 days all over again. He recommended adopting the 180 days and then making it more restrictive in the future if people were abusing it. Vice Chair Hellewell agreed and preferred business owners to put their start-up money into serving their customers rather than a sign.

Chairman Whiteley opened up this item for public hearing.

T.J. Jensen, 3242 South 1000 West, stood and pointed out a grammatical error in the “Sign, Subdivision” amendment. Chairman Whiteley agreed with the findings and directed Specialist Moyes to make the appropriate correction. Specialist Moyes referred them to their packets where it had already been corrected. Mr. Jensen then referred to the 180 days in the table and suggested the Ordinance allow temporary signs for up to 30 days without providing notification to the City. Anything longer than 30 days would require application so the City could track it, which he believed would deter frivolous banners. He then pointed out that the

definition for a temporary sign was not clear, since the sign could be for the business or for sale or for anything. He proposed adding the words “up to” 150 square feet so readers did not wonder if they could only have 16 or 150 square-foot signs. The commissioners advised him that the column heading labeled them as the maximum size allowed. Mr. Jensen suggested that they strike the minimum size column then.

Chairman closed public hearing.

Commissioner Norton was comfortable making a recommendation for the definitions but suggested they table a recommendation on the table’s amendments. Chairman Whiteley was comfortable with all of the proposals as discussed, specifically striking the minimum size column, adding the separation line to the temporary sign row, and changing the number of days to 180. He also liked the idea of requiring business owners to submit applications for these temporary signs for processing on an administrative level rather than conditional use approvals. Vice Chair Hellewell asked if staff could add that in the Chapter language or table to “notify the City within 30 days for temporary signs.” Specialist Moyes suggested they add it under the approval required. Vice Chair Hellewell recommended adding the words, “notification required” for the temporary 16 square-foot signs instead of “No approval required.” Commissioner Norton preferred leaving it as is and revisiting it in the future if too many signs were staying up for long periods of time. Chairman Whiteley agreed.

NATHAN MILLER MOVED TO RECOMMEND APPROVAL OF THE AMENDMENTS TO TITLE X AS DISCUSSED, AND FORWARD THEM TO CITY COUNCIL. KENNETH HELLEWELL SECONDED THE MOTION; ALL VOTED IN FAVOR.

2. Planning Commission Business

Chairman Whiteley attended the last City Council meeting and reported on the canvas certifying the general election results, which they approved. The provisional and absentee ballots adjusted the totals only slightly but did not change the outcome. Councilman Clark talked about the landfill recycling center, to be complete in April, and a vacancy on the school board. He encouraged Syracuse residents to apply. Councilman Knight reported on Syracuse Jr. High’s “No Fs” policy and commended the Fire Department and Youth Court for their great work. Councilman Hammond mentioned the Museum Board’s new presidency, with Gene Carlson as president, Phil Gooch as vice president, and Colleen Thurgood as secretary. Administrator Worthen advised them that they completed the impact fee report and sent it to the state and that Fremont Park would have some grading done as mentioned in the newspaper.

Chairman Whiteley stated that Commissioner Miller would attend the next Council meeting.

Vice Chair Hellewell asked to table the agenda item regarding a briefing by Specialist Moyes on the meeting he attended. Specialist Moyes said he preferred to wait until the Mayor appointed the new commissioners at the beginning of the year and offered to forward his power-point presentation to everyone. Chairman Whiteley agreed to table that item until January.

Chairman Whiteley then pointed out that Craig Jenkins resigned from the Planning Commission. He felt it unfortunate since Mr. Jenkins contributed enormously to the Commission with his input, thoughts, and careful consideration to the issues before them. The Commission would definitely miss him. As far as filling that vacancy, Chairman Whiteley had not yet discussed the matter with the Mayor, so he did not know when an appointment would happen.

3. Adjournment

KENNETH HELLEWELL MADE A MOTION TO ADJOURN AT 6:41 P.M.; ALL VOTED IN FAVOR.

Robert Whiteley
Planning Commission Chair