

**WOODS CROSS PLANNING COMMISSION MEETING
APRIL 13, 2021**

The minutes of the Woods Cross Planning Commission meeting held April 13, 2021 by Zoom Conferencing.

CONDUCTING: Curtis Poole

COMMISSION MEMBERS PRESENT:

Curtis Poole, Chairman	Ryan Larsen
Mike Doxey	Joseph Rupp
Jessica Kelemen	Gary Sharp

COMMISSION MEMBERS EXCUSED: Eric Jones

STAFF PRESENT:

Tim Stephens, Community Development Director
Bonnie Craig, Secretary
Matt Terry, City Council Member

VISITORS:

LeGrande Blackley	Tyler Ames	Lauren Ames
Dell Nichols		

APPROVAL OF MINUTES

Chairman Poole called for the review of the minutes of the Planning Commission meeting held March 23, 2021.

Following the review of the minutes by the Commission, Commissioner Sharp made a motion to approve the minutes as written with Commissioner Kelemen seconding the motion and all voted in favor of the motion through a roll call vote.

OPEN SESSION

Chairman Poole then opened the meeting to items from those present that they would like to bring before the Commission that were not on the agenda.

There were no comments for the open session, and Chairman Poole closed the open session.

**AMES APIARY CONDITIONAL USE REQUEST—1958 SOUTH 1500 WEST—
LAUREN AND TYLER AMES**

Mr. Tim Stephens, the Community Development Director, reviewed this item with the Planning Commission. He noted the applicants are proposing to keep bees at their residence in the

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R-1-8 Single Family Residential Zone. The city regulations permit 2 colonies of bees on a parcel $\frac{1}{4}$ acre or less.

Following the review by Mr. Stephens, Chairman Poole called for any discussion or questions on this agenda item.

There were no comments or questions, and Commissioner Kelemen made a motion to approve the Ames Apiary Permit conditional use for up to 2 colonies of bees. Commissioner Rupp seconded the motion, and all voted in favor of the motion through a roll call vote.

PUBLIC HEARING: PROPOSED TEXT AMENDMENT TO THE ZONING ORDINANCE PERTAINING TO SIGNAGE-DELL NICHOLS

Mr. Stephens then reviewed this item with the Commission. He noted that Mr. Dell Nichols has owned or been involved in properties at the intersection of 1500 South and 800 West which includes now or has included in the past, the Apple convenience store and the vacant lot south and adjacent to the convenience store. He noted that within the last year or two, the Apple store sold in which Mr. Nichols was involved and new ownership has made many improvements including the new fuel dispensing area and canopy on the south side of the store. Mr. Stephens went on to note that the FastStop store owner made application a few months ago for a sign permit to add an electronic fuel price, pole sign at the corner of 800 West and 1500 South. He said that electronic, changeable signage is addressed in our sign ordinance but is only permitted in our I-1 Light Industrial/Business Park and C-2 General Commercial Zones.

Mr. Stephens noted that Mr. Nichols of DNCRE Development LLC is requesting that section 12-32-160(d)(1) regarding changeable electronic copy signs be amended to not only be allowed in C-2 and I-1 zones but also in the C-1 Restricted Commercial Zone which the FastStop and Mr. Nichols' vacant property are zoned. He noted that Mr. Nichols is also proposing to construct an office building with a small events room for the vacant property south and adjacent to the FastStop and if his proposed project is approved, Mr. Nichols would like to incorporate electronic signage to announce various events to be held in the building.

Mr. Stephens explained there had been a few of the electronic signs installed throughout the community. He noted there had been a few complaints about the signs being too bright, but these problems were quickly resolved by proper sign management. Mr. Stephens went on to say these types of signs have considerable value to many retail, commercial or community users and when the operational requirements of the city's sign ordinance are followed, these types of signs do not seem to generate complaints. Mr. Stephens noted some of the things the Commission should be considering with evaluating this request:

- These types of signs have the potential to impact or generate complaints from nearby residential users when not properly sited and operated.
- Existing signs of this type are situated along 500 West in our community and in some cases near residential uses.

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- The City operates such a sign just across the street from the C-1 Zone and has done so for well over 15 years. This alone, does not necessarily compel us to permit them elsewhere in this area.
- The C-1 Restricted Commercial Zone is within the heart of a residential area of our city unlike the C-2 and I-1 Zones.
- The C-1 Zone extends from Mr. Nichols' vacant property along the west side of 800 West, north of the old neighborhood market and storage units just north and adjacent to the Olde Towne Centre Townhomes.
- The area of the C-1 Zone is small with a low number of properties with the potential to request this type of signage.
- If the ordinance were amended, the possible properties that presently may request such a sign would be Mr. Nichols' proposed office, FastStop Store, Mr. Smoot's strip commercial development on the north side of 1500 South and possibly the old neighborhood market north and adjacent to the Olde Towne Centre Townhomes.
- Should we permit them in the C-1 Zone but consider being more restrictive such as size, location, or type (pole, wall, fuel price or monument) to make them more compatible within this neighborhood? The present maximum size of such signage is 56 square feet which approximately a 7-foot by 8-foot sign. Furthermore, the present regulations allow them to be utilized as either a wall sign, a pole sign, or a monument sign.

Following the review by Mr. Stephens, the Commission asked some question regarding signs.

Commissioner Sharp asked if there was a height limit for a sign in this area. Mr. Stephens noted there was a 25 foot height limit for a pole sign. Commissioner Sharp asked what height the current sign was, and Mr. Stephens said he thought it was about the 25 foot limit.

Commissioner Doxey asked if this was the only C-1 Zone in the whole city and Mr. Stephens said it was the only C-1 Zone and that it did not foster heavy uses.

The Commission discussed the possibility of using a ground sign for fuel pricing at this location. They noted it might be a better use because this is a neighborhood gas station and there really was not a need for a pole sign to be seen from far away because no major roads, such as a freeway, could see the sign. There was discussion that a ground monument sign might make more sense for residents of the community who come to the corner where the FastStop is located, they could see the price of gas on a monument sign as they are waiting at the four-way stop.

Mr. Dell Nichols then joined the discussion. Mr. Nichols said he had been the owner of the property on the corner where the FastStop is located but had sold the former Apple Store that has now become the FastStop. He also noted he currently owns the surrounding property where he is proposing to construct a small business building. He said he had owned the property since about 2006. He said he has been very invested in the quality of the corner property and wanted to make it nice and sees it as a community corner. He said he had acquired the property with the intent to operate the store and to put in a small commercial subdivision on the property. He said over the last year or two the owner of FastStop had been working on updating the Apple Store

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and cleaning up the corner. He said he continues to want to see this be a nice corner that is done tastefully and to be of high quality. He said he is concerned he will not be able to do that if he is not allowed to have the signs, he needs for the businesses that are located there or will be located there.

Commissioner Sharp asked if the FastStop owner is interested in keeping a pole sign. Mr. Nichols said he felt sure they would want to keep a pole sign but that it would be reserved for the corner lot only. He did say the owner was hoping there could be an electronic pole sign and possibly an electronic monument sign. Mr. Nichols said he was hoping for an electronic monument sign for the new subdivision that is being planned for the remaining property he owns.

Chairman Poole asked if Mr. Nichols planned to put monument signs on both street frontages of the corner property. Mr. Nichols said he was not sure at this time, but he would like to keep his options open. He said the cost would probably be a factor but as of right now he is planning on putting a monument sign on 800 West.

Mr. Stephens noted that presently, pole signs are not permitted in the current C-1 Zone and that only a wall sign or monument sign would be allowed for the property. He said a new digital pole sign would not be allowed in this zone at this time.

Commissioner Rupp asked if the ordinance is changed can additional language be added to allow a grandfathered sign to be updated.

Mr. Stephens said if these electronic signs were included, they could only be wall or monument signs and for fuel price signs on a pole. He noted that non-conforming signs would need to be updated to be conforming uses.

Mr. Nichols said he felt like it was critical to allow a digital sign for fuel pricing for community information.

Chairman Poole asked Mr. Nichols if a monument sign would work if a pole sign was not allowed. Mr. Nichols said it would be difficult for the owner of the FastStop if no pole sign were allowed.

Following the above comments, Chairman Poole opened the public hearing.

There were no public comments and Chairman Poole closed the public hearing.

Chairman Poole said his personal opinion was that he is more comfortable with a monument sign and he did not want too many signs to clutter the corner. He also said he had concerns about too many monument signs at one location.

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Commissioner Rupp said he felt like there is a lot of new technology now with electronic signs and they are easier to control with this new technology. He said he would not be opposed to an upgraded pole sign if it only had gas prices listed on it and that was its specific use. He said the other signs for the proposed new surrounding area should only be monument or wall signs. He also said that language might be used to specify the signs be used as “per parcel” so there are not too many signs in any one space. He said he supports moving forward but he favors placing restrictions because of the residential neighborhood.

Chairman Poole suggested that maybe each development could be allowed to have one sign and Commissioner Rupp said he thought that would be a good idea to write the language to allow for one sign per development.

Commissioner Sharp said he would be willing to allow for a directional sign as Mr. Nichols property is unique and directional signs would be needed because a monument sign might not work well enough for the way the property is configured if there was solely a monument sign. He also said he was in favor of one monument sign per development.

Commissioner Kelemen said that the functionality purpose for a pole sign is for the sign to be seen from far away and she said she was not sure a pole sign was needed for a neighborhood gas station. She said as of right now it was not in keeping with the neighborhood and she did not feel like a pole sign would be that beneficial to the business.

Commissioner Rupp said that if you did not live in the neighborhood you could see a pole sign from far away to let you know there is a gas station in the area. He said a monument sign might restrict vision for traffic on the corner.

Commissioner Sharp said he would prefer a pole sign to allow for clear vision for traffic.

Commissioner Doxey said he was not opposed to a pole sign if it is for gas only. He said his biggest concern was for added light pollution at that corner and how it might affect the surrounding residential neighborhoods.

Commissioner Larsen said he did not mind a pole sign if it were just for gas and he also agreed a monument sign might impede people’s vision at the corner.

Chairman Poole then summarized that the Commission did not have too much concern for a pole sign as long as it was for changing gas prices only. He said the Commission did not have too many concerns for monument signs or wall signs especially because of advanced technology for electronic signs. He said the Commission did express some concern over a monument sign for vision purposes and the Commission also expressed concerns for too many monument signs on one property and they would prefer there be one monument sign per property.

Mr. Nichols said he would be fine with those parameters if there could also be some directional signs included.

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Mr. Stephens said he would look at drafting something based on the comments from the Commission. He also said he felt like he would need to consult with the City Attorney to make sure the drafted language for the non-conforming pole sign is drafted correctly.

Council Member Terry also noted the city had been working hard to get a traffic light at the corner that had been discussed in tonight's meeting. He said the owners of the property may need to take that into consideration as they decide what sorts of signs they want to put in because if there is a right hand turn lane put in at the corner, it might affect signs that are placed on the corner.

Mr. Stephens said he would talk with the Public Works Director and the City Engineers to see if they already have a concept plan for the traffic light and that corner and how a light might impact the corner.

Following the discussion above, Commissioner Rupp made a motion to have staff come back with options and further information after talking with the City Engineers, Public Works, and the City Attorney. Commissioner Larsen seconded the motion, and all voted in favor of the motion through a roll call vote.

CITY COUNCIL REPORT

Council Member Terry reported on the City Council meeting held April 6, 2021. Please see the minutes of that meeting for the details of his report.

GENERAL AND PENDING

Mr. Stephens noted there would be more zoning chapters coming for review by the Planning Commission.

He noted there had been some new elevations resubmitted from the architect of the metal building that the Commission had reviewed at the last meeting which will coming to the Commission for further review.

He noted there had been an agreement made for a second private access where the Bryson Bus proposing to be located just north of Rockwell.

ADJOURNMENT

There being no further business before the Planning Commission, Commissioner Doxey made a motion to adjourn the meeting at 7:42 P.M.

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Curtis Poole, Chairman

Bonnie Craig, Secretary

Approved by Planning Commission April 27, 2021.

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