



Provo City Planning Commission

# Report of Action

July 26, 2017

ITEM 1\* Scott Bowles requests an Ordinance Amendment to Section 14.20.160 to increase the size of signs permitted in the Regional Shopping Center (SC3) Zone. **City-Wide Impact.** 17-00150A, Aaron Ardmore, 801-852-6404

The following action was taken by the Planning Commission on the above described item at its regular meeting of July 26, 2017:

## POSITIVE RECOMMENDATION

On a vote of 5:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Dave Anderson

Second By: Ed Jones

Votes in Favor of Motion: Dave Anderson, Ed Jones, Deborah Jensen, Maria Winden, Shannon Ellsworth

*Deborah Jensen was present as Chair.*

- Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

### PLANNING COMMISSION RECOMMENDED TEXT AMENDMENT

(1) Signs. All signs erected in the SC3 zone shall be in conformance with the sign provisions of Chapter 14.38, Provo City Code and shall be in general compliance with the typical sign program approved by the Planning Commission under the provisions of Section 14.20.140, Provo City Code. Large scale developments of at least fifty (50) acres or more having no direct vehicular access to an arterial street shall be entitled to two (2) additional free standing, development entrance signs subject to the following standards:

- (a) Sign copy shall be limited to the name, logo, **advertising**, and address of the development;
- (b) Sign location sign shall be limited to the immediate area where a secondary road connects to an arterial road whether on private or public property;
- (c) A sign may be located in a landscaped or concrete median in city-owned right-of-way subject to (i) issuance of an encroachment permit and (ii) resolution of all sight safety issues;
- (d) Sign size shall be limited to ~~one hundred (100)~~ **five hundred (500)** square feet;
- (e) Sign height shall be limited to ~~twenty (20)~~ **forty five (45)** feet;
- (f) No more than two (2) such signs shall be permitted; and
- ~~(g) Sign area shall be calculated as a part of the overall free standing sign allowances for signs over five (5) feet.~~

For the purpose of this Subsection the phrase "no direct vehicular access to an arterial street" shall mean a development project that (i) has no drive entrances directly from an arterial into the development, (ii) has no frontage on an arterial road, or (iii) must be accessed from a secondary road.

### **STAFF PRESENTATION**

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

### **NEIGHBORHOOD MEETING DATE**

- City-wide application; all Neighborhood Chairs received notification.

### **NEIGHBORHOOD AND PUBLIC COMMENT**

- This item was City-wide or affected multiple neighborhoods.

### **CONCERNS RAISED BY PUBLIC**

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission.

### **APPLICANT RESPONSE**

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- Scott Bowles reviewed the plans for the mall and the reasoning for new signage.

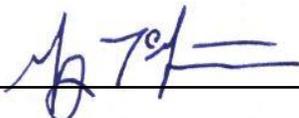
### **PLANNING COMMISSION DISCUSSION**

Key points discussed by the Planning Commission included the following:

- Commission members discussed regulation for sign brightness.



Planning Commission Chair



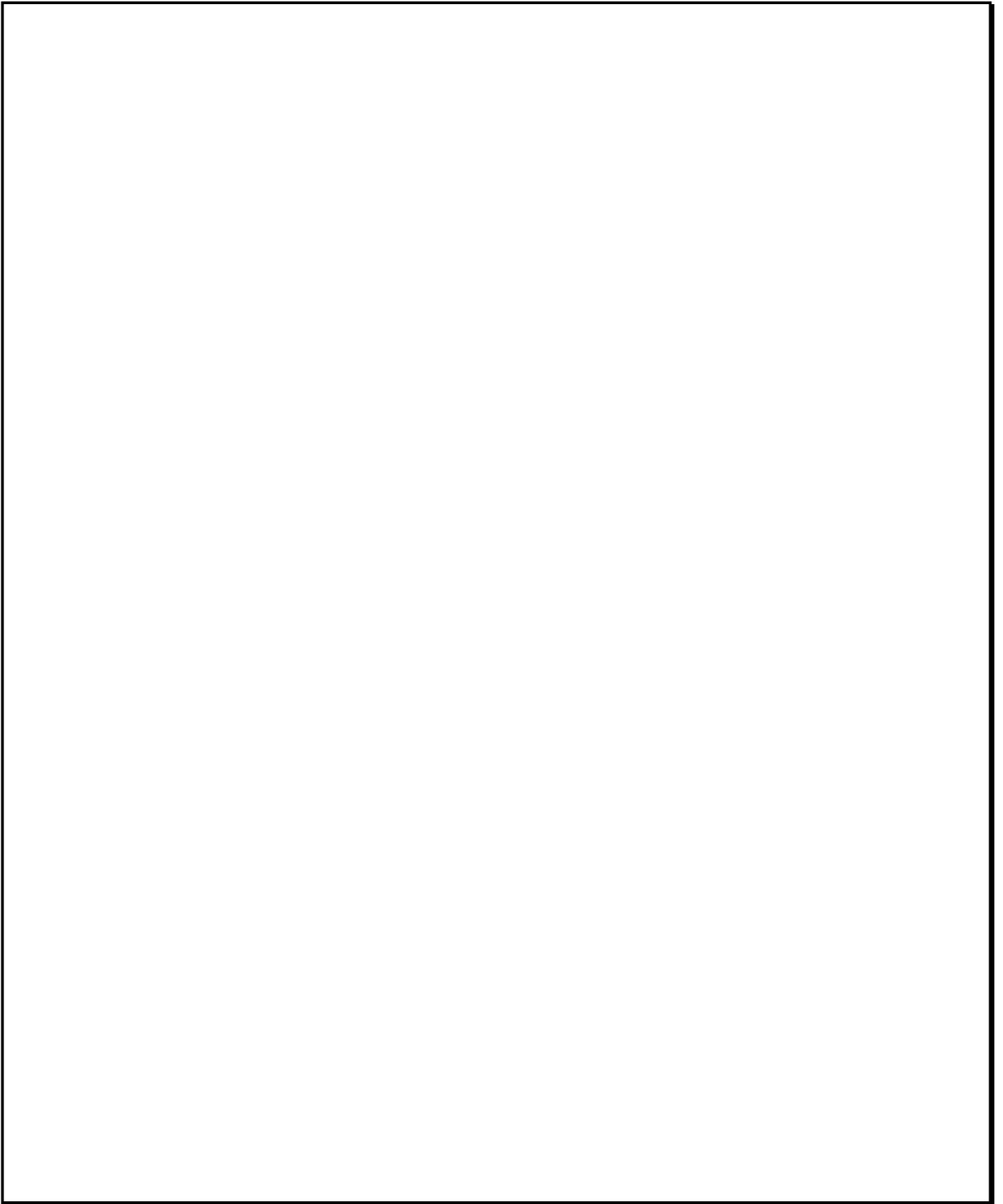
Director of Community Development

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (\*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees, to the Community Development Department, 330 West 100 South, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

**BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS**





**Planning Commission  
Staff Report  
Ordinance Amendment  
Hearing Date: July 26, 2017**

**ITEM 1\*** Scott Bowles requests an Ordinance Amendment to Section 14.20.160 to increase the size of signs permitted in the Regional Shopping Center (SC3) Zone. **City-Wide Impact.** 17-0015OA, Aaron Ardmore, 801-852-6404

**Applicant:** Scott Bowles

**Staff Coordinator:** Aaron Ardmore

**\*Council Action Required:** Yes

**Related Application(s):**

**ALTERNATIVE ACTIONS**

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is August 9, 2017, at 5:30 p.m.*
2. **Recommend Denial** of the proposed ordinance amendment. *This would be a change from the Staff recommendation; the Planning Commission should state new findings.*

**Relevant History:** The applicant is an employee of the Provo Towne Center Mall. The mall is under new ownership and is looking to increase their signage as part of a redevelopment plan for the mall. Staff worked with the applicant on drafting language that would support the desired changes.

**Neighborhood Issues:** The neighborhood chair was notified and has not received any concerns at the time of this report.

**Summary of Key Issues:**

- The mall is proposing a new sign package that replaces the existing signs along University Ave with larger pole signs.
- The current SC3 zone sign limits the sizes and sign copy for these signs.
- The proposed ordinance amendment language would allow the mall to replace the dilapidated signs along University Avenue, but would not affect other SC3 zones.

**Staff Recommendation:** Staff recommends that the Planning Commission forward a positive recommendation of the proposed amendments to increase sign allowances in the SC3 zone to the Municipal Council.

## OVERVIEW

Scott Bowles, the applicant, is proposing an ordinance amendment to Section 14.20.160(1), to increase the allowances for the two mall sign along University Avenue. This proposal would allow the two signs to be replaced by two pole signs, each 45 feet in height and just under 500 square feet of sign space. The amendment also adds the allowance for advertising for the development.

The current code section was written specifically for the two existing signs (pictured below) and limits the size of each to 100 square feet and a height of 20 feet. These standards are overly limiting for current advertising needs.

The proposed amendment would allow the applicant to replace two dated signs along a major corridor with new, attractive signage that can better display what Provo Towne Center has to offer.

## STAFF ANALYSIS

1. Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of ordinance text amendments:

*Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public, and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan: Responses in bold*

- (a) *Public purpose for the amendment in question. **The public purpose for the amendment in question is to strengthen the economic viability of a major tax resource for the City.***
- (b) *Confirmation that the public purpose is best served by the amendment in question. **The mall property is currently under-utilized and distressed. Provo is located between two regional commercial hubs of Orem and Spanish Fork. Attracting patrons from outside of Provo is essential to the livelihood of the mall.***
- (c) *Compatibility of the proposed amendment with General Plan policies, goals, and objectives. **The proposed amendment helps to meet the***

**goals of the General Plan. Specifically, to “keep existing businesses in Provo and help them expand their operations, facilities, and markets” found in Chapter 12.**

- (d) *Consistency of the proposed amendment with the General Plan’s “timing and sequencing” provisions on changes of use, insofar as they are articulated. **There are no such provisions related to this proposal.***
- (e) *Potential of the proposed amendment to hinder or obstruct attainment of the General Plan’s articulated policies. **The proposal should not hinder or obstruct the General Plan’s articulated policies.***
- (f) *Adverse impacts on adjacent land owners. **Adverse impacts on adjacent land owners should be minimal based on the proposed location for the sign and with the conditions set by Provo City Code 14.38.025.***
- (g) *Verification of correctness in the original zoning or General Plan for the area in question. **The zoning and General Plan are correct.***
- (h) *In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.*

## **CONCLUSIONS**

Staff has worked with the applicant and developed new ordinance language that meet the applicant’s needs, but also allows the current sign size restrictions to be maintained for the majority of SC3 zones.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission forward a positive recommendation of the proposed amendments to increase sign allowances in the SC3 zone to the Municipal Council.

## **ATTACHMENTS**

1. Proposed Ordinance Language
2. Existing Signs
3. Proposed Signs

## ATTACHMENT 1 – PROPOSED ORDINANCE LANGUAGE

### **14.20.160. Other Requirements.**

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ATTACHMENT 2 – EXISTING SIGNS

