

Harrisville City Planning Commission Meeting
Held at 363 W. Independence Boulevard
7:00 p.m. December 8, 2010

Commissioners:	Jeff Pearce	Staff:	Shanna Edwards (Secretary)
	Ed Saunders		Greg Montgomery
	Steve Weiss		
	Roger Shuman		
	Bob Howard	Visitors:	Kevin Butters
	Kathy Hohosh		Ruth Pearce

Commissioner Knighton was excused. Chairman Pearce called the meeting to order at 7:08 p.m. He gave commissioners time to read a letter from City Attorney, Mike Junk who was unable to attend the meeting. Subject of the letter was "Approval of Butters Site Plan."

1. Review / action on a site plan for SPS property located at 760 North Highway 89 - City Attorney, Mike Junk.

DISCUSSION: After reading the letter from Mike Junk, Commissioner Shuman said he felt there is no need to spend much time on discussion, and he suggested the commission follow the recommendation of the attorney to approve the site plan. Kevin Butters said that there is not much for him to present to the commission because this is the same site plan the commission approved previously with the three-year exception for paved parking. He said that SPS has done everything that was asked of them. The parking is paved with crushed road mill and compacted into a hard surface pavement. Commissioner Saunders asked how this compares with regular asphalt. Kevin Butters said it holds up pretty well if it has a good base under it. He said they put in three to four inches of asphalt mill and compacted it. It is not loose, he said there is enough oil left in the mill to reconsolidate it. The material under the crushed road mill is rock material and road base. Commissioner Saunders asked about the note on the site plan that states the approach is to be paved after the storm drain is installed. Kevin Butters explained that Thoroughbred Meadows Subdivision needs to be completed for that to happen. He said that they gave developers of Thoroughbred Subdivision an easement to run the storm drain for the subdivision on SPS property along Larsen Lane and tie into the storm drain located by the driveway of the first house on Larsen Lane. The developer of the subdivision is going to landscape over the easement on the Butters property along Larsen Lane in return for Butters allowing the easement. The approach will be widened and put in after that storm drain line is run. Chairman Pearce asked about a storm water drainage plan on the Butters property. Kevin Butters stated that storm water runs into existing box basins that are provided underground. He said that when they engineered the storm drainage system, they handed it to Kent Jones to review before it was paved. There are periodic boxes and swells to direct the water, and there are two oil/water separates. Kevin Butters said that the plan was approved 10 to 15 years ago before they ever went to court with the city. He said he provided the city with a copy of the storm drain plan again with the last site plan submitted for approval a few years ago. Kent Jones looked at it again at that time, and did not see anything to review. The basins are underground and if they back up, the water goes into the low areas between the basins. He said they are getting credit for increased size of detention basins above city requirements. They just have everything hidden underground to make it look nicer. Kevin Butters said the planning commission acts the site plan as the land use authority and the city council will address the settlement agreement.

MOTION: Commissioner Saunders motion to approve the site plan presented for SPS property located at 760 North Highway 89. Commissioner Bob Howard seconded the motion and voting was unanimous.

2. Review / set public hearing for proposed amendments to the sign ordinance - Greg Montgomery

Greg Montgomery went over the areas of the sign ordinance that were added or changed since the last review. He explained that the underlined material in the document does not represent all new additions. Because of something going on with his computer, everything got underlined. However, the strike outs are accurately marked for removal. The first three pages are new and include the definitions. He pointed out that page 4 contains information on how to calculate allowable sign size. Page 4 also includes prohibited signs including misleading signs that mimic emergency vehicles. Strobe lights were mentioned as distracting, and Greg said he could add something to cover strobe lights. Commissioners reviewed banner signs on page 7 including the option providing standards for "banner signs for business or religious land use." This would allow banner signs to remain permanent. Chairman Pearce said his opinion is that too many banner signs look tacky. Greg Montgomery pointed out that the present ordinance does not allow banner signs, so all of the ones presently displayed in the city are illegal under the present ordinance. With reference to page 7, paragraph 3, Steve Weiss asked if the city council will want to approve every banner sign for special occasions. Greg Montgomery said the present ordinance has that language for approval on banner signs. Commissioners agreed to change the approval process to exclude the city council. Commissioners liked the option provided in paragraph 5 on page 7, "Banner Signs for Business or Religious Land Use," and they agreed to include it. They changed the maximum size limit from 30 square feet to 48 square feet. Steve Weiss mentioned new boards on the freeways that run eight to ten different ads on one sign. Greg Montgomery said those fall under electronic message display signs. Although wind signs are not allowed in the ordinance, Greg Montgomery included a definition for a "wind sign," and he pointed out that the definition includes that devices which depict things associated with a season or holiday are not considered a wind sign, such as a blow up Santa, etc. He pointed out that "speciality sign" is also defined. Pages 11 and 12 define what types of signs are permitted in the residential zones and the commercial and manufacturing zones. Blanketing was listed in the old ordinance, and Chairman Pearce said he found out that blanketing is when one business puts up a sign that covers another business's sign. Commissioners felt that what is already in this ordinance should control that from happening. Chairman Pearce handed out information regulating safety during the erection of signs which includes city non liability for negligence. Commissioners agreed it would be reasonable to add this information. Greg Montgomery said a serviceability clause needs to be included stating that if one part of this ordinance is considered illegal the whole ordinance is not disqualified. Chairman Pearce suggested something be added to prevent signs such as political signs from being attached to fences on public property such as detention basin fences. Greg will add the word "fences" to "sign on public property."

MOTION: Commissioner Hohosh motioned to set a public hearing and consider approval of the proposed amended sign ordinance for the next regularly scheduled planning commission meeting [January 12, 2011]. Commissioner Weiss seconded the motion and voting was unanimous.

4. Approval of Minutes of meeting held November 10, 2010.

MOTION: Commissioner Howard motioned and Commissioner Hohosh seconded to approve minutes of the meeting held November 10, 2010, as written. Voting was unanimous.

5. Public Comments.

Greg Montgomery: He asked for clarification on approval of the SPS site plan. He asked about the width of the landscape strip along Larsen Lane and if it meets city ordinances. Kevin Butters said there is no width specified; it was not required; it was not on the originally approved site plan. Kevin Butters said they just thought they would put some landscaping there temporarily as a good will gesture for the city. Greg Montgomery said that by ordinance [10.13.040] a landscape setback is required along street

frontages, and if commissioners approve a site plan, it has to meet the ordinance. He asked where the temporary landscaping sits in the relationship of property line versus right of way. He stated that commissioners' approved a site plan that does not meet the city ordinance. Chairman Pearce said that commissioners were not involved in the settlement agreement. Chairman Pearce asked about a sidewalk. Kevin Butters said that the sidewalk will go in at a later point in time.

Kevin Butters: He expressed concern about the proposed sign ordinance. He said that 50 percent of the signs his family own not illegal, but nonconforming. They have temporary signs in the windows, etc. They have been there 30 plus years which he said surely predates the ordinance. These signs are there because they sell products, just like bill boards. He said no one likes bill boards, but the state will not allow amortization on bill boards. He stated that the city will get a lot of legal challenges with the proposed ordinance. He does not agree with the limit of one political sign per property. He is concerned about the overall burden on businesses that this ordinance will create. In hard economic times, the last thing businesses need is more regulations that do not benefit anyone in the city. He said signs at the convenience store change because sale prices change. He said they have had banner signs for years and have replaced them or moved them around. Most of his signs do not conform, even the ones recently approved. This ordinance attempts to put in provisions to get rid of them and amortize them out which he said will present legal challenges due to the financial burdens caused by businesses having to change to signs that conform. He will provide written comments before the public hearing. He cautioned commissioners to look at how this sign ordinance will impact businesses, and look at political signs. He suggested they think about nonconforming signs that will generate a lot of law suits if the city tries going backwards in time on signs that has been there 30 plus years. He said the ordinance will generate problems and affect businesses in general that contribute to the city. If the city loses more businesses, Harrisville will become a ghost town like downtown Ogden which in his opinion resulted from over regulation.

Greg Montgomery pointed out the proposed ordinance limits political signs to one or more per lot on behalf of a candidate, not one political sign in the city per candidate. He said that amortization is in the present ordinance; it is not something that is not being added; but bill boards were removed because they cannot be amortized.

6. City Council Report - Commissioner Weiss. Commissioner Weiss did not attend. Chairman Pearce reported that the council received the audit report. They approved the Storm Water Management Plan prepared by Gene Bingham to turn into the state. After a test period, it was determined that the speed on Larsen Lane and West Harrisville will not be increased, but remain the same.

7. Adjournment.

At 8:05 p.m., Commissioner Weiss motioned and Commissioner Hohosh seconded to adjourn the meeting. The next regular planning commission meeting will be held January 12, 2011, 7:00 p.m. at the city hall.

Shanna C. Edwards
Secretary

Jeff Pearce
Chairman