

**AGENDA
PLANNING COMMISSION MEETING**

Thursday, August 20, 2020
City Council Chambers
220 E Morris Avenue, 2nd Floor

****There will be no Planning Commission members at the anchor location of South Salt Lake City Hall and Planning Commission will connect remotely through a Zoom meeting****

REGULAR PLANNING COMMISSION MEETING AT 7:00 P.M.

Moment of Reflection:
Pledge of Allegiance: Chad Ewell
Approve Agenda:

NEW BUSINESS

Public Meeting C-20-007

NOTICE OF PUBLIC MEETING FOR AN AMENDMENT TO A CONDITIONAL USE PERMIT - C-19-011 - TO RELOCATE, RAISE THE HEIGHT AND ADD AN ELECTRONIC MESSAGE CENTER TO THE SOUTH FACE OF A BILLBOARD IMPACTED BY THE I-15 UDOT CONSTRUCTION

Applicant Reagan Outdoor Advertising

Applicant Address 461 West 3600 South
South Salt Lake, Utah 84115

CONTINUING BUSINESS

None at this time.

PLANNING COMMISSION BUSINESS

None at this time.

STAFF BUSINESS – INFORMATION ITEMS

None at this time.

IN COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT, INDIVIDUALS NEEDING AUXILIARY COMMUNICATIVE AIDS OR OTHER SERVICES FOR THIS MEETING SHOULD CONTACT JEFF ATTERMANN, (801) 412-3224, GIVING AT LEAST 24 HOURS NOTICE.

I, Laura Vernon, Planning Commission Chair, hereby determine that conducting the Planning Commission meeting at an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. The World Health Organization, the President of the United States, The Governor of Utah, the County Health Department and Mayor, and the Mayor of South Salt Lake City have all recognized a global pandemic exists related to the new strain of the coronavirus, SARS- CoV-2. Due to the State of emergency caused by the global pandemic, I find that conducting a meeting at an anchor location under the current state of public health emergency constitutes a substantial risk to the health and safety of those who may be present at the location. According to information from State Epidemiology, the State is currently in an acceleration phase, which has the potential to threaten the State's healthcare system.

Dated: 8/11/2020 (date of public notice)



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Join Zoom Meeting

<https://zoom.us/j/97719822267?pwd=MnpDV2tWL3M3ZGhXZ2FKWjl2d3hyd309>

Meeting ID: 977 1982 2267

Passcode: 063318

One tap mobile

+12532158782,,97719822267# US (Tacoma)

+13462487799,,97719822267# US (Houston)

Dial by your location

+1 253 215 8782 US (Tacoma)

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+1 929 205 6099 US (New York)

833 548 0282 US Toll-free

877 853 5257 US Toll-free

888 475 4499 US Toll-free

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Meeting ID: 977 1982 2267

Find your local number: <https://zoom.us/u/aIDSkQ5wS>

***Planning Commission Regular Meeting Minutes
Thursday, August 20, 2020
Meeting Conducted Remotely
Time 7:00 p.m.***

Commission Members Present: Laura Vernon, Chair
Jeremy Carter
Chad Ewell
Christy Dahlberg
Susan Dickstein
George Pechmann
Mary Anne Southey

Staff Members Present: Alexandra White, Community Development Director
Sean Lewis, Deputy Comm. Dev. Director
Taylor Greenwell, City Planner
Jeff Atterman, City Planner
Josh Collins, Deputy City Attorney

Community Members: Victoria Lara, Applicant
Guy Larson, Applicant

Commission Member Absent: Stacey Holscher

NOTE: The meeting took place via Zoom.

Instructions were given on how to participate during the meeting using Zoom technology.

Moment of Reflection: **There was not a Moment of Reflection.**

Pledge of Allegiance: **Commissioner Ewell**

APPROVAL OF AGENDA

Motion to approve the Agenda as written.

Motion: **Commissioner Pechmann**

Second: **Commissioner Dickstein**

Vote: **Unanimous**

NEW BUSINESS

- **Public Meeting – C-20-007**

1. **Notice of Public Meeting for an Amendment to a Conditional Use Permit – C-19-011 - To Relocate, Raise the Height and Add an Electronic Message Center to the South Face of a Billboard Impacted by the I-15 UDOT Construction.**

Applicant Reagan Outdoor Advertising

Applicant Address 461 West 3600 South
South Salt Lake, UT 84115

City Planner, Taylor Greenwell, presented the staff report and stated that Reagan Outdoor Advertising submitted a Conditional Use Permit application to relocate and increase the height of an Electronic Message Center (“EMC”) billboard on 0.2 acres located at 461 West 3600 South. The billboard is pre-existing but has been displaced due to UDOT construction to expand I-15. In 2019, a billboard was previously approved under conditional use permit C-19-11. The prior Conditional Use Permit was intended to increase the size of the billboard from 71 to 82 feet and add an EMC to the south side face.

The billboard approved by the Planning Commission was not erected due to the construction of an overhead sign on southbound I-15. This newly installed sign obstructs the view of the south face of the billboard to northbound traffic. Per the new application, the applicant desires to adjust the location of the billboard 25 feet to the south and set back 5 feet from the nearest property line. The applicant also desires to increase the height by an additional 23 feet to go from the pre-approved 82 to 105 feet. If approved, the same billboard will be 672 feet in size.

The sign location is within the Flex Zone and the property surrounding the area consists of industrial uses. The site plan for the above item was displayed. The previous billboard that was demolished due to the I-15 expansion was displayed. State Law allows for it to be clearly visible and free from obstruction.

Mr. Greenwell reviewed the General Plan and stated that the above item meets all requirements. Staff reviewed Section 17.08 of the South Salt Lake City Code in its entirety and Utah Code Section 72-7510 and 510.5. The above item was determined to meet all requirements of the Municipal and State Code. Staff recommended approval.

Mr. Greenwell reported that as part of the original application, the applicant applied to have the EMC on the south side face, however, Reagan Outdoor Advertising informed staff that the desire is for it to be located on the north face to keep the south face static. There was no requirement for this in the Code, however, there is a requirement for a change to findings 12 and 13. Mr. Greenwell read the Conditional Use Permit in its entirety.

Commissioner Carter was concerned about the height and asked what the State defines as clearly visible as it relates to highway traffic traveling at 70 MPH. Mr. Greenwell explained that the sign is required to be free from obstructions and deferred to the applicant to respond in more detail.

In response to a question, Community Development Director, Alexandra White, stated that State Law defines that a driver's distance from the sign needs to be clearly visible for up to a certain number of feet from any direction. She was unsure of the hypotenuse of the triangle of traffic, road, and sign.

The applicant, Guy Larson, explained that the State defines 'clearly visible' as the ability to see a sign from 500 feet away. Mr. Larson was unsure of the hypotenuse measurements but stated that the sign needs to be visible to traffic 500 feet. Originally, the application was for 120 feet to clearly be seen over the sign obstruction but was then changed because it was thought that the sign was too high. Five drive-by tests were completed by raising a panel, starting at 71 feet, to determine an appropriate height for the sign. Staff was also involved and assisted in the process.

Commissioner Dickstein asked why incandescent light bulbs are being used. Deputy Community Development Director, Sean Lewis, stated that incandescent light bulbs will not be used and this terminology is used to describe the brightness of the bulb. Mr. Larson asked if he will be required to dim the light at night since it is more than 150 feet. Ms. White confirmed this was the case.

In response to a question raised, Mr. Larson reported that there is a change in the way the sign is facing because the company's sales department desires southbound traffic to view the digital display rather than northbound traffic.

Chair Vernon asked if the sign would not need to be as high if it was facing southbound because the view would not be obstructed. Mr. Larson reported that regardless of which direction the sign is facing, it will be blocked. The other side of the sign has a static face that makes it unsaleable.

Commissioner Southey was concerned about the height increase and asked if moving the sign an additional 10 feet would result in the sign not needing to be so high. Mr. Larson reported that numerous positions and heights have been tested to make the sign less obtrusive to the City. They battle this in several cities and their goal is to be a city-friendly company. The reason the sign cannot be moved further south was because there is another billboard exactly 500 feet to the south.

Commissioner Ewell asked if there are any other billboards with this height in the area to compare it to. Mr. Larson reported that there are a few signs on the I-15/I-80 interchange that are estimated to be this height or higher. Ms. White reported that the height varies from billboard to billboard based on the height of the barrier wall on I-15. As the ramps and walls are built higher, the billboards do as well.

Commissioner Carter asked how high the sign appears in relation to the vehicle. Mr. Larson referred to the video submitted with the application. The further away a driver is from the sign, it appears taller, but the closer a driver is to the actual sign, it appears to be normal height. Mr. Larson reported that he does not have the exact elevation the sign is above the road.

Ms. White reported that as part of the staff analysis there is a section that discusses the height of the freeway grade at the sign location. The proposed height of the 105 feet is only 32 feet above the grade of the road, including a 25-foot barrier wall that is either installed or will be installed, along the edge of the new freeway expansion.

Commissioner Pechmann commented that the height of the sign is determined by where it is viewed from. Mr. Lewis explained that the definition from the State Legislature on the visibility area is defined as being from the pole of the sign out 500 feet and across all lanes of traffic.

Commissioner Carter asked that if a sign is obstructed for 0.5 seconds will be determined to be no longer clearly visible. Mr. Larson explained that the State does not define a measurement in time or seconds, however, the State statute indicates that it must be clearly visible. Mr. Larson recommended that the Commission watch the video submitted to show that as a driver approaches the sign it is blocked for several seconds. Chair Vernon asked if the distance from one sign can be less than the required 500 feet to another sign. Mr. Greenwell stated that the City Code strictly prohibits this option. Mr. Larson reported that Federal and State law prohibit less than 500 feet between signs.

Chair Vernon opened the public hearing. There were no public comments. The public hearing was closed.

Commissioner Pechmann did not have any concerns and did not have a preference for whether the EMC faces north or south, as long as it is not both.

Motion to APPROVE Amendment to a Conditional Use Permit – C-19-011 -To Relocate, Raise the Height and Add an Electronic Message Center to the North Face of a Billboard Impacted by the I-15 UDOT Construction with the following conditions:

- 1. The light intensity may not exceed that produced by fifty-four (54) watts of incandescent lighting for daytime usage, as measured from the nearest public right-of-way. An automatic dimmer must be installed to reduce the nighttime intensity to that produced by thirty (30) watts of incandescent lighting, as measured from the nearest public right-of-way.**
- 2. The digital face may not flash or scintillate except to change the displayed wording to different wording.**
- 3. Any display on the digital face must remain lighted for at least eight seconds.**
- 4. The maximum height of the EMC billboard is limited to 105 square feet as measured from the highest point of the billboard.**
- 5. The maximum area of the proposed EMC billboard is 14' x 48' (672 square feet).**

6. **The applicant shall obtain a South Salt Lake City sign permit prior to any construction.**
7. **The billboard shall meet all requirements of Utah State Code 72-7-510 and 510.5.**
8. **The billboard shall meet all requirements of Title 17.08.**
9. **The applicant shall obtain all required permits from UDOT prior to construction of the EMC billboard.**

Motion: **Commissioner Pechmann**

Mr. Lewis stated that the amendment needs to reflect that the change of the EMC will be from the south face to the north face.

Commissioner Pechmann acknowledged that the Findings of Fact reflect a change from the EMC on the south face to the north face of the billboard.

Second: **Commissioner Southey**

Vote: **Unanimous**

CONTINUING BUSINESS

There was no Continuing Business.

PLANNING COMMISSION BUSINESS

There was no Planning Commission Business.

STAFF BUSINESS – INFORMATION ITEMS

There was no Staff Business.

Chair Vernon read the required statement from the State addressing the prevention of meeting in person because of the Coronavirus.

ADJOURNMENT

Motion to Adjourn: **Commissioner Ewell**

Second: **Commissioner Dickstein**

Vote: **Unanimous**

New Planning Commissioner Christy Dahlberg was welcomed.

The Planning Commission Meeting adjourned at approximately 7:43 p.m.

For Planning Commission

Planning Division Manager



PLANNING COMMISSION STAFF REPORT

| | |
|------------------------|--|
| MEETING DATE: | August 20, 2020 |
| PROJECT NUMBER: | C-20-007 |
| REQUEST: | Approval of an amendment to C-19-011 to relocate and increase the height of an existing freeway-oriented EMC billboard |
| ADDRESS: | 461 West 3600 South |
| PARCEL NUMBER: | 15-36-127-016-0000 |
| PROPERTY OWNER: | 461 W Leasing, LLC. |
| APPLICANT: | Reagan Outdoor Advertising |

SYNOPSIS:

On July 1, 2020, Reagan Outdoor Advertising, submitted an application to amend an existing Conditional Use Permit (“CUP”) to relocate and increase the height of an electronic message center (EMC) billboard on 0.82 acres located at 461 West 3600 South. This billboard was previously existing but was displaced from construction by UDOT to expand I-15. The replacement billboard was previously approved for construction in 2019 under Conditional Use Permit C-19-011. The prior Conditional Use Permit application was to increase the height of the billboard from 71 feet to 82 feet and add an EMC to the south sign face. The approved replacement billboard was not erected due to the construction of an overhead sign in the southbound lane of I-15. The newly installed overhead sign obstructs the view of the south face of the billboard to northbound traffic. Per the application, the applicant proposes to adjust the location of the billboard 25 feet south and 5 feet from the nearest property line. The applicant also proposes to increase the billboard height by an additional 23 feet. If the amendment is approved, the total height of the billboard would be 105 feet with the same billboard face size of 14’ x 48’ (672 feet total sign area).

Billboards in South Salt Lake City are regulated under Article V of the City’s sign ordinance, §17.08 of the South Salt Lake Municipal Code. The City’s sign ordinance classifies digital billboard faces as electronic message centers, which are regulated under §17.08.480 of the municipal code. The sign ordinance classifies electronic message centers as conditional uses subject to Planning Commission approval. This request also falls under Utah Code Section 72-7-510 6(a) and (d)(i) and 72-7-510.5.



| EXISTING ZONING | REASON FOR MODIFICATION | PROPOSED IMPROVEMENTS | PREVIOUS BILLBOARD HEIGHT | PROPOSED NEW BILLBOARD HEIGHT |
|-----------------|--|--|---|-------------------------------|
| Flex | UDOT expansion to I-15 required the billboard to be demolished | Relocate, reconstruct, and increase the height of the new billboard. | 71 feet (previously approved for 82 feet by C-19-011 and was not completed due to construction of an overhead sign on I-15) | 105 feet |

PLANNING COMMISSION RECOMMENDATION:

Staff recommends approval for an amendment to the existing conditional use permit C-19-011 to relocate and increase the height of an EMC billboard at 461 West 3600 South, with the following conditions:

1. The light intensity may not exceed that produced by fifty-four (54) watts of incandescent lighting for daytime usage, as measured from the nearest public right-of-way. An automatic dimmer must be installed to reduce nighttime intensity to that produced by thirty (30) watts of incandescent lighting, as measured from the nearest public right-of-way.
2. The digital face may not flash or scintillate except to change the displayed wording to different wording.
3. Any display on the digital face must remain lighted for at least eight seconds
4. The maximum height of the EMC billboard is limited to 105 feet as measured from the highest point of the billboard.
5. The maximum area of the proposed EMC billboard is 14' x 48' (672 square feet).
6. The applicant shall obtain a South Salt Lake City sign permit prior to any construction.
7. The billboard shall meet all requirements of Utah State Code 72-7-510 and 510.5.
8. The billboard shall meet all requirements of Title 17.08.
9. The applicant shall obtain all required permits from UDOT prior to construction of the EMC billboard.

General Information:

Location: 461 West 3600 South
Property Size: 0.82 acres
Surrounding Land Uses: North: Flex
South: Flex
East: I-15
West: Flex

Figure 2: Existing Parcel Lines



Applicant Proposal:

The applicant is petitioning to amend an existing Conditional Use Permit (“CUP”) to relocate and increase the height of an electronic message center (EMC) billboard on 0.82 acres located at 461 West 3600 South. This billboard was previously existing but was displaced from construction by UDOT to expand I-15. The replacement billboard was previously approved for construction in 2019 under Conditional Use Permit C-19-011. The prior Conditional Use Permit application was to increase the height of the billboard from 71 feet to 82 feet and add an EMC to the south sign face. The approved replacement billboard was not erected due to the construction of an overhead sign in the southbound lane of I-15. The newly installed overhead sign obstructs the view of the south face of the billboard to northbound traffic. Per the application, the applicant proposes to adjust the location of the billboard 25 feet south and 5 feet from the nearest property line. The applicant also proposes to increase the billboard height by an additional 23 feet. If the amendment is approved, the total height of the billboard would be 105 feet with the same billboard face size of 14’ x 48’ (672 feet total sign area).

Figure 3: Applicant’s Site Plan



Figure 4: Previous Elevations

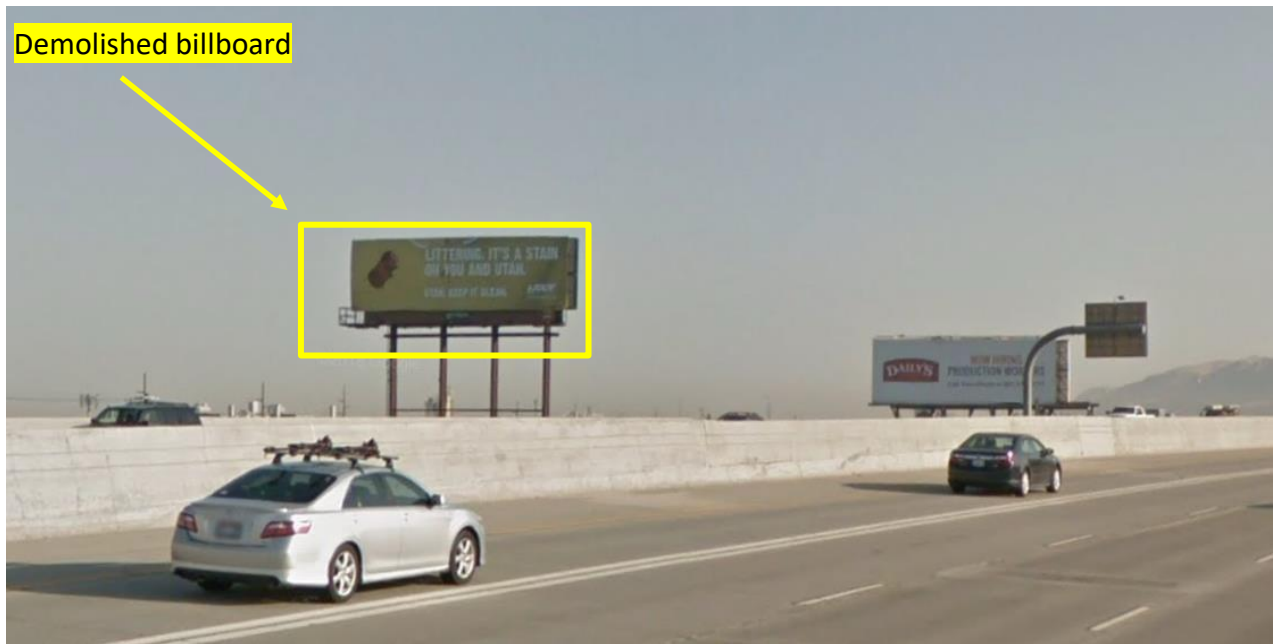


Figure 5. Proposed Elevations





Requirements:

17.11.030. Land use authority designations.

Pursuant to state law, the following administrative land use authority designations are made:

- A. Planning Commission.** The planning commission is the land use authority on issues of: subdivision and subdivision plat approval, vacating, altering or amending a Subdivision Plat; Conditional Use permit Applications; design review for Building Heights as established in this Title; design review for projects on Parcels where any portion of the Parcel abuts any residential district; and the issuance of a Building or demolition permit in a Historic and Landmark district.

General Plan Considerations:

Goal LU-1. Regulate land uses based on compatibility with surrounding uses, residential areas and economic feasibility. Maintain residential, business and industrial areas that are vibrant and where the health and safety of all are protected.

Staff Analysis:

| Ordinance | Finding | Insufficiency |
|--|---|---------------|
| Title 17 - Zoning | | |
| 17.08.480 – Electronic Message Centers | | |
| A. Not allowed off-premise, except on billboards | Complies – EMC is proposed for south face of the proposed billboard only. North face of the proposed sign will remain static. This is the same | |

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| | configuration approved under C-19-011 in 2019. | |
| B. Automatic dimmer required | Complies – Application states an automatic dimmer will be installed to reduce the sign intensity after dark to 30 watts. | |
| C. Light Intensity limits | Complies – Application states light intensity will not exceed that produced by 54 watts of incandescent lighting for daytime usage. The automatic dimmer will reduce the light intensity to 30 watts. | |
| D. Flashing, scintillation prohibited | Complies as conditioned – The EMC will not flash or scintillate as a condition of approval. | |
| E. Two seconds required between displays | Complies as conditioned – Utah Code Section 72-7-505(1)(d) requires 8 seconds. Applicant will be required to comply with this requirement for approval of a sign permit. | |
| F. Limited hours within 500 feet of residential | Complies – There are no residential uses within 500 feet of this billboard. | |
| 17.08.520 - Cap | | |
| A. Total number of billboards limited to number of billboards legitimately in existence as of Sept. 1 2003 | Complies – An existing billboard recently demolished by work on I-15 is being replaced. The number of billboards will not be increased by this application. | |
| B. Total combined square footage of billboard advertising area limited to square footage of billboards legitimately in existence as of Sept 1, 2003. | Complies – Advertising square footage is not being increased by the proposed amendment. The prior size of the advertising face on the billboard that was demolished by construction on I-15 was 14' x 48' and the proposed new board will also be 14' x 48'. | |
| C. Total combined height of billboards within SSL limited to combined of billboards legitimately in existence as of Sept. 1, 2003. | Complies – Utah State Code 72-7-510 and 510.5 allows an increase in height of billboards to make them clearly visible. Due to construction of an overhead sign in the southbound lane of I-15 the view of the south billboard face is obstructed to northbound traffic. | |
| D. As the total number of billboards, total combined square footage, or combined height of all billboards decreases, the cap on the number, advertising area, and combined height shall decrease accordingly | Complies – A previously existing billboard is being replaced, the outside advertising area is not being increased, and State Code allows an increase in height to remain clearly visible which is necessary due to obstruction by an overhead sign erected by UDOT in the southbound lane. This overhead sign obstructs the view of the sign for drivers in the northbound lane. | |
| 17.08.530 - Permits | | |

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| A. Permits shall be required for all Billboard construction | Complies – applicant will apply for a building permit upon receiving approval for an amended CUP | |
| 17.08.540 - Location | | |
| A(1). Billboards allowed in CC, CG, and LI zones | Complies – The proposed billboard is replacing a billboard demolished for work on I-15 in the zone previously called LI. This is a noncomplying structure that existed prior and the applicant is permitted to reconstruct the billboard under Utah Code Sections 72-7-510(6a) and (d)(i). | |
| A(2). Prohibited areas a. 150’ of any residential use | Complies – The proposed billboard is on a property that has flex uses to the west, south, and north and I-15 to the east. No residential uses are within 150’ of the proposed billboard. | |
| A(2). Prohibited areas b. within 150’ of the I-15/I-80 interchange. | Complies – The proposed billboard is not on a property within 150’ of the I-15 / I-80 interchange. | |
| A(2). Prohibited areas c. 500’ of any direction of the I-15 / 3300 South Interchange. | Complies – The proposed billboard is replacing a billboard recently demolished for work on I-15. The only expansion to the previously existing structure is in height, which is permitted by Utah Code Section 72-7-510 6(a) and (d)(i). | |
| A(2). Prohibited areas d. 500’ of any direction of the SR 201 / 900 West Interchange | Complies – The proposed billboard is replacing a billboard recently demolished for work on I-15. The only expansion to the previously existing structure is in height, which is permitted by Utah Code Section 72-7-510 6(a) and (d)(i). | |
| A(2). Prohibited areas e. 500’ of any direction of the I-80 / State Street Interchange | Complies -The proposed property on which the billboard is proposed is not within 500’ of the I-18 / State Street Interchange. | |
| A(2). Prohibited areas f. East of 200 East | Complies - The proposed property is located west of 200 East. | |
| A(2). Prohibited areas g. Within the TOD district | Complies - The proposed property is located in the Flex district. | |
| A. Allowed by Conditional Use - Billboards may be allowed by Conditional Use Permit at the following locations - 1. 3300 South from State Street to the Jordan River 2. 2100 South from the Jordan River to State Street | N/A - The proposed billboard is not located in either of the two listed locations. The proposed billboard is being allowed by the Utah Code Section 72-7-510 and 72-7-510.5 which allows relocation if demolished by highway construction. | |
| B. Separation - Except by Conditional Use Permit approval, the minimum distance between billboards shall be 500 | Complies – This billboard is separated by more than 500 feet from the next nearest billboard to the north and south. The only sign with 500 feet is an on-premise sign for Daily’s Meats. | |

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| feet along the same side of the street | | |
| 17.08.550 – Design and Construction Standards | | |
| A. Size of Advertising Area - Billboard advertising shall not exceed 60 feet in width or 20 feet in height (675 feet in area). | Complies – The proposed face size is 48 feet in width x 14 feet in height on both sides which is below the maximum allowable dimensions of 60’ in width and 20’ in height. | |
| B. Height - The highest point of the billboard may be 25 feet above the pavement elevation or any barrier wall of that location of the freeway. | Complies – As proposed the billboard exceeds the 25 foot max above the pavement elevation on the freeway. The proposed height of 32 feet above the freeway grade and 105 feet overall, is enabled under Utah State Code 72-7-510 6(a) and (d)(i) which states, when a billboard is displaced by construction it can be raised to a height that is clearly visible. UDOT erected an overhead sign in the southbound lane that obstructs the view of the south side of the billboard to northbound traffic at the previously approved height of 82 feet. | |
| C. Billboard shall be setback 5 feet from all Property Lines, plus 1 additional foot for each foot in height over 25’ feet in height. | Does not comply. | The billboard as proposed is setback 5 feet from the property line. The proposed billboard height is 105 feet which is 80 feet more than 25 feet. 1 foot is required to be added to the required 5 foot setback for every foot over 25’. As a result, an 85 foot setback from the nearest property line is required. |
| Utah Code 72-7-510 - Eminent domain -- compensation -- relocations | | |
| 6(a)(i). may relocate or remodel if displaced by widening, construction, or reconstruction on the same property. | Complies - The billboard existed prior to application but was displaced by construction on I-15. The billboard is being relocated 25 feet south and 5 feet from the nearest property line on the same property it was located on prior. | |
| 6(d)(i). The relocated and remodeled use and structure may be erected to a height and angle to be clearly visible on the main traveled way of the highway to which it is relocated or remodeled. | Complies - The applicant is proposing a height of 105 feet to be clearly visible over an UDOT overhead sign constructed on I-15 southbound that obstructs the view of the sign to northbound traffic (see elevations above). | |
| Utah Code 72-7-510.5 - Height adjustments for outdoor advertising signs | | |
| 4(a) the height adjusted sign (i)(a) may be erected to a height to make entire advertising content of the sign clearly visible | Complies - The purpose of the amendment is to increase the height of the sign to 105 feet from 71 feet to make the entire sign visible over an overhead sign in the southbound lane | |

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| | which obstructs the view of the sign to northbound traffic. | |
| 4(a) the height adjusted sign (i)(b) may be erected to an angle to make the entire advertising content of the sign clearly visible | Complies - The purpose of the amendment is to increase the height of the sign to 105 feet from 71 feet to make the entire sign visible over an overhead sign in the southbound lane which obstructs the view of the sign to northbound traffic. | |
| 4(b) shall be the same size as the previous sign | Complies - The proposed face size is 48 feet in width and 14 feet in height on both sides which is the same size as the previous sign. No increase to the area of the sign is proposed. | |

Staff Recommendation:

Staff recommends approval for an amendment to an existing Conditional Use Permit C-19-011 to relocate and increase the height of an electronic message center (EMC) billboard on 0.82 acres located at 461 West 3600 South with the following findings, conclusions of law, and conditions of approval:

Findings of Fact:

1. On July 1, 2020, Reagan Outdoor Advertising (“Applicant”), represented by Victoria Lara, submitted an application for an amendment to an existing Conditional Use Permit (“CUP”) to move and increase the height of an electronic message center (EMC) billboard on 0.82 acres located at 461 West 3600 South.
2. According to Section 17.08.520 the total number of Billboards allowed in the City shall be limited to the number of Billboards within the City legitimately in existence or for which permits were properly issued as of September 1, 2003.
3. According to Section 17.08.520 the total combined square footage of advertising area of all Billboards in the City shall be limited to the total combined square footage of advertising area of all Billboards within the City legitimately in existence or for which permits were properly issued as of September 1, 2003.
4. The total combined height of all Billboards in the City shall be limited to the total combined height of all Billboards within the City legitimately in existence or for which permits were properly issued as of September 1, 2003.
5. The proposed billboard existed prior to the application but was displaced by UDOTs expansion of I-15.
6. The billboard was authorized to be relocated and raised from 71 feet to 82 feet and the south face converted to an electronic message center (EMC) by Conditional Use Permit C-19-011 on April 18, 2019. This permit was never fulfilled due to erection of an overhead sign that would obstruct the sign face to traffic.
7. The billboard will not be moving to a new property but will be relocated on the same property on which it was located prior. The applicant will relocate the billboard 25 feet south and place it 5 feet from the east property line.
8. The height of the billboard was previously 71 feet, the new height under the proposed Conditional Use Permit amendment if approved will be 105 feet.

9. Utah State Code 72-7-510 (6)(i) and 6(d)(i) allows a billboard displaced by interstate highway construction to be raised to a height to make it clearly visible.
10. A sign permit shall be required for all billboard construction. The applicant will be applying for a permit upon completion of the Conditional Use Permit amendment.
11. The previous and proposed sign is 14' x 48' (672 square feet in area). The billboard face will not increase in size as a result of the proposed conditional use permit amendment.
12. The north face of the billboard shall be static
13. The south face of the billboard shall be an electronic message center (EMC) subject to requirements of Title 17.08.
14. 461 West 3600 South is in the Flex Land Use District, the Flex zone encompasses what was previously the LI district which permitted billboards. The billboard is a non-complying structure that is permitted to be reconstructed under Utah Code 72-7-510(6)(i) and 6(d)(i).
15. The proposed billboard is not located within a prohibited area under South Salt Lake Municipal Code:
 - a. The billboard is not located within 150 feet of any residential use.
 - b. The billboard is not within 150 feet of the I-15 / I-80 interchange.
 - c. The billboard is not within 500 feet of the I-15 / 3300 South Interchange
 - d. The billboard is not located within 500 feet of the SR 201 / 900 West interchange
 - e. The billboard is not located east of 200 East

Conclusions of Law:

1. The use, as specifically conditioned below, is consistent with the South Salt Lake City General Plan.
2. The use, as specifically conditioned below, is compatible in use, scale and design with allowed uses in the Flex land use district.
3. The use, as specifically conditioned below, does not compromise the health, safety, or welfare of: Persons employed within or using the proposed development; Those residing or working in the vicinity of the proposed use or development; or Property or improvements in the vicinity of the proposed use or development.
4. The use, as specifically conditioned below does not impose disproportionate burdens on the citizens of the city.

Conditions of Approval:

1. The light intensity may not exceed that produced by fifty-four (54) watts of incandescent lighting for daytime usage, as measured from the nearest public right-of-way. An automatic dimmer must be installed to reduce nighttime intensity to that produced by thirty (30) watts of incandescent lighting, as measured from the nearest public right-of-way.
2. The digital face may not flash or scintillate except to change the displayed wording to different wording.

3. Any display on the digital face must remain lighted for at least eight seconds
4. The maximum height of the EMC billboard is limited to 105 square feet as measured from the highest point of the billboard.
5. The maximum area of the proposed EMC billboard is 14' x 48' (672 square feet).
6. The applicant shall obtain a South Salt Lake City sign permit prior to any construction.
7. The billboard shall meet all requirements of Utah State Code 72-7-510 and 510.5.
8. The billboard shall meet all requirements of Title 17.08.
9. The applicant shall obtain all required permits from UDOT prior to construction of the EMC billboard.

Attachments:

1. Applicant Documents
2. Building Plans
3. Utah Code 72-7-510.5
4. SSL Municipal Code 17.08.570 – Relocation
5. Conditional Use Permit

UTAH STATE CODE

72-7-510.5. Height adjustments for outdoor advertising signs.

1. If the view and readability of an outdoor advertising sign, including a sign that is a nonconforming sign as defined in Section 72-7-510, a noncomplying structure as defined in Sections 10-9a-103 and 17-27a-103, or a nonconforming use as defined in Sections 10-9a-103 and 17-27a-103 **is obstructed due to a noise abatement or safety measure, grade change, construction, directional sign, highway widening, or aesthetic improvement** made by an agency of this state, along an interstate, federal aid primary highway existing as of June 1, 1991, national highway systems highway, or state highway or by an improvement created on real property subsequent to the department's disposal of the property under Section 72-5-111, the owner of the sign may:
 - a. **adjust the height of the sign;** or
 - b. relocate the sign to a point within 500 feet of its prior location, if the sign complies with the spacing requirements under Section 72-7-505 and is in a commercial or industrial zone.
2. A height adjusted sign under this section does not constitute a substantial change to the sign.
3. The county or **municipality in which the outdoor advertising sign is located shall, if necessary, provide for the height adjustment or relocation by ordinance for a special exception to its zoning ordinance**
4. a. The height adjusted sign:
 - (i) may be erected:

(A) to a height to make the entire advertising content of the sign clearly visible; and
(B) to an angle to make the entire advertising content of the sign clearly visible; and
 - (ii) **shall be the same size as the previous sign.**
- (b) The provisions of Subsection (4)(a) are an exception to the height requirements under Section 72-7-505.

UTAH STATE CODE

72-7-510(6) Existing Outdoor Advertising not in conformity with part – Procedure – Eminent Domain – Compensation – Relocation.

- (6)(a) If any outdoor advertising use, structure, or permit may not be continued because of the widening, construction, or reconstruction along an interstate, federal aid primary highway existing as of June 1, 1991, or national highway systems highway, the owner shall have the option to relocate and remodel the use, structure, or permit to another location:**
- (i) **on the same property;**
 - (ii) **on adjacent property;**
 - (iii) on the same highway within 5280 feet of the previous location, which may be extended 5280 feet outside the areas described in Subsection 72-7-505(3)(c)(i)(A), on either side of the same highway; or
 - (iv) mutually agreed upon by the owner and the county or municipality in which the use, structure, or permit is located.
- (b) **The relocation under Subsection (6)(a) shall be in a commercial or industrial zoned area or where outdoor advertising is permitted under this part.**

- (c) The county or municipality in which the use or structure is located shall, if necessary, provide for the relocation and remodeling by ordinance for a special exception to its zoning ordinance.
- (d) **The relocated and remodeled use or structure may be:**
 - (i) **erected to a height and angle to make it clearly visible to traffic on the main-traveled way of the highway to which it is relocated or remodeled;**
 - (ii) the same size and at least the same height as the previous use or structure, but the relocated use or structure may not exceed the size and height permitted under this part;
 - (iii) relocated to a comparable vehicular traffic count.

South Salt Lake Municipal Code

17.08.570 - Relocation.

- A. The Owner of an existing Billboard may remove the existing Billboard and relocate to an approved location as found in this Chapter only after permits are obtained as set forth in this Chapter and other provisions of this Chapter are complied with.
- B. Any relocation must not increase the cap limits as set forth in this Title.
- C. **Relocations may be allowed as a result of road widening, Development proposals or voluntary request.**

South Salt Lake City Planning Commission
August 20, 2020

Commissioners Present:

Chad Ewell
Laura Vernon
Mary Anna Southey
Susan Dickstein
George Pechmann
Jeremy Carter
Christy Dahlberg

Commissioners Absent:

Stacey Holscher

Staff Present:

Alexandra White, Community Development Director
Sean Lewis, Deputy Community Development Director
Taylor Greenwell, Planner
Jeff Attermann, Planner
Josh Collins, Deputy City Attorney

Community Members:

Victoria Lara, Applicant
Guy Larson, Applicant