



Minutes of the **Regular Meeting** of the **Riverdale City Planning Commission** held Tuesday, **July 10, 2012 at 6:33 p.m.** at the Riverdale Civic Center, 4600 South Weber River Drive.

Members Present: Brent Ellis, Chairman
Blair Jones, Vice-Chairman
Steve Hilton, Commissioner
David Gailey, Commissioner
Kathy Eskelsen, Commissioner
Lori Fleming, Commissioner

Members Excused: Bart Stevens, Commissioner

Others Present: Randy Daily, Community Development Director, Ember Herrick, City Recorder and eleven members of the public including Curtis Thurgood, Jared Johnson, Jim Rumpsa, Kevin Flanagan, Jon Moyes, Wes Vandyke, Russell Layton, Mike Record, Phidia Cutrbus, Ed Obrien and Kenny Palmer.

A. Welcome & Roll Call

Chairman Ellis welcomed everyone to the meeting and stated for the record all members were present except for Commissioner Stevens who is excused.

B. Open Communications

Chairman Ellis invited members of the public to speak during the open communications portion of the meeting.

Riverdale Resident Kevin Flanagan said he would like to see a pedestrian crosswalk at Pacific Avenue between Michaels and Bed Bath & Beyond to address the staggered driveway access issues. He said there is heavy traffic in this area and a marked crosswalk could make this busy street safer for pedestrians. Mr. Daily said he would pass on Mr. Flanagan's suggestion for consideration at the next staff meeting.

C. Presentations and Reports

Community Development Director Randy Daily said there are no new items on the Community Development Report.

D. Consent Items

Chairman Ellis asked for any changes or corrections to the previous meeting minutes and none were noted.

Motion: Commissioner Eskelsen moved to approve the consent items.
Commissioner Fleming seconded the motion.

There was no discussion on the motion.

Call the Question: The motion passed unanimously.

E. Action Items

1. a. Public Hearing on proposed amendment to RCC 10-16

Riverdale's Signs Ordinance.

b. Consideration of action on proposed

Chairman Ellis said the first item on the agenda is a public hearing and discussion about RCC 10-16, the city's on-premise sign ordinance. Mr. Daily suggested the sign companies speak first, followed by the business owners.

Mike Record said he works for Young Electric Sign Co. and serves as the President of the Utah Sign Association and this is the seventh City Planning Commission meeting he has attended recently. He distributed packets of information on electronic signs to the Planning Commission. Young Electric Sign Co. Sales Manager Wes VanDyke thanked Mr. Daily and the Planning Commission for their willingness to work with sign companies to draft an ordinance that works for Riverdale and local businesses. Commissioner Hilton asked for clarification about the light and nit levels and Mr. VanDyke said the proposed nit levels in Riverdale's amended on-premise signs ordinance will probably be too bright at night. He said nit guns cost between four and five thousand dollars and measure ambient light and nit levels from electronic signs. According to Mr. VanDyke, nit gun readings reflect not only the light output from a sign but also register the levels from the surrounding environment if there are other light sources. He recommended the city measure light by foot candles instead of nit and he said the foot candles chart included in the packet appears to be consistent with industry standards. Commissioner Hilton asked which Utah city has a model on-premise electronic sign ordinance and Mr. VanDyke said Layton's ordinance is good but he added that every city has unique commercial aspects and Riverdale should tailor its ordinance to meet its specific needs. Mr. Daily said in his research he discovered a city with a provision in its sign ordinance banning the color yellow so to accommodate the restriction the McDonalds restaurant in Sedona Arizona has blue arches. He said each business has their own identity and the city shouldn't be too obstructive in allowing each to maintain their autonomy. Mr. VanDyke suggested Riverdale follow the example of other cities by setting up a committee comprised of local sign company representatives, business owners, and members of the Planning Commission to discuss the proposed amendments to Riverdale's on-premise sign ordinance to reach a consensus. Chairman Ellis asked Mr. VanDyke if he knew of another city that created a committee to draft an on-premise electronic sign ordinance and he said other cities have used a committee to get input while drafting their sign ordinances but he did not name any cities.

According to Mr. VanDyke, on average the installation of an electronic sign increases profits for a business by 15 percent and provisions like Riverdale's proposed ban of motion on electronic signs and 30 second hold time are unreasonable. He said these restrictions could prevent a business from conveying their message to consumers and devalue the investment several area businesses have made in purchasing expensive electronic signs with motion capabilities. Mr. VanDyke said included in the information packet provided to the Planning Commission are references to studies asserting that electronic signs are "safety neutral" and a comparison of accident rates before and after an electronic sign was installed showing no increase. He said when business owners decide where to locate one of the things they factor in is reasonable electronic sign standards and consistency in which businesses receive sign permits. According to Mr. VanDyke, any city that bans full animation and requires each petitioner to appeal to an arbitrary Planning Commission could stifle commercial development. He said in the event of emergencies, like an Amber Alert, electronic signs can be a powerful information tool.

Commissioner Hilton asked what the average cost is for an electronic sign and Mr. VanDyke said an electronic sign with motion can cost between \$15-20,000 and a reader sign costs \$2-3,000. Commissioner Hilton asked about the future of signs and Mr. VanDyke said they are becoming increasingly cost effective because electronic signs can be changed without a lot of manpower and virtually no environmental impact. Mr. Daily said the intent of these proposed amendments to the city's on-premise sign ordinance is to protect Riverdale from looking like Las Vegas and Mr. Record said he doesn't believe Riverdale is in danger of looking like Las Vegas. Mr. Record said branding is really important for businesses and in this electronic age it is important for businesses to broadcast their products and services on electronic signs. He invited the Planning Commission to tour Young Electric Sign Co's Logan facility. Commissioner Hilton said he embraces this new technology but believes cities need to regulate electronic signs so that misbehavior is clearly prohibited.

Jared Johnson of YESCO Outdoor Media said he is a Riverdale resident and had emailed his comments on the proposed changes to the sign ordinance to the members of the Riverdale Planning Commission prior to tonight's meeting. He said there are three billboards within Riverdale City limits and if changes are being proposed to the ordinance regulating billboards state law requires that the impacted billboard companies receive written notice prior to a public hearing. Mr. Daily said off-premise signs are not being addressed tonight and there are no proposed changes to Riverdale's billboard ordinance at this time. Mr. Johnson said in the proposed changes to the city's existing sign ordinance a reference to off-premise signs has been deleted and Mr. Daily reaffirmed the city's current off-premise sign ordinance is not being considered for changes at this time. According to Mr. Daily, Riverdale's City Attorney Steve Brooks has reviewed the proposed changes and he offered to sit down with Mr. Johnson and Mr. Brooks the following day to help resolve any concerns he may still have if he is still not convinced that off-premise signs are not being changed at this time. Mr. Johnson said he would like to be a part of Riverdale's committee discussing changes to this proposed ordinance because all sign companies are stakeholders and in his opinion should have input in amending this ordinance.

With no additional sign company representatives present, Chairman Ellis asked interested business owners to address the Planning Commission.

Jim Rumpsa of H & P Investments said his major concern with the proposed changes is the 30 second time limit that would prevent businesses from utilizing the continuous movement options of electronic sign technology. He said LED signs are modern, attractive and superior to stationary signs that fade and peel. Mr. Rumpsa said he doesn't think safety is an issue as most accidents happen at intersections not in front of businesses. He said because several business owners have already made a considerable financial investment in electronic signs, Riverdale City should grandfather all existing electronic signs. Mr. Daily said in his research into the safety of electronic signs he learned that most traffic accidents occur when people are looking down away from the road at a phone or radio or something inside their car.

Kenny Palmer of Allied Sign said studies of electronic signs all show that there is no correlation between signs with motion causing traffic accidents. He said they are effective in bringing in customers and should be allowed in Riverdale because they can benefit businesses and the city through increased sales tax revenue. Commissioner Jones asked for citations from the studies referenced and Mr. Palmer said he would provide them to the Planning Commission for their

review. Commissioner Gailey said there are safety studies referenced in the booklet Yesco distributed at the beginning of the public hearing and Commissioner Jones asked if any were conducted in Utah. Mr. Palmer said he doesn't know what cities were studied but all cities should be similar to one another.

Mr. Palmer said a proposed restriction in the draft would only allow an on-premise electronic sign to change every 30 seconds. He said 30 seconds is too long because even freeway signs are allowed to change every 8 to 10 seconds. Commissioner Hilton said the Planning Commission wants the amended ordinance to be fair but to also protect the public from distracting or dangerous electronic signage. Mr. Palmer said he understands the need for oversight but doesn't want local governments to be heavy handed by creating such a long and expensive process that businesses are deterred from converting to new electronic signs. Commissioner Gailey asked Mr. Daily if any local businesses to date had been held up because of Riverdale's sign ordinance and Mr. Daily said sign delays have never been a problem. According to Mr. Daily, when a new business expresses interest in moving to Riverdale they are given information on signage and once a sign application is submitted it is typically approved by the Design and Review committee within a week or two.

Mr. Daily said he had given copies of the sign ordinance draft to department heads including the Riverdale police and public works departments. He said the proposed electronic sign regulations are modeled after California's. Commissioner Jones asked if Riverdale's ordinance will prevent distracting signs like the electronic sign on 31st street in Ogden and Mr. Daily said Riverdale's ordinance prohibits signs that imitate flashing emergency vehicles. Commissioner Gailey said he would like to see a committee formed to get input from all of the affected parties who may be impacted by revisions to Riverdale's on-premise sign ordinance. Mr. Daily suggested the Planning Commission discuss this suggestion further after the public hearing is closed. Chairman Ellis asked anyone else who would like to speak during the public hearing to address the Planning Commission.

Curtis Thurgood of RC Willey said his business invested in an electronic sign two years ago and the company's CEO and General Manager both have a problem with the proposed 30 second delay and would like to see it taken out of the final draft of Riverdale's on-premise sign ordinance. According to Mr. Thurgood, this restriction would cut his business' advertising ability by a third as they currently update to a new screen every 10 seconds. He said they do currently utilize some American flag animation and may be interested in transitioning to moving video on their sign at some point in the future. Mr. Thurgood said RC Willey's electronic sign is between two stop lights where many people read it while they are stopped in their vehicles waiting for the light to change. He said RC Willey also uses their electronic sign to run public service announcements providing a service to the community.

Russell Layton General Manager of the Tony Divino Auto Dealership said the 30 second restriction is also a concern for his business. According to Mr. Layton, his company doesn't want to create a safety hazard but they have invested a lot of money in their electronic sign, went through the proper channels to get approval from Riverdale City, and would view any restrictions on their ability to use their sign now as a taking. He said electronic signs are the future of advertising, they work better than banners and his business has experienced an increase in auto sales since putting it in. Mr. Layton said the sign also benefits the city as they regularly run ads for community events and local fundraisers.

Jon Moyes General Manager of the Ruby River Steakhouse said the 30 second restriction is also a concern for his business. He said in this tough economy Ruby River purchased an electronic sign as an investment to help give their restaurant an advantage over their competitors. According to Mr. Moyes, Riverdale City should be doing everything it can to help businesses succeed not putting additional restrictions on them to make it harder to do business.

Ed Obrien Owner of Crown Bedrooms said his business also invested in a new electronic sign to help ramp up business in a tough economy. He encouraged the city not to include any restrictions in their amended sign ordinance that could negatively impact local businesses.

Phidia Cutrbus of H & P Investments said signage was the biggest delay for Buffalo Wild Wings breaking ground on their new restaurant at The Crossing at 700 West and Riverdale Road. Mr. Daily said acquiring a state liquor license also contributed to the delay.

There were no additional comments during the public hearing and Commissioner Hilton thanked everyone for communicating their concerns in a fair and professional manner.

Motion: Commissioner Hilton moved to close the public hearing on RCC 10-16 Riverdale's On-Premise Sign Ordinance. Commissioner Eskelsen seconded the motion.

There was no discussion on the motion.

Call the Question: The motion passed unanimously.

Mr. Daily said he recommends this item be tabled so that he can incorporate the suggestions from tonight's public hearing into the draft of the on-premise sign ordinance to be reviewed by a committee prior to the next Planning Commission meeting. He said the two largest concerns seem to be the 30 second time animation hold restriction and the requirement that each business must appeal to the Planning Commission for a conditional use permit. Mr. Daily said if the Planning Commission is comfortable with removing these two controversial provisions he will take them out so that any business that meets the requirements of the on-premise sign ordinance will be allowed to go electronic. Commissioner Gailey asked if any sign applicants will need a conditional use permit now and Mr. Daily said existing businesses that meet the requirements will be allowed to convert to an electronic sign but new businesses will still come before the Planning Commission for approval. According to Mr. Daily, the Planning Commission meets every two weeks so the longest wait time for a sign applicant would be two weeks. Commissioner Hilton said in his opinion two weeks isn't an unreasonable wait time for businesses.

Commissioner Fleming said Riverdale has a reputation for being business-friendly that she would like to maintain so if several business owners expressed concerned about the time restrictions on electronic sign motion, she agrees this restriction should be removed from the final draft of the ordinance. She said and if the Planning Commission puts together an on-premise sign ordinance with input from a committee that everyone is comfortable with there is no need for each applicant to appeal to the Planning Commission for a conditional use permit.

Commissioner Jones said he agrees the conditional use provision should be removed from the final draft and Commissioner Hilton said he was fine with this too if the Planning Commission is comfortable with the final draft of the ordinance. Commissioner Eskelsen thanked everyone who attended and spoke at tonight's public hearing for their input so that the Planning Commission can make educated decisions about amendments to the city's on-premise sign ordinance and encourage business in Riverdale.

Commissioner Fleming said if Mr. Daily forms a committee to discuss changes to the sign amendment she believes there should be representation from the Planning Commission so that once the committee reaches a consensus the entire Planning Commission can support the final draft. Mr. Daily recommended Commissioner Fleming represent the Planning Commission on the committee. Commissioner Gailey asked if the Planning Commission has authority to organize their own committee or if the Mayor and City Council need to be involved and Mr. Daily said there should not be any issues with the Planning Commission creating an ad hoc committee. He said the Council retains the ability to make the final determination about the proposed on-premise sign ordinance amendments after the Planning Commission has made their recommendation and in consideration of the public comments received during tonight's public hearing. Mr. Daily said he would make the recommended changes to the on-premise sign ordinance and disseminate the revised draft for review and comment via email to all Planning Commission members and everyone who attended tonight's public hearing. Chairman Ellis thanked everyone who attended tonight's public hearing from their input and reaffirmed Riverdale's commitment to maintaining a business-friendly environment in the city. He also thanked Mr. Daily for his efforts to work with all sides to find common ground and create an on-premise sign ordinance that works for all the different parties.

Motion: Commissioner Hilton moved to table the proposed amendment to RCC 10-16 Riverdale's Signs Ordinance. Commissioner Eskelsen seconded the motion.

There was no discussion on the motion.

Call the Question: The motion passed unanimously.

F. Discretionary Items

Chairman Ellis asked for any discretionary items and there were none.

Motion: There being no further business to come before the Planning Commission, Commissioner Eskelsen moved to adjourn the meeting. Commissioner Gailey seconded the motion. The motion passed unanimously. The meeting adjourned at 7:40 p.m.

Approved: July 31, 2012

Attest:

Brent Ellis, Chairman

Ember Herrick, City Recorder