MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD AUGUST 5, 2014 IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: Dan Lawes, Bill Heiner, Ellen Smith, Zach Jacob, David Pack. Sophie Rice and Lesa Bridge were excused.

STAFF: Greg Mikolash, Larry Gardner, Nannette Larsen, Todd Johnson, Paul Brockbank, Robert Thorup, Tom Burdett, and Carol Herman.

OTHERS: Fred Cox, Sharik Khan, Brandon McDougald, Hopkins, Spencer Moffat, Brad Bitner, Glen Fish, and Justin Peterson

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The briefing meeting was called to order by Dan Lawes. The agenda was reviewed and clarifying questions were answered.

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The regular meeting was called to order at 6:05 p.m.

1. Consent Calendar
Approve Minutes from July 15, 2014

MOTION: Zach Jacob moved to approve the Consent Calendar, the minutes from July 15, 2014. The motion was seconded by Ellen Smith and passed 5-0 in favor. Lesa Bridge and Sophie Rice were absent.

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2. Airport Center Pad G; 7677 South Jordan Landing Boulevard; Preliminary Site Plan; SC-3 Zone; Foursquare Properties/William M. Grosse (applicant) [#SPCO20140011; parcel 21-29-351-018]

Fred Cox, architect, representing the applicant William M. Grosse, gave an overview of the application for a 5600 square foot building that will initially house two restaurants. The building will be similar in materials and colors as the Mattress Firm to the north. There is a minimal amount of outside seating. They will add dark sky friendly lighting to the building.

Nannette Larsen explained that 56 parking stalls are required. Half of those will be on-site and the others will be off-site in the Target parking lot to the east.

Based on the positive findings of fact in the staff report, staff recommended that the Planning Commission grant Preliminary Site Plan approval for Airport Center Pad G site plan located at 7677 South Jordan Landing Boulevard in a SC-3 zoning district, with the conditions of approval as listed below.

1. The proposed development shall meet all applicable Subdivision and Zoning Ordinance requirements.
2. The final site plan must meet all requirements of the Engineering and Fire Departments.
3. Approval of a Final Site Plan shall become null and void if development does not commence within two (2) years of final site plan approval.

Dan Lawes opened the public hearing.

Further public comment was closed at this point for this item.

David Pack was in favor of bringing in businesses to this area and it seems to be a good fit.

MOTION: Zach Jacob moved to approve the Preliminary Site Plan for Airport Center Pad G; 7677 South Jordan Landing Boulevard; Foursquare Properties/William M. Grosse (applicant) with the conditions 1 through 3 as listed in the staff report. The motion was seconded by Ellen Smith and passed 5-0 in favor. Lesa Bridge and Sophie Rice were absent.

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3. Utah Islamic Center; 984 West 9000 South; Conditional Use Permit for Church/Place of Worship Use; P-O Zone; Utah Islamic Center (applicant) [#CUP20140005; parcel 27-02-200-021]

Sharik Khan, applicant, stated he is a board member for the Utah Islamic Center. Prior to purchase of the property they would like to obtain a conditional use permit.

David Pack said the letter of intent states that there would be approximately 150 to 200 congregants at the meetings and he asked how they arrived at that number, since that will affect traffic flow and parking.

Sharik Khan said they have a prayer each Friday between 12:30 and 2:30 p.m. and based on their attendance for the past two or three years they estimate 100 – 150 cars or people during that time. He felt that the access from 9000 South should be sufficient. The people will not be coming and going all at the same time.

Larry Gardner stated that churches and places of worship are a conditional use in the P-O zone. He reviewed the surrounding land uses. There is only one point of access into the site off of 9000 South with one emergency access. He pointed out on a conceptual plan additional parking to the north and possible building layout.

Staff recommended approval of the Conditional Use Permit for the Utah Islamic Center located at 984 West 9000 South, based on the findings outlined and with the conditions of approval as set forth below:

1. The use shall be limited to those activities and events that customarily and routinely take place in churches/places of worship and community centers as defined in City Code.
2. The use shall reasonably follow and abide by the applicants Letter of Intent attached to this report.
3. The Conditional Use Permit is subject to review and/or revocation as per Zoning Ordinance Section 13-7E-10.
4. Planning Commission approvals do not include Public Safety, Fire, Building and Safety, or Engineering approval.

5. The applicant shall submit for preliminary and final site plan approval prior to issuance of a building permit.
6. The applicant shall submit for final approval of phase 4 of the River View Office Park condominium plat or for preliminary and final subdivision approval prior to issuance of a building permit.

It was pointed out that there is no acceleration/deceleration lane coming from the property, but there is a large painted shoulder.

Dan Lawes opened the public hearing.

Further public comment was closed at this point for this item.

MOTION: Zach Jacob moved to approve the Conditional Use Permit for the Utah Islamic Center; 984 West 9000 South; Utah Islamic Center (applicant) with the conditions 1 through 6 as listed in the staff report. The motion was seconded by Ellen Smith and passed 5-0 in favor. Lesa Bridge and Sophie Rice were absent.

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4. Preston Park Subdivision; 8528 South 1300 West; Preliminary Subdivision Plat (27 lots on 9.75 acres); R-1-10E Zone; The Boyer Company LC/Spencer Moffat (applicant) [#SDMA20140014; parcel 21-34-476-002]

Spencer Moffat, applicant, The Boyer Company, stated that they are excited for this subdivision, which has 27 lots with an average lot size of 13,000 square feet with an overall density of 3.3 units per acre. The general plan allows between 3 and 5 units per acre for medium density.

Bill Heiner asked about the comment from a resident at the rezoning hearing about a storm drain in his backyard.

Spencer Moffat said there is no storm drain on the site and that isn't an issue. He said they had addressed any concerns from those neighbors who had contacted them.

Larry Gardner gave an overview of the request. The main point of access will be from 1300 West, and the subdivision will stub into the subdivisions to the north and south. This property is completely surrounded by single-family residential development with similar lot sizes.

Based on the findings set forth in the staff report, staff recommended that the Planning Commission approve the Preliminary Plat for Preston Park located at approximately 8528 South 1300 West subject to the following conditions:

1. All lots must comply with the applicable requirements of Title 13, Zoning Regulations and Title 14, Subdivision Regulations including, but not limited to lot area, width and frontage requirements.
2. All applicable city departmental requirements must be met prior to recordation of the final plat.
3. Update the Final Preston Park Subdivision Plat to address all existing and future planning, engineering, fire and all other City redline corrections pertaining to the Preston Park

Subdivision Plat. Before the final plat are stamped for construction purposes by the West Jordan Engineering Department, all redline comments shall be completely addressed.

4. All homes constructed within the Preston Park subdivision shall comply with the requirements of the zoning ordinance.
5. An approved, unrecorded final subdivision plat shall remain valid for two (2) years. One 6-month extension may be granted be the zoning administrator if, upon written request by the owner/developer, the zoning administrator finds that the extension will not adversely affect the public health, safety or welfare of the city.
6. All street lights installed shall be the LED variety. Currently the City does not have a standard engineering detail for LED street lights but anticipate having an approved standard within the next few months. The Preston Park development shall provide LED lights in compliance with the new standard for LED lights, when it is adopted.

Dan Lawes opened the public hearing.

Brad Bitner, West Jordan resident, said he was glad to see the development. He hoped that all of the construction traffic will come from 1300 West and not through the existing neighborhood. There is a chain-link fence that was installed on the property, which is 1-foot onto his property. He asked how he can get his property back and if the developer plans to install a new fence.

Glen Fish, West Jordan resident, stated his concern with the one-foot property differential as well. He understood that the lot sizes will be about the same as his, but the home sizes will be a little smaller. His home is 1750 square feet, but these homes have a minimum of 1500 square feet and he wondered why.

Further public comment was closed at this point for this item.

Spencer Moffat said they didn't intend to take anyone's property. They will stake the lots and sell them based on the proper lines. Regarding the chain-link fence they don't have any intention to utilize the chain-link or fence into the existing properties. They will allow the new property owners to utilize some sort of vinyl or another type of fence, but they may even prohibit chain-link. They will only be fencing along 1300 West, which is a requirement from the City. He said he is happy to speak to the residents. The 'E' subzone designation within the R-1-10 Zone requires a 3,000 square foot minimum home, but he felt that those buying in this subdivision will want to build a larger home. He suspects that the construction traffic will come from 1300 West, because it has easier access, but there could be a rare occasion when it would go through the neighborhood.

David Pack said if the fence is already on the property and if the survey shows a different property line will they take down the fence.

Spencer Moffat said that their survey showed that the property lines are accurate. He will meet with these two residents and go on-site with the engineer to figure it out. There is no intent to take down the fence.

Zach Jacob asked if they will require a fence at all.

Spencer Moffat said they typically require in their CC&R's either a wrought iron, vinyl, or masonry wall. They prohibit chain-link. He thought that most if not all of the property owners will install a vinyl fence, but some may choose to leave it open.

Zach Jacob asked if fencing is a requirement with this infill development.

Larry Gardner said the only requirement in the ordinance is a wall along a collector and arterial street. If there is a more intense use or a hazard of some type then the planning commission could require fencing. For example, if there was multi-family next to single-family, but not between two single-family uses.

Bill Heiner felt that this would be a great improvement to the area.

MOTION: Bill Heiner moved to approve the Preliminary Subdivision Plat for Preston Park Subdivision; approximately 8528 South 1300 West; The Boyer Company LC/Spencer Moffat (applicant) subject to the conditions set forth by staff. The motion was seconded by Ellen Smith and passed 5-0 in favor. Lesa Bridge and Sophie Rice were absent.

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5. Gladstone Place Rezone and Land Use Amendment; 7800 South Mountain View Corridor; Future Land Use Plan Amendment for 8.33 acres from Community Commercial to Very High Density Residential and Rezone from SC-2 (Community Shopping Center Zone) to WSPA - HFR (High Density Multi-family Residential); Garbett Land Investments, LC/Richard Welch (applicant) [#GPA20140005, ZC20140002; parcels 20-35-100-017; 20-35-200-023]

Justin Peterson, Peterson Development, 225 South 200 East, stated that they are the master developers of the Highlands and they are working with Garbett Homes. He gave the history of this piece of property. UDOT acquired right-of-way for the Mountain View corridor and this property was a by-product. UDOT installed a trail next to the corridor. He showed a presentation of the request to change from commercial zoning to HFR in the WSPA. This request would add 122 units to the Highlands master plan. They could buy up to 2800 units in the Highlands and at their current pace they are slated for 1500, so they aren't just trying to maximize density. They feel that this piece makes sense as high density to solve some issues that the trail and wash created in this area. He showed a video of the area that showed a large wash, which they would propose piping at a cost of $1.25 million. The trail is next to the wash that is sometimes 30-feet deep. This trail will eventually be given to the city if UDOT goes through with what they usually do. UDOT owns to the bottom of the channel and Peterson Development owns the other side. They approached UDOT and they are under contract with the property. If they pipe the wash they would cover it and abandon the portion of the trail and bring it into the community which will make it safer and the wash will be eliminated. There will still be a swale. They feel that the wash is a liability. The benefits from the rezoning will be removal of the liability nature of the land next to The Highlands with removal of the wash and providing more eyes on the trail, the trail will be maintained in the SAA, and it is the highest and best use of the property next to the Mountain View Corridor. They aren't trying to remove all of the commercial properties, but this piece isn't practical for commercial.

Ellen Smith asked if they had explored any other options such as professional office.

Justin Peterson said no. They have had office zoning east of this area for 16 years and there hasn't been a response to it until just recently a dentist has a portion under contract. They don't develop research park property, but they have talked to commercial brokers who have not considered commercial uses mostly due to the narrow nature of it. He heard that the Jensen property to the north had possibly been considered for a big office park.

Zach Jacob asked if it would be possible to subdivide it further on the north end that could hold some commercial.

Justin Peterson said the biggest challenge with that is UDOT's point of access. It is 300 feet and they will not allow an access within their right-of-way. They won't rule out the possibility of that area if the wash is piped. But they can't have this be successful at the expense of the commercial by Smith's. There is a philosophy that if commercial is limited then the existing commercial will be of a higher quality.

David Pack asked for more details on piping the wash.

Justin Peterson said in general terms it is a 48" pipe that will be buried if approved by staff. There will be a 3-foot swale so it will look like a trail and dry streambed and nothing will be built on top of it. It will be an open trail corridor.

Dan Lawes asked if UDOT would require a sound wall between this parcel and the Mountain View Corridor. It will be a well-traveled road and the salability of the development may be affected by the proximity to the Mountain View Corridor.

Justin Peterson said he wasn't familiar with the policy but the Mountain View Corridor will be a factor. It will grow as use grows; he hoped that would trigger UDOT to install the sound wall, but he didn't know. In South Jordan they had to install a sound wall along Bangerter Highway when they developed a subdivision after the highway went in. UDOT installed the wall if there was an existing neighborhood.

<u>Future Land Use Map Amendment</u>
Based on the findings set forth in the staff report, staff recommended that the Planning Commission forward a positive recommendation to the City Council to amend the Future Land Use map for 8.33 acres from Community Commercial to Very High Density Residential on property, general located at 5701 West 7800 South; subject to the following condition of approval:

1. The applicant shall update the overall Highlands Master Development Plan to reflect the amendment.

<u>Zoning Map Amendment</u>
Based on the findings set forth in the staff report, staff recommended that the Planning Commission forward a positive recommendation to the City Council to rezone 8.33 acres from SC-2 (Community Shopping Center) to HFR (High Density Multi-family Residential) Zone; subject to the following condition of approval:

1. The applicant shall update the overall Highlands Master Development Plan to reflect the amendment.

Zach Jacob asked about the history of Clay Hollow wash. If it is the same one that goes under the road on 6400 West there was arsenic removed. He didn't think it looked like a natural wash.

Larry Gardner wasn't sure but he thought it looked like it had been dredged in the past to remove sediment and to keep water flowing. He didn't know if there was any contamination of this wash.

Justin Peterson said they know of no remediation efforts or any history with Kenncott. He thought this wash was naturally created. However, there is a man-made ditch to the west that Kennecott and the State had been remediating for the past ten years.

Ellen Smith explained that a natural wash could be configured in this fashion depending on the geologic history of the area. She asked how this proposal would affect the 83/17 housing ratio in the general plan, and she would like it explained how this could be approved since there is a moratorium on consideration of high density developments.

Larry Gardner said the moratorium was for development applications and not rezonings. The two are linked, but the moratorium did not exclude applications to change the land use map or zoning. Peterson Development has put before them a document to change the land use map and the planning commission and city council are the planning authority for the city. There is nothing wrong with the process and if the planning authority feels that it is appropriate for that parcel of property then it will move forward.

Greg Mikolash said the housing ratio would change as a result of this project. He referred to the chart of vested high density projects, and this was not included. They had only discussed those that are in the ground already and not those coming onboard.

Ellen Smith asked if this project would make the 17% higher.

Greg Mikolash said he didn't think they would see a visual change with a tenth or a hundredth. They don't know how many units would go in this area.

Bill Heiner noted that the conceptual number of units was 122.

Ellen Smith referred to Finding B that states, "The development pattern contained in the land use plan inadequately provides the appropriate optional sites for the use and/or change proposed in the amendment". She understands that to say that there isn't enough high density in other locations. She didn't think that finding was adequately addressed.

Larry Gardner interpreted it to mean the commercial land use designation doesn't allow for multi-family development, so the applicant needed to change the map to accommodate the use.

Zach Jacob asked if legal counsel could comment on what the finding means. Because he thought that it meant we need to change the land use map because the current land use map inadequately provides appropriate optional sites for this land use.

Robert Thorup said that that Commissioners Jacob and Smith are reading it correctly. Finding B talks about an analysis that there wouldn't be appropriate sites for either the current use or the proposed change. You have to look at the land and ask if we have too little of what is there and want to maintain it or if there are other places provided for the proposed use and so there doesn't need to be a change. So it is looking at both.

Larry Gardener said he read the finding as it relates to this particular piece of property. He didn't read it in the context of how many or if there were optional sites in the city for multi-family.

Dan Lawes opened the public hearing.

Further public comment was closed at this point for this item.

David Pack understood that this is in the conceptual stage and that it is a unique parcel, but he wondered if they are putting the cart before the horse in anticipation of the moratorium being lifted. He wasn't comfortable with changing the land use and zoning map along with the ratios of the general plan at this point.

Bill Heiner asked if the ratios are actually changed by making a positive recommendation.

David Pack said in the future they would potentially be changed, but maybe not to a large extent.

Zach Jacob said even if they add 150 units of high density they would have to add 882 single-family units to keep the ratio the same. And the ratio was not where it is supposed to be now. He said after reading Finding B he will look at every future land use amendment differently. That finding is telling him that the change needs to be made when the proposed zoning can't be found anywhere else. Perhaps that is taking a little too literalistic view of it, but he didn't think he could take it any other way with the explanation from legal counsel.

Ellen Smith thought that this may end up as high density in the future, but she thought there are other options for this property. It is also a gateway to the city and she thought that there were other options for this property.

Zach Jacob said with a proposal for change you either get what you've got or what you're asking for; there is no third option. He thought that a park would be a great option for this property, but that option is not on the table, and neither is professional office or low-density housing. The developer mentioned that SC-2 is not viable, so we get open space and native grasses with a trail and a hazardous wash or we get high density residential.

Ellen Smith said there needed to be more thought going into the plan for this property.

MOTION: Ellen Smith moved based on what we heard tonight and on the staff report, to forward a negative recommendation to the City Council for Gladstone Place; 7800

South Mountain View Corridor; Garbett Land Investments, LC (applicant) to amend the Future Land Use map for 8.33 acres of property from Community Commercial to Very High Density Residential with the following findings:

1) **It does not fit Finding A, "The proposed amendment conforms to and is consistent with the adopted goals, objectives, and policies set forth in the City General Plan" which is the 83/17 housing ratio found in the General Plan.**
2) **It does not fit into Finding B, "The development pattern contained on the land use plan inadequately provides the appropriate optional sites for the use and/or change proposed in the amendment" because there are other places for high density housing within this area.**

The motion was seconded by Dan Lawes.

Zach Jacob asked if they would still vote on the rezoning if there is a negative recommendation for the land use amendment.

Larry Gardner said they need two separate motions.

VOTE: **The motion passed 4-1 in favor with Bill Heiner casting the negative vote. Lesa Bridge and Sophie Rice were absent.**

MOTION: **Ellen Smith moved based on the findings on the previous vote for a land use amendment and the discussions at the Planning Commission meeting today, to forward a negative recommendation to the City Council for Gladstone Place; 7800 South Mountain View Corridor; Garbett Land Investments, LC (applicant) to rezone 8.33 acres from SC-2 to HFR Zone based on the previous findings of the last motion, and:**

1) **Criteria 1, "The proposed amendment is consistent with the purposes, goals, objectives, and policies of the City's General Plan" is not being currently met.**

The motion was seconded by Dan Lawes.

David Pack asked if criteria 4 should be considered regarding adequacy of city services when talking about an issue with the sewer. Larry Gardner said that hadn't been proven.

VOTE: **The motion passed 4-1 in favor with Bill Heiner casting the negative vote. Lesa Bridge and Sophie Rice were absent.**

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6. Text Amendment – <u>Continued from 7-15-14 -</u> Amend portions of the West Jordan Municipal Code Title 12 and Title 13 to allow Planned Center and Project Identification Signs; City-wide; Anderson Wahlen and Associates/Brandon McDougald (applicant) [#TA20140006]

Brandon McDougald, applicant, Anderson Wahlen and Associates, 2010 North Redwood Road, stated they are working with Peterson Development and Smith's Food and Drug stores on this amendment. The Highlands commercial is under construction, and they discovered that their proposed signs do not

fit within the current code. One of the signs is referred to as a Planned Center sign. You see these in other municipalities where a large commercial development with multiple tenants can all be located on a common sign in order to eliminate signs on the street frontage. He showed some examples of the signage. The current pole sign ordinance isn't applicable because the sign isn't within the anchor tenant parcel. He submitted ordinances from Draper and Sandy cities for discussion. The other type of sign is referred to as Project Identification sign. It will identify that you have entered The Highlands area and is proposed to be within the roundabouts in the public right-of-way. Staff had some concerns that they wanted the commission to discuss.

Greg Mikolash said they will discuss the Planned Center sign at this time. He referred to the legislative table in the staff report and read the definition. The purpose of the sign is to eliminate some of the clutter of multiple signs in a campus-type setting. He reviewed the proposed sign standards table. This type of sign would require an administrative conditional use permit approval.

Staff recommended that the Planning Commission accept the findings contained in the staff report and forward a positive recommendation to the City Council for the proposed text amendment to allow Planned Center and Project Identification Signs.

Zach Jacob asked if 'contiguous campus or business-style environment' is defined anywhere in the code, because it seems to be ambiguous and could allow for signs in unintended locations.

Tom Burdett suggested that they remove the words 'business-style' from the definition.

Greg Mikolash said they could put a definition of campus in the code.

David Pack agreed that they should define campus-style. On criteria two it says that the sign is the aggregation of business signs as opposed to a cluster of single signs, which he liked. But he didn't want things to get too large.

Ellen Smith said depending on the type of road, signage can be too small if there are a lot of businesses on one marquee. She said they can take out the reference to business-style environment, but they don't want to be too specific or too vague.

David Pack felt that this fits along a freeway like those on Bangerter Highway for Jordan Landing, but he didn't know if he would want it interior to that on Campus View Drive.

Ellen Smith said if they are driving on arterial or collector streets at a certain speed you need to have enough time to spot what you are looking for. She thought that the size provisions are adequate and not too large.

Dan Lawes opened the public hearing.

Further public comment was closed at this point for this item.

Zach Jacob was not against this type of sign and was needed for the Highlands. His point of concern is when there is city-wide applicability but it is only being applied to one instance. He wanted to be sure

it wouldn't be misapplied somewhere else. He felt that the administrative conditional use permit process would mitigate any of the unintended consequences even as it is written.

MOTION: Dan Lawes moved to forward a positive recommendation to the City Council for the proposed text amendments to Title 12 and 13 as addressed in the staff report, relating to the addition of Planned-Center signage; Anderson Wahlen and Associates/Brandon McDougald (applicant). The motion was seconded by Bill Heiner and passed 5-0 in favor. Lesa Bridge and Sophie Rice were absent.

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6. Discussion Item – Project Identification Signs and Public Rights-of-Way

Greg Mikolash said staff also received a text amendment proposal to allow for Project Identification signs in roundabouts (and possibly other publicly owned areas). Administrative staff met previously to discuss concerns and policy issues. The applicant proposes the signs as a gateway or identification feature for the Highlands Commercial area but they could be used in other areas as well. He asked for feedback including the following concerns raised at the staff meeting:

- What entity is liable for damages created from the sign?
- Will there be established guidelines for placement, size, and safety?
- Who is to be the perpetual maintenance entity of these types of signs?
- Who is responsible for the quick replacement of these types of signs?
- Is bonding necessary for maintenance and/or replacement?
- Is an agreement or revocable permit necessary or required for signs on public property?

Several ideas were brought forth:

- If the signs are on public property, they could also include a statement or logo that it is a West Jordan Community
- Would it cause an unsafe distraction to drivers
- Cost of future maintenance could be collected by way of a fee from the developer and put into a maintenance account. Issues with that are how much to collect to ensure maintenance for an extended period of time
- They should be informational only and non-advertisement in nature
- Staff found that in every instance the cities they researched were responsible for maintenance of roundabouts in the public right-of-way
- The city general plan talks about adding monuments in roundabouts and within the rights-of-way, but not necessarily monument signs
- Maintenance by a third party would be at a higher cost, but it may be necessary if they are lit and not constructed of standard materials
- They discussed the current standard for roundabout directional and safety signs, which tend to look cluttered, and might block any type of project identification sign making a berm necessary. Upgraded materials and design for the stone slab signs at 4800 West 7600 South were discussed. Those types of signs would still be allowed but at the developer's expense
- Would all new developments be allowed to have a project identification sign in the public right-of-way
- Would eligible roundabouts be determined by size

- Signs are part of a development plan and would be reviewed by the Design Review Committee
- All six of the areas of concern would be eliminated if the sign were on private property

Greg Mikolash summarized the feelings of the commission by stating that they like the signs, but they have some of the same concerns that were listed by staff.

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Tom Burdett gave an update on recent Redevelopment Board actions.

A discussion on fencing requirements in conjunction with review of the planned based zone and increased standards of architecture and design may be scheduled in the future. There was a brief discussion on code enforcement on city owned property.

MOTION: Zach Jacob moved to adjourn.

The meeting adjourned at 8:06 p.m.

DAN LAWES
Chair

ATTEST:

JULIE DAVIS
Executive Assistant
Development Department

Approved this _____ day of _____, 2014