



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

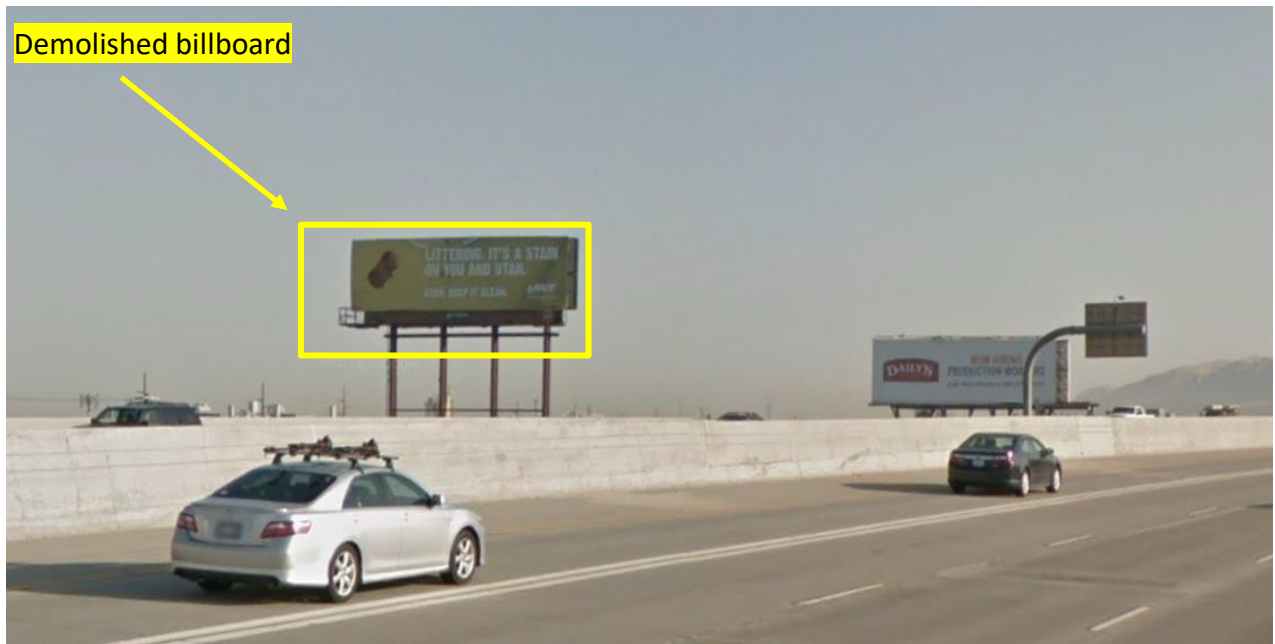


Figure 5. Proposed Elevations





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	

	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		

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.	

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	

	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.**