

**MINUTES OF THE PROCEEDINGS
OF THE PLANNING COMMISSION OF THE CITY OF JORDAN
IN THE COUNTY OF SCOTT
APRIL 10, 2018**

1.0 CALL TO ORDER

Present: Tom Sand, Sally Schultz, Toni Walsh, Jane Bohlman, Robert Whipps, Jesse Masloski, Jeff Will

Also Present: Lucinda Meyers, Planner, Lauren Walburg, Planning Intern, Mike Waltman, City Engineer

2.0 ADOPT AGENDA

Motion Walsh, second Schultz to approve agenda. Vote all ayes. Motion Approved.

3.0 APPROVAL OF MINUTES

A. March 13, 2018 Meeting Minutes

[A. March 13, 2018 Meeting Minutes](#)

Motion Whipps, second Bohlman to approve minutes as presented, Vote all ayes. Motion Approved.

4.0 NEW BUSINESS

A. [PUBLIC HEARING: Request for Sign Variance - 119 Water Street](#)

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[4 A PowerPoint Presentation](#)

Lauren Walburg, Planning Intern, presented the agenda item to the commission. Upon completion of the presentation Chair Sand opened the public hearing at approximately 6:40 PM.

Commissioner Masloski inquired whether the maximum percentage of area for accent colors (25%) pertains to the facade or the sign area. Masloski stated that the food shelf across the street does not comply with palette

Planner Meyers clarified that the 25% for accent colors pertains to both the sign area and the building facade. Meyers also responds with clarifying information regarding the food shelf sign and the process by which sign approval is given.

Commissioner Schultz states that she is on the food shelf board and will request that the food shelf take its sign down if it does not comply.

Greg Pekarna, Applicant, 119 Water St stated that the current awning needs replacing and he is planning to replace it with a metal awning. Pekarna chose the colors because Jordan is a German town.

Chair Sand inquired whether Pekarna was aware of palette when picking out sign.

Greg Pekarna, Applicant, confirmed that he was well aware. Pekarna stated that his business is of German heritage. The colors selected, red and yellow are only shades different from the established color palette. Black is not a color on the palette. Pekarna stated that the City is utilizing black on garbage containers and park signs and that it does not make sense to omit black from the color palette.

Chair Sand closed the public hearing at 6:48 PM.

Commissioner Schultz stated that she was not opposed to adding black to color palette.

Commissioner Will clarified that discussions in 2010, when the color palette was passed, dealt with preserving the historic nature of the downtown. Will stated that the Roets sign does not appear to comply either but does not find the Roets sign offensive.

Chair Sand stated that he did not recall the color palette in the original discussions regarding the design standards. Chair Sand believes that the proposed sign is muted.

Commissioner Will stated that white is not on the color palette either, which seemed like an oversight.

Chair Sand inquired what options the City has regarding enforcement if signs are not in compliance with the code.

Planner Meyers clarified that the City operates on a complaint basis. If someone complains about a sign that is out of compliance, then the City will begin the enforcement process.

Greg Pekarna, Applicant, stated that the sign is beginning to pull away from the wall and becoming a safety hazard.

Commissioner Will motioned to approve variance and explore changing the color palette.

Commissioner Walsh seconded the motion.

Planner Lucinda clarified that the timeline changes if we want an ordinance change, notice for a public hearing needs to be given and sent to the newspaper. If we strike language regarding the color palette from the code, we would not have color regulations for signs in the downtown.

Chair Sand stated that this is a larger issue, and there have been other issues with signs complying with the color palette. Simply striking language from the code will not fix the underlying problem.

Commissioner Will inquired whether we can table the topic and let the applicant install the sign. Will stated that this is a perfect example of unintended consequences.

Chair Sand agreed but stated that the City needs some sort of color regulations. Sand proposed that the commission explore recommendation three from staff.

Planner Meyers stated that she recommends bringing back the conversation about amending City code at the next meeting. Meyers stated that the City does not want to hold up the application in the meantime. The City doesn't have a reason to believe that it would be a problem to deny the variance and avoid enforcing the sign.

Commissioner Whipps stated that the ordinance does not say anything about the particular color palette, it just refers to the design standards Whipps inquired whether the commission could just change the palette without changing the code.

Commissioner Will clarified that the design standards were created when the City was implementing building facade grants.

Chair Sand stated that the purpose of the design standards was to keep the historic feel of the downtown area. Sand inquired whether alternative three would meet the needs of the applicant and the commission.

Planner Meyers answered that if the commission would like to revisit the colors at a later date, alternative three would be the best option.

Councilmember Schultz inquired whether there was a motion to reimburse the applicant for the variance fee.

Planner Meyers clarified that the motion was not part of the staff recommendation, but that the commissioner could propose that motion.

Commissioner Schultz motioned to move forward with staff recommendation three with the additional reimbursement of his \$300 for the variance.

Commissioner Bohlman seconded the motion.

Commissioner Whipps stated that because the commission is denying the variance, the applicant will not be able to install the sign immediately.

Chair Sand clarified that the applicant could move forward with installing the sign, and that the city would not pursue a code enforcement.

Commissioner Whipps inquired as to why the commission couldn't just add the proposed colors to the color palette? Whipps stated that the ordinance only references signs and the design standards and color palette, not the specific colors included within the palette.

Commissioner Walsh agreed and stated that the commission is denying the applicant for something that he should be able to do.

Commissioner Walsh rescinds her seconded motion.

Commissioner Whipps motioned to add black and white to color palette, and refund the \$300

Commissioner Walsh inquired whether the commission would need to add red as well.

Planner Meyers stated that she didn't think the motion was appropriate because the applicant is requesting a variance, not a change in the code.

Chair Sand inquired whether the council could table the issue and come back to it on the next agenda.

Planner Meyers stated that the commission should act on the request to approve or deny the variance - by tabling it, the request will not go to city council but would return to the Planning Commission and would ultimately lengthen the process.

Commissioner Schultz motioned to move forward with staff recommendation three and refund the applicant the \$300 variance fee.

Commissioner Whipps seconded the motion and stated that an agenda item should be added about changing the color palette. Vote all ayes. Motion approved..

B. Comp Plan Update - Transportation Chapter

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City Engineer, Mike Waltman with Bolton and Menk, provided an overview of the draft Transportation Chapter for the Comprehensive Plan.

C. Building Permit Administration

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Planner Meyers presented regarding the current building process and requested feedback from the commission for improving existing procedures and materials. Meyers stated that the purpose of building permits is to ensure buildings are constructed per the specifications of the Building Code. Currently if a resident would like a building permit, they can walk up to city hall and talk

to a planner. The City currently has a one size fits all building permit application, but there are supplemental items that may be needed. For example, different requirements are needed for a fence and a single-family home. Currently building permits are all done on paper, the City is looking forward to seeing this all done online in the future. If a property owner calls, they can be directed to the resources available on the website. The City has handouts which walk residents through the steps of receiving a building permit and provide Building Code requirements for specific jobs. The City is using the 1997 fee schedule for building permits, which is not uncommon in this area. The City needs to keep building permits costs low because builders are charged SAC and WAC fees on remaining lots, which have a big impact on the cost for single-family construction. Moving forward with development, SAC and WAC fees will instead be charged to developers. The City will consider changing the building permit fee schedule once these remaining lots- with the SAC and WAC fees charged to the builder- are built on.

Commissioner Schultz inquired as to why the SAC and WAC fees are being charged to developers. Planner Meyers stated that staff were acting on behalf of council direction. Commissioner Schultz surmised that the action was taken to attract more reputable building companies, and attract families

Planner Meyers stated that the City has received feedback from developers who say that building permit fees are high.

Commissioner Will stated that lowering the fees for developers was a good tool, but housing went flat and the City got bad PR out of the deal.

Commissioner Whipps stated that he has noticed that the City has applications, forms and a list of what you need a permit for but inquired as to why the City does not have a pricing list available on the website.

Planner Meyers explained that many of the permits are based on the value of the project and 50% of the time the applicant undervalues the job. When the value is more accurately assessed, the cost of the building permit increases.

Commissioner Whipps inquired as to why the building inspector has the authority to change the value of the job on the permit.

Planner Meyers responded that builders and homeowners commonly undervalue the price of the project, and that the building inspector does have the authority to change the value.

Chair Sand surmised that there must be a system that the building official uses to determine valuation of a permit.

Commissioner Bohlman inquired as to why permits could not be a simple sum, instead of based on the value of the job.

Planner Meyers explained that using a fee system based on the value of the job is a standard methodology. When based on the value of the job, the city uses a building permit fee schedule from 1997. You'd be hard pressed to find a city using a lower/older fee schedule; Jordan is competitive with our neighbors.

Commissioner Whipps inquired as to whether the city could put this information on the website so that the topic of building permits is not so contentious. Planner Meyers surmised that the information is not advertised because people might misinterpret what those estimates mean and therefore staff regularly answer those questions on a 1:1 basis. Commissioner Whipps proposed that the City put fees for simple permits on the website. Meyers said she would look into implementing that.

Commissioner Walsh inquired as to why does the building inspector bid has the authority to value projects higher than stated on the application. Chair Sand inquired whether staff thought the building inspector overvalued projects.

City Engineer, Mike Waltman stated that it is typical to pay building inspectors on the percentage of the project size

Chair Sand stated that the commission should stay away from conspiracy theories.

Commissioner Whipps stated that the City is getting close to sharing or having its own building inspector, and that the City will have much more control when that happens.

Commissioner Walsh inquired whether homeowners can dispute a claim of overvaluation by the building inspector. Planner Meyers stated that during the time she has been here, she has not heard of that occurring; Engineer Waltman stated the same.

Planner Meyers asked if there were any other improvements the commission would like to address.

Chair Sand inquired as to how navigable the website is for people who are elderly?

Commissioner Whipps stated that the City should do a comparison of what permits cost in other cities and put that info on the website. City Engineer, Mike Waltman stated that First Stop Shop analysis does that comparison. The analysis is probably 3 years old, but it likely does not matter.

Commissioner Whipps stated that if Jordan is truly the lowest for building permit fees, information should be on the website.

Planner Meyers inquired as to whether anyone had an issue with the forms or the layout.

Commissioner Whipps stated that the forms seemed straightforward and liked the ones with checklists. Whipps suggested putting checklists on other forms as well.

Planner Meyers stated that staff would look into adding checklists.

5.0 OLD BUSINESS

6.0 PLANNERS REPORT

A. General Updates

Planner Meyers stated that the commission would be reviewing two applications at their next meeting. Loomis is looking to build his contractor business on Enterprise Drive. The second application is from Minger, expanding business to the north and expanding outdoor storage. Stonebridge and Bridle Creek were visited at the city council meeting.

B. Next Meeting- May 8, 2018

7.0 CITY COUNCIL MEMBER UPDATE

Commissioner Will stated that the committee work session was useful, and he would like to do it more often. Will stated that before approving anything, he would go and physically visit the site.

Chair Sand asked if staff could explore getting video of proposed sites. Planner Meyers stated that the commissioners could go to google maps to get the street view.

8.0 COMMISSION MEMBER REPORT

9.0 ADJOURNMENT

Motion by Toni Walsh to adjourn, seconded by Whipps. Vote all ayes. Motion approved. Meeting adjourned at 9:00 PM.

Tanya Velishek, Mayor

ATTEST:

Tom Nikunen
City Administrator