



JAMES SORENSEN  
COMMUNITY DEVELOPMENT  
DIRECTOR

KURT BRADBURN  
MAYOR

MATTHEW HUISH  
CHIEF ADMINISTRATIVE OFFICER

## MEMORANDUM

August 5, 2021

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**To:** Planning Commission  
**From:** Community Development Department  
**Subject:** Monroe Commercial Center (Sign Special Exception      SPX05122021-006051  
For Height)      Zone: RC  
119 W. 9000 S.      2.95 Acres  
[Community #8 - Edgemont]

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**HEARING NOTICE:** *This item has been noticed to property owners within **500** feet of the subject area.*

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PROPERTY CASE HISTORY	
Case Number	Case Summary

### DESCRIPTION OF REQUEST

The applicant, Mark Sudbury of SEI Development, is requesting review for a special exception to allow for a monument sign to be increased in height from eight feet to eleven feet. This would include a two-foot berm, a four-foot pedestal, and a five-foot sign face. The applicant is requesting the exception due to site circumstances resulting from the use of eminent domain. (Exhibit #1- Application Materials)

### BACKGROUND & SITE CONDITIONS

Monroe Commercial Plaza is a commercial development located at 119 West 9000 South in the Regional Commercial (RC) Zone and is surrounded by property that is also zoned Regional Commercial (RC). The plaza is located on the South side of 9000 S which is currently in the process of road expansion and has lost property due to eminent domain. This road expansion results in the loss of approximately 1620 square feet of street frontage (Exhibit #2 – Road Expansion)

The road expansion required that the existing multi-tenant monument sign be moved. The applicant applied for and constructed a new sign that was approved to include a two-foot berm, a

one-foot pedestal, and a five-foot sign face. (Exhibit #3- Approved Sign Permit). This new location is on the north side of the development within a parking lot landscape island.

## NOTICE

Notices were mailed to property owners within a 500-foot radius of the subject property as per Sandy City Land Development Code requirements, to notify them of the Planning Commission meeting. No neighborhood meeting was held for this application.

## ANALYSIS

**Section 21-26-7(G)(4)** The height of a monument sign shall be the distance from the highest point of the sign to the height of the street curb or sidewalk.

- (a) *Sign Face*. The cabinet or face of a monument sign may not exceed five feet in vertical size.
- (b) *Overall Height*. Maximum height for a monument sign is six feet. Signs placed within bermed areas may have an additional inch of overall height for each vertical inch of berm directly under the sign. In such cases the entire frontage must have existing or equal berming treatment, and the sign shall not exceed an overall height of eight feet (see Figure 15). Site centric architectural features or enhancements to the sign supports are excluded.

**Section 21-26-7(G)(5) Pedestal Standards**. All monument signs must have at least a one-foot opaque pedestal designed as part of the foundation which conceals any pole support. Height of the pedestal is measured from the highest grade below the sign. The pedestal should run at least 50 percent of the horizontal length of the sign and extend from the sign into the ground below the sign. There shall be no copy or sign element on the pedestal, except addresses. The pedestal shall utilize materials and design elements that relate the sign to the associated buildings. The Director may review and approve/deny any variation to the pedestal base requirements based on-site characteristics, topography, or design integrity.

*The applicant is proposing to leave the size of the sign face the same and increase the size of the pedestal in order to increase the overall height of the sign. The sign code does not allow for any variation in allowed height other than a two-foot berm which would result in the overall height of a sign being eight feet which is the current height of the new sign.*

## Sec. 21-2-23. - Special Exceptions.

- (a) *Special Exception*. In certain cases, the impacts of an eminent domain proceeding or negotiation may be mitigated, either wholly or in part, through planning commission approval of special exceptions, which may be applied for by the property owner or the condemning authority.
  - (1) Subject to this section, Planning Commission may grant special exceptions for provisions of this title, including but not limited to lot area, lot depth, lot width, setbacks, parking, open space, landscaping, signage, etc.
  - (2) Special exception submittal requirements are as follows **(as applicable)**:
    - a. Survey of the affected property.
    - b. A scaled site plan showing proposed modifications with dimensions relative to, but not limited to, the following: building and sign setbacks,

number of parking spaces, typical parking space dimensions, landscape buffer width, sign locations, sign area and height.

The applicant is proposing to be

- c. A table that compares: (i) pre-condemnation conditions; (ii) post-condemnation conditions without the proposed special exceptions; and (iii) post-condemnation conditions with the proposed special exceptions. At a minimum, the following shall be included: lot area, lot width, lot depth; setbacks; building square footage; percent of open space; sign face area and setback; number and type of signs; number of parking spaces and typical parking space and drive aisle dimensions; and landscape buffer width and percent of interior parking lot landscaping.

*The applicant has submitted all the required materials and they have been included as exhibits in the staff report.*

(b) *Special Exception Review Criteria.* The Planning Commission shall review special exceptions. In granting the special exception, the planning commission shall make findings and reach affirmative conclusions as to the following criteria:

- (1) Granting the special exception does not adversely affect the health, safety, and welfare of the public.
  - (2) Granting the special exception is the minimum necessary for the reasonable use of land and improvements.
  - (3) Granting the special exception does not have a materially detrimental impact on the rights or enjoyment of property of adjacent property owners.
  - (4) The special exception is the result of a hardship imposed by eminent domain proceedings or negotiations.
  - (5) City staff has provided a recommendation to the planning commission describing whether the proposed changes that would be authorized by the special exception are necessary and appropriate for the changes in the property caused by the eminent domain proceedings or negotiations.
- (c) *Approval Authority.* The Planning Commission may deny, approve, or approve with conditions any special exception requested pursuant to this section.

*The applicant is requesting to increase the height of the pedestal from one foot in height to four feet in height which would increase the overall sign height to eleven feet. The increase in height request is because of the new location of the sign. The new location is on the north side of the property on a parking lot landscape island in the parking lot (Exhibit #4 – Site Plan and Elevations). The sign being in the parking lot results in cars being able to park on either side of the sign obstructing a portion of the view of the sign. The applicant has provided a study to show the potential loss of revenue resulting from an obstructed sign (Exhibit #5- Justification). The height increase would allow the sign to be taller than any cars parking on either side of it.*

## **STAFF CONCERNS**

Staff is concerned that the overall sign height is significantly higher than what is permitted in the sign code. While eminent domain has resulted in the need to relocate the sign, the new location of the sign was selected by the applicant and was not the only available location on the site. Staff is concerned that it may set a future precedence for those affected by eminent domain to select

sign locations that allow requests for increased height.

**STAFF RECOMMENDATION**

Staff recommends granting a special exception for Mark Sudrey of SEI Development to construct an monument sign with a four-foot base and two-foot landscape berm (total height of eleven feet) for the property located at 119 West 9000 South as described in the staff report based on one finding and two conditions.

**Findings:**

1. The health, safety, and welfare of the general public is not negatively impacted by the increase in height.
2. That in order for the reasonable use of the new sign location an increase in height is warranted.
3. The increase in height does not have a materially detrimental impact on the rights or enjoyment of adjacent property owners.
4. That a hardship has been imposed on the applicant by eminent domain proceedings which has resulted in the need for a special exception.
5. That staff has provided a recommendation of approval.
6. That the City Engineer recommends approval of the project.

**Conditions:**

1. That a revised sign permit be obtained.
2. That additional landscaping be installed to mitigate the impacts of the increased height.
3. That all City provisions, codes and ordinances are adhered to during the review, construction, and operations process of this project, except as otherwise approved by special exceptions granted by the Planning Commission.

Planner: Claire Hague  
Claire Hague, Planner

Reviewed by:   
Mike Wilcox, Zoning Administrator



## **Exhibit #1 – Application Materials**

## **Sandy City Planning Commission**

July 22, 2021

### **Request for Sign Height Special Exception**

Monroe Commercial Center

Sandy, Utah 84070

We are asking for an exception to the height limits for our sign from, what we understand would normally be 8 feet, to 11 feet above top of curb in our parking area. Though the inherent problem of a commercial plaza sign that cannot be properly seen is obvious, I have attached a report the HOA had prepared regarding the visibility of the new marquee and the potential impact of obstructions along with some accompanying studies.

#### **Background:**

The recent (in progress) widening of the 90<sup>th</sup> South and Monroe streets has caused a great deal of disturbance to the Monroe Commercial Plaza. In addition to the loss of land from the exercise of eminent domain, the parking stall loss and the loss of business revenue during construction; the taking of land along 90<sup>th</sup> for the widening reduced our frontage requiring our existing plaza sign to be demolished and re-built in the location of a parking stall. Given the taking, the sign must now be set back into the parking lot, so that any vehicles parked in the stalls along either side of the sign block the view of the sign. To restrict parking in these 10 stalls would only bring greater loss to the Businesses.

The obstruction by parked vehicles is demonstrated in the report below which also explains the potential business loss if the sign is not allowed to be raised.

Like all members of communities, we understand that from time to time, these projects are necessary in order to meet the growing traffic needs of a City. On the other hand, as Property and Business Owners, we are faced with the realities of running a successful business that can employ local people, pay taxes and provide services to residents.

We, the Businesses of the Monroe Plaza believe that upon review of this letter and its accompanying research, you will conclude as we have, that the simplest, least costly, and fair solution is to allow the maximum height limit of our monument sign to be changed from 8' to 11' in height. It solves the problem for the public allowing good visibility, for the Businesses in eliminating the need to seek financial compensation for loss of revenues over many years, and for the City.

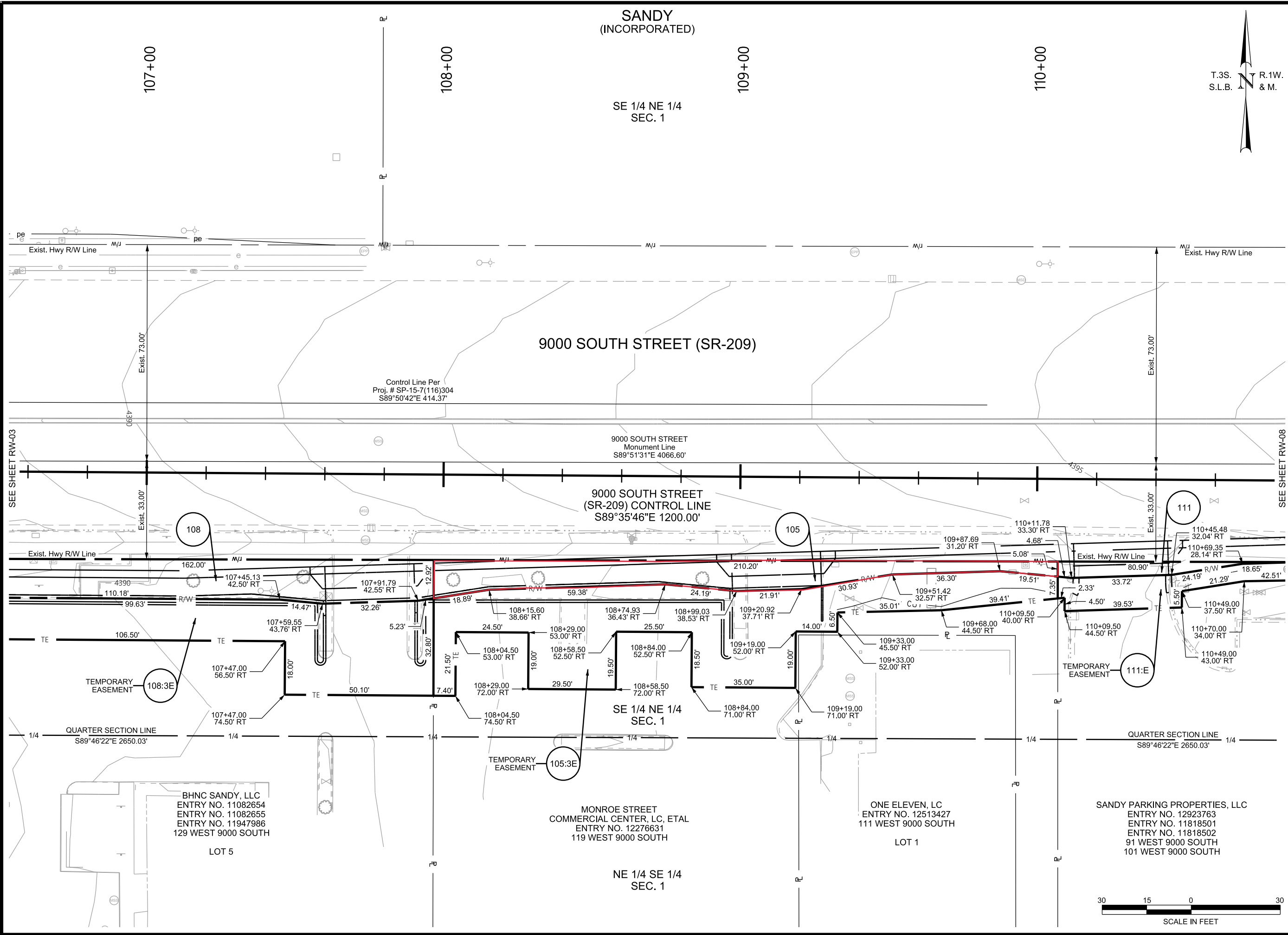
Please grant this exception.

Mark Sudbury

Monroe Commercial Center HOA

## **Exhibit #2 – Road Expansion**

DGN File: \\P:\Projects\2019\1037-MN-S-Lochner-9000 S and Monroe\16921-MN-S-Lochner-9000 S and Monroe\16921-F-0209(47)12 RW-07.dgn 14-NOV-2019




UTAH DEPARTMENT OF TRANSPORTATION		REGION 2 - MERIDIAN ENGINEERING, INC.	
PROJECT	MONROE AND 90TH STREET (SR-209) INTERSECTION IMP	APPROVED	DATE
PROJECT NUMBER	F-0209(47)12	PIN	16921
RIGHT-OF-WAY PLAN		PROFESSIONAL LAND SURVEYOR	DATE
DRAWN BY		JMM	
CHECKED BY		CC	
NO.		DATE	APPROVED BY
REVISIONS			REMARKS

Plan view of SR-209 (9000 SOUTH) showing pavement cut, existing right-of-way, and stationing from 110+00 to 112+00. The diagram includes labels for 'PAVE CUT', 'Existing R/W', and specific stationing points like 110+80.30 LT 15.97 and 111+08.91 LT 21.39. A callout indicates 'END CONSTRUCTION' at station 112+00.00.

CURB CURVE DATA									
CURVE	ALIGNMENT	PC		CC		PT		RADIUS	TYPE*
		STA	OFF	STA	OFF	STA	OFF		
BB	9000 SOUTH	108+95.16	RT 59.55	108+96.16	RT 59.55	108+97.16	RT 59.54	1.00	TBC

\* TBC = TOP BACK OF CURB  
EOP = EDGE OF PAVEMENT  
BOW = BACK OF WALK



SHEET NO.	RD-06A		PROJECT		MONROE AND 90TH STREET		<div> <div>UTAH DEPARTMENT OF TRANSPORTATION</div> <div>LOCHNER</div> </div>										<div> <div>APPROVED</div> <div>  </div> <div>PROFESSIONAL ENGINEER</div> </div>				DRAWN BY		NCP		<div> <div>QC CHECKED BY</div> <div> <div>6/15/2020</div> <div>DATE</div> </div> </div>				NO.		DATE		APPROVED BY		REMARKS	
	PROJECT NUMBER	F-0209(47)12		PIN	16921																QC		BUK						NO.		DATE		APPROVED BY		REMARKS	

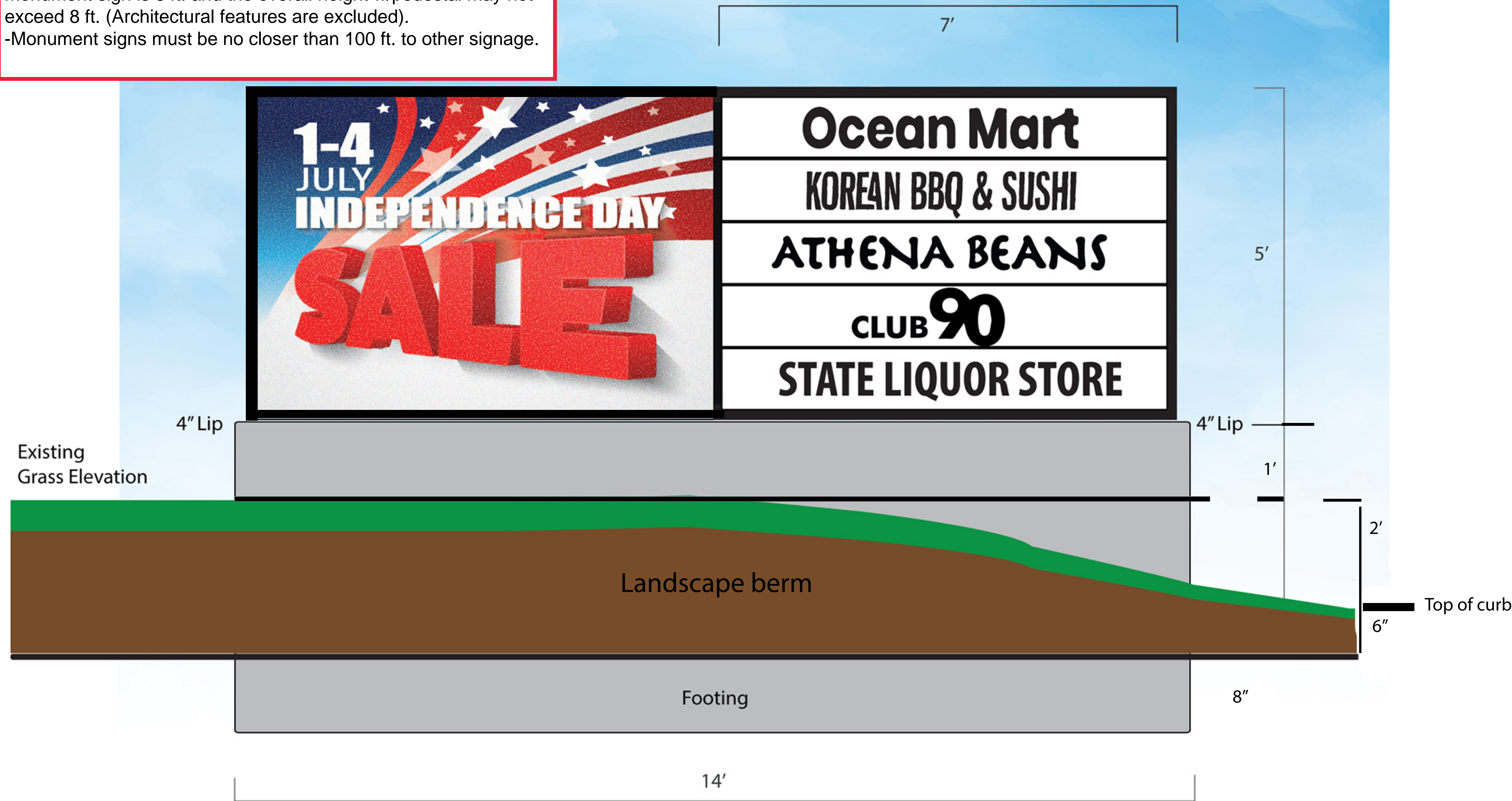
**Exhibit #3 – Approved Sign Permit**



Proposed: 70 square feet. Street Frontage: 205 ft  
32 sq. ft. + 1 sq. ft. per 3.125 lineal feet= 75 sq. ft (Max 80 sq. ft)  
- Monument signs must be setback their height in distance from the property line (back of sidewalk)  
- Monument sign face must not exceed 5 ft, maximum height of a monument sign is 6 ft. and the overall height w/pedestal may not exceed 8 ft. (Architectural features are excluded).  
- Monument signs must be no closer than 100 ft. to other signage.

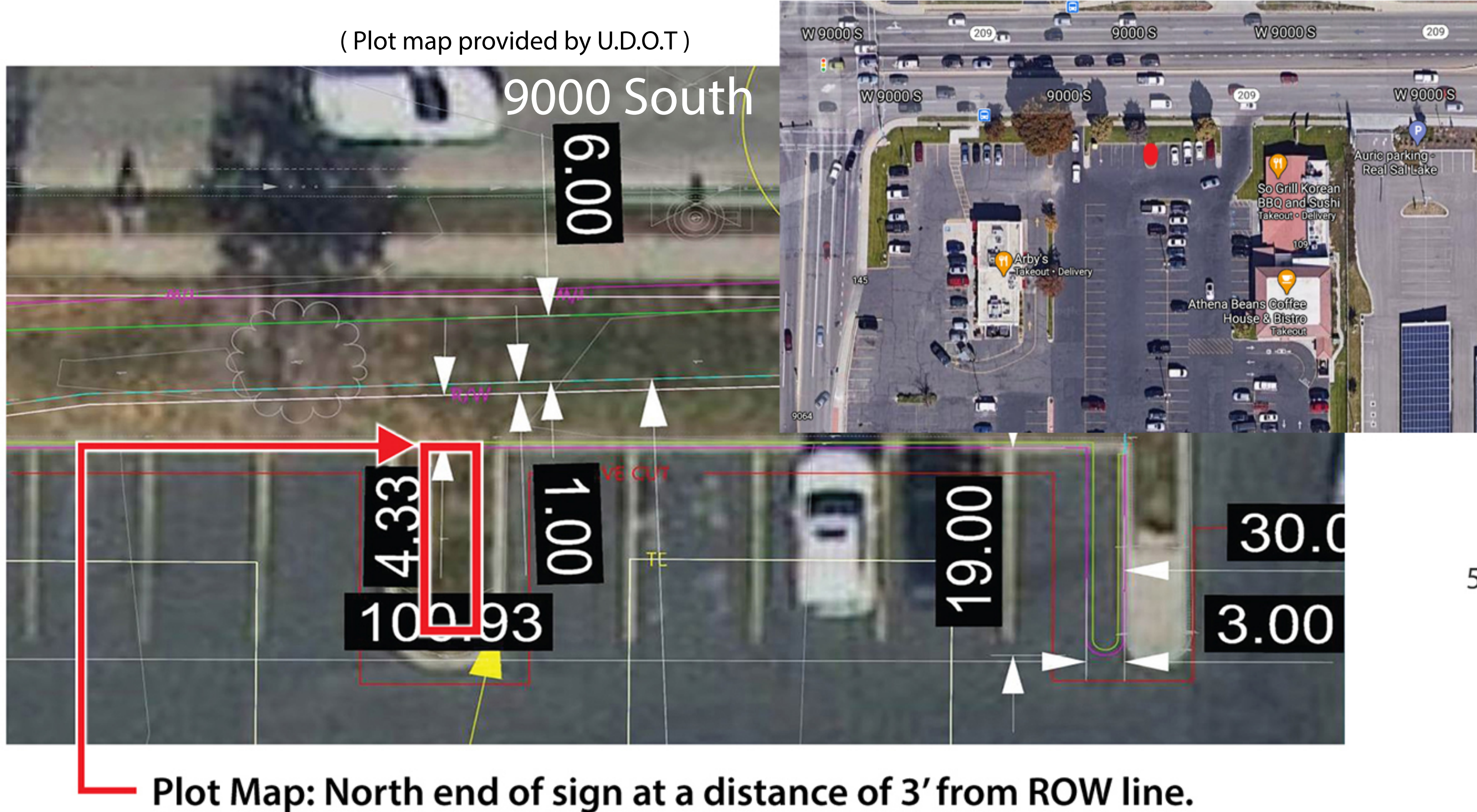
APPROVED

By Claire Hague at 3:33 pm, Jan 04, 2021



- Double sided with both a 6mm LED section and static/backlit section
- Overall sign dimensions: 5' vertical x 14' horizontal, with 1/2 of it: 5' x 7' LED and the south 1/2 : 5' x 7' static with the business names (exact font and text to be determined).
- Footing: 8" thick, 30" wide x 15 ft Concrete Footing (with rebar) poured over-top of existing native dirt and/or existing stable concrete footings.
- Support Platform: 1 ft high, 18-24" wide (to be determined in eng. phase\_ x 14'8" (extend beyond sign box, 4" all sides), with slight slope to drain water from sign box.
- Top of support platform will be 2 ft above island curb (approx. 2 1/2 ft above asphalt)

205 feet of street frontage



Plot Map: North end of sign at a distance of 3' from ROW line.

LED CABINET CROSS SECTION AND COMPOSITION

**ALUMINUM CABINET:**  
Rust-proof, extruded aluminum, painted to your liking. Pantone colors kindly accepted!

**LED ILLUMINATION:**  
Energy-efficient LED lighting, distributly evenly for maximum brightness. Flourescent bulbs also available.

**LEXAN FACES:**  
Flat (standard) or Pan-formed faces

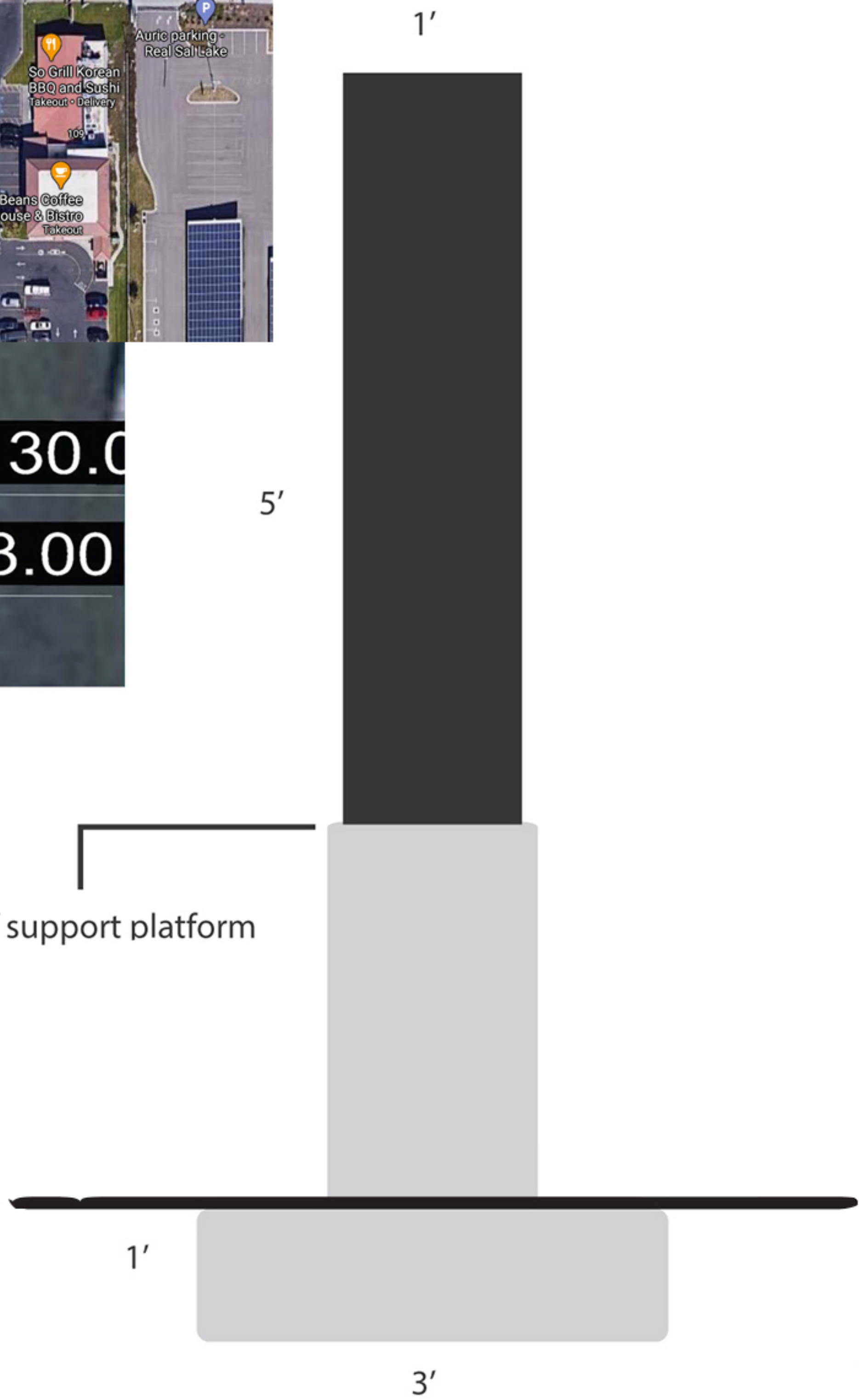
**DRAINAGE HOLES:**  
Cabinets built to last in the great outdoors!



**HOLES FOR MOUNTING:**  
Let us know how you'll install your sign and we will prepare your cabinet.

**LED POWER PACK:**  
Your sign arrives fully lamped and wired, ready for installation. UL listed.

Top of support platform



(North facing)

LED CABINET - MONUMENT SIGN SIDE VIEW

graphik  
display & sign

17 S. 1400 W. - Lindon, UT 84042  
Tel/801.796.8999 - Fax/801.7968990  
Email - ron@graphikusa.com  
www.graphikusa.com

Project:

MONROE PLAZA  
LED MONUMENT SIGN  
MONROE STREET  
COMMERCIAL CENTER LC

Customer Approval:

Date 12.10.20  
Authorized Signature

Representative Ronn

Drawn By Joseph

Date 12.10.20

Scale

Sheet No. 1 OF 1

Work Order 17331

File Name

MONROE PLAZA  
LED MONUMENT SIGN  
MONROE STREET  
COMMERCIAL CENTER LC

Revisions:

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and Bonding of the sign.



**Exhibit #4 – Site Plan and Elevations**



Green colors are existing conditions; Red is the proposed sign location and new property line due to the project acquisition. The sign relocation is required in order to construct the Monroe/9000 S project.

1 - The sign will be required to be relocated, there will not be enough space for it at the existing location due to the project. It will remain on the same parcel.

2 - Public Works would like to allow the sign to remain the same height, 8.5', as a legal non-conforming in order to avoid a cash settlement or potential litigation for vague advertising damages, which could be difficult to estimate and have a final value determined by an arbitrator or judge's opinion.

The owner wants a 11'+ sign, to clear the vehicles parked adjacent. The city code requires a 8' sign. The city project is initiating and requiring the relocation of the sign.

New Sign Location, moved south into the parking lot due to new sidewalk being pushed south. 8' high restriction to meet sign code.

New Property Line after acquisition for road widening.

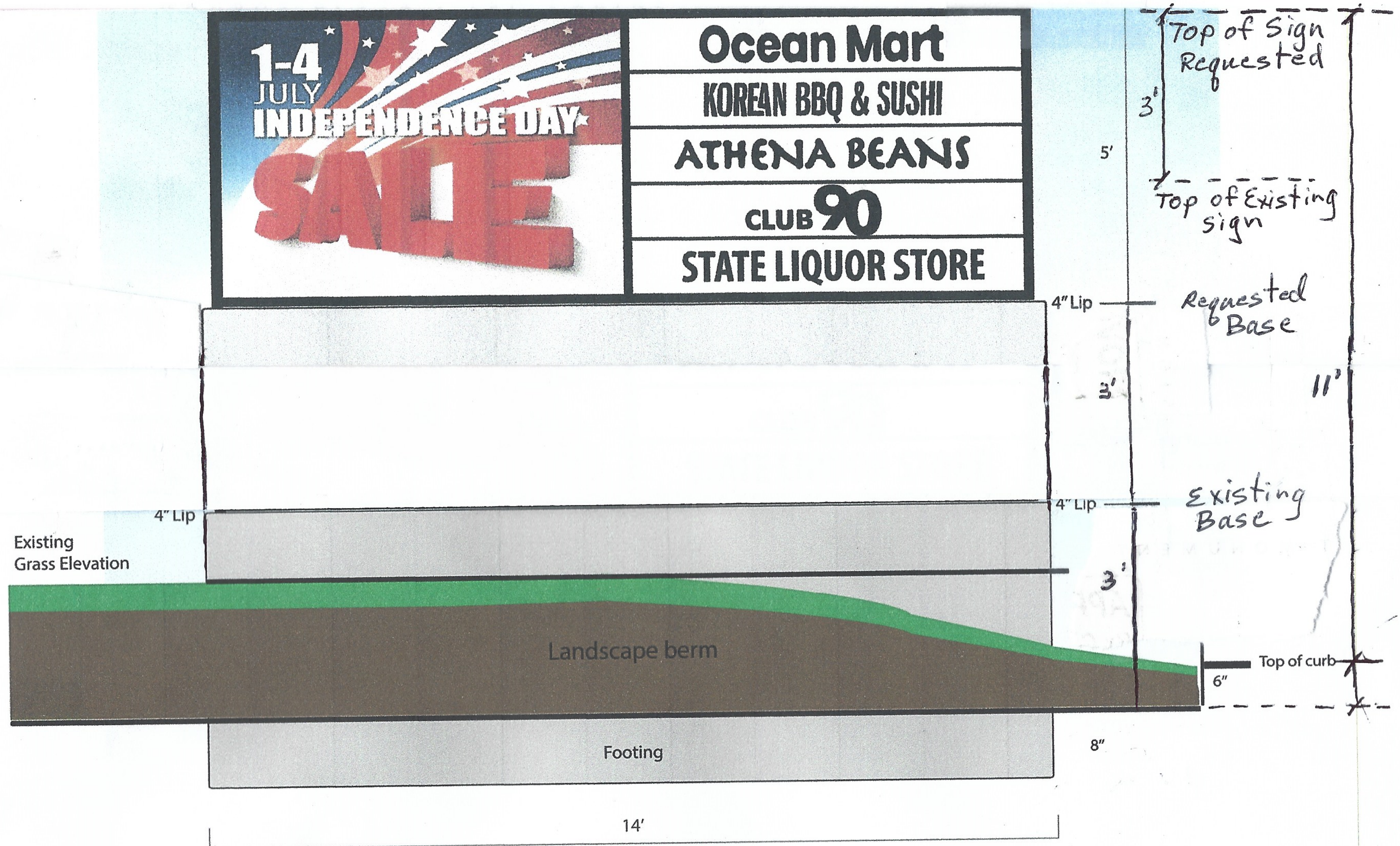
Existing Sign, 8.5' High measured from ground to top.

Existing Property Line

S 0006

S 0006





Monroe Commercial Center  
monument Sign



## **Exhibit #5 - Justification**



**Addressed to: Monroe Street Commercial Center - Sandy, UT 84070**

*Regarding: Monroe plaza sign study*

Niche Displays was contacted by Monroe plaza to determine the value and placement of the new, required sign relocation.

Niche Displays team has a combined 35+ years in the outdoor signage industry. Throughout the years we have deployed 100's of successful launches, from Penn station in Baltimore, to managing and deploying builds in Time Square, SC, TX, KS, NC, GA, FL, UT and many more.

We advise sign companies and business owners through the entire process of their signage needs, ensuring businesses are getting exactly what they need in order to have successful outdoor, on premise / off premise, advertising success.

The site survey was conducted on location at Monroe Street commercial center and was completed on 3/22/21. The site survey reveals multiple drawbacks with the new, required location.

The expert studies used for revenue and commerce comparisons are attached to this packet. SBA & University of Cincinnati studies are acknowledged industry wide.



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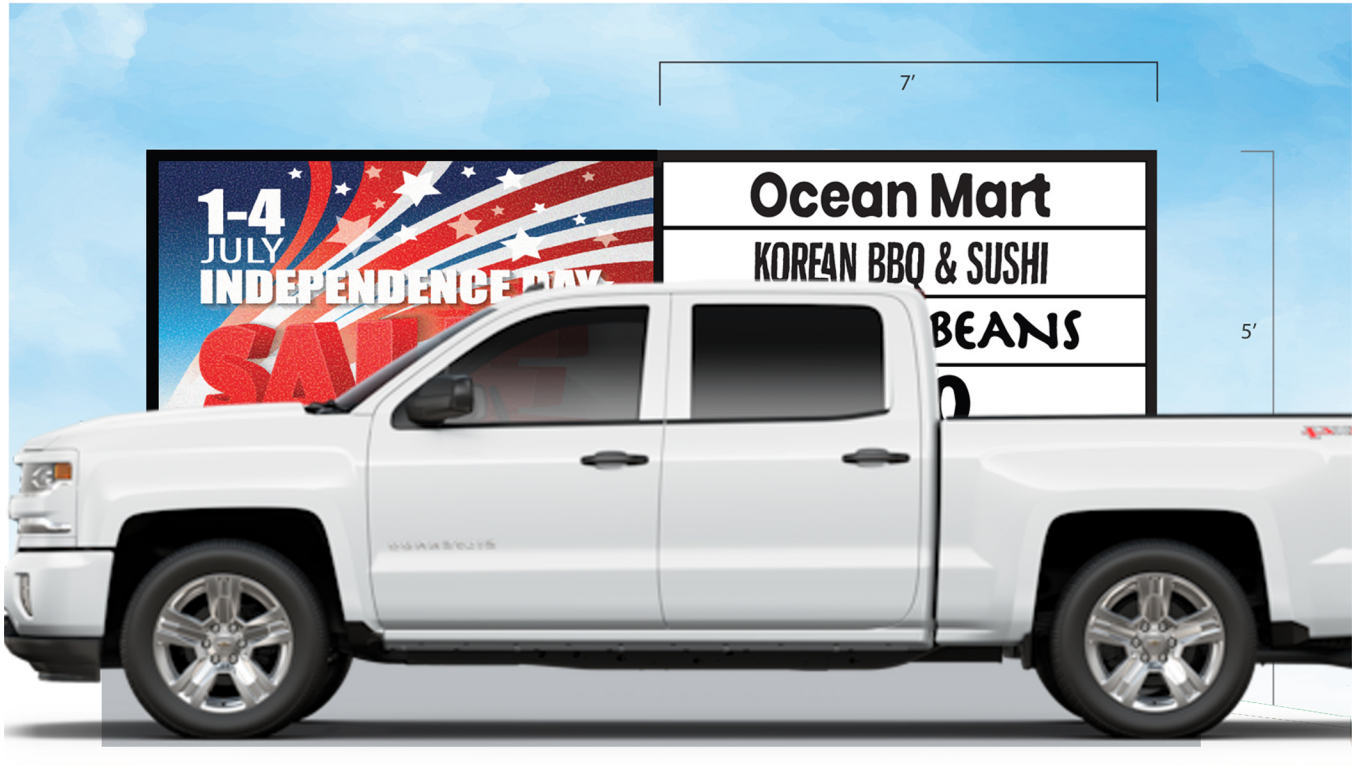
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### **Signage and the economic impact it plays on business**

(The above image represents the current issue)

Studies have shown over the years that signage plays a pivotal role in a business ability to drive more customer traffic through the door and increase revenue. Depending on the signage used, Static, or EMC and their placement. These effects can mean a 10% - 100%+ or more of increased business and revenue.

The study attached is from the University of Cincinnati evaluated multiple types of business, as well as a variety of signage types. Each business evaluated shows an

increase in business regardless of the type of sign used as long as the sign is designed properly and is able to be visible and clearly seen by the public.

Signage that is obstructed or has visual impairments has been shown to increase driver frustration and disorientation leading to more hazardous road conditions (The U.S. small business Administration and the Signage Foundation for Communication Excellence Inc. 2001 Co-sponsored study)

In this study, multiple source studies have shown dramatic improvement in customer base and economic performance based on proper signage. In summary, businesses that do not have adequate signage or signage that is impaired to the general public are potentially losing revenue and employment opportunities.

*Below is potential loss of revenue to the surrounding businesses affected by obstructed signage, improper signage or no signage at all.*

A small business like a cafe may see average daily sales of \$1000.00. If proper signage is placed for this business, on the low end will see an 10% increase in customer base adding 100\$ a day to their revenue, after one year that can mean as much as \$36,000+ increase in annual revenue.

**If that cafe has had signage for years and was forced to move or relocate signage to an area that was obstructed to the general public this could mean a potential loss of \$36,000+ annual revenue.** In many cases the customer base that frequented the establishment may see this as a "Closed Business" if they are not able to properly identify that the business is in operation, meaning an even larger loss of annual revenue and customer base.

In an HOA or Communal business park, when you have multiple businesses relying on one or two signs to a traffic flow area of 40,000 cars a day, this can mean the difference of thousands of dollars in potential daily revenue loss.

Example of potential loss using arbitrary numbers:

**Business one - Restaurant**

Daily sales without adequate signage - \$2,500.00

With proper signage - \$2,750.00

Annual revenue increase - \$91,000+

**Business two - Cafe**

Daily sales without adequate signage - \$1,000.00  
With proper signage - \$1,100.00  
Annual revenue increase. \$36,000+

**Business three** - Grocery Store/ Specialty Market  
Daily sales without adequate signage - \$4,500.00  
With proper signage - \$4,950.00  
Annual revenue increase - \$164,000+

**Business four** - State run Liquor store.  
Daily Sales without adequate signage \$9,000.00  
With proper signage - \$9,900.00  
Annual Revenue increase \$328,000.00+

**Business five** - Bar / Club  
Daily sales without proper signage - \$5,500  
With proper signage - \$6,050  
Annual revenue increase - \$200,000.00+

Total communal annual revenue loss - \$800,000.00 + due to improper or impaired signage.

Total city sales tax lost - \$60,000.00+

This is an example of how large of an economic impact proper signage can have on a business(s). More than a dozen multi year studies prove this to be the case. If using the numbers provided by the small business Administration these numbers would be 5-10% higher at minimum.

In the case of forced removal or relocation of a longstanding sign, It would be detrimental to a business(s) if not able to convey their message to the general public. This would in turn create substantial loss in revenue and customer base. If the sign was forced to relocate to a new area because of a road expansion it is economically imperative those businesses be allowed the ability to advertise as clearly with the new sign, as the last sign. If it is forced into an area that is visually impaired, or only a small portion of the signage is visible that would create substantial loss in revenue, in many cases upwards of 30-50%+ if a digital sign is being utilized.



## ***Site walk and examination of new, required monument location***

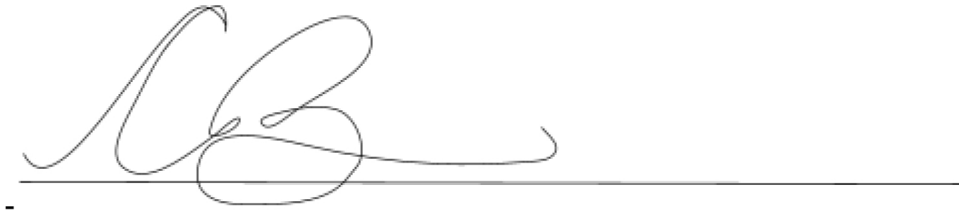
### **Conclusion-**

It is my opinion that the reduced visibility caused by the proposed location of the new marquee will reduce the effectiveness of the sign and have an impact on the income of the businesses served by the new marquee.

Restricting the parking on either approach to the sign would offer a solution to the problem of visibility, but as the shared parking spaces for the Plaza are in high demand this would only force an analysis of loss of revenue due to loss of parking. The loss of parking is a subject which I cannot help you with, but I can recommend that an obvious solution to the issue is that the impact on the visibility of the new marquee in its planned location would best be mitigated by raising the sign so that the bottom of the sign is at least 7 feet above the surface of the parking lot so that parked cars do not obstruct the view of the sign. It is my recommendation that the best solution for all parties, the City (revenue and public service), Business Revenue, and the Public convenience and safety, would be to simply raise the new sign 3 ½ feet.



Colton Bain -

A handwritten signature in black ink, appearing to be 'CB', is written over a horizontal line. The signature is fluid and cursive.

Date 3/22/2021

The logo for 'NICHE DISPLAYS' features the company name in a stylized, outlined font. A large, light blue, multi-pointed star or asterisk shape is positioned behind the word 'DISPLAYS', partially obscuring it. The entire logo is centered horizontally.