

MINUTES of the Vernal City PLANNING COMMISSION

Vernal City Council Chambers – 447 East Main Street

December 10, 2009

Members Present: Troy Allred, Howard Carroll, Sonja Norton, Eric Olsen, Freida Parker and Shirley Wilkins

Alternates Present: Vernie Heeney and Glenn Spencer

Excused Members: Gordon Seitz

Staff Present: Allen Parker, Assistant City Manager; Richard Zohner, Building Official; and Stacy Palmer, Administrative Clerk.

WELCOME AND DESIGNATION OF CHAIR AND MEMBERS: Chair Howard Carroll welcomed everyone present and stated that Glenn Spencer would be voting for Gordon Seitz.

APPROVAL OF MINUTES FROM NOVEMBER 12, 2009: There being no corrections, **Troy Allred made a motion to approve the minutes of November 12, 2009 as presented. Glenn Spencer seconded the motion and the motion passed with Allred, Carroll, Heeney Norton and Spencer voting in favor.**

REQUEST FOR APPROVAL OF MASTER SITE PLAN FOR ATLANTIS DIVERS REMODEL LOCATED AT 206 WEST MAIN - APPLICATION # 2009-0028-MSP: Allen Parker stated that this request for a master site plan review involves the reconstruction of the existing parking lot for a small shop located on 0.14 acres. The engineering submittals have been reviewed by staff and are found to be in substantial compliance with Vernal City Code. Mr. Parker stated that the property owner, Michael Weyland, is not present, but is in route, and would like to address the Commission regarding this application. Chair Howard Carroll noted that the staff report indicates that the fire hydrant locations are not shown. Mr. Parker explained that the hydrants are already in place and not being moved, therefore they are not shown on the drawing. Mr. Carroll asked if the landscaping requirements are met with this site plan. Mr. Parker responded that no landscaping is required in the Commercial (CC-1) zone where this property is located. Mr. Carroll stated that he did not see any reason this site plan could not be approved and asked the nature of Mr. Weyland's concerns. Mr. Parker stated that it was his understanding that Mr. Weyland is concerned about the maintenance and cost of the storm water system required by current City Code. Mr. Parker displayed a photograph of the project and noted that the site is already fenced off and excavation work has been done in preparation for approval of the site plan. Mr. Parker stated that the storm water components have been delivered to the site and are awaiting installation in order that Mr. Weyland can resume regular business activity as soon as possible. Commissioner Glenn Spencer asked what would happen if the Commission denied the application, since the work has already begun and asked why it had begun before the site plan was approved. Mr. Parker responded that the Commission would have to show where the property owner was not in compliance with Vernal City Code to stop

their current work and explained that Mr. Weyland obtained a grading permit for the work currently underway that is not tied to this application approval.

Sharon Weyland, 3924 Dryfork Canyon Road, Vernal, Utah, stated that as Mr. Weyland's wife, she is somewhat familiar with the project. Ms. Weyland explained that the property was previously a fuel station and the underground tanks were removed about 1994. At that time, the site was backfilled and the State of Utah did not require any further soil remediation, but indicated that it may still require further remediation in the future. Recently, the State informed Mr. Weyland that they would require soil remediation of the site and the State engineers have provided the engineering work required by the City. The process has been slowed by various paper work requirements and though it was hoped that construction would begin in October, the final site plan is just being reviewed now. Ms. Weyland explained that her husband is concerned that about the expense of the storm drain system that the City requires and also about the cost to maintain the system. Ms. Weyland stated that the sump system is located near Highway 40 and the system will quickly fill up with debris from oil-field truck traffic and other off-road vehicles commonly seen in Vernal. Ms. Weyland stated that her husband feels unfairly burdened with the maintenance and wants the City to agree to maintain this sump system.

Mr. Carroll asked if the sump is located below the grade of Highway 40. Mr. Parker stated that the slope indicated on the site plan shows that the storm system is designed to collect only storm water from this property, not the adjacent roadways. Mr. Carroll asked how much traffic is typically using this parking area. Ms. Weyland stated that bowling alley customers use their parking when their business is closed and noted that there is a small drive-through coffee shop located in their parking lot as well. Mr. Carroll noted that the traffic and debris generated by the coffee shop is still the property owner's responsibility as there must be some sort of lease agreement in place for the shop to be located there. Ms. Weyland stated that because the property is located on a corner, there is also additional cut-through traffic with which this site is unduly burdened. Ms. Weyland indicated that speed bumps have been installed to slow and discourage cut-through traffic.

Commissioner Eric Olsen asked if the sump is a manhole or vault. Mr. Parker replied that it is a 1131 cubic foot, perforated vault, sized to accommodate the 100-year event. Sonja Norton asked if there are other storm water retention systems than the one presented, which would be less expensive to maintain. Mr. Parker replied that there are many options, but this plan was submitted by local engineer, John Wood, as directed by the State Remediation Agency. Mr. Parker noted that a similar system was recently installed for the parking area just south of Cobble Rock Park on Vernal Avenue.

Mr. Spencer asked if signage or barriers would reduce the possible cut-through traffic that is a concern to Mr. Weyland. Ms. Weyland stated that speed bumps have been somewhat effective, but noted the major concern for her husband is that if there is a big cost in maintaining the system, he wants the City to be responsible. Mr. Carroll stated that every merchant has the same burden of disposing of their own storm water. Ms. Weyland stated that she would like the assurance that because of the location at the corner of 200 East and Highway 40, the City will handle any problems that arise because City storm drainage ends up overflowing into their system. Mr. Olsen stated that this could only happen because of engineering flaws, and noted

that the City would be responsible if their system failed. Mr. Parker cautioned about further hypothetical discussions, as each situation is handled on a case-by-case basis. Ms. Carroll suggested that the Weyland's would be wise to keep careful records of how often they have to pump the basin, including photographs when appropriate, and notify the City immediately if there is a problem that is clearly Vernal City's responsibility.

There being no further discussion or comment, **Eric Olsen made a motion to approve the master site plan for the Atlantis Divers remodel, located at 206 West Main - Application #2009-0028-MSP with any corrections required by staff. Freida Parker seconded the motion and the motion passed with Allred, Carroll, Norton, Olsen, Parker, Spencer and Wilkins voting in favor.**

REQUEST FOR RECOMMENDATION REGARDING THE PLANNING COMMISSION REGULAR MEETING SCHEDULE FOR 2010 - RESOLUTION NO. 2009-25: Allen Parker stated that each year the Planning Commission is required to forward a recommendation to the City Council adopting the meeting schedule for the upcoming year. This resolution proposes the same schedule of meeting the second Thursday of the month at 5:30 p.m. There being no further discussion or comment, **Glenn Spencer made a motion to make a positive recommendation approving the Planning Commission regular meeting schedule for 2010 - Resolution 2009-25. Eric Olsen seconded the motion and the motion passed with Allred, Carroll, Norton, Olsen, Parker, Spencer and Wilkins voting in favor.**

REQUEST FOR RECOMMENDATION REGARDING PROPOSED AMENDMENT TO THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE - TITLE 16.28 - SIGN REGULATIONS - ORD. NO. 2009-29: Allen Parker stated that this ordinance amendment proposes that pole signs be allowed within 300 feet of the edge of the right-of-way of Highway 40 or North Vernal Avenue, but not within 150 feet of an existing residential use. Mr. Parker noted that pole signs are only allowed on properties located within the City's commercial and industrial zones. Currently, the sign ordinance stipulates that pole signs (either individual or multi-tenant) can only be placed on property in these zones that have *frontage* on Highway 40 or North Vernal. Additionally, the proposed amendment requires that pole signs must be kept in good repair by the property owner. Mr. Parker stated that the distances of 300 and 150 feet are just starting points for the discussion of the Planning Commission.

Chair Howard Carroll opened the meeting to questions and comments from the public and Planning Commission members. Commissioner Sonja Norton asked for clarification of multi-tenant signs and who is eligible to be a part of these signs. Mr. Parker explained that multi-tenant commercial signs have to be located within the business complex for which they advertise and only tenants of that business complex can advertise on the sign. Additionally, a business may only advertise on an individual pole sign or a multi-tenant sign, but not both. Finally, a business complex has to be contiguous, and have shared accesses and parking to be considered as such. Ms. Norton noted that Mort's Car Wash could not erect a new pole sign under current City ordinance with the current requirements. Mr. Parker stated that their current

pole sign was grand-fathered in, but that she is correct that they could not erect a new one under current City statutes.

Kiley Moore, 800 West Escalante #10, Vernal, Utah stated that he works for Esquire RV and noted that ever since the stop light at the intersection at 500 South and Highway 40 was installed, their business has struggled. Mr. Moore stated that the new layout of the intersection puts them out of sight and out of mind of potential customers. Mr. Carroll asked if Esquire RV would fall within the 300 feet distance proposed by this amendment. Mr. Moore stated that 300 feet would make a pole sign possible, but within 350 feet of Highway 40 would allow for better sign placement. Ms. Norton noted that there are existing residential uses close to Esquire RV. Mr. Parker noted that the sign has to be 150 feet from the residential use and their preferred placement would comply with this requirement.

Mr. Carroll noted that by preventing a pole sign from being located within 150 feet of a residential use, a problem will arise in commercial zones in the instance where there is a grand-fathered residential use remaining. Mr. Carroll noted that the residential property value has increased, but their continued residential use may preclude a neighbor from being allowed to erect a pole sign on their property despite the fact that they meet the other requirements. Mr. Carroll asked if it would be feasible to implement a waiver process which would address this issue. Mr. Parker stated that it might be possible through the building permit process, but noted that a waiver would be difficult to track. Mr. Parker suggested that it might be more effective to address the impact that a pole sign would have on a neighboring residential use by lowering the lumination or height of the sign.

Mr. Carroll stated that, especially in the instance of the businesses impacted by the new traffic light at 500 South and Highway 40, he favors increasing the distance for pole sign placement because their businesses were impacted by no fault of their own. Mr. Carroll stated that these existing businesses were forced to suffer and that if the City wants to encourage business through things such as the Enterprise Zone designation, the City ought to be willing to address this issue and work toward a solution to this problem. Mr. Carroll stated that he favors allowing pole signs within 350 feet to accommodate these particular businesses.

Blake Sprouse, 423 West 640 South, Vernal, Utah, stated that he owns Sprouse Insurance just in front of Esquire RV. Mr. Sprouse stated that he and the other four other businesses located in this building would like signage the opportunity to have a pole sign advertising their businesses. Additionally, Mr. Sprouse noted that there is an old dilapidated sign along Highway 40, not far from his property, that he thinks the City should have removed. Mr. Sprouse stated that he is in favor of the proposed ordinance change and would favor allowing pole signs within 350 feet of Highway 40.

Commissioner Shirley Wilkins was excused.

Alternate Vernie Heeney asked what the consequences are for failing to maintain a sign in good repair, as proposed in this ordinance. Mr. Parker stated that any City ordinance violation is a

misdeemeanor and could be pursued through the court system. Ms. Norton stated that she is unsure about the proposed 150 foot distance to a residential use. Mr. Carroll stated that in general a standard building lot is 100 feet wide and might be a more appropriate distance. Mr. Parker stated that the maximum size of a pole sign is 300 square feet and would affect the view of a neighboring residential use. There was further discussion regarding the appropriate size of pole signs and their impact.

Commissioner Troy Allred asked if this ordinance would become effective immediately if passed tonight. Mr. Parker explained that there is another public hearing before the City Council on December 16th where the City Council will consider the recommendation of the Planning Commission and further public input. **Glenn Spencer made a motion to table the request for recommendation regarding the proposed amendment to the Vernal City Municipal Planning and Zoning Code - Title 16.28 - Sign Regulations - Ordinance No. 2009-29.**

Chairman Carroll stated that this issue has already been tabled for nine months and noted that it is continuing to harm businesses like Esquire RV because of inaction on the part of Vernal City. Mr. Spencer stated that he would like to see the allowable size of pole signs be restricted further and noted that feels that the distance from Highway 40 or North Vernal Avenue needs further consideration. Mr. Parker stated that sign ordinances vary greatly from one community to another and cited Park City and Heber City as having very strong, restrictive sign ordinances.

There was further discussion regarding examples of various size signs and it was the consensus of the Commission that the maximum size of pole signs should be more restrictive than currently allowed. Mr. Parker suggested that the Commission limit their discussion to the proposed changes regarding pole sign placement and schedule a work session to more comprehensively address all aspects of the City's sign ordinances. Eric Olsen stated that a work session would be useful to gather examples and have a visual idea of sign sizes and distances from Highway 40 and North Vernal Avenue. Glenn Spencer asked if Esquire RV was ready to place a sign if it were this amendment was approved. Mr. Moore stated that they would put up a sign as quickly as possible if this ordinance is approved. Mr. Spencer stated that he had changed his mind and felt it would be better to make a recommendation tonight regarding the proposed ordinance change. Michael Weyland, 3924 Dryfork Canyon Road, Vernal, Utah, stated that he has spoken with the owner of Esquire RV and the new traffic light has really hurt his business. Mr. Weyland stated that he felt that anything that could be done to alleviate this problem for these business owners would be greatly appreciated. Mr. Allred stated that the pole sign issue was addressed a few months ago with regard to Expressway Lube and that it would not be productive to postpone this decision once again. Mr. Allred stated that the issue of distance from Highway 40 and North Vernal Avenue could be decided at this time and further discussions could address the issue of maximum size at a later time.

Sonja Norton stated that in the case of her business, there is an existing residential use next door which would prevent her from placing a pole sign even though her business is within 300 feet of Highway 40 and that maybe each pole sign request should be considered on a case by case basis. Howard Carroll stated that use of a conditional use permit would provide the opportunity to

reduce the impact of a pole sign on residential neighbors. After further discussion of distances within which to require a conditional use permit, **Glenn Spencer withdrew his motion to table the request for recommendation regarding the proposed amendment to the Vernal City Municipal Planning and Zoning Code - Title 16.28 - Sign Regulations - Ordinance No. 2009-29.**

Glenn Spencer made a motion to recommend approval of the proposed amendment to the Vernal City Municipal Planning and Zoning Code - Title 16.28 - Sign Regulations - Ordinance No. 2009-29 allowing individual business pole signs to be placed within 350 feet of Highway 40 or North Vernal Avenue and within 150 feet of a residential use requiring a conditional use permit. Sonja Norton seconded the motion. Allen Parker noted that this ordinance addresses the placement of individual business pole signs and multi-tenant signs in two separate sections and Mr. Spencer's motion only addresses the individual signs. Sonja Norton stated that she did not understand that they were separate when the motion was made.

Alternate Vernie Heeney was excused.

A vote was taken and the motion failed with Spencer voting in favor and Allred, Carroll, Norton, Olsen and Parker opposed.

Sonja Norton made a motion to recommend approval of the proposed amendment to the Vernal City Municipal Planning and Zoning Code - Title 16.28 - Sign Regulations - Ordinance No. 2009-29 allowing both individual business pole signs and multi-tenant pole signs to be placed within 350 feet of Highway 40 or North Vernal Avenue and within 150 feet of a residential use requiring a conditional use permit. Freida Parker seconded the motion and the motion passed with Allred, Carroll, Norton, Olsen and Parker voting in favor. Glenn Spencer abstained from voting. Chairman Howard Carroll reiterated that the Planning Commission will schedule a work session to further refine the height and size requirements of Vernal City's sign ordinance.

MISCELLANEOUS: Commissioner Sonja Norton noted that during November's meeting she had raised the issue of businesses unloading inventory, whether cars or freight, in the right-of-way where they create a safety hazard. Allan Parker stated that it was his intention to discuss this matter with City Manager Ken Bassett, but he had not yet done so. Mr. Parker stated that he would research how or if other communities regulate the matter and confer with Mr. Bassett. Mr. Parker indicated that it may end up that this is an issue that can be dealt with by the Public Safety Committee and not require any ordinance revisions, but noted he would follow up and report back to the Commission in January regarding his findings.

Sonja Norton asked about the final decision of the City Council regarding the City's contribution included in the Enterprise Zone application. Mr. Parker stated that during budget hearings this Spring, the City will consider the possibility of modifying the fee schedule for business licenses.

Chair Howard Carroll was excused and as Vice-Chair, Eric Olsen assumed the responsibility of conducting the remainder of the meeting.

Michael Weyland, owner of Atlantis Divers, asked if he could address the Commission regarding the required storm drain system that was approved earlier as part of the site plan. Mr. Olsen allowed Mr. Weyland to address the Commission. Mr. Weyland stated that as he drove by the site tonight, he noticed that gravel and fill have been placed in the excavated area and asked if any City or County officials had been present to ensure that the ice in the pit had been removed before the backfill was placed. Allen Parker stated that he was on site today and instructed the construction crew that they will have to remove the gravel because the storm drain system has not yet been installed. Mr. Parker explained that Richard Zohner, Vernal City Building Official, will inspect the appropriate construction phases now that the site plan has been approved and construction can begin.

Mr. Weyland asked who will be responsible to pump the storm drain when it gets plugged. Sonja Norton stated that the property owner is responsible for this maintenance. Mr. Weyland stated that because the City is requiring this storm drain be installed, the City should bear responsibility for its maintenance. Ms. Norton explained that this issue was discussed previously and all commercial property owners are responsible for their own storm drainage systems. Mr. Weyland stated that this is a heavy load to place on a small property such as this. Mr. Weyland explained that the City's drain in the gutter along the east side of his property is two inches higher than the surrounding grade and creates an water and ice build-up which forces City water onto his property and he would like the City to fix this problem while the site is already torn up. Mr. Parker stated he would talk with the Streets Superintendent about adding this to his repair schedule as soon as possible.

Mr. Weyland stated that eventually this storm drain will plug up and fail. Mr. Parker explained that the percolation process of every system will fail eventually, but this system is designed so that most of the sediment should settle out in the collection basin and not in the sump. This design makes it much easier to access the sediment and clean it out, thus significantly extending the life of the system. There was further discussion regarding the location of groundwater on the site and how that would affect the storm drainage system. Eric Olsen noted that the Building Official will verify that the system is installed properly per City Code requirements.

There being no further business, **Sonja Norton made a motion to adjourn. Troy Allred seconded the motion and the motion passed with Allred, Norton, Olsen, Parker and Spencer voting in favor.** The meeting adjourned at 7:08 p.m.

Eric Olsen, Vice-Chair