

MINUTES of the Vernal City PLANNING COMMISSION

Vernal City Council Chambers – 447 East Main Street

February 12, 2009

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

Alternates Present: Glenn Spencer, Vernie Heeney

Staff Present: Allen Parker, Assistant City Manager; Dan Nance, Building Official; Stacy Palmer, Administrative Clerk

WELCOME AND DESIGNATION OF CHAIR AND MEMBERS: Howard Carroll welcomed everyone and stated that all regular members present would be voting.

APPROVAL OF MINUTES FROM JANUARY 15, 2009: Glenn Spencer noted that page 7, line 200 should be east not west. Additionally, Mr. Spencer noted that page 4, line 102 should be east, not west and finally that page 9, line 308 should read Glenn Spencer not Glenn Olsen. Allen Parker stated that line 55 should reflect the fact that only three alternate members are required for the Planning Commission as outlined in Vernal City's Municipal Code, and therefore only one vacancy currently exists. Additionally, Mr. Parker stated that line 223 needs to reflect the fact that Vernal City does own and maintain the water line, but not the sewer line. There being no further corrections or additions, **Eric Olsen made a motion to approve the minutes of January 15, 2009 with the corrections as noted. Troy Allred seconded the motion and the motion was passed with Commissioners Allred, Carroll, Norton, Olsen, Spencer & Wilkins voting in favor.**

DISCUSSION OF VERNAL CITY MUNICIPAL CODE - PLANNING & ZONING - CHAPTER 16.28 - SIGN REGULATIONS - DENE YODER: Allen Parker stated that Dene Yoder, owner of Expressway Lube located at 1270 West 400 South, has previously petitioned the City Council regarding altering the height of the existing pole sign on his property to the forty foot height currently allowed under Vernal City Municipal Code. This item is a discussion item only and no proposed amendments to Vernal City code are being made at this time. Mr. Parker explained that Mr. Yoder is concerned that this sign is no longer useful in advertising his business to passers-by since the construction of Walgreen's between his property and Highway 40. City ordinance has changed since the placement of this particular sign and pole signs are no longer permitted unless the business has actual property fronting Highway 40 or North Vernal Avenue. As it currently stands, Expressway Lube's pole sign is a legal, non-conforming sign and can remain in place, but cannot legally be expanded in size or height. Mr. Parker further explained that the City Council took no action on Mr. Yoder's initial request for relief and has directed the matter back to the Planning Commission for further consideration.

Dene Yoder, 3125 East 5000 South, Vernal, Utah, reiterated that the problem arose when Walgreen's was built between his property and Highway 40, thus blocking eastbound motorists

from seeing his sign until they are almost entirely past his property. Mr. Yoder stated that he understands that some customers are repeat customers who are not affected by the visibility of his sign, but that one cannot underestimate the power of a sign reminding a potential customer that their service is available. Mr. Yoder explained that he would like to be able to raise the sign or some other change be made to City ordinance which would make it possible for his business to still be seen from Highway 40.

Chairman Howard Carroll stated that he had previously been briefed by staff regarding this issue and explained that Expressway Lube and Esquire RV are both in very unique situations along Highway 40. Both businesses are located on property which is zoned commercial, in close proximity to Highway 40 and are adjacent to residential property. Having said that, Mr. Carroll explained that it would not be in the best interest of the City to make sweeping changes which would then allow a flood of pole signs throughout the City in an attempt to address the specific challenges faced by these two businesses.

Dene Yoder stated that since his discussions with the City Council, he has done some research into other cities' requirements and suggested that Vernal City could require a permit for pole signs, requiring certain conditions be met and imposing a monthly fee to be paid as long as the sign is permitted. Mr. Yoder also noted that the permit for the sign could address the types of lighting allowed, and the hours during which the sign is allowed to be lit. Mr. Yoder stated that it is his belief that both Esquire RV and Expressway Lube will be forced to relocate to more visible locations outside of Vernal City, if the sign ordinance cannot be amended in some way to address these issues. Glenn Spencer asked if Mr. Yoder could purchase a small piece of property on Highway 40 and erect a pole sign advertising his business. Allen Parker stated that Highway 40 is designated a Scenic Byway by the federal government and therefore the use of off-premise signs is prohibited. Chairman Howard Carroll stated that using the variance process has also been considered, but would set a precedence that may lead to pole signs located throughout the City and is therefore an undesirable option.

After further discussion, it was the consensus of the Planning Commission that Allen Parker and Mr. Yoder meet to discuss various options for amending the current sign ordinance and present a proposed amendment to the Commission to consider during a work session that would not require a vote. Sonja Norton suggested that issues of zoning, distance to residential property, distance from Main Street and a solid connection to Highway 40 that is strictly commercial property would be a good place to begin the discussion. Eric Olsen stated that it would be helpful to compare the sign ordinances of Logan and Richfield, Utah, as they also have a Main Street which is designated as a Scenic Byway. Gordon Seitz asked if Mr. Yoder could advertise on multi-tenant sign like the one in front of Basin Appliance. Allen Parker explained that in order to advertise on a multi-tenant sign, you have to give up your right to an individual pole sign and be a tenant of the business complex.

REQUEST FOR APPROVAL OF MINOR SUBDIVISION LOCATED AT 358 NORTH 800 WEST - APPLICATION #2009-0003-SUB - JOSHUA BAKER: Allen Parker stated that this application requests a lot split which would allow for the placement of a twin home similar to those properties directly to the north and east of this property. Mr. Parker explained that this

property was recently rezoned from R-1 residential to R-2 residential zone. Mr. Parker further explained that as the property is currently zoned, the owner could build a duplex, but it would be owned by one person and house two families. The proposed use is to divide the property, build a twin home and each side would be owned by separate parties. Chairman Howard Carroll noted that this was a public hearing and opened the meeting up to public comment.

Bret Reynolds, 917 North 2000 West, Vernal, Utah, asked if this property in question is just north of the home recently built on this street. Dan Nance, Vernal City Building Official, responded that this is correct.

Clark Allred, 808 West 300 North, Vernal, Utah, stated that he does not feel that splitting the two lots is compatible with the other properties facing the street as the twin home is proposed. Mr. Allred stated that his preference would be to see a single family dwelling built there which would be compatible with the neighboring properties.

Marilyn Sweetser, 780 West 350 North, Vernal, Utah, asked if the lot in question was big enough for a twin home. Allen Parker replied that it meets the required lot size. Joshua Baker, 551 North Sundance Circle, Vernal, Utah, stated that he is the owner of the lot in question and stated that the lot is approximately 27 feet wider than the lots where Ms. Sweetser lives just to the north of his property. Mr. Baker also explained that the twin home he is proposing would face 800 West because that is where the driveway accesses are already in place.

There being no further public comment, Chairperson Howard Carroll closed the public hearing. With no further comment or question from the Planning Commission, **Sonja Norton made a motion to forward a recommendation to the Vernal City Council approving the minor subdivision request for property located at 358 North 800 West - Application #2009-0003-SUB. Freida Parker seconded the motion and the motion was passed with Commissioners Allred, Carroll, Norton, Parker, Olsen, Seitz & Wilkins voting in favor.**

REQUEST FOR CONDITIONAL USE PERMIT FOR A BED & BREAKFAST HOME LOCATED AT 695 SOUTH 2100 WEST - APPLICATION #2009-0001-CUP - JOSH MONROE: Allen Parker stated that this property is 0.36 acres and is located in a Residential Agricultural Zone, which allows for Bed & Breakfast homes as a conditional use. Mr. Parker stated that this application has been reviewed by staff and found to be in compliance with Vernal City Code and is approvable as presented to the Commission. Shirley Wilkins asked what the parking requirements are for a Bed & Breakfast home. Allen Parker replied that two spaces are required for the occupying owner and one off-street parking spot is required for every two guests. Applicant Josh Monroe, 695 South 2100 West, Vernal, Utah, stated that there are four bedrooms to rent out and that the property has a double and single-car garage, as well as parking for three to four cars on the side of the home and room for three cars in front of the home for a total of nine to ten available parking spaces. After further discussion, it was clarified that City Code requires one space per guest room, plus two spaces for the residing owner, which in this case would require six off-street parking spaces. Sonja Norton noted deficiency in the current Code if you consider the instance where two siblings met and were spending the night at a Bed &

Breakfast. The guests might share a room, but would probably both drive their own vehicles and need more than one parking space. There was further discussion regarding City parking requirements for boarding homes, rental units, motels and hotels. Sonja Norton stated that her major concern regarding this application is the possibility that parking will end up on the street, negatively impacting the neighbors.

Howard Carroll asked if there are requirements regarding the kitchen facilities for a Bed & Breakfast home. Dan Nance stated that those issues are handled through the food handler's permit process and the business licence process. Howard Carroll asked if there was any further public comment. Allen Parker read a letter from neighbor Debbie Davis which states that she is opposed to a Bed & Breakfast home in this residential neighborhood. There being no further comment, the public hearing portion of the meeting was closed.

Gordon Seitz asked if there were any conditions under which the Planning Commission could deny this application. Allen Parker explained that since Vernal City Code allows for Bed and Breakfast homes in an RA-1 zone as a conditional use and the application meets all other City requirements, this public hearing provides the Commission the opportunity to collect information from neighbors and use that information to place any conditions on the applicant which would mitigate the impact on neighboring property owners.

There was further discussion regarding the feasibility of a Bed & Breakfast home in a residential neighborhood, away from major thoroughfares. Eric Olsen stated that his major concerns are the poor location of the home, as well as the possibility that having a business like this in a residential neighborhood will lower the surrounding property values. Additionally, the Commission discussed the need to further address the parking requirements for future applicants. **Eric Olsen made a motion to approve the conditional use permit for a Bed & Breakfast Home located at 695 South 2100 West - Application #2009-0001-CUP. Shirley Wilkins seconded the motion. The motion passed with Commissioners Allred, Carroll, Norton, Parker, Olsen & Wilkins voting in favor and Commissioner Seitz opposed.**

REQUEST FOR CONDITIONAL USE PERMIT FOR AN OFFICE LOCATED AT 425 SOUTH VERNAL AVENUE - APPLICATION #2009-0002-CUP - JEFF OHLWILER, PROREHAB: Allen Parker explained that this applicant would like to use the building located at 425 South Vernal Avenue for a physical rehabilitation facility. Mr. Parker stated that this application has been reviewed by staff and is an approvable application subject to the Planning Commissions conditions. Howard Carroll asked if the parking is in compliance with City Code. Dan Nance stated that parking requirements are based on the square footage of the commercial property and that has not changed so the parking is okay for this use. This lot has two buildings and was most recently used for a daycare facility. Sonja Norton asked if the buildings were attached to one another. Dan Nance confirmed that the buildings used to be connected by a breeze-way which no longer exists. David Hume, 1736 Castle View, Price, Utah, stated that he is representing Pro Rehab and explained that his company will be leasing the back building and it will continue to operate as a daycare facility and only the building closest to Vernal Avenue will contain the physical therapy business.

Howard Carroll noted that only one monument sign is allowed per parcel and asked if Pro Rehab was aware of that fact. Mr. Hume stated that the existing sign will be changed and will only advertise the rehab facility as the daycare provider no longer feels a need to advertise. Howard Carroll asked what hours the physical therapy clinic will operate. Mr. Hume stated that they will be open Monday, Wednesday and Thursday from 7:00 a.m. to 5:00 p.m.

Howard Carroll opened the meeting to comment from the public regarding this application. Vernie Heeney, 58 West 400 South, neighbor and Planning Commission alternate member stated that her only concern was the parking issues and noted that the daycare had a lot of parent parking and bus loading and unloading right on Vernal Avenue which would no longer be an issue. Ms. Heeney noted that traffic in the area has greatly increased with the opening of the Recreation Center and she would like the business owners to encourage patrons to use the off-street parking that is available. Howard Carroll closed the public hearing portion of the meeting. There being no further discussion, **Sonja Norton made a motion to approve the conditional use permit for an office located at 425 South Vernal Avenue - Application #2009-0002-CUP. Freida Parker seconded the motion. The motion passed with Commissioners Allred, Carroll, Norton, Parker, Olsen, Seitz & Wilkins voting in favor.**

DISCUSSION OF VERNAL CITY MUNICIPAL CODE - PLANNING & ZONING - CHAPTER 16.04 - DEFINITIONS - TOURIST HOMES - ALLEN PARKER: Allen Parker explained that it has come to his attention that Vernal City Code does not address the instance where a homeowner rents out their home on a daily or weekly basis. These types of homes are often called Tourist Homes and Mr. Parker stated that this deficiency in City Code needs to be addressed so that these businesses are regulated and operate in a safe manner within the City limits. Gordon Seitz stated that he thinks it is a good idea to get a definition in place for tourist homes. Howard Carroll asked what makes a tourist home different than traditional rentals. Allen Parker replied that tourist home rentals would typically be rented out for less than 30 consecutive days at a time. Gordon Seitz stated that if Tourist Homes are allowed as a conditional use, the Commission would have to show that they are detrimental to the health, safety and welfare of the neighbors in order to limit them in the allowed zones. Allen Parker emphasized the importance of the Commission issuing Conditional Use Permits in a consistent and fair manner.

There was further discussion regarding the authority of the Planning Commission with regard to Conditional Use Permits as discussed previously during tonight's meeting. It was the consensus that the time and effort of the Commission would be more effective, if more emphasis was placed on City Code amendments which would ultimately improve the City for all its residents.

There being no further business, **Gordon Seitz made a motion to adjourn. Eric Olsen seconded the motion. The motion passed with Commissioners Allred, Carroll, Norton, Parker, Olsen, Seitz and Wilkins voting in favor.** The meeting adjourned at 7:30 p.m.

Howard Carroll, Chairman

