

# MINUTES of the Vernal City PLANNING COMMISSION

Vernal City Council Chambers – 447 East Main Street

February 11, 2010

**Members Present:** David Brinkerhoff, Sonja Norton and Glenn Spencer

**Alternates Present:** Stuart Branham

**Excused Members:** Vernie Heeney - unknown reason; Troy Allred - Uintah Schools Foundation Board Meeting; Eric Olsen - Meeting in Roosevelt.

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

**WELCOME AND DESIGNATION OF CHAIR AND MEMBERS:** In Eric Olsen's absence, Vice-Chair Glenn Spencer called the meeting to order and welcomed everyone present. Mr. Spencer stated that Stuart Branham would be voting in place of Eric Olsen during today's meeting.

**APPROVAL OF MINUTES FROM JANUARY 14, 2010:** There being a quorum of members present from the January 14, 2010 meeting, **Sonja Norton made a motion to approve the minutes of January 14, 2010 as presented. David Brinkerhoff seconded the motion and the motion passed with Branham, Brinkerhoff, Norton and Spencer voting in favor.**

**APPROVAL OF MINUTES FROM JANUARY 28, 2010:** As there was not a quorum of members present who were in attendance at the January 28<sup>th</sup> meeting, the approval of the minutes of January 28, 2010 were tabled.

**DISCUSSION:** Allen Parker noted that the Planning Commission bylaws require that the Planning Commission participate in yearly training, in addition to requiring new members participate in a more extensive one-time training session. Mr. Parker asked if the Commissioners would prefer a less formal training session among themselves where they review Vernal City Planning and Zoning Code specifically or if they would prefer a more formal training regarding Planning Commission duties and responsibilities in general. Glenn Spencer stated that the training session he attended in Logan, Utah, shortly after he was appointed as an alternate member was very useful and stated that he was under the impression that this same training would be available throughout the State periodically. Mr. Parker stated that he would be willing to contact other local planning officials and gauge whether or not there was enough interest to bring a training session to the area. Mr. Parker stated that the training provided by Utah League of Cities and Towns includes open meetings training, legislative procedures and other useful components that would fulfill the general training required for new Commissioners.

Allen Parker stated that there are still two vacancies on the Planning Commission and one vacancy on the Board of Adjustment and asked the Commissioners to submit the names of

Vernal City residents who might be interested in serving. Mr. Parker noted that the Board of Adjustment rarely meets, but serves as an appeals board and hears requests for variances. Mr. Parker noted that the Board of Adjustment has not met in at least three years.

**REQUEST FOR APPROVAL OF A CONDITIONAL USE PERMIT FOR A BAR / CLUB LOCATED AT 65 SOUTH VERNAL AVENUE - APPLICATION #2010-0001-CUP:**

Allen Parker explained that Rebecca Boren is requesting approval for a tavern at this location, which was formerly Bud's Sportsman's Lounge and noted that the property is owned by Wes Toronto. Mr. Parker stated that this property is located entirely in the C-2 Commercial zone which allows bars / taverns as a conditional use. Mr. Parker explained that Vernal City Code limits businesses with Class-C beer licenses to two per lineal block and this location meets this requirement.

For clarification, Mr. Parker reviewed the purpose and intent of the conditional use permit process. Mr. Parker explained that City Code specifies the types of uses that are allowed in each zone. If person wishes to use their property in a manner that is permitted, the property owner does not have to come before the Planning Commission for conditional use approval. City Code also specifies non-permitted uses in each particular zone and these uses are not allowed under any condition. Mr. Parker explained that activities that are allowed as a conditional use are essentially permitted uses, but the property owner must come before the Planning Commission to explain the nature of the business so the Commission can evaluate possible conflicts with surrounding businesses. Mr. Parker explained that the courts have made it clear that a conditional use is not an opportunity to deny a use, but rather it provides an opportunity for local officials to mitigate the impact on surrounding properties. Mr. Parker noted that any conditions placed on the applicant regarding the conditional use permit must be measurable and the Commission must clearly state their reasoning behind the additional requirements. Mr. Parker explained that part of this process includes taking public comment in order to assess neighboring property owner's concerns. Mr. Parker then displayed pictures of the exterior and interior of the applicant's property to familiarize the Commission and public with the site.

Sonja Norton asked to be reminded about the City's involvement with the parking lot just north of Ms. Boren's business. Mr. Parker explained that the City owns the property just north of this location and recently leased the northernmost portion of Wes Toronto's property with the intent of paving both lots to provide additional downtown parking. Ms. Norton asked if this provides sufficient parking to allow a tavern at this location. Mr. Parker explained that because there are no changes to the building itself, the applicant is not required to submit a site plan and parking requirements are not addressed during the conditional use permit application. David Brinkerhoff asked what the maximum occupancy of the business is. Richard Zohner replied that the maximum occupancy of this building based on fire code is 408 persons.

David Brinkerhoff asked what type of signage the business owner would be erecting. Rebecca Boren, 152 North 400 East, stated that she will initially be installing a plastic sign similar in size to the signage at the neighboring Quarry Restaurant and that she has plans to repaint the exterior as soon as weather and finances allow. Mr. Brinkerhoff asked if the tavern would also be

serving food. Ms. Boren replied that she will provide a minimal lunch hour menu and prime rib on Friday and Saturday evenings. Ms. Boren stated that the business hours will be 10:00 a.m. to 1:00 a.m. and explained that she expects the tavern to be busiest around 9:30 p.m. Ms. Boren stated that she is a fourth-generation bar owner and has eleven years of experience. Ms. Boren stated that she is very concerned with public and client safety and feels that this location is ideal for a tavern. There was further discussion regarding various activities Ms. Boren plans to provide for her patrons and improvements she plans for the building exterior.

Glenn Spencer asked if Ms. Boren would be required to pay a fee for her patrons to use the newly paved parking to the north of the tavern. Mr. Parker replied that the City is leasing the property from Wes Toronto for public parking that will mostly likely be used by tavern patrons at night and other business patrons during the day and that no fee would be assessed to Ms. Boren. Stuart Branham noted that there is a vacant lot just south of the tavern and asked if it would be used for tavern patron parking as well. Ms. Boren stated that the property to the south is currently for sale and the owner has made it clear that tavern parking there is prohibited.

Vice Chair, Glenn Spencer opened the meeting for other public comment. Allen Parker stated that Floyd Needles owns the property just south of Ms. Boren's business and was unable to attend tonight's public hearing. Mr. Needles has written a letter which he requested be read into the public record of tonight's meeting. Mr. Parker read Mr. Needles' letter which is attached as part of the official minutes.

David Brinkerhoff asked for clarification regarding the issue of the tavern's east stairway that Mr. Needles' letter indicated was on his property. Allen Parker explained that there are uncertainties regarding the location of the property lines in the area that became evident when the City was recently paving the public parking area. Mr. Parker stated that the location of the stairway is a civil matter between the neighboring property owners and does not affect the conditional use application. Rebecca Boren stated that the stairway is actually a ramp that Mr. Toronto installed to meet ADA fire emergency exit requirements.

Regarding the debris left in parking areas addressed by Mr. Needles, Rebecca Boren stated that she intends to clean the parking area daily to keep it nice for her patrons and the City. Stuart Branham asked where the smoking area for tavern patrons is located. Ms. Boren replied that patrons would use the front or back patio and indicated that someday she would like to use the open roof area for a smoking area. David Brinkerhoff asked how far smoking is permitted within a business' entrance. Allen Parker stated that smoking is not allowed within 25 feet of a public entrance. Sonja Norton noted that patrons will end up smoking in the parking lot and probably leave litter behind. Ms. Norton asked if the conditional use permit could require that Ms. Boren clean the parking area daily or if this would be strictly a code enforcement issue. Allen Parker replied that he believed that under the terms of the lease agreement for the parking lot, the City is responsible for all parking lot maintenance, including litter. Mr. Parker stated that additional trash cans have been placed near the parking area since it was recently paved and it has helped reduce debris and litter to a certain extent.

Peter Smith, 434 South Vernal Avenue, stated that he and his mother own the building to the east of Cobble Rock Park and noted that tavern patrons who smoke will end up in the parking lot and asked if Ms. Boren would be required to install a cigarette receptacle in the parking area. Ms. Norton replied that the City could not require this installation, but Mr. Smith could certainly ask Ms. Boren to do so. Ms. Boren stated that she would be happy to install a cigarette receptacle in the parking area.

After listening to tonight's public comment, Sonja Norton stated that she did not see any conditions that would warrant the Commission to impose any conditions to protect the safety or welfare of Vernal City citizens.

Glenn Spencer stated that he is still concerned about the inadequate parking for a business with a capacity of 408 patrons as noted in Mr. Needles' letter to the Commission. Allen Parker reiterated that while the existing parking may be inadequate, the building is not being altered so a site plan is not required and the Commission cannot impose any further parking requirements for this business. Sonja Norton noted that tavern patrons parking illegally on a neighboring property becomes an enforcement issue and the property owner has to contact the police department to handle the situation. Ms. Norton noted that the parking area across Vernal Avenue is used by tavern patrons at night and explained that the City Council is actively looking at ways to improve parking in the downtown area.

There being no further public comment, Mr. Spencer declared the public comment portion of the meeting to be closed. **Sonja Norton made a motion to approve the conditional use permit for a bar / club located at 65 South Vernal Avenue - Application #2001-0001-CUP. David Brinkerhoff seconded the motion and the motion passed with Branham, Brinkerhoff, Norton and Spencer voting in favor.**

**REQUEST FOR RECOMMENDATION REGARDING AN AMENDMENT TO THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE - CHAPTER 16.28 - SIGN REGULATIONS - ORD. NO. 2010-02:** Allen Parker stated that the draft of the sign ordinance presented tonight reflects comments from last month's regular Planning Commission meeting, as well as the special work session. Glenn Spencer stated that he did not see roof signs addressed in the draft ordinance. Mr. Parker stated that he did not address roof signs in this draft, nor has he included any language regulating menu signs or campus directional signs. Mr. Parker stated that he has not yet found a measurable, standard rating for lumens emitted from reader boards to address the concerns previously stated by the Commission. Mr. Parker noted that Meridian, Idaho prohibits red and blue lights on reader boards to prevent them from being mistaken for a public safety vehicle. Sonja Norton and David Brinkerhoff agreed that prohibiting red and blue lights would be appropriate.

Mr. Parker stated that he had not yet amended the language in section 16.28.090 regarding nonconforming signs that states that the Building Official "shall proceed in any manner he deems necessary..." to clarify this statement and make it gender neutral. Mr. Parker stated that he also still wants to add a section to clarify the regulations for projecting signs. Currently, the

sign ordinance states that a projecting sign must be ten feet from the ground, but square footage or illumination is not addressed.

Sonja Norton stated that the language under section 16.28.015 regarding the how the maximum area of a sign is measured is confusing to her and asked for clarification. Allen Parker stated that his intent was to specify the method for calculating the total area of a sign under the general requirements of the section, rather than repeating the same information under each individual type of signage. Ms. Norton suggested that the maximum allowed area for the various signs should refer the reader back to the "General Requirements" section for clarity. David Brinkerhoff suggested that it would be clearer to a reader to simply state the maximum allowed square footage for each type of sign explicitly. In the case of a pole sign, the text could read, "no sign shall have more than one hundred fifty square feet per face, with a maximum of three hundred square feet total."

Sonja Norton noted that section 16.28.040 - Lighting and Sound, included the language that a "photometric study may be required for any lighted sign proposed within two hundred feet of a residential zone or use," and asked how Mr. Parker arrived at the two hundred foot measurement. Mr. Parker stated that he felt two typical frontages of one hundred feet each was a reasonable amount to assume that a lighted sign would impact the neighbors.

Allen Parker noted that based on previous discussion by the Commission, this draft does not include any changes to off-premises signs due to legal considerations and will be addressed separately at a later date. Mr. Parker noted that this draft also addresses temporary signs in general and not just as they apply to commercial and industrial zones as it had done previously.

Glenn Spencer opened the public comment portion of the meeting. There being no public comment, the public hearing portion of the meeting was closed. Glenn Spencer asked if the Planning Commission had to forward a recommendation to the City Council tonight. Allen Parker explained that the City Council already has a public hearing scheduled, but the Council can review the draft, take public comment and await a final recommendation from the Commission before acting on the proposed amendment. **Sonja Norton made a motion to table the Planning Commission recommendation regarding the amendment to the Vernal City Municipal Planning and Zoning Code - Chapter 16.28 - Sign Regulations - Ordinance No. 2010-02 so the Commission could consider additional input from the Council before forwarding a final draft and recommendation. David Brinkerhoff seconded the motion and the motion passed with Branham, Brinkerhoff, Norton and Spencer voting in favor.**

There being no further business, **Sonja Norton made a motion to adjourn. David Brinkerhoff seconded the motion and the motion passed with Branham, Brinkerhoff, Norton and Spencer voting in favor.** The meeting adjourned at 7:00 p.m.

Glenn Spencer  
Planning Commission Vice-Chair

