

MINUTES of the Vernal City PLANNING COMMISSION

Vernal City Council Chambers – 447 East Main Street

March 11, 2010

Members Present: Sonja Norton, Eric Olsen and Glenn Spencer, Troy Allred

Alternates Present: Ben Mahaffey

Absent Members: David Brinkerhoff, Vernie Heeney

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

WELCOME AND DESIGNATION OF CHAIR AND MEMBERS: Chair Eric Olsen welcomed everyone present and stated that Ben Mahaffey will be voting in place of David Brinkerhoff.

APPROVAL OF MINUTES FROM JANUARY 28, 2010: Eric Olsen determined that there was not a quorum from the January 28, 2010 meeting present to vote. Mr. Olsen requested a phone poll of absent member David Brinkerhoff and a poll of the members present. With no corrections noted, Glenn Spencer, Sonja Norton, and Eric Olsen all voted in favor. Troy Allred and Ben Mahaffey were not present at the January 28th meeting and did not vote.

APPROVAL OF MINUTES FROM FEBRUARY 11, 2010: Eric Olsen determined that there was not a quorum from the February 11, 2010 meeting present to vote. Mr. Olsen requested a phone poll of absent members David Brinkerhoff and Stuart Branham and a poll of the members present. There being no corrections or changes noted, Sonja Norton and Glenn Spencer voted in favor. Commissioners Olsen, Allred and Mahaffey were not present at the February 11th meeting and did not vote.

PLANNING COMMISSION TRAINING DATES: Allen Parker informed the Commission he contacted Uintah County Commission and Naples City Commission regarding previously discussed training. They indicated interest in one to two days training with either Utah League of Cities and Towns or Utah Local Governments Trust, preferably in May. Mr. Parker requested feedback from the Commissioners on their interest in attending and commitment. Mr. Olsen questioned what day was being considered. After some discussion on a training date, it was decided that a Friday in May would be the best option. However, May 7 and May 14 may be the only options due to Uintah High School Graduation and Memorial Day Weekend both near the end May. Mr. Parker advised he would check the possibility of the dates selected and make arrangements or come back with another recommendation. Mr. Parker indicated that Utah Local Governments Trust is who Vernal City has most often used and he would contact them. Eric Olsen requested that Daggett County Commission be invited to attend as well.

REQUEST FOR APPROVAL OF AMENDED SITE PLAN FOR ASHLEY CREEK VILLAGE LOCATED AT 600 SOUTH 200 EAST – APPLICATION NO. 2009-0007-MSP – ASHLEY CREEK VILLAGE, LLC: Allen Parker explained that this is a request by PEG

Development to approve an amendment to an existing site plan that was approved in March 2009. PEG Development is requesting the changes to make the project more appropriate for the current market they are now targeting. Mr. Parker explained the changes are not significant and that staff has reviewed this application and found there are corrections that need to take place. He also noted that the conditions of the previous approval have been corrected on these plans. Eric Olsen and Sonja Norton inquired as to the nature of the changes. Mr. Parker asked that the developer explain.

Matt Hansen, 1339 South 1440 East, Provo, Utah, began by explaining that they toned down the decorative architecture in an effort to trim costs. Mr. Hansen advised Ashley Creek Village will still have the same color scheme and same overall look, but the exterior would now have siding.

Mr. Hansen stated another change was that Ashley Creek Village would now be completed in two phases rather than all at once. He noted that phasing was indicated in the application. He explained that phase one will include 96 units and phase two will be an additional 72 units. Mr. Hansen stated they have changed the four buildings in phase one from 2-3 bedroom units into 1-2 bedroom units. He commented that based on market demand study completed, available 1-2 bedroom units were rare and there were more 3 bedroom units available. Mr. Hansen noted that along with these changes, the parking area had been changed to add fourteen enclosed parking garages between building one and building two. The garages will accommodate ATV's, which are not allowed to be parked on the street.

Allen Parker discussed the requirement of a secondary access point in the subdivision, regardless of the phase the project is currently on. Eric Olsen inquired if the west access point which is in phase two would have parking area with curb and gutter. Matt Hansen advised it would be just the driveway area as indicated on the plan provided. Mr. Parker added that the access strip is required to be 24 feet wide to be sufficient for two way traffic. There was further discussion in regards to the south access that connects to Silver Pines. Mr. Parker explained that PEG Development and the City are working on an agreement so that road segment can be finished at a later point. He added that Ashley Creek Village meets its dual access requirement independently from the road segment.

Ben Mahaffey stated his concern of the possibility the developer would not complete the project because of present market conditions. Matt Hansen responded that the developer was attempting to get financing through HUD and if so, they would be required to finish. Mr. Hansen also advised that their equity partner is very interested in the Vernal City area, has substantial resources and has already completed various projects within Vernal City.

Eric Olsen inquired if the club house would be included in phase two. Mr. Hansen responded the intent was to include it in phase two, but that may change. Sonja Norton inquired if common areas were a requirement for phase one and questioned if Vernal City Council had recently made a change to require this. Mr. Parker advised that the critical infrastructure has to be completed in the first phase, but City Code says nothing about common areas. Ms. Norton asked Mr. Parker to double check if this was a requirement and if not, she would like to see it become one for future projects. Mr. Olsen asked if the sports court and play yard are included in phase one and Mr. Hansen confirmed that it is included.

Glenn Spencer inquired the meaning of staff report item number 4 “water and sanitary sewer does not meet Vernal City requirements.” Allen Parker explained the principle problem is the lift station for sewer is located in a public right-of-way. He continued that Vernal City will not accept lift stations as part of its sewer system or manage and maintain them. The developer will have to relocate the lift station to their property. Mr. Parker also advised that there are questions in the design drawing for the water meter vault and they are being taken care of by Mike Davis, Vernal City Water & Sewer Superintendent. Mr. Spencer asked if there had been changes to the water and sewer lines being looped. Matt Hansen confirmed that the engineers for Ashley Creek Village had coordinated with the City staff and this problem had been fixed on the updated set of plans. Allen Parker pointed out that Ashley Creek Village still needs approval from the Utah Division of Drinking Water as a private system before Vernal City can issue a building permit. He further explained that this is required anytime a water line splits after the meter to provide water to more than one home. Eric Olsen asked for further clarification on the sewer plans and asked if they were trying to gravity feed the sewer. Mr. Hansen explained the system is designed in a way that would work but is contingent on the road to the south being constructed. Mr. Parker added that the completion of Silver Pines phase two would eliminate the need for a lift station on Ashley Creek Village’s property.

Eric Olsen asked if there were any further questions or comments. There being no comment or questions, **Sonja Norton made a motion to approve the amended site plan for Ashley Creek Village Located at 600 South 200 East - Application No. 2009—MSP. Glenn Spencer seconded the motion and the motion passed with Norton, Spencer, Allred, Mahaffey and Olsen voting in favor.**

REQUEST FOR APPROVAL OF A CONDITIONAL USE PERMIT FOR A CABINET SHOP LOCATED AT 1297 WEST 625 SOUTH – APPLICATION NO. 2010-0002-CUP

–WILLIAM DAVIS: Allen Parker announced this is a request to relocate a cabinet manufacturing shop that is currently within city limits to a newer and larger facility to accommodate their needs. This new location is in zone CP-2, which requires a conditional use permit because the cabinet shop would be a semi-industrial use in a commercial zone. Mr. Parker stated this location is the former Ponderosa Feed and Tack and is zoned for commercial and noted one area to the south is zoned MH for manufactured housing. Mr. Parker advised that staff has made a full analysis of this request and finds it is in accordance with the requirements of Vernal City Code. He noted this is an existing structure and will not be modified therefore no site plan is required. Glenn Spencer asked if the cabinet shop was going to be retail. Applicant William Davis, 3015 South 600 E, commented the only time the general public would be in the building was to see an example of a particular door style that salesman may not have with him. He advised there would be some showroom use for items that would not fit in an automobile. Glenn Spencer inquired if this would be retail or wholesale sales. Mr. Davis explained that it is installed sales and they work with contractors.

Troy Allred inquired if they use wood stains and flammable materials. Mr. Davis responded they use lacquer and water-base materials and have spray filtration set up. He advised they do not use enough material to leave residue and it is filtered anyway.

Sonja Norton asked about the noise level. Mr. Davis commented they have a five horsepower table saw that is in use only during daylight hours. He advised the building is large enough you can't hear it outside when the bay doors are closed. Eric Olsen asked about dust collection. Mr. Davis advised they have a 7.5 horsepower dust collector inside the building.

Eric Olsen opened the public hearing portion of the meeting for this item. There being no comment, the public comment section was closed. There being no further comment or questions from the Commission, **Troy Allred made a motion to approve the conditional use permit for a cabinet shop located at 1297 West 625 South - Application No. 2010-0002-CUP. Ben Mahaffey seconded the motion and the motion passed with Norton, Olsen, Spencer, Mahaffey and Allred 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: Allen Parker presented the Planning Commission with a modified version of the sign ordinances that contained all corrections and additions highlighted in yellow. Eric Olsen requested that Mr. Parker review the changes noted in each section.

Section 16.28.015 – General Requirements: Allen Parker noted one important change to this item was in Section E. As per City Manager, Ken Basset's request to clarify "adjacent grade", Section E was changed to read "The average adjacent grade of a sign shall be calculated by finding the average elevation of the area directly beneath the sign and extending out five feet in all directions."

Section 16.28.020 – Residential Zones: Allen Parker advised there were a number of changes to this section. Section C had only minor changes and was rearranged to make more sense. Mr. Parker continued to Section E, noting that it had significant changes regarding residential subdivision entrance signs. He explained that this section is restrictive and may need further discussion. The sign may not exceed five feet in height and ten feet in width. The subdivision must contain at least fifty dwelling units or larger to be eligible and can only have two signs per development. Mr. Parker advised this was put in for as a starting point for the Planning Commission to discuss. Ben Mahaffey commented that fifty units was a large number for the small size of Vernal City. Troy Allred commented that larger subdivisions should have the option to have a more grand entrance. Mr. Parker suggested the ordinance be drafted to allow larger subdivision the option to apply for a conditional use permit for any sign over five feet high or ten feet wide. This would allow large subdivisions to have a more grand entrance. Mr. Allred requested that Mr. Parker research what other cities do and draw up conditions that could be used for a conditional use permit requirement.

Glenn Spencer inquired if Section D Monument and Wall Signs included big stones with name and addresses. Mr. Parker informed him that was covered under section "A" property identification signs. Sonja Norton questioned why there is a limit of four feet high and six feet wide rather than a total of 24 square feet be allowed. Allen noted that in the case of rocks being used, it is difficult to measure square footage so he selected a fixed measurement not to be exceeded. After some discussion, the Commissioners decided to keep the original four feet by six feet measurement.

Section 16.28.010 – Lighting and Sound: Allen Parker informed the Commissioners that Section B would need to be reviewed. It states “no sign with a sound emitting device shall be permitted,” and a later section allows for menu signs at a restaurant drive through. Mr. Parker advised he would make a change so that menu drive through signs may have a sound emitting device.

Eric Olsen inquired who would make the decision on Section A where it states “a photometric study may be required for any lighted sign proposed within two hundred feet of a residential zone or use.” After some discussion of who was responsible, Mr. Parker stated he would make the change to read “a photometric study may be required by the Building Official for any lighted sign proposed within two hundred feet of a residential zone or use.”

Section 16.28.055 – Electronic Changeable Copy Signs: Allen Parker reminded the commission this is a new section. Glenn Spencer inquired why Section B only allows for commercial properties on Highway 40 and North Vernal Avenue and not on South Vernal Avenue to have changeable copy signs. Mr. Parker explained that South Vernal Avenue is a lower intensity use area than North Vernal Avenue and Highway 40. He explained that most cities don’t allow any reader boards and this was a recommendation from Vernal City staff to the Planning Commission to decide where these type of signs would be allowed. Mr. Spencer commented that South Vernal Avenue borders with more residential and that may be a problem with the flashing and changing lights.

Eric Olsen questioned where the brightness requirements in Section H came from. Allen Parker reported this was a recommendation from Engineering Services based on information provided by YESCO, the sign company. Engineering Services informed Mr. Parker that 0.3 foot-candle was bright enough to be easily read with average ambient light. Mr. Parker noted that he had also restricted the reader board size to five feet by ten feet, which is consistent with current reader boards. Walgreens’ sign is 38.5 square feet and the Dinosaurland Sign is 42.0 square feet. Mr. Parker also advised the Commissioners the minimum height requirement was changed from ten feet to fourteen feet due to the fire code requirement, as instructed by Uintah County Fire Marshall, Jeremy Raymond.

Glenn Spencer mentioned that the last sentence in Section J seemed redundant and suggested they strike it from the ordinance. Allen Parker explained this section specifies colors. The intent is to avoid signs that may appear to be a traffic safety device or public safety vehicle. After some discussion, Mr. Parker advised he would cross out the last sentence “the sign may not operate with flashing red and blue lights” and commented he would leave it that way unless they had any further suggestions on rewording the last sentence. No other recommendations were presented.

Section 16.28.060 – Pole Signs: Allen Parker informed the Commission that he had received a request to address roof signs. In section “A” Mr. Parker added “for purposes of this regulation, signs mounted on the roofs of buildings shall be considered pole signs”. He stated that roof signs would then fit the regulations of a pole sign.

Section 16.28.067 – Projecting Signs: Allen Parker noted that projecting signs are referring to signs that extend perpendicular from a structure and are suspended above the ground. He explained a change was needed in Section B where the minimum height was changed from fourteen feet to ten

feet. These signs typically extend from buildings and overhang the sidewalk area only. Emergency vehicles would never need to go under them. Mr. Parker noted the maximum area allowed for a sign is one hundred square feet, and cannot exceed twenty five percent of the building facade or wall on which posted.

Section 16.28.075 – Awning Signs: Allen Parker explained the change to Section C addressing the minimum height of awning signs was changed to eight feet. The reason for this change is that awning signs are typically a soft sign, rather than a firm metallic sign, therefore do not pose as much of a safety hazard.

Section 16.28.080 – Temporary signs in commercial zones: Allen Parker explained the most significant change was in Section D at City Manager, Ken Basset's request. The wording was changed to read "signs shall not obstruct free passage through a right-of-way or create a safety hazard to the public." Mr. Parker stated this would be the responsibility of the Building Official to determine if a sign was creating a safety hazard.

Glenn Spencer inquired as to the length of time a temporary sign is allowed. Allen Parker referred him to Section C which states "unless otherwise specified, signs shall be permitted for a maximum of forty-five days. Upon written request, the Building Official may extend this period up to an additional 90 days." Mr. Spencer then questioned if this included real estate signs, because forty-five days would not be sufficient. Mr. Parker responded that real estate signs are included and he would need to put an exemption under A3 allowing these signs to remain until the home sells or 14 days past the sale of the home. Sonja Norton remarked that this wording may not be appropriate because many homes are not selling before the contract expires and the signs are just left there. She then suggested it be worded "the sign may remain until the property is no longer offered for sale." Mr. Parker agreed with Ms. Norton's suggestion and advised he would change the wording as suggested.

Section 16.28.085 – Public Necessity Signs: Allen Parker reported that this new section addresses public signs whether placed by the City or private properties for the purpose of providing public direction such as safety, instructional, warning and informational signs. These signs may be placed with approval of the Superintendent of Streets and in compliance with the Manual of Uniform Traffic Control Devices.

Section 16.28.087 – Menu and Directional Signs: Allen Parker reported that currently the City Code does not allow for menu and directional signs. He informed the Commission this section had just been drafted and the dimensions used were not verified yet. Sonja Norton commented that fifty square feet was rather small for a menu sign. Eric Olsen mentioned the two signs at McDonalds seem large in comparison to the dimensions given. Eric Olsen questioned why it would be necessary to include this in the ordinance. Mr. Parker explained that anything not permitted in the Code is not allowed. If not allowed by Code, anything could be challenged and they would be required to remove them. The intent of the ordinance is not restrict them, but enables them to have directional and menu signs.

Sonja Norton suggested that the minimum setback of five feet from any property line or public right-of-way may make it difficult to pull out far enough to see past the sign when entering the roadway. Mr. Parker explained they would still be required to comply with the clear vision triangle requirements. Eric Olsen suggested that the proposed measurements may need some backing. Mr. Parker advised he would check what is already around town and come up with a recommendation that is not too restrictive. Mr. Parker asked the Commissioners if there were aware of any other signs that should be addressed. The Commissioners felt that the existing menu signs in town were fine and could be used as a guide.

Section 16.28.090 – Nonconforming and unsafe signs – Removal and repair: Allen Parker explained the only change in this section was the last two lines that stated “the building official shall proceed in any manner he deem necessary to cause the removal of the sign.” The wording was changed to read “The owner of the parcel upon which the sign is placed shall reimburse Vernal City for the full cost incurred in the removal of the sign or in bringing the sign into compliance.” Glenn Spencer expressed concern that the Code should be written as to give notice to landowner before the City tears down a sign. After some discussion it was recommended that action could be taken after period of 15 days from the second notice. Ben Mahaffey inquired if someone was going to check for non-conforming signs around town. Mr. Parker advised that this code was adopted in 1994 and that illegal and unsafe signs had already been dealt with. He continued that this part of the Code had exhausted its usefulness, but was part of historical code. After discussion, the Commission determined that this did not apply to any new signs and would like to recommend to the Vernal City Council to have this section removed from the Code.

Troy Allred was excused at 7:08 p.m.

Section 16.28.100 – Permit requirements: Sonja Norton asked for clarification on the meaning of adjacent in “temporary signs pertaining to the sale of adjacent property.” Mr. Parker agreed it was confusing and suggested that “adjacent property” be replaced with “real property”. Eric Olsen asked if there were any further questions. There being no further comments or questions from the Commissioners, **Sonja Norton made a motion to forward a positive recommendation to the Vernal City Council for approval of Ordinance Number 2010-02 amending the Vernal City Municipal Planning and Zoning Code – Chapter 16.28 – Sign Regulations.** Glenn Spencer seconded the motion and the motion passed with Norton, Spencer, Mahaffey and Olsen voting in favor.

Glenn Spencer made a motion to adjourn. Sonja Norton seconded the motion, and the motion passed with Eric Olsen and Ben Mahaffey Spencer voting in favor. The meeting adjourned at approximately 7:30 p.m.

Eric Olsen, Chair