



**Springville**

**PLANNING COMMISSION  
WORK SESSION  
MAY 28, 2013 – 6:00 PM**

Commissioners in attendance: Frank Young; Carl Clyde; Michael Clay; Brad Mertz; Brent Packard and Craig Huff

Commissioners excused: Joyce Nolte

Staff in attendance: Director Fred Aegerter; Planner Brandon Snyder and Secretary Darlene Gray

Council Representative: Rick Child

**Call to Order:**

CM Huff called the meeting to order at 6:00 PM.

**Approval of Agenda**

CM Huff asked about the waiver for the curb and gutter. He asked if this would be a permanent waiver. Planner Snyder indicated that it would not be. CM Packard moved to approve the agenda as written. CM Clyde seconded the motion. The vote to approve the agenda was unanimous.

**Consent Agenda**

CM Huff explained the Consent Agenda process.

Mary Johnson and Kathy Zobell seeking minor subdivision approval for the MC Johnson Family Subdivision, Plat A, a minor two (2) lot subdivision to be located at 111 East 100 North in the R1-5 Zone and HD-1 Overlay Zone.

CM Mertz moved to approve the Consent Agenda. CM Young seconded the motion. The vote to approve the Consent Agenda was unanimous.

**Legislative Session**

CM Huff explained that the Commissioners were a recommending body to the City Council.

Cris Child, CBCC LLC seeking to amend Springville City Code Section 11-4-301 Land Use Matrix pertaining to Restaurant Uses in the Professional Office (PO) zone.

Planner Snyder approached the Commissioners and reviewed the information in the staff report. He indicated that the amendment would apply to the City as a whole and not just the applicant's site. Planner Snyder displayed the Land Use matrix regarding zones that permit restaurants. He continued to review the information in the staff report pointing out the PO – Professional Office zones within the City.

Planner Snyder indicated that staff would recommend approval of the amendment. The applicant was not present, but had been given a staff report and agenda.

CM Young asked if there was a definition of a sit-down restaurant. Planner Snyder indicated that there was not a definition for a sit-down restaurant. He reviewed Code and indicated that fast food establishments were not defined either. CM Young asked why this had not been a conditional use. Planner Snyder indicated that the City was trying to get away from conditional uses.

CM Packard indicated that there was a concern for parking and stated that parking for restaurants were erratic and hard to control. He asked if that had been considered. Planner Snyder indicated that the applicant had considered additional parking on his particular site. When the applicant did his parking calculations for the entire site, he did include the two professional buildings and a restaurant. Planner Snyder referred to Code regarding parking for a sit-down restaurant.

CM Young stated that some sites that seemed ill-suited would be eliminated because of parking requirements. Planner Snyder explained that size of some lots within a commercial zoning designation being used residentially would not be compatible. CM Young stated that restaurants could operate until as late as 1 PM which would not make them compatible in a residential zone. Director Aegerter indicated that this had been discussed and specific to the homes on 400 South would remain unless someone purchased several lots. CM Huff stated that the only site that might be big enough would be the Berg Mortuary site.

CM Mertz commented that the term fast food restaurant was not defined. Planner Snyder indicated that it was.

CM Huff opened the Public Hearing.

### **Public Hearing**

CM Mertz moved to close the Public Hearing. CM Clay seconded the motion. The vote to close the Public Hearing was unanimous.

### **Consideration**

CM Clyde indicated that with restaurants being close to homes there could be a nuisance factor which would be the fumes and smoke off the grills. He stated that Springville needed more restaurants, but in areas with homes, close fumes and smoke could be a nuisance as well as annoying.

CM Clyde reported that he serves on the Utah Division of Air Quality Task Force and restaurants were determined to be hazardous to health. He reported that they have been working on restriction to modifications regarding restaurants and how to filter smoke. He added the task force was in the review process and were not done as yet. CM Clyde indicated that restaurants were a target for hazards for the Department of Air Quality. He indicated that the smoke and fumes could be detrimental to people who live close by. He stated that the issue the task force had was regarding distance

between residences and restaurants. He explained that some areas of the City may be more compatible than others and would be determined on a case-by-case basis.

CM Huff commented that if the Business Park zone were singled out that would put present the question of why not allow restaurants because business parks were already around residential areas anyway. CM Clyde stated that some locations were acceptable for restaurants and some were not.

Director Aegerter asked CM Clyde if the Task Force would have to adopt the standards. CM Clyde stated that they were looking at having them done this year. Director Aegerter referred to the old *Brand X* business explaining that the City received numerous complaints regarding the emissions from the outdoor grilling. He reported that there were no City Ordinances regarding emissions. CM Clyde indicated that the State was trying to get the Federal EPA Standards adopted; the State Implementation Plan; which placed restrictions on paint shops, restaurants, mining, etc. Director Aegerter informed the Commissioners that they could recommend conditional uses and then develop some standards.

CM Huff stated that his concern was if conditions were placed on restaurants in the Professional Office zone, every condition would have to be defined because restaurants will always be close to residential areas. Planner Snyder referred to the Land Use Matrix and the buffer zones. He asked what the Commissioners might consider as conditions; i.e. smoking. He stated that if the Commissioners would like to draft some conditions he could prepare those for the City Council.

CM Young stated that some locations would be self-defeated. Director Aegerter commented that he had considered dropping the buffer down from 25-feet to 20-feet. He explained that if there were conditions, the Commissioners would have to spell out the conditions and why they were imposing them. He also indicated that they would have to ask themselves if it was inappropriate in that zone.

CM Clay referred to page 3 of the staff report and asked if there was anything referencing restaurants and would something would be added. Planner Snyder stated that the City would rely more on the Land Use Matrix.

CM Young stated that the hours of operation should be addressed. Director Aegerter stated that could a condition but the challenge would be how far they could go with conditions. CM Clay stated that the Commissioners would want the conditions to be congruent. Planner Snyder reviewed the Land Use Matrix and the PO zone with potentially allowing longer business hours; assisted living; trade schools; reception centers; art, drama, dance studios, etc.

CM Mertz stated that he did not think that something like a Panda Express or Zupas be considered as a fast-food restaurant. Director Aegerter responded that typically a fast-food is where food is prepared and thrown in a bag. He indicated that he could find the definition of a fast-food establishment and include that in the Ordinance. Usually when fast-food is thought of, people think about Wendy's, McDonald's, Burger King, etc. CM Huff stated that according to the Ordinance, anything with a drive-thru would be considered as a fast-food restaurant.

Director Aegerter stated that could be defined as that. CM Packard stated that restaurants were one of the most risky businesses and he did not think everyone would be clamoring to build one in a PO zone.

CM Mertz moved to recommend that staff come back with definitions of fast-food restaurants for the Commissioner to consider. CM Huff asked Director Aegerter if that motion could be made and then they could move on the other. Director Aegerter indicated that they could. CM Huff stated that the intent was to not allow the restaurants in the PO zone or to make it a conditional use in that zone. CM Mertz indicated that his motion would be to allow in the PO zone as a conditional use. CM Huff indicated that the motion was made to have staff return with a definition of fast-food.

CM Mertz moved to not recommend amendment to the Code and to direct staff come up with alternatives within the PO Zone. CM Clyde seconded the motion. The vote was as follows:

CM Mertz: Aye  
CM Clay: Nay  
CM Clyde: Aye  
CM Huff: Nay  
CM Young: Nay  
CM Packard: Nay

CM Clyde moved to postpone the item to the next meeting and in the interim define a fast-food restaurant and then bring the item back to the Commissioners. He indicated that the motion would be to continue the item. CM Young asked if CM Clyde was making a motion to allow fast-food establishments or to not allow them. CM Clyde stated that his motion would be define what a fast-food restaurant so that the Commissioners would know if the proposed restaurant was or was not a fast-food establishment. Planner Snyder stated that he would need more direction on how to address separation between the uses, smoke, etc.

CM Huff stated that there was a recommendation on the table to continue the item and if that recommendation fails, there could still be a recommendation to approve. Director Aegerter indicated that the item could be approved and then the Commissioners could direct staff to bring back language to define 'fast-food'. CM Huff stated that if the motion fails and a recommendation is made to approve, could make another recommendation to direct staff to come back with definition for fast-food. Director Aegerter responded that CM Huff was correct and the two could be separated and the Commissioners could direct staff to do anything they would like. CM Huff restated that the motion was to recommend continuance, but also needed to give direction to staff to research definitions. CM Mertz seconded the motion made to recommend continuance. The vote was as follows:

CM Mertz: Aye  
CM Clay: Nay  
CM Clyde: Aye  
CM Huff: Nay

CM Young: Nay  
CM Packard: Nay

CM Huff called for a motion to recommend approval of the request.

CM Clay moved to recommend approval of the request seeking to amend City Code 11-4-301 to allow site-down restaurants in the PO – Professional Office zone. CM Mertz stated that he was having a problem with approving the amendment without knowing all the definitions up front. CM Young stated that they could have a Café Rio type restaurant, but not with a drive-in. Planner Snyder referred to the Land Use Matrix and indicated that type of establishment would not be allowed. CM Mertz responded that was why he liked the conditional use and the City could determine how the establishment fits as they come into the City. Director Aegerter brought in The Planning Dictionary 2004 Edition. Planner Snyder read the definitions for a restaurant and a fast-food establishment. He read that the definition of a restaurant/fast-food was an establishment where a customer could order at a counter or from a vehicle for pickup of packaged food and the customer leaves the premises. He continued reading that a sit-down restaurant the customer would have service on demand, be served inside and at tables on dinnerware. It would also have booths or counters with chairs or stools and the food served in a ready to consume state where the customers are seated. Director Aegerter stated that typically a sit-down restaurant has waiters or waitresses and would not be a take-out. CM Young asked if the applicant wanted a sit-down establishment there. Planner Snyder indicated that they did, but the problem he was running into was the limited access on 400 South. He added that they would have a hard time accommodating a fast-food restaurant at that location.

CM Huff stated that the recommendation was made to approve the request and called for a second. CM Packard seconded the motion. The vote was as follows:

CM Mertz: Nay  
CM Clay: Aye  
CM Clyde: Aye  
CM Huff: Aye  
CM Young: Aye  
CM Packard: Aye

CM Huff indicated that the motioned passed.

CM Mertz moved to consider a definition for a fast-food restaurant in the PO – Professional Office zone. CM Young asked if that motion would be an amendment to eliminate drive-up windows and to clarify fast-food establishments. CM Huff asked if that would clarify drive-up windows or not. CM Mertz stated that the current amendment would be to recommend the City Code allow one version and not another. With no second the motion died.

CM Young stated that he would like to see further discussion on the definition of restaurants and where they are appropriate in the city. CM Huff asked if the Commissioners could direct staff to look into this. Director Aegerter indicated that the Commissioners could direct staff to look into

anything. CM Huff stated that the Commissioners would like to direct staff to come up with some sort of definition for a sit-down restaurant or a fast-food establishment or a fast-food establishment with a drive-in; a private bar, etc. and see if those definitions need to be placed in the Ordinance. CM Mertz agreed. He stated that the applicant may just want a sit-down restaurant, but then again he may want a smaller Café Rio or Panda Express type also. Director Aegerter indicated that he would refer to the book “The Planners Dictionary”. CM Packard reminded those in attendance that the Commissioners were a recommending body and that the City Council could make any changes.

### **Administrative Session**

With nothing further to discuss, CM Young moved to close the Work Session. CM Packard seconded the motion. The vote to close the Work Session was unanimous. CM Huff closed the Work Session at 7:15 PM.

CM Mertz reported that he would not be able to attend the June 11<sup>th</sup> Planning Commission meeting.