

ROY CITY PLANNING COMMISSION

July 10, 2012

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on July 10, 2012, at 6:17 p.m.

The meeting was a regularly scheduled meeting designated by resolution. Notice of the meeting was provided to the *Standard Examiner* at least 24 hours in advance. A copy of the agenda was posted.

The following members were in attendance:

Tom Stonehocker, Chairman
Dave Dickson
Blake Hamilton
Gennie Kirch

Jared Hall, Planner
Michelle Drago, Secretary

Excused: Lee Holt and Rhett Zito

Others present: Terry Arthur; Julie Arthur; Councilman John Cordova; Terry Strickland; Brittini Strickland; Ashley Schailde; Ryan Schailde; Mark Child; Liz Child; Charlene Strickland; Terry Strickland, Sr.; J. A. Yeagley; Lee Yeagley; Geri Ewing; Sue Stemin; Jill Carper; Donald Carper; James Price; Shane Buck; Sheri Herle; Connie Richman; David Palmer; Danny Dodge; Christina Dodge; Steve Patterson; Gina Patterson; Dave Christensen; Ryan Wagstaff; Larry Molloy; Gene Hoot; Alisha Foreman; Jeff Butters; Lane Facer; Gaelynn Facer; Mo Lewis; and Cory Fitzwater.

Pledge of Allegiance: Dave Dickson

1. APPROVAL OF JUNE 12, 2012, MINUTES

Commissioner Hamilton moved to approve the minutes of June 12, 2012, as written. Commissioner Kirch seconded the motion. Commission members Dickson, Hamilton, Kirch, and Stonehocker voted "aye." The motion carried.

2. PUBLIC HEARING TO CONSIDER A REQUEST FOR CONDITIONAL USE APPROVAL ALLOWING A CLASS A LIQUOR LICENSE ON PROPERTY LOCATED AT APPROXIMATELY 6045 SOUTH 1900 WEST

Commissioner Dickson moved to open the public hearing at 6:18 p.m. Commissioner Hamilton seconded the motion. Commission members Dickson, Hamilton, Kirch, and Stonehocker. The motion carried.

Jared Hall stated that the City had received an application for a Class A Liquor license for the Rainbow Saloon located at 6045 South 1900 West. A Class A Liquor license was for on-premise consumption of alcoholic drinks other than beer. The Rainbow Saloon currently had a Class A Beer license, which was for on-premise consumption of beer. They served food as well. The owners of the Rainbow Saloon wanted to apply for one of the liquor licenses which the State had just opened up. The first step was to apply for a City license. A City license could not be granted without conditional use approval. The Planning Commission's recommendation would be forwarded to the City Council. The City Council would consider both the conditional use and liquor license.

Mr. Hall said the Rainbow Saloon obtained a conditional use to operate in its current location in 2000. It had been on operation continuously since that time. There was mixed zoning in the area around the Rainbow Saloon. The Rainbow Saloon and other properties fronting 1900 West were zoned Regional Commercial. The properties behind and to the west of Rainbow Saloon were zoned R-1-8. A bar activity was a conditional use in the Regional Commercial Zone. The zoning complied with the General Plan. The only access to the property was from 1900 West. There wasn't any vehicular or pedestrian access to the west.

Mr. Hall said the Development Review Committee reviewed the site plan for the Rainbow Saloon in 2000. The DRC supported the request for a Class A Liquor license. The staff had found that the proposed use met the requirements to be granted a conditional use permit and a Class A Liquor license. The staff recommended that the Planning Commission recommend that the City Council approve a conditional use for a Class A Liquor license for property located at 6045 South 1900 West subject to the applicants providing any necessary information or materials to obtain and maintain a valid Class A Liquor license and abiding by the regulations pertaining to that license at all times. Mr. Hall said the standards for keeping a State liquor license were pretty strict.

Jared Hall stated that the City had received two letters expressing opposition to the requested conditional use. One was from Mrs. Dawson who lived at 2021 West 6075 South. The other was from the Britton's. Mr. Hall read both letters into the record (see attached copies). Both were concerned about noise levels and pedestrian access from the rear Rainbow Saloon.

Jared Hall stated that the minutes of the 2000 hearing to approve the conditional use indicated that the only requirement from the Planning Commission and City Council was the installation of a 6-foot fence along the perimeter. The Planning Commission and City Council felt the existing trees provided an adequate buffer for the residential area to the west.

Chairman Stonehocker opened the floor for public comments.

Julie and Terry Arthur, 4992 South 3200 West, stated that they were the current owners of the Rainbow Saloon. They were trying to obtain a liquor license due to the economic times. They had a very extensive menu, but they could not offer mixed drinks or wine. They used to be able to serve wine and wine coolers, but the State law changed and they couldn't serve them any longer. A liquor license didn't mean people would drink more. They had been operating the Rainbow Saloon since before it moved to its current location in 2000. They had never had a violation. Because this was their livelihood, they had a vested interest. The Rainbow Saloon was committed to the community. They held several charities each year. They felt it was better to have someone come to the Rainbow Saloon than purchase liquor from the liquor store and drink it alone. They felt they deserved a Class A liquor license because they had a very well run business. They didn't feel they had had a negative impact on the neighborhood. A liquor license would help increase the City's tax base. They currently had two fences around the property. A fence surrounded the parking lot, and there was a chain link fence along the perimeter. They had found some areas where the chain link fence that had been dismantled. Those areas had been repaired.

Mrs. Arthur said they only had live music during their fund raisers and on Friday nights. She walked behind their business. The noise from freeway was louder than the music. They had a one-man band on Friday nights, but the volume was kept low. The music ended at 10:00 p.m.

Commissioner Hamilton asked if they had received any noise complaints prior to the meeting. Terry Arthur said an officer had come during one of their fund raisers. The officer wasn't sure how the complainant could hear the music because of the distance between the Rainbow Saloon and his home. Commissioner Hamilton asked if they had ever had a violation. Julie Arthur said they had not.

Commissioner Kirch asked what impact a Class A Liquor license would have on their clientele. Would it stay static, or would it bring in different customers? Terry Arthur felt it would change their clientele and would increase revenue. They had always had good customers. They were known for that.

Commissioner Hamilton asked if a Class A Liquor license would diversify their clientele. Julie Arthur said women usually liked to have wine coolers or a glass of wine. A Class A Liquor license would give their clientele different options. She said the State kept a lot of control over liquor licenses and often checked on things undercover.

Commissioner Kirch asked what other businesses in Roy had liquor licenses. Julie and Terry Arthur said the Eagles and Elks Lodges had liquor licenses, but they did not serve

the public. Jared Hall said the Rainbow Saloon would be the only tavern in Roy with a liquor license.

Councilman John Cordova, 4989 West 4650 South, felt that Julie and Terry Arthur ran a clean business. About twelve years ago, the Arthur's had the chance to take their business anywhere. They chose to stay in Roy. The Rainbow Saloon was a great neighborhood bar. He felt a Class A Liquor license would bring in a little classier clientele. The Arthur's ran a clean, tight business. It came down to revenue. Additional revenue meant additional money for Roy City.

Cory Fitzwater; 2002 West 6075 South, stated that he lived directly behind the Rainbow Saloon in a cul-de-sac. He had never heard anything. He hadn't heard any neighbors complaining about the Rainbow Saloon.

Alicia Barman, Kaysville, stated that she began associating with Julie and Terry Arthur due to a fund raiser. She had never met more giving and open people. They gave a lot more to the community than food and beverages. The atmosphere at the Rainbow Saloon was kind and friendly.

Dan Dodge, Riverdale, stated that he and his wife and several friends went to the Rainbow Saloon all the time. He had worked in the industry for 15 years at taverns and clubs. The Arthur's ran a class act. They took care of their customers. If someone caused a problem, they were gone. He felt it would be to Roy's best interest to grant the liquor license so that the Rainbow Saloon could stay in Roy.

Ashley Schailde, 4978 South 3200 West, stated that both she and her husband frequented the Rainbow Saloon. She preferred wine and wine coolers. She was sad when the State took those away. She didn't like beer. A lot of women felt that way. Terry and Julie Arthur were really good people. They cared about the community, their neighborhood, and people in general.

Lee Yeagley, 5806 South 3975 West, stated that while the music was playing you could carry on a conversation with the person across the table so the noise level couldn't be that loud. The Arthur's ran a controlled business. She didn't have anything but good to say about them.

Commissioner Kirch asked where the Dawson's lived. Mr. Hall said the Dawson's address was 2021 West 6075 South. Commissioner Kirch said she lived by the airport. In the early morning she could hear the Roy High School band, and she could hear revelry from Hill AFB. She could hear those sounds even though they were quite some distance away because sound ricocheted and reverberated. She felt that was why the Dawson's could hear the music even though they lived some distance away.

Commissioner Kirch moved to close the public hearing at 6:45 p.m. Commissioner Hamilton seconded the motion. Commission members Dickson, Hamilton, Kirch, and Stonehocker voted "aye." The motion carried.

Commissioner Kirch was surprised that the Rainbow Saloon didn't already have a liquor license. This establishment had a wonderful reputation. She didn't feel they were asking for anything new. Alcohol was alcohol whether it was beer or wine.

Commissioner Hamilton felt the Rainbow Saloon should be commended for being a good business in Roy. It was heartwarming to hear from people who had come to support them.

Commissioner Kirch moved to recommend that the City Council approve a conditional use for a Class A Liquor license on property located at approximately 6045 South 1900 West based on the staff's findings and subject to the conditions recommended by the staff. Commissioner Hamilton seconded the motion. Commission members Dickson, Hamilton, Kirch, and Stonehocker voted "aye." The motion carried.

3. STAFF UPDATE

Jared Hall stated that the conditional use requested by the Rainbow Saloon would be forwarded to the City Council on July 17th.

Mr. Hall said the City had received an application for a text amendment to the Zoning Ordinance to allow chickens and bees in single family residential zones. Commissioner Kirch asked if it would be possible to find out how many beehives were located in Roy's RE-20 Zones. Mr. Hall said that was not something the City tracked. There was a State office that might have some information. Commissioner Hamilton asked if staff could look for studies on the secondary affected of chickens.

Mr. Hall said the next Planning Commission meeting would be held on Wednesday, July 25th, rather than Tuesday July 24th, which was a holiday.

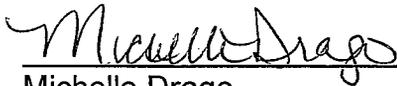
4. ADJOURN

Commissioner Dickson moved to adjourn at 6:54 p.m. Commissioner Hamilton seconded the motion. Commissioner members Dickson, Hamilton, Kirch, and Stonehocker voted "aye." The motion carried.



Tom Stonehocker
Chairman

Attest:



Michelle Drago
Secretary

dc:pjul1012

July 7, 2013

It thru it may concern;
The Rainbow Saloon has
rested a Class A. Liquor
se.

a home owner in the
It's definitely oppose!
the summer, when
like to entertain outdoors,
have to contend with
music.

- fence needs repairing.
ks have wandered into
neighborhood.
oppose this license!

The Littons

July 3, 2012

Mayor Joe Ritchie
5051 South 1900 West
Roy, Utah 84067

Dear Mayor Ritchie,

Thank you for returning my telephone call concerning the possible approval of a Class A Liquor license for the Rainbow Saloon.

Our concerns are:

When the bar first were moving to their present location we expressed concern about patrons coming into our neighborhood. Within three weeks of their opening, a man with a gun ran through our neighborhood. He was arrested at 7-11 on 6000 South.

We requested at the meeting that a solid sound wall be erected. That has not been done. There is a six foot chain link fence there, but there is a breech in the fence opening into the neighborhood. They said they would have one late night 'battle of the bands' per year. Nearly every Saturday night and many Friday nights, we hear loud music well into the morning hours. This music can be heard as far west as 2200 West.

People who drink sometimes change personalities when drunk. What they would not do when sober is what they may do when drunk. We feel this puts our neighborhood in a possible perilous situation. We have a nice neighborhood and do not want our property values to go down because the Rainbow Saloon is not being a good neighbor.

Is there a possibility for the Saloon to move east of 1900 West away from residential neighborhoods?

We would prefer that the Class A license not be approved so that Roy can remain a safe community when responsible people will want to live.

Thank you for your concern.

Melvin E. Dawson
Robert H. Dawson