

MINUTES of the Vernal City PLANNING COMMISSION

Vernal City Council Chambers – 447 East Main Street

August 13, 2009

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

Alternates Present: Glenn Spencer, Vernie Heeney

Excused Members: Howard Carroll

Staff Present: Allen Parker, Assistant City Manager; Richard Zohner, Building Official; Janine Shannon, Administrative Clerk

WELCOME AND DESIGNATION OF CHAIR AND MEMBERS: Eric Olsen welcomed those present and stated that all members would be voting, along with the two alternates. He continued that he would be acting as chair in place of Howard Carroll. Allen Parker stated that Howard Carroll is out of town.

RATIFICATION OF PHONE POLL APPROVING MINUTES OF APRIL 20, 2009: Sonja Norton made a motion to ratify the phone poll approving the minutes of April 20. Gordon Seitz seconded the motion, and the motion passed with Freida Parker, Shirley Wilkins, Gordon Seitz, Eric Olsen, Sonja Norton and Troy Allred voting in favor. Alternates Glenn Spencer and Vernie Heeney also voted in favor.

APPROVAL OF MINUTES FROM JULY 9, 2009: Gordon Seitz made a motion to approve the minutes from July 9, 2009. Freida Parker seconded the motion, and the motion passed with Sonja Norton, Eric Olsen, Freida Parker, Gordon Seitz and Shirley Wilkins voting in favor. Alternate Glenn Spencer voted in favor.

REQUEST FOR APPROVAL OF MASTER SITE PLAN FOR URGENT CARE CENTER – LOCATED AT 475 NORTH 500 WEST – APPLICATION #2009-0015-MSP-UINTAH BASIN MEDICAL CENTER / JERRY LARSEN:

Allen Parker stated that this is a proposal for a master site plan by the Uintah Basin Medical Center represented by Jerry Larsen. He explained that the new facility will be located north of the current urgent care facility on the corner of 500 West and 500 North; it will be a two-story 12,000 square foot building, owned and operated by Uintah Basin Medical Center and leased to doctors. He concluded that the staff has reviewed the site plan and found it to be in substantial compliance with Vernal City requirements. He added that he has received red line corrections since the staff report was written and just needs to verify that the specified corrections have been made. Vernie Heeney asked if 400 North, as a private street, would ever be turned over to the City. Allen Parker answered that 400 North is on private property and serves as a parking entrance at this

time. He added that he has discussed with the developer the need to design the road to City standards if the desire is to turn the road over to the City in the future. Gordon Seitz asked if the same

entity owns the property to the west of the facility. Allen Parker explained that only a portion of the entire parcel will be developed, but the landscaping must be maintained on the whole parcel. Sonja Norton pointed out that there should not be a problem sharing a common drive since the facilities are owned by the same entity. Eric Olsen asked where storm water would go. Hal Marshall, the engineer on the project, responded that storm water collected from the parking lot will be contained in sumps in the parking lot. He continued that water from Freestone Park enters the property on the west side through a culvert and exits on the edge of the parcel. He explained that most of the water soaks through the ground, but with bigger storms, water tends to pool on the west side of the property. He concluded that if there were a big enough storm, the water would run to a culvert that crosses the highway into an irrigation ditch. Gordon Seitz asked if UDOT was requiring a turn-out lane. Mr. Marshall responded, no, that they just had to build to the right-of-way edge, which extended the pavement about 9 feet. Eric Olsen asked about ground water. Mr. Marshall responded that levels have remained about the same since the first clinic was built, according to geotechnical analysis. **Gordon Seitz made a motion to approve the master site plan for the Urgent Care Center located at 475 North 500 West – Application #2009-0015, with the additional corrections as required by staff. Sonja Norton seconded the motion, and the motion passed with Freida Parker, Shirley Wilkins, Gordon Seitz, Eric Olsen, Sonja Norton and Troy Allred voting in favor. Alternates Glenn Spencer, and Vernie Heeney voted in favor.**

REQUEST FOR APPROVAL OF AMENDMENT TO THE VERNAL CITY PLANNING & ZONING CODE, SECTIONS 16.06.060 – PROVISION FOR STORM DRAINAGE – RETENTION ON OWN PROPERTY, 16.26.230 – PARKING SPACE DESIGN AND ACCESS, 16.58.400 – STORM DRAINAGE FACILITIES – ORDINANCE NO. 2009-09 – ALLEN PARKER: Allen Parker explained that he has incorporated the corrections originally discussed by the Planning Commission, and the changes will go before the City Council for final approval on the 19th. Eric Olsen noted that size restrictions and fencing had been removed from the wording. He asked if this was where the minimum slope requirement was supposed to be. Allen Parker responded that he had originally specified a 3:1 maximum slope ratio, but it was his understanding that the Planning Commission had wanted that removed. Eric Olson stated that he does not mind putting in a specification for slope, just not one for depth. Sonja Norton clarified that this would mean that a retention basin could be as deep as needed as long it is 2 feet above the water table and not exceeding the specified slope. Allen Parker pointed out that a retention basin can be difficult to get out of if the grass surrounding it gets slippery. Sonja Norton agreed that slope should be included. Eric Olsen stated that a specification for depth is not necessary as the water has to be removed within 72 hours, plus it limits developers too much. Allen Parker stated that every property will not be conducive to a design like this as it is, and some may have to go underground in order to meet the requirements. He added that these requirements

would already have eliminated some designs that have been problematic due to catch basins being unable to drain properly because they are too close to the water table. He also gave the example of the Spring Meadows catch basin that has radical slopes and no landscaping because it was not required in the ordinances at the time. Eric Olsen asked if there were requirements for underground storage because that could potentially be a problem with ground water as well. He explained that even if a system is designed to handle a certain amount of water, it would be unable to function properly if already full of ground water. Allen Parker responded that there are no requirements for underground storage. Sonja Norton suggested that the minimum of 2 feet above ground water apply to both above-ground and below-ground systems. Allen Parker restated the ordinance to read, "All retention devices and basins shall be. . ." Eric Olsen requested that the slope requirement read 3:1 and not 33%. Allen Parker agreed. **Sonja Norton made a motion to forward a positive recommendation to the City Council regarding the approval of an amendment to the Vernal City Planning & Zoning Code - Ordinance No. 2009-09, with the corrections as noted. Freida Parker seconded the motion, and the motion passed with Freida Parker, Shirley Wilkins, Gordon Seitz, Eric Olsen, Sonja Norton and Troy Allred voting in favor. Alternates Glenn Spencer and Vernie Heeney voted in favor.**

REQUEST FOR APPROVAL OF CONDITIONAL USE PERMIT FOR A SITE OBSCURING FENCE ON PROPERTY LOCATED AT 488 WEST 1070 SOUTH – APPLICATION #2009-0016-CUP – ANDY LONG: Eric Olsen opened the meeting for a public hearing. Allen Parker stated that this is a request by Andy Long for a site obscuring fence around his property, which requires a CUP because it is located on a corner lot and the fence will extend out toward a public right-of-way. He explained that a six foot privacy fence will extend from the back of the property toward the front of the property 36 feet, with a four foot fence continuing the remaining 74 feet. He added that the fence does not appear to interfere with clear vision triangles for existing accesses to the properties, and so the staff recommends approval. Eric Olsen stated that he would abstain from voting because he is related to the applicant and asked Sonja Norton to serve as chair for this item. Sonja Norton asked if the main concern is the fence along 500 West. Allen Parker clarified that the ordinance requires a CUP for any site obscuring fence, i.e. not chainlink, on the side and back of a corner lot. He added that in this case, the only way this fence would inhibit vision is if there were a driveway right behind the property to the south. Sonja Norton asked if there was a road proposed there. Allen Parker answered no. Sonja Norton opened and closed the meeting to public comment. **Freida Parker made a motion to approve the conditional use permit for a site obscuring fence on property located at 488 West 1070 South – Application #2009-0016-CUP. Shirley Wilkins seconded the motion, and the motion passed with Freida Parker, Shirley Wilkins, Gordon Seitz, Sonja Norton and Troy Allred voting in favor. Alternates Glenn Spencer and Vernie Heeney voted in favor.**

REQUEST FOR APPROVAL OF PRELIMINARY PLAT FOR DIAMOND MOUNTAIN SHOPPING CENTER – LOCATED AT 1180 WEST HIGHWAY 40 –

APPLICATION #2009-0017-SUB – ERIC HOLLAND: Allen Parker stated that this is a request by PEG Development to subdivide the existing parcel from a 10.25 acre site into a 6-lot commercial subdivision. Shirley Wilkins asked if this will subdivide the building itself. Allen Parker responded that the old WalMart, where the new CAL Ranch is now, will divide into two buildings with a shared wall or zero-lot line setback. He added that there will be an easement that will allow storm water from all the properties to drain onto one lot that will contain the majority of the storm water. He continued that the City Attorney is looking at this. He added that the only problem with the subdivision is the type of utility connections that are allowed in the area. He explained that the site is currently served by one master meter, but City policy requires that every parcel have its own connection. He continued that the developers are working with the City to try to continue on one master meter, and they will meet with him, Ken Bassett and the City Attorney to discuss the proposal. He concluded that the approval of this subdivision will not give the impression that the utility design is compliant with City requirements. Glenn Spencer asked if the purpose of this subdivision is so that business owners have the opportunity to own their own building and parking area. Allen Parker responded, yes, and it also assists in the funding of the project. Shirley Wilkins asked if the building on Lot #3 will adjoin the existing building. Allen Parker responded, yes, and that the 3 or 4 additional shops will share a wall but be owned separately, much like the downtown shops.

Eric Holland, project manager for PEG Development, stated that they have a contractual obligation to CAL Ranch to subdivide so that the store has the option to purchase their portion of the lot. He explained that the rest of the lot will also be subdivided so that tenants or investors have the opportunity to buy as well. He continued that there will be 3 stores on Lot #3, but the building containing these 3, although in line with the existing building, will be separate from the existing building. Glenn Spencer asked if Lot #3 will end up with the responsibility of maintaining the water retention system. Mr. Holland responded that CC&R's have been set up and submitted to the City for review. He added that all tenants, for example CAL Ranch and Bealls, are obligated to the CC&R's, and the same CC&R's will be attached to any purchase agreement. He continued that to amend the CC&R's would require the approval of all property owners. Eric Olsen asked who would be responsible for the retention system and parking lot 25 years down the road. Mr. Holland explained that the CC&R's require the majority owner, which right now is Diamond Mountain Shopping Center LLC, to be responsible for maintenance of landscaping, parking lots, and water retention. He added that each tenant pays a fee, as part of the rent, and a property management firm handles it. Glenn Spencer asked what happens if the individual utility hookups cannot be made. Mr. Holland answered that there would be a significant cost to business owners to run individual meters, so the CC&Rs are set up in such a way that separate water meters are not necessary. He explained that the majority owner is the legal entity responsible for the water bill. Allen Parker added that the majority owner is also responsible for maintaining the water & sewer system underneath the parking lot up to the meter. He concluded that they just need to make

sure that the proposal meets the legal requirements of City Code, or each building will have to be metered individually. Eric Olsen opened the meeting to public comment.

Kirk Bauer, 1329 West 250 South, stated that the back of his home is adjacent to the back of CAL Ranch, and he is concerned about storm water drainage. He explained that contractors recently flushed a fire hydrant, which flooded his and his neighbors' yards, and he suggested that the slope of the back parking lot be checked. He expressed concern about where snow would be piled in the winter and about traffic, with more businesses located in the shopping center. He concluded that he would like a privacy fence installed along the back of the property for homeowners.

Mr. Holland responded that the biggest issue with the fire hydrant flush was that there were too many weeds in the retention pond, so it flooded. He continued that property management will make sure that the weeds and grass around the pond are maintained, so flooding should not be a problem in the future. He added that the City requires that vinyl slats be put in the chainlink fence that already exists at the back of the property. He explained that the contractor is in the process of getting those installed, and it should be complete by mid-September. He concluded that the plan is to also change the current security lights to a different type of fixture. Allen Parker reminded everyone that the site plan, including the design, has already been approved. Gordon Seitz asked what happens if a property owner does not retain water and it becomes a problem. Allen Parker responded that if a system fails to perform to its capacity as designed, the property owners are in violation of City ordinance. Mr. Holland stated that, based on engineer's calculations, the retention pond should be able to handle projected runoff. He added that there was a large amount of water in the hydrant. Sonja Norton asked if the slope was okay. Mr. Holland responded, yes, and most of the runoff from the building and parking lot will catch in curb and gutter in the back and run to the east. He added that the building has been there since 1990, and to his knowledge there has not been an issue with flooding until this line was tested. Sonja Norton stated that direct access to Highway 40 from each parcel must not be required. Allen Parker responded that each parcel must have minimum frontage along Highway 40, but not access. Sonja Norton asked if was okay that access to one parcel requires crossing another. Allen Parker answered that the code simply requires a minimum frontage, and cross access agreements are part of the CC&R's. Mr. Holland added that the City has a public easement across the property. Allen Parker stated that this access runs from Highway 40 to the road to the back of the property and is required to be open at all times, although the route it takes through the property is not specified. Eric Olsen closed the meeting to public comment. Gordon Seitz asked if the utility problem affects the subdivision of the land. Allen Parker responded that the issue must be acknowledged with the approval of the preliminary plat, and it must be resolved before the final plat can be recorded. **Sonja Norton made a motion to approve the preliminary plat for Diamond Mountain Shopping Center located at 1180 West Highway 40 – Application #2009-0017-SUB, subject to approval by Vernal City regarding utility service and any other corrections required by staff. Freida Parker seconded the motion, and the motion passed with**

Freida Parker, Shirley Wilkins, Gordon Seitz, Eric Olsen, Sonja Norton and Troy Allred voting in favor. Alternates Glenn Spencer and Vernie Heeney voted in favor.

REQUEST FOR APPROVAL OF FINAL PLAT FOR DIAMOND MOUNTAIN SHOPPING CENTER – LOCATED AT 1180 WEST HIGHWAY 40 – APPLICATION #2009-0018-SUB – ERIC HOLLAND: Allen Parker explained that the City Council approves the final plat, but the Planning Commission reviews it and makes a recommendation them. Sonja Norton asked about the easement. Allen Parker responded that developers have submitted a drainage easement, which is being reviewed by the City Attorney. He continued that this easement gives property owners within the development the right to transmit storm water across adjoining properties to the retention basin at the 100-year rate. He concluded that this easement will be recorded along with the final plat. **Sonja Norton made a motion to forward a positive recommendation to the City Council regarding the approval of the final plat for the Diamond Mountain Shopping Center located at 1180 West Highway 40 – Application #2009-0018-SUB, subject to the easement being approved by Vernal City and any other corrections required by staff. Troy Allred seconded the motion, and the motion passed with Freida Parker, Shirley Wilkins, Gordon Seitz, Eric Olsen, Sonja Norton and Troy Allred voting in favor. Alternates Glenn Spencer and Vernie Heeney voted in favor.**

SEPTEMBER MEETING SCHEDULE – ALLEN PARKER: Allen Parker explained that the September meeting is schedule for the 10th, but he, Sonja Norton, and other staff members will be out of town attending the Utah League of Cities & Towns convention that week. He proposed that the Planning Commission consider rescheduling the meeting for the 17th. Shirley Wilkins, Vernie Heeney, and Troy Allred stated that they have a conflict with that date. Shirley Wilkins stated she could attend until 7 p.m. Sonja Norton suggested the 3rd. Allen Parker responded that pushing up the date might put developers in a bind to get plans ready. Sonja Norton asked if the meeting has to be on a Thursday. Allen Parker responded no. Gordon Seitz did a head count for the 17th, figuring that there would be six able to attend the meeting until 7 p.m. Eric Olsen noted that they only have to have four to hold the meeting. The Planning Commission agreed to reschedule the meeting for the 17th, with Vernie Heeney and Troy Allred being excused and Shirley Wilkins leaving at 7 p.m. Allen Parker commented that so far next month's agenda is shorter than this month's. Eric Olsen stated that he will need to leave by 7 p.m. as well. Freida Parker stated that she has a conflict with one of the items on next month's agenda, so the Planning Commission agreed to make sure that item is addressed before Eric Olsen and Shirley Wilkins have to leave. Sonja Norton asked if the agenda could be reworded so that the Planning Commission knows if they are approving or making a recommendation. Allen Parker stated that he tries to note that in the staff reports, but he will talk with Stacy Palmer about specifying it on the agenda as well.

Gordon Seitz made a motion to adjourn. Troy Allred seconded the motion, and the motion passed with Freida Parker, Shirley Wilkins, Gordon Seitz, Eric Olsen, Sonja Norton and Troy Allred voting in favor. Alternates Glenn Spencer and Vernie Heeney voted in favor. The meeting adjourned at about 6:50 p.m.

Eric Olsen, Vice-Chair

