

# MINUTES of the Vernal City PLANNING COMMISSION

Vernal City Council Chambers – 447 East Main Street

November 12, 2009

**Members Present:** Troy Allred, Howard Carroll, Sonja Norton and Gordon Seitz

**Alternates Present:** David Brinkerhoff, Vernie Heeney and Glenn Spencer

**Excused Members:** Eric Olsen, Freida Parker and Shirley Wilkins

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

**WELCOME AND DESIGNATION OF CHAIR AND MEMBERS:** Chair Howard Carroll welcomed everyone present and stated that alternate Glenn Spencer would be voting for Freida Parker and alternate Vernie Heeney would be voting for Eric Olsen. Alternate David Brinkerhoff arrived late and did not vote.

**APPROVAL OF MINUTES FROM OCTOBER 8, 2009:** Glenn Spencer noted that the Polendo rezone discussion needs to include Mrs. Wolf's concerns about Uintah Auto unloading cars in the street in addition to Showalter Ford repair and employee parking. There was further discussion regarding semi truck parking during loading and unloading. Allen Parker stated that City Manager Ken Bassett has noted other parking regulation changes that need to be addressed and explained that he would follow up with Mr. Bassett and report back to the Planning Commission. There being no further corrections, **Gordon Seitz made a motion to approve the minutes from October 8, 2009 with the addition of Uintah Auto on line 100. Glenn Spencer seconded the motion and the motion passed with Norton, Seitz, Heeney and Spencer voting in favor. Commissioners Allred and Carroll were not present for the October 8<sup>th</sup> meeting and did not vote.**

**PLANNING COMMISSION MEMBERSHIP DISCUSSION:** Allen Parker stated that Commissioners Howard Carroll, Gordon Seitz and Shirley Wilkins terms expire December 31, 2009 and all have declined to be reappointed. Mr. Parker explained that the City Council decided at their last meeting to appoint alternates David Brinkerhoff, Vernie Heeney and Glenn Spencer to fill these vacancies effective January 1, 2010. The City Council also appointed Ben Mahaffey and Stuart Branham to fill two of the three vacant alternate positions, also effective January 1, 2010.

**REQUEST FOR APPROVAL OF MASTER SITE PLAN FOR UINTAH SCHOOL DISTRICT FOODS BUILDING LOCATED AT 210 SOUTH 100 WEST - APPLICATION #2009-0027-MSP - SHAWN RICHENS / UINTAH SCHOOL DISTRICT:** Allen Parker explained that this request from Uintah School District seeks approval for an addition to the existing warehouse for their food services building which is located in an R-3 residential zone. Mr. Parker stated that staff has reviewed the site plan and found it to be within substantial compliance with Vernal City code. Mr. Parker noted that he still needs to confirm with the engineer that the storm water that will be generated from the additional

pavement can be accommodated by the existing storm drains. Howard Carroll opened the floor for comments or

questions. Sonja Norton asked if there would be adequate parking after the addition. Mr. Parker responded that the parking provided meets City code. Mr. Carroll noted that the school district will need to install a safety fence during construction in order to protect the students attending nearby Central School. There was further discussion regarding appropriate setbacks and delivery access to the building. There being no further questions or comment, **Gordon Seitz made a motion to approve the master site plan for Uintah School District Foods Building, located at 210 South 100 West - Application #2009-0027-MSP with the storm water retention being verified by engineers and any other minor corrections required by staff. Sonja Norton seconded the motion and the motion passed with Allred, Carroll, Heeney, Norton, Seitz and Spencer voting in favor.**

**REQUEST TO CONSIDER PROPOSAL TO ESTABLISH AN ENTERPRISE ZONE WITHIN VERNAL CITY LIMITS - ALLEN PARKER:** Mr. Parker explained that areas of Vernal City were previously established as Enterprise Zones by Vernal City application and resolution. It is currently necessary to renew that application, but rather than Uintah County and the individual cities making their own application, Tammie Lucero, Uintah Economic Development Director, is proposing to present the application for the entirety of Uintah County and all of its cities and towns. Mr. Parker stated that the Enterprise Zone application process must include opportunity for public input and is the reason for tonight's hearing. Tammie Lucero, 1680 West Highway 40, Vernal, Utah, 84078, stated that part of her duties as Economic Development Director is to oversee the Enterprise Zone application process. Ms. Lucero explained that individual cities are welcome to designate a specific portion of their boundaries to be included in the Enterprise Zone application, but she felt it would be beneficial to consider applying for the entire County to be designated as an Enterprise zone during this renewal process. Ms. Lucero explained that the State of Utah has certain criteria including population, amount of tribal land included and whether or not the area is economically distressed in order to designate an area as an Enterprise Zone. Once this designation is in place, businesses in that area are eligible for significant tax credits. The intent is to encourage businesses to locate in depressed areas and grow these local economies. Ms. Lucero explained that she felt it was important to consider a County-wide designation in order to include home-based businesses throughout the County to grow, as well as providing an incentive to oil and gas companies that are not located in industrial or commercial zones.

Allen Parker explained that currently, Vernal City designated its commercial and industrial zones as Enterprise Zones. Mr. Parker stated that if the Commission and Council chose, they could target specific areas of the City that they felt were in need of improvement and growth, they could continue with the current Enterprise Zone designation, or they could recommend the entire City be included in the Enterprise Zone. Mr. Parker stated that retail businesses are not eligible for Enterprise Zone tax credits because the intent is to encourage growth oriented businesses which create new jobs. Howard Carroll expressed concern that a blanket designation of the Enterprise Zone would encourage growth of home-based businesses and disrupt residential neighborhoods. Mr. Parker explained that home-based businesses would still have to comply with Vernal City Code which only allows for 25% of the home to be used for business purposes, along with other requirements and would have a difficult time qualifying for Enterprise Zone tax credits. Ms. Lucero noted that including the entire City might also be beneficial as it could provide the incentive for a home-based business to grow and eventually relocate to a commercial or industrial zone and contribute to the local economy. Howard Carroll asked if Vernal

City staff was aware of any potential problems that a City-wide designation would present that could not be addressed through zoning laws. Mr. Parker stated that staff did not see any potential concerns with a City-wide Enterprise Zone designation.

Allen Parker stated that in addition to the incentives offered by the State of Utah, participating entities must provide some sort of incentive as well. Mr. Parker indicated that some cities modify their building permit process to streamline applications for businesses in the Enterprise Zone. Ms. Lucero stated that some cities reduce their business license application fees. Gordon Seitz asked if the City's incentive has to equal the State's. Ms. Lucero stated that it does not have to match the State's incentives and could be as simple as a one-time credit. There was further discussion regarding a one-time discount of \$25 (or possibly a percentage based on the size of business) to the current Vernal City business licensing fees for Enterprise Zone applicants. Ms. Lucero agreed to research other options of incentives other cities currently offer as a match to the State's incentives and present those to Mr. Parker before next week's City Council public hearing for their consideration, as this application is due to the State of Utah by December 31<sup>st</sup>.

Gordon Seitz asked who evaluates whether or not a business qualifies for the Enterprise Zone tax credits. Ms. Lucero responded that a business that is located in an Enterprise Zone obtains the available tax credits through the regular process of filing their taxes. Ms. Lucero explained that another aspect of her job includes educating local businesses about the local Enterprise Zone status so that they can take full advantage of the program.

There being no further comments or questions from the Commission, Howard Carroll opened the meeting to public comment. There being no public comment, the public hearing portion of the meeting was closed. **Sonja Norton made a motion to forward a positive recommendation to the Vernal City Council to approve by resolution the Utah Enterprise Zone application and include the entire Vernal City limits in the Enterprise Zone designation in order to encourage home-based business growth; additionally, the Planning Commission recommends a one-time reduction of \$25 to eligible business license fees as Vernal City's matching incentive. Troy Allred seconded the motion and the motion passed with Allred, Carroll, Heeney, Norton, Seitz and Spencer voting in favor.**

**REQUEST FOR RECOMMENDATION REGARDING FINAL PLAT FOR VERNAL VALLEY LODGING SHOPPING CENTER - LOCATED AT 1219 WEST HIGHWAY 40 - APPLICATION #2009-0025-SUB - VERNAL VALLEY LODGING & ASSOCIATES:** Allen Parker explained that this item is a request by Michael Bingham of Vernal Valley Lodging to subdivide a single property from one to three lots. Mr. Parker presented a drawing of the proposed subdivision and explained that the lot lines run through the gray areas on the proposal. Mr. Parker stated that it was his understanding that each proposed parcel would have its own building, access and associated parking. Mr. Parker explained that he has one minor concern about the verbiage of the Utility Dedication is not sufficiently specific, but otherwise the application is in substantial compliance for approval of this minor subdivision request. Mr. Parker asked if the current configuration is such that each building has its own meter or if the entire area has one master meter. Developer Michael Bingham, 1137 Brookwood Drive, Springville, Utah, 84663, replied that each building would have its own utility connections.

Howard Carroll noted that when the original site plan for this property was approved, the storm water and parking plans were approved for the entire site. Mr. Carroll stated that he is concerned that the possibility that three separate property owners may disagree in the future and utility, parking or property access could become a problem. Mr. Parker stated that the Covenants, Conditions and Restrictions (CC&R's) and easements which would be recorded with the County as soon as the subdivision is approved, would prevent this issue from becoming a problem. Mr. Bingham explained that each future property owner would own the building pad itself and the gray area on the drawing is the easement that all property owners would have access to for storm water, parking and utilities. Troy Allred asked if it would be possible for future property owners to undo the agreement. Mr. Parker stated that it is possible, but all three future property owners would have to agree to such a change and all access, parking, storm water and utilities would have to meet City code requirements for each property. Mr. Carroll asked if City staff had reviewed the CC&R's. Mr. Parker replied that he had reviewed a draft copy. There being no further questions or comments from the Commission, Mr. Carroll opened the public hearing portion of the meeting. There being no public comment, the public hearing portion of the meeting was closed. **Sonja Norton made a motion to forward a positive recommendation to the Vernal City Council for approval of the final subdivision plat for Vernal Valley Lodging Shopping Center located at 1219 West Highway 40 - Application #2009-0025-SUB subject to minor corrections as required by City staff. Gordon Seitz seconded the motion and the motion passed with Allred, Carroll, Heeney, Norton, Seitz and Spencer voting in favor.**

**REQUEST FOR APPROVAL OF CONDITIONAL USE PERMIT FOR A SITE OBSCURING FENCE ON PROPERTY LOCATED AT 565 SOUTH 2050 WEST - APPLICATION #2009-0026-CUP - MARY BRICKLER:** Allen Parker stated that staff has reviewed the application and found no conflicts with pedestrian visibility if this conditional use permit is approved. Mr. Parker showed a photo of the lot and explained that there are no accesses that would require clear vision triangle clearance and that the application is in compliance with Vernal City regulation and is approval as presented. Howard Carroll opened the public hearing portion of the meeting regarding this application. There being no public comment, the public hearing portion of the meeting was closed. There being no further comment or questions, **Gordon Seitz made a motion to approve the conditional use permit for a site obscuring fence on property located at 565 South 2050 West - Application #2009-0026-CUP. Sonja Norton seconded the motion and the motion passed with Allred, Carroll, Heeney, Norton, Seitz and Spencer voting in favor.**

**REQUEST FOR RECOMMENDATION REGARDING AMENDMENT TO THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE - SECTION 16.24.080 - FENCE HEIGHT REQUIREMENTS - ORDINANCE NO. 2009-26:** Allen Parker explained that this ordinance intends to eliminate the requirement for the Vernal City Planning Commission to issue a Conditional Use Permit with regard to site obscuring fences. Currently, the Planning Commission considers these requests, in order to ensure that a clear vision triangle is maintained for any street intersections and automobile street accesses. The proposed amendment would still require that the clear vision triangle is maintained, but it shifts the responsibility of verifying this fact to City staff before issuance of a building permit for the fence. Sonja Norton asked if this would prevent a property owner from installing a side gate which might be used for RV access to their property. Ms. Norton explained

that such a use would not provide an opportunity for the City to ensure that the clear vision triangle is maintained. Mr. Parker stated that the property owner would have to apply for a curb cut to create a secondary property access in this instance, and this process would still require a permit which would give the City an opportunity to ensure clear vision triangle compliance. Chairperson Howard Carroll stated that he feels that a property owner should have the right to install a six foot privacy fence and cited improved back yard swimming pool safety. Gordon Seitz agreed that this matter is more appropriate for staff to handle. Mr. Carroll opened the meeting to public comment. As there was no public comment, the public hearing portion of the meeting was closed. There being no further comment or questions from the Commissioners, **Sonja Norton made a motion to forward a positive recommendation to the Vernal City Council for approval of Ordinance 2009-26 amending the Vernal City Municipal Planning and Zoning Code - Section 16.24.080 - Fence Height Requirements.** Gordon Seitz seconded the motion and the motion passed with Allred, Carroll, Heeney, Norton, Seitz and Spencer voting in favor.

**REQUEST FOR RECOMMENDATION REGARDING AMENDMENT TO THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE - SECTION 16.26.170 - PARKING AREA ILLUMINATION - ORDINANCE NO. 2009-27:** Allen Parker stated that he and Ken Bassett, Vernal City Manager, reviewed the parking ordinance and found that there were a few issues that needed to be updated to ensure that City parking lots are well designed. Mr. Parker explained that line B in the proposed ordinance would require that light fixtures have cutoff shields installed in parking lots adjacent to residential zones or uses. The intent is to prevent light from negatively impacting neighboring residents. Howard Carroll noted that a current parking lot may not be adjacent to a residential use at this time, but future growth may present a conflict and asked how this ordinance would address that issue. Mr. Parker responded that language of the ordinance could be changed to include a parking lot located in a residential use as designated by the Vernal City General Plan.

Mr. Parker stated that line C addressed pole height for parking lots. After discussing various examples of existing light pole heights in the City, it was the consensus of the Commission to limit the height of light poles to thirty (30) feet when installed in or adjacent to residential uses.

Line D of the proposed ordinance would require the average maintained foot candles to be at least one (1) foot candle, but not exceeding three (3) foot candles. Mr. Parker explained that a photometric study is required to assess the light intensity properly, but would be cost prohibitive to smaller developments. For this reason, the proposed ordinance does not require a photometric study for every parking lot, but contains language that allows for the Planning Commission to require this study if they feel it is warranted. Mr. Parker stated that a photometric study was required for the Walgreens parking area and it falls within the proposed requirements.

Mr. Parker stated that line E would update the current requirement that light poles be steel. Mr. Parker noted that poles are currently made of many various materials besides steel. This line also gives the City the ability to approve a different type of luminaire, as long as it meets the standard light intensity. After further discussion, it was decided to change the language to "other equivalent fixture as approved by Vernal City" to allow for individual taste, as long as the light intensity meets the minimum requirements.

Line F provides for a thirty (30) day review period beginning with the energizing of a lighting system which provides an opportunity to evaluate and adjust new lighting which is adjacent to residential uses.

Howard Carroll stated that he would like to see an additional item in the ordinance to clarify the City's authority to require property owners to properly maintain their parking lot lighting. Mr. Parker stated that a sign ordinance he is working on for next month includes similar maintenance language that he can insert at the end of this ordinance. Mr. Carroll asked about the case of a parking area for a business which has closed permanently. Mr. Parker replied that the property owner would be required to maintain the lighting as long as the lot was available to the public for parking. In the case of a closed business, they would not be required to maintain the lighting if they chained off the parking area.

There being no further discussion or questions from the Commission, Mr. Carroll opened the public hearing portion of the meeting. There being no public comment, the public hearing was closed. **Gordon Seitz made a motion to forward a positive recommendation to the Vernal City Council for approval of Ordinance 2009-27 amending the Vernal City Municipal Planning and Zoning Code - Section 16.26.170 - Parking Area Illumination with the proposed changes as discussed. Glenn Spencer seconded the motion and the motion passed with Allred, Carroll, Heeney, Norton, Seitz and Spencer voting in favor.**

Sonja Norton thanked Mr. Parker for his work reviewing and updating Vernal City's Municipal Code. There being no further business, **Gordon Seitz made a motion to adjourn. Vernie Heeney seconded the motion and the motion passed with Allred, Carroll, Heeney, Norton Seitz and Spencer voting in favor.** The meeting adjourned at 7:00 p.m.

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Howard Carroll, Chair