

# MINUTES of the Vernal City PLANNING COMMISSION

Vernal City Council Chambers – 447 East Main Street

September 17, 2009

**Members Present:** Howard Carroll, Freida Parker, Gordon Seitz, Eric Olsen, Troy Allred and Sonja Norton

**Alternates Present:** David Brinkerhoff

**Excused Members:** Shirley Wilkins

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

**ACKNOWLEDGMENT AND APPROVAL OF SPECIAL MEETING:** Gordon Seitz made a motion to acknowledge and approve this special meeting. Freida Parker seconded the motion and the motion passed with Troy Allred, Howard Carroll, Sonja Norton, Eric Olsen, Freida Parker and Gordon Seitz voting in favor.

**WELCOME AND DESIGNATION OF CHAIR AND MEMBERS:** Howard Carroll welcomed those present and stated that David Brinkerhoff would be voting in place of Shirley Wilkins.

**APPROVAL OF MINUTES FROM AUGUST 13, 2009:** Gordon Seitz made a motion to approve the minutes of August 13, 2009. Freida Parker seconded the motion and the motion passed with Troy Allred, Sonja Norton, Eric Olsen, Freida Parker and Gordon Seitz voting in favor. Howard Carroll and David Brinkerhoff were not present at the August 13, 2009 meeting and did not vote.

**AGENDA INFORMATION:** Allen Parker noted that the Commission previously asked for more clarity as to which items were presented for Commission approval and which items would be forwarded to the City Council for final approval. Mr. Parker stated that the agenda items will be worded “Request for approval” or “Request for recommendation” and additionally, the staff report will contain the same language at the top of the page.

**REQUEST FOR APPROVAL OF MASTER SITE PLAN FOR LEAVITT INSURANCE LOCATED AT 205 NORTH VERNAL AVENUE - MIKE SCHAEFERMEYER:** Allen Parker stated that Mike Schaefermeyer is requesting approval of a site plan for a new parking lot next to the existing business located at 205 North Vernal Avenue. Mr. Parker explained that the property is zoned C-2 Commercial and is designed to hold 18 parking spaces. Mr. Parker further stated that the final engineering review of the proposed storm water and retention is not yet complete, but the rest of the site plan has been reviewed by staff and is in substantial compliance with Vernal City code. Howard Carroll asked if the site plan meets landscaping requirements as presented. Mr. Parker replied that

the existing landscaping is sufficient and no additional landscaping will be required. Sonja Norton asked if the planned fencing meets Vernal City requirements, including the 20-foot clear vision triangle required for the entrance/exit. Mr. Parker replied that the requirements are different for a commercial property such as this, but noted that the fencing plan meets City code as presented.

David Brinkerhoff noted that the site plan indicates that there will be parking over the retention system and sump. Allen Parker confirmed that is how the parking lot is designed. Howard Carroll asked if the engineering review will take into account the drainage from the existing parking area, as well as the proposed additional parking. Mr. Parker stated that he would review the engineering report to ensure that concern is addressed. Mr. Carroll stated clarified his concern that the building is old enough that the current drainage plan probably dumps storm water onto 100 North or Vernal Avenue and needs to be accounted for in this site plan. There being no further discussion or comment, **Sonja Norton made a motion to approve the master site plan for Leavitt Insurance located at 205 North Vernal Avenue, Application #2009-0021-MSP with any corrections or additions required by staff. Eric Olsen seconded the motion and the motion passed with Troy Allred, David Brinkerhoff, Howard Carroll, Sonja Norton, Eric Olsen, Freida Parker and Gordon Seitz voting in favor.**

**REQUEST FOR APPROVAL OF CONCEPT PLAN FOR SILVER PINES LOCATED AT 160 EAST 850 SOUTH - HAROLD IRVING:** Allen Parker stated that the Silver Pines complex as originally approved by the City is partially complete and that the developers would like to redesign the remaining phases that have not yet been platted or built. Mr. Parker noted that tonight's presentation is a concept plan only, with the purpose being to obtain feedback from the Commission about the proposed design. Mr. Parker explained that the original plan called for 12-unit buildings throughout the property and turned the time over to the developer to explain the proposed changes. Harold Irving, 8703 Sandy Parkway, Sandy, Utah, stated that since construction began on this property, the financial markets have changed dramatically and financing is difficult for borrowers to obtain for the 12-unit properties as currently constructed. One of the major issues inhibiting lenders is that Fannie Mae and Freddie Mac will not finance units that are built on top of one another. The new design is a mixture of two-story town homes and single-family attached units, all with 1- or 2-car garages. There was further discussion regarding parking and roadway width and Allen Parker noted that when the preliminary plat is presented for approval, these items will be reviewed in much greater detail. There being no further comment or questions, **Freida Parker made a motion to approve the concept plan for Silver Pines located at 160 East 850 South - Application #2009-0020-SUB as presented. Sonja Norton seconded the motion and the motion passed with Troy Allred, David Brinkerhoff, Howard Carroll, Sonja Norton, Eric Olsen, Freida Parker and Gordon Seitz voting in favor.**

Howard Carroll stated that he is concerned about developments using the name "condo" in their name when it is actually a PUD. Mr. Carroll explained that the misuse of the word "condo" leads to confusion and problems when borrowers are trying to secure financing.

Allen Parker clarified that condominium refers to the manner in which the land is divided, not the actual type of structure built and noted that some developments previously constructed in the City were divided as PUD's, but were never implemented under the law and it has created a large amount of confusion. Mr. Carroll stated that he would like City staff to be aware of the issue and make every effort to educate developers about the confusion that can result from misusing the word "condo" in the name of their development.

**PUBLIC HEARING TO HEAR A REQUEST FOR APPROVAL OF CONDITIONAL USE PERMIT FOR A SITE OBSCURING FENCE ON PROPERTY LOCATED AT 515 SOUTH 300 WEST - APPLICATION #2009-0019-CUP - BRENT ELLENDER:**

Allen Parker stated that this application is for a conditional use permit to install a six-foot, wooden, site-obscuring fence on 0.33 acre corner-lot located at 515 South 300 West. Mr. Parker presented a drawing of the property and indicated the location of an actively used driveway that may have a problem meeting the 20-foot, clear-vision triangle required by City Code. Property owner, Brent Ellender, 515 South 300 West, stated that there are already evergreen shrubs which block a clear view coming out of the driveway. Sonja Norton asked if the measurements for the clear-vision triangle were taken from the edge of the current pavement or the actual right-of-way. Mr. Parker responded that he or Richard Zohner, Building Official, would visit the site to ensure that this issue is addressed properly. Mr. Parker continued that if the clear-vision triangle is not feasible as presented, Mr. Ellender may have to clip the corner and run the fence diagonally, or lower the fence at this corner to meet this requirement. Howard Carroll noted that a property south of this location has a clipped corner and the property owner has gone to the trouble to landscape the corner outside the fence rather than just leaving it to be overrun by weeds. Chairman Carroll opened the meeting to public comment regarding this application. Mr. Parker noted that he had received a few phone calls from neighbors asking for additional information, but received no objections to the proposed fence. There being no further public input, the meeting was closed to public comment. **Eric Olsen made a motion to approve the conditional use permit for a site obscuring fence on property located at 515 South 300 West - Application #2009-0019-CUP with the condition that the driveway meet the clear-vision triangle requirements of Vernal City Code. Gordon Seitz seconded the motion and the motion passed with Troy Allred, David Brinkerhoff, Howard Carroll, Sonja Norton, Eric Olsen, Freida Parker and Gordon Seitz voting in favor.**

**MISCELLANEOUS DISCUSSION:** Chairman Howard Carroll stated that while the volume of applications has decreased recently, he would like the Commission to use this opportunity to restructure the subdivision process as it pertains to bonding for curb, gutter and sidewalk and other infrastructure. Mr. Carroll noted the Haven Estates development and stated that he feels it is imperative to require that infrastructure be completed first or the monies secured so that the City can install those things if the development goes under financially. Allen Parker stated that the major drawback to requiring sidewalk be placed first is that it hampers construction crews who then have to do their best to avoid breaking the sidewalk as they are in and out of the site. Mr. Carroll replied that he would rather

inconvenience the developer a little than leave the City's taxpayers liable for the items that are never installed by the developer.

After further discussion, Mr. Parker noted that the City Attorney is looking at bonding issues and that the City does need to address the matter in order to protect itself adequately.

Chairman Howard Carroll stated that he is also concerned about parking issues for high-density developments. Mr. Carroll noted that a single person working in the oil field will probably drive a company truck, have their own personal car and maybe some sort of recreational vehicle like a boat or RV. Mr. Carroll stated that when high-density developments only provide one parking space per unit, this becomes a problem quickly. Mr. Carroll also stated that he would like to see the City's ordinances require that amenities be constructed during the first phase of any multi-phase development.

Gordon Seitz asked what issues City staff sees as areas of concern. Allen Parker replied that the City's sign ordinance needs significant work and noted that there other areas of concern which will be addressed in the pending draft of the General Plan. Mr. Parker stated that he would like to see the General Plan finalized before making significant changes to the Code, because issues of concern may be addressed adequately in the final General Plan.

Sonja Norton asked if the clear-vision triangle requirement applies to all roadway entrances. Allen Parker stated that it only applies to residential properties, but the Code could be rewritten to apply to both. Eric Olsen asked how this requirement is enforced. Mr. Parker responded that the City's Code Enforcement Officer would have to work with a property owner to correct the problem or issue a citation which would then proceed through the court system.

Chairman Howard Carroll stated that he would also like to have an idea of the statistical percentages of each zone in the City added as a permanent part of the monthly information packets for easy reference. Allen Parker responded that this information has already been compiled by the engineers, and added that the General Plan currently being revised will also include some proposed guidelines for the ideal percentages of each zone. This information will also provide some useful guidance for the Commission when hearing public requests for zone changes. Eric Olsen stated that he would also like a list of set-backs and other commonly used zoning information placed in the monthly information packets for easy reference. Mr. Parker stated that he would like to have something of that sort available and that he would work on this request.

There being no further business, **Eric Olsen made a motion to adjourn. Gordon Seitz seconded the motion and the motion passed with Troy Allred, David Brinkerhoff, Howard Carroll, Sonja Norton, Eric Olsen, Freida Parker and Gordon Seitz voting in favor.** The meeting adjourned at 6:30 p.m.

Howard Carroll, Chair

