

MINUTES of the Vernal City PLANNING COMMISSION

Vernal City Council Chambers – 447 East Main Street

September 9, 2010

5:30 p.m.

Members Present: Chair Eric Olsen, David Brinkerhoff, Vernie Heeney, Kathleen Gray, Glenn Spencer, Sonja Norton

Excused Members: Troy Allred, Ben Mahaffey

Absent Members: Stuart Branham

Staff Present: Allen Parker, Assistant City Manager; Richard Zohner, Building Official, Roxanne Behunin, Deputy Recorder, Sherri Montgomery, Administrative Clerk

WELCOME AND DESIGNATION OF CHAIR AND MEMBERS: Chair Eric Olsen welcomed everyone and introduced new member, Kathleen Gray. Mr. Olsen pointed out that this would be David Brinkerhoff's last meeting day.

APPROVAL OF MINUTES FROM AUGUST 12, 2010: Chair Eric Olsen stated that there was not a quorum present from the August 12, 2010 meeting to approve the minutes, but advised the minutes would be deemed as approved in compliance with Vernal City Code, Section 2.12.080.

REQUEST FOR APPROVAL OF MASTER SITE PLAN FOR VERNAL GARDEN APARTMENTS AT 342 SOUTH 1350 WEST – APPLICATION #2010-017 MSP – NEIGHBORHOOD NON-PROFIT / KIM DATWYLER: Allen Parker indicated that Harold Woodruff with Neighborhood Nonprofit Housing Corporation is requesting approval of a master site plan for the construction of a new multifamily housing development at 342 South 1350 West in Vernal City. There will be 80 dwelling units in total, distributed between four two-story buildings and four three-story buildings on 4.65 acres. There will be forty-eight units built in phase one and the remainder will be in phase two. The site is an R-4 zone surrounded by CP-2 and R-1 zoning. Mr. Parker addressed the two items on the application that currently does not meet the requirements of Vernal City Code. Vernal City will continue working with the applicant to get the water and sanitary sewer and the storm water retention system in compliance. Sonja Norton asked if there will be ample parking for phase one. Mr. Parker referred to the rendering for phase one which verifies the required two spaces per dwelling for parking. Ms. Norton also asked if phase one will be able to independently function, if for some reason phase two could not be completed. Mr. Parker confirmed that the property will fully operate on its own after phase one. Mr. Parker explained that a few months ago, the Council approved 2.5 parking spaces per dwelling unit, but this has been amended for subsidized housing. To avoid the standard requirement, the applicant must enter into a development agreement on the project preventing anything other than passenger vehicles to be parked within the development. If the applicant complies with these conditions, Vernal City will allow the applicant to utilize two parking spaces per dwelling unit. Mr. Parker noted that the development agreement has not been finalized, therefore, additional items can be added if necessary. David Brinkerhoff asked for clarification on the six foot high, solid vinyl fence around the property. Mr. Parker summarize that apartment complexes are required to have a site obscuring fence around the property to provide a barricade between them and the adjacent land uses. Mr. Parker added that there is a partnership agreement between the City and the applicant to create workforce housing to accommodate those who are just starting careers or can't afford a place in Vernal during times when the

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rents are really high. The City purchased this land, and the property will be transferred to the developer for rent controlled workforce housing. The applicant is responsible for the development and design of the property, but the City is still involved in the provisions. Mr. Olsen asked how the City will enforce workforce housing. Mr. Parker responded with a deed restriction, which prevents the property from ever being used for market value housing. Mr. Brinkerhoff asked what type of rents the applicant is projecting. Mr. Parker suggested the applicant answer this question on rental amounts.

Harold Woodruff, 223 East 800 South in Salt Lake City, representing Neighborhood Housing, affirmed there will be a vinyl fence placed around the entire property during both phases for security reasons and to protect the neighbors. Mr. Woodruff indicated that he came out about two years ago with the housing authority searching for property for possible low income housing. Mr. Woodruff reassured the Commissioners that the property will never be changed to market rate housing. Mr. Woodruff stated that the non-profit owner, with the partnership of the City, obtained tax credits from the State of Utah to finance the project. These tax credits have been purchased by several lenders who benefit from this project. Mr. Woodruff expressed that their mission is to create affordable housing opportunities to enhance and strengthen communities and to provide households with the skills to become self sufficient. Mr. Woodruff gave a power point presentation created by Kim Datwyler, Director of Neighborhood Non-Profit. The main entrance to the complex will be at 1350 West and there will be landscaping all the way out to the connecting streets. At the center of the complex will be three story buildings to keep them further away from the neighbors. The center building will be the leasing office and include a community laundry facility. These units will have one, two, or three bedroom apartments with the majority being two bedrooms. The three bedroom apartments will have two baths, and all the units will have laundry hook-ups. Other amenities to be built in phase one will include a covered picnic area, playground, and basketball court. Mr. Woodruff handed out pictures of previous projects that were similar to this development. Allen Parker voiced his concern over lighting at night trespassing into the neighbor's yards. Mr. Woodruff handed out pictures of the type of carports and light poles to be used, and remarked that lighting for most of the project will come from the buildings, which will minimize the light poles.

The next presentation was given by Brent Morris, the landscape architect, at 1074 Raymond Road in Fruit Heights, Utah. Mr. Morris explained his philosophy of using numerous trees that utilize minimal water, but with maximum impact. Mr. Morris provided a hand out of the legend of plants for the project. Mr. Morris plans to use a mixture of deciduous trees including 1/3 evergreen trees, darker color trees, and spring flowering trees to provide year round landscaping. Mr. Morris explained his plan is to use xeric or water wise gardening that are indigenous to the area and draught tolerant. Mr. Morris also plans to use a lot of rocks to cover the ground in a sculptural matter with different sizes and two different colors. There will be three to five foot boulder rocks at the entrance as a feature to the complex. Allen Parker mentioned that the soil in this area is alkali with a high water table and clay like soil, therefore, he wanted to make sure this was taken into account. Mr. Morris explained that you want to change the type of plants you are growing to tolerate these types of soils and conditions. Glenn Spencer asked Mr. Morris what other projects in this area he has been involved in. Mr. Morris recalled the Department of Workforce Services building.

Harold Woodruff referred back to an earlier question regarding the expected rents for this project, which would start at a minimum of \$195 for a one bedroom unit and increase up to \$616 for a three bedroom, two

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bath unit. There are eight categories in between those rates and will also be based on household income. Vernie Heeney asked what the qualifications will be and if it is all based on income. Mr. Woodruff stated there can be no preferential treatment with the fair housing act, but there will be an extensive background check including references and credit history. Mr. Spencer asked if these are government subsidized. Mr. Parker responded they are partly subsidized through the Olene Walker Fund. Mr. Woodruff pointed out that the investors and the tax credit program were created to subsidize this kind of housing. Mr. Woodruff reiterated that teachers, police officers, and others with low income will not have preferential treatment through the fair housing act. Ms. Heeney voiced her concern that in the future when the median income increases, those same groups of people still won't be able to afford housing. Roxanne Behunin, Deputy Recorder, commented that it was her understanding that those groups will qualify even more, because they will drop way below the median income level. Mr. Olsen asked if the storm water and sewer will be in compliance. Keith Despain at 1342 West 50 South in Vernal City, representing Engineering Services, and Mr. Parker confirmed that there are a few minor details to complete. Mr. Olsen also asked if the storm water was all underground or from a pond. Mr. Despain affirmed it is underground.

Sonja Norton moved to approve Application 2010-017 MSP Vernal Garden Apartments at 342 South 1350 West in Vernal City including the items noted by staff. The motion was seconded by David Brinkerhoff. The motion passed with Sonja Norton, David Brinkerhoff, Vernie Heeney, Eric Olsen, Kathleen Gray, and Glenn Spencer voting in favor.

REQUEST FOR APPROVAL OF MASTER SITE PLAN FOR MARSEN FURNITURE AT 460 W MAIN - APPLICATION #2010-015 MSP - KYLE BATTY: Allen Parker requested approval of the Marsen Sleep Center expansion at 460 West Main Street in Vernal City. This property sits on two parcels with a total of 9.6 acres. It is in a CC-1 commercial zone, but is also surrounded by R-4 and C-2 commercial zoning. The Vernal City staff has reviewed this application, and there is one important change to be noted. The site as designed does not have enough parking for the amount of square feet for this structure. The applicant asked the City Council to let them pay an in-lieu fee for the six parking spots they are short for this project, which will be paid into the City parking fund. Mr. Parker noted that the parking ordinance is on the agenda to be discussed later. Eric Olsen asked if the ordinance is amended in the future, will that change anything for the applicant. Mr. Parker indicated that the City Council has agreed to reimburse the applicant the parking fee if the ordinance changes. The expansion will raise the square footage to 16,657 and will connect the building on the north to the building on the south. Mr. Parker referred to the site plan to show the layout. A City sewer line is going to progress underneath this building and will be placed inside a steel sleeve that will allow the City to pull a new line if there is a break. New manholes will be placed on each side of the building. Also, the storm water plan does not meet the City requirements, because the reviewing engineer did not have enough data to look at the slope and the design of the system. The engineer wants to review this in more detail to make sure it flows properly. Glenn Spencer asked if the City pays for the sewer line or if the applicant will be responsible for the construction of the sewer line. Mr. Parker responded that the City pays for the maintenance of the sewer line, but not for the upgrade to bring it up to the standards necessary to build over it. Mr. Spencer asked where the six extra parking spots are located. Mr. Parker explained that there are no parking spots, which is why the applicant will pay an in-lieu fee in the amount of \$2,750 for each of the six parking spots. This fee is based on the average cost to build a parking spot in the downtown area and will be paid to the City for future parking.

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Mr. Parker also explained that those lots may not necessarily be located in proximity of this building. Mr. Olsen commented that the parking lot south of Cobble Rock is not necessarily for the applicant, but is there to meet the ordinance. Mr. Spencer mentioned that when he built two stores, he was required to allow for a certain number of parking spaces. Mr. Parker explained the applicant has the same requirement, but the ordinance states that they can pay for the parking spots instead of building them. Mr. Spencer stated this seems like a double standard. Ms. Norton indicated that this ordinance has been there since 1981, but a lot of people have not taken advantage of the regulation. David Brinkerhoff commented that in terms of a business decision, it may not be the best idea to have less parking, but the City has to accommodate the applicant's request. Mr. Parker suggested that this subject be continued later when the parking ordinance for furniture stores is addressed.

David Brinkerhoff moved to approve Application 2010-015 MSP Marsen Sleep Center at 460 West Main Street in Vernal City with the noted corrections by the engineering and any additional changes by Vernal City staff. The motion was seconded by Sonja Norton. The motion passed with David Brinkerhoff, Sonja Norton, Eric Olsen, Vernie Heeney, and Kathleen Gray voting in favor. Glenn Spencer voted not in favor. Mr. Spencer stated his objection was due to the parking.

PUBLIC HEARING: REQUEST FOR RECOMMENDATION OF ORDINANCE NO. 2010-18 AMENDING THE OFF-STREET PARKING AND VEHICLE ACCESS STANDARDS OF THE VERNAL CITY MUNICIPAL PLANNING & ZONING CODE: Allen Parker indicated that this section of the ordinance addresses the amount of spaces required per type of development, but expressed that this does not address all of the concerns the City has with the parking ordinance. Mr. Parker went through the proposed changes. The first change is under food establishments for the sale and consumption on the premises of food and beverages. The proposal is to change the wording to read one space for each four seats including stools, benches, booths or one for each 75 square foot of floor area when the number of seating is unknown, but in no case shall there be less than seven spaces instead of fifteen. The reason for this request is some food establishments only have two tables or lunch counters and want to relocate to the downtown area, and they will never have seating for more than four to six customers. However, the current ordinance requires them to find a way for 15 parking spots outside for 400 square feet of eating space. This doesn't change the amount of parking that is required, but it adjusts the minimum. The ratio will remain the same. Sonja Norton suggested there be a work session to review this issue in detail, because of the complexity of this ordinance. Mr. Parker agreed. Mr. Olsen suggested this item be tabled until the work session. Mr. Parker summarized the suggested changes. Furniture and appliance stores, hardware stores, household equipment service shops, clothing or shoe repair or similar personal service shops are all lumped into the same category. Furniture stores require a large amount of square footage to handle their inventory, where as a shoe repair shop might not require nearly as much floor space. Mr. Parker suggested that they create a new use category for multi-tenant mixed use commercial structures containing three or more leasable spaces, because if there is one big strip mall, the parking will have to be altered every time a tenant makes a change. Mr. Parker added noted that uses such as theaters, transportation facilities, and warehouses don't match the current uses within the commercial zones and should be defined appropriately. The Planning Commission discussed options for holding a separate work session for this ordinance. Chair Eric Olsen opened the public hearing for comment. There being no public input, the meeting was closed to public comment.

Glenn Spencer moved to table the request for recommendation of Ordinance 2010-18 amending the Off-Street Parking and Vehicle Access Standards of the Vernal City Municipal Planning and Zoning Code and continue the public hearing after the work session held on Friday, September 24, 2010 at 5:30 p.m. The motion was seconded by Vernie Heeney. The motion passed with Sonja Norton, David Brinkerhoff, Vernie Heeney, Eric Olsen, Kathleen Gray, and Glenn Spencer voting in favor.

PUBLIC HEARING: REQUEST FOR RECOMMENDATION OF ORDINANCE NO. 2010-19 AMENDING THE FLOOD DAMAGE PREVENTION STANDARDS OF THE VERNAL CITY MUNICIPAL PLANNING & ZONING CODE: Allen Parker stated that as a community we are under the national flood insurance program, which is a federally subsidized program for anyone that has flood insurance. In order to get the rate subsidy from the federal government, the City has to comply with the requirements. It is a very important program for anyone who wants to have a structure of any sort within a flood plain. In order to benefit from this program, the City must conform to the strict guidelines managed by the federal government or opt out. The new maps just produced are being adopted on October 6, 2010 and will be put in affect by FEMA. Mr. Parker reported that the staff has reviewed the ordinance, and it doesn't appear to have a lot of significant changes. Anyone wishing to develop in a flood plain, must apply to the City, and provide engineering documents showing the project won't negatively impact anyone else in that flood plain either down stream or up stream. In some cases, the applicant may have to do a full study of the flood plain. In conclusion, Mr. Parker affirmed that FEMA produced the ordinance and the City altered it slightly to meet city requirements mostly by changing internal references. Mr. Parker also noted that the ordinance incorporates a section that automatically adopts the updated flood plain maps as they are released, therefore, the City won't have to amend this ordinance every time a new flood plain map is released. Chair Eric Olsen opened the public hearing for comment. There being no public input, the meeting was closed to public comment.

Sonja Norton moved to make a positive recommendation of Ordinance 2010-19 Amending the Flood Damage Prevention Standards of the Vernal City Municipal Planning an Zoning Code. The motion was seconded by David Brinkerhoff. The motion passed with Sonja Norton, David Brinkerhoff, Vernie Heeney, Eric Olsen, Kathleen Gray, and Glenn Spencer voting in favor.

MISCELLANEOUS BUSINESS: Allen Parker gave a power point presentation of discussion items. Eric Olsen made a comment about appropriate questions to ask during Planning Commission meetings. Mr. Olsen indicated it is important to remember as Commissioners that there are two different types of approvals. One is administrative that needs to comply with ordinances and the other is legislative that requires recommendations. If it is necessary to have an informal discussion about topics that are outside the scope of the application itself, he suggested notifying the Chair before the vote is taken and ask continuing questions after the vote. Sonja Norton mentioned it helps to take all personal feelings out of the equation and look at it objectively. Mr. Parker explained the importance of some types of applications like a site plan for a permitted use. They are entitled to do what they want as long as they meet the requirements of City ordinances. Mr. Parker remarked when dealing with legislative issues, your personal experiences, opinions, and emotions do have a place. Ms. Norton recalled during the boom a few years ago the City found many problems with the ordinances. Developers were coming in with requests where the Commissioners had no latitude and would have to approve the request based on the current ordinance, but now these regulations

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can be changed for the future. Glenn Spencer asked why Vernal City is involved in the real estate rental with the extra parking. Mr. Parker replied that the City does own parking lots in the downtown area to provide that needed service, but that parking is open to the public and not tied to any individual business. David Brinkerhoff advised that the City doesn't want parking to hinder the development of certain stores either. Chair Eric Olsen made an introduction and welcomed Sherri Montgomery as the new Administrative Clerk for Vernal City.

ADJOURN: There being no further business; Glenn Spencer moved to adjourn the meeting. The motion was seconded by Sonja Norton. Motion passed with Glenn Spencer, Sonja Norton, Eric Olsen, David Brinkerhoff, Vernie Heeney, and Kathleen Gray voting in favor, and the meeting adjourned.

Eric Olsen, Planning Commission Chair