

# MINUTES of the Vernal City PLANNING COMMISSION

Vernal City Council Chambers - 374 East Main Street, Vernal, Utah

November 8, 2011

7:00 pm

**Members Present:** Eric Olsen, Sonja Norton, Kathleen Gray, Ken Latham, Anders Fillerup and Mike Drechsel

**Members Excused:** Gary Redden

**Alternates Excused:** Ben Mahaffey

**Staff Present:** Allen Parker, Assistant City Manager; Richard Zohner, Building Official; and Sherri Montgomery, Administrative Clerk

**WELCOME AND DESIGNATION OF CHAIR AND MEMBERS:** Chair Eric Olsen welcomed everyone present to the meeting.

**ELECTION OF VICE CHAIR TO REPLACE GLENN SPENCER FOR 2011:** Chair Eric Olsen opened the nominations for Vice Chair. Sonja Norton nominates Mike Drechsel. Mike Drechsel nominates Sonja Norton. *Sonja Norton moved to cease nominations for Vice Chair. Kathleen Gray seconded the motion. The motion passed with Olsen, Norton, Gray, Latham, Fillerup and Drechsel voting in favor.* Allen Parker collected and counted the ballots. Mr. Parker announced that Mike Drechsel is the new Vice Chair by unanimous vote. Mr. Drechsel accepted the position and thanked the Commissioners.

**APPROVAL OF MINUTES FROM OCTOBER 11, 2011:** Chair Eric Olsen asked if there were any changes to the minutes from October 11, 2011. There being no corrections, *Mike Drechsel moved to approve the minutes of October 11, 2011 as presented. Sonja Norton seconded the motion. The motion passed with Olsen, Norton, Gray, Latham, Fillerup and Drechsel voting in favor.*

**APPLICATION# 2011-022-CUP – REQUEST FOR APPROVAL OF A CONDITIONAL USE PERMIT AT 55 SOUTH 500 EAST, VERNAL, UTAH – GINGER BOWDEN:** Allen Parker explained that Ginger Bowden has requested a conditional use permit for a tavern located at 100 South 500 East. The tavern will be located in the same structure as the brewery that is approved for the same site. The state “brewery manufacturing” license allows for a “tap room” to be located within the brewery, and this tap room is used for the sale and consumption of beer only. The use in Vernal City Code that most closely fits with the state license is a tavern. This property and all other properties to the east, north and south are zoned C-2 (commercial). The properties to the west are zoned I-1 (industrial) and CC-1 (central commercial). Vernal City Code requires that no more than two taverns be located in any lineal block. Currently, there are no other establishments meeting the definition of a tavern in the same block as this proposed tavern. Staff finds this application to be approvable and in accordance with the Vernal City Code with no recommended conditions. Kathleen Gray stated that she thought there was another establishment close by that also serves alcohol. Mr. Parker explained

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that the Brew Haus is a restaurant that serves beer, but is not in the same lineal block. Mike Drechsel asked where the term “tap room” was originated from.

Ginger Bowden at 55 South 500 East, Vernal, Utah explained that it is in the State regulations for a brewery manufacturing license. Mr. Drechsel stated that he could not find any mention of a tap room in the regulations of the State. He added that the State Code for a brewery licensee can sell beer as long as food is sold and the alcohol is consumed on the premises. Ms. Bowden stated that is correct. Chair Eric Olsen opened the public hearing for this request. Kim Mowry at 95 South 500 East, Vernal, Utah stated that this tavern would be sitting right next to her bedroom. Allen Parker explained the definition of the zoning laws and how certain uses are allowed in those zones with permitted uses with or without conditions. He further explained that the law is written that the Planning Commission is required to allow these permits, unless there are no ways to mitigate the impacts the use would have on adjoining properties. The types of negative impact on a property for the proposed use on that location can be considered with imposed conditions. Ms. Mowry stated that she had to install central air in her house, because she could not sleep with the windows open due to the noise from the Brew Haus. There being no further comments, Chair Eric Olsen closed the public hearing for this item.

Mr. Parker asked Ms. Bowden to explain the anticipated hours of operation and function of the tavern. Ms. Bowden stated that the tavern will close at 8:00 p.m. She also explained that there will be a large privacy fence that runs along the property line between the brewery and Ms. Mowry’s property to create a nice barrier. Mr. Olsen asked about the lighting layout. Ms. Bowden stated that she did not have it with her at this time. Mr. Parker added that at the loading area there is one big pack light on the side of the building. He could not recall the parking lot lighting. Ms. Bowden mentioned that they are moving the loading dock to the back side of the building. Mr. Olsen asked if there will be a lighting issue into Ms. Mowry’s window to the South. Ms. Bowden stated that there should not be a problem and added that they could dim the lights when they left for the evening. Mr. Drechsel asked how many people the establishment will service and how much parking is available. Ms. Bowden explained that there is enough parking for 60 spaces. Mr. Parker added that this is in compliance with the Vernal City Code requirements.

Ms. Gray asked how tall the privacy fence will be. Ms. Bowden stated that she was not sure the exact feet, but that it is not shorter than six feet. Mr. Parker added that six feet is the minimum for business use. Ms. Mowry stated that the property sits four feet higher than her back yard, so people can look right into her back yard. Ms. Bowden explained that they have moved the building as far away from Ms. Mowry’s as it is possible. Ms. Gray asked if there will be parking in the undeveloped portion of the lot. Ms. Bowden stated that it would be filled with natural grasses. Mr. Parker added that there is potential in the future to expand in that area. Mr. Olsen asked what direction the loading dock is facing. Ms. Bowden answered to the north. Mr. Olsen asked if the lighting is to the north. Ms. Bowden answered yes. Ms. Norton stated that she sees no reason to impose any conditions on this request. ***Ms. Norton moved to approve Application No. 2011-022-CUP for a conditional use permit by Ginger Bowden for the property located at 100 South 500 East, Vernal, Utah without any conditions. Ken Latham seconded the motion. The motion passed with Olsen, Norton, Gray, Latham, Fillerup and Drechsel voting in favor.***

**APPLICATION# 2011-023-SUB – REQUEST FOR APPROVAL OF A MINOR SUBDIVISION AT 350 SOUTH 100 EAST, VERNAL, UTAH – TODD WILKINS:** Kathleen Gray asked to be excused from this vote. Allen Parker explained that Mr. Todd Wilkins is requesting approval for a minor subdivision to split one parcel into three parcels for the property located at 350 South 100 East. Two of the parcels would be designed as buildable lots and the remaining interior lot would remain as the bus garage. The zoning is appropriate for the division of land which is currently in a CP-2 and R-3 zone. All of the lots have the dimensional requirements that are required by the Code. Mike Drechsel asked why lots one and three are cut out of the main lot without tracking the existing fence lines. Mr. Parker explained that it is one property with no historical boundaries, and they are simply rearranging the property to fit future needs. Mr. Drechsel asked if there will be any efforts made to remove the fence line.

Todd Wilkins at 343 South Vernal Avenue, Vernal, Utah explained that they divided the front lot 90 feet to make it better for residential and lot #3 has also been lengthened out to make it more even and more usable for another home. He added that at this time he just wants to build a home on lot #3. Mr. Drechsel asked if there is a request to rezone lot #3. Mr. Parker explained that it is already zoned residential. Mr. Wilkins added he just needs a building permit. Mr. Drechsel asked if the property taxes will change after separating the parcels. Mr. Parker explained that it is not typically the case. Sonja Norton asked if they are planning to take down the existing fence. Mr. Wilkins stated yes, the fence will be changed. Mr. Olsen opened the public hearing for this request. There being no comments, Mr. Olsen closed the public hearing. *Anders Fillerup moved to recommend to approve Application# 2011-023-SUB for a minor subdivision at 350 South 100 East, Vernal, Utah by Todd Wilkins with any corrections noted. Mike Drechsel seconded the motion. The motion passed with Olsen, Norton, Gray, Latham, Fillerup and Drechsel voting in favor.*

**REQUEST FOR RECOMMENDATION AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE – SECTION 16.04.305 – HOUSEHOLD PETS – ORDINANCE NO. 2011-22 – ALLEN PARKER:** Allen Parker explained that household pets has been discussed in previous meetings and needs further clarification. This ordinance discusses adding to the definition of household pets, certain animals such as rabbits and chickens with the exclusion of roosters. This ordinance also adds a definition for rodentry as a commercial breeding facility for rodents to sell as feeder rats. Sonja Norton voiced her opinion on having certain animals inside the house such as chickens. Chair Eric Olsen requested changing the wording from within a residence to within a property. Ms. Norton asked if a household pet is an inside pet. Mr. Parker stated yes, they are typically indoor animals that can go outside as well just like a cat or dog. Mike Drechsel referred to “of a number that does not constitute a health hazard or nuisance and can safely and humanely be kept” and asked if that means you can have cats or rabbits in a number that would be safe and humane. Mr. Parker explained that this is a definition only and other areas of the Code limit household pets to four animals in total. He added that most of the Code limits it to four animals over the age of six months. Mr. Drechsel suggested keeping safely and humanely out of the definition and limit the discussion under the definition to those specific creatures that would be considered a household pet. In the zoning sections of the Code, specify that these certain types of household pets are limited to a specific

number. Ms. Norton voiced her concern with the Code being so vague and asked how you decide what is safe and humane.

Mr. Parker explained that there is another Code that is specifically for the Animal Control Officers which further complicates the matter. Ms. Norton suggested meeting with Animal Control to review their regulations. Mr. Parker stated that their regulations are the same as the City Code. However, they also abide by regulations that are not in Title 16. Ms. Norton asked if the City and County have the same Code. Mr. Parker explained that the City Code, Title 16, is what the Planning Commission deals with and Title 6 of the City Code addresses animals more in depth, which Animal Control uses for enforcement in the City. The County also has a set of regulations for Animal Control to administer. Ms. Norton asked if it is possible to list every kind of animal that can be a household pet. Anders Fillerup suggested using the word species instead of listing them all individually. Mr. Parker stated that these are regulated at the State level. Mr. Olsen suggested listing the animals we do not want included as household pets. Mr. Parker recommended looking at two or three other cities to see how they define this Code and incorporate the best practices from these cities into the Vernal City Code.

Chair Eric Olsen opened the public hearing for this ordinance. Adam Ray from Vernal, Utah voiced his concern over stepping on the personal rights of the residents. He added that neighbors have the right to discuss noise problems with neighbors in a diplomatic kind of way if their rooster is noisy at 5:00 a.m., or they have the right to move. Mr. Olsen stated that he appreciates the comments and noted that the Commission does not want to be too restrictive. Ms. Norton explained that if someone does not want to go to their neighbor or move, the City should have something in place to help residents enjoy the peace and quiet. Mr. Ray stated that laws can be made to protect everyone; however, there cannot be so many stipulations to fix all the problems. There being no further comments, Chair Eric Olsen closed the public hearing. Ms. Norton suggested looking into how other cities regulate this subject. Mr. Olsen stated that it does not appear that the Commission is prepared to make a recommendation on this issue at this time. Mr. Parker suggested tabling this topic until more information can be gathered. *Sonja Norton moved to table Ordinance No. 2011-22 until further information is gathered especially from other cities similar in size. Ken Latham seconded the motion. The motion passed with Olsen, Norton, Gray, Latham, Fillerup and Drechsel voting in favor.*

**REQUEST FOR RECOMMENDATION AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE – SECTION 16.28-067 – PROJECTING SIGNS – ORDINANCE NO. 2011-23 – ALLEN PARKER:** Allen Parker explained that this ordinance has been discussed in previous meetings on projecting signs. This code did not take into account the downtown area that allows for a zero lot line setback to be built right to the property line. Mr. Parker addressed the changes to this ordinance. Chair Eric Olsen stated that the definition of height may be interpreted as the height of the sign. Mr. Parker explained that the height is also addressed in the pole sign section and that particular definition of height can be added in this section as well. Mr. Olsen was in favor of that recommendation. He also stated that he thought that it was discussed last month to remove the section “when projecting over a motor vehicle travel way or parking area the minimum height shall be sixteen (16) feet. Mr. Parker stated that he did not think it was a unanimous decision

and needs further clarification to make a positive recommendation. Mr. Olsen asked where 16 feet came from. Mr. Parker stated that it is the typical height clearance for semi-trucks through overpasses, bridges and public highway systems. Mr. Parker added that this dialog is about allowing private property to trespass onto the public right of way.

Chair Eric Olsen opened the public hearing for this ordinance. There being no comment, Mr. Olsen closed the public hearing. *Mike Drechsel moved to recommend adding a qualification to Section F (1) stating “so long as the sign does not impair the utility or the use of the public right of way or easement” and adding the height section as addressed in the sign pole section to Section B. Sonja Norton seconded the motion. The motion passed with Olsen, Norton, Gray, Latham, Fillerup and Drechsel voting in favor.*

**APPLICATION# 2011-021-MSP – REQUEST FOR APPROVAL OF A MASTER SITE PLAN AT 1170 WEST 500 SOUTH, VERNAL, UTAH – VERNAL VALLEY LODGING:**

Allen Parker explained that P.E.G. Development is requesting approval of a site plan for a new 85 room hotel located at 1170 West Highway 40 next to Springhill Suites in Vernal, Utah on 1.87 acres. The site is located in a CP-2 zone which allows this use as a permitted use. Engineering and staff reviews have been conducted and found it to be in accordance with the City Code with exception to the storm water calculations which are still under review. The remainder of the design has been found to be in substantial compliance with the Vernal City Code and is an approvable site plan. There will be 85 parking spaces which meets the Code requirement.

Chair Eric Olsen asked if there was only one storm water and retention pond. Mr. Parker stated not entirely. There is a retention pond and then there is an area directly to the north that is also a sub-surface storm water pond. He added that the storm water is still under review by engineering. Mr. Olsen asked if there was one on the surface and one below ground level. Mr. Parker explained that currently the way it is designed, it has two ponds above ground. Mr. Drechsel asked if the existing storm water pond will also be used by the new hotel as their storm water retention plan and requirements. Mr. Parker explained that the storm water system for the entire site has been engineered for all buildings to use the same system and not retain storm water on their individual parcels.

Robert Schmidt, representing P.E.G. Development, at 180 North University Avenue #180, Provo, Utah asked if there were any questions. Mr. Olsen asked Mr. Schmidt to explain the storm water system. Mr. Schmidt explained that the system was originally designed as an underground retention system that is in the driveway on the east side of the property and includes two retention ponds along 500 South. All the water flows underground into the retention system and then fills up the ponds. The new design will take the water that is displaced and put it into another underground chamber that is shown there in the new parking area on the north side. The water will gravity flow into the pond and then flow down into the new system. Mr. Olsen asked if they used perforated pipe or solid pipe. Mr. Schmidt stated the retention system is a chamber system where the pipe is solid. Sonja Norton asked how high the water table is there. Mr. Schmidt stated about five feet. Ms. Norton asked if the ponds would be full all of the time. Mr. Schmidt explained that they should not be full, because they will be above the water table. Mr. Drechsel asked if this site plan has been reviewed for transportation as far

as anyone needing to leave the hotel in an emergency. Mr. Schmidt stated that emergency egress is a fire code requirement and with two points of access, this site plan meets that requirement. *Mike Drechsel moved to approve Application# 2011-021-MSP for the request of a master site plan at 1170 West 500 South, Vernal, Utah for Vernal Valley Lodging subject to the storm water retention issues being resolved and any other corrections made by engineering or staff. Anders seconded the motion. The motion passed with Olsen, Norton, Gray, Latham, Fillerup and Drechsel voting in favor.*

**APPLICATION# 2011-024-MSP – REQUEST FOR APPROVAL OF A MASTER SITE PLAN AT 659 WEST MAIN, VERNAL, UTAH – GEORGE COONRADT:** Allen Parker explained that this is a request for approval of a master site plan for a new structure to be used as a food establishment located at 659 and 695 West Main Street, Vernal, Utah. This shall be a small structure with two drive-up windows and no seating for customers on site. The primary product to be sold there will be coffee. The site is located in a CC-1 zone which allows this use as a permitted use. An engineering review is underway and a number of corrections have been noted. The drive-up window meets the requirements for the traffic that is waiting. The storm water was reviewed today. It is a small storm water system and not all of the impervious surface area will have the storm water captured and stored. The remainder will be undeveloped land which is required to be maintained and free of weeds and debris. This will be a coffee shop “Shivers and Jitters”. This “Shivers and Jitters” located in Naples City will be moved to this location and be placed on a permanent foundation.

George Coonradt stated that there were two businesses located there previously, so all the utilities are already stubbed in. Chair Eric Olsen asked if they are removing the current “Shivers and Jitters” by the carwash. Mr. Coonradt stated that the property by the carwash has been sold, so they will be removing the old coffee shop. Sonja Norton asked if they own the property. Mr. Coonradt stated that the property is on a two year plus lease. Ms. Norton asked if we need the owner’s permission. Mr. Parker stated that the owner signed the application form. Mike Drechsel asked if the lease allows the traffic coming in and out to travel on the vacant land. Mr. Coonradt mentioned that they have permission to go across the property or use it for parking. Mr. Drechsel asked if they anticipate people coming in on 700 West and exiting 700 West or will they exit onto Highway 40. Mr. Coonradt stated that it can work both ways.

Jack Collier, owner of Shivers and Jitters, stated that the way the building was designed to move or be a permanent structure. He added that in the spring, they intend to upgrade the asphalt. *Mike Drechsel moved to approve Application# 2011-024-MSP for the request of a master site plan located at 659 West Main, Vernal, Utah by George Coonradt as it is illustrated with the arrows to the north of the building pointing to the West subject to ongoing review as the plan develops with the Planning and Zoning staff. Kathleen Gray seconded the motion. The motion passed with Olsen, Norton, Gray, Latham, Fillerup and Drechsel voting in favor.*

**APPLICATION# 2011-026-SUB – SILVER PINES CONDOMINIUMS 2 – ALLEN PARKER:** Allen Parker explained the request from Vic Condie to amend Silver Pines Phase II. The applicant is

requesting the vacation of the existing Silver Pines Condominiums Phase II plat, and the replacement of said plat with one entitled Silver Pines Condominiums 2 Phase I. Silver Pines Condominiums 2, Phase I are essentially the same plat, except the covered parking areas are individual parking spaces rather than together. The easements will remain the same. The intent is to split the project into two separately owned projects rather than one project governed by one condo board. The preliminary plat has already been approved. Therefore, an amendment to the final plat is recommended to the City Council next week. This has been reviewed by the City attorney, and there are a couple of questions that need addressed. There has been a full engineering review on the new plat and has been found to be in full compliance with one error which has been corrected. Staff finds this an approvable project as presented tonight with the copies of the new declarations. Chair Eric Olsen asked if there were any layout changes. Mr. Parker explained that there are some refinements to make it meet legal standards; however, this does not change the effect of the drawing. Mike Drechsel asked why this is subject to an engineer review if nothing has changed. Mr. Parker explained that the review of the drawing itself is accurate with one error found in legal description which has been corrected. ***Mike Drechsel moved to make a recommendation to approve Application# 2011-026-SUB for Silver Pines Condominiums 2 as presented subject to any corrections that need to be made. Sonja Norton seconded the motion. The motion passed with Olsen, Norton, Gray, Latham, Fillerup and Drechsel voting in favor.***

**EXPIRING PLANNING COMMISSION TERMS:** Allen Parker explained to the Commissioners that there are a few members whose term will be expiring on 12-31-11 and would like to know if those members would like to continue to serve on the Planning Commission. Those members are Eric Olsen, Gary Redden and Ben Mahaffey. Mr. Parker reported that Brenda Erlewine and Mike Weber who were recently appointed to the Planning Commission have both declined to serve leaving two vacancies on the Commission. Sonja Norton stated that Missy Huber is willing to serve. Mr. Parker mentioned that Adam Ray is also willing to serve. These two names will be forwarded to the City Council for recommendation.

**ADJOURN:** There being no further business, ***Sonja Norton moved to adjourn. Mike Drechsel seconded the motion. The motion passed with a unanimous vote, and the meeting was adjourned.***

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Eric Olsen, Planning Commission Chair