

MINUTES of the Vernal City PLANNING COMMISSION

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

January 10, 2012

7:00 pm

Members Present: Chair Eric Olsen, Anders Fillerup, Kathleen Gray, Sonja Norton, Gary Redden, Ken Latham, Mike Drechsel

Alternates Present: Adam Ray, Melissa Huber

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 CHAIR AND VICE CHAIR FOR 2012: Chair Eric Olsen opened the nominations for Chair. Sonja Norton nominated Eric Olsen for Chair. Kathleen Gray seconded the nomination. *Sonja Norton moved to cease nominations. Adam Ray seconded the motion. The motion passed with Olsen, Fillerup, Gray, Norton, Redden, Latham and Drechsel voting in favor.* Eric Olsen will be the 2012 Chair of the Planning Commission.

Chair Eric Olsen opened up the nominations for Vice Chair. Anders Fillerup nominated Mike Drechsel. Sonja seconded the nomination. *Sonja Norton moved to cease nominations. Gary Redden seconded the motion. The motion passed with Olsen, Fillerup, Gray, Norton, Redden, Latham and Drechsel voting in favor.* Mike Drechsel will be the 2012 Vice Chair of the Planning Commission.

APPROVAL OF MINUTES FROM NOVEMBER 8, 2011: Chair Eric Olsen asked if there were any changes to the minutes from November 8, 2011. There being no corrections, *Sonja Norton moved to approve the minutes of November 8, 2011 as presented. Mike Drechsel seconded the motion. The motion passed with Olsen, Fillerup, Gray, Norton, Redden, Latham and Drechsel voting in favor.*

APPROVAL OF MINUTES FROM DECEMBER 13, 2011: Chair Eric Olsen asked if there were any changes to the minutes from December 13, 2011. There being no corrections, *Mike Drechsel moved to approve the minutes of December 13, 2011 as presented. Gary Redden seconded the motion. The motion passed with Olsen, Fillerup, Gray, Norton, Redden, Latham and Drechsel voting in favor.*

REQUEST FOR RECOMMENDATION AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE - CHAPTER 16.04 - PLANNING AND ZONING DEFINITIONS – ORDINANCE NO. 2012-01 – ALLEN PARKER: Allen Parker referred to Page 13 in the meeting packets to review the suggested changes to the Planning and Zoning Code, Section 16.04.235, Definition of Family. Mr. Parker explained that after attending recent meetings with legal counsel, Ken Bassett realized the weaknesses in the Code in regards

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to the definition of family when applied to group homes. Mr. Parker explained all the changes recommended by legal counsel. Chair Eric Olsen asked why use the verbiage “family shall not be construed to mean” and instead just use “family shall mean”. Mr. Parker stated that there have been arguments in the past when it relates to sorority houses and boarding houses around universities. Mike Drechsel stated that the term “family” typically refers to individuals and not the edifice. Mr. Parker explained that these terms are referring to uses not structures. Mr. Drechsel mentioned that the more common way to refer to family is by persons. Mr. Parker suggested clarifying the persons associated with the following uses. Mr. Drechsel proposed using the term “family shall not be construed to mean occupying the following uses”. Mr. Parker mentioned eliminating Section A and using quotes around each of the uses for more clarification.

Sonja Norton asked why the verbiage has to be so precise on the number and type of persons living together as a single unit. Mr. Parker explained that there have been many legal cases affected by the language used in the Code as discriminatory. Mr. Drechsel stated that in the best interest of the City, it is the job of the Planning Commission to make sure the Code is not creating any additional problems for the City. Chair Eric Olsen opened the public hearing. There being no comments, Mr. Olsen closed the public hearing. *Sonja Norton moved to forward a positive recommendation to the City Council for Ordinance No. 2012-01 with changes as noted by staff. Sonja Norton withdrew her motion. Mike Drechsel moved to forward a positive recommendation to the City Council for Ordinance No. 2012-01 with the exception of striking the first sentence to remove “family shall not be construed to mean”. Anders Fillerup seconded the motion. The motion passed with Olsen, Fillerup, Gray, Norton, Redden, Latham and Drechsel voting in favor.*

REQUEST FOR RECOMMENDATION AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE – CHAPTER 16.10 – BOARD OF ADJUSTMENT - ORDINANCE NO. 2012-02 – ALLEN PARKER: Allen Parker referred to Page 15 of the meeting packets to explain the proposed changes to the composition of Board of Adjustment. The ordinance recommends changing the membership from five members to three members and from three alternates to one alternate. The ordinance also recommends changing what constitutes a quorum and votes necessary to reverse any order, requirement, decision or determination of any land use authority. Chair Eric Olsen opened the public hearing for this item. There being no comments, Mr. Olsen closed the public hearing. *Mike Drechsel moved to approve the proposed changes to Section 16.10.010 and Section 16.10.080 as listed in the ordinance. Gary Redden seconded the motion. The motion passed with Olsen, Fillerup, Gray, Norton, Redden, Latham and Drechsel voting in favor.*

APPLICATION# 2012-001-SUB – REQUEST FOR APPROVAL OF A FINAL PLAT FOR ASHLEY ESTATES AT 1065 SOUTH 500 WEST, VERNAL, UTAH - KIMBALL GLAZIER: Allen Parker explained that this is an application by Kimball Glazier requesting final plat approval for the Ashley Estates Subdivision located at 1065 South 500 West. The applicant proposes to divide an existing parcel of land into ten residential parcels served by extending an existing public road as a cul-de-sac. Staff has conducted a full review and found that the application is in substantial compliance with Vernal City requirements. Mr. Parker stated that he has received information back from the engineering firm as to some changes that need to be done to the verbiage with some of the certifications. He added that overall this is an

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approvable plat with any additional changes that need to be made to the content of the plat. Mike Drechsel asked if the pavement, gutters, and all services are stubbed into the property. Mr. Parker answered yes. Mr. Drechsel asked if it is anticipated that this portion of the cul-de-sac at 1070 South will be dedicated to the City. Mr. Parker stated that it would be in effect with the recording of the plat. Anders Fillerup asked if there were any concerns with the storm water pond. Mr. Parker stated that there was discussion on who was going to maintain the storm water pond.

Kimball Glazier at 1065 South 500 West, Vernal, Utah was available for questions. Mr. Parker asked if the storm water was being installed under the road way. Mr. Glazier explained that currently the pond is buried in the same location as lot 10, similar to what the City did on the twin home area located on 500 South. Chair Eric Olsen asked who is responsible for maintaining the pond. Sonja Norton answered that it would be the property owner of lot 10. Mr. Fillerup voiced his concern with enforcement. Ms. Norton asked if it could be required that something be recorded with Lot 10 stating that the property owner of that lot would have to maintain the storm water pond. Mr. Glazier added that there will be a recorded easement as well. Mr. Fillerup asked what would be some of the stipulations of the easement. Mr. Glazier stated that they would not be able to build a structure. Mr. Olsen suggested adding a statement to the deed when it is recorded. Ms. Norton agreed that some people will understand an easement; however, they do not always realize that they are responsible for that easement. Mr. Parker stated that there are different situations on who maintains the storm water such as the City, the homeowner's association, or the property owners. He added that a number of cities have created storm water utilities just like the regular utilities, which puts the responsibility of the maintenance onto the City. Mr. Glazier stated that as a citizen and developer of Vernal City that would be beneficial.

Mr. Drechsel asked if the easement will run to the City and will be the City's water. Mr. Parker explained that it is a public utility, and Vernal City would be listed as a beneficiary. Mr. Drechsel asked to whom the easement gives rights to. Mr. Parker explained that it gives rights to the sewer and water easement in two different sections. Mr. Drechsel asked if that easement includes a right of way across the private driveway to access the land subject to the easement. Mr. Glazier answered yes. Mr. Olsen asked if the easement is down the private driveway. Mr. Parker answered yes. Mr. Olsen asked the width of the easement. Mr. Drechsel answered 24 feet. Mr. Glazier added that it stays at 24 feet all the way to the east line.

The Planning Commission discussed the different methods of recording the deed on Lot 10, so that the property owner assumes all the rights to the storm water pond. Mr. Drechsel recommended that the City attorney review the language of the easement, so that it is in the best interest of the City regarding the storm water area. ***Mike Drechsel moved to approve the final plat for Ashley Estates located at 1065 South 500 West, Vernal, Utah by Kimball Glazier subject to the final engineering review and staff changes as required and adding a note about parcel 10 and the requirement the property owner of that lot to maintain the easement area for storm water and adding a recommendation that the City attorney and City planner enclose descriptions which include proper access to accurately describe the area. Sonja Norton seconded the motion. The motion passed with Olsen, Fillerup, Gray, Norton, Redden, Latham and Drechsel voting in favor. Chair Eric Olsen asked that an additional easement document for a title search for independent access and easement be recorded separately.***

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PARKING REQUIREMENTS FOR HOTELS – ALLEN PARKER: Allen Parker explained that the City Council has requested that the Planning Commission take another look at the parking requirements for hotels. There was a concern regarding the new Townplace Suites next to the Marriott not having enough parking. The Townplace Suites has been designed to meet the standard of one parking spot per room for each hotel. The concern was the types of vehicles that may be staying there creating a shortage of parking. Chair Eric Olsen asked Mr. Parker what he means by type. Mr. Parker explained that oilfield vehicles, big trucks, etc. He added that if you take a look at Springhill Suites, their occupancy is quite high, which is why they are building a second hotel. Mr. Olsen asked if their parking was included with Café Rio and Subway. Mr. Parker stated that each business independently meets the Code requirement. Mr. Olsen asked if there have been problems with the parking. Mr. Parker mentioned that to his knowledge there have been no issues. However, the City Council is concerned that there will be issues in the future. Mr. Olsen stated his opinion that if it is not broke, there is no need to fix it. Sonja Norton explained that the only time there could be a problem in the future is when the hotels are at 100% occupancy, and you also need parking for the employees. Mike Drechsel stated that the current proposed plans of the Townplace Suites meet the minimum parking requirement, and the City should not be in the business of changing the requirement half way through the project. Ms. Norton asked if there have been any complaints. Mr. Parker answered no. Mr. Olsen stated that sometimes over regulating can cause issues for future developing in the City. Mr. Parker explained that the Planning Commission went through the parking requirement in detail with the goal to meet minimum standards that would protect adjoining property owners from under providing businesses with parking. Mr. Drechsel stated that the market will regulate whether someone stays at a particular hotel again if they had problems in the past parking their car. Mr. Olsen suggested tabling this issue until other ordinances could be reviewed and compared. He added that his personal opinion is to leave it the way it is now. Mr. Parker stated that he will add it to the next agenda as an action item with references from other cities similar in size.

PLANNING COMMISSION ALTERNATE VACANCY – ALLEN PARKER: Allen Parker reminded the Commissioners that there is still an alternate vacancy on the Planning Commission and to contact him with any suggestions.

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

Eric Olsen, Planning Commission Chair