

MINUTES of the Vernal City PLANNING COMMISSION

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

May 8, 2012

7:00 pm

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

Members Excused: Chair Eric Olsen

Alternates Present: Adam Ray

Alternates Excused: Melissa Huber

Staff Present: Allen Parker, Assistant City Manager; Corey Coleman, Building Official; and Sherri Montgomery, Administrative Clerk

WELCOME AND DESIGNATION OF CHAIR AND MEMBERS: Vice Chair Mike Drechsel welcomed everyone present to the meeting. Alternate Adam Ray will be voting in place of Eric Olsen.

APPROVAL OF MINUTES FROM APRIL 10, 2012: Vice Chair Mike Drechsel asked if there were any changes to the minutes from April 10, 2012. There being no corrections, *Anders Fillerup moved to approve the minutes of April 10, 2012 as presented. Adam Ray seconded the motion. The motion passed with Drechsel, Gray, Fillerup, Norton, Redden, Latham and Ray voting in favor.*

Vice Chair Mike Drechsel asked the Commission if they would like to hold a public hearing for each individual ordinance change that is on the agenda or hold one public hearing at the end for comments. The Commission agreed to hold one public hearing for all items. After all ordinance changes were discussed, Mr. Drechsel opened the public hearing. There being no comments, Mr. Drechsel closed the public hearing portion of the meeting. The Commission made recommendations and voted on each ordinance change individually as noted.

REQUEST FOR RECOMMENDATION ON AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE – SECTION 16.58.450 - FINANCIAL GUARANTEE FOR PRIVATELY OWNED UTILITIES IN SUBDIVISIONS – ORDINANCE NO. 2012-14 – ALLEN PARKER: Vice Chair Mike Drechsel explained that this item was discussed last month and asked the Commission if they have reviewed the ordinance to confirm all the proposed changes were in place. Anders Fillerup asked what the discussion was last month regarding communication lines. Mr. Drechsel stated that to his recollection the Commission settled on electrical and gas utilities being required in order to be a habitable structure. Sonja Norton stated that the Commission was hopeful that the telecommunications would piggy back onto the electrical. Mr. Fillerup asked what the City's

requirement is for fixing a road if a property owner comes in after the fact to install a communications line. Kathleen Gray asked if there was a moratorium. Allen Parker explained that there is only a moratorium on a newly constructed road. The City recently changed and upgraded the standards for encroachment permits. The Council is considering hiring an inspector who will be responsible for verifying that these cuts are being done correctly and reinstalled in compliance with the Code. If there is a moratorium, it is at the discretion of the City Council to decide if we allow a cut at all. Ms. Norton asked what is going to be recorded in regards to phases on Page 8, Section 1 (A). Mr. Parker explained that the City will not allow the signatures to be on the recorded plat until the financial guarantee is in place. Ms. Norton asked how the City keeps the property owner from selling the property. Mr. Parker explained that it would be very tough to sell a property without a recorded plat. The property could be sold after it is recorded, and the financial guarantee would already be in place. Ms. Norton asked if the irrevocable letter of credit would hold the financial institution liable if the developer no longer had the money. Mr. Parker answered yes. Ms. Gray explained that an irrevocable letter of credit is guaranteed by the bank and is good for one year. Mr. Parker added that the City attorney reviews all the documents. Ms. Norton asked how long they have to install the improvements. Mr. Parker explained that they have a specified date set in the escrow agreement, or they will be in default. *Sonja Norton moved to forward a positive recommendation to the City Council on amending the Vernal City Municipal Planning and Zoning Code – Section 16.58.450 - Financial Guarantee for privately owned utilities in subdivisions – Ordinance No. 2012-14. Gary Redden seconded the motion. The motion passed with Drechsel, Gray, Fillerup, Norton, Redden, Latham and Ray voting in favor.*

REQUEST FOR RECOMMENDATION ON AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE – SECTION 16.58.055 – MINOR SUBDIVISION REGULATIONS – ORDINANCE NO. 2012-15 - ALLEN PARKER:

Vice Chair Mike Drechsel asked the Commission if the changes to this ordinance reflect the discussion from the last meeting. There being no comments or changes, *Anders Fillerup moved to make a positive recommendation to the City Council on amending the Vernal City Municipal Planning and Zoning Code – Section 16.58.055 – Minor Subdivision Regulations – Ordinance No. 2012-15. Kathleen Gray seconded the motion. The motion passed with Drechsel, Gray, Fillerup, Norton, Redden, Latham and Ray voting in favor.*

REQUEST FOR RECOMMENDATION ON AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE – SECTION 16.06.010 – DEVELOPMENT AGREEMENTS – ORDINANCE NO. 2012-16 - ALLEN PARKER:

Vice Chair Mike Drechsel explained that this ordinance changes the process of reviewing development agreements from the Planning Commission to the City Council. Allen Parker voiced his concern for the wording on Page 14, 5(a). He added that the development agreement has a more complex process spelled out for terminating or amending a development agreement. Mr. Parker suggested the wording be changed to “the development agreement may result in the termination of the zoning map” to coincide with the development agreement. He stated that by adding “may” it gives more flexibility to the contract. Mr. Drechsel stated that the only challenge with using “may” is that it invalidates that section. He suggests spelling it out such as “at the discretion of the City Council, the termination of a development agreement shall be consistent with the terms of that agreement” and add those terms to the agreement. Mr. Drechsel

also suggested a fall back provision to the city ordinance that leaves the termination to the terms of the agreement. Mr. Parker referred to Page 41 and addressed his concern with the wording concerning the termination section of the development agreement and on Page 45 on the amendment wording of the agreement.

Sonja Norton asked if the amendment would be agreeable with both parties. Mr. Parker answered yes. Ms. Norton mentioned that the development agreement, Section 9.1, states “modifications to this agreement may be made only by the written permission of the City Council”. Mr. Parker referred to Page 41 where it states “this agreement may also be amended or terminated by mutual agreement of both the City and the Owner(s)”. Ms. Norton pointed out that the two sections conflict with each other. Mr. Parker agreed that Section 9.1 should be amended. Mr. Drechsel suggested having legal counsel review this document. Ms. Norton asked why the Commission decided to not have development agreements reviewed by them. Mr. Parker explained that after discussion with the Commission and the City Council, it was decided that because the City Council is the rezone authority and to keep it simple and clear, it was agreed to keep the power in one location. Ms. Norton mentioned that she likes the ideas discussed by the Planning Commission. Mr. Drechsel suggested those items that could be incorporated into the development agreement be discussed during a proposed rezone. Mr. Parker explained that this does not negate the Planning Commission from having comments regarding a development agreement during the recommendation for rezone. Ms. Norton confirmed that the Planning Commission still reviews rezone requests. Mr. Parker answered yes. Mr. Drechsel recommended clarifying the wording for 5(a). The proposed changes would be “at the discretion of the City Council, the termination of a development agreement shall be consistent with the terms of that development agreement”. “In the event that no terms are specified in that agreement, it would result in the reversal of the zoning map. Mr. Parker suggested using “termination or amendment”. *Sonja Norton moved to make a positive recommendation to the City Council on amending the Vernal City Municipal Planning and Zoning Code – Section 16.06.010 – Development Agreements – Ordinance No. 2012-16 with the corrections as noted to 5(a). Adam Ray seconded the motion. The motion passed with Drechsel, Gray, Fillerup, Norton, Redden, Latham and Ray voting in favor.*

REQUEST FOR RECOMMENDATION ON AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE – SECTION 16.04.315 – JUNKYARD AND SECTION 16.52.040 – INDUSTRIAL USES - ORDINANCE NO. 2012-17 - ALLEN PARKER: Vice Chair Mike Drechsel asked the Commission if there were any changes or comments regarding this ordinance. Sonja Norton stated that in the first sentence, “portion of a lot” is in there twice. Allen Parker explained that this was a typo and will be corrected. There being no further comments or changes, *Adam Ray moved to make a positive recommendation to the City Council on amending the Vernal City Municipal Planning and Zoning Code – Section 16.04.315 – Junkyard and Section 16.52.040 – Industrial Uses – Ordinance No. 2012-17. Anders Fillerup seconded the motion. The motion passed with Drechsel, Gray, Fillerup, Norton, Redden, Latham and Ray voting in favor.*

REQUEST FOR RECOMMENDATION ON AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE – SECTION 16.48.030 – SCHOOLS IN COMMERCIAL ZONES – ORDINANCE NO. 2012-18 - ALLEN PARKER: Allen Parker

explained that this adds schools, public or private, as a permitted use in commercial zones. He added that on Page 3, educational institution should read schools, public or private, to make it consistent with the rest of the Code. There being no further comments or changes, *Sonja Norton moved to make a positive recommendation to the City Council on amending the Vernal City Municipal Planning and Zoning Code – Section 16.48.030 – Uses in Commercial Zones – Ordinance No. 2012-18. Anders Fillerup seconded the motion. The motion passed with Drechsel, Gray, Fillerup, Norton, Redden, Latham and Ray voting in favor.*

REQUEST FOR RECOMMENDATION ON AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE – SECTION 16.28.060 – POLE SIGNS AND SECTION 16.28.063 - MULTI-TENANT COMMERCIAL SIGNS - ORDINANCE NO. 2012-19 - ALLEN PARKER: Vice Chair Mike Drechsel asked the Commission if the changes to this ordinance reflect the discussion from the last meeting. There being no comments or changes, *Gary Redden moved to make a positive recommendation to the City Council on amending the Vernal City Municipal Planning and Zoning Code – Section 16.28.060 – Pole Signs and Section 16.28.063 – Multi-Tenant Commercial Signs – Ordinance No. 2012-19. Sonja Norton seconded the motion. The motion passed with Drechsel, Gray, Fillerup, Norton, Redden, Latham and Ray voting in favor.*

REQUEST FOR RECOMMENDATION ON AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE – SECTION 16.58.500 – AMENDED PLATS – ORDINANCE NO. 2012-13 - ALLEN PARKER: Vice Chair Mike Drechsel asked the Commission if the changes to this ordinance reflect the discussion from the last meeting. There being no comments or changes, *Gary Redden moved to make a positive recommendation to the City Council on amending the Vernal City Municipal Planning and Zoning Code – Section 16.58.500 – Amended Plats – Ordinance No. 2012-13. Anders Fillerup seconded the motion. The motion passed with Drechsel, Gray, Fillerup, Norton, Redden, Latham and Ray voting in favor.*

REQUEST FOR APPROVAL OF THE AMENDED MASTER SITE PLAN FROM GINGER BOWDEN FOR THE PROPERTY LOCATED AT 55 SOUTH 500 EAST, VERNAL, UTAH – APPLICATION NO. 2012-010-MSP – ALLEN PARKER: Allen Parker explained that this is a request by Ginger Bowden to amend the previously approved master site plan for a brewery located at 55 South 500 East, Vernal, Utah. The site is located in a C-2 zone on 1.33 acres. This change will not significantly expand the building, but change the layout and elevations of the structure. The storm water retention pond is slightly different, and the parking is further to the North. Staff has reviewed the application and found it to be in substantial compliance with Vernal City Code. An engineering review is underway, but the final report was not available at the time of the meeting. Vice Chair Mike Drechsel asked if the applicant could explain the proposed changes to the Commission.

Ginger Bowden at 55 South 500 East, Vernal, Utah explained that the building will be slightly larger, the front will change a little, the parking moved a little to the North, and the storm water retention pond has changed. Vice Chair Mike Drechsel commented that during the initial site plan request, there was a property owner who voiced her concerns. He asked if any of the proposed changes would add to or diminish those concerns. Ms. Bowden stated that she cannot

Vernal City Planning Commission Minutes
May 8, 2012

say that the concerns will diminish, but they have moved the parking lot and added a retaining wall. Mr. Drechsel asked if the building will be moved further away from that owner's property line. Ms. Bowden answered yes. Mr. Parker added that the parking will be moved further away as well. Ms. Bowden stated that they are adding more landscaping, which will block out the view to that property and create a noise block. Mr. Drechsel asked if there will be any changes to the lighting. Ms. Bowden explained that it will mirror the lighting of the museum across the street. Mr. Drechsel asked what the changes are to the storm water retention pond. Ms. Bowden explained that it was originally on the East side and took up parking from the Brew Haus. Sonja Norton asked if an approved site plan lasts forever. Mr. Parker explained that they have a year to begin construction, before it expires or they need to apply for an extension. Adam Ray asked if there will be delivery trucks pulling in and out of the property. Ms. Bowden answered yes. Mr. Ray asked where the trucks will park. Ms. Bowden explained that there is a loading dock along the North of the building. Mr. Ray asked if the commercial trucks pulling in and out of there would be shining lights on the neighbors. John Wood explained that on the original plan, the loading dock was on the South side directly adjacent to the neighbor, but the new plan has the loading dock on the North side. *Sonja Norton moved to approve the amended site plan from Ginger Bowden for the property located at 55 South 500 East, Vernal, Utah, Application No. 2012-010-MSP subject to the engineering review and minor changes by staff. Gary Redden seconded the motion. The motion passed with Drechsel, Gray, Fillerup, Norton, Redden, Latham and Ray voting in favor.*

REQUEST FOR APPROVAL OF A MASTER SITE PLAN FROM JASON ANFINSON (EL DARO DEVELOPMENT) FOR THE PROPERTY LOCATED AT 1475 EAST 500 SOUTH, VERNAL, UTAH – APPLICATION NO. 2012-013-MSP – ALLEN PARKER:

Allen Parker explained that this is an application for a new 4,000 square foot shop to be constructed on an existing site for the maintenance of vehicles. This shop is located in an industrial zone, which allows this use as a permitted use. Staff has reviewed the application and found it to be in substantial compliance with the Vernal City Code. The parking is already established and completely paved. Jason Anfinson explained that they have outgrown the current shop and need more room to expand their business. Sonja Norton asked if there will be water run-off from the building. Mr. Parker explained that they will have a small retention area for the water that runs off the building. Vice Chair Mike Drechsel asked if the existing paved surface has already met the requirements of the Vernal City Code. Mr. Parker explained that it is existing; therefore, the City looks at it as a grandfathered situation. Mr. Drechsel asked if the lighting details have been worked through. Mr. Parker explained that there will be a pack light on the side of the building. *Anders Fillerup moved to approve the master site plan from Jason Anfinson for the property located at 1475 East 500 South, Vernal, Utah, Application No. 2012-013-MSP subject to the final engineering review and minor changes by staff. Adam Ray seconded the motion. The motion passed with Drechsel, Gray, Fillerup, Norton, Redden, Latham and Ray voting in favor.*

BART HYDE REZONE DEVELOPMENT AGREEMENT – ALLEN PARKER:

Allen Parker explained that this is an older item which was waiting on Mr. Hyde to provide information for the development agreement. Mr. Hyde originally asked for a rezone from R-2 to R-4 for a clubhouse in the Spring Creek Condominium Development located at 650 North 50 West, Vernal, Utah. The rezone was approved by the City Council after a positive

Vernal City Planning Commission Minutes
May 8, 2012

recommendation made by the Planning Commission with the intention of the clubhouse being used as a small gym for the residents of the condominiums. The development agreement will be presented to the City Council next week for final approval. The development agreement requires that the work must be commenced by October 15, 2012 or the agreement and rezone will be void. The restrictions and conditions of the agreement are that the property must be used exclusively for a residential and/or a clubhouse for the Spring Creek Condominiums. Mr. Parker pointed out Exhibit C as part of the contract showing how the clubhouse will be built. Anders Fillerup asked why there is only a main floor plan. Mr. Parker explained that he did not have the other two floor plans given to him until now. Sonja Norton asked if the puzzle looking pieces on the concept plan are parking. Mr. Parker answered yes. Ms. Norton asked if Mr. Hyde can start building this if the development agreement is not approved. Mr. Parker explained that he can only start construction when the City Council approves and signs the development agreement and the rezone goes into effect.

Ms. Norton asked if a time frame can be added to the development agreement for the hours of operation of the gym. Mr. Parker answered yes. Gary Redden asked if there is a house on the upper floor. Mr. Parker stated that there is a residential component on the upper floor. Mr. Fillerup asked if the homeowner's association regulates the clubhouse. Mr. Parker answered yes; however, the clubhouse will be owned by Bart Hyde and leased to the condo association. Ms. Norton voiced her concern with the surrounding neighbors being disturbed by the hours of operation. Mr. Parker stated that this can be addressed at the City Council level. Ms. Norton asked if the City Council could make changes to this agreement. Mr. Parker explained that the City Council can make it more or less restrictive, and the applicant must agree to the conditions for the rezone to be granted. Ms. Norton asked about a site obscuring fence. Mr. Parker explained that it is not required, but thinks Mr. Hyde plans to add a fence. Ms. Norton asked if the City Council could require a fence in the development agreement. Mr. Parker explained that if the plans that are attached to the development agreement shows a fence, then Mr. Hyde is bound to it.

Mr. Drechsel asked the Commission if they would like to make any recommendations to the City Council regarding the development agreement with Bart Hyde. Ms. Norton recommends that the hours of operation do not exceed after 10:00 p.m. and that a privacy fence be installed around the clubhouse. Mr. Redden asked if the 10:00 p.m. requirement applied to weekends as well. Mr. Fillerup commented that if he lived there, he would want the option to go at all hours. Ms. Norton stated that her concern is not for the regular use of the gym, but for loud parties being this is a common area. Mr. Redden asked if they could limit the number of people who are using the facility after 10:00 p.m. Adam Ray asked how close the neighbors are to the facility. Mr. Parker stated that the lot to the South is a residential lot with some separation with the parking lot. Ms. Norton added that there are some residential lots to the East and to the West as well. Mr. Redden asked if they could regulate that there is no outdoor activity after 10:00 p.m. Ms. Gray asked what times are you going to allow activity. Ms. Norton suggested that they take the time restriction out and let the noise ordinance take care of those concerns. She added that she would still like to see a site obscuring fence installed to keep the lights from shining into yards and houses. Mr. Drechsel suggested the lighting be structured in a way that does not impend on the surrounding homeowners. Mr. Parker confirmed that they would like to add directional lighting to the agreement. He added that being a small facility, a pack light on the side of the house

Vernal City Planning Commission Minutes
May 8, 2012

would be sufficient.

PLANNING COMMISSION ALTERNATE VACANCY – ALLEN PARKER: Vice Chair Mike Drechsel asked how many vacancies there currently are on the Commission. Allen Parker stated that there is one alternate vacancy.

ADJOURN: There being no further business; *Anders Fillerup moved to adjourn the meeting. Adam Ray seconded the motion. The motion passed with a unanimous vote, and the meeting was adjourned at 8:15 p.m.*

Mike Drechsel, Planning Commission Vice Chair