

# **MINUTES of the Vernal City PLANNING COMMISSION**

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

May 14, 2013

7:00 pm

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

**Members Excused:** Mike Drechsel and Gary Redden.

**Alternates Present:** Rory Taylor and Adam Ray.

**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 Anders Fillerup welcomed everyone present to the meeting.

**APPROVAL OF MINUTES FROM APRIL 9, 2013:** Vice Chair Anders Fillerup explained that there was not a quorum present from the April 9, 2013 meeting to approve the minutes and asked if there were any changes to the minutes from the Commissioners who were present. Rory Taylor stated that on line 42, "is" should be removed. The minutes of the Vernal City Planning Commission meeting held April 9, 2013 with the corrections noted are deemed approved in compliance with Vernal City Code Section 2.12.080.

**REQUEST FOR APPROVAL OF A CONDITIONAL USE PERMIT FROM F. MCKAY WINKEL FOR A BED AND BREAKFAST LOCATED AT 930 NORTH VERNAL AVENUE, VERNAL, UTAH – APPLICATION# 2013-010-CUP – (APPLICATION WITHDRAWN):** Allen Parker explained that this application for a conditional use permit for a bed and breakfast was withdrawn. It was advertised for public hearing; therefore, needed to remain on the agenda.

**REQUEST FOR APPROVAL OF A CONDITIONAL USE PERMIT FROM BART HYDE FOR A PLAYGROUND AREA AND STORAGE AREA LOCATED AT APPROXIMATELY 45 WEST 700 NORTH, VERNAL, UTAH – APPLICATION# 2013-012-CUP – ALLEN PARKER:** Allen Parker explained that this application for a conditional use permit was made in error. This request to add a playground and storage area does not require a conditional use permit in that zone. It requires an amendment to the plat, which will be addressed later in the meeting. This was also advertised for public hearing and needed to remain on the agenda.

**REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE – CHAPTER 16.46 - MANUFACTURED HOME ZONE AND CHAPTER 16.56 - MANUFACTURED HOME**

**PARK AND TRAVEL TRAILER COURT REGULATIONS - ORDINANCE NO. 2013-01 – ALLEN PARKER:** Allen Parker explained that this ordinance has been discussed and the changes requested by the Commission have been made. Mr. Parker reviewed the changes with the Commission. Eric Olsen stated that in Section 16.56.010, it should read “recommended by the City Manager and approved by the City Engineer”. Mr. Parker explained that the authority to make the final decision is the City Manager, not the City Engineer. Mr. Olsen suggested striking out “like substance” as it is redundant and change “Utah State” to “State of Utah” in the same section. Mr. Olsen also suggested capitalizing “State” in Sections 16.56.190 and 16.56.220. Anders Fillerup mentioned that “fabricated” is misspelled in Section 16.56.420. Sonja Norton pointed out that fabricated is actually misspelled twice in the same section. Mr. Fillerup opened the public hearing for this ordinance. Karlee Boyles explained that she owns a few manufactured homes in the area and would like to see this ordinance approved. Mr. Fillerup closed the public hearing. *Sonja Norton moved to forward a positive recommendation to consider amending the Vernal City Municipal Planning and Zoning Code – Chapter 16.46 – Manufactured Home Zone and Chapter 16.56 – Manufactured Home Park and Travel Trailer Court Regulations – Ordinance No. 2013-01 with the corrections as noted. Eric Olsen seconded the motion. The motion passed with Anders Fillerup, Kathleen Gray, Eric Olsen, Sonja Norton, Ken Latham, Rory Taylor, and Adam Ray voting in favor.*

**REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE – SECTION 16.20.610 – TEMPORARY PARKING - ORDINANCE NO. 2013-07 – ALLEN PARKER:** Allen Parker explained that this ordinance change was discussed at the last meeting to add a provision for temporary parking in association with temporary events around town. This would allow for temporary parking lots in empty fields adjoining the event for the duration of the event for no more than seven consecutive days. Sonja Norton confirmed this would be for carnivals, music events, flea markets, etc. and not for funerals or parking trailers. Mr. Parker stated that the event has to be approved first. Mr. Parker mentioned that “fugitive dust” was added at the Commissioner’s request. Anders Fillerup opened the public hearing for this ordinance. There being no comments, Mr. Fillerup closed the public hearing. *Eric Olsen moved to make a positive recommendation to consider amending the Vernal City Municipal Planning and Zoning Code – Section 16.20.610 - Temporary Parking – Ordinance No. 2013-07. Sonja Norton seconded the motion. The motion passed with Anders Fillerup, Kathleen Gray, Eric Olsen, Sonja Norton, Ken Latham, Rory Taylor, and Adam Ray voting in favor.*

**REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE – SECTION 16.24.150 – TEMPORARY USES AND STRUCTURES - ORDINANCE NO. 2013-08 – ALLEN PARKER:** Allen Parker explained that there are number of references in this section of the Code to zones under temporary uses and structures. This section states that activities are permitted in those zones; however, when you go to the use table, there is no mention of it. This ordinance will move everything over to their appropriate zoning tables. Mr. Parker reviewed all of the changes with the Commission and noted one spelling error “with” under B(1)c. Anders Fillerup opened the public hearing for this ordinance. There being no comments, Mr. Fillerup

closed the public hearing. *Eric Olsen moved to forward a positive recommendation to consider amending the Vernal City Municipal Planning and Zoning Code – Section 16.24.150 – Temporary Uses and Structures – Ordinance No. 2013-08. Rory Taylor seconded the motion. The motion passed with Anders Fillerup, Kathleen Gray, Eric Olsen, Sonja Norton, Ken Latham, Rory Taylor, and Adam Ray voting in favor.*

**REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE – SECTION 16.06.010 – AMENDMENTS, PUBLIC HEARING NOTICES - ORDINANCE NO. 2013-09 – ALLEN PARKER:** Allen Parker explained that this ordinance will change the public notice requirement for land use ordinances and rezone requests from 14 days to 10 days. Sonja Norton asked if this change conflicts with any required public notice. Mr. Parker explained that this will replicate what is in the State Code. Due to the newspaper cutoff times and the current requirement to notify the public of a public hearing within the 14 days, many times applicants are postponed another month. This change will allow more time to get public hearing notices to the newspaper. Anders Fillerup opened the public hearing for this ordinance. There being no comments, Mr. Fillerup closed the public hearing. *Rory Taylor moved to forward a positive recommendation to consider amending the Vernal City Municipal Planning and Zoning Code – Section 16.06.010 – Amendments, Public Hearing Notices – Ordinance No. 2013-09. Adam Ray seconded the motion. The motion passed with Anders Fillerup, Kathleen Gray, Eric Olsen, Sonja Norton, Ken Latham, Rory Taylor, and Adam Ray voting in favor.*

**REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE – SECTION 16.58.150 – STREET NAMES - ORDINANCE NO. 2013-13 – ALLEN PARKER:** Allen Parker explained that this ordinance came from Ken Bassett. In the Subdivision Code, Section 16.58.150, it appears to give a lot of flexibility in the process of naming roads. Mr. Bassett mentioned to Mr. Parker that it was never the intent of the City Council to have street names instead of numbers. Mr. Parker stated that he has put together some verbiage for the Commission to review and discuss. He added that there are issues with streets having to use grid names, especially when some roads cut across the diagonal. Mr. Parker reviewed the changes to the Code in regards to street names with the Commission. Adam Ray asked who approves the streets names. Mr. Parker explained that the Planning Commission would make that decision. Eric Olsen asked how the City would handle diagonal roads. Sonja Norton stated that the Code still allows them to give it an alternative name. Mr. Parker added only if it does not mesh with the coordinate system. The City Council would have to approve alternate street names that deviate from the grid system. Anders Fillerup opened the public hearing for this ordinance. Tom Howells at 723 North Vernal Avenue mentioned that Washington D.C. uses letters for their diagonal streets. Mr. Fillerup closed the public hearing. *Eric Olsen moved to forward a positive recommendation to consider amending the Vernal City Municipal Planning and Zoning Code – Section 16.58.150 – Street Names – Ordinance No. 2013-13. Rory Taylor seconded the motion. The motion passed with Anders Fillerup, Kathleen Gray, Eric Olsen, Sonja Norton, Ken Latham, Rory Taylor, and Adam Ray voting in favor.*

**PLANNING COMMISSION ALTERNATE VACANCY – ALLEN PARKER:** Allen Parker reported that Gary Redden has accepted to be a coach for the high school soccer team in the fall and would miss more than the two maximum approved times he could miss a Planning Commission meeting. Mr. Redden would like to be excused for those months. Mr. Parker stated that he asked Freida Parker if she should consider sitting on the Planning Commission again to fill the alternate vacancy. Sonja Norton asked if the advertisement to the public regarding vacancies on the Planning Commission has ever been done. Mr. Parker explained that it has not been done, and he will work on that within the next month. Eric Olsen reported that most likely he will have to resign from the Commission this fall or next spring.

Mr. Parker mentioned that there will be an ordinance come before the Commission next month adding row houses to the R-4 zone. Currently in the Code, row houses are not permitted in an R-4 zone, which is the highest density zone. This is completely inconsistent with the intent of the high density zone. Row houses are a whole series of houses that share a common wall and are new to Vernal City.

**REQUEST FOR APPROVAL FROM BART HYDE TO AMEND SPRING CREEK PRUD PRELIMINARY PLAT – APPLICATION NO. 2007-0012-PRUD – ALLEN PARKER:** Allen Parker explained that Bart Hyde is requesting to amend the preliminary plat for Spring Creek PRUD located at 700 North Vernal Avenue which was originally submitted and approved in 2007. The proposed amendment would add a playground and storage area. The storage area would be a fenced area to store trailers, RV's, boats, etc. with access off of Vernal Avenue. Mr. Parker explained that this amendment does not require a public hearing, since the original application went through the formal process as spelled out in the Code and does not need to go before the City Council. However, the Vice Chair can choose to accept public comment on this issue. Vice Chair Anders Fillerup stated that he will allow public comments.

Bart Hyde gave some history of Spring Creek which includes 68 units. Mr. Hyde explained that since the initial construction, he has been able to purchase 1/3 of an acre down below the property and is donating it to the project. The proposed storage area is to help keep vehicles, trailers, etc. off of the street. The additional playground is going to be a much quieter and safer place. There will be a six foot vinyl fence installed to match the current fencing. Mr. Hyde read a letter from the adjacent neighbors who are in favor of these changes. Kathleen Gray asked where the access is from Vernal Avenue. Mr. Hyde points to the access off of Vernal Avenue on the plat and stated that it has been there for years. Anders Fillerup asks if there will be a locked gate around the storage area. Mr. Hyde explained that there will be a security gate which would require a key code. Sonja Norton voiced a concern regarding the six foot fence and whether it should be four feet to allow for safe viewing. Mr. Parker explained that it must have a clear vision and be a non-sight obscuring fence such as a chain-link fence. Mr. Hyde stated that he will make sure the fence meets the Code requirements and will take recommendations for what looks best and is the safest. Kathleen Gray asked what the speed limit is on Vernal Avenue. Mr. Parker answered 45 miles per hour. Mr. Fillerup voiced his concern with boats, RV's, etc. blocking the street as they are trying to pull into the storage area and asked if they will be able to pull off of the road. Mr. Hyde explained that it has all been taken into consideration.

**Vernal City Planning Commission Minutes  
May 14, 2013**

Rory Taylor asked if the playground is being moved adjacent to the units to be safer. Mr. Hyde explained that they are not moving the park, but adding an additional playground.

Fay Howell, 703 North Vernal Avenue, voiced her concerns with the project and how it would affect her as a neighbor including the safety, noise, and value of her home. Mr. Hyde explained that he will take the Howell's concerns into consideration. Tom Howell stated that when the project was approved several years ago, it was supposed to have a park with a fence around the entire property. Mr. Howell voiced his concern with the storage area devaluating his mother's property. He added that they would just like to see the original proposal put into place. Eric Olsen asked the zoning of the property. Mr. Parker stated R-2. Mr. Olsen asked if it is in a mixed use area. Mr. Parker answered yes. Mr. Olsen voiced his concern with the future vision of Vernal Avenue and whether or not there should be a storage area. Mr. Hyde explained that he plans to make it nice and meet all the requirements.

Ms. Norton suggested some alternatives to make it agreeable for both parties on this issue. Mr. Hyde stated that he has taken the Howell's concerns into consideration and is not interested in making any changes to this proposal. Several Commissioners voiced their concern with having a storage unit on Vernal Avenue, but agreed that an additional playground area is a great idea. Mr. Parker reminded the Commissioners that this is an administrative application and the initial preliminary plat was approved; therefore, the City has to allow the property owner to do what he wants with his property, as long as he is in compliance with the Code. Ms. Norton asked why this comes before the Planning Commission if there are no options. Mr. Parker stated that per Vernal City Code, the Commission is required to make sure the application is in compliance and meets all the Code requirements. ***Eric Olsen moved to approve the amendment to the Spring Creek PRUD Preliminary Plat – Application No. 2007-012-PRUD. Rory Taylor seconded the motion. The motion passed with Anders Fillerup, Kathleen Gray, Eric Olsen, Sonja Norton, Ken Latham, Rory Taylor, and Adam Ray voting in favor.***

***ADJOURN:*** There being no further business, ***Adam Ray moved to adjourn. Kathleen Gray seconded the motion. The motion passed with a unanimous vote, and the meeting was adjourned.***

---

Anders Fillerup, Planning Commission Vice Chair