

MINUTES of the Vernal City PLANNING COMMISSION

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

October 08, 2013

7:00 pm

Members Present: Mike Drechsel, Sonja Norton, Anders Fillerup, Ken Latham

Members Excused: Eric Olsen, Gary Redden, Kathleen Gray

Alternates Present: Rory Taylor

Alternates Excused: Adam Ray

Staff Present: Allen Parker, Assistant City Manager; and Becky Richards, Administrative Clerk.

WELCOME AND DESIGNATION OF CHAIR AND MEMBERS: Chair Mike Drechsel welcomed everyone present to the meeting.

APPROVAL OF MINUTES FROM SEPTEMBER 10, 2013: Chair Mike Drechsel asked if there were any changes to the minutes from September 10, 2013. Several corrections were noted. *Anders Fillerup moved to approve the minutes from September 10, 2013, with corrections. Sonja Norton seconded the motion. The motion passed with Mike Drechsel, Ken Latham, Sonja Norton and Anders Fillerup voting in favor.*

APPROVAL OF MINUTES FROM SEPTEMBER 30, 2013: Chair Mike Drechsel asked if there were any changes to the minutes from September 30, 2013. There being no correction. *Anders Fillerup moved to approve the minutes from September 30, 2013 with no corrections noted. Ken Latham seconded the motion. The motion passed with Mike Drechsel, Sonja Norton, Ken Latham, and Anders Fillerup voting in favor.*

REQUEST FOR APPROVAL OF A MASTER SITE PLAN FOR CRAIG NEBEKER FOR THE PROPERTY LOCATED AT 1089 EAST HWY 40 – APPLICATION NO. 2013-029-MSP - ALLEN PARKER- Allen Parker explained that this is a request for a 4,000 square foot addition to an existing structure to be used as a nightclub and restaurant. Vernal City Staff has reviewed this application and found it to be in compliance with Vernal City Code. An engineering review has been conducted and there are minor items that need to be clarified. Allen Parker explained that on the site plan you will see there is a lot line adjustment that has yet to be formalized. Vernal City Staff has reviewed this lot line adjustment and found it to be in compliance. Mike Drechsel asked the owners of the property what is north of the existing building. Annette Haakinson was present and answered that there is a white fence located there now and they have intentions of removing the fence once the building process is started. Jake Brown is present at the meeting and he is the contractor for this project. Sonja Norton asked Allen Parker if the parking was checked for compliance. Allen Parker stated that the parking is

in compliance with Vernal City Code. Mike Drechsel asked Allen Parker about the minor changes that the engineering company had pending. Allen Parker explained that he does not have that report with him tonight, but he thinks some of the changes are related to the storm water. Jake Brown recalled one of the changes being the entrance to the building must be moved slightly to the north. Allen Parker explained that this correction has to do with the building portion of the plans and not the site plan. Sonja Norton asked Allen Parker where the storm water system is located. Allen Parker stated that the storm water is not on your site plan tonight. Not all of the plans that are submitted with the application are in your packet, but the storm water is adequate. Sonja Norton asked if there will be three (3) accesses to this building. Allen Parker explained that there are three (3) accesses to this building. There are two (2) accesses on Highway 40 and one (1) access off of 135 South. Mike Drechsel asked about the area in front of the addition and if it is going to be paved or is it already paved. Jake Brown answered that this area in front of the addition is already a paved area. They will be finishing up some of the parking spaces with some striping. Allen Parker explained that any new construction must comply with the Vernal City parking and storm water Codes. Sonja Norton asked about the lighting to the north of the building because the lighting is not shown on the site copy. Allen Parker stated that he thinks there are two existing lights in that area and the lighting is adequate with Vernal City Code. *Sonja Norton moved to approve the request of a master site plan for Craig Nebeker for the property located at 1089 East Highway 40, Vernal, Utah – Application No. 2013-029-MSP with any corrections required by Vernal City staff or engineering. Rory Taylor seconded the motion. The motion passed with Sonja Norton, Rory Taylor, Mike Drechsel, Ken Latham and Anders Fillerup voting in favor.*

REQUEST FOR APPROVAL OF A MASTER SITE PLAN FOR C&C PROPERTIES, LLC FOR THE PROPERTY LOCATED AT 2097 WEST HIGHWAY 40, VERNAL, UTAH – APPLICATION NO. 2013-030-MSP – ALLEN PARKER - Allen Parker explained that this is a request for a new 4,289 square foot building to be used as a restaurant. A review is currently underway with Engineering Services LLC, but a final report was not available at this time. Vernal City staff has reviewed the application and has found it to be in substantial compliance with Vernal City Code. There was a brief discussion regarding why the final reports are not available at the time of the Planning Commission meeting took place. There was a discussion regarding the location of this lot and clarification of the address. The correct address should be 2097 West Highway 40. The Commission also discussed the required lighting. Mike Drechsel stated that it would be nice if the development had a unified appearance in the lighting. Lonnie Clove stated that there are existing lights on that lot and they will use that lighting along with the additional lights. Lonnie Clove stated that he would be open to the idea of trying to keep a unified appearance in the development. Lonnie Clove disclosed that this restaurant is going to be a Denny's. Rory Taylor asked if the landscaping plan is in place. Allen Parker explained that there is a landscaping plan in place, but it is not included in the Planning Commission packet. Sonja Norton asked what the zoning is for this property. Allen Parker answered in a CP2 zone. *Sonja Norton moved to approve the request of a master site plan for CC&C Properties LLC for the property located at 2097 West Highway 40, Vernal, UT – Application No. 2013-030-MSP with any corrections required by Vernal City staff and or engineering. Anders Fillerup seconded the motion. The motion passed with Sonja Norton,*

Rory Taylor, Mike Drechsel, Ken Latham and Anders Fillerup voting in favor.

REQUEST FOR APPROVAL OF AN AMENDMENT TO A MASTER SITE PLAN FOR ASHLEY CREEK VILLAGE, LLC FOR THE PROPERTY LOCATED AT 600 SOUTH 200 EAST, VERNAL, UT – APPLICATION NO. 2009-0007-MSP – ALLEN PARKER –

Allen Parker explained that this request for an amendment of a master site plan is required to have the Planning Commission's approval because they are adding square footage that is greater than the realm that he can solely approve. This change modifies the footprint of the proposed structures to allow for three bedroom units instead of the one and two bedroom units in certain buildings. There are no additional dwelling units or buildings being added or removed therefore, much of the site design remains unaffected. Buildings five (5), six (6) and seven (7) are the buildings in the second phase of Ashley Creek Village Apartments, but building five (5) and six (6) are the buildings that are being extended. Building seven (7) is not changing. It will increase the impervious area of the site plan, although the storm water is adequate for the change. Discussion regarding the exact location of this phase took place and was clarified. Allen Parker explained that the developers are not pleased with how the landscaping has turned out for phase I, and they will be submitting another landscaping plan for Ashley Creek Village Apartments. *Anders Fillerup moved to approve the amendment of the master site plan for Ashley Creek Village, LLC for the property located at 600 South 200 East, Vernal, Utah - Application No. 2009-0007-MSP, with any and all correction required by Vernal City staff and / or engineering. Rory Taylor seconded the motion. The motion passed with Rory Taylor, Anders Fillerup, Mike Drechsel, Sonja Norton and Ken Latham all voting in favor.*

SUBDIVISION REQUEST FOR A RECOMMENDATION OF A FINAL PLAT FOR JURASSIC PROPERTIES / BART HYDE FOR THE PROPERTY LOCATED AT 662,668,674 NORTH 100 WEST, VERNAL, UTAH – APPLICATION NO. 2013-027-SUB

– Allen Parker explained that this is a structure that has just been completed, has 3 units in the building. They are built in accordance with what is required in a R4 zone and this is on the agenda for the final plat. The final plat is the final document that legally divides the land. The three (3) units will be individually owned, and the surrounding area around the three-plex is commonly owned. The engineering review found this final plat to be in compliance. There was also an internal legal review that was completed by the City attorney, Dennis Judd. In the legal review it is noted that the Applicant applied for a PRUD (Planned Residential Urban Development). By Vernal City Code, you have to have at least three (3) to six (6) acres in a PRUD. This development does not meet that requirement. A condominium does not have any restrictions to the amount of acreage; therefore, it must be applied for as a condominium not a PRUD. Discussion took place to clarify what the difference is between a PRUD and a Condominium. Allen Parker explained that a simple name change on the final plat can solve this problem. Sonja Norton stated that the Planning Commission probably should not have approved the preliminary plat. Mike Drechsel asked if the City attorney reviewed the preliminary plat. Allen Parker explained that preliminary plats are geared more towards an engineering standpoint not a legal. The preliminary plat does not get reviewed by the city attorney. The legal review also mentioned that on the final recorded plat, it must state that “not less than 60% of the units must be occupied by owners”. The legal review also revealed that Vernal City Code has two (2)

different definitions of what a “condominium” is, so we need to have an internal review of our Codes so we can get them working correctly. The legal review also found that on the declaration on the final plat it states out that five (5) members have to be on the board. This will only have three (3) members, so that declaration will need to be modified. The floor plans need to be a little more defined, calling out the vertical space a little bit more effectively. The Vernal City Code for a PRUD (Planned Residential Unit Development) needs to be closely reviewed and revised so it will work more efficiently and provide what a PRUD should for the City. Discussion took place among the Commission about making sure that all of the conditions in the legal review are properly addressed before this is brought before the City Council. Sonja Norton would like to make sure that all of the development agreement items are met. Allen Parker stated that he would like to review the development agreement with Sonja Norton to make sure all of the items are met. Ken Latham asked for clarification of the application number. It was clarified that application number is 2013-027-SUB. Mike Drechsel mentioned that the motion should include that the Planning Commission Chair is authorized to sign on the final plat for approval. *Sonja Norton moved to give a positive recommendation of a final plat for Jurassic Properties / Bart Hyde for the property located at 662, 668, 667 North 100 West, Vernal, Utah – Application No. 2013-027-SUB, with any corrections that are required from the legal review, Vernal City staff, and / or engineering. Mike Drechsel, Chair for the Planning Commission is authorized to sign for the approval on the final plat. Rory Taylor seconded the motion. The motion passed with Ken Latham, Mike Drechsel, Sonja Norton, Rory Taylor and Ander Fillerup all voting in favor.*

REQUEST TO VACATE PROPERTY FROM ROBERT ZELLER – Allen Parker explained that this item was referred to the Planning Commission by the City Council. Location of the vacation was clarified. Mr. Robert Zeller lives at 326 West 650 North, Vernal, Utah. If the City vacates the property, it would deed one half of the property to Robert & LaDonna Zeller (to the east of their property), and one half to Scott and Renae Young (to the west of their property). Robert Zeller explained that the Youngs have signed the letter of request to Vernal City and they understand the responsibility of a greater taxation. Robert Zeller also explained that there is another access to the property to the North. Mike Drechsel asked Allen Parker if by letting the City vacate this property, are we creating any issues in future land development or is there any other problems that you can see. Allen Parker answered that he does not see this vacate impacting anyone, but pointed out that the property owners to the North were not at the City Council meeting, and he does not know if they were even notified about this request to vacate. Discussion took place regarding the access points to the properties located to the North of this strip of land and how it may or may not impact the future development. Mike Drechsel stated that if the vacate is allowed to happen, the only access to the property located to the North is either from North Vernal Avenue or 500 West. LaDonna Zeller stated that they have been taking care of this strip of land for twenty (20) years and there used to be a building that sat on this strip, but they have since moved the building. Discussion took place regarding the setback requirements for the intended garage. Allen Parker stated that he will have to get in contact with the Building Official / Corey Coleman and go through the Code to figure out what the setbacks are on a corner lot. Mike Drechsel asked Allen Parker if he thought the Zeller’s could get a variance so that if this request to vacate did not take place they could still build a garage. Allen

Parker answered that they could, but his interpretation of the State law is a variance would be very difficult. Sonja Norton would like this researched in greater depth to know if this vacate is really necessary to allow the Zellers to build the garage they want. Mike Drechsel stated that ultimately the Commission would like the Zellers to meet their goals, and allow them to do what they want with the land that they own, but still preserve the access point for future growth. Mike Drechsel would recommend tabling this item of business to allow more time for further research and resolve some of the issues that were brought up tonight. Mike Drechsel asked the Zellers if they had a contractor already lined out to start building the garage. The Zellers answered that they did not. Allen Parker explained that the decision to vacate the property is ultimately up to the City Council. The City Council wanted the input from the Planning Commission. ***Sonja Norton move to table this request to vacate property from Robert Zeller to next month. Anders Fillerup seconded the motion. The motion passed with Sonja Norton, Anders Fillerup, Rory Taylor, Ken Latham and Mike Drechsel all voting in favor.*** Mike Drechsel stated that he would like Allen Parker to have this item on the agenda for next month, and to meet with the Zellers to discuss another route to achieve their goals.

REQUEST TO AMEND THE 16.24.130 STORAGE VEHICLES IN A RESIDENTIAL ZONE. Allen Parker explained that the City received the letter from Russell M Vernon, PE regarding the design of the roads. Discussion took place about the vehicle load limits on light duty city streets and some examples of the rated capacities. Discussion took place regarding the different sizes of axles, single axles, tandem axles and what types of trucks fit in those different categories. Sonja Norton stated that she does not think when this ordinance was originally set into place because of the weight limits on the City streets that it was set because of the noise that the larger semi-trucks make when they start them up in the early morning hours and let them run for several minutes. Discussion took place of what the current Code is and why it does not work. Sonja Norton doesn't want to allow semi-trucks in any residential areas. Mike Drechsel pointed out that because of the way the Code reads now, there are repeat offenders and that is another reason why this Code does not work. This Code must be re-written. Allen Parker explained that he thought that it would be better if the Code is written under the gross vehicle weight. Rory Taylor stated that he thinks if you go off of GVWR / Gross Vehicle Weight Rating, a good number to start out at is 24,000 GVWR and limited to a two (2) axle truck. If you set the rating at this it should cover most of the pick-up, chassis cab, and welding trucks that you might see around town. Discussion took place regarding whether to allow motorhomes, because they are usually tandem axles. This poses an issue when writing this Code. Mike Drechsel asked if there is anything in the Code regarding trailers, and how we should deal with them. Allen Parker stated that you cannot park any trailer or vehicle on a Vernal City street for more than seventy two (72) hours. Mike Drechsel would like Allen Parker to write a rough draft of the storage vehicles in a residential zone and bring it to the Commission next month, and keeping in mind that the "construction equipment" should probably be better defined, such as in the definitions of the Code. Mike Drechsel would like to have Allen Parker keep in mind that there are farmers out there with farm equipment. ***Rory Taylor moved to table this request to amend the 16.24.130 storage vehicles in a residential zone until there is a rough draft written up to review. Sonja Norton seconded the motion. The motion passed with Rory Taylor, Mike Drechsel, Sonja Norton, Ken Latham and Anders Fillerup all voting in favor.***

Vernal City Planning Commission Minutes
October 08, 2013

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

Mike Drechsel, Planning Commission Chair