

MINUTES of the Vernal City PLANNING COMMISSION

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

September 8, 2015

7:00 pm

Members Present: Vice-Chair Samantha Scott, Ken Latham, Kimball Glazier, Scott Gessell

Members Excused: Chair Mike Drechsel, Rory Taylor and Kathleen Gray

Alternates Present: Adam Ray

Alternates Excused: Kam Pope

Staff Present: Allen Parker, Assistant City Manager; Jeff Shaffer, Building Inspector and Gay Lee Jeffs, Administrative Clerk.

WELCOME AND DESIGNATION OF CHAIR AND MEMBERS: Vice-Chair Samantha Scott welcomed everyone present to the meeting.

APPROVAL OF MINUTES FROM AUGUST 11, 2015: Vice-Chair Samantha Scott asked if there were any changes to the minutes from August 11, 2015. There being no corrections, *Kimball Glazier moved to approve the minutes of August 11, 2015 as presented. Ken Latham seconded the motion. The motion passed with Samantha Scott, Ken Latham, Kimball Glazier, Adam Ray and Scott Gessell voting in favor.*

REQUEST FOR RECOMMENDATION TO CONSIDER A REZONE FOR TREVOR CARTER FOR THE PROPERTY LOCATED AT 379 NORTH 500 WEST, VERNAL, UTAH – APPLICATION NO. 2015-015-REZ – ALLEN PARKER: Allen Parker explained that Trevor Carter would like to rezone the property from the current R-1 residential zone to R-4 residential zone. The property will be going from a low density zone for residential purposes to high density zone for residential purposes. The property is surrounded by several different zones, but is currently contiguous with R-1 zone. The parcel is 2.6 acres. The parcel to the west is zoned R-2, and the parcels to the East are zoned R-3. To the north is zoned CP-2. The CP-2 parcel is owned by Uintah Basin Medical Center. There are residential zones in all other areas that surround the parcel that are not vacant. The General Plan map shows the parcel is in a commercial area and also in a mixed use area. Mixed use indicates that we want to see a mixture of uses in the area. The staff has reviewed this application and found that it complies with the requirements of the General Plan and is an approvable application. Mr. Parker stated that this is a public hearing as a recommendation to the City Council.

Adam Ray asked where the access would be to the property. Trevor Carter explained that the two parcels to the East, Mr. Schaefermeyer owning the lower parcel and Mr. Shane Mayberry owning the Northern parcel, the line that separates the property has as easement just south of the property. Kimball Glazier asked how the land would be developed. Mr. Carter stated he had considered residential lots as well as multi-family lots. Mr. Carter mentioned that he had built

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something similar in Maeser and felt that the only viable option would be the multi-family lots. Mr. Carter handed out a visual concept, and indicated that it was not a concrete concept, as there has not been any engineering completed on the project. It shows twenty-four units which would be four buildings of six units to each building. Mr. Glazier confirmed that one access was allowed for twenty-four units within the Code and asked about a private driveway being allowed. Mr. Parker stated that one access was allowed for twenty-four units within the Code, but anything more than twenty-four units would require more than one access. Mr. Parker also stated that a private driveway would be allowed on the flag lot, but would still need the minimum frontage. Mr. Parker explained that they are still discussing options to make sure Mr. Carter can comply with the Code. Mr. Carter stated that all issues have not been resolved at this time, because he wanted to get the rezone request approved before proceeding. Vice-Chair Samantha Scott opened the public hearing for the rezone request.

Norman Pease, located at 295 North 500 West, stated that he lives over the fence from the development. Mr. Pease stated that he noticed that everything surrounding the parcel is private property. There is no access for children to go to the schools, except out the driveway. The R-1 zones are slowly changing, and Mr. Pease indicated that he is up against a big development. Mr. Pease stated that he would like the property to stay a R-1 zone, and added that the rezone will directly impact his property as his backyard would be next to the developed area. Mr. Pease stated that he would like a high private fence between the two properties if the rezone is approved.

Brent Hales, a representative for the Uintah Basin Medical Center, stated that the Uintah Basin Medical Center and Urgent Care facilities are on the adjoining property. These facilities are concerned about the potential development for high density housing on this property. Mr. Hales explained that when the medical center purchased approximately eight acres of land for the medical center, they had future plans of developing the property into a medical plaza. There are no current plans to expand, but they would like to move the dialysis center to the medical plaza at some point. The medical center would like the surrounding properties to stay single family dwellings or continue to expand into a professional plaza. The concern is having high density housing becoming low income housing, because residents that are typically found in low income housing would not be conducive with the clientele that would be surrounding a medical facility where there are pharmaceutical drugs that are accessible that would be impactful to the businesses. One real concern was from an economic perspective. There are a lot of multi-family dwellings and single family dwellings within the Basin. Mr. Hales voiced his concern that Mr. Carter's project might get started and then only get partially completed due to funding issues or lack of sales. Then the project would deteriorate and would become an eye sore reducing the property values in the surrounding area. Mr. Hales stated that he does not feel like the high density, low income housing will be conducive to Uintah Basin Medical Center's plans to develop their commercial property.

Katie Grubau, located at 318 North 700 West, stated that she is concerned about privacy issues and the low income housing issues if this property is rezoned to high density and developed as such. Ms. Grubau stated that she bought her home to have the peaceful surroundings without having to worry about her child's safety.

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Mike Schaefermeyer, located at 721 South 500 West, stated that he owns property just west of the proposed rezone property. Mr. Schaefermeyer explained that approximately 10 years ago, he requested a rezone from R-1 to R-3 of his property located at 345 North 500 West. The request was granted with a conditional use permit to build an office building. Mr. Schaefermeyer indicated that according to his memory, Councilmember JoAnn Cowan motioned to make the change with the condition that the property, owned by Marilyn Oscarson at that time, would never be addressed to change again and the approved request made permanent. Mr. Schaefermeyer suggested that the Commission research and read the past meeting minutes, before making a recommendation to the City Council.

Shane Mayberry, located at 949 South 2000 East, stated that he has property just northwest of the proposed rezone property at 369 North 500 West. Mr. Mayberry mentioned that he bought his property for the same purpose as Mike Schaefermeyer. Mr. Mayberry stated that he is completely against the property being rezoned. Mr. Mayberry explained that he along with Brent Hales looked at the other property Mr. Carter developed in the Maeser area, and both agreed that it is not the kind of property that they want in the proposed rezone area. Mr. Mayberry stated that he talked to Steve Jones, who owns three acres located at 661 West 500 North, and he indicated that the property values had dropped enough and did not want them to drop further. Mr. Mayberry stated that Mr. Jones was also opposed to the development. Mr. Mayberry stated that he spoke to Lorri Pitchford, who owns a twin home at 400 North 700 West, and she had indicated that she had problems with people speeding through her area. When it was reported to the City Police Department, she was told to collect the license plate numbers, and they would get back to her, which they did not. Mr. Mayberry reported that he had Ms. Pitchford's signature stating that she was also against the development. Mr. Mayberry stated that he also talked to Robert Crisswell, Ann Yates, Lori Swister, and a retired school teacher from Spanish Fork who all live in the twin home development, and they are all opposed to the development. Mr. Mayberry mentioned that he has a legal right-of-way on the southern border of his property, and only pavement is allowed to go on that property; therefore, it would be up in the air as to what will be needed for an easement. Mr. Mayberry stated that whether low income or not, when you squash people shoulder to shoulder, the more problems there are as a result. Mr. Mayberry stated that when he was a clergyman, there were drug problems and shootings in another high density area. Mr. Mayberry stated that over time, whether in new or old units, high density housing still brings great distress and concern to himself and others. Mr. Mayberry stated that he feels that the proposed development would be a liability for the surrounding businesses. Mr. Mayberry stated that there is a natural evolution for the plaza in that area and would like to keep it a professional area. Mr. Mayberry stated that he had completed a search for high density homes, and there were forty-one homes listed with a REALTOR® on the market in high density zones. That did not include the high density homes not listed with a REALTOR®. Mr. Mayberry explained that this number will continue to increase as jobs are lost in the area. Mr. Mayberry stated that he does not feel there is a need for more high density housing in the current economy.

Lindsay Karren, located at 278 North 700 West, stated that she moved to her current location from high density housing, because of the openness of the area. Ms. Karren indicated that when she received notification from the City about the rezone, she was concerned that she would have to list her home, because she does not like having high density homes close to her. Ms. Karren

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mentioned that she has rental property that she is wondering if she will be able to rent out, because there are already a lot of rental properties available. Ms. Karren also stated that she does not like all the trash and debris that comes with construction sites.

Trevor Carter, owner of the requested rezone property, stated that he listened to the concerns that were shared. Mr. Carter explained that he looked for a location in the City that could accommodate his project within the General Plan. He stated that housing in Vernal City can be unaffordable and too expensive to purchase for some people, and they end up in an apartment. Mr. Carter explained that his homes come at a price point below \$200,000, and he tried to make homes or twin homes work on the property, but was unable to make it work financially. Mr. Carter stated that he understands that he will not be able to satisfy everyone, but feels there is a need for the project. Mr. Carter encouraged anyone to look at his project in Maeser. That project sold quickly to police officers, teachers, forest service workers and others. Mr. Carter indicated that there are some rentals in the project, but it is a Home Owners Association community run by the home owners and very well taken care of. Adam Ray asked how quickly the units sold and if they were built all at once or one at a time. Mr. Carter explained it was a two phase project. The first phase was slower and selling about three units per month in a good market. All four buildings were built at the same time for the second phase. There were two buildings that were not sold due to a slower market. Mr. Carter stated a developer looks at a market and sometimes it takes years to develop a product depending on the market. It is in the best interest of the developer to wait until the market is good before proceeding. Mr. Carter stated that the market is slow right now, but feels the demand will return. Mr. Carter said he has seen developers come in and develop very fast when the market turns and some will have half-finished products. Mr. Carter explained that he would have some staying power and wait for the market to be ready. Scott Gessell asked Mr. Carter if he intended to wait to develop. Mr. Carter explained that is a possibility with the slow market. Mr. Carter explained that he intends to take his time to prepare and not speed through engineering. Mr. Carter stated he feels it could be another eighteen to twenty-four months before seeing the demand return.

Norman Pease, located at 295 North 500 West, asked Trevor Carter if the property would become an investment property that he could possibly sell someday. Mr. Carter explained that it was not in his plans, but could not say that he wouldn't in the future.

Lindsay Karren, located at 278 North 700 West, stated that she agreed with Shane Mayberry's comments. Ms. Karren added that when she lived in high density housing, people lived there because they could not afford to purchase a home, but they moved as soon as they could afford to do so. Ms. Karren stated that people with addictions do not try to move out of high density housing. Ms. Karren indicated that she moved from high density housing, because of the criminal behavior of the people in the area. Ms. Karren stated that she does not wish to have that again in her backyard.

Shane Mayberry, 949 South 2000 East, stated that a little over a year ago, the Utah State University made a request on eight acres of property to have it rezoned for high density housing. The City Council did not pass the rezone. Mr. Mayberry stated he had talked to Jake Phillips, owner of the funeral home, and he is against the rezone. Mr. Mayberry stated that of the forty-one high density homes he researched on the market, the highest value was \$188,000 with homes

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starting at \$120,000. Mr. Mayberry stated he feels that the low economy in Vernal City will be long term and is not of the same nature as in years past. Mr. Mayberry stated he thinks the demand will be very low when or if the economy returns. Mr. Mayberry stated he does not think it is just to press zoning on a community that is undesirable; granted the higher the density, the higher the profit margin for a developer. Mr. Mayberry stated that he was not opposed to twin homes, but he is opposed to high density. Mr. Mayberry stated that he is worried about overbuilding as it makes life not very enjoyable, and he plead with the Commission to not put the City in a situation where there was overbuilding. Mr. Mayberry asked if he could call Steve Jones for a conference call to get his comments. Allen Parker stated that he did not know the law about telephonic comments in a public hearing. Samantha Scott stated that Mr. Mayberry expressed Mr. Jones comments, and that should be suffice.

Samantha Scott closed the public hearing. Kimball Glazier stated that he appreciated all those who expressed their concerns and encouraged them to go to the City Council and express their concerns there as well. Mr. Glazier explained the task of the Planning Commission, which was to look and see if the request meets the viability of what the citizens and City want in the community, if it meets the General Plan, and whether or not it can be approved based on that. The General Plan shows that there is a buffer zone to high density in that area. Mr. Glazier's opinion was that it would be suitable for the way the General Plan is stated. Mr. Glazier explained that Mr. Carter has a personal property right, and if he wants to build something he has the right to take that risk. Scott Gessell stated that he would be interested in reading the minutes from Mr. Schaefermeyer's comments. Mr. Parker stated that those minutes could be presented at another meeting or to the City Council. Mr. Parker stated that there is a rule that states a Council cannot bind the hands of a future Council. Mr. Gessell stated he would like to look at that other property Mr. Carter developed. Adam Ray mentioned that he had seen Mr. Carter's other property and knows some of the officers that live there. Mr. Ray added that they are affordable new town homes that have a backyard area and a big common area and are nice and well-kept areas from what he had seen. *Kimball Glazier moved to table the rezone request for Trevor Carter for the property located at 379 North 500 West, Vernal, Utah – Application No. 2015-015-REZ until the next Planning Commission meeting to give members time to look at Mr. Carter's other property and read the meeting minutes from the previous rezone request on the property. Scott Gessell seconded the motion. The motion passed with Samantha Scott, Kimball Glazier, Scott Gessell, Ken Latham, and Adam Ray voting in favor.* Ms. Scott invited the public to attend the next Planning Commission meeting, as well as the City Council meeting on this issue. Shane Mayberry asked if the rezone would be considered spot zoning and how much weight would the City Council put on the public comments. Mr. Parker stated that according to the General Plan, where the property is located, is not considered spot zoning. Mr. Parker added that it is up to each individual on the City Council as to how much weight would be put toward public comments.

REQUEST FOR RECOMMENDATION TO CONSIDER A REZONE REQUEST FROM VERNAL CITY FOR THE PROPERTY LOCATED AT 1265 WEST 500 SOUTH, VERNAL, UTAH FROM RA-1 RESIDENTIAL ZONE TO CP-2 COMMERCIAL ZONE – ALLEN PARKER: Allen Parker explained that Vernal City, not the property owner, is recommending the rezone request for the property located at 1265 West 500 South. Mr. Parker stated that there was not a staff report, because there was no applicant; however, there was a

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memo prepared. Mr. Parker explained that in a previous meeting, the property located at 1109 West 500 South was rezoned to a CP-2 commercial zone, which left a small parcel of land that did not fit into the area. Mr. Parker stated that the City Council wanted all the property to make a smooth transition, so that is the reason for the rezone request. Mr. Parker stated that he had spoken to Mr. Heaton who owns the parcel of land and asked if he had any opposition to the rezone. Mr. Heaton did not have any concerns. Mr. Parker stated that it was supported by the General Plan. Kimball Glazier asked if it was a buildable parcel. Mr. Parkers explained that it is a buildable parcel for a CP-2 commercial zone, but not for a RA-1 residential zone, because of the size of the lot. Samantha Scott opened the public hearing for the rezone request. There being no comment, Samantha Scott closed the public hearing. *Adam Ray moved to forward a positive recommendation to the City Council to consider a rezone request from Vernal City for the property located at 1265 West 500 South, Vernal, Utah from RA-1 residential zone to CP-2 commercial zone. Kimball Glazier seconded the motion. The motion passed with Samantha Scott, Kimball Glazier, Scott Gessell, Ken Latham, and Adam Ray voting in favor.*

REQUEST FOR APPROVAL OF A CONDITIONAL USE PERMIT FROM STEVE COCHRAN FOR A MULTI-FAMILY DWELLING LOCATED AT 116 WEST VERNAL AVENUE, VERNAL, UTAH – APPLICATION# 2015-019-CUP – ALLEN PARKER:

Allen Parker explained that this is not a public hearing. The process changed for conditional use permits recently, and the request was not advertised for public hearing as it states on the agenda. Steve Cochran made an application for a multi-family conditional use permit at 116 West Vernal Avenue. This property is located in a C-2 commercial zone on .17 acre. In commercial zones, multi-family housing is the only type of housing allowed and only with a conditional use permit. The conditional use permit meets the definitions based on the request of the applicant of multi-family housing. Mr. Parker explained that he looked closely at what the potential impact for the adjoining properties would be, and the only condition he found is that there is no parking found with the existing structure. Mr. Parker stated that the applicant had intended to create more parking for the structure. Kimball Glazier asked if the property owner sells the property, is there any kind of statute concerning the conditional use permit. Mr. Parker explained that the conditional use stays with the property, not the owner. If there are any violations, then the City can take action to revoke the conditional use permit. Mr. Glazier asked if the Commission could require additional parking as a condition to the permit. Mr. Parker explained that the Commission could, and it would have to be stated that additional parking would be required, because of the potential impact on adjoining properties caused by the lack of parking. Mr. Parker explained that Mr. Cochran has every intention of creating additional parking for his tenants. There is plenty of room for additional parking on the back of the property. Mr. Cochran will be updating the property as he does not want the property to become an eyesore. Mr. Glazier asked Mr. Cochran if he would be creating three units. Mr. Cochran stated that Craig with CRS Engineering would be drawing up the plans to comply with the current Code. Mr. Cochran explained that he is looking at three, but no more than four units. Mr. Glazier asked what the parking requirements would be if it were a new structure. Mr. Parker explained it would be two per dwelling unit. Mr. Glazier asked Mr. Cochran if he could create eight parking stalls. Mr. Cochran answered that he thought he could do eight without any concerns. Scott Gessell commented that he thought it was a beautification as well as financial investment, as long as the parking was addressed. *Kimball Glazier moved to approve the conditional use permit from Steve Cochran for a multi-family dwelling located at 116 West Vernal Avenue,*

Vernal, Utah – Application #2015-019-CUP with the condition that Steve Cochran creates two parking stalls per dwelling unit, because of the potential impact on adjoining properties caused by the lack of parking. Scott Gessell seconded the motion. The motion passed with Samantha Scott, Kimball Glazier, Scott Gessell, Ken Latham, and Adam Ray voting in favor.

VERNAL CITY MUNICIPAL PLANNING & ZONING CODE TO DISCUSS AMENDING FENCING REGULATIONS – CHAPTERS 16.24, 16.48, 16.50, 16.20 –

ALLEN PARKER: Allen Parker explained that there are a lot of requirements for fencing scattered throughout the Code. Mr. Parker stated that he would like to have the requirements for fencing consolidated and clarified into one location in the Code and make it simple and easy for fencing information. Mr. Parker stated that it will require amending a lot of sections of the Code, because there are a lot of sections that refer to fencing. Mr. Parker explained that he does not expect to have to change much of the fencing Code, except to clarify the conditional use component. Mr. Parker stated that he will bring a clarified version to the Planning Commission meeting next month.

MISCELLANEOUS: Allen Parker informed the Commission that Isaac Francisco is no longer an alternate member on the Planning Commission.

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

Samantha Scott, Planning Commission Vice-Chair