

**PUBLIC HEARING AND REGULAR MEETING
OF THE VINEYARD PLANNING COMMISSION,
Vineyard City Hall, 240 East Gammon Road, Vineyard, Utah
Wednesday, September 6, 2017 at 6:30 p.m.**

PRESENT	ABSENT
Chairman Chris Judd	Commissioner Daniel Pace
Commissioner Cristy Welsh	Commissioner Anthony Jenkins
Commissioner Bryce Brady	
Commissioner Tim Blackburn	
Commissioner Nate Carter	

STAFF PRESENT: Community Development Director Morgan Brim, Public Works Director/City Engineer Don Overson, Planner Elizabeth Hart

OTHERS PRESENT: Resident Tristy Lee, Stan Jenne, Tim Dukes, David Lauret, Cindy Bean, Gary Brodeur, Rob Jackson, Mike Lee, Cassie Ford, Carli Wesley, Brent and Traci Jensen, Jake G., Resident and Councilmember Tyce Flake, Applicant Brant Tuttle and Brian Hansen

1. CALL TO ORDER

Chairman Judd called the meeting to order at 6:31 PM

2. INVOCATION

Chairman Judd asked Commissioner Welsh to offer the invocation.

3. OPEN SESSION

Chairman Judd asked for public comment on items not on the agenda. Hearing none he closed the open session.

4. MINUTES FOR REVIEW AND APPROVAL

Minutes from June 7, 2017, July 19, 2017, and August 2, 2017 planning commission meetings.

Chairman Judd asked for comments on the minutes from the June 7th, July 19th and August 2nd 2017 planning commission meetings. Commissioner Blackburn commented that the July 19th minutes state he was present for the meeting when he was absent from that meeting. Chairman Judd asked for additional comments. Hearing none he asked for a motion to approve the minutes with an amendment to the July 19th minutes.

Motion: COMMISSIONER CARTER MADE A MOTION TO APPROVE THE MINUTES FROM THE JUNE 7TH, JULY 19TH, AND AUGUST 2ND 2017 PLANNING COMMISSION MEETINGS WITH AN AMENDMENT TO THE JULY 19TH MINUTES. COMMISSIONER WELSH SECONDED THE MOTION. ALL WERE IN FAVOR. THE MOTION PASSED UNANIMOUSLY.

5. BUSINESS ITEMS:

5.1 Mill Town Preliminary Subdivision Plat

Ms. Hart reported that the proposed subdivision is located in front of the Megaplex, which is within the Regional Mixed Use (RMU) district. She stated that the RMU district does not have lot size standards but does have a development size standard of ten (10) acres, she stated that the proposed subdivision meets this requirement being just over eleven (11) acres. She then handed the time over to the applicant, Brant Tuttle.

Brant Tuttle, with Northern Engineers, reiterated Ms. Hart's statements. He stated that staff requested that a cross access and utilities easement be added onto the plat and that a public utility easement was added as a note on the plat, he clarified that the note is labelled as number ten (10) under the notes section on the plat. He then stated that a cross-access agreement was recorded with the Megaplex.

Chairman Judd asked if staff had reviewed the cross-access agreement. Ms. Hart answered that staff has not reviewed the cross-access agreement but a copy of the agreement was provided to staff and a copy was given to the Chairman.

Mr. Brant went on to explain that the lots are divided in such a way because of financing reasons for the owners.

Chairman Judd asked about access easements from the proposed roads that will tie into the development from the North and South. Mr. Overson responded that the road to North will have the proper easements in place but nothing has been seen for the road to the South. He stated that when a site plan comes through staff will make sure there are cross access easements in place. Chairman Judd asked about the plat that was approved for the property to South that showed a road tying into the subdivision. Mr. Overson stated that a plat was approved and that the road on the plat lines up with the round-a-about in front of the Megaplex. He also stated that an access agreement isn't necessary because the road to south will be a public road once it ties into 400 North.

Brian Hansen, owner of the Mill Town subdivision, mentioned that a cross parking agreement has been in place for the entire development including the Megaplex, since the Megaplex was built. Commissioner Welsh asked if that meant there would be shared parking for the entire site. Mr. Hansen stated that yes, the cross-parking agreement allows for shared parking. Mr. Brim stated that there is also a shared parking plans with the Forge. There was additional discussion about shared parking. Commissioner Welsh asked if there was going to be additional parking for the planned for the site. Mr. Hansen stated that there will be additional parking along and around the buildings being proposed for the site. Mr. Brim stated that a site plan application will be coming to the commission in the next few weeks. Mr. Brim also stated a condition could be added for staff to review and approve the cross-access agreement prior to the recording of the final plat.

Commissioner Blackburn asked if in the future there would be anymore subdividing of the lots. Mr. Hansen stated that right now the proposed lots are how they would like them. He stated that he is a part of a group that owns the land. He stated that this group would be in charge of bringing in tenants and managing them. He stated that it is not planned to sell the land because they want to be the owners. Commissioner Blackburn noted that he would like to see the developer to uphold the vision of the community.

Chairman Judd asked Mr. Hansen if he could share who the tenants will be for the development. Mr. Hansen stated that he could not share specifics but that restaurants are in the works.

Chairman Judd asked for any other questions or comments. Hearing none he asked for a motion.

Motion: COMMISSIONER BLACKBURN MADE A MOTION TO RECOMMEND APPROVAL OF THE PRELIMINARY PLAT OF THE MILL TOWN COMMERCIAL TO THE CITY COUNCIL WITH THE CONDITIONS LISTED BY STAFF AND THAT THE CROSS-ACCESS EASEMENT BE REVIEWED AND APPROVED BY STAFF PRIOR TO THE FINAL PLAT BEING RECORDED. COMMISSION CARTER SECONDED THE MOTION. ALL WERE IN FAVOR. THE MOTION PASSED UNANIMOUSLY.

5.2 Public Hearing and Consideration – Chapters 6, 17, and 30 Zoning Text Amendments

Chairman Judd moved the Short-Term Rental (STR) amendment to be heard and considered first. He then asked Mr. Brim to give a background on short-term rentals within the city.

Mr. Brim explained that the city's zoning ordinance is what is considered an inclusionary zoning ordinance. He stated this means that if it is not specifically called out as a use within the ordinance it is therefore not allowed. A use or an allowance has to be included in the code in order for it to be an allowed use and if a use is not allowed it is a prohibited use. He stated that short-term rentals are not listed as a use and therefore have always been prohibited. He stated that the reason for the amendment is to clarify that they are not allowed so when someone buys a piece of property they will be able to see that it is not an allowed use. He stated that this discussion provides the city an opportunity to determine if it's a use that should be allowed and regulated.

Mr. Brim explained what the district use table is. He showed that the amendment would put STR as a non-permitted use in all districts. He also reviewed the proposed definition for STRs. Chairman Judd asked if the proposed definition was a standard definition found in other cities. Mr. Brim stated that yes it was, he researched definitions from cities and found this to be the standard definition. Discussion continued on about what type of code Vineyard has and how STRs were already prohibited.

Commissioner Blackburn reiterated that the proposed amendment is to make the ordinance clearer, not to change it because STRs have never been an allowed use.

Chairman Judd asked Mr. Brim to explain what the state has passed in the last year related to STRs. Mr. Brim stated that the state passed a law that does not allow cities to use advertisements on rental websites to enforce local ordinances not allowing STRs, the city would have to catch the violation in the act. Mr. Brim stated that the city is not a proactive code enforcement city, the city works on a complaint basis because there is not enough staff to do code enforcement. The

Judd, asked for additional comments or questions from the commission. Blackburn...

Chairman Judd called for a motion to open the Public Hearing for the Short-Term Rentals.

Motion: COMMISSIONER WELSH MADE A MOTION TO OPEN THE PUBLIC HEARING. COMMISSIONER BLACKBURN SECONDED THE MOTION. ALL WERE IN FAVOR. THE PUBLIC HEARING OPENED.

Chairman Judd asked for any public comment relating to short-term rentals.

Tristy Lee, resident of The Shore, stated that she owns a home in the Gardens subdivision that is specifically used as a STR. She stated that several of the STR owners purchased the properties after reviewing the zoning ordinance, which does not state that they are not allowed. She stated that the proposed changes to the zoning ordinance are not conducive with what the owners bought into. She stated that there were many positive things about STR, they bring in tax revenue to the city, they provide additional income to the owners, they bring in tourists, and are a great accommodation for families needing more room than a hotel can offer. She discussed that

owning an STR is a business and part of the business is to receive reviews, she stated that a properly maintained property is important to receiving positive reviews and getting renters. She also stated that property owners are allowed to list rules for renters, which helps keep the property maintained and not disturb other neighbors. She stated that she hopes the city will work with the owners to come up with a compromise that will allow for STRs in the city.

Rob Jackson, resident of the Sleepy Ridge neighborhood, asked if it was an option to not prohibit STRs. He stated that he lives next to a home that is used as an STR and that he has had no issues. Chairman Judd answered stating that the planning commission has discussed to look into STRs as a permitted use in the future.

Kevin Mehner, resident and candidate for city council, stated that he has used STRs while traveling and has been a host. He discussed the positive attributes of STR. He talked about how he doesn't see a difference between a long term rental and a STR. He stated that a long-term rental is more likely not to be taken care like a STR, because STRs depend on positive reviews. He proposed that the city allow STRs by creating an ordinance that allows them only if they are owner occupied or a business license is required. Chairman Judd stated that city staff and the planning commission will need time to do research on how other cities deal with STRs.

Stan Jenne, resident of the Shores, stated that he is in favor of prohibiting STRs. He stated that knowing who his neighbors are is important. He stated that he is not opposed to restricting them to certain areas in the city.

Commissioner Brady, reiterated that the biggest concern from neighbors is a transient community, we all want to know who our neighbors are, especially if you have children.

August (last name not given), resident of Vineyard, stated that he is a frequent use of STRs and is in favor of adopting a program.

Chairman Judd asked for additional comment from the public. Hearing none he asked for a motion to close the public hearing.

Motion: COMMISSION BLACKBURN MADE A MOTION TO CLOSE THE PUBLIC HEARING. COMMISSIONER CARTER SECONDED THE MOTION. ALL WERE IN FAVOR. THE PUBLIC HEARING CLOSED AT.

Chairman Judd asked for comments and questions from the commission.

Commissioner Brady discussed the negative aspect of STRs and what his experience with them has been.

Commissioner Blackburn reiterated comments from Mr. Brim, stating that the zoning ordinance had never allowed them and this was an opportunity for the city to make it clear that they are not allowed as of right now. He stated that the public comment tonight has been both for and against allowing STRs in the city. He stated that this type of comment allows for future discussion and possibly to create a program that suites the city.

Commissioner Welsh agreed with Commissioner Blackburn.

Chairman Judd agreed that what has been said summed up his comments as well. He stated that Vineyard is a great community that has an opportunity to come together and work on this together.

Chairman Judd asked for additional comments or questions, hearing none he asked for a motion.

Motion: COMMISSIONER CARTER MADE A MOTION TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF THE ZONING TEXT AMENDMENTS FOR SHORT TERM RENTALS UNDER SECTION 605 AND SECTION 3002. COMMISSIONER WELSH SECONDED THE MOTION. ALL WERE IN FAVOR. THE MOTION PASSED UNANIMOUSLY.

Chairman Judd moved to the rest of the zoning text amendments.

Mr. Brim started with the accessory building ordinance. He stated that the dimensional requirements for accessory buildings have been moved into Section 606 the dimensional standards table, this includes height, size, and setbacks. He stated that if someone wanted to build an accessory building that the dimensional standards table would be where someone would look to see the standards. He then reviewed the dimensional standards. He noted that there is a minimum setback from the principle building, which is six (feet), and this requirement also meets the building fire setback standard. He stated that height requirements are a little more complicated, right now the maximum height is fifteen (15) feet which makes it hard to put in an accessory dwelling unit (ADU), which the ADU ordinance allows for. He stated that if you want to building higher than fifteen (15) feet then for every foot in height above fifteen (15) feet an additional setback foot must be added. He gave an example that if you build a shed that is sixteen (16) feet in height then the building has to be four (4) feet from the side and rear property lines. He stated that corner lots must meet the setback of the principle building. He noted that there are still general standards found within Section 1703 and that the dimensional table references these standards within a note.

Mr. Brim moved onto to the amendments within Section 1706, the ADU ordinance. He stated that in Section 1703, the accessory building ordinance, it states that you are not allowed to rent out an accessory building, but in Section 1706 the ADU ordinance it states that you can have a detached ADU, which would be considered an accessory building. He stated to make both sections cohesive with one another, the language that doesn't allow for an accessory building to be rented was removed. He noted that language was added for parking standards. Right now, a total of four (4) parking spaces is needed for an ADU to be approved, in addition to that the driveway needs to be a minimum of eighteen (18) feet in length in order to count the driveway as parking spaces for the ADU. He noted that language was changed referring to a business license approval was needed prior to a building permit approval. He stated that staff has found that this doesn't fit with the process staff has been using. The language has been changed to that a building permit needs to be approved prior to a business license approval.

Mr. Brim moved onto Section 1719, the drive-thru facility standards. He stated that right now we have no standards for drive-thrus. These are becoming more popular and there is plenty of interest for drive-thru facilities. Mr. Brim reviewed the development standards which include the size of the aisle, distance from street access, and the location of drive-thrus being allowed on the rear and side of buildings. There was discussion on the location of the building and drive-thrus. Mr. Overson stated that he had a concern about drive-thrus wanting access onto the Mill Road, he stated that he would like to see the drive-thrus stay internal so that they don't spill out onto Mill Road. Mr. Brim stated that this can be controlled through an access management plan for Mill Road. Discussion continued about access onto main roads within the city. Mr. Brim continued his review of the drive-thru standards. Chairman Judd asked is the standards address how the building will look. Mr. Brim stated that it is addressed within the site plan ordinance, applicants would have to meet the drive-thru standards and the site plan standards. Chairman Judd asked that language be added referring to the building materials.

Chairman Judd asked for a motion to open the public hearing.

Motion: COMMISSIONER BLACKBURN MADE A MOTION TO OPEN THE PUBLIC HEARING. COMMISSIONER CARTER SECONDED THE MOTION. ALL WERE IN FAVOR. THE PUBLIC HEARING WAS OPENED.

Chairman Judd asked for public comment on the zoning text amendments discussed. Hearing none he asked for a motion to close the public hearing.

Motion: COMMISSIONER BRADY MADE A MOTION TO CLOSE THE PUBLIC HEARING. COMMISSIONER BLACKBURN SECONDED THE MOTION. ALL WERE IN FAVOR. THE PUBLIC HEARING CLOSED.

Chairman Judd asked the commission for any comment or questions relating the zoning text amendments discussed. Hearing none he asked for a motion.

Motion: COMMISSIONER BLACKBURN MOVED TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF THE ZONING TEXT AMENDMENTS FOR SECTION 1703, 1706, 1719 AND 606 WITH THE CONDITION THAT STAFF ADD LANGUAGE ABOUT BUILDING MATERIALS TO SECTION 1719 AND FOR THE CHAIRMAN TO REVIEW AND APPROVE THE ADDED LANGUAGE. COMMISSIONER WELSH SECONDED THE MOTION. ALL WERE IN FAVOR. THE MOTION PASSED UNANIMOUSLY.

5.3 Demographic Report Presentation

Mr. Brim introduced David Jellen, the current planning department intern. He stated that currently Mr. Jellen is working on putting together information pamphlets about common ordinance requirements. Commission Blackburn asked how they will be kept up to date with changes in the ordinance. Mr. Brim stated that it will be an ongoing project to make sure the pamphlets are up to date with amendments to the ordinance.

Mr. Brim then introduced Claire Hague, former planning department intern and current part-time permit technician for the building department. He stated that during Ms. Hague's internship she worked on putting together a demographic report for Vineyard and would be presenting it to the commission.

Ms. Hague then presented the Vineyard Demographic Report to the Commission. (A copy of the Vineyard Demographic Report is attached at the end of this document)

5.4 Sign Code Discussion

Ms. Hart asked the commission for two volunteers to help with updating the sign ordinance. Chairman Judd and Commissioner Carter volunteered to be on a subcommittee.

6. COMMISSION MEMBERS' REPORTS AND EX PARTE DISCUSSION DISCLOSURE

Chairman Judd asked for any member reports or disclosures. None was given.

7. STAFF REPORTS

- Morgan Brim, Community Development Director
Mr. Brim stated that the consultant hired to do a diagnostic of the general plan would like to conduct a work session with the subcommittee. He stated that it would be an interview with the subcommittee members on the phone and that he would be setting up dates soon.
- Don Overson, Public Works Director/City Engineer

Mr. Overson stated that at the next city council meeting he would be presenting changes the Town Center layout. He also stated that the plans for the Intermodal Hub was moved up to September of next year.

8. ADJOURNMENT

Chairman Judd asked for motion to adjourn the meeting.

Motion: COMMISSION CARTER MADE A MOTION TO ADJOURN THE PLANNING COMMISSION MEETING. COMMISSIONER BLACKBURN SECONDED THE MOTION. ALL WERE IN FAVOR. THE MEETING ADJOURNED AT 8:43 PM.

MINUTES APPROVED ON: November 15, 2015

CORRECTED BY: /s/ Elizabeth Hart

Elizabeth Hart, Planner