

MINUTES of the Vernal City PLANNING COMMISSION

Vernal City Council Chambers – 447 East Main Street

October 8, 2009

Members Present: Sonja Norton, Eric Olsen, Freida Parker, Gordon Seitz and Shirley Wilkins.

Alternates Present: Vernie Heeney and Glenn Spencer.

Excused Members: Howard Carroll - Attending business meeting in Roosevelt.

Absent Members: Troy Allred.

Staff Present: Allen Parker, Assistant City Manager; Richard Zohner, Building Official; and Stacy Palmer, Administrative Clerk.

WELCOME AND DESIGNATION OF CHAIR AND MEMBERS: In Howard Carroll's absence, Vice-chair Eric Olsen welcomed those present. Eric Olsen stated that alternate Glenn Spencer would be voting in place of Troy Allred and alternate Vernie Heeney would be voting in place of Howard Carroll during this meeting.

REQUEST FOR APPROVAL OF MASTER SITE PLAN FOR VERNAL CITY PARKING LOT LOCATED AT 45 AND 51 SOUTH VERNAL AVENUE - APPLICATION #2009-0024-MSP - ALLEN PARKER: Allen Parker explained that this is a request by Vernal City to approval of a site plan for parking at 45 and 51 South Vernal Avenue. Mr. Parker presented a drawing of the proposed site plan and explained that part of the parking area is owned by Wes Toronto (new owner of what used to be Bud's bar located at 51 South Vernal Avenue) and the rest is owned by Vernal City. Mr. Parker stated that the Vernal City Council approved a parking lease agreement with Mr. Toronto at the October 7, 2009 Council meeting. Mr. Parker noted that the entrance from Vernal Avenue has a landscaped island and the lot will provide 20 additional parking spaces for the downtown area. Gordon Seitz asked why the City was proposing to provide this parking area at their expense. Mr. Parker explained that the City Council has been working with the downtown merchants since at least 2007 to provide this parking area. The project has been delayed since the owner of 51 South Vernal Avenue passed away and the City has been waiting for final disposition of the property in order to proceed with the parking plan. Mr. Parker stated that the building currently houses a non-alcoholic club for all ages. Vernie Heeney stated that two or three bands play there regularly and the patrons consist mainly of people in their late teens to early twenties. Glenn Spencer asked for further clarification as to why the City would be in the business of providing parking. Allen Parker explained that when a business opens up in a designated area of downtown Vernal, the owner has the option of paying a one-time fee of approximately \$4,000 per space into a general parking fund if they do not have enough parking space for their business. This sort of arrangement encourages a higher density use of the land and the parking fund money is to be used to provide centrally located parking available for free to the public. Mr. Parker

noted that the number of parking spaces required for a business depends on the size and use of the space in question.

Vernie Heeney asked if the parking lot has access to the existing parking directly to the east. Allen Parker stated that the east end of the proposed parking does connect to the existing parking behind Vernal Theater. Eric Olsen asked if there was a reason that the parking spaces were not aligned to pull through the spaces. Allen Parker responded that the parking spaces were aligned to maximize the number of stalls that could be created. Glenn Spencer noted that the most northeast stall would be difficult to maneuver a car into. Mr. Parker stated that this spot would be accessed most easily by a car entering directly from the parking behind Vernal Theater. There being no further questions, **Gordon Seitz made a motion to approve the master site plan for a Vernal City parking lot to be located at 45 and 51 South Vernal Avenue - Application #2009-0024-MSP. Shirley Wilkins seconded the motion and the motion passed with Heeney, Olsen, Parker, Seitz, Spencer and Wilkins voting in favor.** Sonja Norton was not present for the vote.

ORDINANCE AMENDMENT DISCUSSION: Allen Parker explained that the issue of a conditional use permit being required for certain types of fences has come up to him repeatedly in the past. Mr. Parker noted that this process can be changed to an administrative procedure by an amendment to the Vernal City Code. Mr. Parker asked if the Commissioners felt they would support this change. Shirley Wilkins, Freida Parker, Eric Olsen, Glenn Spencer and Vernie Heeney stated that they were in favor of this proposed change. Gordon Seitz stated that his only concern would be providing an avenue for a neighbor who opposes a proposed conditional use an avenue for appeal. Mr. Parker stated that the Code could be written so that an administrative decision to approve a conditional use could be appealed to the Planning Commission. If worded in this manner, Gordon Seitz stated that he would support such an ordinance amendment.

Mr. Parker asked if there were any other ordinance amendments that the Planning Commission would like to suggest. Eric Olsen stated that he would like Commission meetings to include ten minutes when possible to review the current code to help familiarize all of the Commissioners on a regular basis. Mr. Parker replied that a review of the sign ordinance might be a good place to start such a review. As the current code is reviewed, the Commission may be able to identify things that need adjusted.

TRAINING: Vernie Heeney noted that the packets include information about land use training in Roosevelt later this month. Stacy Palmer stated that any Commissioners who wish to attend just need to let her know and she would get them registered.

MISCELLANEOUS: Eric Olsen stated that he would not be able to attend November's Planning Commission meeting. Mr. Olsen also asked if it would be possible for staff to include site photos in the information packets. Mr. Olsen stated that aerial pictures are nice, but sometimes a ground-level photo would help orient him to the site. Allen Parker stated that his department has a digital camera and he would include site photos whenever possible.

Sonja Norton arrived at 6:00 p.m.

REQUEST FOR APPROVAL OF CONDITIONAL USE PERMIT FOR A SITE OBSCURING FENCE ON PROPERTY LOCATED AT 125 NORTH 1250 WEST - APPLICATION #2009-0023-CUP - ALEZA FRISBY: Allen Parker explained that this is a request for a condition use permit to allow for a site obscuring fence on property located at 125 North 1250 West. Mr. Parker noted that the corner of the fence would be clipped at the property line shared with the neighboring apartment complex in order to meet the clear-vision triangle requirements. Eric Olsen opened the public hearing portion of the meeting for this item. There being no comment, the public comment section was closed. There being no further comment or question from the Commission, **Gordon Seitz made a motion to approve the conditional use permit for a site obscuring fence on property located at 125 North 1250 West - Application #2009-0023-CUP.** Sonja Norton seconded the motion and the motion passed with Heeney, Norton, Olsen, Parker, Seitz, Spencer and Wilkins voting in favor.

REQUEST FOR RECOMMENDATION REGARDING REZONE REQUEST FOR PROPERTY LOCATED AT 49 SOUTH 300 WEST FROM CC-1 CENTRAL COMMERCIAL AND R-4 RESIDENTIAL TO CC-1 CENTRAL COMMERCIAL ONLY - APPLICATION #2009-0022-RZ - RAFAEL POLENDO: Allen Parker explained that the property which is the subject of this rezone request is currently zoned CC-1 Commercial, as well as R-4 Residential. The property owner has requested that the entire property be zoned CC-1 Commercial. Mr. Parker stated that this property is shown as commercial in the General Plan and noted that the request is within the requirements of Vernal City Code.

Eric Olsen opened the public hearing portion of the meeting. Ardith Wolf, 57 South 300 West, stated that she lives in the home adjacent to this property. Ms. Wolf stated that when she moved to the street approximately eight years ago, it was mostly residential. Since that time, Ms. Wolf stated that the area had become much more commercial. Ms. Wolf explained that parking on the street is already a problem with overflow from Showalter Ford across the street. Ms. Wolf continued that vehicles waiting for repair are often parked on this street. Ms. Wolf noted that when Uintah Auto's semi-trucks loaded with new cars arrive, they are parked in the middle of the street for hours. Ms. Wolf stated that she feels there is already too much commercial activity and stated that she would like this application to be denied.

Rafael Polendo, 49 South 300 West, stated that if the rezone is approved, he plans to put a mechanic shop on the rear portion of the property. Allen Parker stated there are no structures in the area of the lot where Mr. Polendo is considering placing the shop. Sonja Norton noted that a site obscuring fence would be required between the commercial use and neighboring residential uses. Ms. Norton asked if CC-1 zone has a parking space requirement. Mr. Parker stated that this zone has parking requirements that are based on the size of the structure and the type of use. Mr. Parker noted that the majority of the property is already zoned CC-1 and stated that a single piece of property should only have one zone.

There was further discussion regarding the adjacent properties to the east which are also split-zoned and what could be done to remedy this situation. Shirley Wilkins asked if it was

legal for cars waiting for repair to be left parked on the street. Allen Parker replied that any vehicle which is not drivable or registered is not allowed to be parked on Vernal City streets.

Eric Olsen explained that the Planning Commission makes a recommendation to the City Council regarding this rezone request. On October 21, 2009, at 7:15 p.m., the Vernal City Council will convene another public hearing and make the final decision. If the application is approved, the City Council can require a development agreement be signed by the property owner indicating what he intends to do with the subject property. If the property owner fails to comply with the agreement, the zoning of the property would revert to its original zoning. Mr. Olsen encouraged Mr. Polendo and Ms. Wolf to plan to attend the October 21, 2009 Council meeting.

There being no further public comment, Eric Olsen closed the public hearing portion of the meeting. **Shirley Wilkins made a motion to make a positive recommendation to the Vernal City Council regarding rezone request - Application #2009-0022-RZ - for property located at 49 South 300 West from CC-1 Central Commercial and R-4 Residential to CC-1 Central Commercial only, noting that the majority of the property is already commercial and that Vernal City's General Plan designates the property as commercial. Gordon Seitz seconded the motion and the motion passed with Heeney, Norton, Olsen, Parker, Seitz, Spencer and Wilkins voting in favor.**

APPROVAL OF MINUTES FROM SEPTEMBER 17, 2009: Vice-Chair Eric Olsen noted that a quorum of members present at the September 17, 2009 meeting were now available. **Gordon Seitz made a motion to approve the minutes of September 17, 2009 as presented. Freida Parker seconded the motion. The motion passed with Norton, Olsen, Parker and Seitz voting in favor.** Heeney, Spencer and Wilkins were not present at the September 17, 2009 meeting and did not vote.

There being no further business, **Gordon Seitz made a motion to adjourn. Sonja Norton seconded the motion and the motion passed with Heeney, Norton, Olsen, Parker, Seitz, Spencer and Wilkins voting in favor.** The meeting adjourned at 6:30 p.m.

Eric Olsen, Vice-Chair