

# MINUTES of the Vernal City PLANNING COMMISSION

Vernal City Council Chambers 447 East Main Street

October 14, 2010

5:30 p.m.

**Members Present:** Eric Olsen, Sonja Norton, Glenn Spencer, Kathleen Gray,  
**Excused Members:** Vernie Heeney  
**Alternates Present:** George Bingham  
**Staff Present:** Allen Parker, Assistant City Manager; Richard Zohner, Building Official; Mariel Davis, Administrative Clerk

**WELCOME AND DESIGNATION OF CHAIR AND MEMBERS:** Eric Olsen welcomed everyone present and stated that George Bingham will be voting in place of Vernie Heeney.

**APPROVAL OF MINUTES FROM SEPTEMBER 9, 2010:** Eric Olsen asked if there were any corrections to the minutes of September 9, 2010. There being no corrections or changes, **Glenn Spencer moved to approve the minutes of September 9, 2010 as presented. Kathleen Gray seconded the motion and the motion passed with Eric Olsen, Glenn Spencer, Sonja Norton and Kathleen Gray voting in favor.**

**APPROVAL OF MINUTES FROM SEPTEMBER 24, 2010:** Eric Olsen asked if there were any corrections to the minutes of September 24, 2010. There being no corrections or changes, **Sonja Norton moved to approve the minutes of September 24, 2010 as presented. George Bingham seconded the motion and the motion passed with Glenn Spencer, Sonja Norton, Kathleen Gray and George Bingham voting in favor.**

**REQUEST FOR APPROVAL OF MASTER SITE PLAN FOR ASHLEY REGIONAL MEDICAL CENTER LOCATED AT 150 WEST 100 NORTH, APPLICATION #2010-018-MSP:** Allen Parker stated that this a request by Ashley Regional Medical Center to approve a master site plan for a new parking lot located at 190 North 100 West. The parking lot will contain 29 parking stalls and is located in zone C2 on 0.26 acre corner lot north east of the medical center. Mr. Parker stated that Vernal City Staff have reviewed the application and found it to be compliance with Vernal City Ordinances and approvable as submitted. He commented that the city has received the engineering corrections and found that storm water and designs are sufficient. Sonja Norton inquired on the landscaping requirement and if the plans show lighting in the center of the lot. Mr. Parker stated that there is a five percent landscape requirement and explained that the plans do show a single light pole with 2 parking stalls in the center of the lot. George Bingham asked if they are required to have fire hydrants. Mr. Parker stated they are not required because there is no structure, but do have to show the location of any existing hydrants.

Sonja Norton asked if the retention pond would be underground. Mr. Parker stated that to east side of the property is an above ground cobble lined retention pond. Mr. Parker stated that Ashley Regional Medical Center was encouraged to do storm water retention underground, but

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found it to be more cost effective to do it the way proposed. Ms. Norton stated that she thought the Commission had made some changes to the storm drain requirements and they could no longer have above ground retention. Mr. Parker stated that there were some changes made but above ground retention was not eliminated. The changes were to the slope and landscaping requirements and retention had to be two feet above ground water. There was some discussion on the requirements and enforcement of locating the ground water. Ms. Norton stated that she would like to see a requirement in writing to test for ground water before applications are approved to prevent future problems. Richard Zohner explained that the way the code is written, there has to be two feet of clearance from the bottom of the retention pond. He stated if they dig a test hole and find water, they will have to clear the problem before they can continue. Mr. Parker stated that it is not written as a requirement that to dig a test hole but they have to demonstrate that they are in compliance in all areas. Glenn Spencer suggested the Commission have a meeting and go over the code. Mr. Parker stated that a lot of the problems they are seeing now are from old systems and are not compliant with current code, but was compliant at the time they were built. He stated that the current code is strong and you will find the problematic areas will now be prevented by the current code. Mr. Parker pointed out that the water table can change with the seasons and you may have an acceptable depth in the fall and find out in the spring that there is a problem.

Eric Olsen asked if there were any other comments or questions on the proposed parking lot. Sonja Norton asked if the fence is required to be a site obscuring fence. Allen Parker stated that it is not required because there is no commercial activity in the parking lot and didn't find anything in the Code that requires the fence to be site obscuring. Ms. Norton suggested that it be required due to the parking lot lighting and vehicle lights intruding on any of the residential uses. There being no further questions or comments, **Glenn Spencer moved to approve the master site plan for Ashley Regional Medical Center located at 150 West 100 North, Application # 2010-018-MSP with the corrections required by Vernal City Staff. Sonja Norton seconded the motion and the motion passed with Eric Olsen, Glenn Spencer, Sonja Norton, Kathleen Gray and George Bingham voting in favor.**

**PUBLIC HEARING TO CONSIDER REQUEST FOR RECOMMENDATION OF APPROVAL OF MINOR SUBDIVISION FOR ASHLEY VALLEY FUNERAL / JACOB PHILLIPS AT 410 NORTH 800 WEST - APPLICATION #2010-019-SUB:** Allen Parker stated that this is a request by Jacob Philips to subdivide a 2.34 acre parcel of land located at 713 West 500 North, in R2 zone, into minor subdivision containing two parcels. He stated that to the north is Uintah County zone RA-1, to the west is the walking park and to the east is CP-2 commercial zone where Urgent Care Center is located. Mr. Parker stated that this request has been by City Staff and found to be in compliance with City Code. The plat has been examined by Engineering Services and there are a couple minor corrections that need to be made with signature blocks, but is in substantial compliance with City Code. Glenn Spencer asked what the difference was with this application and the one approved in August. Mr. Parker explained that this application is only to divide the parcel of land and that later in this meeting there is a master site plan on the south parcel that will change what was originally proposed and approved. Mr. Spencer noted that there were two different addresses of 410 North 800 West and 713 West 500 North showing on the paperwork and asked which was the correct address. Mr. Parker stated

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that 713 West 500 North is the official county address showing on the county website and addresses will be reassigned when this application is submitted. Eric Olsen opened the meeting for public comment, there being no questions or comments the meeting was closed to public. **Sonja Norton moved to forward a positive recommendation to the Vernal City Council for approval of minor subdivision for Ashley Valley Funeral Home located at 410 North 800 West – Application # 2010-019-SUB. Kathleen Gray seconded the motion and the motion passes with Eric Olsen, Glenn Spencer, Sonja Norton, Kathleen Gray and George Bingham voting in favor.**

**REQUEST FOR APPROVAL OF MASTER SITE PLAN FOR ASHLEY VALLEY FUNERAL HOME, LOCATED AT 410 NORTH 800 WEST – APPLICATION #2010-020MSP – JACOB PHILLIPS:** Allen Parker stated that this is an application similar to the one received in August. This is a request for the approval of a master site plan for new funeral home, located on the south parcel of the subdivision just discussed which is currently 713 West 500 North. He stated that this approval will be contingent on approval of land being subdivided. He continued that the building will be 5600 square feet in size in an R-2 zone. Staff has reviewed this application and found numerous changes needed. He stated that the changes have been submitted to the engineers and they are currently working on the corrections, particularly to the storm water retention system. The storm water will be similar to the system that was proposed on the original application. Mr. Parker stated that the City should have fully compliant plans in about two days. He continued that City Staff has found it to be an approvable application if the Planning Commission will incorporate the requirement for the changes required. The drawings indicate a compliant plan but did not have the specifications to go along with it. The missing items such as the sidewalks and ADA ramps were in the previous plan and are being transferred to the new plan.

Eric Olsen asked what the changes were from last time. Jacob Phillips, 4507 South 1363 East, Salt Lake City, Utah, 84117, stated that the only change was that the building is being moved to the south to help eliminate some of the costs because the bids came in higher than expected. Mr. Olsen asked if the building was moved to where there was previously a buffer between the building and resident to the south. Mr. Phillips explained that there would be trees and a fence separating the properties. Mr. Olsen asked if the fence they planned would be site obscuring. Mr. Phillips advised that it would be a vinyl fence. Mr. Olsen asked if there were any plans for the other piece of land. Mr. Phillips stated they planned to plant grass for now and may put a house there at a later point. Mr. Olsen stated that he wanted Mr. Phillips to be aware that this area of land has been historically wet and it may be in his best interest to dig an over excavation test hole since his retention pond is lower and there is still the requirement to be two feet below ground water.

Glenn Spencer asked about exit and entrances since they would no longer have frontage on 500 North. Mr. Phillips explained there would be two on 800 West just to keep the flow of traffic. Eric Olsen asked if the entrances were both in and out. Mr. Phillips stated that one is an entrance and one is an exit. Mr. Olsen asked if there was any change to the building. Mr. Phillips stated that building plans were the same as the original proposal. Mr. Parker pointed out to the Planning Commission that there was a conditional use permit issued for this site plan and he

didn't feel that it was necessary to re-do the conditional use permit since it is in substantial compliance with the conditional use permit already issued. Sonja Norton asked if the City drain to the south would be close to the building. Mr. Parker advised that Mr. Phillips and the developer are aware of it and it will be incumbent on them not to impinge on the City's easement. He stated that they have been asked to show the easement on their plans. There being no further comments or questions, **Sonja Norton moved to approve master site plan for Ashley Valley Funeral Home located at 410 North 800 West – Application # 2010-020MSP. Glenn Spencer seconded the motion and the motion passed with Eric Olsen, Glenn Spencer, Sonja Norton, Kathleen Gray and George Bingham voting in favor.**

**PUBLIC HEARING TO CONSIDER REQUEST FOR RECOMMENDATION OF ORDINANCE # 2010-18 AMENDING THE OFF-STREET PARKING AND VEHICLE ACCESS STANDARDS OF THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE:** Allen Parker stated that this is the result of the Planning Commission work session on the September, 24<sup>th</sup>, and the changes discussed have been incorporated in this ordinance. Mr. Parker stated there was one item in ordinance 16.26.220 the Commissioners had removed and he has added back in for discussion. He stated that City Manager Ken Bassett and numerous other people have concerns about the way the City handles downtown parking right now. The Code now reads anytime you change the use of a structure, regardless of how long the structure has been there, you have to adjust the parking requirement. Often times the City has discovered the site is not designed to accommodate the change in parking. The proposed change allows that new parking requirements apply only to new construction and do not apply to existing buildings. This was discussed in the context of restaurants because of the demand downtown. The current ordinance restriction would not allow for a restaurant in a small building downtown without at least 15 parking spaces. Mr. Parker stated that he has contacted other cities to inquire on their downtown parking requirements. He stated that some cities that do not have a parking requirement for downtown at all and Logan City gives the Council discretion to waive any parking requirements. Mr. Parker explained this proposal is the most dominant way he found that parking is handled for old existing structures or historic structures. The typical parking requirements simply require that new construction comply with parking requirements and old structures are grandfathered in. Mr. Parker stated this was added for discussion. Glenn Spencer asked for clarification if this would apply only to structures being enlarged not just changed and noted that there are some that are completely remodeled inside. Mr. Parker stated that they could remodel the building inside but can't expand the building at all without meeting the new parking requirements. Mr. Spencer expressed his concern that a building may be remodeled from one shop to 5 small shops and they would not be required to provide additional parking because the building was not expanded. Sonja Norton stated that there is no extra space available for additional parking in the downtown area. Mr. Parker stated the solution the City Council came up with years ago was the in lieu of fee, but a lot of people are unhappy with this so it is being reviewed. Mr. Parker stated that one concern with changing the option of paying the in lieu of fee is that it restricts businesses to whatever their current use is now. Mr. Spencer stated that if they are going to the expense of renovation, could they not afford to tear the building down and add additional parking. Ms. Norton pointed out that some of the downtown businesses don't own parking spaces and they have to lease them. Mr. Parker stated that the cost of renovation is usually marginal when you just making changes to the interior verses tearing it

down and starting over.

Sonja Norton stated that there are a few lots in the downtown that could be used for parking if they were posted, maintained and lighted. Mr. Parker pointed out that the lot on 100 West 100 North was posted for public parking and has noticed the lot is mostly full every day now. He stated that part of the problem may be that people don't realize where they can park and think if it is not posted, it must be private property. Mr. Spencer stated that he does not think Vernal City should get in the business of parking rentals. Mr. Parker stated that it could be a concern if they create a benefit for one business that is not provided for other businesses. He stated that it may have to be a matter of priority, are we actually supporting those businesses or trying to sustain the core of town. Mr. Spencer asked what Salt Lake City is doing. Mr. Parker stated he doesn't remember the specifics of Salt Lake, but that there are many cities that build parking garages and charge for the spaces. Mr. Parker explained that last time he checked; it was about \$23,000 per space to build a parking garage on good land, whereas surface parking like in Vernal City is around \$2,700 per space. Mr. Allen stated he had purchased a design manual for downtown parking in small cities and is using this as a reference point. Glenn Spencer stated he didn't know if it would be "kosher" to use tax payer dollars to promote a downtown area verses private money used to develop outlying areas. Allen Parker stated that State law allows an entity to spend anticipated tax dollars to attract a business that will help develop themselves economically. He stated that as a community, Vernal City can do what is called tax increment financing, we can spend anticipated revenues to build infrastructure to support just one business to try and bring jobs to the area. Mr. Parker stated that with this proposal they are trying to be fair to existing owner so they are not so limited on the use of the building.

Glenn Spencer stated that during the recent work session they didn't discuss car dealerships and feels the needs to be addressed. He stated that neighbors of Uintah Auto had come before the Commission and stated concerns about the dealership unloading cars in the street. Sonja Norton asked if there was anything that limited the number of cars dealerships can park on their lots and stated that sometimes they do not even leave enough room to back the cars out. Mr. Parker stated that there are no controls to how they stack their inventory and it's probably is not an area the Commission wants to get into. He stated they do need to provide loading areas and dedicated customer and employee parking. Mr. Parker explained that it may be difficult to enforce what is customer, employee or inventory parking in a dealership lot. Eric Olsen suggested that calculating the parking stalls may be too difficult but they should add verbiage addressing loading and unloading area. Mr. Olsen recommended that if loading and unloading in the street was not addressed, it should be added. Mr. Parker stated that would be something the code enforcement officer would not be able to enforce; rather law enforcement would have to enforce it because it is occurring in a public right-of-way. Mr. Parker stated he would talk to the attorneys because if the City made any changes that would put someone out of business they may be liable. He stated the truck drivers use the center turn lane and are not blocking the road and people can get through. It is allowed in most cities so Vernal City would have to post signs restricting this. Mr. Parker stated that the current standard for a car dealership is one space for every 500 square feet of gross floor area and 1 space for each employee. Mr. Spencer asked if this would work because they also have a repair area. Mr. Parker stated that it is gross area and that repair area would apply in the calculation. Ms. Norton and Mr. Olsen stated that this is the

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way it is already written.

Glenn Spencer asked for clarification on parking requirements for manufacturing uses. It states 4 spaces plus 1 for each additional employee and asked if it matters on the size of the facility. Eric Olsen pointed out that the manufacturing facilities do not have a lot of customers, only a few salesmen, but have the same amount of employees each day. For example, the power plant is a huge facility with many employees. The parking lot would be huge based on the amount of employees but the employee's carpool, four in a car, which is overkill in parking. Mr. Parker stated that the wording "without retail sales on the premises" was overlooked and needed to be added to the manufacturing section.

Glenn Spencer stated that for parking at swimming pools, it states one space for each 10 person based on capacity load. Eric Olsen stated that it was based on capacity load and when the facility reaches capacity, they have to turn people away anyway. Sonja Norton pointed out that many times kids are just dropped off at swimming pools and parking spaces aren't needed for that.

Eric Olsen asked for an explanation on parking at transportation terminal facilities which states adequate number as determined by the Planning Commission. Sonja Norton stated that Vernal City doesn't have any of these facilities yet and weren't sure what they are going to look like or what would be required. Allen Parker stated what they were going to do is require a study of the use and the Planning Commission could then determine the requirement. He stated that this could include different terminals from a bus station to an airport, which have different demand requirements and they would need to rely on an engineering traffic study. Glenn Spencer asked if Mr. Parker could add a few words that state the Planning Commission may require an engineering parking study. Eric Olsen opened and closed the meeting to public comment. **George Bingham moved to forward a positive recommendation for the approval of ordinance # 2010-18, amending the off-street parking and vehicle access standards to the City Council with the changes and corrections noted. Glenn Spencer seconded the motion and the motion passed with Eric Olsen, Glenn Spencer, Sonja Norton, Kathleen Gray and George Bingham voting in favor.**

**NOVEMBER MEETING SCHEDULE DUE TO VETERAN'S DAY:** Allen Parker notified the Planning Commission that November's meeting was on Veteran's Day and asked if they would like it scheduled for a different day. Sonja Norton suggested the following week on November 18<sup>th</sup>. Eric Olsen stated that he would have to leave by 7:00 p.m. if they chose that day. After some discussion, it was the consensus of the Commission to reschedule Planning Commission on November 18<sup>th</sup>.

**TROY ALLRED RESIGNATION:** Allen Parker advised the Commission that Troy Allred had resigned and that he would not be attending any more meetings. He stated that the Commission now has an opening that they need to get filled and asked if anyone had recommendations. Glenn Spencer recommended Ken Latham. Eric Olsen stated that Mr. Latham was interested in it and was disappointed that he wasn't asked. Sonja Norton recommended Gary Redden. Mr. Parker stated that he had talked to Keith DeSpain and that he

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may be another option. Mr. Spencer inquired about moving alternate members up and recommended moving George Bingham up.

There being no further business, **Sonja Norton moved to adjourn. George Bingham seconded the motion, and the motion passed with Eric Olsen, Glenn Spencer, Sonja Norton, Kathleen Gray and George Bingham voting in favor. The meeting adjourned.**

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Eric Olsen, Planning Commission Chair