

MINUTES of the Vernal City PLANNING COMMISSION

Vernal City Council Chambers – 447 East Main Street

November 18, 2010

5:30 p.m.

Members Present: Chair Eric Olsen, Kathleen Gray, Glenn Spencer, Sonja Norton

Alternates Present: George Bingham

Excused Members: Vernie Heeney, Ben Mahaffey

Staff Present: Allen Parker, Assistant City Manager; Richard Zohner, Building Official, Sherri Montgomery, Administrative Clerk

WELCOME AND DESIGNATION OF CHAIR AND MEMBERS: Chairman Eric Olsen called the meeting to order and welcomed everyone present. Mr. Olsen stated that George Bingham would be voting in place of Vernie Heeney for today's meeting.

APPROVAL OF MINUTES FROM OCTOBER 14, 2010: There being a quorum of members present from the October 14, 2010 meeting, **Sonja Norton moved to approve the minutes of October 14, 2010 as presented. Glenn Spencer seconded the motion. The motion passed with Olsen, Gray, Spencer, Norton, and Bingham voting in favor.**

CURRENT PARKING ORDINANCE TRAINING: Allen Parker will provide appropriate training to the Commissioners on the current parking ordinance by reading through each section to discuss the way the ordinance works and how the different sections interact with each other. This is a discussion only meeting and no revisions will be made until the next meeting.

In reference to Section 16.26.010 (Purpose), Sonja Norton asked why the code uses main building in the text and not existing building. Mr. Parker clarified that it is referring to any building that is not like a shed or anything that doesn't have a parking requirement. Ms. Norton mentioned that the City does not have any of those types of buildings. Mr. Parker agreed that the language could be refined.

In reference to Section 16-26-070 (Parking District-Purpose), Ms. Norton asked if the City needs to have a parking district or if the City can let the businesses be responsible for parking. Mr. Olsen mentioned that the point being the in-lieu of parking fee. Ms. Norton explained that the in-lieu of fees were being considered for elimination by the City Council.

In reference to Section 16-26-080 (Parking District Fund-Established Use), Mr. Parker stated that this section is used to manage the funds that are placed in the parking district fund. Mr. Parker explained that the City currently has a large parking fund and in order to keep the fund in place, he suggested keeping the parking district along with a parking plan to justify the capital expenditures. Ms. Norton asked if it is the City's obligation to provide public parking downtown which benefits the businesses in the downtown area or to allow businesses to provide for their own parking. Mr. Spencer asked what the Council decided at their last meeting. The Council eliminated the clause for existing buildings to be required to comply with the parking requirements if the building changes use with the exception of enlargement. Mr. Parker explained that other cities and districts compile a parking study on the designated area, calculate the current number of parking spaces, square footage, and number of unmet

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parking needs to come up with a base number of parking spaces. Then they require any new businesses to meet the parking standard; therefore, creating a need that the City Council has to address after the fact. Mr. Parker suggested establishing the parking district by conducting a study of that area for unmet parking needs and base future decisions on that study. Mr. Spencer commented about an article in the local newspaper yesterday indicating the City had already proceeded in buying two or three lots downtown. Ms. Norton affirmed that the Council did not approve to buy property downtown. Mr. Spencer asked if a decision needs to be made at this meeting. Mr. Parker explained that no decisions can be made at this meeting based on the agenda. Chairman Olsen reiterated that the concern is with the downtown area only. Ms. Norton mentioned that normally there is space available to purchase for parking, but currently there are a lot of businesses in the downtown area that are surrounded by privately owned property; therefore, they are unable to purchase parking. Chairman Olsen asked what other cities do with historical downtowns. Mr. Parker explained that some cities pretend that there is no issue and then there are other cities that don't require parking and take the whole thing on themselves as a City. Chairman Olsen asked if they build parking lots. Mr. Parker stated yes, but they usually charge for them with a monthly or yearly fee. Mr. Parker stated that he has done research in the State of Utah and found that most cities assume a certain amount of responsibility. If a city is designing a transit oriented development such as in Salt Lake City, there must be the highest levels of density possible surrounding those transit stops which allows people to maximize the use of that transit. They build a parking garage associated with that transit stop, and most structures that go around it have limited parking. The focus is on getting people in and out of that area using the transit system rather than automotive use. The experience globally is the government agency must concentrate on that one area for transit to be successful. People in high density downtown areas promote transit to get more cars off the road. Some towns have transit districts specified in their plans with very minimal parking requirements for new development in that area. Downtown is mainly focused on pedestrian activities. If you look at the gateway project in Salt Lake City, you will find large parking terraces on both ends, but within the district, there is almost no parking. Some cities take that approach when they are trying to create high concentration of business activity. Mr. Parker stated that he helped redesign along with an economic group for several blocks of their downtown area for Meridian, Idaho as a transit oriented district. Part of the incentive was the participation by the municipality or the downtown redevelopment district which basically was a partnership. It was a mixed use parking terrace that was paid for using a certain type of funding where the anticipated property tax was used to bond the existing structure. Ms. Norton stated that in her opinion, the City has enough parking downtown, but it is not maintained, marked, lit or utilized properly. Instead of getting into the parking business, why can't the City change the ordinance to require owners to maintain their parking better? Mr. Parker mentioned that one of the problems is the property is privately owned. Mr. Parker stated that the City Council has money in the parking district fund and according to the ordinance; the fund can be used to prepare an analysis of the downtown area for planning purposes.

In reference to Section 26.26.110 (Parking Space Requirements-Dwellings), Chairman Olsen asked why the numbers are spelled out for parking spaces. Mr. Parker explained that it was just how it was written to be consistent with other references in the code. Ms. Norton asked if there will be another work session to address any revisions to the parking ordinance. Mr. Parker stated that he will come to the next meeting with a starting point for discussion purposes and if the Commissioners decide to hold a work session, it would be appropriate at that time.

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In reference to Section 16.26.160 (Location), Mr. Parker mentioned that the 25% rule on residential zone parking gets overlooked often. Ms. Norton commented that there are a lot of residential properties with big driveways and extra parking. Mr. Parker explained that residential owners don't have to get approval from the City to pour flat concrete work. Ms. Norton asked why the City would want to limit the amount of residential parking. Mr. Parker pointed out that it is to try and preserve the front yards of buildings as green space. Ms. Norton noted that as the current ordinance reads, someone living in the existing downtown area could wipe out their yard and pave it for parking. Mr. Parker stated that the City has a difficult time enforcing this issue, because there is no mode of enforcement. Ms. Norton asked if all of this section pertains to residential only. Mr. Parker stated that location applies to everything.

In reference to Section 16.26.190 (Parking Space Requirements-Joint Use), Mr. Spencer asked how far the parking is from the drawing provided by Mr. Parker. Mr. Parker answered 300 feet, so it is within the 500 feet as required by the code. Ms. Norton asked how the City follows up to make sure the covenant is recorded. Mr. Parker stated that it should be required at the time of approval. Ms. Norton asked who is responsible for following through to make sure the requirements have been met. Mr. Parker explained that the City staff or a designated authority over that area will make sure requirements on the developer are followed through with, and if not, take legal action.

In reference to Section 16.26.220 (Parking Space Requirements-Existing Buildings) Mr. Parker reported that this section was just changed by the Council. When an existing building use changes, the parking requirements are not required except if the building is enlarged. Ms. Norton asked if the in-lieu parking fee was taken out. Mr. Parker stated that he discussed this with the City Manager and both agreed that if you take the in-lieu parking fee out in this section then there is a "broken" code. Mr. Parker noted that the minutes from the Council meeting state that the in-lieu parking fee was intended to stay in the code.

In reference to Section 16.26.230 (Parking Space Design and Access) Ms. Norton asked if there needs to be a distance implemented for the backing space. Mr. Parker replied, yes. Ms. Norton asked if section H is talking about fencing when referring to effectively screened. Mr. Parker stated that it could be a fence, wall or hedge. Ms. Norton asked about the property located at 200 North 100 West for the hospital parking. Mr. Parker stated that they did not put up a fence, but instead installed a hedge. Ms. Norton asked if they needed an obscuring fence for the lights. Mr. Parker indicated that they provided for screening as per the code with the landscaping. Ms. Norton stated that they should make it a fence or wall because the lights go through the shrubs and sometimes even noise. Ms. Norton asked if the residential zone was supposed to be changed to residential use. Ms. Norton suggested this section be reviewed, because there are residents who live in a commercially zoned area.

In reference to Section 16.26.240 (Off-street Truck Loading Space), The Commission discussed existing businesses not being required to comply with this section of the code. Mr. Parker stated that he would have to check with legal counsel to see if the City has the right to go back after the fact and require existing businesses to have a loading space. Ms. Norton stated that sometimes trucks loading and unloading can get in the way of visitors pulling in and out of businesses. Mr. Parker indicated that trucks just stop in the travel lane to unload merchandise, but this section applies to new construction only. Mr. Spencer asked how the City can only enforce new construction and not those who have changed the use of their building. Mr. Parker stated that the City Council is open for suggestions. Ms.

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Norton suggested there be stipulated parking for unloading and loading for big trucks in the downtown area. Mr. Spencer agreed there needs to be a discussion on this section.

In reference to Section 16.26.250 (Businesses requiring Automobile Access), Mr. Spencer stated that he thought businesses would not use this section, because they already have access to their parking lots. Mr. Parker explained that the City owns the roads, so they can grant access to the road if a commercial site applies to the Planning Commission, but they are limited to 34 feet. Chairman Olsen asked where the 34 feet came from. Mr. Parker stated that it probably came from another city's standard requirements.

Mr. Parker stated that he wanted to make sure that the Commissioners understood how the parking ordinance works and how the whole ordinance integrates. Chairman Olsen asked if the in-lieu parking fee will be discussed now or at the next meeting. Ms. Norton stated that she is conflicted with the parking which supports privately owned businesses due to spending tax payer's money. Ms. Norton affirmed that there has only been one business that has paid the fee. Mr. Parker indicated that the fee has not been paid yet; therefore, the business cannot begin construction. Ms. Norton pointed out that the City needs to preserve downtown public parking, because private owners can begin charging fees. Mr. Parker stated that if the City wants to continue being in the parking business, they need to develop a parking plan for a specified downtown area. If a parking plan was already developed and addressed the in-lieu of parking fee, a business could pay into the parking fund rather than developing parking. If it is not in the City's long term plan for parking in the downtown area, then the business would not pay into the parking fund, because it would be creating a demand in a different location than the City's parking development plan. Ms. Norton asked how keeping the in-lieu of parking fee helps the City with parking if there is no property to buy for parking. Mr. Parker indicated that the City would need to have a site in place of what is being required. Mr. Parker stated that so far this has not been an issue for the City; since there has only been one business required to pay the in-lieu parking fee. Chairman Olsen asked if the City charges a fee if there are any improvements to a business or only if a business is enlarging. Ms. Norton pointed out that most of the City Council does not want to have the in-lieu parking fee. Mr. Spencer commented that if it is the City's concern that someone could buy private property for parking and charge exuberant fees, it wouldn't last very long. If the businesses don't want to pay the fee, then the private owner is stuck with the parking and not getting anything out of it. Ms. Norton mentioned that it would destroy the downtown area. Mr. Spencer commented that if it destroys the downtown area, the private owners of the parking are not going to gain anything. Mr. Spencer explained that he likes the analogy of downtown being a shopping mall without a roof and would like to see how other malls handle their parking situation. Mr. Spencer also noted that he is personally opposed to using public funds to provide parking for private businesses, but does not want to see anyone go out of business due to decisions made by the Commissioners. Ms. Norton stated that the City needs to maintain a certain level of parking which does cost a lot of money. Do we buy property as a City to maintain for public use or do we say no, we are not going to be in the parking lot business? Chairman Olsen asked what the Commission wants to see for parking in the downtown area. Mr. Parker proposed that the Commission think about doing an analysis of the downtown area as a basis for a decision. The Commission could make a recommendation to the Council that they invest a certain amount of money to conduct a study of the parking district to figure out what the City's true unmet parking need is at this time. Chairman Olsen asked if the in-lieu parking fee is a different issue and if the fund is not going to be used then what is the point. If the City wants to be in the parking lot business, then there needs to be another way to generate

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funds. Chairman Olsen agreed that a study of the parking district would be beneficial. Ms. Norton mentioned that there were parking meters downtown at one time and this could be another way to generate revenue. Mr. Parker pointed out that it will not fully offset your costs by using meters. Kathleen Gray asked if this issue could be dealt with just like the weed problem. Letters went out to the owners to cut down the weeds around their property. Mr. Parker indicated that the City's code officer tries to implement some level of maintenance. Mr. Spencer commented that the City dealt with this problem in the same manner as the property next to Betty's Café which was being abused for parking. Mr. Parker voiced his concern on finding a standard of disrepair and how the City will enforce the law. Chairman Olsen asked the Commissioners to give this issue some thought and be prepared to talk about it at next month's meeting. Mr. Parkers stated that he will come up with a model ordinance without a lot of aggressive changes for the Planning Commission to review and discuss at the next meeting. Mr. Parker also indicated that he will consider this training session as the Commissioner's annual required training.

PLANNING COMMISSION VACANCIES:

Allen Parker reported that two regular vacancies in the Planning Commission need to be filled. Three recommendations have been provided – Ken Latham, Gary Redden, and Brenda Erkwine. Sonja Norton asked if alternates usually fill regular vacancies. Mr. Parker stated that it is a good idea to move up alternates. Ms. Norton proposed to move George Bingham into one of the regular vacancies. Mr. Parker mentioned that it would need to go to Council for approval. Ms. Norton stated that Gary Redden would be willing to serve as a regular member. Mr. Parker noted that all three recommendations have agreed to serve on the Commission. Ms. Norton suggested filling the other regular vacancy with Gary Redden. If the Council approves to move George Bingham from an alternate to a regular and to add Gary Redden as a regular, this will leave one alternate position. Ms. Norton suggested Ken Latham to fill the alternate vacancy.

RESOLUTION FOR 2011 SCHEDULE: Allen Parker stated that the 2011 meeting schedule for the Planning Commission needs to be reviewed and approved. Chairman Eric Olsen mentioned that holding the meeting too early in the evening is having an impact on the public hearings. George Bingham suggested keeping the meeting at 5:30 p.m. Mr. Olsen pointed out that the majority of the community works until 6:00 p.m. Mr. Bingham suggested holding the public hearing portion of the meeting at 6:00 p.m. Ms. Norton asked about moving the meeting to a different night such as the Second Tuesday at 7:00 p.m. Mr. Parker explained that if the meetings get too long starting at 7:00 p.m., the Commission may have to consider holding two meetings a month. Ms. Norton suggested looking at it if it becomes a problem in the future. The Commissioners unanimously agreed to hold the regular monthly meeting on the Second Tuesday at 7:00 p.m. Mr. Parker will forward the recommendation to the City Council for approval.

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

Eric Olsen, Planning Commission Chair