

MINUTES of the Vernal City PLANNING COMMISSION

Vernal City Council Chambers 447 East Main Street

December 9, 2010

5:30 pm

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

Absent Members: Vernie Heeney

Alternates Present: George Bingham, Ben Mahaffey,

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

WELCOME AND DESIGNATION OF CHAIR AND MEMBERS: Chair Eric Olsen welcomed everyone present and noted that there are no voting items on the agenda for this meeting.

APPROVAL OF MINUTES FROM NOVEMBER 18, 2010: Chair Eric Olsen stated that there was a quorum present from the November 18, 2010 meeting and asked if there were any corrections. Sonja Norton stated that on page 2, line 37, states that “the parking district and the in-lieu parking fee would both be eliminated” and that it needs to state that the in-lieu of fees were being considered for elimination by the City Council. Ms. Norton asked for clarification page 6, line 208, which states that she suggested Ken Latham as a Planning Commission alternate because she did not remember making that recommendation. Ben Mahaffey stated that page 1, line 30 and again on line 32, the use of the word “verbiage” was used incorrectly. He stated that to his knowledge verbiage means “unnecessary words or prattle” and requested that this wording be replaced with “text” or “language”. He requested verbiage in line 30 be replaced with “text” and line 32 replaced with “language.” Ms. Norton stated that on page 5, line 151, where it states “Ms. Norton is conflicted with this topic due to spending tax payer’s money” needs to be clarified and state that she was referring to parking which supports privately owned businesses. **There being no further corrections requested, Glenn Spencer moved to approve the minutes of November 18, 2010 as corrected. Sonja Norton seconded the motion and the motion passed with Olsen, Spencer, Norton, Gray, and Bingham voting in favor. Mr. Mahaffey was not present at the November 18, 2010 meeting and abstained from voting.**

PARKING ORDINANCE AND REVISIONS: Allen Parker informed the Commissioners that with the decisions from the last meeting, he is presenting an ordinance amendment as a starting point for discussion of the parking code amendment. He suggested the Commissioners start at the beginning and discuss all areas they would like to see change.

16.26.090 In-lieu parking fees - calculation

Sonja Norton stated that on page 8, Section 16.26.090, she likes what was added on numbers 1, 2 and 3. Allen Parker stated that a lot of the complaints Vernal City has currently on the in-lieu of parking fee is that it that it does not create additional parking or isn’t tied to any project. The language preserves the code and

and creates a parameter in which in-lieu fee is used. Ms. Norton stated that it would be a good idea to have a parking development study conducted to address concerns from citizens, City Council and Planning Commission to better understand Vernal City's parking and where it is inadequate. Mr. Parker explained that a parking study would be conducted to analyze the parking availability in the downtown area and use it for the basis of a parking development plan. Ben Mahaffey asked how Vernal City determines what in-lieu fee to charge with no current parking plan in place and if anyone has paid the fee. Mr. Parker explained that with current Code, the calculation is based on the cost to build parking spaces in the downtown area. Mr. Parker explained that Marsen Furniture asked if they could pay the fee due to a lack of parking needed for their expansion. He further explained that in agreement with the City Council, Marsen Furniture has not yet paid the in-lieu of fee and is awaiting Code amendment. This could cause the fee to be reduced or eliminated based on the new Code. Ben Mahaffey asked if the City owns any parking lots and if so, how they are paid for. Mr. Parker explained that the City owns two lots which were paid out of a parking fund from sales tax revenue, which was established and set aside when Vernal City was doing well during the boom.

Allen Parker explained that at Commissioner Spencer's request, he called Layton City and asked about their parking requirements and ordinances. Mr. Parker stated that what he found is Layton's code is similar to what Vernal City's used to be, but it is a slightly less progressive ordinance. They require parking compliance with the change in use, which can restrict businesses based on the existing use. This has pushed businesses from downtown and has been somewhat of a problem. Layton City does not have an in-lieu of parking fee; therefore, builders have to find land to meet the parking requirement. Layton City stated that they are planning to update their code and go to a form based code.

Sonja Norton asked if they plan to discuss the square footage in relation to the parking requirements for each use. Allen Parker recalled that this issue has already gone to the City Council with the recommendation from the Planning Commission. Ms. Norton asked if the parking requirement that would affect Marsen Furniture had been changed. Mr. Parker advised that it was not, but that the City Council had requested more analysis of existing buildings and to bring that information back to the City Council. Ms. Norton noted that the parking requirement for Marsen Furniture is over 40 parking spaces and seemed about double what would be needed. She stated that the 20 parking spaces would be ample and would be about 10 more than what Western Living currently has available. Glenn Spencer stated that in that in a conversation with a Council Member, it was expressed that the Planning Commission was expecting expecting too much of Marsen Furniture. Mr. Spencer stated that they have reanalyzed this and the main concern was not just parking, but loading and unloading due to the problems they have experienced with auto dealerships. Mr. Parker noted that Marsen Furniture has a loading and unloading zone on the North end of the building. He stated that Section 16.26.240 addresses off- street truck loading spaces and there were no changes proposed when it was discussed previously. He further stated that this section of the code code applies to new construction and is only enforceable with new construction projects rather than existing existing buildings. Mr. Spencer stated that this discussion came up because of Marsen Furniture's remodel remodel request to connect their existing buildings, which will create a new parking requirement for them. He cautioned changing the requirement, because the comparison the Council has used is Western Living's current parking and stating that it is never full. Mr. Spencer stated that he disagrees and finds it hard hard to find parking at Western Living, especially when they have a tent sale. He further explained his

concern that it would force people to park in the streets or cause a problem for neighboring businesses. Ms. Norton noted another problem with Western Living's parking lot is the lack of access to the back side of side of the building.

Ben Mahaffey questioned if the City had any plans to buy or condemn property to create parking spaces. Allen Parker stated that at the last meeting, the City Council had considered purchasing land for parking, but had decided against it. Mr. Mahaffey stated that in regards to Section 16.26.090 (C), if there is no parking development plan in place, then there is no way to make it fair to new buildings to pay in-lieu parking fees. Mr. Parker explained that all the components would have to be in place to enforce the Code the way it is currently written and if not completed, there would be no way to give the flexibility of the in-lieu fee. Mr. Mahaffey stated that he is somewhat concerned with item (C) "the determination of how many, if any, parking spaces will be authorized for an in-lieu parking fee shall be solely at the discretion of the City Council" opening it up to favoritism. Chair Eric Olsen suggested it be stricken from the code. He commented that it should be black or white. If they are short 10 spaces, then they should pay in-lieu fee for 10 spaces. He further suggested the Code should read that the in-lieu fee be calculated by what is required minus what is physically available. Mr. Parker asked for clarification on what direction the Commission wants to go. The Commissioners agreed that the text should be stricken for now. Ms. Norton again suggested the importance and benefit of having a parking study done to give them direction. Mr. Mahaffey added that it would be very beneficial and questioned how the Commissioners could be discretionary when they don't know much about it.

Ben Mahaffey asked if a business would be restricted from moving into the downtown area if they have inadequate parking according to the requirements. Allen Parker explained that the City Council, with the recommendation of the Planning Commission, removed the requirement from the Code and additional parking is only required for new structures. If an existing building meets the zoning requirements, the burden of having enough parking is placed on the business owner instead of the City, and the risk is assumed by the new business owner. George Bingham asked if there was a plan in place to revitalize the downtown area that the Commissioners should be aware of. Sonja Norton mentioned that she is on a committee that is trying to do just that. Mr. Parker stated that the plan does not address parking, but more form and function of downtown. He explained that this is the reason he added in Section 16-26-100, so that a parking plan would be created.

Glenn Spencer stated that in Section 16.26.90 (B) the text "he/she" is used, but in some instances only "he" was used, which is not consistent throughout. He suggested that it be corrected to make it uniform.

16.26.160 Location

Ben Mahaffey stated that Section 16.26.160 (A) precludes any business from being able to purchase an empty lot, three spaces away to accommodate their parking requirements. Allen Parker explained that this is the reason "except as provided elsewhere in this chapter" was added. He further explained that section 16-26-200 addresses use of common facilities, which allows the use of jointly shared parking as long long as it is within 500 feet of that business. Mr. Mahaffey pointed out that 500 feet was referenced, but in Section 16.26.090 (B) 1 it states 750 feet and Section 16.26.160 (B) states 500 feet, which seems

contradictory. Mr. Parker explained the 750 feet referenced in (B) 1 is about 1 ½ blocks and was used as a standard for the City Council to consider the in-lieu of fee rather than dedicated parking of 500 feet which is addressed in Section (B). Mr. Mahaffey stated that he thinks the 500 feet requirement should be changed to 750 feet as well. Sonja Norton, George Bingham and Glenn Spencer agreed.

Ben Mahaffey stated that the 25% for driveways and off street parking in Section C is too vague, and it depends on the size of the lot. He gave the example of a lot that is the length of a block verses one that has 70 feet of frontage. Mr. Mahaffey questioned the purpose of this section and wants it stated more clearly. He pointed out that in his neighborhood there are two residences that have no lawn or green space and another home that has almost all concrete. If the purpose of the limitation is for front yard or green space, it should be stated that way. Allen Parker explained that there is a 30 foot setback required in the front yard space and the 25% of that space can be paved and used for parking. He further stated that there is not a residential landscape requirement in the Code; therefore, a property owner could landscape the remainder 75% in concrete if they wanted to. Glenn Spencer suggested they strike item (C) from the code. Mr. Parker noted that there is no building permit required for flatwork, so there would not be an opportunity to make people aware of this requirement, and it would be difficult to enforce. Mr. Spencer commented that Section 16.26.230 (G) states nearly the same thing as 16.26.160 (C), but the wording is better. Mr. Spencer suggested using the same language in both sections. Mr. Mahaffey suggested striking it entirely from the Code, if it is not enforceable. Kathleen Gray stated that she does not like the idea of taking it completely out and suggested changing it to a 50% requirement. Chair Eric Olsen suggested 33% be allowed. Mr. Spencer stated that if the purpose of this was to encourage green space then it should be specified. Sonja Norton commented that if it is made too specific, it may cause more problems. Mr. Parker stated that the best place to address green space is in the landscaping area of the Code. George Bingham stated that the size of the home and number of garages may take a large portion of the lot and eats up the front yard quickly. After some discussion, the Commissioners agreed on changing the Code from 25% to 50%. Mr. Parker confirmed that he would be replacing the text on page 8 with the text from page 9 and also change it to 50%.

Ben Mahaffey stated that in Section 16.26.160 (D) addressing the measurement of walking distances; it should be measured from the nearest entrance and not from the corner of the building. He pointed out that that the nearest entrance could be 200 feet from the nearest corner of the building. Chair Eric Olsen stated that it should remain the distance from the building, because this is the way to measure as far as the the engineering goes. He further stated that a site plan will show where the building is and determine the the acceptable distance, before you have an in-lieu fee. Mr. Mahaffey agreed that if that is the intent, then it then it is okay, but it is not clear what it means. Sonja Norton suggested removing the text “walking distance” and revising it to make it clear. Glenn Spencer pointed out that the walking distance could vary vary greatly if a business has two buildings between the parking area and the entrance. Allen Parker explained that 750 feet is approximately 1.5 city blocks and 500 feet would be within the city block the business is located. Ms. Norton stated she would like to see the walking distance at 500 feet to keep it within within the same block. Mr. Mahaffey pointed out that it wouldn't matter if it is on the same block as long as as it is within walking distance of what is being measured. Mr. Parker pointed out that there are two items items being discussed. The 750 feet requirement applies to the in-lieu fee and the 500 feet requirement is is referring to the walking distance. There was discussion as to the walking distance involving a strip mall or

mall or separated by other buildings. Mr. Olsen suggested using the wording of minimum walking distance to the closest building entrance like Mr. Mahaffey originally suggested. Ms. Norton suggested clarifying it as a public entrance to exclude loading docks or other employer entrances. Mr. Allen stated he would make the changes and present them with an updated copy at the next meeting, before it is forwarded to the City Council for approval.

Section 16.26.230 Parking space design and access

Ben Mahaffey stated that Section 16.26.230 (2) addresses handicap parking, but does not state the number of spaces required. Chair Eric Olsen pointed out that ADA (Americans with Disabilities Act) defines all these requirements. He questioned if the 8 feet mentioned is still the current requirement and thought it may have changed. He suggested removing the footage requirement and simply state parking has to meet federal ADA parking requirements. The Commissioners agreed.

Eric Olsen questioned the purpose of 9 x 20 feet for a garage and 10 x 20 feet per parking space mentioned in (A) of the same section. Mr. Olsen asked if this was referring to a home owner's garage and if so, why it is being addressed. He asked Richard Zohner if there was a size requirement addressed in the building code. Mr. Zohner advised that there is not. Mr. Olsen suggested that if garage size is not specified in the building code, then they should remove it and let people build what they want. Glenn Spencer agreed with that portion of the code being removed. Allen Parker explained that there are a number of reasons why cities get involved, including being able to regulate the esthetics. Mr. Parker asked what the rest of the Commissioners think. Sonja Norton stated that she would like this section of the Code to remain, if it refers to commercial, but it doesn't clarify either way. Mr. Spencer stated that he would like to leave the stall requirement, but remove the garage/carport requirement. Mr. Parker explained that if a homeowner was using the garage as one of their two required parking spaces, they would still have to comply with the 9 x 20 per space.

Chair Eric Olsen asked where they came up with the requirement of 24 feet for backing a vehicle as stated in (D). Allen Parker explained that as shown in (B) 24 feet is required for an access strip for two-way traffic. This is the standard needed to function by, because most backing spaces are two-way traffic.

Sonja Norton asked for clarification on (C) which states "in residential zones, access from the street for single family dwellings shall not exceed more than 60 feet with not more than one thirty-four foot access. Allen Parker explained that this is a design standard for a curb cut allowed by the City. Ms. Norton asked why it states you can have 60 feet, but then restricts it to 34 feet. Richard Zohner explained that the 60 feet is total and the 34 feet specifies the length that can't be exceeded for one access. You can have one that is 34 feet and one that is 26 feet or any combination that totals 60 feet, as long as it does not exceed 34 feet per access. Ben Mahaffey argued that this requirement is too restrictive for people with large or multiple garages. Mr. Parker explained this has more to do with proper street design rather than residential parking. Chair Eric Olsen suggested making the maximum access 36 feet for a 3 car garage. There was further discussion from the Commissioners as to the size that should be allowed for an access and street design. Mr. Parker suggested he contact Glade Allred, Street Superintendent, and come

come back with a recommendation and explanation for this requirement.

Ben Mahaffey asked why the parking lot across from Betty's Café was closed. Sonja Norton commented that the City Code states that public parking has to be paved parking with a hard surface and this was merely a code enforcement issue. Mr. Parker explained that for safety reasons public parking areas also have to be safe for wheelchairs and have lighting. Chair Eric Olsen pointed out that section (F) refers to "every parcel of land shall be paved with asphalt or concrete surface" and that it needs to specify if that applies to public, commercial, residential or industrial. He stated that the way it currently reads would restrict someone from putting gravel around the back of their house for parking in addition to the two required spaces.

Glenn Spencer commented that Section (H) states that the height of a hedge can't exceed 7 feet and what happens if you have a hedge that grows taller than 7 feet. Allen Parker explained that if it is a non-commercial parking lot then it is not a problem, unless you are blocking the clear vision triangle or creating a safety hazard. He explained that if it is a commercial lot, the design standard would have to be adhered to. Mr. Parker explained that the 7 foot requirement comes into place, because of the fence ordinance, which states anything over 7 feet requires a conditional use permit. Sonja Norton stated that where (H) addresses "residential zone" could be a problem, because there are a lot of residences in non residential zones. She suggested it reads "residential use" in addition to "residential zone".

Eric Olsen asked if there were any more questions or comments. There being none, Allen Parker stated that he would get all of the corrections made to the ordinance and get it back to the Commissioners for further discussion and a vote at the next meeting. Ben Mahaffey asked what the procedure is for suggesting a parking study. Mr. Parker explained that the Commissioners could recommend to the City Council that a parking study be conducted, and asked if the Commissioners would like him to bring it up at the next meeting or wait until they are finished with the parking ordinance. The Commissioners agreed they would like the study prepared now for the purpose of giving them direction in their decisions.

Chair Eric Olsen thanked everyone for their service and Vernal City for the Christmas gift. He informed the Commissioners that they had received approval from the City Council to hold their meeting on the 2nd Tuesday of the month at 7:00 p.m. The next meeting will be held on Tuesday, January 11, 2011 at 7:00 p.m. Mr. Olsen asked Mr. Parker if staff could get the packets out the Friday prior to the meeting. He also asked if it would be possible to have the minutes e-mailed as soon as possible after the meeting, because it is difficult to remember what was said a month later when the packets arrive. Mr. Parker stated that they could probably send a watermarked copy of the minutes that can't be edited, but couldn't guarantee a certain time, because the employees have other obligations. Mr. Parker stated that he would check with Ken Basset on this issue to make sure that it is okay to e-mail the minutes prior to the packets going out.

Sonja Norton moved to adjourn. Glenn Spencer seconded the motion, and the motion passed with Eric Olsen Glenn Spencer, Sonja Norton, Kathleen Gray, George Bingham and Ben Mahaffey voting in favor. The meeting adjourned.