

**Vernal City Planning Commission Minutes
March 8, 2011**

MINUTES of the Vernal City PLANNING COMMISSION

Vernal City Council Chambers – 447 East Main Street

March 8, 2011

7:00 p.m.

Members Present: Glenn Spencer – Vice Chair, Gary Redden, George Bingham

Alternates Present: Ken Latham, Ben Mahaffey

Excused Members: Eric Olsen – Chair, Sonja Norton, Kathleen Gray

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

WELCOME AND DESIGNATION OF CHAIR AND MEMBERS: Glenn Spencer called the meeting to order and welcomed everyone present. Ben Mahaffey and Ken Latham will be voting in place of Eric Olsen and Sonja Norton.

APPROVAL OF MINUTES FROM FEBRUARY 8, 2011: Glenn Spencer asked if there were any changes to the minutes from February 8, 2011. **There being a quorum of members present from the February 8, 2011 meeting, George Bingham moved to approve the minutes of February 8, 2011. Gary Redden seconded the motion. The motion passed with Spencer, Redden, Bingham, Mahaffey, and Latham voting in favor.**

APPLICATION #2011-001-RZ – REQUEST TO REZONE THE PROPERTIES LOCATED AT 1045 SOUTH 500 WEST, 1065 SOUTH 500 WEST, 1105 SOUTH 500 WEST, 463 WEST 1070 SOUTH, 468 WEST 1070 SOUTH, 483 WEST 1070 SOUTH, AND 488 WEST 1070 SOUTH, VERNAL, UTAH FROM R-1 RESIDENTIAL ZONE TO RA-1 RESIDENTIAL ZONE – KIMBALL GLAZIER: Allen Parker reported that Kimball Glazier is requesting that the zoning map be amended changing parcels 050550032, 050550033, 050550011, 050550301, 050550302, 050550303, and 050550304 from R-1 to RA-1. Mr. Glazier is in attendance representing all owners who have signed the application. Mr. Parker noted that the main difference between R-1 and RA-1 is allowing more animals in that area. Glenn Spencer asked if this would be considered spot zoning. Mr. Parker explained that this is a much larger area being rezoned and exceeds the standard referred to as spot zoning. Ben Mahaffey voiced his concern over livestock producing an odor. Mr. Parker stated that the people currently living in that area are the individuals requesting the change. Mr. Mahaffey stated that these areas are becoming high density exclusive neighborhoods only 1/2 mile from the downtown area and does not want to see cows and horses there. Mr. Spencer asked what types of animals are allowed in a RA-1 zone. Ken Latham referred the Commissioners to page 475 of the Vernal City Code, Chapter 16.38.

Mr. Spencer opened the public hearing for this request. Kimball Glazier at 1065 South 500 West was available for questions. Mr. Mahaffey asked how the subject property is currently being used. Mr. Glazier reported that there are animals on the property. Mr. Mahaffey asked if there were any buildings on the property. Mr. Glazier stated that he plans to bring the road down in the next couple of months

and add a barn, corrals, etc. on the end parcel with five acres. Mr. Mahaffey asked the sizes of the lots. Mr. Glazier explained that on the North side, there are seven more lots with 1/3 to 1/2 acre. Mr. Mahaffey stated that 20,000 square feet is approximately 1/2 acre; therefore, allowing all owners to have animals. Gary Redden asked the size of the first four lots. Mr. Kimball stated that they are 1/4 of an acre. There being no further comments, Mr. Spencer closed the public hearing for this request. **Mr. Mahaffey moved to recommend to the City Council that the request from Kimball Glazier to rezone the property at 1100 South 500 West be denied. Motion died for lack of a second. Ken Latham moved to recommend to the City Council that the request from Kimball Glazier to rezone the property at 1100 South 500 West be approved. Mr. Redden seconded the motion. The motion passed with Spencer, Redden, Bingham, and Latham voting in favor. Mr. Mahaffey voted not in favor.**

APPLICATION #2011-002-RZ – REQUEST TO REZONE THE PROPERTY LOCATED AT 1 WEST 500 SOUTH FROM RA-1 RESIDENTIAL ZONE TO P-1 PARK ZONE – UINTAH RECREATION DISTRICT: Allen Parker reported that the Uintah Recreation District is requesting the zoning map be amended changing parcels 050540023 and 050540024 from RA-1 to P-1. The parks zone allows for a number of public activities like public parks. Mr. Parker explained that the Uintah Recreation District owns the entire piece of property, and the current property zone restricts them from being a public park. Ken Latham asked the size of the property. Mr. Parker stated that it has close to 88 acres. George Bingham asked what the plans were for the property. Robin O’Driscoll stated that the Uintah Recreation District plans to have a park, tennis courts, and softball complex.

Glenn Spencer opened the public hearing for this request. Jerry Larsen at 128 West 500 South asked how amending the zone will affect the surrounding properties. Ben Mahaffey stated that this zoning change would not involve any other property. William Reynolds at 133 South 500 West also wanted confirmation that his property zoning would not change. Allen Parker affirmed that their properties would remain residential. Mr. Reynolds pointed out that the property currently has leased cows on it, which is not compliant with this classification. Mr. Parker explained that the current use is grandfathered as long as they do not discontinue the use for more than one year. Robin O’Driscoll stated that the Uintah Recreation District is leasing the property out until it is developed. Ray Allen at 148 West 500 South stated that he was also in attendance to confirm that the surrounding properties would not be affected by the rezone. There being no further comments, Mr. Spencer closed the public hearing for this request. **George Bingham moved to recommend to the City Council that the request from the Uintah Recreation District to rezone the property at 610 South Vernal Avenue be approved. Mr. Redden seconded the motion. The motion passed with Spencer, Redden, Bingham, Mahaffey, and Latham voting in favor.**

APPLICATION# 2011-003-SUB REQUEST FOR APPROVAL OF FINAL PLAT SUBDIVISION OF SILVER PINES PHASE II: Allen Parker explained that the applicant is requesting approval for the final plat for phase two of the Silver Pines Condominiums. The first phase of these condominiums was approved in 2008. The plat shows five structures containing 24 dwelling units for a total of 120 individual dwelling units. The structures approved in the preliminary plat were 12-plexes and contained a total of 108 dwelling units in nine buildings. This change simply adds 12 more units. Mr. Parker stated that this application is in compliance with Vernal City Code and the requirements contained therein and finds this to be an approvable application. The preliminary assessment by Engineering

Vernal City Planning Commission Minutes
March 8, 2011

Services was also in compliance. George Bingham asked if the number of parking spaces is adequate with the increase in units. Mr. Parker explained that each unit has two parking spaces. Ben Mahaffey asked if the required parking is 2.5 spaces per unit. Mr. Parker explained that this plat was approved under the 2008 Code which stated 2 parking spaces per unit rather than 2.5. Mr. Mahaffey asked if they will make up for the extra 24 parking spaces required, and Mr. Parker indicated yes. Wendy Long, Uintah County Treasurer, stated that Silver Pines is delinquent \$83,475.27 on their property taxes going back to 2008. Ms. Long asked the Planning Commission to consider not approving the final plat until the delinquent taxes for Silver Pines are paid in full. Ms. Long reported that a large portion of these taxes comes back to Vernal City. Ms. Long explained that Mr. Irving asked the County to combine the individual parcels into one parcel and the County complied. Mr. Mahaffey asked if Silver Pines has paid any taxes since the development. Ms. Long stated that from the records gathered, the taxes were left up to the individual owners. Mr. Bingham asked if the taxes are paid when each unit is sold. Ms. Long explained that the County has to calculate the figure for the mortgage and title companies for each individual owner as the units are sold, because they were combined into one parcel. Ms. Long stated that the property taxes stay with the property; therefore, if an individual buys a property with delinquent taxes, they are responsible for those taxes. **Ben Mahaffey moved to recommend to the City Council that the request to approve the final plat for Phase II of the Silver Pines Condominiums be denied pending payment in full of the delinquent property taxes. Ken Latham seconded the motion. The motion passed with Redden, Mahaffey, and Latham voting aye. Spencer and Bingham voting nay.**

There was considerable discussion on meeting procedures and the legal aspects of motions and voting. Allen Parker explained the parliamentary procedures to the Commissioners for training purposes.

REQUEST FOR RECOMMENDATION AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE – CHAPTER 16.20 – GROUP DWELLINGS – ORDINANCE NO. 2011-03: Allen Parker explained that Group Dwellings was previously brought forward as a discussion item to the Planning Commission and City Council. This section of the Code governs group dwellings which are normally homes for battered women. This section applies additional restrictions to condos and apartments. These restrictions are problematic and prevent the City from changing the ordinance per zone. Mr. Parker stated that this section of the code also requires apartment buildings to be developed as a PRUD. With this type of subdivision, you have to subdivide the land. Section 16.20.030 specifies that group dwellings are considered a conditional use regardless of the zone, which is contradictory to the City's ordinance. Mr. Parker explained that the yard requirements are far more restrictive and exceeds the fire code. Mr. Parker recommends that the Commission make a formal recommendation to the City Council to delete all the content of this section as it stands and change the name from Group Dwellings to Specific Use Regulations. George Bingham asked if all the information in this section is covered in other areas of the Code. Mr. Parker affirmed that the information is specified in other areas of the Code. Glenn Spencer opened the public hearing for this request. There being no further comments, Mr. Spencer closed the public hearing for this request. **Ken Latham moved to recommend to the City Council that the information in Chapter 16.20 of the Vernal City Municipal Planning and Zoning Code be deleted and the Chapter renamed from Group Dwellings to Specific Use Regulations. George Bingham seconded the motion. The motion passed with Spencer, Redden, Bingham, Mahaffey, and Latham voting in favor.**

Vernal City Planning Commission Minutes
March 8, 2011

PARKING STUDY: Allen Parker explained that a parking study has been discussed in previous meetings, and Sonja Norton asked that it be added to the agenda to make a formal recommendation to the City Council. Ben Mahaffey asked if the parking study is to determine the parking needs in the downtown area. Allen Parker explained that a parking study will provide data to aid in analyzing the parking needs in the downtown area. Glenn Spencer asked where the funds come from for this study. Mr. Parker stated that there is funds set aside in the parking fund for this type of study. Mr. Mahaffey asked if there was a way to effectively figure how much a parking study would cost. Mr. Parker suggested a proposal from Engineering Services. Mr. Mahaffey asked about city planners or a private consultant providing a proposal. Mr. Parker explained that these types of professionals are not local and would incur traveling costs. Mr. Parker mentioned that Engineering Services has been contracted by the City for a number of items and could give the City some numbers. Mr. Mahaffey suggested researching ideas with consultants, before making a recommendation. Mr. Spencer stated that a parking study would be very helpful to the Commission in making future decisions. Mr. Parker suggested making a request to the Council to conduct a parking study and decide a budget amount. **Gary Redden moved to recommend to the City Council that a parking study be conducted of the downtown area. George Bingham seconded the motion. The motion passed with Spencer, Redden, Bingham, Mahaffey, and Latham voting in favor.**

TEMPORARY AND/OR MOBILE BUSINESS ORDINANCE: Allen Parker explained that a worksheet has been provided in the packets along with a list of current temporary businesses in Vernal City. Mr. Parker asked how the Commissioners would like to proceed with this ordinance. Ben Mahaffey asked what is considered temporary, because some of the businesses on the list have been at the same location for several years. Glenn Spencer suggested that the City compile a list of requirements for temporary businesses to follow when they vacate the property. Mr. Mahaffey asked why these businesses are temporary when most of them are food vendors. Mr. Parker explained that the Commission needs to take a look at the way these businesses need to be defined. Gary Redden stated that most of these businesses are trailers on wheels. Mr. Parker stated that the City needs to decide if these types of businesses should be required to stay on wheels or set up permanently. Mr. Mahaffey suggested there be a limit on the number of temporary business license renewals. Mr. Mahaffey asked about health inspections on these businesses. Mr. Parker explained that the City requires a health department certificate. Mr. Spencer asked the Commission if they would like to continue this discussion or hold a special work session to discuss this issue in more detail. The Commissioners all agreed to hold a special meeting on Tuesday, March 29, 2011 at 7:00 p.m. to conduct a work session on this topic.

PLANNING COMMISSION VACANCIES: Allen Parker reminded the Commissioners that there are still two vacancies to fill on the Planning Commission. Glenn Spencer asked if anyone had any recommendations. Ben Mahaffey asked if there were any guidelines to the type of person chosen to sit on the Planning Commission or can it be any citizen. Mr. Parker explained that in the past, the Planning Commission has been a mixed group of people who have a vested interest in the community. Mr. Mahaffey suggested that no more real estate agents or brokers be placed on the Planning Commission.

MISCELLANEOUS: Glenn Spencer suggested adding a discussion on animals to the agenda in the future. Allen Parker stated that City Manager, Ken Bassett, has also suggested this be an agenda item, specifically pets.

Vernal City Planning Commission Minutes
March 8, 2011

Glenn Spencer asked to discuss the parking issue on 200 South between 300 and 500 West. There doesn't seem to be adequate parking for the businesses in that area. Mr. Spencer asked if that area was zoned R-4. Allen Parker referred to the zoning map to show the zoning in that area. Mr. Parker indicated that the City cannot go back and change parking requirements. The City can only make new structures comply with the provisions of the Parking Code. This can be a starting point for discussion in the next review of the parking ordinance. Mr. Spencer stated that there is a lot of parking on the street near the temple, even though there are signs posted not to park there. Mr. Parker explained that this could also be addressed during the next parking ordinance discussion.

ADJOURN: There being no further business; **George Bingham moved to adjourn the meeting. Gary Redden seconded the motion. The motion passed with Spencer, Redden, Bingham, Mahaffey, and Latham voting in favor.**

Glenn Spencer, Planning Commission Vice Chair