

MINUTES of the Vernal City PLANNING COMMISSION

Vernal City Council Chambers - 374 East Main Street, Vernal, Utah

October 11, 2011

7:00 pm

Members Present: Eric Olsen, Sonja Norton, Kathleen Gray, Gary Redden, Ken Latham and Mike Drechsel

Alternates Excused: Anders Fillerup and Ben Mahaffey

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

WELCOME AND DESIGNATION OF CHAIR AND MEMBERS: Chair Eric Olsen welcomed everyone present.

INTRODUCTION OF NEW COMMISSIONER: Chair Eric Olsen introduced and welcomed Mike Drechsel to the Planning Commission as a regular member. Mr. Drechsel has lived in Vernal for the past six years with his family and is an attorney currently doing civil work for the Uintah County Attorney's Office.

ELECTION OF VICE CHAIR TO REPLACE GLENN SPENCER FOR 2011: Chair Eric Olsen recommended that the election of a Vice Chair be tabled until all of the new members are in attendance. *Sonja Norton moved to table the election of a Vice Chair until the next meeting. Gary Redden seconded the motion. The motion passed with Olsen, Norton, Gray, Redden, Latham and Drechsel voting in favor.*

APPROVAL OF MINUTES FROM SEPTEMBER 27, 2011: Chair Eric Olsen asked if there were any changes to the minutes from September 27, 2011. There being no corrections, *Kathleen Gray moved to approve the minutes of September 27, 2011 as presented. Gary Redden seconded the motion. The motion passed with Olsen, Norton, Gray, Redden, Latham and Drechsel voting in favor.*

APPLICATION# 2011-019-MSP REQUEST FOR APPROVAL OF MASTER SITE PLAN FROM AUTOZONE FOR THE PROPERTY LOCATED AT 1130 WEST HIGHWAY 40 – ALLEN PARKER: Allen Parker explained that this is a master site plan request by AutoZone who is represented by J-U-B Engineers. This will be a new retail structure located at 1130 West Highway 40 between AT&T and Wendy's. This site is located in a CP-2 zone which allows this use as a permitted use. An engineering review has been conducted by Engineering Services LLC and some minor corrections have been noted. Engineering Services will be working with AutoZone and J-U-B Engineers to get them corrected. Mr. Parker explained that part of this ongoing discussion is with the adjacent property owner on how to accommodate through traffic down the West side of the property. Staff has reviewed this application and found it to be in substantial compliance with Vernal City's Code requirements and is an approvable application with corrections as noted.

Mr. Parker pointed out the area where there is ongoing discussion regarding the easement through the property to allow for better passage of traffic as it moves from Northwest to Southeast. Sonja Norton asked if there will be parking adjoining the Wendy's parking lot. Mr. Parker stated no. Mr. Parker noted that according to the amount of square footage of this building, the applicant is three parking spaces short of meeting the City's parking requirement. However, there is an access easement in place over the entire property for the Diamond Mountain Shopping Center allowing cross easements and utilization of parking. Diamond Mountain has more than 30 extra spaces across the easement that takes care of the requirements for parking for AutoZone.

Chair Eric Olsen asked where the storm water is going. Joe Cross with J-U-B Engineers at 466 North 900 West in Kaysville, Utah explained that all the storm water on site is collected within catch basins and piped over to an existing storm drain facility within that driveway that is labeled 1220 West and then piped to the North to an existing storm water retention basin. Mr. Olsen asked about the landscaping in the front directly South of AutoZone. Mr. Cross stated that it will be grass. Mr. Olsen asked if there will be a sign out on the highway. Mr. Parker stated the applicant has requested a pole sign which has been approved by the City; however, there has not been a building permit issued yet. Ms. Norton asked if they will need to dig up any of the parking lot to install gas lines or anything else. Mr. Parker explained that they will have to do some digging to continue the curbing and gutter. Mr. Cross added that the location of the existing utilities is on site, therefore, they will not need to cut into the road for access other than the driveway cut. Ms. Norton asked if there were two handicap parking spaces. Mr. Olsen noted that there are three handicap parking spaces.

Sonja Norton moved to approve the request from AutoZone for the Master Site Plan at 1130 East Highway 40, Vernal, Utah – Application No. 2011-019-MSP with any corrections as noted by staff. Mike Drechsel seconded the motion. The motion passed with Olsen, Norton, Gray, Redden, Latham and Drechsel voting in favor.

APPLICATION# 2011-020-MSP REQUEST FOR APPROVAL OF MASTER SITE PLAN FROM WES SORENSON FOR THE PROPERTY LOCATED AT 221 SOUTH 1000 EAST – ALLEN PARKER: Allen Parker explained that Wes Sorensen is requesting approval of a master site plan for a new structure to be used as warehouse storage located at 221 South 1000 East. This property is located in an I-1 industrial zone which allows this use as a permitted use. The parking as required is minimal for this type of structure and has been met as outlined in the Northwest corner of the drawing. An engineering firm has conducted a peer review of this application and some minor corrections have been noted. Mr. Parker explained that since the time the packets were delivered, he has received the corrected site plan. Staff has reviewed the corrections, and they meet the requirements of the City. Mr. Parker mentioned that this warehouse will be used to store equipment, and there will be no employees operating out of it.

Wes Sorensen at 644 West 950 South, Vernal, Utah introduced himself to be available to answer any questions. Ms. Norton asked where Freedom Fitness is from this building. Mr. Sorensen stated that it is on the North side of the existing building. Ms. Norton asked if the existing building is owned by Monty. Mr. Sorensen answered yes. Ms. Norton asked if there will be anything in the front and if it

would be paved. Mr. Sorensen stated that there will be a 16 x 50 concrete apron and eventually asphalt. Ms. Norton asked if warehouses require parking. Mr. Parker explained that the parking requirement is very minimal, and this structure meets the existing parking obligation. Ms. Norton asked if the existing parking lot out front will be where the underground storm water retention is located. Mr. Parker explained that where the existing asphalt is located will be the primary hard surface parking. As it is developed, the graveled area and apron will provide additional parking. Ms. Norton asked if lighting was required. Mr. Parker stated that it has a light in the front to illuminate the apron area. Ms. Norton asked if that was the only area that needed to be illuminated. Mr. Parker answered yes. Mike Drechsel asked if there are any setback provisions due to the building being constructed right to the property line. Mr. Parker explained that in an industrial zone, they only have to contain a drip line of the roof on the property. Mr. Parker added that they retain their storm water through a gutter system, so there are no issues with it exiting the property.

Mike Drechsel moved to approve the request from Wes Sorensen for the Master Site Plan at 221 South 1000 East, Vernal, Utah – Application No. 2011-020-MSP with any corrections as noted by staff. Sonja Norton seconded the motion. The motion passed with Olsen, Norton, Gray, Redden, Latham and Drechsel voting in favor.

ORDINANCE DISCUSSION ON SIGN CODE – ALLEN PARKER: Allen Parker explained that this is a discussion only item due to the time frame to get the public hearing advertised. Last month, it was discussed that there are problems with the sign ordinance as it relates to the awning signs in the downtown area. The City allows buildings to be built right up to the front property line in the CC-1 and the CCP-1 zones with no setback. All of these businesses have signs that project out over the right of way. This was an oversight when the Code was amended and currently the Code does not permit them anymore. Mr. Parker reads the suggested ordinance change to the Commission.

Chair Eric Olsen asked what the setback is in the front of the zones. Mr. Parker answered zero. Mr. Olsen asked if they should add that if you do more than six feet, it cannot be in a public road. Sonja Norton mentioned that the City has sidewalks on all of it. Mr. Olsen asked to imagine that there are no sidewalks. Ms. Norton stated that you have to build a sidewalk. Ms. Norton asked the width of a sidewalk. Mr. Parker stated that the standard sidewalk is five feet. In the CC-1 and CCP-1 zones, the City does not have any sections of town that utilize that road cross section currently. The cross sections in the down town area have a lot more sidewalk associated with the front of the buildings than a simple five foot sidewalk. Ms. Norton stated that a CC-1 and CCP-1 zone could be the 100 East that might not have that wide of a sidewalk. Mr. Parker answered correct.

Mr. Parker suggested adding to the Code that a sign cannot project over vehicle traveling lanes. Ms. Norton added that it would be safe to say five feet if that is what is in the Code. Mr. Parker stated that they could use five feet and add the above notation. Mr. Olsen mentioned that it would not be bad to do six feet, as long as there is an “and” included in there. Mr. Parker stated that the wording could be “in no case shall a sign project over a vehicle travel way”. Ms. Norton asked what if they build it back and do not have a 0 setback. If they set it back 10 feet, they could possibly have a 15 foot sign that protrudes. Mr. Parker stated that is correct. Ms. Norton asked if it could say “in no case could it

extend out more than so many feet”. Mr. Olsen suggested using “cannot extend up to six feet or extend out into a travel way”. Ms. Norton asked what if it is not a travel way, does the six feet apply. Mr. Olsen answered yes. Mr. Parker suggested adding to the definitions that if a sign extends out more than six feet from the structure itself, it would be considered part of the setbacks. He added that you could not consider it to be a part of the architecture projection or sign. It would be part of the structure, if it went further than a set distance away from the building. Mr. Parker stated that if this is of interest to the Commission, he could put the verbiage together and bring it back next month. Ms. Norton asked if it would be at least another month and half before there could be a vote on this issue. Mr. Parker stated yes, due to the schedules and noticing requirements.

Mr. Drechsel asked if this CCP-1 zone was supposed to be a CP-1 zone. Mr. Parker explained that this is a CCP-1 and CC-1 zone. Mr. Drechsel mentioned that he did not see CCP-1 on the zoning map. Mr. Parker stated that the designations CC-1 and CCP-1 are out of the Code rather than off the map. The CP-1 zone should be a CCP-1 zone on the map. Mr. Drechsel stated that sometimes public easements and public right of ways are not improved. Does this as it is drafted now take into account the unimproved portion of the public right of way? Mr. Parker stated that the Code would address the right of way itself. If there was an unimproved portion between the front property line and the roadway, you would not be able to build out over it outside the constraints of the Code. The way it is defined is by specifying the easement or right of way itself. Ms. Norton asked if the wording would state “you cannot extend out into a road right of way”. Mr. Parker added “or easement”. A lot of what is in town is not a right of way. The property lines go to the center of the road, and it is actually an easement on someone else’s property.

Allen Mashburn at 638 West 1100 South and owner of Bitter Creek Books at 87 West Main stated that there is a sidewalk out front of his building and wanted to clarify that you could extend out over the edge of the sidewalk up to six feet. Mr. Parker stated that you may actually own a portion of that sidewalk. Mr. Mashburn stated that the City has an easement in the back of his building, so could he put a projecting sign back there. Mr. Parker explained that he could project up to 6 feet over the easement or the right of way. He clarified not in a travel way. Mr. Mashburn stated that it is a travel way. Mr. Parker stated that it needs to be more specific, because a travel way is different from parking. Mr. Mashburn mentioned that if there is a car parked there, it is parking. If there is no car parked there, it is a right of way that people drive on. Mr. Mashburn suggested the Code be clearer. Mr. Parker agreed and recommended that parking and travel way be addressed. Mr. Mashburn added that if the City ever plans on constructing a road or driving area back there, it could cause some difficulties. It would be easier not to allow it. Mr. Parker explained that the Code specifies a 10 foot height requirement.

Delivery trucks need to not only travel down the road, but park in the spaces as well. If a sign does project out over a travel way, it must have a 16 foot height or not allow them at all. Ms. Norton suggested not allowing signs above a parking spot. Mr. Parker stated that he would craft some wording in an ordinance form that specifies these issues for the next meeting.

MISCELLANEOUS: Chair Eric Olsen asked if the issue of chickens and rabbits is a dead item. Allen Parker explained that there will be a public hearing on this topic at the next meeting. Mr. Olsen

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noted that he talked this issue over with people, and no one had a problem with chickens. Kathleen Gray wanted to clarify that you could have four pets per household. Mr. Parker stated that is correct. Ms. Gray reported that she called Animal Control regarding some cats and was told that there was no ordinance on how many cats you could have on your property. Mr. Parker explained that the City does have an ordinance, and that maybe the Animal Control needs to be better educated on the Code. Mr. Parker added that Animal Control only enforces Title 6, and Title 16 is what contains the Code requirement on not allowing more than four pets per household. This may be an item for the Code Enforcement Officer rather than Animal Control. Ms. Norton stated that this is a grey area on what is considered a household pet. She asked if a cat runs around outside and then comes inside is that considered a household pet. Mr. Parker answered yes, under the current Code. Mr. Olsen stated that the definition and Code contradicts each other and asked if that was still being reviewed. Mr. Parker stated yes.

Chair Eric Olsen mentioned that there were three vacancies on the Planning Commission that were recently filled by the Council. Sonja Norton mentioned that typically the Commission moves up an alternate member to fill a regular position and assign the new members to the alternate positions to give them time to learn. She suggested moving Anders Fillerup from an alternate member to a regular member and filling that alternate opening with Brenda Erlewine. Mike Drechsel will remain a regular member, and Mike Weber will remain an alternate member. The Commissioners agreed with this recommendation. Ms. Norton stated that she will make this recommendation to Council at the next meeting. Mr. Olsen voiced his concern over the way new Commissioners are appointed, before they are even asked if they want to be considered. Ms. Norton indicated that it is not supposed to be that way. She added that they are supposed to be notified in advance. Mr. Olsen asked if there could be an improvement in this area.

Sonja Norton suggested making the public aware that posting yard sale or campaign signs is prohibited from being posted on stop signs, light posts, power poles, etc. She also noted that the Council is going to place an ad or flyer in the newspaper about snow removal due to the upcoming winter season.

ADJOURN: There being no further business, *Gary Redden moved to adjourn. Kathleen Gray seconded the motion. The motion passed with a unanimous vote, and the meeting was adjourned.*

Eric Olsen, Planning Commission Chair