

MINUTES of the Vernal City PLANNING COMMISSION

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

March 12, 2013

7:00 pm

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

Members Excused: Anders Fillerup and Sonja Norton

Alternates Present: Adam Ray

Alternates Absent: Rory Taylor

Staff Present: Allen Parker, Assistant City Manager; Corey Coleman, Building Official; and Sherri Montgomery, Administrative Clerk.

WELCOME AND DESIGNATION OF CHAIR AND MEMBERS: Chair Mike Drechsel welcomed everyone present to the meeting.

APPROVAL OF MINUTES FROM FEBRUARY 12, 2013: Chair Mike Drechsel asked if there were any changes to the minutes from February 12, 2013. Eric Olsen noted on line 37, there should be quotation marks after etc. He also suggested removing the quotation marks around flag lot on line 77, 78, and 91. And on line 77, "is" should be changed to "it". Mr. Drechsel stated that on line 49, the word condition should be conditional. And proposed should be added before Code on line 51. There being no further corrections, *Eric Olsen moved to approve the minutes of February 12, 2013 with the corrections as noted. Gary Redden seconded the motion. The motion passed with Mike Drechsel, Eric Olsen, Gary Redden, Ken Latham, Kathleen Gray, and Adam Ray voting in favor.*

REQUEST FOR RECOMMENDATION OF AN AMENDMENT TO THE VERNAL CITY GENERAL PLAN LAND USE MAP FROM JOSH HERMANN IN THE VICINITY OF APPROXIMATELY 284 NORTH VERNAL AVENUE, VERNAL, UTAH – APPLICATION NO. 2013-002-ORD – ALLEN PARKER: Allen Parker explained that Josh Hermann is requesting that the Vernal City General Plan map be amended changing the future land use map to show a mixed use area around North Vernal Avenue. The future land use map currently shows a mixed use area starting from approximately 300 North on Vernal Avenue extending up to the base of Steinaker Reservoir dam. A second mixed use area runs East and West on Main Street and extends North up Vernal Avenue to about 250 North. The space separating these two areas is only about a half of a block. The main effect of changing the status of this half block area to mixed use would be to allow for a variety of zoning options on the affected properties. Making this change and linking these two areas would create a more consistent treatment of North Vernal Avenue. This request is consistent with general planning and design standards. Making this amendment to the General Plan would eliminate an

inconsistency on North Vernal Avenue and is approvable as presented. When this was originally adopted by Vernal City, those two areas were not connected together. Mr. Hermann's property and the neighbor's property are the only ones affected by this omission in the general plan. Mike Drechsel stated that knowing the reason for not connecting those two together when the original decision was made would be beneficial. Mr. Parker explained that this was a recommendation that came from the City's consultants who were hired to help the City amend the General Plan, and at the time the City Council and Planning Commission did not notice that those two properties were not connected on the map. Mr. Parker noted that Josh Hermann was unable to attend this meeting to answer questions due to a family emergency.

Chair Mike Drechsel opened the public hearing for this item. Kent Cook - 229 North Vernal Avenue, addressed the Commission with a question on spot zoning as he was under the impression that he could not place an office on his property due to spot zoning. Mr. Parker explained that if this change is approved, there is more flexibility in a mixed use zone. Mr. Cook expressed his concern that if Mr. Hermann's property is changed to an R-4 residential zone that the surrounding properties would lose their commercial zone. Mr. Parker explained that if Mr. Hermann's request for a rezone is approved, it would only affect his own property and not those around him. There being no more public comments, Chair Mike Drechsel closed the public hearing. *Eric Olsen moved to make a positive recommendation to the City Council for an amendment to the Vernal City general plan land use map from Josh Hermann in the vicinity of approximately 284 North Vernal Avenue, Vernal, Utah – Application No. 2013-002-ORD. Adam Ray seconded the motion. The motion passed with Mike Drechsel, Eric Olsen, Gary Redden, Ken Latham, Kathleen Gray, and Adam Ray voting in favor.*

REQUEST FOR RECOMMENDATION FROM JOSH HERMANN TO REZONE THE PROPERTY LOCATED AT 287 NORTH VERNAL AVENUE, VERNAL, UTAH FROM C-2 COMMERCIAL ZONE TO R-4 RESIDENTIAL ZONE – APPLICATION NO. 2013-001-REZ – ALLEN PARKER: Allen Parker explained that Josh Hermann is requesting that the zoning map be amended changing the property located at 287 North Vernal Avenue from a C-2 commercial zone to an R-4 residential zone based on the previous recommendation to change the general plan map. This parcel currently has a single family dwelling on it. All of the adjoining parcels are zoned C-2. There is a large area to the west of the subject parcel that is zoned R-4. This area is 85 feet away from the subject parcel. The applicant would like to add one more apartment in which a higher density residential use R-4 zone would support. Mr. Parker stated that in his analysis of this zoning change, he did not see a need for a development agreement due to the fact that the request is a down zone of the property to a less intense use. Eric Olsen asked what is allowed in a C-2 and R-4 zone. Mr. Parker explained that in a C-2 zone you can have high density residential and apartment units as a conditional use, but you cannot have lower density use. You can have lower density use in an R-4 zone, but this eliminates any retail on that site except for office space. Mr. Hermann felt that an R-4 zone was more appropriate for his use. Chair Mike Drechsel voiced his concern with this being the only .19 acres in that corridor that would be residential when the future of that area is geared towards commercial. There was a brief discussion regarding the concept of mixed uses. The Commission understands that Mr. Hermann could not be in attendance tonight due to a family

emergency, but agreed that it makes it more difficult to make a decision without his input.

Chair Mike Drechsel opened the public hearing for this rezone request. Kent Cook stated that he does not wish Mr. Hermann any problems, but that it does not logically make any sense to have a .19 acre residential parcel when all surrounding properties are commercial. There was some concern and discussion regarding the possibility and types of complaints due to residential zones being surrounded by commercial zones. Mr. Parker noted that an R-4 residential zone is the highest intensity residential use and does not have the same requirements as zoning for single family dwelling in a subdivision. The Commission agreed that without Mr. Hermann here to answer questions, this request should be tabled until next meeting. There being no further comments, Chair Mike Drechsel closed the public hearing. *Kathleen Gray moved to table the request for recommendation from Josh Hermann to rezone the property located at 287 North Vernal Avenue, Vernal, Utah from C-2 commercial zone to R-4 residential zone – Application No. 2013-001-REZ until next meeting when Mr. Hermann can be there to explain his request better and answer questions. Eric Olsen seconded the motion. The motion passed with Mike Drechsel, Eric Olsen, Gary Redden, Ken Latham, Kathleen Gray, and Adam Ray voting in favor.*

REQUEST FOR RECOMMENDATION FROM RUSSELL HENDERSON TO REZONE THE PROPERTIES LOCATED AT 308 EAST 100 NORTH, 292 EAST 100 NORTH, 260 EAST 100 NORTH, AND 282 EAST 100 NORTH, VERNAL, UTAH FROM R-4 RESIDENTIAL ZONE TO C-1 COMMERCIAL ZONE – APPLICATION NO. 2013-003-REZ – ALLEN PARKER: Allen Parker explained that Russ Henderson is requesting that the zoning map be amended changing the parcels located at 260, 282, 292, and 308 East 100 North from an R-4 residential zone to a CC-1 commercial zone. These parcels currently are either vacant or have single family dwellings on them. All of the adjoining parcels to the south and east are currently zoned CC-1. The parcels to the north are zoned R-4 and have residential uses on them. The parcels to the west are zoned P-1 and are occupied by the County Library and the Boy Scouts of America. The Vernal City general plan indicates future land use for the subject parcels to be commercial, a designation that is compatible with the CC-1 zone. These properties are adjacent to an existing CC-1 zone and therefore, this request does not constitute spot zoning. Staff finds that this request is in harmony with the Vernal City plan and surrounding land uses. The City Council may require, as a condition of approval and at its discretion, the applicant to enter into a development agreement that more fully describes and refines how the subject parcels will be developed and what their uses will be. This application is in substantial compliance with Vernal City Code, and staff finds this application approvable.

Chair Mike Drechsel asked if the houses on the property need to be occupied. Brock Smith explained that the one house on the property has been abandoned and will remain on the property for office space or torn down. The other structures on the property such as the steel shed and garage will also be torn down. Chair Mike Drechsel opened the public hearing for the rezone request. Cindy Richins, property owner across the road from subject property, asked what the owner wants to put there. Mr. Smith explained that there will be a large shop on one side and a laundry facility for their hotel on the other side. Part of the fence will be moved out and turned

into green space for the hotel. There being no further comments, Chair Mike Drechsel closed the public hearing. Adam Ray asked if this will increase the traffic on 100 North from Main Street. Mr. Smith explained that they will be fencing off any access from 100 North to the new structure for security purposes. *Adam Ray moved to forward a positive recommendation to the City Council for the rezone request from Russ Henderson for the properties located at 260, 282, 292, and 308 East 100 North, Vernal, Utah from R-4 Residential zone to CC-1 Commercial zone – Application No. 2013-003-REZ. Gary Redden seconded the motion. The motion passed with Mike Drechsel, Eric Olsen, Gary Redden, Ken Latham, Kathleen Gray, and Adam Ray voting in favor.*

REQUEST FOR RECOMMENDATION OF A MINOR SUBDIVISION FROM NDS, LLC FOR THE PROPERTY LOCATED AT 1495 WEST HIGHWAY 40, VERNAL, UTAH – APPLICATION NO. 2013-005-SUB – ALLEN PARKER: Allen Parker explained that NDS, LLC is requesting approval of a minor subdivision of one parcel into two parcels. Staff has conducted a full review and found that the submittal is in substantial compliance with Vernal City requirements with a few minor corrections. The most significant of these is the creation of an appropriate shared parking agreement. They are also working out the details on the need for an easement for access to the property and to storm water and utilities on the property. Ryan Woodell, representative with Aaron’s, explained that the intent is to have common easement for access to parking, water, and sewer. Chair Mike Drechsel opened the public hearing for the minor subdivision request. Kim Gross, CIVCO Engineering, explained that the irregular shape of the property is to accommodate the required parking spaces. He added that the water run-off based on the hydrology study requires 500 cubic feet of storage. The pond has been designed to be over 17,000 cubic feet; therefore, there is no problem. Mr. Parker reminded the Commission that this site plan has already been approved for this new development and is currently requesting approval for the division of land specifically for financing reasons. Chair Mike Drechsel closed the public hearing. *Eric Olsen moved to forward a positive recommendation to the City Council to approve a minor subdivision from NDS, LLC for the property located at 1495 West Highway 40, Vernal, Utah – Application No. 2013-005-SUB with corrections as noted by staff or engineering and with a successful easement for access. Kathleen Gray seconded the motion. The motion passed with Mike Drechsel, Eric Olsen, Gary Redden, Ken Latham, Kathleen Gray, and Adam Ray voting in favor.*

REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE – CHAPTER 16.04 – DEFINITIONS, ADDING BAKERIES AND PET GROOMING PARLOR, SECTION 16.48.030 – COMMERCIAL USES, 16.52.040 – INDUSTRIAL USES - ORDINANCE NO. 2013-03 – ALLEN PARKER: Allen Parker explained that this item which has been addressed in previous meetings is to add bakeries, pet grooming parlors, and kennels to the definitions and use tables. A bakery is added as a permitted use in a commercial zone. A pet grooming parlor is added as a permitted use in a commercial zone and industrial zone. Kennels is added as a conditional use in an industrial zone. The Commission discussed a concern with Section 16.20.505 Kennels under B(4) regarding the physical security of the animals housed on the site. It was agreed upon that the language needed to be changed to reflect that the animals need to be

physically contained and secured on the property. The way it currently reads, it seems the City is concerned about the well-being of the animals instead of the well-being of the adjacent land owners. Chair Mike Drechsel suggested the following language for Section 16.20.505 Kennels - B(4): "The ability of the land owner to ensure that animals housed on the site cannot exit the property." Chair Mike Drechsel opened the public hearing for this item. There being no comments, Chair Mike Drechsel closed the public hearing. *Gary Redden moved to make a positive recommendation on amending the Vernal City Municipal Planning and Zoning Code – Chapter 16.04 – Definitions, Adding Bakeries and Pet Grooming Parlor, Section 16.48.030 – Commercial Uses, 16.52.040 Industrial uses – Ordinance No. 2013-03 with the suggested change to Section 16.20.505 Kennels under B(4). Ken Latham seconded the motion. The motion passed with Mike Drechsel, Eric Olsen, Gary Redden, Ken Latham, Kathleen Gray, and Adam Ray voting in favor.*

REQUEST FOR APPROVAL OF A MASTER SITE PLAN FOR MIKE SCHLAEGEL FOR THE PROPERTY LOCATED AT 1250 EAST HIGHWAY 40, VERNAL, UTAH – APPLICATION NO. 2013-004-MSP – ALLEN PARKER: Allen Parker explained that Mike Schlagel, on behalf of B&C Quick Test is requesting approval of a master site plan for a new 1,110 square foot addition to an existing industrial structure. The existing structure is used for warehousing and office space and the addition will be used for office space. An engineering review has been conducted, and the site plan has been found to be in compliance with engineering standards, and staff has found this to be an approvable application. *Eric Olsen moved to approve the master site plan for Mike Schlaegel for the property located at 1250 W Highway 40, Vernal, Utah – Application No. 2013-004-MSP with corrections as noted by staff and engineering. Adam Ray seconded the motion. The motion passed with Mike Drechsel, Eric Olsen, Gary Redden, Ken Latham, Kathleen Gray, and Adam Ray voting in favor.*

REQUEST FOR APPROVAL OF A MASTER SITE PLAN FOR THE UINTAH CARE CENTER ADDITION LOCATED AT 510 SOUTH 500 WEST, VERNAL, UTAH – APPLICATION NO. 2013-006-MSP – ALLEN PARKER: Allen Parker explained that the Uintah Care Center is requesting approval of a master site plan for a new 13,920 square foot expansion to an existing institutional building to be used as a nursing home. The proposed additional will extend the south west corner of the building. An engineering review has been conducted by CIVCO Engineering, and the site plan has been found to be in compliance with engineering standards. Staff has reviewed the application and has found it to be an approvable application. Wayne Dunbar, Administrator of the Uintah Care Center stated that the nursing facility has occupancy of 110 beds. This expansion will create more private rooms. Tracy Stocking, architect, explained that the expansion will not change the number of residents, staff, or visitors. The current parking exceeds the requirement by 100 stalls. Darlene Burns, Uintah County Commissioner noted that the care center needed more private rooms for rehab patients. *Kathleen Gray moved to approve the master site plan for the Uintah Care Center addition located at 510 South 500 West, Vernal, Utah – Application No. 2013-006-MSP with corrections as noted by staff and engineering. Gary Redden seconded the motion. The motion passed with Mike Drechsel, Eric Olsen, Gary Redden, Ken Latham, Kathleen Gray, and Adam Ray voting in favor.*

REQUEST FOR APPROVAL OF A MASTER SITE PLAN FOR THE GARDNER TOWNE CENTER LOT “G” LOCATED AT 2075 WEST HIGHWAY 40, VERNAL, UTAH – APPLICATION NO. 2013-008-MSP – ALLEN PARKER: Allen Parker explained that the Vernal Towne Center, represented by Scott Gardner, is requesting approval of a master site plan for a new 10,276 square foot commercial structure directly across from Dickey’s BBQ. This structure will be used primarily for multi-tenant retail. An engineering review has been conducted by Engineering Services, and the site plan has been found to be generally in compliance with engineering standards. Staff has completed a full review and found this to be an approvable application with minor corrections as noted. Eric Olsen made a suggestion when discussing the Vernal Towne Center properties in the future, to add the original master site plan to the packets as a reference key. The Commission confirmed that the landscaping and lighting will be consistent throughout the development. *Gary Redden moved to approve the master site plan for the Gardner Towne Center “Lot G” located at 2075 West Highway 40, Vernal, Utah – Application No. 2013-008-MSP with corrections as noted by staff and engineering. Adam Ray seconded the motion. The motion passed with Mike Drechsel, Eric Olsen, Gary Redden, Ken Latham, Kathleen Gray, and Adam Ray voting in favor.*

REQUEST FOR APPROVAL OF A MASTER SITE PLAN FOR THE GARDNER TOWNE CENTER LOT “K” LOCATED AT 2005 WEST HIGHWAY 40, VERNAL, UTAH – APPLICATION NO. 2013-007-MSP – ALLEN PARKER: Allen Parker explained that the Vernal Towne Center, represented again by Scott Gardner, is requesting approval of a master site plan for a new 149,817 square foot commercial structure. An engineering review has been conducted by Engineering Services, and the site plan has been found to be in compliance with engineering standards. Staff has completed a full review and found this to be an approvable application with minor corrections as noted. *Eric Olsen moves to approve the master site plan for the Gardner Towne Center “Lot K” located at 2005 West Highway 40, Vernal, Utah – Application No. 2013-007-MSP with corrections as noted by staff and engineering. Gary Redden seconded the motion. The motion passed with Mike Drechsel, Eric Olsen, Gary Redden, Ken Latham, Kathleen Gray, and Adam Ray voting in favor.*

PLANNING COMMISSION ALTERNATE VACANCY – ALLEN PARKER: Allen Parker reminded the members that there is still an alternate vacancy on the Planning Commission.

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

Mike Drechsel, Planning Commission Chair