

MINUTES of the Vernal City PLANNING COMMISSION

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

November 12, 2013

7:00 pm

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

Members Excused: Sonja Norton

Alternates Present: Adam Ray and 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 OCTOBER 8, 2013: Chair Mike Drechsel asked if there were any changes to the minutes from October 8, 2013. There being no corrections, *Anders Fillerup moved to approve the minutes of October 8, 2013 as presented. Rory Taylor seconded the motion. The motion passed with Mike Drechsel, Anders Fillerup, Ken Latham, and Rory Taylor voting in favor. Eric Olsen, Kathleen Gray, and Gary Redden were not in attendance of this meeting; therefore, they abstained from voting.*

REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE – SECTION 16.08.060 – LAND USE PLAN – ORDINANCE NO. 2013-26 – ALLEN PARKER: Allen Parker explained that several months ago, the Planning Commission and City Council voted to amend the noticing requirements in certain portions of the Code from 14 days to 10 days to synchronize the State Code. There are two separate sections in the Code that addresses this issue, and one of those sections was missed. This Code amendment needs to be changed to be consistent. Chair Mike Drechsel opened the public hearing for this item. There being no comments, Mr. Drechsel closed the public hearing. *Eric Olsen moved to forward a positive recommendation to the City Council to consider amending the Vernal City Municipal Planning and Zoning Code – Section 16.08.060 – Land Use Plan – Ordinance No. 2013-26 with the corrections outlined in yellow to change the noticing requirements from 14 days to 10 days. Kathleen Gray seconded the motion. The motion passed with Mike Drechsel, Anders Fillerup, Kathleen Gray, Eric Olsen, Ken Latham, and Gary Redden voting in favor.*

REQUEST FOR APPROVAL OF A MASTER SITE PLAN FOR THE LIVING WORD CHRISTIAN CHURCH FOR THE PROPERTY LOCATED AT 950 WEST 725 SOUTH, VERNAL, UTAH – APPLICATION NO. 2013-031-MSP – ALLEN PARKER: Allen Parker explained that this is a request from Living World Christian Church to consider approving a master site plan for the property at 950 West 725 South for an addition to an existing structure. The new building will be 8,800 square feet in size and will not contain any “assembly area” as described in the Vernal City Code. This property is on 7.87 acres in an R-4 residential zone. Vernal City staff has found this application to be in compliance with the Vernal City Code. At

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the time of the staff report, there were a few questions that needed to be addressed, primarily the storm water retention. A review has been completed by Engineering Services and some corrections were noted such as fire access to the building. Mr. Parker mentioned that at this point there are no issues outstanding according to Mr. Coleman, but there is one more location he needs to check. Chair Mike Drechsel asked if there was a definition on how an assembly is defined in the Code. Mr. Parker stated that there is no definition on an assembly as part of the Code. There are parking requirements in the Code that are specified for a group assembly like this at one seat for every 100 square feet. However, that is not the design and intent for this building. This building is to provide classroom space. Mr. Drechsel asked what the purpose is for this building if not for an assembly area. Cable Murray with Timberline Engineering and Land Surveying stated that half of the building is set up for restrooms, office space, classroom space, and storage area. He added that at least 1/3 or more of the building is for expansion of the sanctuary area. Eric Olsen asked if there was piping to the retention pond for storm water collection. Mr. Murray stated that it is surface over ground. Mr. Olsen asked if it was concrete or natural. Mr. Murray answered natural. Mr. Olsen asked if it would be ditched or if it all stays on site. Mr. Murray stated that it will all stay on site. *Eric Olsen moved to approve the master site plan for the Living World Christian Church for the property located at 950 West 725 South, Vernal, Utah – Application No. 2013-031-MSP. Gary Redden seconded the motion. The motion passed with Mike Drechsel, Anders Fillerup, Kathleen Gray, Eric Olsen, Ken Latham, and Gary Redden voting in favor.*

REQUEST FOR APPROVAL OF A MASTER SITE PLAN FOR RUSSELL HENDERSON FOR THE PROPERTY LOCATED AT 251 EAST MAIN STREET, VERNAL, UTAH – APPLICATION NO. 2013-032-MSP – ALLEN PARKER: Allen Parker explained that this is a request by Russell Henderson for a master site plan for a new structure to be used as a hotel. The new building will be 11,906 square feet in size and replace an existing structure that is currently in use as the Best Western Dinosaur Inn. This property is located in a CC-1 commercial zone and is on .58 acres. Vernal City staff has conducted a full review and found the application to be in substantial compliance. There has been a full engineering review with no corrections as noted. Chair Mike Drechsel asked if portions of the existing buildings will remain. Mr. Parker explained that some of the buildings will remain, but they will be tearing down the oldest building. The existing pool will remain, and there will be a new three story building. He added that part of the reason for the minor addition to the front is to serve as the main office for the time being. Mr. Drechsel asked if part of the old building being torn down is the gift shop and the old restaurant that used to be the Porch. Mr. Parker answered yes. Mr. Drechsel asked if the parking requirements take into account the entire lot or just the parking that would be necessary for the increase due to the newly proposed building. Mr. Parker stated that it does not take into account the entire lot, unless that lot is required to meet the minimum parking requirement for this building. The parking shown on the site plan is the parking needed for the new building. The overall site has an excess in parking for the amount of rooms for the entire hotel. Anders Fillerup wanted it noted and disclosed that he works for Uintah Engineering. Mr. Drechsel asked Mr. Fillerup if he was involved in this project. Mr. Fillerup answered no. *Eric Olsen moved to approve the master site plan for Russell Henderson for the property located at 251 East Main Street, Vernal, Utah – Application No. 2013-032-MSP with any corrections noted by staff. Kathleen Gray seconded the motion. The motion passed with Mike Drechsel, Kathleen Gray, Eric Olsen, Ken Latham, and Gary Redden voting in favor. Anders Fillerup abstained from voting.*

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REQUEST FOR APPROVAL OF A MASTER SITE PLAN FOR KELLY HAYS / UINTAH COUNTY FOR THE PROPERTY LOCATED AT 137 SOUTH 500 EAST, VERNAL, UTAH – APPLICATION NO. 2013-034-MSP – ALLEN PARKER:

Allen Parker explained that Uintah County, represented by Kelly Hays, is requesting the approval of a master site plan for a new structure located at 137 South 500 East. The new building will be 7,200 square feet in size and will be used by the County to support their facilities maintenance activities. This property is located in a C-2 commercial zone on 5.32 acres. Mr. Parker explained that they will build bays for vehicles to park. This will mostly be industrial with one office space. There will be parking around the outside of the building, but most of the parking will be on the inside of the building. A review has been completed by Timberline Engineering and Land Survey and some corrections were noted, as well as a minor clarification on the direction of the areas of storm water flow on the property. These requested clarifications and corrections are being accomplished at this time. Vernal City staff has reviewed the application and found it to be in substantial compliance with Vernal City Code. Chair Mike Drechsel asked if the parcel is properly zoned for the activities taking place. Mr. Parker answered yes. Mr. Drechsel asked if the proposed paving all around the shop extends out all the way to the faux stone cement wall that borders the north drive into the safety complex. Mr. Hays answered yes. Mr. Drechsel asked where the storm water ends up at that point. Mr. Hays explained that there is a retention pond along the stone wall that runs north/south. Mr. Drechsel confirmed that the pond will be on the west side of the wall. The pavement will end, and then there will be the retention pond, and then the fence. Kathleen Gray asked if the road on the second plan is the road that comes from Main Street. Mr. Parker explained that the road comes from 500 East, crosses over from Tri-County Health Department, then turns and goes south into the jail complex. Mr. Drechsel asked if that would be the main point of access for this building. Mr. Parker noted that this building is on the same parcel as the Tri-County Health Department, which is actually on 500 East. *Kathleen Gray moved to approve the master site plan for Kelly Hays / Uintah County for the property located at 137 South 500 East, Vernal, Utah – Application No. 2013-034-MSP subject to corrections by staff or engineering. Gary Redden seconded the motion. The motion passed with Mike Drechsel, Anders Fillerup, Kathleen Gray, Eric Olsen, Ken Latham, and Gary Redden voting in favor.*

REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE – SECTION 16.24.130 – STORAGE OF COMMERCIAL VEHICLES IN RESIDENTIAL ZONES - ORDINANCE NO. 2013-16 – ALLEN PARKER:

Chair Mike Drechsel explained that this item has been discussed multiple times in past meetings and appreciates the draft ordinance that Mr. Parker has put together. Allen Parker pointed out that it was not clear if item #A2 (storage of motor homes) should be added or not, so he added it for discussion purposes. Kathleen Gray asked if this section also applies to travel trailers. Mr. Parker answered no. Mr. Drechsel confirmed that this particular item is referencing motor homes with an independent engine. Mr. Parker added that travel trailers are addressed in another section of the Code. Mr. Drechsel suggested changing “permitted” to “regulated”. Mr. Drechsel asked if there were any concerns on settling with the gross rating of 24,000 pounds. Eric Olsen asked if garbage trucks are not allowed to pick up the garbage anymore. Mr. Parker explained that this does not apply to vehicles that are traveling on the roads such as garbage trucks and school buses. Anders Fillerup asked if storage and/or continuous parking leave it open to people saying that they are not storing their water truck, but just parking it for the night. Mr. Drechsel stated that people will look for as much latitude as they can. Mr. Olsen asked if the City is worried more about storing them or driving them on public roads. Mr. Parker explained that no one is prohibited from making a delivery and driving

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on public roads. This addresses people who are parking or storing commercial vehicles at residential homes. Mr. Drechsel noted that storing these types of vehicles in residential zones diminishes the enjoyment of the surrounding property owners. The Planning Commission discussed vehicles sizes, esthetics, noise of vehicles, protecting the roads, and enforcing the ordinance.

Mr. Drechsel suggested adding to #A1 a clause that states that the construction equipment stored on a lot is only for vehicles that are required for actual construction. *Eric Olsen moved to forward a positive recommendation to the City Council to consider amending the Vernal City Municipal Planning and Zoning Code – Section 16.24.130 – Storage of Commercial Vehicles in Residential Zones - Ordinance No. 2013-16 with the changes as outlined above. Anders Fillerup seconded the motion. The motion passed with Mike Drechsel, Anders Fillerup, Kathleen Gray, Eric Olsen, Ken Latham, and Gary Redden voting in favor.*

REQUEST TO VACATE PROPERTY FROM ROBERT ZELLER – ALLEN PARKER:

Chair Mike Drechsel explained that this item was on the agenda last month. For approximately 27 years, the Zellers had a piece of property located next to their house that was initially stubbed. It is currently Vernal City's property with future development to the north, so the road could continue to go straight through. The Zellers have asked that it be vacated, so they could be permitted to build a garage in a way that would conform to Vernal City Code for setbacks. There were two issues that were discussed at the last meeting. How would vacating this parcel affect the property owner's access to the north? And, is there a way in the existing Vernal City Code to build the sort of structure that the Zellers would like to build without having to vacate the property? Allen Parker stated that he met with the Zellers to go over the details of the Code to determine if there was a workable solution to accommodate everything that they would like to accommodate. There is no way to get around that zoning ordinance for the setback on that side, which is 20 feet from the property line. Therefore, they would not be able to build it to their exact standards. Some other items that were discussed were taking access to that property and to the garage from the stub that is proposed to be vacated. For the most part, there is no way around that 20 foot setback.

Robert Zeller explained that he has given this issue a lot of thought. Mr. Drechsel stated that Mr. Zeller has provided the Commission with a photo of a blue residence with a single car garage on one side. Mr. Zeller explained that this house is on a corner lot located in Vernal with a new addition that runs right up to the sidewalk within a couple of feet. There is not a 20 foot setback. Mr. Zeller stated that he is willing to bet that they did not get a building permit, and they did basically the same thing we are asking to do. He added that they would actually be further away from the sidewalk if the City came in and paved the lot and put in a curb and gutter to the north. Mr. Zeller explained that they were trying to play by the rules and regulations, and it did not work. He added that in the spring, he will put something in there and deal with the repercussions of Vernal City later. He added that he appreciates the City's time and effort. Mr. Drechsel stated that he understands the Zellers frustration when the regulations prohibit a person from doing something when they legitimately want to follow the rules, and you have others who do what they want anyway.

Mr. Drechsel asked if there have been any other conversations regarding the access issue from the land to the north. Mr. Parker stated that he had a brief discussion with Dennis Judd, City Attorney, regarding the process that the City needs to follow to allow the property owners who are affected by this vacation to come in and voice their concerns or protest in order to address

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their property rights. Mr. Drechsel asked if there has been a public hearing held on this vacation request. Mr. Parker stated that there has been a public hearing at a City Council meeting. Eric Olsen asked if this issue needs the recommendation of the Planning Commission or is it a City Council approval. Mr. Parker explained that Ken Bassett, City Manager, felt that it was appropriate for the Planning Commission to discuss and make a recommendation even though the State process does not require it. Mr. Olsen asked what is the plan as far as the road map for this area and is it part of the master road plan. Mr. Parker stated that this road is not a part of the master road plan. Mr. Olsen noted that it is more like land locking a property. Mr. Parker explained that it could land lock the property; however, the ownership transfers all the way out to the road. He added that this property is already a land locked parcel in many ways. Mr. Olsen asked where the roads are in this area. Mr. Parker explained that the roads are 500 West and continues on until 650 North, which continues all the way across. The next North / South route is Vernal Avenue. Mr. Olsen asked if this was on the road map. Mr. Parker stated no, just presently. Mr. Drechsel mentioned that the original purpose of this property was to create a road access for future development; however, it has been more than two decades for opportunity to develop or use this property.

Ladonna Zeller stated that for the last 27 years, they have maintained that field, and the City has not done one thing. She stated that they have put a lot of time and money into this piece of property for the upkeep. She added that if the City wants the property, they can start taking care of it. *Ken Latham moved to recommend that the City deed the property over to the Zellers. Gary Redden seconded the motion. Mr. Parker explained that the City cannot deed it over. It has to be vacated by the public. Mr. Drechsel suggested amending the motion to recommend to the City Council to have the City relinquish its interest in this particular piece of property by following the normal process by giving the Zeller's 50% ownership and the Young's 50% ownership. Mr. Latham and Gary Redden agreed to amend the motion to read as Mr. Drechsel suggested. The motion passed with Mike Drechsel, Kathleen Gray, Eric Olsen, Ken Latham, and Gary Redden voting in favor. Anders Fillerup opposed the motion.*

REQUEST TO RESCHEDULE DECEMBER'S MEETING – ALLEN PARKER: Allen Parker explained that he will be on military duty during the week of the next scheduled Planning Commission meeting and asked the Commission to consider rescheduling the meeting. The consensus was to reschedule the meeting for December 17, 2013.

ADJOURN: There being no further business, *Anders Fillerup moved to adjourn. Eric Olsen seconded the motion. The motion passed with a unanimous vote, and the meeting was adjourned.*

Mike Drechsel, Planning Commission Chair