

MINUTES of the Vernal City PLANNING COMMISSION

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

January 14, 2014

7:00 pm

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

Alternates Excused: 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.

ELECTION OF CHAIR AND VICE-CHAIR FOR 2014: Chair Mike Drechsel opened up the nominations for Chair for 2014. *Sonja Norton nominates Mike Drechsel for Chair. Sonja Norton moves to cease nominations. Eric Olsen seconds the motion. The nomination passed with a unanimous vote for Mike Drechsel as Chair for 2014.* Chair Mike Drechsel opened up the nominations for Vice-Chair for 2014. *Eric Olsen nominates Anders Fillerup. Anders Fillerup nominates Eric Olsen. Eric Olsen asked for his name to be withdrawn from the nomination. Sonja Norton moves to cease nominations. Gary seconded the motion. The nomination passed with a unanimous vote for Anders Fillerup as Vice-Chair for 2014. Anders Fillerup abstained from voting for Vice-Chair.*

APPROVAL OF MINUTES FROM DECEMBER 17, 2013: Chair Mike Drechsel asked if there were any changes to the minutes from December 17, 2013. It was noted that the agenda read the wrong meeting date of December 10, 2013. Anders Fillerup suggested changing lines 160 and 167 to read “Therefore, it makes more sense to have the number of parking spots determined by the number of people using the parking lot during the day as to whether or not the parking lot is considered public or private.” Mr. Drechsel asked to add to the context of line 175 and 176 that snow removal was the reason for the neighbor’s complaints. *Eric Olsen moved to approve the minutes of December 17, 2013 with the corrections as noted. Anders Fillerup seconded the motion. The motion passed with Mike Drechsel, Eric Olsen, Anders Fillerup, Kathleen Gray, Ken Latham, Gary Redden, and Sonja Norton voting in favor.*

REQUEST FOR RECOMMENDATION TO CONSIDER A REZONE REQUEST FROM PHIL AND LEAH DAVIS FOR THE PROPERTY LOCATED AT 231 WEST 250 NORTH, VERNAL, UTAH FROM R-3 RESIDENTIAL ZONE TO C-2 COMMERCIAL ZONE – APPLICATION NO. 2013-035-REZ – ALLEN PARKER: Allen Parker explained that this is a rezone request for the property located at 231 West 250 North. The property is on approximately .19 acres and is currently zoned R-3. The property is currently occupied with a single steel building used as a shop and storage for a welding business. The applicant is requesting the zoning be changed to a C-2 zone to allow the property to continue to be used as a welding business in order to apply for a business license. All of the adjoining parcels to the

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south, west, and north are currently zoned R-3. The parcel to the east is zoned HC-1. Surrounding land uses include residential to the south and west, a church to the north, a hospital parking lot, and a vacant lot to the east. The Vernal City General Plan indicates future land use for the subject parcel to be “institutional”, a designation that is not necessarily incompatible with the requested zone, although it is not the primary designation that supports commercial zones. This property is not adjacent to any existing C-2 zones and is not located in an area designated in the General Plan for “mixed use”, and therefore, would be considered “spot zoning”.

Mr. Parker explained that the application itself has been made in accordance with the requirements of the Vernal City Code and is approvable on a procedural basis; however, staff recommends against approval on the basis that applying a zone to a single parcel that is not adjacent to that same zone constitutes “spot zoning”. Chair Mike Drechsel opens the rezone request for public hearing. Sonja Norton asked to remove herself from the Commission, so she can join the public in making comments.

Sonja Norton - 550 West 1100 South – explained that she is involved with this property through her business. This property has been used as a welding business since 1986. Ms. Norton stated that she has checked with the police department and dispatch, and there have been no complaints filed against this address. Ms. Norton stated that she is in favor of this rezone request, so the owners can continue with the same type of use. She suggested a development agreement if needed to add conditions. Eric Olsen asked if there was a recent change in owners. Ms. Norton explained that there was a change in ownership, and they would like to continue using the property as it has been for the past 20+ years. The previous owner did not have a business license, because his business was more recreational. The new owner would like a business license. Anders Fillerup asked if they cannot get a business license with the current zone. Mr. Parker answered no, they would not currently meet the requirements for that zone. Mr. Fillerup asked about grandfathering. Mr. Parker stated that they would have to prove that they legally had the right to that type of business. Ms. Norton explained that they are still checking into it, but if they decided to add an office, then grandfathering would not work anyway.

Ben Cluff with Ashely Regional Medical Center - 150 West 100 North – stated that he does not fully understand the issue, but was under the impression that the property was strictly being used to store welding materials with no industrial business taking place. Mr. Cluff voiced his concern with an actual welding business increasing the type of traffic in the area. Mr. Cluff questions what the use has been as well as what the future use will be. Mr. Drechsel explained that as Commissioners, they cannot answer that question.

Bonnie Offutt, current owner of the property, explained that they have approached the hospital on two separate occasions to ask them if they would be interested in purchasing the property, and they were not interested. Ms. Offutt stated that the helicopter coming and going impacts that neighborhood with the fuel and noise as well as the ambulances. Ms. Offutt stated that she did not foresee an increase in traffic.

Phil Davis explained that they would be improving the appearance of the building. He added that a semi comes by his shop in Naples only once or twice a week and also does not foresee an increase in traffic.

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Chair Mike Drechsel closes the public hearing. Mr. Fillerup mentioned that he would like to know what the permitted use was when it was constructed and if there is a possibility of grandfathering before proceeding further. Mr. Fillerup recommends tabling this issue until further information is gathered. Mr. Olsen explained that the Commission does not make the final decision and recommends making a motion to move it along. Mr. Fillerup stated that either way, he is against the zone change. Mr. Drechsel explained that grandfathering, permitted uses, historical uses, etc. are all outside the Commission's realm of decision making. He added that approving a spot zone can create a problem for someone else coming to the Planning Commission looking for a recommendation as it can appear to not be an even policy. Mr. Olsen stated that he agrees and does not like the idea of spot zoning in the City.

Leah Davis asked if Mr. Parker could explain the difference between the C-1 zone and the hospital zone. Mr. Parker explained that a C-1 zone is a broad range of commercial activities such as on Vernal Avenue and Highway 40. He added that core uses for C-2 zones are retail and commercial activities, as well as secondary uses such as clinics, apartments, etc. HC-1 zone is a hospital, healthcare function, etc. It can have some retail activities that relate to the hospital, such as a florist. Ken Latham asked if spot zoning can be passed on between property owners. Mr. Parker explained that zoning is tied to the property, unless the Planning Commission and City Council chooses to change it. Mr. Latham stated that he does not see a problem with forwarding a positive recommendation. *Eric Olsen moved to forward a negative recommendation to the City Council regarding the rezone request from Phil and Leah Davis for the property located at 231 West 250 North, Vernal, Utah from R-3 residential zone to C-2 commercial zone – Application No. 2013-035-REZ - due to spot zoning and the lot size. Anders Fillerup seconded the motion. The motion passed with Mike Drechsel, Eric Olsen, Anders Fillerup, and Kathleen Gray voting in favor. Ken Latham and Gary Redden opposed the motion. Sonja Norton abstained.*

REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE – SECTION 16.56.410 – ADDITIONAL REGULATIONS FOR MANUFACTURED HOMES – ORDINANCE NO. 2014-01 – ALLEN PARKER: Allen Parker explained that this item was discussed at a previous meeting and tabled. The Code regulates how travel trailers are stored within the City. Mr. Parker reads the recommended changes to the Code “all travel trailers being stored shall be set back from the front property line a minimum of fifteen (15) feet”. Eric Olsen suggested one correction by changing "set back from the front property line" to "set back from the edge of the right-of-way". Anders Fillerup voiced his concern with causing a fire hazard. Corey Coleman explained that the fire Code starts kicking in at five (5) feet and goes all the way up to thirty (30) feet, but is more for permanent structures and not moveable structures. Mr. Coleman also suggests making sure the address of the house is still visible for emergency response. Chair Mike Drechsel voiced some concern with making sure the view of the pedestrians on a sidewalk is not obscured by trailers. Mr. Parker suggested changing the set back to twenty (20) feet to give an extra five (5) feet. Mr. Coleman stated that twenty (20) feet would be consistent with the clear vision triangle in the Code. The Commission all agreed that twenty (20) feet would be better than fifteen (15) feet and went into a discussion on whether the Code should read “from the edge of the right-of-way” or “from the edge of the sidewalk”. *Eric Olsen moved to forward*

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a positive recommendation to consider amending the Vernal City Municipal Planning and Zoning Code – Section 16.56.410 – Additional Regulations for Manufactured Homes – Ordinance No. 2014-01 with the suggested verbiage in the packet with the following correction to read “set back from the edge of the right-of-way a minimum of twenty (20) feet” instead of reading “set back from the front property line a minimum of fifteen (15) feet”. Anders Fillerup seconded the motion. The motion passed with Mike Drechsel, Eric Olsen, Anders Fillerup, Kathleen Gray, Ken Latham, Gary Redden, and Sonja Norton voting in favor.

REQUEST TO VACATE A PORTION OF THE PUBLIC RIGHT-OF-WAY AT 500 NORTH VERNAL AVENUE, VERNAL, UTAH FROM BURT STAGG – ALLEN PARKER: Allen Parker explained that Burt Stagg has requested that Vernal City vacate a portion of a public right-of-way located near the north west corner of Vernal Avenue and 500 North. This item was briefly discussed at the last meeting with the Commission requesting additional information. Mr. Parker clarified with the Commission on the overhead where the location of the request is located. He explained that on both sides of Vernal Avenue is a seventy-five (75) foot right-of-way. Mr. Parker explained that he had a conversation with Glade Allred, Street Superintendent, who conveyed his concern of not wanting this request to be approved. Mr. Allred would like to see the City retain the right-of-way to be available for turning lanes in the future if it becomes necessary as the 500 North access road potentially expands. Mr. Parker explained that Mr. Stagg is concerned about what is left of his front property being eaten away by a turning lane at some point in the future. Eric Olsen asked if Mr. Stagg wants to vacate it down to sixty-six (66) feet. Mr. Parker answered yes. Chair Mike Drechsel seeking confirmation that Mr. Stagg wants his half of the nine (9) foot difference. Mr. Parker explained that State Code determines the allocation of the property must go to the adjoining properties; however, there is no adjoining property to the south. Mr. Parker added that they would define that portion to vacate that north sliver of it. The Commission discusses how the seventy-five (75) foot line is marked. Sonja Norton asked if the vacate would affect any other property owner. Mr. Parker answered no, the vacate would only affect Mr. Stagg. Mr. Parker explained that State law does not require the Planning Commission to approve a vacation of right-of-way; however, the City Council asked for the Planning Commission’s recommendation. Ms. Norton noted that she appreciates Glade Allred’s feedback. The consensus of the Commission is that the City should retain the right-of-way. *Anders Fillerup moved to forward a negative recommendation to the City Council for the request from Burt Stagg to vacate a portion of the public right-of-way at 500 North Vernal Avenue, Vernal, Utah. Gary Redden seconded the motion. The motion passed with Mike Drechsel, Eric Olsen, Anders Fillerup, Kathleen Gray, Ken Latham, Gary Redden, and Sonja Norton voting in favor.*

PLANNING COMMISSION ALTERNATE VACANCY – ALLEN PARKER: Allen Parker reported that Kimball Glazier is interested in filling the alternate vacancy on the Planning Commission.

WORK SESSION ON GENERAL PLAN: Allen Parker introduced what was placed in the packet for the general plan work session. He explains that these are starting points of discussion on the general plan, which came from a lot of research and leg work that was previously done by the community, Planning Commission, City Council, etc. The entire general plan can be found on the City website. Chair Mike Drechsel stated that it became obvious during a recent rezone

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request that the general plan map and zoning map are currently too similar. He added that it is hard to make changes to something when what was planned for is where we currently are at. Sonja Norton suggested looking at these maps from a clean slate by looking at the main roads, commercial development, retail, neighborhoods, etc., instead of looking at them the way they are currently zoned. She added that the last time the general plan was amended, maybe the City relied on the professionals to guide them, instead of looking at the City's needs. Mr. Parker stated that the City now has the research and documents to take the next step in deciding its future. Mr. Drechsel stated that it appears that there were a lot of public hearings, input from the public officials, community, and staff during the last general plan amendment, but not much has happened with it since 2010. He added that the City can now look at the big picture and focus on some sort of direction for the City, and create a general plan that looks less like a zoning map. Sonja Norton suggested putting up a big white board with a projector of the City's main roads and current development as a starting point to propose ideas and changes at the next work session. The consensus of the Planning Commission was to schedule another work session in March and possibly a joint work session with the City Council in April.

MISCELLANEOUS: Eric Olsen asked to be excused from the February meeting.

ADJOURN: There being no further business, *Eric Olsen moved to adjourn. Anders Fillerup seconded the motion. The motion passed with a unanimous vote, and the meeting was adjourned at 9:24 p.m.*

Mike Drechsel, Planning Commission Chair