

MINUTES of the Vernal City PLANNING COMMISSION

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

August 11, 2015

7:00 pm

Members Present: Chair Mike Drechsel, Rory Taylor, Kimball Glazier, Kathleen Gray, Samantha Scott, Ken Latham

Members Excused: Scott Gessell

Alternates Present:

Alternates Excused: Adam Ray, Kam Pope, Isaac Francisco

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 JULY 14, 2015: Chair Mike Drechsel asked if there were any changes to the minutes from July 14, 2015. There were no corrections suggested. Chair Mike Drechsel explained that there are not enough members present who were in attendance of the July 14, 2015 meeting to vote. *The minutes of July 14, 2015 are deemed approved as per the Vernal City Municipal Code, Section 2.12.080.*

REQUEST FOR RECOMMENDATION OF A REZONE FOR NICK RICHINS FOR THE PROPERTIES LOCATED AT 509 SOUTH 500 WEST AND 589 SOUTH 500 WEST, VERNAL, UTAH – APPLICATION NO. 2015-017-REZ – ALLEN PARKER:

Allen Parker explained that Nick Richins is requesting that the zoning map be amended changing a portion of parcels located at 509 South 500 West and 589 South 500 West from an RA-1 residential zone to a C-2 commercial zone. The area of the request is currently vacant. The adjoining parcels to the south, west, and east are currently zoned RA-1. The remaining parcels to the north are zoned R-1. Surrounding land uses include residential and institutional/medical (Uintah Care Center). The Vernal City General Plan indicates future land use for the area of the request to be “commercial”, a designation that is compatible with this request. The area that is proposed to be rezoned encompasses almost the entire area of the south east corner of the intersection of 500 West and 500 South that the General Plan shows as commercial, and therefore does not constitute “spot zoning”. The application has been made in accordance of the Vernal City Code and is an approvable application. Chair Mike Drechsel opened the public hearing for the rezone request. There being no comments, Mr. Drechsel closed the public hearing. Mr. Drechsel asked if the care center property is currently zoned RA-1. Mr. Parker answered yes. Mr. Drechsel asked if the care center has a conditional use. Mr. Parker stated that he did not think so, but indicated that he had not researched it or knew the history. Kimball Glazier asked the Mr. Richins what his plans were for the property if approved commercial. Nick Richins stated that he would like to develop three or four professional office buildings. He

added that they would be single story residential looking type structures rather than square two or three story buildings. They would blend in with residential housing in that area. Mr. Richins stated that later on there are plans for five more lots to be built south of there. Mr. Drechsel asked if these would be residential single family homes. Mr. Richins answered yes. Mr. Richins added that they had this plan a year and a half ago and was waiting for the General Plan change. The office buildings would be for doctors, lawyers, accountants, etc. Mr. Richins explained that he does not want high density office buildings. Mr. Glazier asked Mr. Richins if he had the same plans from before. Mr. Richins stated yes, and would agree to some sort of document that ties him to that idea. Mr. Drechsel asked if a development agreement is being considered. Mr. Parker stated that the City Council would probably have that discussion. Rory Taylor asked what the definition is of a C-2 zone versus a CC-1 zone. Mr. Parker explained that a C-2 zone is a general commercial zone when it comes to setbacks, intensities, etc., a CP-2 zone is a planned commercial zone that focuses more on shopping centers and larger planned developments, and a CC-1 zone is downtown zone that focuses more on the urban concentrations.

Mr. Glazier asked about the sewer and if the City is going to require the sewer to go all the way up to 500 now that Mr. Richins is developing those lots. Mr. Parker explained that the concept plan which is next on the agenda has the sewer and water connections drawn in. Mr. Glazier stated that he wanted to make sure Mr. Richins was aware of the issue with the sewer. Mr. Richins stated that it has been discussed with public works. Mr. Parker added that they have met with Mike Davis, Water and Sewer Superintendent, and the engineer concerning this issue. Mr. Glazier noted that there is not much of a buffer zone and how does the City want to address the buffer zones now and in the future. He added that right now this area goes from C-2 to residential which he agrees should be approved, but the City needs to look at buffer zones in the future. Mr. Parker explained that in this particular situation, Mr. Richins is proposing a low intensity use which in essence works as its own buffer zone. He added that Mr. Richins is proposing residential units as well as part of this development. Mr. Parker stated that the City Council will probably ask that a development agreement be signed tying the rezone to the concept that is being proposed. Jed Labrum, Mr. Richins attorney, stated that it is helpful to know as far as buffers that there is actually a built in natural buffer with this particular development. He added that you will notice that there is vacant land on the sides where homes will be built, and owners building there will know that they are building next to a doctor's office, attorney's office, etc. *Kimball Glazier moved to forward a positive recommendation to the City Council on the request for recommendation of a rezone for Nick Richins for the properties located at 509 South 500 West and 589 South 500 West, Vernal, Utah – Application No. 2015-017-REZ with a request to the City Council to look at requiring a development agreement with Mr. Richins. Rory Taylor seconded the motion. The motion passed with Mike Drechsel, Rory Taylor, Kimball Glazier, Kathleen Gray, Samantha Scott, and Ken Latham voting in favor.*

REQUEST FOR APPROVAL OF A PRELIMINARY PLAT FOR NICK RICHINS FOR THE PROPERTY LOCATED AT 509 SOUTH 500 WEST, VERNAL, UTAH – APPLICATION NO. 2015-016-SUB – ALLEN PARKER: Allen Parker explained that this is actually a concept plan, not a preliminary plat. The applicant is requesting concept plan approval of a subdivision, dividing two parcels into six parcels, yielding five parcels at approximately one half acre, and one parcel at approximately two and one half acres. Each of the new parcels meet dimensional and area standards set forth in Vernal City Code. Staff has conducted a full review

and found that the submittal is in substantial compliance with Vernal City requirements. This is a concept plan and is designed to give the Planning Commission a chance to review the design before significant amounts of money are spent in engineering. This project will create a large lot on the north for commercial uses and five large ½ acre residential lots that would work as a buffer to the existing homes and the proposed commercial use on the north side of this plat. Mr. Parker explained that the Nick Richins explained that the sanitary/sewer line will be in the center of the property to allow access in and out of there. This is not approved engineering, just the concept plan and are not tied to it until the preliminary plat is submitted. Chair Mike Drechsel opened the public hearing noting that it was advertised for public hearing based on a preliminary plat; however, it is only a concept plan. There being no comments, Mr. Drechsel closed the public hearing. Kimball Glazier wanted to clarify that the sewer does not need to go to 500 in looking out for the applicant. Mr. Parker stated that they discussed the issue with Mike Davis in the Water/Sewer Department and the plan fits with his expectations. *Kimball Glazier moved to approve the concept plan for Nick Richins for the property located at 509 South 500 West, Vernal, Utah – Application No. 2015-016-SUB. Kathleen Gray seconded the motion. The motion passed with Mike Drechsel, Rory Taylor, Kimball Glazier, Kathleen Gray, Samantha Scott, and Ken Latham voting in favor.*

REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING & ZONING CODE – CHAPTER 16.04 – DEFINITIONS – ORDINANCE NO. 2015-19 – ALLEN PARKER: Allen Parker explained that there have been issues defining front and back yards, defining what frontage is, and being clear what a lot is in the current Code. Mr. Parker stated that he and Corey Coleman, Building Official, looked at other codes around the State and are recommending basic changes to what is in the Vernal City Code to simplify it, and make it more clear. Mr. Parker explained that the first line in red is the proposed change, and below that are sample codes from other entities. Mr. Parker stated that the way the Code is written now with subdivision boundaries, measurements, and lines, it is not really that functional. Mr. Parker indicated that a frontage is basically a line along either a public or private right-of-way and to get more complicated than that makes it more difficult for the staff to use that on a day-to-day basis. Chair Mike Drechsel opened the public hearing for this ordinance. There being no comments, Mr. Drechsel closed the public hearing. Mr. Drechsel suggested in the future when making a recommendation on an ordinance that any separate items like the sample codes from other entities be kept on a separate page. Mr. Parker stated that in the future the actual ordinance will be presented for a formal recommendation. Mr. Drechsel added that it is nice to see the samples from other entities; however, it would be nice to not have them intermingled with the actual ordinance being proposed. Mr. Drechsel stated that redefining frontage has a potential for a far reaching impact on a lot of different activities within Vernal City, because it is a core fundamental idea as it relates to the development of the property, and a lot of things tie to the frontage, how far back you are from it, etc. He asked if the City really needs to make change to this and if so, is this the absolute best change that can be made, because it really does have the potential to impact a lot of development in Vernal City. Kimball Glazier stated that the way the Code is currently written is too descriptive and not helpful. Mr. Drechsel asked why Sandy City measures the width of a lot at the setback line. Mr. Parker explained that in cul-de-sacs, they measure frontage length along a 30 foot setback. He added that this is specified elsewhere in the Vernal City Code; however, it could be added to the definitions as well. Mr. Glazier suggested that since it is already in the setback section of the Code, it be left

out of the definition part. Kathleen Gray asked if the language where it adds “that was of record prior to May 20, 1968” is part of Ada County’s Code. Mr. Parker answered yes, and it is not what is being proposed. Mr. Glazier asked how this frontage relates to a flag lot. Mr. Parker explained that a flag lot does not have a frontage per say, but with the approval of the Planning Commission it is still required to open up to the full width required per lot, but it does not have the frontage requirement on that flag lot. Mr. Drechsel asked if anyone had a problem with “and” in Section 16.04.345 and indicated that he felt it made sense to add it. Mr. Glazier asked where it states “an exterior lot line” if it should say “frontage” in Section 16.04.755. Mr. Drechsel agreed and asked why we are using a separate term to the front of the residence. Mr. Glazier asked if we have to take access through the front of the home. Mr. Parker answered no. He added that when it states “exterior lot line”, it is a lot line that constitutes frontage. It is adjoining a public right-of-way and not another lot. Mr. Glazier suggested using a better descriptive such as “frontage”, since it has already been defined in this section. Mr. Parker explained that he was using terminology that he is used to in the planning profession and maybe we could be more explicit by saying “a lot line with a frontage”. Mr. Drechsel noted that we are talking about the front yard which ties to the frontage of some sort; therefore, to keep it simple for the community, he agreed it should be “frontage”. Mr. Drechsel asked about architectural projections, why they are being added to the Code, and if there has been a problem with these in the past in the City. Mr. Parker stated yes, there have been a few issues in the past. The current definition of architectural projections is unoccupied space that projects beyond the front property into the setback such as eaves. Mr. Glazier asked if it would be better to say you can have an allowance of this much past the foundation. He added that the way it is written seems so obscure and could create a loop hole that could become an issue for the City to deal with. Mr. Parker stated that is in essence what we are doing, just calling it an architectural projection. Mr. Drechsel stated that he did not realize that it was a defined term. Mr. Parker noted that at this time, the only thing changing in the Code are the definitions. At a later date, we will address a specific number on setbacks from the architectural projection in each of the zones. *Rory Taylor moved to forward a positive recommendation to the City Council amending the Vernal City Municipal Planning & Zoning Code – Chapter 16.04 – Definitions – Ordinance No. 2015-19 removing the two sample definitions by Sandy City and Ada County, and changing “exterior lot line” to “frontage”. Kimball Glazier seconded the motion. The motion passed with Mike Drechsel, Rory Taylor, Kimball Glazier, Kathleen Gray, Samantha Scott, and Ken Latham voting in favor.*

CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING & ZONING CODE – CHAPTER 16.04 – DEFINITIONS, CHAPTER 16.20 – SPECIFIC USE REGULATIONS, AND CHAPTER 16.52 – I-1 INDUSTRIAL ZONES RELATING TO EXPLOSIVE MAGAZINES – ALLEN PARKER: Allen Parker explained that this issue has been driven by current events in the Planning Department. There is a company that has a couple of magazines that they already want to place, one in a way which the staff was not comfortable with. There has been many discussions between explosive manufacturers, the State Fire Marshall and the ATF (Bureau of Alcohol, Tobacco, Firearms, and Explosives). One of the things that was recommended is that the City does not have a local statute from a zoning perspective. Mr. Parker explained that this is a first draft of placing restrictions on magazines within an industrial zone and not allowing them in any other zone. Mr. Parker stated that he used the definition of an explosive magazine from the federal government, which is a bunker that

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contains explosive materials. Mr. Parker stated that he added the term “or device”, because there are some very small nonstructural magazines that are manufactured and was not sure why it was omitted from the definition at the federal level. Chair Mike Drechsel asked Mr. Parker if the Planning Commission and the City Council are in a position to regulate a device as a land use perspective. Mr. Parker explained that it is a land use issue that can be prohibited or restricted without getting into the details that the ATF regulates. Mr. Drechsel asked what is considered a device such as a gun safe. Mr. Parker explained that a gun safe is not a commercial storage for explosives. There are metal ones that can be placed within a structure that are used to store explosive material. Mr. Parker stated that he does not want to create a loop hole where someone has 5,000 lbs. of explosive materials within a particular area, but it is not regulated because it is not a building or structure. It is a commercially manufactured device that they use for handling and storing explosive materials in a building. Mr. Parker explained that he could remove “or device” from the definition and follow the lead of the federal government. Rory Taylor asked if this Code could potentially affect the fireworks tents/booths that are storing explosives. Mr. Parker stated that he would need to look into fireworks tents as this ordinance is developed, because he was not sure. Mr. Taylor mentioned that he was referencing the 500 lb. maximum, which fireworks booths could easily exceed. Mr. Parker explained that they would need to look at State law which regulates firework stands.

Mr. Parker explained that the one that has been proposed recently is close to a propane storage yard. The ATF’s regulations are pretty weak when it comes to segregating from highways and from residential uses. They do not segregate from other explosives such as from a propane storage yard. The ATF’s recommendation was to look at it from a land use perspective, and that is why he wrote it as a conditional use. Kathleen Gray asked if the maximum density of two magazines per acre is only two gun safes. Mr. Parker reaffirmed that it does not pertain to gun safes. Mr. Drechsel reminded Ms. Gray that this relates to structures that contains explosives. After some discussion regarding this issue, Mr. Drechsel strongly suggested the City’s attorney carefully review this ordinance due to the public safety issue. Mr. Parker stated that another option would be to exclude magazines and add them to the use table instead of as a conditional use. This was only a discussion item to be reviewed again in the future.

ADJOURN: There being no further business, *Kimball Glazier moved to adjourn. Samantha Scott seconded the motion. The motion passed with a unanimous vote, and the meeting was adjourned.*

Mike Drechsel, Planning Commission Chair