

**MINUTES of the Vernal City PLANNING COMMISSION  
Special Meeting**

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

October 6, 2015

7:00 pm

**Members Present:** Kimball Glazier, Kathleen Gray, Ken Latham, Scott Gessell

**Members Excused:** Rory Taylor, Samantha Scott, Mike Drechsel

**Alternates Present:**

**Alternates Excused:** Kam Pope, Adam Ray

**Staff Present:** Allen Parker, Assistant City Manager; Corey Coleman, Building Official; and Gay Lee Jeffs, Administrative Clerk.

**WELCOME AND DESIGNATION OF CHAIR AND MEMBERS:** Chair Mike Drechsel and Vice Chair Samantha Scott has been excused from the meeting. Therefore, a temporary chair needs to be elected. *Kathleen Gray moved to nominate Kimball Glazier to be the temporary chair for the October 6, 2015 Planning Commission meeting. Scott Gessell seconded the motion. The motion passed with Kathleen Gray, Scott Gessell and Ken Latham voting in favor to the meeting.* Temporary Chair Kimball Glazier welcomed everyone to the meeting.

**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:** Kimball Glazier informed the Planning Commission members that the agenda item had been approved at a previous Planning Commission meeting, but there was some confusion with the property parcel number. Therefore, a second public hearing had to be scheduled to ensure that all surrounding property owners were invited to express their opinion.

Allen Parker stated that the process that was used for the public hearing notice included only one parcel number, which was to the north of the property and not two. Both parcel numbers should have been included in the public hearing notice so that all the surrounding property owners would have an opportunity to voice their concerns or opinions. Mr. 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 and 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 re-zoned 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.

Mr. Glazier opened the public hearing for the re-zone request. Nick Richins, 2763 South 1500 West, stated that approximately two years ago he purchased a portion of the property and about six months later he purchased the remaining property. Over a year ago talked to the City about re-zoning a portion of the property to build professional buildings for doctors, lawyers, dentists, etc. Mr. Richins hoped to build two to four buildings that look like residential homes. Pictures were previously given to the Planning Commission and to the City Council of the residential looking professional buildings proposed. Mr. Richins stated that the buildings would one story. The lot would be available for purchase to build on. He might build the buildings and lease them out. The City Council asked that he create a buffer between the commercial and residential zones. The intention is to build homes on the residential zoned property that will not be re-zoned. The homes would be similar to the existing homes in Marcella Meadows, but will not be built until the demand dictates they be built. Mr. Richins stated that he had been approached about building offices on the property. That is why he has asked for the re-zone. The City Council asked for a development plan with specific conditions that he can only build what he said he would build which is professional office buildings on the proposed property. The commercial lots would be sized to the building and the parking lots would be sized to the building requirements. The vision was to have access to the buildings from 500 South and 500 West. There would be an additional four accesses on 400 West for the homes that would be built there and one more just north of the Massey home.

Pat Bingham, 464 West 650 South, stated she had not received a letter to attend the August 19, 2015 (August 11, 2015) public hearing for Mr. Richins. Ms. Bingham explained that she had read the minutes from the August 19, 2015 (August 11, 2015) Planning Commission meeting concerning the proposed re-zone where it stated that the Planning Commission had given Mr. Richins tentative approval and asked if that meant he had been given approval on a preliminary. Kimball Glazier explained that the Planning Commission gives a recommendation to the City Council. The Planning Commission does not have the ability to approve or deny the request. The comments that everyone makes will be taken under advisement for a recommendation to the City Council. Mr. Glazier invited everyone to attend the City Council meeting the following night to express their concerns. Ms. Bingham stated as a homeowner in Marcella Meadows, she relies on the zoning ordinances to protect her property. She bought in a residential area not commercial and she expects the City Council and the Planning and Zoning to respect the zoning area. Ms. Bingham stated that her biggest concern is the safety of the children. There are a lot of children at Discovery Elementary and Vernal Middle School in the area that walk or ride bikes. Isaac Bird, 577 South 400 West, commented that the children in the area are not bused to school. Ms. Bingham stated that the corner of 500 West 400 South is very busy. The speed limit on 500 West has been lowered to "25". On any day you can go down that road and see officers giving people tickets to slow down. Ms. Bingham stated that it is scary to watch the children walk back and forth to school. Eventually a new elementary school will be built by the

**Vernal City Planning Commission Minutes  
October 6, 2015**

Recreation Center and that it is close enough that it would impact the traffic. Ms. Bingham asked if changing the zoning to commercial and adding businesses along the edge of the neighborhood, how is it going to be a positive and safe change for the community and how will it help?" There are already so many empty commercial buildings. Why come into a residential area and change it to commercial and build professional buildings, businesses that will bring in more congestion and traffic into the area with all the children walking? Ms. Bingham would like to know what specific problem is the City trying to solve or capitalize on by changing the land from residential to commercial and who is going to measure the traffic increase for the children so they will be safe. Ms. Bingham stated that her primary concern was for the children walking in the area.

Sharon Bills, 2614 North 250 West, stated that she lives in the County and had been newly appointed to the School Board. As she was preparing for her first School Board meeting, she had received the Vernal Express the day of and the property re-zone was on the front page. At the School Board meeting she expressed concern to the board members and school district that she was concerned about businesses going on the property. Ms. Bills stated that she was a bus driver for thirty-one years and for the last seven years she had been scheduling the routing of the buses for the school district. Ms. Bills stated she had an idea of traffic control and knows how narrow 500 South is. Buses had to be routed for the north side and south side of the street because it was too dangerous for children to cross the street. Scott Gessell asked for the address of Discovery Elementary. Ms. Bills stated it is located around 600 West 1200 South.

Isaac Bird, 577 South 400 West, stated he agrees with the previous comments of Pat Bingham and Sharon Bills. There was an accident on 400 South last week and other accidents have occurred in the past. Mr. Bird stated that he does not want more traffic on an already congested area. Kathleen Gray asked if there was a law that there must be a sidewalk for school children. Ms. Bills answered that they do not have to have a sidewalk according to the state.

Jon Stearmer, 625 South 400 West, stated that he works for the County for Planning and Zoning, so he understands that zoning can be changed. Mr. Stearmer stated that his concern is that when property is re-zoned, then anything that is allowed under that zone is permitted or it can go to a conditional use permit. There can be agreements made between the City and the developer concerning a particular application, but if for some reason it falls through, the zoning is already there and anything that is permitted within the re-zone can be developed. There are no guarantees to the neighboring properties. Mr. Stearmer stated that he is not as concerned about professional buildings on the lot, but concerned about the heaviest C-2 use being allowed on the property because there are no safeguards. If it does go forward, Mr. Stearmer, asked that whatever goes on the corner lot of 500 South 500 West, that there be no access. Whatever goes on the north side, that there is no access on 400 West. He agreed with his neighbors that there are a lot of children in the area. Police are going up and down 500 South with the shootings in the area. Kimball Glazier asked Mr. Stearmer what he meant by his statement of a development agreement falling through. Mr. Stearmer explained that if for any reason the developer decides to pull out and sell the raw property, that development does not attach to the land. Allen Parker explained that it would revert back to its previous zone. The applicant would have to follow through with the agreement to build what was proposed. If that was not fully built and a heavy

**Vernal City Planning Commission Minutes  
October 6, 2015**

user comes in and demolishes everything, it terminates the agreement and will revert back to R-1. Mr. Stearmer stated that they would be relying on the enforceability of the development agreement and that zoning will be clear, but it comes down to what is allowed in the zone and everything else is subject to legal challenge.

Isaac Bird asked if it could be added to the development agreement that there would be no access to the commercial property from 400 West. Mr. Parker explained that it would be a contract between the City and the developer and the City can require there be no access on 400 West, but the Planning Commission cannot require it only the City Council has the ability to determine the conditions and make the decision. The Planning Commission only makes recommendations. Scott Gessell asked for clarification on whether there were more kids on 400 West than 500 West going to school. Mr. Bird stated that he made the request because he lives on 400 West.

Pat Bingham stated the in Vernal City laws it states the City laws were adopted and enacted for the purpose of promoting health, safety and welfare. Ms. Bingham stated that it is very clear there is a safety issue with the proposal.

Wendy Bunnell, 416 West 650 South, stated she agreed with the previous comments and is also concerned about the children. Ms. Bunnell stated that she is a real estate agent and was an appraiser in the past and is not so concerned about the value of the property as about the desirability. Ms. Bunnell stated she was curious about two things. First, will there be lighting around the buildings shining into windows. Will they be on twenty-four hours a day? Second, are the homes on 400 West going to be two story homes? The reason being that ranch homes sell quicker and would not want to be looking into each others windows. Ms. Bunnell stated that she would like to see the buildings have access and face 500 South. It might help with the safety of the children.

Veronica Stearmer, 264 West 300 South, stated she has grandchildren that live in the Marcella Meadows. Ms. Stearmer stated that the projected long term general plan for the area took her by surprise and she asked for an explanation of the general plan for the proposed area as it was the first time she had heard about the general plan. Allen Parker explained that the proposed area and the adjoining corners could potentially become C-2 zones according to the general plan which was approved within the last year after several meetings and public hearings. Mr. Parker also stated that the general plan gives guidance to what can and cannot go in the areas of the City. Ms. Stearmer stated that she wished she had more time to process this new information instead of just hearing about it for the first time and having to go to the City Council the following night. Ms. Stearmer asked if the proposed re-zone could be extended for another month to give everyone some time to process the information. Kimball Glazier explained that it would be up to the City Council as to whether or not the proposed re-zone will be tabled for another month.

Jon Stearmer explained that he was wondering if there were other tools that would be available where the zoning would not be affected. A tool that would limit the zone change as much as possible, but allows the developer to develop the property.

Nick Richins handed out a copy of some buildings he liked and might build on the proposed property. Mr. Richins stated that he could propose ten lot residential subdivision. Mr. Richins'

**Vernal City Planning Commission Minutes**  
**October 6, 2015**

intention was to create a buffer zone so that no residential values were negatively affected by what was going to happen on the north end of the property and to increase value of the surrounding property. Mr. Richins explained that he did not know what kind of homes would be built on the residential portion of the property, but has plans for ranch style and two story style homes. Mr. Richins wondered if Sharon Bills was representing the school district and if so, he expected the school district to speak out against all development around Discovery Elementary and hoped that the school district would be to the City Council meeting the following night. Mr. Richins stated he did not have an answer for speeders in the area, but his plans were to have no more entrances on 400 West except for the four that is there. His plans were to face the driveways toward 500 South and 500 West. Mr. Richins stated that he did not have a configuration or buyers yet, but when he does he will go through the building process and his intention would be to keep traffic off 400 South. Mr. Richins explained that he is concerned for the safety of the children and he would install curb and gutter on 500 South and 500 West, that might help keep the kids off the road and onto the sidewalk. There is also a ditch that has been abandoned that he would cover it up which would also help with the safety of the children. Mr. Richins explained that there is a code with certain requirements for lighting that he would be willing to comply with. Allen Parker informed everyone that when at a public meeting, all comments should be addressed to the presiding entity and not the audience. Sharon Bills is not against investment or growth. The City is going through some growing pains. Ms. Bills explained that she does not work for the school district nor does she represent them. She attended the meeting due to her concern about traffic and the safety of the children in the area. Ms. Bills stated that something needs to be done with the traffic in the area and that Vernal City should conduct a study for that purpose.

Robert Stearmer, 264 West 300 South, stated that he was a former principle at Discovery Elementary and at the time he was a principle, he tried to figure out how to evacuate four hundred students from Discovery Elementary with the traffic. Now there are seven hundred students and more traffic. There will be a new school built near the Uintah Recreation Center and the City should be thinking about the safety of the students and how to control traffic for the schools and the children in the event of an emergency. Mr. Stearmer reiterated Jon Stearmer's statement about a development agreement. Mr. Stearmer stated that there are over sixteen empty homes and assorted businesses near his neighborhood and there have been many Uintah County residents laid off recently. Mr. Stearmer stated that with all the empty businesses, maybe the City should be helping those businesses owners who have invested in the community. Mr. Stearmer stated that when the yearly construction is being done on 500 South, the traffic is routed through the residential areas and it does not make the residents of those areas very happy. Mr. Stearmer explained that when he purchased his home it was a long term investment and he did his homework on where he wanted to live. Vernal is a great place to live.

Kimball Glazier closed the public hearing. Mr. Glazier commented that he also lives in the area and understands their concerns. 500 South and 500 West are major traffic corridors. They will be heavily traveled. Mr. Glazier stated that there are requirements of the developer with curb, gutter and sidewalks and Mr. Richins could actually widen 500 South and would be an improvement making it safer. Mr. Glazier stated that sometimes a development helps areas resolve problems. Mr. Glazier explained that the economy does not matter. It does not matter

**Vernal City Planning Commission Minutes  
October 6, 2015**

whether there is a market or not it is up to Mr. Richins because of his personal property rights. The Planning Commission makes recommendations to the City Council and it is up to the City Council to make the decision. Scott Gessell stated that he too was concerned about the safety of the children, but if Mr. Richins builds, he would put in curb, gutter and sidewalk which would be an improvement and would help with safety issues. Veronica Stearmer commented that a lot of the comments made need to be made to the school board about having crossing guards and maybe a light if the area is too busy. Ms. Stearmer recognized that there have already been improvements made on the Mr. Richins' lot. Mr. Gessell stated that regardless of what is built on the lot, there will still be traffic issues and the school board needs to address. Sharon Bills stated that crossing guards come from the City and County. Jon Stearmer commented that whether the lot is zoned residential or commercial, the builder would be required to install sidewalks and gutters. Mr. Glazier clarified that the development of the property would benefit the road situation. Ms. Bills stated that with the new elementary being built just south of Recreation Center, that the City should look into the traffic flow and crossing guard issues. *Kathleen Gray moved to forward a positive recommendation to the City Council with a development agreement stating there will not be an access on 400 West on the request for recommendation of a re-zone for Nick Richins for the properties located at 509 South 500 West and 589 South 500 West, Vernal, Utah-Application No. 2015-017-REZ. Scott Gessell seconded the motion. The motion passed with Kimball Glazier, Kathleen Gray, Scott Gessell and Ken Labrum voting in favor.* Mr. Glazier and Mr. Parker both encouraged everyone in attendance to attend the City Council meeting and express their concerns.

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

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Kimball Glazier, Temporary Planning Commission Chair