

MINUTES of the Vernal City PLANNING COMMISSION

Vernal City Planning Conference Room - 374 East Main Street, Vernal, Utah

April 9, 2019

5:00 pm

Members Present: Eric Hunting, Troy Allred, Samantha Scott, Darcy McMickell

Members Excused: Joni Crane, Jim Linschoten

Alternates Present: Ben McMickell, Corey Foley

Alternates Excused: Kimball Glazier

Staff Present: Allen Parker, Assistant City Manager and Gay Lee Jeffs, Administrative Clerk.

WELCOME AND DESIGNATION OF CHAIR AND MEMBERS: Acting Chair Samantha Scott welcomed everyone present to the meeting.

APPROVAL OF MINUTES FROM March 12, 2019: Acting Chair Samantha Scott asked if there were any changes to the minutes from March 12, 2019. *Eric Hunting moved to approve the minutes of March 12, 2019 with the change of adding Eric Hunting abstaining from the vote. Ben McMickell seconded the motion. The motion passed with Eric Hunting, Samantha Scott, Darcy McMickell, Ben McMickell, and Corey Foley voting in favor.*

REQUEST FOR RECOMMENDATION TO CONSIDER A REZONE REQUEST FROM VIA REAL ESTATE FOR THE PROPERTY LOCATED AT 772 SOUTH 1500 WEST AND 784 SOUTH 1500 WEST, VERNAL, UTAH FROM A R-3 (RESIDENTIAL ZONE) TO A CP-2 (PLANNED COMMERCIAL ZONE) – 2019-002-REZ - ALLEN PARKER:

Allen Parker stated that Derrick Merchant, from Via Real Estate, is requesting that the zoning map be amended, changing a .51 acre area on the official zoning map from its current designation of R-3 to CP-2. The area is comprised of two separate parcels. The area of the request is currently in use as single family dwellings. The adjoining parcels to the south are currently zoned R-3. The adjoining parcels to the west and north are zoned CP-2. The parcels on the east are outside of Vernal City limits and land use is under the jurisdiction of Uintah County. The north parcel along the east boundary is zoned C-1, a commercial zone, and the south parcel is zoned RA-1, a residential and agricultural zone. Surrounding land uses include single family residential, processing of junk automobiles and the sale of used automobiles. Additionally, there is a church located approximately three hundred feet to the north east. The Vernal City General Plan indicates the future land use for the area of the request as commercial, a classification that is compatible with the request. This request is for the rezone of two parcels bordered on three sides by commercial zones and, therefore, is not considered spot zoning. There was discussion on the already busy intersection turning onto 1500 West and there not being a stop light. Mr. Parker stated that he had talked to the applicant about his concerns for the entrance and exit for the property. Darcy McMickell clarified that the request was only for zoning. Mr. Parker verified that it was only for zoning. The handout showing the drawing of the parcels and the planned use was only a concept plan. Mr. Parker stated that it would be a high

speed car wash and if full, can run cars through fairly quickly. There was discussion on what the operating hours would be and how busy it might be.

Samantha Scott opened the public hearing to receive comment from the public. Kathy Worthen, lives at 803 South 1500 West. Ms. Worthen stated that she was concerned about the traffic. Ms. Worthen stated that she was really unhappy with there being only one exit and why does it have to exit on a residential street? Ms. Worthen explained that she had spent ten years of her life getting her yard and home the way she wanted it to be and she does not want a car wash in her front yard. Ms. Worthen expressed that commercial car washes are noisy. Ms. Worthen stated that she was also concerned about the sewer and the ability to handle all of the water. Ms. Scott stated that most car washes have a reclamation system. Ms. Worthen continued that there is not a stop light at the corner of 1500 West and Highway 40 and that it is an horrendous corner. Ms. Worthen reiterated that she does not want a car wash there. Ms. Worthen stated that there was a business there, but that she does not see it, they do not make any noise, they are on Highway 40, and that the business does not affect her. But when it is lined up right next to Eric Middleton's home and the car wash patrons are exiting from a 1500 West exit only twenty-five feet away from her home, that she was going to notice. Ms. Worthen stated that she does not want to be in the way of progress, but she do not want them to make progress on her road.

Eric Middleton, lives at 796 South 1500 West. Mr. Middleton stated the he basically had the same concerns as Kathy Worthen. He is worried about the noise and garbage living right next door to the proposed zone change property. Mr. Middleton expressed his concern about his property depreciating value because there would be commercial property right next to him. Mr. Parker pointed out that because it would be zoned commercial that there would be a requirement for landscaping inside of screened fencing. Mr. Middleton asked if the car wash was going to be a twenty-four hour operation. Mr. Allred pointed out that car washes usually do not operate twenty-four hours that often. Mr. Parker explained how a public hearing works and that there is usually not discussion with comments back and forth from the public and the commission unless the chairperson is willing. The usual way a public hearing works is that the public gives their comments and then the commission considers them after the public hearing has ended. Mr. Parker showed the public the future land use map and explained that the map shows what can and cannot be done in certain zones. Mr. Allred explained that the public has the opportunity to have input when the general land use map is being configured. Mr. Parker pointed out that the area being discussed did not get changed on the general land use map. Mr. Allred explained that there are conditions that can be added to help make sure the public is safeguarded so that the property values are not affected and that the noise does not become a nuisance. Ben McMickell stated that one thing that is very common with car washes like the one proposed, are rock walls or cinder block or something like that to help guard against noise, trash or anything like that. Mr. Middleton expressed concern about the water drainage from the car wash. Mr. Parker explained that it is a requirement for the property owner to retain all of the water on site and that the concept plan shows a retention pond. There was discussion on water shed on both sides of the property and how it could be remedied. Mr. Parker stated that the City Council has one tool they can use which is a development agreement which is a contract that the developer signs with the City and basically says, if we do this rezone we contractually obligate you to do certain things. If the contract is not followed, then the property reverts back to its previous zone. Mr. Parker stated that there are some ways to mitigate the publics concerns, but there would still be some impact to the public. Ms. Scott invited the public to the City Council meeting that will be held

on Wednesday of the following week at 7:00 p.m. in the Council Chambers with a public hearing starting a little later depending on the agenda.

Tanya Bullock, lives at 814 South 1500 West. Ms. Bullock stated that she was concerned about the exit from and the entrance to the road and highway. The traffic could back up along highway 40 trying to get into or out of the car wash and the potential for accidents or fatalities. Ms. Bullock stated that she was concerned that the residents who live on 1500 West would have a difficult time getting out of their driveways. Ms. Bullock stated that she is also concerned with the car wash running constantly.

Sheila Slaw, lives at 761 South 1500 West. Ms. Slaw stated that she lives directly across from the entrance/exit from the proposed car wash. Ms. Slaw stated that she is concerned that there will be no garbage or light protection. Ms. Slaw explained that her property had been zoned residential, but her family had decided to try to put in a home business and so they changed the zone to commercial. After family circumstances changed, the home was re-zoned residential. Ms. Slaw stated that she had been trying to sell her house for seven years and is concerned that the car wash will make it more difficult to sell. Ms. Slaw stated that she was in a hurry trying to get to the meeting and almost had an accident with the existing traffic. Ms. Slaw explained that the car wash exit is in alignment with her driveway. Eric Hunting stated that the residents could request a sound barrier. A guest from the audience stated that the current fence has kept the garbage and dirt down and is much appreciated.

Mary Lou Dixon, lives at 284 East 4500 South. Ms. Dixon explained that she represents the property seller, H&R Block. Ms. Dixon stated the Utah Department of Transportation (UDOT), has permitted the access location and UDOT separation requirements insight geometric does not allow for full enter/exit area. So the state says there cannot be two enter/exits on highway 40. Mr. Allred wondered if UDOT would be required to put in a turning lane for safety purposes. Ms. Dixon continued to state that the UDOT has never had a discussion with the property owner to put in a stop light. Mr. Parker stated that the City has met with UDOT and UDOT's position is that it has not met traffic volume warrants. Ms. Dixon asked if UDOT could put in a traffic tracker for a future light. Mr. Parker stated that it would be interesting to know if UDOT has any traffic tracker information for that area before the next meeting. Ms. Dixon stated that the plan is to put up a six feet high wood screening fence in a five foot wide area to try to help with the noise on the south side. Ms. Scott asked if there were any plans to put up a sound barrier on 1500 West. Ms. Dixon stated not to her knowledge. There was discussion on how to exit from the car wash. Mr. Parker stated that he would like UDOT to send him their findings. Darcy Mc Mickell mentioned that other commercial businesses have more than one entrance/exit on highway 40. Corey Foley asked Mr. Middleton what is his impact from the salvage yard. Ms. Worthen stated that it is an eye sore and it helped when the salvage yard installed a fence. Ms. Bullock stated that there are still occasional noises. Mr. Foley stated that he is not an advocate for the car wash, but it is better than an eye sore and would be maintained. Mr. Middleton stated that the salvage yard is on the highway and that he cannot see the salvage yard from his home. Ms. Worthen restated that she is worried about her property value and that if she wants to sell her home, she would like to recoup what she has invested into her home. Mr. Parker pointed out that UDOT granted a full motion access at Walgreens an hundred eighty-five feet from the intersection. Mr. Parkers asked Ms. Dixon to ask the potential buyer why UDOT made their decision not to allow another entrance/exit for the car wash. Ms. Scott closed the public hearing.

Ms. McMickell commented on the congestion at the entrance to the car wash from highway 40. Ms. McMickell stated that she did not think there would be a huge line; that the congestion would be contained within the lot. Ms. McMickell explained that there are other businesses along highway 40 with entrances into their lot and there does not seem to be any congestion. Ms. Bullock stated that those businesses are not car washes and that she has seen other car washes in town with long lines. Ms. McMickell pointed out that the concept plan proposed could alleviate the highway 40 congestion and that the congestion on 1500 West is a valid concern. There was discussion between the commission members and the audience about the congestion within the lot, on 1500 West and on Highway 40. It was suggested that maybe the design concept could be flipped. The Commission wished that the car wash owner had someone there to represent them. Ms. McMickell stated that the company does have the right to do what they would like to do on the property, but wished the owner was in attendance to answer questions. Mr. Parker stated that to deny the best and highest use has to have a significant component to it. Mr. Hunting reminded the Commission that they were considering the request for a rezone only. ***Eric Hunting moved to forward a positive recommendation to the City Council to rezone the property located at 772 South 1500 West and 784 South 1500 West, Vernal, Utah from a R-3 (Residential Zone) to a CP-2 (Planned Commercial Zone) – 2019-002-REZ. Troy Allred seconded the motion. The motion passed with Samantha Scott, Eric Hunting, Troy Allred, Ben McMickell and Darcy McMickell voting in favor. Corey Foley opposed the motion.*** Ms. Scott encouraged everyone to come to City Council meeting and voice their concerns. Mr. Parker stated that the City Council meeting and public hearing will be more formal.

REQUEST FOR RECOMMENDATION TO CONSIDER A MINOR SUBDIVISION REQUEST FROM CHAD THOMPSON FOR THE PROPERTY LOCATED AT 166 EAST 200 SOUTH, VERNAL, UTAH – 2019-001-SUB - ALLEN PARKER: Allen Parker stated that the applicant is requesting approval of a minor subdivision of one parcel into two lots. The areas of the new proposed lots will be Lot 1 at .49 acres with one structure and Lot 2 at .32 acres with no structures. Each of the new lots meet dimensional and area standards set forth in Vernal City Code and will not create a nonconforming condition with any of the existing structures. Lot 2 is a flag lot and approval of the subdivision constitutes approval of the flag lot by the Planning Commission per Vernal City Code. Staff has conducted a full review and found that the submittal is in substantial compliance with Vernal City requirements. A review of the application has been conducted by Timberline Land Surveying and Engineering and some minor discrepancies were noted. Corrections have now been made and the submittal is in substantial compliance with applicable surveying and engineering standards as well as Vernal City Code. There was some discussion on the size of a lot. Mr. Parker explained that a lot is seventy feet and a flag lot has a twenty-four foot stem. Corey Foley asked what the lot would be used for. Mr. Parker stated that it could be used for a home or office. Samantha Scott opened the public hearing to receive comment from the public. There was no public comment. Ms. Scott closed the public hearing. ***Darcy McMickell moved to forward a positive recommendation for a minor subdivision for the property located at 166 East 200 South, Vernal, Utah – 2019-001-SUB. Eric Hunting seconded the motion. The motion passed with Samantha Scott, Eric Hunting, Ben McMickell Darcy McMickell and Corey Foley voting in favor. Troy Allred opposed the motion.***

REQUEST FOR RECOMMENDATION TO CONSIDER A SUBDIVISION AMENDMENT FROM CHRIS PETERSON FOR THE PROPERTY LOCATED AT 793

SOUTH 2100 WEST, VERNAL, UTAH – 2019-003-SUB - ALLEN PARKER: Allen Parker stated that the request was not a public hearing as advertised on the agenda. However, it has been advertised as a public hearing for the City Council meeting. The subdivision is the West Side Drive subdivision. It is an older subdivision. There is one lot the applicant would like to divide. It is a long lot and there is enough land to divide equally to create two legal lots for the zone. The applicant is asking for an amendment to an existing plat. It is for one lot that will be split into two lots. Lot 10A would be the buildable lot. Lot 10B has an existing home on it. It will be split into a .205 parcel of land to build and will need to get connections as appropriate. Darcy McMickell suggested checking on a Public Utility Easement (PUE). Mr. Parker stated that it meets all set back requirements. Samantha Scott opened up the meeting to receive public comment. There were no public comments. Someone from the audience asked to see the location of the request. Ms. Scott closed the public comments. *Corey Foley moved to forward a positive recommendation to the City Council. Darcy McMickell seconded the motion. The motion passed with Eric Hunting, Troy Allred, Ben McMickell, Samantha Scott and Darcy McMickell voting in favor.*

GENE ANFINSON SUBDIVISION CONCEPT PLAN LOCATED AT 652 SOUTH 500 WEST, VERNAL, UTAH – 2019-004-SUB - ALLEN PARKER: Allen Parker explained that the City does not review a concept plan on its own very often. A concept plan is usually combined with the preliminary plat. The applicant is looking for concept plan approval only. The property is landlocked with a random address. The concept plan does meet every legal requirement of the Vernal City Code. There are no design problems from a code stand point. It is an approvable design the way it is laid out. Mr. Parker stated that in his staff report he recommended some additional screening along the north. Mr. Parker explained that the owner has a difficult time accessing the property. There are many owners of the road to the east of the property and Mr. Anfinson would need to get all of the owners of the road to agree to make the road a public Vernal City access road. There are no ownership problems with the parallel road. Mr. Parker stated that if Mr. Anfinson can solve the problems of ownership of the road, then the City Council would have to choose to accept the road. The road right now is narrower than what the City standards allow. There is a stub road on the west side of the property that is owned by the home owners association to the north of the property. It cannot be considered an access road. It is not a legal access for public safety purposes. There was discussion on how to create another access to the subdivision and solving the current access problem. The church next to the property is willing to sell some property to allow an access. Mr. Parker indicated that the concept design is legal and approvable, but when the owner does the preliminary plat, the access situation must be addressed and solved to the City's specifications. There was discussion on flipping the concept plan to help solve some of the access issues. Samantha Scott asked if the surrounding owners were notified of the concept plan. Mr. Parker stated that they were not and that it is not required to notify the surrounding home owners. Ms. Scott verified that the Commission would only be approving the concept plan and not actually approving the subdivision. Mr. Parker confirmed that the Commission would only be approving the concept plan and not the subdivision and that if the Commission decided to deny the concept plan, they must give a reason why. It can only be looked at from a design perspective for the concept plan. There was discussion on the approval process and if the concept plan could be approved with recommendations including having the road issues resolved. Mr. Parker suggested splitting the approval by approving the design concept with a recommendation to flip the design and stipulating that the project could not move forward without having all road access issues solved.

Mr. Parker pointed out the owner does not have the right to have the City take ownership of the road because the road is narrower than the City specifications. Mr. Parker asserted that the preliminary plat will not be approved unless there is legal access to the property. Darcy McMickell asked if the Commission approved the concept plan with recommendations to flip the plan and to solve the access problems, would the owner have approval to proceed. Ms. Scott explained that the owner would still need to subdivide the property. There was discussion about what can be built on the property besides residential homes and why the applicant was not represented at the meeting. Mr. Parker stated that possibly a 4-plex could be built on the property, but not sky rise apartment buildings. Corey Foley asked if Gina Angus has right of way to Gina's Drive. Mr. Parker stated that he had not looked into the ownership of that part of the road. Troy Allred stated that the property owner did not attend the Planning Commission meeting. Therefore, the Commission was not able to ask adequate questions. ***Troy Allred moved to table the Gene Anfinson Subdivision Concept Plan located at 652 South 500 West, Vernal, Utah – 2019-004-SUB because there is not enough information to make a decision and would like the owner or his representative to be present to be able to give answers to the Commissions questions. Eric Hunting seconded the motion. The motion passes with Samantha Scott, Eric Hunting, Darcy McMickell, Corey Foley, Ben McMickell and Troy Allred voting in favor.***

CINDY DILSAVER PROFESSIONAL OFFICE CONDITIONAL USE REQUEST 237 SOUTH 300 WEST, VERNAL, UTAH – 2019-005-CUP - ALLEN PARKER: Allen Parker stated that Cindy Dilsaver is requesting a conditional use permit for an existing property located at 237 South 300 West. The applicant intends to use the space to provide alternative medicine (Reiki) instruction and treatments. The site is located in an R-3 zone which allows professional office buildings as a conditional use. Due to the fact that it is an existing structure, Vernal City Code does not require additional parking. Mr. Parker is not recommending additional conditions. There was discussion on whether to require additional parking or not. Mr. Parker stated that the Commission could require additional parking, but an appeal authority would probably reverse that decision. Samantha Scott expressed that applicants should come to the Planning Commission meetings to give their input and to be able to answer the Commission's questions. There was discussion about what happens to the conditional use permit if the property is sold. Mr. Parker stated that the conditional use permit stays with the property unless the property violates the conditional use permit. There was discussion about parking. Mr. Parker reiterated that the property is existing property and does not require additional parking. Mr. Parker stated that the City must allow a conditional use permit unless the impact to the neighborhood is egregious, but conditions may be placed on the permit. There was discussion about hours of operation. Troy Allred moved to table the Cindy Dilsaver professional office conditional use request located at 237 South 300 West, Vernal, Utah – 2019-005-CUP and ask the applicant to attend the next Planning Commission meeting. The motion died for lack of a second. Corey Foley moved to have Cindy Dilsaver attend the next Planning Commission meeting to explain the professional office conditional use request 237 South 300 West, Vernal, Utah – 2019-005-CUP. Mr. Parker read a letter from Ms. Dilsaver explaining her request. There was discussion on how many clients would be allowed for treatments at a time and how many students would be allowed for instructions. Troy Allred seconded the motion. Corey Foley, Eric Hunting and Troy Allred voted in favor and Darcy McMickell, Ben McMickell and Samantha Scott opposed the motion. There were not enough votes in favor to carry the motion. The motion failed. The Commission took a short break at 8:15 p.m. Troy Allred had to leave the meeting. The meeting reconvened at 8:20 p.m. Corey Foley moved to approve the Cindy Dilsaver professional office

conditional use request located at 237 South 300 West, Vernal, Utah – 2019-005-CUP with the conditions to limit the clients to no more than four clients at one time and to limit classroom instruction to no more than seven people at one time. Darcy McMickell commented that limiting the classroom instruction size to seven people at one time might be arbitrary. The motion died for lack of a second. Mr. Parker suggested the Commission keep the staff report in mind when making their decision. There was more discussion on hours of operation. Ms. McMickell stated that she thought it would be overly restrictive to add hours of operation to the conditional use permit. *Ben McMickell moved to approve the the Cindy Dilsaver professional office conditional use request located at 237 South 300 West, Vernal, Utah – 2019-005-CUP with the conditions to limit the clients to no more than four clients at one time and to limit classroom instruction to no more than ten people at one time and the hours of operation would be from 7:00 a.m. to 7:00 p.m. Ms. McMickell suggested extending the hours of operation from 7:00 p.m. to 9:00 p.m. Mr. McMickell maintained his motion. Corey Foley seconded the motion. The motion passed with Samantha Scott, Eric Hunting, Corey Foley and Ben McMickell voting in favor. Darcy McMickell opposed the motion.*

THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS TEMPLE PARKING LOT CONDITIONAL USE REQUEST LOCATED APPROXIMATELY 350 WEST 200 SOUTH, VERNAL, UTAH – 2017-005-CUP - ALLEN PARKER: Allen Parker explained that the applicant is requesting approval of an amendment to a previously approved conditional use permit for the construction and operation of a new parking lot. The number of parking spaces has increased. The reason for the increase in size and the request for the change is that in 2018 Vernal City vacated the portion of 400 West, a public street, that separated the original parking area from the temple and chapel that it serves. The applicant is now incorporating the vacated land into their parking lot plans. Mr. Parker stated that a resident spoke with him about the entrance on the east side of the parking lot. The Snyder's live across from entrance. The neighbor's concern is with the lights shining into their bedroom and bathroom from the front door of the house. The neighbors would like to see the entrance realigned and shifted north so that the headlights shine between the properties. Mr. Parker pointed out that the design is only a concept plan right now not a master site plan. It is to give an idea of what they would like to do. Mr. Parker stated that directional luminaries are required to minimize parking lot lighting impact on adjoining properties and a combination of berms, landscaping and/or fencing are required to screen the adjoining properties from headlights and other general activities associated with parking lot in the following locations: a. along the north boundary of the site, and; b. along any boundary of the site with parking spaces which are adjoining the boundary and are perpendicular to the boundary.

Curtis Spafford, lives at 141 South 300 West. Mr. Spafford stated that they get a lot of headlights from the dentist office, apartments, and temple. Mr. Spafford declared that he understands that there are conditions for the parking lot, but all light from headlights cannot be contained. There will be more traffic on that street at 300 West. Mr. Spafford stated that there is an existing entrance from a previous home on the property which is also shown on the concept plan and that it would be convenient for the applicant to leave it there. Mr. Spafford confirmed that if the entrance was shifted over to the north, it would be right between Mr. Snyder's home and Mr. Spafford's home. Mr. Spafford indicated that an Airbnb is being operated in a portion of the apartment building and there is quite a bit of traffic that comes from it. Mr. Spafford stated that he was not opposed to the parking lot, but was hoping for a shift to the entrance. There was

discussion about moving or omitting the entrance and spreading out the traffic. Mr. Parker stated that a condition could be added that the entrance be shifted to the north and out of the alignment to the house directly to the east. Mr. Parker also stated that no one has complained about the existing entrances. Eric Hunting asked if the Siddoway's got part of the road when the City vacated the road. Mr. Parker confirmed that to be the case and expounded that the Church of Jesus Christ of Latter Day Saints bought that part of the road from the Siddoway's. Troy Allred asked if the City was compensated for the vacated road. Mr. Parker stated that the City did not get any compensation for the road other than not having to spend money to maintain that portion of the road. Samantha Scott explained that the City approached the church and asked them if they would like to take over the responsibility of the road if the City vacated it and the church could incorporate that property into their design for the parking lot. There was discussion on why the church did not ask to rezone the property to an R-4 to avoid a conditional use permit. Mr. Parker explained that there are legislative and administrative acts that would go along with a rezone and that the general plan would have to be followed. There was also discussion about the property values and how a resident might be affected. There was discussion on signage for church parking, parking on the right of way and residents parking in the church parking lot who are not attending the temple. All parking is approved. ***Corey Foley moved to approve the conditional use request located approximately 350 West 200 South, Vernal, Utah – 2017-005-CUP with an added condition to adjust the 300 West access to the north on the east side of the property. Ben McMickell seconded the motion. The motion passed with Samantha Scott, Eric Hunting, Darcy McMickell, Ben McMickell, Corey Foley and Troy Allred voting in favor.***

GENERAL PLAN SECTION 7 – TRANSPORTATION – WORK SESSION - ALLEN PARKER: Allen Parker showed a map of the changes that were discussed at the March Planning Commission meeting. Darcy McMickell stated that she had been noticing complete streets in other towns since the last meeting. Mr. Parker stated that the changes and major arterials make sense. Mr. Parker complimented the Commission on a job well done. The Commission will discuss the General Plan more at the next meeting.

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

Samantha Scott, Planning Commission Acting Chair