

MINUTES of the Vernal City PLANNING COMMISSION

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

September 15, 2020

7:00 pm

Members Present: Samantha Scott, Eric Hunting, Nick Porter, Darcy McMickell, Troy Allred, Jim Linschoten

Members Excused: [Click here to enter text.](#)

Alternates Present:

Alternates Excused: Corey Foley

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

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

APPROVAL OF MINUTES FROM July 14, 2020: Chair Samantha Scott asked if there were any changes to the minutes from July 14, 2020. There being no corrections, *Nick Porter moved to approve the minutes of July 14, 2020 as presented. Jim Linschoten seconded the motion. The motion passed with Samantha Scott, Eric Hunting, Nick Porter, Darcy McMickell, Troy Allred and Jim Linschoten voting in favor.*

REQUEST FOR RECOMMENDATION TO CONSIDER A MINOR SUBDIVISION REQUEST FROM ROSCOE WESTON MOTELS, INC. FOR THE PROPERTY LOCATED AT 1684 WEST HIGHWAY 40, VERNAL, UTAH. THE REQUEST IS FOR A LOT SPLIT FROM ONE PARCEL (9.46 ACRES) TO TWO PARCELS (3.91 ACRES & 5.55 ACRES).

Allen Parker stated that the request is a large area of land. Lot 2 has the Quality Inn Hotel on it right now. The proposal splits off the portion of land that is to the Southwest of the hotel. It is the green grassed area that will be split off from the hotel development. The request meets all of the requirements of Vernal City Code. One of the things there was a question about has been answered. There is a strip of land that continues all the way across the top of the land. Lot 1 that is being created will not have access to that strip of land which is a dirt road that goes to the soccer fields. If engineering is required, it can be worked out at a later date. It is a minor subdivision because it does not dedicate any land to the City. That is one of the requirements to be able to do a minor subdivision. It is also a minor subdivision because it does not create more than four lots, this one creates two lots. The applicant does not need to do a preliminary plat and there is no engineering required. The applicant does know what they are doing with the property. Eric Hunting asked if the property was going to be land locked or if they have access off of the highway or somewhere else. Mr. Parker explained that there is frontage on 1000 South and more frontage on US 40. Both areas could provide an access point. Mr. Hunting asked if the State has

granted access. Mr. Parker stated that the applicant has been working with the State.

Chair Samantha Scott opened the public hearing to receive comment from the public. There being no public comment Samantha Scott closed the public hearing.

Darcy McMickell moved to forward a positive recommendation to consider a minor subdivision request from Roscoe Weston Motels, Inc. For the property located at 1684 West Highway 40, Vernal, Utah. The request is for a lot split from one parcel (9.46 acres) to two parcels (3.91 acres & 5.55 acres). Troy Allred seconded the motion. The motion passed with Samantha Scott, Eric Hunting, Nick Porter, Darcy McMickell, Troy Allred and Jim Linschoten voting in favor.

REQUEST FOR RECOMMENDATION TO CONSIDER A REZONE REQUEST FROM JACOB PHILLIPS FOR THE PROPERTIES LOCATED AT 410 NORTH 800 WEST AND 713 WEST 500 NORTH, VERNAL, UTAH FROM R-2 (RESIDENTIAL ZONES) TO A C-2 (COMMERCIAL ZONE) – ORDINANCE NO. 2020-09

Allen Parker Allen Parker stated that the request covers two parcel zones of the City’s current zoning map from a Residential class zone to a Commercial class zone. The R-2 zone is a medium density zone and it would be rezoned to a C -2 zone which is a standard commercial zone. The area is indicated within the General Plan as being a commercial area for the future land use map. The area adjoining it directly to the West was recently rezoned to a CP-2 zone. That area is owned by Uintah Basin Health Care. This is an extension of that commercial area onto an adjoining property that is within the area that is indicated for commercial on the General Plan. The surrounding land use right now is vacant land on the East and a park on the West. To the North and the South is residential. The land to the North is zoned RA-1 and is outside of the City limits in Uintah County. All of the other Vernal City limit land surrounding the area is zoned R-2 with the exception of the CP-2 that is adjoining it. It is not a spot zoning, it is adjoining other commercial zones and is large enough to not be considered a spot zone.

Chair Samantha Scott opened the public hearing to receive comment from the public. There being no public comment Samantha Scott closed the public hearing.

Jim Linschoten moved to forward a positive recommendation to consider a rezone request from Jacob Phillips for the properties located at 410 North 800 West and 713 West 500 North, Vernal, Utah from R-2 (Residential Zones) to a C-2 (Commercial Zone) –Ordinance no. 2020-09. Darcy McMickell seconded the motion. The motion passed with Samantha Scott, Eric Hunting, Nick Porter, Dracy McMickell, Troy Allred and Jim Linschoten voting in favor.

REQUEST FOR RECOMMENDATION TO CONSIDER A REZONE REQUEST FROM STEVE COCHRAN (MILES PROPERTY HOLDING LLC), BENJAMIN PORTER, DAVID DAVIS, DURK HALL & ELAINE HASSINGER FOR PROPERTIES LOCATED AT 238 WEST 200 SOUTH, 152 SOUTH 200 WEST, 168 SOUTH 200 WEST, AND 186 SOUTH 200 WEST, VERNAL, UTAH TO REZONE FROM R-3 (RESIDENTIAL ZONES) TO A R-4 (RESIDENTIAL ZONE). – ORDINANCE NO. 2020-10

Allen Parker showed a slide of the current zoning for the area and an indication of the area that is proposed to be rezoned. There is split zoning on the two top parcels. They are not separate

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parcels. The North half of each parcel is zoned R-4 and the South portion is zoned R-3. The remaining parcels to be rezoned are all within the R-3 zone. This area is surrounded primarily by single family residential. It is a typical neighborhood in the core of the City. The area adjoins R-3 and R-4 zones on all sides. The City's General Plan future land use map indicates it as medium density residential, not high density residential. However, the General Plan map also shows it within the mixed use area. Within the mixed use area it is legal to do a rezone to an R-4 despite the fact that it indicates medium density residential in that area. The General Plan does legally support that and the application is in order with the Vernal City's Code. Samantha Scott asked the reason for the rezone. Mr. Parker explained that Steve Cochran would like to split the property off and would like to develop the garage type structure into additional housing. Mr. Parker was unsure as to whether it would be for single family dwelling or for high density use. Eric Hunting asked if this request had come to the Commission a few months ago. Mr. Parker stated that the request a few months ago was for the subdivision of the land. The subdivision of the land left that standing as an unsupported accessory structure. So it would be a garage standing on the land without a supporting primary structure, which is not legal. There would have to be a residential structure on the land in order for that to be a legal division of land. Because it was not legal, the subdivision could not be approved. Mr. Cochran proposed at that time to convert the land to residential use. That residential use would not meet the setback requirements so it could not be converted from a garage to a residential use at that time either, so it was denied until Mr. Cochran began to look around for some other options. The rezone is the option Mr. Cochran chose to pursue. He spoke with adjoining land owners and they decided to go in on the request for the rezone along with him. Nick Porter informed the Commission that his brother is also one of the land owners making the request for the rezone; publicly noting his conflict of interest. Mr. Parker noted that a change from the R-3 to R-4 zone allows for higher density residential uses. There would have to be a large piece of land to support a large amount of apartments. It would be permitted if there was a large enough piece of land to add to the density of the property. The R-3 zone already allows for 4-plexes within that zone. Changing the zone will change the setbacks. There are a few more uses added to it such as a professional office as a permitted use. A professional office in an R-3 zone is allowed as a conditional use. Samantha Scott asked if the neighbors were notified. Mr. Parker explained that the property owners within 300 feet of the property were notified by mail.

Chair Samantha Scott opened the public hearing to receive comment from the public.

Durk Hall, 152 South 200 West, identified five homes to the South of the property on the map shown. The property in question is a strip of land. Mr. Hall stated the Mr. Cochran owns the home on the property and the home has been rented out. One of the accesses has been fenced off and the only other access is off 300 West. It is literally a strip of land with a three door garage at the back of the property. Mr. Hall said that he had signed the application because Mr. Cochran had told him that he was going to knock down the garage and clean up the property and build one home. Mr. Hall stated that the lot cannot support a 4-plex or duplex. It is too small. Renters constantly move in and out. It would be a constant battle with renters moving in and out with no respect for neighbors. The people in the neighborhood would feel the consequences. We are in the middle of town in a quiet neighborhood and we don't need this. Mr. Hall said that Mr.

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Cochran told him that he was going to buy small pieces of land from the neighbors. Mr. Hall declared that the utilities in that area will be a nightmare to tie into existing, he knows from experience, and it will affect all of the neighbors. Mr. Parker pointed out that he cannot speak for Mr. Cochran on his intentions for the property, but the City Council can require a development agreement, which is a contract that restricts the applicant to limited items. If the request was to move forward with a positive recommendation to the City Council, it could require a development agreement restricting Mr. Cochran to do perhaps what he had indicated to other people. There are tools to regulate the development of the property. Mr. Hall maintained that if Mr. Cochran wanted to build a 4-plex or duplex on the property it is just was too small and will put the neighborhood on defense, because there would be a revolving door of people coming and going. Mr. Parker indicated that there might not be enough land for more than a single family dwelling, but he would have to go over everything with Mr. Cochran to see what space is available. Mr. Parker explained that there are minimum square footage restrictions, but the square footage is significantly reduced with an R-4 zone over an R-3 zone. Mr. Hall reiterated that if there is going to be a larger development in that area, he is strongly opposed to it.

Ferrin Steiger, 154 West 200 South, stated that he pictures Vernal City as a big puzzle and this is one piece of that puzzle. If the development is going to be apartments or duplex it does not belong there. It is a quiet and good neighborhood. It needs to remain single family dwelling. Mr. Steiger said that he strongly holds that sentiment. Jim Linschoten stated that he needed clarification as to what property Mr. Cochran owns. Mr. Parker showed the Commission the property that Mr. Cochran owns on the map. Mr. Parker reminded everyone that the City Council has great discretion on how they would implement something like this, so some of the concerns being expressed could be mitigated by the City Council.

Jim Daggett, 190 West 200 South, said that he lives across the street from where Mr. Hall lives on the corner. He has lived in the neighborhood since the mid 1980's. It is a nice quiet neighborhood. The one thing they do have in the neighborhood is the bus garages on the corner which creates a lot of traffic in the community at certain times of the day. His concern is if it is an apartment building, it could bring more traffic into the community. The safety of children is also a concern. Mr. Daggett stated that he would like more clarity on what is going to be built on the location. The location is a small tight area. Mr. Daggett stated that he was unaware of the rezone until he had received a letter from the City about it.

Steve Cochran, 1897 South 120 East, stated that he has no intention of building any apartments or multi-family dwellings on the property. Hypothetically it could happen in an R-4 zone if a developer decided to do so. Mr. Cochran explained that he bought the house on 238 West 200 South and would like to split the lot into a flag lot so that the garage built at the back of the lot could become a single family dwelling. The house on 238 West 200 South has already been fixed and is under contract. With the flag lot, the intention was to fix the garage in the back to sell or rent. Mr. Cochran said that he had tried to split the lot last year, but the R-3 zoning did not work because of the setbacks. The only way for the plan to work is to rezone to an R-4 zone. The garage in the back is an eye sore. It has a dozen tires on the roof with tarps underneath the tires that flap and Russian Olive trees growing everywhere. If the request gets approved, Mr.

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Cochran will have to buy land from the surrounding neighbors because he will need extra land for his setbacks. Mr. Cochran explained that he had already talked to those neighbors and they have agreed to sell a small portion of their lot to him. The neighbors are happy to have the eye sore removed. Mr. Cochran stated that he thought it would be extremely unlikely a developer would come in and buy all the homes, demolish them and build apartments, but it could be possible in an R-4 zone. Mr. Parker explained that an R-4 zone already exists on the North side of the block and therefore the higher density is already a possibility. That is significant because the homeowners in that area have not sold their homes to create high density housing. Mr. Parker reminded again that the City Council can attach certain restrictions to the property for the purpose of relieving any potential fears that people have to make sure that areas within this are not exploited beyond that. Those restrictions would not apply only to Mr. Cochran but to all of the properties within that area. They cannot target a specific individual with it, but nonetheless they could impose certain restrictions through a development agreement that all the property owners would have to acknowledge and agree to. Mr. Parker said, as stated earlier, that in order to develop a large amount of apartments the City requires a large amount of land. There are minimum size restrictions for lots that exist when developing. There are minimum landscaping requirements, minimum parking requirements and all of that demands a certain amount of land to accomplish a certain amount of density. Jim Linschoten asked where and how much property Mr. Cochran would need. Mr. Cochran showed on the map where and how much property he would need to purchase and stated that everything would be recorded. Eric Hunting wondered why Mr. Cochran was trying to rezone other people's property. Mr. Cochran explained that it would have been considered spot zoning if the surrounding properties were not rezoned as well. Mr. Hunting asked Mr. Parker about the legality of the smaller lots after Mr. Cochran has purchased a portion of the lots. Mr. Parker stated that they will not be affected. The lots are well within the requirements for the City. Mr. Linschoten asked about the easements and if they would be affected. Mr. Parker explained that easements are between property owners and does not affect setbacks.

There being no more public comment, Samantha Scott closed the public hearing.

Mr. Linschoten asked if the rezone violates any of the City Codes or conditions. Mr. Parker explained that it does not violate the rezone. There are other steps that Mr. Cochran would need to go through with the purchase of land and the subdivision. That is because it is within the mixed use area which allows the City discretion. Mr. Steiger asked if a home could not be built in that area unless it is rezoned. Mr. Parker stated that the garage could not be remodeled and converted into a home. If the home was demolished, it is likely, with the design of the flag lot that a brand new home might be able to be built within the dimensional requirements. Ms. McMickell asked if anyone that commented in the public hearing lived in the rezone area or if they all lived outside of the rezone area. Mr. Hall stated that he lived in the rezone area and showed the Commission where he lives. Ms. Scott asked Mr. Hall if his property was one of the properties being rezoned. Mr. Parker made clear that the properties in the rezone area are also the signatures to the application. all applicants rezone. Mr. Hall stated that he does not want to give up any land. Ms. Scott clarified that no property owners land would be taken away it is simply changing the zoning from an R-3 to an R-4. Mr. Hall does not want an R-4 in the neighborhood

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and gave the example of a church buying an entire block of homes and turning the property into a parking lot. Mr. Cochran stated that he does not want to make enemies and feels there may be a misunderstanding. The only way the garage can be changed into a home is to rezone the property otherwise the garage may have to remain. Mr. Cochran reminded the neighbors that the other homes in an R-4 zone across the street have not been bought up and made into apartments. Mr. Parker pointed out again that the neighborhood is currently zoned R-3 and can have a 4 plex on any R-3 property now if there is enough property. It is already a higher density zone. Mr. Cochran stated that he is willing to sign a development agreement.

Troy Allred moved to forward a negative recommendation consider a rezone request from Steve Cochran (Miles Property Holding LLC), Benjamin Porter, David Davis, Durk Hall & Elaine Hassinger for properties located at 238 West 200 South, 152 South 200 West, 168 South 200 West, and 186 South 200 West, Vernal, Utah to rezone from R-3 (Residential Zones) to a R-4 (Residential Zone). – Ordinance no. 2020-10. Eric Hunting second the motion. The motion passed with Samantha Scott, Eric Hunting, Nick Porter, Dracy McMickell, and Troy Allred voting in favor. Jim Linschoten voted against. The motion passed.

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

Samantha Scott, Planning Commission Chair