

# MINUTES of the Vernal City PLANNING COMMISSION

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

October 13, 2020

7:00 pm

**Members Present:** Samantha Scott, Eric Hunting, Darcy McMickell, Nicholas Porter

**Members Excused:** Jim Linschoten, Troy Allred

**Alternates Present:** Corey Foley

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

**Staff Present:** Allen Parker, Assistant City Manager; Matthew Tate, Building Official; 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 September 15, 2020:** Chair Samantha Scott asked if there were any changes to the minutes from September 15, 2020. There being no corrections, *Nick Porter moved to approve the minutes of September 15, 2020 as presented. Darcy McMickell seconded the motion. The motion passed with Samantha Scott, Eric Hunting, Darcy McMickell, Nicholas Porter and Corey Foley voting in favor.*

## **REQUEST FOR RECOMMENDATION TO CONSIDER A REZONE REQUEST FROM JAMES HONERT FOR THE PROPERTY LOCATED AT 67 SOUTH 200 WEST, VERNAL, UTAH FROM R-4 (RESIDENTIAL ZONE) TO A CC-1 (COMMERCIAL ZONE) – ORDINANCE NO. 2020-11**

Samantha Scott informed the Commission that James Honert is her neighbor. Allen Parker explained that this is a rezone request from James Honert and that Mr. Honert would like to rezone a portion of his property, located at 67 South 200 West, from an R-4 to a CC-1. A portion of the property is zoned CC-1 and the other portion is zoned R-4. It is a split zoning and the request is to try to correct that problem and change the entire parcel to a CC-1 zone. It is within the guidance of the General Plan. Staff has reviewed the application and found it to be in compliance with the requirements of the Vernal City Code and it is able to be forwarded with a recommendation for approval to the City Council.

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

James Honert stated that he wanted to clean up the zone, that it was more of a clerical error. Mr. Parker stated that the tail of the property that extends to the South will not be rezoned. Ms. Scott

stated explained that it will not be rezoned because she will be purchasing that part of the property. Corey Foley wondered if there was a specific reason for the rezone such as a plan to develop the property. Mr. Honert explained that the property is vacant and he plans to erect a 72 inch fence around the property to improve the appearance of the neighborhood and give curb appeal to the property.

*Nick Porter moved to forward a positive recommendation to consider a rezone request from James Honert for the property located at 67 South 200 West, Vernal, Utah from R-4 (Residential Zones) to a CC-1 (Commercial Zone) –Ordinance no. 2020-11 to the City Council. Eric Hunting seconded the motion. The motion passed with Samantha Scott, Eric Hunting, Nick Porter, Darcy McMickell, and Corey Foley voting in favor.*

**CHRIS AND KALENE GAMBLE PARKING LOT CONDITIONAL USE REQUEST 277 SOUTH VERNAL AVENUE, VERNAL, UTAH – 2020-013-CUP**

Allen Parker stated that the request is made by Chris and Kalene Gamble to get a Conditional Use Permit for a property located at 277 South Vernal Avenue. It is a vacant lot that is currently in that location. The adjoining property to the South is currently owned and operated by the Gambles as a salon. The Gambles need some parking to support their activities that they have at the salon. The salon property is zoned commercial. The property to the North of that is a vacant lot which is zoned R-3. In an R-3 zone a parking lot is a conditional use. The request is to get Conditional Use approval for a parking lot located in that location supporting the commercial use directly to the South. Staff has reviewed the application and it is found to be in compliance with the requirements of the Code. This project will contribute to the general well-being of the community. This project will not be detrimental to the health, safety and well-being of the members of the community. This project does comply with the provisions of the Vernal City Code. This project complies with the principles of the Vernal City General Plan. This project will not have a derogatory effect on the environment. Since it is supporting an approved use in that area and the design of the site will be in accordance with the Code, i.e. it will have whatever landscaping requirements are in the Code, the requirements for lighting, the requirements for storm water management, all of that will have to be done in accordance with the Code. That is sufficient to meet the intent of what is trying to be accomplished there and mitigate any potential impacts that would be excessively derogatory. Mr. Parker is not recommending at this point any conditions to be applied to the request and it is an approvable application the way that it is. Corey Foley asked about the width of the property. Mr. Parker explained that the property is about seventy feet.

*Nick Porter moved to approve a Conditional Use request from Chris and Kalene Gamble for the property located at 277 South Vernal Avenue, Vernal, Utah with no conditions – 2020-013-CUP. Corey Foley seconded the motion. The motion passed with Samantha Scott, Eric Hunting, Nick Porter, Darcy McMickell, and Corey Foley voting in favor.*

**AMEND VERNAL CITY CODE FOR SET BACKS IN THE R-3 ZONE – SECTIONS 16.42.060**

Allen Parker reminded the Commission that the next two items are discussion items only. No

action will be taken.

Mr. Parker stated that there may be a bit of a problem with the setback code and that it may not be representative of what is trying to be accomplished in an R-3 zone. The Code shows that all of the setbacks are the same in the R-1, RA-1, R-2 and R-3 zones; the setback code for the R-4 zone is different. The medium high density zone, which is the R-3 zone, has the same setbacks as the lowest density zones. Mr. Parker referred the Commission to the setback requirements in the Code. The Code states that the setback requirements for the R-3 zone are the same as required in the R-1 residential zone. Mr. Parker stated that he wanted to present to the Commission for discussion and consideration modifying the R-3 zone by keeping the thirty feet front setback for street front consistency. Lower the side setbacks to five feet and the rear setback could be twenty feet. The exterior lot line could be changed to twenty feet and the accessory setbacks could be twelve feet and any other changes as submitted to the Commission in their packets. Mr. Parker wondered if the Commission was happy with the way the setback Code reads or if they want to make changes. The front setback could be changed to twenty feet but need to remember that drive ways are also twenty feet. Mr. Parker stated that the setbacks are measured from the edge of the right of way. Darcy McMickell agreed that changes for the R-3 zone made sense and that the Code, the way it is currently written, with thirty feet setbacks in the rear, is actually a deep setback for a 4-plex, so splitting the difference between the zones would be a good idea.

Corey Foley asked about the setbacks for some 4-plexes in the City that are very close together. Mr. Parker explained that they are in an R-4 zone and that there are no setbacks between the structures because they are all on the same property, only the exterior of the property requires the setbacks. Mr. Foley asked if a firewall was required between those structures. Matt Tate answered that it depends on the code and if they are individually owned or not. Mr. Parker clarified that the idea behind setbacks addresses adjoining property owners and the way that your property relates to them rather than interior design of a project. It's really up to the developer and how they want to best utilize their property as long as it meets the building code. Mr. Tate explained that moving from a duplex to a 4-plex, is moving from the International Residential Code to the International Building Code. When that happens, other things become applicable like firewalls, fire separation, sprinkler systems, etc. Mr. Parker reminded the Commission that the things being discussed are in an R-4 zone and cannot be done in an R-3 zone. There was discussion about setbacks for the R-4 zone, what housing is allowed in that zone and how the developer uses the land. There was discussion about boats, trailers, etc. being parked on the public street and how property owners can utilize their property for those vehicles.

Mr. Parker stated that the R-3 zone setback requirements will be discussed further at the next Planning Commission meeting.

**AMEND VERNAL CITY CODE FOR FLAG LOTS – SECTION 16.24.060**

Allen Parker stated that the City Council asked that the Code for flag lots be looked at to see if any changes need to be made. Mr. Parker stated that he is not recommending any changes, but wanted the Commission to take a look at it. Mr. Parker explained that the reason for flag lots is to facilitate in-fill. An in-fill is when there is property behind homes that cannot be utilized. A

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flag lot allows people to build back into those areas and fill in those areas that are wasted space. The flag lot rule allows for homes to be built in those areas with long driveways. Samantha Scott commented that flag lots seem to be controversial and that people seem to be opposed to them. Corey Foley commented that some homes look directly into each other with a flag lot which is not ideal. Mr. Parker stated that the county has big deep lots where homes can be built quite a ways from the road which some people really like. That is not typical in Urban areas. The question is where is the line to restrict a property owners property rights in favor of somebody else's comfort level. Every community has a different answer. Corey Foley asked if a driveway is required. Mr. Parker answered that the City requires a hard surface that is twenty-four feet wide. It is a public safety requirement for emergency access. Darcy McMickell stated that a fence could resolve some of the issues. Mr. Foley asked if a fence could be required. Mr. Parker explained that it can be done but everyone would have to be treated the same so the question can be asked, "is it fair". Ms. McMickell clarified that putting in a fence is being a good neighbor; it does not necessarily need to be put in the Code.

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

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Samantha Scott, Planning Commission Chair