

MINUTES of the Vernal City PLANNING COMMISSION

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

September 23, 2014

6:00 pm

Members Present: Chair Mike Drechsel, Ken Latham, Isaac Francisco, Kimball Glazier, Kathleen Gray, and Samantha Scott.

Members Excused: Rory Taylor

Alternates Present: Adam Ray

Alternates Excused:

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 to the meeting.

REQUEST FOR RECOMMENDATION OF A MINOR SUBDIVISION FOR JUAN GALLEGOS FOR THE PROPERTY LOCATED AT 128 SOUTH 200 WEST, VERNAL, UTAH – APPLICATION NO. 2014-028-SUB – ALLEN PARKER: Allen Parker explained that this is a request for a proposed subdivision of land at 128 South 200 West. This property has split zoning with R-3 and R-4. Mr. Parker stated that this application meets all aspects of the Vernal City Code, except for the frontage width. On the left side, there is a 61.5 feet width and on the other side there is a 54 feet width. Mr. Parker explained that in the R-3 and R-4 zone, the minimum is 65 feet. He added that there is one way that this application could be approvable by widening the left side from 61.5 feet to 65 feet and approved the other lot as a flag lot with a very wide flag. The way the flag lot ordinance reads, the Planning Commission could consider it that way. Samantha Scott asked if the applicant was aware that it does not meet Code. Mr. Parker answered no. Mr. Parker explained that during the preliminary review of the application, the width problem was not caught, and there was a language barrier between Mr. Parker and the applicant. Kimball Glazier asked what the side setbacks requirements are in an R-3 zone. Mr. Parker stated 8 feet. Mr. Glazier asked if there was 12 feet on the side, would it hurt their frontage more. Mr. Parker stated not if it was a flag lot. He further explained that with existing structures, we are not creating a less conforming situation, and the one side set back is grandfathered in. Mr. Glazier asked if the City could require 12 more to make it conforming. Mr. Parker answered yes, to bring it as close into compliance as we can get it. Chair Mike Drechsel opened the public hearing for the minor subdivision request. There being no comments, Mr. Drechsel closed the public hearing. Mr. Drechsel explained that the Planning Commission needs to table or make a negative recommendation on this item, since it is not in compliance to be approved due to the lot line position. *Isaac Francisco moved to forward a negative recommendation to the City Council on the minor subdivision for Juan Gallegos for the property located at 128 South 200 West, Vernal, Utah – Application No. 2014-028-SUB with the condition that if he meets the frontage requirements of the Code, before the next City*

Council meeting, it can be approved at that time. Kimball Glazier seconded the motion. The motion passed with Mike Drechsel, Ken Latham, Isaac Francisco, Kimball Glazier, Kathleen Gray, and Samantha Scott voting in favor.

REQUEST FOR APPROVAL OF A CARETAKER DWELLING IN A CC-1 ZONE - ALLEN PARKER: Allen Parker explained that he was approached by Brock Smith regarding the Dinosaur Inn where he has a home as part of the project in that area that he wants to expand. In a CC-1 zone, a single family dwelling is not permitted, so its grandfathered in; however, he cannot expand that use as a nonconforming use in that zone. Chair Mike Drechsel asked if the property faces 100 North. Mr. Parker answered yes. Mr. Parker explained that in the Code in other zones, there is a caretaker dwelling for certain types of uses. A caretaker dwelling is where someone lives on the property year round as part of the business operation. Mr. Parker stated that Mr. Smith asked if it would be possible for him to extend this dwelling out to the west side. Mr. Parker told him no, not as a grandfathered nonconforming use. Mr. Parker stated that Mr. Smith asked if it could be considered a caretaker dwelling. Mr. Parker stated yes, but explained that this type of use is not listed in a CC-1 zone. Mr. Drechsel asked if the expansion to the house is for residential purposes. Mr. Parker answered yes; however, not as a house that he sale separate from the hotel. The house is integrated into the hotel property. Mr. Parker read the last item in the use table of the CC-1 zone. “Other uses not mentioned in this section, but ruled by the Planning Commission to be similar to uses permitted in this section”. Mr. Parker explained that in essence, the way the Code is written, a person could bring that use to the Planning Commission for approval. This is a similar use to other uses in the Code, just not identified as a specific use in the CC-1 zone. The Planning Commission could approve this based on that last line in the use table.

Mr. Parker explained that Mr. Smith will continue to use this house as a legal nonconforming use, but he will not be able to expand it. Mr. Drechsel asked if it was vacant at one time. Mr. Parker stated yes, until Mr. Smith occupied it. Kimball Glazier went on record to state that he was related to Brock Smith. Mr. Drechsel asked if the grandfathered use was abandoned by seizing the residential function of the house. Mr. Parker explained that unless the use was changed, that use is continued. Mr. Drechsel stated that he feels that the use table should be amended and adopted in the Code by ordinance to be consistent and removing that last line. Mr. Parker agreed, and added that this particular line opens it up to where it could become arbitrary if an applicant was not approved. Isaac Francisco agreed that as uses come up that are not in the Code, it is best to amend the Code in an ordinance format. Mr. Glazier mentioned that Mr. Smith is pressed for time with winter coming; therefore, if he has to wait for the Code to change, he will not be able to build. Mr. Parker stated that if it is the consensus, the Planning Commission could approve Mr. Smith’s request under “Other uses not mentioned in this section, but ruled by the Planning Commission to be similar to uses permitted in this section”. Mr. Parker stated the Planning Commission could amend the Code in the future using the odd items such as this request as uses that need to be added or clarified in the Code. Mr. Drechsel voiced his concern with approving this request first, then drafting an ordinance. If the City Council for some reason does not approve the ordinance, then the Planning Commission has approved something by Code that is not permitted. Mr. Drechsel stated that since the Planning Commission makes decisions for the entire City and not just one particular applicant, he suggested not approving this request under this particular section. Samantha Scott asked if the

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person living in the house has to be directly involved with the hotel to allow it to be a caretaker dwelling and is Mr. Smith a current employee of the hotel. Mr. Parker answered yes, Mr. Smith is an employee directly involved in the day-to-day operations as the property manager. Samantha Scott agreed that the Code should be changed, before this request can be approved. Kimball Glazier noted for the record that he was abstaining from voting. *Samantha Scott moved to table Brock Smith's request for a caretaker dwelling until there is an amendment to the Code adding caretaker dwelling to the use table under a CC-1 zone. Kathleen Gray seconded the motion. The motion passed with Mike Drechsel, Ken Latham, Isaac Francisco, Kimball Glazier, Kathleen Gray, and Samantha Scott voting in favor. Kimball Glazier abstained from voting.*

VERNAL CITY GENERAL PLAN - ALLEN PARKER: Chair Mike Drechsel explained that the Planning Commission has had a few work sessions on the General Plan and Future Land Use Map and asked at what point will there be something to forward to the City Council. Kimball Glazier stated that he feels they are close to having a final draft, maybe with one more meeting. Samantha Scott mentioned that the City Council is ready to see something. Allen Parker explained that he has enlarged a map of Vernal City that the Commission could draw on with different colors as they discuss and decide what they would like to see in all the areas of the City. Mr. Parker reminded the Commission that the General Plan and Future Land Use Map is for the long term vision of the City. The Commission reviewed, discussed, and decided what color each area of the City should be to come up with a final map to present to the City Council. Below are the color coded areas used on the map:

Dark Green	High Density
Light Green	Medium Density
Yellow	Low Density
Red	Standard Commercial
Orange	Downtown Commercial
Purple	Industrial
Black	Institutional (Higher Education)

After the Commission finished the work session, Chair Mike Drechsel suggested they schedule another work session to finish the General Plan and Future Land Use Map at the next regularly scheduled Planning Commission meeting on October 14, 2014.

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