

# MINUTES of the Vernal City PLANNING COMMISSION

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

June 9, 2015

7:00 p.m.

**Members Present:** Vice-Chair Samantha Scott, Ken Latham, Kathleen Gray, Scott Gessell, and Kimball Glazier

**Members Excused:** Chair Mike Drechsel and Rory Taylor

**Alternates Present:** Adam Ray

**Alternates Excused:** Kam Pope and Isaac Francisco

**Staff Present:** Allen Parker, Assistant City Manager; Corey Coleman, Building Official; and Sherri Montgomery, Administrative Clerk.

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

**APPROVAL OF MINUTES FROM APRIL 14, 2015:** Vice Chair Samantha Scott asked if there were any changes to the minutes from April 14, 2015. There being no corrections, *Scott Gessell moved to approve the minutes of April 14, 2015 as presented. Kathleen seconded the motion. The motion passed with Kimball Glazier, Adam Ray, Kathleen Gray, Samantha Scott, Ken Latham, and Scott Gessell voting in favor.*

**REQUEST FOR RECOMMENDATION OF A MINOR SUBDIVISION FOR JASON & JEANNE LEWIS FOR THE PROPERTY LOCATED AT 1109 WEST 500 SOUTH, VERNAL, UTAH – APPLICATION NO. 2015-011-SUB – ALLEN PARKER – CANCELED:** This agenda item was advertised for a public hearing at this meeting. The applicant requested this item be postponed until next month's meeting.

**REQUEST FOR RECOMMENDATION OF A MINOR SUBDIVISION FOR CRAIG REESE FOR THE PROPERTY LOCATED AT 514 & 536 WEST ROBBINWOOD LANE, VERNAL, UTAH – APPLICATION NO. 2015-007-SUB – ALLEN PARKER:** Allen Parker explained that the Craig Reese is requesting approval of a minor subdivision of two parcels into three parcels located on the corner of 1100 South 500 West. The property is located in a RA-1 residential zone. Corey Coleman pointed out that there was an error on the staff report in the packets. It says one parcel would be one acre and two parcels at .23 acre, and it should have said that the one parcel would be ½ acre. Mr. Parker stated that each of the new parcels meet dimensional and area standards set forth in Vernal City Code. Staff has conducted a full review and found that the submittal is in substantial compliance with Vernal City requirements. An engineering review has been conducted of the application by Timberline Engineering and Land Surveying and the submittal is in substantial compliance with applicable engineering standards. Vice-Chair Samantha Scott opened the public hearing for the minor subdivision request. Craig Reese stated his address of P.O. Box 508 Vernal, Utah. Mr. Reese explained that

this was a nice piece of ground, and the split will work out well for homes to build the area up. Vice-Chair Samantha Scott closed the public hearing. *Kimball Glazier moved to forward a positive recommendation to the City Council for a minor subdivision for Craig Reese for the property located at 514 & 536 West Robbinwood Lane, Vernal, Utah – Application No. 2015-007-SUB with corrections as noted by staff and engineering. Adam Ray seconded the motion. The motion passed with Kimball Glazier, Adam Ray, Kathleen Gray, Samantha Scott, Ken Latham, and Scott Gessell voting in favor.*

**REQUEST FOR RECOMMENDATION OF A FINAL PLAT FOR GARDNER SPLIT MOUNTAIN VILLAGE SUBDIVISION FOR THE PROPERTY LOCATED AT 256 EAST 600 SOUTH, VERNAL, UTAH – APPLICATION NO. 2015-008-SUB – ALLEN PARKER:** Allen Parker explained that Scott Gardner is requesting approval of a final plat for a subdivision dividing one parcel into 26 building pads with accompanying common space, as well as creating a new section of public roadway on 600 South. This property is located in an R-4 residential zone on 3.2 acres located at 256 East 600 South. This is the third phase of a previously approved preliminary plat. This final plat is in accordance with the design of that preliminary plat and the requirements of Vernal City Code. Staff has conducted a full review and found that the submittal is in substantial compliance with Vernal City requirements and only minor corrections were noted. An engineering and surveying review has been conducted of the application and the submittal is in substantial compliance with applicable engineering and surveying standards with only minor corrections noted. Mr. Parker stated that it should be noted that an application for final plat was made and approved in October of 2014 for this phase of the Split Mountain development. The applicant had 90 days to record that plat from the date of approval and that time period lapsed. This new submittal is almost identical with the main difference being an adjustment to the setbacks to reflect a recently passed amendment to Vernal City Code. Kimball Glazier asked where the storm water retention is being retained in this phase. Mr. Parker explained that it is within the development, but not within this phase of the development. Scott Gardner stated that the storm water is retained just south of 700 south for the entire project. Mr. Gardner stated that they have put in half of the 600 south roadway with asphalt. Mr. Gardner added that when they found out that the setbacks had been changed, they moved some of the homes and created better parking. *Kimball Glazier moved to forward a positive recommendation to the City Council for the final plat of Gardner Split Mountain Village subdivision located at 256 East 600 South, Vernal, Utah – Application No. 2015-008-SUB with corrections as noted by staff and engineering. Kathleen Gray seconded the motion. The motion passed with Kimball Glazier, Adam Ray, Kathleen Gray, Samantha Scott, Ken Latham, and Scott Gessell voting in favor.*

**VERNAL CITY MUNICIPAL PLANNING & ZONING CODE – CHAPTERS 16.36, 16.38, 16.40, 16.42, AND 16.44 - SIZE AND FINISHES OF BUILDINGS IN RESIDENTIAL ZONES – ALLEN PARKER:** Allen Parker explained that he had been asked by a Councilmember to bring this issue up for discussion to consider amending the Code. Mr. Parker stated that the issue is the types of structures allowed in a residential zone. The concerns of the City Council are height of buildings, exterior finishes, ratio of dwelling space to garage in a main structure, and the setbacks of tall structures from other lots. There is a large steel structure in town within an R-2 residential zone. It is a two-story industrial building that is approximately 80% a shop and in the back portion, there is an apartment. This makes it a house and is perfectly legal. Mr. Parker explained that the way the Code is written allows for these sort

of things in these different zones. Does this have a negative impact on the neighbors with a nice house having a steel structure next to it? Mr. Parker stated that the definition of an accessory structure needs addressed to make it simpler. Mr. Parker reads the current definition of an accessory building from the Code. The current Code allows for an accessory structure to be a part of the main building. The Planning Commission discussed looking at the height of a building, setbacks, type of exteriors, or adding a dwelling space ratio to the garage ratio like 50/50 or greater. Mr. Parker stated that the question that was raised is if the City wants a metal structure to be allowed in a dense residential zone and to be used as a house. Mr. Parker explained that it becomes an issue with property rights versus the impact it may have on the adjoining neighbors. Kimball Glazier asked when does an accessory building become a nuisance. Mr. Parker explained that a nuisance is defined as anything built outside of the requirements of the Code. Mr. Parker reads the nuisance abatement section of the Code. Mr. Glazier stated that he felt that this issue should be addressed in the CC&R's (Covenants, Conditions & Restrictions) of a subdivision to protect the property owners. Samantha Scott asked if this was the first structure in question that has been an eye sore. Mr. Parker explained there are other ones, but this particular one was the first one that has taken the route to create a shop with an apartment in it and call it a house. Mr. Glazier asked if this shop is used for commercial practices. Mr. Parker stated no, it cannot be used as commercial, because it is in a residential zone. Mr. Glazier confirmed that the shop is used for private use only. Mr. Parker stated yes. Scott Gessell asked if there are any parking issues. Mr. Parker stated no, it requires two parking spots.

Mr. Glazier asked if the Commission needs to address accessory buildings as part of the main structure by definition. Mr. Parker explained that he brought this issue up as a discussion item only to figure out if and what needs addressing at this time. The Commission addressed setbacks, property lines, Fire Code as it relates to accessory buildings and agreed that it is hard to infringe on someone's property rights. Jeff Shaffer, Vernal City employee and resident, discussed with the Commission some ideas on how these issues were dealt with in California. They would add to the permit a clause requiring an applicant to notify the surrounding residents within 30 days of their intent to change a structure to see if anyone was opposed to it. Mr. Glazier asked what happened if someone did complain. Mr. Shaffer stated that no one complained. Mr. Glazier asked if an objection would be forwarded to the Planning Commission. Mr. Shaffer stated yes. Mr. Parker stated that a conditional use permit for a steel structure in a residential zone might work. The conditional use could define the kinds of negative impacts on adjoining property owners. Mr. Parker stated that there needs to be some standards set for the staff to enforce to be continued at a later meeting.

**VERNAL CITY MUNICIPAL PLANNING & ZONING CODE – CHAPTER 16.12 - REBUILDING NON-CONFORMING STRUCTURES – ALLEN PARKER:** Allen Parker explained that currently in the Code if you have a noncomplying structure and a noncomplying lot, and you want to tear the house down and build something new, it cannot be done legally. To rebuild, you would need to comply with the current standards and setbacks, and most of those lots are not buildable lots due to their size, unless it is involuntarily destroyed. Mr. Parker asked if the Code is not allowing change to happen in some neighborhoods. Adam Ray stated that sometimes change cannot happen in certain neighborhoods. Kimball Glazier stated that it could happen if they bought two lots together. Mr. Glazier added that this is a huge double standard

that could cause many problems. Mr. Parker explained that he does not want to hold a public hearing and change the Code unless the Planning Commission sees a need for it. Kathleen Gray stated that someone would need two lots to build a home, but it would clean it up and make it a nicer area, unless the future of that area is central commercial clear to 500 south. Mr. Parker reported to the Commission that the City Council approved the general plan and future land use map. Mr. Glazier asked if some of these areas were addressed during the general plan amendment. Mr. Parker stated yes as far as the map was concerned. Mr. Glazier stated that if it left the way it is, if someone wants to make a change, they could follow the new general plan. Ms. Gray asked what part is not in compliance. Mr. Parker explained that it could be a narrow lot, but most of the time, it is the setbacks that are wrong. Mr. Glazier stated that the Code was corrected for a reason, and we do not want to accept our old mistakes. Mr. Parker stated that we do not want to create a standard that we do not want anymore. Jeff Shaffer stated that in the building code, they use three words: shall, should, and must. However, exceptions can be made. Mr. Shaffer suggested the Code remain the same, but allowing exceptions in certain developments for redevelopment purposes. Mr. Parker stated that maybe this could also be addressed by zoning. The Commission agreed that this topic is not something that needs addressed at this time.

**VERNAL CITY MUNICIPAL PLANNING & ZONING CODE – CHAPTER 16.04 – DEFINITION OF YARDS – ALLEN PARKER:** Allen Parker explained that architectural projection is something that sticks outside of your house. Mr. Parker stated that he would like to see it change to remove anything about occupancy. Mr. Parker reads the suggested changes to the Code. Kimball Glazier asked if roof beams fall into this classification. Mr. Parker stated yes, and awnings, bay windows, etc. Mr. Glazier asked how it would work if you wanted to build a 12 foot deck off of your house. Mr. Parker explained that a deck is not architectural. Kathleen Gray asked if a porch was architectural. Mr. Parker stated that it depends on how a porch is attached to the house. Mr. Parker explained that the Code needs to be more clean. An architectural projection is what intrudes into the setback like a bay window. Mr. Parker explained that we want people to be able to install fireplaces, bay windows, etc. Mr. Parker explained that the definition of frontage is from Sandy City's Code, which is more simple and clean. Mr. Parker explained that under the lot, he removed the last sentence, because it conflicts with the rest of the Code. Mr. Parker stated that the rest of the changes are cleaning up the definition of yards. The Commission agreed with the Code changes. Mr. Parker will add this item as a public hearing at a future meeting.

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

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Samantha Scott, Planning Commission Vice-Chair