

# MINUTES of the Vernal City PLANNING COMMISSION

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

August 9, 2022

7:00 pm

**Members Present:** Brandon Parker, Stephen Lytle, Troy Allred, Corey Foley, Brian Eades, Kimball Glazier

**Members Excused:**

**Alternates Present:** Randel Mills

**Alternates Excused:**

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

**WELCOME AND DESIGNATION OF CHAIR AND MEMBERS:** Chair Brandon Parker welcomed everyone present to the meeting.

**APPROVAL OF MINUTES FROM July 12, 2022:** Chair Brandon Parker asked if there were any changes to the minutes from July 12, 2022. There being one correction of adding “Brian Eades” to “Members Present”, *Brian Eades moved to approve the minutes of July 12, 2022 with the addition. Kimball Glazier seconded the motion. The motion passed with Brandon Parker, Stephen Lytle, Troy Allred, Corey Foley, Brian Eades, Kimball Glazier and Randel Mills voting in favor.*

## **RECOMMENDATION TO CONSIDER A REZONE REQUEST FROM SCOTT AND DEBRA BINGHAM FOR PROPERTY LOCATED AT 161 EAST 100 NORTH, VERNAL, UTAH TO REZONE THE PROPERTY FROM R-4 RESIDENTIAL ZONE TO C-2 COMMERCIAL ZONE – 2022-012-REZ**

Allen Parker explained that this is a request for a rezone. The request covers only the boundaries of one parcel which is currently zoned R-4. The request is to rezone that parcel to a C-2 zone. The area of the request is occupied by a structure used as a reception hall. The adjoining areas on the west, north and north east are currently zoned R-4. The area to the east is zoned C-2 and the area to the south is zoned CC-1. The surrounding land uses include government offices, library, residential and general retail. The Vernal City General Plan indicates the future land use for the area of the request as central commercial – transitional. This classification supports the requested rezone. The area of this request also lies within the mixed use area which expands the types of zones permitted. Mr. Parker stated that the request meets the requirements of the General Plan and the City Code. Mr. Parker is not recommending a development agreement. Mr. Parker disclosed that no new structures are being proposed to be built and that Josh Cutler would like to purchase the property. Brandon Parker stated that the property has been zoned R-4 for a while and used as a reception center he asked if the use was conforming or non-conforming for the

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zone. Mr. Parker explained that it is a non-conforming use but that the use was granted by the City Council under different code requirements that existed at the time and was allowed to continue to operate. There are also existing parking agreements with the County and Kingsbury Hall for use as a reception hall. The parking agreement would likely expire with the change of the use. Corey Foley asked if there were setback requirements on the west property line when the parcel was divided. Mr. Parker answered that it does require a setback and that when it was surveyed it met the setback requirement for the R-4 zone. Mr. Foley asked if the setbacks would be smaller in a Commercial zone. Mr. Parker explained that the setback would be zero (0) feet in a commercial zone abutting a commercial zone and commercial zone abutting a residential zone would be ten (10) feet. Mr. Cutler would like to buy both the house and the old reception center. Mr. Foley suggested that this is the time to straighten out any issues with the property.

Chair, Brandon Parker opened the public hearing to receive public comment. Joann Cowan, 153 North 200 East, Vernal, Utah. There were some real concerns a couple years ago with talk of a bouncy house an arcade and some other similar activities that were frightening to the surrounding residents. One plan was to exit the property behind and put in a parking lot with a lot of noise coming from the activities. Ms. Cowan stated that she hoped that if the ownership changes from Mr. Cutler to someone else, that the neighbors would be protected by the need to have appropriate parking, which there is limited parking on that street. It would also be disastrous to the people that live on that block, if a lighted parking lot was put in the back of the property with light filtering into the resident's homes. It would be a real issue. It would be difficult for the businesses close by if there were a lot of noise while trying to conduct business and for the residents as well. Ms. Cowan hoped that the residents would be protected from the noise and the parking as it comes into the neighborhood. Ms. Cowan informed the Commission that she had talked to four (4) of the neighbors and they are comfortable with change. They are not adverse to a bike shop and they feel that a bike shop is an appropriate business that will not interfere with the residential homes and their lifestyle. That area poses an interesting challenge hosting events with a lot of people on that street and additional parking all of the time would be a disaster. The residents do not mind doing that a few times but would not like to see it all of the time with a business. The residents would like to see the City to guarantee, that if the property changes to a different business, that the City would support the parking and noise rules that are in the Code. The residents are delighted to have the bike shop in the neighborhood. Mr. Foley asked if the parking on the street was adequate for the bike shop. Mr. Parker answered that if it was a new structure it would require a new parking lot. Mr. Foley asked if the bike shop would need a new parking agreement with the County and Kingsbury Hall. Mr. Parker stated that the agreement was tied to the use as a reception hall. Mr. Parker thinks that the agreement would no longer be in effect with a new use. The County has public parking available in the area. Kimball Glazier stated that because it is an existing building it is not required to meet the parking code. Mr. Parker informed the Commission that years ago the City Council removed the requirement that a use change would drive a requirement to change the parking available. This is a proposed use change and when a change in the use takes place, based on the Code, the City does not require business owners to modify their parking unless they are building new square footage. New square footage would have to meet the requirement. Mr. Glazier stated that if the property is rezoned to commercial now then the City will lose the ability to protect the neighbors in the

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future if there is a change in use. Mr. Parker reminded the Commission that the property behind the requested rezone lot will stay zoned R-4 and a parking lot will not be built there. There is a zoning buffer between the building on the property and the other buildings around it which will restrict the uses on that piece of property. Brian Eades commented that there is no access to that part of the property. Mr. Parker stated that there is a drive way that terminates at a shed. The Code gives the owner the right to use the property for any of the permitted uses within the use table, but it limits how much he can expand the footprint of the activity. Josh Cutler, he owns Grail Cycle, currently located next to Antica Forma. Mr. Cutler stated that his business is located in a building that is too small and they need more room. The business would like to be more permanent in the community. The business supports and donates to the community. Mr. Cutler said that it is a great spot and would be a great opportunity for the business and the community. There is a great space in the back of the building and his vision is to have a community cyclist set up where there will be stands in the back and customers can work on their bikes with access to tools and help. Mr. Cutler informed the Commission that there would be more than bikes, there would be paddle boards, snow boards, skis with the availability to rent as well. Commissioner Parker closed the public hearing.

Stephen Lytle asked if the area behind the structure, being used as a piece of the business, would it need to be rezoned as well. Mr. Parker answered that it is an activity that would not be taking place if there was not a business there, but it is also the backyard of the home. Mr. Parker stated that he is not sure where government can split the line. Mr. Parker felt that because of the activities that will be held in the backyard of the home, there is no need to rezone that parcel. Mr. Glazier expressed concern about rezoning to a commercial zone and what if a tire shop wanted to go in there in the future. That could be problematic. Mr. Parker said that the City is seeing a progressive change of types of uses in that corridor. The General Plan indicates that it is the intent of the City to see that corridor eventually become commercial. Mr. Glazier is concerned that by changing the zone for this parcel, it would create a nuisance to the neighborhood because there is no parking. Mr. Foley expressed the same concern as Mr. Glazier and wondered if there could be some kind of condition imposed on the property. Mr. Parker reminded the Commission that a business would have to have the outdoor resources to be able to conduct business on that parcel and there would have to be a lot of money and work put into certain kinds of businesses to bring the property up to Code. A business would have to figure out the parking issue.

Chair, Brandon Parker opened the public hearing to receive comment from the public. Nancy Cook, 129 East 100 North, Vernal, Utah, stated that parking on the streets is fine, but do not want to have a restaurant on that parcel. Commissioner Parker closed the public hearing.

There was more discussion about changes in the future of the property. Mr. Parker reminded the Planning Commission that it is always a risk with change. As things change, new conflicts will be generated. The decision comes to the Planning Commission and how much risk is the Commission willing to accept and is the change really the change that the Commission would like to see happen. Mr. Lytle stated that he does not see any issues with the rezone. The area is not high traffic. Small businesses can grow in that area which is something that Vernal City needs is growth in that aspect.

*Corey Foley moved to forward a positive recommendation to the City Council to consider a rezone request from Scott and Debra Bingham, for property located at 161 East 100 North, Vernal, Utah to rezone the property from R-4 Residential zone to C-2 Commercial zone—2022-012-REZ. Stephen Lytle seconded the motion. The motion passed with Brandon Parker, Stephen Lytle, Brian Eades, Troy Allred, Corey Foley and Randel Mills voting in favor. Kimball Glazier opposed.*

**AN ORDINANCE AMENDING SECTION 16.04, SECTION 16.20, SECTION 16.42, SECTION 16.44, SECTION 16.48, SECTION 16.50, SECTION 16.52**

Allen Parker stated that this is a discussion item that was discussed at the last meeting concerning a problem in the R-3 zone. Mr. Parker said that he had expanded it quite a bit to cover some other errors that are within the Code. The document only makes one actual change to Code as far as implementation goes. The rest of the changes will fix problems within the Code and will not affect the way City does business. Mr. Parker presented the changes and additions. Section 16.04.195 Dwelling/ Multi-Family will replace “three (3)” with “four (4)”. This will correct a definition within the Code for the R-4 zone making it a true multi-family dwelling zone. This change will reflect what is intended within the zones. Section 16.20.405 Hotel/motel is an entire addition to the Code that adds to the specific use section of codes regulations governing the use of a hotel or motel. Section 16.42.035 Uses (R-3) and Section 16.44.035 Uses (R-4) have always been intended to allow duplex and four-plex dwellings. The duplex and four-plex requirements can be found in the zones but had not been added to the use table and will now added to the use table as an approved use. Section 16.48.030 Uses (C-2 and CC-1) and Sections 16.50.020 Uses (CP-2 and CCP-1) separates out hotel, motel from the grouping of restaurant, hotel, motel. They will now be split out so they can have their own line, which will make it easier to locate. Section 16.52.040 Uses (I-1) will have the regulatory section removed for hotel, motel and put into its own line. It will also be changed from a conditional use to a permitted use in the Industrial zone.

**ACCESSORY STRUCTURES IN RESIDENTIAL ZONES**

Allen Parker explained that there has been a resident in the City that moved some unsightly sheds onto their property that meet the requirements of the Vernal City Code. The neighbors are not happy about the sheds. The City has looked at the Code violation component and enforcement has been conducted to the limits of the Code. They are on-going but not in full compliance yet. The question is what is the City doing with accessory structures within the residential zones within the City Mr. Parker stated that one standard that is used in different cities and counties is that the shed must match the main structure with similar siding and roof pitch. Vernal City does not have an aesthetic requirement on a residential lot for a shed. Corey Foley asked if there were other specifics for a shed on a residential lot. Mr. Parker stated that a shed does not have to be behind a sight obscuring fence. It must be in the backyard separated from the main structure by at least twelve (12) feet and then it can have a zero (0) lot line setback. If it is closer than twelve (12) feet to the main structure, then it has to be within the building envelope of the main structure. Mr. Glazier said he thinks that this kind of thing should be governed by Covenants, Codes and Regulations (C. C. & R’s) within the developments. There

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was discussion on the different types and sizes of sheds and whether or not it can be regulated. Mr. Parker reminded the Commission that property value is not considered a property right. Mr. Parker also said that any accessory structure over two hundred (200) square feet has to have a building permit. The structures under two hundred (200) square feet does not need a building permit. Mr. Eades asked why some cities are able to regulate this kind of structure, but Vernal City is not able to regulate. Mr. Parker explained that it is possible to regulate and the City has the legal authority to do so. Mr. Glazier explained that Vernal City has a different community. Randell Mills stated that it is something that needs to be addressed but the City needs to think about having a grandfather clause. The City, going forward, is looking for a certain protocol that needs to be met prior to a structure being built and then the agenda can be supported. Mr. Foley suggested that an accessory structure over two hundred (200) square feet should closely match the exterior of the home, but not necessarily the roof pitch. Mr. Parker reminded the Commission that it would eliminate big metal shops from large properties. Mr. Foley suggested that it would have to say on a standard size building lot. Some exceptions might need to be made. Mr. Parker stated that agricultural buildings would be exempt under State law. Mr. Parker said that he intends to put this item back on the agenda.

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

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Brandon Parker, Planning Commission Chair