

# MINUTES of the Vernal City PLANNING COMMISSION

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

September 13, 2022

7:00 pm

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

**Members Excused:** Kimball Glazier

**Alternates Present:**

**Alternates Excused:** Randel Mills

**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 August 9, 2022:** Chair Brandon Parker asked if there were any changes to the minutes from August 9, 2022. There being no corrections, *Troy Allred moved to approve the minutes of August 9, 2022 as presented. Corey Foley seconded the motion. The motion passed with Brandon Parker, Stephen Lytle, Troy Allred and Corey Foley voting in favor.*

Allen Parker introduced the agenda.

## **RECOMMENDATION TO CONSIDER A REZONE REQUEST FROM DENNIS & LINDA MOTT AND CURT AND TRACIE SMUIN FOR PROPERTY LOCATED AT 109 SOUTH VERNAL AVENUE, VERNAL, UTAH TO REZONE THE PROPERTY FROM C-2 COMMERCIAL ZONE TO MX MIXED USE ZONE – 2022-015-REZ - ALLEN PARKER**

Allen Parker explained that the property is a .91 acre parcel. There are two (2) parcels that are the subject of the rezone. Both lots are vacant. The property is under contract with Evolve Utah and the applicants are the Motts who are the current owners waiting for the deal to close based on the rezone approval, etc. The property is surrounded entirely by C-2 zoning. The property is in a commercial core on the future land use map and is appropriate for the MX zone. The rezone meets the requirements of the City Code. The proposal is to put a mixed use condominium on the property. The first floor will have some commercial component to it but the building will primarily be a condominium project. The back of the structure which is the parking area will be partly garages. This is a preliminary concept. Surrounding land uses include vacant land, residential, retail, gym, restaurant and professional office. This is already a mixed use area. Because this proposed rezone matches the direction of the future land map, staff does not

recommend a development agreement.

Chair, Brandon Parker opened the public hearing to receive public comment. There being no public comment, Chair, Brandon Parker closed the public hearing.

Mr. Parker stated that the design of the structure will be similar to the building that will be built on the Zion's block. The developer is planning on using the same basic building plans in order to save on architecture fees. There will be very little difference. Brian Eades asked if the parking area would require green space and landscaping. Mr. Parker stated that the MX zone does require some green space and landscaping. There are a number of parking spots that are defined in the code that are required. Mr. Parker commented that he would like to see the developers create some deeper parking spots for oversize vehicles and trailers. Corey Foley asked if there would be a sight obscuring fence along the east property line. Mr. Parker stated that a sight obscuring fence will be required. Mr. Foley asked if the lighting in the parking lot would be contained. Mr. Parker stated that when the site plan is submitted it will contain photometric plans as well. Mr. Foley asked where the water retention pond would be located. Mr. Parker stated that he will not know that until the site plan is submitted.

*Brian Eades moved to forward a positive recommendation to the City Council to consider a rezone request from Dennis and Linda Mott and Curt and Tracie Smuin for property located at 109 South Vernal Avenue, Vernal, Utah to rezone the property from C-2 Commercial zone to MX Mixed Use zone – 2022-015-REZ. Corey Foley seconded the motion. The motion passed with Brandon Parker, Stephen Lytle, Brian Eades, Troy Allred and Corey Foley.*

**RECOMMENDATION TO CONSIDER A MINOR SUBDIVISION AMENDMENT REQUEST FROM JARED BREWER, 1820 WEST 675 SOUTH, VERNAL, UTAH – 2022-013-SUB- ALLEN PARKER**

Allen Parker stated that the applicant, Jared Brewer, who is an employee for Vernal City, is the owner of the lot in Mobil Home Villa Subdivision. Mr. Brewer is proposing a property boundary adjustment within their plat amendment in order to acquire a small portion of his neighbor's property. The amendment will adjust the property boundaries between lots 3 and 4A. There will be no setback issues. It is in compliance with Vernal City Code. The surveyor wants some minor details changed before it is recorded.

Chair, Brandon Parker opened the public hearing to receive public comment. There being no public comment, Chair, Brandon Parker closed the public hearing.

*Corey Foley moved to forward a positive recommendation to the City Council to consider a minor subdivision amendment request from Jared Brewer, for property located at 1820 West 675 South, Vernal, Utah - 2022-013-SUB. Stephen Lytle seconded the motion. The motion passed with Brandon Parker, Stephen Lytle, Brian Eades, Troy Allred, and Corey Foley*

**RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE TO CONSIDER CHANGES TO THE**

**CODE FOR HOTEL AND MOTEL. PROPOSED AMENDMENTS TO CHAPTER 16 SECTIONS: 16.04.195 DWELLING, MULTIPLE FAMILY, 16.42.035 USES, 16.44.035 USES, 16.48.030 USES, 16.50.020 USES , 16.52.040 USES AND ADDING SECTION 16.20.405 HOTEL, MOTEL, ORDINANCE NO. 2022-14**

Allen Parker reviewed the ordinance change that addresses hotel, motel and multiple family dwelling unit uses. It will change the definition of multi-family from three (3) dwelling units in a structure to four (4) dwelling units in a structure. The next change will add Section 16.20.405 which governs some details on how hotels are implemented and the requirements for them. These are not new requirements, they are just aggregated from other sections of the Code and inserted into Section 16.20 to tidy it up and help the Code make more sense. In Section 16.42.035 Uses (R-3) will allow as permitted uses and delete the single family and two (2) family dwelling component in the R-3 zone because it was written awkwardly. In Section 16.44.035 Uses (R-4) some of the requirements will be eliminated and will write the uses a little differently. Section 16.48.030 Uses (C-2 and CC-1) and Section 16.50.020 Uses (CP-2 and CCP-1) separates Hotel, Motel from Restaurant for the sake of clarity and makes it a permitted use. Section 16.52.040 Uses (I-1) listed hotel, motel but added a lot of regulations that went with the use in an appropriate area of the Code and are striking out the old Code and making it a permitted use in the Industrial zone.

Chair, Brandon Parker opened the public hearing to receive public comment. There being no public comment, Chair, Brandon Parker closed the public hearing.

Mr. Parker explained that the R-4 zone is intended for the use of large multi-family. Legal experts recommend that City Councils get away from conditional use permits because they are subjective and unless the conditions are delineated that are imposed in the Code, then imposing conditions are not allowed. Conditions must be identified in the Code to be able to impose any conditions. Mr. Parker suggested that the conditional use permit process not be used for multi-family units in the R-4 zone and make it a permitted use. Brian Eades stated that residential areas of the public get very touchy when large apartment complexes are going to be built next to them, so how is it that the Code will delineate, since it is so obtrusive adjacent to a neighborhood? Mr. Parker answered that the zone allows it and the reason that it becomes complicated, on a conditional use permit, is that public clamor is not allowed to be a consideration in issuing the conditional use permit. A conditional use permit is required to be issued and can only be denied if the commission finds that the conflicts that are generated by this particular use can in no way be mitigated. Mr. Eades asked about outlining the parameters for the large R-4 multi-family units. Mr. Parker informed that the Code already outlines the parking, landscaping, separation, lighting, storm water, height and massing requirements. Corey Foley mentioned that parking is a concern for the multi-family units. Mr. Parker stated that the Code addresses how many parking spaces are required in each zone. Mr. Eades wondered about adding extra consideration to the R-4 zone due to children in the area. Mr. Parker explained that the R-4 zone has no limitations on how many units per property as long as the property size accommodates all of the City's minimum standards. Mr. Eades asked if the public could appeal to the City Council for special traffic regulations on a street. Mr. Parker said that the public can go to the public safety committee, to himself, to the City manager or the Chief of Police.

*Brian Eades moved to forward a positive recommendation to the City Council to consider amending the Vernal City Municipal Planning and Zoning Code to consider changes to the Code for Hotel and Motel. Proposed amendments to Chapter 16 Sections: 16.48.030 Uses, 16.50.020 Uses, 16.52.040 Uses and adding Section 16.20.405 Hotel, Motel, Ordinance No. 2022-14 as presented. Stephen Lytle seconded the motion. The motion passed with Brandon Parker, Stephen Lytle, Brian Eades, Troy Allred, and Corey Foley.*

#### **PLACEMENT AND DEFINITION OF AGRICULTURAL STRUCTURES – ALLEN PARKER**

Allen Parker stated that there are no properties in the A-1 zone within Vernal City, but there are a lot in the RA-1 zone. Questions have been asked about agricultural buildings and the way they are approached in those zones. Mr. Parker read the changes and additions to Sections 16.04.055 Definitions – Building, Agricultural, 16.20.170 Specific Use – Building, Agricultural , 16.34.020 Agricultural – Permitted Uses, 16.38.035 Residential – Agricultural Uses. Brian Eades wanted to verify that every current existing building will be grandfathered in unless there are major changes and requires permitting. Mr. Parker stated that a current existing structure will be grandfathered in unless, under the non-conforming use section of the Code, it loses its grandfathered status then it will be required to comply.

#### **LAND USE TRAINING**

Allen Parker set up laptops for the attending Commission members to fulfill their required training. The training course was for “Open and Public Meetings Act Training 2022”. The Commission members were asked to take the training and submit their test certificate to the Planning Department.

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

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Brandon Parker, Planning Commission Chair