

MINUTES of the Vernal City PLANNING COMMISSION

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

February 9, 2021

7:00 pm

Members Present: Samantha Scott, Nick Porter, Jim Linschoten, Troy Allred, Eric Hunting

Members Excused: Darcy McMickell

Alternates Present: Corey Foley

Alternates Excused:

Staff Present: Allen Parker, Assistant City Manager; 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 December 8, 2020: Chair Samantha Scott asked if there were any changes to the minutes from December 8, 2020. There being no corrections, *Nick Porter moved to approve the minutes of December 8, 2020 as presented. Corey Foley seconded the motion. The motion passed with Nick Porter, Jim Linschoten, Troy Allred, Eric Hunting, Corey Foley and Samantha Scott voting in favor.*

REQUEST FOR RECOMMENDATION TO CONSIDER A MINOR SUBDIVISION RE-APPROVAL BY CHAD THOMPSON FOR PROPERTY LOCATED AT 166 EAST 200 SOUTH, VERNAL, UTAH – ALLEN PARKER – 2019-001-SUB

Allen Parker informed the Commission members that the request came from Brady and Chad Thompson. This subdivision was approved in 2019, but was never recorded. The applicant changed the plat slightly from the previous approval. The change made is the small parcel that extends northward from lot 2 into lot 1. Mr. Parker stated that he is considering this request as a revision and it was advertised as a new application. Samantha Scott asked why the applicants wanted to make a change. Mr. Parker answered that he thought it was driven by the potential buyer. Mr. Parker explained that it is a request to subdivide one parcel into two parcels. The address is 166 East 200 South and Zoned R-3. The widths of the lots are appropriate for the City Code. Because lot 2 is slightly narrow up front, it needs approval of the flag lot provision as stipulated in the City Code. This is a true flag lot because the access strip is narrower than the full width at the front of the lot. All of the lots meet the Code's dimensional standards and setbacks. The survey review found some typos that have been corrected. The plat is approvable as it stands.

Chair Samantha Scott opened the public hearing to receive comment from the public. There

being no public comment Samantha Scott closed the public hearing.

Corey Foley asked if the structure meets the City's setbacks Code. Mr. Parker stated that it does and that it is a secondary structure.

Nick Porter moved to forward a positive recommendation to the City Council to consider a minor subdivision revision by Brady and Chad Thompson for the property located at 166 East 200 South, Vernal, Utah – 2019-001-SUB. Troy Allred seconded the motion. The motion passed with Samantha Scott, Eric Hunting, Troy Allred, Corey Foley, Jim Linschoten and Nick Porter voting in favor.

REQUEST FOR RECOMMENDATION TO CONSIDER A REZONE REQUEST FROM CHRIS AND RACHEL PREECE FOR THE PROPERTY LOCATED AT 567 NORTH VERNAL AVENUE, VERNAL, UTAH FROM C-2 (COMMERCIAL ZONE) TO A R-4 (RESIDENTIAL ZONE) – ORDINANCE NO.2021-01 - ALLEN PARKER

Allen Parker explained that a portion of the zoning map is being rezoned not a parcel. The request is to rezone a property that is currently zoned C-2 to an R-4 zone, which is typically referred to as a down zone property. This would be taking the property from a more permissive zone, one that allows more intensive uses, to one that uses less intensive uses. The C-2 zone allows medium to heavy commercial activities. The R-4 allows high density housing. This will pull back some of the requirements and puts it into a residential zone. The request is to rezone the property to an R-4 zone. The parcel is in a block of C-2 zone and is directly adjacent to an R-4 zone and is not considered spot zoning. It is also within a mixed use area. Mr. Parker stated that it meets the requirements. It is not out of character with a lot of the surrounding land uses in that area. It does support the General Plan map. Mr. Parker said that making changes to a residential zone deletes a lot of the previously allowed uses. In this case wholesale and retail activities would be eliminated from the property. Home occupations would still be allowed in context of the home occupation code. A lot of property rights change with this kind of action. The Preece's are aware of the impact to the property and how it will change. The request meets all of the City's requirements in the General Plan and all of the standards for zoning when it comes to spot zoning and appropriate uses adjacent to other uses. It is an approvable application the way it stands. Eric Hunting asked if all commercial uses will quit. Rachel Preece stated her name and address 567 North Vernal Avenue. They have a rental business. They may meet with people by appointment only. They will not be open to the public. They will take any business use they have elsewhere. Mr. Hunting asked about the storage for the rental items. Ms. Preece indicated that they would have storage in a trailer and a few in a shed. Corey Foley asked if the Preece's live on site. Ms. Preece stated that they do. They did not realize the property was zoned commercial and was beginning the process to put the home in their name under a residential loan when they found out it was zoned commercial. Mr. Foley asked if the reason for the rezone was to be able to get a traditional loan. Ms. Preece stated that is the reason for the rezone and had talked to Mr. Parker previously to make sure they could still operate their business. Mr. Parker stated that it would become a major home occupation as described to him and would need to get with Rachel Tribe the City's Business Licensing Clerk. Ms. Tribe would be able to go through the detailed requirements with the Preece's. Mr. Parker explained that he and the Preece's have

Vernal City Planning Commission Minutes
February 9, 2021

emailed back and forth about the utilization of 25% of the house as maximum floor space for the business. The Preece's indicated that they would have an office with a computer and basically do their books there, everything else will be kept in a trailer, no commercial vehicles will be stored on the property, they will not be asking for signage. Commercial signs are not allowed in a residential zone. Ms. Preece stated that the sign that was on the property has been removed. Mr. Foley asked if a restroom would be needed if the public is in and out of the business. Mr. Parker answered that they would not need a public restroom because the City does not allow that kind of high intensity uses for a home occupation, there would not be fire inspections either. Mr. Hunting asked if it would basically be a home with an office in one room. Ms. Preece answered in the affirmative. Mr. Parker added that there would be a large trailer as well. Mr. Hunting reaffirmed that with the apartment complex to the North of the property that it would not be considered spot zoning. Mr. Parker stated that it would not be considered spot zoning. Mr. Foley asked if the property could be changed back if needed. Mr. Parker explained that an application could be made, but that there were no guarantees for approval, and it would qualify to be rezoned back to commercial. Ms. Preece stated that the parking situation is really for residential and that there is no commercial parking available.

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

Samantha Scott noticed that the date on the Staff Report was incorrect. Mr. Parker indicated that it would be changed to reflect the correct date of 5, February, 2021.

Corey Foley moved to forward a positive recommendation to the City Council to consider a rezone request from Chris and Rachel Preece for the property located at 567 North Vernal Avenue, Vernal, Utah from C-2 (Commercial Zone) to an R-4 (Residential Zone) – Ordinance No. 2021-01 – Eric Hunting seconded the motion. The motion passed with Samantha Scott, Eric Hunting, Troy Allred, Corey Foley, Jim Linschoten and Nick Porter voting in favor.

AMEND SECTION 16.28 “SIGN REGULATIONS” – ALLEN PARKER

Allen Parker stated that the City's Code does not allow, with the way it is currently written, signs to be placed on schools within residential zones. All of the City's schools are in residential zones. Mr. Parker supposed that in the past it was believed that schools were entirely exempt from the requirements of the City sign ordinance. The schools have an extensive list of exemptions from City law. Mr. Parker explained that he had researched the sign ordinance for schools and found out that schools are not exempt from City law concerning signs. Mr. Parker is proposing for an ordinance change that would allow signs to be placed at schools per the City Code. Mr. Parker stated that his initial proposal allowed two pole signs but after thinking on it further feels that one pole sign would be better. The maximum height of a pole sign would be twenty (20) feet. Two (2) monument signs based on the City Code requirements. Flat or Wall signs cannot be any larger than two hundred (200) square feet. The Code for commercial zones states that it can be up to twenty-five percent of the facade. Mr. Parker stated that there should be verbiage in the ordinance that makes sure that signs can only go on school property and that it would need to be defined as to what constitutes a school and that a sign cannot go on every

**Vernal City Planning Commission Minutes
February 9, 2021**

property. Samantha Scott asked if an in home pre-school would be allowed to have a sign. Mr. Parker said that it depended on how it was written, but that he did not think it would be appropriate for a pre-school, but might want to limit it to first through twelfth grades and higher education facilities. Most of the signs are to help facilitate the students and is expressly designed to give information to the parents and the students as they come and go. Corey Foley asked if there was a way to mitigate lights flashing from electronic signs at all hours of the day and night so that it would not be flashing into a resident's house. Mr. Parker suggested requiring certain hours of operation. Mr. Parker explained that the City Code for electronic signs says that they must be self-dimming so that when the ambient light goes down outside, the sign automatically dims itself and there is a specific candle power ratio that sign companies are required to comply with. Mr. Parker mentioned that the concept of a digital reader board could be eliminated from the proposal. Mr. Foley stated that some signs on school property are not as close to a resident's home as other schools. Mr. Parker explained that the signs are designed to inform the parents and, when installed, are not oriented to face the residences. They're more oriented to face towards parking lots and drive ways. Mr. Parker stated that basically the City would like to facilitate the education component of it and the City does not want to be restrictive enough that the State decides it needs to rewrite the ordinance because someone is being mean to a school. Mr. Parker explained that after researching the State law, technically the schools are not allowed to have any signs under the City Code. There was no accommodation for signs for schools within the City Code because of the perceived exemptions for schools. Mr. Parker commented that he was going to look into seeing if a school has to have some kind of licensing from the State to be recognized as a school. That could be the criteria for a sign on school property in a residential zone. Mr. Parker said that he would require a sign to be setback six (6) feet from the property line, but a further setback can be imposed in the ordinance if the Commission thought it necessary. Mr. Foley asked if the same thing could be accomplished with an electric sign by using a red or amber light. Mr. Parker acknowledged that it probably could. Nick Porter imagined that it would work just fine as long as the City had mitigation in the ordinance for the setback and the sign being perpendicular to the road so the light would not shine into the residences homes across the street. Ms. Scott suggested having hours of operation from 7:00 p.m. to 7:00 a.m. Mr. Porter suggested having a time limit or a dim mode or a static image and not have too many conditions; whatever is the leanest way to write the ordinance. Mr. Parker reiterated that the ordinance only applies to schools in residential zones. Eric Hunting observed that if there is a time limit it could impact activities that are held at night. Ms. Scott stated that the elementary schools usually do not hold events at night. Mr. Parker thought that the middle schools were in commercial zones, therefore signs would be allowed under the City Code. Mr. Parker summarized by saying that this item was for discussion only and no vote will be held until the ordinance is ready.

There was discussion about abandoned signs and who is responsible to take the sign down. It is the responsibility of the property owner to take down the signs. The City has the Code to enforce the ordinance, but there is not enough staff at this time to carry out the enforcement. The City may also take down the sign and will charge for the removal after going through the process that is in place.

Vernal City Planning Commission Minutes
February 9, 2021

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

Samantha Scott, Planning Commission Chair