

Virgin Town
Planning and Zoning Meeting
December 13, 2023
FINAL Minutes

Commission

Cameron Spendlove-Chair
Sean Amodt
Kent Peterson
Bronwyn Wallace
Wyatt Lee

Attendance

Krystal Percival-Clerk
Kim Kietzman-Permit Clerk
Gene Garate
Jeff Lee, Jim Kietzman
April McKeon, Angelia Glazier, Mechelle
April Gates, Loren Campbell, Joe Martinez,
Pat Galvez, Darlene Pope, Lori Baughman,
Bill Baughman, Dennis Peterson, Dan Sternlight,
Carol Boisonult, Skip Boisonult, Keith Fanta,
Becky Galvez, Alaina Taylor, Gerhard Plenart

Online

B. Stauffer, Jen, Michelle Thorton
Monica Bowcutt, Shelly Tanner
Terry, Walt

REGULAR MEETING: 6:03

A. CALL TO ORDER Cameron Spendlove

B. DECLARATION OF CONFLICTS OF INTEREST NONE

C. REVIEW AND APPROVAL OF MINUTES

1. Approval of Minutes from November 8, 2023, Meeting

Bronwyn Wallace made a motion to approve the minutes / Kent Peterson seconded / All AYE / NO NAE

D. Recognition of Service: Cameron Spendlove, Sean Amodt, and Wyatt Lee

Krystal Percival (Clerk) Passed out gifts and gave recognition to the planning and zoning members.

E. OPEN FORUM

Limit: 2 minutes per speaker, may talk about anything NOT on the agenda.

Darlene Pope thanked the departing commission members.

F. COMMISSIONER COMMENTS

PUBLIC HEARING:

Motion to close the public meeting and open the public hearing

A. ITEMS FOR COMMENT

1. Zone Change: V-2-1-21-2342 (from rural residential to commercial)

The Subject Property located at approximately directly east of 1686 W SR9

Mechelle said the plan she submitted is just a concept plan. She stated she wanted to acknowledge that there is concern about all of this she also wants to acknowledge that today we are not addressing any of those concerns because until this step is finished, we can't have a landscape architect, we can't have conversations with UDOT or fire safety, we can't have an engineer doing property sourcing and get all of those numbers for you. So those kinds of things are impossible until this step is crossed. Those questions can't be answered by me or anybody else, but she understands what the concerns are. She wants everyone to know that she hears everyone's concerns, and she wants it to be for the community and a safe place. She urges the commission to

remember that she is here for a zone change. "Is this property eligible for a rezone? If yes, then let it be rezoned," she stated.

Loren Campbell read his letter that he submitted via email. "I am opposed to the Rezoning of the subject property from Rural Residential to Commercial. The properties on both sides (V-2-1-21-2340 and V-2-1-21-2343) of the subject property are Rural Residential, with the back of the property abutting BLM land.

The rezoning of this sole property precisely fits the definition of spot zoning, specifically that

"spot zoning occurs when a municipality either grants a special privilege or imposes a restriction on a particular small property that is not otherwise granted or imposed on surrounding properties in the larger area." It occurs "where a particular small tract, within a large district, is zoned differently than the larger district, and not done in pursuance of any general or comprehensive plan." Court of Appeals of Utah, Thomas W. TOLMAN and Verla F. Tolman, Plaintiffs and Appellants, v. LOGAN CITY, and John and Jane Does 1-20, Defendants and Appellees.

TOLMAN goes on to make other important distinctions about taking and due process claims that might find that the ordinance, if passed, could be construed as "arbitrary and capricious" and subject the Town to claims by surrounding owners that they are being unfairly discriminated against.

In general, I support the concept of properties adjoining Highway 9 Commercial, but treating a single parcel is not the right way to accomplish this. If there is a continued desire to rezone the area, a new ordinance should be proposed that would address the larger area and surrounding property owners.

I urge the Virgin Planning and Zoning Commission to reject approval of this ordinance."

He would like to add that a food truck sounds pretty innocuous but there is no restriction that that would have to be a food truck. You could sell the property; somebody could come in and open a sexually oriented business that's one of the permissible uses in the commercial zone. I don't think that's what anybody wants here, probably not what anyone intense but it could happen. In general, I support the concept of properties adjoining Highway 9 commercial but treating a single parcel is not the right way to accomplish this. If there is a continued desire to rezone the area a new ordinance should be proposed that would address the larger area surrounding property owners. I urge the Planning and Zoning members to reject the zone change.

April McKeon stated that she agrees with everything that Loren Campbell stated. error on the public notice website what was posted on page four the information page for the long property. She doesn't know why it's on there. According to UDOT SR9 Virgin solution development study for this particular area that is considered access category 2 which specifies a thousand feet between driveways and intersections UDOT actually denotes that shivers entrance as an intersection in this study not a driveway. The distance from the Shivers parcel is 550 feet to the east end of this parcel so that would not fit in with the UDOT design standards so an entrance off of SR9 would not be allowed. So, knowing that there is no clear access to this property, why would the planning and zoning entertain or even accept this change that's not planning that's just zoning and we need more planning before we start changing zoning. The other comment is the Transient nature of this business according to Utah code food trucks are a mobile business. The very nature of a mobile business is that it's transient, especially with the idea of using porta potties for sanitation. We don't have a definition in our ordinances regarding food trucks. And what if the owner sells this property, there is a list of 16 permitted uses for this property.

Pat Galvez stated that he agrees with Loren Campbell and spot zoning. He stated he is not in favor of this. He Agrees with April that there is an issue with UDOT. He added that there is a lot of unused commercial land and why should commercial be expanded and bump into more residential areas. He is also asked if the clerk had sent out the notices properly. He stated other concerns about access/safety/noise/lighting/traffic/speed hazard.

Darlene Pope stated that she agrees with all above statements. She stated several neighbors said they would have to move if this happened. She said, "Neighborhood's Matter. This is not in the right place. She also stated that UDOT has already been reached out to. The quality of life of residents has been damaged by a lack of relevant ordinances to address residents' concerns. This means it is not in the right place and should not be approved at this time; not never approved. We have a right to know more.

David Tate stated that he is a resident of Virgin and agrees with what has been said. He explained, "We thought we would be able to enjoy Virgin and the beauty. But now I have a Gas station and cabins. Now we are going to bump up against this and have bands playing." Hearing generators was also a concern. He stated he was trying to get the commission to see it through the eyes of a resident. He stated Mechelle should have thought these questions through before buying. He also stated we need to get our Master Plan and ordinances in place.

April Gates stated that at one point this was zoned Commercial. And that "at one point we didn't want Desert Gardens here and they are here. Homes along the highway are in danger and shouldn't be along the highway. Growth is coming. People need to eat. She stated the spot zone was when it was taken away.

2. Amending Chapter 60 of VULU Short Term Rental Ordinance

Joe Martinez read a letter that was submitted.

April McKeon stated that this ordinance is a mess and needs to be relooked at. "It's actually a mess," she said.

Loren Campbell stated that he has an issue with the noise and parking. He stated: We need to adopt something like what Hurricane adopted. It appears that this ordinance is drafted to satisfy a couple of people. We have no noise ordinance in VULU. He stated that decimal meters should be installed in every home, and it should be enforced if it hits a certain decibel.

Darlene Pope stated that she agrees with above statements. G4 is an opinion. This should be tabled.

Pat Galvez stated that I agree with the above, this needs more work and should be tabled.

Jeff Lee:" I don't have any spelling corrections and I just wanted to tell you Thank you to the Planning members who are leaving it's a thankless job and I just wanted to tell you thank you. "

Alaina Taylor stated that she is the one building the home for a short-term rental. She said, "I want it to be known I do care about the town. I have the back of the house as parking, I'm complying with everything, and I have an onsite property manager who is local to address any problems. When I purchased this lot, I called the town, and it was verified to be, and it was short term rental approved. "She added that it's in VULU that subdivisions of 5 acres or more can be a short-term rental if they apply for it when they do the subdivision. "I want it to be a really good experience for everyone in town, "she said.

PUBLIC MEETING:

Motion to close the public hearing and open the public meeting

Sean Amodt made a motion to close the public hearing and open the public meeting / Wyatt Lee Seconded / All AYE / No NAE

A. MOTION AND VOTE FOR ITEMS 1 & 2

1. Zone Change: V-2-1-21-2342 (from rural residential to commercial)

The Subject Property located at approximately directly east of 1686 W SR9

Bronwyn Wallace stated that she is torn on this because she thinks it's in the wrong place.

Sean Amodt stated that this can be a good benefit for the town. "We need to look at property rights and is it eligible? It's right on the highway. I also want to address the spot zoning issue. This was not a spot zone. It was short sided. "

Cameron Spendlove stated that sexually orientated businesses are not allowed. He also addresses some of the other issues. There are 16 different uses in the commercial zone.

Sean Amodt stated that this will also have to go through a Conditional Use and that is where they would have restrictions and such.

Wyatt Lee made a motion to recommend approval of the zone change / Sean Amodt seconded /

Roll Call Vote:

Sean Amodt: AYE

Kent Peterson: AYE
Cameron Spendlove: AYE
Bronwyn Wallace: AYE
Wyatt Lee: AYE
Motion Passed

2. Amending Chapter 60 of VULU Short Term Rental Ordinance

Bronwyn Wallace stated that this needs a lot of work. No way she can support this ordinance.
Kent Peterson stated that he agrees this needs more work.
Sean Amodt stated that this is just a draft and was just a public comment thing.
Cameron Spendlove stated that we need restrictions but not where we have legal issues.

Bronwyn Wallace made a motion to return this to the STR committee to work on with the feedback received tonight / Kent Peterson seconded /

Roll Call Vote:

Sean Amodt: AYE
Kent Peterson: AYE
Cameron Spendlove: AYE
Bronwyn Wallace: AYE
Wyatt Lee: AYE
Motion Passed

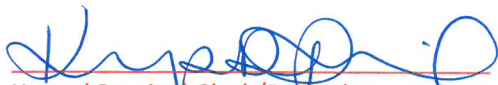
Sean Amodt stated that he was the most hated person in this room but wanted to thank everyone.

Wyatt Lee stated, "We have had a lot of disagreements and arguments but, at the end of the day we have all came together".

ADJOURN MEETING 8:18pm

Motion to adjourn public meeting

Wyatt Lee made a motion to close the meeting / Sean Amodt - second/ ALL AYE /No NAE


Krystal Percival Clerk/Recorder

march 13 2024
Approved Date