



LA VERKIN CITY PLANNING COMMISSION

Special Meeting

Tuesday, December 16, 2014 6:00pm

City Council Chambers, 111 South Main Street

LaVerkin, Utah 84745

Present: Chair Anna Andregg; Commissioners: Kelly Wilson, Hugh Howard, Allen Bice, and Karl Benson; Staff: Derek Imlay, Kevin Bennett, Kyle Gubler, and Christy Ballard; Public: Richard Hirschi, John and Rose Valenti, Kim Durrant, Devin Ruesch, Ben Ruesch, Dalyon Ruesch, Rich Mursett and David Whitehead.

I. Call to Order: Chair Anna Andregg called the meeting to order at 6:00pm. The Invocation and Pledge of Allegiance was given by Kevin Bennett.

II. Approval of Minutes:

Commission may approve the minutes of the October 22, 2014 regular meeting.

Motion was made by Commissioner Kelly Wilson to approve the October 22, 2014 regular meeting minutes as written, second by Commissioner Karl Benson. Motion carried unanimously.

III. Approval of Agenda

Motion was made by Commissioner Allen Bice to approve the agenda as written, second by Commissioner Hugh Howard. Motion carried unanimously.

IV. Reports:

1. Beautification/Trails Committee-Commissioner Bice reported the holiday season is under way and the Committee will be giving out awards again this year for best lights, etc. Dumpster Days for 2015 have been set.

2. Director of Operations- Nothing to report.

V. Public Hearing:

1. Preliminary and Final Plat approval on a one lot subdivision located at approximately 150 East 500 North (part of LV-159-C-1-A), consisting of approximately 3.18 acres.

Derek explained there is a parcel of property to the east of the hotel that is approximately 17 acres. The property owner is requesting a one lot subdivision for that parcel.

There is currently nothing planned for that property.

This special meeting was called because the owner and buyer need the transaction completed by the end of this year so it will move on to City Council tomorrow. It has been reviewed by the Attorney, the City Engineer, and Staff. All of the criteria have been met and staff recommends the Planning Commission giving approval.

The public hearing was opened at 6:05pm.

Kim Durrant- Lives at 68 E 615 N, just over the back fence from this property. If nothing is planned for the property yet he cannot find out how close to his wall it will be or how tall the structure will be, correct?

He also questioned if the developer of that property would be required to build his block wall higher and if SR9 is going to be widened.

Derek replied any structure will be at least 75 feet away from Mr. Durrant's back wall. There is an easement for drainage, water, and sewer there. There is also a potential public street for future developments directly to the east that could go there. There will be no building directly behind Mr. Durrant's property.

The developer will not be responsible to increase Mr. Durrant's block wall. If Mr. Durrant would like to build his wall higher, City Code states block walls can be up to 6 feet high from the highest elevation point. If he would like to come into the City office, Derek or John will go out with him to discuss his options.

SR9 is not going to be widened.

Devin Ruesch-Owns the property directly to the west of the proposed hotel site. He is curious if the Planning Commission gives final approval and has a question on access for the property and the 75 feet at the back of the property.

Derek replied this item will go to the City Council for final approval tomorrow night.

There is a shared access granted by the State for Mr. Ruesch and the other property owner of 44 feet. As for the 75 feet at the back of the property, it is an easement that could potentially be an access road.

Benjamin Ruesch-Is an attorney and the son of Devin Ruesch. He would like to state his objection on record to this happening. They see this as a crowd out development. They have been approached by the land owner previously, he is not sure if it is the same land owner now. They would like to know what the City is going to do to protect the Ruesch's business and property rights. They would like to City to condition approval with that expectation in mind.

He is also interested in what the safety concerns might be with a hotel being built right next to the slope. Has any research been done regarding that particular issue? The health, safety, and welfare kind of issues need to be addressed and he is requesting to be notified of any studies and/or documentation. Again, there main request is that the City gives conditional approval to make sure the Rueschs are able to preserve their property and business interest. They have been property owners and even La Verkin City residents for numerous years.

Devin Ruesch-Noticed a 10 foot easement in favor of the State road and a 44 foot UDOT access on the map. When was that approval given? What is UDOT planning on doing there?

He has tried before to get approval from UDOT for his apartments and they sounded like it would never happen so he was surprised to find out UDOT did give approval.

Derek replied the 44 foot access was approved about a month ago. When the property gets developed a turn lane will be put in from Main Street to the access.

Derek invited Mr. Ruesch to come to the City office and meet with him and Derek will show him the documentation from UDOT and any other information Mr. Ruesch would like.

Kevin stated there is no development going on right now. This is just a one lot subdivision request. There is nothing to condition at this point.

The public hearing was closed at 6:17pm.

VI. Business:

1. Discussion and possible action to give approval on the preliminary and final plats for a one lot subdivision located at approximately 150 East 500 North (part of LV-159-C-1-A), consisting of approximately 3.18 acres.

Anna pointed out the property is designated Commercial and asked Derek when the engineering studies will be complete.

Derek replied the engineering and traffic studies will be done when the property gets developed. We have to know what is going on the property before any studies can be done and no conditional approvals can be done.

Commissioner Howard pointed out when the property owner is ready to develop the property they will need to come back to the Planning Commission and asked if conditions could be placed at that time.

Derek replied La Verkin City doesn't have conditional uses anymore. Everything is either an allowed use or a not allowed use.

Commissioner Wilson said he wasn't sure what the Ruesch's meant when they mentioned being concerned with having their property rights protected.

Ben Ruesch asked Commissioner Wilson what he understood that to mean and he could clarify if needed.

Commissioner Wilson replied the property owner would like to split the property into a one lot subdivision and he doesn't understand how that would affect the Ruesch property and cause a concern. What are the fears from this?

Ben replied there is always a plan in place whether or not it is on the record with the City. He understands the City Code requiring the property to be subdivided.

The biggest concern is the property has been owned for a long time and is a rental property business for their family. They are concerned that this development, which doesn't seem necessary to him, will put them sandwiched between two hotels. Which it appears is what is in the works with this property. It may improve the property value, who knows. There are expert witnesses who could say it could either improve it or decrease it.

Commissioner Wilson asked how, as a business owner, having a business like that next to him affects his property.

Ben answered that hopefully it won't.

Devin replied that part of it will depend on the disposition of the developer. They have dealt with individuals that have been very disrespectful in previous settings. That is why they have that concern.

Ben explained it is not just the property owner and business owner rights but the rights of the tenants that need to be considered.

They are stating for this record and the record for any additional proceedings regarding this item, they are opposed to this subdivision.

They did have a nice meeting with Mr. Pugh a year ago, he is not sure if he is still the property owner.

Commissioner Bice stated he is happy to see movement happening. The lot was probably too big for anything other than a large development so he is in favor of approving this subdivision change.

Motion was made by Commissioner Allen Bice to recommend approval on the preliminary and final plats for a one lot subdivision located at approximately 150 East 500 North, second by Commissioner Kelly Wilson. Motion carried.

VII. Adjourn:

Motion was made by Commissioner Kelly Wilson to adjourn, second by Commissioner Hugh Howard. Motion carried unanimously at 6:26pm.

Minutes taken on behalf of the City Recorder by Christy Ballard.



Planning Commission Chair

1-14-15

Date Approved