

VIRGIN TOWN COUNCIL SPECIAL MEETING
FINAL MINUTES
Wednesday, July 23, 2019
7:00 pm
114 S. Mill Street Virgin, Utah

Present:

Council Members: Matthew Spendlove, Mayor
Jay Lee
Dan Snyder-via speaker phone during the discussion and vote on
item #2, Chapter 20, The Commercial Zone.
Kevin Stout
LeRoy Thompson

Others: Monica Bowcutt-Town Clerk
Darcey Spendlove
Bonnie Strawser
Wanda Leverett
Mark SaVee
Paul Luwe
Deborah Masefield
Kent Peterson
Monty Lutz
Mark Weidinger
Bonnie Timmerman
Jeffrey Herrick
George Walsh
John Ely

A. WORK MEETING 7:00 PM

a. Discussion of Master Overlay Plan

The Council agreed to move the work meeting-Master Plan Overlay discussion-to the bottom of the agenda. The Regular meeting was held before the Work Meeting.

B. REGULAR MEETING

1. Call to Order- Mayor, Matthew Spendlove

Mayor Spendlove called the meeting to order at 7:00 pm.

Kevin Stout stated he had a conflict of interest.

2. Review with possible approval of Ordinance amending Chapter 20.

Mayor Spendlove explained that there had been a lot of discussion on removing the word "footprint" from the size of the building section 20.15. This word had been added in two sentences at the meeting held on July 17, 2019.

Monte Lutz suggested removing any ambiguity by adding the word total, total volume or habitable space.

The Council agreed to have the sentence read "maximum total size". This took the word footprint out and replace it with total.

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Dan Snyder was called and put on speaker phone. He agreed with the change.

Monte Lutz addressed the Council by reading a prepared statement. It is included with the minutes.

Mr. Lutz stated he was only speaking for himself and Bonnie Strawser, but noise was a big deal because it effected his qualify of life. He suggested instead of giving people the leeway to not think about existing neighbors, why didn't the town force them to think about it and then reward them for a great place. Make them earn trust, instead of just giving trust.

The Council discussed the 20.20.1.b section, Additional Use Specific Requirements, dealing with sound walls or barriers. They agreed to end the sentence after "on the property line". They also agreed to take out "unless all uses are 150 feet or greater from the property line.

Monte Lutz asked if the developer would be able to present an idea about a sound wall and be heard by the governing body. He felt that perhaps, if the developer thought the sound wall would be better off the property line somewhere, the idea would be considered.

Kevin Stout felt it would be good to have that flexibility. This would eliminate the location of the sound wall. After discussion with Mr. Lutz, the Council then agreed to take the words "on the property line" out of the document. This would include hedges and bushes, etc. The last words of the section would be "residential properties".

John Ely asked what the specifications were for sound walls. Mayor Spendlove stated they were in Chapter 8.

Bonnie Timmerman read a prepared statement which began with asking what had happened to the Commercial Zone in the last 5 years. She continued as follows: It used to say provide for small scale commercial activities. It was acceptable in certain areas along SR9 west from 700 West to the first west commercial zoned parcel which was Fort Zion. Now it goes from Pocketville clear out to Chiver's place. It was described in the chapter that it was a natural desert land with dramatic backstops of the mesas. This visually fragile corridor provides the first impression of the Town of Virgin and Zion Canyon for many visitors. To promote mutual enhancement of business and sharing the facilities as well as to discourage perceptions of zone changes to this designation will only be considered on property adjacent to commercial uses existing at the date of the approval of the chapter. Once again it was from 700 to Fort Zion. There are no permitted uses in the Commercial Zone. Development envelopes shall be designated during the approval process and there will be no excavation or disturbance of the

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natural vegetation, land forms beyond the approved streets driveways and development envelopes. Property along SR-9 shall have a minimum of fifty feet landscaped or well-maintained buffer between the boundary of SR-9 and the development. Now it is 25 feet. A thirty-foot landscape buffer shall also be provided between Commercial Zone and residential properties. Should a mature tree be removed, two full trees of 4 inches or great diameter shall be planted and maintained. A minimum of thirty-five feet landscape screen is required where parking occurs between a building and SR-9. Parking behind the buildings was strongly preferred because there were now 24-hour 7 day a week businesses allowed. Building height was eighteen feet maximum. Now it was twenty-two feet. The maximum building size was 2,500 square feet. Now it was 3,000 square feet. A decorative wall, fence or landscape screen may be required between residential properties and commercial use. Set backs from SR-9 were fifty feet, now they are twenty-five. Other zones setbacks may be reduced to twenty feet with approval. Sixty feet between hotels and motels now, it was forty feet. Quiet time is between 10 pm and 7 am yet stores and pump hours for gas stations is between 4 am and 11 am. Hotels and motels operate 24 hours day 7 days a week. We strongly suggest the TC remove the 24-7 uses from the Commercial Zone and listen to what the people had been saying and referendum-ing about these uses for the past five years. You say you want to work with us and listen to us but your actions have proven you represent certain property owners and not all the existing residents in Virgin. Take out hotels motels and gas stations form the Commercial Zone. They were never intended to be in there. The Highway Resort Zone was now twice as big as it used to be. Think about all the people in town when you make changes, not just certain property owners.

Mark SaVee stated he had a question about section 20.20.1.a. He wondered if established residential property meant it was zoned residential, meaning does a house need to be there. Mayor Spendlove explained it was a property that was zoned residential.

Jay Lee stated the sponsors would not work with the Council. It was a two-way street. He suggested that if they filed a referendum on it again, make the whole thing Highway Resort Zone. He felt it was a good ordinance. The reason it had been changed was because town was not getting any businesses. Virgin needed the revenue. He did not have a problem with the two changes that had been discussed.

Kevin Stout stated that he had been accused of trying to pull the wool over people's eyes in order to add more square footage. The reason had brought up the footprint change was because of how the Highway Resort Zone read. It states footprint and had been added because the Ferber hotel needed 90,000 square feet. He wanted no confusion about the square footage allowed.

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Deborah Masefield stated she wanted hotel, motels and gas stations removed from the zone.

LeRoy Thompson moved to amend Ordinance 2019-10: Section 20.15.1 replace footprint with total and maximum total not to exceed 12,000 square feet total; 20.20.1 end the paragraph at residential property. Kevin Stout gave the second. Roll call vote: Jay Lee-Aye; Dan Snyder-Aye; Kevin Stout-Aye; LeRoy Thompson-Aye; and Mayor, Matthew Spendlove-Aye. The motion was unanimously approved.

The call with Dan Snyder was ended.

3. Open Forum: Limit 2 minutes per speaker

* Mark SaVee wanted clarification to altering the location from 150 W to Pocketville Road. Mayor Spendlove stated it was still Pocketville Road.

* Paul Luwe commended the Council for allowing testimony before the last action. It was the right thing to do and it was good public policy. He suggested that in the future, open it up to all who wanted to comment before a decision was made.

* Gary Bratton stated he had been away for six months and was behind on what was going on. He asked what was going to happen with the highway with the new restaurant going in. He wondered if Virgin was going to get its first traffic light. Mr. Bratton felt it was shocking to find out there would be a restaurant there and he was worried about noise, traffic, light and parking on the street, when the restaurant parking became full. He stated it would be an interesting place to live in the near future.

* John Ely stated he had moved here 12-13 years ago. He thought about the number of referendums over issues just like this. The town had spoken multiple times. The town had developed the Highway Resort Zone and Commercial Zone. It was frustrating and maddening because the Highway Resort Zone had been enlarged to accommodate things that were talked about in the Commercial Zone. He would not be surprised if he saw an RV Park built right in the middle of town and there were a couple referendums over that. Mr. Ely was surprised that the setbacks from SR9 were only 25 feet, which was insane. Most people had a one-acre lot and 25 feet was not large enough. He described his home in Portland, Oregon and compared the set backs to it. He felt 25 feet was not very big. He stated there used to be a lot more people who came to the meetings, but many were frustrated and threw up their hands. He stated Bonnie Timmerman had brought up some very solid points. Mr. Ely addressed the Council, saying: You are a representative of the people of this town. You work

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for the people of this town. You should respect people in this town.

* Jeffery Herrick thanked the Council for allowing him to use a Conditional Use Permit to live in his 5th wheel while he built his home. He hoped that opportunity continued to be granted so people could be hands on during construction.

4. Council Comments:

* Jay Lee stated that the town had put in a pump track at the park because they had impact fees to pay for it. Compromise was needed. He used to go rabbit hunting where Desert Gardens was now. He had not complained when they made the land into a subdivision. He knew the Council tried to compromise. He thanked everyone for their comments.

* Matt Spendlove answered the question about the highway near the new restaurant, stating UDOT was over that intersection. There would be a study done before permits were granted. He then stated that he felt Chapter 20 had been compromised on from the draft to the final document. He did not like to hear in meetings that all the Council did was think of themselves. He did not appreciate that being said. He stated the Council was doing their best for all the people in the town, even if people did not feel that. If sides were called, the other side did not feel any compromise either. He hoped if there was a referendum, the truth was told, not all the lies that had been spread in previous referendums. He wanted to let people make the decision based on the truth. He stated that not one referendum had been totally honest.

A. WORK MEETING:

a. Discussion of Master Overlay Plan

Mayor Spendlove explained that the Council would have a work meeting on the Master Plan Overlay. He invited the public to stay and make comments. The Council's comments and suggestions would be presented to Planning and Zoning for review. He further stated that the Council was going to take one ordinance a month to work on, in order to help the P&Z. Each Council Member would be given the opportunity to choose what ordinance they wanted to work on. Kevin Stout had taken this month.

Council decided to review the Master Plan Overlay page by page marking up changes they feel need to be made. They reviewed P. 1-5. Most of the changes talked about were regarding if the responsibility lies with Planning & Zoning or the Zoning Administrator. Also, they discussed at what point and to what degree to get the engineer involved. Kent Peterson stayed for the review and added comment to some changes discussed. Kevin will do the red line version for the next work meeting.

5. Possible motion to hold an Executive Session.

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LeRoy Thompson moved to close the Public Meeting and enter into an Executive Session, Jay Lee 2nd, Roll call vote: Jay Lee-Aye; Kevin Stout-Aye; LeRoy Thompson-Aye; and Mayor, Matthew Spendlove-Aye. The motion was unanimously passed.

Monte Lutz asked regarding what, Employee conduct or possible Litigation?
Mayor Spendlove stated the reason is the Threat of possible litigation.

CLOSED Session began at 8:50 PM

Public meeting reopened at 9:19 PM with no public in attendance.

C. ADJOURN PUBLIC MEETING:

6. Approve Motion to Adjourn Public Meeting.

LeRoyThompson moved to adjourn the meeting, Jay Lee 2nd. No roll call vote. The motion was unanimous in favor.

The meeting adjourned at 9:20 pm.

Monica Bowcutt
Town Clerk

Approved:_____