

FINAL MINUTES
VIRGIN TOWN PLANNING & ZONING MEETING
Wednesday, March 9, 2022
6:30 pm
114 So. Mill Street, Virgin, Utah

Present:

Commission Members:

Sean Amodt
Bronwyn Wallace Gooch
Wyatt Lee
Kent Peterson
Cameron Spendlove

Others:

Krystal Percival-Town Clerk	
Gene Garate-Zoning Administrator	
Bill and Lori Baughman	Jean Krause
Jeff Lee	Lisa Culverwell
Deb Masefield	Hannah Barry
Adam Freeman	Joann and Dennis Allen
Michael Stallings	

A. WORK MEETING/Non-Action Items: 6:00 p.m. Town Hall

Discussion of Chapter 2.12 definition changes L to Z

The Commission discussed the definition changes L to Z. Sean Amodt led the discussion and clarified the intent. Several changes were made after taking comments from the Commission members.

Cameron Spendlove explained that Heath Snow, Town Attorney, had reviewed the changes and had quoted an estimate of \$3,000 to \$5,000 to compare the list against the ordinances. Sean Amodt suggested that the Planning and Zoning could do this during a work meeting, put it out for public hearing, followed by making needed changes to the draft that the public had heart burn over. Sean felt he already knew which definition changes would mandate a change to the complimentary ordinance.

It was clarified that Google Docs could be used, but only one person could make changes.

B. REGULAR MEETING/Action Items: 6:30 p.m. Town Hall

1. Call to Order - Cameron Spendlove

Cameron Spendlove, Commission Chair, called the meeting to order at 6:32 pm.

2. Declaration of Conflict of Interest

No conflicts of interest were declared.

3. Review and possible approval of the draft minutes for February 9, 2022

Cameron Spendlove stated the document had some formatting issues. He suggested those be fixed. No other comments were made.

Wyatt Lee moved to approve the minutes from the February Planning and Zoning meeting. Bronwyn Gooch gave the second. No roll call vote. The motion was unanimously approved.

C. DISCUSSION ITEMS:

1. Rich Murset to discuss height restrictions on building a residential house.

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Mr. Murset was not present, so Cameron Spendlove called for a point of order and this item was moved to the bottom of the discussion items.

2. Discussion of SR9 access from west end to 700 W

Debra Masefield asked what was actually being done and if it was being done by UDOT. Cameron Spendlove explained he understood that UDOT was doing an estimate of traffic flows and looking at levelling the dip. The Mayor had asked that, while UDOT was looking at the highway, the Commission make suggestions for some good access points for UDOT to consider.

Lisa Culverwell asked if UDOT was looking at left and right hand turning lanes at the intersection. She felt that intersection was very dangerous and turning lanes would be helpful.

The Commission reviewed a proposed map of future streets and roads, especially with access from the highway. Fort Zion and across the highway was specifically reviewed. Discussion turned to how the town could determine what would be needed in the future, what would be in the realm of possibilities, the speed that was needed, doing what the property owners wanted and how to get UDOT to listen to what the town wanted.

Jean Krause stated that UDOT's mission was to get people into Zion National Park as fast as possible, so she did not believe they would let the town have as many access points as we would like because it would slow traffic down.

Kent Peterson felt there were dangerous traffic issues in town and he was hoping to help UDOT figure this out. He knew passing on the highway, 700 W, and Pocketville were all bad for drivers. He felt that the citizens should be asked what they wanted the town to look like along the highway from border to border.

Gene Garate explained that the reason center turn lanes ran through town was because the lay of the land made it so there was not room for a crash lane. The Department Of Transportation did not allow someone to build without making improvements, so as building took place, improvements would be made.

Jean Krause stated that as part of the process of completing the General Plan and the UDOT access plan, the town was required to hire a consultant to assist with both projects. UDOT had agreed to help pay for the consultant and the entire plan. It was then clarified that the 'look' people wanted for the town would be part of the General Plan, not the access plan.

The potential access points to SR9 were discussed beginning at the west end of town, specifically the gas station which was not using the highway as access. Cameron Spendlove stated that this needed to be discussed now and there was some urgency because the UDOT study was slated to be completed in May. Potential roads across from Fort Zion and other areas were discussed. The Commission explored options to make 700 and 775 line up, but it would be a major investment and problem.

The Commission discussed potential access to empty four lots near the Chiver's home. Sean Amodt suggested putting a frontage road in, but it would be very expensive. Kent Peterson suggested putting more lanes in front of the lots, because there was more space on the North, however, there would not be 1,000 feet between access, which was required by UDOT. It was also suggested that one road be put in to give access to the lots from behind.

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Michael Stallings, Rich Murset's son in law, was present on his behalf, so Commission Chair, Cameron Spendlove called for a point of order to go back to item 1. The Commission agreed.

1. Rich Murset to discuss height restrictions on building a residential house.

Mr. Stallings, Rich Murset's representative, gave the Commission Members updated and color coded information. He then read a letter from Mr. Murset which covered the main points. This letter is included with the minutes. Following the reading, he asked that the town update the home height to 35 feet, which was in line with what other communities in the area. It was confirmed that the home Mr. Murset was trying to build was located along Pocketville road, in the wash on Matthews Lane. Because of the slope of the land, the building height was throwing his house plans off. He also wanted to install solar, which would not be allowed because of the slope and added height. Mr. Murset already had approved plans, but was trying to make the ordinances more accommodating for future builders.

Lisa Culverwell stated that she had a concern with the 30 foot height especially in an established residential area. The current residents had established homes under the 25 foot rule. This would not be so troublesome with new subdivisions, but it was not fine to insert a higher ceiling or steeper pitch into an existing neighborhood. She did not want to 'overwhelm' the existing homes.

Bill Baughman wondered if the change was made, would it apply to the buildings that were going in behind his home along the highway. Cameron answered that the discussion centered only on residential buildings, not commercial, which was what Mr. Baughman was referring too.

Sean Amodt pointed out that the example was for a forty by forty house, however, more pitch could be added as more footage was added. He mentioned restrictions on roof color and asked how far down the rabbit hole of restriction did the town want to go. Commissioner Wyatt Lee stated he did not see any reason to change the ordinance because there were many beautiful homes in town that followed the ordinance.

Kent Peterson stated he had strong feelings about protecting the existing residents and felt the Commission needed to be sensitive to developments coming in and changing the rules. The town should not compare itself to other communities. He also stated that architects could make minor adjustments to make plans fit the rules.

Sean Amost stated that the town allowed up to thirty feet in other zones, but commercial had a design review. He felt if a variance was needed, someone had to pay for the appeal authority and both attorneys. This made it almost impossible to receive a variance for a residential lot. He suggested making the last 5 feet, from twenty five to thirty (or thirty five), subject to a design review making certain types of topography eligible. Then no appeal authority would be needed. Another suggestion he liked would allow up to a certain amount of feet and then not worry about it.

Jean Krause stated, as a citizen, people drive through Rio de Sion and look at the houses that were currently being built and imagine them ten feet higher.

Cameron Spendlove stated with 9 foot ceilings, 3 and 12 foot pitch could be achieved. He understood the cosmetic aspect and that house designs had changed. He felt it would be logical that a city accommodate house designs, but not every house design could be accommodated. However, only slight modifications had to

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be made to meet the town's criteria. He thought the review board was a good idea, but he did not like those types of things because he liked a black and white rule. He could agree with a two foot increase, up to 27 feet, so it could accommodate 10 foot ceilings. He felt a two feet increase would not overshadow existing homes, but to thirty five feet was way too much. Plans could include vaulted ceilings to get the look they wanted.

Gene Garate stated that the Commerical Zone was at twenty two feet, every other zone was at twenty five, except for Highway Resort, which was at thirty with concessions. He felt the Zoning Administrator should not have the say over specific heights. The height should be set and if someone was not happy, they should go to the body for a public hearing. People should not bring plans in, get them approved, and then complain about the plans. The plans should be completed before they are brought in for approval.

Bronwyn Gooch felt there was not a big problem, so it should not be addressed at this time.

Kent Peterson stated he agreed with Gene Garate. The variance process was then reviewed, including the policy of notification.

Sean Amodt agreed he was the only one who thought a change should be entertained, so he would write something up for the April meeting to be reviewed.

CONTINUED 2. Discussion of SR9 access from west end to 700 W

The discussion continued about the lots next to the Chivers along SR9. Cameron Spendlove felt it would be better to have an extra lane instead making people go around to the back. This could be done by putting the access from Mesa Road. Sean Amodt mentioned the future road map had a road slated from 775 West towards the west, tying into the Mesa Road.

3. Discussion on exemption to size requirement to commercial zone

Cameron Spendlove reminded the Commission that last month they had made a recommendation to rezone a property, which had been approved by the Town Council. They had made a caveat in the motion to allow the small piece of residential property in the middle of all the new commercial to join in the rezone, if they wanted to. He continued to explain that there were other lots that fell into this "non conforming lot size surrounded by commercial zone" dilemma. His idea was to write a size exemption into the ordinance for these small lots that already existed. Gene Garate felt that the set backs needed to be addressed in the change. Discussion continued about specific lots that would meet the exemption. The Commission agreed to have Cameron and Bronwyn begin to write the exemption, have it reviewed by the attorney and then ready to put on the agenda as an action item in April. The Commission discussed the process of writing, reviewing, and recommending ordinances. It was decided that the ordinances would need to be in written form for the Commission to review before the attorney reviewed it.

Jean Krause clarified that the Town Council had told Adam and Hannah I(the people who owned the little strip next to the rezoned to commercial property) that if they were going to get their property rezoned, it would have to be done in March. After discussion, the Commission clarified that the exemption did not need to be completed prior to their rezone.

4. Discussion on Temporary lighting ordinance 2.12

Sean Amodt explained that this particular definition had not been approved (or recommended) at the same

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time as the other lighting definitions because the part that required 7 days or 180 days was not satisfactory. He continued to show what formatting had been adjusted and the also the time frame to get a permit for a temporary light. Kent Peterson stated he liked the definition. The Commission discussed the amount of time that should be allowed. They agreed to seven days and also agreed to remove section 4 which stated "reasonable amount of time". The Commission also agreed that it was ready to be reviewed by the town attorney.

CONTINUED again 2. Discussion of SR9 access from west end to 700 W

The Commission returned to discussing item 2. They began talking about how the highway should look. Cameron Spendlove stated he did not want a center median. They agreed with him and also that the highway should be clean and neat. Discussion turned to the bike lane that was coming and how this would benefit the town.

D. PUBLIC HEARING:

NO PUBLIC HEARING

Open Forum: Limit 2 minutes per speaker:

No comments were made.

1. Commissioner Comments:

No comments were made.

E. ADJOURN PUBLIC MEETING:

2. Motion to Adjourn Public Meeting.

Cameron Spendlove moved to adjourn. Wyatt Lee gave the second. No roll call vote was taken. The motion was unanimously approved.

The public meeting adjourned at 9:00 pm.

Krystal Percival
Town Clerk

Approved:_____