

City of La Verkin

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La Verkin City Council Meeting Minutes

Wednesday, February 1, 2023, 6:00 pm.

Council Chambers, 111 S. Main, La Verkin, Utah

Present: Mayor Kelly Wilson; Council Members: Blair Gubler, Patricia Wise, Micah Gubler, Chuck Hardy, and Richard Hirschi; Staff: Kevin Bennett, Kyle Gubler, Derek Imlay, and Christy Ballard.

Chief Nuccitelli was excused.

A. Called to Order –The invocation/thought and Pledge of Allegiance were given by Blair Gubler at 6:00 pm.

B. Presentation:

1. Chief Nick Nuccitelli was not able to attend the meeting.
2. Kyle Gubler played an advertisement video made for the City. He will post it on the city website page and Facebook.

C. Consent Agenda: (Items on the consent agenda may not require discussion. These items will be a single motion unless removed at the request of the Mayor or City Council.)

1. Declarations of conflict of interest
2. Agenda
3. Minutes: January 18, 2023, regular meeting
4. Checks & Invoices: \$138,661.69

The motion was made by Councilman Chuck Hardy to approve the consent agenda as written, including the minutes of January 18, 2023, regular meetings, and checks and invoices in the amount of \$138,661.69, second by Councilman Blair Gubler. Roll Call Vote: Blair Gubler-yes, Wise-yes, Hirschi-yes, Micah Gubler-yes, Hardy-yes. The motion carried unanimously.

D. Business:

1. Discussion and possible action to approve Ordinance No. R-2023-01; an ordinance amending the provision relating to vacation rentals in the Tourist Commercial Zone.

Mayor Wilson explained when the original ordinance was approved, it was mentioned the Planning Commission did not have time to discuss the percentage in depth. The section was sent back to the Planning Commission for review.

Councilwoman Wise questioned the first whereas clause on page 2. She also asked if the main structure needed to be built prior to, in conjunction with, the vacation rentals or could the vacation rentals be built alone without a time limit for the main structure.

What is the setback of the landscaping for the vacation rentals? How tall can the vacation rentals be? Does the 15% include the footprint, or does that percentage include the hotel's height?

Kevin replied the whereas clause needs to be removed, and the percentage is based on acreage. He will add that language to E.2.b. He will also add a height section under E.3 that states the height of vacation rentals shall not exceed forty-five feet. He will add language to E.3.b to include construction into the setbacks stating the vacation rentals must be constructed in conjunction with or after and located behind the development's main buildings.

The motion was made by Councilwoman Patricia Wise to approve Ordinance No. R-2023-01, an ordinance amending the provision relating to vacation rentals in the Tourist Commercial Zone, with the following changes; removing the first whereas clause on page 2, adding "acreage" to E.2.b, including a section e under E.3 stating building heights will not exceed forty-five feet, and adding vacation rentals will be constructed at the same time or after the developments main building(s), second by Councilman Micah Gubler. Roll Call Vote: Hardy-yes, Hirschi-yes, Micah Gubler-yes, Wise-yes, Blair Gubler-yes. The motion carried unanimously.

2. Discussion and possible action to approve Ordinance No. 2023-02; an ordinance amending certain sections of the La Verkin City Code to provide for an increase in permitted height of tourist transient lodging facilities (hotels, motels, inns, and lodges) within the commercial zones of the City.

Derek explained all the existing hotels in the City received a development agreement to build higher than the currently allowed forty-five feet. Staff felt that increasing the maximum building height to sixty-six feet would save time and money for future developments. A development agreement would still be an option for people interested in building higher than that.

This increase would simplify the hotel building process, make the hotels in La Verkin uniform in height, and decrease the possibility of legal issues if the City ever denied a hotel the same height variance already awarded.

A four-story hotel is most likely the highest a developer could go with our water pressure. Pump stations are an option to remedy that, but they are costly for the City to operate.

Kevin said the City doesn't have an unlimited right to regulate. You can regulate what is justifiable and what is reasonable. The City has created a standard by default saying it's okay to build higher than forty-five feet.

The development agreement was intended to look at specific properties and address issues, not to change building heights. Staff looked at the trends and standards the City has already set in drafting this ordinance. Building heights are getting taller, and it is difficult to say no justifiably. If everybody was okay with allowing all existing hotels to come in over the permitted height, why not change the permitted height allowance and let development agreements be used how they were intended. It will make La Verkin City more appealing to build here.

Councilman Hirschi stated if this is approved, the council can choose not to allow anything higher to be built.

Councilman Hardy pointed out that the City cannot approve a hotel to be higher than the fire truck can reach, or than we can supply adequate water pressure.

Councilman Micah Gubler mentioned this ordinance makes the City Code match what we already have. It reduces extra work for staff and helps to not put the City in a legal position of being sued.

Councilwoman Wise said as far as trends and standards, La Verkin currently has four hotels built or in the process of getting built, all with development agreements, two with three stories and two with four stories. However, the Holiday Inn lowered the building pad by twelve feet, so the visual impact is of a three-story hotel. She doesn't think there are enough hotels to set a standard or trend.

She listed only properties in the Tourist Commercial Zone with existing hotels or that have had people express interest in building one or more hotels. General Commercial currently allows for hotels too. These alone would give La Verkin thirteen hotels in two and a half miles. She is concerned with water use and pressure and the impact of not only hotels but all businesses on the residents. Zach Renstrom, with the Washington County Water Conservancy District, just presented on the importance of regulating growth and the need for everyone to conserve water.

Traffic is another concern she has. UDOT has already told the City that the impact of traffic on SR9 will increase.

Building additional hotels will increase that impact even more.

The last item is subjective, but she wants to bring it up. The current hotels are never full, even during the busy season. The surrounding communities are also building hotels. How we manage our hotels and business needs must fit La Verkin. The visual impact also needs to be considered because it impacts how people feel about their surroundings. The impact of tall buildings along a small street like SR9 will feel very suffocating and could affect our economic dollars.

Hurricane City vetoed a bill last year increasing the hotel height to fifty-five/sixty-five feet.

This ordinance still allows for a development agreement, so the potential is there if someone wants an even taller building. This is not just about her personal preference. She does not think this increase is good for La Verkin.

Councilman Blair Gubler said he has thought about the visual impact of increasing the height, particularly for the residents that back up to commercial. They lose their view. He feels La Verkin will look much better with low-profile buildings moving forward. We do not have to continue down the same path, even if it could open us up to litigation. He feels the City should stay at the height allowed now.

Mayor Wilson mentioned whether a hotel goes in at three stories or four, it still blocks the view. He doesn't feel the difference between forty-five and sixty-five feet would make a big difference.

He suggested removing the ability for a development agreement to increase the height if the Councilmembers were interested. He also pointed out La Verkin is limited in commercial space. If we require a hotel to spread out instead of going up, that will limit the number of commercial developments.

Councilwoman Wise said she would be in favor of leaving the height at forty-five feet and keeping the development agreement option. However, she would like Derek's office and the Planning Commission to come up with different setbacks if there is a compelling reason for a hotel to build higher than the permitted height that would be the least visually impactful.

Councilman Micah Gubler pointed out the market will regulate the number of hotels we have.

Councilwoman Wise agreed, but the impact of four-story hotels in La Verkin is much different than in other areas. Hurricane has so much property they will probably approve four-story hotels in the outlying properties. La Verkin's commercial properties are landlocked by residential.

For developers, it may be a good thing, but for La Verkin, staying with three-story and changing the extenuating opportunities for a development agreement would be better.

Kyle said he is worried that developers will not come to La Verkin if they don't increase the height.

Councilwoman Wise mentioned that Hurricane is full of three-story hotels and is doing fine. She thinks La Verkin will still get hotels without increasing the height.

Mayor Wilson pointed out that the Planning Commission unanimously approved this ordinance.

Councilman Hardy mentioned it's a hard vote. He doesn't like to see it go taller.

The motion was made by Councilman Micah Gubler to approve Ordinance No. 2023-02, an ordinance amending certain sections of the La Verkin City Code to provide for an increase in permitted height of tourist transient lodging facilities (hotels, motels, inns, and lodges) within the commercial zones of the City, second by Councilman Richard Hirschi. Roll Call Vote: Hardy-yes, Hirschi-yes, Micah Gubler-yes, Wise-no, Blair Gubler-no. The motion passes.

E. Mayor & Council Reports:

Micah Gubler-Nothing new to report. Things are going well in the Police Department. Chief Nuccitelli wants to meet with him to go over some possible changes.

Councilman Micah Gubler left at 7:07 pm.

Hardy-Nothing to report on Southwest Mosquito Abatement.

He has been working on a list for the Historical Preservation Committee of potential committee members and historical sites in the City. We went over the Code requirements for this Committee. He liked the idea of five members with two alternates. He would also like it to have a small budget if possible.

The Councilmembers were okay with those recommendations.

Hirschi-The Fire District is still working on balancing the budget. There is a three million dollars deficit.

Ash Creek Special Service District-They are moving forward with the Confluence Park treatment facility. Construction should begin in September.

Mayor Wilson stated this facility would be one of four treatment facilities of its type in the United States. The cost is 50% less than traditional facilities. It will also be expandable for future use.

Councilman Blair Gubler mentioned the cost had increased substantially since the process began.

Councilman Hirschi continued with his DTEC report. They are still discussing the transit system from St. George to Zion. There will be a park-and-ride stop in La Verkin.

Wise- Economic Development-Chris Hall from UDOT gave a presentation. She attended the What's Up Down South economic summit today and briefly reviewed some of the presentations she attended.

Planning Commission-She reported on the January 25th meeting.

There is nothing new to report on the Zion Corridor Trail. The NEPA study has not started yet.

Utah Tech University-La Verkin was awarded a partnership for their city alliance project. Dr. Erin O'Brien met with her, Kyle, and the Mayor to identify areas in La Verkin that could use assistance. The program officially begins in 2025, but they identified some needs that she believes they have faculty and students available to start now. The monetary outlay from La Verkin will be small. The City is not obligated to do anything if we don't have the money or it's not suitable for us. St. George and Santa Clara have been part of this program and have done well.

Rim to River Trail-The City has received a quote from an environmental engineer but it has not been officially accepted.

Blair Gubler-Nothing new to report. His Solid Waste meeting will be later this month.

F. Citizen Comment & Request for Future Agenda Items:

No comments.

G. Adjourn:

The motion was made by Councilman Blair Gubler to adjourn, second by Councilman Richard Hirschi. The motion carried unanimously at 7:29 pm.

February 15, 2023
Date Approved

Kelly B. Wilson
Mayor Kelly B. Wilson

ATTEST: Christy Ballard
Christy Ballard
City Recorder