IVINS CITY
PLANNING COMMISSION
MINUTES
February 5, 2019
435-628-0606

1) WELCOME AND CALL TO ORDER

CHAIRMAN AND COMMISSIONERS: The meeting was called to order at 05:30 p.m. All present included Chairman Jeff Loris, Commissioner Adel Murphy, Commissioner Mike Scott, Commissioner Bryan Pack, and Commissioner Lance Anderson.

Staff Attending: Dale Coulam-City Manager/Attorney, Mike Rodriguez-Building and Zoning Administrator and Sharon Allen-Deputy City Recorder.

Audience Attending: Lynne Johnson, Claudette Larsen, Matt and Julien Lofthouse, Teresa Fife, Shelley Moeller, Sharon Barton, Jenny Johnson, CJ Koharcheck, Lisa Rutherford, Hayworth, Kevin Smith, as well as others that did not sign in.

A. Acknowledgement of Quorum

B. Flag Salute--Commissioner Adel Murphy

C. Invocation--Chairman Jeff Loris

D. Disclosures

Commissioner Mike Scott stated that regarding the Tuacahn agenda item, he donated consulting work for a financial feasibility study for that project. He has no financial interest in it and does not believe it is a conflict. **Chairman Jeff Loris** stated that regarding Tuacahn, the company he works for, Rosenberg, did the civil design for the site, the building and part of the structural design. He did not work on it himself. No other conflicts.

2) REPORTS AND PRESENTATIONS --

A. Concept Plan Report for Turner Subdivision, located at approximately 375 North 200 West. Harold Turner-Owner/Applicant.

Mike Rodriguez stated that this is a simple concept plan for a flag lot to subdivide into two separate lots. They are providing adequate access as required in our code, and there is an outbuilding that would need to be removed.

3) BUSINESS LICENSES -None

4) PUBLIC HEARING AND ACTION ITEMS—

A. Public Hearing regarding a Class V Conditional Use Amendment for Tuacahn Center for the Arts, located at approximately 1100 Tuacahn Drive. Tuacahn Center for the Arts-Owner. Kevin Smith-Applicant.

Mike Rodriguez stated that this application is to amend their Class V Conditional Use Permit to construct actor housing, 77 apartment units used for their performers at the Tuacahn Amphitheater. They are asking to amend the Conditional Use Permit to construct two buildings and a swimming pool, with parking areas. They are asking to rent these during the off-season between November and March when they don't have any performances. **Chairman Jeff Loris** inquired if the Public Hearing is for amending the existing use? **Dale Coulam** stated that use was allowed in the broadest of terms for anything that related to Tuacahn Center for the Arts. It would be his opinion that it would be allowed. The ability to rent it during the off-season requires an amendment to the original Conditional Use Permit. **Commissioner Adel Murphy** stated November through March, they would have vacation rentals or snowbirds there.

That is their off-season? **Mike Rodriguez** stated yes that is their off-season when they wouldn't be housing performers. He showed the attachments. They would be apartment-type units. Two-bedroom or single bedroom, and as many as four bedrooms in some of these units, each with their own private bathroom. It is not a hotel-type use but Multi-Family type building. He showed the site plan. It is located after you enter the gate and turn left towards the parking area. You won't see them until you are on the Tuacahn site. There are four levels on one building following the slope of the terrain. They will be a flat-roofed building. He showed floor plans pointing out that they are typical apartment-type units. One lower area has an exercise room. There are private balconies on some of the apartment units. These are the preliminary construction drawings. The video shows a flyover and the drive-up view. They are obscured from view until you get onto the site. Between the two buildings is the pool area. **Chairman Jeff Loris** opened the Public Hearing. Claudette Larsen inquired who is the owner of these units? **Mike Rodriguez** stated Tuacahn. Claudette Larsen inquired who will upkeep it? Does Ivins put money towards Tuacahn? **Dale Coulam** stated we donate $10k a year in RAP tax that goes towards a bond that led to their renovations. Claudette Larsen inquired if this would offset that bond and Ivins having to donate? **Dale Coulam** stated that it is privately financed through Tuacahn. Claudette Larsen inquired who would get the money? **Dale Coulam** stated they are a not-for-profit entity, so it stays in Tuacahn Center for the Arts. Claudette Larsen inquired who can use the pool? **Dale Coulam** stated it is also privately owned by Tuacahn. Kevin Smith stated we will pay the actors while they work for us. **Dale Coulam** stated that in the past, Tuacahn has had to go out and pay for housing for their actors. Now it is at Tuacahn, on their site, at their expense. Candace Koharcheck inquired what precedent is being set in Ivins to do rezone this for vacation rentals? **Dale Coulam** stated this is not a precedent. This is zoned resort commercial. It is already allowed. Their conditional use permit, though very general in scope, was for the Center for Performing Arts. It includes actor housing but not vacation rentals. Candace Koharcheck inquired that after these and Sentierre are both built out, will the road be wide enough? **Dale Coulam** stated there is no additional right of way and the fencing on both sides is tortoise fencing, which is strictly guarded. Lisa Rutherford stated regarding the RAP tax money that goes to Tuacahn, it seems they do well without Ivins' taxpayer money going to their organization. This is rather luxurious housing so this works out for them financially. RAP tax could be better spent for entities that actually need that money. Sharon Barton stated we are concerned with being overrun with overnight rentals. If the idea is to generate overnight rentals we would want to know about traffic and water impacts. **Dale Coulam** stated it is hard to imagine more traffic at Tuacahn than what already exists. Constant traffic to and from the high school, the farmers market, concerts, etc. Sharon Barton inquired if the intent is to house actors or short-term rental? Kevin Smith stated he is the CEO of Tuacahn. From the very beginning we were slated to have actor housing, but when it first started, there was not enough money to finish building that, so all these years we have housed them in other places. Last year, we spent $500k housing actors and we pay somebody else's mortgage. If we spend that money with people that are becoming more and more unaccommodating and put it towards our own housing. The purpose of amending the permit is to have this housing available. We are financially able to do this without going that route, but if we decide we have the desire to do it, we know we need to go through the process and they would be short-term, mainly from January through March. Our off-site actors now are coming 3-4 times up the canyon to work for rehearsals. It may be less traffic because they would be housed here already. We also have lots of tourists come up that road and now maybe they would come up and stay and enjoy the canyon and see a show and spend some money in Ivins. If

we have a 20 year note and we can shave a few years off by doing this, we would be bad stewards of a non-profit not to capture that. It would contribute potential Transient Room Tax and other taxes to the city of Ivins as they would apply. The $10k rap tax we receive from the city is designed to go through the County but in order to make it palatable for all the cities the County put together an agreement that gives money to the cities to disburse in their own cities so they can determine how much of the rap tax pie they disburse. The RAP tax is designed for recreation, arts and parks. In our County 25% goes to arts and 75% to go through the parks. We are good stewards of our resources. The RAP tax was designed for places like Tuacahn. That is the reason it exists. We bring in tourism and adding to the economic viability to the area, projected at over 100 million dollars. **Commissioner Bryan Pack** inquired if there will be an onsite manager? Kevin Smith stated yes. **Commissioner Bryan Pack** inquired if they will ever combine and have actors in part as well as short-term rentals? Kevin Smith stated possibly. He is not sure how the actors and the general public would mix. 77 beds will be full during the season, from April to October. There are 29 units, from studios up to 4 bedroom. Everyone has their own bathroom. The pool could be a liability issue, so we would want to restrict that to private use. Julien Lofthouse stated she is in support of it. Does it affect the safety of our children attending that school? Kevin Smith stated that is one reason we are considering whether or not we will do it. In speaking with the principal and the school board and its proximity away from the school and onsite management, we feel we can manage it very well. Right now tourists come up and go to the amphitheater and the gift gallery and may see students, but to enter the school, they have to check in. Tuacahn matches the majesty of the canyon. Whatever we do, we want to do it in the right way. Actors love this area. The negative is the housing we put them in. We had 20 different housing sites this year. Trying to manage transportation and hooking up utilities and the internet has become a nightmare. Hearing no other comments, **Chairman Jeff Loris** closed the Public Hearing.

B. Discuss and consider approval of a Conditional Use Amendment for Tuacahn Center for the Arts, located at approximately 1100 Tuacahn Drive. Tuacahn Center for the Arts -Owner. Kevin Smith-Applicant.

Dale Coulam stated this is a recommendation. **Commissioner Bryan Pack** inquired what would we require of a hotel? An onsite manager should be there. What are the rules and regulations about parties? **Commissioner Lance Anderson** stated when RVU came in, they were to only use that for the school. **Dale Coulam** stated yes but they did get permission from the Council to allow Tuacahn to use it for housing this year. One and a half of those buildings had been sitting vacant. **Commissioner Lance Anderson** stated approve it as short-term rental, rather than actor housing. He doesn't want it connected to the school if it becomes nightly rentals rather than actor housing. **Dale Coulam** stated it is not being used by the school. Those are not students being housed in it. Those are performers for the Center for the Arts. It is a recreational use. As a conditional use permit, you can put conditions on the use that is permitted by a zone, but you can't exclude it. You can put conditions to mitigate, such as on-site management. This is not being built as part of the school, but as part of the Center for the Performing Arts to house the actors. He sees no conflict between housing actors or short term rentals, although actors will be there the most. **Commissioner Lance Anderson** stated he doesn't want it to be for actors if short term is involved. Just people. **Commissioner Bryan Pack** stated that anyone else that came in would also have to apply for a conditional use permit and we would look at that on a case by case basis. **Commissioner Adel Murphy** stated this is resort commercial. What they want to do is already allowed there. **Commissioner Mike Scott** stated RVU was a different

zone. **Commissioner Lance Anderson** stated he agrees but don't make it actor housing. Make it more open. **Commissioner Adel Murphy** stated in reality it is a hotel and that is what is allowed there. **Commissioner Mike Scott** stated we could recommend approval as actor housing and/or public short term rental. **Commissioner Lance Anderson** stated when actors stay there, there is no transient room tax. When it is not, they can be taxed. Mike Rodriguez stated it is a permitted use in that zone so they are allowed to build that. This will be designed more like apartments with an on-site manager. Guest housing. The use is allowed. **Commissioner Lance Anderson** stated Crescent Moon Village was similar. There were concerns back then about this. **Commissioner Adel Murphy** stated they are collecting rent from the short term rental and they will get taxed. The actors will not be. Kevin Smith stated they are audited every year and separately from the school. We are required to fill out the sales tax form, the same as anybody else. **Dale Coulam** asked if they would be willing to stipulate to a condition that Tuacahn would be responsible that any short term rental transient room tax that is owed is properly filed and paid to the State? Kevin Smith stated of course. **Dale Coulam** stated transient room tax applies to a stay of less than 30 days. **Commissioner Bryan Pack** stated so our conditions are an on-site manager and Tuacahn being responsible for filing and paying taxes. There is a saturation of the type of short term rentals in Santa Clara and each enclave has its own management so the rules can change and enforcement might be different from one to the other. Here we would have onsite and centralized management and maintenance control established. **Commissioner Lance Anderson** stated this is for the Center for the Arts only. **Dale Coulam** stated the school goes through a different process. **Commissioner Bryan Pack** stated it does not sound like there would be much of a traffic impact. **Commissioner Adel Murphy** stated lighting is already in that ordinance. **Commissioner Lance Anderson** inquired about height. **Dale Coulam** stated the height limit for commercial is 35 feet. **Dale Coulam** stated Sentierre is on the other side of that hillside with houses coming up against that hillside. They are all working very closely together. **Commissioner Bryan Pack** stated there could be concern about the pool and liability with students going over there. Fencing or key access. Mike Rodriguez stated it will have barrier and different access points to comply with. Kevin Smith stated it would also have a cover over it. Mike Rodriguez stated there is a requirement on the number of parking spaces they will have to meet during planning review. **Commissioner Bryan Pack** stated all of that is subject to our ordinances when applicable.

MOTION: Commissioner Bryan Pack moved to recommend Conditional Use Amendment for Tuacahn Center for the Arts, located at approximately 1100 Tuacahn Drive. Tuacahn Center for the Arts -Owner. Kevin Smith-Applicant subject to the condition of an onsite manager 24/7, and that Tuacahn agrees to pay the transient room tax and abide by all code requirements of the city when applicable.

SECOND: Commissioner Mike Scott

VOTE: The motion carried.

Chairman Jeff Loris	AYE
Commissioner Adel Murphy	AYE
Commissioner Mike Scott	AYE
Commissioner Bryan Pack	AYE
Commissioner Lance Anderson	AYE

5) DISCUSSION AND POTENTIAL ACTION ITEMS—

A. Discuss and consider recommendation of proposed Overlay Amendments to Chapters 7 and 8 of the Zoning Ordinance.