# LA VERKIN CITY PLANNING COMMISSION AGENDA

Regular Meeting
Wednesday, November 8, 2023, 6:00 pm.
City Council Chambers, 111 South Main Street
La Verkin, Utah 84745

**A. Call to Order:** Chair Allen Bice
Invocation by Invitation; Pledge of Allegiance

**B. Approval of Agenda:**

**C. Approval of Minutes:** October 11, 2023, regular meeting and October 25, 2023, work meeting

**D. Reports:**
City Council and Director of Operations will present updates on meetings and activities.

**E. Business:**
1. Discussion and direction on workforce housing in commercial zones.
2. Presentation and discussion on creating a new commercial zone for the topside.
3. Discussion and possible action to move Subdivisions to the first item on the priority list.

**F. Adjourn:**

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Christy Ballard, City Recorder, (435) 635-2581, at least 48 hours in advance.

**Certificate of Posting**

The undersigned City Recorder does hereby certify that the agenda was sent to each member of the governing body, sent to the Spectrum newspaper, posted on the State website at http://pmn.utah.gov posted on the La Verkin City website at www.laverkin.org and at the city office buildings 111 S. Main and 435 N. Main on November 3, 2023
Christy Ballard, City Recorder

# LA VERKIN CITY PLANNING COMMISSION

Regular Meeting
Wednesday, October 11, 2023, 6:00 p.m.
City Council Chambers, 111 South Main Street
La Verkin, Utah 84745

**Present:** Chair Allen Bice; Commissioners: Sherman Howard, Richard Howard, John Valenti, and Kyson Spendlove; Staff: Derek Imlay and Kyle Gubler; Public: Dalyon Ruesch and Patricia Wise.
*Commissioners Hugh Howard and Matt Juluson were excused.*

**A. Call to Order:** Chair Allen Bice called the meeting to order at 6:00 p.m.
The invocation and Pledge of Allegiance were given by Kyle Gubler.

**B. Approval of Agenda:**
**The motion was made by Commissioner Sherman Howard to approve the agenda as written, second by Commissioner Kyson Spendlove. Sherman Howard-yes, Valenti-yes, Richard Howard-yes, Spendlove-yes, Bice-yes. The motion carried unanimously.**

**C. Approval of Minutes:** September 13, 2023, regular meeting
**The motion was made by Commissioner Richard Howard to approve the September 13, 2023, regular meeting minutes, second by Commissioner John Valenti. Sherman Howard-yes, Richard Howard-yes, Valenti-yes, Spendlove-yes, Bice-yes. The motion carried unanimously.**

**D. Reports:**
City Council: Councilwoman Patricia Wise reported on the September 14, 2023, City Council meeting.

Director of Operations: Derek gave an update on the 100 South Road. A small wall must be completed in front of one of the houses, the parking area along 100 South by the baseball field will be grated, and lava fines will be put down. This will be done by Winterfest.
The sidewalk on the corner of 100 W 100 S also needs to be finished, which will complete the project. He hopes the cones will be pulled by the end of next week.
The pipe installed initially in 420 North and 450 North was faulty and has been completely replaced over the years, repairing breaks. The City was able to use funds from the 2022-2023 budget to repave both streets. Interstate Rock Products is just finishing that project.
Irrigation water will go out of the system on November 15th.
During the next Planning Commission meeting, there will be a work meeting with the City Council to discuss the topside property.

**E. Business:**

1. Presentation and discussion on workforce housing in commercial zones.

Derek reported workforce housing has been a work meeting topic with the City Council and Planning Commission.
The City participated with UDOT in the SR9 Corridor Study that shows a commercial/residential mixed-use would be a great way to have a walkable downtown area.
Based on conversations in that meeting and subsequent meetings, there didn't seem to be much interest in pursuing the concept.
Mr. Ruesch has some ideas he wants to present to the Commissioners regarding mixed-use properties. This will be a presentation only.

Dalyon Ruesch- Is the owner of Vitalpax here in La Verkin. They employ about 110 people, some of whom have expressed concern about the ability to afford a house or even a condo.
He began his PowerPoint presentation, Mixed-Use Properties, and the case for hybrid properties. See Exhibit A.
What he sees for 254 South State Street is allowing people to live in a place that will help them transition to owning a home. The ideas they have are for living space in the back and attainable commercial property in the front.

In summary, their hope for this proposal and the ask is for the City to change the permitted uses in the current zoning to allow for employee housing or create a mixed-use zone to include a hybrid approach.

Commissioner Sherman Howard asked if the vision were the bottom three units would be commercial with the top living units.

Dalyon replied all six units would be commercial, with ten living units in the back building.
The plan is to get revenue coming in with the residential building and then build the commercial units. After 7-8 years, there should be enough revenue to justify relocating the living space, if the City wants, to a more appropriate zone. Then, they would create another commercial space in the back.

Commissioner Richard Howard asked if the intent was to rent the units to employees.
Is there anything in place to address the safety of children in this type of unit?

Dalyon answered the intent is to rent them to anyone.

Derek responded that safety would need to be part of the conversation in creating the use.

Commissioner Bice pointed out that if the City moves forward, it would be for all commercial zoned areas, not this specific parcel.

Derek explained that mixed-use would be an overlay within a zone.
Many of the things mentioned have also been included in the UDOT corridor study as a real need. It just depends on how we want to go about the look, feel, and process.

Dalyon pointed out the units will be studio-type apartments, not family units. The commercial would be leased to whatever they can attract, small retail or medical offices.

2. Discussion on the Planned Community Development minimum parcel sizes.

Derek explained this item will be moved to a work meeting on October 25, 2023.

3. Discussion on the priority list.

Commissioner Bice wants to create a priority list, so the Planning Commission has some direction.
Derek reviewed the last several lists and removed the items no longer necessary to create the list in the packet.

The Commissioners began discussing the list, adding or removing items, and determining the order they would like to place them.
Subdivisions, special events in business license, and the downtown need to be at the top of the priority list.

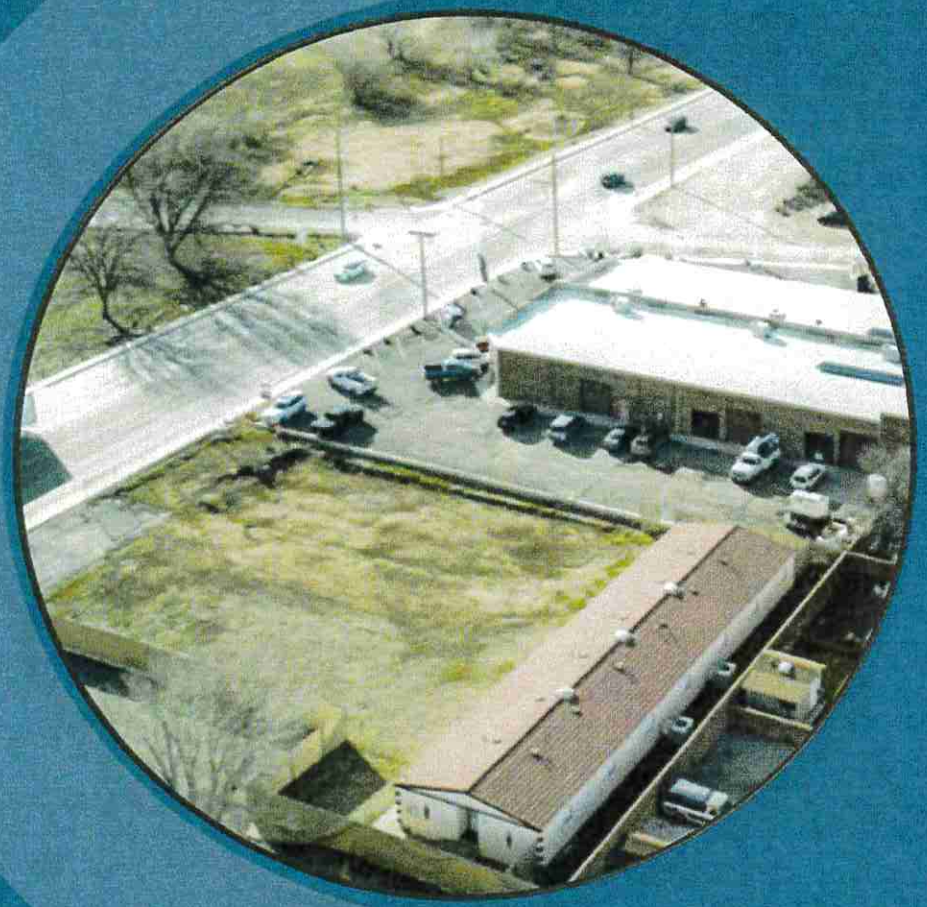
**F. Adjourn:**

**The motion was made by Commissioner Sherman Howard to adjourn, second by Commissioner Kyson Spendlove. Spendlove-yes, Sherman Howard-yes, Valenti-yes, Bice-yes, Richard Hirschi-yes. The motion was carried unanimously at 6:50 p.m.**

_____
Planning Commission Chair

_____
Date Approved

DRAFT





# MIXED-USE PROPERTIES

## THE CASE FOR HYBRID PROPERTIES

Exhibit A





# 254 S STATE ST LA VERKIN, UT

MIXED-USE COMMERCIAL/HOUSING PROPERTY

# UTAH BOARD OF GOVERNORS

3 State Level Committees:

Workforce Committee, Infrastructure Committee, Healthcare Committee




Contoso

SALT LAKE EST. 1887 CHAMBER
UTAH'S BUSINESS LEADER

- Opened Bill Files:
  - Affordable Housing Amendments (Anderegg)
  - Affordable Housing Zoning Amendments (Birkeland)
  - Housing and Transit Reinvestment Zone Amendments (Harper)
  - Mobile Home Park Residency Act Amendments (Teuscher)
  - Home Buyer Assistance Program (Vickers)
  - Housing Affordability Amendments (Whyte)
- Revived Bills:
  - Airport Land Use Amendments (Ballard)
  - Utah Fit Premises Act Amendments (Bennion)
  - Short-Term Rental Enforcement Amendments (Bennion)
  - Short-Term Property Rental Amendments (Spackman Moss)



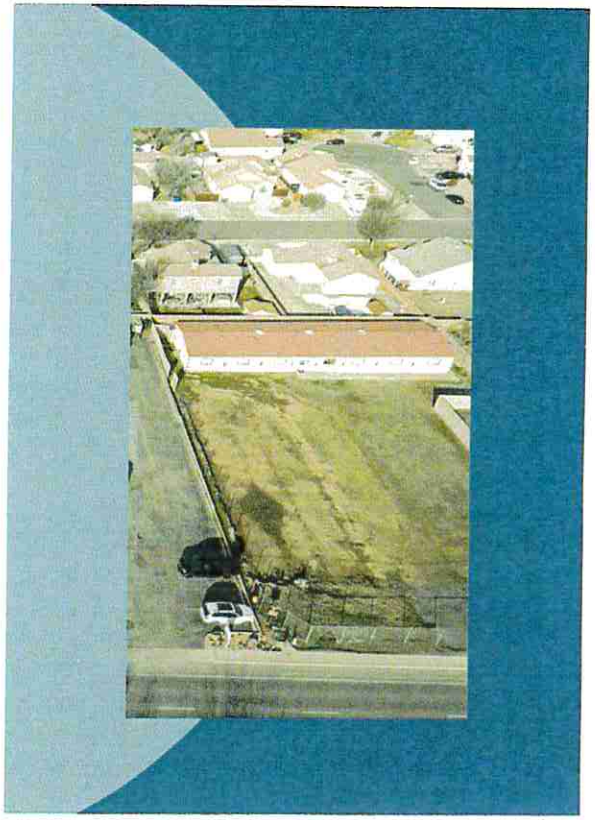


# Housing Gap Coalition

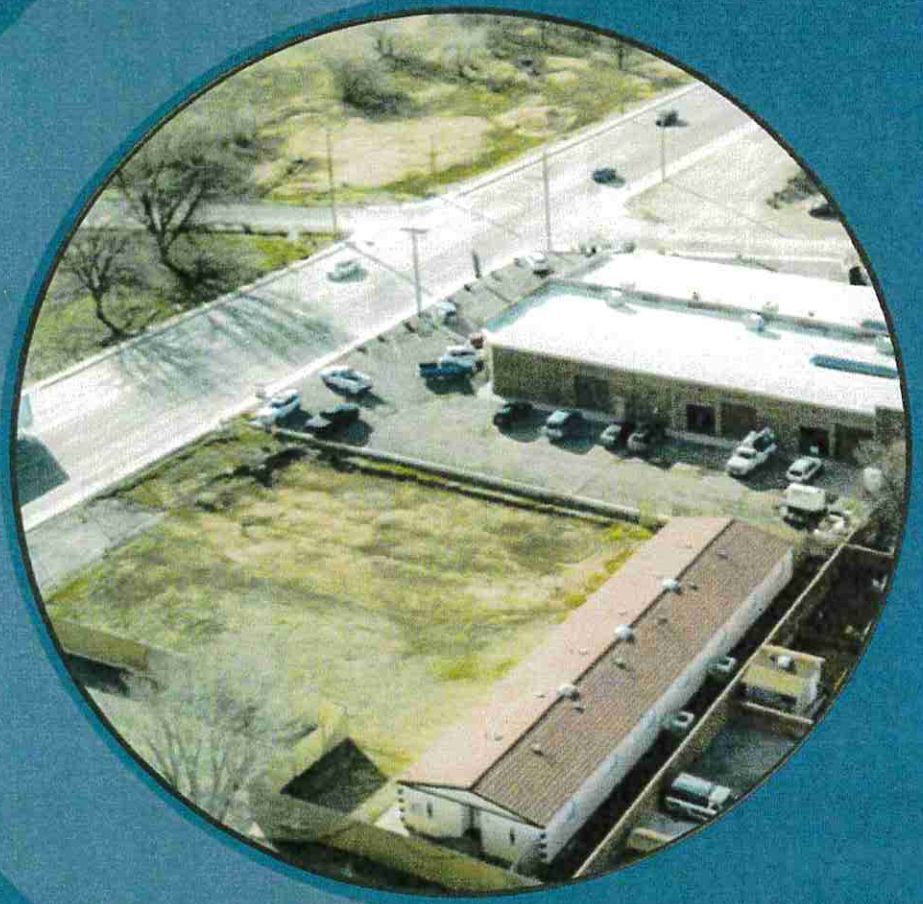
- We support the alignment of economic development incentives with housing development, infrastructure, and growth needs.
- We support incentivizing housing near high-capacity transportation, jobs, public education system campuses, healthcare facilities, and other destinations, including transit-oriented and mixed-use developments that make smart use of both public and private land and allow all residents the opportunity to live in walkable, accessible communities.
- We support creative solutions to develop new financial tools and tax policy that balances the financial burdens of municipalities, businesses and property owners and creates a greater alignment of priorities among financial tools already offered by state agencies that promote smart growth.
- We support public and private housing initiatives and partnerships including expansion of the down payment assistance plan and shared equity model to teachers and firefighters. We also support efforts to expand the Utah Housing Preservation Fund and other programs that promote housing preservation and rehabilitation of existing housing.
- We support additional funding for deeply affordable housing in conjunction with wraparound services to build on recent progress to better mitigate homelessness.
- We support mutually beneficial public-private partnerships and collaborations that facilitate and support these policy priorities and address the social determinants of health.
- We support the inclusion of housing and required regional planning for housing around significant growth projects such as the Point of the Mountain and Inland Port Authority.
- We support initiatives that provide ownership opportunities for low- and moderate-income families.

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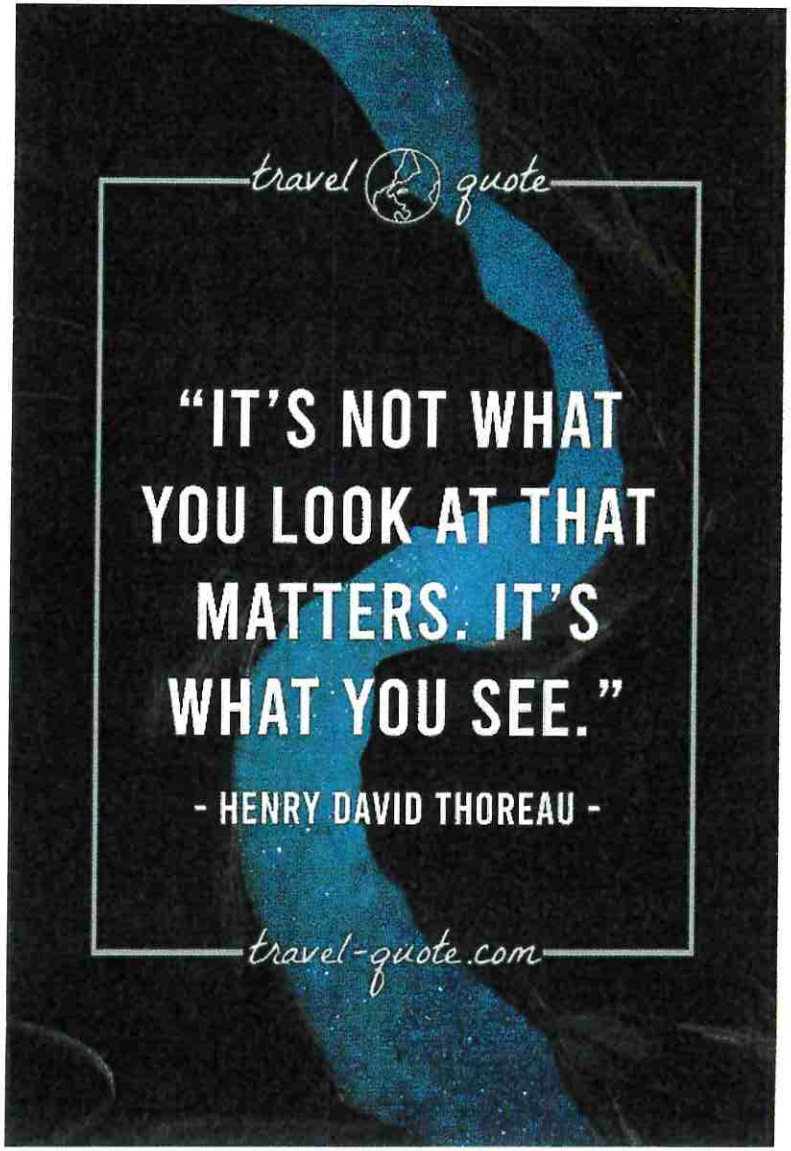




# ARCHITECTURAL PLANS & CONCEPTS

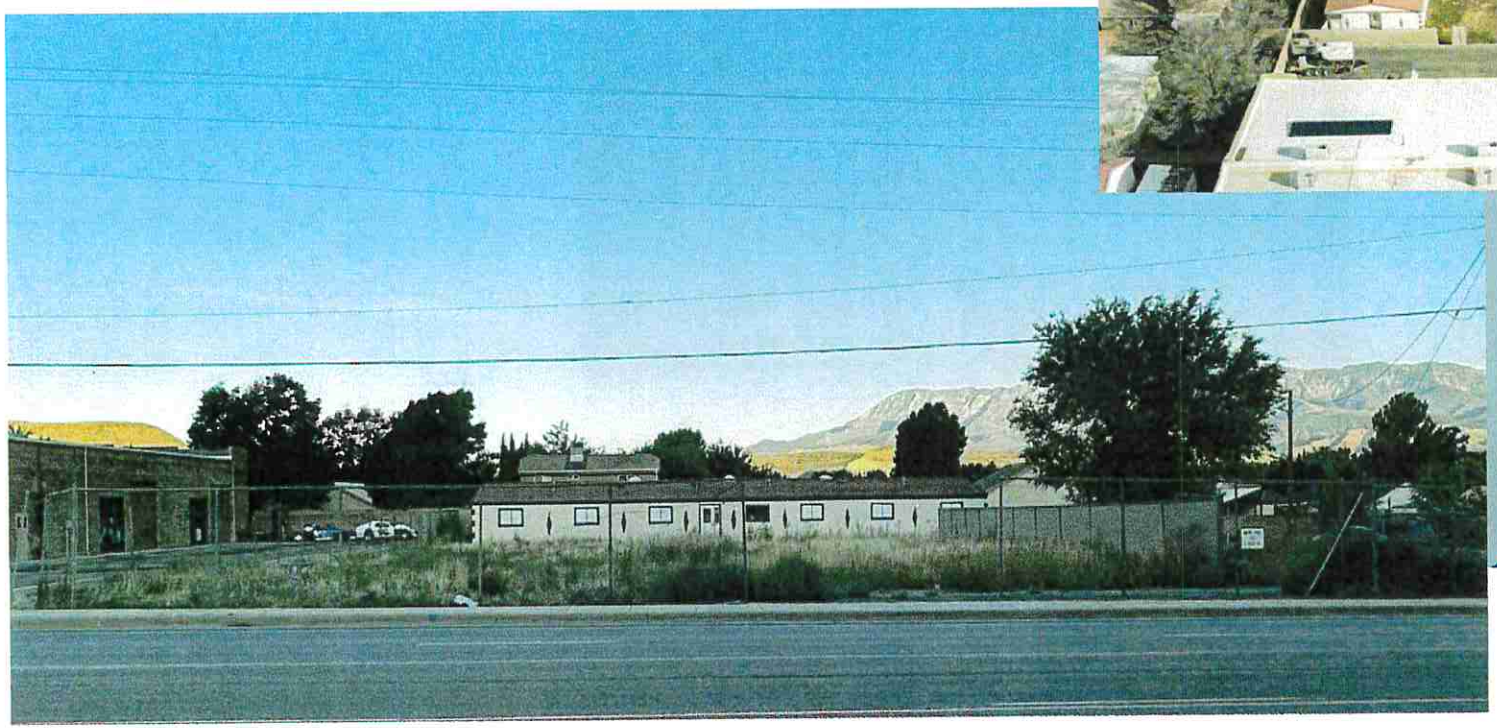
THE CASE FOR HYBRID PROPERTIES




travel quote
"IT'S NOT WHAT YOU LOOK AT THAT MATTERS. IT'S WHAT YOU SEE."
- HENRY DAVID THOREAU -
travel-quote.com

# WHAT WE LOOK AT:





# WHAT WE SEE:






- *The commercial structure images presented in this PowerPoint presentation are conceptual representations intended for illustrative purposes only. These visuals are designed to convey potential ideas and concepts related to our commercial structure, and are not final.*

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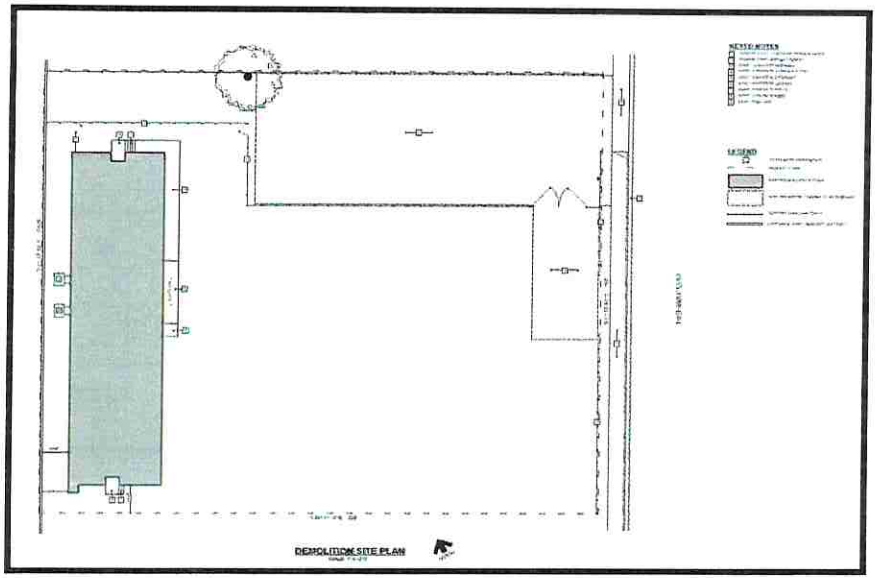
# WHAT WE SEE:

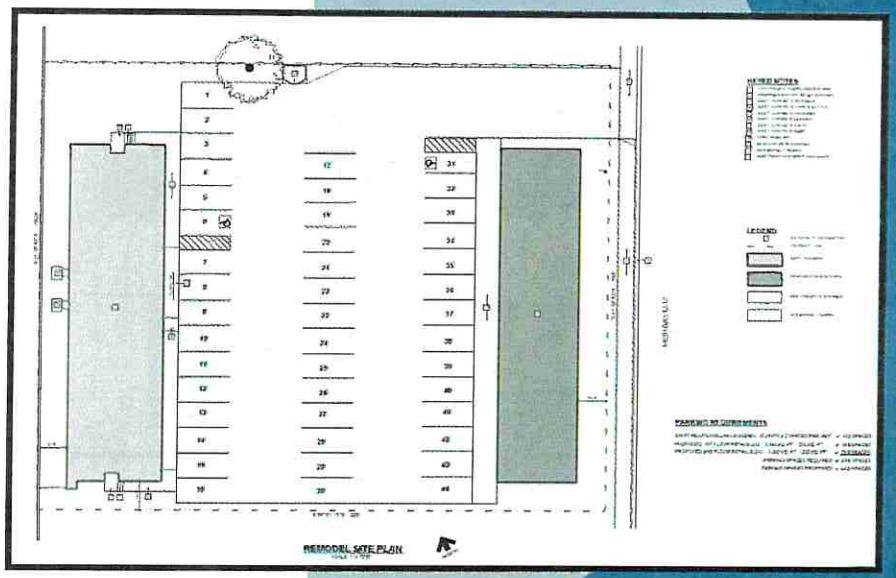





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# WHAT WE HAVE:

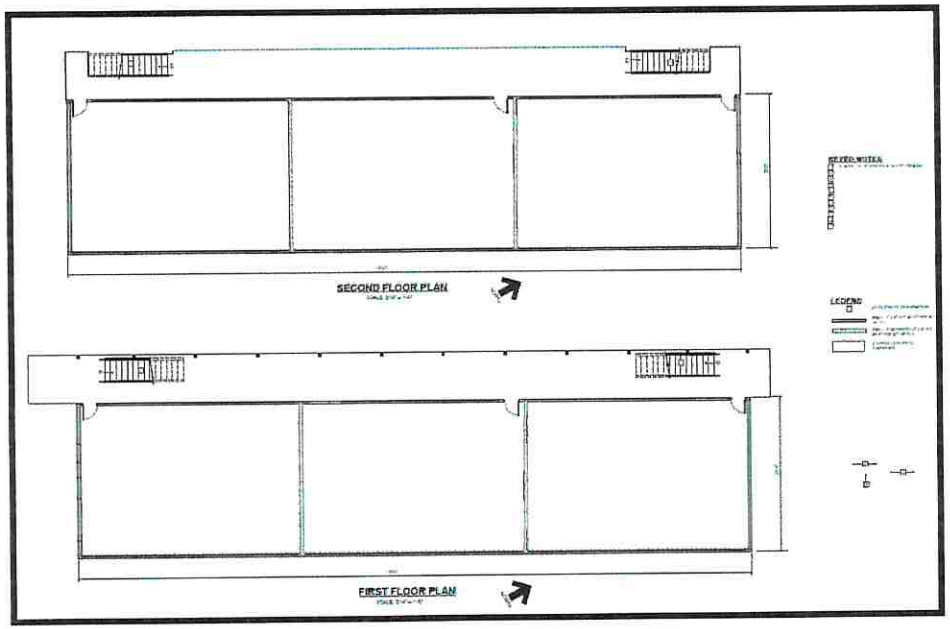





- *The images presented in this slide in this PowerPoint presentation have been reviewed by professional architects and engineers licensed in the state of Utah.*

# WHAT WE HAVE:









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# TEAM



**DALYON RUESCH**

Dalyon is the founder and CEO of Vitalpax, Inc. He earned an Executive Certificate of Global Business Management from The Mill at Salt Lake Community College and his Bachelor of Science degree in Communications from Utah Tech University and is currently enrolled in the MBA program through SUU.





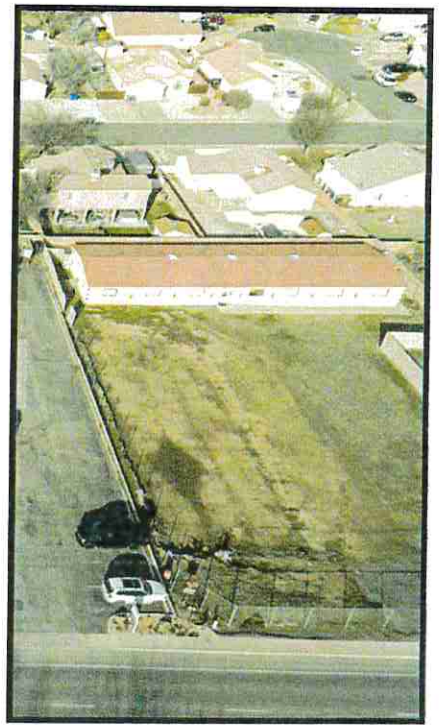
**JACOB RUESCH**

Jacob Ruesch – Jacob is the President of Vitalpax and earned his Bachelor of Arts degree from BYU in International Relations and then his MBA from Thunderbird School of Global Management. Jacob offers a unique set of management skills and growth strategies



**BEN RUESCH**

Ben is Chief Legal Officer for Vitalpax and is an attorney licensed to practice law in Utah and Arizona. He earned his bachelor's and Juris Doctorate degrees and supervises the legal department, and provides a strategic support role for growth and international expansion.





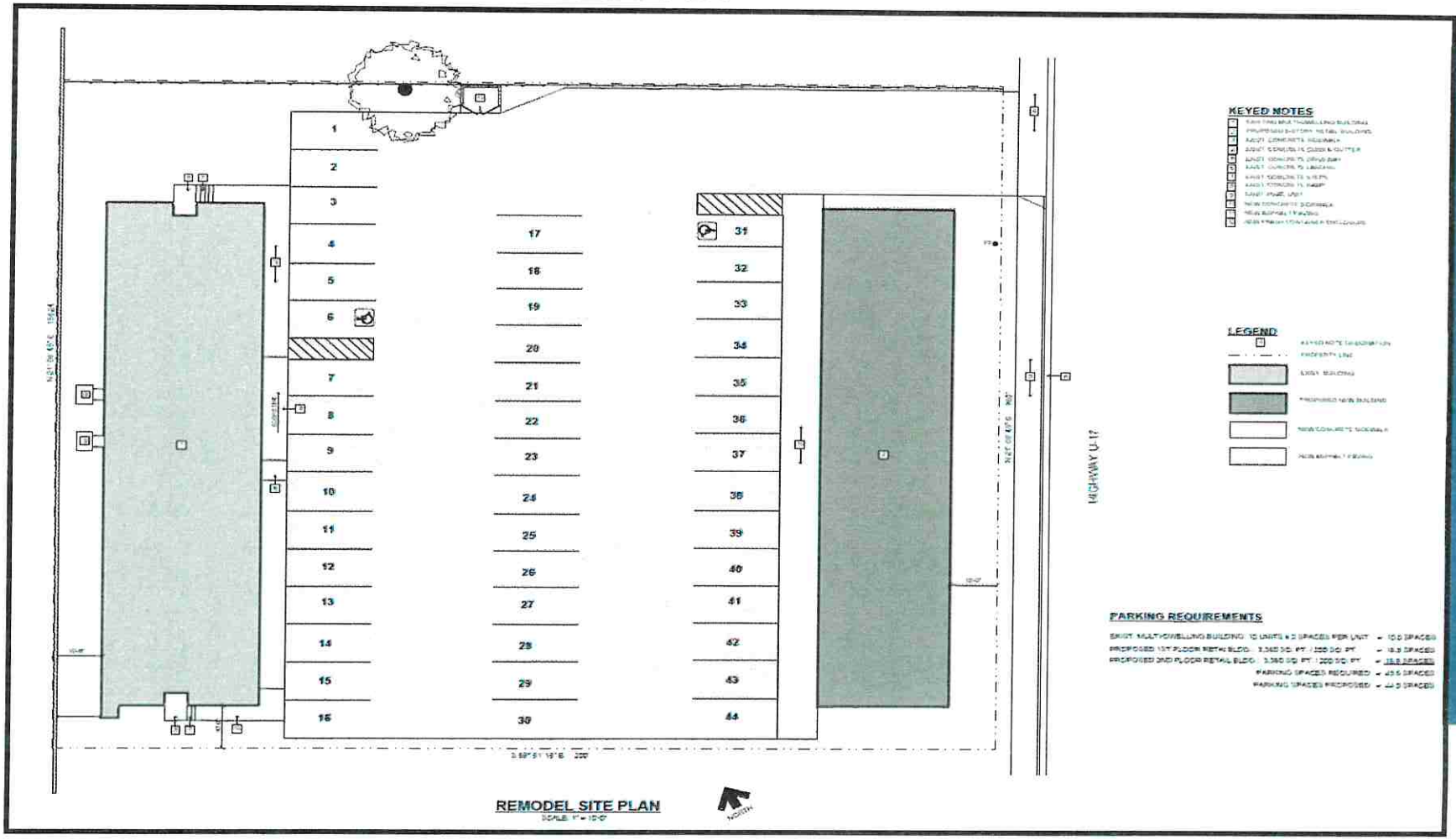


# THANK YOU!

DALYON@VITALPAX.COM

WWW.VITALPAX.COM

# VISUAL ENHANCEMENTS:




- *The images presented in this slide in this PowerPoint presentation have been reviewed by professional architects and engineers licensed in the state of Utah. All images subject to change.*

# LA VERKIN CITY PLANNING COMMISSION & CITY COUNCIL

Work Meeting
Wednesday, October 25, 2023, 6:00 p.m.
City Council Chambers, 111 South Main Street
La Verkin, Utah 84745

**Present:** Chair Allen Bice; Commissioners: Sherman Howard, Richard Howard, John Valenti, Matt Juluson, and Kyson Spendlove; City Council; Mayor Kelly Wilson, Patricia Wise, Richard Hirschi, and Chuck Hardy, Staff: Derek Imlay, Kevin Bennett, Christy Ballard, and Kyle Gubler; Public: Ryan Lee, Lance Ferguson, Brad Robbins-Sunrise Engineering. *Commissioners Hugh Howard, Councilmembers Blair Gubler, and Micah Gubler were excused.*

**A. Call to Order:** Chair Allen Bice called the meeting to order at 6:00 p.m.

The invocation was given by Richard Hirschi.

**B. Business:**

1. Discussion and direction on the development of the topside.

Derek explained the intent of the meeting is for Sunrise Engineering to break down the Planned Community Development (PCD) code so everyone understands the requirements.
The Bank is supposedly interested in taking the topside through the PCD process.
He gave a brief presentation. See Exhibit A.

Brad Robbins introduced himself by stating he has been a city manager, planning director, and utility director, so he has a lot of experience dealing with land use and land-use-type issues.
The first thing he did when he was brought in was to review La Verkin City's PCD Zone. It is a good zone with a lot of opportunities for the City.
The topside is almost 500 acres. That is a significant development with a lot of units and a lot of mixed-use. He passed out a letter from Sunrise Engineering that explained some different things, mainly that a city can be either reactive or proactive. La Verkin City wants to be proactive with this development and be a part of the process to ensure the project is the right thing for the City as a whole.
He attended a meeting with the developer who is present at this meeting and the attorney representing the Bank. The Bank is willing to work with the City in creating a plan for the property.
The second part of the letter deals with the different requirements associated with the development or study of this property. He recommends the City create a land use plan for the topside first. This will set up the ability to determine a utility plan, establish how many units there will be, and the type of street system.
Financing is always a concern. The State allows for Public Infrastructure Districts (PID), which is a separate issue but will be discussed if this development progresses forward.
He recommends La Verkin to be proactive with this project. We want to control what goes on in the boundaries of our City. Both property owners appear willing to work with the City, so take advantage of that.

Councilwoman Wise pointed out there is additional land, other than the Bank property, that is developable. Was that taken into consideration when discussing infrastructure?

Brad explained that if the City decides to move forward, he will talk with SITLA to try and get them to be part of the larger plan. They are the only other property owner willing to develop. BLM owns the remaining parcels which are not for sale.
The PCD Zone allows the City to figure out a larger plan for the area if the whole area is zoned PCD, which it is.
There is another property owner who owns 40 acres, and they are here to make a presentation as well.
He went over other types of zones for this specific 40-acre, if necessary, that could be incorporated into the overall plan when it gets created.

Derek explained our current zones probably will not apply to the topside. Brad will help the City create topside-specific zones that would allow clustering, stacked residential, and mixed-use commercial/residential.
Ryan Lee has purchased approximately 42 acres from SITLA, which is only partially in the PCD Zone. The City feels we need to remove the property from the PCD Zone because it is for large-scale developments and create a zone suited for what Mr. Lee wants and what is best for La Verkin. The property would still be included in the master plan.

Kyle reported the representative from America First indicated they will have a rough draft of what they plan to do with the property ready to submit to the City and SITLA in the next couple of weeks.
Ash Creek Sewer District has also approached SITLA regarding how the sewer line will affect their property.

Ryan Lee passed out a brochure of his luxury rental unit development in Springdale, LaFave. He and Lance Ferguson are Stonewater LLC. They are interested in building a similar business on 42 acres they are in the process of purchasing from SITLA off the Overlook Road on the topside.
He gave an overview presentation on the project they wanted to create there.
Access to the rock-climbing trail is on this property, and they do not plan on curtailing that access.
They would like to get started as quickly as possible, understanding there are zoning and infrastructure issues that need to be worked out. They have begun working with an engineering firm and the City staff on those items.

There were questions from the Commissioners and Councilmembers regarding road access, parking, utility, and landscaping/trail options that Ryan, Lance, and Brad all helped answer as much as possible.

Derek reported this item will start with the Planning Commission in November.

Councilwoman Wise recommended the Planning Commission and City Council consider the long-term effect of developing the topside. Do we want two separate communities? If not, as we work through the PCD, we need to think about incorporating lower La Verkin with upper La Verkin.
We need to be aware of the Master Trails Plan in the discussion because open space activities attract a lot of tourism.

Derek reiterated what Brad said earlier: we have the opportunity now with the Bank, and Ryan willing to work with the City to create something we all will be happy with.
This will become a focal point for the Planning Commission.

Brad mentioned if the City doesn't do something comprehensive, you won't have the connection between the lower part of town and the upper bench. The way for the City to move forward comprehensively is to go through the master plan process.

Kevin is retiring, and this was his last Planning Commission meeting. He wanted the Commissioners to know they were a cherished part of his time as a city attorney.

**C. Adjourn:**

**The motion was made by Commissioner Sherman Howard to adjourn, second by Commissioner Matt Juluson. Spendlove-yes, Sherman Howard-yes, Valenti-yes, Bice-yes, Richard Hirschi-yes, Juluson-yes. The motion was carried unanimously at 7:26 p.m.**

_____
Planning Commission Chair

_____
Date Approved

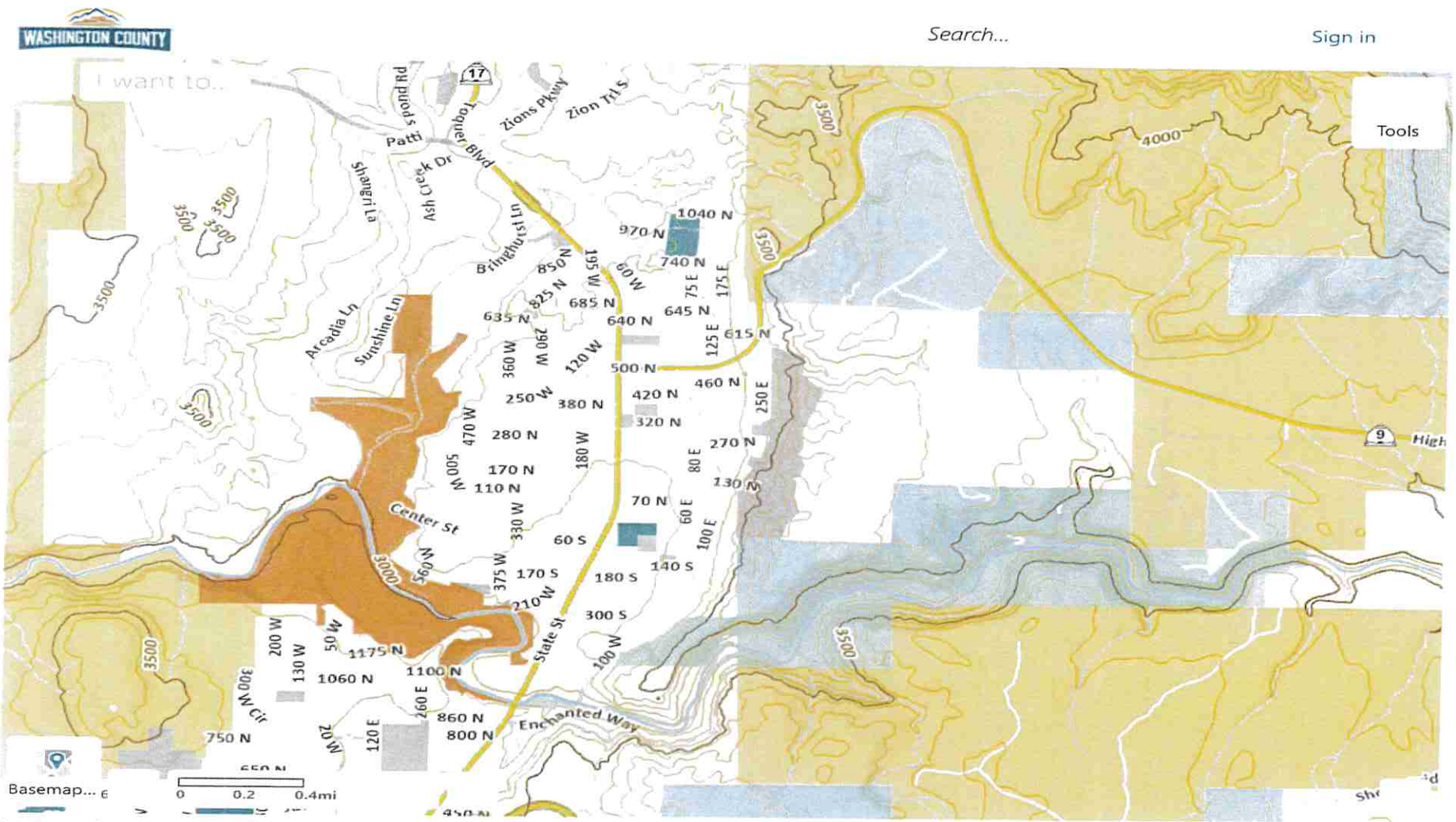
# PCD (THE TOPSIDE) PLANNED COMMUNITY DEVELOPMENT



Exhibit A

# PURPOSE OF THE TOPSIDE

- *The purpose of this chapter, and any rules, regulations, specifications, and procedures hereafter adopted, is to promote the public health, safety, and general welfare through provisions designed to establish a planned community development zoning district which will:*
- *Provide for the harmonious and coordinated development of the city by allowing for the systematic implementation of large residential or mixed-use development proposals*
- *Facilitate large-scale, mixed-use developments incorporating various types of residential, commercial, and industrial uses and zoning concepts which may create significant impacts on the city, while maximizing the public benefit from such developments, and minimizing any adverse impacts of such developments.*
- *Provide a streamlined review procedure for such development proposals designed to accommodate a multiple phased approach to design, and construction of large residential or mixed-use developments.*
- *Prevent the waste of public and private resources and the escalation in the cost of development associated with duplicative land development, review and approval procedures, regulations, and amendments thereto.*
- *Encourage continuity in design and planning of large residential or mixed-use projects.*
- *Ensure adequate open space for traffic, recreation, light, and air; and*
- *Facilitate the conservation and production of integrated municipal streets, transportation, water, sanitation, and other related utility systems.*


WASHINGTON COUNTY
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Zion Park Scenic Byway
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Virgin
07/23/2022 - 09/06/2022

SUNRISE ENGINEERING

# La Verkin City Staff Report

Date: November 8, 2023

To: La Verkin City Planning Commission and City Council
From: Brad Robbins – Sunrise Engineering Planning Manager

## Application Request:

**Establish a new Luxury Resort Zone (LR)** (Applicant – City of La Verkin). Staff is requesting the establishment of a new Luxury Resort zone with the purpose of allowing specialty accommodations and associated retail.

**Change of Zone** (Applicant – Lance Ferguson of Stone Water LLC). Stone Water LLC is requesting to change the zone of approximately 40 acres of land from Planned Community Development (PCD) and Open Space (OSMU-20) to a new zone called Luxury Resort (LR) generally located south of State Highway 9 and west of the city's corporate boundary (Attachment 1).

**General Plan Amendment** (Applicant – Lance Ferguson of Stone Water LLC). Stone Water LLC is requesting to amend the general plan from Planned Community Development and Open Space to Commercial for approximately 40 acres generally located south of State Highway 9 and west of the city's corporate boundary (Attachment 1).

## Recommended Action

That the La Verkin City Planning Commission and City Council establish the new zone of Luxury Resort, include the zone in the city's municipal code in reserve Section 10-6-3(Article I) and amend Section 10.6.1 to include the new zone, approve the change of zone on the 40 acre subject property from Planned Community Development (PCD) and OSMU-20 to Luxury Resort (LR), and amend the general plan on the same 40 acres of land from Planned Community Development and Open Space to Commercial subject to the findings contained in this staff report.

## Subject Property Summary

Size of Property: Approximately 40 acres
Zoning: Planned Community Development (PCD) and Open Space (OSMU-20)
General Plan: Planned Community Development and Open Space
Existing Land Use: Vacant
Owner: SITLA

## Background

The applicant approached the city regarding developing a luxury hotel and associated retail on approximately 40 acres of land owned by SITLA generally located in the area known as the Top Bench. The 40 acre subject property is presently zoned Planned Community Development (PCD) and Open Space (OSMU-20). The intent of the PCD zone is to provide for comprehensive design to accommodate residential development (with an accumulative project size not less than 200 acres), non-residential development (nonresidential developments of accumulative project size of not less than 200,000 square feet), airports and attractions. The subject property, at approximately 40 acres in size, does not presently meet the criteria of the PCD zone. As such, the applicant is requesting that the zone be changed to accommodate this request.

The city is presently in the process of considering how to comprehensively plan the entire Top Bench area. Most of the Top Bench property is presently owned by a bank and SITLA. It is expected that comprehensively planning the entire Top Bench area will take some time because not only does the area need to be planned, but studies will be required to properly assess such a large area. Moreover, a financing mechanism will also need to be considered to provide appropriate infrastructure in the area. In discussion with the applicant, time is of the essence and, therefore, the applicant wants to proceed ahead of the comprehensively planned Top Bench area. The applicant is aware that his planned luxury resort hotel will need to fit into the vision of the eventual developed plan for the Top Bench area. In order to ensure that coordination with the developer will occur after the potential approval of a change of zone on the subject property, the proposed development standards within the LR zone require that a development agreement be entered into between the city and the developer prior to the issuance of any building permits.

## Project Description

The applicant is requesting a change of zone for approximately 40 acres of land to allow for the eventual establishment of a luxury hotel and some associated retail/restaurant. To properly accommodate the request, a new zone needs to be established, the subject property's existing zoning will need to be changed and the general plan will need to be amended. A description of each application follows.

**Establishment of a New Zone**: In order to accommodate the request while still providing the city with proper development standards to address any anticipated development issues, the luxury resort zone is being recommended (Attachment 4). In addition to defining the purpose of the zone, the LR zone provides for a limited number of permitted uses but also introduces a new process by which the planning commission has the authority to review and approve a use that may be similar to those listed (Similar Use Finding). The Similar Use Finding process will provide the city with the ability to fully assess if a use is compatible with other already permitted uses and then determine if such a use should be permitted. Development standards associated with the LR zone will require a developer to provide and adhere to an approved site plan, proposed architecture, studies, setback, lot coverage, density, fencing, building height, hotel unit size, parking, access, signage, landscaping, storage, loading areas, trash enclosures, lighting, bike racks, dark sky requirements and the requirement for a development agreement (Attachment 4).

**Change of Zone:** In order to accommodate the developer's request for the eventual development of a luxury hotel, a change of zone application will need to be approved on the 40 acre subject property. The zone recommended for the 40 acre subject property is the new LR zone (Attachment 4).

**General Plan Amendment**: Presently, the general plan land use designation for the 40 acre subject property is Planned Community Development and Open Space. Even though Utah State Code states that a general plan is an "advisory guide", it is proper to keep the general plan future land use map up-to-date and consistent with the zoning map. As such, it is also recommended to process a general plan amendment on the 40 acre subject property to change the existing general plan land use designation from Planned Community Development and Open Space to Commercial.

## Fiscal Impact

The applicant has paid all processing fees for this application process. The applicant has also deposited funds into a city deposit account to pay for the processing services of Sunrise Engineering. The applicant will be responsible for extending all infrastructure to serve the subject property. As such, the city will not be financially responsible for the development of the 40 acre site. Moreover, in the after-development condition, the city will benefit from increased property tax, sales tax and transient occupancy tax (TOT).

## Findings

1. La Verkin Municipal Section 10-2-9 (CHANGES AND AMENDMENTS) provides the planning commission with recommendation authority and the city council with authority to "amend the number, shape, boundaries, or area of any zoning district, any regulation of or within the zoning district, or any other provision of the land use ordinance, including the map."

2. Utah State Code Section 10-9a-4 provides guidance and authority for a city to amend its general plan.
3. Starting on Page 26 of the La Verkin General Plan, goals and policies related to land use are identified. Again, even though Utah State Code defines the general plan as an "advisory guide", it is prudent to address the manner in which the proposed actions relate to the general plan goals. The proposed applications as presented are consistent with the following goals as outlined in the general plan:

    a. **Goal 3 – Support a mix of land uses**: The application(s) provide for a unique mix of land uses (i.e., new zone that will provide for a luxury hotel) that will complement and enhance the city's mix of residential, commercial and industrial zones. It will also support specialized commercial development that does not impact planned or existing residential development. When details of the larger PCD development become apparent, the proposed development associated with the establishment of a new zone, change of zone and general plan amendment will be incorporated into the plan to complement and not detract from the larger development to ensure compatibility with future land uses and adjoining properties.
    b. **Goal 4 – Preserve Natural Resource Assets**: Development requirements of the new LR zone have been designed to preserve the natural environment to the greatest extent possible by providing a multitude of low intensity development standards. These development standards are meant to provide for development that will complement and be sensitive to the natural environment, while also providing for a quality developed product.

## Condition of Approval - Disclosure

1. To the fullest extent permitted by law, the applicant shall defend, indemnify and hold La Verkin City and its directors, officials, officers, employees, volunteers and agents free and harmless from any and all claims, demands, causes of action, proceedings, costs, expenses, liabilities, losses, damages or injuries of any kind, in law or equity, in any manner arising out of, pertaining to, or incident to any attack against or attempt to challenge, set aside, void or annul any approval, decision or other action of La Verkin City, whether such approval, decision or other action was by its city council, planning commission, director, official, officer, employee, volunteer or agent. The applicant's obligations hereunder shall include without limitation the payment of any and all damages, consultant and expert fees, and attorney's fees and other related costs and expenses. The city shall have the right to retain such legal counsel as the city deems necessary and appropriate.

## Attachments

1. Property map.
2. Legal Description
3. Letter of Authorization from SITLA
4. Luxury Resort Zone Text


North
Deed Boundary
LaVerkin Boundary
LaVerkin Parcels
Zoning
OSMU-20
PCD
0
125
250
1 In = 250 Feet

ROSENBERG ASSOCIATES™
CIVIL ENGINEERS LAND SURVEYORS

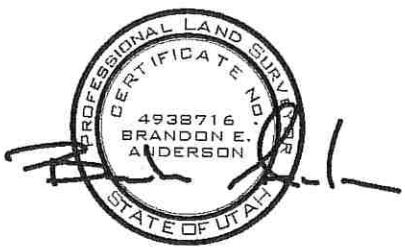
## Exhibit "A"

All of Lot 4, Section 19, Township 41 South, Range 12 West, Salt Lake Base & Meridian, more particularly described as follows:

Beginning at the Southeast Corner of Section 24, Township 41 South, Range 13 West, Salt Lake Base & Meridian, and running;

thence North 00°14'34" East 1,258.93 feet along the section line to the northwest corner of said Lot 4;
thence North 89°48'51" East 1,372.12 feet along the northerly line to the northeast corner of said Lot 4;
thence South 00°13'20" West 1,333.00 feet along the easterly line to the southeast corner of said Lot 4, said point being on the section line;
thence South 89°51'47" West 1,372.58 feet along the section line to the southwest corner of said Lot 4;
thence North 00°14'10" East 72.91 feet along the section line to the Point of Beginning.

Containing 1,828,514 square feet or 41.98 acres.




September 6, 2023

TRUST LANDS ADMINISTRATION
SUPPORTING UTAH SCHOOLS AND INSTITUTIONS

Michelle E. McConkie
Executive Director

102 South 200 East, Suite #600
Salt Lake City UT 84111
801-538-5100 Fax 801-355-0922
trustlands.utah.gov

November 1, 2023

La Verkin City
435 N Main St.
La Verkin, UT 84745

To Whom it May Concern,

I, Aaron Langston, am writing to show support for the current land use application signed by Stone Water LLC, Lance Ferguson, and or Ryan Lee. I am aware of the application and the attempt to rezone the subject property for the intended use of the property. It is expected that any future applications pursuant to these entitlements will be signed by SITLA, not by any agents.

The legal description of the subject property is:

All of Lot 4, Section 19, Township 41 South, Range 12 West, Salt Lake Base & Meridian, more particularly described as follows:

Beginning at the Southeast Corner of Section 24, Township 41 South, Range 13 West, Salt Lake Base & Meridian, and running;

thence North 00°14'34" East 1,258.93 feet along the section line to the northwest corner of said Lot 4;

thence North 89°48'51" East 1,372.12 feet along the northerly line to the northeast corner of said Lot 4;

thence South 00°13'20" West 1,333.00 feet along the easterly line to the southeast corner of said Lot 4, said point being on the section line;

thence South 89°51'47" West 1,372.58 feet along the section line to the southwest corner of said Lot 4;

thence North 00°14'10" East 72.91 feet along the section line to the Point of Beginning.

Containing 1,828,514 square feet or 41.98 acres.

Should you have any questions or require further information, please do not hesitate to contact me at 435-522-7412 or aaronlangston@utah.gov.

Yours sincerely,

Aaron Langston
Assistant Managing Director

## Luxury Resort (LR) Zone – Article I

### Section 10-6-I.0: Objectives

The Luxury Resort (LR) zone designation is intended to accommodate luxury hotel nightly rentals, restaurants and small-scale associated retail development. The purpose of the LR zone is to provide a zone unique to any other in the city as further defined below.

1. Hotel development that is low density in nature and is built to work in harmony with the natural features of the land and environment.
2. Retail development that will complement and enhance the luxury hotel experience.
3. Development that will minimize disturbance to the natural environment, encourage and promote recreational activities and maintain view sheds while also enhancing the natural physical attributes of the area.

### Section 10-6-I-1: Permitted Uses

**A. The following uses are permitted in the Luxury Resort (LR) Zone:**

Art gallery

Bakery shop

Bicycle shop

Card/gift shop

Confectionery store

Delicatessen

Doughnut shop

Flower shop

Food specialties store

Gift shop (souvenir)

Grocery store - neighborhood

Health/nutrition store

Jewelry store

Leather goods shop

Luxury hotel as defined in Section 1.0

Outdoor activity center

Restaurants (not drive-thru)

Spa/Sauna

Studio: art or music

B. **Uses Subject to Conditions**

1. Temporary office or construction trailers on condition that such a trailer is subject to an approved site plan addressing parking, fencing, lighting and signage and that the trailer is removed once development is over.
2. Temporary sales.
3. Alcohol sales subject to State of Utah approval.

C. **Uses subject to Similar Use Finding**

The planning commission, based on its own discretion, can find that other proposed uses similar to those listed above are consistent with the intent of this land use classification.

**Commented [DI1]:** Do we want to re-word this differently , so the wordage doesn't have the feel as a conditional use allowance? Maybe as a Modifying regulations as presented in our existing code/

**Commented [DI2]:** The planning commission, based on its own discretion, can find that other proposed uses similar to those listed above are consistent with the intent of this land use classification.

**Section 10-6-I-2: Standards**

Uses and structures in the LR zone shall comply with the following minimum requirements:

A. **Site plan.** Prior to the issuance of a building permit, a site plan shall be submitted to the city for review and approval. The site plan shall show the location of all existing and proposed main buildings as well as any other information as requested by the city. A proposed architectural plan shall also be submitted with the site plan. The architectural plan shall demonstrate colors, textures, etc., and the manner in which the proposed development works in harmony with the natural environment.

B. **Studies**. The city may require studies to analyze the impact of a project. Studies can consist of traffic, noise, drainage or any other study the city requires to properly analyze the impact of the project.

C. **Setbacks.**

1. Front or street: 25-feet to a habitable structure (utility structures not included).
2. Side: 10 feet. Eliminated landscaped portion.
3. Rear: 10 feet. Eliminated landscaped portion.

D. **Lot coverage.** Structures on a lot shall not exceed 75% of the total lot area.

E. **Lot Size.** No minimum.

F. **Density.** Maximum hotel unit density shall not exceed four hotel rooms per acre.

G. **Fencing.** Any proposed fencing shall be in keeping with the design/architecture of any development and be approved by the city.

**Commented [DI3]:** C #2 and #3 eliminate landscaping portion.
Still need to follow the adopted WCWCD landscaping ordinance.

**Commented [DI4]:** On the bench we require a min of 1/2 acre for commercial use. We will want to have more discussion on this.

**Commented [DI5]:** Is this an average of total acreage or 4 units per acre?

H. **Height.** Maximum building height shall not exceed two stories or 40 feet.

I. **Hotel Unit Size.** The minimum hotel unit size shall be 270 square feet.

J. **Vehicular access/parking.** All facilities/uses shall have paved driveways, points of vehicular ingress and egress and parking as determined by the city. Parking size requirement shall be nine feet by 20 feet with a 25-foot wide drive aisle. One retail parking space shall be required for every 250 square feet of floor area. Restaurants shall be required to provide one parking space for every 100 square feet of restaurant floor space. Each hotel room shall have a minimum of one dedicated parking space per room. One additional parking space shall be required for every 10 hotel rooms to accommodate additional guests. Three additional parking spaces will be required to accommodate staff.

**Commented [DI6]:** Do we want to be consistent with our existing code?

K. **Signage.** A comprehensive sign plan shall be submitted and approved by the city at the time of building permit issuance. The comprehensive sign plan shall include and where applicable comply with the following:

**Commented [DI7]:** Do we want to be consistent with our existing code? Or go a different direction as we are dealing with more of the corridor view shed?

1. **Site plan:** Site plan shall include locations, dimensions of the sign area and structure, building materials and colors and sketches and elevations of the signs to scale showing the architectural detail and overall size of the proposed signage.
2. **Sign structures:** Shall incorporate the design theme, materials, colors and elements of the center's architecture.
3. **Building signs:** A ratio of 1.25 square feet of sign area for each linear foot of building or tenant space frontage is permitted (one side of building only).
4. **Under canopy:** Under canopy signs are allowed for tenant identification. The maximum size shall be eight square feet and be consistent with the design theme of the center.
5. **Monument signs:** Monument signs shall be permitted for a hotel, retail center and restaurant. Signs shall be located adjacent to a public street and be spaced 300 feet apart. The overall area of a sign shall not exceed 48 square feet and the overall height of the sign shall not exceed six feet. All monument signs shall be placed outside of corner cut-off areas. Monument signs shall match the architecture of the center.
6. **Pylon signs:** Not permitted.
7. **Temporary signs:** Are permitted but must be approved by the city and be consistent with the design standards of the approved sign program.

L. **Landscaping.** A landscaping plan shall be submitted and approved by the city prior to issuance of a building permit for any structure in the LR zone. All landscaping shall be

**Commented [DI8]:** Reference following the WCWCD adopted landscaping ordinance?

maintained by means of an automatic sprinkling system. The use of drought tolerant landscaping and sprinkler fixtures shall be incorporated into the landscape plans.

M. **Storage areas.** If desired, 250 square feet of enclosed storage shall be provided per hotel unit or retail development. This storage is in addition to room closets, coat closets, water heater closets, etc. No outdoor storage is permitted.

N. **Loading areas**. Loading spaces shall be provided at a ratio of one per every 15,000 square feet of retail floor area or as determined by the city. Loading space size shall be 10 by 40 feet. One dedicated and marked 10- by 20-foot loading space shall be required for a hotel.

O. **Trash enclosures.** One trash dumpster bin (four yard minimum) located in an enclosure shall be provided for each separate use (i.e., hotel, retail, restaurant). Additional trash enclosures may be required as determined by the city.

P. **Lighting.** Lighting, including parking lot lights, security lights, and illuminated signs, shall be designed and directed in a manner to prevent glare into the sky and onto adjacent properties.

**Commented [DI9]:** Look at combining P and R (Do we need to update our night sky ordinance of reference it here).

Q. **Bicycle Racks**. E.V. ready bicycle parking racks can be provided at locations approved by the city.

R. **Dark Sky.** To reduce skyglow, glare, spill light and over-lighting, outdoor lighting shall be installed to direct, contain and minimize light beyond the intended target and not into the sky. In order to more fully implement this requirement, a photometric lighting plan may be required to show that there will be no significant overflow lighting.

S. **Development agreement.** A development agreement is required for review and approval. The development agreement shall specifically address architectural standards, phasing, extension of public services and utilities, and any other pertinent development issue.

# Priority List

- ***Discussion of downtown***
  - ✓ Wider sidewalks
  - ✓ Tree lined streets.
  - ✓ Walkability
  - ✓ Business-friendly
  - ✓ Follow UDOT Corridor study.
  - ✓ Commercial -residential -workforce housing mix in Commercial areas. (Affordable Housing)
- ***Revision of permitted uses.***
- ***Development of large parcels in R-A-1 and R-1-14 for:***
  - ✓ Multifamily dwellings (Affordable Housing)
- ***Subdivisions***
  - ✓ Allow property developers to record their development up front. (Change the bonding requirements to 125%?)
  - ✓ Make the State changes on how subdivisions go through the process.
- ***Special events in business licenses***