



LA VERKIN CITY PLANNING COMMISSION AGENDA

Regular Meeting

Wednesday, December 13, 2023, 6:00 pm.
City Council Chambers, 111 South Main Street
La Verkin, Utah 84745

A. Call to Order: Chair Pro Tem Hugh Howard

Invocation by Invitation; Pledge of Allegiance

B. Approval of Agenda:

C. Approval of Minutes: November 8, 2023, regular meeting

D. Reports:

City Council and Director of Operations will present updates on meetings and activities.

E. Business:

1. Discussion and possible action to set a public hearing for a resolution memorializing and confirming the City's minor amendment (change to the City's General Plan Future Land Use Map) to the 2018 General Plan, for Wednesday, January 10, 2024.
2. Discussion and possible action to set a public hearing for an ordinance adding Title 10, Chapter 10-6G3 in the La Verkin City Code, creating a new zone call the Luxury Resort (LR) Zone, for Wednesday, January 10, 2024.
3. Discussion and possible action to set a public hearing for an ordinance amending the zoning map of and for the City of La Verkin, to rezone certain property in the northeast portion of the City (referred to as the topside) from Planned Community Development (PCD)/Open Space Multiple Use (OMSU, OMSU-C) to Luxury Resort (LR), for Wednesday, January 10, 2024.

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 December 8, 2023
Christy Ballard, City Recorder

LA VERKIN CITY PLANNING COMMISSION

Regular Meeting

Wednesday, November 8, 2023, 6:00 pm.

City Council Chambers, 111 South Main Street

La Verkin, Utah 84745

Present: Chair Allen Bice; Commissioners: Sherman Howard, Richard Howard, John Valenti, and Matt Juluson; Staff: Derek Imlay, Christy Ballard, and Kyle Gubler; Public: Brad Robbins-Sunrise Engineering, Patricia Wise, Dalyon Ruesch, and Jacob Ruesch.

Commissioners Hugh Howard and Kyson Spendlove were excused.

A. Call to Order: Chair Allen Bice called the meeting to order at 6:00 pm. The invocation was given by Darren Prince, Pledge of Allegiance-Sherman Howard.

B. Approval of Agenda:

The motion was made by Commissioner Sherman Howard to approve the agenda, second by Commissioner Matt Juluson. Valenti-yes, Juluson-yes, Bice-yes, Sherman Howard-yes. The motion carried unanimously.

C. Approval of Minutes: October 11, 2023, regular meeting, and October 25, 2023, work meeting
The motion was made by Commissioner Matt Juluson to approve the October 11, 2023, regular meeting and the October 25, 2023, work meeting, second by Commissioner John Valenti. Sherman Howard-yes, Bice-yes, Juluson-yes, Valenti-yes. The motion carried unanimously.

D. Reports:

City Council-Councilwoman Wise reported on the November 1, 2023, City Council meeting.

Commissioner Richard Howard arrived at 6:04 pm.

Director of Operations-The irrigation water will be out of the system on November 15th. The 100 South Road Project has been completed.

Kyle reported on the 111 South Main council chamber remodel. We will meet in the gym for about six months starting on January 11, 2024.

E. Business:

1. Discussion and direction on workforce housing in commercial zones.

Commissioner Bice stated this has been discussed over several meetings, and the Rueschs would like to know if the Commission is willing to pursue the idea.

Commissioner Sherman Howard is in favor of the idea for the property.

Commissioner Juluson mentioned the Commission had received multiple requests for mixed-use, and he is in favor of looking into the idea.

Commissioner Richard Howard stated he loves the idea as long as it is written to bring quality to La Verkin.

Commissioner Bice mentioned he is in favor of the concept but would want the commercial to happen first. It will take a while to create a mixed-use zone, and there is no guarantee the result would fit what is being proposed by Ruesch's.

Kyle reported some of Mayor Wilson's concerns are anything that happens would be for the entire zone, not just this specific property, and he feels we need to protect what little commercial property area La Verkin has.

Commissioner Bice commented that the Commission has discussed mixed-use for a long time, but he is not sure he feels it is appropriate for the eight or nine blocks of commercial we have. We are not like other communities that can develop and include additional commercial into that growth. We only have State Street until the topside is developed. He understands this isn't the clear answer being hoped for.

Derek explained there are a lot of logistics with mixed-use. In the past, there was a lot of concern about ensuring the commercial was the primary use in the commercial zones, but it was okay to look at potential residential use in the back. When the idea was first discussed, the City was considering property owner, manager, or employee housing. Ruesch's concept opens that up to anyone.

He agreed that the majority vote was if the City does move forward with residential in commercial, the commercial does need to be the primary use.

He met with the Rueschs to let them know where he thought the City stood on the concept and told them the City Council is the ultimate decision maker.

Derek is in favor of workforce housing in the commercial zone but agrees the Commercial needs to be first. The UDOT/La Verkin Corridor Study calls for a walkable downtown to alleviate traffic. Still, we definitely need to protect our commercial areas because that brings revenue into the City.

Housing needs to be addressed within commercial zones, but he was not sure to what extent.

Kyle stated his feeling from several elected officials is that the commercial and residential must be done simultaneously. You can't hold anybody to a promise of future commercial.

Commissioner Bice explained that a zone change would take some time. He would also expect commercial to be done first or in conjunction with the residential use.

Dalyon Ruesch mentioned they are not asking for a zone change.

Derek answered it would be an addition to the permitted uses, but the City would still need to come up with the criteria. The Rueschs could give their presentation to the City Council for their opinion on the concept.

Dalyon explained they are asking for the property to be a hybrid property. They want the residential housing first. It is an existing structure. He is from La Verkin, has a deep interest in developing his business here, and knows that housing is needed.

In this last presentation, he mentioned that the State of Utah supports the alignment of economic development incentives with housing development infrastructure and growth needs.

He showed a picture of the architectural drawing of the housing unit and commercial building. Phase one would be the ten studio apartments in the existing building. The second phase would be demolition of the parking lot, and phase three would be a six-unit commercial building.

Derek explained we are not saying no, just that we would need time to work through logistics. The sticking point would be if the Planning Commission & City Council would allow residential before commercial.

Kyle reiterated the City needs to be very clear on what is allowed in the ordinance because it will affect all of the General Commercial Zone.

Commissioner Bice pointed out the Commission has been working on the concept of mixed-use on State Street for a couple of years now without a clear consensus. Everyone is in favor of the idea in some fashion, but it may take a while to come to an agreement, which then needs to go on to the City Council for approval.

2. Presentation and discussion on creating a new commercial zone for the topside.

Brad Robbins with Sunrise Engineering gave a presentation on a staff report he had passed out to the Commissioners on a proposed Luxury Resort Zone. See Exhibit A.

The proposed Luxury Resort Zone will require a development agreement, primarily because this project is ahead of the larger development. There will need to be some coordination between the 40-acre parcel and what occurs there in the larger sense. It will also allow the City some control over what goes in.

The recommended action is that the La Verkin City Planning Commission and City Council establish the new zone of Luxury Resort, change the 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 based on the findings contained in the staff report (Exhibit A).

He included the findings in the staff report because he feels it is important to show why something is being approved.

Commissioner Richard Howard said that after the initial presentation, he went up to the property and was shocked at how beautiful it is if developed right. He just remembered it being where he rode dirt bikes as a kid. La Verkin has a lot of potential on the topside.

Commissioner Sherman Howard feels developments like this can attract other unique things in the area.

Commissioner Juluson asked if this new zone would be worked in with the topside planned development along with the 40 acres.

Brad answered that we don't know what will happen with the larger development, but he thinks there will be some type of spinoff. The current PCD zone allows for residential and commercial, so this isn't really spot zoning. It is just going ahead a little until the larger development catches up.

The developer did have one correction they would like to make to the permitted uses in the proposed Luxury Resort Zone. That was to remove the Sauna from the Spa/Sauna.

Derek said the packet included staff comments on the proposed Luxury Resort Zone that may require some discussion. Once the Commissioners are comfortable, staff will draft the ordinance for review and possible setting of a public hearing.

The public hearing for all three items, the General Plan amendment, creating the new zone, and rezoning the property, will be at the same meeting.

Commissioner Juluson would like to keep the PCD height restriction of forty feet to minimize the impact on the view for the entire topside.

Brad said the great thing about the area is that it's a blank slate. The City can work with the property owner, America First, to create a vision of what works for both parties.

Derek reported the PCD ordinance does not allow for mass grading. It mentions working with the topography of the area. It also allows the Planning Commission and City Council to dictate colors, roof design, etc., to minimize the impact on the corridor. At the same time, allowing the property owner to develop their property. He suggested a field trip to the property. There are survey markers that give a good idea of the layout.

Only one small section touches SR9, and the rest sets back hundreds of feet.

He asked the Commissioners to review the comments staff added to the luxury zone proposal for the first meeting in December with the possible setting of the public hearing at the following meeting.

The zoning may be different for the topside, but the City still wants things to be consistent with what already exists.

3. Discussion and possible action to move Subdivisions to the first item on the priority list. Commissioner Bice explained this item changes the current policy to allow the City to own the infrastructure before the subdivisions are complete.

Derek went over the current policy. A developer must finish the entire project and give the City a 25% construction cost bond for a one-year warranty.

If we allow developers to record the subdivision first, they can sell lots to help fund the project. Once the subdivision starts building, construction can begin. The developer would need to bond for 125% of the subdivision cost. That way, if the developer went defunct in the process, the City could take that money and have someone else complete the project. It also gives the City ownership of the utilities in the road.

This would be an option for the developer, not a requirement.

It has been discussed for 8-9 years, and staff would like to move it to the number 1 spot on the priority list.

Commissioner Richard Howard asked if this benefits the City.

Derek replied it helps both parties. The road and infrastructure will be ours, and developers can sell lots to begin recouping some of their money.

The Commissioners agreed to move Subdivisions to the top priority.

F. Adjourn:

The motion was made by Commissioner Sherman Howard to adjourn, second by Commissioner Matt Juluson. Sherman Howard-yes, Valenti-yes, Bice-yes, Richard Howard-yes, Juluson-yes. The motion was carried unanimously at 6:54 pm.

Planning Commission Chair Pro Tem

Date Approved



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 LaVerkin 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

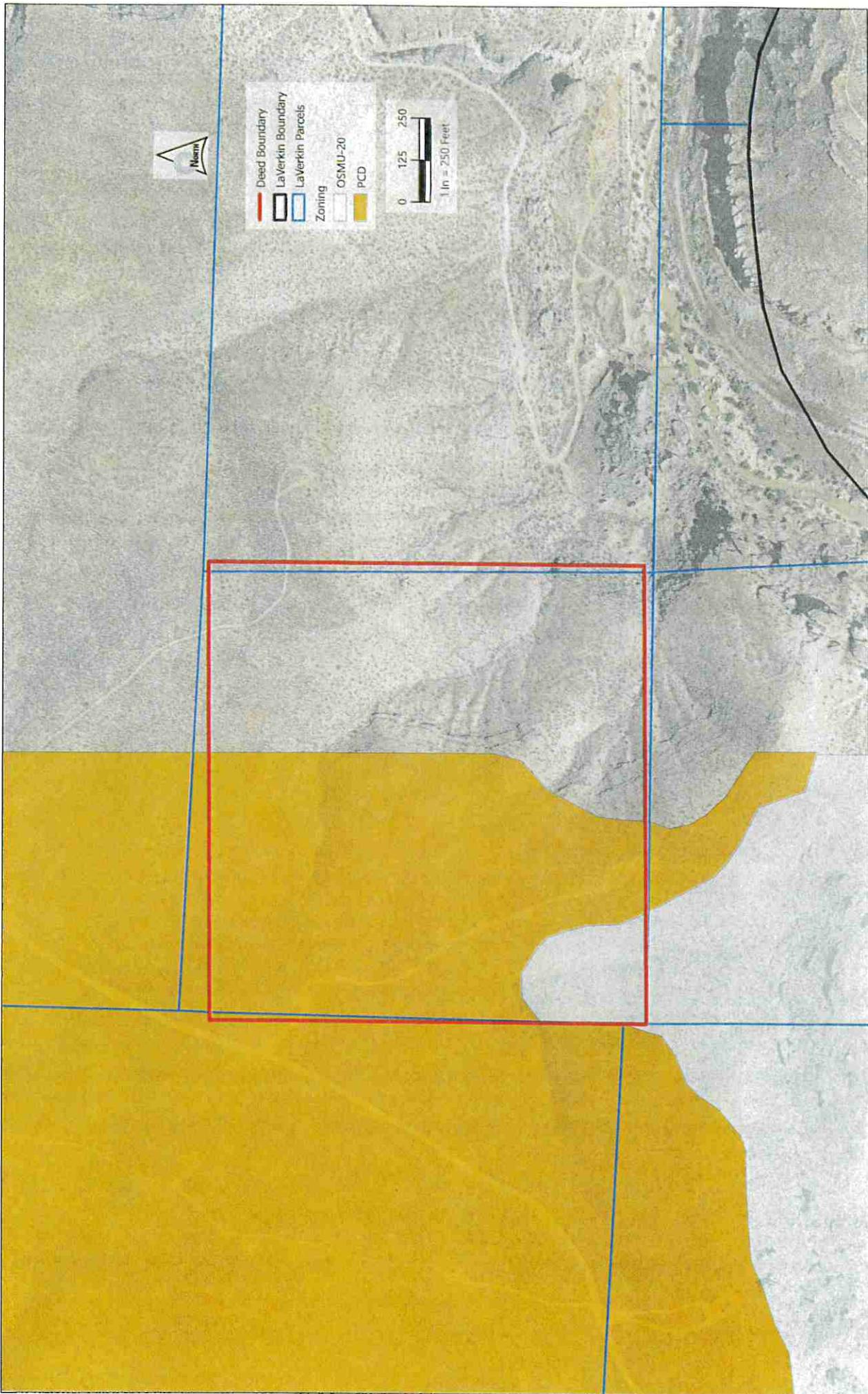




Exhibit "A"

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



Michelle E. McConkie
Executive Director

SUPPORTING UTAH SCHOOLS AND INSTITUTIONS

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.

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.
 3. Rear: 10 feet.
- 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.
- 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.
- 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:
 - 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 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.
- 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 implement this requirement more fully, 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.



**435 North Main Street
La Verkin, Utah 84745
(435) 635-2581 (435) 635-2104 Fax**

Blair Gubler
Micah Gubler
Chuck Hardy
Richard Hirschi
Patricia Wise

Kyle Gubler

Kelly B. Wilson

City Administrator

Mayor

Council Members

RESOLUTION No. R-20

**A RESOLUTION OF THE CITY OF La VERKIN MEMORIALIZING,
CONFIRMING THE CITY'S MINOR AMENDMENT (CHANGE TO THE
CITY'S GENERAL PLAN FUTURE LAND USE MAP) TO THE 2018
GENERAL PLAN**

WHEREAS, on _____, after preparation and discussion, the Planning Commission held a public hearing on the proposed amendment (change to the future land use map) to the La Verkin City 2018 General Plan, after careful consideration of the public input received, the Planning Commission ****unanimously**** recommended that the amended document be sent to the City Council for approval; and,

WHEREAS, on _____, after careful consideration, the City Council—by motion—**unanimously** approved/adopted the minor amendment (change to the city's future land use map) to the La Verkin City 2018 General Plan, as prepared and recommended; and,

WHEREAS, the notice requirements were satisfied with regard to the above-entitled document, and there is no requirement that such documents be approved or adopted by resolution or ordinance; and,

WHEREAS, notwithstanding the lack of a requirement to do so, it has been suggested, discussed, and recommended by the Mayor and at least one Council member that a resolution be approved/adopted to reference the above-mentioned document and memorialize its approval/adoption, to confirm such previous approval/adoption, and to tie them together as one for purposes of reference, review, and consultation by the City, the State and any of its agencies, any providers of relevant grants, residents and businesses of the City of La Verkin, and the public at large.

WHEREAS, the La Verkin City Council, having considered the matter, agrees and declares that it is in the best interest of the State, City, residents and businesses of La Verkin, and others, that this resolution be adopted.

RESOLUTION No. R-20____

Now THEREFORE BE IT RESOLVED by the LaVerkin City Council that it be noted and declared that:

1. The La Verkin City 2018 General Plan Future Land Use Map was amended to change approximately 40 acres from Planned Community Development and Open Space to Commercial (*see exhibit A*), and was duly noticed to the public, subject to public input, **unanimously** recommended for approval by the City's Planning Commission, and approved/adopted by the City Council, as hereinabove set forth.
2. The prior approvals/adoption/amendments of the La Verkin City 2018 General Plan are hereby memorialized, confirmed, and ratified.
3. The La Verkin City 2018 amended General Plan, is hereby tied together—for purposes of reference, review, and consultation—for the convenience, understanding, and benefit of the City, the State and any of its agencies, any providers of relevant grants, residents and businesses of the City of La Verkin, and the public at large.

This Resolution shall be effective upon adoption.

ADOPTED this _____ day of _____, 20____.

Kelly B Wilson, Mayor

ATTEST:

Christy Ballard, City Recorder

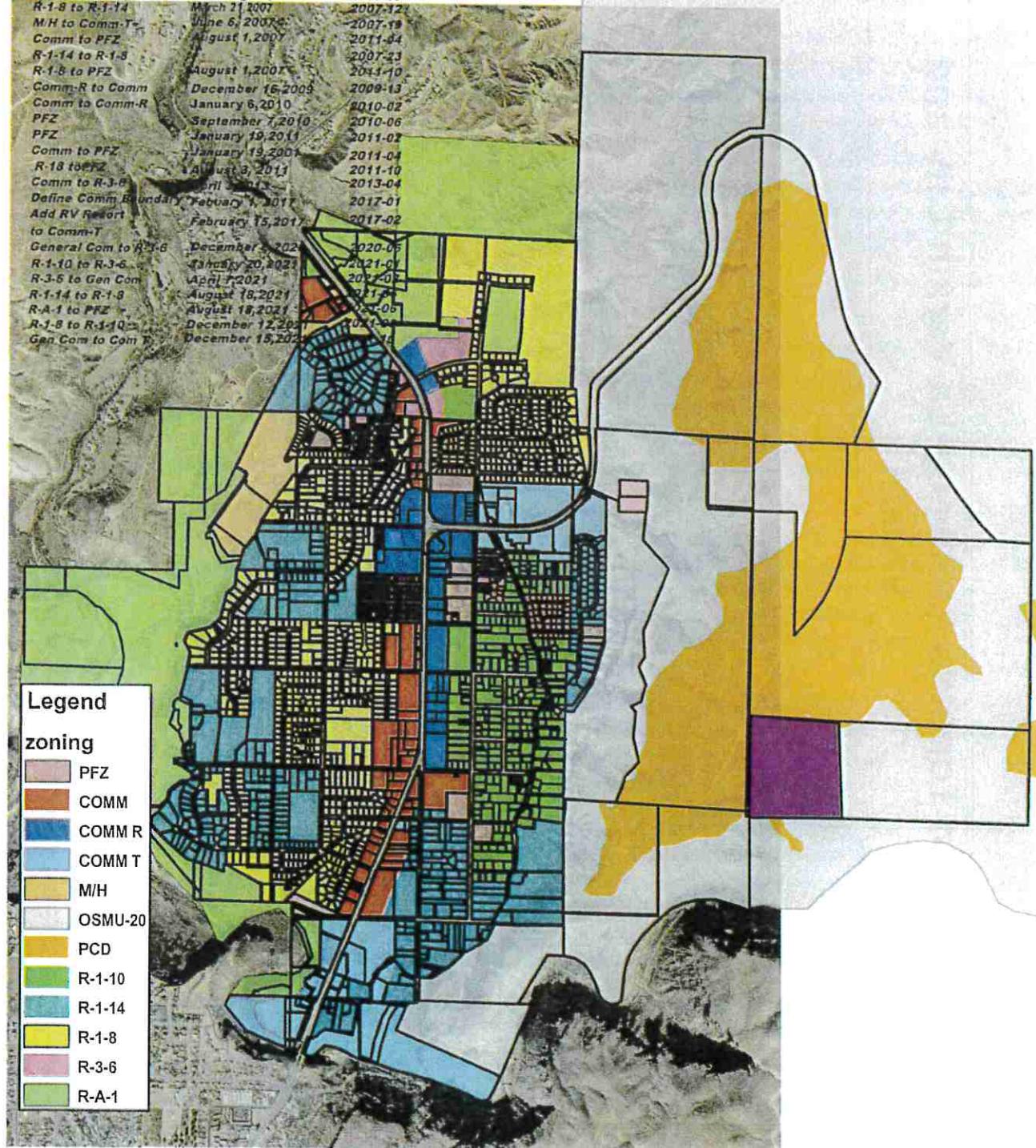




LAVERKIN CITY ZONING MAP



<u>DESCRIPTION</u>	<u>DATE</u>	<u>ORDINANCE</u>
Municipal to Comm-R	January 17, 2007	2007-04
R-1-10 to Municipal	February 21, 2007	2007-07
R-1-10 to R-1-8	February 21, 2007	2007-08
R-A-1 to Comm-T	February 21, 2007	2007-09
R-1-8 to R-1-14	March 21, 2007	2007-12
M/H to Comm-T	June 5, 2007	2007-19
Comm to PFZ	August 1, 2007	2011-44
R-1-14 to R-1-8	August 1, 2007	2007-23
R-1-8 to PFZ	August 1, 2007	2011-10
Comm-R to Comm	December 16, 2009	2009-13
Comm to Comm-R	January 6, 2010	2010-02
PFZ	September 7, 2010	2010-06
PFZ	January 19, 2011	2011-02
Comm to PFZ	January 19, 2011	2011-04
R-1-8 to PFZ	August 3, 2011	2011-10
Comm to R-3-6	April 1, 2011	2013-04
Define Comm Boundary	February 1, 2011	2017-01
Add RV Report	February 15, 2011	2017-02
to Comm-T	December 4, 2021	2020-05
General Com to R-3-6	January 20, 2022	2021-01
R-1-10 to R-3-6	April 7, 2021	2021-07
R-3-5 to Gen Com	August 18, 2021	2021-09
R-1-14 to R-1-8	August 18, 2021	2021-06
R-A-1 to PFZ	December 12, 2021	2021-03
R-1-8 to R-1-10	December 15, 2021	2021-14
Gen Com to Com T		



UPDATED JUNE 23, 2022

MAP PRINTED _____



LaVerkin Topside (Between La Verkin City and Virgin)

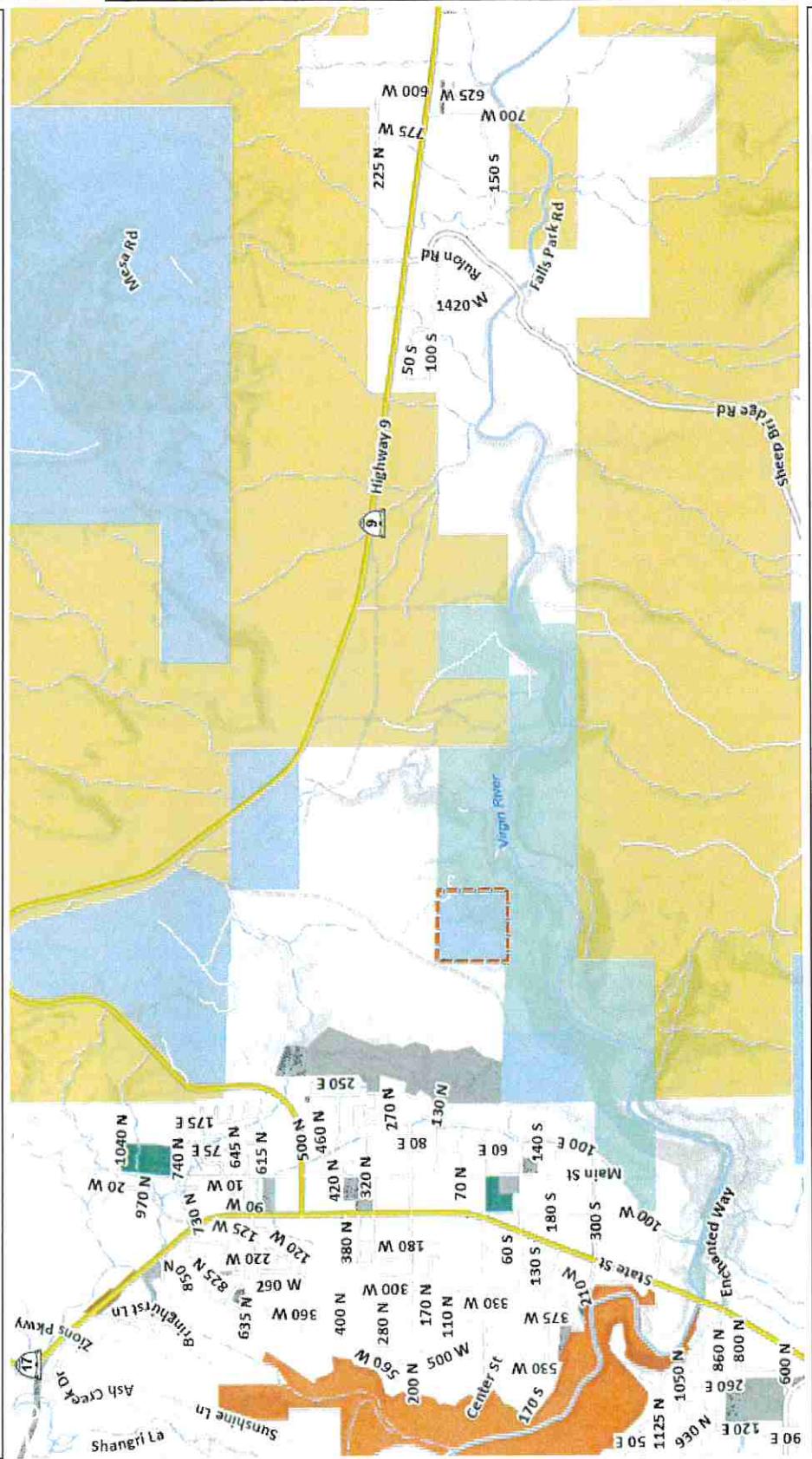


Legend

Ownership

 U.S. Forest Service	 U.S. Forest Service Wilderness	 Bureau of Land Management	 Bureau of Land Management Wild
 National Park Service	 Shivwits Reservation	 Utah Division of Wildlife Resources	 Utah Division of Transportation
 State Park	 State of Utah	 Washington County	 Municipality Owned
 School District	 Privately Owned	 Water	 Water Conservancy District
 State Assessed Oil and Gas	 Mining Claim		

Notes



DISCLAIMER: The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Washington County, Utah will not be held responsible for any damages, losses or damages resulting from the use of this map.

WGS 1984 Web Mercator Auxiliary Sphere



**435 North Main Street
La Verkin, Utah 84745
(435) 635-2581 (435) 635-2104 Fax**

Kyle Gubler

City Administrator

Kelly B. Wilson

Mayor

Blair Gubler
Micah Gubler
Chuck Hardy
Richard Hirschi
Patricia Wise

Council Members

ORDINANCE 20 -

AN ORDINANCE ADDING TITLE 10, CHAPTER 10-6G3 IN THE LAVERKIN CITY CODE, CREATING A NEW ZONE CALLED

LUXURY RESORT (LR) ZONE

WHEREAS, commercial development for a Luxury Resort (LR) zone. This use is very desirable in the area referred to as the Topside of the city; and

WHEREAS, the LaVerkin City Council recognizes that the Luxury Resort (LR) zone is currently borders the Planned Community Development (PCD) zone on the Topside; and

WHEREAS, the LaVerkin City Council desires the Luxury Resort (LR) zone to match the Planned Community Development (PCD) requirements, such as it pertains to: 1) preserving existing trees, native land cover, natural watercourses, and topography; 2) prevent excessive grading and scarring of the landscape; and 3) interface with planned / existing street plans and/or subdivisions to be contiguous to the proposed Planned Community Development (PCD) and / or future development.

BE IT THEREFORE ORDAINED by the LaVerkin City Council that Title 10 Chapter 6G3 be added, creating a new zone called the Luxury Resort (LR) zone, as follows:

ARTICLE G3. LUXURY RESORT (LR)

SECTION:

10-6G3-1: Purpose

10-6G3-2: Permitted Uses

10-6G3-3: Prohibited Uses¹ (Rep. by Ord. 2007-26, 10-3-2007)

10-6G3-4: Definitions

10-6G3-5: Site Design Regulations

10-6G3-6: Height Regulations

10-6G3-7: Area, Width And Yard Requirements

10-6G3-8: Modifying Regulations

10-6G3-9: Fencing / Screening Requirement

10-6G3-10: Landscaping Requirements

10-6G3-11: Easement Required

Notes

1 1. See subsection 10-1-3B of this title.

10-6G3-1: PURPOSE:

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.

Hotel development that is low density in nature and is built to work in harmony with the natural features of the land and environment.

Retail development that will complement and enhance the luxury hotel experience.

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.

10-6G3-2: PERMITTED USES:

The following shall be permitted uses:

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

10-6G3-3: PROHIBITED USES¹:

(Rep. by Ord. 2007-26, 10-3-2007)

Notes

1

See subsection 10-1-3B of this title.

1.

10-6G3-4 DEFINITIONS

Monument signs: A low-profile sign that is used to display a building address and name, identify the building tenants, or to mark the building entrance.

Under canopy: A canopy sign refers to either a building-mounted sign that serves as a marquee, or a sign mounted on a freestanding canopy. Canopy signs may be attached to the sides and front of the canopy, and such signs may extend the entire length and width of the canopy.

Sign structures: Anything constructed or erected supporting a sign which requires location on or below the ground or attached to something having location on or below the ground.

Building signs: Any sign attached to any part of a building, as contrasted to a freestanding sign.

TEMPORARY SIGN: Any sign that is used only temporarily and is not permanently mounted. The signs shall be removed when the event advertised is complete or within six (6) months of installation.

10-6G3-5: SITE DESIGN REGULATIONS:

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.

- A. The 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.

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.

10-6G3-6: HEIGHT REGULATIONS:

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

10-6G3-7: AREA, WIDTH AND YARD REQUIREMENTS:

District	Lot Coverage	Density	Setback In Ft.		
			Front	Side	Rear
Luxury Resort (LV)	Structures on a lot shall not exceed 75% of the total lot area	Maximum hotel unit density shall not exceed four hotel rooms per acre	25 Ft.	10 Ft	10 Ft

10-G3-8 MODIFYING REGULATIONS:

- A. **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.
- B. Temporary sales.
- C. **Vehicular access/parking.** All facilities/uses shall have paved driveways, points of vehicular ingress and egress and parking. The 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 three hotel rooms to accommodate additional guests. Three additional parking spaces will be required to accommodate staff.

D. Hotel Unit Size: The minimum hotel unit size shall be 270 square feet. additional guests. Three additional parking spaces will be required to accommodate staff.

E. 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.

F. 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.

G. 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.

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

I. 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.

J. 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 Shall comply with (Title:10 Chapter 11)

1. Sign structures: Shall incorporate the design theme, materials, colors and elements of the center's architecture.
2. 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).
3. 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.
4. 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.
5. Pylon signs: Not permitted. Freestanding signs: Not permitted (Title:10 Chapter 11)
6. Temporary signs: Are permitted but must be approved by the city and be consistent with the design standards of the approved sign program.

Lighting: All lighting shall conform to and be provided, installed, maintained, and regulated in accordance with the city's night sky ordinance (i.e., Chapter 11 of Title 4 of this Code). 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.

10-6G3-9: FENCING / SCREENING

Fencing/Screening: Any proposed fencing/screening shall be in keeping with the design/architecture of any development shall be approved by the city.

10-6G3-10: LANDSCAPING REQUIREMENTS:

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 done in accordance with (Title 8 Chapter 8)

10-6G3-11: EASEMENT REQUIRED:

All lots shall have easements on side and rear property lines of a minimum of seven and one-half feet ($7\frac{1}{2}'$) and on a street side property line of ten feet (10') minimum, to be used for utilities and drainage. (Ord. 2006-04, 1-18-2006)

SECTION IV: EFFECTIVE DATE.

This Ordinance shall take effect _____, 20____

ORDINANCE NO. 20____, _____

PASSED AND ADOPTED by the City Council of LaVerkin City this _____, 20____.

KELLY B WILSON, Mayor



ORDINANCE NO. 20

AN ORDINANCE AMENDING THE ZONING MAP OF AND FOR THE CITY OF LaVERKIN, UTAH, TO REZONE CERTAIN PROPERTY IN THE NORTHEAST PORTION OF THE CITY (REFERRED TO AS THE TOPSIDE) FROM (PCD) PLANNED COMMUNITY DEVELOPMENT / OMSU, OSMU-C OPEN SPACE MULTIPLE USE TO LUXURY RESORT (LR); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the *City Zoning Map* of and for the City of LaVerkin, Utah, was adopted January 17, 2007; and

WHEREAS, Section 10-2-9 of the *LaVerkin City Code* provides the legal support and procedural requirements for a change in any zoning district or districts within the city limits of the LaVerkin; and

WHEREAS, an application for a re-zone has been submitted to the Planning Commission and City Council—for review and recommendation and/or action, as per the requirements, provision, and procedures of the aforesaid section—for and concerning a certain parcel of property, currently zoned as (PCD) *Planned Community Development / OSMU, OSMU-C Open Space Multiple Use*, and owned by (SITLA) Utah School and Institutional Trust Lands Administration and located in the North East quadrant of the City (referred to as the Topside), which is accessed of SR9 just West of Virgin, Utah known on the County land records as by SEC, 19 T4 S. – R13 W LOT #4 (SITLA) Utah School and Institutional Trust Lands Administration property visually depicted in Exhibit A hereto, and legally described as follows:

Legal Subdivision: 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.

ORDINANCE NO. 20 ____ - ____

WHEREAS, said petition requests that such parcel be re-zoned as Luxury Resort (LR); and

WHEREAS, a public hearing was duly advertised and held on the ____ day of ____, 202____, and public input was taken with regards to the abovementioned application; and

WHEREAS, upon consideration of said public input and further discussion of the members of the Planning Commission, the Planning Commission recommended that the City Council approve the requested zone changes as herein set forth; and

WHEREAS, the City Council, having considered the matter, deems the proposed re-zone (*i.e.*, the amendment to the *City Zoning Map* as set forth herein)—and the proposed use(s) that such a re-zone will permit and/or facilitate—to be in the best interests of the City and its residents, guests, and businesses.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF LaVERKIN, UTAH:

SECTION I: ZONE CHANGES APPROVED.

That the proposed re-zone of the hereinabove-described parcel of property (known on the County land records as by SEC,19 T41S – R13W LOT #4 of (SITLA) Utah School and Institutional Trust Lands Administration prperty from (*PCD*) *Planned Community Development / (OSMU, OSMU-C) Open Space Multiple Use*, to Luxury Resort (LR).

SECTION II: SECTION 2: MAP AMENDED.

- A. That the *City Zoning Map* of and for the City of LaVerkin is amended to reflect the zone change approved herein and the portions of the map not amended shall continue with their current zoning designations as shown on the map.
- B. That, when hereafter updated, the *City Zoning Map* will be revised to show the zone change approved herein; *provided that*, no such updating shall be required simply as a result of the adoption of this Ordinance.

ORDINANCE NO. 20 _____ - _____

SECTION III: OFFICIAL MAP.

That the map as amended herein is and shall be the official zoning map for the City of LaVerkin (*i.e.*, *City Zoning Map*).

SECTION IV: REPEAL OF CONFLICTING PROVISIONS.

That all ordinances or resolutions, or parts or provisions thereof, in conflict with the provisions of this Ordinance, are hereby repealed to the extent that they conflict herewith.

SECTION V: SEVERABILITY.

That the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

SECTION VI: EFFECTIVE DATE.

That, in the opinion of the City Council of LaVerkin City, it is necessary for the preservation of the peace, welfare, health, and safety of the inhabitants of LaVerkin City that this Ordinance take effect as soon as possible. This Ordinance, therefore, shall take effect immediately upon its passage and first publication as provided by law.

PASSED AND ADOPTED by the City Council of La Verkin City this _____ day of _____ 20 _____.

KELLY B WILSON, Mayor

ATTEST:

CHRISTY BALLARD, City Recorder

Exhibit A

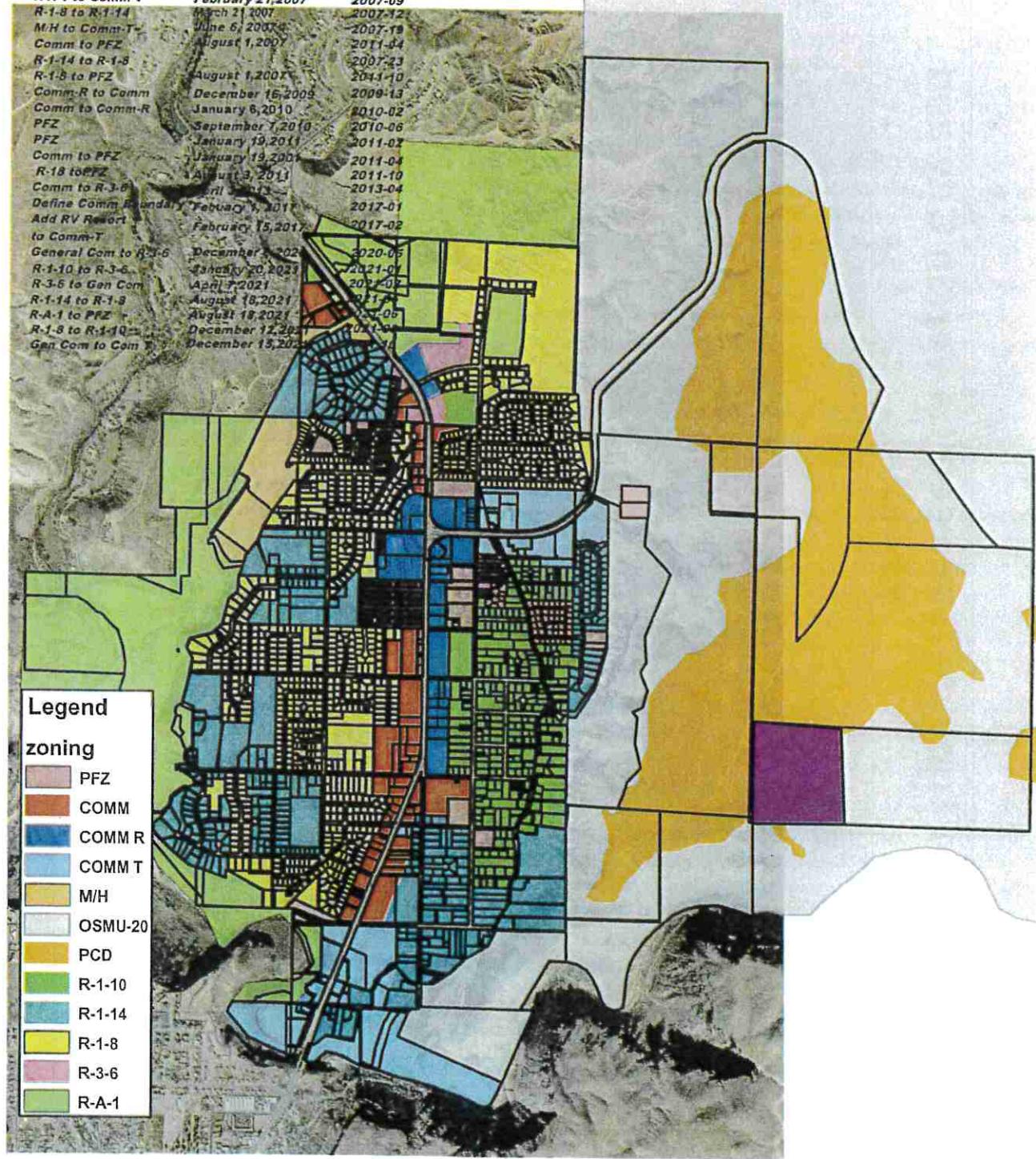
(see attached map)



LAVERKIN CITY ZONING MAP



<u>DESCRIPTION</u>	<u>DATE</u>	<u>ORDINANCE</u>
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UPDATED JUNE 23, 2022

MAP PRINTED _____



LaVerkin Topside (Between La Verkin City and Virgin)

