

LA VERKIN CITY PLANNING COMMISSION

Regular Meeting

Wednesday, July 9, 2025, 6:00 pm.

City Council Chambers, 111 South Main Street

La Verkin, Utah 84745

Present: **Chair** Allen Bice; Commissioners: Hugh Howard, Matt Juluson, Kyson Spendlove, John Valenti, Richard Howard; Staff: Derek Imlay, Fay Reber, and Nancy Cline; Public: Brad Robbins, and Blaire Gardner.

A. Call to Order: Chair Allen Bice called the meeting to order at 6:02 pm.

The invocation and Pledge of Allegiance were given by Matt Juluson.

B. Approval of Agenda:

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

C. Approval of Minutes: June 11, 2025, work and regular meeting, June 17, 2025, special meeting.

The motion was made by Commissioner Richard Howard to approve, June 11, 2025, work and regular meeting, June 17, 2025, special meeting, second by Commissioner John Valenti. Hugh Howard-yes, Bice-yes, Spendlove-yes, Valenti-yes Juluson-yes. The motion carried unanimously.

D. Reports:

Patricia Wise reported on the city council meeting held June 18, 2025, and special meeting June 25, 2025.

Derek reported that a new zoning map will become available on the city website. It will be interactive and when you choose a piece of property it will tell you the zoning and codes that are linked to that zoning. The planning commission meeting on July 23rd has been cancelled. They are holding a Meet the candidate night in the council chambers. The holding pond is 30% done. It will have trails and a park, but no fishery. They're going to construct from the pond to 500 North two separate lines. We will have two different functioning lines, and the purpose in doing that is that we will be using a part of the river water to fill the pond until Ash Creek is fully functioning and starting to go through their waste management part of it. The district will maintain the pond and we will be responsible for the pump house. The water district is creating an agreement with the city to fund the 13–16-million-dollar project to bring irrigation water out of the backyards and into the street so it's easier to repair and replace old pipes. We will pay them back in water that we send down the river. When we expand and our growth has exceeded our spring capacity, we will be under contract, and they will set a block of water at the side so that we would be able to buy that once it's been treated. We'll pay the rate for what it takes for them to pipe it, store it, treat it, and develop that.

Zion Canyon Hot Springs opened on July 3rd. There are only the two pumps that are pumping the water up and they seized up. They're open, but only their swimming pool, their cold dip pools, and the pools that are other world springs. They didn't have their alcohol license yet, so they are not selling alcohol. They should receive it any day now.

E. Business:

1. Discussion regarding the application for a live-work zone to be created in the existing Commercial retail zone.

Brad explained that he split the live-work and mixed-use zones into two separate zones. The live-work he included a list of prohibited businesses. He found that it is easier than listing allowable businesses. The buyers

would go through the HOA to be approved and then the planning commission. If they did not get approval they could appeal through the city council. He also prohibited any outdoor storage on the balconies. And having closed off walls between balconies. There are also rules on parking stalls and loading spaces. They would also require a development agreement.

Commissioner Bice had a few questions. On page one, section 1.1, item, number A says a maximum of one employee other than the owner is permitted to work at the live work unit. That seems restrictive. He thought of the sleeping bag manufacturer. It seems like if we're limiting their work capacity to two people, we're going to exclude things that we might not choose to exclude.

Brad explained that this was based on parking and The Fields units. They have two parking spaces outside and two inside the garage space and one shared parking. If you have over 4 employees, where would they park?

Commissioner Juluson asked if they could base it on parking spaces equal how many employees they can have.

Commissioner Spendlove added that they might not know how many employees that business requires. He agrees it's restrictive but how could they calculate that.

Commissioner Bice added if this is a work hub, they may well have employees associated with the business, but not on the site all the time. Or have ride share employees.

Blaire suggested that it is restrictive. They could have employees sharing a vehicle, riding bicycles or walking to work. The language in the HOA agreement gives the council the say on who can have a business there compared to the residents. He asked who has the authority to decide what business to go in. Is it Derek, council, or city staff decision. When they present a business and its use who approves them.

Commissioner Bice replied he didn't know who they planned on giving that authority to. Possibly the ALUA.

Brad added they get approval from the HOA. Then come before planning commission and they can appeal that decision through city council.

Blaine agreed there needs to be a cap. No more than X number of people can be there per square foot. There is a restriction on the number of units in other live-work spaces and the number of bedrooms within the building and offices, which then again limits how many people can be in there. Every business is going to be different. The way we anticipate it is based upon the zone overlay. They submit their proposal. business. He met with a gentleman today that he wants to do, he has a business up north, a detailing, automotive, where he'll have no more than two cars on site at any given time, actually working on it. There are no customers that come and park and wait. They drop the car off and leave. He now wants to provide living space for two of his employees when they come down here. So, he has a business application, it will be an owner-occupied scenario, but he will have up to two employees. Maybe if there was a maxim of two to four employees at any given time. And it's up to the discretion of the HOA and the city. He wants the HOA to screen buyers before they come to the city and present the potential business. Then the city decides.

Commissioner Bice wanted to know if this was before they purchased the property.

Blaine explained yes its in the contract that it is subject to the approval of the HOA and the regulations by the city. He wanted to know who would decide that for the city because sometimes they only meet once a month and he could streamline his side and wanted to know how to make it easy for the city and expedite development.

Derek suggested because of their meeting once or twice a month maybe this should be handled by the ALUA. The state has been on the cities about getting developers and their clientele through the process faster.

Commissioner Spendlove pointed out that the ALUA meets when necessary.

Derek agreed they do. They could meet and decide on the same day, and the city council could still be the ones that handled the appeals.

Blaire agreed parking seems to be the common denominator. His project does not allow trailer parking, access cars to be parked, and they can't park in any space not dedicated to that unit. He reinforced that the HOA will be enforcing the cities rules and regulations. They will have a document that defines the use of the business, how many employees, and what they are doing. And the number of bedrooms they would like to have. He has a project up North that the buyers are not allowed to live there. They sign a statement knowing that it is not allowed. If code enforcement comes along and sees someone living there, they report it to the HOA and then we go vacate them from the building.

Commissioner Bice has had a negative experience with approved use. But he realized this needs to be an approved use and wanted to know how to fairly be administered through something like the ALUA.

Brad said if the ALUA denied the business they could appeal to the city council.

Blaire explained as part of the development agreement they could supply the ALUA, planning commission, and city council with business name, license, the permitted uses, number of employees, square footage of office and living space. That could be a three-step check and balance to have the HOA, ALUA, and the city council.

Commissioner Bice wanted to change the maximum 1 employee plus owner in the zoning. He asked if pairing it with the parking would work.

Brad replied that they are trying to fit Blaire's project into the zoning with all other projects.

Commissioner Bice added another developer could offer more parking and have a bigger variety of businesses.

Blaire added that they need 10 employees that would justify how much parking they need. With setback, your spacing, your size of building, the type of parking to the amount of space. That's one way to go checks and balances. But you also have to accommodate almost like up to and through use. One of the potential users is an e-bike rental shop. And he is a local guy, and he's got a space in Hurricane, in Troy, and in St. George. He told him he didn't think this was a space for him because he wouldn't have parking. But they never have more than three cars picking up a bike, and they don't park and ride their bikes away. He may need two or three employees shuffling bikes in and out. So, there might be more employees that the parking will be a certain amount and then have your exception to your type of use may allow for the employees if they do not need parking.

Commissioner Spendlove suggested they could use square footage. They could calculate so many employee parking stalls for whatever the square footage is. Blair's development specifically has two interiors, your garage, and two outside the garage. The vehicular access and parking section, it spells out pretty clearly for parking, but he wondered if they could have additional parking stalls required for employees based on square footage or somehow calculating it. He felt the bigger the building, the more employees you're going to have, the smaller the building, the fewer employees.

Commissioner Bice added we base it off square footage maybe also depending on what kind of business. If it's a plumbing business and only the supplies are stored in it, they would need fewer spaces.

Blaire suggested two employees then based off what type of business it is they could allow more employees.

Commissioner Richard Howard wondered if they needed to consider the employee who has a spouse and family and what cars that would add. If that employee was to live there.

Blair pointed out his project was meant for an owner to live in. But for future projects and in general they do need to consider that as part of the zoning.

Commissioner Valenti asked if Blaire has experienced where one owner buys multiple buildings and then needs more employees.

Blaire replied in his project he thinks they will buy multiples, but they still have to comply per unit. His units are 1800 footprint square foot, 4,500 usable square footage with the garage, mezzanine, second level, deck, and roof top.

Brad commented if they went off square feet it could be 1 parking spot every 1,000 square feet. He has 4 dedicated spots and 1 shared ADA. And if they built out the garage there would be less parking space and maybe they need more employees.

Blaire agreed that if they built that out, they would be even more limited in the number of people that could work there.

Commissioner Spendlove asked if they limit the number of parking spaces or number of employees.

Brad suggested they go off of square footage, that is what the industry does typically. Blaire has 4.5 spaces, and it would be up to the business owner to use the 2 garage spots as parking or build it out and have less parking.

Commissioner Richard Howard felt if they didn't limit the number of employees they would find a place to park like in front of the school and fill up that street.

Blaire reminded them that the business has to hand in their plan to ALUA. And that would have the number of employees they will have. They can turn them down if it's too much for the amount of parking they are allotted.

Commissioner Juluson agreed they needed to limit the number of employees. A new business might not need many employees, but when they get busier and need more employees than you have a parking problem.

Commissioner Bice asked if they are comfortable with 1 employee per 1,000 square feet. They agreed.

Brad suggested they include in the zone 1 employee per 1,000 square feet or subject to approval.

Commissioner Bice continued to number F. A two-foot by three-foot sign is allowed for each unit indicating the name of the business and hours of operation. Is that a minimum or maximum or both?

Brad replied that it would be a maximum. They will be smaller modest signs. On the building above the door, or garage doors.

Derek asked if they were going to have a sign out front with all the businesses listed.

Blaire replied they had the property on the corner and wanted to know if that was allowed. And also, if they're on a corner of the development could the business have 2 signs? One on the side and one out front.

Derek replied they could have rules for signs per zone or include all the rules in the sign ordinance. He liked the size Brad suggested. He said the signs on the corner would go along with the sign ordinance but the signs on the building would override that ordinance.

Commissioner Bice suggested this zone has its own rules for signs because there is so much density going in there. His monument could have 38 businesses listed.

Blaire commented there will be 38 businesses, but some people will want advertising and some won't. They don't want walk-in traffic.

Derek added they could on the corner have a sign with the units listed.

Blaire added they could have signs on the building; interior units have one two-by-three. End units have the option to do two signs, two-by-three, one on the visible side and one on the front. Monument, linear, multi-business signs.

Brad suggested there is a monument sign on the corner then you drive into a kiosk sign with the list of units and what businesses there are.

Commissioner Juluson added that there would be a lot of business listed. He felt a sign on the street and on their buildings would be better.

Commissioner Spendlove would like it called out that the signs are on the buildings and not in the parking lots.

Commissioner Bice continued with questions about Number G, which says live-work units must be owner-occupied. Are we okay with that, or are we going to let an employee live there if the owner doesn't?

Blaire had a question about it being owner occupied as a primary residence or secondary residence.

Commissioner Juluson replied he has an owner-occupied is who owns the business or is it the one who owns the building, owns the business, runs the business, and isn't subleasing out to another business. Whether or not there's employees there or not, employees are working for the business, so that would still be an owner-occupied because the business owner is running that.

Blaire liked his comment. The owner of the building doesn't personally live there but he owns the building.

Commissioner Bice agreed they needed language, so the owner of the building didn't put his family members there on weekends.

Brad explained he wasn't thinking someone would come in and buy five units and then lease them out and use the living section for family or just whoever he wanted. He envisioned it as an owner of a small business that would live there and work there and save money without paying rent. He asked what they wanted to include who could live there.

Commissioner Juluson replied that it could be owner occupied and maybe employee or separate the business from the residential.

Commissioner Bice added that he has made enough mistakes to be more careful now about the wording of things. That could be the owner and/or one employee. He asked for input.

Commissioner Juluson added what if it's a manager.

Commissioner Spendlove added its difficult there's a lot of options, whether the owner of the business and living there, or instead of a manager, an employee, there's a lot more control of what's going on. We have noise ordinances and everything so the police can get involved, but enforcement-wise, he felt like, whether it's owner-occupied, but maybe we still allow for another employee to, as long as it's still owner-occupied, we'd be okay with another employee to be living there as well. Because in some of these situations, you may have bigger rooms, like it's up to 700 square feet of living space. Minimum. There's the possibility of more space, as long as the owner of the business can have the additional. He thought the owner of the business needs to live there. There could be a potential to also have an employee

Commissioner Juluson added if it only said owner-occupied, you'd separately list others, so it'd have to be reworded to take out any ambiguity.

Derek comments that the conversations in the past have been part of the bonus to have the manager and employee, who are still able to live there and make it so they can maintain those employees throughout the business life. We've already set the amount, the size of the building, right, as far as how many employees they have live there or that would occupy that potential building. So, at that point, they would have to basically, if they got too big, which would be great for them, they could move out, and maybe they'd find some other place to live in La Verkin. Limit it to size of the building but it needs to be an employee, owner, manager that lives there so it doesn't become a rental.

Commissioner Bice read it again and it says owner occupied. It doesn't exclude employees. Maybe that's enough.

Commissioner Juluson commented coming from the banking industry an SBA loan has to be in that building and not rented out. Employee housing separately, might be a good idea to keep it owner-occupied and then suggest employee housing separately if we want to allow it.

Commissioner Valenti asked if part of the application is going to be listed who will live there.

Blaine agreed that it would be part of the application and signed affidavit.

Commissioner Valenti asked how hard that would be to change if an employee moves out to notify the HOA who is living there.

Blaine agreed that it would be easy to notify the HOA. Any change in the affidavit for your intended use, needs to go back through the whole process. So, therefore, the manager doesn't need to come in and, you know, explain that. But he thought they were right to have that be a little bit open in terms of the use. The owner of a business like that, like you're talking about, like an SBA loan, is the owner of this has to qualify.

Brad suggested changing it to be owner occupied or employee occupied.

Blaine agreed it could state anyone living there has to be owner or employee of that business.

Brad agreed and wanted to be careful in wording it because they don't want them to just rent them out to make extra money and not be tied into the business.

Commissioner Spendlove clarified that if someone bought the building but then leased it to a business it would be the business owner or employee that could live there and not someone tied to the owner of the building.

Commissioner Bice brought up Section 1.2, permitted and prohibited uses. The last sentence, all approved uses are subject to conditions to ensure compatibility with the surrounding businesses and development. Violation of the conditions of approval can result in permit revocation. If someone owns this and has bought it and has their business permit revoked, are we going to not allow them to live there any longer? How would the legalities of that work out. It seems like we're marrying ourselves to them, and we can't really revoke their business license and kick them out of the unit, not allow them to live in the unit that they own. He wasn't sure what to do about that. Do we have the teeth to enforce it if that happens.

Blaire explained his experience has been the HOA is responsible for the code compliance officer to issue fines. They will be fined, and those fines can put a lien on the building.

Brad commented that the permit is for business not for licensing there. So, they can fine the business but not be able to kick them out.

Commissioner Bice commented what if they lose their license can they still live there. He asked Brad to explain what a "use finding" is.

Brad explained its permitted uses. The ALUA would find the use acceptable.

Commissioner Bice commented he liked that it was 10 units per acre. On the last page on F. It says a six-foot-high decorative rock wall shall be required to surround the perimeter of the property. Derek, doesn't our code require eight feet between commercial and residential?

Derek replied that there is an existing six-foot wall already there. That's the exception. Above six-foot needs engineering. So, if six-foot wall existed, they can't just add to it.

Commissioner Bice asked them to change the language, so it includes the exception. Maybe if it butts up against residential.

Commissioner Spendlove clarified that it should say block walls on all new developments requiring an 8-foot unless there was an existing 6-foot block wall.

Derek suggested they could just add language that says refer to the city code, so we don't have to repeat it in every code.

Commissioner Spendlove asked if they could include a link to the code so there is no confusion on which code they mean.

Commissioner Juluson commented that it says the residential area is at least 700 square feet, but it doesn't say the minimum of what the commercial business square footage is. There should be a percentage of square footage for the business, so they don't end up with a small business and a big residential property.

Derek commented he liked the percentages better. The business is supposed to be first and residential second.

Commissioner Bice suggested 50/50 commercial and residential.

Commissioner Juluson asked about requiring ground floor or second floor where the residential could be.

Blaire suggested if it's a percentage then they can include the garage or rooftops.

Commissioner Spendlove agreed as long as the residential could not be on the main floor. Business needs to be where people walk in. He felt that would help in making sure it doesn't turn into a residence.

Brad clarified that it would be 50% business, 50 % residential. With the ground floor being commercial and not residential.

Commissioner Bice wanted bigger dumpsters. Being commercial and residential he felt it needed to be bigger than a 2-yard dumpster.

Blaire commented that commercial zone you've got two different dumpster sites is it there within the HOA you can have them use a trash can that has to be inside the garage, and you can take those out.

Commissioner Bice felt like the garbage truck might not fit to pick up trash cans from every unit.

Derek commented he would call the garbage company and see what their suggestions are for this type of community. He said they could go out on SR9 or Center Street, but he will ask solid waste what is appropriate. They discussed who would provide the trash cans. He will call and see what their requirements are.

Commissioner Spendlove suggested trash cans don't look nice in this tight of a location and think they should have dumpsters for trash.

Blaire also suggested to contract three times a week in this situation. He will increase the HOA fees based on how much the garbage fees are. He wanted clarification on what type of wall needs to be on the balconies.

Commissioner Spendlove commented that the exterior facing residential and out of the church specifically was the unit we looked at. He really liked the enclosed fence/railing because it gave a little bit more privacy to the residents, which he felt was necessary. He thought anything that's interior or facing inside could be open railing.

Blaire clarified he would put solid walls on exterior units that face the streets, and the interior units would have rod iron.

Commissioner Spendlove asked if they needed to specify no storage or banners hanging from the balcony.

Brad replied they did put in that they couldn't use it as a storage unit.

Commissioner Juluson asked if vape shops or microbreweries are allowed. They would have more customers and need more parking. Would that be allowed with residents so close.

Blaire commented that the application could restrict that. For example, if someone wanted a personal gym to train one person at a time wouldn't be a problem but what would you want in a live-work area.

Commissioner Juluson asked what if they make and ship the items. Would that be allowed.

Brad asked if they would want that to be allowable.

Commissioner Bice added they have to think about the smell of a microbrewery would put off. That would not be pleasant in a residential area.

Blaine pointed out the city's ordinances with noise, with smell, with obnoxious odors, that correlates to whether it's residential and allowable.

Brad added that part of the use-finding process is limiting the noise, dust, and obnoxious odors.

2. Discussion regarding the application for a mixed-use allowance within the Commercial retail zone. Commissioner Bice wanted to table this item.

F. Adjourn:

Commissioner Bice adjourned the meeting at 7:27 p.m.

14 Aug 25

Date Approved



Planning Commission Chair

