



**LA VERKIN CITY PLANNING COMMISSION**  
Regular Meeting  
Wednesday, April 8, 2015 6:00pm  
City Council Chambers, 111 South Main Street  
LaVerkin, Utah 84745

**Present:** Chair Anna Andregg; Commissioners: Kelly Wilson, Allen Bice, and Karl Benson  
**Staff:** Derek Imlay, Kevin Bennett and Christy Ballard; **Public:** Richard Hirschi, Deon Goheen, Pam Hansen, John Valenti, Gwen Moon, Derek Hall, Steve Young, Glen Carnahan, Mel Ashcraft, Blair Gubler, and Todd Getz.

*Commissioner Hugh Howard and Kyle Gubler have been excused.*

**I. Call to Order:** Chair Anna Andregg called the meeting to order at 6:00pm. The Invocation and Pledge of Allegiance was given by Richard Hirschi.

**II. Approval of Minutes:**

Commission may approve the minutes of the March 11, 2015 regular meeting.

**Motion was made by Commissioner Kelly Wilson to approve the March 11, 2015 regular meeting minutes as written, second by Commissioner Karl Benson. Andregg-yes, Benson-yes, Wilson-yes. Motion carried unanimously.**

**III. Approval of the Agenda**

**Motion was made by Commissioner Karl Benson to approve the agenda as written, second by Commissioner Kelly Wilson. Benson-yes, Andregg-yes, Wilson-yes. Motion carried unanimously.**

**IV. Reports:**

1. Beautification/Trails Committee-Commissioner Bice was not present to report.
2. Director of Operations- Derek reported the State Street Construction Project began Monday and will continue to August 1, 2015.  
Letters will be sent to large property owners encouraging them to help conserve water by watering between the hours of 6pm and 10am. Both neighboring cities have implemented some degree of water restrictions; we are trying to prevent getting to that point.

*Allen Bice arrived at 6:03pm*

**V. Public Hearing:**

1. Cherry Orchard Subdivision Phase III: A 12-lot subdivision for 3.42 acres located at approximately 220 West between 300 N. and 200 N. Property is zoned R-1-8.

Derek explained this subdivision has been through the process to the point of final recording. When the economy dropped, the project did too and approvals are only good for one year. The property owners are ready to move forward again with the subdivision. This public hearing is for the preliminary and final plats because the development/construction has already happened and the bonds are in place. The only issue, if approved, there will need to be a stipulation added to the motion "upon receiving a clear title". Family members are struggling over ownership of a couple lots. That does not affect the public hearing and the approval from the Planning Commission, the issue will need to be taken care of before it can go to City Council.

*Public hearing opened at 6:06pm*

Deon Goheen- She lives just east of this subdivision. The notice she received states this is for preliminary approval. The subdivision has been setting vacant and open to the public for so long and there has been a lot of traffic up there, people sleeping in their cars and police checking on people there so she does want to see this get finished. She has no objection to the development of the property if done correctly but she isn't sure it is up to City specs with the engineering. She does feel more engineering needs to be done for the drainage. The slope of the property makes the water drain into their yards when it rains because they set lower than the subdivision.

The other item she would like to address is the need for a block wall. When development first started, Mr. Kleinman planted pecan trees along the property line. A year later, the trees were removed and a 5-foot rock wall was put in, now she is dealing with spiders and snakes. She would like to see a 6-foot block wall put in to help keep the voyeurs out of her property.

Engineering is very critical; she hopes the City has a good engineering firm to deal with the drainage, sewer, etc.

She would also like to see the plat, if available, with the easements.

Steve Young-Lives east of the property as well. He is concerned with the number of lots and the amount of cars that will be on the street. Is 300 North wide enough or even a dedicated road?

Derek replied 300 North is a dedicated road and is 26-27 feet wide.

Mr. Young pointed out the grading on the east side of the subdivision looks down into the homes and mentioned Mrs. Goheen addressed that with the wall. The water on the street does not go where they said it would go, it still goes into his yard and his neighbors.

He questioned whether the water supply and power supply are adequate.

He also wondered if 300 North would get curb and gutter.

The last time the subdivision was being developed and the utility lines were going in Mr. Young was picking up big shards of plastic from the street for a month. That will cut into tires and looks very sloppy and the City didn't want to do anything about it. In addition, his pea gravel was never replaced. He would like the City to monitor the project. He doesn't mind if the property is developed but he doesn't want to have to put out additional money because of it.

He is also concerned with dust and weed control as it is now.

Jan Hansen-lives east of the property. She is very concerned with the drainage. She has a ditch to catch the runoff and it still has almost made it into her house. She too would like to see a block wall to keep people from looking into her yard and to catch the tumbleweeds.

The rock wall needs to be removed, it isn't very stable.

Gwen Moon-lives at 225 N 180 W right at the corner of where the property ends. The property is low enough that it is level with the roof of her house. So far, since they started the development and then left it, the tumbleweeds can be up to the eaves of her house at times. It really is a fire hazard. She lives alone and has to take care of it on her own, which is not an easy task.

Privacy is an issue for her. She would like to see a 6-foot privacy wall, the lot looks right into her bedroom window and she is not comfortable with that. Because of the power lines, she is not able to plant trees to help with the concern. She is very allergic to pesticides and sprays of that nature and her animals are often in her back yard. When the owner of the orchard sprays, she has asked them for notice so she can move her animals inside. Even then, the spray gets into her house and she can't swallow for three days. She feels a wall would help with that. The rock wall is not good, it has brought the snakes and spiders, it is not stable and still allows the water in.

Commissioner Andregg reported the concerns mentioned during the public hearing will be addressed in the business section of the meeting.

*Public hearing closed at 6:16pm.*

2. Cottonwood Hollow Phase I: A 1-lot subdivision and road dedication plat located within Interstate Rock's property situated north of Zion View Estates and current northern terminus of Main Street and providing for extension of Main Street and access from said property to SR17.

Derek reported the map for this project is on the board. The project will extend Main Street from 700 North going north to the far side of the school property and will also include a road from SR17 that connects into Main Street. There will also be two additional roads, one on the north side and one on the south side of the school property.

Preliminary approval is requested so they can move forward with the project. Once the work has been complete, they will be back for final approval. At that point, the streets will be dedicated to the City and there will be a one-lot subdivision separating the school property from Interstate Rock's property. Both Main Street and the road from SR17 will be 60-foot roads.

*Public hearing opened at 6:19pm*

No comments were made.

*Public hearing closed at 6:20pm.*

#### **VI. Business:**

1. Discussion and possible action to recommend approval on the preliminary and final plats for Cherry Orchard Subdivision Phase III, a 12-lot subdivision for 3.42 acres located at approximately 220 West between 300 N. and 200 N.

Commissioner Benson mentioned he brought the drainage issue up when this was last discussed. The Commissioners were assured at that point that the drain boxes installed on the east side were adequate. From the comments heard tonight, that doesn't appear to be the case.

Derek explained the project Engineer and the City Engineer have both agreed that it is sufficient and that the drainage runoff has been reduced from what it was. There is a drain line that extends from 300 North going from the east side south and comes out on 200 North.

We could require the contractor to do a bank of dirt up against the wall that will keep the water on the subdivision side and slant it toward the drop box, and then when the development starts it will require a GEO Tech study to address the water and drainage.

There are also two drop boxes in the cul-de-sac area to help with the water.

The City cannot require the property owner to install a block wall.

Commissioner Bice asked if the Hillside Ordinance would apply to this area.

Kevin replied the Hillside Ordinance does apply to the entire town where it has the requisite percentage slope. He is not aware if this subdivision does or not.

The two things that need to be looked at with the engineering is to identify whether or not the slope of the land itself qualifies for the Hillside Ordinance or the height of the slope would require a retaining wall.

Derek doesn't think it meets the prerequisite for the Hillside Ordinance. There is maybe an 8-10 foot drop on the east side and then probably 20-30 feet that is actually flat before the 5-foot rock wall. This was all considered in the engineer's study.

Kevin mentioned whether or not the Hillside Ordinance pertains to this property doesn't matter at this time, the property owner is simply asking for approval for the property to be divided into 12 separate lots.

Derek explained when a person comes in to get a building permit they are required to get a Geotechnical Study specific for their lot. That defines what kind of soil is there, the footing depths and hydrology study (drainage).

The rock wall resolved several issues and, according to the engineer, the drainage has decreased from what has historically been there.

300 North will have drainage issues until the City has the money to extend curb and gutter to State Street. Right now, there is a drop box at the end of the subdivision where the curb and gutter end to catch that water.

Commissioner Andregg asked if the road width would increase or stay at 27-feet.

Derek replied he was not sure what the Master Plan states for that road.

Kevin stated the Commissioners could include in their motion to recommend a note be included on the plat that the parcel may have a Hillside Ordinance application attached to it.

Commissioner Bice said it appears that no one is opposed to the property being developed; they just see problems with it. Hopefully, in accordance with the ordinances we have in place they can be fixed. The decision tonight is whether to recommend to the City Council development of the property or not and it doesn't sound like there is opposition to that.

**Motion was made by Commissioner Kelly Wilson to recommend to the City Council approval on the preliminary and final plats for Cherry Orchard Subdivision Phase III with the stipulation of the property receiving a clear title, placement of a dirt berm for drainage on the east side of the property, and a notation added to the plat that one or more lots in the subdivision may be subject to the Hillside Ordinance, second by Commissioner Allen Bice. Andregg-yes, Bice-yes, Benson-yes, Wilson-yes. Motion carried unanimously.**

2. Discussion and possible action to recommend approval on the preliminary plat for Cottonwood Hollow Phase I, a 1-lot subdivision and road dedication plat located within Interstate Rock's property situated north of Zion View Estates and current northern terminus of Main Street and providing for extension of Main Street and access from said property to SR17.

Derek introduced Glen Carnahan with Alpha Engineering and Mel Ashcraft from the Washington County School District.

Commissioner Bice is anxious to get the new school and see the property develop in some fashion.

Derek explained approval would need to be contingent on an agreement with the streetlights. Power is not going to be run with this project because there is no development down there. At some point in time,

when building does start, the City will either get the poles connected or install the streetlights and connect them, whichever the property owner and the City agree on.

The water and sewer lines are already there. The utilities will be raised because Interstate Rock is lowering the road grade from 15% to 10 ½%.

Once dedicated the roads will be public.

Commissioner Benson pointed out the only place ATV's can cross SR17 is 900 North and there is not a road to cross over to, he was wondering if it would be possible to petition the City Council to change the ATV crossing to the road that will be coming off SR17 to Main Street.

Derek mentioned Interstate Rock has talked about after Donkey Hollow has been given to the City they would like to connect it to the Confluence Park trails with the crossing under SR17. They have also talked about making it ATV accessible.

**Motion was made by Commissioner Karl Benson to recommend approval to the City Council on the preliminary plat for Cottonwood Hollow Phase I contingent upon an agreement concerning the streetlights, second by Commissioner Kelly Wilson. Benson-yes, Bice-yes, Andregg-yes, Wilson-yes. Motion carried unanimously.**

3. Presentation and discussion on a Vacation Home Community with RV Park.

Derek introduced Todd Getz and stated this is just a presentation with no approval given at this meeting.

Mr. Getz has two concepts for a development to be located at approximately the east side of SR9 and Main Street. The development pictured is a 12-acre vacation rental home development with 56 units that are large fourplexes, the end units will be 3,800 square feet and middle two will be 3,000 square feet, with a 2-acre, 21 unit Coach RV Resort or a 58 unit Coach RV Park.

Mr. Getz stated his company has built Heritage Subdivision. He showed pictures of that subdivision while explaining all of the parking is off the streets with adequate parking for the units. They have built several other subdivisions and have taken the successful designs from them, particularly Coral Ridge, Lavette, and Hidden Valley. The subdivision will look similar to these but will be strictly vacation homes with an RV resort. An individual purchases a unit, they decided which days their family would be in the home and then the other days will go into a rental pool managed by the HOA. The Coach Resort will also be managed by the HOA.

Southern Utah has a huge demand for higher end RV Coach Resorts similar to the one in Virgin. Mr. Getz is a guide for Zion National Park and has noticed there are not enough places for people with RV's to stay. He understands what the City has gone through in dealing with RV parks but this is a multi-million dollar project and the two will go together.

The final project will have 75 units, all fourplexes or duplexes, which have proven to be the most successful in their other developments. The amenities for the entire development include a 30-seat movie theater, a ¾-acre indoor/outdoor pool, and full amenities for weddings, receptions and reunions and will be built at the beginning along with the first two buildings.

Mr. Getz showed pictures of similar layouts of the project.

Mr. Getz passed out a City of La Verkin Hospitality Tax Outlook report for this project based on 70% occupancy for both the Coach Resort and vacation homes.

Talking to Derek, the City has many ways to govern any potential problem that may arise in the Coach Resort. With the ordinances the City has in place right now, working with the City Attorney and then with a development agreement.

The developer will maintain the HOA for years to come. They will not make their money on selling the units but by renting them.

Derek talked about the old RV parks that used to be in the City and the trouble we had with removing them. The City now has a development agreement on the books that allows the Planning Commission and City Council to work with the developer to set the terms and conditions of the development. This agreement also gives the City power to enforce those developments. The City can't enforce an HOA but the City could put in a development agreement that the building inspector can inspect each building annually to ensure the criteria set in the development agreement is being met.

Derek will send out a copy of the development agreement in our current Code to the Commissioners.

Derek mentioned the RV Park that needs to go hand in hand with the vacation rentals is not allowed in our community right now so an ordinance will have to be done to allow them again.

If Mr. Getz comes back to Planning Commission, it will be with a plat. The property owner is still in negotiations to purchase the second phase of the Coach Resort.

He is here today to find out if the Planning Commission is open to the idea of this development and if he should move forward. The development agreement is a huge part of the project and they would like to make it through the Planning Commission with the preliminary and final plat with the development agreement half way done.

The property owner is one of the partners in the project.

Derek said this item will be back to the Planning Commission.

Commissioner Wilson said if the project would look like what has been presented, and the RV Park will be as good as or better than the one in Virgin, he feels it will be good for La Verkin.

The owner of the unit can stay there as long as he wants but a renter will not be allowed to stay longer than 29 days.

The developer would like to put in the development agreement that, upon approval from the HOA, a "snowbird" with a coach RV could stay longer in the Resort than the 29 days.

Mr. Getz stated they are not putting money into the project for it to become anyone's full time residence.

Commissioner Bice likes the idea of a vacation home development but he is not sure about having a Coach Resort in the Downtown area. The RV Park in Virgin is nice but crowded. The topside may be a better location for that.

He also mentioned he doesn't want to change the City's ordinances back to authorize RV's.

Mr. Getz stated the roads and spaces in the Coach Resort will be larger than the Park in Virgin. It will have easy access for the large Coaches as well as emergency vehicles. The project will also beautify the property with mature landscaping and is not like anything done before. It will not be what was here before. It is a unique opportunity to capitalize on the resort tax base.

They would like to move to the next step and show the Commissioners a more detailed layout and flow pattern.

Derek will have Mr. Getz fill out the application to bring this item back to the Planning Commission with more detail on the amount of units and the Coach RV area.

If the Commissioners gave permission to proceed, we could start meeting twice a month if needed to facilitate this project.

We could also move forward with the vacation rental portion of the project then start the process for the ordinance for the RV's.

Commissioner Wilson stated the ordinance needs to be done right to protect the community.

Derek pointed out with a development agreement the City has more ways of enforcing the items established in the agreement. We need to move this along as quickly as possible for the developer but we have to make sure La Verkin is protected.

Mr. Getz asked if the vacation rentals would be moving forward while the development agreement for the RV Coach Resort was being worked on.

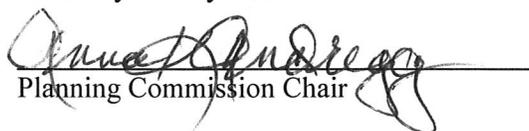
Derek replied yes.

Christy will send out the development agreement from the Code so the Commissioners will have time to review it and consider the development before the meeting next month.

**VII. Adjourn:**

**Motion was made by Commissioner Karl Benson to adjourn, second by Commissioner Allen Bice. Andregg-yes, Bice-yes, Benson-yes, Wilson-yes. Motion carried unanimously at 7:27pm.**

Minutes taken on behalf of the City Recorder by Christy Ballard.

  
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Planning Commission Chair

5-13-15  
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Date Approved

