



## LA VERKIN CITY PLANNING COMMISSION

Regular Meeting

Wednesday, March 23, 2016 6:00pm

City Council Chambers, 111 South Main Street  
LaVerkin, Utah 84745

**Present:** Chair Anna Andregg; Commissioners: Sherman Howard, Hugh Howard, and Allen Bice; Staff: Kyle Gubler, Derek Imlay, Kevin Bennett and Christy Ballard; Public: Robert & Adrienne Jahns, John & Theresa Hancock, Maurine Roberts, Judy Schultz, Edna Van Dam, Lyle & Lori Wood, Bruce Church, Gwendon Lee, Kathleen Warden, Bonnie Crawford, Donna Heebner, Pete Luchka, Jenkin White, Marilyn Hardy, Linda & Jack Jackson, Richard Hirschi, Carol Young, Lynn Maxwell, Clark Woodbury, Wayne Lang, Norman Gates, LaRene & Kirk Tullis, Gerald & Lorinda Tidwell, Anita DeMille, Deon Goheen, Jan Hansen, David & Shelly Howard, Anthony Hardy, Danielle Hill, Beatrice Macier, Lydia & Russell Bezette, Steven Meek, Launa Snow, Sherry & Stephen Adderly, Fred Stumps, Terry & Janice Crellin, Martha Anderson, Monique Bowcutt, Debra Howard, Brandi Johnson, Jim & Naomi Soria, Andy Hare, Margaret Beecher, Jay & Dorothy Frazier, Georgia & Chester Hardy, Gail & Rose Jackson and John & Rose Valenti.

*Commissioner Karl Benson has been excused.*

**I. Call to Order:** Chair Anna Andregg called the meeting to order at 6:02pm. The Invocation and Pledge of Allegiance was given by Richard Hirschi.

**II. Approval of Minutes:**

Commission may approve the minutes of the February 24, 2016 regular meeting.

**Motion was made by Commissioner Allen Bice to approve the February 24, 2016 regular meeting minutes as written, second by Commissioner Hugh Howard. Andregg-yes, Bice-yes, Sherman Howard-yes, Hugh Howard-yes. Motion carried unanimously.**

**III. Approval of the Agenda**

**Motion was made by Commissioner Hugh Howard to approve the agenda as written, second by Commissioner Allen Bice. Andregg-yes, Bice-yes, Hugh Howard-yes, Sherman Howard-yes. Motion carried unanimously.**

**IV. Reports:**

1. Beautification/Trails Committee-Commissioner Bice reported the Committee would be trying to find a way to continue the trail from the "L" to the north end of town. Dumpster Days will be April 22 & 23.
2. City Council-No report.
3. Director of Operations-Nothing to report.

**V. Public Hearing:**

1. To create the proposed Transition Zone, make minor revisions or clarifications in the Zoning Code, rezone from residential to the proposed Transitional Commercial zone or from one commercial zone to another, and

amend the Zoning Map to reflect the new and/or revised boundaries of the aforementioned zones. See Public Notice dated March 11, 2016.

Kevin explained the Planning Commission has been working on this ordinance for a couple of years. The purpose was to help the City grow in an orderly manner and to help with issues that have come up between residential properties and neighboring businesses.

The proposed Transition Zone will create a mixed-use buffer between the strictly residential use and the strictly commercial use of the community. It would allow limited, low impact commercial enterprises to be off State Street at the same time still allowing for residential housing.

The ordinance also cleans up some language in the existing Commercial Zone, makes minor boundary adjustments to the existing commercial zones along SR9, and specifies what type of motorized vehicles could be leased or sold in the Tourist Zone.

The Transition Zone does allow for animals. It also enables people to use their property for either commercial or residential with the ability to move back and forth between the two.

Two different staff members have contacted the Tax Assessor's office and they were told a zone change would not affect a person's property tax, a change in use would.

*The public hearing opened at 6:21pm*

Lyle Wood-He purchased the Wilson property on 480 South. He has spoken to Karl Wilson who is in favor of the proposed zone change to Tourist Commercial. Mr. Wood has three, twenty-acre parcels of property in Cedar City that are all zoned differently but the tax base is the same. He is in favor of the proposed change.

Chester Hardy-He lives on the south end of town and has for fifty years. In that time his property has been zoned residential and agriculture. He paid two different taxes, one was small the other was large. He does not have a line showing where it separates. The City went down to the recorder's office and changed the agriculture to non-residential but that has not made a difference in the taxes, it has stayed small compared to the residential. He feels that each person that has property the City would like to change needs to meet with the City on an individual basis and help decide how they would like to vote. Right now, the way his property is listed is non-residential but if he wanted to subdivide it and make it residential, maybe he could.

Now his property will be in the Transition Zone. He understands that won't make his taxes go up and he can still have animals but he would still like to meet with the City to make sure in a couple years his taxes won't go up and that he will be able to subdivide the property if he wants to. He thinks every individual on the map should have the ability to meet with the City to come up with an agreement instead of the City just voting on it.

Robert Jahns-He and his wife are thankful for the opportunity to speak on the two-week notice of his property change from residential R-1-10 to commercial T, Transition. He has researched the best he can the past few days and have talked to people that live around him that will be in the Transition Zone and no one that he has talked to supports it. There are four points he would like to make and his conclusions are simple for those four points. First, do not recommend this Transition T Zone to the City Council for approval. Do more research. Find out what his neighbors on the east side of north Main Street, who did not get notice, feel about it. Second, the people on the south side on 300 West, he met with several of them and they did not know about

it either. This will create one mile of commercial zones north of 300 W to SR9. That will create traffic problems. The Elementary School is already congested along Center Street and the intersection of SR9 & Center has many accidents. It may be the most hazardous intersection in the City. This will increase the danger to the children on North Main who walk to school.

The pickup station for high school kids is right in front of their house. Why increase the amount of traffic there and put the children in danger. It seems foolish to him. Third would be the quality of life, obviously that will suffer.

*The three-minute time limit was up.*

Deon Goheen-Lives on 180 West and has for 34 years. They have always been a residential zone and she would like to keep it that way. She has seen a transition zone before on the general plan but never in a residential area. She would appreciate it if the City would not make the change.

Pete Luchka- Lives on 480 South. There has been a lot of talk about the Transitional Zone. He is one of the six single-family homes along with Lyle Wood. He hasn't heard much of why this is being done. The transition zone possibly makes sense to him, but why take six single-family homes on 480 and turn them into Tourist Commercial? It really has not been explained to him at all. It seems strange to him to change from R-1-14 to Tourist Commercial.

He would like to know why those six single-family homes are being singled out, who requested that was done, how it would affect the taxes, and how will this affect his quality of life as it sets today. You say this won't affect the taxes but it will become a valuable piece of commercial property and he thinks they will be affected.

Those are his concerns and he hopes the Commission will have some answers for him.

Adrian Jahns-She doesn't understand why a buffer is needed on Main Street, behind her there are residents on SR9. There are plenty of empty commercial buildings along SR9 in terrible condition. She has not seen very many businesses stay around. In her neighborhood, there are no mom and pop businesses, just a purely residential neighborhood. It is a perfect picture of Americana with parents pushing strollers, walking their dogs on leashes or perhaps a first grader riding his bike home from school. If the traffic is increased by allowing businesses, as Transitional commercial says you can easily do, it will really disappoint the people in the neighborhood.

Another problem that she sees is the massiveness of the change. It is a mile long on Main Street then when you take one of the streets to go across to SR9 you have about a mile and a half behind State Street that is also being converted to this. It looks like there is a corridor as much as four or five blocks deep of transitional commercial. That sounds difficult to manage. As she read what would be done in the zone, people would have to keep their yards clean and tidy with no old cars setting around or no beautiful displays of farming tractors that we see. The City already has a hard time keeping residential areas clear of old cars, compound that with the extension of a commercial zone, it would make it worse.

Jenkin White-He lives on 480 South and is one of the residential homes being changed to Tourist Commercial. His concern is whether or not animal privileges will stay with it or if they will be grandfathered in.

Donna Heebner-Her concern is that while she is not in a large residential area like some of the people, her home, along with a couple others, appears to be singled out to be put in the Transitional Zone and she wondered why and/or the purpose of placing them in the Transitional. Does it mean she shouldn't be doing any property upgrades? She is against it until she knows the real purpose of why residential homes have been chosen to be part of the Transitional.

Anita DeMille-She found out about the zone change last night and has since talked to her neighbors and they do not want it. Her great grandkids come over to play and she doesn't want an auto shop across the street or a barber shop with all the traffic. She wants a residential zone.

Leon Guymon-He lives on State Street behind the muffler shop. He doesn't have any problems except one. Since he has purchased that property, it has been rezoned, taken out of the green belt and his taxes have been raised about six times and they want to raise them again. He is against raising taxes. This has been his home for many years. He has his house on the property with a couple cows and chickens.

His father in law purchased the property in about 1900 and helped build the canal.

He is not in favor of the Transition; he feels things need to be left alone. If someone wants to put in a subdivision, it needs to go somewhere else. He doesn't have a problem with the current businesses around him but is concerned with how the business that is supposed to come in behind him will be.

He wants to keep his acreage to where he can keep his water rights, his cows, his farm, his garden and his fruit trees. He doesn't think there is a need to change it. If someone wants to build they need to go somewhere else.

Russell Bezette-He lives on 480 South and has for 35 years. He has watched half a dozen men spend decades building a quiet, peaceful forest down there. To put a commercial and tourist access to that area is absurd. Not to mention the Conservancy has spent thousands of dollars to create a biological corridor so we don't interfere with our natural area. That corridor runs right through there and if you put in a Tourist Commercial it will jam that corridor of the life that flows up and down that canyon, there are some things money can't buy. Everything the attorney said as to why it is being done violates his family and the other families that live along 480 S to the maximum extent. They are the quietest part of La Verkin and to bring a tourist quality item into that neighborhood is black and white. It is absurdity. They do not want a motel across the street; they want to see the canyon. Six men have spent decades of their lives, including the Howard's grandfather, building forests in there. Commercial Zone, the City has not even dedicated 480 S to its agenda. They are opening up a tourist area that means the neighborhood will go from maybe five people a day to possibly five hundred in their front yard. The City has problems with the width of the entrance to the roadway for access to the commercial property. The Howard family owns 100 W and Mr. Bezette owns the roadway in front of his property.

Years ago, the ditch collapsed and the whole side of the mountain came down and covered the legal access that the Linda Howard family owns.

There has not been enough research done to declare that area to have what no one else wants in their back yard thrown right in their face. He is vehemently against the change, more research needs to be done and he hopes the City will do that. This is just his opinion; he doesn't want to convince anyone of anything, it's just the way he sees it. Thank you for the time. He appreciates living in a society where we are allowed to do such a thing.

Georgia Hardy-She agrees with Mr. Bezette. She lives by the animal shelter and loves the animals and Patti, the animal control officer. She loves her City, her orchard and her cows. She does not want a trail going through her yard. She wants to keep her yard the way it is with all her animals. She would also appreciate a fence along the cliff so she doesn't have to worry about her grandchildren. They have already lost a grandchild that way. It would be very nice to have that fence finished that is the only change she would like to see in La Verkin.

Fred C. Stump-He lives in Stowel's trailer park. He does not like the change and feels things should be left alone. There are several retired people, on a fixed income, in his neighborhood who have no place else to go if the City changes the property to commercial. There have been several businesses come and go in his area along State Street, they come in for a couple years and then leave. Leave things the way they are, do more research before throwing a monkey wrench into everything.

Kathleen Warden-She lives in Pheasant Glen. As far as the Planning Commission and zoning goes, it's great. However, Highway 17 is a disgrace. She moved to La Verkin expecting to live in a place she is proud of and she is not. If the Planning Commission is going to do anything, improve what the community looks like. That's why people don't bring their businesses in and stay. Improve the way it is. She also feels the City needs to stop parking on the streets. It is an outrage.

Lydia Bezette-She was born at 240 W 480 S in 1985. She grew up there; they now have four generations living on their farm. Her father has planted almost every tree on their property. They live on a little dirt road that is very beautiful and quiet. It is nature. To think that she may have to live across the street from a parking lot is disgusting. She likes looking at the beautiful mountain and enjoying the nature that comes into her yard. How dare the City even propose to take that away from her children. She does not want this.

Anthony Hardy-He relocated to La Verkin about a year ago from California because it's quiet. The Transition Zone according to the map does not affect him but he feels it does because it will be across the street from him. He feels the City should have sent a notice to everyone in La Verkin because it does affect everyone. He feels there is some underlying plan, whether it is more revenue, which he can understand, but every resident should have been notified. Perhaps there would have been a bigger turnout. He found out yesterday from a neighbor. He feels the citizens should receive more information as to what is really going on.

Beatrice Macier-She lives between Donna Heebner and Leon Guymon. She was at the Planning Commission about 6 months ago when Accuform wanted to go in her backyard so now her residence is surrounded by commercial property. What she sees in the future is eight-foot walls surrounding her house blocking her view and a bunch of trucks pulling in and out and the pollution that goes with that. That is not what she moved to La Verkin for and she is not in favor it.

Adrian Jahns-She has spoken already but would like to address something that was said. According to the rules, messages about this should have been sent to anyone living within 200 feet of the change. One of her neighbors came forward and mentioned he lived across the street from the change and she doesn't think the streets in La Verkin are 200 feet wide. She doesn't feel this is a legally held meeting.

*The public hearing closed at 6:52pm.*

**VI. Business:**

1. Discussion and possible action to recommend approval to the City Council an ordinance amending the City Zoning Map of and for the City of La Verkin, rezoning property along SR9 and SR17 and including a Transition Zone.

Commissioner Bice mentioned the Planning Commission has spent a year and a half working on this proposed change. Growth is going to come to La Verkin and it is the Planning Commission's assignment to make it preserve the rights of the people and happen the best way possible. No one ever wants changes in their back yard but changes are a part of life.

There are many concerns that need to be addressed.

Changing the zone doesn't take anyone's property or make businesses move in. The Transition Zone allows businesses that move in to be friendlier to the surrounding residents. It will not immediately change neighborhoods or cut down trees. The Planning Commission intends to allow people to preserve their rights. Right to property is very important to Commissioner Bice. As La Verkin grows, provisions need to be made so it will grow the way they want it to. He feels this topic needs to be discussed further. There were a lot of things said that are inaccurate, perhaps the citizens need to be informed of what the ordinance does and does not do. This change will not do anything that will take away your property rights; it does however give the property owner more options of things that can be done with the property if it located in a commercial zone.

Commissioner Hugh Howard mentioned he is affected a great deal by the proposed Transition Zone and feels that many of the fears mentioned of the Transition Zone are unfounded. There is nothing allowed in the zone that he personally wouldn't want next to him.

As far as the Tourist Zone is concerned, he thought the property being discussed was already zoned Commercial.

Commissioner Andregg explained the area for the zone changes were figured by going back a certain number of feet from State Street.

Commissioner Sherman Howard is new to the Planning Commission and was not present during the majority of the discussion. He knows change is hard but inevitable. The City will have to go through those growth pains.

He has read the proposed ordinance and likes the idea of allowing several of the types of small businesses, however, the ordinance does leave it open to more than what he thought.

Commissioner Andregg stated the Commissioners were trying to make the zone as un-intrusive as they could for the residents at the same time knowing that businesses were going to come. That is why the smaller, less invasive businesses were placed in the Transition Zone.

Kevin explained animals in a Tourist Zone are not allowed, however, whatever was located on the property legally at the time of the zone change may continue. If that use changes, it can only change to what is allowed in the new zone.

Animals are permitted in the Transition Zone.

A citizen requested the Commissioners answer the questions presented during the public hearing portion of the meeting.

The Commissioners explained they felt like that is what they had been doing.

Commissioner Bice stated the proposed change does not take away anyone's property rights or their view, it only allows additional things to happen on the property.

The ordinance has limited what types of businesses would be allowed in the Transition Zone. The small businesses shouldn't noticeably increase traffic. It does not allow large businesses, like hotels, to be next door to residential houses unless those homes are already next to a commercial zone.

It is important to preserve everyone's property rights, yours and your neighbors. The Commissioners tried to allow people to do with their property as they wish without causing too much of an issue to the neighbors.

There was a concern brought up about increasing the traffic along Main Street and Center Street during the time when children will be walking to and from school.

Derek mentioned a majority of the businesses permitted in the Transition Zone are already allowed as home occupations, so the traffic won't be any more affected by the zone change. The large parcels are really the only ones that will be affected and that will be by a residential type use. It won't allow for large commercial enterprises such as hotels or mechanic shops.

Kevin mentioned a home occupation requires the person live in the residence. The Transition Zone allows for those small types of cottage industry to exist without the requirement of people living in the building.

**Motion was made by Commissioner Hugh Howard to table this ordinance for further discussion, second by Commissioner Sherman Howard. Sherman Howard-yes, Hugh Howard-yes, Andregg-yes, Bice-yes. Motion carried unanimously.**

**VII. Adjourn:**

**Motion was made by Commissioner Allen Bice to adjourn, second by Commissioner Hugh Howard. Andregg-yes, Hugh Howard-yes, Sherman Howard-yes, Bice-yes. Motion carried unanimously at 7:11pm.**

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

  
\_\_\_\_\_  
Planning Commission Chair

5-11-16  
\_\_\_\_\_  
Date Approved

