LA VERKIN CITY PLANNING COMMISSION

Regular Meeting
Wednesday, December 14, 2022, 6:00 pm
City Council Chambers, 111 South Main Street
La Verkin, Utah 84745

Present: Chair Allen Bice; Commissioners: Sherman Howard, Hugh Howard, Matt Juluson, and Richard Howard; Staff: Derek Imlay, Kyle Gubler, and Christy Ballard; Public: John Valenti and Patricia Wise.

I. Call to Order: Chair Allen Bice called the meeting to order at 6:00 pm.
The invocation and Pledge of Allegiance were given by Derek Imlay.

II. Approval of Agenda:
The motion was made by Commissioner Matt Juluson to approve the agenda as written, second by Commissioner Sherman Howard. Sherman Howard-yes, Hugh Howard-yes, Richard Howard-yes, Bice-yes, Juluson-yes. The motion carried unanimously.

III. Approval of Minutes: November 9, 2022, regular meeting.
The motion was made by Commissioner Hugh Howard to approve the November 9, 2022, regular meeting minutes, second by Commissioner Richard Howard. Richard Howard-yes, Juluson-yes, Bice-yes, Hugh Howard-yes, Sherman Howard-yes. The motion carried unanimously.

IV. Reports:
City Council: Councilwoman Patricia Wise reported on the December 7, 2022, meeting.
The Wreaths Across America program is this Saturday. Citizens donated $1,000 of the $1,500 for the wreaths this year. The Mayor plans to continue the program next year with Council approval.

Director of Operations: Derek gave an update on the current Road Project. The project has been going for two months and should be complete in about three months, weather permitting. There are sewer issues holding things up a little, along with the ability to get material.

V. Business:
1. Discussion regarding the Tourist Commercial Zone vacation rental limit of fifteen percent per development.

Derek reported he included the parking and landscaping into the percentage, vacation rentals cannot front SR 9 or SR 17, and the percentage cannot include any portion of a hillside as defined by City Code.
The landscaping is hard to put a percentage to, so he wasn't sure how to move forward with the language.
With the frontage requirement, he began with a setback number but not all properties would hit that number, so he stated the vacation rental buildings could not be fronting state roads.
The hillside requirement will prevent any buildings from disturbing the hillside further than already allowed by the hillside ordinance.
He did receive feedback regarding the parking.
The current ordinance allows for either a cross-easement parking allowance or shared parking, pending business type. The Commission may want to consider allowing those same abilities here if the businesses meet the same criteria. This would keep the code consistent.

It was suggested to change the wording for the hillside requirement to "15% developable property cannot include any portion of the hillside…."

Commissioner Sherman Howard pointed out that would cut down on the benefits of owning larger parcels.

Derek said the only existing property this would apply to is the parcel directly south of The Dwellings, which is already restricted.
Development can have a 29% slope, but that requires a lot of retaining and drainage. Anything higher than that is not allowed. Going the other direction, the top down, is the steepest point and would already exceed the 29% limit.

Commissioner Juluson asked if the hillside ordinance would allow a property owner to install retaining walls and level the property.

Derek answered that the way he interprets the code, it would not be allowed. If someone is building walls, they are interrupting what the City is trying to protect with the ordinance.

Kyle mentioned there are not a lot of properties that qualify for this use.

Commissioner Bice was fine with shared parking like other businesses that qualify for the allowance.

Derek went over the process of determining that use. The developer must submit plans for the project, and the City verifies the businesses would match the shared parking requirement. If they don't, the developer would need to present a new plan with enough parking to maintain each use within the project.

The Commissioners were in favor of allowing the parking to be the same as the current code.

Derek asked about the landscaping percentage. He was not sure how to come up with a number.

Commissioner Bice suggested allowing shared landscaping like the shared parking requirements.

Derek said if they don't have the ability to share, we could refer to the current setback requirements, which is landscaping for 5-10 feet around the entire development. That would become a fire-rated assembly requirement.

Commissioner Bice suggested allowing slopes to be counted as landscape even though they are not developable.

Derek will make those changes and present them at the next meeting for review and possibly set the public hearing for the second meeting in January.

Commissioner Bice reported that during Leagues of Cities and Towns, there was a discussion on communities having other formats for people to voice comments electronically to city staff. That seemed like a good idea to him. It gives staff the ability to get a feel of what our citizens are thinking and allows them to respond to people before the public hearing.

Kyle said he has a newsletter email list that announces upcoming meetings but only has about 100 people on it. Any other announcement goes through Facebook.

Commissioner Juluson suggested putting proposed ordinances on the City Website with the ability for people to comment.

There was a discussion on different avenues to offer this ability to our residents.

2. Discussion on detached accessory dwelling units.

Derek passed out an updated proposal. He read through those changes.

Who would oversee the property if the owner took advantage of the sabbatical? A permanent resident must be present on the property. The City does not want to allow two rentals on one property.
Something must be included in the code that requires the property owner to bring in a legal document showing who the property's caretaker will be in their absence.

There was a discussion on specific reasons for allowing non-owner occupation on property with detached dwelling units.

Commissioner Richard Howard stated to prevent two rentals on one property, someone needs to be assigned the caretaker responsibility.

The Commissioners were in favor of adding language requiring a detached accessory dwelling unit property to have an onsite primary responsible party requirement.

Derek continued with the changes.
Properties with a detached accessory dwelling unit will be charged the commercial rate. The City does not want to allow for separate meter connections for ADUs to prevent illegal lot splits. Still, the Commission may want to consider additional impact fees because ADUs will increase the traffic and public safety needs.
The impact fee code allows for an additional impact fee schedule if the Commissioners think it necessary.

Commissioner Bice pointed out a small home is charged the same impact fee as a large home.

Derek moved to parking requirement changes. Tandem parking was clarified by stating tandem parking cannot encroach the city sidewalk or right of way. This will allow people to tandem park as long as pedestrians can safely walk on the sidewalk.
He pointed out an ADU will still require two additional parking spots.

Commissioner Richard Howard mentioned only people who meet the criteria could have an ADU, so making the parking requirement side by side could be one of those criteria.

Size and Location-Derek removed the specific numbers from the proposal and replaced them with a minimum of 200 square feet (per building code) and not to exceed half of the primary building footprint.
It also cannot exceed the 8% allowed accessory units. Both restrictions should accomplish what the City was trying to get.
Design Criteria-remove the height restriction of not being taller than the primary residence and replace it with "shall be determined by the zone." Each zone already has height restrictions.
Application Requirements-Remove recorded deed restriction acknowledging the single-family dwelling will remain occupied for an ADU to be rented. The following paragraph in the proposal covers this concern.
The deed restriction definition was removed.
Rental dwelling business license was added.
Living spaces above the garage need to be discussed.

Commissioner Bice said if it were a detached garage it would fall under the secondary building regulations.

Derek replied that does answer the living spaces above garages concern he had.

Commissioner Juluson asked what the requirements were for an attached dwelling. Does it need a shared wall, or can a breezeway count? He knows surrounding communities have had issues with not defining that requirement.

Derek said that is another concern. Attachments can only be made from kitchens or living rooms. Bedroom and garage attachments are not allowed.

Councilwoman Wise would like another work meeting with the Planning Commission and City Council. She is concerned with a twenty-foot height limit for ADUs. Her view of the mountain has been ruined by a large fifth-wheel trailer two doors down that is shorter than twenty feet.

Commissioner Juluson suggested wording it as twenty feet or not taller than the existing primary dwelling.

Derek will make that change.

3. Discussion on increasing the permitted hotel building height in La Verkin.

Derek explained the Tourist Commercial and Retail Commercial have proposals to limit the building height to fifty-five feet occupiable and ten additional feet of non-occupiable for a total of sixty-five feet.
The original idea was to increase the hotel's height and remove the ability for development agreements.
However, he has since been directed to set the new height but keep the ability for a development agreement.
Derek passed out a copy of the development agreement with the proposed height changes so the Commissioners can review everything included within the agreement.
He has also removed the ability from the Tourist Commercial and Retail Commercial zones to have a car wash. They would still be allowed in the General Commercial Zone.

The Commissioners were okay with the height change.

4. Discussion on removing transient lodging as a permitted use in the General Commercial Zone.

Derek moved to the General Commercial Zone. The Commissioners expressed interest in removing hotels, motels, and lodges from this zone. The question was presented to him that perhaps the City not remove the use but still allow them with the requirement of a percentage, or the entire first floor, be retail businesses.

Commissioner Bice mentioned that the change was to preserve some of the retail space in La Verkin. If there is a need for more hotels, perhaps the best way to deal with that is to rezone certain areas.

Derek mentioned we do not want to start spot zoning.
The main area he can see the possible need for the hotel is around the hot spring development. That property is zoned Tourist Commercial, so changing the surrounding properties wouldn't be spot zoning.

The Commissioners would like to move forward with removing the use from the General Commercial Zone, and if the need for a hotel arises, it can be done through a zone change.

Derek passed out the corrected material for business items 3 & 4.

VI. Adjourn:

The motion was made by Commissioner Hugh Howard to adjourn, second by Commissioner Sherman Howard. Richard Howard-yes, Sherman Howard-yes, Bice-yes, Juluson-yes, Hugh Howard-yes. The motion carried unanimously at 6:58 pm.

Allan Bice
Planning Commission Chair

11 Jan 23
Date Approved