

**PLANNING COMMISSION  
CITY OF ST. GEORGE  
WASHINGTON COUNTY, UTAH  
March 24, 2015 – 5:00 PM**

**MINUTES APPROVED**  
By: DIANE ADAMS  
Seconded: DON BUEHNER  
Date: 03/24/15

**PRESENT:** Chair Ross Taylor  
Commissioner Ro Wilkinson  
Commissioner Nathan Fisher  
Commissioner Don Buehner  
Commissioner Todd Staheli  
Commissioner Diane Adams  
Commissioner Julie Hullinger  
Council Member Joe Bowcutt

**CITY STAFF:** Planning & Zoning Manager John Willis  
Assistant City Attorney Victoria Hales  
Planning Associate Genna Singh

**EXCUSED:** Assistant Public Works Director Wes Jenkins  
Planner II Ray Snyder  
City Surveyor Todd Jacobsen

**FLAG SALUTE**

Chair Ross Taylor called the meeting to order and asked Commissioner Nathan Fisher to lead the flag salute at 5:01 pm.

John Willis stated that there are two changes in the agenda. First: Item 1C the applicant has requested to be heard at the next Planning Commission meeting. Second: Item 3B the applicant has modified the request from C-2 to PD-C and that will also be heard at the next Planning Commission meeting.

1. **LOT ROADWAY EASEMENT (LRE)**

- A. Consider approval of a lot split located at **820 North Valley View Drive** (the LDS Chapel and the vacant lot north of the chapel). The representative is Mr. Bob Hermanson, Bush & Gudgell. The property is zoned R-1-10 (Single Family Residential, 10,000 s.f. minimum lot size). Case No. 2015-LRE-004. (Staff – Todd Jacobsen).

John Willis presented the item: There is an existing LDS church located on the property. There are 12.15 acres total and the request is to split the LDS chapel on a 4.36 acre parcel and then a vacant piece of 7.82 acres. It does meet code.

Councilman Joe Bowcutt asked if there is a lot of hillside there.  
John Willis replied that there is hillside there but there is enough to develop.

Chair Ross Taylor asked if the split will remain R-1-10.  
John Willis replied the split will remain as R-1-10 zoning.

Councilman Joe Bowcutt asked if easements are affected.  
John Willis said no easements are affected by the split.

**MOTION: Commissioner Nathan Fisher made a motion to recommend approval of the lot split, Item 1A.**  
**SECONDED: Commissioner Diane Adams seconded the motion.**  
**AYES (5)**  
**Commissioner Don Buehner**  
**Chair Ross Taylor**  
**Commissioner Nathan Fisher**  
**Commissioner Diane Adams**  
**Commissioner Julie Hullinger**  
**NAYS (0)**  
**Motion passes.**

- B. Consider approval of a lot split located north of **Middleton Drive between 1700 East and Cottonwood Springs Road**. The representative is Mr. Steve Woolsey, ProValue Engineering. The property is zoned R-1-10 (Single Family Residential, 10,000 s.f. minimum lot size) and OS (Open Space). Case No. 2015-LRE-005. (Staff – Todd Jacobsen).

*\*Commissioner Ro Wilkinson entered the meeting at 5:06 pm\**

John Willis presented the item: There are two parcels. A part of the western split will be part of a greater subdivision. They are looking to sell the property.

Commissioner Nathan Fisher asked if the staff comments for 1B are accurate as they look to be the dialogue taken from the previous agenda item.

John Willis stated they are an error, and asked the written comments on Item 1B be disregarded; they are not applicable. Once they come through to develop we'll see the property again.

Councilman Joe Bowcutt asked if there is a road there.

John Willis said that there is a dedicated right of way which will more than likely be vacated in the future because it gets into hillside issues. We'll look at that more when they come in to develop the property.

Commissioner Nathan Fisher clarified that the request is to make four lots out of two lots.  
John Willis said that is correct.

**MOTION: Commissioner Don Buehner made a motion to recommend approval of Item 1B, lot split for the Michelson Family Trust and that we eliminate the first paragraph on staff comments.**  
**SECONDED: Commissioner Nathan Fisher seconded the motion.**  
**AYES (5)**  
**Commissioner Don Buehner**

**Chair Ross Taylor**  
**Commissioner Nathan Fisher**  
**Commissioner Diane Adams**  
**Commissioner Julie Hullinger**  
**NAYS (0)**  
**Motion passes.**

- C. Consider approval of an easement vacation/lot merger (final plat amendment) located at **2181 West Long Sky Drive** (Ledges Development). The representative is Mr. Michael Draper, Rosenberg Associates. The property is zoned PD-R (Planned Development – Residential). Case No. 2015-LRE-006. (Staff – Todd Jacobsen).

Item will be heard at a later date.

2. **PRELIMINARY PLAT**

- A. Consider approval of a preliminary plat for a three (3) lot residential subdivision for “**Whiterocks at the Ledges Phase 2.**” The applicant is Development Solutions and the representative is Mr. Ryan Thomas. The property is zoned PD-R (Planned Development Residential) and is located at Canyon Tree Drive Case No. 2015-PP-008. (Staff – Wes Jenkins).

*\*Commissioner Todd Staheli arrived at 5:11 pm\**

John Willis presented the item: this meets the requirements of the Ledges PD.

**MOTION: Commissioner Ro Wilkinson made a motion to accept Item 2A, Preliminary Plat, for Whiterocks at the Ledges Phase 2.**  
**SECONDED: Commissioner Julie Hullinger seconded the motion.**  
**AYES (6)**  
**Commissioner Don Buehner**  
**Chair Ross Taylor**  
**Commissioner Nathan Fisher**  
**Commissioner Diane Adams**  
**Commissioner Julie Hullinger**  
**Commissioner Todd Staheli**  
**NAYS (0)**  
**Motion passes.**

- B. Consider approval of a preliminary plat for a three (3) lot commercial subdivision for “**Riverside Business Park.**” The applicant and representative is Mr. Wes Davis. The property is zoned C-3 (General Commercial) and is located at 359 and 377 East Riverside Drive. Case No. 2015-PP-003. (Staff – Wes Jenkins).

John Willis presented the item: This preliminary plat came to Planning Commission on February 24, 2015. We’re seeing it again because the landscaping is non-conforming. There is a

provision in the code that states that the Planning Commission must specifically address non-conformity if the applicant would like to remain non-conforming.

John Willis read applicable code provisions:

1 – 15' landscape on frontage

2 – parking lot needs 5% landscaping

The project doesn't meet either of those standards. In order to move forward and not have to modify the landscaping PC must make that finding that the nonconformity can continue.

Commissioner Nathan Fisher asked if this project met the standards when it was originally done. All they want to do is separate the buildings into separate lots for ownership, right?

John Willis said that is right, and create an easement for access. All buildings stand alone for parking.

Commissioner Nathan Fisher asked which lots are non-conforming.

John Willis stated all three would be insufficient if separated into three lots.

Chair Ross Taylor asked if the parking could be met if the required landscaping were to be installed.

John Willis said it would be difficult.

Chair Ross Taylor noted that making them meet the landscaping standard would be a hardship. The parking is a higher priority than landscaping.

Wes Davis added that there is landscape on the frontage and against the buildings. Making any amendments to the existing landscaping would be a monumental task and would hinder our parking. There is no negative impact to the neighbors with this change.

Assistant City Attorney Victoria Hales counseled that any motion will need to include findings that the nonconformity is not increased and that there is not an unreasonable burden on adjacent land owners. They need your approval and Council approval to keep the landscaping non-conforming.

Commissioner Todd Staheli asked how much landscaping exists on the property.

John Willis stated they would need 7' additional along the frontage; I'm not sure about the parking lot landscaping percentages.

Wes Davis added that the project meets the commercial percentage for interior landscaping but not the frontage.

Commissioner Nathan Fisher said additional burden is not created. I think we keep the non-conformity.

Commissioner Diane Adams agreed. There are only a few businesses in there.

Chair Ross Taylor added that the change needed is per changes in the code since this was project was built.

**MOTION: Commissioner Don Buehner made a motion to accept and recommend approval of Item 2B for the Riverside Business Park; there will be no additions to the non-conformity and allowing the non-conforming landscaping to remain is not an unreasonable burden to any adjacent land and based on the fact that if we forced the landscape**

**conformity then there would be a non conformity with parking.**  
**SECONDED: Commissioner Ro Wilkinson seconded the motion.**  
**AYES (6)**  
**Commissioner Don Buehner**  
**Chair Ross Taylor**  
**Commissioner Nathan Fisher**  
**Commissioner Diane Adams**  
**Commissioner Julie Hullinger**  
**Commissioner Todd Staheli**  
**NAYS (0)**  
**Motion passes.**

Assistant City Attorney Victoria Hales noted that it is up to the Chair whether or not to hear from the applicant for Item 3B. It is my understanding that they are going to withdraw this item from the agenda.

Chair Ross Taylor invited the applicant for Item 3B to comment.

David Nielsen – Director of Real Estate for Smith’s: We’re excited to put another store in St. George. We started down the path of a C-2 for the property and as we’ve worked through this we found that a PD zone may be a more efficient way of accomplishing what we want to do. We want to open our doors as quickly as we can. We will be withdrawing our request from the meeting tonight but will be back at a later date.

3. **ZONE CHANGE (ZC)**

- A. Consider a zone change amendment to construct an approximately 20,000 square foot building on property zoned PD-C (Planned Development – Commercial) to accommodate the future development of a Mercedes-Benz Auto Dealership. The property is located at 1792 South Blackridge Dr, 302 and 288 West Hilton Drive. The applicant is Stephen Wade Auto Group and the representative is Mr. Bill Western, Western Design Group. Case No. 2015-ZCA-007 (Staff – John Willis)

John Willis presented the item: We’ll be looking at all aspects of the site plan, elevations, materials, and signage on a large commercial building. The property is on the corner of Blackridge and Hilton. The three existing buildings will be demolished and the lots will be merged. There is a City ROW to the north that will be abandoned. The elevation also shows the sign. Signs are not permitted above the parapet wall but because they are in a PD zone they are allowed to request the signage above the roof line.

Councilman Joe Bowcutt asked what the total height of the sign will be.

John Willis responded the sign extends 16’ above the roof line it is adjacent to. So the 16’ above the roof line is not in compliance.

John Willis added that a landscaping plan has been presented. There doesn’t appear to be much grade change.

Don Buehner asked for staff input on the sign.

John Willis noted that it is adjacent to the hillside so the impact is minimal.

Commissioner Don Buehner asked if the building sign would be in lieu of a freestanding sign.

John Willis said this is the only sign requested because it's beyond the sign code. Any signage that meets the code would be able to be requested and approved at a staff level.

Commissioner Todd Staheli said the total for this sign was 37'.

Commissioner Ro Wilkinson added that there's a hill behind them so I don't think it's affecting much.

Commissioner Nathan Fisher added that with the other dealerships around this makes sense.

Bill Western explained that the sign is a requirement by Mercedes. There will be other signage on the building that will be lower and fall within code. There will probably be a pylon sign up front as well but it's not presented because it will meet code.

Joe Bowcutt asked if there are any easement issues.

Bill Western said there was a gas line to the north but we're resolving that.

Assistant City Attorney Victoria Hales noted that the easements will come back in at a later date for approval.

Chair Ross Taylor opened the public hearing.

Chair Ross Taylor closed the public hearing.

**MOTION: Commissioner Ro Wilkinson made a motion, based on recommendations by staff and comments made, to recommend approval of the zone change for Stephen Wade Mercedes Benz on the stated terms.**

**SECONDED: Commissioner Diane Adams seconded the motion.**

**AYES (6)**

**Commissioner Don Buehner**

**Chair Ross Taylor**

**Commissioner Nathan Fisher**

**Commissioner Diane Adams**

**Commissioner Julie Hullinger**

**Commissioner Todd Staheli**

**NAYS (0)**

**Motion carries.**

- B. Consider a zone change request to rezone from C-2 (Highway Commercial) and R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size) to C-2 (Highway Commercial) on 28.802 acres to accommodate the future development of a commercial shopping center proposed to be called 'Dinosaur Crossing Shopping Center'. The property is generally located at the north east corner of Riverside Drive and Mall Drive from Mall Drive to 2200 E and Riverside Drive to the river. The owner is 'Dinosaur Crossing LLC', the applicant is 'Smith's Food and Drug Center',



and the representative is 'Anderson Wahlen and Associates'. Case No. 2015-ZC-006  
(Staff – John Willis)

The item was withdrawn by the applicant prior to the meeting; see comments above.

4. **CONDITIONAL USE PERMIT (CUP)**

Consider a request for a Conditional Use Permit for permission to extend an existing sales lot for automobiles and similar vehicles (**Premier Car & Truck**) to the adjacent property located at 148 W St. George Blvd.

John Willis presented the item: Premier Car & Truck exists on the Boulevard and they have acquired the Irmitas property. They want to expand onto that lot and expand their existing conditional use. One standard is that a sales lot requires compliance with the landscape standard of 15' along the street – the site has about 5'. The applicant would like to maintain the existing landscaping and not expand to the 15'. They don't plan on using the existing building; they want to maintain their existing sales office. They only want to utilize the parking area. Expanding the conditional use will not have a negative impact. We are suggesting: 1 – the expanding lot conforms with parking standards for display to customer ratio 2- the property can only be used in conjunction with an existing auto sales lot and not as its own sales lot. Sales lots must have at least 100' frontage. It's important to understand that there are not entitlements to the land itself but only as an expansion of a conditional use. 3 – the landscape remains as it exists 4 – this is a CUP so the findings need to be addressed.

Commissioner Don Buehner asked if a 15' landscape strip were a condition of approval, would it only affect the Irmitas piece and not the existing lot.

Assistant City Attorney Victoria Hales explained that they are adding about 35' of frontage and they want to keep those 35' non-conforming so it would be part of the CUP that they be allowed to keep the non-conforming. Staff also touched on the fact that this lot standing alone could not be a car lot. You aren't approving this as a stand-alone car sales lot. The request is to conditionally use the property as part of their existing lot that does meet the requirements. This CUP is only approved by use in conjunction with an existing car lot. The CUP does not run with the Irmitas land it only states they can use it as part of an existing car lot. Your motion will need to include the same finding that the nonconformity doesn't increase and it doesn't have substantial impact on the neighbors.

John Willis said at one point the landscaping was approved.

Commissioner Nathan Fisher asked for clarification if this is a new CUP or an addition to the existing CUP for Premier.

Assistant City Attorney Victoria Hales said this CUP is only for the strip of land at 148 W but there is a condition that it has to be part of an existing car sales lot. You don't want to approve it as a stand-alone car sales lot.

Chair Ross Taylor noted that the CUP needs to be tied to their lease specifically – if the lease expires then the CUP expires. The building will be vacant so we also need to state the building cannot be used.

Commissioner Nathan Fisher countered that the building could be used in conjunction with the existing car lot. As soon as the existing car lot; if the use changes then the CUP needs to expire. Commissioner Nathan Fisher pointed out that the car lot adjacent to them has the 15' but then the next car lot only has 5'. If we required the 15' landscaping it would look odd.

Commissioner Don Buehner stated that the difference between this and the last item in terms of nonconforming is this wouldn't force them into another non-conformity issue. The other one we said that if we pushed the landscaping it wouldn't allow parking so this is a different issue. The Boulevard is a different animal than Riverside Dr. The Boulevard is a show piece and any opportunity we have to improve that corridor should be taken.

Ron Caplin explained that he didn't install the landscaping at Irmitas. That was designed to tie into a Mexican restaurant. The landscaping in front of my existing property was also there when I moved there 4 years ago and we've just maintained it. I don't know how much you can really add to a 33' strip of frontage to improve the area.

Chair Ross Taylor asked if there is an access point into the property.

Ron Caplin said there is a driveway off the Boulevard but it's a land locked piece of property; since Irmitas vacated, Red Rock Auto has pulled their cars all the way to the lot line. All we're looking for is additional display room of maybe 4 more cars along the frontage and then some in the back. It won't significantly change the appearance of the area.

Councilman Joe Bowcutt noted that some of the landscape strips are narrow along the Boulevard because of the street widening.

Ron Caplin added that if we were required to update the landscaping it would not be worth my while and the piece would just sit vacant.

Commissioner Nathan Fisher said the 15' would make it difficult to have usable property but perhaps the landscaping can be updated with some bushes instead of sage brush and weeds.

Ron Caplin agreed to update the landscaping.

Commissioner Don Buehner added that the landscaping should have the same characteristics of the adjacent landscaping.

Councilman Joe Bowcutt revisited the access asking if it is on the other car lot property.

Ron Caplin said that is right; I won't have access there. Our access will be on the back side of 100 East and then one access on St. George Boulevard.

Alan Archibald – property owner – the building was built and had a poor use there. In my 3 year absence it was rented to Irmitas. My intent was to always have this lot as part as one of the adjacent lots. We realize the need to have this in conjunction with an adjacent car sales lot.

Councilman Joe Bowcutt said we'll be more comfortable if that building is used with the automobile business. Any stand-alone use would not be acceptable.

John Willis added that if for whatever reason the CUP expires then the property would be able to be used as whatever is permitted in the zone. One restriction this property has is parking.



Chair Ross Taylor added that the CUP goes with the property regardless of ownership. Alan Archibald clarified that the request is for any automotive company, not just Premier. Assistant City Attorney Victoria Hales counseled that if it isn't used for the property to the east it may be used with the property to the west. You can limit the use to those two applications and then have it cease and revert to the zone. The findings will also need to be addressed regarding the landscaping non-conformity.

**MOTION: Commissioner Nathan Fisher made a motion to recommend approval of a CUP of the lot located at 148 W St. George Boulevard as an overflow area for a car lot so long as the car lot for which this is an overflow is adjacent to either the property located at 140 W/116 W OR 176 W and so long as the adjacent properties either 140 W/116 W or 176 W are compliant with the current zoning ordinances or are found to be an approved non-conforming use under the zoning ordinance. The CUP is further conditioned upon the use of an overflow in connection with a car lot either to the west or east and with respect to the landscape, we find that the non-conforming condition of the landscape does not create additional burden on adjacent properties and that the non-conformity is not expanded. However the landscape strip that does exist now has to be improved to be substantially similar to the landscape frontage of the car lot at 140 W/116 W; this CUP ceases and reverts back to standard C-4 zoning when a car lot is not operated to the west or to the east; the conditions placed on this recommendation are based on the findings that the detrimental effects are mitigated by these conditions; also the CUP is conditioned on the restriction that the use of the existing building must be used in conjunction with an adjacent car lot business.**

**SECONDED: Commissioner Todd Staheli seconded the motion.**

**AYES (6)**

**Commissioner Don Buehner**

**Chair Ross Taylor**

**Commissioner Nathan Fisher**

**Commissioner Diane Adams**

**Commissioner Julie Hullinger**

**Commissioner Todd Staheli**

**NAYS (0)**

**Motion passes.**

5. **MINUTES**

Consider approval of the minutes from the October 28, 2014, December 09, 2014, January 13, 2015, and January 27, 2015 meetings.

No edits were suggested.

**MOTION: Commissioner Ro Wilkinson made a motion to approve the minutes from October 28, 2015.**

**SECONDED: Commissioner Diane Adams seconded the motion.**

**AYES (6)**

**Commissioner Don Buehner**  
**Chair Ross Taylor**  
**Commissioner Nathan Fisher**  
**Commissioner Diane Adams**  
**Commissioner Julie Hullinger**  
**Commissioner Todd Staheli**  
**NAYS (0)**  
**Minutes approved.**

**MOTION:** Commissioner Todd Staheli made a motion to approve the minutes from December 09, 2014.

**SECONDED:** Commissioner Julie Hullinger seconded the motion.

**AYES (6)**

**Commissioner Don Buehner**  
**Chair Ross Taylor**  
**Commissioner Nathan Fisher**  
**Commissioner Diane Adams**  
**Commissioner Julie Hullinger**  
**Commissioner Todd Staheli**  
**NAYS (0)**  
**Minutes approved.**

**MOTION:** Commissioner Diane Adams made a motion to approve the minutes from January 13, 2015.

**SECONDED:** Commissioner Don Buehner seconded the motion.

**AYES (6)**

**Commissioner Don Buehner**  
**Chair Ross Taylor**  
**Commissioner Nathan Fisher**  
**Commissioner Diane Adams**  
**Commissioner Julie Hullinger**  
**Commissioner Todd Staheli**  
**NAYS (0)**  
**Minutes approved.**

**MOTION:** Commissioner Julie Hullinger made a motion to approve the minutes from January 27, 2015.

**SECONDED:** Commissioner Diane Adams seconded the motion.

**AYES (6)**

**Commissioner Don Buehner**  
**Chair Ross Taylor**  
**Commissioner Nathan Fisher**  
**Commissioner Diane Adams**  
**Commissioner Julie Hullinger**  
**Commissioner Todd Staheli**  
**NAYS (0)**

**Minutes approved.**

**ADJOURN**

**MOTION: Commissioner Nathan Fisher made a motion to adjourn.**

**SECONDED: Commissioner Julie Hullinger seconded the motion.**

**AYES (6)**

**Commissioner Don Buehner**

**Chair Ross Taylor**

**Commissioner Nathan Fisher**

**Commissioner Diane Adams**

**Commissioner Julie Hullinger**

**Commissioner Todd Staheli**

**NAYS (0)**

**Meeting adjourned at 6:26 pm.**