

**PLANNING COMMISSION
CITY OF ST. GEORGE
WASHINGTON COUNTY, UTAH
May 26, 2015 – 5:00 PM**

**APPROVAL 04/12/2016
Motion: Ro Wilkinson
Second: Todd Staheli**

PRESENT: Chair Ross Taylor
Commissioner Ro Wilkinson
Commissioner Diane Adams
Commissioner Julie Hullinger
Commissioner Todd Staheli (arrived at 5:07 PM)

CITY STAFF: Assistant Public Works Director Wes Jenkins
Planning & Zoning Manager John Willis
Planner II Ray Snyder
City Surveyor Todd Jacobsen
Assistant City Attorney Victoria Hales
Deputy City Recorder Annette Hansen

EXCUSED: Commissioner Don Buehner
Commissioner Nathan Fisher
Council Member Joe Bowcutt
Building & Development Office Supervisor Genna Singh

FLAG SALUTE

Chair Ross Taylor called the meeting to order and lead the flag salute at 5:04 pm. Because of the lack of commission members Chairman Taylor explained that any of the quorum decisions would have to be unanimous in order to pass.

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

Consider a **height** request to construct a multi-family four (4) story above ground apartment complex called "**Catamaran Plaza**" with associated two (2) levels of underground parking that would be approximately fifty-eight feet (58') above ground and the courtyard in the rear would be approximately forty-seven feet (47') high above ground which would exceed the allowable maximum building height of thirty-five feet (35') unless the City Council grants a CUP (conditional use permit) for a greater height as per city Code 10-10-4. The property is located directly north of the electrical substation at the intersection of Riverside Drive and 1990 East Street and is south of the existing Rebel Creek Ridge apartments. The zoning is R-3 (Multi-Family). The applicant is MVA Properties, Mr. Jared Nielson and the representative is Mr. Rob Reid, Rosenberg Associates. Case No. 2015-CUP-008 (Staff - Ray S.)

Ray Snyder presented the aerial views of the proposed development area, along with a proposed site plan, elevations and materials board. He noted that the City Council has approved the hillside permit on May 21, 2015. He then discussed the findings that were included in the packet. He explained that the height of the majority of the building is fifty-eight feet (58') and the courtyard in the rear of the building is forty-seven feet. He noted that due to elevation differences a small portion of the southeast corner would be sixty-seven feet (67') in height.

Rob Reid from Rosenberg Associates, representing the applicant, noted that this project is tucked into the base of the bluff where it won't restrict any views from the homes on the bluff. He noted that by using the Hillside Density Transfer Bonus the community is able to keep over 32 acres left as its natural state, and only develop on the 6.82 acres parcel, and that this is a perfect location for the use of a Conditional Use Permit for additional height to offset the transfer of density. Jared Neilson with MP Properties mentioned that the roofline will be only 5 to 6 ft. higher from the existing buildings in the area.

Chair Ross Taylor asked if the density transfer allows for the applicant to exceed the density limit, and if the developer is then able to develop the entire R-3 parcel.

Assistant City Attorney Victoria Hales explained that any density transfer is recorded with the property and that the applicant may develop on the R-3 parcel. Any Conditional Use Permits granted would be attach to the land. Any motion made needs to include and note the 67 ft. height on the southwest corner of the complex.

MOTION: Commissioner Diane Adams made a motion to approve the Conditional Use Permit for the requested height for the proposed multi-family apartments to be four (4) stories above ground with two (2) levels of underground parking and the height of the majority of the building will be forty-seven to fifty-eight feet (47'- 58') with a small portion of the southeast corner to be sixty-seven feet (67') and that the applicant comply with the conditions and restrictions in A-K findings of staff as outlined to mitigate the detrimental effects of the project.

SECONDED: Commissioner Ro Wilkinson seconded the motion.

AYES (5)

Chair Ross Taylor

Commissioner Ro Wilkinson

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAY (0)

Motion carries.

2. **BUILDING DESIGN CONCEPTUAL SITE PLAN (BDCSP)**

Consider a **building and site plan** review for the construction of a multi-family four (4) story above ground apartment complex called "**Catamaran Plaza**" with associated two (2) levels of underground parking. This project would provide 164 units in 1, 2, & 3 bedroom units. The property is located directly north of the electrical substation at the intersection of Riverside Drive and 1990 East Street and is south of the existing Rebel Creek Ridge apartments. The zoning is R-3 (Multi-Family). The applicant is MVA Properties, Mr. Jared Nielson and the representative is Mr. Rob Reid, Rosenberg Associates. Case No. 2015-CUP-008 (Staff - Ray S.)

Ray Snyder addressed the commission and explained that city code requires a design review of multi-family developments and also requires the submittal of the application along with a site plan, elevation drawings, landscaping, and materials and color samples. These items were presented to the commission for review. The applicant proposes 164 units; the apartments will be one, two, and three

bedroom units ranging from 499 to 1,300 sq. ft. all within one building. The unit mix will be 22% one bedroom units, 68% two bedroom units, and 10% three bedroom units, for a total of 164 units. He explained that there are two parcels that total approximately 39 acres at the base of the East Bluff at 1990 East Street. He proposes using a density transfer bonus as permitted in the Hillside Ordinance and wishes to move all units onto the 6.82 acre parcel and leave the remaining acreage as untouched bluff. The applicant desires to reduce the parking requirements from 2 spaces per unit to 1.75 spaces per unit as provided in city code Section 10-19-4 which allows the Planning Commission to grant a reduction in the requirement where it can be shown that the required two spaces per unit is an excessive amount of parking. The project requires a total of 383 spaces and 344 spaces are being proposed.

Jared Neilson with MP Properties, representing the applicant, discussed the parking for this complex which is provided by parking garages below the units and in the exterior areas around the building. He stated that there are 212 parking stalls in the covered underground parking garage and 132 parking stalls outside with 43 of them covered. This provides a 1.76 parking ratio, not including guest parking. He explained that they have a similar apartment complex in Layton Utah which has 156 units with 272 parking spaces (including guest) and is designed at a 1.74 parking ratio. He stated on a typical weekday night 12 spaces are not occupied and on a typical weekend night 48 spaces are not occupied.

Commissioner Ro Wilkinson expressed concerns about large rocks falling from the adjacent bluff and asked if this issue was a concern to staff.

Ray Snyder stated that the Hillside Board reviewed the site to see if a rock fall study was required and it was determined that it was not required for this area.

Commissioner Diane Adams asked if there were two accesses into the parking garage.

Jared Neilson explained that there was, one being on the front of the building and one on the north side of the building.

Councilmember Joe Bowcutt inquired about the remaining 32 acres that the developer would be transferring the density from and designating as unbuildable.

Jared Neilson explained that they would like to donate that portion to the City.

Councilmember Bowcutt then asked if it is not donated to the City how it would be guaranteed that it would not be developed.

Assistant City Attorney Victoria Hales explained that there would need to be recorded with the property a deed restricting development. The Commission cannot require that the land be donated to the City, but if the developer wants to donate it, the City may be willing to accept it.

Jared Neilson explained that it is their intent to keep the integrity of the hillside.

Commissioner Diane Adams inquired as to the target market for residents of this proposed complex and how it would be managed.

Jared Neilson explained that the market for this type of residence would be small young families and single professional adults, as the majority of the units are one and two bedroom apartments. He also explained that there would be four full time managers on site.

MOTION: Commissioner Diane Adams made a motion recommend approval of the building design as submitted with the presented building colors and site plan; allow a parking reduction

to be 1.82 spaces per unit or a total of 354 parking stalls which includes 299 residential parking spaces and 55 guest parking spaces; site plan review will be submitted and approved with the density transfer as presented given that the hillside will not be developed and that a document be recorded as such with the property.

SECONDED: Commissioner Ro Wilkinson seconded the motion.

AYES (5)

Chair Ross Taylor

Commissioner Ro Wilkinson

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAY (0)

Motion carries.

3. **ZONE CHANGE AMENDMENT (ZCA)**

Consider a zone change amendment request to construct a four-story, 78 unit condominium project on approximately 5.7 acres of property in the PD-R (Planned Development Residential) zone the project is “**Estancia**” and is located at approximately 1151 South Plantations Drive. The owner is Capital 5 LLC, the applicant is Mr. David Nasal. Case No. 2015-ZCA-014. (Staff – John Willis)

John Willis explained that the original approval was four (4) buildings, each 3-stories high with a couple buildings having minor 4-story sections in the middle, with 78 total units. The applicant is proposing to eliminate one of the buildings and increase the height to 4-stories throughout, as well as expanding the footprint of the other buildings. The project will maintain the same number of units. He explained that they propose to eliminate one building entirely which would allow for more landscaping, and noted that given they are not changing the number of units that the parking requirements would remain the same. He presented the proposed elevations as well as the materials board to the commissioners. He explained that the applicant is proposing 4-story buildings which will be fifty-three feet in height, exceeding the City Code of thirty-five feet so the height difference must be approved by the Planning Commission. He mentioned that there was a letter received in opposition to the proposal.

Chair Ross Taylor mentioned the letter received and inquired if the applicant had reviewed the content of the letter.

Applicant Dave Nasal stated that he has since been in contact with the complainant and looks like they have resolved the issue.

Estancia Condominiums at Green Valley representative Dave Nasal addressed the Commission and presented renderings and photos of the proposed colors of the buildings. He stated that Phase 2 is a 16 unit building because of the elevation levels. He mentioned that with this proposed change it would help preserve the views of the surrounding developments as well as allow for more open space. He stated that the neighbors to the North and East sides of the development are in support of the amendment.

Commissioner Todd Staheli expressed concerns with not having the issue with the complainant resolved before moving forward with the approval.

Assistant City Attorney Victoria Hales mentioned that as the letter addressed parking concerns, and seeing as there was no parking changes being proposed, that the Commission would deal with that issue if it came to that point. At this time the applicant is only requesting a height change.

Chair Ross Taylor opened the public hearing. No comment from public at this time.

Chair Ross Taylor closed the public hearing.

MOTION: Commissioner Ro Wilkinson made a motion to recommend approval of the zone change amendment for Estancia increasing the height allowance to fifty-three feet (53') as presented on 3 buildings and eliminating 1 building. If parking is changed then the applicant must come before the planning commission to approve said change.

SECONDED: Commissioner Julie Hullinger seconded the motion.

AYES (5)

Chair Ross Taylor

Commissioner Ro Wilkinson

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAY (0)

Motion carried.

4. **ZONE CHANGE (ZC)**

Consider a zone change request on approximately 13.36 acres from RE-20 (Residential Estate 20,000 sq. ft. minimum lot size) to R-1-12 (single family Residential 12,000 sq. ft. minimum lot size) to accommodate future residential development of "**The Cove at Little Valley.**" The property is generally located on the south side of Horseman's Park Drive, and generally between Little Valley Road and 2350 East Street. The owner is Sullivan Field LLC and the representative is Mr. Shaun Sullivan. Case No. 2015-ZC-013 (Staff – John Willis)

John Willis explained that this item was tabled at the applicant's request until the next Planning Commission meeting.

5. **ZONING REGULATION AMENDMENT (ZRA)**

Consider a zoning regulation amendment to amend sections pertaining to **accessory structures** in Title 10, Zoning Ordinance, Chapter 2 "Definitions," Chapter 7A Residential Estate Zones, Chapter 7B Single Family Residential Zones, Chapter 7C Multiple-Family Residential Zones, Chapter 7D Mobile Home Zones, and Chapter 14 Supplementary and Qualifying Regulations. The proposed amendment would make the code more consistent throughout varying zones and would address how to measure height as well as setbacks. Case No. 2015-ZRA-002 (Staff – John Willis)

John Willis explained the current zoning ordinance is unclear and lacks consistency in regards to accessory buildings in residential zones. Each zone has different requirements and this amendment would make it easier to administer and provide consistency in the code. In most sections of the code, accessory structures are measured from the midpoint of the roof; however in the single family zones, height is measured from the ground to peak. Additionally, current code requires building setbacks based on wall height and provides ranges, but no guidance when applying ranges. The proposed amendment will help administer the code by being more concise, as well as consistent. He then went over the proposed changes of each ordinance.

Assistant City Attorney Victoria Hales had questions about allowing an accessory building on the required utility easement. If the City needs to use the easement, it would damage the accessory building and the City cannot be responsible for buildings in the public easement. She suggested that staff allow the legal department to review this issue and come up with the proper wording to address this concern.

Changes in the allowances for accessory buildings in side-yards were also discussed along with the required setbacks and building exterior requirements.

Commissioner Diane Adams noted that she liked the idea of conforming and updating the code as it would limit the number of CUP's the Planning Commission would have to review.

Chair Ross Taylor opened the public hearing. No comments were made.

Chair Ross Taylor closed the public hearing.

Commissioner Todd Staheli mentioned that it would be nice if the code were changed so that the Planning Commission would only have to see issues on accessory buildings if they exceeded the height limits.

Chair Ross Taylor felt that the easement requirements should be looked at as owners should have the authority to build there if it is determined that the easement had no plans of ever being used. He stated that most easements are never used and staff should be able to determine if the easement would be used in the future or not.

Councilmember Joe Bowcutt expressed his support of allowing staff more freedom and authority to handle these situations before they come to the Planning Commission.

Commissioners discussed the various changes and Chair Ross Taylor suggested that they continue this issue as the commission would like to have legal staff look at and clarify some of the issues and concerns the commission had regarding easements and allowing structures in the easement.

6. **PRELIMINARY PLAT (PP)**

Consider approval of a preliminary plat for a thirteen (13) lot residential subdivision for "**The Escapes at the Ledges Phase 6.**" The owner is Movie Rock LLC and the representative is Mr. Ryan Thomas, Development Solutions. The property is zoned PD-R (Planned Development

Residential) and is located at Canyon Tree Drive and Arcadian Shores Drive. Case No. 2015-PP-015. (Staff – Wes Jenkins).

Wes Jenkins presented the item to Commissioners.

Assistant City Attorney Victoria Hales reminded the Commission that all preliminary plats approvals are subject to legal approval.

MOTION: Commissioner Julie Hullinger made a motion recommend approval of the preliminary plat as presented, subject to legal approval.
SECONDED: Commissioner Diane Adams seconded the motion.
AYES (5)
Chair Ross Taylor
Commissioner Ro Wilkinson
Commissioner Diane Adams
Commissioner Julie Hullinger
Commissioner Todd Staheli
NAY (0)
Motion carried.

7. **FINAL PLATS (FP)**

- A. Consider approval of an eight (8) lot residential subdivision for “**Oakwood Estates Phase 2**”. The representative is Mr. Brad Petersen, Development Solutions. The property is zoned R-1-10 (Single Family Residential, 10,000 sq. ft. minimum lot sizes) and is located at approximately 3000 East and 3150 South (in the Little Valley area). Case No. 2015-FP-023. (Staff – Todd Jacobsen).

Wes Jenkins presented the item.

- B. Consider approval of a thirteen (13) lot residential subdivision for “**Tonaquint Heights Phase 2**.” The representative is Mr. Brad Petersen, Development Solutions. The property is zoned R-1-40 (Single Family Residential, 40,000 sq. ft. minimum lot sizes) and is located at approximately 1170 West Street and Chandler Drive. Case No. 2015-FP-011. (Staff – Todd Jacobsen).

Wes Jenkins presented the item.

Assistant City Attorney Victoria Hales inquired as to the setbacks for this development and suggested that this be addressed as a condition of approval.

- C. Consider approval of a six (6) lot residential subdivision for “**Tonaquint Terrace Phase 3**”. The representative is Mr. Brad Petersen, Development Solutions. The property is zoned R-1-10 (Single Family Residential, 10,000 sq. ft. minimum lot sizes) and is located at approximately 1200 West Street and 2440 South Street. Case No. 2015-FP-005. (Staff – Todd Jacobsen).

Wes Jenkins presented the item.

MOTION: Commissioner Julie Hullinger made a motion to recommend approval of final plats 7A and 7C as presented, and 7B (Tonaquint Heights Phase 2) conditioned on the buildings must meet all current setback requirements.

SECONDED: Commissioner Todd Staheli seconded the motion.

AYES (5)

Chair Ross Taylor

Commissioner Ro Wilkinson

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAY (0)

Motion carried.

8. **PRELIMINARY PLAT AMENDMENT (PPA)**

Consider approval of a preliminary plat amendment for "Stone Cliff Phase 13". The owner is Traveller/Stone Cliff and the representative is Ried Pope/Gail Maxwell. The property is zoned PD-R (Planned Development Residential) and is located southeast of Stone Cliff Phase 11 and the intersection of Cobalt Drive and Flint Drive in the Stone Cliff Development. Case No. 2015-PPA-016. (Staff – Wes Jenkins).

Wes Jenkins presented the item. He explained the purpose for the amendment is to add lot 33 and to provide a private drive as access to lots 32, 33 and 34. Originally lots 32, 33 and 34 were getting access from Granite Way.

Assistant City Attorney Victoria Hales asked if there is a required 100' setback with no removal of significant vegetation.

MOTION: Commissioner Todd Staheli made a motion to approve the preliminary plat amendment for Stone Cliff Phase 13 as presented, subject to legal approval for the setback and vegetation issue.

SECONDED: Commissioner Ro Wilkinson seconded the motion.

AYES (5)

Chair Ross Taylor

Commissioner Ro Wilkinson

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAY (0)

Motion carried.

9. **MINUTES**

Consider approval of the minutes from the March 10, 2015 meeting.

MOTION: Commissioner Ro Wilkinson made a motion to approve the minutes from the March 10, 2015 meeting.

SECONDED: Commissioner Todd Staheli seconded the motion.

AYES (5)

Chair Ross Taylor

Commissioner Ro Wilkinson

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAY (0)

Motion carried.

10. **DISCUSSION**

Staff updated the Planning Commission on recent City Council actions.

ADJOURN

MOTION: Commissioner Diane Adams made a motion to adjourn.

SECONDED: Commissioner Julie Hullinger seconded the motion.

AYES (5)

Chair Ross Taylor

Commissioner Ro Wilkinson

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAY (0)

Meeting adjourned at 6:59 pm