

**PLANNING COMMISSION
CITY OF ST. GEORGE
WASHINGTON COUNTY, UTAH
April 08, 2014 – 5:00 PM**

MINUTES APPROVED
By: RO WILKINSON
Seconded: JULIE HULLINGER
Date: 5/13/14

PRESENT: Chairman Ross Taylor
Commissioner Julie Hullinger
Commissioner Diane Adams
Commissioner Nathan Fisher
Commissioner Don Buehner
Council Member Joe Bowcutt

CITY STAFF: Community Development Coordinator Bob Nicholson
Development Services Manager Wes Jenkins
Planner I Craig Harvey
Planner II Ray Snyder
Project Manager Todd Jacobsen
Assistant City Attorney Victoria Hales
Administrative Secretary Genna Singh

EXCUSED: Commissioner Ro Wilkinson
Commissioner Todd Staheli
Deputy City Attorney Paula Houston

FLAG SALUTE

Chairman Ross Taylor called the meeting to order and asked Commissioner Diane Adams to lead the flag salute at 5:02 pm.

Chairman Ross Taylor noted that Item 3A General Plan Amendment has been removed from the agenda.

Chairman Ross Taylor distributed a planning commission action guide to the Commissioners.

1. **FINAL PLAT (FP)**

Consider approval of a final plat for “**Villa Highlands at Hidden Valley Phase 1**” a fifteen (15) lot residential subdivision plat. The owner is SITLA / Ivory Homes and the representative is Rosenberg Associates. The property is zoned PD-R (Planned Development Residential) and is located at approximately Athens and Rome Drive. Case No. 2014-FP-014. (Staff – Todd J.)

Todd Jacobsen presented Item 1 and noted that Bob Hermandson with Bush & Gudgell is the representative.

MOTION: Commissioner Julie Hullinger made a motion to approve Item 1 and authorize chairman to sign.

SECONDED: Commissioner Nathan Fisher seconded the motion.

AYES (5)

Commissioner Don Buehner

Chairman Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

NAYS(0)

Motion carries.

2. **FINAL PLAT AMENDMENT (FPA)**

Consider approval of a final plat amendment for “**Primrose Pointe Subdivision Phase 4 Amended**” a lot line adjustment between Lot 46 and 47 and vacated public utility easements between said lots and to dedicate new easements on the new lot line within a residential subdivision final plat. The representative is Mr. Bob Hermandson, Bush and Gudgell. The property is zoned R-1-10 (Single Family Residential, 10,000 sq. ft. minimum lot size) and is located at 160 South Arroyo Drive. Case No. 2014-FPA-017. (Staff – Todd J.)

Todd Jacobsen stated that Item 2 has been pulled from the agenda tonight

3. **GENERAL PLAN AMENDMENTS (GPA) PUBLIC HEARINGS (5:00 P.M.)**

A. Consider a request to amend the City General Plan Land Use Map by changing the land use designation from LDR (Low Density Residential) to COM (Commercial) on approximately 18.5 acres located at the south east corner of the intersection of **2450 South Street and River Road**. The applicant is Desert Investment Group and the representative is Mr. Dave Weller. Case No. 2014-GPA-004. (Staff – Bob N.)

Item 3A for a General Plan Amendment has been pulled from the agenda

B. Consider a request to amend the City General Plan Land Use Map by changing the land use designation from LDR (Low Density Residential) to MDR (Medium Density Residential) on approximately 8.62 acres located at approximately **1850 South and River Road**. The applicants are Mr. and Mrs. Cottam and the representative is Mr. Derek Wright. Case No. 2014-GPA-003. (Staff – Bob N.)

Bob Nicholson approached to present the following:

As clarification, this is not a *rezone* of the property. This is a *General Plan Amendment* which is a precursor to a zone change. If it is successful then somewhere down the road a zone change would occur.

This request is to change the designation from low density residential to medium density residential. Low density is defined as one to four dwelling units per acre.

This property is on the west side of River Road. It is bounded by the LDS Church property (north) The Hills (south) and Eagle’s Landing (west). There is about a 2.3 acre natural area on the west side of the property.

The Planning Commission makes a recommendation to City Council regarding general plan amendments after the public hearing. The City Council will also hold a public hearing on the issue at some future time.

The General Plan land use map is a guide for zoning decisions and zoning requests which are not consistent with the General Plan generally require a General Plan amendment prior to considering the zoning request. If the General Plan is amended as requested, the applicants would then submit a zone change for a medium density residential project (5-9 dwellings/acre). The exact number would be a zoning decision through Planning Commission and City Council.

The subject property is 8.62 acres and currently grows alfalfa and has a natural area with trees and other plant life on the west border adjacent to the Eagles Landing subdivision. The applicant states that the natural area will remain and be improved. It is a drainage channel. There is a wash that runs down through there. There is also a canal that runs by the LDS church property. The water then dumps into the wash through the property.

After the natural area of 2.3 acres is removed there is approximately 6.3 acres of developable land.

The subject property is bounded by an LDS church to the north, a natural area and Eagles Landing single-family subdivision to the west, 'The Hills' townhome development to the south, and River Road and Quail Valley Estates (single-family subdivision) and the vacant R-1-10 property to the east is Cottam Cove.

There is a submitted outline of where the natural area will remain.

Traffic: The property has approximately 700' of frontage along River Road (4-5 lane arterial road). Two potential accesses to the property could be developed if the access points align with 1800 South and 1850 South streets. That could also help the church if they shared that access.

Under the current zoning of R-1-10 we figure that approximately 20+ homes could be built due to a density of 3.2. If zoning were to be medium density with 9 per acre there could be up to 57 units. Trips per unit would be between 8 and 10. Having medium density would not largely affect River Road.

River Road is currently undergoing a corridor study. Some information is presented on the City website. I have asked the traffic engineers to present this to Planning Commission when they are done around mid-May. The average daily traffic at River Road at this location is approximately 26,400 on weekdays. The capacity according to traffic engineers is 36,500 which is level of service E which means congestion is starting to be a nuisance. There is still some available capacity. When Mall Drive Bridge and 3000 East are complete there would be a decrease in traffic of about 30% on River Road.

Utility capacity appears adequate to serve the potential density increase. There is a 12" water line, and 8" sewer line in River Road which can provide water and wastewater service to the property.

Bob Nicholson presented a power point with pictures showing the area to those in attendance.

Commissioner Nathan Fisher asked if there is an area that staff could reference the traffic to so commissioners could better understand the impact. Would River Road be similar to Bluff or St. George Boulevard?

Bob Nicholson responded that he did not want to speculate.

Commissioner Don Buehner questioned staff: you addressed capacity saying we're at 26 when 35 is max. I assume we don't want to meet maximum and there's a lot of development going on in that area. Have you projected with the development going on how what we have already approved will affect that area?

Bob Nicholson responded that that information will be available when the River Road Corridor study is completed in May.

Commissioner Don Buehner asked if questions of mobility have been addressed such as bicycles.

Bob Nicholson responded that that should be part of the River Road study.

City Councilman Joe Bowcutt asked who will be responsible for the maintenance of the natural area and when that has to be clarified.

Bob Nicholson responded that that is handled at the rezone level. I'll let the applicant indicate.

City Councilman Joe Bowcutt asked if there is a traffic signal planned at either 1800 South or 1850 South.

Bob Nicholson answered that there is not currently a plan because of the signal at Fort Pierce.

Commissioner Nathan Fisher asked if the setbacks are reduced dependant on MDR or HDR.

Bob Nicholson replied that setbacks vary according to the zone. The front setbacks are pretty standard at 25 feet; the sides and rears vary slightly. If it's in a PD zone with private streets the setbacks vary with 10 feet for the unit and 20 feet for the garage. That's dependant on the zoning. Commissioner Nathan Fisher clarified that the Planning Commission will address that at the zone change stage.

Chairman Ross Taylor instructed the commissioners to read the submitted letters and then the floor would be open to the applicant.

Derek Wright (Wright Homes):

We are developing and building Cottam Cove. We have had tremendous feedback to that project. Most of that feedback has been from the neighbors. About 25% of those calls for Cottam Cove have expressed a desire to have something smaller. Working with the Cottam family (Jim and Linda) we began to look at the piece we're discussing tonight.

When we first began looking at the property we initially thought commercial but learned that that was not favorable a few years ago. We began looking into residential due to that. Most of the lots will have some exposure to River Road. We back up to medium

density and commercial zones. The medium density goes all the way up River Road. The buffer of River Road to the east and south is the density we're pursuing and north is a parking lot. Sometimes parking lots are not favorable for home buyers. Looking to the west is R-1-10. We can feasibly leave a buffer of open space there that we can clean up. Development will help the drainage issues and such that are there now. The grades will facilitate if we can put lots at the bottom corner of the natural area. As we dig into the next phases we'll have the conceptual design but the medium density allows us to work through the constraints of the property.

I've been to many of these meetings. When you want to change zone we as builders, elected officials and public – where do we draw the line? I think we're all well aware that there is no other ground around this site. We abut to it and want to continue it with the buffers surrounding us. We think we can put in a good product that works with what we're doing across the street. With the medium density zone and all the zoning designations; we have no intent of anything stacked as far as apartments or condos. We will be looking at attached and small lots. Brandi is here from Bush & Gudgeon if you have technical questions. Our intent for traffic is to line up with 1850 South with left in and left out with a decel lane in off of River Road. Our north access at 1800 South will be right in, right out. With this being small it's not necessary to have two full size accesses. We are aware that we may need to work with the church for the north access.

Commissioner Don Buehner asked the applicant other than being able to get more units, is there a reason to have medium density. Is it difficult to use it as is for zoning?

Derek Wright responded that more or less there is so much frontage on River Road that it's not desirable there or with the parking lot to the north. There has to be another use that the market would see desirable. Our frontage is similar to Cottam Cove. The change gives us time to absorb the lots and take some of those losses into the whole project. This area more lends to a commercial site or place for a senior center but that's not what we're looking for. We think this request is reasonable.

Chairman Ross Taylor opened the item to the public for comments.

Ann Schneider

I have been a home owner in The Hills for 20 years. I would like to make some quick points for you to consider if you were in my or my neighbors' shoes. We bought here knowing how it was zoned. I knew I would have homes behind me. I have seen many changes. My biggest concern is traffic. Five years ago when they were considering the commercial change they did a traffic study. My understanding was that there could not be another traffic light due to the light at Fort Pierce. If that is so, they can only have the accesses in and out without a light. Our small medium density community has three exits. We come out behind the property or use the two exits on Fort Pierce to use the light. The other concern is that traffic on River Road is only growing. It is the access to the airport and industrial park. We need to think about the number of homes built behind us and how many more cars that would be. It is twenty (20) homes versus fifty-seven (57) homes which is triple the cars and triple the likelihood for accidents. Some other concerns are the height. They cannot guarantee that it would be one story and could

probably be two-story. I don't want a three story structure ten (10) feet from my living room and bedroom patio door. That impacts our property values. The other is drainage. We have had trouble along the retaining wall. They say that will be addressed but that is something to look at with more homes and more lawns being watered.

Ken Lawson – Board of Directors for HOA at The Hills

We have had people come to the Board of Directors – some for traffic, some for drainage, and some for density. Many have asked us if there is anything we can do to make sure the maximum density does not happen. You've read pretty much what we have to say. Those three things are our concerns. The traffic study is appreciated. We don't know what it is going to look like and are asked to support it. We depend on you to handle those things for us. Our requirements are simple and we ask you to look at it like you lived there like us.

Commissioner Nathan Fisher clarified that again, this is a general plan amendment and not a zone change.

Ken Lawson acknowledged that his remarks are towards the rezone. We don't want to zone before we see what we're getting.

Chairman Ross Taylor closed the item to the public and opened the item for discussion among commissioners.

Commissioner Don Buehner stated that one of my concerns is the capacity. With a study forthcoming, it may be helpful to better analyze this with the study rather than making a decision before receiving it.

Commissioner Nathan Fisher

First of all the concerns for run-off and drainage - legally the property owner has to manage any drainage from their property. Whether this is changed or not this is something that should be addressed now. That should not be a condition to not allow changes for the property.

With regards to open space and maintaining that is also the obligation of the property owner. That should be managed by our ordinances. I'm not saying they're not legitimate concerns but they can be fixed now.

In regards to traffic – I live down River Road. I know what people are complaining about. The problem with waiting for the traffic is that we can't wait for a study and put everyone on hold. I don't want one project to take the brunt of this. That flies in the face of someone's property rights. That doesn't mean we shouldn't manage development smartly but most of the comments are controlling growth and that's not what this is about. We are charged to manage development smartly but we have to honor property rights and balance those things. We can only address concerns that we have control over. I look at this area and have turned down Fort Pierce many times. It is tough to turn left on the road to the golf course. The entrance to the Hills is just opposite that. The issue is not just cars it is sight distance. Is pulling in and out of 1800 South and 1850 South a problem? I think that's something we'll experience forever. I have a hard time accepting that as a reason not to allow develop there. Whether this area is low density or medium density;

the trip count will not differ that much. Bob what is the trip count for a single family dwelling?

Bob Nicholson replied that planned developments are generally 10 trips per house. Otherwise it may be 8 trips instead of 10.

Commissioner Nathan Fisher continued that the traffic study will be required regardless. The question is if medium density fits within what we see out there. If this same discussion occurred when The Hills developed than The Hills would not be there. First on site is not first in right where you penalize later developers. I caution waiting for a traffic study. I think we should address if this fits in this area. Another matter that came to the Planning Commission a while ago was denied and now that property will probably just sit there and that is a problem for the City as well.

Ken Lawson what we're saying is just what you said – how do we do it. Right now what we see is that when the Hills went in it was part of the general plan. When it went in it was well planned for distribution of traffic. What we're saying is if we're going to accommodate River Road couldn't we talk about leader entrance ways? Not just don't do it. Try to do it smartly so we put in a suggestion for the leader lanes. We're not against development, but because it is land locked we can't use the collector streets so something else has to be done.

Commissioner Nathan Fisher stated that when it comes to those issues those will be tackled when the applicant comes forward with their plan. Staff typically handles those before they even reach the Planning Commission.

Chairman Ross Taylor commented on the drainage off the hill. This was an irrigated, agricultural property. When that irrigation stops the issue will also dissolve. To hold one project hostage for traffic would be inconsistent. I think the traffic issue is one that everyone has the responsibility for. This community is growing and will continue to grow. With that we will always have to address traffic. When I built my house, I never would have imagined that there would be a five lane street by me. I still love St. George but I've had to make some adjustments. We won't be the last here and we need to welcome the others.

Assistant City Attorney Victoria Hales reminded the commission that this is a general plan amendment not a particular project. The requested change is from low density residential 1-4 dwelling units per acre to medium density residential 5-9 dwelling units per acre. That is the request.

Chairman Ross Taylor reiterated that this is not for a preliminary plat; it is simply a general plan amendment.

MOTION: Commissioner Nathan Fisher made a motion to recommend approval of the general plan amendment, Item 3B.

SECONDED: Commissioner Julie Hullinger seconded the motion.

AYES (4)

Chairman Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams
Commissioner Julie Hullinger
NAYS(1)
Commissioner Don Buehner
Motion carries.

Bob Nicholson noted that this will go to City Council for a public hearing on May 01.
Chairman Ross Taylor repeated that this will go to City Council for a public hearing on May 01.

4. **PRELIMINARY PLATS (PP)**

- A. Consider approval of a preliminary plat for “**The Garages at Sun River**” a private hobby garages subdivision not for commercial use. The applicant is Sun River St George and the representative is Mr. Matt Kelvington, Rosenberg Associates. The property is zoned PD-C (Planned Development Commercial and is located at approximately 1200 Bluegrass Way. Case No. 2014-PP-017 (Staff – Wes J.).

Wes Jenkins stated that there are a few issues for this. Originally it was PD-C for RV Storage. Recently they added a use to include hobby garages. When the buildings come in the materials and colors must match what was shown at City Council. The Garages will sit lower than the road there so there will be rock retaining walls. One other issue is that the applicant wants bathrooms in each unit. They want shared meters. The City has a policy that individual meters are required unless the units are all owned by one individual. They are trying to come up with a way to *condominiumize* this in order to share meters. If they can't there will be individual meters for each unit. This plat will be subject to that being worked out.

Chairman Ross Taylor noted that they want the single meter due to impact fees.

Wes Jenkins responded, correct.

Commissioner Nathan Fisher asked if they are working with legal on that issue.

Assistant City Attorney Victoria Hales inserted that this plat is subject to legal approval.

Wes Jenkins responded that they're working with the water department.

MOTION: Commissioner Nathan Fisher made a motion to approve Item 4A on the condition that the water meter issue is satisfactory to legal with. . .

Commissioner Nathan Fisher started over:

Move to recommend approval of Item 4A conditioned on the applicant resolving the water meter issue and that legal approves the plat and those issues are addressed.

Chairman Ross Taylor clarified that the approval is conditioned on the meter problem and legal review.

Assistant City Attorney Victoria Hales inserted that legal has not reviewed the plat so we need to ensure it meets the Planned Development requirements.

SECONDED: Commissioner Diane Adams seconded the motion.

AYES (5)
Commissioner Don Buehner
Chairman Ross Taylor
Commissioner Nathan Fisher
Commissioner Diane Adams
Commissioner Julie Hullinger
NAYS(0)
Motion carries.

- B. Consider approval of a preliminary plat for “**Jiffy Lube**” a one (1) lot commercial subdivision. The applicant is Novasource Sunwest LLC and the representative is Rosenberg Associates. The property is zoned PD-C (Planned Development Commercial and is located at approximately 1425 South River Road. Case No. 2014-PP-019 (Staff – Wes J.).

Wes Jenkins presented Item 4B. The developer is extending the erosion protection at the Virgin River with help by the NRCS. Access will be right in and right out onto River Road as part of the Maverik shared access. They will also have a shared access near 1450 South. The building pad will be one (1) foot above the flood plain. Staff will be sure that there is a building elevation certificate. They will put in a six (6’) foot row of landscaping to help provide a nicer view when using the trail.

Commissioner Nathan Fisher asked if the trail sits lower.

Wes Jenkins answered yes, the trail will sit lower than this property and the Maverik property.

MOTION: Commissioner Julie Hullinger made a motion to recommend approval of Item 4B.

SECONDED: Commissioner Nathan Fisher seconded the motion.

AYES (5)
Commissioner Don Buehner
Chairman Ross Taylor
Commissioner Nathan Fisher
Commissioner Diane Adams
Commissioner Julie Hullinger
NAYS(0)
Motion carries.

- C. Consider approval of a preliminary plat for “**Aspen Estates**” an eighty (80) lot residential subdivision. The applicant is Development Solutions Group and the representative is Mr. Steve Kamlowksy. The property is zoned R-1-10 (Single Family Residential, 10,000 sq. ft. minimum lot size) and is located at 2905 South 3000 East. Case No. 2014-PP-020 (Staff – Wes J.).

Wes Jenkins presented Item 4C. They are requesting lot size averaging. Eight (8) lots are below 10,000 square feet the rest are above. Regarding density - they fall below the 3.2 for an R-1-10. They will be required to put in a minimum of 25 feet of asphalt. If they can’t work something out

with the developer to the east they will have to adjust their layout to accommodate the road. The properties on the east are double fronting and will have to have the privacy wall and landscape strip which gets dedicated to the City. An issue to resolve is with the Seegmiller property. Ross Seegmiller stated that they don't have a plan for that property. Within their family they have split the property into five (5) lots but that is not something that is recorded. Staff is going to request that one of the East-West running roads stubs to the Seegmiller piece rather than just the one North-South road.

City Councilman Joe Bowcutt asked if the smaller lots are where the road will stub over. Wes Jenkins responded yes, so they will probably lose a lot in there to stub but without knowing what is going to happen with the Seegmiller piece it needs to be done for continuity.

Chairman Ross Taylor asked what the merit of the cul-de-sac at the northwest part of the property is.

Wes Jenkins answered that that cannot connect into 3000 East. It can run down into the Seegmiller but their lot layout favored the cul-de-sac.

Assistant City Attorney Victoria Hales inserted that this will also be subject to legal approval.

Commissioner Nathan Fisher noted that approval is conditioned to the roadway being extended.

City Councilman Joe Bowcutt added that it is also subject to the west property for the road.

Chairman Ross Taylor clarified that the road between phase 5 and phase 6 must extend through to the Seegmiller piece.

Commissioner Nathan Fisher asked is the subdivision ordinance is going to naturally resolve the 25' road.

Wes Jenkins responded yes, City standards would resolve that.

Chairman Ross Taylor asked if that would alter those lots.

Assistant City Attorney Victoria Hales noted that it may alter the number of lots.

MOTION: Commissioner Diane Adams made a motion to approve Item 4C subject to legal review, the asphalt work on road g, and the continuation of the road between phase 5 and phase 6.

SECONDED: Commissioner Nathan Fisher seconded the motion.

AYES (5)

Commissioner Don Buehner

Chairman Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

NAYS(0)

Motion carries.

- D. Consider approval of a preliminary plat for "Tonaquint Valley Phases 4 & 6" a forty-eight (48) lot residential subdivision. The applicant is Development Solutions Group and the representative is Mr. Logan Blake. The property is zoned R-1-10

(Single Family Residential, 10,000 sq. ft. minimum lot size) and is located at 1100 West Curly Hollow Drive. Case No. 2014-PP-021 (Staff – Wes J.).

Wes Jenkins presented Item 4D. Curly Hollow is on the west of this project. This would have the same issue as the previous plat. The northern-most road that runs east-west will also need to be resolved to be 25' at least.

This is subject to the water department looking at this because they will want their line looped rather than having dead end lines. This is subject to a connection for the water line.

Assistant City Attorney Victoria Hales inserted that this is also subject to legal review.

MOTION: Commissioner Julie Hullinger made a motion to approve Item 4D subject to legal review, the 25' road, and subject to the water issue being resolved.

SECONDED: Commissioner Diane Adams seconded the motion.

AYES (5)

Commissioner Don Buehner

Chairman Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

NAYS(0)

Motion carries.

- E. Consider approval of a preliminary plat for “**Tuscan Heights**” a twenty-one (21) lot residential subdivision. The applicant is Steve Larsen and the representative is Mr. Jared Madsen with Alpha Engineering. The property is zoned PD-R (Planned Development Residential) and is located near Plantations Drive and Province Way. Case No. 2014-PP-022 (Staff – Wes J.).

Wes Jenkins presented Item 4E. This preliminary plat is part of the overall planned development approved plan. This sits approximately in the middle. Phases 1 and 2 have already been approved, platted and recorded. With this plat there were amenities, a pool and clubhouse as well as another area. You can see that there is a lot of open space shown. They will be required to dedicate that open space with the plat. They will also be required to dedicate any portion near Plantations. Before they go to City Council they must revise the Preliminary Plat with open space dedication and it will need to be reviewed by staff prior to City Council to verify that it meets the original planned development. They will also be required to annex into the HOA and pay any fees. This is also subject to legal approval.

Assistant City Attorney Victoria Hales added that they have agreed to redo the preliminary plat.

Wes Jenkins responded that their intent will be similar to what is shown but they will redo it to be more accurate.

Chairman Ross Taylor clarified that the annexation is only into the HOA, it is part of the City.

Wes Jenkins responded that is correct and the open space will be dedicated to the HOA as well.

Commissioner Diane Adams asked if the HOA must maintain the open space.

Wes Jenkins said right, at some point there is a \$4000 fee that gets paid into the HOA to maintain the open space and for the amenities.

Chairman Ross Taylor asked if the amenities are already there.

Wes Jenkins answered that they are not.

Chairman Ross Taylor asked if there is a problem with property ownership.

Wes Jenkins replied that Burton Burgess and Guy Haskell owned most of it. Guy's piece fell into bankruptcy. Now there are four property owners for this planned development and that is part of the issue now. This is also subject to legal review.

Chairman Ross Taylor asked if there should be any conditions with a motion.

Assistant City Attorney Victoria Hales clarified that this preliminary plat is subject to the planned development detail and is also subject to a new preliminary plat that is acceptable to staff and legal including their HOA and open space interface.

MOTION: Commissioner Nathan Fisher made a motion to recommend approval of Item 4E subject to revision of the preliminary plat consistent with staff comment, review and approval as well as legal review and approval and also subject to the approval by City Council of the planned development detail.

SECONDED: Commissioner Diane Adams seconded the motion.

AYES (5)

Commissioner Don Buehner

Chairman Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

NAYS(0)

Motion carries.

5. CONDITIONAL USE PERMITS (CUP)

- A. Consider a request to construct a detached accessory structure to a height of twenty-four (24) feet high. The property is located at 1890 E 800 N. The applicant is Mr. Gubler. Case No. 2014-CUP-005 (Staff – Craig H.)

Craig Harvey presented the following:

Mr. Gubler owns the front and rear parcel. The garage will be located on the front parcel.

In Title 10, Chapter 7B "Modifying Regulations," Section 10-7B-6(B)(7) reads: "*Detached Garages and accessory building shall be limited to an overall height of fifteen feet (15') for pitched roofs...unless a Conditional Use Permit is granted*" This structure will be ± twenty-four feet (24') in height, thus necessitating the purpose of this conditional use permit request.

All adjacent land is single family residential at RE-12.5. The proposed structure will be in the rear yard 15'6" from the main dwelling, 8' from the rear property line and 10' from the side property line. The detached garage will be used for RV storage. There is a shop bathroom there with a toilet and wash sink. The structure will not encroach on any City

easements. The detached garage will have a stucco finish and a tile roof. There will be a small attic storage area (non-living space).

As far as applicable findings:

Aesthetics – the garage will have a stucco finish and tile roof

Height - the garage will be approximately 24' in height

Maintain Character and purposes of zone – detached garages do fit in this area; the garage will not be out of place.

Commissioner Nathan Fisher asked what the height of the house is.

Mr. Gubler responded that it's a two-story home that sits on a higher elevation than the garage will so the house will be taller.

Chairman Ross Taylor asked if there are neighbors who may be impacted by the height.

Mr. Gubler replied no because I own the lot behind and my mother owns the lot beside it. East of us on the undeveloped street, Charlie Crosby has a shop building there higher than this will be.

Craig Harvey inserted that the house is probably 25-26 feet tall.

Chairman Ross Taylor reminded the commission to be sure to address the applicable findings in the motion.

Craig Harvey inserted that the garage will actually be five (5') on the side line rather than the eight (8') it does not encroach on any easements as there are none in this part of town.

MOTION: Commissioner Diane Adams made a motion to recommend approval of the conditional use permit, 5A, given the aesthetics will be stucco and tile, we acknowledge the height, and that a detached garage is within the character of the zone.

SECONDED: Commissioner Nathan Fisher seconded the motion.

AYES (5)

Commissioner Don Buehner

Chairman Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

NAYS(0)

Motion carries.

- B. Consider a request to establish “**The Big Swap**” a proposed indoor swap meet at 1028 E Tabernacle (former Robert’s Crafts). The applicant is Mrs. Karen Sunderland. The property is zoned C-3 (General Commercial). Case No. 2014-CUP-006 (Staff – Ray S.)

Ray Snyder presented the following:

Big Swap is an indoor shoppers market where small business will have an opportunity to sell goods. It's all under one roof with approximately 100 vendors or small business owners selling retail merchandise to public. The second paragraph states that they have been in business in St. George before. They were previously at 415 South Dixie Drive,

the Marv Blosch property. They were there about six months and want to relocate. They propose to be open four days a week; Thursday through Sunday subject to change hours and days. I imagine it's just normal daylight hours. The Big Swap will have vendors selling antiques, art, baked goods and various other items. You can buy food as long as the health department approves but there cannot be a restaurant. The only reason I mention that is due to parking as a retail facility.

The recorded plat for the building does show the necessary parking. That recorded plat also shows the elevations. The applicant has free drawn the booth layout. The fire department will look over that for approval. Staff didn't focus on landscaping as the location exists and exceeds the requirements. The proposed location will use the top level. I did look into the facility and it doesn't appear to be highly used. Across the street is Swig and there is a commercial center across from there.

In C2 and C3 zones swap meets are conditional. It has been approved in the past at another location which is why we find it reasonable. There are 16,000 square feet on the first floor which will be used. On the bottom level is Swig's bakery. Parking has to meet 10-19-5. Because it was retail before, it works. Circulation is from Tabernacle and 1000 East. Again landscaping already exists and the uses are addressed.

As far as the findings which are applicable:

Aesthetics – no exterior building changes have been proposed

Traffic – must comply with all applicable City traffic engineering standards

Height – no height change is proposed as the building is existing

Hours of Operation – it is anticipated to operate 4 days a week with retail store hours

Maintain Character and purpose of zone – no exterior change has been proposed

Public Health - They must apply with any applicable health standards which are above

Karen Sunderland approached to answer questions.

Chairman Ross Taylor asked what availability for restrooms exists.

Karen Sunderland responded that there are two in the building.

Chairman Ross Taylor asked how many vendors are anticipated.

Karen Sunderland responded that there will be anywhere from 90-100 spaces and most vendors usually use two spots.

Chairman Ross Taylor continued so really there will be 50 vendors. Are there enough bathrooms for that many customers and that many vendors? Are there any other activities that use those facilities?

Karen Sunderland responded no, we have the space to ourselves.

Commissioner Diane Adams asked what it was like at their previous location.

Karen Sunderland replied that the other location we shared with two other businesses and there were six stalls in the women's bathroom and the men's had three stalls and a urinal.

Ray Snyder inserted that staff will meet with the building official. Any improvements done inside will be run by building and fire.

Chairman Ross Taylor asked if this facility is about the same size as the previous facility.

Karen Sunderland replied no I had 7,000 square feet before and this is 16,000 square feet and it'll be just ours we won't have to share anymore. I know Saturday we will be open from 9:00 am to 5:00 pm.

Assistant City Attorney Victoria Hales inserted that she anticipates that the vendors will be required to individually get their City business licenses.

Karen Sunderland responded right and that is in their contract that I must see their business license from the City before they come in.

Chairman Ross Taylor noted that he does not know if the restrooms are adequate for the public health need considering the number of vendors and patrons.

Karen Sunderland responded that Kevin, the fire marshal, looked at it and he said that he's okay with the bathroom and just required that I have four fire extinguishers in the building.

Chairman Ross Taylor asked if he was concerned with the restrooms.

Karen Sunderland responded, no and I asked him specifically about the restrooms.

Commissioner Julie Hullinger inserted that she doesn't believe bathrooms will be an issue as Robert's Crafts (prior business) never had issues.

Commissioner Nathan Fisher asked how parking will be managed with 100 vendors and the public. Are we talking about more demand for parking than a normal retail facility?

Karen Sunderland responded there are 87 spaces in the building and then you can park on 1000 East and Tabernacle on both sides of the road.

Commissioner Nathan Fisher replied that if there are 100 vendors and each has a car or truck with their supplies and then the public comes to shop, is it feasible? 1000 East can be busy so if they're parking there and walking across the street is a safety issue.

Commissioner Julie Hullinger inserted that there are never cars parked along that back side.

City Councilman Joe Bowcutt asked what the parking calculation totals are with the 1:250 ratio.

Ray Snyder answered there are 96 spaces on site. Parking in 10-19-5 states that retail is 1:250 square feet. This site has been approved for that many spaces for retail which is 4:1000.

City Councilman Joe Bowcutt so if 100 vendors are there all the spaces are taken so there is no parking for customers.

Ray Snyder inserted there are 96 spaces here.

Chairman Ross Taylor added that there are 64 required per code so they are well within the parking requirement for the building. If you have about 70 vendors and 96 parking spaces it seems to me that you're in the clear. I think you can handle the vendors and the customers who can't find a space won't come.

Ray Snyder responded that we used the standard 1:250 because the code doesn't really have anything for swap meets. Planning Commission does have the ability to make a special parking requirement if they feel so obliged.

Commissioner Nathan Fisher commented that his concern is that the vendors do not double up. Given the nature of the business each vendor will have a vehicle and possibly a trailer.

Karen Sunderland stated that this swap meet is more permanent. Vendors bring their stuff in and they don't take it down. It's not like they set up every Friday afternoon. We had 50 spaces in the other building and only four or five changed, the rest were permanent vendors.

Commissioner Nathan Fisher asked if the vehicles are just for travel and not set up then.

Karen Sunderland responded right, because it's more of a permanent small retail store. Commissioner Nathan Fisher noted that if the retailers are more permanent than the number of customers should be a bit higher.

Karen Sunderland noted that it's more of a mini mall.

Commissioner Nathan Fisher asked if there is shared parking there.

Commissioner Diane Adams inserted that Star Sign and Banner as well as Dixie Gun and Fish are in that complex.

Commissioner Nathan Fisher asked if there is a cross use agreement for parking.

Karen Sunderland responded that there is not shared parking because there is an elevation difference.

Commissioner Nathan Fisher noted that if vendors take up most of the spaces and patrons must cross the streets it's the same issue as Ancestor Square. That is my concern. I don't want to force people across the street. We can simply restrict vendors parking to leave certain for public.

Karen Sunderland added that there is also a dead end road there.

Chairman Ross Taylor noted that vendors could use that for their parking.

Karen Sunderland added that vendor parking will be first come first serve.

Commissioner Nathan Fisher asked if some parking will be designated as public use only.

Karen Sunderland stated yes, they could do that as well.

Commissioner Nathan Fisher concluded that designating parking would be helpful.

Karen Sunderland added that parking was an issue for us and that's why we chose this building.

MOTION: Commissioner Julie Hullinger made a motion to approve Item 5B and include that vendor parking is to be furthest from the building, there will be no exterior changes to the building, must comply with traffic engineer standards, height does not change, normal retail hours, restrooms are sufficient, fire department must review and approve the layout and the four fire extinguishers must be on site.

SECONDED: Commissioner Diane Adams seconded the motion.

AYES (5)

Commissioner Don Buehner

Chairman Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

NAYS(0)

Motion carries.

Ray Snyder approached to distribute copies of the Overview and History of Utah Zoning Law received at the last APA Conference.

Wes Jenkins approached to remind the Planning Commission that the City Council work meeting will now be April 24th rather than April 10th concerning The Ledges at 4:00 pm.

Bob Nicholson added that Little Valley preservation will also be on that agenda.

Chairman Ross Taylor asked the commission for comments on how tonight went and suggestions for improving and ideas for training.

Commissioner Julie Hullinger stated that she liked that Chairman Ross Taylor asked the public to address new concerns rather than repeating what has already been heard.

Commissioner Nathan Fisher addressed Assistant City Attorney Victoria Hales asking if we have to be careful limiting what the public has to say.

Assistant City Attorney Victoria Hales advised that you can limit the repetition and after a certain amount of time you can close the public hearing.

Commissioner Nathan Fisher suggested that the commission could rephrase the invitation. One suggestion in giving that direction again is more “we’ve heard comments about this subject we invite you to cover other material” that way we’re not restricting their comments.

Chairman Ross Taylor noted that it’s important for them to realize that repeated things serve no purpose.

Commissioner Don Buehner agreed with Commissioner Nathan Fisher that traffic is a rather broad topic so if there are additional issues we would like to hear them. Asking the public to make additional points is a good option.

Commissioner Julie Hullinger agreed with the phrasing towards public comment.

Commissioner Don Buehner addressed the recent conference stating – thank you for the effort to plan and get us there. That was very insightful for a new commissioner. I think it was helpful. I realize it will take some time to develop the eloquence of other commissioners. I did learn that there is a difference between administrative issues and legislative issues. My recommendation is that we spend some time discussing the concepts of legislative issues to guide us so we’re more informed. I think that training would be beneficial.

Chairman Ross Taylor asked Assistant City Attorney Victoria Hales if that is training she could facilitate.

Assistant City Attorney Victoria Hales said yes, together with staff that training can occur.

Commissioner Nathan Fisher added that the Assistant City Attorney is very good at clarifying for us where our limits are. Initial training will be good but I know we’ll be guided as well.

Bob Nicholson added that we do have information on administrative versus legislative items.

ADJOURN

MOTION: Commissioner Nathan Fisher made a motion to adjourn.

SECONDED: Commissioner Diane Adams seconded the motion.

AYES (5)

Commissioner Don Buehner

Chairman Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

NAYS(0)

Meeting adjourned at 7:12 pm.