NOTICE OF MEETING PLANNING COMMISSION CITY OF ST. GEORGE WASHINGTON COUNTY, UTAH

Public Notice

Notice is hereby given that the Planning Commission of the City of St. George, Washington County, Utah, will hold a <u>Planning</u> Commission meeting in the City Council Chambers, 175 East 200 North, St George, Utah, on <u>Tuesday</u>, <u>January 9</u>, <u>2024</u>, commencing at <u>5:00 p.m.</u>

The agenda for the meeting is as follows: Call to Order Flag Salute

- **1.** <u>Elect Officers</u> The Planning Commission will elect officers to serve in the role of Chair and Vice Chair during the 2024 calendar year.
- 2. <u>St. George Musical Theater Conditional Use Permit</u> Jake Heward, representing Alpha Engineering, is requesting approval of a Conditional Use Permit to build a new musical theater building on a two-acre site. The project is located at approximately 974 South Main Street. If approved, the proposed building will be approximately 40 feet in height and 21,000 sq ft. Case No. 2024-CUP-001 (Staff Dan Boles)
- 3. <u>1650 W Snow Canyon Parkway General Plan Amendment</u> PUBLIC HEARING: Stephen Clark, representing Dixie Downs Limited Partnership, is requesting approval of a General Plan amendment to change the land-use map from LDR (Low Density Residential) to COM (Commercial). The property is approximately 3.18 acres and is generally located at 1650 W Snow Canyon Parkway. The applicant is Dixie Downs Limited Partnership/Stephen Clark. Case No. 2024-GPA-001 (Staff Mike Hadley)
- **4.** Manning Property for Dixie Power General Plan Amendment PUBLIC HEARING: Russ Condie, representing Dixie Power, is requesting approval of a General Plan amendment to change the land-use map from LDR (Low Density Residential) to COM (Commercial). The property is approximately 1.22 acres and is located on the northwest corner of Sugar Leo Road and Pioneer Road. The applicant is Dixie Power. Case No. 2024-GPA-002 (Staff Brenda Hatch)
- 5. Old Farm General Plan Amendment PUBLIC HEARING: Bill Clark is requesting approval of a General Plan amendment in order to change the land use map from LDR (Low Density Residential), MDR (Medium Density Residential), and PK (Park) to COM (Commercial), MHDR (Medium High Density Residential) and MDR (Medium Density Residential). This proposal would convert a portion of the existing LDR and MDR areas to COM, convert some areas of LDR and MDR to MHDR, and convert portions of existing LDR to MDR. The area designated for a park would be shifted south and the existing park designation would become LDR. The total area of change is approximately 54.56 acres, generally located on the West of 3000 East and between 2000 South and 2450 South. The project will be known as Old Farm General Plan Amendment. Case No. 2024-GPA-004 (Staff Dan Boles)

THIS ITEM WILL BE NOTICED AND HEARD AT A LATER DATE

Les Schwab Tire Center Zoning Map Amendment – **PUBLIC HEARING:** Zach Graham, representing Les Schwab, is requesting approval of a PD (Planned Development) amendment to the Sun River Commons Planned Development Commercial (PD-C) zone. The property is approximately 1.92 acres, located approximately north of Sun River Parkway and east along Pioneer Parkway. The applicant is Sun River Commons. **Case No. 2024-PDA-001** (Staff – Mike Hadley)

- 7. <u>Title 10 Chapter 25 Subdivision Regulations Zoning Regulation Amendment</u> PUBLIC HEARING: Consider a request to amend portions of Title 10, Zoning Regulations, to amend the subdivision regulations for the purpose of updating the development review process. The applicant is the City of St. George. Case No. 2024-ZRA-001 (Staff Carol Winner)
- 8. <u>Desert Canyons Business Park Phase 2 Preliminary Plat</u> Ken Miller, representing DSG Engineering, is requesting approval of a thirteen (13) lot commercial Preliminary Plat. The property is approximately 59.49 acres and is located north of Airport Parkway and northwest of Southern Parkway. Case No. 2023-PP-028. (Staff Mike Hadley)

9. Minutes

Consider a request to approve the meeting minutes from the December 12, 2023, and the December 19, 2023, meetings.

10. City Council Items

Carol Winner, the Community Development Director will report on items heard at the January 4, 2024, City Council meeting.

- 1. 2023-PDA-023 Viviano at Red Cliffs
- 2. 2023-PP-042 Viviano at Red Cliffs
- 3. 2023-ZC-017 Red Pine 5-6 R-1-10 Zone Change
- 4. 2023-ZC-019 Lex Ence Property
- 5. 2023-PP-043 Sun River Commons Les Schwab

Brenda Hatch – Planner II – CDBG and Housing

<u>Reasonable Accommodation:</u> The City of St. George will make efforts to provide reasonable accommodations to disabled members of the public in accessing City programs. Please contact the City Human Resources Office at (435) 627-4674 at least 24 hours in advance if you have special needs.



Conditional Use Permit

PLANNING COMMISSION AGENDA REPORT: 01/09/2024

St George Musical Theater Conditional Use Permit (Case No. 2024-CUP-001)	
Request:	Consider a conditional use permit to build a 21,006 ft² musical theater.
Applicant:	St. George Musical Theater
Representative:	Jake Heward
Location:	Approximately 974 South Main Street
General Plan:	Downtown Lively
Zoning:	C-3 (General Commercial)
Land Area:	Approximately 2.0 acres



BACKGROUND:

This application is for a new use located at approximately 974 South Main Street. The use under consideration is a theater to be used for live performances. According to Title

PC 2024-CUP-001 St. George Musical Theater Page **2** of **7**

10-17B-9, a development site with a building aggregate ground floor area greater than 20,000 square feet requires a Conditional Use Permit with development. The proposed building is approximately 21,006 ft².

The site on which the building will be constructed is approximately 2.0 acres.

A conditional Use Permit requires the following standards (10-17B-3 and 10-17B-9) be met:

Review Criteria		
Regulation	Proposal	Staff Comments
Maximum Intensity and use	The proposed building is in an area that is going through some rehabilitation currently and will continue into the future.	This intensity and uses are compatible with the C-2 district
Complies with all Provisions of Code	See attached plans	Staff will ensure the project complies with all codes at the site plan review process
Compared to Permitte	ed Uses, Mitigates Adverse i	mpacts through:
Size and Location	The proposed building will be just over 21,000 ft ² .	The proposal is appropriate and compliant with this district
Traffic Generation	It is projected that there will be a slight increase in vehicular traffic associated with this use and only in specific times.	The roads should be sufficient for the additional traffic.
Utility / Public Infrastructure Demand	This project is expected to use the existing electrical, sewar, water and other utility systems.	City infrastructure is sufficient to handle this increased demand
Emergency Vehicle Access	The emergency vehicle access will remain the same.	The proposal is compliant
Off-Street Parking	1 space for every 3.5 fixed seats.	114 parking stalls are proposed.
	390 fixed seats/3.5 = <u>112</u>	The proposal is over by

Review Criteria		
Regulation	Proposal	Staff Comments
	stalls required.	two spaces.
Vehicle and Pedestrian Circulation	Please see site plan	With two points of entry and exit onto Main Street, circulation appears to be sufficient.
Fencing, Screening, Landscaping	A full landscape plan will be required as part of the site plan approval process. For reference, staff has identified areas of landscaping for Planning Commission's reference.	This development will be required to meet the landscape code which includes a 15' landscape strip along the right-of-way and landscaping in the parking area.
Usable Open Space	N/A	N/A
Signs and Lighting	Lighting is not shown on the concept site plan. No signs are proposed at this time.	The light pole height requirement is 30' maximum. Any signs will be required to go through the sign permitting process.
Compatibility with Surrounding Structures	This site is surrounded by a hotel on the west, Main Street and the old "dollar" theater to the east, St. George Place (Kmart development) to the north, and an empty lot to the south.	The proposed extension is compatible with the surrounding structures.
Noise, Odors, and Other Factors	No new vibrations, odors, steam or other factors of significance will be introduced.	The proposal is compliant with these factors.
Delivery, loading and unloading operations	This new structure is expected to have normal delivery operations for a live theater.	These operations are appropriate for this location.

Review Criteria		
Regulation	Proposal	Staff Comments
Trash Generation, Screening, & Recycling	There will be a dumpster enclosure on the west side of the parking lot.	The screened solid waste location meets regulations as proposed.
Potential Impacts of Patrons/Employees	The proposed addition will have a slight increase of potential impacts to patrons and employees alike.	There is not expected to be any significant negative impact.
Impacts of the Use on Public Property Adjoining the Site	The project is not next to public property except Main Street which is a public street.	There are expected to be no negative impacts to Main Street to the east.
Hours of Operation and Delivery	Standard operating hours are expected.	Staff has no concerns
Special Hazards Arising from the Use	No anticipated special hazards.	Staff has no concerns
Building Mass, Design, & Orientation / Building Façade Articulation	The building addition will be 21,006 ft². The developer is proposing that the 41 foot tall structure set back from the Right-of-Way approximately 46 feet. This will allow for a plaza/gathering space in front of the building.	This size of structure is appropriate for the C-3 district.
Building Colors	See elevations	Staff has no concerns

The City Council may approve the conditional use permit if it meets the following standards found in Chapter 17 of the adopted zoning regulations (10-17B-4):

Upon review and consideration of the criteria identified in Title 10-17B-1 and 10-17B-3, compared to the impacts of allowed uses in the zone, the proposal shall:

- A. Be compatible in use, scale, and design with allowed uses in the zone; and
- B. Not compromise the health, safety, or welfare of:
 - a. Persons employed within or using the proposed development.
 - b. Those residing or working in the vicinity of the proposed use or development.

- c. Property or improvements in the vicinity of the proposed use or development; or
- d. Not imposed disproportionate burdens on the citizens of the city.
- C. The land use authority shall issue a conditional use permit, if the applicant has proposed, or if the land use authority can propose, conditions of approval to substantially mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the standards and criteria herein. The conditional use permit shall describe the scope of the permit, and the conditions of approval.
- D. If the land use authority determines that the applicant has not proposed, and the land use authority cannot impose additional, reasonable conditions of approval to comply with the standards and criteria herein, the land use authority may deny the conditional use permit application.

RECOMMENDATION:

Staff recommends approval of this Conditional Use Permit with the following conditions:

- 1. That a pedestrian access is added from the public sidewalk to the entrance of the business.
- 2. That the landscaping installed meets the landscape code requirements.
- 3. That all St George municipal codes and building codes are met and adhered to.

ALTERNATIVES:

- 1. Recommend approval as presented.
- 2. Recommend approval with additional conditions.
- 3. Recommend denial.
- 4. Continue the proposed conditional use permit to a later date.

POSSIBLE MOTION:

"I move that we forward a positive recommendation to the City Council for The St. George Musical Theater Conditional Use Permit request, application number 2023-CUP-001, based on the findings noted in the staff report."

FINDINGS FOR APPROVAL:

- 1. The proposed conditional use permit is compatible in use, scale, and design with allowed uses in the zone.
- 2. The proposed conditional use permit does not compromise the health, safety, or welfare of those residing or working in the vicinity of this proposed use.

PC 2024-CUP-001 St. George Musical Theater Page **6** of **7**

EXHIBIT A Applicant's Narrative



Architectural Narrative

Conditional Use Permit

St. George Musical Theater New Theater Building St. George, Utah

Issued: December 19, 2023



360 West Aspen Avenue Salt Lake City, UT 84101 801.532.4422 www.method-studio.com

ARCHITECTURAL NARRATIVE

1. ARCHITECTURAL CONTEXT

1.1 CODE ANALYSIS FOR REMODEL

• New Building Code: IBC 2021

• New Construction Type: **Type II-B**

• New Occupancy Type: **Type A-1**

• New Fire Sprinklers: **Yes**

• Fire Resistive Requirements

0	Structural Frame – Including columns, girders, trusses:	0 Hours
0	Bearding Walls – Exterior walls:	0 Hours
0	Interior Walls:	0 Hours
0	Non-Bearing Walls - Interior / Exterior:	0 Hours
0	Floor Construction:	0 Hours
0	Roof Construction – Including supporting beams & Joists:	0 Hours

- Means of Egress
 - There are currently no unusual or complicated means of egress from this facility

1.2 ADA ACCESSIBILITY

The New St. Geroge Musical Theater building is required to be in compliance with the Americans with Disabilities Act, Title III, (ADA) and any applicable St. George City adopted amendments.

1.3 CODES, REGULATIONS, AND SAFETY

The New St. George Musical Theater building will conform to the standards established by the City of St. George. The project will conform to all building, accessibility, and energy codes and requirements adopted by the City of St. George at the time of design and construction. It is the responsibility of the Design Team and the Architect of Record to verify and utilize all the latest revisions, editions, and adopted versions. If there are conflicting standards, code provisions and/or regulations, the most stringent will govern unless such requirement is waived in writing by the City of St. George Building Department.

2. BUILDING DESIGN

2.1 APPROACH + VISION

This new musical theater facility will provide a state-of-the-art theater in the round on a community theater budget. This building will have a 375-390 fixed seat theater. Final numbers have not been established. This building will be a two story building with a catwalk above level 2. The building height will be 40ft 8in above ground level. The main entrance will have a large lobby, concessions counter, and ticketing. The lobby will have a grand staircase leading up to the second level along with an elevator leading to the second level. The restrooms will be located off the lobby on ground level. The back of house area will have two dressing rooms for cast members along with a green room. There is also an office, conference room, and a loading area for props.

2.2 EXTERIAL MATERIALS

The exterior building materials will consist of CMU masonry that is honed and will have an integral lighter color. This color is yet to be finalized. CMU is the main structure of the building. The front of the building along Main Street will look like red sandstone. This material and color are also yet to be determined. We are looking at real sandstone and a composite stone material that looks like sandstone.

Site landscaping will be water wise plantings. We will have rock mulch with desert plants and trees with a drip irrigation system.

2.3 INTERIOR MATERIALS

The interior will be a combination of polished and sealed concrete along with carpet tiles. Dark colors in the theater and neutral colors in the lobby an support spaces.

PC 2024-CUP-001 St. George Musical Theater Page **7** of **7**

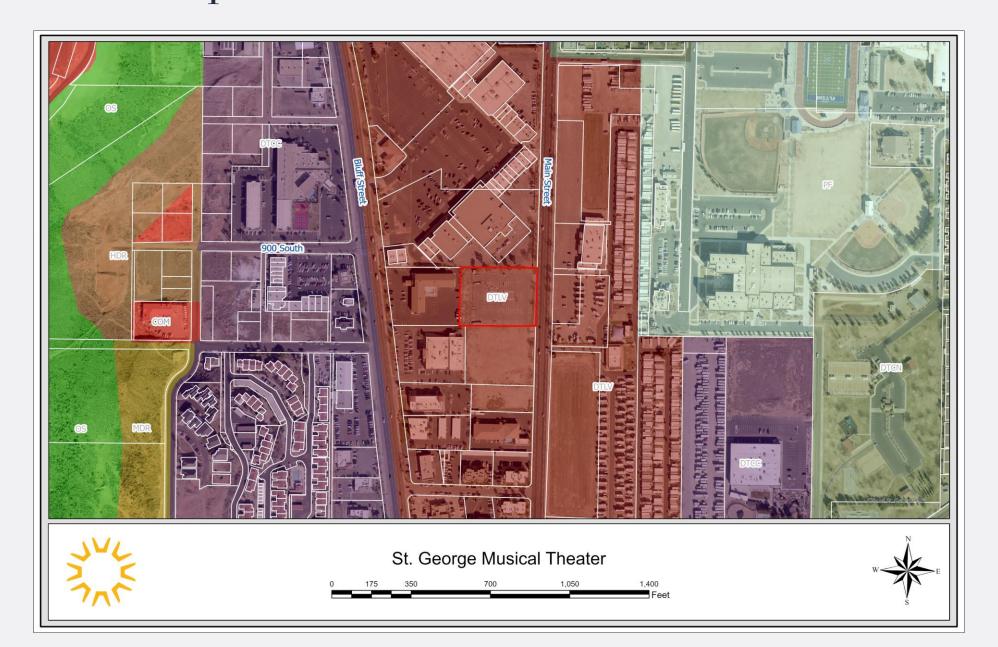
EXHIBIT B Power Point Presentation



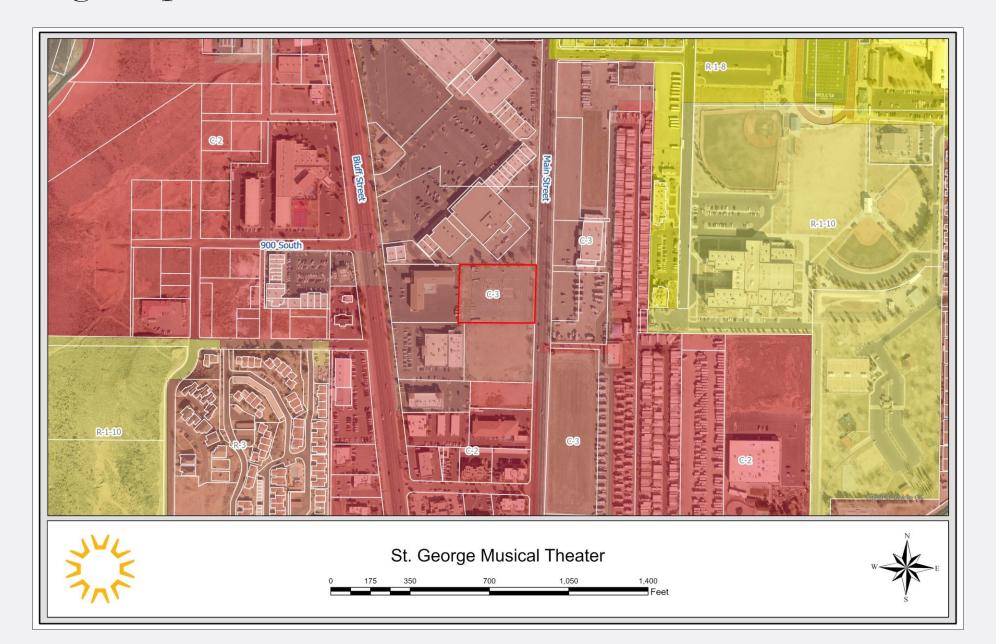
Aerial Map



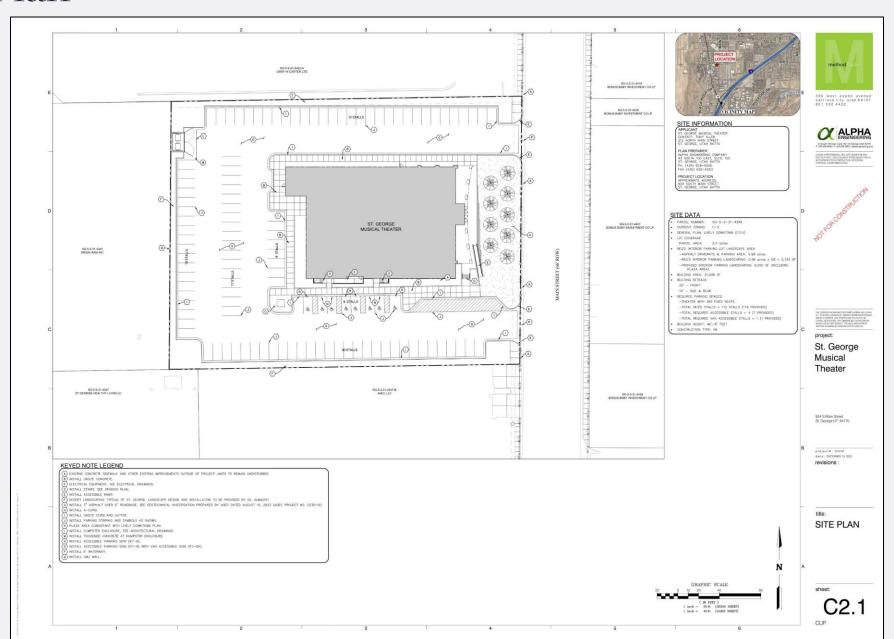
Land Use Map



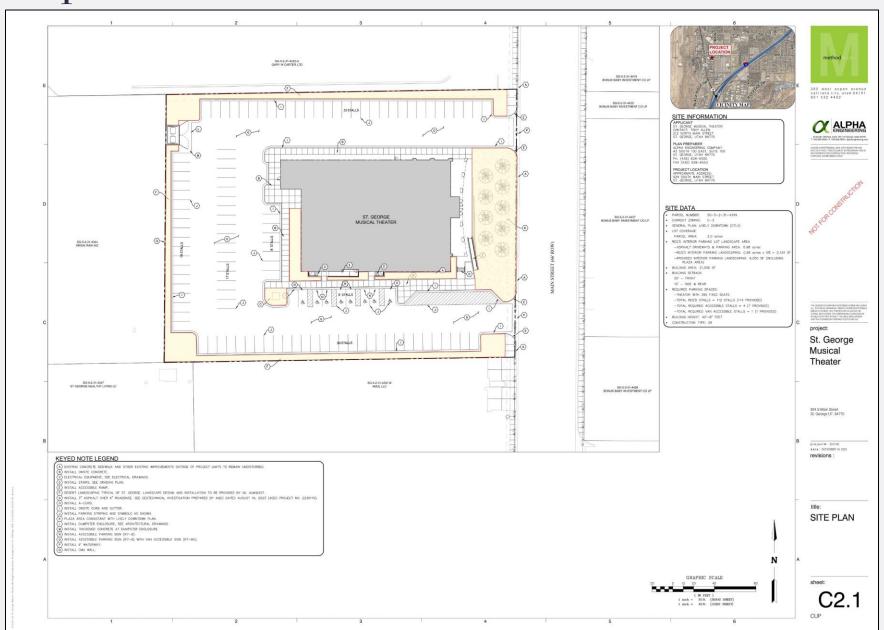
Zoning Map



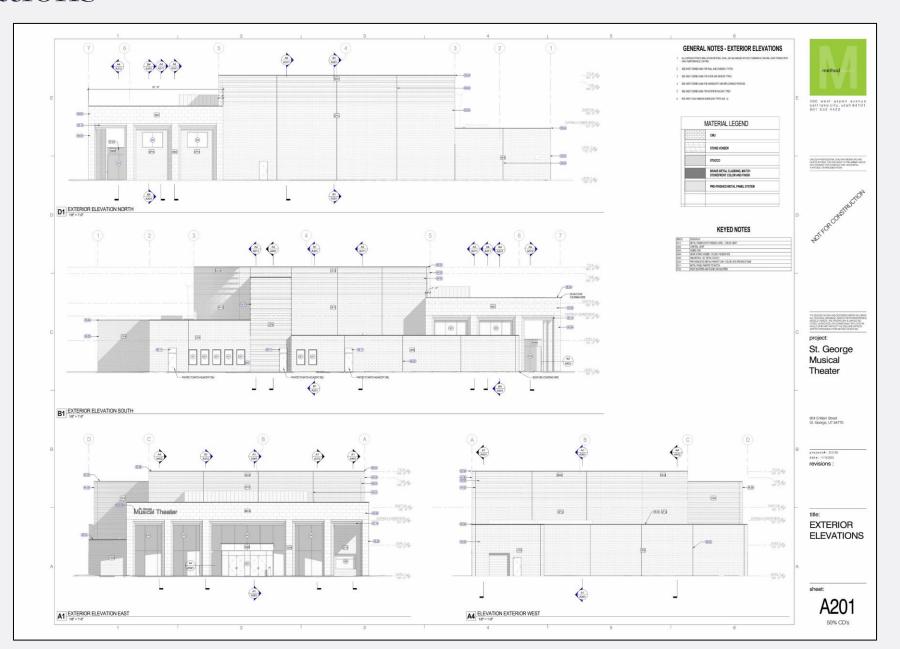
Site Plan



Landscape Areas



Elevations



Building Rendering



Building Rendering







General Plan Amendment

PLANNING COMMISSION AGENDA REPORT: 01/09/2024

Snow Canyon Pkwy General Plan Amendment (Case No. 2024-GPA-001)		
Request:	Consider approval of an ordinance changing the general plan future land-use map from LDR (Low Density Residential) to COM (Commercial) on approximately 3.18 acres located at 1650 Snow Canyon Pkwy for a project to be known as Snow Canyon Pkwy.	
Applicant:	Dixie Downs Limited Partnership	
Representative:	Stephen Clark.	
Location:	1650 W Snow Canyon Pkwy.	
Existing General Plan:	LDR (Low Density Residential)	
Proposed General Plan:	COM (Commercial).	
Existing Zoning:	R-1-10 (Single Family Residential, minimum lot size 10,000 sf).	
Land Area:	Approximately 3.18 acres	



PC 2024-GPA-001 Snow Canyon Pkwy Page 2 of 3

BACKGROUND:

The General Plan is a guide for land-use decisions and contains various policies to help direct decisions related to land use and development of the City. This General Plan Amendment is for land generally located south along Snow Canyon Pkwy at about 1650 W. The property is zoned R-1-10 (Single Family Residential 10,000 sq ft minimum lot size). This application is to change the General Plan from LDR (Low Density Residential) to COM (Commercial) to develop the property with the Commercial designation. The applicant is not sure at this time what they specifically want to do but possible uses of the property might include a professional office, medical office or pickleball facility. This parcel is a remnant piece from the Artesia Terrace subdivision.

RECOMMENDATION:

This is a challenging piece of property with the right use and site plan commercial development could be a viable option.

ALTERNATIVES:

- 1. Recommend approval of this General Plan Amendment.
- 2. Recommend denial of this General Plan Amendment
- 3. Table the proposed General Plan Amendment to a specific date.

POSSIBLE MOTION:

The Planning Commission recommends approval of the General Plan Amendment for Snow Canyon Pkwy to the City Council with no conditions.

FINDINGS FOR APPROVAL:

1. This land use amendment will not be harmful to the health, safety and general welfare of residences and businesses in the area.

PC 2024-GPA-001 Snow Canyon Pkwy Page 3 of 3

Exhibit A Applicant's Narrative



43 South 100 East, Suite 100 **T** 435.628.6500 **F** 435.628.6553

alphaengineering.com

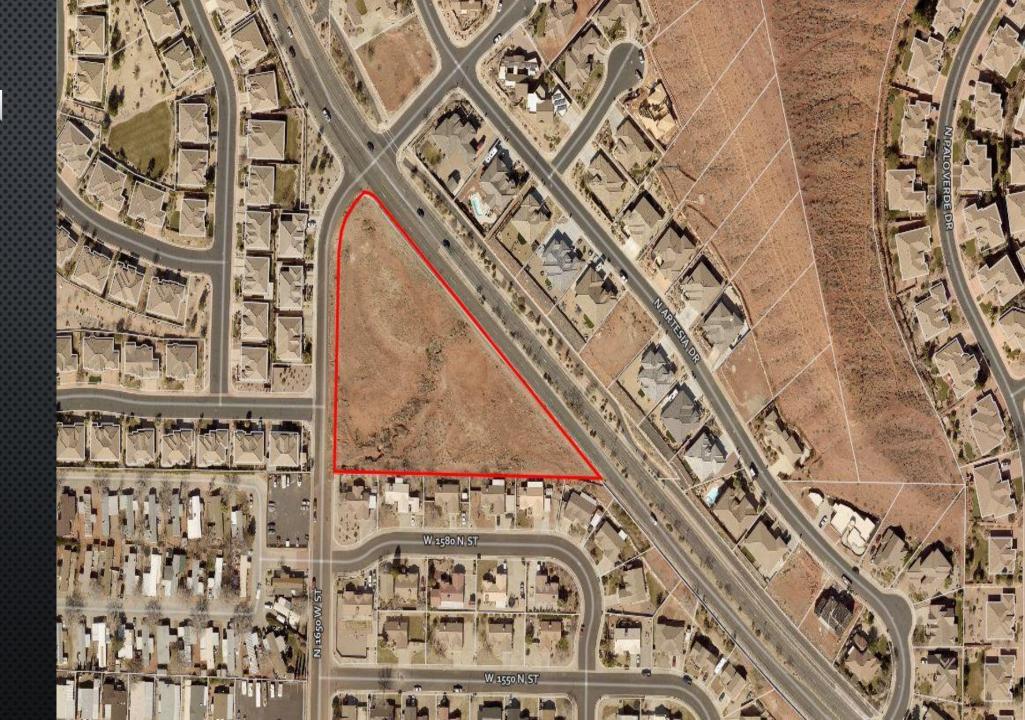
GENERAL PLAN AMENDMENT PARCEL SG-6-2-14-4121

The purpose of the general plan amendment is to add parcel SG-6-2-14-4121 into a commercial zone so the parcel can be developed. The owner would prefer to develop the property as commercial instead of residential due to the dimensions of the parcel and proximity to Snow Canyon Parkway.

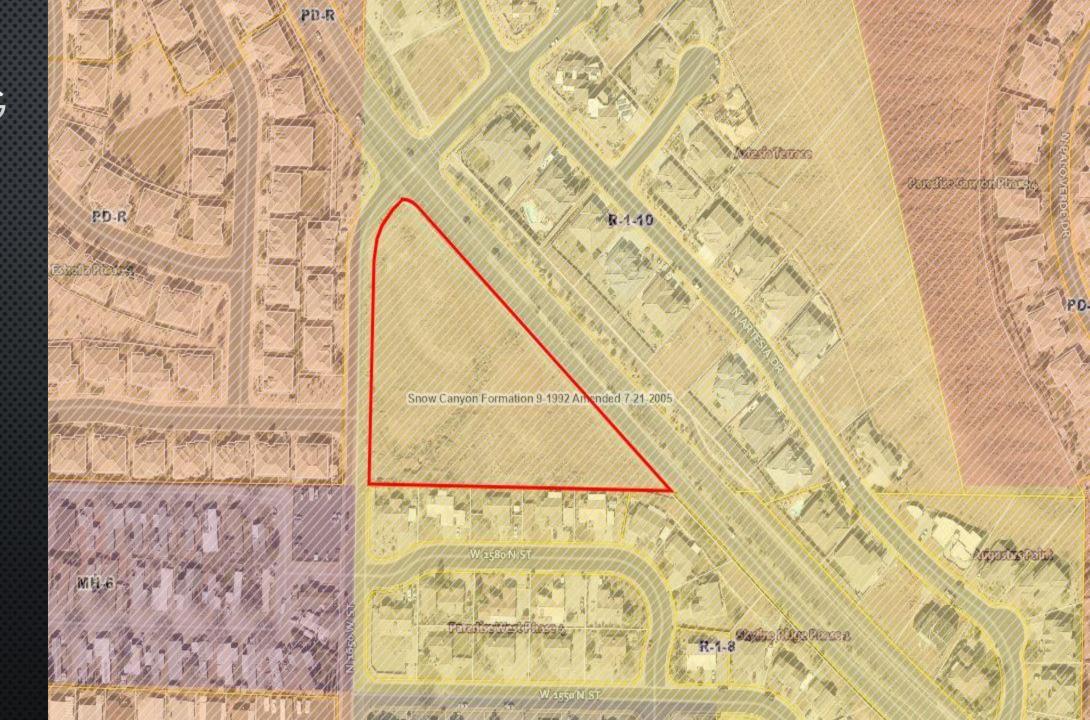
SNOW CANYON PKWY

CASE NO. 2024-GPA-001

LOCATION



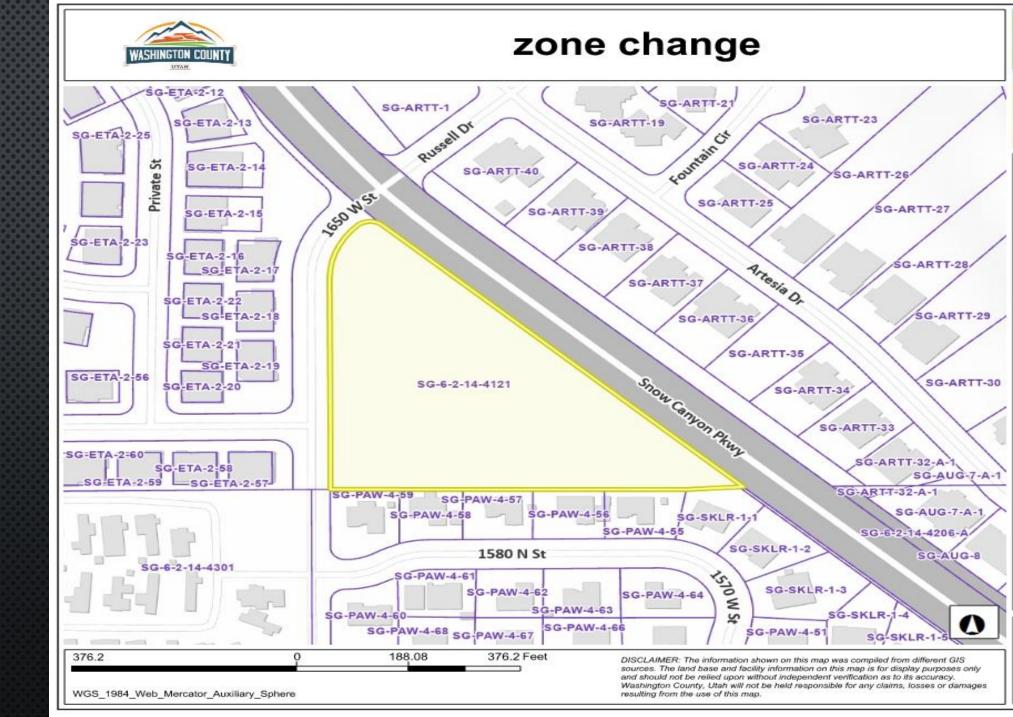
ZONING



GENERAL
PLAN
LAND USE
DESIGNATION



PROPOSED SITE





General Plan Amendment

PLANNING COMMISSION AGENDA REPORT: 01/09/2024

Manning Property for Dixie Power General Plan Amendment (Case No. 2024-GPA-002)	
Request:	Consider approval of an ordinance changing the general plan future land-use map from Low Density Residential (LDR) to Commercial (COM) on 1.22 acres on the northwest corner of Sugar Leo Road and Pioneer Road for a project to be known as Manning Property for Dixie Power.
Applicant:	Dixie Power
Representative:	Russ Condie
Location:	Northwest corner of Sugar Leo Road and Pioneer Road
Existing General Plan:	Low Density Residential (LDR)
Proposed General Plan:	Commercial (COM)
Existing Zoning:	RE-37.5 (Residential Estate minimum lot size 37,500 sq. ft.)
Land Area:	Approximately 1.22 acres



PC 2024-GPA-002 Manning Property for Dixie Power Page 2 of 5

BACKGROUND:

The General Plan is a guide for land-use decisions and contains various policies to help direct decisions related to land use and development of the City. This General Plan amendment is for land located on the northwest corner of Sugar Leo Road and Pioneer Road. The property is lot 58 of the Bloomington Ranches Subdivision Phase 1 which was recorded in 1968 prior to Bloomington's annexation in 1982.

To the north of this property lies a PD-C (Planned Development Commercial) that is home to the current office building of Dixie Power, a convenience store, and a fast-food restaurant. To the west and south are single family homes.

ANALYSIS

In analyzing if a change is warranted, staff has looked at several factors. First, what other uses are either adjacent to the property or planned for the future. The property is surrounded by the following general plan categories:

North – COM (Commercial) South – LDR (Low Density Residential) East – I-15 & OS (Open Space) West – LDR (Low Density Residential)

This property has good connection with the commercial properties to the north. Dixie Power would provide access to the site as they anticipate using the property for overflow parking and eventual expansion of their offices. Any development of this property would require a zone change that would be presented to Planning Commission and City Council.

It appears that the property would have a minimal effect on the neighboring single family homes as it bordered by commercial properties to the north, Pioneer Road to the east and Sugar Leo Road to the south.

RECOMMENDATION:

Staff recommends approval of the change from LDR (Low Density Residential) to COM (Commercial).

ALTERNATIVES:

- 1. Recommend approval of this General Plan amendment.
- 2. Recommend denial of this General Plan amendment
- 3. Continue the proposed General Plan amendment to a later date.

POSSIBLE MOTION:

"I move that we forward a (positive/negative) recommendation to the City Council for the general plan amendment for Manning Property for Dixie Power, case no. 2024-GPA-002, based on the findings listed in the staff report."

FINDINGS FOR APPROVAL:

1. The proposed land-uses are compatible with the surrounding land uses in this

PC 2024-GPA-002 Manning Property for Dixie Power Page 3 of 5

area.

- 2. This land use amendment will not be harmful to the health, safety and general welfare of residences and businesses in the area.
- 3. Vacant sites that are less desirable for residences (such as busy intersections) might be suitable for individual commercial or business establishments.

PC 2024-GPA-002 Manning Property for Dixie Power Page 4 of 5

Exhibit A Applicant's Narrative

Dear St George City Council,

Dixie Power proposes to amend the General Plan and change the zoning on parcel SG-BR-1-58 from LDR to COM. This property fronts Pioneer Road and physically connects to the Bloomington Ranches commercial developments. Dixie Power has operated a commercial office for members of the community since the 1980's. This location has been an ideal access location for the members to conduct business with the company. As the cooperative continues to grow, needed expansion will take place to support the needs of the members and the company. The proposed parcel will give the company an opportunity to add needed office and member services in the future, and with the opportunity to purchase this property, Dixie Power management and the Board of Directors felt this would be an important security for the future.

Dixie Power plans to add a new office in the future. We expect it will be beyond 5 years before this application will take place. Dixie Power would like to propose in the near future to add some overflow parking on this parcel in addition to cleaning the property of debris and weeds to make it aesthetically pleasing.

Thank you for your consideration of this amendment and zoning change.

Russell Condie Dixie Power PC 2024-GPA-002 Manning Property for Dixie Power Page 5 of 5

Exhibit B PowerPoint Presentation

Manning Property for Dixie Power

2024-GPA-002



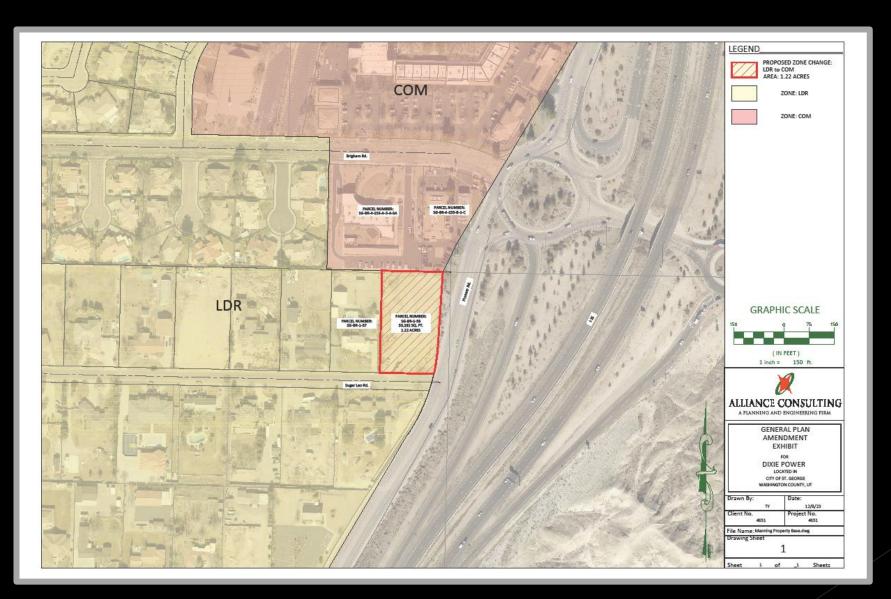
Aerial Map



Zoning Map



General Plan Map



Applicant's Exhibit



Applicant's Exhibit



PLANNING COMMISSION AGENDA REPORT: 01/09/2024

Les Schwab Tire Center Planned Development Amendment (Case No. 2024-PDA-001)		
Request:	Consider an ordinance amending an approved PD-C (Planned Development Commercial) on approximately 1.92 acres, located along Pioneer Rd and north of Sun River Pkwy for the purpose of building a Les Schwab Tire Center for a project to be known as Les Schwab Tire Center.	
Applicant:	Sun River Commons LLC	
Representative:	Zack Graham	
Location:	Located along Pioneer Rd and North of Sun River Pkwy.	
General Plan:	COM (Commercial)	
Existing Zoning:	PD-C (Planned Development Commercial)	
	North	PD-C (Planned Development Commercial)
Surrounding Zoning:	South	PD-C (Planned Development Commercial)
	East	PD-C (Planned Development Commercial)
	West	PD-C (Planned Development Commercial)
Land Area:	Approximately 1.92 acres	



BACKGROUND:

This lot is a part of the Sun River Commons area. This location falls in Area 2.1 of the Atkinville Interchange Area Master Plan. The applicant is proposing a new Les Schwab Tire Center at this location. The planned tire center will be a 12,476 square foot Les Schwab and a 2,880 enclosed truck maintenance area which is an approved use for this PD-C (Area 2.1 allows uses from C-2 zoning in the city code). The proposed tire center meets the above standards as well as the zoning requirements shown below.

Please see the zoning requirement details below:

Zoning Requirements			
Regulation	Section Number	Proposal	Staff Comments
Setbacks		Front/ Street Side: 115' Side: 166.45, 169' Rear: 10.50'	The required setbacks are: Front/ Street Side: 20' Side/ Rear: 0' and 10'
Uses	10-8D-2	Tire Center	The proposed use is found on the approved use list for the Atkinville PD-C
Height and Elevation	10-8D-2	Approximate Height: 30'	The maximum height allowed in a PD-C is 50'. This proposal meets the regulations.
Landscape Plan	10-8D-2	A conceptual landscape plan has been included.	The plans show a 15' landscape strip along the front and an average of 28 feet along the back with a minimum distance of 6 feet. The street trees will be required to be at least 30' on center.
Utilities	10-8D-2	None shown	All utilities will be determined and designed during the JUC process. We will ensure this is completed during the site plan approval process.
Signs	10-8D-2	The applicant is going to propose two small monument signs along with wall signs.	Any signs will need to meet the sign regulations found in Title 9-13 and the Signage plan for the Sun River Commons.
Lighting	10-8D-2	Please see photometric plan in the presentation.	The lighting will need to be at or below 1.0 foot candles at the property line with dark sky lighting.
Lot Coverage	10-8D-6	The proposed	The PD-C zone allows building

		buildings cover just 15 % of the lot.	coverage up to 50%.
Solid Waste	10-8D-6	This development shows the solid waste location.	The solid waste location is proposed to be screened with walls and gates.
Buffer Protection of Residential Property	10-8D-6	N/A	N/A
Parking	10-19-5	Parking provided: 38 spaces with 2 ADA stalls.	The requirement is: 1 space per 400 gross floor area. 38 stalls required.
EVCS And Bike Parking	10-19-6	None shown	They will be required to have conduit to one parking space for a future EVCS and a bike rack that holds at least two bikes.
Colors	10-17A- 14	The plans show the buildings to be in grey tones and natural tones.	The code allows for natural muted tones that emulate the local geologic formations common to the area and blend with the predominant colors of the natural surroundings.

RECOMMENDATION:

Staff recommends approval of the Les Schwab Tire Center Planned Development Amendment.

ALTERNATIVES:

- 1. Approve as presented.
- 2. Approve with additional conditions.
- 3. Deny this request.
- 4. Table or Continue the proposed zone change amendment to a specific date.

POSSIBLE MOTION:

I move we approve ordinance # ____, amending an approved PD-C (Planned Development Commercial) on approximately 1.92 acres, located along Pioneer Rd just north of the Sun River Pkwy for the purpose of building a Les Schwab Tire Center for a project to be known as Les Schwab Tire Center with no conditions.

FINDINGS FOR APPROVAL:

- 1. The proposed uses are permitted uses found in the PD-C zone.
- 2. The proposed project meets the Planned Development Commercial general requirements found in Section 10-8D-2.

Exhibit A Applicant's Narrative



PROPOSED DEVELOPMENT AMENDMENT NARRATIVE LES SCHWAB TIRE CENTER ST. GEORGE, UT



1.92 acre portion of Tax ID #SG-6-3-23-128. Sun River Commons Development St. George, UT

Prepared For: Les Schwab Tire Centers

PO Box 5350

Bend, OR 97708-5350

Prepared By: Tracey Daniels, PE (NC)

tracey@grahameng.com Graham Engineering LLC 4591 Alexander Street

Bozeman, MT 59718

Zack Graham, PE (#10599202-2202)

zack@grahameng.com Project Engineer

Project Number: 22025_LSUT_STGEOSUNRVR

Date: December 4, 2023



1.0 Introduction

The subject property is in the City of St. George, UT, on Pioneer Road. The parcel is northeast of the intersection of Bluegrass Way and Pioneer Road and northwest of Interstate 15. The site is part of the Sun River Commons Development and is a 1.92-acre portion of Tax ID #SG-6-3-23-128. The parcel is being created through subdivision under separate cover by the property seller. Prior to development by Les Schwab, an access road will be constructed by the developer on the west side of the site.

Note: A subdivision is being processed to create this parcel by the current land owner.

2.0 Zoning

The subject property is zoned for PD-C, Planned Development - Commercial, as are the adjacent lots. One adjacent lot is currently developed with a fire station. No other adjacent lots are currently developed. No zoning change is being proposed.

3.0 Proposed Uses

A tire shop is proposed for this parcel, which will include the selling and changing of tires, wheels, car batteries, shocks, and struts; aligning wheels; and servicing brakes. Tire sales and service is an allowed use in PD-C.

4.0 Land Use

The proposed non-residential floor area per acre is 0.15. Land use percentages can be found in the table below. Paved includes parking and driving areas.

Land Use	Percentage of Parcel
Building	15%
Landscape	20%
Paved	65%

Exhibit B PowerPoint Presentation



Aerial Map

General Plan Map



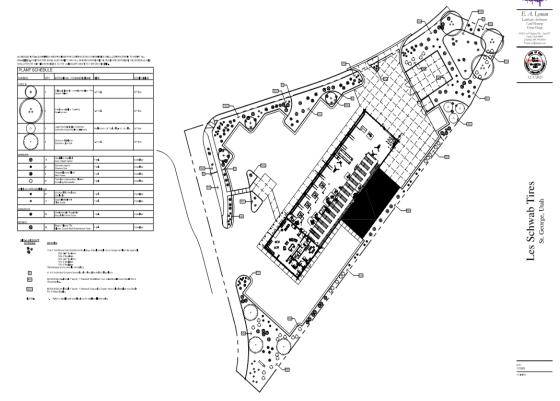






Site Plan

Landscape Plan







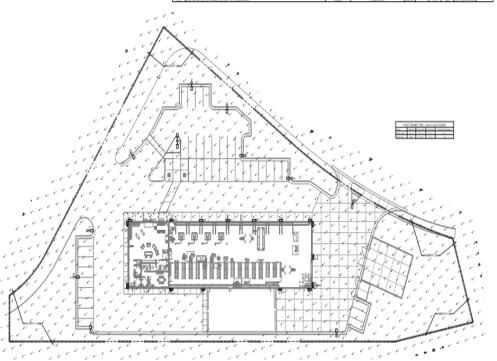




EXTERIOR LIGATING FATURE SCHEDULE

| Company |

Photometric Plan











MATERIAL LEGEND: \$3×2

VERTOR HETELTINGS. FOR PROFIT, COLUMN TIES

TEXT

Elevations



[17] Tires LES SCHWAR

A1



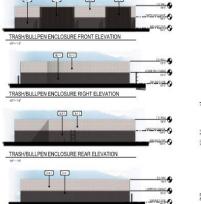




Elevations







TRASH/BULLPEN ENCLOSURE LEFT ELEVATION



A2

Materials Board







Zoning Regulation Amendment

PLANNING COMMISSION AGENDA REPORT: 01/09/2024

ZONING REGULATION AMENDMENT TO AMEND SUBDIVISION REGULATIONS

(2024-ZRA-001)

Amendment to Title 10-25 **Subdivision Regulations**

REQUEST:

Consider a request to amend Title 10-25, Subdivision Regulations, to amend the subdivision regulations for the purpose of updating the development review process. The applicant is the City of St. George.

BACKGROUND:

In 2023, State Bill 174 was adopted. A portion of this bill was dedicated to outlining a new subdivision review process for all municipalities. The purpose of this new subdivision process was to improve the housing crisis here in the State of Utah by shortening the review time for housing projects. The state code requires this new review process for single-family, two-family, and townhome housing only; however, staff feels that having a separate process for all other type of development would be too cumbersome, consequently, the changes shown to the subdivision regulations are for all new development. Each municipality has until February 1, 2024, to amend their code to comply with state law. A summary of the changes is listed below:

- Chapter 25 will be renamed from Subdivision Regulations to Development Regulations
- The Planning Commission will be the land use authority that approves all new preliminary plats, instead of the City Council
- A 15-business day review time limit will be set for city staff to review and send comments to the developer on preliminary plats
- A 20-business day time limit will be set for city staff to review and send comments to the developer on their construction drawings and/or final plat
- No more than four review cycles are allowed for construction drawings and/or final plat

The proposed changes made to Title 10-25 addresses all of the requirements. To assist in the administration of this chapter, staff has created a flow chart. Please see Exhibits C and D of the flow charts.

Proposed Changes:

The complete proposed revisions are attached as Exhibit A and Exhibit B

- Exhibit A Title 10 Chapter 25, with no edits shown
- Exhibit B Title 10 Chapter 25, with edits shown. Edits are as follows:
 - The proposed additions are in red
 - The proposed deletions have a strikethrough

RECOMMENDATION:

Staff recommends approval of the amendment to Title 10, Chapter 25

ALTERNATIVES:

- 1. Recommend approval as presented.
- 2. Recommend approval with changes.
- 3. Recommend denial.
- 4. Continue the proposed zoning regulation amendment to a specific date.

POSSIBLE MOTION:

The Planning Commission recommends approval of the Zoning Regulation Amendment to Title 10-25, Subdivision Regulations.

FINDINGS:

- 1. It is in the best interest of the city to update city zoning regulations periodically.
- 2. The proposed revisions will allow the city to welcome appropriate business activity at approved locations.

EXHIBIT A

Title 10 Chapter 25, final draft with no edits shown

CHAPTER 25 DEVELOPMENT REGULATIONS

25A	General Provisions
10-25A-1:	Purpose
10-25A-2:	Applicability
25B	Administration And Enforcement
10-25B-1:	Conformance To Applicable Rules And Regulations
10-25B-2:	Self-Imposed Restrictions
10-25B-3:	Special Conditions
10-25B-4:	Coordination Of Planned Development Applications
10-25B-5:	Building On Single Lots - Merging Lots
10-25B-6:	Fees
10-25B-7:	Enforcement
10-25B-8:	Compliance With Title
10-25B-9:	Sale of Proposed Lots
10-25B-10	Recording Without Approval Void
10-25B-11	: Metes And Bounds' Description Applicable
10-25B-12	Final Subdivision Plat Recorded Prior To Approval Unlawful
10-25B-13	B: Penalty
25C	Plats And Plans
10-25C-1:	General Procedures
10-25C-2:	Pre Application Process
10-25C-3:	Preliminary Approval
10-25C-4:	Final Approval
10-25C-5:	Vacating, Altering Or Amending A Subdivision Plat
25D	Improvements
10-25D-1:	Infrastructure Drawings
10-25D-2:	•
	Recording Final Subdivision Plat Or Developing Real Property -
	Acceptance Process
10-25D-3:	Improvements Required
10-25D-4:	Layout Of Lots
10-25D-5:	Improvement Completion Assurance And Warranty
	ARTICLE A. GENERAL PROVISIONS
10-25A-1:	Purpose
10-25A-2:	Applicability

10-25A-1: PURPOSE:

The provisions of this title are enacted for the purpose of adopting regulations for the development of land including the subdivision of land within the city and development of lands without subdivision. The regulations, requirements, data, exceptions, suggestions and

conditions set forth in this title are designed to allow for quality growth and development within the city and to assist the developer in the preparation of plans for development.

10-25A-2:

APPLICABILITY:

The provisions of this title are applicable to all developments and improvements to subdivided and unsubdivided lots or parcels as defined in Utah Code Title <u>10</u>, Chapter <u>9a</u>, the Municipal Land Use, Development, and Management Act, or its amendment.

10-25A-3:

LEGAL CONFORMING STATUS OF DEVELOPMENT LOT OR PARCEL. No development may occur on any parcel of land or subdivided lot which has not lawfully been created or subdivided in accordance with city and state regulations.

ARTICLE B. ADMINISTRATION AND ENFORCEMENT

10-25B-1:	Conformance To Applicable Rules And Regulations
10-25B-2:	Self-Imposed Restrictions
10-25B-3:	Special Conditions
10-25B-4:	Coordination Of Planned Development Applications
10-25B-5:	Building On Single Lots - Merging Lots
10-25B-6:	Fees
10-25B-7:	Enforcement
10-25B-8:	Compliance With Title
10-25B-9:	Sale of Proposed Lots
10-25B-10:	Recording Without Approval Void
10-25B-11:	Metes And Bounds' Description Applicable
10-25B-12:	Final Subdivision Plat Recorded Prior To Approval Unlawful
10-25B-13:	Penalty

10-25B-1:

CONFORMANCE TO APPLICABLE RULES AND REGULATIONS:

In addition to the requirements established herein, all subdivision plats, infrastructure improvement plans, and final site plans shall comply with the applicable laws, plans and regulations, including, but not limited to:

- A. The zoning ordinance of the city of St. George, standard specifications for design and construction and all other applicable ordinances of the city.
- B. The official city general plan, including all future land use designations, streets, drainage and utility systems and parks shown in the general plan, as adopted.
- C. Requirements of the Utah Department of Transportation, Utah Department of Health and other appropriate state agencies.

- D. The standards, regulations and policies adopted by the city, including all boards, commissions, agencies and officials of the city who may be authorized to adopt the same.
- E. The standards and requirements for culinary water service adopted by the district.
- F. The standards for essential infrastructure as set forth in the St. George City Standards and Specifications which are incorporated by reference herein.

10-25B-2:

SELF-IMPOSED RESTRICTIONS:

If the developer places restrictions on any of the land contained in a subdivision or final site plan greater than those required by the zoning ordinance or these regulations, such restrictions or reference thereto may be required to be indicated on a recorded plat, or the city may require that restrictive covenants be recorded with the county recorder in a form to be approved by the city attorney.

10-25B-3:

SPECIAL CONDITIONS:

Land which the city finds to be unsuitable for subdivision or development due to steep hillsides, geologic hazards, adverse construction conditions, flooding, improper drainage, slopes, rock formations, adverse earth formations or topography, unavailability of utility facilities, suitable access or resources, utility easements, or other features which would be harmful to the health, safety, and general welfare of the present or future inhabitants of the development or subdivision or its surrounding areas shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the city council through a development agreement, upon recommendation of the development staff and city engineer or designee, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve such dangers.

10-25B-4:

COORDINATION OF PLANNED DEVELOPMENT APPLICATIONS:

- A. At the time an application for a planned development (PD) project is submitted to the city, the owner or developer shall submit an application to change the proposed development property's zoning designation to planned development (PD). Simultaneous with filing a planned development application, the developer or developer's authorized representative shall:
 - 1. Apply to change the zoning designation to planned development (PD) for the real property on which the proposed development will be located;
 - 2. Submit all information required by this code for a planned development (PD) zone, including, but not limited to, a general conceptual plan if it is anticipated to be built in phases, a preliminary site plan and/or preliminary plat for one (1) or more phases, and infrastructure improvement plans when required; and
 - 3. Meet with city staff to discuss the proposed development.

B. No change to the zoning designation shall be made without the simultaneous approval of a preliminary plat or preliminary site plan.

10-25B-5:

BUILDING ON SINGLE LOTS - MERGING LOTS:

A. The improvements built upon any single lot or two (2) adjoining or contiguous lots held under common ownership separate from that of adjacent lots and not otherwise affected by this title shall nonetheless be subject to and regulated by other provisions—of this title. The provisions of this title shall be applicable to prevent the granting of a license, or utility services, by any city officer when any property encompassed by this section is in violation of any of the aforesaid sections, and enforcement and penalty shall be as is further provided in this title.

B. When previously subdivided lots are merged together, all frontages along streets are considered to be front setbacks and shall comply with the setback requirements in the zoning ordinance of the city of St. George.

10-25B-6:

FEES:

Any and all persons seeking approvals under this title shall pay fees as adopted through resolution by the city council. A development application shall not be considered "complete" unless all fees have been paid.

10-25B-7:

ENFORCEMENT:

The city manager shall be charged with the enforcement powers of this title.

10-25B-8:

COMPLIANCE WITH TITLE:

No person shall subdivide or develop any tract or parcel of land located wholly or in part within the city except in compliance with the provisions of this title.

10-25B-9:

SALE OF PROPOSED LOTS:

No person shall purchase, sell or exchange any parcel of land which is less than the whole parcel which is not part of a recorded subdivision, nor offer for recording in the office of the county recorder, any deed conveying such parcel of land or any fee interest therein, unless such subdivision has been lawfully created pursuant to and in accordance with the provisions of this title and Utah Code.

10-25B-10:

RECORDING WITHOUT APPROVAL VOID:

A subdivision plat recorded without the approval of the city as required by Utah Code, this title, and all other applicable statutes and regulations is void.

10-25B-11:

METES AND BOUNDS' DESCRIPTION APPLICABLE:

The description by metes and bounds in any instrument of transfer, or other documents used in the process of selling or transferring, does not exempt the transaction from being a violation of, or from the penalties or remedies provided in, this title.

10-25B-12:

FINAL SUBDIVISION PLAT RECORDED PRIOR TO APPROVAL UNLAWFUL:

It shall be unlawful for any person to offer to sell or lease, to contract to sell or lease, or to sell or lease any such final subdivision, or any part thereof, which is located in the city, until a final subdivision plat thereof, in full compliance with the provisions of this title, has been duly recorded in the office of the county recorder.

10-25B-13:

PENALTY:

A violation of any provisions of this title shall constitute a class C misdemeanor and, upon conviction, be subject to penalty as provided in section 1-4-1. Each separate act in violation of the provisions of this title shall constitute a separate offense. In addition to the criminal penalties provided herein, the city is authorized to seek injunctive or other relief allowed under Utah law to terminate or prevent violations hereof or otherwise enforce the provisions of this title.

ARTICLE C. PLATS AND PLANS

10-25C-1:	General Procedures
10-25C-2:	Pre Application Process
10-25C-3:	Preliminary Approval
10-25C-4:	Final Approval

10-25C-5: Vacating, Altering Or Amending A Subdivision Plat

10-25C-1:

GENERAL PROCEDURES:

Before any real property is developed or subdivided, the developer or developer's authorized representative shall follow the procedures set forth in this chapter and as established by the city council by policy, in applying for and obtaining approval of the proposed subdivision or development. The general procedure consists of the following principal steps:

- A. Pre-Application process;
- B. Preliminary plat review;
- D. Final subdivision plat and/or final site plan review.

10-25C-2:

PRE-APPLICATION PROCESS:

Prior to submitting a development application for any type of development, the developer shall:

- A. Meet with the city in a Development Staff Review meeting to discuss the development proposal and review the concept plat or site plan and the requirements for the required plans, infrastructure improvement plans, studies and reports. The general requirements as to the layout of streets, street improvements, traffic impact studies, drainage, sewerage, fire protection, availability of existing services, and similar matters shall be discussed. The development staff may also advise or direct the developer, when appropriate, to discuss the proposed development or portions thereof with those officials who must eventually approve certain aspects of the plat or plan, or portions thereof within their jurisdiction, including, but not limited to, the fire marshal, joint utility commission, hillside review board, and city staff. Where special issues or conditions exist which require resolution by the land use authority, resolution of such matters shall be obtained prior to consideration of the preliminary plat by the planning staff.
- B. After addressing the initial comments or concerns from the Development Staff Review, Developer shall meet with City staff for a pre-application meeting. City staff will include development, engineering, water, power, fire and other reviewing departments to fully review and give input on the proposed development plans.
- B. Obtain all overlay, zoning, or general plan approvals or amendments necessary to develop the proposed project.

10-25C-3:

PRELIMINARY PLAT APPROVAL:

A. *Preliminary Plat Requirements:* The preliminary plat shall be clear and legible, be labeled and dimensioned, and be of sufficient scale to adequately describe the conditions of this title. The preliminary subdivision plat shall show among other requirements, the following information:

1. Title Block:

- a. The name and type of development, which name must not be duplicative of any other development and must be approved by the county recorder and community development director or designee.
- b. The location and dimensions of the subdivision or project.
- c. The name of the developer.

2. General Plans:

- a. North arrow and scale.
- b. The boundary and phasing plan of the subdivision or project.

c. Existing and proposed topographical contour lines at vertical intervals of 2' and not greater than five feet (5') when requested by the city engineer or designee.

3. Existing Conditions:

- a. Location, width and names of all streets and driveways within two hundred feet (200') of the subdivision or project.
- b. All public streets, rights-of-way, easements, parks, other public open spaces, and all section and city boundary lines within or adjacent to the proposed subdivision or project.
- c. Sewers, water mains, power lines, storm drains, or other facilities within and adjacent within one hundred feet (100') of the proposed subdivision or project.
- d. Ditches, drainage channels, waterways, and major washes.
- e. The location of the floodplain and floodway, and elevations as designated by FEMA. Also, the location of the erosion hazard boundary for property adjacent to the Virgin and Santa Clara Rivers and Ft. Pearce Wash.
- f. Topography map with 2' contours.
- g. Air traffic approaches when requested by the city engineer or designee.
- h. Information required by the ordinance, if the proposed subdivision is within the hillside overlay area, a geologic hazard area, an adverse construction condition area, or flood or erosion hazard area.
- i. Vicinity map.

4. Proposed Plan:

- a. The layout of streets, driveways, public parks and trails, and utility easements showing identification and dimensions. Where double frontage lots are proposed, the general design of the privacy wall shall be shown.
- b. The layout, number, and typical dimensions of lots or buildings.
- c. The following shall apply to numbering lots within a subdivision:
 - (1) Lots shall be numbered consecutively under a definite system. Numbering shall continue throughout the subdivision with no omissions or duplications.
 - (2) Multiple phases within the same subdivision name shall be identified as phase 1, then phase 2 and so forth. Lots within different phases shall also be distinctly numbered as 101, 102, 103 (within phase 1), and 201, 202, 203 (within phase 2), and so forth.

- (3) Lettering of building lots is not permitted.
- (4) Areas not designated as a building lot or right-of-way on the plat shall be designated by capital letters and be designated in sequence within a subdivision starting with the letter "A."
- (5) Plat amendments shall be named and numbered in a form acceptable to the office of the Washington County recorder and Utah State Code as amended.
- d. Parcels of land intended to be dedicated for public use or set aside for use of property owners as common or limited common areas.
- e. All existing and proposed roads, easements, utility corridors, or other spaces, whether public or private, to be created or used by the project.
- f. A drainage plan by which the developer proposes to handle storm water drainage for the development, including proposed realignment or regrading of existing drainageways upstream, within and downstream of the development. All single-family residential drainage shall be conveyed from each lot to the street. Shared drainage is not permitted unless it is located in common or limited common areas, owned and maintained by a property owners' association. All drainage for other developments shall also be conveyed from the entire parcel to the street. Shared drainage may be permitted on non-subdivided parcels.
- g. Infrastructure improvement plans for roads, sidewalks, landscape, and utilities including primary water, secondary irrigation water, sewer, power systems, and related utilities.
- h. A grading plan by which the developer proposes to handle elevation changes, retaining walls, and other related design issues as requested by the city.
- B. Infrastructure Improvement Requirements: Developer shall submit to the City with each application, the necessary partial infrastructure improvement plans and other documentation required by the engineering standards of the City for essential infrastructure which standards are adopted and incorporated by reference herein.
- C. Application Procedure And Requirements:
 - 1. The developer shall file the preliminary plat application through the city's electronic on-line application software and forms provided by the city.
 - 2. At the time of filing the application, the developer shall have completed the pre-application process.
 - 3. Once the application has reviewed for completeness, including all fees paid, and accepted by the City for processing, the application shall be processed according to the procedure set forth in this section. If the city finds that the application is not complete, the

application shall be rejected, until such time as the developer shall submit a complete application acceptable to the City.

4. Approval Procedure:

- a. Once an application has been deemed as complete, the preliminary plat, and preliminary plat review application, along with all accompanying plans, reports, and studies shall be transmitted to the appropriate city officials, service providers, utility providers, and other official agencies or bodies as deemed necessary or as required by law, to allow such persons to review the application and supporting documents. Those reviews shall take place within the time period specified by Utah Code.
- b. When the application is found to meet the requirements of this title, or could meet the requirements with specific conditions, and all comments have been received from those to whom a request to review was made, the community development director or designee shall cause the application to be forwarded to the designated land use authority for approval. The designated land use authority for preliminary plats shall be the Planning Commission. Staff shall notify the developer of the date, time, and place of any public meeting at which the application shall be reviewed by the planning commission.
- c. The planning commission shall approve a preliminary plat which it finds to be in accordance with the standards and criteria set forth by the city in this title and all other laws, ordinances, plans, and policies of the city and state. Where not all standard criteria are met, the planning commission may conditionally approve a preliminary plat, imposing such conditions as it may require in order to bring the project into compliance with the requirements of state law, or the city's ordinances, plans, and policies. Upon approval of the preliminary plat, including the approval of the partial infrastructure improvement plans—as required, a mass grading permit may be issued which allows the developer to begin site work at their own risk, prior to final approval. Issuance of a grading permit to prior to final plat or final site plan approval does not constitute a vesting of development rights.
- d. Preliminary approval of a subdivision, with partial infrastructure improvement plans shall be valid for not more than 18 months from the date of approval by the land use authority. A letter documenting the approval, the date of the approval, and any conditions of approval shall be provided by the Community Development Director to the developer within 10 business days of the approval.
- e. If it is determined by the community development director that substantial progress toward completion of the final subdivision plat has been done, and the final plat cannot be timely approved due to reasons beyond the control of the developer or for other good cause, the community development director may agree to a single reasonable extension of time to complete the final subdivision plat and all infrastructure improvement plans for a period of time not to exceed six (6) months.

f. Approval of the preliminary plat does not constitute full approval of the development nor vest any development rights as additional requirements, infrastructure improvement plans, or conditions may be required that are a result of more detailed and thorough review of all plans, specifications, reports, and investigations, etc.

10-25C-4:

FINAL APPROVAL:

- A. A final subdivision plat or final site plan shall be prepared and submitted to the community development department prior to the expiration of any preliminary approval.
- 1. Any submission for a final plat shall include a current title report (within 30 days) for review with the plat. A final plat shall be signed by the community development director or designee, the city attorney or designee, the city engineer or designee, the land use authority, the city surveyor, the culinary and wastewater provider, and the county treasurer prior to the final plat being recorded.
- B. All applications shall comply with the requirements of Utah Code Annotated title <u>10</u>, chapter <u>9a</u>, of the Utah Land Use and Development Management Act, as amended.
- C. Infrastructure Improvement Requirements: Developer shall submit to the City with the final application, the necessary infrastructure improvement plans and other documentation required by the engineering standards of the City for essential infrastructure which standards are adopted and incorporated by reference herein.
- D. When an application is submitted through the City's electronic on-line program, it shall be reviewed for completeness, including all fees paid, and if complete, the application shall be accepted by the City for processing. The application shall be processed according to the procedure set forth in this section. If the city finds that the application is not complete, the application shall be rejected, until such time as the developer shall submit a complete application acceptable to the City. All reviews required shall be conducted under the time periods specified and imposed by Utah Code.
- E. The land use authority for all final applications shall be the Community Development Director who shall approve the final plat or final site plan which shall include all infrastructure improvement documents upon a finding that the final plat or final site plan conforms to all prior approvals, conditions, and regulations imposed by the city and Utah Code.
- F. Approval of a final plat or final site plan by the Community Development Director as the land use authority, shall be in writing and shall be delivered to the developer within 10 business days of the approval.
- G. A final site plan once approved shall be valid for one (1) year during which time a grading or other permit must be issued, and construction commenced. Failure to obtain a permit or commence construction will result in the approval expiring and becoming void.

H. A final plat must be recorded with the office of the county recorder within one (1) year of the date of city approval. A final plat which has not been recorded within one (1) year shall be deemed void and all land use approvals associated with the final plat shall be considered void ab initio. Prior to expiration of the final approval, a developer may request a one (1) time six (6) month extension of the approval from the community development director.

10-25C-5:

VACATING, ALTERING OR AMENDING A SUBDIVISION PLAT:

- A. *Vacating, Altering Or Amending Subdivision Plat:* All applications for vacating, altering or amending a subdivision plat shall comply with the requirements of Utah Code Title <u>10</u>, Chapter <u>9a</u>, as amended.
- B. Lot Mergers: All applications seeking to merge lots, parcels, sites, units, plots or other division of land shall comply with the requirements for boundary adjustments as set forth in Utah Code Title 10, Chapter 9a, as amended.
- C. Vacating A Street, Right-of-Way, Or Easement: All applications for vacating a street, right-of-way, or easement shall comply with the requirements of Utah Code Title <u>10</u>, Chapter <u>9a</u>, as amended.

ARTICLE D. INFRASTRUCTURE IMPROVEMENTS

10-25D-1: Infrastructure Drawings

10-25D-2: Completion Or Improvement Completion Assurance Prior To

Recording Final Subdivision Plat Or Developing Real Property - Acceptance

Process

10-25D-3: Improvements Required

10-25D-4: Layout Of Lots

10-25D-5: Improvement Completion Assurance And Warranty

10-25D-1:

INFRASTRUCTURE DRAWINGS:

- A. *Pre-Application Drawings:* Infrastructure improvement plans for infrastructure improvements which are required by the city as part of the pre-application process shall be submitted to the city for pre-application review. The city engineer shall publish on the city's website, the technical aspects, details, and requirements for the pre-application submissions.
- B. *Preliminary Plat Application Drawings:* Prior to commencement of any infrastructure construction, plans prepared by the developer's engineer for improvements as outlined in the city's standard specifications for design and construction, as amended and supplemented from time to time and which is incorporated by reference herein, shall be submitted as part of the preliminary plat application. These partial infrastructure improvement plans shall identify those improvements which are to be accepted and maintained by the city and improvements which are to be maintained by private entities and other details as may be required.

- C. Final Drawings: Following approval of the preliminary subdivision plat by the land use authority, the developer shall submit as part of any final application, the required infrastructure improvement plans and JUC drawings (with comments if any), along with the required final plat or final site plan to the city through the city's electronic on-line application software. No development work other than mass grading shall commence until final approval is received by the land use authority.
- D. Final approval shall include a letter from the Community Development Director or designee expressing the approval along with a signed final mylar for subdivision plats, and/or an approved final site plan for non-subdivision projects. Infrastructure improvement plans stamped "approved for construction" shall be part of the final approval.
- E. Consistent with Utah law, no subdivision plat may be recorded unless all infrastructure improvements have been completed and accepted by the city, or where appropriate, a financial agreement to secure completion of the infrastructure per Section 2 below, has been entered into with the city prior to recordation.

10-25D-2:

COMPLETION OR IMPROVEMENT COMPLETION ASSURANCE PRIOR TO RECORDING FINAL SUBDIVISION PLAT OR DEVELOPING REAL PROPERTY – ACCEPTANCE PROCESS:

- A. Completion or Improvement Completion Assurance: The improvements required by this chapter shall be constructed and installed by the developer and maintained by the developer until accepted by the city. Improvements shall be completed prior to recording the final plat in the office of the county recorder, unless the construction, installation and maintenance are guaranteed in the manner provided in section 10-25D-5.
- B. Acceptance Process: Required improvements shall not be accepted by the city and the warranty period thereon shall not expire until the required improvements have been fully installed and been in successful operation for the one (1) year warranty period, except when the city determines for good cause that a two (2) year warranty is necessary as provided in Utah Code Annotated Section 10-9a-604.5, or its amendment.
 - 1. Approval of Improvements: After the completion of all subdivision improvements, the developer shall make a written request to the city for an approval inspection to be made by all affected city departments. Upon receipt of inspection reports from all affected departments, the city will either approve the improvements or provide the developer with a list of defective work to be completed before approval. The developer shall correct all defective work and materials and make written requests to the city for additional inspections, as may be required. Once the city approves the improvements, a summary of the inspections and approval shall be provided to the developer.
 - 2. Warranty Period: The warranty period shall start on the date the city approves all of the improvements and the developer provides the city with a warranty document in a form approved by the city. Developer shall warrant all improvements for a period of time as set

forth in this section. If, during the warranty period, the city finds any improvements to be defective, the city shall provide developer or developer with a list of the defective work and developer shall correct all defects immediately except for improvements which, at the city's discretion, must be repaired by the city. Developer shall pay city for all repairs to defects in improvements which are repaired by the city during the warranty.

- 3. *City Acceptance of Improvements:* The developer shall schedule with the city an inspection on the improvements at the end of the warranty.
 - a. If the city finds that the work on the required improvements is defective and does not meet city standards, the city shall provide the developer with a list of the defective work which the developer must correct. The developer shall schedule additional inspections as necessary and shall, in a timely manner, completely correct all defective work which is identified by the city. After the city finds the developer has completely and satisfactorily completed all of the corrections to the defective work on the required improvements, then the city shall accept the improvements, commence maintenance of the improvements, and any warranty held by the city shall be released.
 - b. If the city finds that the work on the required improvements does not meet the city standards, the warranty, including, but not limited to, any cash, irrevocable letter of credit, or other financial assurance, shall be forfeited or paid to the city and the city shall make the corrections to the improvements. The city shall accept the improvements after completion of the corrections.

10-25D-3:

IMPROVEMENTS REQUIRED:

The design, installation, connection, and construction of all improvements required by this section shall comply with the city of St. George standard specifications for design and construction and shall be approved by the city before work begins. The improvements required to be completed before issuance of a building permit under this title shall include, but are not limited to, the following:

A. Utilities And Services:

- 1. Required utilities and services include, but are not limited to, the following: power, culinary water, secondary irrigation water, sewer, fire protection, lighting, telephone and cable conduits, signing and addressing, all-weather fire and emergency access, and other utilities and services as required by the city or by law.
- 2. All subdivision lots shall be served by public utility systems.
- 3. All utility improvements, including street lighting, shall comply with all official standards of the city.
- 4. All electrical, telephone, and television cable shall be installed underground, except as otherwise directed by the land use authority.

B. Storm Drainage And Nuisance Water Control: A storm or nuisance water drainage system shall be provided and shall be separate and independent from the sanitary sewer system. Drainage, flood control, and adequate erosion protection shall be designed in conformance with the city flood control master plan and drainage guidelines and hydrology manual as detailed in the city of St. George standard specifications for design and construction.

C. Street Improvements:

- 1. Required Exception: All streets within the city shall be improved with streetlights and pavement bounded by integral concrete curbs, gutters and sidewalks, handicapped ramps, etc. The sole exception shall be in large lot rural subdivisions where street construction shall conform to large lot requirements as detailed in the city of St. George standard specifications for design and construction. Property owners of large lot rural subdivisions shall acknowledge by a recorded certificate that any further subdividing will require full compliance with standard lot improvement requirements, including streetlights, curb and gutter, sidewalks, and roadway width, etc. Said acknowledgment shall waive the property owners' rights to oppose a special improvement district where necessary to comply with this requirement.
- 2. Continuation Of Streets: The arrangement of streets in new subdivisions shall make provision for the continuation of the streets in adjoining areas insofar as such continuation or access shall be deemed necessary by the city engineer or designee. All access roads leading to any subdivision shall be improved as may be determined by the city engineer or designee.
- 3. *Traffic-Control And Street-Name Signs:* All traffic-control and street-name signs, conforming to the city of St. George standard specifications for design and construction and approved by the city engineer or designee, shall be provided by the developer. When required by the city, mitigation of off-site impacts will be the responsibility of the developer. A traffic impact study may be required to help determine project impacts.
- 4. *Frontage*: All subdivision lots shall have frontage on a dedicated public street improved to city standards unless the use of a private street has been approved by the planning commission. Private streets, alleys, or ways shall not be approved except when the city engineer or designee finds that public dedication is not necessary. Where determined that public streets are needed for area circulation, property access, or the overall benefit of the driving public, private streets shall not be used. Master-planned roads cannot be private.

5. Private Streets And Improvements:

a. In the event private streets are used, they shall conform to the city of St. George standard specifications for design and construction as to the quality of construction. Private streets shall include curb, gutter, sidewalks or adequate pedestrian facilities, etc. Street width may be adjusted based upon traffic needs and information provided in a traffic impact study (TIS) when required.

- b. The city may observe the construction of private streets. However, in all cases, the developer shall retain the services of a professional engineer and testing firm to provide adequate inspection services and to submit the proper reports and certifications to the city. All private developments shall be required to submit to the city the private development improvements certification, on the approved form prior to certificate of occupancy and acceptance of the development.
- c. Continuation Of Principal Streets: The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, and efficient continuation of utilities and where such continuation is in accordance with the transportation element of the city's general plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line and a temporary turnaround shall be provided.
- d. *Intersections:* Intersections shall comply with city specifications and access management requirements which are incorporated by reference herein.
- D. *Access To City Street:* No subdivision shall be approved which does not have access to an improved and dedicated city street. Where a subdivision obtains access from a street which does not meet minimum city standards, the access road shall be improved to a minimum width of twenty-five feet (25'), meeting applicable safety standards, including shoulders, and constructed to final grade. Additional road width may be required to meet safety standards.
- E. *Improvements To Full Length Of Project:* Where a subdivision abuts a master-planned road, utilities or drainage system, the developer shall complete his portion of such improvements the full length of his project in conformance with the approved city plans, including the general plan.
- F. *Mitigation Of Off-Site Impacts:* When required by the city, mitigation of off-site impacts, as well as providing adequate public infrastructure to the development, will be the responsibility of the developer. A traffic impact study (TIS) will be required unless otherwise approved by the city engineer or designee. The TIS may aid in the determination of off-site impact mitigation.

10-25D-4:

LAYOUT OF SUBDIVIDED LOTS:

- A. Lot Arrangement: The arrangement of lots shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the zoning ordinance and in providing safe driveway access in accordance with city requirements to buildings on such lots from an approved street.
- B. Lot Dimensions: Lot dimensions shall comply with the minimum standards of the zoning ordinance. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback from both streets, and providing safe access. Depth and width of properties

reserved or laid out for business, commercial or industrial purposes shall be adequate to provide for the access, off-street parking and loading facilities required for the type of use and development contemplated, as established in the zoning ordinance.

C. Double Frontage Lots and Access to Lots:

- 1. Double frontage lots shall be avoided where feasible. However, double frontage lots may be necessary to provide separation of residential development from arterials and major collectors or to overcome specific disadvantages of topography and orientation.
- 2. Residential lots shall not derive access from an arterial street. Access may be limited on major collector streets for safety reasons as determined by the city engineer or designee. In cases where driveway access from such streets may be necessary for several adjoining lots, the city engineer or designee may require that such lots be served by a shared access drive in order to limit possible traffic hazards on such street. The city engineer or designee may also require that access be designed and arranged so as to avoid requiring vehicles to back into traffic. This may include such items as increased building setbacks, increased lot width, shared access, U-shaped driveways, etc.
- 3. Where double frontage lots are platted, a six-foot-four-inch (6'4") high solid masonry wall shall be constructed along the public road for a privacy and noise screen. All walls shall comply with the standards set forth in chapter 18 of this title. The city may approve modifications to the masonry wall to allow for architectural elements such as wrought iron within sections of the wall. The privacy wall shall be set back from the sidewalk a minimum of ten feet (10') in order to provide access to and utilization of the utility easement and a landscape area for the planting of shrubs and trees. Where the developer provides both public right-of-way and a deceleration/acceleration lane as required by the city, the utility-landscape strip may be reduced to five feet (5') for the length of the deceleration/acceleration lane. Along arterial streets, the planning commission, may require a planter area greater than ten feet (10') in width. In addition, in order to provide proper intersection and driveway sight distance, it will be necessary in some cases to set the wall back a distance greater than ten feet (10') from the sidewalk. Where the developer or property owner dedicates the landscape and utility area described herein to the city, the developer will receive an area credit for the perimeter lots adjacent to the dedicated landscape and utility area equal to the amount of the dedicated area. Such area credit will be applied to the adjacent lots for the purpose of complying with the minimum lot size requirements.
- 4. The developer shall plant trees along the street frontage in conformance with the city's community forestry program. Trees shall be planted so as not to obstruct visibility at drives and intersections, nor obstruct traffic control devices.
- 5. For planned developments or other residential developments where a homeowners' association exists, the homeowners' association shall provide irrigation and maintenance for the landscape strip on the street side of the wall.

- 6. If a residential development creates double frontage lots the city shall require a homeowners' association to be created for ownership and maintenance of landscaping and irrigation on the street side of the wall unless an alternate maintenance agreement has been approved by the city.
- 7. In some cases where no homeowners' association exists, the city may choose to provide maintenance for landscaping within the right-of-way for streets of eighty feet (80') or more; provided, the landscaping and irrigation system has been installed to city standards.
- 8. The privacy wall and landscaping area shall be completed prior to occupancy of any homes in the subdivision, or, where unusual circumstances exist which prevent such completion, a guarantee shall be posted as detailed in section <u>10-25D-5</u>, in the form of cash or an irrevocable letter of credit.
- D. *Flag Lots*: After determination by the commission that standard lots are not feasible, the commission may, in order to encourage more efficient use of land, allow flag lots to be developed subject to the following conditions:
 - 1. The property cannot be subdivided with typical public street frontage either at the present or in the foreseeable future.
 - 2. The staff portion of said lot shall front on a dedicated public street. The minimum width of the staff shall be twenty-five feet (25').
 - 3. No building or construction, except for driveways, shall be allowed on the staff portion of said lot.
 - 4. All lot size and setback requirements shall be the same as may be required by the zone in which the lot is located. The staff portion of the lot shall not be used to calculate the minimum lot size. Setbacks shall be shown on the preliminary plat and approved by the planning commission..
 - 5. No more than two (2) flag lots or four (4) dwelling units may be served by one (1) twenty-five-foot (25') wide staff.
 - 6. Each flag lot shall be specifically approved by the planning commission.

10-25D-5:

IMPROVEMENT COMPLETION ASSURANCE AND WARRANTY:

- A. Improvement Completion Assurance:
 - 1. When Required: The city, in its discretion, may allow a developer to record the final plat if the developer guarantees the installation and construction of the required improvements free from defects in material and workmanship and in compliance with all city standards, by providing a financial improvement completion assurance and agreement which guarantees completion of the improvements within one (1) year of the date of final plat recordation.

- 2. Form Amount: The improvement completion assurance required under this subsection shall be in the form of cash (cash escrow), disbursement agreement (draw down) or an irrevocable letter of credit, in a form acceptable to the city, for an amount equal to one hundred percent (100%) plus an additional warranty amount equaling ten percent (10%) of the total cost of improvements not previously accepted (see subsection B below). The cost of improvements shall be approved by the city. All improvements not completed within one (1) year shall thereafter require an improvement completion assurance.
- 3. *Release:* The city shall release the improvement completion assurance under this subsection once all improvements are inspected and approved by the city as required by this title and the developer has submitted to the city a warranty in a form acceptable to the city.

B. Warranty Of Improvements:

- 1. *Required*: Each developer shall warrant that all improvements required under sections 10-25D-3 and 10-25D-4 shall be free from defects in material and workmanship and that the improvements are in compliance with all city standards. The warranty period shall start on the date the city approves all of the improvements pursuant to section 10-25D-2, and the developer provides the city with a warranty in a form approved by the city.
- 2. *Form Amount:* The warranty required by this chapter shall be in the form of cash, disbursement agreement or an irrevocable letter of credit, under terms acceptable to the city.
- 3. *Release:* After the expiration of the warranty period, the city shall release the warranty held by the city under this chapter after the final inspection and acceptance of the improvements pursuant to section 10-25D-2. Release of the warranty or forfeiture of the warranty and city acceptance of the improvements does not waive the city's right to any other remedy available at law.
- C. *Approval:* The form of any improvement completion assurance agreement or warranty submitted under this section shall be reviewed and approved by the city attorney or designee before acceptance by the city. The City Engineer or designee is hereby authorized to sign the improvement agreement on behalf of the City.

EXHIBIT B

Title 10 Chapter 25, final draft with edits shown

CHAPTER 25

SUBDIVISION DEVELOPMENT REGULATIONS

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10-25D-3	: Improvements Required
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	ARTICLE A. GENERAL PROVISIONS
10-25A-1:	Purpose
10-25A-2:	Applicability
10-25Δ-3·	Procedure

10-25A-1:

PURPOSE:

The provisions of this title are enacted for the purpose of adopting subdivision regulations for the development of land including the division of land within the city and development of lands without subdivision. The regulations, requirements, data, exceptions, suggestions and conditions set forth in this title are designed to allow for quality growth and development within the city and to assist the subdivider developer in the preparation of plans for subdivisions development.

10-25A-2:

APPLICABILITY:

The provisions of this title are applicable to all developments and improvements to <u>subdivided</u> and <u>unsubdivided lots or parcels land and to all subdivisions</u>, as defined in Utah Code Title <u>10</u>, Chapter <u>9a</u>, the Municipal Land Use, Development, and Management Act, or its amendment.

10-25A-3:

PROCEDURE:

The procedure for dividing any tract of land into two (2) or more lots, parcels, sites, units, plots or other division of land shall be consistent with the provisions of Utah Code, this title and the policies and procedures established by the city. **LEGAL CONFORMING STATUS OF DEVELOPMENT LOT OR PARCEL.** No development may occur on any parcel of land or subdivided lot which has not lawfully been created or subdivided in accordance with city and state regulations.

ARTICLE B. ADMINISTRATION AND ENFORCEMENT

Conformance To Applicable Dules And Deculations
Conformance To Applicable Rules And Regulations
Self-Imposed Restrictions
Special Conditions
Coordination Of Planned Development Applications
Building On Single Lots - Merging Lots
Fees
Enforcement
Compliance With Title
Subdivision Created Pursuant To Provisions
Recording Without Approval Void
Metes And Bounds' Description Applicable
Final Subdivision Plat Recorded Prior To Approval Unlawful
Penalty

10-25B-1:

CONFORMANCE TO APPLICABLE RULES AND REGULATIONS:

In addition to the requirements established herein, all subdivision plats, <u>infrastructure</u> <u>improvement plans</u>, <u>—and final site plans</u> shall comply with the applicable laws, plans and regulations, including, but not limited to:

- A. The zoning ordinance of the city of St. George, standard specifications for design and construction and all other applicable ordinances of the city.
- B. The official city general plan, including all <u>future land use designations</u>, streets, drainage and utility systems and parks shown in the general plan, as adopted.
- C. Requirements of the Utah Department of Transportation, Utah Department of Health and other appropriate state agencies.
- D. The standards, regulations and policies adopted by the city, including all boards, commissions, agencies and officials of the city who may be authorized to adopt the same.
- E. The standards and requirements for culinary water service adopted by the district.
- F. The standards for essential infrastructure as set forth in the St. George City Standards and Specifications which are incorporated by reference herein.

10-25B-2:

SELF-IMPOSED RESTRICTIONS:

If the <u>subdivider_developer</u> places restrictions on any of the land contained in <u>the a</u> subdivision <u>or final site plan</u> greater than those required by the zoning ordinance or these regulations, such restrictions or reference thereto may be required to be indicated on <u>the subdivisiona recorded</u> plat, or the city may require that restrictive covenants be recorded with the county recorder in a form to be approved by the city attorney.

10-25B-3:

SPECIAL CONDITIONS:

Land which the city finds to be unsuitable for subdivision or development due to steep hillsides, geologic hazards, adverse construction conditions, flooding, improper drainage, slopes, rock formations, adverse earth formations or topography, unavailability of utility facilities, suitable access or resources, utility easements, or other features which would be harmful to the health, safety, and general welfare of the present or future inhabitants of the development or subdivision or its surrounding areas shall not be subdivided or developed unless adequate methods are formulated by the developer or subdivider and approved by the city council through a development agreement, upon recommendation of the development staff and city engineer or designee, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve such dangers.

10-25B-4:

COORDINATION OF PLANNED DEVELOPMENT APPLICATIONS:

A. At the time an application for a planned development (PD) project is submitted to the city, the owner or subdivider_developer__ shall submit an application to change the proposed development property's zoning designation to planned development (PD). Simultaneous with filing a planned development application, the subdivider_developer or subdivider_developer 's authorized representative shall:

- 1. Apply to change the zoning designation to planned development (PD) for the real property on which the proposed development will be located;
- 2. Submit all information required by this code for a planned development (PD) zone, including, but not limited to, a general conceptual plan if it is anticipated to be built in phases, a preliminary site plan and/or preliminary plat for one (1) or more phases, and construction drawingsinfrastructure improvement plans when required; and
- 3. Meet with city staff to discuss the proposed development.
- B. No change to the zoning designation shall be made without the simultaneous approval of a preliminary plat or preliminary site plan.

10-25B-5:

BUILDING ON SINGLE LOTS - MERGING LOTS:

- A. The improvements built upon any single lot or two (2) adjoining or contiguous lots held under common ownership separate from that of adjacent lots and not otherwise affected by this title shall nonetheless be subject to, and regulated by, chapter 5 other provisions of this title. The provisions of this title shall be applicable to prevent the granting of a license, or utility services, by any city officer when any property encompassed by this section is in violation of any of the aforesaid sections, and enforcement and penalty shall be as is further provided in this title.
- B. When previously subdivided lots are merged together, all frontages along streets are considered to be front setbacks and shall comply with the setback requirements in the zoning ordinance of the city of St. George.

10-25B-6:

FEES:

Any and all persons seeking approvals under this title shall pay fees as adopted through resolution by the city council. <u>A development application shall not be considered "complete" unless all fees have been paid.</u>

10-25B-7:

ENFORCEMENT:

The city manager shall be charged with the enforcement powers of this title.

10-25B-8:

COMPLIANCE WITH TITLE:

No person shall subdivide <u>or develop</u> any tract or parcel of land located wholly or in part within the city except in compliance with the provisions of this title.

10-25B-9:

SUBDIVISION CREATED PURSUANT TO PROVISIONSSALE OF PROPOSED LOTS:

No person shall purchase, sell or exchange any parcel of land which is any __part of a subdivision or a proposed subdivision, submitted to the commission, nor offer for recording in the office of the county recorder, any deed conveying such parcel of land or any fee interest therein, unless such subdivision has been Lawfully created pursuant to and in accordance with the provisions of this title.

10-25B-10:

RECORDING WITHOUT APPROVAL VOID:

A subdivision plat recorded without the approval of the city as required by Utah Code, this title, and all other applicable statutes and regulations is void.

10-25B-11:

METES AND BOUNDS' DESCRIPTION APPLICABLE:

The description by metes and bounds in the any instrument of transfer, or other documents used in the process of selling or transferring, does not exempt the transaction from being a violation of, or from the penalties or remedies provided in, this title.

10-25B-12:

FINAL SUBDIVISION PLAT RECORDED PRIOR TO APPROVAL UNLAWFUL:

It shall be unlawful for any person to offer to sell or lease, to contract to sell or lease, or to sell or lease any such final subdivision, or any part thereof, which is located in the city, until a final subdivision plat thereof, in full compliance with the provisions of this title, has been duly recorded in the office of the county recorder.

10-25B-13:

PENALTY:

A violation of any provisions of this title shall constitute a class C misdemeanor and, upon conviction, be subject to penalty as provided in section <u>1-4-1</u>. Each separate act in violation of the provisions of this title shall constitute a separate offense. In addition to the criminal penalties provided herein, the city is authorized to seek injunctive or other relief <u>allowed under Utah law</u> to terminate or prevent violations hereof or otherwise enforce the provisions of this title.

ARTICLE C. PLATS AND PLANS

10-25C-1: General Procedures
10-25C-2: Planning Discussion
10-25C-3: Preliminary Plat
10-25C-4: Final Subdivision Plat

10-25C-5: Vacating, Altering Or Amending A Subdivision Plat

10-25C-1:

GENERAL PROCEDURES:

Before any real property is developed or subdivided, the <u>subdividerdeveloper</u> or <u>subdividerdeveloper</u>'s authorized representative shall follow the procedures set forth in this chapter and as established by the city council by policy, in applying for and obtaining approval of the proposed subdivision. The general procedure consists of the following principal steps:

- A. Pre-Application processPlanning discussion;
- B. Preliminary plat or site plan review;
- C. Construction drawing review; and
- D. Final subdivision plat <u>and/or final site plan</u> review.

10-25C-2:

PLANNING DISCUSSION PRE-APPLICATION PROCESS:

Prior to submitting a planned development zone-change application or a preliminary platfordevelopment application for any type of development, or zone, the subdivider developer shall:

A. Mmeet with the city in a Development Staff Review meeting to discuss -the development proposal and review the concept plat or site plan and the requirements for the required plans, infrastructure improvement plans, studies and reports. The general requirements as to the layout of streets, street improvements, traffic impact studies, drainage, sewerage, fire protection, availability of existing services, and similar matters shall be discussed. The development staff may also advise or direct the developer, when appropriate, to discuss the proposed development or portions thereof with those officials who must eventually approve certain aspects of the plat or plan, or portions thereof within their jurisdiction, including, but not limited to, the fire marshal, joint utility commission, hillside review board, and city staff. Where special issues or conditions exist which require resolution by the land use authority, resolution of such matters shall be obtained prior to consideration of the preliminary plat by the planning staff.

B. After addressing the initial comments or concerns from the Development Staff Review,

Developer shall meet with City staff for a pre-application meeting. City staff will include

development, engineering, water, power, fire and other reviewing departments to fully review

and give input on the proposed development plans.

C. Obtain all overlay, zoning, or general plan approvals or amendments necessary to develop the proposed project.

10-25C-3:

PRELIMINARY PLAT APPROVALPLAT:

A. Preparation Of Preliminary Plat: It is anticipated that as long as the preliminary plat complies with all requirements under this title, upon final approval of the preliminary plat, the preliminary plat shall be the basis for the construction drawings and final plat.

Prior to preparing the preliminary plat, the subdivider shall meet with the planning staff to discuss the subdivision proposal and review the preliminary plat and the requirements for the required plans, construction drawings, studies and reports. The general requirements as to the layout of streets, street improvements, traffic impact studies, drainage, sewerage, fire protection, availability of existing services, and similar matters shall be discussed. The planning staff may also advise or direct the subdivider, when appropriate, to discuss the proposed subdivision or portions thereof with those officials who must eventually approve certain aspects of the subdivision plat or portions thereof within their jurisdiction, including, but not limited to, the fire marshal, joint utility commission, hillside review board, and city staff. Where special issues or conditions exist which require resolution by the commission or city council, resolution of such matters shall be obtained prior to consideration of the preliminary plat by the planning staff.

<u>aB</u>. *Preliminary Plat Requirements:* The preliminary plat shall be clear and legible, be labeled and dimensioned, and be of sufficient scale to adequately describe the conditions of this title. The preliminary subdivision plat <u>and partial infrastructure improvement</u> plan shall be accompanied by a completed <u>electronic application form provided by the cityand submissions</u>, and show <u>among other requirements</u>, the following information:

1. Title Block:

- a. The name and type of <u>subdivisiondevelopment</u>, which name the <u>subdividerdeveloper</u> must have approved by the county recorder and community development director or designee.
- b. The location and dimensions of the subdivision.
- c. The name of the subdivider developer.

2. General Plans:

- a. North arrow and scale.
- b. The boundary and phasing plan of the subdivision.

c. Existing and proposed <u>topographical</u> contour lines at vertical intervals of not greater than five feet (5') when requested by the city engineer or designee.

3. Existing Conditions:

- a. Location, width and names of all streets and driveways within two hundred feet (200') of the subdivision.
- b. All public streets, rights-of-way, easements, parks, other public open spaces, and all section and city boundary lines within or adjacent to the proposed subdivision.
- c. Sewers, water mains, power lines, storm drains, or other facilities within and adjacent within one hundred feet (100') of the proposed subdivision.
- d. Ditches, drainage channels, waterways, and major washes.
- e. The location of the floodplain and floodway, and elevations as designated by FEMA. Also, the location of the erosion hazard boundary for property adjacent to the Virgin and Santa Clara Rivers and Ft. Pearce Wash.
- f. Topography map with 2' contours Exceptional topography.
- g. Air traffic approaches when requested by the city engineer or designee.
- h. Information required by the ordinance, if the proposed subdivision is within the hillside overlay area, a geologic hazard area, an adverse construction condition area, or flood or erosion hazard area.
- i. Vicinity map.

4. Proposed <u>Infrastructure Improvement</u> Plan:

- a. The layout of streets, driveways, public parks and trails, and utility easements showing identification and dimensions. Where double frontage lots are proposed, the general design of the privacy wall shall be shown.
- b. The layout, number, and typical dimensions of lots or buildings.
- c. The following shall apply to numbering lots within a subdivision:
 - (1) Lots shall be numbered consecutively under a definite system. Numbering shall continue throughout the subdivision with no omissions or duplications.
 - (2) Multiple phases within the same subdivision name shall be identified as phase 1, then phase 2 and so forth. Lots within different phases shall also be distinctly numbered as 101, 102, 103 (within phase 1), and 201, 202, 203 (within phase 2), and so forth.
 - (3) Lettering of building lots is not permitted.

- (4) Areas not designated as a building lot or right-of-way on the plat shall be designated by capital letters and be designated in sequence within a subdivision starting with the letter "A."
- (5) Plat amendments shall be named and numbered in a form acceptable to the office of the Washington County recorder and Utah State Code as amended.
- <u>d</u>e. Parcels of land intended to be dedicated for public use or set aside for use of property owners in the subdivision as common or limited common areas.
- e. All existing and proposed roads, easements, utility corridors, or other spaces, whether public or private, to be created by the project.
- df. A drainage plan by which the subdividerdeveloper proposes to handle storm water drainage for the subdivisiondevelopment, including proposed realignment or regrading of existing drainageways upstream, within and downstream of the subdivisiondevelopment. All single-family residential drainage shall be conveyed from each lot to the street. Shared drainage is not permitted unless it is located in common or limited common areas, owned and maintained by a property owners' association. All drainage for other developments shall also be conveyed from the entire parcel to the street. Shared drainage may be permitted on non-subdivided parcels.
- eg. Infrastructure improvement plans for roads, sidewalks, landscape, and utilities including A general plan for primary water, secondary irrigation water, sewer, power systems, and related utilities.
- **fh**. A grading plan by which the <u>subdividerdeveloper</u> proposes to handle elevation changes, retaining walls, and other related design issues as requested by the city.
- C. Infrastructure Improvement Requirements: Developer shall submit to the City with each application, the necessary partial infrastructure improvement plans and other documentation required by the engineering standards of the City for essential infrastructure which standards are adopted and incorporated by reference herein.
- **CD**. Application Procedure And Requirements:
 - 1. The <u>subdividerdeveloper</u> shall file the preliminary plat <u>application along with a preliminary plat review application through the city's electronic on-line application software and on-</u>forms provided by the city.
 - 2. At the time of filing the application, the applicant shall have completed the
 <a href="https://example.com/pre-completed-the-city-shall-review-the-application-for-completeness-and-shall-require-that the applicant-and-owner (if different)-provide an acknowledgment that they are responsible for obtaining culinary water service-from the district as set forth in chapter 1 of this title. The city may request that the applicant also present additional information to assist in determining the adequacy, quality, and characteristics of the subdivision proposal.

3. Once the application has been considered and determined to be complete reviewed for completeness, including all fees paid, and accepted by the City for processing, the application shall be processed reviewed according to the procedure set forth in this section. If the city finds that the application is not complete, the application shall be rejected, returned to the subdivider, and the subdivider until such time as the developer shall submit a complete application acceptable to the City.

4. Approval Procedure:

- b. After the preliminary plat review When the application is found to meet the requirements of this title or could meet the requirements with specific conditions imposed, and all comments have been received from those to whom a request to review was made, the community development director or designee shall cause the application to be forwarded to the designated land use authority for approval. The designated land use authority for preliminary plats shall be the Planning Commission. to be placed on the next available planning commission agenda Staff, and shall notify the subdivider developer of the date, time, and place of any public the meeting at which the preliminary platapplication shall be reviewed by the planning commission.
- c. The planning commission shall only approve a preliminary plat which it finds to be in accordance compliance with the standards and criteria set forth by the city in this title and all other laws, ordinances, plans, and policies of the city and state. When not all criteria are met, tThe planning commission may conditionally approve a preliminary plat, imposing such conditions as it may require in order to bring the preliminary platproject into compliance with the requirements of state law, or the city's ordinances, plans, and policies.
- d. After reviewing the preliminary plat, the planning commission shall make a recommendation to the city council that the preliminary plat be approved, conditionally approved, or disapproved. The preliminary plat will then be placed on the next available city council agenda, after all legally required notification requirements have been complied with, and the city shall advise the subdivider of the date, time, and place of the meeting at which the preliminary plat shall be reviewed. After review, the city council shall approve, conditionally approve, or disapprove the preliminary plat.
- <u>de</u>. Upon approval of the preliminary plat <u>including the</u>, <u>and</u> _approval of <u>construction drawingsthe partial infrastructure improvement plans as required</u>, a <u>mass</u> <u>grading</u> permit may be issued which allows the <u>applicant developer</u> to begin

construction-site work at their own risk, prior to final approval. of the infrastructure improvements required for the subdivision prior to the final plat approval. Issuance of a grading permit to construct infrastructure prior to final plat or final site plan approval does not constitute a vesting of development rights.

- ef. If the final subdivision plat, or phase thereof, is not approved by the city within one (1) year after city council approval of the preliminary plat, all approvals shall be deemed expired and void. Preliminary approval of a subdivision with partial infrastructure improvement plans shall be valid for not more than 18 months from the date of approval by the land use authority. A letter documenting the approval, the date of the approval, and any conditions of approval shall be provided by the Community Development Director or designee to the applicant within 10 business days of the approval.—
- f. If eligible, the subdivider may submit for approval a new preliminary plat in accordance with this subsection. If it is determined by the community development director or designee that substantial progress toward completion of the final subdivision plat has been done, and the final plat cannot be submitted timely approved due to reasons beyond the control of the subdivider developer or for other good cause, the community development director or designee may agree to a single reasonable extension of time to complete the final subdivision plat and all infrastructure improvement plans for a period of time not to exceed, but no longer than one (1) yearsix (6) months.
- g. Approval of the preliminary plat <u>or preliminary site plan</u> does not constitute full approval of the development nor vest any development rights as additional requirements may be imposed that are a result of more detailed and thorough review of all plans, specifications, reports, investigations, etc.

10-25C-4:

FINAL SUBDIVISION PLATAPPROVAL:

A. After the preliminary plat has been approved by the city council, and all conditions are complied with, aA final subdivision plat or final site plan shall be prepared and submitted to the community development department prior to the expiration of the preliminary approval. The land use authority shall approve the final plat or site plan which shall include all infrastructure improvement documents only upon a finding that the final plat or final site plan conforms to all prior approvals, conditions, and regulations imposed by the city.

1. Any submission for a final plat shall include a current title report (within 30 days) for review with the plat. The A final plat shall be signed by the community development director or designee, the city attorney or designee, the city engineer or designee, the land use authority, the city surveyor, the culinary and wastewater provider, and the county treasurer prior to the final plat being recorded. The final plat shall be recorded within one (1) year of final approval by the community development department, or the plat is void.

- B. All applications to subdivide real property shall comply with the requirements of Utah Code Annotated title 10, chapter 9a, of the Utah Land Use and Development Management Act, as amended.
- C. Infrastructure Improvement Requirements: Developer shall submit to the City with the final application, the necessary infrastructure improvement plans and other documentation required by the engineering standards of the City for essential infrastructure which standards are adopted and incorporated by reference herein.
- D. When an application is submitted through the City's electronic on-line program, it shall be reviewed for completeness, including all fees paid, and if complete, the application shall be accepted by the City for processing. The application shall be processed according to the procedure set forth in this section. If the city finds that the application is not complete, the application shall be rejected, until such time as the developer shall submit a complete application acceptable to the City. All reviews required shall be conducted under the time periods specified and imposed by Utah Code.
- E. The land use authority for all final applications shall be the Community Development
 Director who shall approve the final plat or final site plan which shall include all infrastructure
 improvement documents upon a finding that the final plat or final site plan conforms to all
 prior approvals, conditions, and regulations imposed by the city and Utah Code.
- F. Approval of a final plat or final site plan by the Community Development Director as the land use authority, shall be in writing and shall be delivered to the applicant within 10 business days of the approval.
- G. A final site plan once approved shall be valid for one (1) year during which time a grading or other permit must be issued, and construction commenced. Failure to obtain a permit or commence construction will result in the approval expiring and becoming void.
- EH. A final plat must be recorded with the office of the county recorder within one (1) year of the date of city approval. A final plat which has not been recorded within one (1) year shall be deemed void and all land use approvals associated with the final plat shall be considered void ab initio. Prior to expiration, a <u>subdividerdeveloper</u> may request a one (1) time six (6) month extension of the approval from the community development director.

10-25C-65:

VACATING, ALTERING OR AMENDING A SUBDIVISION PLAT:

- A. Vacating, Altering Or Amending Subdivision Plat: All applications for vacating, altering or amending a subdivision plat shall comply with the requirements of Utah Code Title <u>10</u>, Chapter <u>9Aa</u>, as amended.
- B. Lot Mergers: All applications seeking to merge lots, parcels, sites, units, plots or other division of land shall comply with the requirements for the adjustment of lot lines boundary adjustments as set forth in Utah Code Title 10, Chapter 9Aa, as amended.

C. Vacating A Street, Right-of-Way, Or Easement: All applications for vacating a street, right-of-way, or easement shall comply with the requirements of Utah Code Title 10, Chapter 9A, as amended.

ARTICLE D. INFRASTRUCTURE IMPROVEMENTS

10-25D-1: Drawings

10-25D-2: Completion Or Improvement Completion Assurance Prior To

Recording Final Subdivision Plat Or Developing Real Property - Acceptance

Process

10-25D-3: Improvements Required

10-25D-4: Layout Of Lots

10-25D-5: Improvement Completion Assurance And Warranty

10-25D-1:

INFRASTRUCTURE IMPROVEMENT PLANSDRAWINGS:

A. Construction Pre-Application Drawings Plans: Construction drawings Infrastructure improvement plans for infrastructure improvements which are required by the city as part of the pre-application process, including, but not limited to, drawings required for review by the JUC, shall be submitted to the city for pre-application review. The city engineer shall publish on the city's website, the technical aspects, details, and requirements for the preliminary and final approval submissions ed concurrently by city staff in accordance with policies, guidelines and procedures set forth by the city. If the final plat has not already been submitted, then the final plat shall be submitted with the construction drawings infrastructure improvement plans so that this concurrent review can take place.

- B. Approved ConstructionPreliminary Plat Application DrawingsPlans: Prior to commencement of any infrastructure construction, plans prepared by the subdividerdeveloper's engineer for improvements as outlined in the city's standard specifications for design and construction, as amended and supplemented from time to time, shall be submitted as part of the preliminary plat or site plan approved by all required departments application. These construction drawingspartial infrastructure improvement plans shall identify those improvements which are to be accepted and maintained by the city and improvements which are to be maintained by private entities.
- C. Submittal of Final Construction Drawings Infrastructure Improvement Plans: Following city-council-approval of the preliminary subdivision plat by the land use authority, and while the preliminary subdivision plat is effective, the subdivider developer or subdivider's authorized representative shall submit as part of any final application, the required number of construction drawings infrastructure improvement plans and JUC drawings (with comments if any), along with the required number of copies of the final plat or final site plan to the city engineer or designee for review and approval by all required departments, agencies and bodies through the electronic on-line final approval application process. Other than allowed mass grading, nNo work-development work of any kind shall commence until final approval is received by the land use authority.

- D. Final approval shall include a letter from the Community Development Director or designee expressing the approval all along with a signed final mylar for subdivision plats, and an approved final site plan for non-subdivision projects. construction drawings Infrastructure improvement plans are stamped "approved for construction." shall be part of the final approval. Once the final plat and the construction drawings are approved by the appropriate city officials and other agencies and bodies, construction may begin. If the final plat has received staff approval and is ready to be scheduled for final approval by the commission and city council, construction of improvements may begin; provided, that the subdivider executes an indemnity agreement, approved by the city attorney.
- E. Consistent with Utah law, no subdivision plat may be recorded unless all infrastructure improvements have been completed and accepted by the city, or where appropriate an agreement with a bond to secure completion of the infrastructure per Section 2 below, has been entered into with the city prior to recordation. After the completion of all improvements, drawings of record shall be submitted to the city. In any event, drawings of record shall be submitted no later than the time the improvement completion assurance is released and prior to building permit issuance.

10-25D-2:

COMPLETION OR IMPROVEMENT COMPLETION ASSURANCE PRIOR TO RECORDING FINAL SUBDIVISION PLAT OR DEVELOPING REAL PROPERTY – ACCEPTANCE PROCESS:

- A. Completion or Improvement Completion Assurance: The improvements required by this chapter shall be constructed and installed by the <u>subdividerdeveloper</u> and maintained by the <u>subdividerdeveloper</u> until accepted by the city. Improvements shall be completed prior to recording the final plat in the office of the county recorder, unless the construction, installation and maintenance are guaranteed in the manner provided in section <u>10-25D-5</u>.
- B. Acceptance Process: Required improvements shall not be accepted by the city and the warranty period thereon shall not expire until the required improvements have been fully installed and been in successful operation for the one (1) year warranty period, except when the city determines for good cause that a two (2) year warranty is necessary as provided in Utah Code Annotated Section 10-9a-604.5, or its amendment.
 - 1. Approval of Improvements: After the completion of all subdivision improvements, the subdivider developer shall make a written request to the city for an approval inspection to be made by all affected city departments. Upon receipt of inspection reports from all affected departments, the city will either approve the improvements or provide the subdivider developer with a list of defective work to be completed before approval. The subdivider developer shall correct all defective work and materials and make written requests to the city for additional inspections, as may be required. Once the city approves the improvements, a summary of the inspections and approval shall be provided to the subdivider developer.

- 2. Warranty Period: The warranty period shall start on the date the city approves all of the improvements and the <u>subdividerdeveloper</u> provides the city with a warranty document in a form approved by the city. <u>SubdividerDeveloper</u> shall warrant all improvements for a period of time as set forth in this section. If, during the warranty period, the city finds any improvements to be defective, the city shall provide <u>subdividerdeveloper</u> or developer with a list of the defective work and <u>subdividerdeveloper</u> shall correct all defects immediately except for improvements which, at the city's discretion, must be repaired by the city. <u>SubdividerDeveloper</u> shall pay city for all repairs to defects in improvements which are repaired by the city during the warranty.
- 3. *City Acceptance of Improvements:* The <u>subdividerdeveloper</u> shall schedule with the city an inspection on the improvements at the end of the warranty.
 - a. If the city finds that the work on the required improvements is defective and does not meet city standards, the city shall provide the <u>subdividerdeveloper</u> with a list of the defective work which the <u>subdividerdeveloper</u> must correct. The <u>subdividerdeveloper</u> shall schedule additional inspections as necessary and shall, in a timely manner, completely correct all defective work which is identified by the city. After the city finds the <u>subdividerdeveloper</u> has completely and satisfactorily completed all of the corrections to the defective work on the required improvements, then the city shall accept the improvements, commence maintenance of the improvements, and any warranty held by the city shall be released.
 - b. If the city finds that the work on the required improvements does not meet the city standards, the warranty, including, but not limited to, any cash, irrevocable letter of credit, or surety bond, other financial assurance shall be forfeited or paid to the city and the city shall make the corrections to the improvements. The city shall accept the improvements after completion of the corrections.
- 4. Release of the Warranty: Release of the warranty or forfeiture of the warranty and city acceptance of the improvements does not waive the city's right to any other remedy available at law.

10-25D-3:

IMPROVEMENTS REQUIRED:

The design, installation, connection, and construction of all improvements required by this section shall comply with the city of St. George standard specifications for design and construction and shall be approved by the city before work begins. The improvements required to be completed before issuance of a building permit under this title shall include, but are not limited to, the following:

A. Utilities And Services:

1. Required utilities and services include, but are not limited to, the following: power, culinary water, secondary irrigation water, sewer, fire protection, lighting, telephone and

cable conduits, signing and addressing, all-weather fire and emergency access, and other utilities and services as required by the city or by law.

- 2. All subdivision lots shall be served by public utility systems.
- 3. All utility improvements, including street lighting, shall comply with all official standards of the city.
- 4. All electrical, telephone, and television cable shall be installed underground, except as otherwise directed by the <u>city councilland use authority</u>.
- B. Storm Drainage And Nuisance Water Control: A storm or nuisance water drainage system shall be provided and shall be separate and independent from the sanitary sewer system. Drainage, flood control, and adequate erosion protection shall be designed in conformance with the city flood control master plan and drainage guidelines and hydrology manual as detailed in the city of St. George standard specifications for design and construction.

C. Street Improvements:

- 1. Required Exception: All streets within the city shall be improved with streetlights and pavement bounded by integral concrete curbs, gutters and sidewalks, handicapped ramps, etc. The sole exception shall be in large lot rural subdivisions where street construction shall conform to large lot requirements as detailed in the city of St. George standard specifications for design and construction. Property owners of large lot rural subdivisions shall acknowledge by a recorded certificate that any further subdividing will require full compliance with standard lot improvement requirements, including streetlights, curb and gutter, sidewalks, and roadway width, etc. Said acknowledgment shall waive the property owners' rights to oppose a special improvement district where necessary to comply with this requirement.
- 2. Continuation Of Streets: The arrangement of streets in new subdivisions shall make provision for the continuation of the streets in adjoining areas insofar as such continuation or access shall be deemed necessary by the city engineer or designee. All access roads leading to any subdivision shall be improved as may be determined by the city engineer or designee.
- 3. *Traffic-Control And Street-Name Signs:* All traffic-control and street-name signs, conforming to the city of St. George standard specifications for design and construction and approved by the city engineer or designee, shall be provided by the subdividerdeveloper. When required by the city, mitigation of off-site impacts will be the responsibility of the developer. A traffic impact study may be required to help determine project impacts.
- 4. *Frontage*: All subdivision lots shall have frontage on a dedicated public street improved to city standards, unless the use of a private street has been approved by the <u>councilland</u> <u>use authority</u>. Private streets, alleys, or ways shall not be approved except when the city engineer or designee finds that public dedication is not necessary. Where determined that

public streets are needed for area circulation, property access, or the overall benefit of the driving public, private streets shall not be used. Master-planned roads cannot be private.

5. Private Streets And Improvements:

- a. In the event private streets are used, they shall conform to the city of St. George standard specifications for design and construction as to the quality of construction. Private streets shall include curb, gutter, sidewalks or adequate pedestrian facilities, etc. Street width may be adjusted based upon traffic needs and information provided in a traffic impact study (TIS) when required.
- b. The city may observe the construction of private streets. However, in all cases, the developer shall retain the services of a professional engineer and testing firm to provide adequate inspection services and to submit the proper reports and certifications to the city. All private developments shall be required to submit to the city the private development improvements certification, on the approved form prior to certificate of occupancy and acceptance of the development.
- c. Continuation Of Principal Streets: The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, and efficient continuation of utilities and where such continuation is in accordance with the transportation element of the city's general plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line and a temporary turnaround shall be provided.
- d. *Intersections:* Intersections shall comply with city specifications and access management requirements which are incorporated by reference herein.
- D. Access To City Street: No subdivision shall be approved which does not have access to an improved and dedicated city street. Where a subdivision obtains access from a street which does not meet minimum city standards, the access road shall be improved to a minimum width of twenty-five feet (25'), meeting applicable safety standards, including shoulders, and constructed to final grade. Additional road width may be required to meet safety standards.
- E. *Improvements To Full Length Of Project*: Where a subdivision abuts a master-planned road, utilities or drainage system, the <u>subdividerdeveloper</u> shall complete his portion of such improvements the full length of his project in conformance with the approved city plans, including the general plan.
- F. *Mitigation Of Off-Site Impacts:* When required by the city, mitigation of off-site impacts, as well as providing adequate public infrastructure to the development, will be the responsibility of the developer. A traffic impact study (TIS) will be required unless otherwise approved by the city engineer or designee. The TIS may aid in the determination of off-site impact mitigation.

10-25D-4:

LAYOUT OF LOTS:

A. Lot Arrangement: The arrangement of lots shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the zoning ordinance and in providing safe driveway access in accordance with city requirements to buildings on such lots from an approved street.

B. Lot Dimensions: Lot dimensions shall comply with the minimum standards of the zoning ordinance. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback from both streets, and providing safe access. Depth and width of properties reserved or laid out for business, commercial or industrial purposes shall be adequate to provide for the access, off-street parking and loading facilities required for the type of use and development contemplated, as established in the zoning ordinance.

C. Double Frontage Lots and Access to Lots:

- 1. Double frontage lots shall be avoided where feasible. However, double frontage lots may be necessary to provide separation of residential development from arterials and major collectors or to overcome specific disadvantages of topography and orientation.
- 2. Residential lots shall not derive access from an arterial street. Access may be limited on major collector streets for safety reasons as determined by the city engineer or designee. In cases where driveway access from such streets may be necessary for several adjoining lots, the city engineer or designee may require that such lots be served by a combined shared access drive in order to limit possible traffic hazards on such street. The city engineer or designee may also require that access be designed and arranged so as to avoid requiring vehicles to back into traffic. This may include such items as increased building setbacks, increased lot width, shared access, U-shaped driveways, etc.
- 3. Where double frontage lots are platted, a six-foot-four-inch (6'4") high solid masonry wall shall be constructed along the public road for a privacy and noise screen. All walls shall comply with the standards set forth in chapter 18 of this title. The city may approve modifications to the masonry wall to allow for architectural elements such as wrought iron within sections of the wall. The privacy wall shall be set back from the sidewalk a minimum of ten feet (10') in order to provide access to and utilization of the utility easement and a landscape area for the planting of shrubs and trees. Where the developer provides both public right-of-way and a deceleration/acceleration lane as required by the city, the utility-landscape strip may be reduced to five feet (5') for the length of the deceleration/acceleration lane. Along arterial streets, the city council, upon recommendation from the planning commissionland use authority, may require a planter area greater than ten feet (10') in width. In addition, in order to provide proper intersection and driveway sight distance, it will be necessary in some cases to set the wall back a distance greater than ten feet (10') from the sidewalk. Where the developer or property

owner dedicates the landscape and utility area described herein to the city, the developer will receive an area credit for the perimeter lots adjacent to the dedicated landscape and utility area equal to the amount of the dedicated area. Such area credit will be applied to the adjacent lots for the purpose of complying with the minimum lot size requirements.

- 4. The <u>subdividerdeveloper</u> shall plant trees along the street frontage in conformance with the city's community forestry program. Trees shall be planted so as not to obstruct visibility at drives and intersections, nor obstruct traffic control devices.
- 5. For planned developments or other residential developments where a homeowners' association exists, the homeowners' association shall provide irrigation and maintenance for the landscape strip on the street side of the wall.
- 6. If a residential development creates double frontage lots the city shall require a homeowners' association to be created for ownership and maintenance of landscaping and irrigation on the street side of the wall, unless an alternate maintenance agreement has been approved by the city.
- 7. In some cases where no homeowners' association exists, the city may choose to provide maintenance for landscaping within the right-of-way for streets of eighty feet (80') or more; provided, the landscaping and irrigation system has been installed to city standards.
- 8. The privacy wall and landscaping area shall be completed prior to occupancy of any homes in the subdivision, or, where unusual circumstances exist which prevent such completion, a guarantee shall be posted as detailed in section <u>10-25D-5</u>, in the form of cash or an irrevocable letter of credit.
- D. *Flag Lots*: After determination by the commission that standard lots are not feasible, the commission may, in order to encourage more efficient use of land, allow flag lots to be developed subject to the following conditions:
 - 1. The property cannot be subdivided with typical public street frontage either at the present or in the foreseeable future.
 - 2. The staff portion of said lot shall front on a dedicated public street. The minimum width of the staff shall be twenty-five feet (25').
 - 3. No building or construction, except for driveways, shall be allowed on the staff portion of said lot.
 - 4. All lot size and setback requirements shall be the same as may be required by the zone in which the lot is located. The staff portion of the lot shall not be used to calculate the minimum lot size. Setbacks shall be shown on the preliminary plat and approved by the planning commission and city councilland use authority.
 - 5. No more than two (2) flag lots or four (4) dwelling units may be served by one (1) twenty-five-foot (25') wide staff.

6. Each flag lot shall be specifically approved by the planning commission and city councilland use authority.

10-25D-5:

IMPROVEMENT COMPLETION ASSURANCE AND WARRANTY:

- A. Improvement Completion Assurance:
 - 1. When Required: The city, in its discretion, may allow a <u>subdividerdeveloper</u> to record the final plat if the <u>subdividerdeveloper</u> guarantees the installation and construction of the required improvements free from defects in material and workmanship and in compliance with all city standards, by providing a financial improvement completion assurance and agreement which guarantees completion of the improvements within one (1) year of the date of final plat recordation.
 - 2. Form Amount: The improvement completion assurance required under this subsection shall be in the form of cash (cash escrow), disbursement agreement (draw down) or an irrevocable letter of credit, in a form acceptable to the city, for an amount equal to one hundred percent (100%) plus an additional warranty amount equaling ten percent (10%) of the total cost of improvements not previously accepted (see subsection B below). The cost of improvements shall be approved by the city. All improvements not completed within one (1) year shall thereafter require an improvement completion assurance.
 - 3. *Release:* The city shall release the improvement completion assurance under this subsection once all improvements are inspected and approved by the city as required by this title and the <u>subdividerdeveloper</u> has submitted to the city a warranty in a form acceptable to the city.
- B. Warranty Of Improvements:
 - 1. Required: Each subdividerdeveloper shall warrant that all improvements required under sections 10-25D-3 and 10-25D-4 shall be free from defects in material and workmanship and that the improvements are in compliance with all city standards. The warranty period shall start on the date the city approves all of the improvements pursuant to section 10-25D-2, and the subdividerdeveloper provides the city with a warranty in a form approved by the city.
 - 2. *Form Amount:* The warranty required by this chapter shall be in the form of cash, disbursement agreement or an irrevocable letter of credit, under terms acceptable to the city.
 - 3. *Release:* After the expiration of the warranty period, the city shall release the warranty held by the city under this chapter after the final inspection and acceptance of the improvements pursuant to section 10-25D-2. Release of the warranty or forfeiture of the warranty and city acceptance of the improvements does not waive the city's right to any other remedy available at law.

C. *Approval-Of City Attorney*: The form of any improvement completion assurance agreement or warranty submitted under this section shall be reviewed and approved by the city attorney or designee before acceptance by the city. <u>The City Engineer or designee is hereby authorized to sign the improvement agreement on behalf of the City.</u>

EXHIBIT C

Development Process Flow Chart for all Development Except Planned Developments

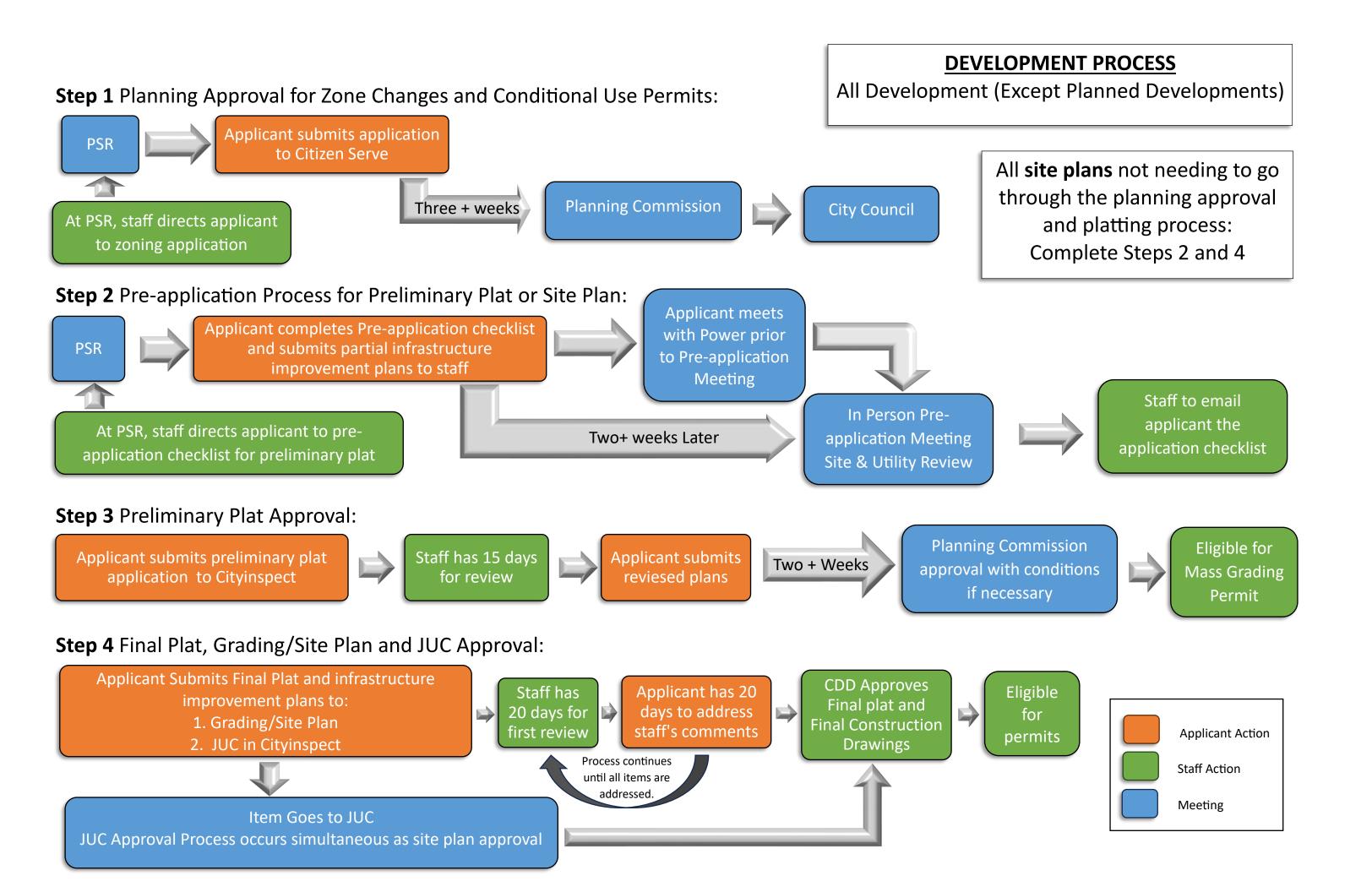


EXHIBIT D

Development Process Flow Chart for Planned Developments

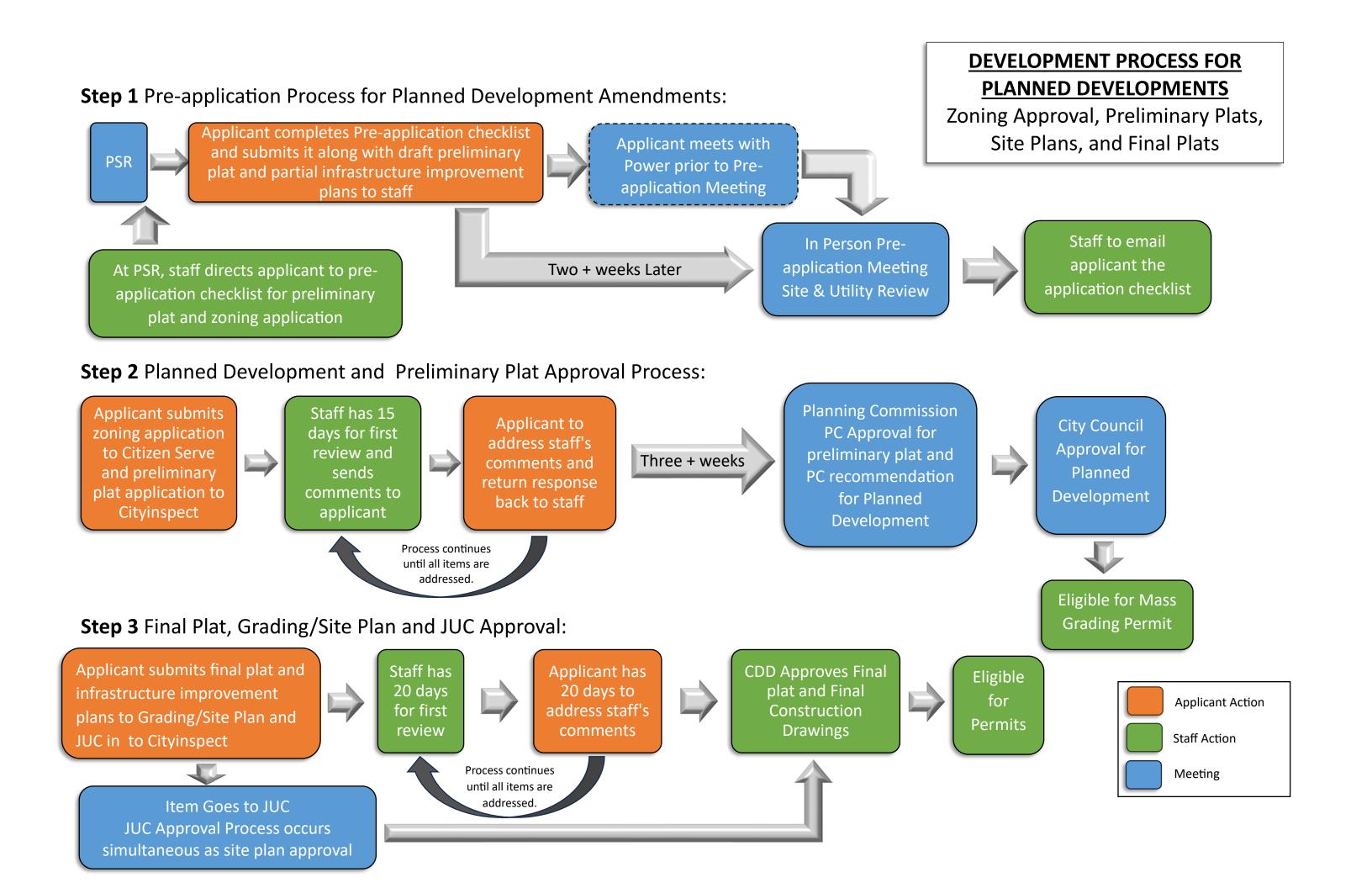
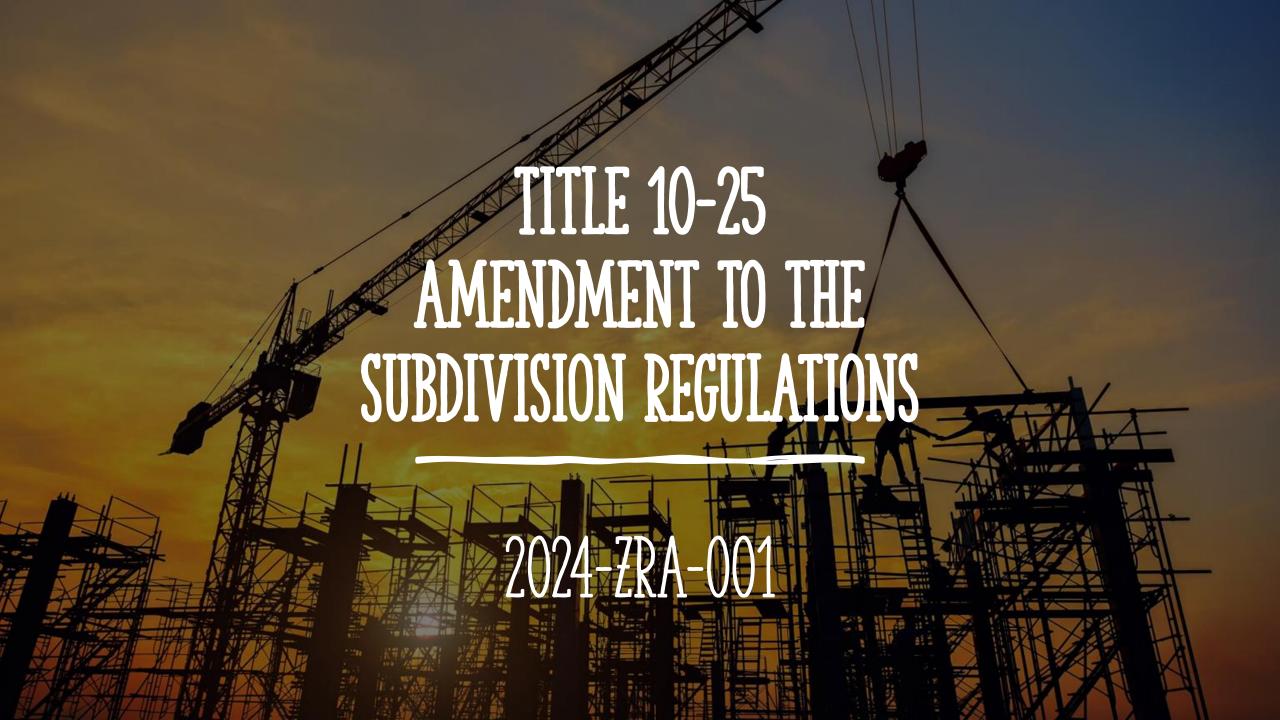
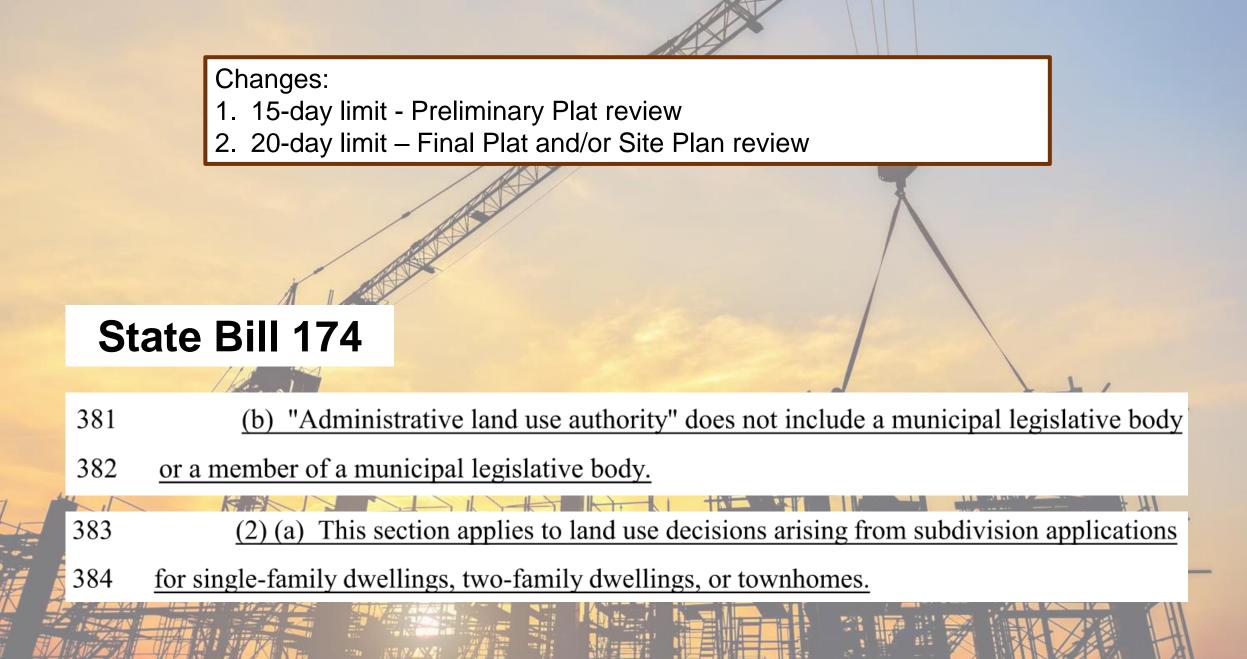


EXHIBIT EPower Point Presentation





Changes:

- 1. SB 174: Administrative Land Use Authority **NOT** Legislative Body
- 2. Planning Commission Administrative Land Use Authority

State Bill 174

449

458

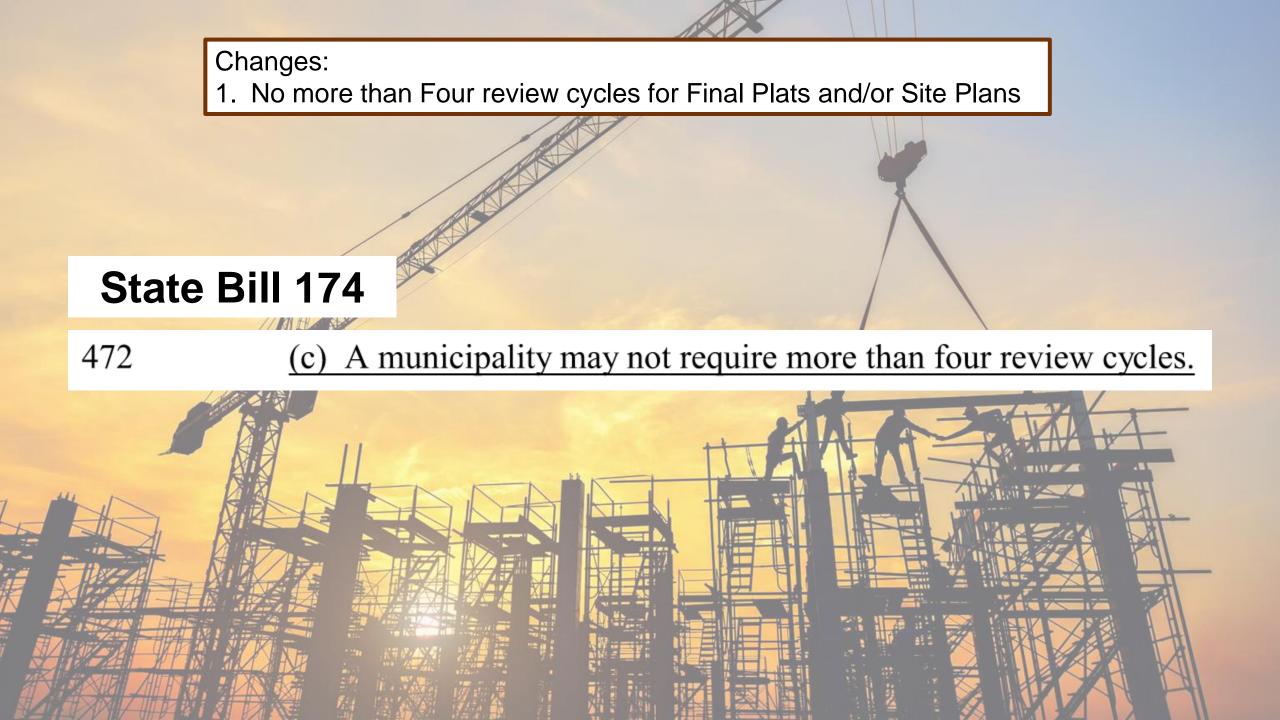
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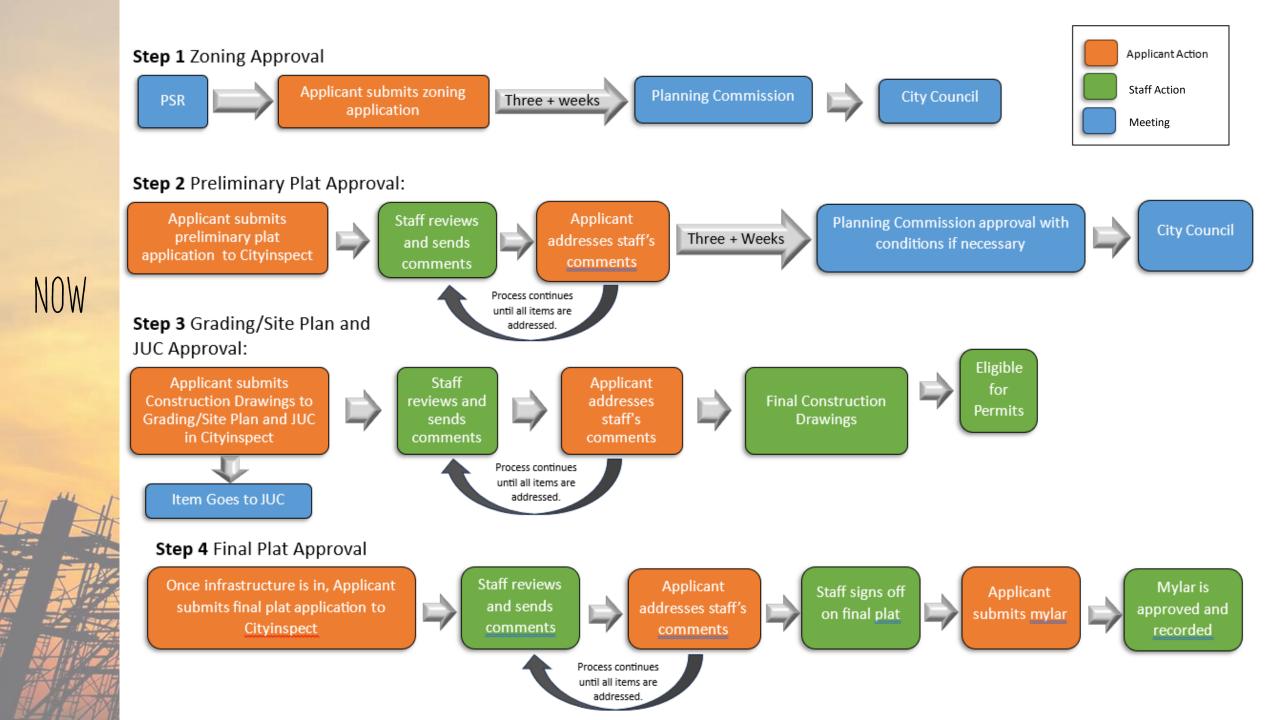
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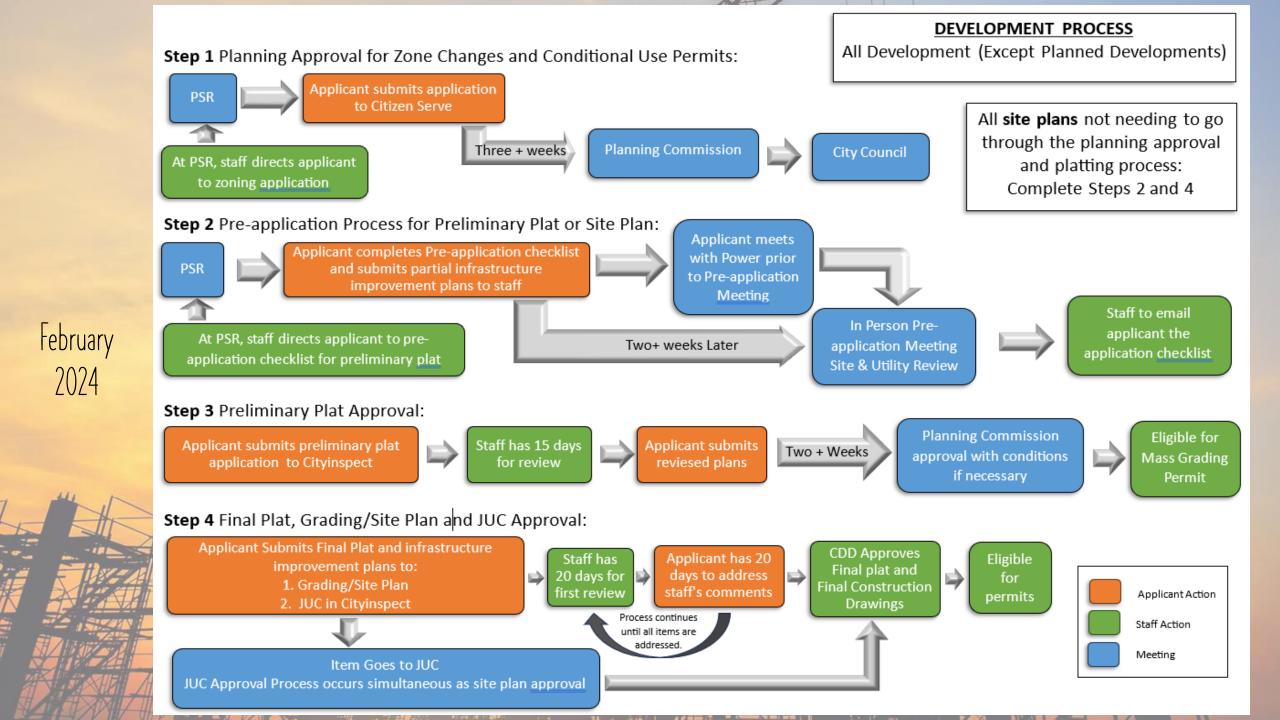
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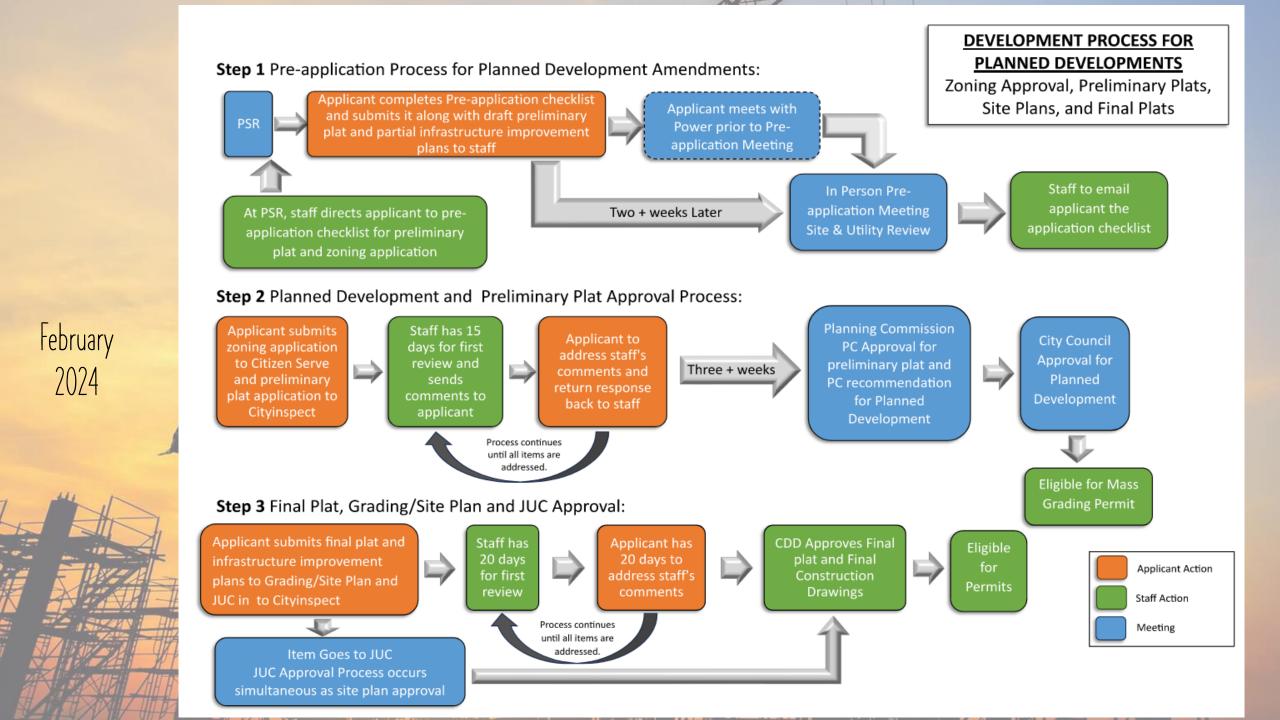
- (3) (a) No later than 15 business days after the day on which an applicant submits a
 complete preliminary subdivision land use application for a residential subdivision for
 single-family dwellings, two-family dwellings, or townhomes, the municipality shall complete
 the initial review of the application, including subdivision improvement plans.
 - (b) No later than 20 business days after the day on which an applicant submits a plat, the municipality shall complete a review of the applicant's final subdivision land use application for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes, including all subdivision plan reviews.

(b) A municipality shall maintain and publish a list of the items comprising the











Preliminary Plat Item 8

PLANNING COMMISSION AGENDA REPORT: 01/09/2023

Desert Canyons Business Park Ph.2

Case No. 2023-PP-028

Request: Consider a request for a thirteen (13) lot preliminary plat known as Desert Canyons

Business Park located north of Airport Pkwy and northwest of Southern Pkwy. The property is 59.49 acres and is zoned CRM (Commercial/Residential Mixed Use). The applicant is Desert Canyons Land LLC, and the representative is Curt Gordon/

Ken Miller, DSG Engineering. Case No. 2023-PP-028 (Staff – Mike Hadley)

Location: The site is located north of Airport Pkwy. and just northwest of Southern Pkwy.

Property: 59.49 acres

Number of Lots: 13

Density: N/A

Zoning: CRM (Commercia/Residential Mixed Used).

Adjacent zones: This plat is surrounded by the following zones:

North – CRM South – C-2 East – CRM

West - CRM, C-2.

General Plan: COM (Commercial).

Applicant: DSG Engineering.

Representative: Ken Miller/Curt Gordon

Background: This proposed business park is part of the Desert Canyons development. The

proposed plat is located northeast of Airport Pkwy and northwest of Southern Pkwy.

The proposal consists of 13 lots on 59.49 acres.

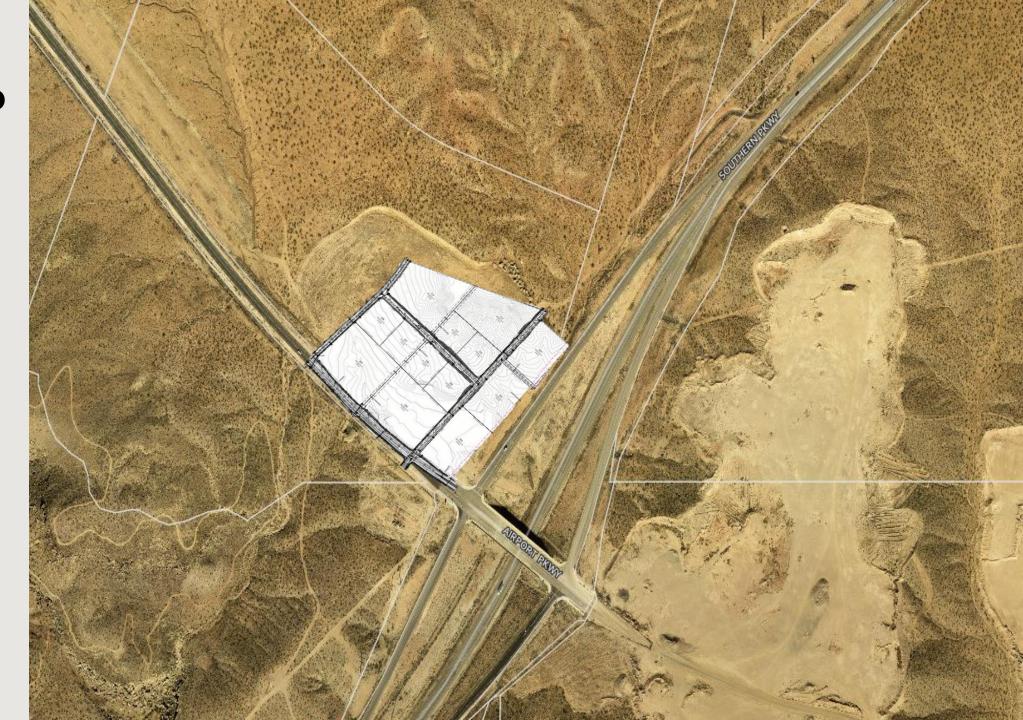
Comments: Water Department: There will be some offsite utility work required for this project.

RECOMMENDATION PRELIMINARY PLAT:

Staff recommends approval of the Preliminary Plat for the Desert Canyons Business Park Ph.2 with no conditions:



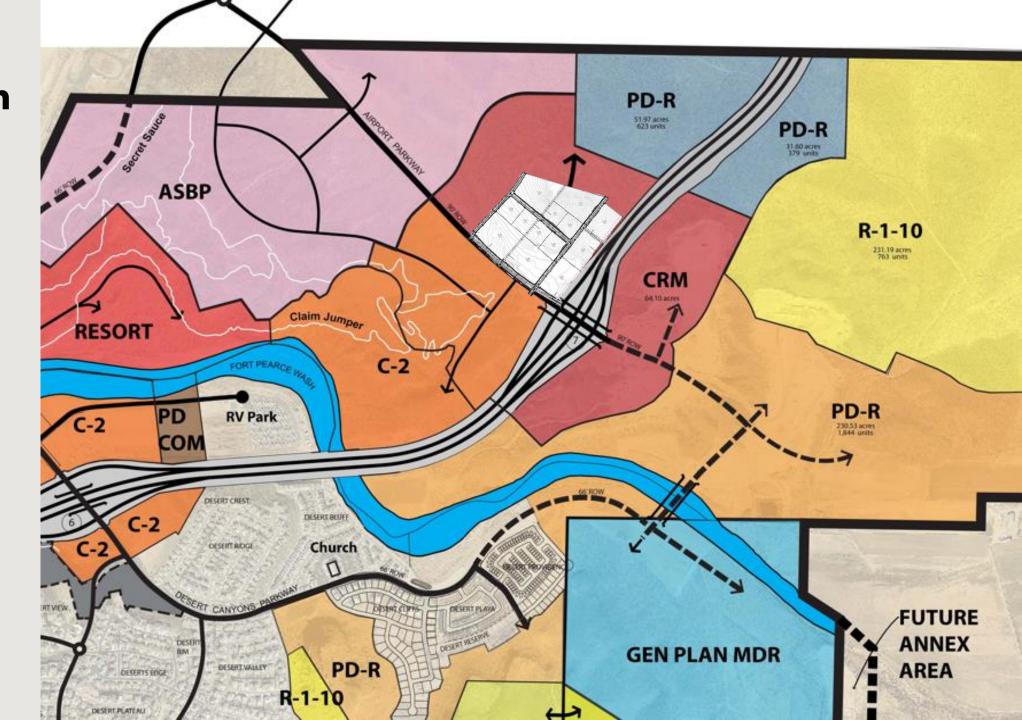
Vicinity Map



Zoning Map

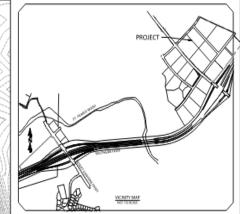


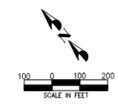
General Plan Map



Preliminary Plat







LID NOTES:

LID ITOTES.	
SITE AREA:	59.49 ACRES
SITE PERVIOUS AREA:	55.99 ACRES
SITE IMPERVIOUS AREA:	3.5 ACRES
SITE IMP %:	5.9%
SITE WILKY:	6,012 CU FT
ONLEST DESERVING CARACITO	6.003.0003

FLOOD NOTE

THIS SITE IS LOCATED WITHIN THE FEMA FLOOD INSURANCE RATE MAP NUMBERS 49233C0044G AND 49653C3063G, EFFECTIVE APRIL 2, 2009, WITHIN ZONE X.

MOTEC

ALL STREETS TO BE PUBLIC RIGHT-OF-WAY, CONSTRUCTED TO CITY STANDARDS.

SITE DATA:

ZONNG:	CRM
SITE AREA:	59.49 ACRES
TOTAL LOTS:	15

LEGEND:

LEGEND:	
	SUBDIVISION BOUNDARY
2660	EXISTING CONTOUR LINE
	PROPOSED CONTOUR LINE
DOWN 015W	■ PROPOSED SEWER LINE (SIZE TBO) ■ EXISTING SEWER LINE
IIS WTS	PROPOSED WATER LINE (SIZE TBD)
CONTR. DOWN	- EXISTING WATER LINE (SIZE AS SHOWN)
*	PROPOSED 60° SEWER MANHOLE (U.N.O.) PROPOSED FIRE HYDRANT
н	PROPOSED WATER VALVE



AT

COMMERCIAL SUBDIVIS
ST. GEORGE, UT
PRETIMINARY PLA

Lest 200 North Soile 92 2c. George, UT 84770 246cn (425) 526-2121

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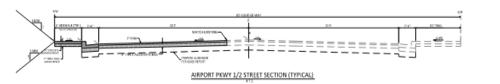
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1

Preliminary Plat









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COMMERCIAL SUBDIVISION
ST. GEORGE, UT

SURVEYORS, LAND PLANNERS, CONNerth Soile #2 1994, LT BAND

MIL ENGINEERS, LAND SUR 120 Ent 200 Re 2. George, L



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NOTICE OF MEETING PLANNING COMMISSION CITY OF ST. GEORGE WASHINGTON COUNTY, UTAH

Public Notice

Notice is hereby given that the Planning Commission of the City of St. George, Washington County, Utah, will hold a <u>Planning Commission</u> meeting in the City Council Chambers, 175 East 200 North, St George, Utah, on <u>Tuesday, December 12, 2023</u>, commencing at <u>5:00 p.m.</u>

PRESENT: Chair Steve Kemp

Commissioner Emily Andrus

Commissioner Rogers

Commissioner Nathan Fisher Commissioner Austin Anderson Commissioner Terri Draper Commissioner Lori Chapman

CITY STAFF: Community Development Director Carol Winner

Deputy City Attorney Jami Brackin

Planner III Dan Boles Planner III Mike Hadley

Planner II – CDBG and Housing Brenda Hatch

EXCUSED:

Chair Kemp opened the meeting. Commissioner Anderson led us in the Pledge of Allegiance.

1. Red Pine Phases 5-6 Zoning Map Amendment – PUBLIC HEARING: Mike Terry, representing DSG Engineering, is requesting approval of a zoning map amendment to change the zone from A-1 (Agriculture, one-acre minimum lot size) to R-1-10 (Single Family Residential 10,000 minimum sq ft lots). The property is 15.373 acres, located approximately at 2890 S Maple Crest Dr. Case No. 2023-ZC-016 (Staff – Mike Hadley)

Mike Hadley presented the following:

Mike Hadley – The general plan designation is LDR, the density will be 2.86 units with the R-1-10 zoning designation.

Chair Kemp – This is just a continuation of what is happening to the south and to the west?

Mike Hadley – Yes, they have actually increased the density with the lot size on these phases.

Chair Kemp opened the public hearing.

Chair Kemp closed the public hearing.

MOTION: Commissioner Draper made a motion to recommend approval of this item to City Council

SECOND: Commissioner Fisher

ROLL CALL VOTE:

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AYES (6)

Commissioner Andrus

Commissioner Fisher

Commissioner Anderson

Commissioner Draper

Chair Kemp

Commissioner Lori Chapman

NAYS (0)

Motion Carries Unanimous Vote

2. <u>Viviano Planned Development Amendment and Preliminary Plat</u> – Taylor Spendlove, representing Property Reserve Inc, is requesting to amend the approved PD-R (Planned Development Residential) zone. The property is located east of 3000 East Street and north of 1140 South. (Staff – Dan Boles)

Dan Boles presented the following:

Dan Boles – This is a little different than the original approval. They are actually shifting it to the south. You may recall when they came in and general planned the entire northern portion to commercial. You'll notice the area in blue, it is zoned PD-C it will need to be rezoned, that will need to be in the motion for this item so it will be consistently zoned. They are well within the 9 units per acre for the medium density residential designation. Previously they were approved for 296 units. Dan described what was previously approved. They are proposing 304 units with the new layout, so they are adding 8 additional units they are using the same mix that they used previously. Single family, patio homes, town homes, and twin homes. They will have some green areas that they are keeping to a minimum that will be actively used, the rest will be xeriscape, they are meeting the 30% requirement for open space. The clubhouse is in phase 1. Dan showed the different phases as well as the access plan.

Chair Kemp – Is there any access to Merril?

Dan Boles – No the commercial is up there.

Chair Kemp – Oh so it is reoriented to face to the west?

Dan Boles – Yes, I should have mentioned that. Dan showed elevations of the buildings included in the packet. They are asking for 4 project signs. 2b is the plat, I asked them to include the lot for the commercial portion so that there are no remnant parcels. Each individual area will be its own lot.

Chair Kemp – Is it a for sale or rent product?

Dan Boles – It is a for rent product.

Chair Kemp – Explain to me the access on the southeast corner, it looks like there is a trail behind the homes.

Dan Boles – Yes there is a trail there, it will be there and need to be constructed.

Chair Kemp – Who will own the trail?

Dan Boles – It will be a City trail. All driveways will be 25 ft.

Commissioner Chapman – Clarify for me how we do the whole front piece commercial and now we are doing the back, and they have more units?

Dan Boles – They are swapping, and it roughly works out to be about the same.

Commissioner Chapman – You have 300 and something units and you have basically 2 ins and outs, because nobody is going to take a left turn. That is a dense traffic problem. I don't know where else you would connect, maybe through the commercial.

Commissioner Fisher – Most subdivisions only require 2 accesses.

Commissioner Andrus – Did they do a traffic study.

Taylor Spendlove – Originally we did a traffic study for the site overall as we designed this we took that traffic study into account. On the first design we had 3 accesses, on this one we had 3 accesses. On this site plan this is a more efficient site. All of this was spurred because of the interest we had on the larger commercial site we had on Merril.

Commissioner Chapman – So the traffic study was done when you had access off of Merril and 3000, it wasn't updated?

Taylor Spendlove – The study was off Merril and 3000. It wasn't updated to reflect the new configuration, but the current entrances are lined up with the entrances across from the project.

Chair Kemp – So is that a 66-foot road in the northeast corner, along the Washington City boundary?

Taylor Spendlove – That is probably a question for staff.

Chair Kemp – And then also for staff, is that a trail I'm seeing, with the gate that looks like it leads to a road?

Taylor Spendlove – That's not a road that is the storm drain pipeline and that will continue through the project along that trail section up into the commercial.

Commissioner Anderson – Is it a 6-foot masonry wall on the perimeter around the project? And the trail is outside the wall?

Taylor Spendlove – It is a 6-foot wall, and the public trail is outside the wall.

Commissioner Chapman – The signage points, I am confused why we need one on the corner and then one back in. Do they need to be allowed that many signs on one project? I think the signage is fine for the entrances going in. I can see you need to mark those. I don't think the sign is needed on the corner of 3000.

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Taylor Spendlove – We're not tied to that; it would be great to have.

Commissioner Fisher – On the east side, the access isn't there a road there?

Wes Jenkins – Yes and originally it was supposed to go all the way through, but it doesn't now.

Commissioner Fisher – Are you concerned with 3 access points?

Wes Jenkins – No, we don't we were good with 2 but 3 are great.

Commissioner Draper – What were the concerns with fire and their turn arounds with their apparatus?

Dan Boles – That was with the last project, they will look at that during JUC and site plan.

Taylor Spendlove – These are public right of way widths and there are no dead ends.

Jami Bracken – The motion needs to include that the previous zoning is vacated and that lot 1 will be commercial and the remainder will be residential.

Chair Kemp – So how many lots will this be?

Jami Brackin – It will be a 12-lot preliminary plat.

Commissioner Fisher – Is it typical for us to use lettering instead of numbering?

Dan Boles - No, that is why the condition is on there that they should use lots.

Discussion continued on what the motion should look like.

Wes Jenkins – One more condition is a 50-foot easement for the storm drain.

a. PUBLIC HEARING: Consider a request to amend the approved PD-R (Planned Development Residential) zone on approximately 44.8 acres. The proposed PD amendment would redesign the layout of the site, add eight additional units, and propose building elevations. Additionally, approximately 3.5 acres is proposed to be rezoned from PD-C (Planned Development Commercial) to PD-R (Planned Development Residential) and incorporated into the PD for a total of approximately 48.3 acres. **Case No. 2023-PDA-023**

Chair Kemp opened the public hearing.

Chair Kemp closed the public hearing.

Commissioner Anderson – The only concern I had was the rear elevation of those along 3000 East and 1140 East. You will see the whole row of them down 3000, the trees and the wall will help.

Taylor Spendlove – We are willing to change some rooflines, add shutters, change some windows.

Commissioner Fisher – Some of the sides will be visible on 3000 and 1140 so I would consider changing those.

MOTION: Commissioner Anderson made a motion to recommend approval of Item 1A

amend the PD-C 3.5 acres to PD-R **SECOND:** Commissioner Fisher

ROLL CALL VOTE:

AYES (7)

Commissioner Andrus

Commissioner Fisher

Commissioner Anderson

Commissioner Draper

Chair Kemp

Commissioner Rogers

Commissioner Lori Chapman

NAYS(0)

MOTION: Commissioner Anderson made a motion to recommend approval of item 1 a to City Council with staff recommendations as well as adding more character to the rear and sides of the units that are along 1140 South and 3000 East.

SECOND: Commissioner Rogers

ROLL CALL VOTE:

AYES (7)

Commissioner Andrus

Commissioner Fisher

Commissioner Anderson

Commissioner Draper

Chair Kemp

Commissioner Rogers

Commissioner Lori Chapman

NAYS (0)

Motion Carries Unanimous Vote

b. Consider a request for a preliminary plat in order to divide the property into eleven lots on approximately 70.95 acres. **Case No. 2023-PP-042**

MOTION: Jamie Brackin - forward a positive recommendation to the City Council for a subdivision plat on Viviano with all staff recommendations as listed in staff report in addition to add the church parcel as another lot within the subdivision plat and to amend the naming of the lots to reflect lot numbers rather than lot letters. Commissioner Rogers – So moved

SECOND: Commissioner Fisher

ROLL CALL VOTE:

AYES (7)

Commissioner Andrus

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Commissioner Fisher

Commissioner Anderson

Commissioner Draper

Chair Kemp

Commissioner Rogers

Commissioner Lori Chapman

NAYS (0)

Motion Carries Unanimous Vote

3. Lex Ence Property Zoning Map Amendment – PUBLIC HEARING: Bob Hermandson, representing Bush and Gudgell, is requesting approval of a zoning map amendment to change the zone from RE-12.5 (Residential Estates minimum 12,500 sq ft lot size) and OS (Open Space) to A-1 (Agriculture, one-acre minimum sq ft lots). The property is approximately 1.6 acres, located on the northeast corner of Quarry Ridge Dr and Knolls Dr. The applicant is Lex Ence. Case No. 2023-ZC-016 (Staff – Mike Hadley)

Mike Hadley presented the following:

Mike Hadley – The general plan is LDR, this property is also in the floodway and the floodplain. They will have to work with public works on the property.

Bob Hermandson – The parcel to the north is the family's as well they have a barn and some animals on that. They intend to do the same thing on this parcel.

Chair Kemp – What is the process to develop that in the flood plain?

Bob Hermandson – We will put it on the high side, we will work with Jay Sandberg.

Chair Kemp opened the public hearing.

John Lemme – I live across the street; I'm just wondering what would happen if Mr. Ence would decide to sell that property and the new owner would want to put in a hog farm or a whole bunch of roosters? How high can a structure be?

Chair Kemp closed the public hearing.

MOTION: Commissioner Andrus made a motion to recommend approval of Item 3 the Lex Ence Property zoning map amendment with staff comments and findings.

SECOND: Commissioner Rogers.

ROLL CALL VOTE:

AYES (7)

Commissioner Andrus

Commissioner Fisher

Commissioner Anderson

Commissioner Draper

Chair Kemp

Commissioner Rogers

Commissioner Lori Chapman

NAYS (0)

Motion Carries Unanimous Vote

4. Sun River Commons Lot 4 Subdivision Preliminary Plat — Jared Bates, representing Rosenberg and Associates is requesting approval of a Commercial Preliminary Plat to develop a two (2) lot subdivision. The property is approximately 16.14 acres and is located along Pioneer Road and north of Sun River Parkway. The applicant is Sun River Commons LLC. Case No. 2023-PP-043 (Staff — Mike Hadley)

Mike Hadley presented the following:

Commissioner Chapman – Why is it called parcel A?

Jared Bates – There is already a lot 1, 2 and 3. We can call it lot 5 or 4 a and b.

Commissioner Rogers – Does this include the horseshoe piece?

Jared Bates - No that is a separate lot.

Carol Winner – They do their lots by phases, so lot 1 was phase 1, lot 2 is phase 2 etc. It will be easier to call it 4a and 4b because we know it will be subdivided further in the future.

MOTION: Commissioner Draper made a motion to recommend approval of Sun River Commons lot 4a and 4b preliminary plat.

SECOND: Commissioner Anderson

Commissioner Fisher – Do we amend the motion to say that they need to amend the plat to read lots 4a and 4 b?

Commissioner Draper- I amend my motion.

Commissioner Anderson – I second

ROLL CALL VOTE:

AYES (7)

Commissioner Andrus

Commissioner Fisher

Commissioner Anderson

Commissioner Draper

Chair Kemp

Commissioner Rogers

Commissioner Lori Chapman

NAYS (0)

Motion Carries Unanimous Vote

5. <u>Tonaquint Terrace Planned Development Amendment</u> – <u>PUBLIC HEARING:</u> Ryan McDougal, representing McHyve LLC, is requesting to amend the approved PD-R (Planned Development Residential) (formerly known as Mesa Palms) Planned Development Residential (PD-R) zone. The

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applicant is proposing 51 townhome units. This property is located approximately at 2000 S Mesa Palms Way. Case No. 2023-PDA-024

THIS ITEM WILL BE NOTICED AND HEARD AT A LATER DATE

6. Minutes

Consider a request to approve the meeting minutes from the November 28, 2023, meeting.

MOTION: Commissioner Rogers made a motion to approve the minutes.

SECOND: Commissioner Anderson

ROLL CALL VOTE:

AYES (7)

Commissioner Andrus

Commissioner Fisher

Commissioner Anderson

Commissioner Draper

Chair Kemp

Commissioner Rogers

Commissioner Lori Chapman

NAYS (0)

Motion Carries Unanimous Vote

7. City Council Items

Carol Winner the Community Development Director will report on items heard at the December 7, 2023, City Council meeting.

- 1. 2023-PP-036 Desert Color Pickleball Courts
- 2. 2023-PP-040 Tech Ridge Area 1.6 Subdivision
- 3. 2023-PDA-019 Factory Powersports Addition Development Agreement
- 4. 2023-HS-003 Tech Ridge Southeast Access Road
- 5. 2023-HS-002 Tech Ridge Southeast Slope/Ridgeline Mitigation
- 6. 2023-PDA-022 River Crossing
- 7. 2023-PP-034 Rustic Estates
- 8. 2023-PP-044 The Fields at Mall Drive Lot 5 Split
- 9. 2023-PP-045 Dirt Road Ranch
- 10. 2023-PP-046 Tuscan Hills Ph 5

8. Adjourn

MOTION: Commissioner Lori made a motion to adjourn.

SECOND: Commissioner Anderson

ROLL CALL VOTE:

AYES (7)

Planning Commission Minutes December 12, 2023 Page 9 of 9

Commissioner Andrus

Commissioner Fisher

Commissioner Anderson

Commissioner Draper

Chair Kemp Commissioner Rogers Commissioner Lori Chapman

NAYS (0)

Motion Carries Unanimous Vote

NOTICE OF MEETING PLANNING COMMISSION CITY OF ST. GEORGE WASHINGTON COUNTY, UTAH

Public Notice

Notice is hereby given that the Planning Commission of the City of St. George, Washington County, Utah, will hold a <u>Planning Commission</u> meeting in the Administrative Conference Room, 175 East 200 North, St George, Utah, on <u>Tuesday</u>, <u>December 19</u>, 2023, commencing at 5:00 p.m.

PRESENT: Mayor Michele Randall

Commissioner Rogers

Commissioner Nathan Fisher Commissioner Austin Anderson Commissioner Terri Draper Commissioner Lori Chapman Commissioner Brandon Anderson Commissioner Kelly Casey

CITY STAFF: Community Development Director Carol Winner Deputy City Attorney Jami Brackin Planner II – CDBG and Housing Brenda Hatch

EXCUSED:

Jami Brackin opened the meeting.

1. Planning Commission Training

- a. Development Processes
- b. Land Use 101
- c. Open Meetings & GRAMA training

Jami Brackin – Presented Land Use property rights to the Commissioners.

Discussion on how development decisions are made regarding water and what is available and how it affects rezoning property.

Jami Brackin – Talked about performance zoning, formed based zoning, and the Houston model which is build what you want. She then talked about the differences between Administrative and Legislative items. Some of the Administrative items will no longer go to the City Council so you will no longer be a recommending body. Jami explained that an applicant is entitled to an approval if they have submitted a completed application, paid all fees; and the application conforms to the City's requirements and codes (state laws) Unless: there is a compelling, countervailing public interest which require denial or if the City has initiated proceedings to amend its ordinances that would prohibit approval of the application as submitted. If you say NO make findings of fact and conclusions of law on the record. Jami went over the administrative rules.

Discussion continued regarding what items the Planning Commission would be the deciding body for.

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Carol Winner – Spoke about the State code changes and the changes that will be coming to our code in Title 10 Chapter 25. Plats will be approved by Planning Commission at that time. You will also approve Conditional Use Permits, but we won't talk about those tonight. Carol showed a graphic and talked about how the process works now. Then she went over how the process will change in February 2024.