

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 **Planning Commission** meeting in the City Council Chambers, 175 East 200 North, St George, Utah, on Tuesday, **February 24, 2015**, commencing at **5:00 p.m.**

The agenda for the meeting is as follows:

Call to Order
Flag Salute

1. **FINAL PLATS (FP)**

- A. Consider approval of a sixteen (16) lot residential subdivision for “**Mulberry Estates Phase 9**” The representative is Mr. Brad Peterson, Development Solutions. Lots 117 thru 130 are zoned R-1-12 (Single Family Residential Estate 12,000 sq. ft. minimum lot size) and Lots 131 and 132 are zoned RE-20 (Residential Estate 20,000 sq. ft. minimum lot size). Located at approximately 2880 East and 3110 South (in the little Valley area). Case No. 2014-FP-076. (Staff – Todd Jacobsen).
- B. Consider approval of a twenty-six (26) unit residential subdivision for “**Sun River St George Phase 46**” The representative is Mr. Brandon Anderson, Rosenberg Associates. The property is zoned PD-R (Planned Development Residential) and is located along Whitestone Drive between Pearl Vista Drive and Blue Star Drive. Case No. 2014-FP-059. (Staff – Todd Jacobsen).
- C. Consider approval of a roadway dedication final plat for “**2350 East Street and Horseman’s Park Drive Roadway Dedication Plat.**” The representative is Mr. Scott Woolsey, Alpha Engineering. Located at approximately 2350 East and 3220 South (Little valley area near ‘The Fields at Little Valley Park,’ Sunrise Ridge Intermediate School, and Little Valley Elementary School. Case No. 2015-FP-006. (Staff – Todd Jacobsen).

2. **PRELIMINARY PLAT**

- A. Consider approval of a preliminary plat for a three (3) lot commercial subdivision for “**Riverside Business Park.**” The applicant and representative is Mr. Wes Davis. The property is C3 (General Commercial) and is located at 359 and 377 East Riverside Drive. Case No. 2015-PP-003. (Staff – Wes Jenkins).
- B. Consider approval of a preliminary plat for a five (5) lot residential subdivision for “**Tupelo Estates Phase 3.**” The applicant is Development Solutions Group, Inc. and

the representative is Mr. Steve Kamlowsky. Located at 3230 S Amaranth Drive. Case No. 2015-PP-004. (Staff – Wes Jenkins).

- C. Consider approval of a preliminary plat amendment for a fifty-six (56) lot residential subdivision for “**Hawthorn Estates – Amendment.**” The applicant is Development Solutions Group, Inc. and the representative is Mr. Steve Kamlowsky. Located at 3000 East Crimson Ridge Drive. Case No. 2015-PPA-005.

3. **ZONE CHANGE (ZC)**

- A. Consider a zone change from R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size) to PD-R (Planned Development Residential) on 10.26 acres to accommodate a multiple family development project consisting of fifteen (15) dwelling structures which includes 225 apartment units, a clubhouse, two pavilions, and covered garage structures. The project is “**Grayhawk Apartments at River’s Edge.**” The property is located between Riverside Drive and the Virgin River and runs from 2200 East to 2450 East (approximately 501 South 2200 East). The applicant is Grayhawk at Rivers Edge LLC and the representative is Mr. Rob Reid, Rosenberg Associates. Case No. 2015-ZC-004. (Staff – John Willis).
- B. Consider a zone change request to rezone 76.42 acres to allow Part #1) Amendment No. 6 to the **St George Sun River Planned Development Zone** (Sun River PD) to move approximately 30 acres of the Interchange PD into the Sun River PD, and to update its land use to become PD-R (Planned Development Residential), Part #2) allow an Amendment No. 2 to the ‘Atkinville Area Zone Plan’ (Interchange PD) to update the balance of the property to join the existing 8.1 acres Community Commercial (CC) as defined by the **Atkinville Interchange PD** which will increase the amount of CC to 27.9 acres, and Part #3) to update the location of **the signage** parcel used for advertising the Sun River St George community. Note that the above actions include elimination of the ‘Employment 2’ and the ‘RV Park Land’ uses. The property in Part # 1 & #2 is generally located westerly of Pioneer Road and northerly of Bluegrass Way. The property in Part #3 is generally located south of the Atkinville Wash, west of the I-15 Freeway, and east of the residential lots 2122 thru 2128 along Silk Berry Drive. The property owner is the State of Utah (SITLA - State Institutional Trust Land). The applicant is Sun River St George Development, LC in cooperation with SITLA and the representative is Mr. Scott McCall. Case No. 2015-ZC-005. (Staff – Ray Snyder).

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

- A. Consider a request for permission to establish “**Freedom Towing,**” a towing and impound yard in the Ft Pierce Industrial Park. The property is located at 4379 Progressive Drive and is zoned M-1 (Industrial). The applicant and representative is Mr. Sterling Norton. Case No. 2015-CUP-003. (Staff – Ray Snyder).

- B. Consider a request for a Conditional Use Permit to construct a detached accessory structure with a maximum ridge height of approximately twenty-one feet (21') and wall height of approximately fourteen feet (14') for personal auto and RV storage. The structure will be lap siding with a tile roof and be 1,000 s.f. (50' x 20'). The applicant is Mr. Jared Wade. The property is zoned RE-37.5 (Residential Estates, 37,500 s.f. minimum lot size). Case No. 2015-CUP- 004. (Staff – John Willis).

5. **MINUTES**

Consider approval of the minutes from the September 16, 2014, October 14, 2014, October 28, 2014, and November 18, 2014 meetings.

Reasonable Accommodation: 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.

ITEM 1A

Final Plat

PLANNING COMMISSION AGENDA REPORT: 02/24/2015

FINAL PLAT

Mulberry Estates Phase 9

Case No. 2014-FP-076

- Request:** Approval of a 16 Lot Residential Subdivision Final Plat
- Representative:** Brad Petersen, Development Solutions
120 East St. George Blvd, Suite #300
St. George, UT 84770
- Property:** Located at approximately 2880 East and 3110 South (in the Little Valley area)
- Zone:** R-1-12 (Lots 117-130) and RE-20 (lots 131 & 132)
- Staff Comments:** All aspects of this Final Plat were carefully looked at and reviewed by the Public Works Department staff, (which includes New Development Division staff and Planning & Zoning staff) and Legal Department staff and it meets all of the Preliminary Plat conditions and approvals.
- This Final Plat is ready for Planning Commission's consideration for approval.

ITEM 1B

Final Plat

PLANNING COMMISSION AGENDA REPORT: 02/24/2015

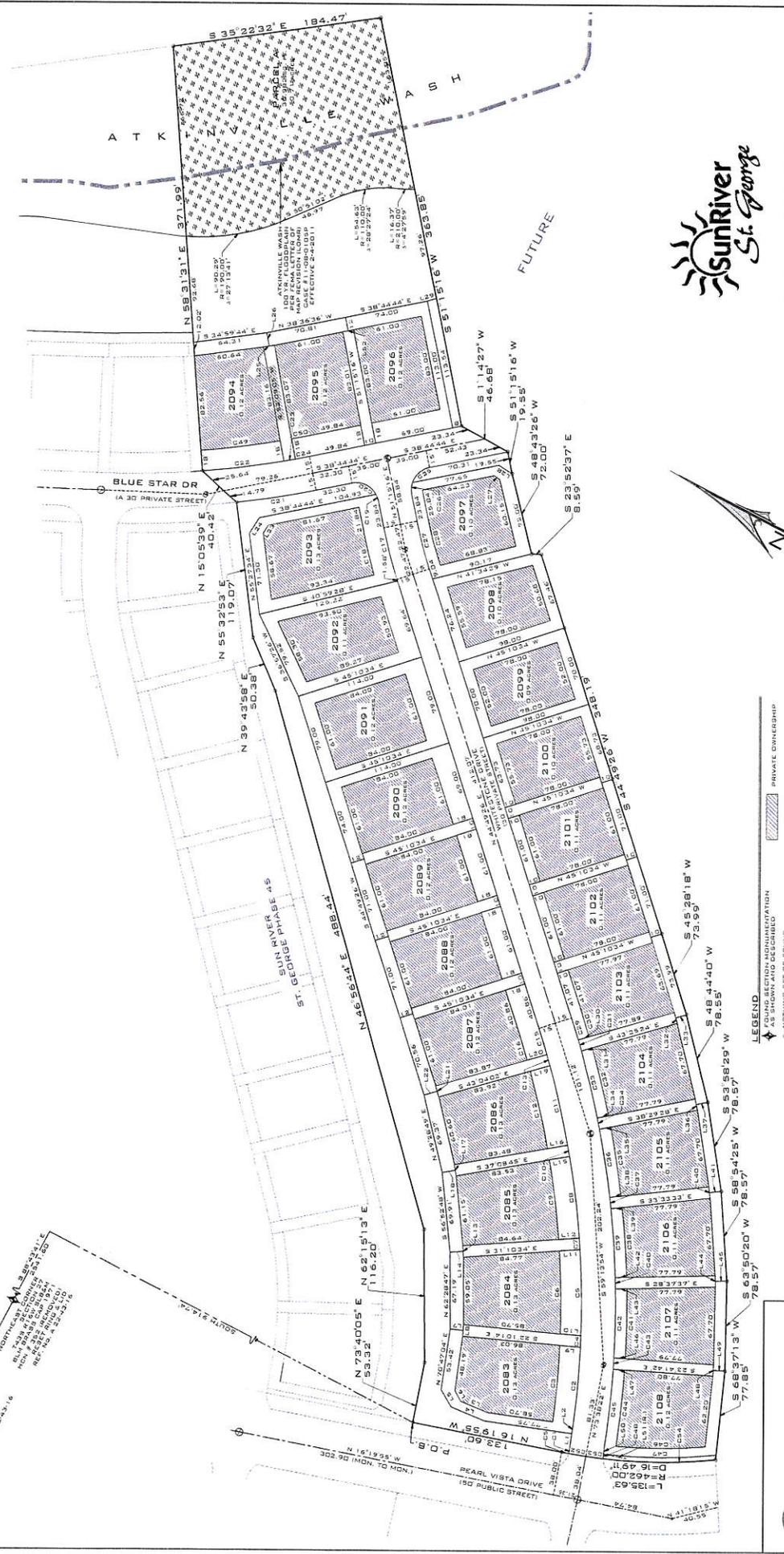
FINAL PLAT

Sun River St. George Phase 46

Case No. 2014-FP-059

- Request:** Approval of a 26 Unit Residential Subdivision Final Plat
- Representative:** Brandon Anderson, Rosenberg Associates
352 E. Riverside Drive #A2
St. George, UT 84790
- Property:** Located along Whitestone Drive between Pearl Vista Drive and Blue Star Drive (at approximately 1350 West and 5100 South)
- Zone:** PD-R
- Staff Comments:** All aspects of this Final Plat were carefully looked at and reviewed by the Public Works Department staff, (which includes New Development Division staff and Planning & Zoning staff) and Legal Department staff and it meets all of the Preliminary Plat conditions and approvals.
- This Final Plat is ready for Planning Commission's consideration for approval.

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 TO BE SET STANDARD BY ST. GEORGE
 ALL MONUMENTS ARE SET IN PERMANENT
 UNLESS OTHERWISE NOTED
 CITY SURVEY MONUMENT - CLASS 1
 FOUND ST. GEORGE CITY SURVEY
 MONUMENT - CLASS 1
 MONUMENT - CLASS 1/2
 MONUMENT - CLASS 1/4



**SUN RIVER
 ST. GEORGE PHASE 46**

1/4, 2/4 UNIT PLANNED UNIT DEVELOPMENT,
 LOCATED IN SECTION 26, TOWNSHIP 4 SOUTH, RANGE 16 WEST
 SALT LAKE BASE AND MERIDIAN
 CITY OF ST. GEORGE, WASHINGTON COUNTY, UTAH.

- LEGEND**
- ◊ AS SHOWN AND DESCRIBED
 - ◊ NOTHING SET OR FOUND
 - ◊ TO BE SET STANDARD BY ST. GEORGE
 - ◊ ALL MONUMENTS ARE SET IN PERMANENT UNLESS OTHERWISE NOTED
 - ◊ CITY SURVEY MONUMENT - CLASS 1
 - ◊ FOUND ST. GEORGE CITY SURVEY MONUMENT - CLASS 1
 - ◊ MONUMENT - CLASS 1/2
 - ◊ MONUMENT - CLASS 1/4
 - ▨ PRIVATE OWNERSHIP
 - ▨ LIMITED COMMON AREA
 - ▨ COMMON AREA
 - ▨ COMMON AREA - AREA TO BE PART OF SUN RIVER DEVELOPMENT, L.C.

ROSENBERG ASSOCIATES
 CIVIL ENGINEERS - LAND SURVEYORS

352 EAST RIVERBEND DRIVE, SUITE 202, ST. GEORGE, UTAH 84790
 PH: (435) 679-8886 FAX: (435) 679-8997 - WWW.RACHOL.COM

FPLAT P46.DWG 07/30/2014 B.L.A.
 19600/P46-47 T = 40 B.E.A.
 JOB NUMBER SCALE CHECKED

ITEM 1C

Roadway Dedication Final Plat

PLANNING COMMISSION AGENDA REPORT: 02/24/2015

ROADWAY DEDICATION FINAL PLAT

2350 East Street & Horseman Park Drive Roadway Dedication Plat

Case No. 2015-FP-006

- Request:** Approval a Roadway Dedication Final Plat
- Representative:** Scott Woolsey, Alpha Engineering
43 South 100 East #100
St. George, UT 84770
- Property:** Located at approximately 2350 East and 3220 South (Little Valley area near The Fields at Little Valley Park, Sunrise Ridge Intermediate School, Little Valley Elementary School)
- Zone:** N/A
- Staff Comments:** All aspects of this Final Plat were carefully looked at and reviewed by the Public Works Department staff, (which includes New Development Division staff and Planning & Zoning staff) and Legal Department staff and it meets all of the Preliminary Plat conditions and approvals.
- This Final Plat is ready for Planning Commission's consideration for approval.

FERT FENCE PROPERTIES

ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF WASHINGTON | S.S.
ON THIS DAY OF
NOTARY PUBLIC IN AND FOR THE STATE OF UTAH, AND SAID COUNTY, I,
WHO BEING DULY SWORN DO SAY THAT I, AS A NOTARY PUBLIC,
THAT RESEZ/NET EXECUTED THE SAME.

NOTARY PUBLIC
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COMMISSION NUMBER
MY COMMISSION EXPIRES
A NOTARY PUBLIC COMMISSIONED IN UTAH

ACKNOWLEDGMENT

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COUNTY OF WASHINGTON | S.S.
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DEVON L. BOWEN

ACKNOWLEDGMENT

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DEVON L. BOWEN

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COUNTY OF WASHINGTON | S.S.
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STATE OF UTAH
COUNTY OF WASHINGTON | S.S.
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NOTARY PUBLIC
NOTARY PUBLIC FULL NAME
COMMISSION NUMBER
MY COMMISSION EXPIRES
A NOTARY PUBLIC COMMISSIONED IN UTAH

941-71-800-8030 (4/7/2014)

2350 EAST STREET &
HORSEMAN PARK DRIVE
ROADWAY
DEDICATION PLAT

SHEET 3 OF 3



43 South 100 East, Suite 100 - St George, Utah 84770
T: 435.628.6500 • F: 435.628.6503 • alphaengineering.com

ITEM 2A

Preliminary Plat

PLANNING COMMISSION AGENDA REPORT: 02/24/2015

PRELIMINARY PLAT
Riverside Business Park
Case No. 2015-PP-003

Request: A request to approve a preliminary plat for a three (3) lot commercial subdivision

Location: 359 and 377 East Riverside Drive

Property: 4.00 acres

Number of Lots: 3

Density: N/A

Zoning: C-3

Adjacent zones: This plat is surrounded by the following zones:
North – C-3
South – C-3
East – R-4
West – C-3

General Plan: COM

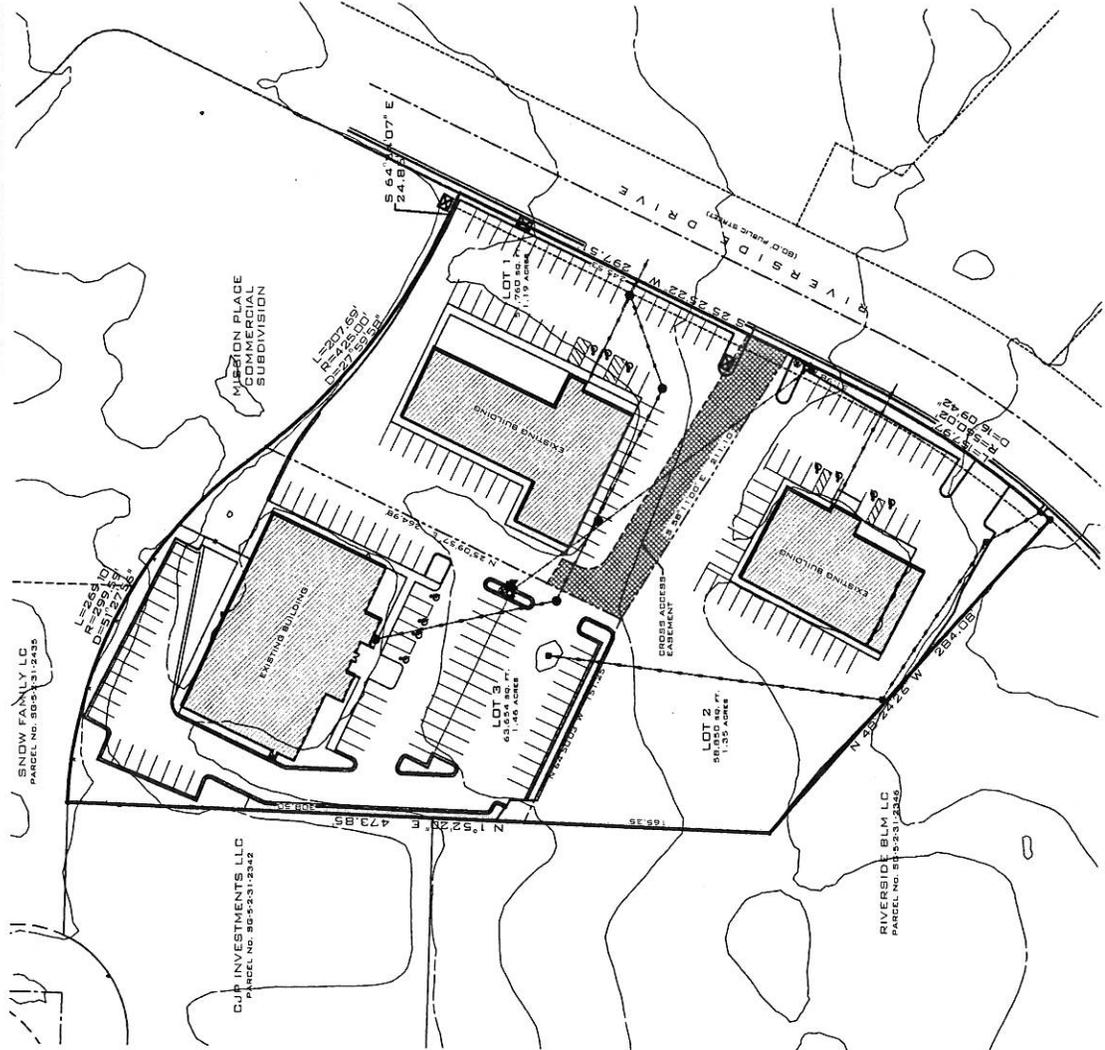
Applicant: Wes Davis

Representative: Wes Davis

Comments: The applicant is proposing to subdivide the property into three parcels so that each parcel owns the land the building occupies. Each proposed lot will have the required number of parking stalls for the existing building on that lot. Access, utility and drainage easements will be required for proposed lot 3 through proposed lots 1 and 2.

RIVERSIDE BUSINESS PARK

LOCATED IN SECTION 31, TOWNSHIP 42 SOUTH,
RANGE 15 WEST,
SALT LAKE BASE AND MERIDIAN
CITY OF ST. GEORGE, WASHINGTON COUNTY, UTAH.



GENERAL NOTES & RESTRICTIONS:

1. ALL LOTS TO BE DEVELOPED MUST BE UTILIZED FOR THE INTENDED UTILITY AND DRAINAGE CAPACITY ALONG RIVERSIDE DRIVE. UTILITY CONTRACTS WILL BE REQUIRED.
2. ALL LOT OWNERS MUST BE NOTICED BEFORE A BUILDING PERMIT CAN BE OBTAINED.
3. DRIVEWAY AS SHOWN ON THIS PLAN ARE PROVIDED FOR THE BENEFIT OF ALL LOTS AS SHOWN. DRIVEWAYS NOT SHOWN ON THIS PLAN WILL BE MAINTAINED AS REQUIRED FOR ALL LOTS TO REASONABLY BE ANTICIPATED VEHICLE ACCESS.
4. EACH INDIVIDUAL PROPERTY OWNER SHALL BE REQUIRED TO MAINTAIN THEIR OWN PORTION OF DRIVEWAY AND VEHICLE ACCESS TO EACH DRIVEWAY AS IT MAY EXIST FROM ANY INDIVIDUAL PLATTED LOT.
5. NO LOT OWNER SHALL HAVE THE RIGHT TO INSTALL FENCES, BURNING, LANDSCAPING, PARKED LOCATIONS AS LISTED ABOVE. ADDRESS ACCESS THE PLATTED LOTS AND TO THE DRIVEWAY LOCATIONS AS LISTED ABOVE.

LEGEND:

- ◆ FOUND SECTION IDENTIFICATION AS SHOWN AND DESCRIBED
- FOUND REBAR & CAP AS NOTED
- NOTHING SET OR FOUND
- EXISTING WATER METER
- ▲ EXISTING WATER VALVE
- EXISTING SEWER CLEANOUT
- ⊗ EXISTING FIRE HYDRANT
- ⊠ EXISTING POWER JUNCTION BOX



PROJECT ENGINEER:
ROSENBERG ASSOCIATES
325 EAST RIVERVIEW DRIVE, SUITE A2
ST. GEORGE, UT 84778
(435) 872-8586

PROJECT OWNER/DEVELOPER:
SULA101922 LLC
174.264 ACRES
ST. GEORGE, UT 84778

SITE DATA:
TOTAL AREA: 174.264 ACRES
PROJECT LAND USE: C-3

DATE:	01/28/2017
JOB NO.:	18725115
DRAWN BY:	B.E.A.
CHECKED BY:	B.E.A.
SCALE:	1"=40'
DATE:	01/28/2017

ROSFENBERG ASSOCIATES
CIVIL ENGINEERS
LAND SURVEYORS

ITEM 2B

Preliminary Plat

PLANNING COMMISSION AGENDA REPORT: 02/24/2015

PRELIMINARY PLAT

Tupelo Estates Phase 3

Case No. 2015-PP-004

- Request:** A request to approve a preliminary plat for a five (5) lot residential subdivision
- Location:** 3230 S Amaranth Drive
- Property:** 1.33 acres
- Number of Lots:** 5
- Density:** 3.8 dwelling units per acre
- Zoning:** R-1-8
- Adjacent zones:** This plat is surrounded by the following zones:
North – R-1-10
South – R-1-8
East – R-1-8
West – R-1-8
- General Plan:** Low Density Residential (LDR)
- Applicant:** Development Solutions Group, Inc
- Representative:** Steve Kamlowky

Comments: This preliminary plat is part of the overall Tupelo Estates subdivision. Tupelo Estates phases 1 and 2 preliminary plat has already been approved. The developer is requesting lot size averaging with this phase as was requested with the first two phases. The density for this phase exceeds the 3.7 du/ac for an R-1-8 subdivision; however, when included with phases 1 and 2 the overall density is 3.6 du/ac.

ITEM 2C

Preliminary Plat

PLANNING COMMISSION AGENDA REPORT: 02/24/2015

PRELIMINARY PLAT

Hawthorn Estates - Amendment

Case No. 2015-PPA-005

- Request:** A request to approve a preliminary plat amendment for a fifty-six (56) lot residential subdivision
- Location:** 3000 East Crimson Ridge Drive
- Property:** 18.53 acres
- Number of Lots:** 56
- Density:** 3.0 dwelling units per acre
- Zoning:** R-1-10
- Adjacent zones:** This plat is surrounded by the following zones:
North – R-1-10
South – A-1
East – R-1-10
West – R-1-10
- General Plan:** Low Density Residential (LDR)
- Applicant:** Development Solutions Group, Inc
- Representative:** Steve Kamlowksy

Comments: Lots along 3000 East are double fronting lots and will require a 10-foot landscape strip and a 6-foot high privacy wall along 3000 East.

Developer is requesting lot size averaging. Minimum lot size will be 7,004 square feet and the maximum lots size will be 15,683 square feet. 22 dwelling units will have a lot size less than 10,000 square feet.

This is an amended plat for Hawthorn Estates. The developer is adding 3 lots where the future park will be located and has eliminated the lots north of lots 4-10. The developer also does not show the future park north of lots 1-3.

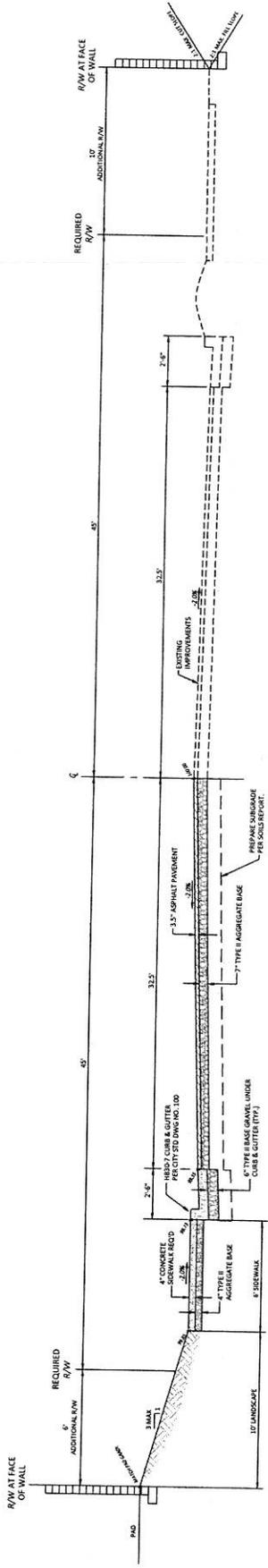
Developer will be required to dedicate a minimum roadway width of 30 feet for 3580 South.

DATE:	1/19/13
DRAWN BY:	SK
DESIGNED BY:	SK
CHECKED BY:	SK
PROJECT NO.:	13-051
SCALE:	1"=10'
SHEET NUMBER:	

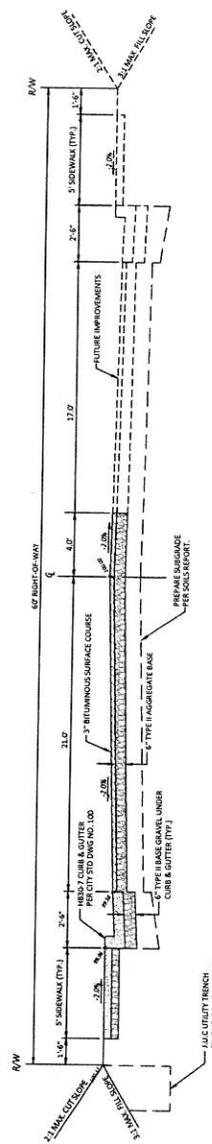
DEVELOPMENT SOLUTIONS, INC.
 CIVIL ENGINEERS, LAND SURVEYORS, AND PLANNERS
 113 EAST 200 NORTH SUITE 22
 SALT LAKE CITY, UTAH 84143
 OFFICE (435) 628-2131 FAX (435) 674-5553
 www.devsolutions.com

HAWTHORN ESTATES
 PHASES 1-3
 ST. GEORGE, UTAH
 AMENDED PRELIMINARY PLAN

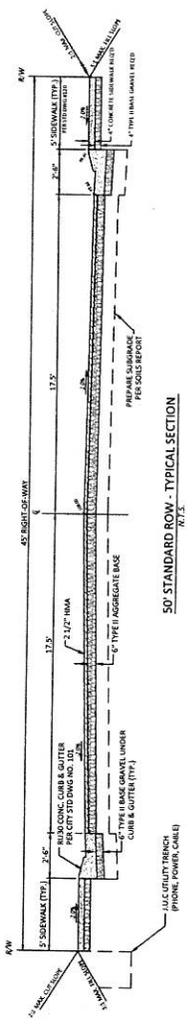
NO.	DESCRIPTION	DATE	APP.



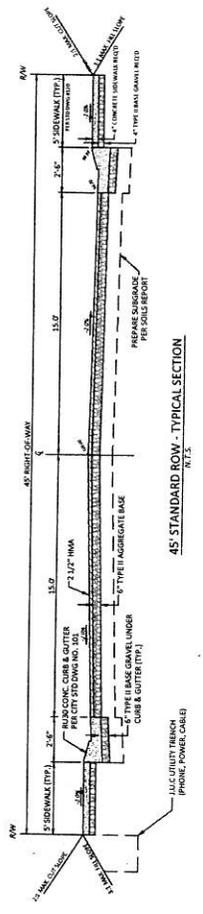
90' ROW (3000 EAST) - TYPICAL SECTION
 N.T.S.



60' STANDARD ROW - TYPICAL SECTION
 N.T.S.



50' STANDARD ROW - TYPICAL SECTION
 N.T.S.



45' STANDARD ROW - TYPICAL SECTION
 N.T.S.

ITEM 3A

Zone Change

PLANNING COMMISSION AGENDA REPORT: 02/24/2015

ZONE CHANGE

Grayhawk Apartments at River's Edge

Case No. 2015-ZC-004

- Request:** Consider a zone change from R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size) to PD-R (Planned Development Residential) on 11.37 acres to accommodate a multiple family development project consisting of twelve (12) dwelling structures which includes 244 apartment units, a clubhouse, two pavilions, and covered garage structures. The project is “**Grayhawk Apartments at River's Edge.**”
- Applicant:** Bach Homes
11650 South State Street, Suite 3000
Draper, Utah 84020
- Representative:** Mr. Robert Reid, PE, - Rosenberg Associates
- Area:** 11.37 acres
- Address:** The property is located between Riverside Drive and the Virgin River and runs from 2200 East to 2450 East (approximately 501 South 2200 East)
- Current Zone:** R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size)
- General Plan:** HDR (High Density Residential). The General plan was changed from Professional Office (PO) and Business Park (BP) to High Density Residential (HDR), (10 or more du/ac) by the St. George City Council on March 6, 2014. *Case No. 2014-GPA-002.*
- Adjacent zones:** North: R-1-10 (Single-Family Residential)
East: R-1-10 (Single-Family Residential) and PD-R (Planned Development Residential)
South: R-1-10 (Single-Family Residential)
West: R-1-10 (Single-Family Residential)
- Project:** This is a proposal to build 244 units on an 11.37 acre parcel. The project will consist of eight 4-story, one 3-story, and three 2-story buildings. Four story buildings will be approximately forty-five (45) feet tall. Two story buildings will be located on the southwest perimeter of the project and will be approximately twenty-three (23) in height. The project will have one three story building, which is located along the northwest border and adjacent to the

existing two story townhouses. The existing townhouse property is approximately ten (10) foot higher than the proposed project. The applicant reduced the height to three stories, in order to mitigate the height for the adjacent property. Given the ten feet grade change between properties, the three story building will appear to be two stories to the adjacent property. The project includes apartments, as well as, townhouse units with selected units having access to garages. Buildings will have units with 1, 2, 3, and 4 bedrooms.

Units: **244 Total Units**

Density: 21.46 du/ac. According to PD regulations, density shall conform to the limitations set forth in the General Plan, which is 10 to 22 dwelling units per acre. The applicant is proposing, nearly the highest density allowed under the HDR land use designation.

Parking: Off Street Parking Requirements, require two parking spaces per unit, with one being covered and the site is meeting those standards. In addition, one guest parking space per three units is required. The site is not meeting the guest parking standard. The applicant is providing 518 parking spaces, which includes 284 uncovered, 244 covered, and 41 guests parking. Per city code, the project is required 81 guest parking spaces on site. The applicant is requesting a reduction of fifty-one (51) guest parking spaces, which the request permitted by code.

According to 10-19-4(A)(4), The city council, upon recommendation from the planning commission, may reduce the requirement for guest parking spaces where the city council finds that evidence supports a decrease in the required amount of guest parking spaces. According to the applicant and PD text, they believe this is sufficient parking, given other similar projects they have built. In addition, the applicant provided a parking study prepared by Hales Engineering. The study reviewed parking for three multi-family projects in the community and surveyed utilization of spaces. Based on the recommendation of Hales Engineering, the project would have sufficient parking. Please refer to the PD text and parking study for more information regarding the reduction request.

In addition to vehicle parking, the applicant is proposing 283 bicycle parking onsite, which includes covered and uncovered spaces.

Landscaping: The project will need to comply with the Landscape Ordinance (Ord. 10-25), additionally according to the Planned Development ordinance, 30% of the site must be landscaped and half of the

landscaping must be in the form of live vegetation. The applicant is proposing 35% of the site in open space, which conforms to the ordinance.

Recreational Area: As per Ord. 10-8-5(K), (1,000 sq. ft. for the first 5 units and 200 sq. ft. for every unit after the first five) the applicant is required to provide at least 1.12 acres (48,800 sq. ft.) of designated recreational space. The applicant is proposing to provide 49,406 sq. ft. of recreational space. Recreation areas will be in the form of a playground and useable green space.

Narrative: A written text was provided in compliance with Ord. 10-8-4 (see attached).

Streets: The project will be served by two public streets on the south and west of the property. The main access into the project will be 2450 East and will be extended to serve the property. 2200 East will be extended and connect with 2450 East, which will provide an additional access to the property. A Traffic Impact Study was completed for the project and is being reviewed.

Building Heights: The four story buildings will be a maximum of forty-five feet and eight inches (45'-8") in height. The applicant is requesting a greater height than what is permitted. The PD zoning ordinance does allow for an increase in height and states: No building shall be erected to a height greater than thirty five feet (35') unless specifically approved as a part of the zone change approval. Four story buildings are generally located in areas that would minimize impact to adjacent properties, which is the LDS church and Millcreek High School.

Staff Comments:

1. The applicant has submitted a colored site plan, colored elevations and a color materials board as required.
2. Buildings must meet setback and building separation requirements for the PD zone.
3. The applicant is requesting building heights greater than thirty-five (35) feet, which requires specific approval as part of the zone change.
4. Building permits for construction must be obtained within eighteen (18) months or property will revert back to the previous zone.

5. The applicant is requesting a reduction of fifty-one (51) parking spaces for guest parking. Guest parking may be reduced by the City Council with the recommendations of the Planning Commission, if evidence supports a decrease in the amount of guest parking.
6. HDR (High-Density Residential) designation provides a density range of 10 to 22 units per acre, which does not always indicate that 22 units per acre is appropriate for every parcel of land.

The property is mostly isolated and surrounded by institutional uses to the north, Virgin River on the south, and potential commercial to the southwest, therefore, impacts to surrounding areas are minimal. However, the property is adjacent to townhouses to the north, which the applicant has reduced the height, in order to minimize the visual impact. Staff does have concerns with the amount of reduction of guest parking and if what is being proposed is sufficient. The applicant has provided a parking study that supports the request. Any motion for the application should specifically address the increase in height and reduction of guest parking. Staff recommends approval.

**PD ZONE CHANGE
PLANNED DEVELOPMENT (PD)
APPLICATION & CHECKLIST**



APPLICATION FOR A ZONE CHANGE AS PROVIDED BY THE
CITY OF ST. GEORGE ZONING ORDINANCE
CITY OF ST. GEORGE, UTAH

I. PROPERTY OWNER(S) / APPLICANT & PROPERTY INFORMATION

LEGAL OWNER(S) OF SUBJECT PROPERTY: Dinosaur Crossing, LLC

MAILING ADDRESS: 2920 S 925 W Ogden, UT 84402

PHONE: _____ CELL: _____ FAX: _____

APPLICANT: Grayhawk Apartments at Rivers Edge, LLC or assigns
(If different than owner)

MAILING ADDRESS: 11650 South State Street, Suite 300, Draper, Utah 84020

PHONE: 801-727-9500 CELL: _____ FAX: _____

EMAIL ADDRESS(ES): _____

CONTACT PERSON / REPRESENTATIVE: Robert Reid, P.E., P.L.S.
(i.e. Developer, Civil Engineer, Architect; if different than owner)

MAILING ADDRESS: 352 East Riverside Drive, Suite A-2, St. George, Utah 84790

PHONE: 435-673-8586 CELL: _____ FAX: 435-673-8397

EMAIL ADDRESS(ES): robr@racivil.com

A general description of the property location is as follows: (Give approx. street address, general location etc., and attach a vicinity map or property plat showing the subject property and the surrounding areas.) Include a **colored** site plan and **colored** landscape plan, and **colored** elevation drawings (all four sides) suitable for presentations in public meetings. The proposed development is located between Riverside Drive and the Virgin River and runs from 2200 East to 2450 East (approximately 501 South 2200 East).

The Zone Change becomes effective on the hearing date if approved by the City Council. A PD (Planned Development Zone) is approved for a period of 18 months only unless building permits have been issued and the project commenced prior to 18 months from the above hearing date.

OFFICE STAFF USE ONLY

CASE #: 20__-ZC-__ FILING DATE: _____ RECEIVED BY: _____ RECEIPT #: _____

*FEE: \$500 (Filing fee and 1st acre) + \$50.00 per ac for 2-100 ac and \$25 per ac 101-500 and \$10.00 per ac 501-plus

II. ADDITIONAL INFORMATION

Provide the following information: (**Attach additional sheets if necessary**)

1. What is the present zoning on the property? Single-Family Residential Zone: R-1-10
2. What zone or zones are requested by this application? Planned Development Zone
3. Is the zone change in harmony with the present City General Plan? Yes No
4. If no, what does the City General Plan propose for the subject property? _____
*(If the application is not in harmony with the City General Plan, a General Plan Amendment hearing will be required prior to the zone change request. General Plan Amendment hearings are held **four (4) times per year** in January, April, July, and October. A General Plan Amendment application can be obtained from the Community Development Department or online at <http://www.sgcity.org/commdev/forms.php>)*
5. Total acreage of proposed zone change: 11.37 Acres
6. Are there deed restrictions against the property that might affect the requested zone change?
Yes _____ No
A copy of the deed restrictions, if any, may be submitted in support of the application and shall be submitted if contrary to the request zone change.
7. Has a Traffic Impact Study or Traffic Analysis been completed to determine any traffic impacts?
Yes No
***IF YES**, submit the Traffic Impact Study with the application for review by Traffic Engineering.
IF NO, a Traffic Impact Study will be required (if determined necessary at Planning Staff Review) to be submitted with the application and reviewed prior to approval by the City Council.*
8. Is the necessary utility capacity available (water, power, sewer and drainage) to serve the zone change parcel? Yes No
Please describe the projected demand for utility services: The proposed development will feature twelve (12) dwelling structures, including two-hundred and forty-four (244) apartment units, a clubhouse, one pavillion and covered garage structures. Attached within this application are will-serve letters from the Energy and Water Services Department indicating the City of St. George has the capacity to provide the necessary power, culinary water and sanitary sewer services for the proposed development. A lift station will be provided by the owner to accomodate the development.

III. SUBMISSION CHECKLIST FOR PD (PLANNED DEVELOPMENT) ZONE

(A COMPLETE ZONE CHANGE APPLICATION MUST BE SUBMITTED A MINIMUM OF 3 WEEKS PRIOR TO THE NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING)

Development/Project Name Grayhawk Apartments at Rivers Edge

*(Project name **must be** previously approved by the Washington County Recorder & City Planning Department)*

Developer/Property Owner Grayhawk Apartments at Rivers Edge, LLC Phone No. 801-727-9500

Contact Person/Representative Robert Reid, P.E., P.L.S. Phone No. 435-673-8586

Licensed Surveyor Brandon E. Anderson, P.L.S. Phone No. 435-673-8586

PD ZONE CHANGE PROCEDURE

Step #1 Meet with Planning Staff Review (PSR) – Meets every Tuesday at 8:30 a.m. Call Community Development at 627-4206 to be scheduled for this meeting.

Note: Call at least one day in advance to schedule.

Step #2 Legal Description & Submission Documents

Submit the following legal description documents:

1. **Bearings must be rotated to HCN;**
2. Legal description prepared on 8-1/2" x 11" sheet and signed by a licensed Surveyor;
3. Minimum size 8-1/2" x 11" copy of Survey Boundary;
4. Legal description and Surveyed Site Plan (Record of Survey) drawing in DWG Format on CD for GIS Department;
5. 24"x36" Surveyed Site Plan (Record of Survey) drawing sheet(s) for meeting exhibit

Document Submission Checklist

- This Zone Change application form completed and signed;
- Appropriate Filing Fee **Filing Fee: \$500 (filing fee and 1st acre) + \$50.00 per acre for 2-100 acre and \$25 per acre 101-500 and \$10.00 per acre 501-plus**
- County ownership plat with boundary of zone change outlined;
- List of property owners within 500' and **two sets** of mailing labels;
- Colored** Site Plan & Landscape Plan – minimum size 24" x 36";
- Building elevation(s) – **Colored** renderings, all four building sides;
- Board mounted** materials and color samples (i.e. roof tile samples, stucco samples, stone samples, and paint color swatches, etc.);
- For buildings over 35' ft in height also provide a **colored photo simulation**;
- 8-1/2" x 11" reduction of the site plan, landscape plan, and building elevations;
- Written text (as outlined in Zoning Ordinance Chapter 8, Section 10-8-4);
- CD with the above images in JPEG, BMP or TIFF format and the written text in PDF format

Step #3 Planning Commission and City Council Hearings

Planning Commission usually meets the 2nd and 4th Tuesday of the month at 5:00 p.m. All applications, the legal description and surveyed site plan drawing (Record of Survey) must be complete and submitted at least 3 weeks prior to the meeting. Incomplete or inaccurate applications **will not** be accepted or scheduled. City Council sets a public hearing date after a recommendation for approval from the Planning Commission, and then there is a 14-day advertising period prior to the public hearing.

Hearing Dates:

Planning Commission _____
City Council Set Date _____
City Council Hearing Date _____
Council Action _____

Filing Fee: \$500 (filing fee and 1st acre) + \$50.00 per acre for 2-100 acre and \$25 per acre 101-500 and \$10.00 per acre 501-plus

IV. COMMENTS

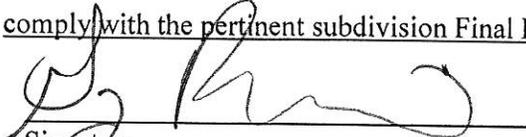
1. Please be aware that, if determined necessary by City staff, Planning Commission and the St. George City Council, additional information and/or special studies may be required to review the project. These may include, but not be limited to: Additional Color Renderings, Photo simulations, Computer fly-bys, Site Section Cuts, Color 'Bird's Eye' renderings, and additional color swatches and building materials.

2. Until the following information is submitted, your application will be considered incomplete:

3. Required site improvements such as pavement for parking areas, curb and gutter, privacy walls, landscaping, storm drain facilities, and all other improvements required under City Ordinance shall be completed prior to the issuance of a certificate of occupancy or approval for permanent electric power service. In the event such improvements cannot be completed prior to receiving permanent or a certificate due to weather conditions or other unusual circumstances, a financial guarantee in the form of a cashiers check, bond, escrow, or other financial guarantee acceptable to the City attorney shall be provided to the City guaranteeing that such improvements will be fully completed within ninety (90) days of the issuance of permanent power and/or a certificate of occupancy.

V. APPLICANT AGREEMENT

We the undersigned applicant(s) Grayhawk at Rivers Edge, LLC or assigns
(is)(are) the owner(s) (See attached "Zone Change Description")
or (agent) of the following legally described property and **request the zone change as described above.**
(Exact legal description and surveyed site plan (Record of Survey) drawing prepared and stamped by
licensed surveyor, and/or property ownership plat must accompany application and must be attached
hereto along with the legal description and the surveyed site plan (Record of Survey) drawing in
DWG format on CD.) The legal description, if separated from the surveyed site plan (Record of
Survey) drawing, must be stamped, signed, and dated, and have a firm name or surveyor's name address
and phone number. Note: Surveyed Site Plan (Record of Survey) drawing and legal description shall
comply with the pertinent subdivision Final Plat Checklist requirements.


Signature

11650 South State Street, Suite 300, Draper, Utah 84020
Address


Signature

352 East Riverside Drive, Suite A2, St. George, Utah 84790
Address

Signature

Address

Signature

Address

Signature

Address

Attach additional sheets if necessary for additional owners.

CITY OF ST. GEORGE

(435) 634-5800 – 175 East 200 North – St. George, UT 84770

PROPERTY OWNERS LIST DECLARATION

The property owners list identifies the owners of properties within a certain distance or radius of the external boundaries of a project or property. It may be prepared by the Washington County Information Technology Services (IT) (#435-634-5717) or a Title Company. The applicant shall provide evidence of the authenticity of the preparer. A complete property owners list shall consist of the following:

1. LIST; a list identifying each property owner's name, mailing address, and Assessor's Parcel Number (APN).
2. MAILING LABELS; a typed set of mailing labels for each property owner prepared on 8-1/2" x 11" sheets of self-adhesive labels in three column format, as shown on the attached sample. All type shall be in capital letters with no punctuation or APNs.
3. RADIUS MAP; a property owner radius map identifying all properties within the required radius. An example radius map is attached.
4. SOURCE; Provide evidence of the provider of labels

The property owners list and the required radius shall be based on the application type as described below:

PD Zone Change or
Amended PD Zone Change

All parcels within 500 ft. of subject property

PREPARED BY:

Melanie Maxwell

(Print Name)

Melanie Maxwell

(Signature)

Date

1/20/15

Note: The attached list shall contain the most current County assessment roll of the names and addresses of all persons to whom all property is assessed. This list shall identify all properties located within the required area measured from the exterior boundaries of the property legally described by Assessor's Parcel Number(s).

Note: The complete property owner's list shall be submitted with this application

PD – WRITTEN TEXT

Project: Grayhawk at Rivers Edge Apartments

Case No.:

10-8-4: CONTENTS OF WRITTEN TEXT

- A. Use of Land: The projected use of land, including percentages of land devoted to various types of land use, such as building coverage, parking area, landscaped area, etc.

The projected land use is for multi-family community apartments and amenities, including twelve (12) dwelling structures (2.48 Acres / 22%); a clubhouse and one (1) pavilion, covered garage structures with forty-six (46) total single-car garage units; two-hundred seventy-six (276) open parking stalls; one-hundred and ninety-six (196) carports; and four (4) gazebos with paving covering 4.94 Acres (44%) and the landscaped area covering 3.93 Acres (35%).

- B. Height and Elevations: The text shall indicate the type, character and proposed height of all buildings. The plot plan, elevations and perspective drawings may be prepared as necessary by the applicant to help the planning commission and city council to better understand the proposal.

The proposed development includes the following building heights:

- *Apartment Buildings:*
 - *4-story range: 45'-0" – 45'-8" (8 Buildings)*
 - *3-story: 35'- 0" (1 Building)*
 - *2-story range: 22'0" – 23'-6" (3 Buildings)*
- *Pavilion: 13'-0"*
- *Covered Garage: 12'-6"*
- *Carport: 10'-0"*
- *Clubhouse: 21'-6"*
- *Gazebos: 12'-0"*

The above site structures incorporate architectural variety adding depth and interest. Color and material choice, along with variances in the foot-print and roof-line, create visual relief by breaking up building masses.

- C. Density: The density in terms of dwelling units per gross acre of land shall be indicated.

Density is 244 Units / 11.37 Acres = 21.46 Units / Acre

- D. Schools, Churches and Open Spaces: The location of any proposed school sites, churches, parks or other common or open spaces shall be identified.

The development is proximate to the Virgin River Trail and two LDS Churches.

- E. Phasing Plan: A phasing plan, if the development is proposed to be developed in phases, shall be submitted.

There is no phasing plan for this project.

- F. Topography: Topography at contour intervals of two feet (2') shall be submitted unless waived by the planning staff.

Topography is included on the site plan.

- G. Landscape Plan: A landscape plan showing the general location of lawn area and trees shall be submitted (this may be a part of the site or plot plan).

A landscape plan is provided.

- H. Area Reserved For Landscaping: The amount of land area reserved for landscaping shall be indicated.

Use of Land

	<u>Sf</u>	<u>Acre</u>	<u>%</u>
<i>Building Coverage</i>	<i>108,049</i>	<i>2.48</i>	<i>22</i>
<i>Landscaped Area</i>	<i>171,591</i>	<i>3.93</i>	<i>35</i>
<i>Paving Area</i>	<i>215,637</i>	<i>4.94</i>	<i>43</i>
<i>Overall Parcel</i>	<i>495,277</i>	<i>11.37</i>	<i>100</i>

- I. Utilities: All utilities shall be underground unless otherwise approved by the city council and upon recommendation of the water and power director. Transformer equipment shall be screened from streets and from adjacent properties.

All utilities are located underground.

- J. Refuse and Storage Areas: Refuse storage areas shall be screened so that materials stored within these areas shall not be visible from access streets, freeways and adjacent properties.

The refuse area is highlighted on the site plan and will be appropriately screened (see Landscape Plan for screening)

- K. Lighting Plan: The plans submitted shall include a general lighting plan indicating location of lights to be installed on the site.

A photometric plan will be subsequently submitted by an electrical engineer demonstrating the lighting type, location and foot-candle measurements.

- L. Turning Space: Safe and convenient turning space shall be provided for cars, sewer vehicles, refuse collection vehicles, firefighting equipment, etc., at the end of private drives and dead end streets. (1998 Document Section 17-4; amd. 2003 Code).

All private drives have appropriate turnaround capacity for all necessary vehicles.

- M. Signs: Overall sign program if proposed signage differs from what is allowed as outlined in the ordinance set forth in title 9, chapter 13 of this code. (Ord. 1-3-2000, 1-20-2000).

Applicant will submit a separate sign permit and meet all sign ordinance requirements.

- N. Standard/Guest/Covered Parking: Dwellings shall have two (2) parking spaces per dwelling unit, at least one of which shall be covered. For purposes of guest parking, there needs to be one

guest parking space per three (3) dwelling units (guest parking also needs to be located within two hundred feet (200') of the dwelling unit). The city council, upon recommendation from the planning commission, may reduce the requirement for guest parking spaces where the city council finds that evidence supports a decrease in the required amount of guest parking spaces. (Ord. 2009-07-002, 7-2-2009).

Applicant meets the standard parking requirements with 488 parking stalls. The guest parking code requires 2.33 (81) guest parking stalls for 244 dwelling units and applicant currently has 2.12 (51). Applicant requests a reduction in guest parking stalls provided the following:

Since its inception in 1976 and subsequent diversification in 1995 into land development and apartment joint-ventures, Applicant has built over 2500 apartments in various regional and local communities and has the requisite experience in site design, layout and function. Of note, Applicant developed "The Falls at Mesa Point" apartment community near the proposed site on Mall and Riverside Drive in St. George. This resort-style complex affords its residents various amenities similar to those offered at Grayhawk Apartments. Importantly, Mesa Point's ratio for guest parking is 2.06 and is not experiencing any parking problems, including an exterior issue (cars parking on streets) or internal parking problem. The current guest parking code of 2.33 required for this site far exceed the minimum parking ratio of 1.90 for applicant's other apartment communities.

Additionally, the challenging aspect for parking in this development is the property shape. There are a multitude of "triangle" sections in the site plan that create open spaces not suited for parking. To accommodate additional guest parking, open space would need to be eliminated in prime areas, including a section behind the pool area ideally suited as a recreational place for families and children.

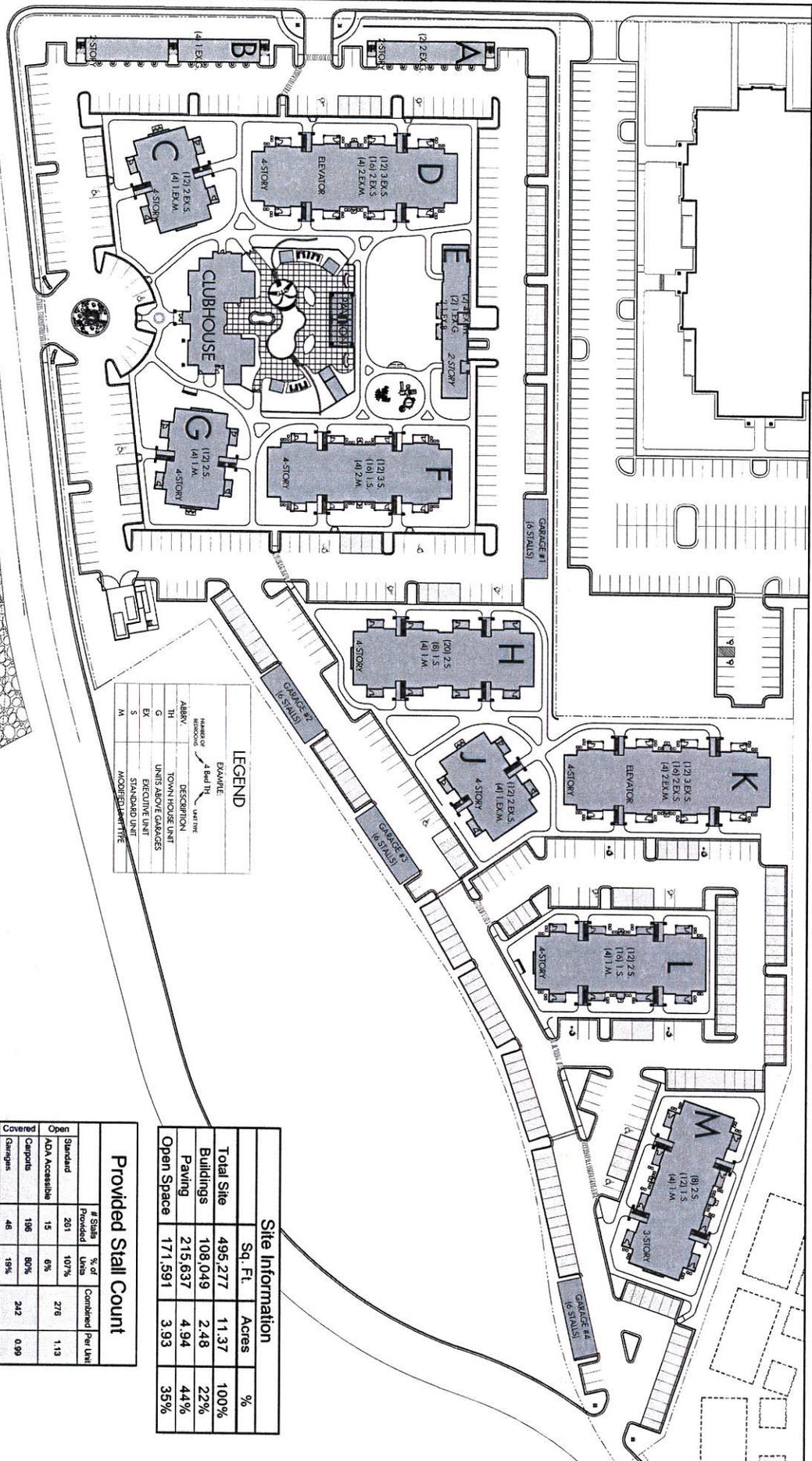
- O. Recreation or Playground Areas: In developments with five (5) or more units, there shall be provided usable recreation or playground areas outside of the front yard setback, with a total minimum area of one thousand (1,000) square feet for five (5) units and an additional two hundred (200) square feet for each unit over five (5) units. The average width and length of each usable recreation or playground area shall not be less than twenty feet (20') or as approved by the planning commission. At least 50 percent (50%) of the usable area shall be in the form of open playground or green space. (1998 Document Section 17-5).

Applicant meets the recreation requirement with 49,406 square feet of open playground or green space. The recreation code requirement for this development consisting of 244 units is 48,800 square feet of open playground or green space.

SITE PLAN

SCALE: 1" = 40'

PRELIMINARY - NOT FOR CONSTRUCTION



LEGEND

EXAMPLE: 4 Bed TH

ABBV.	DESCRIPTION	UNITS ABOVE GARAGES
TH	TOWNHOUSE UNIT	
G	EXECUTIVE UNIT	
EX	STANDARD UNIT	
S	MODIFIED UNIT	

Category	Count	Percentage
Total Ex.	44%	108
Total Mod.	56%	138
Total	244	244

Site Information

Category	Sq. Ft.	Acres	%
Total Site	495,277	11.37	100%
Buildings	108,049	2.48	22%
Paving	215,637	4.94	44%
Open Space	171,591	3.93	35%

Provided Stall Count

Category	# Stalls Provided	% of Total	Combined Per Unit
Standard	201	83%	1.13
ADA Accessible	15	6%	
Carports	198	80%	0.99
Garages	46	19%	
Total	518		2.12

St. George City - Parking Code

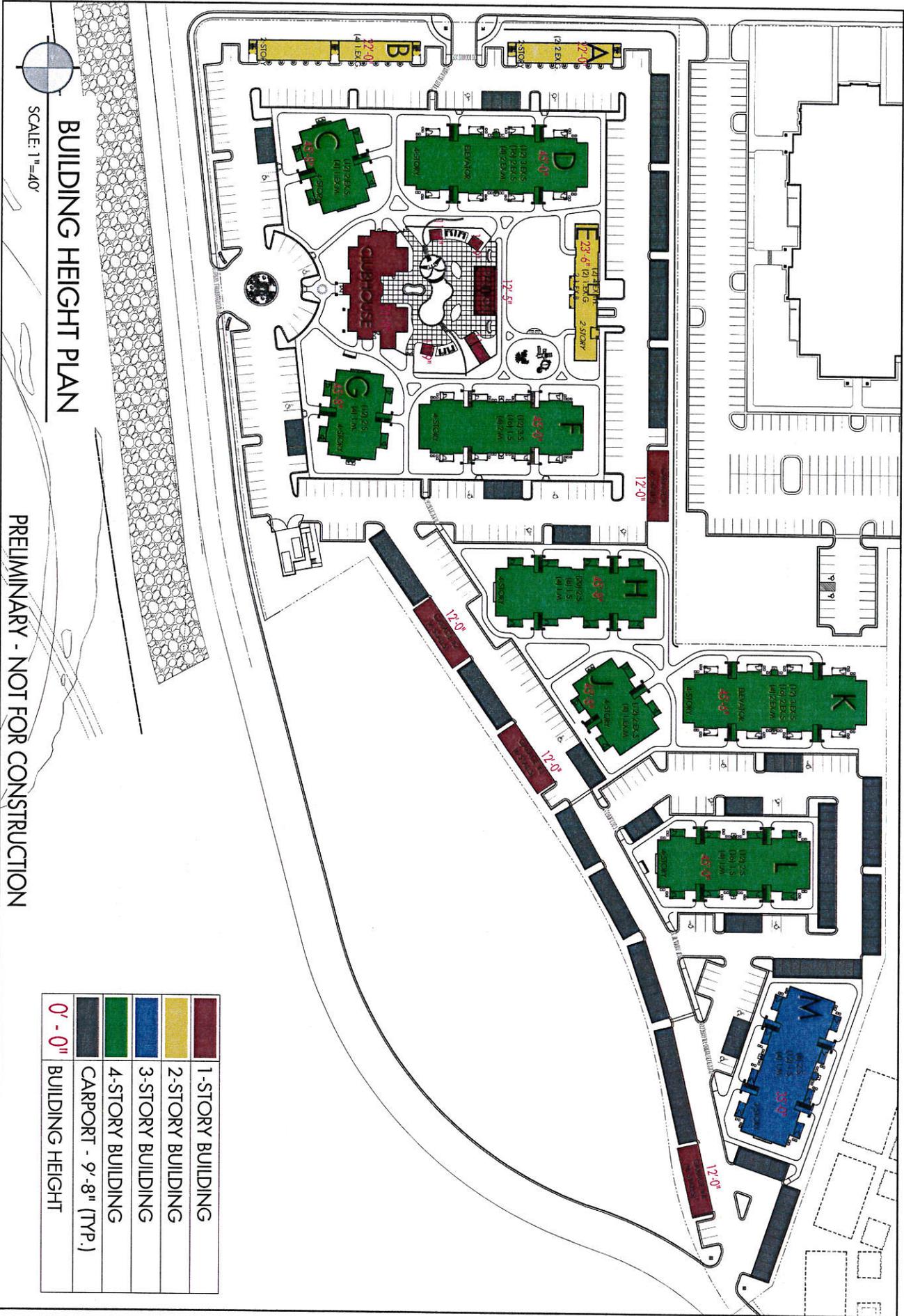
Code	# Stalls	Per Unit
Standard	477	1.95
Guest	81	0.33
ADA Accessible	11	0.05
Total Pvd.	569	2.33

2.0 Stalls Per Unit
(1) Stall for every (2) Units
2% of total stall count

GRAYHAWK APARTMENTS
AT RIVER'S EDGE
ST GEORGE, UT

AN APARTMENT COMMUNITY BY
BACH HOMES

BACH
11500 South Main Street
Suite 200
West Valley City, UT 84119
Phone: (801) 277-9500
Fax: (801) 277-9500
www.bachhomes.com



BUILDING HEIGHT PLAN

SCALE: 1" = 40'

PRELIMINARY - NOT FOR CONSTRUCTION

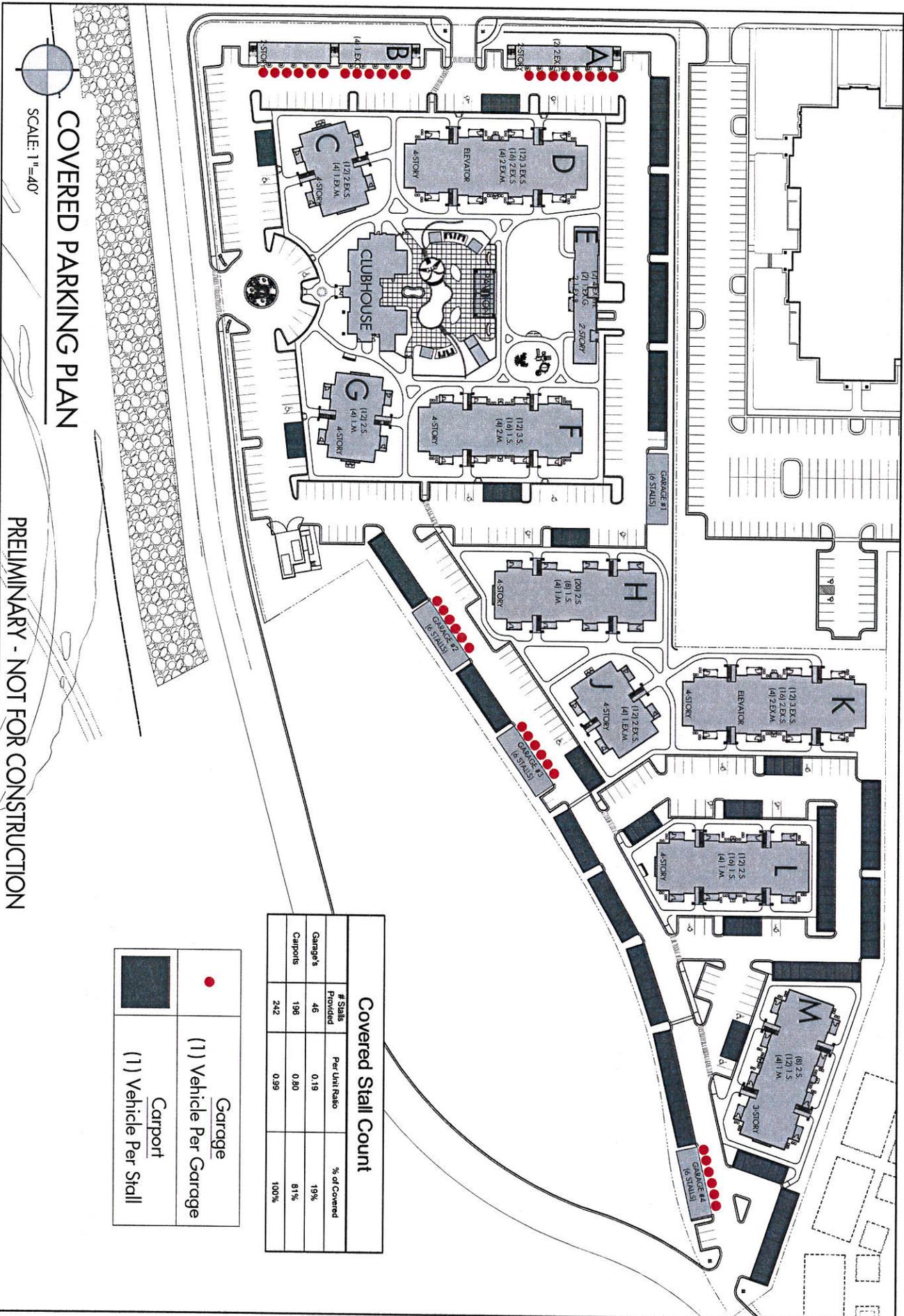
	1-STORY BUILDING
	2-STORY BUILDING
	3-STORY BUILDING
	4-STORY BUILDING
	CARPOR - 9'-8" (TYP.)
	BUILDING HEIGHT

GRAYHAWK APARTMENTS
AT RIVER'S EDGE
ST GEORGE, UT

AN APARTMENT COMMUNITY BY
BACH HOMES



SHEET NO.



COVERED PARKING PLAN

SCALE: 1"=40'

PRELIMINARY - NOT FOR CONSTRUCTION

Covered Stall Count			
	# Stalls Provided	Per Unit Ratio	% of Covered
Garage's	46	0.19	19%
Carports	196	0.80	81%
	242	0.99	100%

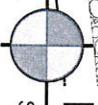
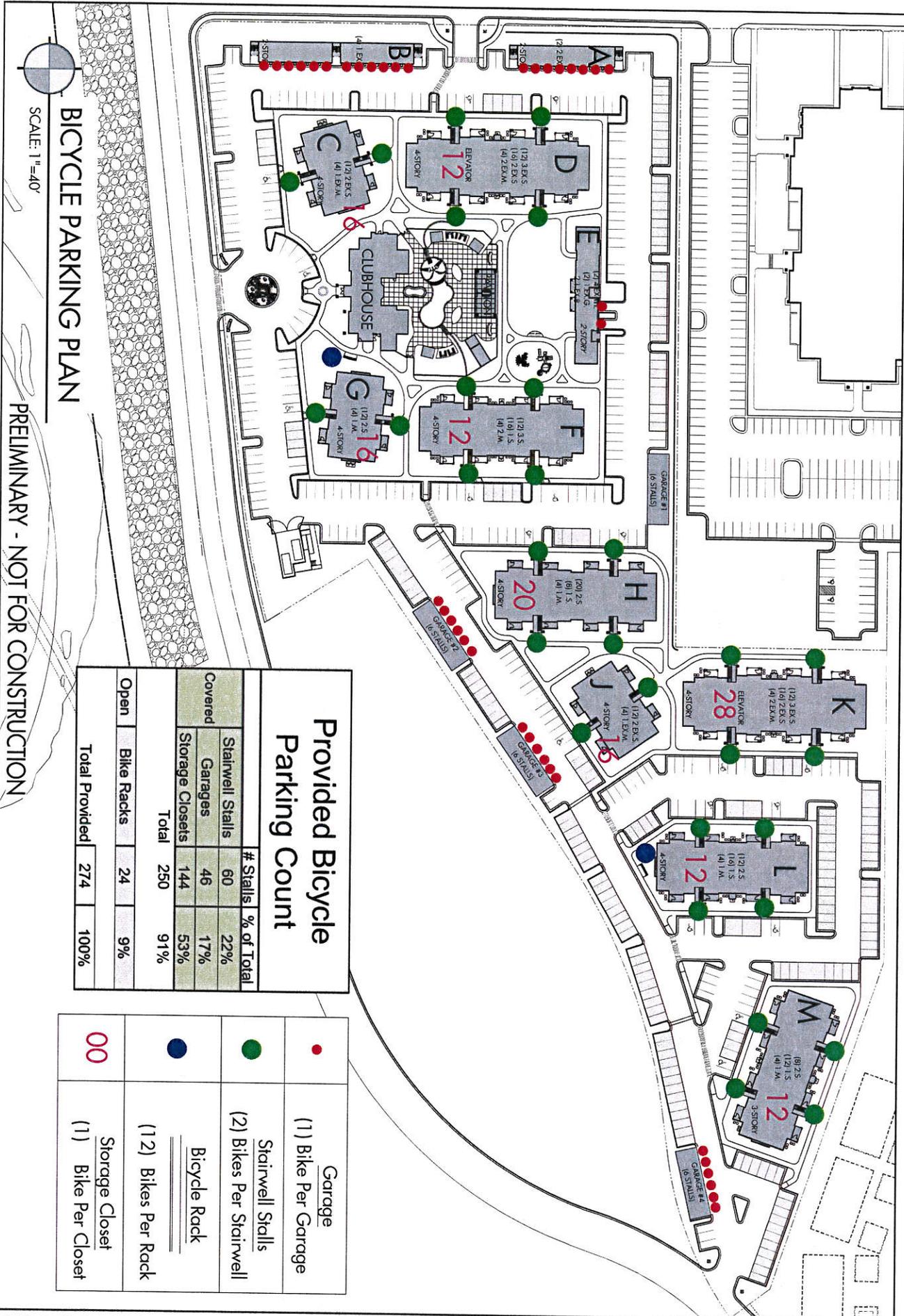
●	Garage (1) Vehicle Per Garage Carport (1) Vehicle Per Stall
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GRAYHAWK APARTMENTS
AT RIVER'S EDGE
ST GEORGE, UT

AN APARTMENT COMMUNITY BY
BACH HOMES

BACH HOMES
1000 W. 2000 S.
ST. GEORGE, UT 84770
801.221.7800

DATE: 11/20/2014
SHEET NO. _____



BICYCLE PARKING PLAN
SCALE: 1" = 40'

PRELIMINARY - NOT FOR CONSTRUCTION

Provided Bicycle Parking Count		
	# Stalls	% of Total
Covered		
Stairwell Stalls	60	22%
Garages	46	17%
Storage Closets	144	53%
Total	250	91%
Open		
Bike Racks	24	9%
Total Provided	274	100%

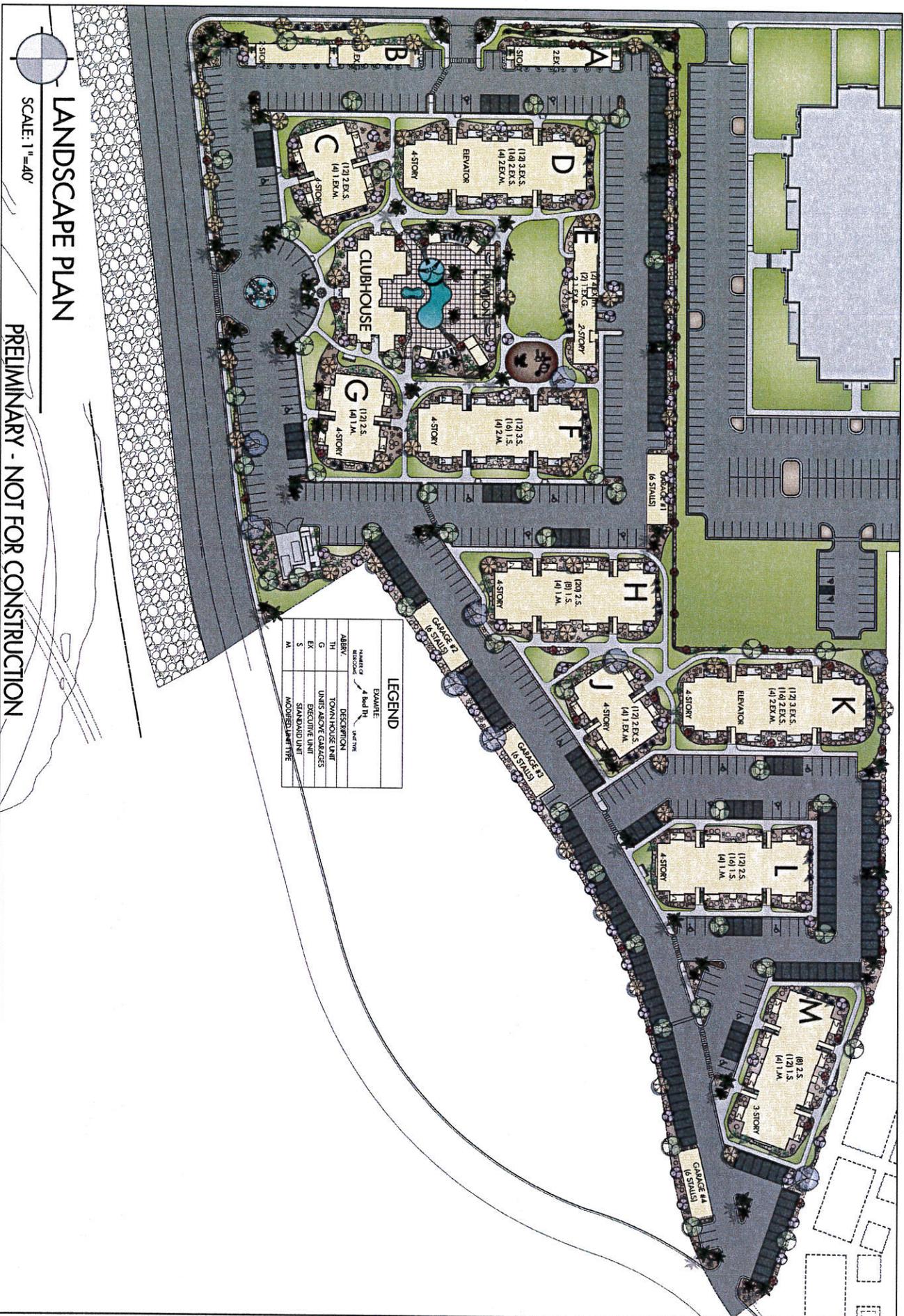
●	Garage (1) Bike Per Garage
●	Stairwell Stalls (2) Bikes Per Stairwell
●	Bicycle Rack (12) Bikes Per Rack
●	Storage Closet (1) Bike Per Closet

GRAYHAWK APARTMENTS
AT RIVER'S EDGE
ST GEORGE, UT

AN APARTMENT COMMUNITY BY
BACH HOMES



SHEET NO.



LANDSCAPE PLAN

SCALE: 1"=40'

PRELIMINARY - NOT FOR CONSTRUCTION

LEGEND	
EXAMPLE	4 Bed TH
ABBV.	DESCRIPTION
TH	TOWNHOUSE UNIT
G	UNITS ABOVE GARAGES
EX	EXECUTIVE UNIT
S	STANDARD UNIT
M	MODERATED UNIT

GRAYHAWK APARTMENTS
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AN APARTMENT COMMUNITY BY
BACH HOMES

BACH
1100 N. 1000 W.
ST. GEORGE, UT 84770
801.771.9500
www.bachhomes.com

SHEET NO.	
DATE	
DESIGNER	
SCALE	

MEMORANDUM

Date: February 16, 2015
To: Ben Blacker, Bach Homes
From: Ryan Hales, PE, PTOE, AICP
Subject: **St. George – Greyhawk Apartments Parking Study**

UT14-659

This memorandum discusses the parking study completed for Bach Homes in consideration for their parking demands at the Greyhawk Apartment project located in St. George, Utah. The proposed Greyhawk project will have 250 apartments. Using the St. George City code parking rates for multiple-family dwelling units, this project would require 583 parking spaces, or 2.33 spaces per unit (2.00 spaces per unit for occupants and 0.33 per unit for guests) according to the *St. George City Code*, Title 10, Chapter 19: Off Street Parking Requirements.

It has been our experience that parking demands in the St. George are typically lower than the City requirements. The following paragraphs identify our recent parking counts within St. George City limits.

Multi-family Parking Demand Rates (St. George, Utah)

In an effort to identify an existing / acceptable parking demand rate at similar projects, Hales Engineering studied three projects within St. George to better understand the parking supply and demand at these locations and to draw conclusions about the parking at the proposed Greyhawk project. Data was collected at study locations in St. George on Wednesday, February 11, 2015, just prior to Presidents Day weekend and the start of the St. George Home Show. The data collection times were all between 12:00 am and 4:00 am, as this is the time when the majority of tenets are home for the night and parking demand is at its greatest according to the Institute of Transportation Engineers (ITE), *Parking Generation*, 4th Edition, 2010.

Data Collection / Study Locations

Canyon Point Apartments

The Canyon Point Apartments are located at 1737 West 360 North in St. George, Utah and consist of 40 two-bedroom units, 44 three-bedroom units, and 12 four bedroom units for a total of 98 units (see Figure 1). During our data collection, it was observed that 144 parking stalls were occupied, 41 were empty, and there were no garages within this project, for a parking supply of 185 spaces.

The following conclusions can be made:

1. Supply (striped parking stalls or carports on-site) = 1.93 stalls / unit
2. Demand (total parked vehicles on-site and off-site) = 1.58 stalls / occupied unit
3. no stalls were covered on site = 0 covered stalls



Figure 1: Canyon Point Apartments – St. George, Utah

Oasis Palms Apartments

The Oasis Palms apartments are located at 260 North Dixie Drive, St. George, Utah and consist of 24 one-bedroom units, 86 two-bedroom units, and 36 three-bedroom units for a total of 146 units (see Figure 2). During our data collection, it was observed that 201 parking stalls were occupied, 109 were empty, and there were 38 garages within this project, for a parking supply of 348 spaces. Within the 38 garages, it was assumed that 38 were being used for vehicles, to remain conservative.

The following conclusions can be made:

1. Supply (striped parking stalls or carports on-site) = 2.38 stalls / unit
2. Demand (total parked vehicles on-site and off-site) = 1.70 stalls / occupied unit
3. 108 stalls were covered plus 38 garages = 42% covered stalls



Figure 2: Oasis Palms Apartments – St. George, Utah

Data Collection Summary

Within the Oasis Palms and The Falls at Mesa Point apartment projects, each had closed garages that could not be counted. In order to provide a conservative estimate it was assumed that every garage space was being used for a vehicle. The following demand at the various apartment complexes was calculated:

Canyon Point =	1.58
Oasis Palms =	1.70
The Falls at Mesa Point =	<u>1.90</u>
	1.73 Average parking demand / occupied unit

Multi-family Residential Units

As previously identified, three studies in St. George, demonstrated an average parking demand of 1.73 stalls per occupied unit. It is our professional opinion that parking could be reduced to a range between 1.73 – 1.90 spaces per unit, a range between the average St. George rate and the highest counted demand rate per occupied unit.

The *St. George City Code*, Title 10, Chapter 19: Off Street Parking Requirements allows for a reduction to 1.5 stalls per unit for occupants, plus 0.33 stalls per unit for guests, providing 1.83 stalls per unit. This would fall within the range identified by this study at three existing apartment complexes.

Conclusions/Recommendations

Hales Engineering makes the following conclusions/recommendations based on our data collection efforts for existing apartment complexes within St. George City:

1. The base St. George parking ordinance would require 583 parking spaces on-site, or 2.33 spaces per dwelling unit.
2. Hales Engineering recommends reductions to the multi-family residential parking requirement consistent with, and above the average multi-family parking demand measured at three locations within the St. George City (1.73 stalls per unit), our recommended rate would be between 1.73 and 1.90 stalls per unit.
3. The St. George City Code will allow a reduction to 1.83 stalls per unit which falls within the range identified through our parking study, and is consistent with the desire to lower the parking rates at the proposed Greyhawk Apartment project. If a rate of 1.83 stalls per unit were used for the project, it would require 458 parking stalls.

If you have any questions regarding this memo, please feel free to contact us.

The Falls at Mesa Point Apartments

The Falls at Mesa Point apartments are located at 368 South Mall Drive, St. George, Utah and consist of 60 one-bedroom units, 84 two-bedroom units, 50 three-bedroom units, and 4 four-bedroom units, for a total of 198 units (see Figure 3). During our data collection, it was observed that 314 parking stalls were occupied, 62 were empty, 48 garages existed on site, and there were 14 cars parked on the street.

The following conclusions can be made:

1. Supply (striped parking stalls or carports on-site) = 2.14 stalls / unit
2. Demand (total parked vehicles on-site and off-site) = 1.90 stalls / occupied unit
3. 200 stalls were covered plus 48 garages = 66% covered stalls

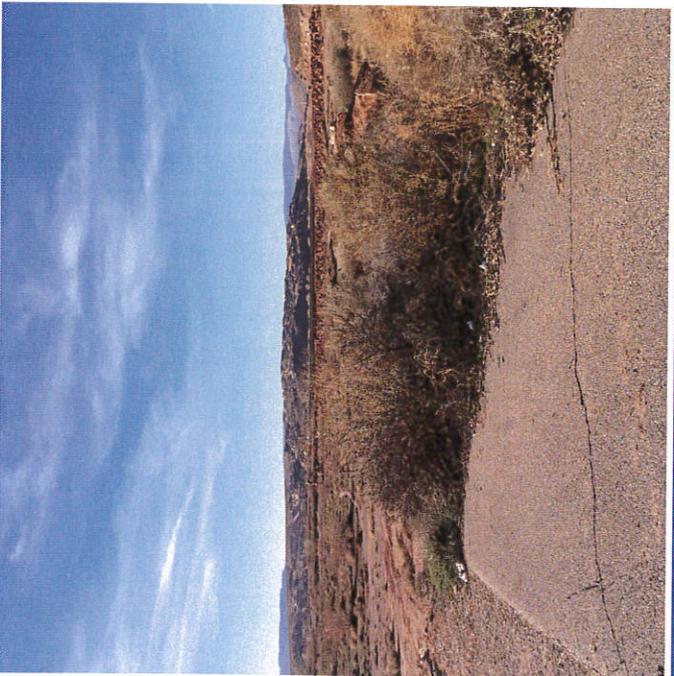
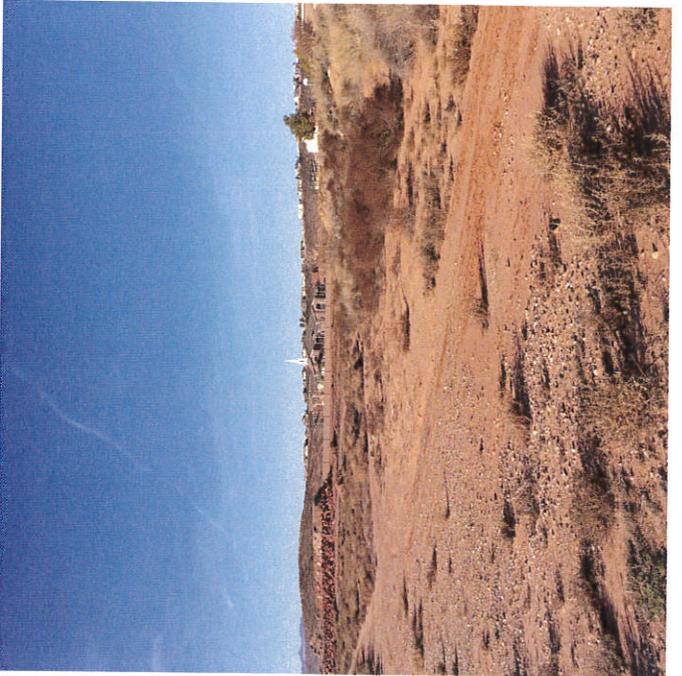
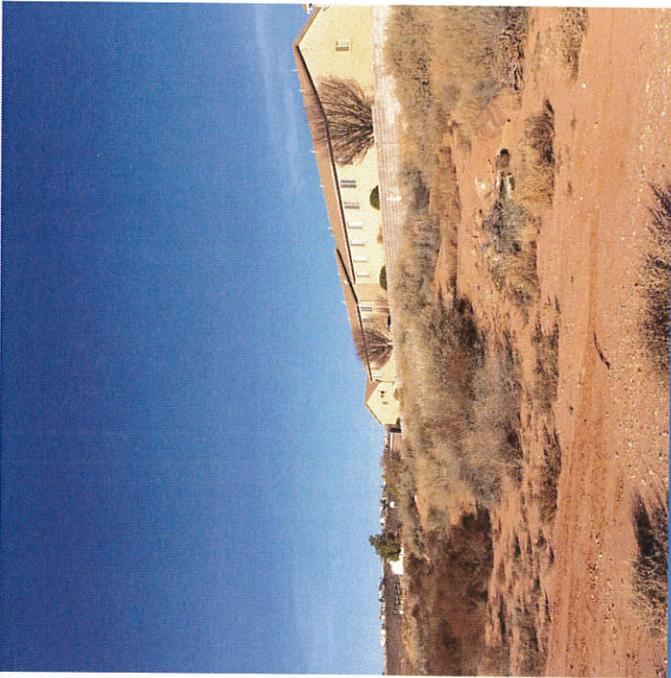
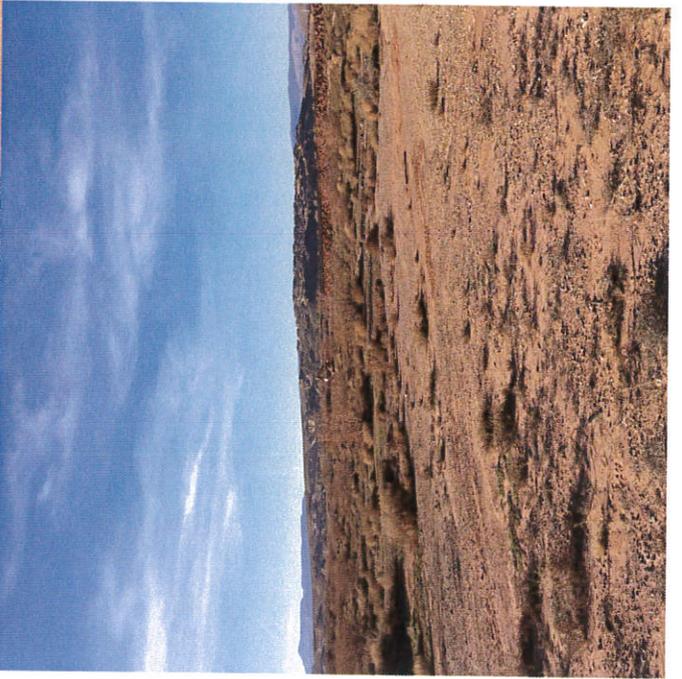


Figure 3: The Falls at Mesa Point Apartments – St. George, Utah









ITEM 3B

Zone Change - Amendment

PLANNING COMMISSION AGENDA REPORT: 2/24/2015

ZONE CHANGE AMENDMENT

3 Part: 1) Sun River Master Plan - 6th amendment, 2) Atkinville Interchange Plan – 2nd amendment, & 3) relocate sign for Sun River

Case No. 2015-ZCA-005

Request: A zone change amendment application for the 6th amendment to the Sun River Master Plan, the 2nd amendment to the Atkinville Interchange Plan, and the relocation (*move 200 LF*) of the St George Sun River sign (*advertising sign as seen from the freeway for the Master Planned Community*).

Project: The zone change amendment consists of three parts;

Part #1

Amendment No. 6 to the St George Sun River Planned Development Zone (Sun River PD) to move approximately 30 acres of the Interchange PD into the Sun River PD, and to update its land use to become PD-R (Planned Development Residential),

Part #2

allow an Amendment No. 2 to the 'Atkinville Area Zone Plan' (Interchange PD) to update the balance of the property to join the existing 8.1 acres Community Commercial (CC) as defined by the Atkinville Interchange PD which will increase the amount of CC to 27.9 acres, and

Part #3 to update the location of the signage parcel used for advertising the Sun River St George community. Note that the above actions include elimination of the 'Employment 2' and the 'RV Park Land' uses.

Reference: See attachment document for "Amendment 6 Sun River Planned Development" & "Amendment 2 Atkinville Interchange Area Zone Plan."

Owner: The property owner is the State of Utah (SITLA - State Institutional Trust Land).

Applicant: The applicant is Sun River St George Development, LC in cooperation with SITLA.

2015-ZCA-005
Sun River

Representative: Mr. Scott McCall

Location(s): Part # 1 & #2
Generally located westerly of Pioneer Road and northerly of Bluegrass Way.

Part #3
Generally located south of the Atkinville Wash, west of the I-15 Freeway, and east of the residential lots 2122 thru 2128 along Silk Berry Drive.

Acreage: 76.42 acres (total)

Current Zone: PD (Planned Development)

General Plan: COM (Commercial)

Adjacent zones: Properties surrounding are PD-C and PD-R. The site is also near Fire Station 8 and the new "Hobby & Storage Garages." (see attached)

Ordinance: Title 10 Chapter 8 "Planned Development"

Comments: See "Current Proposal" attachment for project description. Staff recommends the three part amendments.

Sun River St. George Planned Development (PD)
Amended Zone Change Application No. 6 &

Atkinville Interchange Area Zone Plan (PD)
Amended Zone Change Application No. 2

February 5, 2015

Introduction

The Sun River St. George Planned Development Zone (*Sun River PD*) was approved by the St. George City Council in early 1997. The original project was for approximately 590 acres of land and approved for 2,391 total residential units. The project also includes an 18-hole golf course and clubhouse, an active adult community center and a mixed use commercial center. To date approximately 1800 residential units have been completed and sold. Various amendments over the years have expanded the PD to about 841 acres.

The Atkinville Interchange Area Zone Plan (*Interchange PD*) was approved by the St. George City Council on January 4, 2007. The zone change application was submitted by the State of Utah and the School and Institutional Trust Lands Administration for a 516 acre portion of the area known as the South Block, on both the east and west side of I-15 and the then-future Milepost 2 interchange. There has been one previous amendment in 2012 that transferred 1.8 acres to the Sun River PD for an RV storage project.

Applicant:

Sun River St. George Development, LC

1404 W. Sun River Parkway, Suite 200, St George, Utah 84790

Telephone: (435) 673-4300 Fax: (435) 634-1830

Contact: Scott McCall - mobile (435) 215-8316

Engineer: Rick Rosenberg, PE, Rosenberg Associates – mobile 680-3931

In cooperation with:

State of Utah School and Institutional Trust Lands Administration

2303 North Coral Canyon Blvd., Suite 100A, Washington, UT 84780

Telephone: (435) 652-2950 Fax: (435) 652-2952

Contact: Kyle Pasley

History of Amendments to the Sun River Planned Development

The Sun River PD has been previously amended five times. This application would be the sixth amendment to the PD Zone. The earlier amendments are summarized below:

Amendment 1 (Approved November 18, 1999)

This amendment revised the property boundaries to be consistent with land exchanges that had been completed between the developer, City of St. George and the School and Institutional Trust Lands Administration (SITLA). The total project as amended was for 592.793 acres. It also modified the proposed land uses to allow an area for the development of a short-term rentals and timeshare ownership project call "Vacation Villas."

Amendment 2 (Approved June 3, 2004)

This amendment further revised the property boundary to add 7.628 acres of property acquired from SITLA to the Sun River St. George PD. The total project as amended was for 600.421 acres. This additional property was designated for residential development.

Amendment 3 (Approved August 5, 2004)

This amendment further revised the property boundary to add 29.458 acres of property acquired from SITLA to the PD. The total project as amended was for 629.879 acres. This additional property was designated for residential development.

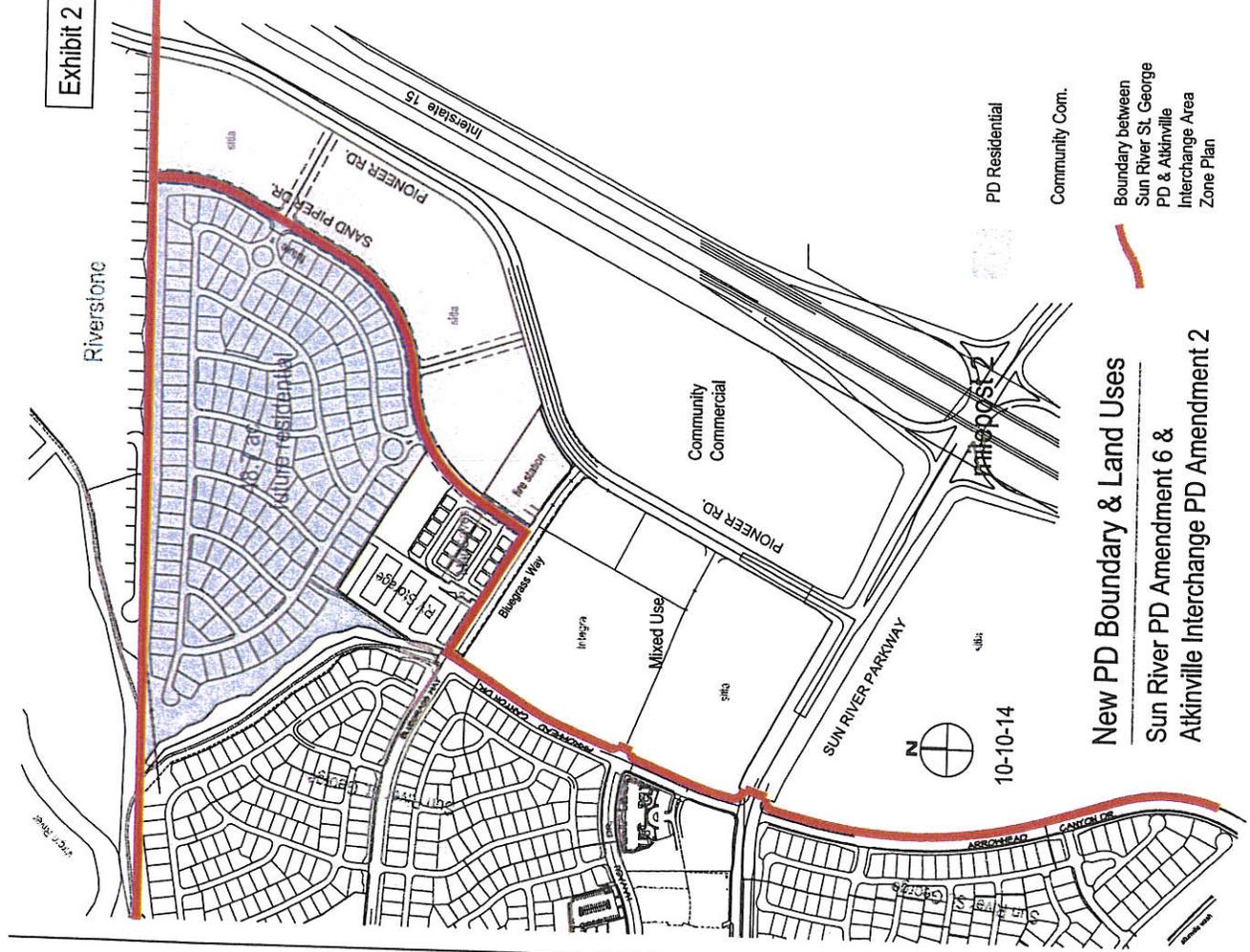
Amendment 4 (Approved August 18, 2005)

This amendment further revised the property boundary to add 217.761 acres of SITLA property to the PD. The total project as amended was for 847.640 acres. This additional property was designated for residential development and RV storage and storage rental units (25 acres).

Amendment 5 (Approved December 6, 2012)

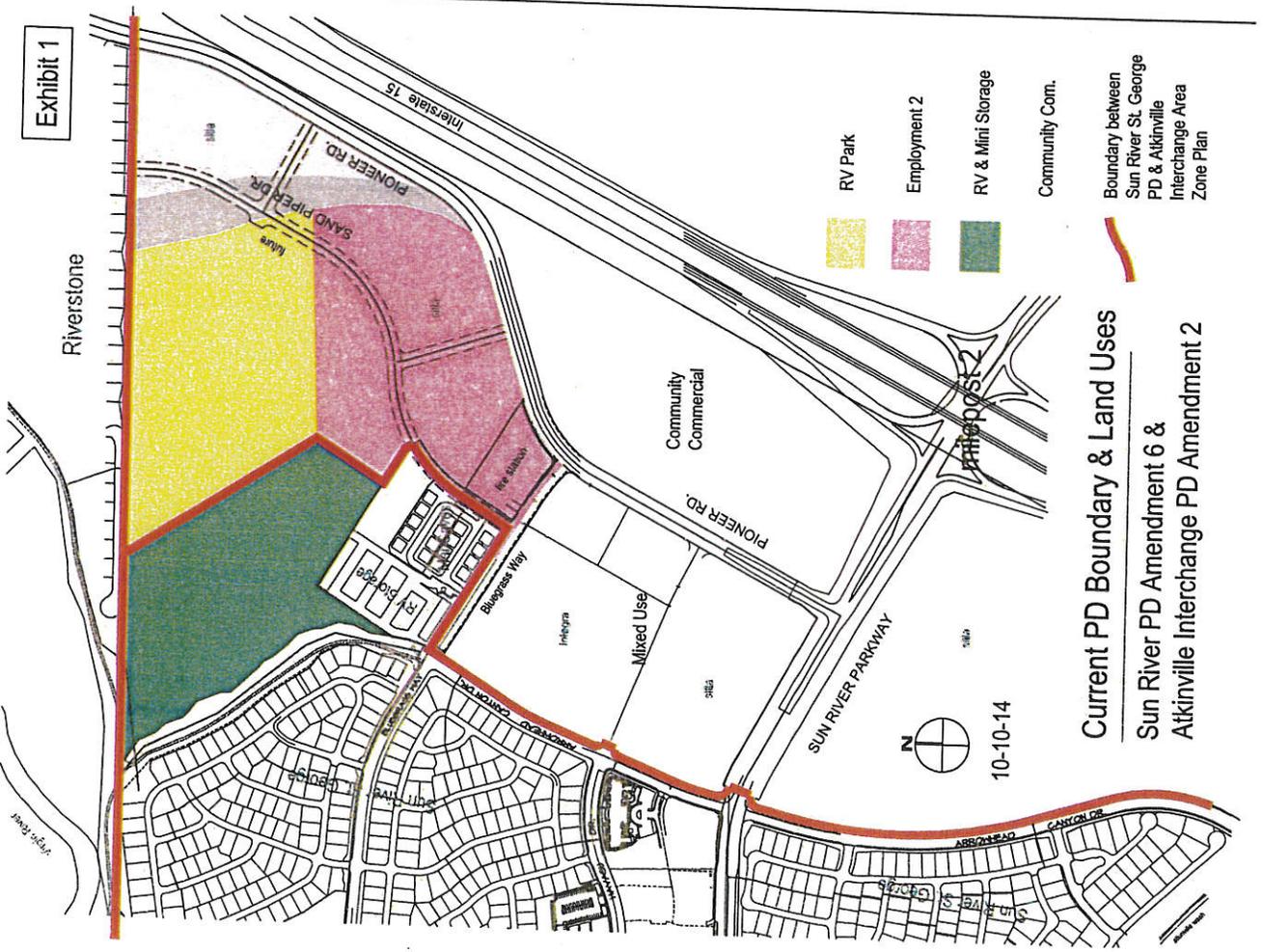
This amendment did two things: (1) transferred a 1.89 acre parcel from the Atkinville Interchange PD to the Sun River PD, and (2) added a new permitted use for Hobby and Storage Garages to that parcel.

Exhibit 2

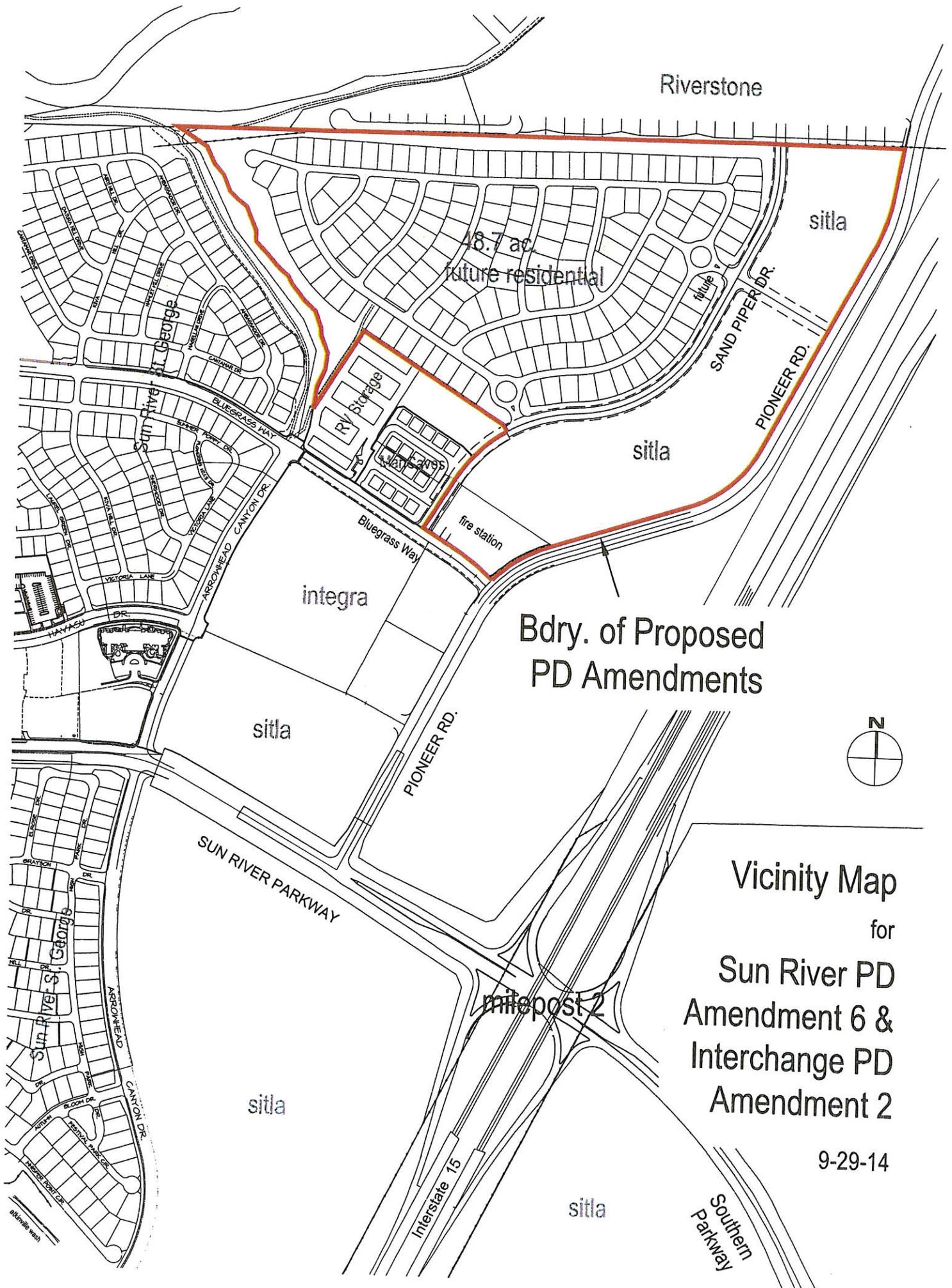


New PD Boundary & Land Uses
 Sun River PD Amendment 6 &
 Atkinville Interchange PD Amendment 2

Exhibit 1



Current PD Boundary & Land Uses
 Sun River PD Amendment 6 &
 Atkinville Interchange PD Amendment 2



Riverstone

48.7 ac.
future residential

sitla

sitla

integra

Bdry. of Proposed
PD Amendments



Vicinity Map

for

Sun River PD

Amendment 6 &

Interchange PD

Amendment 2

9-29-14

sitla

PIONEER RD.

SUN RIVER PARKWAY

milepost 2

sitla

Interstate 15

sitla

Southern
Parkway

alluvial wash

Virgin River

Riverstone

Bdry. of Proposed PD Amendments

SunRiver Construction and Development
January 16, 2012
1424 W. Sun River Pkwy., #200, Provo, UT 84601 (435) 473-4300

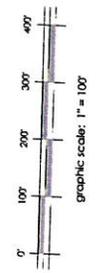
Site Plan & Conceptual Landscape Plan for SunRiver PD Amendment 6 & Atkinville Interchange PD Amendment 2



Residential - 48.7 ac.
Community Commercial - 27.7 ac.

Bdry. of Proposed PD Amendments

integra



Sun River St. George

Bluegrass Way

Arrowhead Canyon Dr.

RV storage

May/Save

exist. fire station

sitta community commercial

sitta community commercial

sitta community commercial

Virgin River

Las Colinas

14 | 13
23 | 24

Development Lease Parcel
Future Residential

sitla

SAND PIPER DR.

PIONEER RD.
Interstate 15

sitla

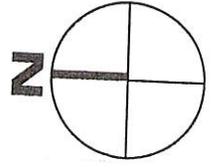
RV Storage Project
- not a part -

fire station

sitla

Bluegrass Way

Integra



SUN RIVER ST. GEORGE

CANYON DR.

ARROWHEAD

Illustrative Plat for
Sun River St. George Zone Change Amendment 6
Atkinville Interchange Zone Change Amendment 2

ST. GEORGE, UTAH

9-26-14

SCALE: 1" = 300'

NOTE: THIS PLAT IS FOR ILLUSTRATIVE PURPOSES ONLY. REFER TO THE LEGAL DESCRIPTION FOR ACTUAL BOUNDARY.

Virgin River

Las Colinas

14 | 13

23 | 24

Development Lease Parcel
Future Residential

sitla

SAND PIPER DR.

PIONEER RD.

Interstate 15

sitla

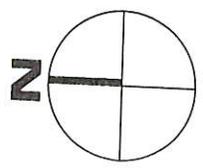
RV Storage
Project
- not a part -

fire station

Bluegrass Way

Integra

sitla



SUN RIVER ST. GEORGE

ARROWHEAD CANYON DR.

Illustrative Plat for
Sun River St. George Zone Change Amendment 6
Atkinville Interchange Zone Change Amendment 2

ST. GEORGE, UTAH

9-26-14

SCALE: 1" = 300'

NOTE: THIS PLAT IS FOR ILLUSTRATIVE PURPOSES ONLY. REFER TO THE LEGAL DESCRIPTION FOR ACTUAL BOUNDARY.

Current Proposal

- 1) The first part of this current amendment proposal is to move approx. 30.00 acres of the Interchange PD into the Sun River PD, and to update its land use to PD Residential. The land uses for that 30 acres are currently RV Park and Employment 2, as defined by the Interchange PD. We also want to update approx. 18 acres already in the Sun River PD from RV and Mini Storage (see exhibit 1) to PD Residential. Both parcels together create a 48.725 ac. residential parcel (see exhibit 2). In conjunction with the creation of this residential parcel, we request that the approved residential unit limit is increased by 195 units, which reflects a density of 4 du/acre. The current single family residential unit limit was set in Amendment 4 (2005) at 2212 units – the new total would be 2407.
- 2) The second part of this amendment would be to update the balance of the property to join the *existing* 8.1 acres Community Commercial (CC) as defined by the Atkinville Interchange PD. *Community Commercial has the same permitted uses as the City's C-2 Highway Commercial Zone.* This would increase the amount of Community Commercial to 27.49 acres. The Employment 2 and the RV Park land uses would be eliminated from this area.

We feel designating the property east of Sand Piper Dr. is appropriate and it simplifies the permitted uses for the area. Community Commercial and Employment 2 have many similar permitted uses but Community Commercial has a wider variety of neighborhood supporting uses. Employment 2 had many light industrial uses that would no longer be permitted. We feel Community Commercial is a much more compatible designation for this primarily residential area than Employment 2.

Furthermore, the adjacent 33.9 acre parcel to the south is already Community Commercial and the portion currently adjacent to the Riverstone project is already Community Commercial. A comparison matrix of permitted uses has been submitted to staff for their review.

The location of the 60 foot public right-of-way (Sand Piper Dr.) in between the residential and commercial parcels provides a reasonable demarcation between the two land uses. Also, the residential side will have a sidewalk separated from the curb with a 4 foot landscape strip followed by 10-15 feet of landscaping behind the sidewalk and then a wall. The topography will require that the commercial pads be generally lower than Sand Piper, further separating the land uses.

Lastly, we ask that the **Hobby and Storage Garages**, as defined in the previously approved amendment and reiterated below, are permitted in the Community Commercial parcels within this

amendment. The Hobby and Storage Garages are a unique product that doesn't fall exactly under storage rentals units or mini storage, nor are they residential or commercial buildings. Sun River Development has recently finished the first 8 units (4 buildings) in a 34 unit development adjacent to the fire station and they look great. We feel this is an appropriate use for the Community Commercial parcels in this amendment.



The proposed Hobby and Storage Garages are duplex storage garage buildings platted with private ownership areas and common area. They are administered and maintained by an owners association with each owner being responsible for maintaining, repairing and replacing all improvements within the storage garage unit such as interior walls and ceiling (including drywall, floor coverings, windows, doors, and plumbing, electrical, and heating and air conditioning systems). Units will be rentable subject to conditions as stated in the Declaration and By-laws. Commercial uses will not be allowed – the buildings are to be used by hobbyists, or for storage.

Each unit includes approximately 1,250 square feet of interior space, a 12' high by 14' wide garage door entrance, private entrance and a driveway for 2 parking stalls in front of the unit.

Landscaping will be limited to trees and shrubs irrigated with drip systems in compliance with the recommendations of the geotechnical report. No lawn turf is permitted per the geotechnical report recommendation.

Heights of garage buildings are 20' (measured mid-point of roof slope), 26' at the peak, with exteriors including stucco and CMU walls with concrete roof tiles for a residential neighborhood feel. No building or structure will exceed 35 feet in height. See typical pictures and proposed building elevations attached as exhibits.

There will be no overnight parking permitted in the driveways, common areas or on the interior private streets. Security lighting will be provided on the structures and will utilize directional lighting to minimize night sky pollution. The surrounding public streets will have the standard City cobra head street lights and the number and location will be approved by the City's Development Services Department and Dixie Power.

Utility service will be underground and transformer and other utility pedestals and equipment will be installed per local standards. There will be either a common refuse dumpster and enclosure or individual trash service.

The Fire Marshall has been consulted regarding building spacing and construction and has approved the configuration of driveways. The buildings will have a 10 foot minimum separation. The street geometry in the hobby garage area follows the standards set for the design of private PD residential areas in St. George, and will serve sewer maintenance, emergency and refuse vehicles.

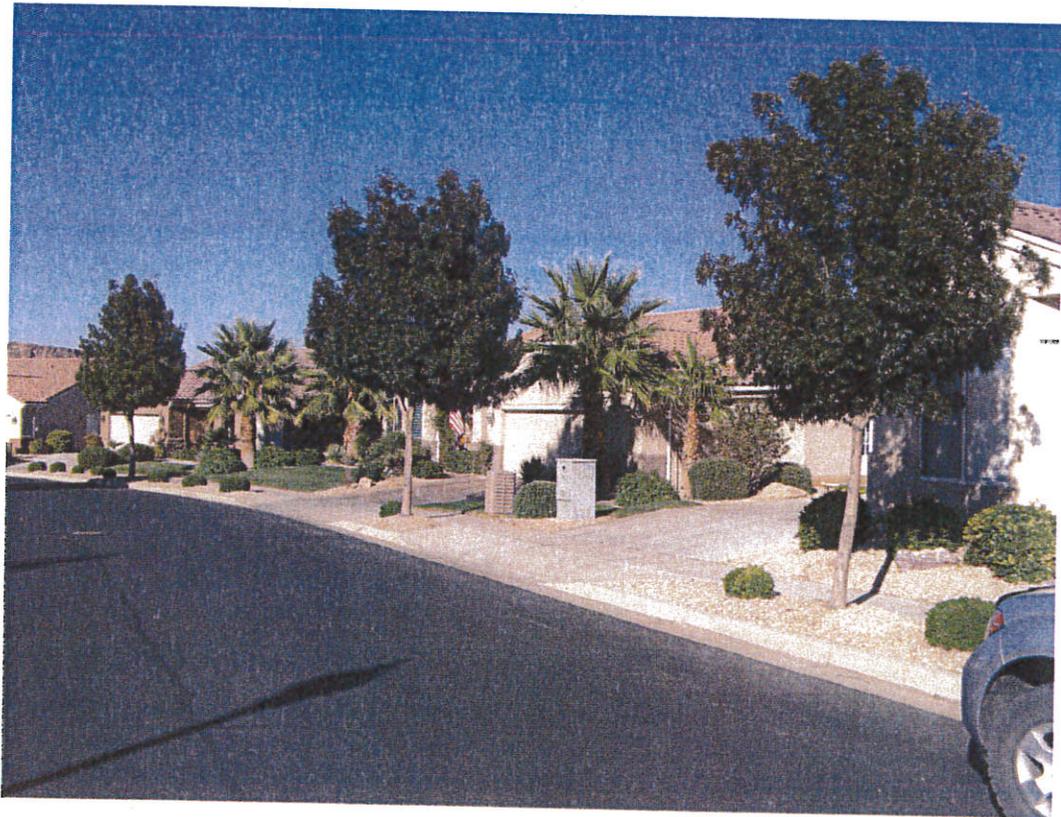
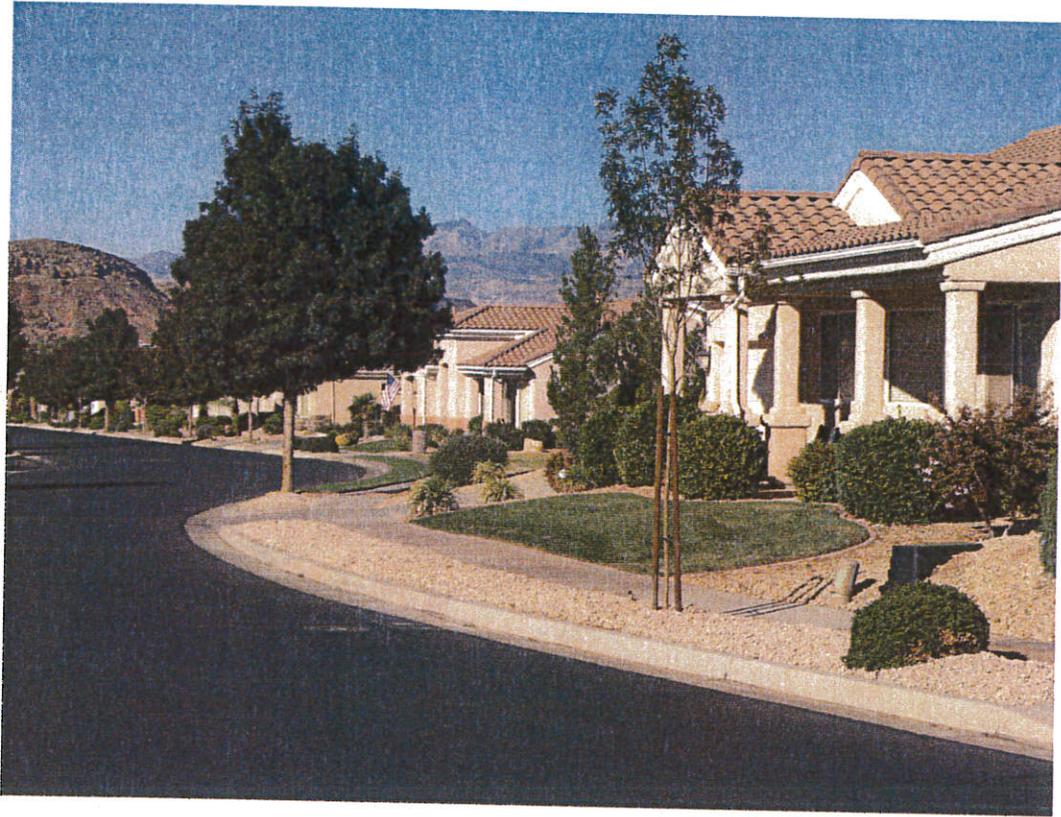
We don't anticipate signage needs more than already allowed by the standard City sign ordinance.

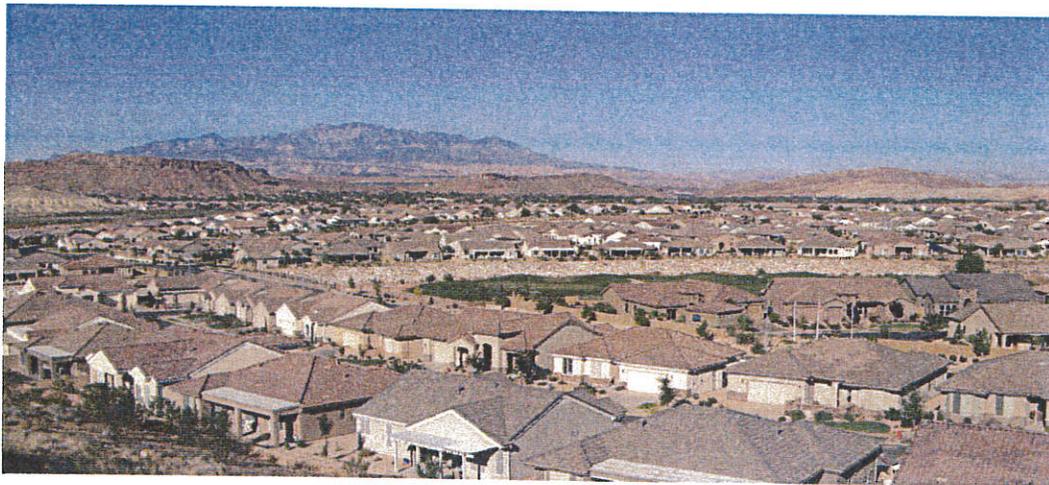
Like the original Interchange PD, this amendment includes photographs of example projects that are representative of the architectural and landscape character of the overall residential and commercial areas. Prior to the construction of any individual commercial project the Trust or developer/builder will submit a detailed building elevation and site plan for review and approval by the City.

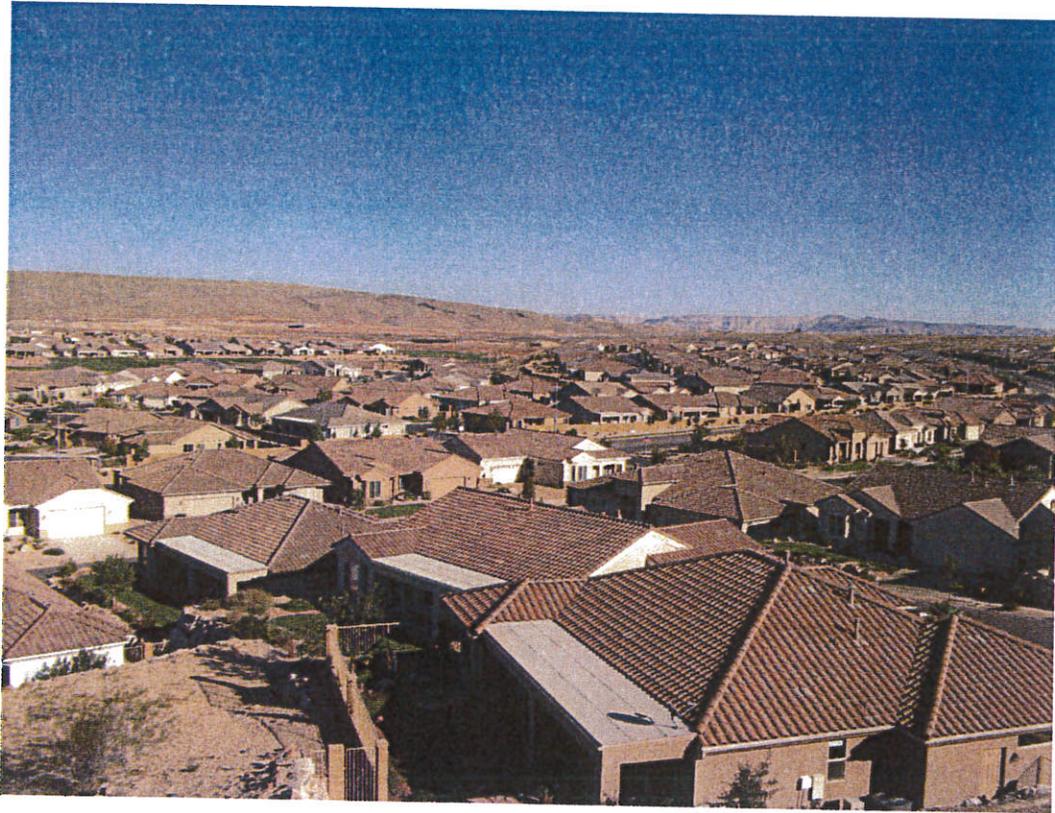
Residential Areas - landscaping, elevation, and materials examples











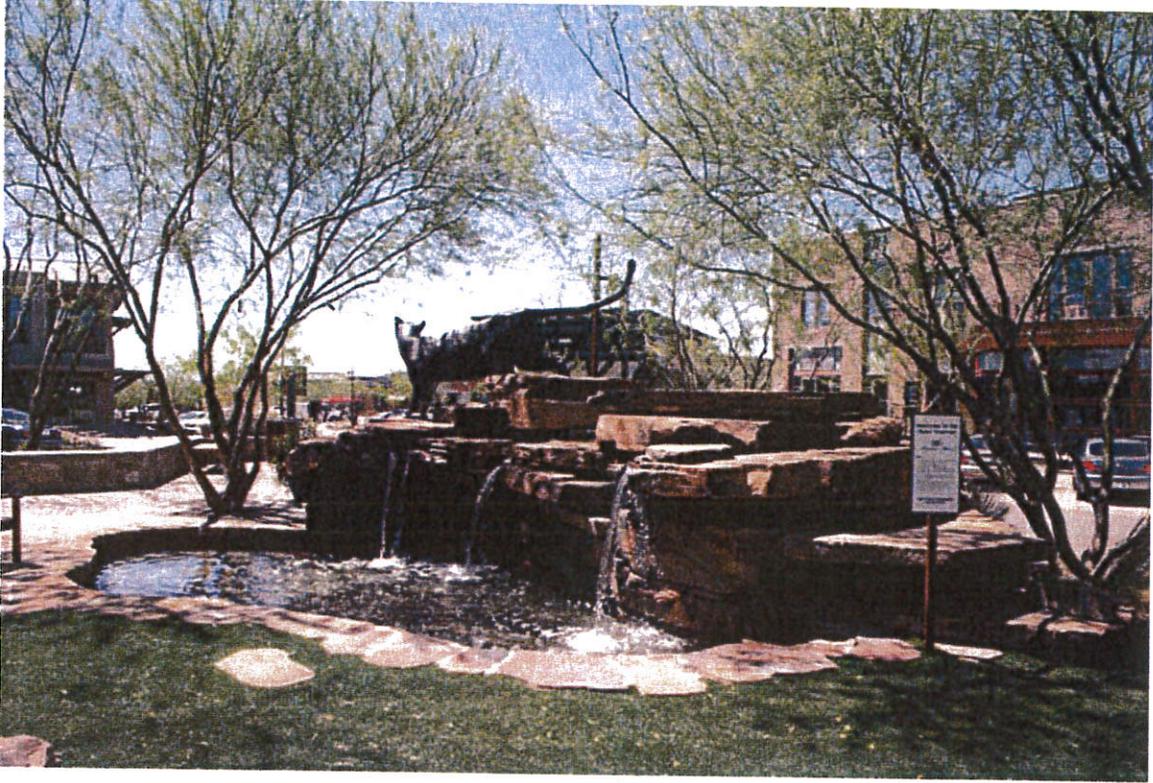


Community Commercial - landscaping, elevation, and materials examples



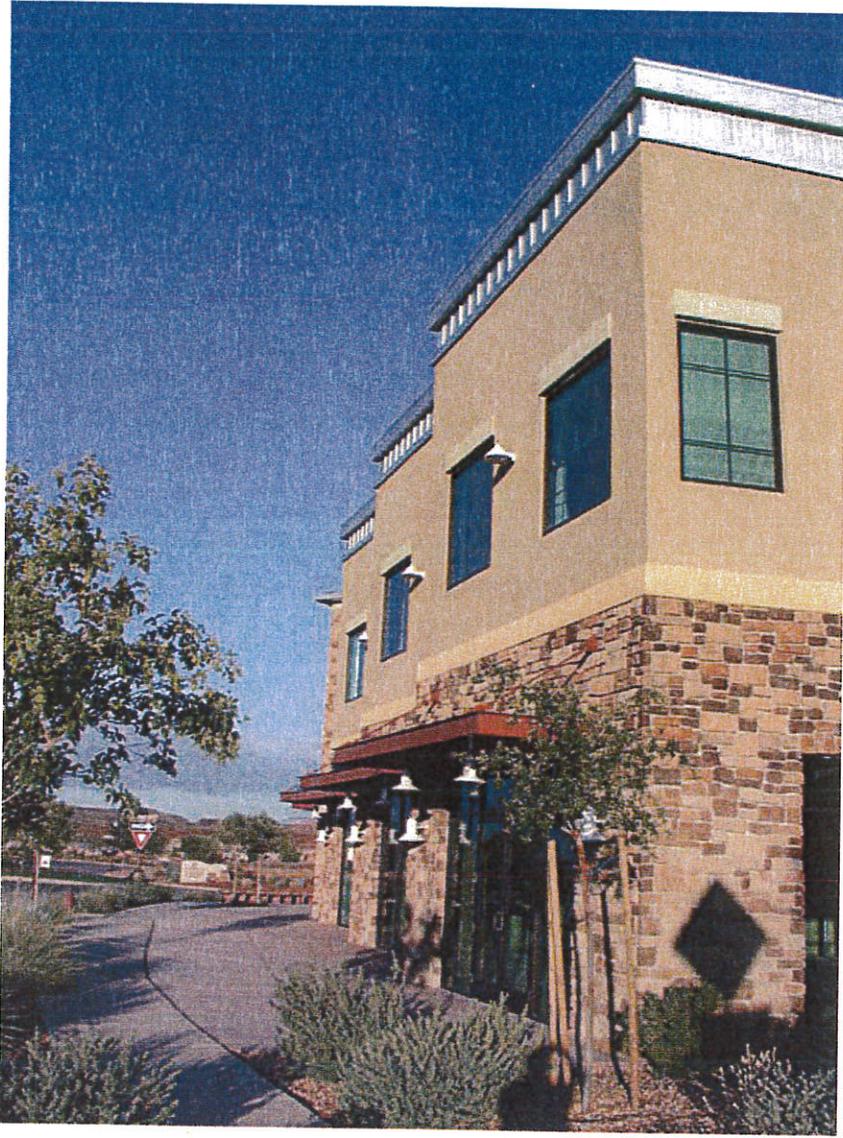


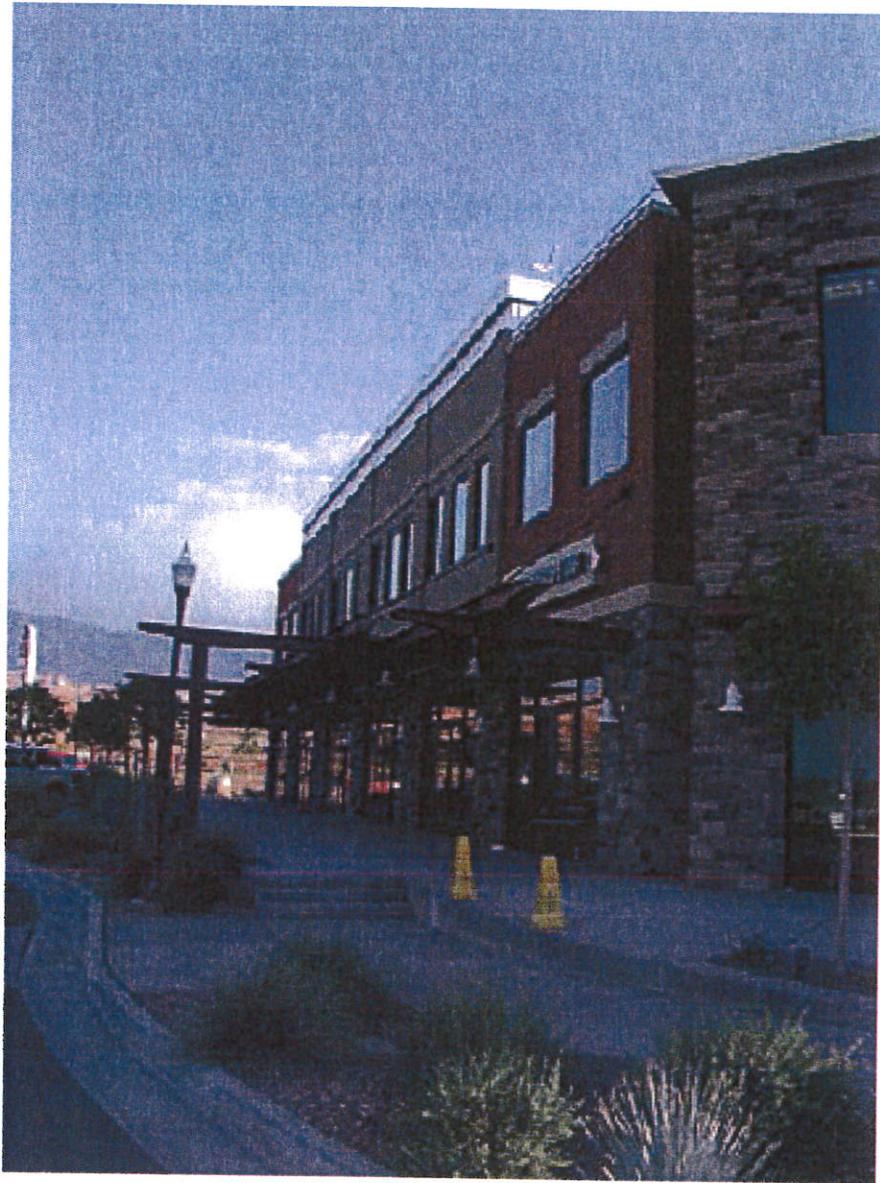












ITEM 4A

CUP / Tow & Impound Yard

PLANNING COMMISSION AGENDA REPORT: **2/24/2015**

CONDITIONAL USE PERMIT

Freedom Towing & Impound Yard

Case # 2015-CUP-003

Request: A conditional use permit for permission to establish a towing and impound yard in the Ft Pierce Industrial Park.

Building: Existing buildings on property

Applicant (Lessee): Mr. Sterling Norton
Freedom Towing
696 N Star Drive
St George, Utah 84790

Zone: M-1 (Industrial)

General Plan: Industrial

Location: 4379 Progressive Drive

Ordinance (Use): Zoning Ordinance Title 10, Chapter 11 “Manufacturing” Section 10-11-2 “Uses”

In the following list of possible uses, those designated in any zone as "P" will be a permitted use. Uses designated with the letter "C" are allowed on a conditional use basis. Uses designated as "N" will not be permitted in that zone.

	M-1	M-2
ATVs and parts sales and repair (indoor only)	N	P
Auto salvage yard, storage yards for wrecked or partially dismantled vehicles	C	N
Automobile repair shop	P	N

Ordinance (Screening): Per Zoning Ordinance Title 10, Chapter 11 “Manufacturing” Section 10-11-4 “Special Provisions” the old industrial park allows chainlike fencing with slats for screening (see below)

Contain all odors to meet city and state standards		C. Odors	<p>1. Comply with all air quality standards, state, federal and local.</p> <p>2. Use shall not create unusual or obnoxious odors beyond the property line.</p>
Any exterior materials to be approved by PC & CC		D. Aesthetics	<p>1. Blend harmoniously with the neighborhood so the use does not change the characteristics of the zone and the impact of the use on surrounding properties is reduced.</p>
		E. Safety	<p>1. Take the necessary measures to avoid or mitigate any safety problems created by the use, including problems due to traffic, rockfall, erosion, flooding, fire, hazardous materials, or related problems.</p> <p>2. Uses shall not locate within the 100-year floodplain as identified by FEMA unless expressly recommended by the city engineer in conformance with city engineering standards and all state, local and federal laws.</p>
PC to Discuss traffic as required.		F. Traffic	<p>1. Traffic increases due to the conditional use shall not cause streets or nearby intersections to fall more than one grade from the existing level of service grade or fall below a level of service "D".</p> <p>2. Uses shall follow city access management standards and not create hazards to other drivers or pedestrians.</p>
Existing building – no change	X	G. Height	<p>1. Buildings shall fit into the overall context of the surrounding area.</p> <p>2. Photo simulations are required showing all sides of the building(s) and showing how the building fits into the surrounding area to include not less than five hundred feet (500') in all directions from the building and including its relationship to nearby ridges, hills, and buildings.</p>
	X	H. Hours of Operation	<p>1. Nonresidential uses operating in proximity to or within a residential zone shall limit hours of operation so as not to disturb the peace and quiet of the adjacent residential area.</p>
	X	I. Saturation / Spacing	<p>1. To the extent feasible, nonresidential uses allowed in residential zones as conditional uses shall be dispersed throughout the community rather than concentrated in certain residential areas.</p>
		J. Maintain Character and purpose of zone	<p>1. Uses shall be consistent with the character and purpose of the zone within which they are located.</p>
Comply with State standards		K. Public Health	<p>1. Use shall comply with all sanitation and solid waste disposal codes.</p> <p>2. Use shall not create public health concerns. (Ord. 2007-01-001, 1-4-2007)</p>



Freedom Towing is currently located at 756 N Dixie Dr in St. George, and is looking to move and expand the operation to 4379 Progressive Dr also in St. George. This New location will include a second towing operation (Freedom Towing 2)

We offer only Towing services, providing immediate transport of disabled vehicles to local repair facilities, and temporary securement of police seized vehicles. There are typically 6-20 vehicles that are secured at any given time, awaiting the owner to retrieve their car. As such the average vehicle is stored for 2-10 days, after 30 days the vehicle is auctioned, re titled and / or sold. We do not do any auto salvage, vehicle dismantling, or any sales of used car parts.

The new property has block walls, landscaping, paved parking, and is well out of the way compared to the current location. Here we will have our main office, A second Towing Operation (Freedom Towing 2) and secure place to park our equipment.

Please feel free to call with any questions.

Thank You,

Sterling Norton - owner

Freedom Towing Inc. 435-680-7111



Ft. Pierce Industrial Park Owner's Association

335 East St. George Boulevard, Ste. 301
St. George, UT 84770
P(435)688-9740/Fax(435)688-9741

February 2, 2015

Mr. John Costanza
JCOST Holdings, LLC
PO Box 3122
St. George, UT 84771

Re: Lot 138, Freedom Towing Final Approval

VIA US MAIL AND EMAIL

Dear John:

Thank you for your submittal of both signage and fence slat material in response to our letter dated January 27, 2015.

As submitted, the materials have been approved by the Board of Trustees. Please see the attached signage proof that was submitted.

If you have any further questions, please don't hesitate to contact me at your convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven Jennings". The signature is fluid and cursive, with a large initial "S" and "J".

Steven Jennings, Secretary



Ft. Pierce Industrial Park Owner's Association

335 East St. George Boulevard, Ste. 301
St. George, UT 84770
P(435)688-9740/Fax(435)688-9741

January 27, 2015

Mr. John Costanza
JCOST Holdings, LLC
PO Box 3122
St. George, UT 84771

Re: Lot 138, Freedom Towing Request for Approval

VIA US MAIL AND EMAIL

Dear John:

This letter is in response to your recent request for approval of the proposed use by Freedom Towing of your building located on lot 138 of the Fort Pierce Industrial Park. We appreciate the request, and your willingness to work with the Board is greatly appreciated.

The request, as outlined in the attached letter from Mr. Sterling Norton, has been approved. As part of this approval, please note the following contingencies:

1. Future signage to be associated with this project must be approved in writing by the Board of Trustees.
2. It is assumed that there is sufficient existing parking to comply with parking requirements under section 6.10 of the CC&R's as well as any applicable St. George City zoning requirements. Please note that if additional parking is needed in the future, this may be an issue. Please also be aware that the paved parking area in front of the building is to be used for short-term employee/customer parking only.
3. Section 6.4 of the CC&R's expressly prohibits both the salvage, wrecking, or stripping of vehicles and the storage or parking of a vehicle outside the building for more than 90 consecutive days. It is preferable, however, that the vehicles not remain longer than 30 days as outlined in the attached letter. These provisions must be complied with as a contingency to this approval.
4. As represented by Mr. Norton, all wrecked vehicles stored on the lot for short time periods must be stored behind the building and out of view

from the street. If there are complaints in the future, the Board may re-address this issue.

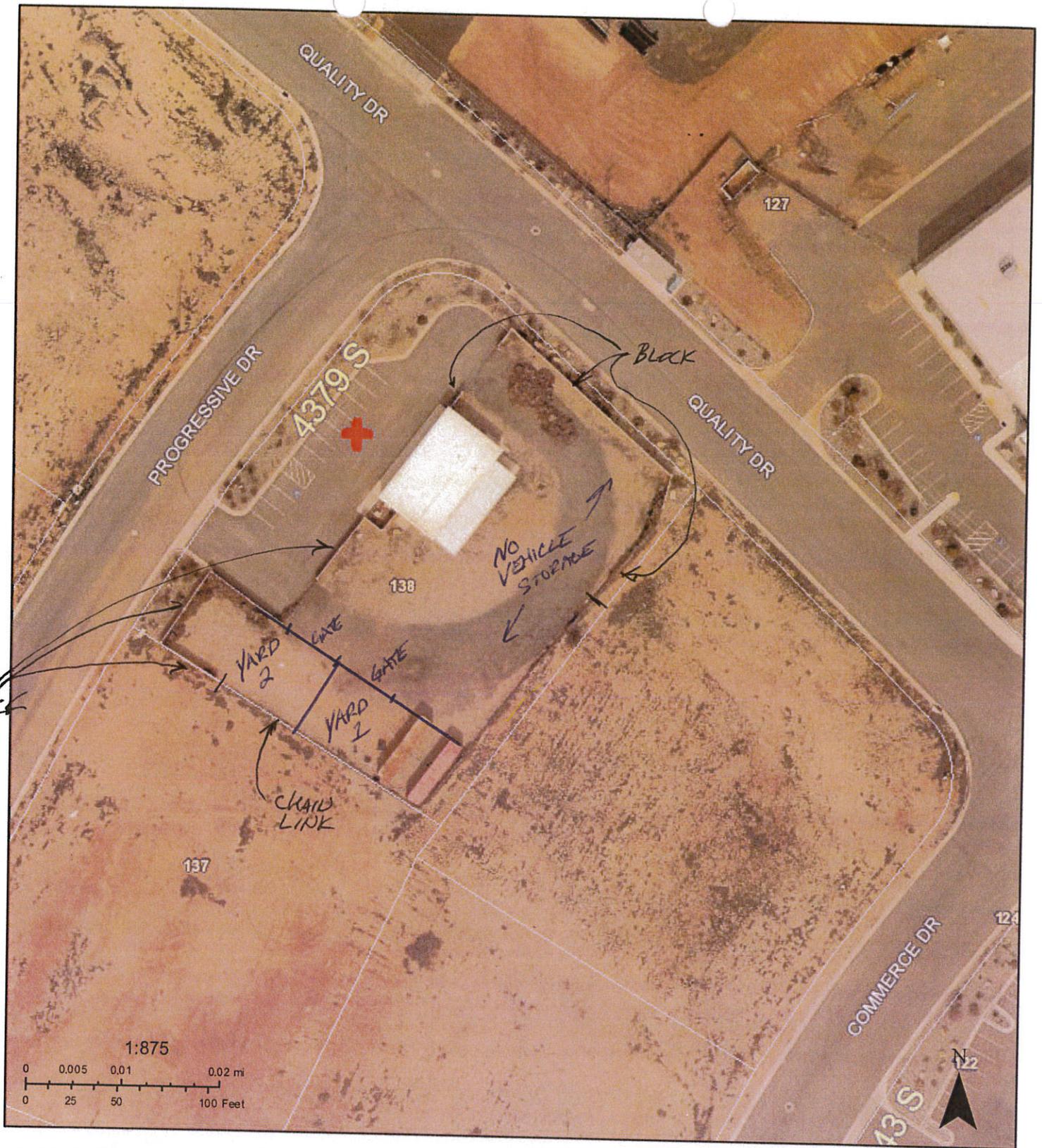
5. In reference to section 6.5(k) of the CC&R's, the Board is requiring that the chain-link fencing around the property, including the two entrance gates, be screened with opaque slats or another similar application. Material is to be approved by the Board.

Please return, in writing, your acceptance of these contingencies for a final approval to be issued. If you have any further questions regarding these issues, please don't hesitate to contact me at your convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven Jennings", written in a cursive style.

Steven Jennings, Secretary



ITEM 4B

CUP / Garage Height

PLANNING COMMISSION AGENDA REPORT: 02/24/2015

CONDITIONAL USE PERMIT

Case No. 2015-CUP-004

Request: To construct a **detached accessory structure** with a maximum ridge height of approximately twenty-one feet (21') and wall height of approximately fourteen feet (14') for personal auto and RV storage. The structure will be lap siding with a tile roof and be 1,000 sq. ft. (50 ft. x 20 ft.)

Property: The property is located at 2479 east 3860 south.

Applicant: Jared Wade
2479 east 3860 south
St George, Utah 84790

Zoning: RE-37.5 (Residential Estates)

Ordinance: The Title 10, Chapter 7A "HEIGHT REGULATIONS," Section 10-7A-4:B. reads: "*No accessory building shall be erected to a height greater than fifteen feet (15') unless reviewed by the planning commission and approved by the city council as a conditional use permit.*" This structure will be ± twenty one feet (21') in height, thus necessitating the purpose of this conditional use permit request.

The proposed structure has a fourteen (14') feet high building wall and approximately twenty-one (21') feet overall height, thus necessitating the purpose of this conditional use permit request. The RE-37.5 zoning district has specific regulations for accessory structures and does allow accessory structures to be setback two (2') feet from property line. The applicant is proposing a ten (10) feet setback from rear and side property line and is locate out of all easements.

Adj. Land: Single-family residences

Notice: Notice letters were sent to property owners within a 300 ft. radius and notice was posted in four (4) public places: the City website, State website, and on two (2) bulletin boards in the City.

Comments:

1. The property is an interior lot with frontage & access on 3860 south street.
2. According to the applicant, the garage will be for personal auto and RV storage.
3. The proposed detached structure will be setback 10 ft. from the rear and side property line. Proposed side and rear yard setback is in

compliance with code. RE-37.5 zoning district does not require a greater setback due to a higher wall, nor does it limit the height of walls. The structure will be approximately 79' feet from the existing home.

4. The proposed height to the ridge is twenty-one feet (21') to accommodate an RV.
5. The proposed structure will not encroach onto any City easements.
6. The detached structure will be constructed of wood with a lap siding exterior finish and a tile roof. The proposed garage does match the exterior finishes of the main house.

Findings: The following standards must be met to mitigate the reasonably anticipated detrimental effects **if imposed** as a condition of approval:

Yes	N/A	Category	Description
	N/A	A. Noise	1. Excessive noise (unwanted or undesired sound) can cause serious impacts to health, property values, and economic productivity. Conditional uses shall not impose excessive noise on surrounding uses. "Excessive noise" generally means noise that is prolonged, unusual, or a level of noise that in its time, place and use annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.
	N/A	B. Dust	1. Comply with all air quality standards, state, federal and local. 2. Use shall not create unusual or obnoxious dust beyond the property line.
	N/A	C. Odors	1. Comply with all air quality standards, state, federal and local. 2. Use shall not create unusual or obnoxious odors beyond the property line.
The detached structure will be constructed of lap siding and a tile roof.		D. Aesthetics	1. Blend harmoniously with the neighborhood so the use does not change the characteristics of the zone and the impact of the use on surrounding properties is reduced.
	N/A	E. Safety	1. Take the necessary measures to avoid or mitigate any safety problems created by the use, including problems due to traffic, rock fall, erosion, flooding, fire, hazardous materials, or related problems. 2. Uses shall not locate within the 100-year floodplain as identified by FEMA unless expressly recommended by the city engineer in conformance with city engineering standards and all state, local and federal laws.
	N/A	F. Traffic	1. Traffic increases due to the conditional use shall not cause streets or nearby intersections to fall more than one grade from the existing level of service grade or fall below a level of service "D". 2. Uses shall follow city access management standards and not create hazards to other drivers or pedestrians.
The detached structure will be approximately 21 feet in height.		G. Height	1. Buildings shall fit into the overall context of the surrounding area. 2. Photo simulations are required showing all sides of the building(s) and showing how the building fits into the surrounding area to include not less than five hundred feet (500') in all directions from the building and including its relationship to nearby ridges, hills, and buildings.
	N/A	H. Hours of Operation	1. Nonresidential uses operating in proximity to or within a residential zone shall limit hours of operation so as not to disturb the peace and quiet of the adjacent residential area.
	N/A	I. Saturation / Spacing	1. To the extent feasible, nonresidential uses allowed in residential zones as conditional uses shall be dispersed throughout the community rather than concentrated in certain residential areas.

2015-CUP-004
 Detached Accessory Structure
 Page 3 of 2

This detached structure is within the existing character of the residential estate zone.		J. Maintain Character and purpose of zone	1. Uses shall be consistent with the character and purpose of the zone within which they are located.
	N/A	K. Public Health	1. Use shall comply with all sanitation and solid waste disposal codes. 2. Use shall not create public health concerns. (Ord. 2007-01-001, 1-4-2007)

CONDITIONAL USE PERMIT
APPLICATION & CHECKLIST



I. PROPERTY OWNER(S) / APPLICANT INFORMATION

APPLICANT: JARED WADE
(If different than owner)

MAILING ADDRESS: 2479 E. 3860 SOUTH

PHONE: 801-230-3591 CELL: SAME FAX: _____

E-MAIL ADDRESS: Jwadeantagooff@gmail.com

LOCATION OF SUBJECT PROPERTY: 2479 E 3860 S.

CONTACT PERSON / REPRESENTATIVE (if applicable): SAME
(If different than owner)

MAILING ADDRESS: _____

PHONE: _____ CELL: _____ FAX: _____

E-MAIL ADDRESS: _____

II. PROPERTY INFORMATION

ZONING: RESIDENTIAL ^{REF 735} SUBDIVISION: Meadow Valley

TAX I.D. NUMBER (PARCEL SERIAL NUMBER): SC-MVF-1-4

EXISTING USE: RESIDENTIAL
Use of property and/or Buildings

PROPOSED USE: RESIDENTIAL
Use of property and/or Buildings.

OFFICE STAFF USE ONLY
CASE NO. 2014-CUP-004 FILING DATE: 2/11/15 RECEIVED BY: [Signature] RECEIPT: _____
FEE: \$300.00 – PAYABLE BY CHECK OR MONEY ORDER. CASH WILL NOT BE ACCEPTED

III. SUBMITTAL CHECKLIST

- 1. General Information Form - completed. (*This application-first page*)
- 2. Mailing Labels - Property Owner's (*The mailing labels can be obtained from the Washington County Recorder's Office*)
- 3. Radius Map – Property Owner's- identifying all properties within the required 300 ft. radius. (*The radius map can be obtained from the Washington County Recorder's Office*).
- 4. Narrative - minimum one (1) page of proposed use. (*ALL projects*).
- 5. Two (2) copies of the Subdivision Plat.
- 6. Two (2) copies of the Site Plan – minimum size 22" x 34" (ANSI D).
- 7. Two (2) copies of the Elevation(s) – minimum size 22" x 34" (ANSI D) for building height requests
- 8. One (1) copy (each) - 8-1/2" x 11" reduction of the subdivision plat and site plan.
- 9. One (1) copy - 8-1/2" x 11" reduction of the elevation(s) for building height requests.
- 10. Color and Materials Board (*or approved equivalent as required*).
- 11. Payment of \$300.00 filing fee by Check or Money Order .

IV. SITE PLAN REQUIRED INFORMATION CHECKLIST

- 1. Current address of project, County Assessor's parcel number(s), and the applicant's and plan preparer's name, address, email address, phone and fax numbers.
- 2. North Arrow and scale.
- 3. Property Lines, with dimensions, and the location, width and description of any easements.
- 4. Existing and proposed streets, including names, centerlines, widths, and future rights of way and improvements.
- 5. Show existing fire hydrants within 300 feet of the project site.
- 6. Show proposed Fire Department access lane(s) (*if applicable*).
- 7. Show and dimension all existing and proposed buildings and structures;
 - Show distances between existing and/or proposed buildings.
 - Show distances from existing and/or proposed buildings to property line.
 - Show all required and proposed building setback lines.
 - Show any nearby buildings, proposed or existing, within 30 feet of the subject property lines.
 - Show proposed walls, fences, trash enclosures, accessory buildings, etc.
- 8. Show proposed and existing parking, driveways and on-site access points (where applicable show any off-site parking within the vicinity). Indicate width of driveways and drive aisles, and show distances between driveways. Show parking space dimensions, handicapped accessible spaces, and indicate one-way and two-way drive aisles.
- 9. Show any significant natural features such as rock outcroppings and water courses.
- 10. Show proposed landscaping, including quantity and, locations; a separate landscaping plan may be substitutes instead of showing information on the site plan.
- 11. Show locations and dimensions of pedestrian access ways, loading areas, and access to service areas.

- 12. Show proposed lighting fixtures in parking areas, adjacent to walkways, and on buildings, and indicate type.
- 13. Show all existing and proposed public improvements, including water, sewer, catch basins, curbs, gutters, sidewalks, street lights, signals, power lines, utility vaults, and utility poles.
- 14. Show existing contour lines and proposed contour lines indicating finished grade on the site; a grading plan may be substituted instead of showing contours on the plan, if desired.
- 15. Show location of on-site and off-site drainage, both existing and proposed.
- 16. Provide a **legend** (data box) on the site plan that includes:
 - a. Current Zoning
 - b. Total lot square footage
 - c. Total building square footage
 - d. Percentage of Lot Coverage
 - e. Setbacks (Existing and/or Proposed)
 - f. Building Height (Proposed)
 - g. Parking (show calculations)
 - h. Open Space
 - i. Landscaping (show calculations and % of coverage)
 - j. Proposed Use (e.g. restaurant, retail, office, etc.)(show square footage allocated to each use within building(s).
 - k. For multiple family residential projects; include unit type, number of bedrooms, square footage per unit, unit mix, etc.
 - l. Indicate the intended occupancy type of all buildings.
 - m. Identify building sprinkled and/or non-sprinkled

V. GENERAL STANDARDS FOR APPROVAL OF CONDITIONAL USES (Section 10-17-7)

The following standards must be met to mitigate the reasonably anticipated detrimental effects **if imposed** as a condition of approval: *(if category applies, attach a separate sheet with explanation)*

Yes	N/A	Category	Description
		A. Noise	1. Excessive noise (unwanted or undesired sound) can cause serious impacts to health, property values, and economic productivity. Conditional uses shall not impose excessive noise on surrounding uses. "Excessive noise" generally means noise that is prolonged, unusual, or a level of noise that in its time, place and use annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.
		B. Dust	1. Comply with all air quality standards, state, federal and local. 2. Use shall not create unusual or obnoxious dust beyond the property line.
		C. Odors	1. Comply with all air quality standards, state, federal and local. 2. Use shall not create unusual or obnoxious odors beyond the property line.
		D. Aesthetics	1. Blend harmoniously with the neighborhood so the use does not change the characteristics of the zone and the impact of the use on surrounding properties is reduced.
		E. Safety	1. Take the necessary measures to avoid or mitigate any safety problems created by the use, including problems due to traffic, rock fall, erosion, flooding, fire, hazardous materials, or related problems.

			2. Uses shall not locate within the 100-year flood plain as identified by FEMA unless expressly recommended by the city engineer in conformance with city engineering standards and all state, local and federal laws.
		F. Traffic	1. Traffic increases due to the conditional use shall not cause streets or nearby intersections to fall more than one grade from the existing level of service grade or fall below a level of service "D". 2. Uses shall follow city access management standards and not create hazards to other drivers or pedestrians.
		G. Height	1. Buildings shall fit into the overall context of the surrounding area. 2. Photo simulations are required showing all sides of the building(s) and showing how the building fits into the surrounding area to include not less than five hundred feet (500') in all directions from the building and including its relationship to nearby ridges, hills, and buildings.
		H. Hours of Operation	1. Nonresidential uses operating in proximity to or within a residential zone shall limit hours of operation so as not to disturb the peace and quiet of the adjacent residential area.
		I. Saturation / Spacing	1. To the extent feasible, nonresidential uses allowed in residential zones as conditional uses shall be dispersed throughout the community rather than concentrated in certain residential areas
		J. Maintain Character and purpose of zone	1. Uses shall be consistent with the character and purpose of the zone within which they are located.
		K. Public Health	1. Use shall comply with all sanitation and solid waste disposal codes. 2. Use shall not create public health concerns. (Ord. 2007-01-001, 1-4-2007)

VI. COMMENTS

1. Please be aware that, if determined necessary by City staff, additional information and/or special studies may be required to review the project. These studies may include, but not be limited to: a soils report, hydrology report, traffic study, etc.

2. Until the following information is submitted, your application will be considered incomplete:

3. The applicant has the ability and intention to **utilize said CONDITIONAL USE PERMIT within twelve (12) months from date of final approval** by the City Council; and the applicant understands this **CONDITIONAL USE PERMIT** application, if granted, becomes null and void and of no effect if unused within twelve (12) months from the date of filing the application, or if any time after granting the use is discontinued for a period of twelve (12) months, or developed by someone other than the applicant
4. A **CONDITIONAL USE PERMIT** approval does not eliminate the necessity of obtaining a building permit, which is required for construction of all buildings in the project.

5. Are there any deed restrictions affecting the use of the property involved? Give the expiration date of these restrictions, if applicable.

6. Required site improvements such as pavement for parking areas, curb and gutter, privacy walls, landscaping, storm drain facilities, and all other improvements required under City Ordinance shall be completed prior to the issuance of a certificate of occupancy or approval for permanent electric power service. In the event such improvements cannot be completed prior to receiving permanent or a certificate due to weather conditions or other unusual circumstances, a financial guarantee in the form of a cashiers check, bond, escrow, or other financial guarantee acceptable to the City attorney shall be provided to the City guaranteeing that such improvements will be fully completed within ninety (90) days of the issuance of permanent power and/or a certificate of occupancy.

VII. APPLICANT AGREEMENT

I (we) have read and understood the requirements of this application and all information is true and accurate to the best of my (our) abilities.

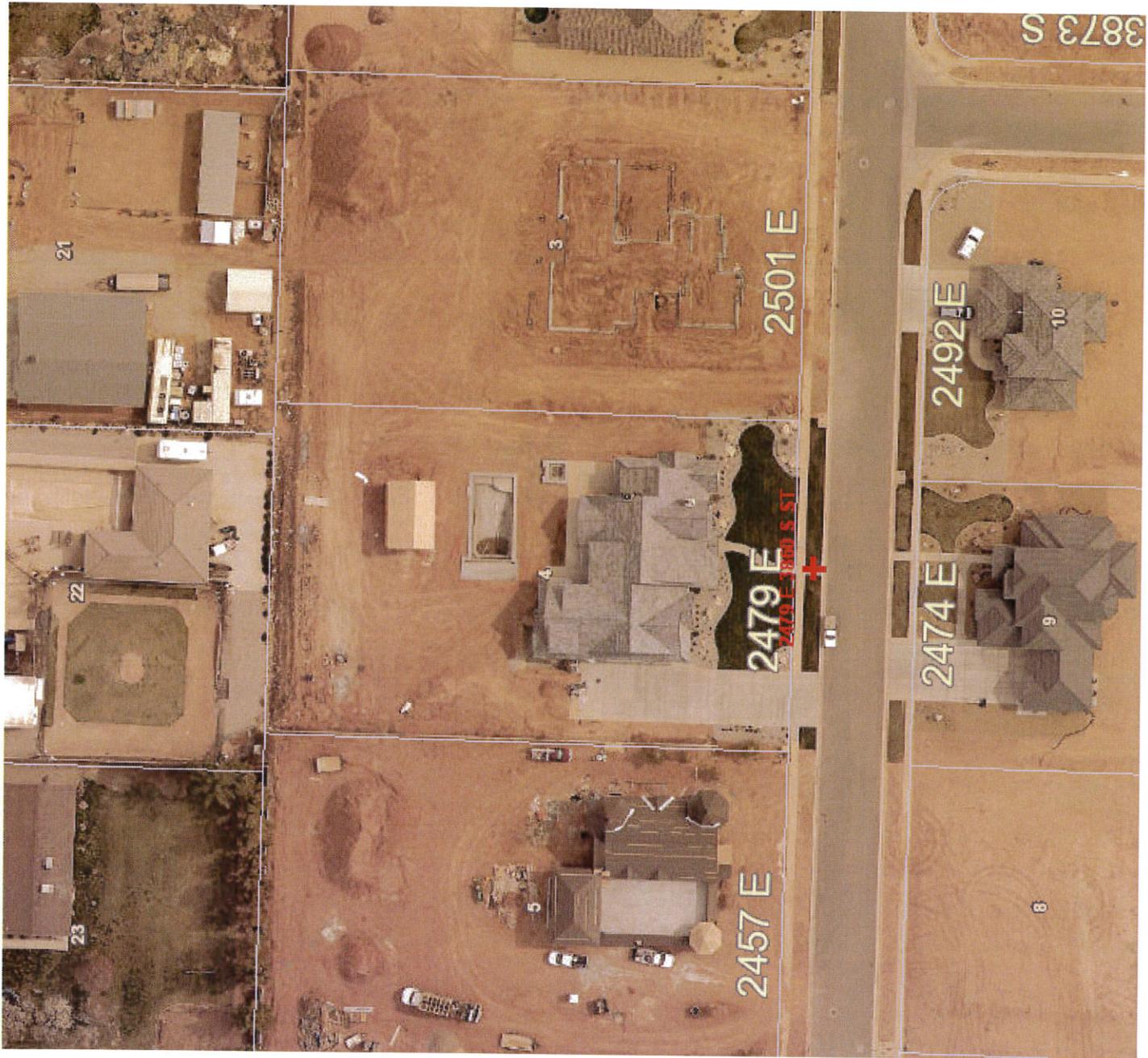
Signature

Date

2-11-15

Signature

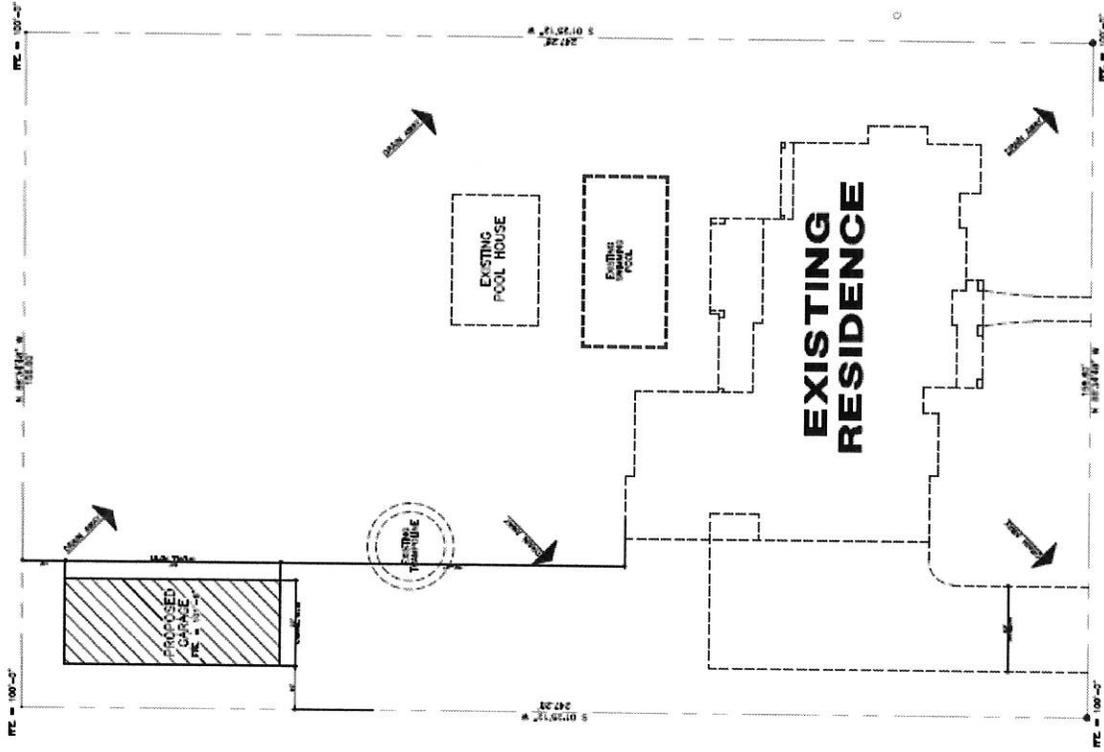
Date



Overhead View

ALL DIMENSIONS, PERCENTS, VOLUMES, COMPACTON, ETC.) ALL WORK MUST FOLLOW IBC AND LOCAL CODES.

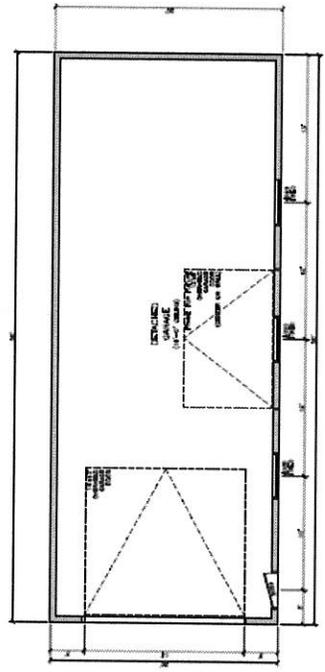
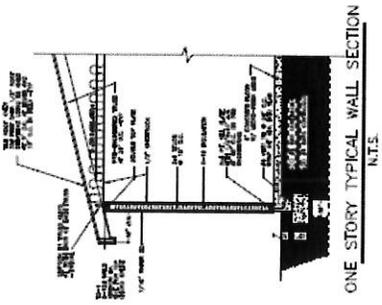
LOT 4



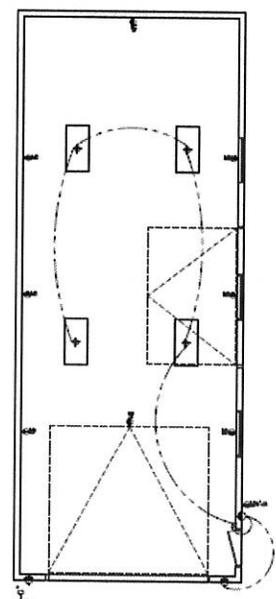
3860 SOUTH STREET

 **1**
CS.1
SITE SCALE: 1/16"=1'-0"
PLAN

Site Plan

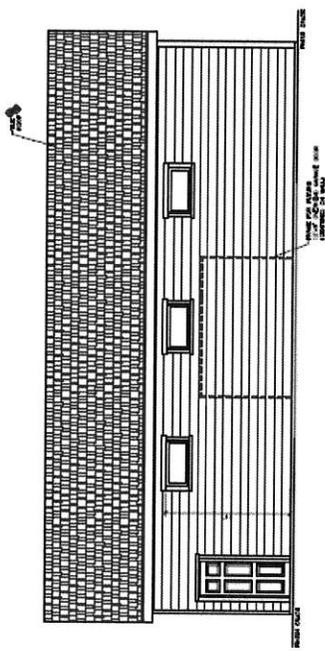


5 MAIN FLOOR PLAN
SCALE 3/16"=1'-0"

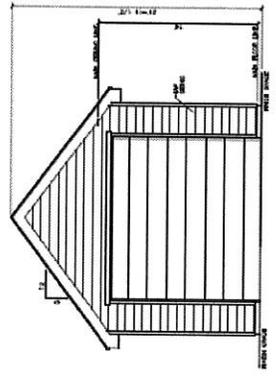


6 ELECTRICAL PLAN
SCALE 3/16"=1'-0"

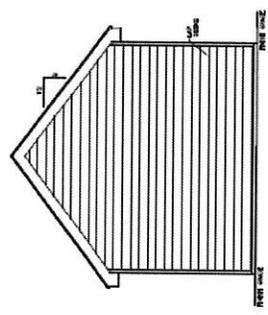
1	2	3	4	5	6



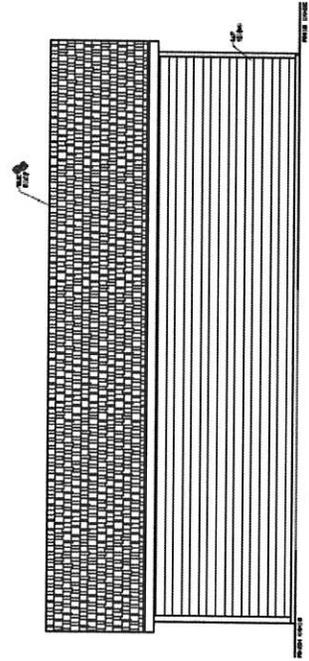
1 RIGHT ELEVATION
SCALE 3/16"=1'-0"



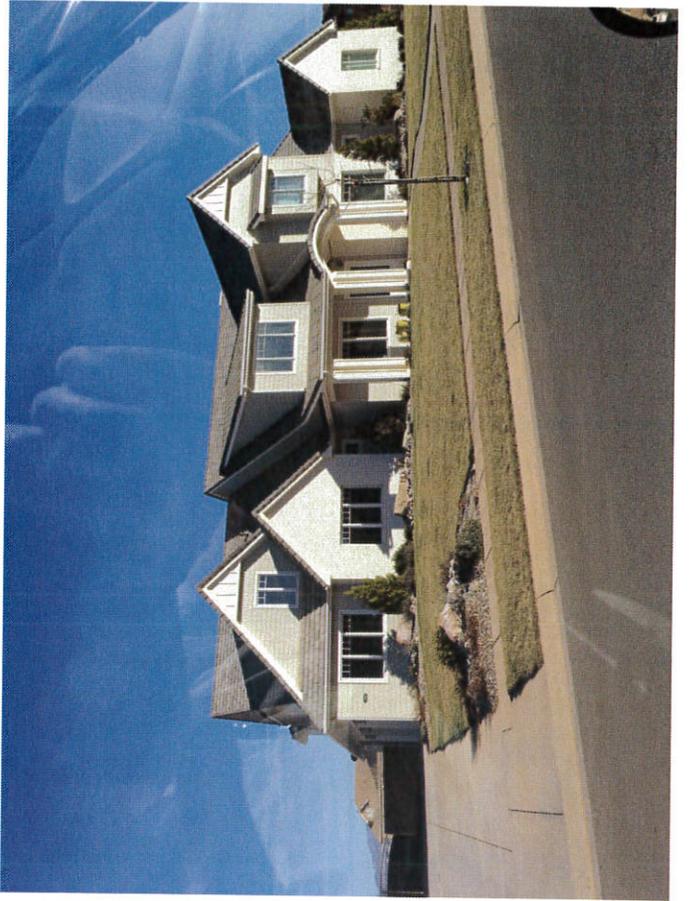
2 FRONT ELEVATION
SCALE 3/16"=1'-0"



3 REAR ELEVATION
SCALE 3/16"=1'-0"



4 LEFT ELEVATION
SCALE 3/16"=1'-0"



**PLANNING COMMISSION
CITY OF ST. GEORGE
WASHINGTON COUNTY, UTAH
September 16, 2014 – 5:00 PM**

PRESENT:

Chairman Ross Taylor
Commissioner Ro Wilkinson
Commissioner Don Buehner
Commissioner Nathan Fisher (*entered at 5:03 pm*)
Commissioner Diane Adams
Commissioner Julie Hullinger
Commissioner Todd Staheli
Council Member Joe Bowcutt

CITY STAFF:

Assistant Director of Public Works Wes Jenkins
Planning Manager John Willis
Planner II Ray Snyder
Community Development Coordinator Bob Nicholson
Assistant City Attorney Victoria Hales (*entered at 5:04 pm*)
Planning Associate Genna Singh

EXCUSED:

City Surveyor Todd Jacobsen

FLAG SALUTE

Chairman Ross Taylor called the meeting to order at 5:01 pm and asked Commissioner Todd Staheli to lead the flag salute.

Ray Snyder asked to jump to the Conditional Use Permit for a Landmark Site (Item 3B).

If following along with the audio, please see Item 3B

1. **FINAL PLATS (FP)**

- A. Consider approval of a final plat for “**Desert Edge Phase 3**” a ten (10) lot residential subdivision. The representative is Mr. Brad Petersen, Development Solutions. The property is zoned PD-R (Planned Development Residential) and is located at approximately 6050 South and 3470 East (Desert Canyons development south of the Southern Parkway, Exit 6). Case No. 2014-FP-056. (Staff – Todd J.).

Wes Jenkins presented Item 1A.

Wes Jenkins added that when this plat records they will be required to dedicate open space equal to 15% of the area.

- B. Consider approval of a final plat for **“Desert View Phase 1”** a six (6) lot residential subdivision. The representative is Mr. Brad Petersen, Development Solutions. The property is zoned PD-R (Planned Development Residential) and is located at approximately 6080 South and 3390 East (Desert Canyons development south of the Southern Parkway, Exit 6). Case No. 2014-FP-050. (Staff – Todd J.).

Assistant City Attorney Victoria Hales returned at 5:36 pm

Wes Jenkins presented Item 1B.

Wes Jenkins added that this plat will also need to come in with open space dedication.

Councilman Joe Bowcutt asked if open space dedication will be a requirement for all of the plats out there.

Wes Jenkins responded yes, they're hoping to create a *bank* of open space but they don't have that dedicated yet.

- C. Consider approval of a final plat for **“Hoopes Subdivision”** a three (3) lot residential subdivision. The representative is Mr. Reid Pope, L.R. Pope Engineering. The property is zoned R-1-8 (Single Family Residential 8,000 square foot minimum lot size) and is located at approximately 650 East 600 South Street (downtown St. George). Case No. 2014-FP-058. (Staff – Todd J.).

Wes Jenkins presented Item 1C.

Wes Jenkins added there is the 25' staff that serves the two lots. It will either be common area or part of one of the lots. An easement will be dedicated for it for access. Both lots will maintain the access. There will also be a utility easement because sewer will come down the staff as well.

Councilman Joe Bowcutt asked what the requirement is for an emergency vehicle.

Wes Jenkins responded that 20' is the requirement.

- D. Consider approval of a final plat for **“Legends of Cactus Flats”** a twelve (12) lot residential subdivision. The representative is Mr. Roger Bundy, R & B Surveying. The property is zoned R-1-10 (Single Family Residential 10,000 square foot minimum lot size) and is located at approximately 2300 South and 2010 East Street (north of the LDS Church at 2079 East 2450 South Street). Case No. 2014-FP-030. (Staff – Todd J.).

Wes Jenkins presented Item 1D.

Wes Jenkins noted that there has been a change to this plat since the Preliminary Plat. The three lots by the church (10, 11, and 12) were going to be walk-out basements. As they have done construction it seems like the lots will be flat lots so that will need to be approved upon legal review. With the 3 flat lots the elevation is close to that of the church property's privacy wall. We have to have a note on the plat because lots 10, 11 and 12 will want a privacy wall but that wall would have to be set back half the height of the existing privacy wall.

Commissioner Don Buehner added that this has caused a lot of neighborhood concern. It looks like it's a drainage, erosion, and privacy problem. I don't know why they would be in favor of this.

Wes Jenkins said we haven't looked through it because it just came forward. They are trying to go away from the walkouts. We'll have to address that before the subdivision goes in. Commissioner Nathan Fisher stated that water must be a problem. Wes Jenkins noted that they are most likely leery of walk-out basements due to the market.

Chairman Ross Taylor asked how much fill has been brought in. Wes Jenkins said that it'll be 1' higher than street grade which would take the lots up to the privacy wall. Chairman Ross Taylor asked if the current wall can handle that. Wes Jenkins responded no, I don't know what the plan is now. They can't impose a load on the existing privacy wall. Chairman Ross Taylor asked if they are going to put another wall there. Wes Jenkins responded that we don't know yet.

Commissioner Don Buehner asked if for approval tonight does this issue need to be resolved. Wes Jenkins said we have to be comfortable with it. Commissioner Don Buehner asked if that issue is for tonight or not. Wes Jenkins said that typically it is part of the construction drawings and it may be a note on the final plat saying the wall has to be offset. Assistant City Attorney Victoria Hales added that they may not be able to meet the fence ordinance. Wes Jenkins said they can meet the ordinance if they step the fence back. Assistant City Attorney Victoria Hales countered that when that happens no one maintains the dead space.

Commissioner Don Buehner asked if the Planning Commission is approving levels. Wes Jenkins said the levels are changing. Had the original plan been graded for walk-out we would have had a note saying that the 3 lots had to be walkout unless otherwise approved by staff.

Commissioner Don Buehner asked if the concern then is this may be a disadvantage to the developer if we approve it now with potential legal and other problems. Wes Jenkins said the note probably isn't on there. Assistant City Attorney Victoria Hales said the plat before the Planning Commission has the note to be walk-out basements and that note has to stay until the developer asks to remove it. Commissioner Nathan Fisher added that it has to be developed that way then. Assistant City Attorney Victoria Hales said the 3 lots are noted as walk-out basements so they would have to build that way.

Commissioner Julie Hullinger asked if the item can be tabled until the issue is resolved. Commissioner Nathan Fisher said it would be approved with the walkout requirement. Assistant City Attorney Victoria Hales noted that she isn't sure if it's better for the developer to table or approve something that they do not want. Commissioner Nathan Fisher noted that he would have to come back to us either way. Assistant City Attorney Victoria Hales said that right now you're recommending approval with the three lots as walk-out basements.

Wes Jenkins added that if they change that they'll have to amend the final plat. Chairman Ross Taylor said if we approve tonight than the lots will be required to have walk-outs and he'll have to change it later. Commissioner Nathan Fisher stated that it is on the agenda so we would be guessing what he wants. We can only recommend approval or denial we can't table without his consent.

Assistant City Attorney Victoria Hales asked staff if he is changing his plan.

Wes Jenkins responded that is what we've heard.

Assistant City Attorney Victoria Hales said he can't change it via a text message. If we go forward today the Planning Commission can vote on the proposal before them, or postpone it if it doesn't conform to what he says he wants now.

Chairman Ross Taylor asked where this project is in the development process.

Wes Jenkins responded that the dirt work is done but they haven't installed curb and gutter.

Commissioner Don Buehner added that the grading has changed so much from what it was originally was that it's obvious it will be higher. The lots look like some look into other people's yards and it's all a little strange and not with just these three lots.

Commissioner Nathan Fisher asked how they can do that if they have to follow the construction drawings.

Wes Jenkins responded that they should follow the construction drawings.

Commissioner Nathan Fisher asked Commissioner Don Buehner if the lots are already built up.

Commissioner Don Buehner said yes, they are and in some areas the dirt is higher than the church's privacy wall.

Councilman Joe Bowcutt inserted that if it requires the extension and wall and such he's not planning on another wall being there. He'll have to dig up the dirt.

Commissioner Nathan Fisher repeated that we can't table without his permission.

Bob Nicholson inserted that that isn't correct.

Commissioner Nathan Fisher said his understanding was that tabling had to be with consent.

Bob Nicholson said we can table to get more information.

Commissioner Todd Staheli asked if there is a reason he's not here tonight.

Wes Jenkins replied he wasn't sure why the applicant isn't here.

Commissioner Don Buehner said that tabling would be to the benefit to the developer.

Chairman Ross Taylor noted that if he's making substantial changes he needs to describe the changes and how he's going to accommodate.

- E. Consider approval of a final plat for "**Oakwood Estates Phase 1**" a thirty-three (33) lot residential subdivision. The representative is Mr. Brad Petersen, Development Solutions. The property is zoned R-1-10 (Single Family Residential 10,000 square foot minimum lot size) and is located at approximately 3000 East and 3150 South (east side of 3000 East, Little Valley area). Case No. 2014-FP-055. (Staff – Todd J.).

Wes Jenkins presented Item 1E.

Wes Jenkins explained that they did change from the preliminary plat the detention basin lot. They want to move that basin to a future phase lot. What they're really hoping is for a storm drain to be installed to where they won't need a detention basin.

Assistant City Attorney Victoria Hales asked if there are any issues with the 15' landscape strip, grade changes or privacy wall.

Wes Jenkins said there may be an issue but I would have to look at it.

Assistant City Attorney Victoria Hales added that all the final plats are subject to legal approval.

- F. Consider approval of a final plat for **"River Stone Phase 4"** a twenty-one (21) lot residential subdivision. The representative is Mr. Brad Petersen, Development Solutions. The property is zoned R-1-10 (Single Family Residential 10,000 square foot minimum lot size) and is located at approximately 1000 West and 4100 South Street (Riverstone & Las Colinas development). Case No. 2014-FP-052. (Staff – Todd J.).

Wes Jenkins presented item 1F.

Wes Jenkins noted that most of the lots are less than 10,000 square feet in the Riverstone area so they don't meet the 50% lot requirement for lot size averaging. For lot size averaging at least 50% have to meet the zone's square footage requirement. This plat however was approved before the change to the ordinance.

Councilman Joe Bowcutt asked if they meet the requirement or not.

Wes Jenkins replied that the overall density for Riverstone works. Also, the lots on the south changed because land was transferred to Dixie Power.

Chairman Ross Taylor asked for a motion for Item 1D.

MOTION: Commissioner Don Buehner made a motion to table Item 1D due to the lack of information and confusion regarding the note that requires walk-out basements and the discrepancy on the ground that looks like one level and the lack of information with the plat that would support a one level plan; I move to table until we have more information.

SECONDED: Commissioner Diane Adams seconded the motion.

AYES (7)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chairman Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion carries, the item will be tabled until the next Planning Commission meeting.

MOTION: Commissioner Julie Hullinger made a motion to recommend approval of Items 1A, 1B, 1C, 1E, 1F all subject to legal approval and authorize chairman to sign.

SECONDED: Commissioner Todd Staheli seconded the motion.

AYES (7)

Commissioner Ro Wilkinson
Commissioner Don Buehner
Chairman Ross Taylor
Commissioner Nathan Fisher
Commissioner Diane Adams
Commissioner Julie Hullinger
Commissioner Todd Staheli
NAYS (0)
Motion carries.

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

Consider approval of a final plat amendment for “**Las Colinas Phase 3 Amended and Extended**” to amend a previously recorded residential subdivision Final Plat. The representative is Mr. Brad Petersen, Development Solutions. The property is zoned PD-R (Planned Development Residential) and is located at 890 West Street and Las Colinas Drive (Riverstone & Las Colinas developments). Case No. 2014-FPA-047. (Staff – Todd J.)

Wes Jenkins presented Item 2.

Wes Jenkins explained the purpose of this amendment is to increase two lot sizes for larger houses. They are pulling property from a future phase of Riverstone and adding it here to Las Colinas. This does not require a public hearing as they obtained 100% consent for the change.

MOTION: Commissioner Nathan Fisher made a motion to recommend approval of Item 2 a Final Plat Amendment and authorize chairman to sign.

SECONDED: Commissioner Diane Adams seconded the motion.

AYES (7)

Commissioner Ro Wilkinson
Commissioner Don Buehner
Chairman Ross Taylor
Commissioner Nathan Fisher
Commissioner Diane Adams
Commissioner Julie Hullinger
Commissioner Todd Staheli

NAYS (0)

Motion passes.

Discussion continued on the Landmark Site. If listening to the audio, please see Item 3B

3. **CONDITIONAL USE PERMIT**

A. Consider a request for a Conditional Use Permit to construct a **detached garage** with a maximum ridge height of approximately twenty-four feet six inches (24'-6"). The

structure will be similar materials and color to the existing home and have 680 sq. ft. (20 ft. x 34 ft.) The property is located at 2373 East Mountain Ledge Drive and is zoned RE-12.5. The applicants are Mr. and Mrs. Clark. Case No. Case No. 2014-CUP-019 (Staff – Ray S.)

Ray Snyder presented the following:

The garage will be single story with a 14' wall height. The structure will be 3' from the side property line, 4' from the rear property line and 31' from the home. The height is 24'6" to the ridge. The structure will not encroach on any City easements. It will be similar to the home. There will be a small attic space with a pull down ladder. Findings D, G, and J apply.

Assistant City Attorney Victoria Hales asked what the side and rear yard setbacks were.

Ray Snyder replied 3' side yard and 4' rear yard. Because this is an RE and not R-1 zone they can do that. We encourage them to be further than that but they don't have to be.

Reggie Anderson (representative) said the house doesn't really have any storage. This garage will allow for his boat to be in the garage rather than out on the street.

Commissioner Todd Staheli asked if the house behind is a 1 or 2 story home.

Reggie Anderson stated it is a one story.

Chairman Ross Taylor clarified that there will be no restroom or anything in the garage to require plumbing.

Reggie Anderson said that is correct.

Commissioner Ro Wilkinson added that the neighbors were notified and don't have any oppositions

Commissioner Don Buehner asked if that is on record.

Ray Snyder said yes, they get letters as well as the City website, State website and City office bulletin boards.

Commissioner Diane Adams inserted that only means we haven't received opposition it doesn't mean they are in favor of the item.

MOTION: Commissioner Ro Wilkinson made a motion to accept Item 3A, Conditional Use Permit for a detached garage and height as stated based on the aesthetics being in conjunction with the house and that it maintains the character of the zone, and height fits into the surrounding area and subject to legal approval regarding setback.

SECONDED: Commissioner Nathan Fisher seconded the motion.

AYES (7)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chairman Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)
Motion passes.

If listening to the audio, please jump to the "TRAINING" section

- B. Consider a request for a Conditional Use Permit to use a **Landmark Site** for a vacation rental. The property is located at 278 N 100 W and is zoned RCC (Residential Central City). The applicants are Mr. and Mrs. Chris Potter. Case No. 2014-CUP-018 (Staff – Ray S).

Commissioner Nathan Fisher entered at 5:03 pm

Item 3B Part I

Ray Snyder presented the following:

This request is to operate a vacation rental from an existing landmark home at 278 N 100 W. It is known as the Erastus Whitehead home. The home was built in the 1880s by George Whitehead. It once was a bed and breakfast.

Victoria Hales entered in at 5:04 pm

The zoning is RCC. The Planning Commission spent a considerable amount of time debating the difference between a bed and breakfast and vacation rental for 252 N Main Street. The City Council considered and approved the request for a vacation rental in a landmark home. Note that this is a similar request.

Victoria Hales left at 5:05 pm

The 'Landmark Section' Section 10-21-3.D permits a B&B but states that the owner must live in the residence. The owner doesn't want to live in the residence which is why the home is coming in for a vacation rental rather than the bed and breakfast. The Council supported the language found under Section 10-21-3 that reads: "*other commercial uses deemed appropriate by the city council . . .*"

In the RCC zone, Section 10-7F-2 "Permitted, Conditional, or Accessory Uses"; 10-7F-2.A reads: "*Any permitted, conditional or accessory use allowed under article B, single-family residential zones, of this chapter shall be considered the same in the RCC zone.*" You can do what is allowed as a conditional use permit in the R-1 zones in the RCC zone as well subject to Planning Commission and City Council.

The R-1 zone is referenced in the RCC zone; Section 10-7B-3"Conditional Uses"; the last paragraph reads "*Other uses recommended by the Planning Commission as being in harmony with the intent of the zone and similar in nature to the nature of the above listed uses.*" The Planning Commission recommends to the council that a vacation rental in a designated landmark home be allowed to be used as a vacation rental as described in the

applicant's narrative and is in harmony with other landmark homes in the R-1 zones previously approved.

Victoria Hales entered in at 5:07 pm

10-17 goes over conditional uses.

Landmark Sites such as this has a code in 10-21-3 regarding conditional uses with certain requirements.

"The City Council, upon recommendation of the Planning Commission, may permit as a conditional use on landmark sites the following uses:

Offices and other commercial uses deemed appropriate by the city council provided the following conditions are satisfied:

- A. Substantial investment is made to upgrade the property.*
- B. Any renovation shall maintain or enhance the historic, architectural and aesthetic features of the property.*
- C. The proposed use shall generate only minimal traffic or parking demand as determined by the city council.*
- D. For bed and breakfast inns, the owner shall reside in the dwelling.*

Per those requirements please note that the owner will not reside on the premises because it won't be a bed and breakfast rather a short term rental. If you went into a normal single family home there wouldn't be a vacation rental but because it is a landmark home it is allowed.

Planning Commission will have to determine if the use is appropriate and that there is adequate parking. No manager will live on site and the use is similar to other Landmark Sites. On August 21, 2014 the City Council approved a similar case (Julia Graff Home) as a vacation rental and not a bed and breakfast.

Sections 10-21-3 and 3-2P-3 were applied by council allowing for a waiver that no on-site manager was required if the conditions (*listed above*) were adhered to for cleaning and room service. A local property management company will be in charge to insure the cleaning and servicing will occur regularly and comply with the City's conditions.

There are suggested conditions based on the Julia Graff case that the Planning Commission may want to consider:

1. The applicant shall maintain and enhance the level of landscaping existing at the time of this approval.
2. On-site parking shall be approved by city staff.
3. The applicant shall comply with any requirements of the City Traffic Engineer for access.

4. The applicant will comply with city code requirements for hotels, except a waiver is approved for no on-site manager, and rooms will not be required to be cleaned on a daily basis but only upon change of guests. A daily room cleaning service will be available to guests for a fee, and an off-site office will be maintained for record keeping and for guests and others to contact when necessary.
5. At a minimum once a week room cleaning shall occur.
6. Cleaning shall occur between any changes in guests.
7. If the building should revert back to a single family residence use, no other uses will be permitted unless approved through a new and separate CUP.
8. This location is not approved for office or commercial retail usage without the approval of a CUP for such use by City Council.
9. A local property management company shall be employed to ensure that the cleaning and room service conditions are met in lieu of an on-site manager.

If you look at the minutes from PSR he wants the vacation rental and to also have the possibility for a dental office or office space.

Commissioner Don Buehner inserted that the letter seemed that he wanted an opinion on being commercial down the road, he wasn't requesting commercial right now just the short term rental. Chris Potter approached to clarify that he wanted an opinion on a zone change for commercial or multi-family down the road. As far as the conditional use permit, I would want a dental office or attorney or something later.

Commissioner Don Buehner asked for clarification, do you want a dental office now?

Chris Potter said no this is years down the road.

Commissioner Todd Staheli asked if the request tonight is for the short term and the dental even though that use would be way down the road.

Commissioner Ro Wilkinson addressed the applicant stating, you really haven't decided what you want to do at this point.

Chris Potter responded that he has decided now but hadn't at the time of submittal. I do want nightly rentals for a few years to get my investment back on the property.

Commissioner Ro Wilkinson clarified so no bed and breakfast just nightly rentals?

Chris Potter answered that he doesn't want to operate like the Thompson Mansion with suites but would rather rent out the entire house with the exception of maybe one lock out in the back with a bedroom and bathroom.

Councilman Joe Bowcutt clarified for the applicant; we are only looking at the nightly rental. What happens in the future would have to come back to Planning Commission and City Council.

Ray Snyder said that is right, this came to staff just as the vacation rental but I wanted to bring this up just so the applicant could state what he wanted to do.

Councilman Joe Bowcutt added that nothing is automatic he has to come back.

Ray Snyder agreed that the applicant can come back at a later date.

Assistant City Attorney Victoria Hales inserted that tonight is only a conditional use permit for a nightly rental. That is what we're voting on tonight. We can't project what zoning ordinances,

zones, or conditional uses may happen in the future. We do have hotel ordinances and the council has varied those to meet this particular use.

Commissioner Nathan Fisher addressed the applicant stating that for each use he would need to come before the Planning Commission and City Council.

Chris Potter added that the property has a lot of parking. I want to put some money into it and clean it up.

Assistant City Attorney Victoria Hales inserted that the conditional use permit does run with the land so if he were to sell this it would continue on. However, the Julie Graff CUP had conditions stating that if it were to sell then it would have to come back for any uses.

Bob Nicholson said this used to be a bed and breakfast, and then they came in with bed and breakfast, plus massage.

Assistant City Attorney Victoria Hales clarified that her comments were on the one that was just approved because the hotel ordinance applied. That conditional use permit was based on some factors being added towards the cleaning at change of guest and some other requirements that Ray outlined that made it a hybrid hotel/vacation rental.

Commissioner Nathan Fisher asked if it is done under a conditional use permit the hotel ordinance doesn't apply but there were some hotel ordinance parts that were applicable and added.

Assistant City Attorney Victoria Hales said that is correct.

Commissioner Nathan Fisher continued stating that staff had mentioned that the short term rentals in single family zones didn't apply because it's a landmark home.

Assistant City Attorney Victoria Hales said that is right. We decided to apply different standards for the landmark homes.

Commissioner Nathan Fisher addressed the applicant saying that if he were to come forward for offices later another conditional use permit would be filed because it's a landmark property.

Assistant City Attorney Victoria Hales said right, it would come back under another landmark conditional use permit.

Chris Potter asked if this is approved as nightly rentals does that disallow the bed and breakfast.

Commissioner Todd Staheli said that whatever you get it approved as will go with the next owner.

Commissioner Nathan Fisher said if you wanted to add things to broaden the uses, it would have had to be in our noticing. We need all the details up front.

Bob Nicholson clarified that the question is whether the nightly rental will cancel out the ability for a bed and breakfast.

Councilman Joe Bowcutt replied that it will also ask if the spa and such is allowed. It seems backwards to me.

Assistant City Attorney Victoria Hales said this is a new conditional use permit that replaces the old use. If you want a bed and breakfast it would be more readily allowed than what is before us tonight.

Commissioner Nathan Fisher said that conditional use permits don't stack.

Assistant City Attorney Victoria Hales inserted that a bed and breakfast would have been more allowable.

Commissioner Diane Adams asked if the transaction doesn't go through, Chris is not the owner of the property, so if we change it and the sell doesn't go through and we have approved a conditional use permit for a vacation rental what happens to the bed and breakfast owner?

Assistant City Attorney Victoria Hales said she was unaware that the applicant didn't own the property.

Commissioner Nathan Fisher inserted that we can't approve an application brought in by not the owner.

Chris Potter stated that the last nightly rental that was approved was not by the owner; that was a condition on closing.

Bob Nicholson said Chris is correct; however the owner was part of the whole process.

Chris Potter advised that the bank owns it right now.

Commissioner Nathan Fisher said they can still give consent.

Commissioner Don Buehner asked if Planning Commission can make the conditional use permit subject to the transaction going through.

Assistant City Attorney Victoria Hales said it would be subject to him acquiring the property.

Councilman Joe Bowcutt said that adding that part of acquiring is fine but subject to the owner; the owner isn't here to say anything.

Commissioner Don Buehner said the real issue is whether Mr. Potter buys it or not. Can't we say this is subject to his purchase? Is this feasible?

Commissioner Nathan Fisher replied that what we want is the consent of the owner.

Commissioner Don Buehner asked if we can make it conditional to the acquisition and then it doesn't take effect unless he owns the property.

Councilman Joe Bowcutt countered that if it goes with the land it doesn't go with the guy who buys it. I think the owner needs to be advised.

Assistant City Attorney Victoria Hales stated that she would need to look into it.

Commissioner Nathan Fisher asked what the application requires. If it requires an owner signature, than we need to follow that. I would be surprised if owner consent isn't part of it.

Commissioner Todd Staheli asked if approval of short term rentals is part of the contract.

Chris Potter replied, no.

Commissioner Don Buehner stated that he's trying to find a way to encourage this effort. The work he wants to put in is great.

Assistant City Attorney Victoria Hales inserted that the motion can be subject to legal or I can excuse myself to look into it.

Councilman Joe Bowcutt cautioned that if I were the bank and found that you changed the use to something better I would try to sell it to someone else for a better price.

Commissioner Don Buehner repeated that I would say this is subject to him obtaining the property. It can't happen if he doesn't acquire the property; the bank would not be affected.

Commissioner Nathan Fisher advised that the Commission should allow legal to step away for a moment.

Councilman Joe Bowcutt said he is in favor of any improvement for this property.

Ray Snyder said that normally a conditional use permit goes from Planning Commission to City Council. Can they recommend something and then everything can be received from the bank before City Council?

Chairman Ross Taylor asked if our advisory action today can move forward.

Assistant City Attorney Victoria Hales asked to postpone the vote to look into the matter.

Chris Potter agreed to postpone the vote for legal review.

Assistant City Attorney Victoria Hales stepped away at 5:33 pm

John Willis introduction

If following along with the audio, please see Item 1 FINAL PLATS

Item 3B Part II

Assistant City Attorney Victoria Hales said that the Planning Commission may act on this item because the applicant has interest in the property.

Chairman Ross Taylor reiterated that the tonight's conditional use permit is for a vacation rental only and any other use would have to come forward for another conditional use permit.

Assistant City Attorney Victoria Hales asked staff to relist the previous conditions.

Ray Snyder relisted the conditions:

1. The applicant shall maintain and enhance the level of landscaping existing at the time of this approval.
2. On-site parking shall be approved by city staff.
3. The applicant shall comply with any requirements of the City Traffic Engineer for access.
4. The applicant will comply with city code requirements for hotels, except a waiver is approved for no on-site manager, and rooms will not be required to be cleaned on a daily basis but only upon change of guests. A daily room cleaning service will be available to guests for a fee, and an off-site office will be maintained for record keeping and for guests and others to contact when necessary.
5. At a minimum once a week room cleaning shall occur.
6. Cleaning shall occur between any changes in guests.
7. If the building should revert back to a single family residence use, no other uses will be permitted unless approved through a new and separate CUP.
8. This location is not approved for office or commercial retail usage without the approval of a CUP for such use by City Council.
9. A local property management company shall be employed to ensure that the cleaning and room service conditions are met in lieu of an on-site manager.

Also you still have the findings that are listed as well, items A-K. Most were not applicable, however D may apply concerning aesthetics, F for parking may apply but the site does have parking, and J does apply concerning the historical character of the home.

Commissioner Nathan Fisher added that ownership of the property will be another condition. Assistant City Attorney Victoria Hales clarified that approval is on the condition that the applicant obtain ownership or lease hold of the property.

Ray Snyder indicated that if the item is recommended for approval it will be heard by City Council in two days.

Councilman Joe Bowcutt asked if, in the normal overlay for rental I think the max time someone can stay is 29 days, does that apply?

Assistant City Attorney Victoria Hales replied that the 29 days is considered short term rental. Councilman Joe Bowcutt said right, but he's renting the whole house. Commissioner Nathan Fisher inserted that this approval gives him the opportunity to rent for any length of time.

MOTION: Commissioner Don Buehner made a motion to recommend to City Council approval of the Conditional Use Permit along with the suggested conditions from staff numbers 1-9 with the additional condition that approval is based on the applicant obtaining ownership or lease hold to protect the current owner and also with the note on the findings letter J to maintain the character and purpose of this zone and the historic nature of the home and because it appears to be a great investment.

SECONDED: Commissioner Todd Staheli seconded the motion.

AYES (7)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chairman Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion passes.

Discussion on the definition of short term rentals

Discussion on the tabling of the final plat

If listening to the audio, please see Item 3A

TRAINING

Commissioner Don Buehner relayed his experience at ULCT:

I learned that there are some innovative and great things going on. Mobility or active transportation was a big topic as well as clean air and clean water. I didn't learn anything in particular to what we do but it is nice to see that the state has some great ideas.

Commissioner Nathan Fisher relayed his experience at ULCT:

One as we get creative we need to make sure we're not imposing on developers. If you're widening sidewalks and landscapes that imposes on what the ordinance may currently be. For us in regards to open meetings we have to be careful that our goal is always transparency and that is if we leave here and keep talking out in the parking lot; that can be considered a meeting. If something is of concern to us we need to have it on the record and we need to maintain that transparency. Citizens are concerned that we do things outside of the open process.

ADJOURN

MOTION: Commissioner Diane Adams made a motion to adjourn.

SECONDED: Commissioner Ro Wilkinson seconded the motion.

AYES (7)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chairman Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Meeting adjourned at 6:26 pm.

**PLANNING COMMISSION
CITY OF ST. GEORGE
WASHINGTON COUNTY, UTAH
October 14, 2014 – 5:00 PM**

PRESENT:

Chair Ross Taylor
Commissioner Ro Wilkinson
Commissioner Nathan Fisher (*entered at 5:03 pm*)
Commissioner Julie Hullinger
Commissioner Todd Staheli
Council Member Joe Bowcutt

CITY STAFF:

Assistant Director of Public Works Wes Jenkins
Planning Manager John Willis
Planner II Ray Snyder
Community Development Coordinator Bob Nicholson
Assistant City Attorney Victoria Hales
Planning Associate Genna Singh

EXCUSED:

Commissioner Don Buehner
Commissioner Diane Adams
City Surveyor Todd Jacobsen

FLAG SALUTE

Chairman Ross Taylor called the meeting to order at 5:01 pm and led the flag salute.

Assistant City Attorney Victoria Hales entered at 5:02 pm

Chair Ross Taylor noted that quorum is not yet here so we will wait for another member of our Commission to arrive. We will go through the final plats first. We realize that there are public hearing items as well so we'll first do the final plats, then the zone changes, then the rest of the agenda.

Commissioner Nathan Fisher entered at 5:03 pm

Chair Ross Taylor invited staff to present.

Wes Jenkins noted that Item 1F has been pulled from tonight's agenda. They will work through some issues before it comes back in at the next Planning Commission meeting.

1. **FINAL PLATS (FP)**

- A. Consider approval of a final plat for **“Crimson Cove”** a ten (10) lot residential subdivision. The representative is Mr. Bob Hermandson, Bush and Gudgell. The property is zoned R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size) & RE-20 (Residential Estate 20,000 sq. ft. minimum lot size) and is located at the southwest corner of Crimson Ridge Drive and Little Valley Road (in the Little Valley area). Case No. 2014-FP-053. (Staff – Wes J. for Todd J.).

Wes Jenkins commented that there are RE-20 lots and R-1-10 lots. There is a landscape strip that will be dedicated to the City. There will be a 10 year landscape maintenance agreement that will need to be paid before the plat records. There was some discussion about the 100’ buffer setback however that was based on the equestrian areas. This area, the Cutler Compound, is the buffer for that equestrian area.

- B. Consider approval of a final plat for **“Escapes at the Ledges Phase 1”** a thirty-one (31) lot residential subdivision. The representative is Mr. Brad Petersen, Development Solutions. The property is zoned PD-R (Planned Development Residential) and is located southerly and easterly of the East Ledges round-a-bout and Ledges Parkway (in the Ledges Development at approximately 5000 North and 1700 West). Case No. 2014-FP-063. (Staff – Wes J. for Todd J.).

Wes Jenkins noted that this is part of the Ledges overlay which has the option for nightly rentals. The interior roads are private roads. There will be round-a-bout and water feature which will be public property... The City will need an agreement before recording stating the HOA will maintain the landscape strips.

- C. Consider approval of a final plat for **“Gentry Lane”** a twenty-four (24) lot residential subdivision. The representative is Mr. Bob Hermandson, Bush and Gudgell. The property is zoned RE-12.5 (Residential Estate 12,500 sq. ft. minimum lot size) and is located between Mountain Ledge Drive & Horseman Park Dr. and west of Little Valley Road (in the Little Valley area at 2 approximately 3000 South and Little Valley Road. Case No. 2014-FP-054. (Staff – Wes J. for Todd J.).

Wes Jenkins said that this project will have double fronting lots and will have the 10’ landscape strip dedicated to the City. They will also have to pay the 10 year landscape maintenance agreement prior to recording. Lots 4, 5, 6 and 7 sit higher than the softball field and a note needs to be added to the plat alerting property owners that they can only have an 8’ retaining wall and a 5’ privacy wall but 50% has to be see-through.

Chair Ross Taylor asked if the walls have to be offset.

Wes Jenkins responded that the wall doesn’t have to be offset unless you want it to be a solid wall. That’s why we’ll put the note on the plat saying any wall will have to meet City ordinance. That note will need to be added.

- D. Consider approval of a final plat for **"Tuscan Heights"** a twenty-one (21) lot residential subdivision. The representative is Mr. Scott Woolsey, Alpha Engineering. The property is zoned PD-R (Planned Development Residential) and is located at the west end of Province Way (in the Tonaquint area at approximately 1790 South and 1380 West). Case No. 2014-FP-057. (Staff – Wes J. for Todd J.).

Wes Jenkins advised that the road is not owned by the same property owner so there is an issue with the road. Before plats 1D and 1E record this issue will need to be resolved.

- E. Consider approval of a final plat for **"Tuscan Hills Phase 3"** a seven (7) lot residential subdivision. The representative is Mr. Scott Woolsey, Alpha Engineering. The property is zoned PD-R (Planned Development Residential) and is located at the west end of Province Way (in the Tonaquint area at approximately 1780 South and 1310 West). Case No. 2014-FP-051. (Staff – Wes J. for Todd J.).

Wes Jenkins advised that again, there are some issues that need to be resolved before going to City Council and being approved.

- F. Consider approval of a final plat for **"Legends of Cactus Flats"** a twelve (12) lot residential subdivision. The representative is Mr. Roger Bundy, R & B Surveying. The property is zoned R-1-10 (Single Family Residential 10,000 square foot minimum lot size) and is located at approximately 2300 South and 2010 East Street (north of the LDS Church at 2079 East 2450 South Street). Case No. 2014-FP-030. (Staff – Wes J. for Todd J.).

Note: This item was tabled at the Sept. 16th PC meeting.

This item was pulled from the agenda

Wes Jenkins said that staff asked that additional information be provided so we could see how things are going to work out.

Commissioner Nathan Fisher asked for clarification on what has to be resolved for 1D and 1E. Assistant City Attorney Victoria Hales said the entire roadway has to come in before 1D can record so they need to record and approve at the same time. It appears that 1E is behind. We're either waiting for the private agreement or the plats have to be recorded simultaneously. We want to make sure that the lots in 1D have a fully dedicated road.

MOTION: Commissioner Ro made a motion to approve Items 1A, 1B, 1C, 1D with the road agreement under legal counsel, and 1E also to have the resolution of the road agreement and authorize chairman to sign.

Assistant City Attorney Victoria Hales inserted that some plats were subject to legal.

Commissioner Nathan Fisher added that 1B, 1C, and 1D each had conditions: 1B needed maintenance of the water feature

Commissioner Ro Wilkinson added that to the motion.

**Commissioner Nathan Fisher added that 1C needs to add a note for the wall requirements
Commissioner Ro Wilkinson added that to the motion.
Commissioner Nathan Fisher inserted that there would not be an authorization for chair to sign. Authorization would be for item 1B.
SECONDED: Commissioner Nathan Fisher seconded the motion.
AYES (5)
Commissioner Ro Wilkinson
Chair Ross Taylor
Commissioner Nathan Fisher
Commissioner Julie Hullinger
Commissioner Todd Staheli
NAYS (0)
Motion passes.**

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

- A. Consider approval of an amended final plat for **“Emerald Ridge Amended.”** Lot 47 is added and the temporary turn-a-round is to be made permanent. The representative is Bob Hermandson, Bush and Guggell. The property is zoned PD-R (Planned Development Residential) and is located at 1806 North Dixie Downs Road. Case No. 2014-FPA-062. (Staff – Wes J. for Todd J.).

Wes Jenkins noted that originally there was a cul-de-sac that was going to tie into Estrella and the area was common area. They have now decided to add a lot there instead. The turn-around is already built and is used for access. This amendment is to make the turn around permanent and add the lot.

Councilman Joe Bowcutt asked if the turn a-round meets the fire’s requirements.
Wes Jenkins said yes, it is built to the fire department’s standards.

**MOTION: Commissioner Nathan Fisher made a motion to approve Item 2A.
SECONDED: Commissioner Todd Staheli seconded the motion.
AYES (5)
Commissioner Ro Wilkinson
Chair Ross Taylor
Commissioner Nathan Fisher
Commissioner Julie Hullinger
Commissioner Todd Staheli
NAYS (0)
Motion carries.**

- B. Consider approval of an amended final plat for **“The Flats at South Pointe Phase 3.”** Pads 301 and 302 are to have their sizes increased to accommodate a larger home (to be built upon these pads). The representative is Mr. Eric McFadden, Premier Design

& Engineering. The property is zoned R-3 (Multiple Family Residential) and is located at 2801 East 450 North (south of Pine View High School). Case No. 2014-FPA-066. (Staff – Wes J. for Todd J).

Wes Jenkins indicated that 100% consent was given so no public hearing is required. The two pads on the west were increased in size. The one concern was the 30% open space requirement however; they still have that open space even with the increased pad sizes.

MOTION: Commissioner Todd made a motion to approve item 2B

SECONDED: Commissioner Nathan Fisher seconded the motion.

AYES (5)

Commissioner Ro Wilkinson

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion carries.

- C. Consider approval of an amended final plat for “**The Vistas at Entrada Phase 1.**” To amend the setback note (see report). The representative is Mr. Scott Duffin, Horrocks Engineers. The property is zoned PD-R (Planned Development Residential) and is located in the Entrada Development on the east side of Snow Canyon Parkway, along Cougar Rock Circle at approximately 2055 West and 2600 North. Case No. 2014-FPA-067. (Staff – Wes J. for Todd J.).

Wes Jenkins explained that the original plat called for a 20’ setback to the house. Behind the roadway and back of curb there is a 10’ landscape strip that was also put in as common area. The note said 20’ from the property line so these homes were being set back 30’ from back of curb. They are requesting that the note be revised and that homes are setback 10’ from the property line which would be 20’ from back of curb.

Councilman Joe Bowcutt asked if the 10’ landscape strip is maintained by the HOA.

Wes Jenkins replied it is common area so they are responsible.

Commissioner Nathan Fisher asked legal if this violates ordinance.

Assistant City Attorney Victoria Hales counseled that because it’s a private street development the 10’ is appropriate.

MOTION: Commissioner Julie Hullinger made a motion to approve Item 2C and include staff comments.

SECONDED: Commissioner Todd Staheli seconded the motion.

AYES (5)

Commissioner Ro Wilkinson

Chair Ross Taylor

Commissioner Nathan Fisher
Commissioner Julie Hullinger
Commissioner Todd Staheli
NAYS (0)
Motion carries.

3. **LOT LINE ADJUSTMENTS / LOT SPLITS (LLA/LS)**

- A. Consider the approval of splitting two (2) lots into three (3) lots (not being a part of a subdivision plat) for the "**Clark Family Lot Split.**" The representative is Mr. Scott Woolsey, Alpha Engineering. The property is zoned R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size) and is located at approximately 3020 South Bloomington Drive East. Case No. 2014-LRE-013 (Staff – Wes J. for Todd J.)

Wes Jenkins explained that parcel #1 will be 0.35 acres, parcel #2 will be 0.37 acres, and parcel #3 will be 0.33 acres. The area used to be two lots and now it will be three. Each lot wanted access to the golf course which is why there are the narrow strips leading to the course.

Councilman Joe Bowcutt asked if any easements are affected.
Wes Jenkins responded no because this area isn't platted.

MOTION: Commissioner Ro Wilkinson made a motion to accept Item 3A for a lot split.
SECONDED: Commissioner Todd Staheli seconded the motion.

AYES (5)

Commissioner Ro Wilkinson
Chair Ross Taylor
Commissioner Nathan Fisher
Commissioner Julie Hullinger
Commissioner Todd Staheli
NAYS (0)
Motion carries.

- B. Consider the approval of one (1) existing lot being split into two (2) lots (not being a part of a subdivision) for the "**Jeff and Diane Barlow Lot Split.**" The representative is Mr. Bob Platt, Platt and Platt Inc. The property is zoned A-1 (Agricultural) and is located at southwest corner of 3670 South and Bentley Road (in the Little Valley area). Case No. 2014-LRE-014 (Staff – Wes J. for Todd J.)

Wes Jenkins said the original lot is 4.82 acres. Parcel 1 will be a 1.0 acre lot and has an existing house. Parcel 2 will be 3.37 acres with the intent that it will be subdivided. There is a 25' easement dedicated to the City for a road.

Assistant City Attorney Victoria Hales asked if there is a concern that the back lot doesn't have road way access.

Wes Jenkins said there's a road across the front. Right now it is a long driveway but there is a master planned road going there.

Commissioner Nathan Fisher asked if that is through another plat.

Wes Jenkins said no.

Councilman Joe Bowcutt asked about the driveway.

Wes Jenkins responded there is a 25' public right of way so when the property north of them develops there will be a 50' road there

Commissioner Ro Wilkinson asked if the driveway is paved or just dirt.

Wes Jenkins responded it is paved but I don't know to what standard. When they subdivide parcel #2 the road will be upgraded to meet City standards.

MOTION: Commissioner Nathan Fisher made a motion to recommend approval of Item 3B.

SECONDED: Commissioner Julie Hullinger seconded the motion.

AYES (5)

Commissioner Ro Wilkinson

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion carries.

4. **EASEMENT VACATION (EV)**

Consider a public utility and drainage easement vacation for "**Lots 86 – 88 of Mulberry Estates Phase 6.**" The representative is Mr. Brad Petersen, Development Solutions. The property is zoned R-1-12 (Single Family Residential 12,000 sq. ft. minimum lot size) and is located at 3000 East Street and north of Crimson Ridge Drive. Case No. 2014-LRE-015 (Staff – Wes J. for Todd J.)

Wes Jenkins noted that when they built Crimson Ridge Drive they had put a fiber optic line through when they built the road the line was pushed over and is now in the right of way line so they can vacate the easement.

MOTION: Commissioner Nathan Fisher made a motion to recommend approval of Item 4.

SECONDED: Commissioner Ro Wilkinson seconded the motion.

AYES (5)

Commissioner Ro Wilkinson

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion carries.

5. **ZONE CHANGE (ZC) - PUBLIC HEARING**

Consider a zone change from R-1-10 (Single Family Residential 10,000 sq .ft. minimum lot size) to PD-R (Planned Development Residential) on 8.55 acres. The property is located at approximately 1850 South River Road and will be referred to as "**Cottam Ridge.**" The proposed project would be a multi-family subdivision. The applicant is Wright Homes / Mr. Derek Wright / Mr. John Henderson and the representative is Ms. Brandee Walker, Bush & Gudgeon Case No. 2014-ZC-012. (Staff – Bob N.).

Bob Nicholson presented the following:

This will be a town home subdivision. The zone change is from R-1-10 to PD-R. The general plan for this area was amended about 6 months ago and was designated as medium density residential (5-9 units per acre). This project is asking for 7 units per acre. North of the property is an existing LDS church. Eagle Ridge is zoned R-1-10 and is across the street. The Hills townhomes is south and Eagle's Landing is to the west. There will be 60 town home units. We did send letters to the neighbors and published the item to the City and State websites. There are 60 proposed town homes units in a four-plex arrangement of 15 buildings. The design is what they call prairie style. The height would be up to 26'. 36% of the project is open space so they exceed the required 30%. They do show a recreation area in the center and have submitted a landscape plan. Along River Road there will be 10' of landscaping and a 6' privacy wall which is standard for double fronting lots. The landscape strip will be maintained by the HOA.

Commissioner Nathan Fisher asked if the maintenance is per a development agreement.

Bob Nicholson responded that is part of the CCRs that are reviewed by the City. It is part of the code requirement to have the maintenance taken care of and they do have other common area in the project

Commissioner Nathan Fisher asked why the City doesn't maintain the landscape strip.

Bob Nicholson responded that if there is an HOA the HOA typically maintains it. There are some places where a subdivision does not have an HOA and then the City has opted to do it because there is no other option.

The project proposes private streets and is surrounded by existing development. If there was a chance to connect the streets to another public road we would want them to be public but because they don't they will be private and maintained by the HOA. They do have two accesses which are both full movement access points. We did have a question earlier about the site distance and that has been resolved. That was from the 1850 South entry way but they have done an analysis and it does meet ASHTO standards. There will be a deceleration lane for the entry. There are 140 parking stalls required which is 2 per units plus 20 guest stalls. There are 20' driveways and garages as well as guest parking that is spread along the private road.

There was an issue with the public versus private streets. The City typically discourages private streets but in this case it is surrounded by existing development and streets are not stubbed in so the private streets work better here.

Commissioner Nathan Fisher asked what the widths of the streets are.

Bob Nicholson replied that the width is 38'. The blacktop would be 30' plus curb and gutter. Our smallest standard is 29'. Another issue is the drainage. There is a wetlands area that drains the church parking lot. The City has an inlet northwest of this so we'll need a drainage easement to get to that inlet. Also, in order to maintain that we would request an access easement to get into the wash. There is an easement for the storm drain and sewer; we would ask for a 20' access easement if needed. Because the wetland is in the HOA they will be required to maintain that.

The final issue is the letter from the Hills HOA. They have concerns about the units on their property line. The Hills are 10' below the grade of the Cottam property. They are worried about the units being too imposing. Placed before you is a letter from Derek Wright responding to the HOA's letter. I believe they have made an effort to be good neighbors. There are five points they mention to propose with this project to mitigate the concerns of the Hills. If the project was built to the minimum it would be setback 10' and would be one story tall. If a two story unit were built the distance would be doubled. Potentially there could be a 35' home per zoning. He has kept the homes between 25-27 feet high with a shallow roof pitch. They are also going to lower the grade of their property near the Hills as low as they can without ruining the gravity of the sewer line.

The PD zone has a 6' privacy wall requirement around the perimeter however along the property line of the Hills they ask that a 3.5' wall be constructed so to not be imposing of the Hills. We thought a 3.5' solid and 2.5' open fence would work.

Bob went through his power point presentation

Commissioner Nathan Fisher asked which way the drainage flows.

Bob Nicholson said the flow is west.

Commissioner Nathan Fisher reminded the Commission that because it's a PD we are approving this design and only this design.

Bob Nicholson said that is correct you are approving the elevations and conceptual site plan.

Commissioner Nathan Fisher asked if a materials board was submitted.

Ray Snyder went to get the materials board

Bob Nicholson continued stating there is a significant grade change between the Cottam property and the Hills so it's important that they recognized that.

Commissioner Nathan Fisher asked if we are looking at the open space (powerpoint graphic) or will that be developed.

Bob Nicholson showed the slope that exists between the Cottam property and the Hills. That will be gradually sloped.

Chair Ross Taylor asked if that area is part of the development.

Bob Nicholson responded yes, and they will gradually take it down and it will be landscaped.

Ray Snyder placed the materials board before the Commission

Commissioner Nathan Fisher asked for clarification on the easement.

Bob Nicholson replied that we came up with the easement this afternoon so we have to address it. We just need to somehow maintain that inlet northwest of the property

Commissioner Ro Wilkinson commented that even though you landscape, if we get a bad storm the flow will go right down into the houses.

Bob Nicholson said the applicant can address that. The plan is to enhance the flow to the west so the water moves freely and doesn't build up.

Commissioner Nathan Fisher asked if it actually flows through there it's not just access.

Bob Nicholson said it flows naturally to the west.

Commissioner Nathan Fisher asked if we can make the HOA manage that.

Bob Nicholson said it's a wetland area and natural. The maintenance may be an annual clean out of the weeds so it doesn't clog.

Commissioner Nathan Fisher asked how we monitor that.

Bob Nicholson said we'll have to address that.

Chair Ross Taylor said there is a certain amount of moisture that comes from irrigation and once the project is completed I think some of the water will clear considerably.

Bob Nicholson agreed, a lot is from irrigation so the only worry will be the larger storms.

Commissioner Nathan Fisher asked if it will flood to River Road.

Bob Nicholson said it'll go to the inlet and to the pipe and then goes to the Bloomington Hills golf course.

Chair Ross Taylor asked if there's a storm drain there.

Bob Nicholson said yes and drainage to the front I'm not sure how much. Some of this will be ferreted out with the construction drawings. There were concerns from 1850 for site distance but it does meet ASHTO.

Councilman Joe Bowcutt asked if the HOA will be maintaining the wetland area.

Bob Nicholson said they will manage whatever maintenance is required because the wetland is in their property. I don't know that that much work has gone into this in the past. Jay Sandberg said they need to make sure it doesn't get clogged so it may be an annual thing.

Councilman Joe Bowcutt responded that he is afraid that without something on the plat it will just get worse and worse and it will become a fire hazard in addition to the potential flooding.

Bob Nicholson said that there can be a note on the plat.

Commissioner Nathan Fisher said if we're concerned and we're policing this we might as well do an agreement where the City is paid to maintain the area. If the City won't look at it I would be surprised that an HOA would ever would.

Bob Nicholson inserted that they often hire a landscape maintenance company.

Commissioner Nathan Fisher noted that if the HOA doesn't maintain the wetland area what happens? Fire hazard and flooding?

Assistant City Attorney Victoria Hales said that water runs downhill and the property owner is obligated to drain their own land. The City does not and will not accept the obligation of a property owner. There won't be an agreement to take on this maintenance.

Commissioner Nathan Fisher asked what the easement is for if the City won't get involved.

Bob Nicholson responded that the easement is because the drainage goes across another property to the inlet so someone has to be able to get in there.

Commissioner Nathan Fisher asked who that easement is for.

Bob Nicholson said the easement would be for the northwest property to get through.

Commissioner Nathan Fisher asked if the other property owner has to provide an easement.

Councilman Joe Bowcutt asked if no easement is in place than is this is all a done deal.

Bob Nicholson replied they are members of the same family so we're hoping it will work out.

Commissioner Nathan Fisher asked so it's not a City easement do we need to worry about it.

Assistant City Attorney Victoria Hales clarified that the City wants to look at the easement so we know it exists.

Wes Jenkins said you can pipe all the way through so you don't have to worry about it

Commissioner Nathan Fisher said that would be a lot less expensive.

Bob Nicholson said that the maintenance issue disappears with the concrete.

Commissioner Ro Wilkinson asked what the impact of the traffic on River Road would be.

Bob Nicholson said it will have a 60 unit impact. There are two access points

Councilman Joe Bowcutt noted that 90% of the people will make a left hand turn.

Bob Nicholson added that River Road was recently relieved by the Mall Drive bridge but everything there contributes to the traffic to River Road. Fort Pierce affects River Road. It's a community wide issue and not really property specific.

Derek Wright:

Brandee from Bush & Gudgell can address the drainage concerns. If you want to see how it is unmaintained that is how it is right now. We will not increase flow we will decrease the flow and enhance the area. Easement – there is a historic flow there that she can address as well.

We're excited about this project. We're excited about the design of the units. We don't like the attached units to look like books stacked together. We like the look where you can't tell where one unit starts and one ends. There are varying floor plans but each has a covered patio. We designed it as prairie style or Frank Lloyd Wright. The eaves are larger than normal and the pitch is more shallow. We can also have fiber cement board which is a modern flair to prairie. It is a popular trend. Each has a garage and full length driveway. We did not max out the density because it didn't fit or layout well. There have been some concerns from the Hills. We've met a number of times and we've tried to address those concerns up front. There is a drawing that shows we can build up to 10' to the property line. We're sensitive to the common boundary because they are much lower than we are. We have to sewer out to River Road so we need some of that height. We have come up with scenarios to make a lesser impact on the Hills. 10' would be one story only. If two story we will take it to 20/33'. We have shallow pitched roofs to stay around 26' tall and that is to the peak of the roof which is 49' from property line at closest point.

Normally 6' fence would border property. That would not look nice in that back yard. With landscape we'll put a 3.5' fence and then go to 6' and we want that fence to have wrought iron. That fence will be up much closer as we terrace. That will have less impact to them and prevent children from going to the open space. The unit will be 3' below the existing grade – we're going to lower without jeopardizing the gravity to River Road. We have tried to address the concerns and impact.

Commissioner Nathan Fisher what colors and materials are by the windows.

Derek Wright responded that the material by the window is fiber smith board. The colors are more vibrant and allow for a 12 year finish.

Commissioner Ro Wilkinson asked where the clubhouse would be.

Derek Wright said there will not be a clubhouse with only 60 units.

Commissioner Ro Wilkinson asked if there was going to be an HOA.

Derek Wright replied yes, there will be an HOA. Patios will be private but no fences in the back yard.

Commissioner Nathan Fisher asked how the patios would be private.

Derek Wright said the design of the back of the building provides privacy. The design is also referred to as a mansion home.

Commissioner Nathan Fisher asked if the drainage could be cement.

Brandee Walker responded saying the site has been a farm field that drains south to the ditch and then open flows to the natural vegetation. We will significantly decrease the irrigation water by developing this piece. The only water going through will be run off from storms. The plan is to leave the area as open and not put in a pipe. When our surveyors went to look at they couldn't even get in there. We want it to be a designated detention area with the outlet.

Commissioner Nathan Fisher asked if it would serve as a detention pond.

Brandee Walker replied that it is naturally that way but we'll go in and clean it up.

Commissioner Nathan Fisher asked where the pipe is.

Brandee Walker answered outside our boundary.

Chair Ross Taylor asked if stagnant water is an issue there.

Brandee Walker said there won't be enough water there for that to be an issue.

Commissioner Nathan Fisher stated you'll go in and clean out the area but afterwards how will it be maintained?

Brandee Walker replied we'll pipe from the roadway to the natural area and then there's pipe outside our boundary.

Commissioner Nathan Fisher asked how we make sure the HOA maintains the area.

Derek Wright inserted that it would be like a road. An outside management company would be hired with a reserve to be kept for the roads and offsite improvements. If there's a better arrangement fine, however the water isn't just our water it is also water from the church property but it is something we can look it.

Commissioner Nathan Fisher asked if it is only this property and the church property going into this detention area.

Derek Wright stated that most of it is tail water that flows freely.

Chair Ross Taylor noted that there is a letter committing to fix some problems to the Hills. Can we put this letter as part of the condition for the PD?

Derek Wright said we've made the commitments from day one.

Brandee Walker inserted that tonight is just a zone change request so we'll put those comments on the plat.

Bob Nicholson added that some items are reflected in their site plan as far as setbacks and building heights. The fence we have to look at because code requires a 6' privacy wall. Along the Hills we may allow a 3.5' solid and 2.5' open fence.

Derek Wright said the intent is to keep the fence away from the existing and near the new.

Chair Ross Taylor commented that the developer has made some great compromises we just want to make sure everything is in place.

Chair Ross Taylor opened the public hearing.

Ken Lawson – Hills resident

We do appreciate the ability to have a proactive sequence like this. Our aim is to enable Cottam Ridge to be successful but to maintain our older development that anchors that area. We're trying to protect our design criteria. Our project has to deal with amenities and architectural design for a terraced community. Their design is driven by density which we understand. We have different roles in the community but we both have driving forces.

PowerPoint presentation

There is a technical issue of the properties being at different levels. Building up a line of four-plexes two high and four wide will create a wall that imprisons our northern homes. The reality is that it will tower over our second story windows and we'll be looking into their doorsteps. We want to protect our role as an entrance anchor property without having a decline in our property values. Visually we're going to have a wall of houses. We want to maintain a little village-like feel. We have green spaces between the buildings which is our idea of terraced townhouses. We want to maintain this feel. For us to relieve that wall we ask that they take out four (4) units by putting duplexes there instead of four-plexes. We don't want our property to be destabilized. Once the owners start lowering their prices and selling then it all gets picked up by the realtors and our whole complex loses value. This operation affects all our units. We don't want a tipping point in our future. We don't want to set the seed of blight. If one unit is devalued then the whole project suffers. I understand they need 60 units but if they could live on 56 that would be great. We're looking for compromise and will abide by what you decide but we are really afraid.

Commissioner Nathan Fisher said that with your proposal there will still be two units of the Hills that will be blocked by Cottam Ridge.

Ken Lawson said those are single story units so they only see a retaining wall as it is. The owner of that unit may not like it but they won't see the wall of houses.

Commissioner Nathan Fisher clarified, so the single story units can have the wall because they already see a wall, but the two story units should be able to preserve their view?

Ken Lawson replied that over time this was built knowing the retaining wall was there. The single story units knew it was there. The value of the unit was built with that wall. The two story units don't need to see a wall.

Commissioner Nathan Fisher asked where the measurements were taken from.

Ken Lawson replied from property line.

Commissioner Nathan Fisher asked if the window is 10' from property line.

Ken Lawson replied that it is 9' from property line.

Commissioner Nathan Fisher posed the scenario: what if they make this an R-1-10 area with single family homes. What restriction would you impose?

Ken Lawson replied that we talked to Derek about that. If single story homes where there you have to have more space to build on so the building would come closer to us. We all decided that single story wasn't desirable. If they reduced the story they would need more space. Instead of up you have to go out so that defeats the purpose. We also had an issue with traffic that we hope that Planning Commission and City Council will look at in regards to safety. The entrance is so close to the light that it will be very hard to be that close. We might have to have gates so people can't come into our project to turn around but it is a safety issue more than anything else.

Sharon Nickle – Unit 17; The Hills

As explained our second story bedroom window is at the level of the We have 10' wide paved courtyard. Beyond we see some of the Cottam property and some sky. We appreciate the concessions to us from the developer but even at 30' back when we go out to the retaining wall and then two stories we lose all contact to the sky and light. We also worry about the devaluation of our property. I cannot imagine a 2 story four-plex to the back of us helping us sell. We've already been advised to sell and get out now. That's not fair to us or any perspective buyer. I also have concerns about water and sewer. A main broke in Salt Lake City and homes were flooded. We know accidents happen but having that sunken part of our house on the north end makes us very vulnerable. I'm not quite as charitable as Ken. I don't want to see the four-plexes on our property line at all so we can see the sky and so we won't have the walls and the possibility of our property values going down.

Chair Ross Taylor closed public hearing.

Commissioner Todd Staheli asked if there are changes to development as proposed or no.

Commissioner Nathan Fisher said there are some conditions to clarify if recommended for approved.

Assistant City Attorney Victoria Hales said you can approve with conditions, approve, deny, or table.

Commissioner Nathan Fisher said one concern is the drainage easement and maintenance. I understand the HOA should do it but it's one of those out of sight out of mind things. I like the idea of piping it but can it really be done if water is coming from somewhere else so that may not

resolve the issue. Perhaps we condition that the developer work with staff to resolve the issue. Legal can handle the issue of the 6' fence. I understand the neighbor's worry of impact. The struggle I have is placing the burden of the owner to benefit an adjoining property owner. Generally if you want some right in property you have to buy that right you cannot impose it on someone else.

Chair Ross Taylor commented that the developer has met the standards and been very generous. We've changed the general plan to medium density residential and he stayed within that standard as well as the design standard. The issue with water has been there a long time and I don't suspect this will increase that issue rather it will decrease that issue. I feel like we should move forward.

MOTION: Commissioner Nathan made a motion to recommend approval of Item 5 with two (2) conditions: (1) the developer satisfy legal with the construction of a 6' wall around the perimeter of the development and (2) the developer work with staff to come up the best approach to deal with the easement so that it is usable and will not become a hazard as far as the drainage water

Chair Ross Taylor asked that the elements of the letter be found somewhere in the PD narrative.

Commissioner Nathan Fisher added that the letter provided be added to their overall narrative as well as the other items presented for the PD.

SECONDED: Commissioner Julie Hullinger seconded the motion.

Commissioner Todd Staheli asked if we need to mention maintenance.

Commissioner Nathan Fisher responded that he doesn't know how we can. If the water backs up and floods someone else they will be sued so hopefully they will manage it.

Motion stands as is.

AYES (5)

Commissioner Ro Wilkinson

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion passes.

6. ZONING REGULATION AMENDMENT (ZRA) – PUBLIC HEARING

Consider a request to amend the City Zoning Regulations, Title 10, Chapter 8, Planned Development Residential Zone to add provisions for **college student housing** projects and the building height, density, and related standards. Mr. Scott Graham, TruNorth Development LLC, applicant. Case No. 2014-ZRA-005 (Staff - John W.)

Chair Ross Taylor asked if this ordinance is specific to Dixie State University or does it apply to other schools in the area.

John Willis stated the way it is proposed, it will be located in the Pedestrian Emphasis Area so it would be adjacent to or surrounding the University. It is specific to Dixie State University.

Chair Ross Taylor asked if students attending DXATC would be included.

John Willis responded that at this time it is specific to DSU students.

Commissioner Nathan Fisher asked if students going to DXATC would apply or if it is area driven.

Assistant City Attorney Victoria Hales inserted that this is specific to the area and DSU. That doesn't mean a different student from a different area school can't be in there but they have a 75% requirement for DSU students then they meet the requirements for this particular zone.

John Willis explained the following:

The request is to increase density within the PEA. Our current ordinance allows for a maximum of 22 dwelling units per acre in the R-4 or PDR zones. We also allow for heights of 35' unless a conditional use permit is granted. There is also a requirement in the PEA of the parking ratio be .75 with specific guidelines. The amendment would allow increase density and height of 55' and other standards. The applicant has provided an amendment to the code for density and height as well as a further parking reduction. Their proposal was a CUP which is administrative. Staff felt that a PD zone provides more oversight and allows for legislative approval rather than administrative process.

Staff looked at other communities that face the challenge of a growing university. It seemed that 40 DUA was an appropriate density. The draft proposed is not the one in the packet but the draft distributed prior to the meeting.

Commissioner Nathan Fisher recused himself from the item

Assistant City Attorney Victoria Hales noted that the decision will have to be unanimous or the item can be continued to the next meeting.

John Willis presented the following:

This would be a new zone, PDSH. Those properties in the PEA would qualify to apply. Density would be determined through a zone change and site approval. There is a density cap of 40 units per acre with a limit of six (6) students per unit..... landscape 20% min, recreation area would be essential at 100 s.f. per unit and allowed 50% of that to be an interior facility. Design standards would look for variation in architecture and materials and be consistent with our other PDs. A 2 acre minimum is desired unless otherwise approved by City Council. 75% must be enrolled in the University. PD zone change

allows us to see the entire package. A project of this density will have an impact on the community so PD route seemed most effective. Along with this density and reduction to parking... we went from 4 unrelated up to 6 individuals and with density we were concerned that in the future the project did not comply with the student housing we would have a project that wouldn't meet a multi family standard. We've provided a penalty if they do not meet the student ratio requirement.

John read the penalty....

We felt that 75% provides leniency to students taking a semester off. The penalty in a.... 50% would take the 6 unrelated down to 3 so the project would be closer to compliance to code as far as parking and density.

One thing to note on the PEA is that it is set aside from the residential areas to the west.

Commissioner Todd Staheli asked what the check and balances would be.

John Willis replied that the complex would work with the college to provide a semiannual report verifying that they meet the 75% occupancy requirement.

Assistant City Attorney Victoria Hales said the penaltywhat the city is proposing in the ordinance change is that this be reserved for student housing. If they can't meet the student housing requirement only then will the penalty be imposed. Although it sounds harsh it is just what the density would be normally in a multi family zone. It is to prevent this from being switched to a greater than allowed density project. We've reduced the parking and recreation and allowed them to go up rather than out. If non students are there we've created a problem for ourselves. It's a balance to allow student housing to the University and provide an incentive to developers but protect the City. As to the reporting, that will be required of the property owner and they will have to have the cooperation of the University to provide that information to the City that information will not disclose names of students but just the level of student occupancy.

Commissioner Ro Wilkinson said the school has more enrollment and we want that to keep increasing so we need to provide housing. I know a freshman and she said she had to start looking a year in advance to find housing so having it that close would be wonderful.

Chair Ross Taylor said the reality of how this might come about if the facility is built and in the report they fall below then they go into to reduction from 6 to [3] so they'll tell people they can't be here anymore.

Assistant City Attorney Victoria Hales said it will pose challenges but what we don't want is to set up a system we can't enforce. There have been projects that haven't worked. That's why there is a penalty to protect the City if it turned from student to non student housing. The purpose of this ordinance is for student housing, not high density multi family that would have different standards.

John Willis added that the reductions are set with the idea that students are walking to campus.

Scott Graham (representative) approached:

The background for this is for a development we have been contemplating for a while. This project cannot happen without the amendment. The need has been addressed that the University is growing. The landlocked situation of the University is real. We

contemplated viability and student housing that will meet the need is at least 40 and we believe that is the right answer. We do have experience recently with other towns so the language isn't dreamed up but used elsewhere. We see the need to reduce the student sprawl which will happen if not addressed. The PEA is the right step. If no action is taken students will live anywhere. They have to have a place to live or they won't come here. The amendment is to allow developers to make a reasonable return and encourage the development around the school.

The CUP avenue which we did apply for; we did that thinking it would add flexibility. However, we are not opposed to the PD-SH avenue. We tried to suggest an additional reduction to the parking; concession is we're okay with the .75. That's not an issue there. We liked the language of height that allowed for flexibility. Regarding density however we think that 40 units per acre is good and comparable to other towns but that same phrasing to allow greater density upon approval is desired. We do not have a problem with the current language; we just think the added phrasing is a good suggestion. We didn't propose anything regarding the landscaping. We don't have any issue with the landscape and recreation but we have not been able to review the penalty. The issue ought not to be to penalize the students if the landlord has erred so we don't have to evict so we would hope that the penalties be to the landlord and not the student. We have touched on the economic and other benefits. We do believe that staff has addressed our application and we don't disagree with what we've seen. We would like it to be approved as drafted.

Commissioner Ro Wilkinson added that we have just limited space to build so it is very necessary that you go up so we do need to consider that.

Scott Graham said there are examples of other cities doing this same thing.

Chair Ross Taylor opened the item to the public.

Richard Biff Williams – DSU President

In regards to enrollment we have exploded. We are up 33%. We are up 220 students this year alone. We have 11% shift from commuter to non commuter. We have seen the shift to resident campus. The uCHE looks at 280 students per year growth. We will have steady growth. Current housing was 2 months early of being full. We have 2100 beds and all were full by Sept 05. We have no additional housing. As a campus we know students don't come if there isn't housing. We want to make sure we provide that housing for them and meet that need. In regards to higher density – our footprint doesn't allow for more room. Higher density around our footprint allows us to do that. In the future we hope that blighted properties be fixed and we see the need.

Cory Sorenson – Rexburg Idaho

I represent Trunorth but I have also been in your shoes as a PC member in Rexburg. We went through this process 12 years ago when Ricks turned into BYU-I. There are 14,000 students in a four (4) block radius. They're at the highest density but it doesn't feel like it. It is

very appealing. We just opened a project this fall 1024 students and it was full on day 1. I wanted to bring up a point that we didn't see the penalties prior. BYUI is a bit different because it's a private university however the city still monitors the parking. They require copies of the contracts to the city and they have to prove that only 48% parking contracts that way you can't rent to more students with cars. I think it's great to allow a mix and I believe the 75% is well thought out. I can't call the University to know how many credits a student is taking. I think that may be an issue you may have to research. You may have to check that. You want to keep your students during the summer so my worry is that they have to take 8 credits during summer and that's a time when students are working trying to save up for the year. Other than that I like the 75% student requirement however the credit hours may turn into a problem and also it's not a student's fault if they move in and the landlord messed up. I think there's a better way to do that but I think it's great.

Chair Ross Taylor asked if there is a way under FERPA to disclose the needed information. Biff Williams responded that tenants would have to self disclose; the University can't share that information. You would have to go on the honor policy. We can't disclose credit hours. Commissioner Todd Staheli inserted that at BYU approved housing, my daughter had to prove that she was taking classes to be a resident. Chair Ross Taylor asked if a landlord could give the University a list of residents and the University could say the percentage of students rather than names without violating FERPA. Biff Williams responded that the University would look into that. Commissioner Todd Staheli inserted that before the landlord would sign the contract for my daughter, she had to show that she was taking a course at BYU.

Assistant City Attorney Victoria Hales noted that the purpose of the ordinance is to put the burden on the landlord. The City is not requesting individual information from the University, just numbers. We don't want the landlord or property to have the City going through raw detail. We want a report showing that 75% are students and the landlord can require that because it's a private agreement. The parking isn't independently verified but is done by ordinance with the land. Summer student status is halftime. 8 credits is considered a half time load so it allows the flex for students to work and go to school. 75% also provides for the landlord to have some flex room so staff can address that more.

John Willis recommended that Planning Commission modify that fall and spring are full time and not summer; so change the language to apply to those two semesters. Chair Ross Taylor noted that people will make arrangements before they are enrolled in classes. Those who are coming are coming on a promise. Commissioner Todd Staheli input that contracts are on a semester basis so it should be fine.

Tyler Hoskins (Jones and Demille) – as far as the penalty – backing up the issue is really parking. If we're trying to create an area where we want students to walk, my thought is that as long as parking is met why does it matter who is in what unit whether they are full time student or not? If I'm not in school at the time and don't have a vehicle then there's no problem.

Chair Ross Taylor countered that there is concern that you also increase the number of people per unit. You've made several accommodations not just parking. One concern is that we don't want this to become attractive to everyday residents.

Commissioner Todd Staheli added that it's beds per student and if the public comes in and not students then you're punishing the students who are looking for housing.

Tyler Hoskins countered that this is for student housing. I'm not debating that I'm just worried about the penalty. The issue is parking. The way that is figured out and how it's measured has to be associated with the parking somehow.

Assistant City Attorney Victoria Hales said that to the City this is not just parking it's also density. If non students reside here then you haven't met the requirements for family housing regarding recreation area, height, parking, and density. There is a community and City concern there and then the University would no longer benefit which is what is desired in that PEA. If high density family at 75% when usually 2 spaces per unit than the burden really is on the City. The ordinance as drafted is to prevent this from turning into a not student housing project. Also the penalty is not to fall on students it will fall on non students and the developer.

Commissioner Julie Hullinger said the reason we're doing this is for student housing.

Assistant City Attorney Victoria Hales added that it is also primarily for DSU immediately adjacent to campus.

Chair Ross Taylor closed the item to the public.

Chair Ross Taylor said he is concerned with the procedures for verifying student status but to me that's the flesh and we're looking at the skeleton right now. The main function is to give us an opportunity to have better student housing in better locations.

MOTION: Commissioner Ro Wilkinson made a motion to accept Item 6 Zoning Regulation Amendment with the legal counsel with the City's proposal and with the 75% parking.

John Willis asked if the requirement for semesters for 8 hours at Spring and Fall were included.

Commissioner Ro Wilkinson said yes and otherwise as written.

SECONDED: Commissioner Todd Staheli seconded the motion.

AYES (4)

Commissioner Ro Wilkinson

Chair Ross Taylor

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

RECUSE (1)

Commissioner Nathan Fisher

Motion carries.

7. **CONDITIONAL USE PERMIT**

Consider a request to construct a five (5) story hotel (**Holiday Inn**) that exceeds the allowable maximum building height of thirty-five feet (35'). The property is located to the west of 270 East Street and generally bounded by 1670 South Street to the north and 120 East to the west (behind the Dixie Convention Center). The zoning is C-3 (General Commercial). The representative is Mr. Logan Blake, Development Services. Case No. 2014-CUP-020 (Staff - Ray S.)

Ray Snyder presented the following:

The subject hotel is on Parcel 1 of Confluence Commercial Center and includes a portion of Parcel 3. The frontage would be on 270 East and would have landscape in front. The height is the reason for the conditional use permit. There will be a portion at 68 feet but the bulk will be at 60 feet. A rendering has been submitted as to what they recommend. It looks very similar to the Hilton. The Hilton is 63' and five stories. There will be another development to the north of it in the future. This will be a 130 room 5 story hotel. The building footprint is 17,000 square feet. They meet and exceed the setbacks. The materials board has been submitted. There are the findings to be addressed. Applicable findings would be noise during construction, dust during construction, aesthetics to match the existing Hilton and Dixie Center, safety meet all required safety standards, traffic to be analyzed by the City Traffic Engineering Department and the height will be approximately 68'. Staff has no issues. They do meet and exceed the parking requirement. Height is the main issue but the hotel is in character of zone.

Logan Blake – Development Solutions said we've been working on this for a while now and we know the City is interested in developing this project as well.

Chair Ross Taylor asked what will be done to address the west elevation that you see from the freeway so it will look a bit more spectacular.

Councilman Joe Bowcutt said the Dixie Center will cover that elevation. The vicinity map looks like the project includes all of the lots not just the one area.

Logan Blake advised that the vicinity is for the whole subdivision not this one project.

Commissioner Ro Wilkinson said this area is rapidly growing into a commercial area right off the freeway and would be ideal for a Holiday Inn.

Assistant City Attorney Victoria Hales advised that the conditional use permit is for the land so it stays with the property and the findings are to be included.

MOTION: Commissioner Julie made a motion to approve Item 7 and include the findings.

SECONDED: Commissioner Nathan Fisher seconded the motion.

AYES (5)

Commissioner Ro Wilkinson

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

8. **FUTURE PC MEETINGS – DISCUSSION**

November

Typically Planning Commission (PC) meetings are held the 2nd and 4th Tuesday of the month; although November 11th is the 2nd Tuesday of the month, it's a holiday (Veteran's Day) and no PC meeting will be scheduled on that date. Also, the 25th is the 4th Tuesday, but is two days before a major holiday (Thanksgiving) and no meeting is recommended for that date. Instead it's tentatively recommended that only one meeting be held on **November 18th**.

December

It's proposed to have the regularly scheduled PC meeting on **December 9th**. However, it's recommended that no PC meeting be held on December 23rd, two days before a major holiday (Christmas).

9. **MINUTES**

Consider approval of the minutes from the May 13, 2014 Planning Commission meeting.

Proposed edits: Chair Ross Taylor noted that on page 18 there is a name change and left an edited copy of the minutes for Planning Associate Genna Singh.

MOTION: Commissioner Ro Wilkinson made a motion to approve the minutes with the proposed edit.

SECONDED: Commissioner Julie seconded the motion.

AYES (5)

Commissioner Ro Wilkinson

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion passes.

ADJOURN

MOTION: Commissioner Todd Staheli made a motion to adjourn.

SECONDED: Commissioner Ro Wilkinson seconded the motion.

AYES (5)

Commissioner Ro Wilkinson

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Julie Hullinger
Commissioner Todd Staheli
NAYS (0)
Meeting adjourned at 8:02 pm.

**PLANNING COMMISSION
CITY OF ST. GEORGE
WASHINGTON COUNTY, UTAH
October 28, 2014 – 5:00 PM**

PRESENT:

Chair Ross Taylor
Commissioner Ro Wilkinson
Commissioner Don Buehner
Commissioner Julie Hullinger
Commissioner Diane Adams
Commissioner Todd Staheli
Council Member Joe Bowcutt

CITY STAFF:

Assistant Director of Public Works Wes Jenkins
Community Development Coordinator Bob Nicholson
Planning Manager John Willis
Planner II Ray Snyder
City Surveyor Todd Jacobsen
Assistant City Attorney Victoria Hales
Planning Associate Genna Singh

EXCUSED:

Commissioner Nathan Fisher

FLAG SALUTE

Chairman Ross Taylor called the meeting to order at 5:00 pm and asked Councilman Joe Bowcutt to lead the flag salute.

1. **FINAL PLATS (FP)**

- A. Consider approval of a final plat for “**Desert Edge Phase 2**” a thirty (30) lot residential subdivision. The representative is Mr. Brad Petersen, Development Solutions. The property is zoned PD-R (Planned Development Residential) and is located at the southeast corner of Deserts Edge Drive and Broke Mesa Drive (at approximately 3500 East & 6100 South). Case No. 2014-FP-065. (Staff – Todd J.).

Todd Jacobsen presented the item with no comments.

- B. Consider approval of a final plat for “**Desert Plateau Phase 2**” a ten (10) lot residential subdivision. The representative is Mr. Brad Petersen, Development Solutions. The property is zoned PD-R (Planned Development Residential) and is located on the east side of Deserts Edge Drive at Chimney Rock Road (at approximately 3380 East and 6230 South). Case No. 2014-FP-069. (Staff – Todd J.).

Todd Jacobsen presented the item with no comments.

- C. Consider approval of a final plat for “**Escapes at the Ledges Phase 2**” a twenty-one (21) unit residential subdivision plat. The representative is Mr. Brad Petersen, Development Solutions. The property is zoned PD-R (Planned Development Residential) and is located easterly of the East Ledges Round-A-Bout and Ledges Parkway (in the Ledges Development at approximately 5000 North and 1720 West). Case No. 2014-FP-064. (Staff – Todd J.).

Todd Jacobsen presented the item with no comments.

- D. Consider approval of a final plat for “**Fieldstone Phase 1**” a twenty-five (25) lot residential subdivision plat. The representative is Mr. Brad Petersen, Development Solutions. The property is zoned R-1-10 (Single Family Residential 10,000 square foot minimum lot size) and is located on the south side of Crimson ridge Drive at 2240 East Street (in the Little Valley area). Case No. 2014-FP-068. (Staff – Todd J.).

Todd Jacobsen presented the item with no comments.

Victoria Hales added that the items are subject to legal.

MOTION: Commissioner Ro Wilkinson 1A, 1B, 1C, and 1D with legal counsel.

SECONDED: Commissioner Todd Staheli seconded the motion.

AYES (6)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion passes.

- E. Consider approval of a final plat for “**Legends of Cactus Flats**” a twelve (12) lot residential subdivision. The representative is Mr. Roger Bundy, R & B Surveying. The property is zoned R-1-10 (Single Family Residential 10,000 square foot minimum lot size) and is located at approximately 2300 South and 2010 East Street (north of the LDS Church at 2079 East 2450 South Street). Case No. 2014-FP-030. (Staff – Wes J. for Todd J.).
Note: This item was previously tabled at the Sept. 16th and Oct. 14th PC meetings.

Wes Jenkins showed a power point regarding this plat.

Wes Jenkins explained:

They will slope 2:1 to the proposed pad elevation. The slope will go down to the existing wall and will not impose on the existing wall. As far as drainage, anything that comes off of the slope will come to the wall and drain toward the walkout basement lot. The other lots are now slab on grade and no longer walk out. The two pads will have a small berm at the top of the

slope. Any drainage that falls on those pads until developed will flow north to the street so it won't go against the church wall. They realize there is a slope to the wall so they propose to excavate small detention areas. That will keep the water away from the wall. The engineer has sized these to hold the amount of water to fall in a 100 year storm. The developer is not proposing retaining walls he would rather slope down and let the home owner build the walls if desired. There is a note on the plat that with each lot there will be a drainage and grading plan. That will be required with each building permit for those lots. That has to show how they'll take care of their water to not impact others. We will also put a note restating the wall ordinance stating the 8' height restriction unless stepped back.

Commission Don Buehner asked that Wes repeat the privacy wall note.

Wes Jenkins said you can go 8' on a retaining wall. If you want a privacy wall then you have to set it back from the retaining wall half the height of the retaining wall. So the privacy wall would have to be set back 4' from the retaining wall so you don't have a large wall. If you go to 8' you can put a wall on top if it is 50% open.

Commissioner Don Buehner asked that the retaining be restated.

Wes Jenkins responded that he'll pass those walls onto the home owners. They can either keep the slope or retain the dirt themselves.

Commissioner Diane Adams asked if the water retention is that underground.

Wes Jenkins said no. It will be a small detention area. The property owner is responsible so it's the developer's responsibility until the lots are sold.

Councilman Joe Bowcutt asked if the water goes out to the street from the basement lots.

Wes Jenkins responded that it will go down the slope and the grading will make it go out to the street.

Councilman Joe Bowcutt asked if a storm drain is involved.

Wes Jenkins said no, just the street. As the lots are developed they'll have to show a permanent solution.

Commissioner Diane Adams asked if lot 10 will have a walkout basement.

Wes Jenkins said it will.

Commissioner Diane Adams noted that half of it abuts to lot 9.

Wes Jenkins said a portion will be there and against lot 9.

Commissioner Diane Adams asked if any lots have been pre sold.

Wes Jenkins responded that they haven't sold yet.

Commissioner Diane Adams asked if the berm is dirt.

Wes Jenkins replied yes it is dirt. It's just to make the water not drain on someone else's property. We're looking to revise our standards to require berms on the edges of pads when graded so the water is kept on the lot or brought to the street.

Commissioner Don Buehner asked if this is an amendment to a final plat.

Wes Jenkins answered no; it's an amendment to what was approved as the preliminary plat and construction drawings.

Commissioner Todd Staheli asked if the elevations on the preliminary plat are the same.

Wes Jenkins said the elevations were lower on the preliminary plat. The hope is that as they come in and build they will back fill and lower the elevation the lots.

Assistant City Attorney Victoria Hales asked staff to clarify what the Commission is voting on.

Wes Jenkins said this was tabled.

Assistant City Attorney Victoria Hales asked if the item is an amended preliminary plat.

Wes Jenkins said no, this is a tabled final plat. The final plat was tabled because it had changed from the preliminary and construction drawings. No lot sizes have changed, only the walk out basements.

Assistant City Attorney Victoria Hales clarified that the drainage, elevations, and walk out basements have changed.

Commissioner Diane Adams asked if this item has been reviewed by legal.

Assistant City Attorney Victoria Hales said legal has discussed the item but it has not yet been approved by legal.

Commissioner Diane Adams noted that this would be subject to legal.

Chair Ross Taylor stated that the developer is here so we'll let him address this item. Most of the letters received were in regard to privacy. There is nothing in land use that pertains to privacy. That issue cannot be an area of focus for us. We can look at drainage and other issues that may impact the neighbors or developer.

Commissioner Ro Wilkinson explained that they can push through that wall and they can build above you and look onto your property.

Chair Ross Taylor said he is concerned about the dirt that was built up. I looked today and it looks like the dirt has been moved however there is still 2-3 feet of dirt built up.

Glen Bundy (applicant) said he doesn't know that is accurate.

Chair Ross Taylor countered that he had visited the site today.

Glen Bundy replied that he told the crew to go down to the footing. If that wasn't done it should have been done yesterday.

Chair Ross Taylor asked how you'll keep the dirt from sloping back down into that wall. If someone walks on the hill that dirt will fall and impose a load on that wall again.

Glen Bundy said he had looked at that as well and thought about putting concrete walls up; the expense is too great.

Chair Ross Taylor noted that not every person who buys a lot will put in a wall.

Glen Bundy said, I don't know what to tell you there.

Chair Ross Taylor said it makes it an iffy situation if there's not a sure plan that secures the existing fence.

Glen Bundy said we'll need to put in some fences.

Commissioner Don Buehner asked what the purpose is of the changed elevations.

Glen Bundy deferred that question to his engineer.

Commissioner Don Buehner said he understands walk out versus two story homes but I don't get why the elevation was raised unless it was for view or something else.

Glen Bundy responded that it was for balancing dirt and what we had. We had excess dirt so we used the lots for elevation to balance the dirt and to not have to haul the dirt out.

Paul Blackmore said we did adjust the grades because we had more dirt than expected. We put in daylightings because we didn't think we would have enough dirt. As for the slopes, I checked with a geotech and asked what a stable slope would be. He told me 2:1 would be the best. Before we are done we will make sure that the slope is truly 2:1. We understand that the dirt can sluff with rain or with foot traffic and it will be maintained. When someone comes in to

build the home I foresee them fixing the slope and addressing the walls with their site plans during the building permit process. I have walked the edges and there are some tricky situations that will be in the disclosures for each lot so people know what they have to address. Lot 7 on the southwest corner has an existing retaining wall and privacy wall. Any wall we put in has to be below that so we don't push on it. That note is in our disclosure. We cannot afford the walls at this time so we're opting for a stable slope. Yesterday when I left the site we had the preliminary slopes and detention areas done. We are making sure that the slope is stable. I did the hydrology calculations and assumed a 100 year event would hold. We had two storms earlier this year and one happened before any grading happened on the west side. Historically the low spot of this area came through our west boundary. One reason we made the lots high was so the flow from the subdivision to the west doesn't impose hardship on those lots. Based on the numbers we would get water in the detentions we build and the traditional flow would now go out to the road. By the time we have approval from the City it will be easy to monitor and will be something that is stable. Buyers do have the option to re-grade and/or put in a wall. We put in our disclosures a buyers choices and make sure they know what ordinances apply to them.

Chair Ross Taylor opened the item to the public.

Darren Ware – Skyline Estates lot 21

As it currently stands, all of the water that comes off the slopes drains to my corner. It sifts through my existing retaining wall. I have installed 5 drains in my yard and maintain those to keep the mud out and then the water goes out to the curb. I appreciate the thought of drainage but a 1" rainstorm would be 4,000 gallons of water. If my wall fails my drainage won't keep up. The maintenance on these will be every storm to clear mud and weeds. My concern is that we get the 3" rainstorm.

Paul Blackmore responded that we'll go out to his property and make sure it works. A developer is responsible for their water. This developer is getting water that they shouldn't in the first place. If we need to modify our numbers and detention we will.

Commissioner Todd Staheli asked that when a homeowner re-grades the lot and puts in fencing, what is the cost?

Paul Blackmore said that a home owner will pay per their design. The cost of the walls and such the home owner can decide. If I were to live on lot 12 I would have a tri-level. If they choose an 8' high wall they would have to get the bid. We do have some preliminary designs that they can use but I don't have a number for you. When the site was graded we compacted the pads. The extra dirt is designed to go behind the wall. It proved to be easier to compact than it was leave a pile of dirt.

Commissioner Diane Adams asked if the extra dirt will back fill a retaining wall.

Paul Blackmore said there is the pad and then the 2:1 slope with varying distances to the wall. If I were to buy lot 12 and wanted a maximum height wall; that wall could be 8' with 50% see through additional on top or stepped back. To step that back there needs to be dirt to fill the 4' step.

Scott Lindsay -

One concern I had was privacy but I'll move away from that. These are going to be smaller lots so most of us will have to deal with two different contractors. Why did the elevation change? Drainage still would have been an issue but now there's a height issue. We don't know when these

lots will sell. There will be sluffage and there is dirt along my wall as it is. It's not a big issue but it is a concern as these walls are for privacy. Some of these lots are 1' or higher than the existing wall and that's the starting point. That is why we're having a hard time understanding how this was allowed.

Commissioner Don Buehner clarified that it wasn't approved. It was done. It was something that has changed since the preliminary plat. They are looking for a final approval tonight with that change.

Scott Lindsay said there was a perfectly good privacy wall there so why now do we have to have a drainage issue and need more fencing. We have no idea what is going to happen in the future.

Paul Blackmore said the low spot on this was the property line on the west. There was an elevation there that we had to hold. We had to maintain the road and sewer elevations there.

Councilman Joe Bowcutt asked which road the sewer goes to.

Paul Blackmore replied that the sewer goes to the south side of the property and we have stubs to the north and to the east.

Commissioner Don Buehner said it runs to 2450 South to the south.

Paul Blackmore stated that there is sewer in Harvest Hills and we stubbed up for the future and our subdivision.

Councilman Joe Bowcutt asked if the elevation prior the sewer would not have worked.

Paul Blackmore said the sewer would have originally held, the dirt is just extra dirt. As far as the boundary wall there was always a retaining wall there. As far as drainage we have worked extensively to make sure that we've covered our bases. That drainage also dictated the height of the lots.

Assistant City Attorney Victoria Hales counseled that the Preliminary Plat has changed and that's why the questions are before us at the final plat stage. It is perfectly appropriate to ask about the lot layout, dimensions, drainage, and storm water including alignment and grading, and downstream drainage, as well as a grading plan for walls and other design issues. That is found in 11-4-3B4. The vote today is after your questions have been answered. If answered you may continue or you may ask the developer for more. You can recommend approval, recommend denial, or ask for more information.

Commissioner Don Buehner asked if the motion is to approve or recommend approval.

Assistant City Attorney Victoria Hales said it is to recommend to City Council. All final plats are recommendations to City Council.

Chair Ross Taylor asked why the motion includes authorization for the chair to sign. Is that not approval?

Assistant City Attorney Victoria Hales said that Planning Commission and City Council has to approve.

Commissioner Diane Adams asked if it is typical to approve a subdivision where the elevation is subject to change after approval. The comment was made that each lot can change the elevation. I assume none higher but I don't know.

Paul Blackmore responded that it happens everywhere. What you're talking about is controlled through the building permit process. In order to obtain a building permit you have to submit a site plan with drainage and grading plans. That review and approval is per staff. Grades can change regardless of where you are.

Chair Ross Taylor addressed the applicant stating he would much rather you put in the fences but I'm honoring your engineer's statements and will let it go. The problem is that this came in piecemeal but I feel we have had an adequate explanation.

Commissioner Todd Staheli asked if the change was brought to us before or after.

Wes Jenkins inserted that the change was walk out basements on three lots and now walk out basements on two lots. Yes the pads have changed and that was a concern but as Paul indicated that approval occurs when drawings are submitted. The change really is 3 walk outs to 1 walk out from the Preliminary Plat to the Final Plat.

Commissioner Don Buehner asked if the developer has the right to change the grade is that something in the purview of Planning Commission.

Assistant City Attorney Victoria Hales replied that the grading plan and drainage is in your purview. Retaining walls and other design issues are also in your purview.

Paul Blackmore added that when we design something, civil engineering is a bit of a blur. There is discovery as you go forward. When in the field you have to modify and accommodate but follow ordinance.

Commissioner Don Buehner said we're dealing with the drainage currently as undeveloped and then when developed. As far as currently at an undeveloped state and because of the amendments how documented does this have to be? Are these things like a 2:1 slope part of the plan?

Wes Jenkins responded that you are just approving the final plat.

Commissioner Todd Staheli asked if the home owner can change the elevation.

Wes Jenkins responded that this is usually addressed at the preliminary plat stage. They have changed from that and we could have come forward with a preliminary plat amendment.

Commissioner Don Buehner asked if the 2:1 slopes and such that Paul talked about are part of the final plat.

Wes Jenkins said yes, notes on the grading plan and such have to be transferred to the final plat so buyers know.

Commissioner Don Buehner stated that the grading plan is critical to this approval and without that I don't think we should move forward.

Commissioner Diane Adams agreed.

Assistant City Attorney Victoria Hales asked if the revised plan came in today.

Paul Blackmore said yes, the plan did come in today, but it is a summary of what we've discussed in the past few weeks.

Assistant City Attorney Victoria Hales noted that the plan wasn't in our notice to the public.

Paul Blackmore said the notes were with correspondence with staff.

Assistant City Attorney Victoria Hales countered that the Planning Commission is considering an item that wasn't in the agenda.

Paul Blackmore asked if the Commission had the drawings or conditions.

Commissioner Don Buehner said the changes haven't been clear to us and as we get clarity we realize we don't have the information. The process feels incomplete to me. When we recommend for approval it needs to be clear what is going forward.

Commissioner Todd Staheli said the applicant can table it or we can vote on it and make it easy.

Paul Blackmore asked if the condition on approval is that the changes are made clear to council.

Assistant City Attorney Victoria Hales said you might want a recommendation from the Planning Commission or it's up to the developer to withdraw. What was given to the Planning Commission and public is different from what you're wanting approved.

Paul Blackmore countered that the conditions were always part of the submittal. The haziness is the 2:1 slope and berm which is easy to manage by staff.

Commissioner Don Buehner said there are two issues: the public notice and information that has changed. My issue is just the specifications with drainage and the walls that are non retention.

Wes Jenkins said that the grading plan shown on the power point is the grading plan that we'll go off of. Before the subdivision can be approved it will have to look like this plan. The berms and ponds and slope will have to be in place.

Commissioner Don Buehner said that the Planning Commission doesn't have those specifications.

Wes Jenkins said what you're looking at is a construction drawing. We approve this because it meets City standards. Before recording, the subdivision has to look like the grading plan.

Commissioner Don Buehner noted that when we recommend to City Council for approval it has to be clear. I'm fuzzy because changes require some specifications. Paul explained the drainage fairly well but those specifications are written somewhere but are not available to us as a Planning Commission so I just want to be able to review those because they deal with the changes that have occurred.

Commissioner Don Buehner said he would be willing to review those plans tonight if available.

Commissioner Todd Staheli asked if not having them prior to the meeting would be an issue.

Assistant City Attorney Victoria Hales counseled that you're looking at whether you can condition when you don't feel like you have the conditions to use so that impacts the developers decision if they want the time to bring it back if he feels the commission isn't comfortable.

Chair Ross Taylor inserted that our staff know what those conditions are and are confident in them and I feel like if we move forward with a motion with those conditions being forced I feel comfortable with staff knowing what it going on, but if others are not comfortable then make a motion and we'll go from there.

Commissioner Don Buehner added that if the Commission could review the plans tonight it should be okay to move forward.

Paul Blackmore said he has the information with him.

Chair Ross Taylor deferred the item until later in the agenda in order for the applicant to present the Commission with more information.

2. ZONE CHANGES (ZC) - PUBLIC HEARINGS

- A. Consider a zone change from OS (Open Space) to R-1-8 (Single Family Residential 8,000 sq. ft. minimum lot size) on 11.88 acres. The property is located between the end of Marigold Way and 1470 West Street in Bloomington. The project will be referred to as "Hyde-Berry Park" The applicant is MW Utah Properties 3, LLC and the representative is Mr. Rob Reid, Rosenberg Associates. Case No. 2014-ZC-011. (Staff – Ray S.).

Ray Snyder presented the following:

Please note that the change is from OS (Open Space) to R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size). Public noting and letters were accurate; the only error was on this agenda blurb. The general plan for this area is low density residential.

If approved there would be a preliminary plat and then final plat. Notices were sent out to neighbors 500' from the proposal and public notices have been posted. The applicant submitted this application a month or so ago and was held until staff received a letter from FEMA (LOMAR).

Assistant City Attorney Victoria Hales stepped out at 6:14 pm

The LOMR moves the property out of the flood plain and the developer will raise the area out the plain per their specifications.

An added item before you tonight is from the applicant. There was a letter sent to the neighbors by the applicant and the results of the email showed 15 responses in support of the zone change. The zone change looks to fit the area and FEMA has approved a LOMR. There has been neighbor support and we have not received any calls either way from citizens.

Rob Reid (Rosenberg) we got the floodplain development permit which allowed us to raise the area and submit to FEMA and now that we have the LOMR we're proceeding with the zone change

Chair Ross Taylor opened the item to the public.

Gordan Aire – 1292 Baneberry

Some history of this area – when I purchased my home 17 years ago new there had to be a long term plan in the works because I was surrounded by dead end streets. When I purchased n baneberry was developed but no one was on the south. We had some drainage issues and presented to the engineers and they put in an 18" pipe to take the drainage out to the river. Winegar started a sub

Assistant City Attorney Victoria Hales returned at 6:20 pm

North side of Baneberry understand that there will be expansion. I'm here in support of this. Progress is good. The homes going there will solve another problem. During the 100 year storm we get a little lake so this will be good. The change from OS to R-1-10 should have been known by all of us long ago.

Reid Gilgin – south side of Baneberry – I did receive the email looking for support however I do know that several neighbors did not get that email and would have had some negative responses. We were told that no one would build behind because it was a flood

Assistant City Attorney Victoria Hales stepped out at 6:23 pm

We've had a great view of the mountains and now Sun River and a horse pasture. I like the horses and openness but I'm torn having the view gone but horses gone. I know the building will be quality and increase my value but we're going to lose view. My feelings are mixed.

Assistant City Attorney Victoria Hales returned at 6:25 pm

William R Endsley – I live on Marigold. We moved in 2000 when we were flood plain. We had Rosenberg come out and measure so FEMA didn't charge the full amount for flood insurance. Both my neighbors have been flooded but mine was high enough. The flood doesn't really come down the

river it comes down the golf course and Marigold. We don't have retaining walls to prevent that. My question is what happens to my location and my neighbors. We also have property behind that goes to river's edge. The builder wanted possession of that but my neighbor didn't want to sell. What will happen to that when we sell eventually? Will this increase value and my taxes? I want to know what will happen to the 5 homes on the south side of Marigold. Will they be beneath Baneberry and their new homes? I'm impressed that things don't go by very quickly and that you ask questions to make sure home owners don't get stuck by the developer

Janene Eiler – I didn't get the email – I'm concerned with the floodplain area as well. My house is higher so it won't necessarily affect me but the flood did go into that park so we want don't someone who buys to get flooded.

Greg Eiler – end of 1470. I have had nothing but a negative reaction to the developer. We didn't get email and I would have loved to have it and respond. They have not been very proactive. They have been negative with the street of 1470 with mud and dirt brought into the area. Flooding is not our issue because we have retaining walls and such but if you look at Mesquite and the building on the landfill and if you look at north Salt Lake landslide, who is left responsible? The homeowner. People coming into this area at a later day will have no idea and we need to consider them.

Heidi Chant – 1343 Baneberry. We built 12 years ago. I love the horses. We were told it's a flood plain and have seen it rain. I'm sorry to see it developed but I realize this is how it goes. We are higher up and brought in boulders to shore up the dirt. I am concerned about the flooding. They started in the spring and stopped in June. I did notice that with their digging they dug trenches and brought in boulders that under dirt. Now there is a very large pond there. Is that underground water coming up? Is it coming from the river? When the developer came in Feb he gave us a handout with the design of the homes. I have concerns how big they will be when my home is tiny. The communication isn't very good. There are some drainage issues and we don't know where all the lines go. I can smell the sewer. I hope this takes a bit longer through the City to investigate and so the neighbors can know. I think we need more information.

Gary Stolts – 1361 Baneberry

We bought in 2004 and in January of 2005 I saw water less than 100' from my property line. I also did not get the email. It seems like the work that was done out there may not be enough. It doesn't seem like what they have done has sufficiently addressed the problem.

Chair Ross Taylor asked when the rip rap was installed.

Commissioner Todd Staheli said it was installed in 2005 after the major storm.

Rob Reid said the 2005 floods brought water into that area because the Santa Clara was so laden with sediment. Since then the channel has been widened. In 2010 the river was scoured and lowered the bottom which has allowed some of these other subdivisions like Baneberry. There is flooding that comes down the Bloomington Wash that comes to Marigold but that's not part of this property. That area was not part of this study. It did bring homes that were in the floodplain out of the flood

Chair Ross Taylor asked if the LOMR from the scouring.

Rob Reid said it was a combination of 2005 and 2010.

Commissioner Diane Adams asked if it requires elevation.

Rob Reid said the City requires 2' above base. We've done the minimum in order to get the LOMR, to stay out of the plain we'll go to 2'.

Commissioner Diane Adams asked if there is a natural spring there.

Rob Reid replied that there's ground water and because we're so close to the river the ground water isn't very deep. Right now this is only a zone change.

Tiffany Nelson inserted that the water is there on purpose. We raised the elevation during the summer and neighbors were complaining about the water so they purposely dug below to collect the ground water and storm water.

Hayden Chant – We have a pool and when the wind blows the pool is pretty bad but that's life. I never saw water trucks close to us. If they had used water trucks I didn't see any. There hasn't been anything done out there since June. We need more communication.

Greg Eiler – the fire hydrant adjacent to us is the one they used to control the dust and such. They dug the holes and tried to use that and it didn't work at all. They park their equipment east of my proper and I couldn't see their equipment because of the dust. Since July there has been nothing done for the dust. They don't use the fire hydrant by me anymore so I don't know what water they are using now. They haven't done a good job controlling the dirt.

Ray Snyder reminded all that tonight is a zone change and then they will come back with the preliminary plat and final plat. If those are approved then they will go through a site plan review process. The only issue tonight was that FEMA has looked at it and if elevated it could be developed.

Chair Ross Taylor closed the public hearing.

Assistant City Attorney Victoria Hales added that the zone change goes with land so anyone can use the land by what you change it to.

MOTION: Commissioner Julie Hullinger made a motion to approve 2A and include staff comments.

DISCUSSION ON THE MOTION:

Commissioner Don Buehner asked if the recommendation was for approval.

Commissioner Julie Hullinger said yes it was.

Commissioner Don Buehner asked that a reason why could be stated to the council. I agree with you.

Commissioner Julie Hullinger stated that I include staff comments and legal.

Chair Ross Taylor added that land use law states that the right of the property owner to have what is requested if they meet the necessary criteria. They have the LOMR so it can be developed and is no longer impacted by the flood plain. There is no particular reason they don't meet the criteria.

SECONDED: Commissioner Diane Adams seconded the motion.

AYES (6)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Diane Adams
Commissioner Julie Hullinger
Commissioner Todd Staheli
NAYS (0)
Motion passes.

- B. Consider a zone change from RE-20 (Residential Estate 20,000 sq. ft. minimum lot size) to R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size) on 5.047 acres. The property is located between **Tuweap Drive and 2100 West Street** (at the intersection of 2100 West and 1860 North Street). The applicant is New Trend Construction and the representative is Mr. Tim Kenney. Case No. 2014-ZC-014. (Staff – Ray S.).

Ray Snyder presented the following:

I talked to the engineer representing this who had to leave the meeting. She (Brandee Walker, Bush & Gudgell) left me her comments. The general plan does support LDR there. There was a pond there that was 3' deep. Brandee said the home will be torn down, the dried up pond will be filled, and they will clean up the area.

Commissioner Ro Wilkinson asked where the water is coming for the pond.

Ray Snyder stated that he had a little well or something he put there; it was man made. If there are concerns about drainage or water they will look at it for the civil plans. Staff has no issues or comments. This will be a good project for the area.

Chair Ross Taylor opened the item to the public.

Tenille Ewing – my family owns property north of this. We just want the zoning consistent with what is already there.

Chair Ross Taylor closed the public hearing.

Commissioner Don Buehner asked what the surrounding zoning is.

Ray Snyder responded that the general plan is low density residential which is no more than 4 units per acre. The zoning around them varies. There is R-1-8 and R-1-10.

Chair Ross Taylor asked if this is the Fridel property. It's growing around there so it seems like a reasonable fit.

Assistant City Attorney Victoria Hales reminded the Commission that zoning runs with the land.

MOTION: Commissioner Todd Staheli made a motion to approve 2b from RE-20 to R-1-10 including legal's comments.

SECONDED: Commissioner Julie Hullinger seconded the motion.

AYES (6)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion carries.

3. **SUBDIVISION ORDINANCE AMENDMENT (ZRA) – PUBLIC HEARING**

Consider approval of a proposed amendment to the City Subdivision Regulations, Section 11-5-4.C.3 to allow a five foot (5') landscape and utility strip between the sidewalk and wall where additional road right-of-way and a **deceleration / acceleration lane** is provided at the request of the City. Case No. 2014-ZRA-006 (Staff Bob N.)

Bob Nicholson presented the following:

By practice for the last year or so we have been allowing this. The decel lane is a system improvement. We ask for the decel lanes to improve traffic flow. That lane is somewhere between 10-12' wide. We allow the landscape strip to be narrowed to 5'. The 5' is wide enough for a row of trees. The proposed amendment to the City Subdivision Ordinance, Section 11-5-4:C.3 is to allow for a 5' wide utility and landscape strip between the sidewalk and privacy wall where additional road right of way and a decel/accel lane is provided at the request of the City:

*“Where double frontage lots are platted, a six foot (6') 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 Title 10, Chapter 18 of this code. 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 additional public right-of-way and a deceleration / acceleration lane at the request of the city, the utility-landscape strip may be reduced to five (5) feet for the length of the additional deceleration / acceleration lane.**”*

Chair Ross Taylor asked if this also reduces the easement.

Bob Nicholson responded it does, but utilities on these are typically from the front of the lot. We've been doing this for some time so we need to have it on the books.

Councilman Joe Bowcutt clarified that this is only at the City's request and not a builder's discretion.

Bob Nicholson said if they want to improve the right of way and landscape we will encourage it.

Councilman Joe Bowcutt asked if he is not requested to do it and we want him to, he still has to go 10'?

Bob Nicholson clarified that we'll typically require it. It only applies on arterial streets where you need a deceleration lane.

Chair Ross Taylor opened the item to the public.

Chair Ross Taylor closed the public hearing.

MOTION: Commissioner Diane Adams made a motion to recommend approval of Item 3 per staff comments.

SECONDED: Commissioner Ro Wilkinson seconded the motion.

AYES (6)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor
Commissioner Diane Adams
Commissioner Julie Hullinger
Commissioner Todd Staheli
NAYS (0)
Motion carries.

Assistant City Attorney Victoria Hales stepped out at 7:06 pm

4. **REVISED SITE PLAN (BDCSP)**

Consider proposed revised changes to the BDCSP (Building Design Conceptual Site Plan) for “**Joule Plaza**” by the developer. The changes include: revised building design, 17 additional units, 40 additional parking spaces, approval for certain uses to be considered as commercial uses. Located between 200 West and 300 West Streets on the south side of Tabernacle Street. Case No. 2014-BDCSP-005 (Staff Bob N.)

***Assistant City Attorney Victoria Hales returned at 7:07 pm
Legends of Cactus Flats information was distributed***

Bob Nicholson presented the following:

BLDG A, B, and C have not changed, the design is the same. The change is that there was underground parking. The water table is high so they now want a two level parking structure that is .5 level below grade and 1.5 above grade which would be 9’ above the finished grade. The parking will be on the south side with trees. There is also parking that goes through the middle (north/south) with the new 17 units proposed.

Commissioner Ro Wilkinson recused herself from the item.

Chair Ross Taylor stated that the building letters don’t correlate to the previous plan.

Bob Nicholson noted they did rename the buildings. The three main buildings are the same height.

Councilman Joe Bowcutt asked if the building height is the same for the parking structure.

Bob Nicholson said yes. The original three buildings heights have not changed. There is now the building in the middle with parking and residence (bldg C). Previously we granted 1.5 parking ratio and waived the guest parking. The other thing I wanted to point out is the proposed commercial uses on the ground floor. As long as they are commercial and open to the public they are legitimate uses. They propose storage rental closets. That designation is not listed in our code. The traditional storage unit is the one with a roll up door that you access from outside. They propose interior hallways. Tenants can rent as well as any other business. That is up to your interpretation if this is allowed or not. They’ll have a fitness facility that we approved conditioned that it is open to the public. We say that because in the mixed use they have to have half of the ground floor as a commercial use. If you look at the South Elevation you’ll see the row of trees which is the view from 100 S. They’ll see the trees and then parking

structure is only 9' out of ground. The parking shouldn't be too intrusive. The parking is brown stucco with stone and brick accents.

Wes Davis – as far as the storage – they are ground level. We want them on 300 the main level and then the far southeast corner at 1,100 square feet. Someone from the outside of the building wouldn't know they were even there. You would come in through a professional door and there would be closets with auto lights.

Bob Nicholson added that there are pictures in the packet as an example from Bountiful.

Commissioner Todd Staheli asked if dollies will be available.

Wes Davis said that was doubtful as they are damaging to the carpet. It will be a small hallway you can access in and out.

Assistant City Attorney Victoria Hales asked if the storage facility is staffed.

Wes Davis responded there will be an onsite property manager.

Assistant City Attorney Victoria Hales asked if it is like a business. Is there a person behind this door?

Wes Davis said there would be a 3rd party manager.

Commissioner Diane Adams asked how you get into the storage facility and if it is open to anyone.

Wes Davis noted that the facility is open 24/7 with secured access to anyone.

Commissioner Diane Adams asked what the mix of new units would be.

Wes Davis explained there would be 8-9 one bedroom units and the rest are two bedroom units. We also went above and beyond with the parking and gave more than required. Also, Bldg A does still have underground parking.

Commissioner Todd Staheli asked if the parking behind is public as well or just for the tenants.

Wes Davis stated it is all private parking.

Commissioner Todd Staheli noted that Main Street is open to the public.

Wes Davis said that is up to consideration. We're hoping for an RDA or CDA and it would be nice to do something similar to that.

Councilman Joe Bowcutt asked how the parking available behind the houses at 100 South has changed.

Wes Davis said it's been brought out. It is partially below grade and then above grade.

Councilman Joe Bowcutt asked what the total height is.

Wes Davis said it will be 9' from grade.

Randy Wilkinson said the site line of the neighbors will be very little, maybe just the tops of the cars.

Wes Davis added that we're still 10' from the property line.

Commissioner Todd Staheli asked if the parking 10' from the property line.

Wes Davis said yes and then the landscaping is there.

Randy Wilkinson said we've left that the same as before and will put in landscaping to help screen.

Commissioner Todd Staheli asked if this should this have been a public hearing item.

Bob Nicholson said no, before was the CUP for the height. That has not changed and the added parking structure is not too high.

Assistant City Attorney Victoria Hales said they are coming back and it requires the same considerations – building design, the information in the mixed use ordinance, density, the design of parking, views of parking and materials as well as the possible storage units to meet their commercial requirement can all be considered. You're looking at density, parking, design, and use.

Bob Nicholson stated that we didn't go into much detail because the materials have not changed for the three main buildings. The parking has been clarified as stucco over the concrete, the main is brick stucco, hardy siding. Do you want that refreshed?

Chair Ross Taylor said the applicant needs to explain the parking.

Bob Nicholson explained that the parking garage will be concrete with brown stucco with stone and brick accent.

Ben Rogers added that the materials are consistent with the previous materials board.

Assistant City Attorney Victoria Hales asked if there is a picture of the parking structure in the packet.

Ben Rogers said the renderings are on the elevations.

Bob Nicholson said the headlights will not carry onto the neighbor's property.

Commissioner Todd Staheli asked how many storage units are proposed.

Ben Rogers noted there would be 20 to 30 as part of the commercial space.

Ray brought the materials board from the previous submittal

Assistant City Attorney Victoria Hales reminded the Commissioners they are considering all design: density, parking, aesthetics, design. It is a complete review of the project, as well as the elevations. All those things that are changes can go through the process gain. Tonight: parking, density from 33 to 37 units per acre, the parking did account for that plus a few extra, as well as the parking structures and it appears there is one elevation that shows you a partial view of that structure, as well as the commercial use determination that may raise questions.

Commissioner Diane Adams asked if the storage closets were not approved, would you still meet your commercial area requirement.

Ben Rogers clarified that we're not asking for a change in commercial space we want an option to provide closets as part of our commercial requirement to our residents as well as to others. We don't want a change in commercial area just the opportunity to provide a different service.

Commissioner Diane Adams noted that if I lived in a building I would not want a storage open to the public 24x7 in my building.

Ben Rogers said it would be more like a commercial suite.

Commissioner Diane Adams asked if each closet renter would have a rental agreement.

Ben Rogers said yes and added that each unit is secure in its own suite. Patrons would have access to just the suite not to the residential area. It's an interior hallway but they can enter from the exterior as well and will have secured access. The residents outside the area have limited access to the interior corridor.

MOTION: Commissioner Julie Hullinger made a motion to recommend approval of Item 4 considering the increased density is small and the parking has been increased, that aesthetically it will stay the same, the parking garage is okay and is not that visible to the existing residences, and I'm okay with the use as long as it is secured.

DISCUSSION ON THE MOTION:

Commissioner Don Buehner asked if the use was specific to the storage closets.

Commissioner Julie Hullinger said yes.

SECONDED: Commissioner Don Buehner seconded the motion.

AYES (5)

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS(0)

RECUSED (1)

Commissioner Ro Wilkinson

Motion carries.

Assistant City Attorney Victoria Hales advised that a five minute recess be held to review the material presented for Legends of Cactus Flats. The notice issue has been reviewed and what was published is adequate regardless of the new information.

Chair Ross Taylor called for a 5 minutes recess at 7:44 pm

The meeting resumed at 7:50 pm

Discussion on Legends of Cactus Flats

Commissioner Don Buehner said what was submitted is great. I've looked over it and you have documented what we discussed. I'm content.

Paul Blackmore inserted that Wes Jenkins and I wrote this all down so things couldn't fall through the cracks. We want something that we can both review and make sure everything is done.

Commissioner Don Buehner noted that this documents the actual grading.

Paul Blackmore replied that the document outlines the grading and the adjustments for pads for back fill, and the berm, and that no soil can touch the other walls.

Assistant City Attorney Victoria Hales noted that per code 11-4-3 and 11-4-4 approval does not constitute full approval of the development as additional requirements may be imposed that are a result of more detailed and thorough review of all plans, specifications, reports or investigations.

This item can be recommended for approval, denial, or conditions. Some conditions discussed are that the plat contain a note about the wall ordinance and drainage plan standard.

MOTION: Commissioner Don Buehner made a motion to recommend approval of Final Plat 1E Legends of Cactus Flat with the notes that have been entered on the slope and drainage and documents as stated for the sale of the lots and with the note that we appreciate the developer and engineer working with the neighbors as the drainage issues come up.

DISCUSSION ON THE MOTION:

Assistant City Attorney Victoria Hales asked if the wall note was to be included.

Commissioner Don Buehner said yes and the wall note as well.

Commissioner Diane Adams asked what the wall was.

Assistant City Attorney Victoria Hales clarified that the wall note pertains to the wall ordinance. It reminds buyers what the ordinance is as far as the retaining wall and privacy wall options.

Commissioner Don Buehner asked if that informs the purchaser.

Assistant City Attorney Victoria Hales said yes.
Commissioner Todd Staheli asked that if the plans change would the developer have to come back to the Planning Commission.
Assistant City Attorney Victoria Hales said no, changes would be addressed at the engineering stage.
SECONDED: Commissioner Todd Staheli seconded the motion.
AYES (6)
Commissioner Ro Wilkinson
Commissioner Don Buehner
Chair Ross Taylor
Commissioner Diane Adams
Commissioner Julie Hullinger
Commissioner Todd Staheli
NAYS (0)
Motion passes.

5. **TRAINING**

Training and discussion to cover Title 10 Chapter 8 “Planned Development Zone.”

Training from this meeting will be postponed.

ADJOURN

MOTION: Commissioner Don Buehner made a motion to adjourn.
SECONDED: Commissioner Diane Adams seconded the motion.
AYES (6)
Commissioner Ro Wilkinson
Commissioner Don Buehner
Chair Ross Taylor
Commissioner Diane Adams
Commissioner Julie Hullinger
Commissioner Todd Staheli
NAYS (0)
Meeting adjourned at 7:57 pm.

**PLANNING COMMISSION
CITY OF ST. GEORGE
WASHINGTON COUNTY, UTAH
November 18, 2014 – 5:00 PM**

PRESENT:

Chair Ross Taylor
Commissioner Ro Wilkinson
Commissioner Don Buehner
Commissioner Nathan Fisher
Commissioner Diane Adams
Council Member Joe Bowcutt

CITY STAFF:

Assistant Director of Public Works Wes Jenkins
Community Development Coordinator Bob Nicholson
Planner II Ray Snyder
City Surveyor Todd Jacobsen
Assistant City Attorney Victoria Hales
Planning Associate Genna Singh

EXCUSED:

Commissioner Julie Hullinger
Commissioner Todd Staheli
Planning Manager John Willis

FLAG SALUTE

Chairman Ross Taylor called the meeting to order at 5:00 pm and asked Commissioner Diane Adams to lead the flag salute.

1. **FINAL PLATS AMENDED (FPA)**

- A. Consider approval of an amended condominium residential subdivision for “**Pelican Hills Condominiums Phase 2 Amended.**” The representative is Mr. Brandon Anderson, Rosenberg Associates. The property is zoned PD-R (Planned Development Residential) and is located at 810 South Dixie Drive. Case No. 2014-FPA-061. (Staff – Todd J.).

Todd Jacobsen stated that the purpose of this Amended Final Plat is to convert some of the limited common area into private ownership for units 1326, 1327, 1426, and 1427. The highlighted areas were limited common and will now be private ownership. They have enclosed their patios.

Commissioner Nathan Fisher asked if the City reviews a subdivision’s CCR’s or does the City make the association figure it out.

Assistant City Attorney Victoria Hales responded that usually they come in with a letter. I’m not sure if they have or not on this one, but I have reviewed this amendment and don’t have a comment on it.

- B. Consider approval of an amended residential subdivision final plat for **“Serenity Hills 2nd Amendment.”** The representative is Mr. Bob Hermandson, Bush and Gudgeon. The property is zoned R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size) and is located at the northwest corner of the intersection at 2780 East Street and 2000 South Street. Case No. 2014-FPA-070. (Staff – Todd J.).

Todd Jacobsen explained that Lot 12 was reserved as a retention basin before any improvements were installed. The school has improved the area so the water that used to go to Lot 12 drains down the road. We can remove the Public Utilities and Drainage Easement over the entirety of Lot 12 except for the standard 10 Foot wide and 7.50 Foot wide Public Utilities and Drainage Easement along street sides and side and rear lot lines respectively.

Commissioner Nathan Fisher asked if they can now build on that lot.
Todd Jacobsen said that is correct.

- C. Consider approval of an amended residential subdivision final plat for **“Temple Shadows Townhomes Phase II Amended.”** The representative is Mr. Reid Pope, L.R. Pope Engineering. The property is PD-R (Planned Development Residential) and is located at 380 South 100 east. Case No. 2014-FPA-071. (Staff – Todd J.).

Todd Jacobsen stated that the highlighted yellow area was a 10’ common area between lot 1 and 2. Lot 1 will now have that 10’ and the lots will now touch.

Chair Ross Taylor noted that this is similar to the first item so it’s an HOA issue.
Todd Jacobsen agreed it is an HOA area. We have consent signatures from the HOA and owners.
Commissioner Diane Adams asked if they are improving something there.
Todd Jacobsen said they are adding onto the garage that is there.
Councilman Joe Bowcutt asked if there is a required easement there.
Todd Jacobsen responded that no easement is required.

Commissioner Diane Adams asked if legal has reviewed the final plat amendments.
Assistant City Attorney Victoria Hales stated that she has reviewed all the items on tonight’s agenda.

MOTION: Commissioner Ro Wilkinson made a motion to approve Items 1A, 1B, and 1C based on staff comments.

SECONDED: Commissioner Nathan Fisher seconded the motion.

AYES (5)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

NAYS(0)

Motion carries.

2. **GENERAL PLAN AMENDMENT (GPA)**

Consider a **General Plan Amendment** from RES (Residential), COM (Commercial), and OS (Open Space) to BP (Business Park) on 93 acres and to OS (Open Space) on 17 acres. This is for the southerly extension of the Ft Pierce Business Park. The proposed extension is generally located along the west side of River Road and south of Enterprise Road. The applicant is SITLA (State Institutional Trust Lands) with Kyle Paisley representing. Case No. 2014-GPA-005. (Staff – Bob N.).

Bob Nicholson presented the following:

The Planning Commission is responsible for reviewing all requests to amend the general plan and makes a recommendation to City Council. We've advertised this as a public hearing and have sent letters to owners within 500' of the proposed change.

This is located near the existing YESCO and the Family Dollar Distribution. The area is zoned R-1-10 which is a holding zone when property is annexed into the City. The blue is M-1 and the green is Open Space. The current general plan shows that on the east side of River Road is M-1 and west of River Road is the Southblock. The Southblock area is what is changing. They want 93 acres of business park and 17 acres of open space. Business Park is a kinder and gentler industrial area that would be compatible with residential development to the west. The uses would be limited there to transition from industrial, to light industrial, to residential.

The 'Business Park' land use designation is intended to allow for light industrial and business uses which will be more compatible to adjacent residential areas than a broad range of possible 'Industrial' uses, which could have negative impacts such as noise, odors, etc. When zoning is applied to this property, care must be taken that uses compatible with nearby residential areas are allowed, and not heavier industrial uses which could have negative impacts to the future residential areas. The City could either create a new 'Business Park Zone' with uses compatible with nearby residential areas, or apply a Planned Development Manufacturing zone with a list of uses deemed compatible for the area.

Commissioner Nathan Fisher as if business park zoning is in the code.

Bob Nicholson responded that we would have to come up with a new zone. We have M-1 and M-2 but not Business Park.

Chair Ross asked if the general plan amendment is for a zone we don't have.

Bob Nicholson responded that right now this is just the general plan. We are changing the general plan to business park designation. The zoning request will come in the next few months. This is supposed to be something a little more friendly to the adjacent residential. There is a PD Manufacturing zone they can use where the applicant could submit a list of uses or staff could come forward with a new zone designation.

Chair Ross Taylor asked if Business Park exists in the general plan.

Bob Nicholson responded that it does, we just don't have the correlation from the General Plan to the Zoning Map.

Bob Nicholson showed pictures of the proposed general plan amendment

Chair Ross Taylor asked if this is near the protected bear paw poppy area.

Bob Nicholson responded that there are endangered plants down there but they are not in this area.

Chair Ross Taylor asked if we are protected there.

Bob Nicholson said yes, the endangered plant area has been purchased by the reserve. The plan for the zone change later would be to square up the zoning on both sides of River Road. We expect that the applicant will come back in the next few months for the zoning.

Councilman Joe Bowcutt asked if there is a feeling that the commercial area designated previously on the general plan is no longer needed. Would the BP allow for commercial there?

Bob Nicholson responded that the BP is a bit vague in our general plan but it would allow offices and light industrial. It could include some commercial.

Councilman Joe Bowcutt clarified that the BP would allow commercial there as well.

Bob replied yes it could.

Commissioner Diane Adams asked if this can go back to full industrial use.

Assistant City Attorney Victoria Hales said that would require another general plan amendment.

Chair Ross Taylor opened the item to the public.

Chair Ross Taylor closed the public hearing.

MOTION: Commissioner Don Buehner made a motion to recommend to accept this general plan amendment to change from residential, commercial, and open space to business park on 93 acres and 17 acres of open space for the southerly extension of the Fort Pierce Business Park based on recommendations from staff and common sense that it looks like a good plan.

SECONDED: Commissioner Diane Adams seconded the motion.

AYES (5)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

NAYS(0)

Motion carries.

3. CONDITIONAL USE PERMIT

Consider a request for a Conditional Use Permit to construct a **detached residential garage** with a maximum ridge height of approximately twenty-four feet (24') to accommodate an RV. The structure will be 3,000 sq. ft. (50 ft. x 60 ft.) The property is located at 464 West Del Mar Drive and is zoned RE-37.5 (Residential Estate 37,500 sq. ft. minimum lot size). The representative is Mr. Tim Kenny, New Trend Construction. Case No. 2014-CUP-021 (Staff – John W.)

Ray Snyder presented the item in lieu of John Willis.

Ray Snyder presented the following:

This lot is behind Bloomington Elementary.

- 1 - The proposed structure will be located in the rear yard approximately forty-seven feet (47') from the main dwelling and ten feet (10') from the side and rear property lines.
- 2 - The detached garage is to be used for the storage of an RV and will also include a workshop with a bathroom.
- 3 - The proposed height of 26' feet is to accommodate the RV.
- 4 - RE-37.5 does not limit an accessory structure to twenty-five (25%) of the rear yard, nevertheless, the garage does not exceed twenty-five (25%) of the rear yard.
- 5 - The proposed structure will not encroach onto any City easements.
- 6 - The detached garage will have a stucco finish and a tile roof.
- 7 - Staff recommends approval.

The findings are listed. Applicable items are D, G and J.

Councilman Joe Bowcutt asked if a block wall would be placed on the north side of the property where the school is.

Tim Kenny (representative) responded that there is an existing chain link fence but he does plan a block wall across the back.

Commissioner Diane Adams asked how tall the house is.

Tim Kenny stated the house is 20' tall because they have a basement.

Commissioner Ro Wilkinson asked if the neighbors were notified.

Tim Kenny responded that the letters were sent out.

Commissioner Diane Adams stated that the neighbor at 504 W appears to have a very tall barn and it appears the lots step down.

Tim Kenny said this lot is level compared to some in the area. The drainage will go toward the back corner.

Commissioner Nathan Fisher asked if there are detached garages on both sides of you.

Tim Kenny answered there are.

Commissioner Nathan Fisher asked if the stucco and tile will be the same as the house.

Tim Kenny responded that if you look down the driveway there will also be rock accents and such similar to the house.

MOTION: Commissioner Nathan Fisher made a motion to recommend approval of the CUP item 3 and as per the findings, I see them as mitigated so long as the garage has the similar stucco and tile as the house and that it is limited to 26' as it sounds similar to other detached structures in the area as well as adopting staff comments.

Assistant City Attorney Victoria Hales asked for clarified noting that the agenda states 24' and the staff report states 26' in regards to height.

Tim Kenny responded that the request is for 26'.

Motion stands.

SECONDED: Commissioner Diane Adams seconded the motion.

AYES (5)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

NAYS(0)

Motion carries.

4. TRAINING

Training and discussion to cover Title 10 Chapter 8 “Planned Development Zone.”

Ray Snyder presented training on the Planned Development (PD) Zone – residential section

Commissioner Nathan Fisher asked when would staff steer an applicant towards a PD zone?

Ray Snyder responded that typically they come up in our Planning Staff Review meetings. We prefer PD zones when we want to tie down a property to a specific use.

Bob Nicholson added that in a C-3 zone it allows for a broad spectrum of commercial uses so when you’re trying to put something next to a residential zone it’s better to see the site plan, elevations, and use list. If zoned as C-2 or C-3 they’re allowed all the uses stated in ordinance. It’s better for the neighbors to have something more compatible.

Commissioner Don Buehner asked what happens when a plan falls through that was proposed as a PD. Bob Nicholson stated that the next user can come back and ask to amend the PD which is effectively a zone change. A zone change is a legislative action so if you have a reasonable reason to change it you’re pretty well protected.

Ray Snyder continued to read through code and explain staff processes

Councilman Joe Bowcutt noted that we’re having problems with people cutting down trees on our main arterials. Does this apply to make them leave it as originally planned?

Ray Snyder said the City has a street tree ordinance.

Assistant City Attorney Victoria Hales said the street trees may not necessarily apply but there are landscape requirements within the PD.

Ray Snyder said there is a new business going in on Bluff and the trees are gone and we were asked why they were taken out. Parks gave them permission. However, there is another business that cut down their trees without permission and now the City is pushing to get those trees back.

Assistant City Attorney Victoria Hales added that there are two different ordinances that complement each other.

Commissioner Nathan Fisher asked if a landscape plan is part of a PD approval, can we or do we enforce that approved plan?

Assistant City Attorney Victoria Hales replied that we do enforce it and it is a code violation. We try to get people to comply without having to have hearings and fees. It is a constant struggle because a business owner wants their business to be seen.

Ray Snyder added that the City has a shade tree board who watches for these things. When a business comes in with their graphic and rendering we need to specify the size of the box that is planted.

Chair Ross Taylor noted that Item K (lighting plan) says location is needed but it doesn't address the lumens.

Ray Snyder responded that we get Site Plan Review applications and such to review plans. We don't always ask for the photometric but we should. We ask to see the foot candles and such and in the past have gone out in the field to verify if necessary.

**Planned Development Residential (PD-R) was addressed.
Planned Development Commercial (PD-C) will be addressed at a later date.**

ADJOURN

MOTION: Commissioner Ro Wilkinson made a motion to adjourn.

SECONDED: Commissioner Diane Adams seconded the motion.

AYES (5)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

NAYS(0)

Meeting adjourned at 5:56 pm.