

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

**MINUTES APPROVED**  
By: RO WILKINSON  
Seconded: DON BUEHNER  
Date: FEB 24, 2015

**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.).

*\*This item was pulled from the agenda\**

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. 16<sup>th</sup> PC meeting.*

*\*This item was pulled from the agenda by the applicant\**

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 Wilkinson 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 landscape areas and 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 the chair is authorized to sign when the conditions are met.**  
**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 Gudgell. 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 as a setback to the residence and 20’ to the garage under 10-8-5D.

**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 subject to legal review of the roadway.**

**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 & Gudgell 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 then is this 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 make sure an easement exists between the private property owners.

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' solid 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 recommend approval 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 Fisher 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 verify the private drainage easement (2) the developer work with staff to come up the best approach to deal with the public access 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 a resident, but they must meet the 75% requirement for DSU students to 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 at the developer's request.

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 PD 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% of the residents 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 for students who take a semester off. The penalty in a 50% reduction in density would take the 6 unrelated down to 3 so the project would be closer to compliance to code as far as parking and density. It takes the density down to the highest density allowed in other parts of the city. 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 penalty proposed 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 from student housing 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 as a condition of an individual who signs their rental contract, and the developer 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. The City must be able to independently verify the reported figures.

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 other residents in the City if it turned from student to non student

housing. The purpose of this ordinance is to make accommodations for student housing, not create high density multi family that would have different parking and amenity 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. BYU-I 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 verification. We don't want the City going through raw data detail. We want a report showing that 75% are students, and the landlord can require that disclosure from its residents because it's their private agreement with the student. 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 already provides for the landlord to have some flex room.

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 multi family at 75%, when usually 2 spaces per unit, then the burden really is on the City. The ordinance as drafted is to prevent this from turning into a non student housing project. Also the penalty will not 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 penalty and 75% parking.**

*John Willis asked if the requirement for semesters for full time 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 a conditional use permit runs with 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 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of the month; although November 11<sup>th</sup> is the 2<sup>nd</sup> Tuesday of the month, it's a holiday (Veteran's Day) and no PC meeting will be scheduled on that date. Also, the 25<sup>th</sup> is the 4<sup>th</sup> 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 18<sup>th</sup>**.

December

It's proposed to have the regularly scheduled PC meeting on **December 9<sup>th</sup>**. However, it's recommended that no PC meeting be held on December 23<sup>rd</sup>, 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.**