

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 in the City Council Chambers, 175 East 200 North, St George, Utah, on Tuesday, **September 8, 2015**, commencing at **5:00 p.m.**

The agenda for the meeting is as follows:

Call to Order
Flag Salute

1. **PRELIMINARY PLATS (PP)**

- A. Consider approval of a preliminary plat for a twenty-two (22) lot residential subdivision development called **“Tupelo Phase 5.”** The applicant is Quality Development, LLC. The representative is Mr. Steve Kamlowky, Development Solutions Group, Inc. The property is zoned R-1-18 (Single Family Residential 8,000 sq. ft. minimum lot size) and is located at the southwest corner of the intersection of 3230 South and 3200 East Streets. Case No. 2015-PP-024 (Staff – Wes Jenkins).
- B. Consider approval of a preliminary plat for a ten (10) lot commercial subdivision development called **“Dinosaur Crossing Phase 2.”** The owner is Dinosaur Crossing, LLC., the applicant is Smith’s Food and Drug Centers, and the representative is Mr. Bret Wahlen, Anderson Wahlen and Associates. The property is zoned PD-C (Planned Development Commercial) and is located at the southeast corner of the intersection of Riverside Drive and Mall Drive. Case No. 2015-PP-026 (Staff – Wes Jenkins).

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

Consider a request to construct a ‘volcano’ (pavilion / museum) at the “All Abilities Park” within the Tonaquint Park which will exceed the allowable height of thirty-five feet (35’) unless a CUP is approved by council. The requested height is forty-one feet (41’) to the highest point of the ‘cone.’ The property is located at 1851 South Dixie Drive. The zoning is R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size). The applicant is the City of St George and the representative is Mr. Mark Goble, Parks Department. Case No. 2015-CUP-011 (Staff – Ray Snyder)

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

Consider a zoning regulation amendment to amend Title 10 Zoning Regulations, Chapter 14 ‘Supplementary and Qualifying Regulations’, Section 10-14-22 “Short Term Leases of Residential Property.” Section 10-14-22.3 ‘Auto and Parking Regulations’ to change the existing parking requirements which will allow for higher densities in dwelling units, to allow tandem parking, and to allow tandem parking in the front setback area, and to add a new section (10-14-22.5) which defines occupancy. Case No. 2015-ZRA-007 (Staff – John Willis)

4. **DISCUSSIONS**

- A. Discuss as required any recent City Council Actions and other current items.
- B. TND – Criteria Manual - handout

5. **MINUTES**

Consider approval of the minutes from the March 24, 2015 meeting.

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

Preliminary Plat

PLANNING COMMISSION AGENDA REPORT: 09/08/2015

PRELIMINARY PLAT

Tupelo Estates Phase 5

Case No. 2015-PP-024

Request: A request to approve a preliminary plat for a twenty-two (22) lot single family residential subdivision

Location: 3200 E and Crimson Ridge Drive

Property: 5.71 acres

Number of Lots: 22

Density: 3.85 du/ac

Zoning: R-1-8 (Single Family Residential 8,000 sq. ft. minimum lot size)

Adjacent zones: This plat is surrounded by the following zones:
North – R-1-10
South – R-1-10, Mining and Grazing
East – R-1-8
West – R-1-8

General Plan: LDR, Low Density Residential

Applicant: Development Solutions

Representative: Steve Kamlowsky

Comments:

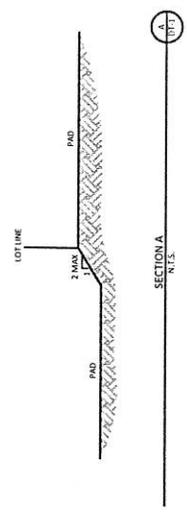
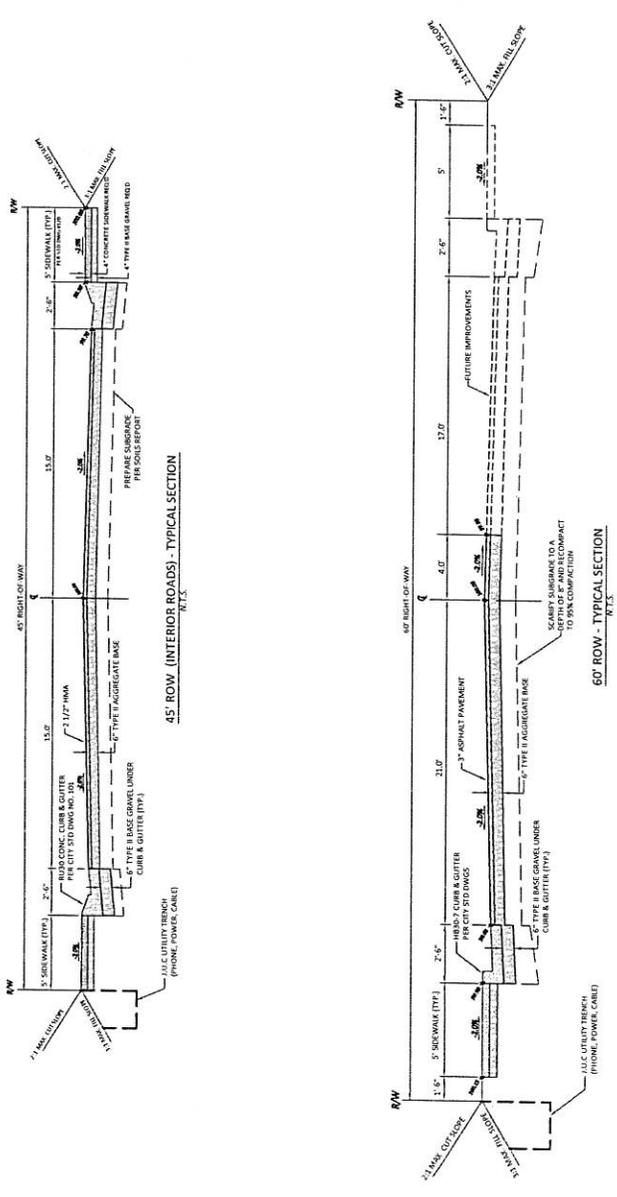
1. The applicant is requesting lot size averaging. There are four lots under 8,000 square feet. The density for phase 5 is 3.85 du/acre which exceeds the maximum density of 3.7 du/acre for lot size averaging in an R-1-8 zone. However, the overall density for the Tupelo project, phases 1-5, is 3.63 du/acre which is less than the maximum allowed density of 3.7 du/acre.

NO.	SECTION	DATE	APP.

PROJECT NAME: TUPALO ESTATES PHASE 5 ST. GEORGE, UTAH
 SHEET NAME: DETAILS & SECTIONS

DEVELOPMENT SOLUTIONS, INC.
 LAND PLANNERS, CIVIL ENGINEERS
 120 EAST ST. GEORGE BLVD SUITE #101
 ST. GEORGE, UT 84770
 OFFICE (435) 628-2121 • FAX (435) 628-1553
 WWW.DEVELOPMENTSOLUTIONS.COM

DATE:	
PROJECT NO.:	13-0004
SCALE:	1"=40'
SHEET NUMBER:	DT-1
DESIGNED BY:	SK
CHECKED BY:	SK
DATE:	
PROJECT NO.:	13-0004
SCALE:	1"=40'
SHEET NUMBER:	DT-1



SECTION A
 TYPICAL SECTION

ITEM 1B

Preliminary Plat

PLANNING COMMISSION AGENDA REPORT: 09/08/2015

PRELIMINARY PLAT

Dinosaur Crossing Phase 2

Case No. 2015-PP-026

Request: A request to approve a preliminary plat for a ten (10) lot commercial subdivision.

Location: The site is located at the southeast corner of the intersection of Riverside Drive and Mall Drive

Property: 27.518 acres

Number of Lots: 10

Zoning: PD-C (Planned development Commercial)

Note: CC approved C-2 & R-1-10 to PD-C on this site on 5/21/2015 (Case No. 2015-ZCA-006)

Adjacent zones: This plat is surrounded by the following zones:
North – C2
South – R-1-10
East – R-1-10 & PD-R
West – C3 & R-1-10

General Plan: Commercial

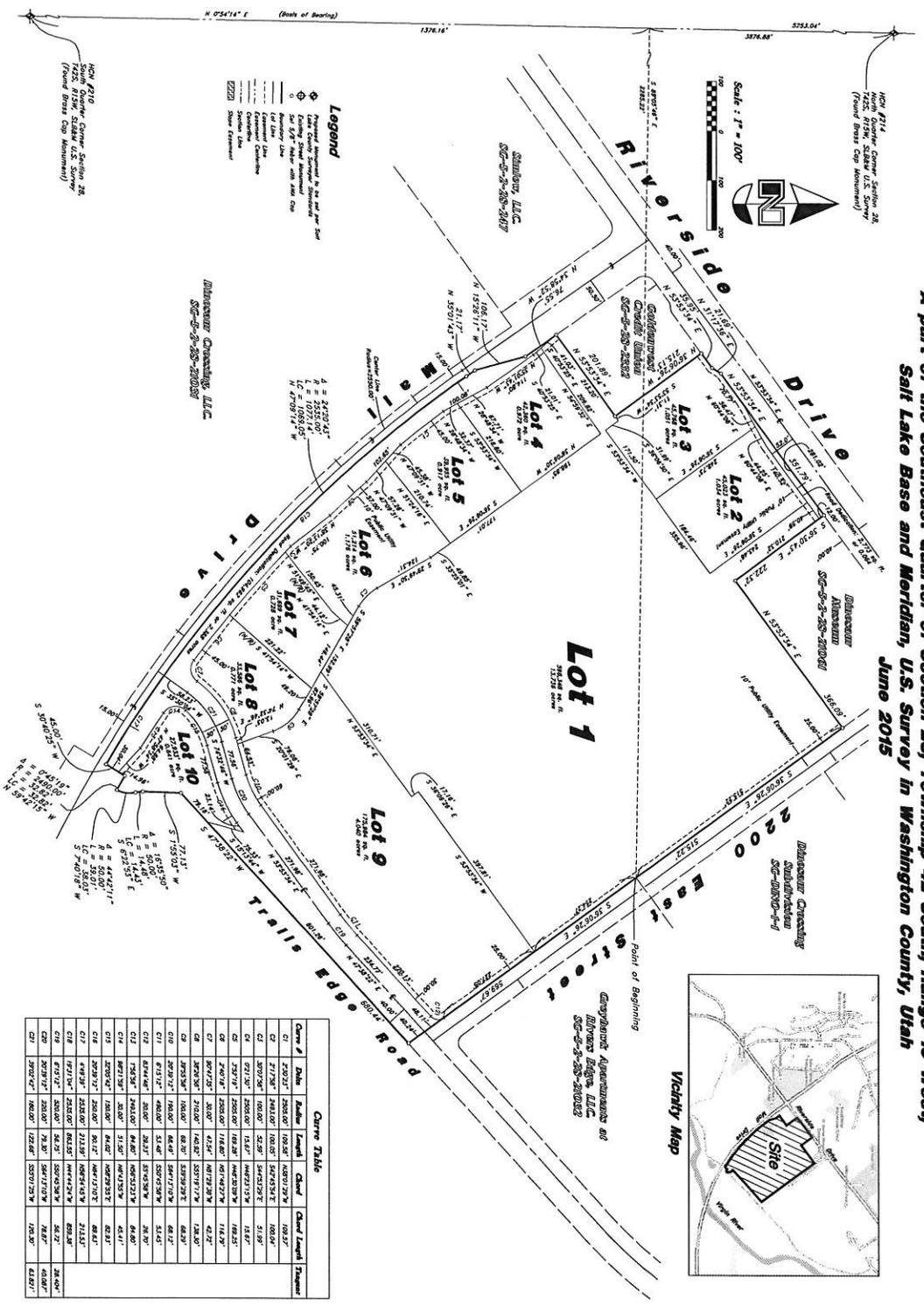
Applicant: Smith's Food & Drug Centers

Representative: Bret Wahlen, Anderson Wahlen & Associates

Comments: _____

Dinosaur Crossing Phase 2

A part of the Southeast Quarter of Section 26, Township 42 South, Range 15 West, Salt Lake Base and Meridian, U.S. Survey in Washington County, Utah
June 2015



Curve Table

Chain #	Station	Radius	Length	Chord	Chord Length	Triangle
C1	2307.47	2050.00	105.00	105.00	105.00	105.00
C2	2307.47	2050.00	105.00	105.00	105.00	105.00
C3	2307.47	2050.00	105.00	105.00	105.00	105.00
C4	2307.47	2050.00	105.00	105.00	105.00	105.00
C5	2307.47	2050.00	105.00	105.00	105.00	105.00
C6	2307.47	2050.00	105.00	105.00	105.00	105.00
C7	2307.47	2050.00	105.00	105.00	105.00	105.00
C8	2307.47	2050.00	105.00	105.00	105.00	105.00
C9	2307.47	2050.00	105.00	105.00	105.00	105.00
C10	2307.47	2050.00	105.00	105.00	105.00	105.00
C11	2307.47	2050.00	105.00	105.00	105.00	105.00
C12	2307.47	2050.00	105.00	105.00	105.00	105.00
C13	2307.47	2050.00	105.00	105.00	105.00	105.00
C14	2307.47	2050.00	105.00	105.00	105.00	105.00
C15	2307.47	2050.00	105.00	105.00	105.00	105.00
C16	2307.47	2050.00	105.00	105.00	105.00	105.00
C17	2307.47	2050.00	105.00	105.00	105.00	105.00
C18	2307.47	2050.00	105.00	105.00	105.00	105.00
C19	2307.47	2050.00	105.00	105.00	105.00	105.00
C20	2307.47	2050.00	105.00	105.00	105.00	105.00
C21	2307.47	2050.00	105.00	105.00	105.00	105.00
C22	2307.47	2050.00	105.00	105.00	105.00	105.00
C23	2307.47	2050.00	105.00	105.00	105.00	105.00
C24	2307.47	2050.00	105.00	105.00	105.00	105.00
C25	2307.47	2050.00	105.00	105.00	105.00	105.00
C26	2307.47	2050.00	105.00	105.00	105.00	105.00
C27	2307.47	2050.00	105.00	105.00	105.00	105.00
C28	2307.47	2050.00	105.00	105.00	105.00	105.00
C29	2307.47	2050.00	105.00	105.00	105.00	105.00
C30	2307.47	2050.00	105.00	105.00	105.00	105.00
C31	2307.47	2050.00	105.00	105.00	105.00	105.00
C32	2307.47	2050.00	105.00	105.00	105.00	105.00
C33	2307.47	2050.00	105.00	105.00	105.00	105.00
C34	2307.47	2050.00	105.00	105.00	105.00	105.00
C35	2307.47	2050.00	105.00	105.00	105.00	105.00
C36	2307.47	2050.00	105.00	105.00	105.00	105.00
C37	2307.47	2050.00	105.00	105.00	105.00	105.00
C38	2307.47	2050.00	105.00	105.00	105.00	105.00
C39	2307.47	2050.00	105.00	105.00	105.00	105.00
C40	2307.47	2050.00	105.00	105.00	105.00	105.00
C41	2307.47	2050.00	105.00	105.00	105.00	105.00
C42	2307.47	2050.00	105.00	105.00	105.00	105.00
C43	2307.47	2050.00	105.00	105.00	105.00	105.00
C44	2307.47	2050.00	105.00	105.00	105.00	105.00
C45	2307.47	2050.00	105.00	105.00	105.00	105.00
C46	2307.47	2050.00	105.00	105.00	105.00	105.00
C47	2307.47	2050.00	105.00	105.00	105.00	105.00
C48	2307.47	2050.00	105.00	105.00	105.00	105.00
C49	2307.47	2050.00	105.00	105.00	105.00	105.00
C50	2307.47	2050.00	105.00	105.00	105.00	105.00
C51	2307.47	2050.00	105.00	105.00	105.00	105.00
C52	2307.47	2050.00	105.00	105.00	105.00	105.00
C53	2307.47	2050.00	105.00	105.00	105.00	105.00
C54	2307.47	2050.00	105.00	105.00	105.00	105.00
C55	2307.47	2050.00	105.00	105.00	105.00	105.00
C56	2307.47	2050.00	105.00	105.00	105.00	105.00
C57	2307.47	2050.00	105.00	105.00	105.00	105.00
C58	2307.47	2050.00	105.00	105.00	105.00	105.00
C59	2307.47	2050.00	105.00	105.00	105.00	105.00
C60	2307.47	2050.00	105.00	105.00	105.00	105.00
C61	2307.47	2050.00	105.00	105.00	105.00	105.00
C62	2307.47	2050.00	105.00	105.00	105.00	105.00
C63	2307.47	2050.00	105.00	105.00	105.00	105.00
C64	2307.47	2050.00	105.00	105.00	105.00	105.00
C65	2307.47	2050.00	105.00	105.00	105.00	105.00
C66	2307.47	2050.00	105.00	105.00	105.00	105.00
C67	2307.47	2050.00	105.00	105.00	105.00	105.00
C68	2307.47	2050.00	105.00	105.00	105.00	105.00
C69	2307.47	2050.00	105.00	105.00	105.00	105.00
C70	2307.47	2050.00	105.00	105.00	105.00	105.00
C71	2307.47	2050.00	105.00	105.00	105.00	105.00
C72	2307.47	2050.00	105.00	105.00	105.00	105.00
C73	2307.47	2050.00	105.00	105.00	105.00	105.00
C74	2307.47	2050.00	105.00	105.00	105.00	105.00
C75	2307.47	2050.00	105.00	105.00	105.00	105.00
C76	2307.47	2050.00	105.00	105.00	105.00	105.00
C77	2307.47	2050.00	105.00	105.00	105.00	105.00
C78	2307.47	2050.00	105.00	105.00	105.00	105.00
C79	2307.47	2050.00	105.00	105.00	105.00	105.00
C80	2307.47	2050.00	105.00	105.00	105.00	105.00
C81	2307.47	2050.00	105.00	105.00	105.00	105.00
C82	2307.47	2050.00	105.00	105.00	105.00	105.00
C83	2307.47	2050.00	105.00	105.00	105.00	105.00
C84	2307.47	2050.00	105.00	105.00	105.00	105.00
C85	2307.47	2050.00	105.00	105.00	105.00	105.00
C86	2307.47	2050.00	105.00	105.00	105.00	105.00
C87	2307.47	2050.00	105.00	105.00	105.00	105.00
C88	2307.47	2050.00	105.00	105.00	105.00	105.00
C89	2307.47	2050.00	105.00	105.00	105.00	105.00
C90	2307.47	2050.00	105.00	105.00	105.00	105.00
C91	2307.47	2050.00	105.00	105.00	105.00	105.00
C92	2307.47	2050.00	105.00	105.00	105.00	105.00
C93	2307.47	2050.00	105.00	105.00	105.00	105.00
C94	2307.47	2050.00	105.00	105.00	105.00	105.00
C95	2307.47	2050.00	105.00	105.00	105.00	105.00
C96	2307.47	2050.00	105.00	105.00	105.00	105.00
C97	2307.47	2050.00	105.00	105.00	105.00	105.00
C98	2307.47	2050.00	105.00	105.00	105.00	105.00
C99	2307.47	2050.00	105.00	105.00	105.00	105.00
C100	2307.47	2050.00	105.00	105.00	105.00	105.00

ANDERSON WAHLEN & ASSOCIATES
2010 West Research Road, Salt Lake City, Utah 84116
801-521-4575 - AndersonWahlen.com

Planning Commission
City of _____
At a meeting held on _____, 2015, the Planning Commission Chairman recommended that the City of _____ approve the proposed subdivision and recommend some for acceptance by the City.

City Planner
City of _____
On this _____ day of _____, 2015, the City Planner of the City of _____ recommended that the City of _____ approve the proposed subdivision and recommend some for acceptance by the City.

City Engineer
The above Subdivision has been reviewed and it is approved in accordance with information provided on this _____ day of _____, 2015, by the City Engineer of the City of _____.

Approval as to Form
Approved as to form this _____ day of _____, 2015.

Approval and Acceptance by St. George City
As the Mayor and the City Council of the City of St. George, Utah, on this _____ day of _____, 2015, we have read and approved the proposed subdivision and we hereby approve the same for acceptance by the City of St. George, Utah.

Attest: City Recorder _____ St. George City Mayor _____

Dinosaur Crossing Phase 2
A part of the southeast quarter of Section 26, Township 42 South, Range 15 West, Salt Lake Base and Meridian, U.S. Survey in Washington County, Utah

Recorded # _____
State of Utah, County of Washington, Recorder and Filed at the Request of _____
Date _____ Time _____ Book _____ Page _____
Fee \$ _____ Washington County Recorder

Surveyor's Certificate
I, Bruce D. Phipps, a Licensed Professional Surveyor, and I have carefully read and examined the plat of the proposed subdivision of the southeast quarter of Section 26, Township 42 South, Range 15 West, Salt Lake Base and Meridian, U.S. Survey in Washington County, Utah, and I have made a survey of the same and find that the same is in accordance with the plat of the same as shown on this plat.

Boundary Description
A part of the southeast quarter of Section 26, Township 42 South, Range 15 West, Salt Lake Base and Meridian, U.S. Survey in Washington County, Utah.

Owner's Declaration
I, _____, the owner of the above described property, do hereby declare that the above described plat of the proposed subdivision of the southeast quarter of Section 26, Township 42 South, Range 15 West, Salt Lake Base and Meridian, U.S. Survey in Washington County, Utah, is in accordance with the plat of the same as shown on this plat.

Corporate Acknowledgment
I, _____, the _____ of _____, do hereby declare that I am the duly authorized officer of the above named corporation and that I am duly qualified to execute this instrument on behalf of the same.

Attest: _____
Notary Public

24 Aug 2015
Date of Recording for the above Boundary Description.
A true and correct copy of this plat has been filed for the public use of the City of St. George, Utah, and the County of Washington, Utah, H.S. No. 35258.

Attest: _____
City Clerk

24 Aug 2015
Date of Recording for the above Boundary Description.
A true and correct copy of this plat has been filed for the public use of the City of St. George, Utah, and the County of Washington, Utah, H.S. No. 35258.

Attest: _____
City Clerk

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Attest: _____
City Clerk

ITEM 2

Volcano (Pavilion) Height

PLANNING COMMISSION AGENDA REPORT: 09/8/2015

CONDITIONAL USE PERMIT

Pavilion / Volcano – Height – All Abilities Park

Case # 2015-CUP-011

- Request:** The applicant requests permission to construct a 41'-0" 'volcano' (pavilion) at the 'All Abilities Park.' The height exceeds 35 feet and thus requires a conditional use permit.
- Applicant:** The City of St George
- Representative:** Mr. Mark Goble, Parks Planning
- Location:** 1851 South Dixie Drive– The All Abilities Park at Tonaquint Park
- Zoning:** R-1-10
- General Plan:** PK (Park) & COM (Commercial)
- Project:** Construct a faux volcano museum pavilion as a part of the All Abilities Park.
- Purpose:** The 'volcano' will serve as a shade pavilion and an interpretive display area. There will be a playground structure attached to the north side of the volcano and will also connect to the larger playground area below.
- Height:** The total overall height from ground level to the ridge of the structure is forty-one feet (41'). The height above the building (which the volcano sits upon) is twenty four feet six inches (24'-6") and the building is sixteen feet six inches (16'- 6"). The 'volcano' (Pavilion) structure also will sit on a five foot (5') earth platform. The northern half will be supported by a five foot six inch (5'-6") tall concrete retaining wall. The southern half will gently slope back to existing ground.
- Accessibility:** Accessibility will be via ADA compliant wheelchair ramps on the east and west side of the platform.
- Ordinance:** Section 10-7A-4 "Height Regulations"; 10-7A-4.A - states that no building shall be erected to a height greater than 2 ½ stories or 35 ft., whichever is less, unless reviewed by the planning Commission and approved by the City Council as a conditional use permit (CUP).

Options:

1. Recommend denial to council.
2. Recommend approval to council as presented.
3. Recommend approval to council with specific conditions and findings.

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
During the daylight hours a simulated rumbling sound of a volcano erupting will occur.	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.
Dust is only anticipated during construction and a water truck will mitigate. Landscaping will mitigate and stabilize after project installation. (Comply with Local, State, and Federal air quality)	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.
No odors are anticipated to be created by the volcano' (Contain all odors to meet city and state standards)	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 volcano will be covered by faux rock that will look like black volcanic rock. There will also be landscaping to assist in blending in with surrounding park.		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.

<p>The volcano will be structurally engineered and designed to meet the latest building codes.</p> <p>Structure is not located within the 100 Or 500 year flood plain.</p> <p>(Follow all City, State, & Federal safety req'mts)</p>	N/A	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>
<p>The all abilities park will increase traffic to the park, but the volcano will not interfere with traffic.</p> <p>Approx. 3 years ago the main intersection was relocated to the traffic light at 600 West and Dixie Drive to accommodate traffic.</p>	N/A	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>
<p>The structure will be 41 feet high to the tip of the volcano.</p>		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>
<p>Anticipated to be open during daylight hours, unless a special event takes place during evening hours.</p>	N/A	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>
<p>No other similar facilities are located near this project.</p>	N/A	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>

<p>The current R-1-10 zone allows for neighborhood city parks. This facility will maintain the character and purpose of the zone as it pertains to public parks and playgrounds.</p>		<p>J. Maintain Character and purpose of zone</p>	<p>1. Uses shall be consistent with the character and purpose of the zone within which they are located.</p>
<p>The Parks Division will maintain the facility and will appropriately handle any solid waste disposal that is found within the structure.</p>	<p>N/A</p>	<p>K. Public Health</p>	<p>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)</p>

Conditional Use Permit
Narrative
All Abilities Park Shade Pavilion - aka 'The Volcano'
8-26-2015

Purpose:

The volcano will serve as a shade pavilion and an interpretive display area. The volcano will complement the "Dinosaurs in a Desert Oasis" theme of the All Abilities Park. There will be a playground structure connected to the north side of the volcano which also connects to the larger playground area below. The playground structure and playground area will be accessible to persons with physical disabilities.

Project Site:

The volcano will be located in the All Abilities Park at Tonaquint Park, which is located at 1851 S. Dixie Drive. The volcano is located in the south central area of the All Abilities Playground. See Site Plan. The volcano will sit on a raised 5'-0" high earth platform. The northern half of the platform will be supported by a 5'-6" tall concrete retaining wall. The southern half of the platform will gently slope back to existing ground.

Accessibility:

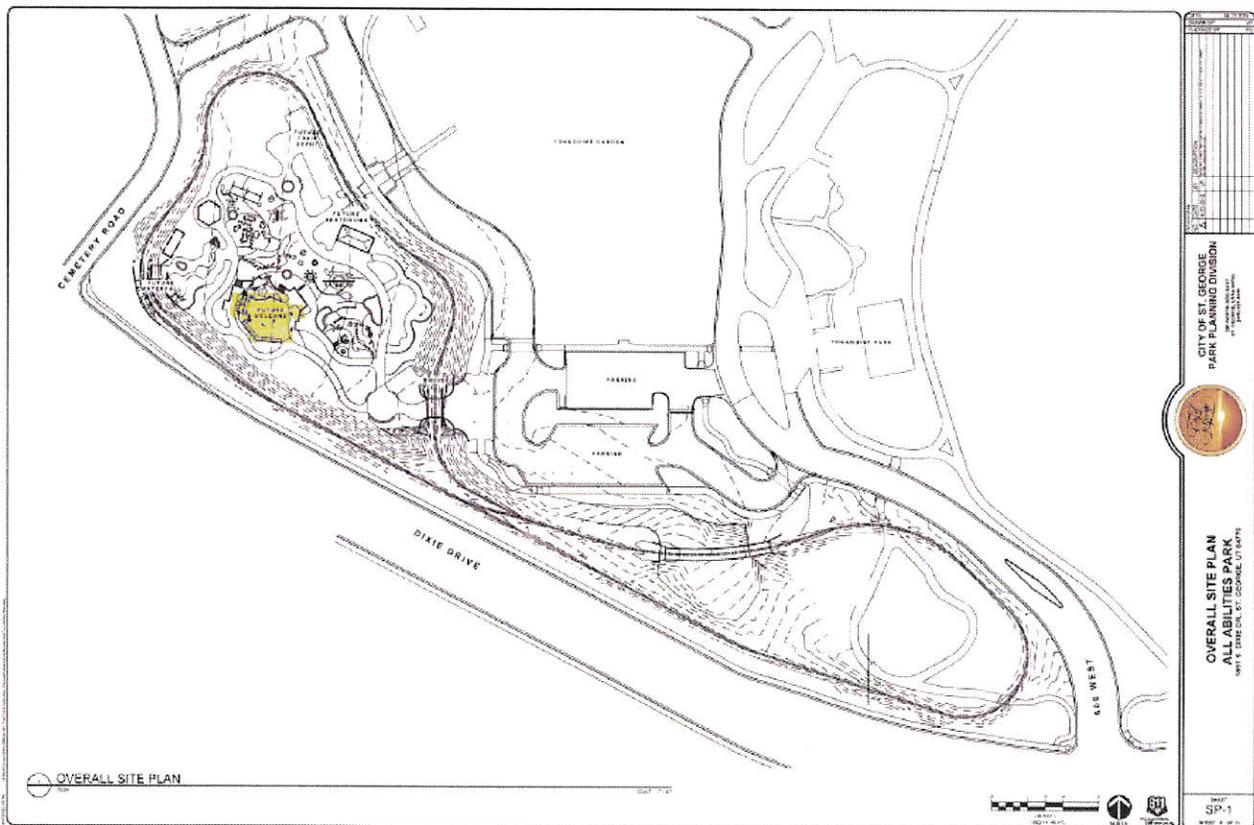
Accessibility to the volcano will be via Americans with Disabilities Act (ADA) compliant wheelchair ramps on both the east and west side of the platform. The volcano will also have an accessible ramp located within the structure to provide access to the elevated playground platforms connected on the north side of the volcano. Additionally, two (2) sets of stairs will be provided on the north side of the platform.

General Standards for Approval of Conditional Uses:

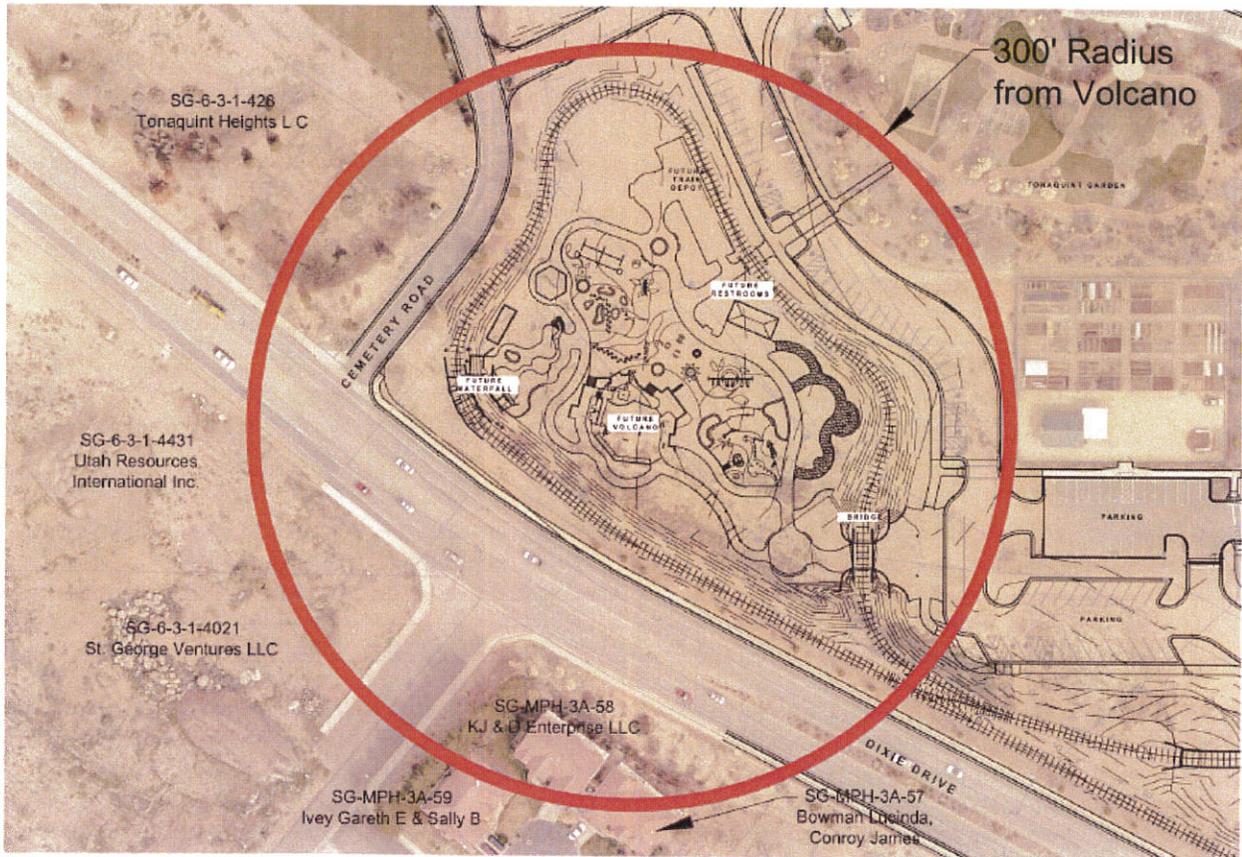
- A) Noise. As part of the sound and sensory elements of the volcano there will be the rumbling sound of a volcano eruption that will occur periodically though the day. It is anticipated that these rumblings will occur during daytime hours.
- B) Dust. Dust will be controlled during the course of construction by watering down the disturbed soil. When construction is complete for the park the surrounding ground will be stabilized with landscaping.
- C) Odors. There should not be any odors created by the volcano.
- D) Aesthetics. The volcano will be covered with faux rock that looks like black volcanic rock. There will also be landscape pockets surrounding the volcano to enhance theme of the park and will help the volcano blend with the surrounding park.
- E) Safety. The volcano structure will be structurally engineered and designed to meet the latest building codes required by the city. This structure is not located within the 100 or 500 year floodplain of the adjacent Santa Clara River.
- F) Traffic. The All Abilities Park will increase traffic to the park however the volcano itself will not interfere with the traffic. About 3 years ago the main intersection/entrance to the park was relocated to the existing traffic light at 600 West to accommodate increased traffic created by the All Abilities Park.
- G) Height. The volcano structure fits in with the theme of the All Abilities Park so it will not detract from the surrounding area. The structure is 41' tall from the finish floor elevation to the tip of the volcano cone. This is over the 35' maximum building height so this is the main reason we are asking for a conditional use permit.

- H) Hours of Operation. It is anticipated that the park will be open during daytime hours unless there is a special event that takes place during the evening hours.
- I) Saturation/Spacing. Not applicable.
- J) Maintain Character and Purpose of Zone. The current zone is R-1-10 which allows 'Neighborhood City Parks' as a permitted use within the zone. This facility will maintain the character and purpose of the zone as it pertains to public parks and playgrounds.
- K) Public Health. The Parks Division will maintain the facility and will appropriately handle any solid waste disposal that is found within and around the structure.

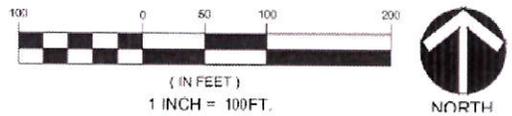
Site Plan



Radius Map



**All Abilities Park Volcano
Radius Map**



Aerial



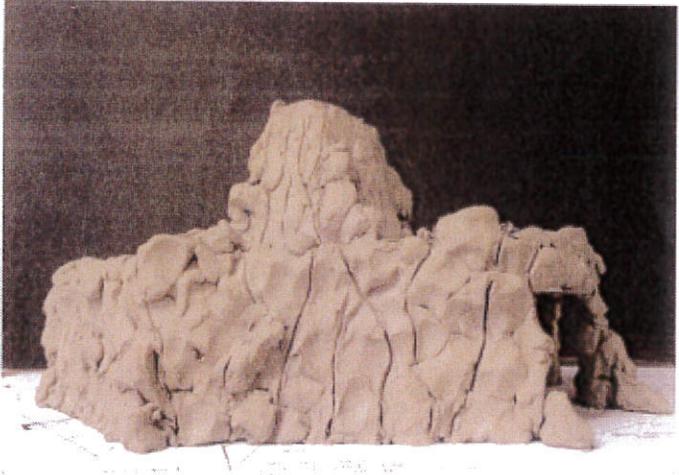
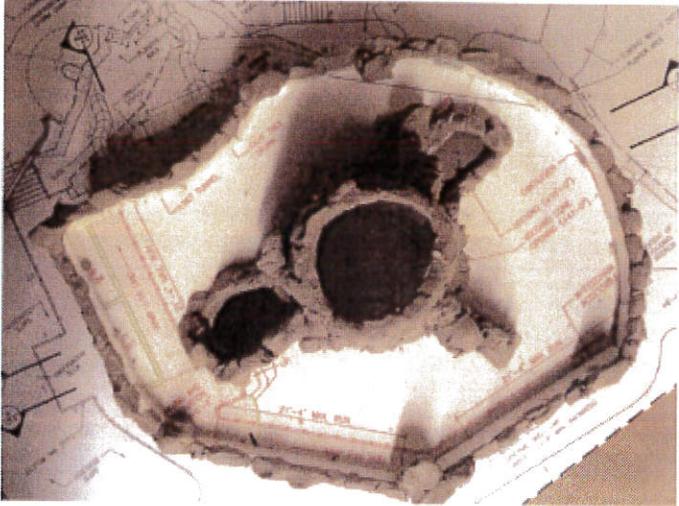
Zoning



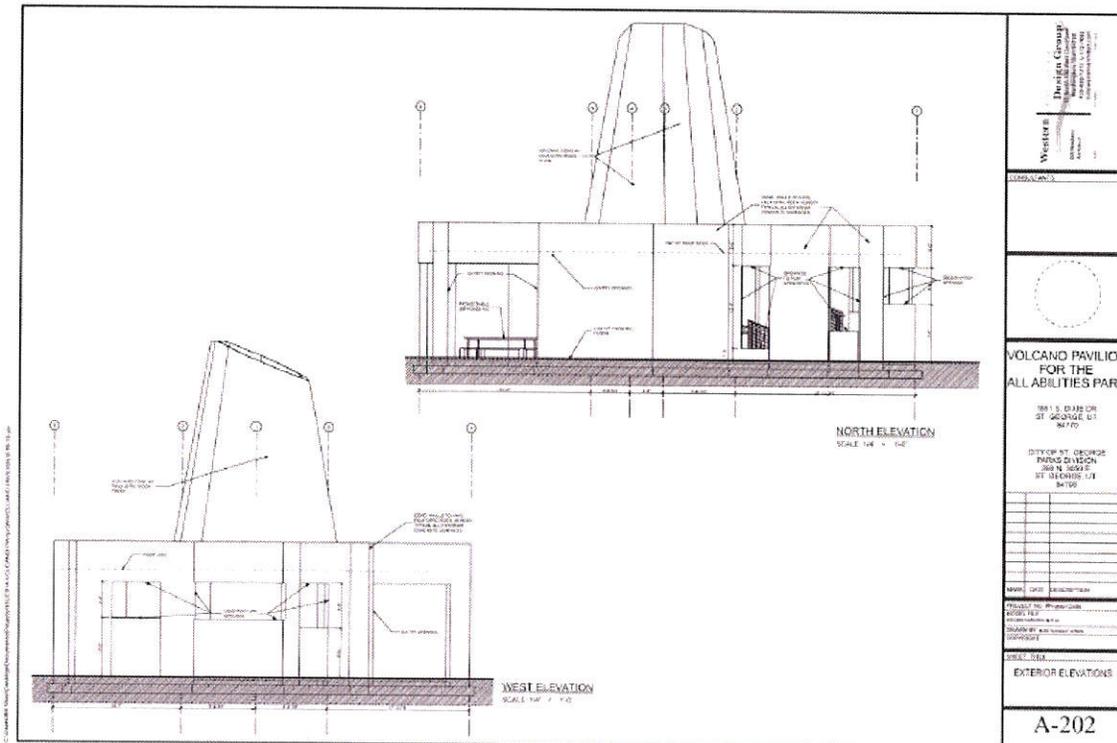
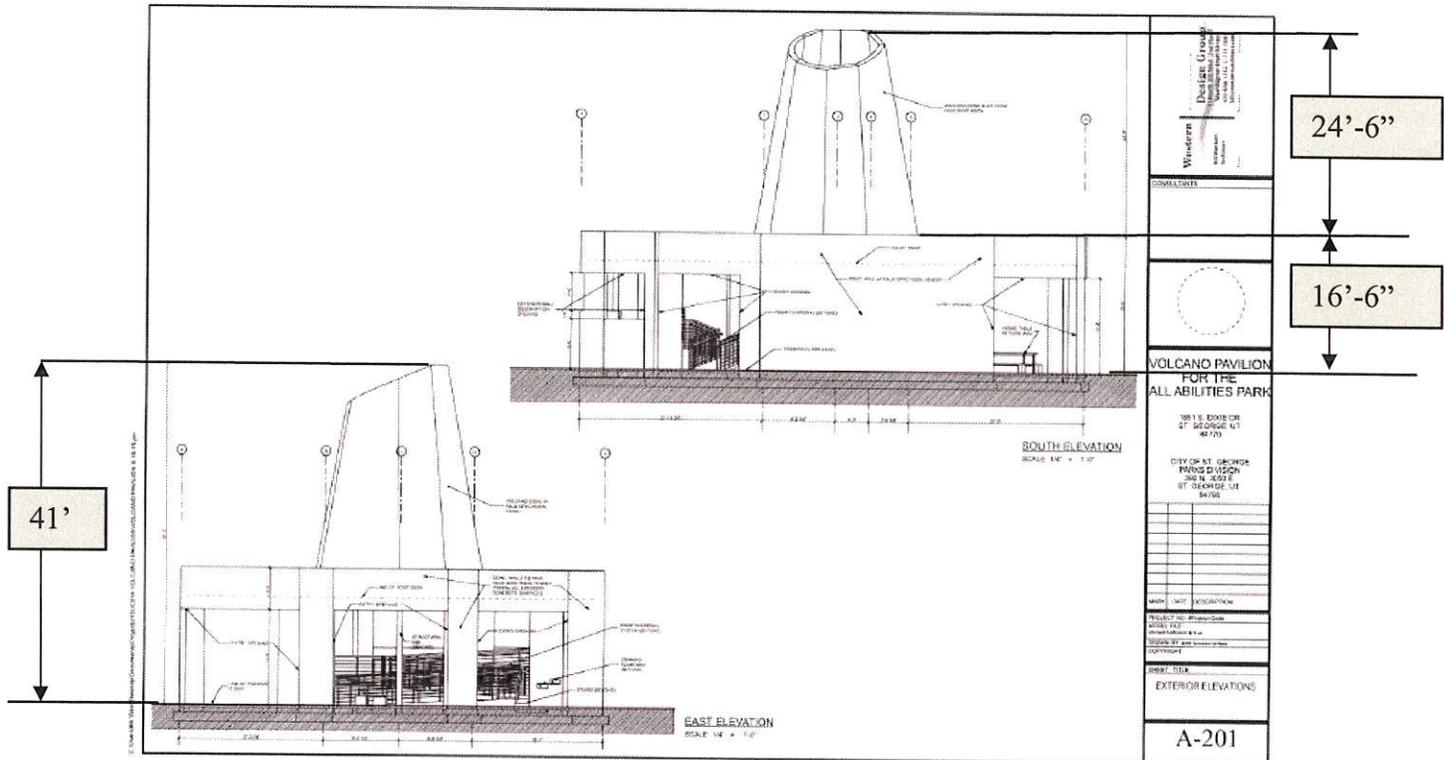
General Plan



Volcano Model



Elevations



ITEM 3
Zoning Regulation Amendment
Short Term Rental - Parking

PLANNING COMMISSION AGENDA REPORT: 09/08/2015

AMENDMENT TO ZONING REGULATIONS; PUBLIC HEARING

Case No. 2015-ZRA-007

Request: Proposed amendment to Title 10 Zoning Regulations, Chapter 14 ‘Supplementary and Qualifying Regulations’, Section 10-14-22 “Short Term Leases of Residential Property.” Section 10-14-22.3 ‘Auto and Parking Regulations’ to change the existing parking requirements which will allow for higher densities in dwelling units, to allow tandem parking, and to allow tandem parking in the front setback area, and to add a new section (10-14-22.5) which defines occupancy.

Applicant: ENRP, LLC

Representative: Mr. Bruce Jenkins
Attorney for ENRP, LLC
285 W Tabernacle, Ste 301
St George, Utah 84770

Background: Currently Title 10, Chapter 14 ‘Supplementary and Qualifying Regulations,’ Section 22 “Short Term Leases of Residential Properties,” Section 10-14-22.3 “Automobile and Parking Regulations” requires 2 parking spaces per unit and 1 space for every 2 guestrooms.

An application to modify this zoning regulation amendment request was received. The request would delete the existing parking standards and replace them with proposed new language which will change the parking requirements for residential nightly rentals, particularly in a PD-R (Planned Development Residential) zone with amenities (e.g. golf course community).

The applicant is representing Shinava Ridge, which is located in the Entrada development. Shinava Ridge was originally approved for short term rental units one dwelling per lot, and each house was considered as one dwelling. However, the units were further subdivided by installing interior lockout doors which doubled and tripled the unit counts. The applicant’s representative met with the Fire Marshall, Building Official, and Development Services staff several times and as a result, sought a solution to density issue, and the non-conforming parking situation, thus requesting an ordinance change to address the parking issue. The requested ordinance change does not address the density issue, and that must be addressed at a later date by amending the PD.

Examples of other Cities regulations are attached (provided by applicant).

Staff Comments:

1. If this ZRA changes are approved by City Council, this new parking standard will apply City Wide to all short term rentals (e.g. The Ledges, Green Valley Spa and Resort, World Mark, Las Palmas, etc.)
2. Staff has provided an alternative to the applicant's proposal, given that some of the applicant's proposals may not be applicable or enforceable on a City Wide basis.

Applicant Proposed Amendment:

Modify Section 10-14-22.3 Automobile and Parking Regulations and add new Section 10-14-22.5 Occupancy:

(new wording is underlined and strikethrough is used to remove)

3. Automobile and Parking Regulations: For each short term rental property:
 - ~~a. For off street parking which is not located within the front setback, the property shall have at least two (2) parking spaces for the residence plus one space for every two (2) guest bedrooms.~~
 - ~~b. Allowed only two (2) automobiles plus one additional automobile for every two (2) guest bedrooms.~~
 - ~~c. As used in this section "guest bedroom" shall mean each bedroom in the rental dwelling unit in addition to the first bedroom.~~
 - a. There shall be one off street covered parking space and one off street uncovered parking space for each dwelling unit and no more than one automobile may be parked overnight in uncovered parking for each dwelling unit.
 - b. No parking shall be allowed in streets with widths less than _____ feet.
 - c. Tandem parking is allowed, including in the front yard setback.
4. Landscape Maintenance: Each short term rental property shall comply with the landscape requirements outlined in section 4-7-11 of this code.

5. Occupancy: The maximum occupancy shall be two (2) persons per dwelling unit, plus two (2) persons per bedroom (e.g. a two (2) bedroom dwelling unit is permitted a maximum occupancy of six (6) persons). The maximum occupancy of a dwelling unit may not exceed _____.
The Building Official may approve exceeding the occupancy based on the size of the dwelling using standards provided by current adopted version of the IBC (International Building Code). The maximum occupancy shall also be limited by the availability of off street parking.

Staff Proposed Amendment

3. Automobile and Parking Regulations: For each single family short term rental property:
- a. ~~For off street parking which is not located within the front setback, the property shall have at least two (2) parking spaces for the residence plus one space for every two (2) guest bedrooms.~~
 - b. ~~Allowed only two (2) automobiles plus one additional automobile for every two (2) guest bedrooms.~~
 - c. ~~As used in this section "guest bedroom" shall mean each bedroom in the rental dwelling unit in addition to the first bedroom.~~
 - a. Two (2) parking spaces provided per dwelling unit, one of which shall be covered. Each dwelling unit may tandem park in the front setback, if the covered and tandem parking spaces are associated with the same unit, and if the tandem parking space leaves at least a ten foot (10') front setback.
 - b. On street parking does not qualify for parking requirements and is not permitted.
 - c. All other dwellings, including townhouses and condominiums shall comply with 10-19-4: of this title.
4. Landscape Maintenance: Each short term rental property shall comply with the landscape requirements outlined in section 4-7-11 of this code.

APPLICATION

**ZONING ORDINANCE
AMENDMENT
APPLICATION**



APPLICATION FOR AN AMENDMENT TO THE ZONING REGULATIONS
AS PROVIDED BY THE CITY OF ST. GEORGE ZONING ORDINANCE
CITY OF ST. GEORGE, UTAH

APPLICANT INFORMATION

APPLICANT: ENRP, LLC
APPLICANT'S MAILING ADDRESS: c/o Bruce C. Jenkins 285 W. Tabernacle, Ste. 301
PHONE: 435-656-8200 CELL: 435-619-5450 FAX: 435-656-8200
EMAIL ADDRESS(ES): bcj@vf-law.com

I request that the Planning Commission and City Council amend the Title 10: "Zoning Ordinance" section:
10-14-22

as follows (attach a separate sheet if necessary): See attached Exhibit "A"

The reason for the proposed Ordinance amendment is (attach a separate sheet if necessary): To update parking requirements for residential nightly rentals, particularly in a PD-Zone with an adjacent golf course community. Attached as Exhibit "B" are parking regulations from other cities dealing with parking and nightly residential rentals.

Bruce C. Jenkins, attorney for ENRP, LLC
Signature of Applicant

OFFICE STAFF USE ONLY
CASE #: 2015-ZRA-007 FILING DATE: 8/20 RECEIVED BY: [Signature] RECEIPT #:
*FEE: \$500

Steam Boat Springs Example



Occupancy:

The maximum number of guests staying at any Vacation Home Rental Property shall be one per two hundred (200) square feet of net floor area, up to a maximum of sixteen (16).

Parking:

There shall be a minimum of two (2) Parking Spaces.

No more than four (4) vehicles may be parked overnight.

No more than two (2) vehicles may be parked overnight outside of garages.

No parking shall be permitted in public rights of way or Access Easements.

No parking trailers or snowmobiles on the property.

24-Hour Local Contact information:

Pioneer Ridge

675 Snapdragon Way, Suite 100

Steamboat Springs, CO 80487

970-879-0517

Trash:

Trash pick up is after check out. A management company representative will pull trash from the trash containers inside the home. If you need an extra trash pick-up please call our front desk agents at 970-879-0517. Please do not take trash out yourself as we don't want to feed the wildlife. No container other than approved wildlife proof containers may be used for pick up.

Noise:

Quiet times are from 7:00 pm to 7:00am. Please remember you are in a residential area and any violation of city noise or disturbance ordinances could result in a fine or removal from the property.

Prohibited Activities:

- Outdoor sleeping
- Any outdoor activity at which more than twice the number of allowed occupants are in attendance.
- Tents or other outdoor structures, whether deemed temporary or permanent.
- Commercial Kitchens.
- The preparation of any food on site for persons other than occupants and their guests.

Inspection:

If the City Permit Director has reasonable grounds to believe that prohibited activities are occurring at the Property, the Director may require an inspection of the Property on 24-hour advanced notice to the Owner, Property Management Company, or other agent or local contact person for the Owner.

Violations and Penalties:

The following conduct shall constitute a violation for which the penalties specified below shall be imposed:

- The Owner, Property Management Company, or other agent of Owner has conducted, permitted, or allowed any of the Prohibited Activities to occur on the Property. The penalties for violations shall be as follows:
 - For the first violation within any 12-month period, the penalty shall be \$250.00;
 - For a second violation within any 12-month period, the penalty shall be a fine of \$500.00;
 - For third violation and all subsequent violations within any 12-month period, the penalty shall be a fine of \$1,000.00;
 - Each calendar day there is a failure to comply with Additional Criteria and each day a Prohibited Activity takes place may be considered by the Municipal Court as a separate and distinct violation.

These Violations and Penalties shall be in addition to any other violations of law that may be charged under the Steamboat Springs Municipal Code, including, without limitation, Noise Pollution (§ 7-61 et seq.) and Nuisances (§ 15-1 et seq.). In addition to the violations and penalties set forth in this section, the City shall be entitled to all other remedies in law or equity, including, without limitation, seeking an injunction in any court of competent jurisdiction.

137 10th Street, P.O. Box 775088, Steamboat Springs, Colorado 80477
(970) 879-2060 • Fax (970) 879-8851 • www.steamboatsprings.net

Arizona
ARTICLE 24 *Single-Family Nightly Rentals*
Adopted December 7, 2010 by Apache County Board of Supervisors

Section 2401. Definitions.

- A. "Single-Family Nightly Rental" is defined as a dwelling unit or portion thereof, including an attached or detached guest quarters, which is used in a Residential Zone or in a Greer Commercial (GC) Zone, by any person or group of persons who occupies or is entitled to occupy a dwelling unit for Remuneration for a period of less than thirty (30) calendar days, counting portions of days as full days.
- B. "Remuneration" is defined as compensation, money, rent or other bargained for consideration given in return for occupancy, possession, or use of real property.
- C. "Residential Zone" is defined as any residential zone in Apache County, as described in the Apache County Zoning Ordinance.
- D. "Person" for the purpose of establishing occupancy, is defined as an individual at least two (2) years of age.

Section 2402. Purpose.

- A. The purpose of this Section 2400 is to protect the character of Residential Zones by regulating Single-Family Nightly Rentals.
- B. Single-Family Nightly Rentals in a Residential Zone have the potential to be incompatible with surrounding residential uses. Therefore, special regulation of Single-Family Nightly Rentals is necessary to ensure that their use will be compatible with surrounding residential uses and will not materially alter the neighborhoods in which they are located.

Section 2403. Single-Family Nightly Rental Requirements.

- A. Single-Family Nightly Rental Permit required. No person shall occupy, use, operate or manage, nor offer or negotiate to use or rent a Single-Family Nightly Rental in a Residential Zone or in a Greer Commercial (GC) Zone, except:
 - 1. A dwelling unit for which a Single-Family Nightly Rental Permit has been issued to the Owner of that dwelling unit.

- B. Greer Commercial Resort ("GCR") Zone. In a Greer Commercial Resort Zone, the rental of a dwelling unit or portion thereof, by any person or group of persons who occupies or is entitled to occupy a dwelling for Remuneration for a period of less than thirty (30) calendar days, counting portions of days as full days, shall be considered one of the allowable uses of a resort, and; the use is allowed without a Single-Family Nightly Rental Permit, and; a Single-Family Nightly Rental Permit is not required, and; no Permit Fee shall be required, and said use is not subject to the requirements of this Section 2400.

- C. Permit Limits. In the Greer area as defined by the zoning ordinance, the number of permits issued shall be limited to a number fifteen percent (15%) greater than the actual number of permits issued with the first 12 months of the adoption of this Article.

ARTICLE 24

Single-Family Nightly Rentals

Adopted December 7, 2010 by Apache County Board of Supervisors

- D. Occupancy. The maximum occupancy for a Single-Family Nightly Rental shall be two (2) persons per dwelling unit, plus two (2) persons per bedroom (e.g., a two (2) bedroom dwelling unit is permitted a maximum occupancy of six (6) persons). The maximum occupancy shall be further limited by off-street parking requirements as defined in this Section 2400. The maximum occupancy of a dwelling unit may not exceed twenty (20) persons. The Building Official may approve exceeding the occupancy based on size of home using standards provided by the current adopted version of the International Building Code.
- E. Parking. One (1) off-street parking space shall be provided for each three (3) persons of occupancy in a Single-Family Nightly Rental. No more vehicles shall be parked on the property than there are designated off-street parking spaces. Inability to provide the required off-street parking will reduce the permitted occupancy. A site plan shall be submitted with an application for a Single-Family Nightly Rental Permit which identifies the location of the required off-street parking.
- F. Solid Waste Disposal. The management company or a waste collection provider shall provide weekly solid waste collection during all months that the Single-Family Nightly Rental is available for rent.
- G. Permit Posting. The Single-Family Nightly Rental Permit shall be posted within 5 feet of the front door of each dwelling unit, both on the inside and on the outside of the dwelling unit, and contain the following information.
1. The name and telephone number of the Local Representative.
 2. The name and address of the Owner.
 3. The contact information for the Community Development Department and the Sheriff's office in Apache County.
 4. The maximum occupancy permitted.
 5. The number of off-street parking spaces provided on the property, and the maximum number of vehicles allowed to be parked on the property.
 6. The solid waste disposal collection day if provided by a solid waste company.
- H. Building Inspection. Each Single-Family Nightly Rental dwelling unit must be inspected annually by the Building Official to determine whether it meets adequate safety requirements of the applicable building codes. Prior to the issuance of a Single-Family Nightly Rental Permit, the Owner shall make all necessary alterations to the dwelling unit as required by the Building Official pursuant to the applicable building codes.

- I. Ownership. A Single-Family Nightly Rental Permit is issued to a specific "Owner" of a property in a Residential Zone or in a Greer Commercial (GC) Zone. If the property holding a Single-Family Nightly Rental Permit is sold to an unrelated third-party owner, the Single-Family Nightly Rental Permit shall immediately expire, and the new owner shall make application for a new Single-Family Nightly Rental Permit.

Section 2404. Application Procedures.

- A. Single-Family Nightly Rental Permit Application. Any Owner of a property in a Residential Zone wanting to use the property as a Single-Family Nightly Rental shall make application to the

ARTICLE 24

Single-Family Nightly Rentals

Adopted December 7, 2010 by Apache County Board of Supervisors

Community Development Department at the County for a Single-Family Nightly Rental Permit. The permit shall be issued for one (1) year, and must be renewed annually. The Community Development Department shall issue the permit where it finds the application requirements and the requirements of this Section 2400 have been met, and upon payment of the "Permit Fee" in an amount as determined by the Community Development Department.

Section 2405. Local Representative.

- A. Local Representative. The Owner of the property shall designate a "Local Representative". The Local Representative must be either the Owner or other individual person who resides permanently within a 20-mile radius of the property, or; a legally operating resort, bed and breakfast establishment, or property Management Company with a physically staffed permanent office within a 20-mile radius of the property.
- B. Change Local Representative. The Local Representative may be changed by the Owner from time to time throughout the term of the permit, by the Owner filing a revised permit application that includes the name, address and telephone number of the new Local Representative. Failure to notify the County of a change in the Local Representative constitutes a Violation and is grounds for a penalty pursuant to this Section 2406.
- C. Guest and Vehicle Register. The Local Representative shall maintain a guest and vehicle register for each tenancy of the Single-Family Nightly Rental. The register shall include the names, home addresses, and telephone numbers of the occupants, and; the vehicle license plate numbers of all vehicles used by the occupants, and; the date of the rental period. The above information must be available for County inspection upon request, and; failure to maintain or provide the required information constitutes a Violation and is grounds for a penalty pursuant to this Section 2406.

- D. Complaints. The Local Representative must be authorized by the Owner to respond to questions or concerns from the occupants or neighbors. The Local Representative shall serve as the initial contact person if there are questions or complaints regarding the operation of the property as a Single-Family Nightly Rental. The Local Representative must respond to those complaints in a timely manner to ensure that the use of the property complies with the standards for Single-Family Nightly Rental occupancy, as well as other pertinent County code requirements pertaining to noise, disturbances, or nuisances, as well as State law pertaining to the consumption of alcohol, or the use of illegal drugs.
- E. Availability. If the County Sheriff Department is not able to contact the Local Representative in a timely manner more than twice during the term of the annual permit, this shall be considered a Violation and is grounds for a penalty pursuant to this Section 2406.
- F. Neighbor Notification. The County shall notify property owners and or residents within 300 feet of the property of the name, address and telephone number of the Owner and the Local Representative. The purpose of this notification is so that adjacent property owners and residents can contact the Local Representative and/or Owner to report and request the resolution of problems associated with the operation of the Single-Family Nightly Rental.

ARTICLE 24

Single-Family Nightly Rentals

Adopted December 7, 2010 by Apache County Board of Supervisors

Section 2406. Violations and Penalties.

- A. Violations. Failure to comply with the occupancy or other requirements of the Single-Family Nightly Rental Permit and/or this Section 2400, shall constitute a "Violation". Disturbances or nuisances caused by the occupants (and their invited guests) of a Single-Family Nightly Rental that violate the County Codes or State law shall also constitute a Violation. Penalties for each Violation shall be imposed by the County. Upon receipt of four (4) penalties for Violations, the Community Development Department may suspend or revoke the Single-Family Nightly Rental Permit.
- B. Penalties. Any person who shall violate the provisions of this Section 2400 shall be subject to penalties and fines under Article 13 of the Apache County Zoning Ordinance. Additionally, the Single-Family Nightly Rental Permit shall be subject to revocation.
- C. Revocation. The Community Development Department is hereby authorized to revoke any Single-Family Nightly Rental Permit issued under the terms of this Section 2400, if, after due investigation, it determines that the holder thereof has repeatedly violated any provisions of the Section 2400, or that any facility is being maintained in an unsanitary or unsafe manner, or is a nuisance.

**PLANNING COMMISSION
CITY OF ST. GEORGE
WASHINGTON COUNTY, UTAH
March 24, 2015 – 5:00 PM**

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

CITY STAFF: Planning & Zoning Manager John Willis
Assistant City Attorney Victoria Hales
Planning Associate Genna Singh

EXCUSED: Assistant Public Works Director Wes Jenkins
Planner II Ray Snyder
City Surveyor Todd Jacobsen

FLAG SALUTE

Chair Ross Taylor called the meeting to order and asked Commissioner Nathan Fisher to lead the flag salute at 5:01 pm.

John Willis stated that there are two changes in the agenda. First: Item 1C the applicant has requested to be heard at the next Planning Commission meeting. Second: Item 3B the applicant has modified the request from C-2 to PD-C and that will also be heard at the next Planning Commission meeting.

1. **LOT ROADWAY EASEMENT (LRE)**

- A. Consider approval of a lot split located at **820 North Valley View Drive** (the LDS Chapel and the vacant lot north of the chapel). The representative is Mr. Bob Hermandson, Bush & Gudgell. The property is zoned R-1-10 (Single Family Residential, 10,000 s.f. minimum lot size). Case No. 2015-LRE-004. (Staff – Todd Jacobsen).

John Willis presented the item: There is an existing LDS church located on the property. There are 12.15 acres total and the request is to split the LDS chapel on a 4.36 acre parcel and then a vacant piece of 7.82 acres. It does meet code.

Councilman Joe Bowcutt asked if there is a lot of hillside there.
John Willis replied that there is hillside there but there is enough to develop.

Chair Ross Taylor asked if the split will remain R-1-10.
John Willis replied the split will remain as R-1-10 zoning.

Councilman Joe Bowcutt asked if easements are affected.
John Willis said no easements are affected by the split.

MOTION: Commissioner Nathan Fisher made a motion to recommend approval of the lot split, Item 1A.
SECONDED: Commissioner Diane Adams seconded the motion.
AYES (5)
Commissioner Don Buehner
Chair Ross Taylor
Commissioner Nathan Fisher
Commissioner Diane Adams
Commissioner Julie Hullinger
NAYS (0)
Motion passes.

- B. Consider approval of a lot split located north of **Middleton Drive between 1700 East and Cottonwood Springs Road**. The representative is Mr. Steve Woolsey, ProValue Engineering. The property is zoned R-1-10 (Single Family Residential, 10,000 s.f. minimum lot size) and OS (Open Space). Case No. 2015-LRE-005. (Staff – Todd Jacobsen).

Commissioner Ro Wilkinson entered the meeting at 5:06 pm

John Willis presented the item: There are two parcels. A part of the western split will be part of a greater subdivision. They are looking to sell the property.

Commissioner Nathan Fisher asked if the staff comments for 1B are accurate as they look to be the dialogue taken from the previous agenda item.

John Willis stated they are an error, and asked the written comments on Item 1B be disregarded; they are not applicable. Once they come through to develop we'll see the property again.

Councilman Joe Bowcutt asked if there is a road there.

John Willis said that there is a dedicated right of way which will more than likely be vacated in the future because it gets into hillside issues. We'll look at that more when they come in to develop the property.

Commissioner Nathan Fisher clarified that the request is to make four lots out of two lots.

John Willis said that is correct.

MOTION: Commissioner Don Buehner made a motion to recommend approval of Item 1B, lot split for the Michelson Family Trust and that we eliminate the first paragraph on staff comments.
SECONDED: Commissioner Nathan Fisher seconded the motion.
AYES (5)
Commissioner Don Buehner

Chair Ross Taylor
Commissioner Nathan Fisher
Commissioner Diane Adams
Commissioner Julie Hullinger
NAYS (0)
Motion passes.

- C. Consider approval of an easement vacation/lot merger (final plat amendment) located at **2181 West Long Sky Drive** (Ledges Development). The representative is Mr. Michael Draper, Rosenberg Associates. The property is zoned PD-R (Planned Development – Residential). Case No. 2015-LRE-006. (Staff – Todd Jacobsen).

Item will be heard at a later date.

2. **PRELIMINARY PLAT**

- A. Consider approval of a preliminary plat for a three (3) lot residential subdivision for “**Whiterocks at the Ledges Phase 2.**” The applicant is Development Solutions and the representative is Mr. Ryan Thomas. The property is zoned PD-R (Planned Development Residential) and is located at Canyon Tree Drive Case No. 2015-PP-008. (Staff – Wes Jenkins).

Commissioner Todd Staheli arrived at 5:11 pm

John Willis presented the item: this meets the requirements of the Ledges PD.

MOTION: Commissioner Ro Wilkinson made a motion to accept Item 2A, Preliminary Plat, for Whiterocks at the Ledges Phase 2.
SECONDED: Commissioner Julie Hullinger seconded the motion.
AYES (6)
Commissioner Don Buehner
Chair Ross Taylor
Commissioner Nathan Fisher
Commissioner Diane Adams
Commissioner Julie Hullinger
Commissioner Todd Staheli
NAYS (0)
Motion passes.

- B. 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 zoned C-3 (General Commercial) and is located at 359 and 377 East Riverside Drive. Case No. 2015-PP-003. (Staff – Wes Jenkins).

John Willis presented the item: This preliminary plat came to Planning Commission on February 24, 2015. We’re seeing it again because the landscaping is non-conforming. There is a

provision in the code that states that the Planning Commission must specifically address non-conformity if the applicant would like to remain non-conforming.

John Willis read applicable code provisions:

1 – 15’ landscape on frontage

2 – parking lot needs 5% landscaping

The project doesn’t meet either of those standards. In order to move forward and not have to modify the landscaping PC must make that finding that the nonconformity can continue.

Commissioner Nathan Fisher asked if this project met the standards when it was originally done.

All they want to do is separate the buildings into separate lots for ownership, right?

John Willis said that is right, and create an easement for access. All buildings stand alone for parking.

Commissioner Nathan Fisher asked which lots are non-conforming.

John Willis stated all three would be insufficient if separated into three lots.

Chair Ross Taylor asked if the parking could be met if the required landscaping were to be installed.

John Willis said it would be difficult.

Chair Ross Taylor noted that making them meet the landscaping standard would be a hardship. The parking is a higher priority than landscaping.

Wes Davis added that there is landscape on the frontage and against the buildings. Making any amendments to the existing landscaping would be a monumental task and would hinder our parking. There is no negative impact to the neighbors with this change.

Assistant City Attorney Victoria Hales counseled that any motion will need to include findings that the nonconformity is not increased and that there is not an unreasonable burden on adjacent land owners. They need your approval and Council approval to keep the landscaping non-conforming.

Commissioner Todd Staheli asked how much landscaping exists on the property.

John Willis stated they would need 7’ additional along the frontage; I’m not sure about the parking lot landscaping percentages.

Wes Davis added that the project meets the commercial percentage for interior landscaping but not the frontage.

Commissioner Nathan Fisher said additional burden is not created. I think we keep the non-conformity.

Commissioner Diane Adams agreed. There are only a few businesses in there.

Chair Ross Taylor added that the change needed is per changes in the code since this was project was built.

MOTION: Commissioner Don Buehner made a motion to accept and recommend approval of Item 2B for the Riverside Business Park; there will be no additions to the non-conformity and allowing the non-conforming landscaping to remain is not an unreasonable burden to any adjacent land and based on the fact that if we forced the landscape

conformity then there would be a non conformity with parking.
SECONDED: Commissioner Ro Wilkinson seconded the motion.
AYES (6)
Commissioner Don Buehner
Chair Ross Taylor
Commissioner Nathan Fisher
Commissioner Diane Adams
Commissioner Julie Hullinger
Commissioner Todd Staheli
NAYS (0)
Motion passes.

Assistant City Attorney Victoria Hales noted that it is up to the Chair whether or not to hear from the applicant for Item 3B. It is my understanding that they are going to withdraw this item from the agenda.

Chair Ross Taylor invited the applicant for Item 3B to comment.

David Nielsen – Director of Real Estate for Smith’s: We’re excited to put another store in St. George. We started down the path of a C-2 for the property and as we’ve worked through this we found that a PD zone may be a more efficient way of accomplishing what we want to do. We want to open our doors as quickly as we can. We will be withdrawing our request from the meeting tonight but will be back at a later date.

3. **ZONE CHANGE (ZC)**

- A. Consider a zone change amendment to construct an approximately 20,000 square foot building on property zoned PD-C (Planned Development – Commercial) to accommodate the future development of a Mercedes-Benz Auto Dealership. The property is located at 1792 South Blackridge Dr, 302 and 288 West Hilton Drive. The applicant is Stephen Wade Auto Group and the representative is Mr. Bill Western, Western Design Group. Case No. 2015-ZCA-007 (Staff – John Willis)

John Willis presented the item: We’ll be looking at all aspects of the site plan, elevations, materials, and signage on a large commercial building. The property is on the corner of Blackridge and Hilton. The three existing buildings will be demolished and the lots will be merged. There is a City ROW to the north that will be abandoned. The elevation also shows the sign. Signs are not permitted above the parapet wall but because they are in a PD zone they are allowed to request the signage above the roof line.

Councilman Joe Bowcutt asked what the total height of the sign will be.

John Willis responded the sign extends 16’ above the roof line it is adjacent to. So the 16’ above the roof line is not in compliance.

John Willis added that a landscaping plan has been presented. There doesn’t appear to be much grade change.

Don Buehner asked for staff input on the sign.

John Willis noted that it is adjacent to the hillside so the impact is minimal.

Commissioner Don Buehner asked if the building sign would be in lieu of a freestanding sign.

John Willis said this is the only sign requested because it's beyond the sign code. Any signage that meets the code would be able to be requested and approved at a staff level.

Commissioner Todd Staheli said the total for this sign was 37'.

Commissioner Ro Wilkinson added that there's a hill behind them so I don't think it's affecting much.

Commissioner Nathan Fisher added that with the other dealerships around this makes sense.

Bill Western explained that the sign is a requirement by Mercedes. There will be other signage on the building that will be lower and fall within code. There will probably be a pylon sign up front as well but it's not presented because it will meet code.

Joe Bowcutt asked if there are any easement issues.

Bill Western said there was a gas line to the north but we're resolving that.

Assistant City Attorney Victoria Hales noted that the easements will come back in at a later date for approval.

Chair Ross Taylor opened the public hearing.

Chair Ross Taylor closed the public hearing.

MOTION: Commissioner Ro Wilkinson made a motion, based on recommendations by staff and comments made, to recommend approval of the zone change for Stephen Wade Mercedes Benz on the stated terms.

SECONDED: Commissioner Diane Adams seconded the motion.

AYES (6)

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion carries.

- B. Consider a zone change request to rezone from C-2 (Highway Commercial) and R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size) to C-2 (Highway Commercial) on 28.802 acres to accommodate the future development of a commercial shopping center proposed to be called 'Dinosaur Crossing Shopping Center'. The property is generally located at the north east corner of Riverside Drive and Mall Drive from Mall Drive to 2200 E and Riverside Drive to the river. The owner is 'Dinosaur Crossing LLC', the applicant is 'Smith's Food and Drug Center',

and the representative is 'Anderson Wahlen and Associates'. Case No. 2015-ZC-006
(Staff – John Willis)

The item was withdrawn by the applicant prior to the meeting; see comments above.

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

Consider a request for a Conditional Use Permit for permission to extend an existing sales lot for automobiles and similar vehicles (**Premier Car & Truck**) to the adjacent property located at 148 W St. George Blvd.

John Willis presented the item: Premier Car & Truck exists on the Boulevard and they have acquired the Imitas property. They want to expand onto that lot and expand their existing conditional use. One standard is that a sales lot requires compliance with the landscape standard of 15' along the street – the site has about 5'. The applicant would like to maintain the existing landscaping and not expand to the 15'. They don't plan on using the existing building; they want to maintain their existing sales office. They only want to utilize the parking area. Expanding the conditional use will not have a negative impact. We are suggesting: 1 – the expanding lot conforms with parking standards for display to customer ratio 2- the property can only be used in conjunction with an existing auto sales lot and not as its own sales lot. Sales lots must have at least 100' frontage. It's important to understand that there are not entitlements to the land itself but only as an expansion of a conditional use. 3 – the landscape remains as it exists 4 – this is a CUP so the findings need to be addressed.

Commissioner Don Buehner asked if a 15' landscape strip were a condition of approval, would it only affect the Imitas piece and not the existing lot.

Assistant City Attorney Victoria Hales explained that they are adding about 35' of frontage and they want to keep those 35' non-conforming so it would be part of the CUP that they be allowed to keep the non-conforming. Staff also touched on the fact that this lot standing alone could not be a car lot. You aren't approving this as a stand-alone car sales lot. The request is to conditionally use the property as part of their existing lot that does meet the requirements. This CUP is only approved by use in conjunction with an existing car lot. The CUP does not run with the Imitas land it only states they can use it as part of an existing car lot. Your motion will need to include the same finding that the nonconformity doesn't increase and it doesn't have substantial impact on the neighbors.

John Willis said at one point the landscaping was approved.

Commissioner Nathan Fisher asked for clarification if this is a new CUP or an addition to the existing CUP for Premier.

Assistant City Attorney Victoria Hales said this CUP is only for the strip of land at 148 W but there is a condition that it has to be part of an existing car sales lot. You don't want to approve it as a stand-alone car sales lot.

Chair Ross Taylor noted that the CUP needs to be tied to their lease specifically – if the lease expires then the CUP expires. The building will be vacant so we also need to state the building cannot be used.

Commissioner Nathan Fisher countered that the building could be used in conjunction with the existing car lot. As soon as the existing car lot; if the use changes then the CUP needs to expire. Commissioner Nathan Fisher pointed out that the car lot adjacent to them has the 15' but then the next car lot only has 5'. If we required the 15' landscaping it would look odd.

Commissioner Don Buehner stated that the difference between this and the last item in terms of nonconforming is this wouldn't force them into another non-conformity issue. The other one we said that if we pushed the landscaping it wouldn't allow parking so this is a different issue. The Boulevard is a different animal than Riverside Dr. The Boulevard is a show piece and any opportunity we have to improve that corridor should be taken.

Ron Caplin explained that he didn't install the landscaping at Irmitas. That was designed to tie into a Mexican restaurant. The landscaping in front of my existing property was also there when I moved there 4 years ago and we've just maintained it. I don't know how much you can really add to a 33' strip of frontage to improve the area.

Chair Ross Taylor asked if there is an access point into the property.

Ron Caplin said there is a driveway off the Boulevard but it's a land locked piece of property; since Irmitas vacated, Red Rock Auto has pulled their cars all the way to the lot line. All we're looking for is additional display room of maybe 4 more cars along the frontage and then some in the back. It won't significantly change the appearance of the area.

Councilman Joe Bowcutt noted that some of the landscape strips are narrow along the Boulevard because of the street widening.

Ron Caplin added that if we were required to update the landscaping it would not be worth my while and the piece would just sit vacant.

Commissioner Nathan Fisher said the 15' would make it difficult to have usable property but perhaps the landscaping can be updated with some bushes instead of sage brush and weeds.

Ron Caplin agreed to update the landscaping.

Commissioner Don Buehner added that the landscaping should have the same characteristics of the adjacent landscaping.

Councilman Joe Bowcutt revisited the access asking if it is on the other car lot property.

Ron Caplin said that is right; I won't have access there. Our access will be on the back side of 100 East and then one access on St. George Boulevard.

Alan Archibald – property owner – the building was built and had a poor use there. In my 3 year absence it was rented to Irmitas. My intent was to always have this lot as part as one of the adjacent lots. We realize the need to have this in conjunction with an adjacent car sales lot.

Councilman Joe Bowcutt said we'll be more comfortable if that building is used with the automobile business. Any stand-alone use would not be acceptable.

John Willis added that if for whatever reason the CUP expires then the property would be able to be used as whatever is permitted in the zone. One restriction this property has is parking.

Chair Ross Taylor added that the CUP goes with the property regardless of ownership. Alan Archibald clarified that the request is for any automotive company, not just Premier. Assistant City Attorney Victoria Hales counseled that if it isn't used for the property to the east it may be used with the property to the west. You can limit the use to those two applications and then have it cease and revert to the zone. The findings will also need to be addressed regarding the landscaping non-conformity.

MOTION: Commissioner Nathan Fisher made a motion to recommend approval of a CUP of the lot located at 148 W St. George Boulevard as an overflow area for a car lot so long as the car lot for which this is an overflow is adjacent to either the property located at 140 W/116 W OR 176 W and so long as the adjacent properties either 140 W/116 W or 176 W are compliant with the current zoning ordinances or are found approved non-conforming use under the zoning ordinance; the CUP is further conditioned upon the use of an overflow in connection with a car lot either to the west or east and with respect to the landscape; we find that the non-conforming condition of the landscape does not create additional burden on adjacent properties and that the non-conformity is not expanded. However the landscape strip that does exist now has to be improved to be substantially similar to the landscape frontage of the car lot at 140 W/116 W; this CUP ceases and reverts back to standard C-4 zoning when a car lot is not operated to the west or to the east; the conditions placed on this recommendation are based on the findings that the detrimental effects are mitigated by these conditions; also the CUP is conditioned on the restriction that the use of the existing building must be used in conjunction with an adjacent car lot business.

SECONDED: Commissioner Todd Staheli seconded the motion.

AYES (6)

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion passes.

5. **MINUTES**

Consider approval of the minutes from the October 28, 2014, December 09, 2014, January 13, 2015, and January 27, 2015 meetings.

No edits were suggested.

MOTION: Commissioner Ro Wilkinson made a motion to approve the minutes from October 28, 2015.

SECONDED: Commissioner Diane Adams seconded the motion.

AYES (6)

Commissioner Don Buehner
Chair Ross Taylor
Commissioner Nathan Fisher
Commissioner Diane Adams
Commissioner Julie Hullinger
Commissioner Todd Staheli
NAYS (0)
Minutes approved.

MOTION: Commissioner Todd Staheli made a motion to approve the minutes from December 09, 2014.

SECONDED: Commissioner Julie Hullinger seconded the motion.

AYES (6)

Commissioner Don Buehner
Chair Ross Taylor
Commissioner Nathan Fisher
Commissioner Diane Adams
Commissioner Julie Hullinger
Commissioner Todd Staheli
NAYS (0)
Minutes approved.

MOTION: Commissioner Diane Adams made a motion to approve the minutes from January 13, 2015.

SECONDED: Commissioner Don Buehner seconded the motion.

AYES (6)

Commissioner Don Buehner
Chair Ross Taylor
Commissioner Nathan Fisher
Commissioner Diane Adams
Commissioner Julie Hullinger
Commissioner Todd Staheli
NAYS (0)
Minutes approved.

MOTION: Commissioner Julie Hullinger made a motion to approve the minutes from January 27, 2015.

SECONDED: Commissioner Diane Adams seconded the motion.

AYES (6)

Commissioner Don Buehner
Chair Ross Taylor
Commissioner Nathan Fisher
Commissioner Diane Adams
Commissioner Julie Hullinger
Commissioner Todd Staheli
NAYS (0)

Minutes approved.

ADJOURN

MOTION: Commissioner Nathan Fisher made a motion to adjourn.

SECONDED: Commissioner Julie Hullinger seconded the motion.

AYES (6)

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Meeting adjourned at 6:26 pm.