ITEM 3A
CUP / Tattoo Shop

PLANNING COMMISSION AGENDA REPORT: **02/23/2016**

CONDITIONAL USE PERMIT
Matt Pehrson, The Zion Tattoo Company
Case # 2016-CUP-007

Request: Permission to manage and operateatattoo shop.

Location: 987 S Bluff Street Suite E

Owner: Matt Pehrson
1014 Escalante Drive
St. George, Utah 84790

Zoning: C-3 (General Commercial).

General Plan: COM (Commercial)

Ordinance: Per Section 10-10-2 "Permitted Uses," a tattoo shop requires a CUP.

10-10-2: PERMITTED USES:
In the following list of possible uses, those designated as being permitted in a zone will be identified with the letter "P". Uses designated with the letter "C" are allowed on a conditional use basis. Uses designated with the letter "N" will not be allowed in that zone. The following listing is not intended to be all inclusive, but rather, indicative of uses permitted in the zone:

Service businesses, including the following and similar uses:	C-1	C-2	C-3	C-4
Barbershop/beauty shop	P	P	P	P
Body piercing, incidental to a permitted use	N	P	P	P
Pest control and extermination	N	P	P	P
Tattoo establishment	**N**	**N**	**C**	**N**

Setbacks: Existing building, no change to setbacks.

Parking: The existing commercial site was designed for office, retail, and service commercial type uses. This use will fit within the 1:250 ratio for parking. A floor plan is attached that indicates low occupancy.

Design: No exterior changes are proposed.

Adj. Land: North: Commercial C-3
East: Commercial C-2

South: Commercial C-2
West: Commercial C-3

Landscaping: Existing commercial site landscaping; no changes required with this request.

Staff Comments: Attached to this report are the applicant's layout, application, and narrative.The narrative describes the business and experience of the applicant. The applicant is proposing to provide tattoos, piercings, and a fine art gallery at the location.

According to the applicant, three tattooartists will be at the business. Hours of operation will be 12:00 pm to 8 pm Tuesday through Saturday.

Conditions:

1. No smoke shop items shall be sold on the premises.

2. Must obtain city business license and applicable health and state licenses.

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
Control all noise levels to prevent disturbance of neighbors.		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.
Comply with Local, State, and Federal air quality		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.
Contain all **odors** to meet city and state standards		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.
Any proposed exterior changesshall be approved		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.
Meet State and Federal safety standards		E. Safety	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. 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.
		F. Traffic	1. Traffic increases due to the conditional use shall not cause streets or nearby intersections to fall more than one grade from the existing level of service grade or fall below a level of service "D". 2. Uses shall follow city access management standards and not create hazards to other drivers or pedestrians.
Existing building	X	G. Height	1. Buildings shall fit into the overall context of the surrounding area. 2. Photo simulations are required showing all sides of the building(s) and showing how the building fits into the surrounding area to include not less than five hundred feet (500') in all directions from the building and including its relationship to nearby ridges, hills, and buildings.
PC to discuss		H. Hours of Operation	1. Nonresidential uses operating in proximity to or within a residential zone shall limit hours of operation so as not to disturb the peace and quiet of the adjacent residential area.
PC to discuss:	X	I. Saturation / Spacing	1. To the extent feasible, nonresidential uses allowed in residential zones as conditional uses shall be dispersed throughout the community rather than concentrated in certain residential areas.
		J. Maintain Character and purpose of zone	1. Uses shall be consistent with the character and purpose of the zone within which they are located.
Comply with State standards		K. Public Health	1. Use shall comply with all sanitation and solid waste disposal codes. 2. Use shall not create public health concerns. (Ord. 2007-01-001, 1-4-2007)

The Zion Tattoo Company

987 S. Bluff St. Suite E
St. George UT, 84790

My name is Matt Pehrson, and I am currently a tattoo artist at 314 Tattoo in St. George UT. I am also a landscape photographer, and fine artist. The current owner of 314 Tattoo, Mr. Jasen Workman, has accepted a job offer in Southern California, which leaves myself and my colleagues at 314 Tattoo with an exciting opportunity.

I plan to open a dynamic, new tattoo studio and art gallery, which we will call The Zion Tattoo Company. Myself and the two remaining artists from 314 Tattoo will be staffing the new location.

At The Zion Tattoo Company, our aim is to provide a high quality tattoo and body piercing service to our customers, in a clean and safe environment.

We plan to achieve that goal through experience, dedication, and continued training for all artists and technicians. Our staff has been performing tattoo work on satisfied clients for many years in St. George, and we look forward to expanding our potential with our beautiful new location.

We intend to take the location at 987 S. Bluff Street, which has remained vacant for many years, and transform it into a beautiful tattoo studio and art gallery. The empty space will be nicely furnished, finished with granite and tumbled stone, and adorned with tasteful fine art and photography on display.

The artists performing procedures at The Zion Tattoo Company are trained in the latest art techniques, as well as maintaining currencies in health standards and Blood Borne Pathogen training. We will be a completely "disposable" studio, meaning all contact items will be safely disposed of after each use, providing a clean and sanitary environment for our clients.

I am a veteran of over 9 years in the U.S. Air Force, and have been a successful tattoo studio owner in the past. I look forward to the opportunity to contribute economically to the local area, as well as being a positive influence and role model.

Matt Pehrson
The Zion Tattoo Company

The Zion Tattoo Company
987 S. Bluff Street Suite E.
St George UT, 84770

General Standards for Approval of Conditional Uses

A. We will control all noise levels to prevent any disturbance.

B. We will comply with all Local, State, and Federal regulations.

C. We will contain or prevent any odors to meet State and Local standards.

D. There are no planned changes to the aesthetics, with the exception of an approved sign with a permit. Any changes shall be approved by CC.

E. We will meet all State and Federal safety standards.

F. We are a very low volume business, there should be very little change in traffic.

G. N/A —-Existing Building.

H. We are planning to be open Tuesday through Saturday from Noon to 8pm.

I. N/A

J. Our business falls within the purpose of the zone.

K. We will comply with all State and Local standards. Each technician is already licensed with the Southwest Utah Public Health Department, and the location will be licensed upon completion of this CUP.

CITY OF ST GEORGE
RECH: 01515927 2/08/2016 3:33 PM
TRAN: 150.0000 PLANNING FEES
OPER: LTC TERM: 005
RECP: 021
CUP
PLANNING
TENDERED: 300.00
APPLIED: 300.00
CHANGE: 0.00
300.00CR
1 CHECK(S)

CONDITIONAL USE PERMIT
APPLICATION & CHECKLIST

I. PROPERTY OWNER(S) / APPLICANT INFORMATION

APPLICANT: Matt Pehrson
(If different than owner)
MAILING ADDRESS: 1014 Escalante Dr
St. George UT, 84790
PHONE: (435) 673-4454 CELL: (208) 590-3395 FAX:
E-MAIL ADDRESS: matt.pehrson@gmail.com
LOCATION OF SUBJECT PROPERTY: 987 S. Bluff Street Suite E
St. George UT 84770
CONTACT PERSON / REPRESENTATIVE (if applicable):
(If different than owner)
MAILING ADDRESS:

PHONE: CELL: FAX:
E-MAIL ADDRESS:

II. PROPERTY INFORMATION

ZONING: C-3 SUBDIVISION:

TAX I.D. NUMBER (PARCEL SERIAL NUMBER): SG-5-2-31-43561

EXISTING USE: Vacant
Use of property and/or Buildings

PROPOSED USE: Tattoo Studio and Gallery
Use of property and/or Buildings.

OFFICE STAFF USE ONLY

CASE NO. 2016-CUP-007 FILING DATE: 2/8/16 RECEIVED BY: RECIEPT:

FEE: $300.00 – PAYABLE BY CHECK OR MONEY ORDER. CASH WILL NOT BE ACCEPTED

2016-CUP-007

"The Zion Tattoo Company"

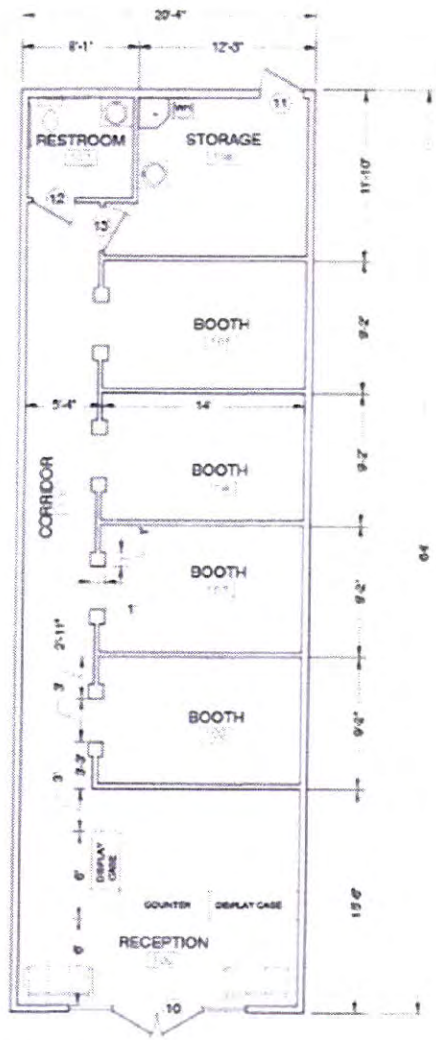
987 S Bluff St #E

MAIN ST
1070 S ST
BLUFF ST
950 S ST

Current Zoning

Section 10-10-2

Service businesses, including the following and similar uses:	C-1	C-2	**C-3**	C-4
Barbershop/beauty shop	P	P	P	P
Body piercing, incidental to a permitted use	N	P	P	P
Pest control and extermination	N	P	P	P
Tattoo establishment	**N**	**N**	**C**	**N**



FLOOR PLAN
SCALE: 1/8"=1'

© COPYRIGHT, 2013 MRW DESIGN ASSOCIATES INC.

DATE: 1/27/16

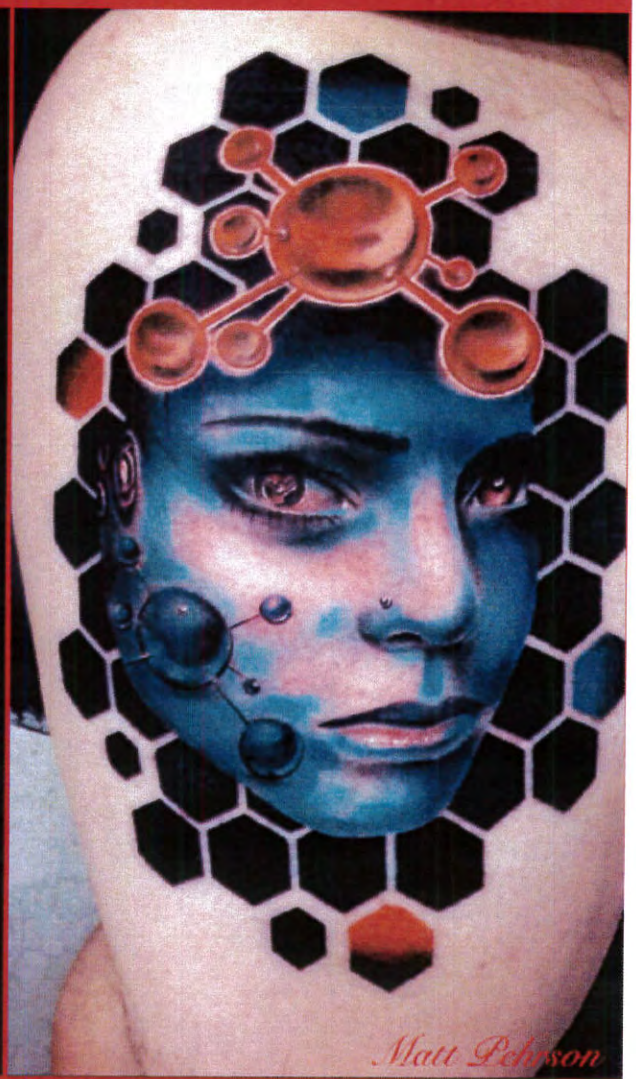
SCALE: 1/8"=1'

MRW DESIGN ASSOCIATES INC
ARCHITECTURE & CONSULTING ENGINEERS

FLOOR PLAN
TI PLAN FOR ZION TATTOO COMPANY
987 S. BLUFF STREET
ST. GEORGE, UTAH

SHEET: A2.1

The Zion Tattoo Company
987 S. Bluff Street Suite E.



The Zion Tattoo Company
FedEx

ITEM 3B
CUP / Garage Height

PLANNING COMMISSION AGENDA REPORT: **02/23/2016**

CONDITIONAL USE PERMIT
Case No. 2016-CUP-008

Request: To construct a **detached accessory structure** with the midpoint of the roof at approximately 18 feet (18') for use as a personal shop and for storage of ATV's, autos, and RV's.

Property: The property is located at 2556 East 2300 South Circle. Lot 13 Crimson Cliffs Phase 1

APN: SG-CCFS-1-13

Applicant: Mr. Dustin Dell

Zoning: RE-20 (Residential Estates 20,000 sq. ft. minimum lot size)

Ordinance: The requirements of Title 10, Chapter 14 "Supplementary and Qualifying Regulations," Section 10-14-12 "Residential Accessory Buildings" apply. Particularly Section 10-14-12.A.6 which requires a CUP for building heights over 15 feet.

10-14-12: RESIDENTIAL ACCESSORY BUILDINGS:

A. Accessory buildings in the residential zones, planned development zone, and traditional neighborhood district: Accessory buildings shall not be constructed upon a lot until the building permit has been issued for the main dwelling:

1. The roof shall not project across the property line;
2. Storm water runoff from the building shall not run onto an adjacent property;
3. All corner lots shall maintain twenty five foot (25') setbacks on all street sides;
4. Any accessory building placed over a utility easement shall require written approval from the joint utility committee;
5. Accessory buildings shall not cover more than twenty five percent (25%) of the rear yard area;
6. Accessory buildings shall be limited to one story and an overall height of fifteen feet (15') for pitched roofs (i.e., gable end roof) and twelve feet (12') for flat roofs (shed style), unless a conditional use permit is granted for a greater height;
7. Main dwelling and accessory buildings must be separated a minimum of six feet (6').
8. Accessory buildings located in the rear of the main dwelling, may be located zero feet (0') from the rear and side property lines, provided the building meets all requirements of this chapter.
9. Accessory buildings in a side yard:

a. Provided that it meets all required side and front yard setbacks for the zone and is at least six feet (6') from the main dwelling; and
b. Provided exterior looks similar to the main structure by using the same building materials, colors, roof pitch, and design. (Ord. 2015-12-015, 12-17-2015)

Setbacks: Side (East) = 5 ft., Rear (South) = 5 ft., Side (West) = 40 ft., Front (North) = 71 ft. 6 in. (to primary residence).

Building(s):

Garage

The proposed garage structure would be 1,795 sq. ft. with a fourteen foot high ceiling. The exterior walls would be approx. fourteen foot (14') high (to top plate), and be twenty feet four inches (20'-4") to the roof ridge line. The building height would be approximately 18 feet (18') to the midpoint of the roof (this is the roof height measurement), thus necessitating the purpose of this conditional use permit request.

Work Shop (Attached)

The proposed work shop would be 380 sq. ft. with an 8 ft. ceiling. A 45 sq. ft. bathroom is included. The exterior walls would be approx. eight feet (8') high (to top plate).

Adj. Land: Single-family residences

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

Comments:

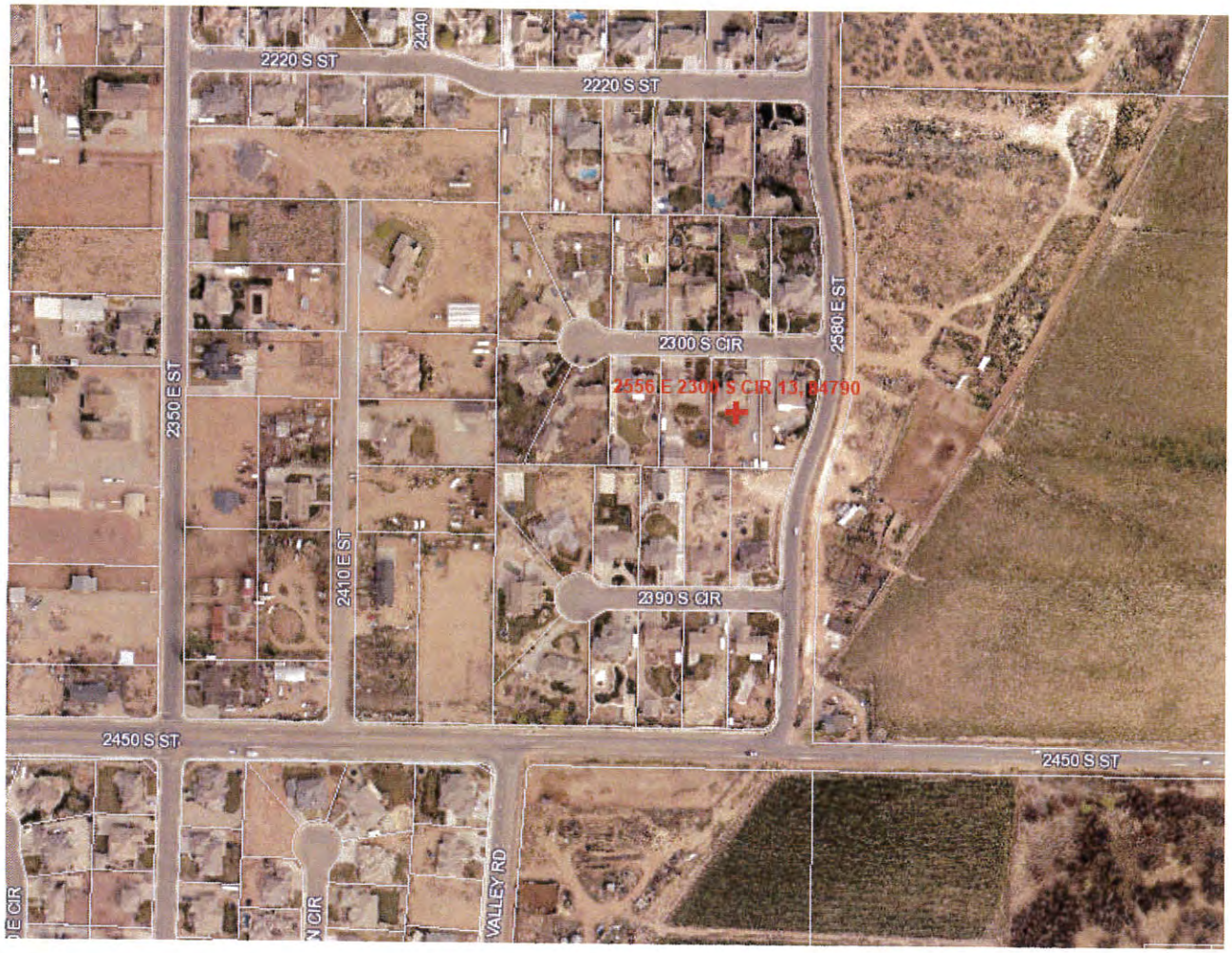
1. The property is an interior lot with frontage & access on 2300 South Circle.
2. According to the applicant, the garage will be for personal ATV, auto, and RV storage. Attached to the garage is a work room.
3. The proposed detached structure will be setback 5 ft. from the rear and 5 feet from the side property line. Proposed side and rear yard setback are in compliance. The structure will be approximately 71 feet from the existing home.
4. The proposed height (midpoint) is approx. 18 ft. accommodate an RV.
5. The detached structure will be constructed of wood with a stucco exterior and a metal roof. The applicant intends to provide a material sample; however, one was not supplied at the time of the staff report.
6. Note: No HOP (Home Occupation Permit) may be given for any business in the work shop or garage area (per Section 3-7-1 - only businesses conducted within the residence qualify for a HOP)

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

Yes	N/A	Category	Description
	N/A	A. Noise	1. Excessive noise (unwanted or undesired sound) can cause serious impacts to health, property values, and economic productivity. Conditional uses shall not impose excessive noise on surrounding uses. "Excessive noise" generally means noise that is prolonged, unusual, or a level of noise that in its time, place and use annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.
	N/A	B. Dust	1. Comply with all air quality standards, state, federal and local. 2. Use shall not create unusual or obnoxious dust beyond the property line.
	N/A	C. Odors	1. Comply with all air quality standards, state, federal and local. 2. Use shall not create unusual or obnoxious odors beyond the property line.
The detached structure will match the materials of the primary residence.		D. Aesthetics	1. Blend harmoniously with the neighborhood so the use does not change the characteristics of the zone and the impact of the use on surrounding properties is reduced.
	N/A	E. Safety	1. Take the necessary measures to avoid or mitigate any safety problems created by the use, including problems due to traffic, rock fall, erosion, flooding, fire, hazardous materials, or related problems. 2. Uses shall not locate within the 100-year floodplain as identified by FEMA unless expressly recommended by the city engineer in conformance with city engineering standards and all state, local and federal laws.
	N/A	F. Traffic	1. Traffic increases due to the conditional use shall not cause streets or nearby intersections to fall more than one grade from the existing level of service grade or fall below a level of service "D". 2. Uses shall follow city access management standards and not create hazards to other drivers or pedestrians.
The detached structure will be approximately 18 feet in height.		G. Height	1. Buildings shall fit into the overall context of the surrounding area. 2. Photo simulations are required showing all sides of the building(s) and showing how the building fits into the surrounding area to include not less than five hundred feet (500') in all directions from the building and including its relationship to nearby ridges, hills, and buildings.

	N/A	H. Hours of Operation	1. Nonresidential uses operating in proximity to or within a residential zone shall limit hours of operation so as not to disturb the peace and quiet of the adjacent residential area.
	N/A	I. Saturation / Spacing	1. To the extent feasible, nonresidential uses allowed in residential zones as conditional uses shall be dispersed throughout the community rather than concentrated in certain residential areas.
This detached structure is within the existing character of the residential estate zone.		J. Maintain Character and purpose of zone	1. Uses shall be consistent with the character and purpose of the zone within which they are located.
	N/A	K. Public Health	1. Use shall comply with all sanitation and solid waste disposal codes. 2. Use shall not create public health concerns. (Ord. 2007-01-001, 1-4-2007)

Vicinity Aerial



Site Aerial

Photos - Google Maps

Narrative

Property Address:

2556 E. 2300 S. Cir.

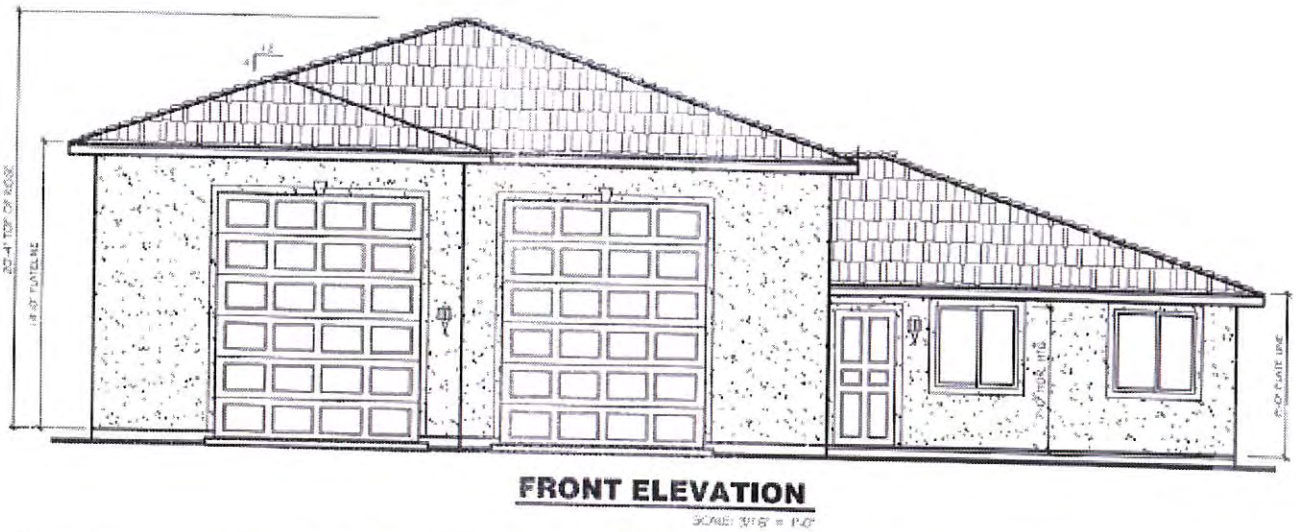
St. George, UT 84790

TAX ID: SG-CCFS-1-13

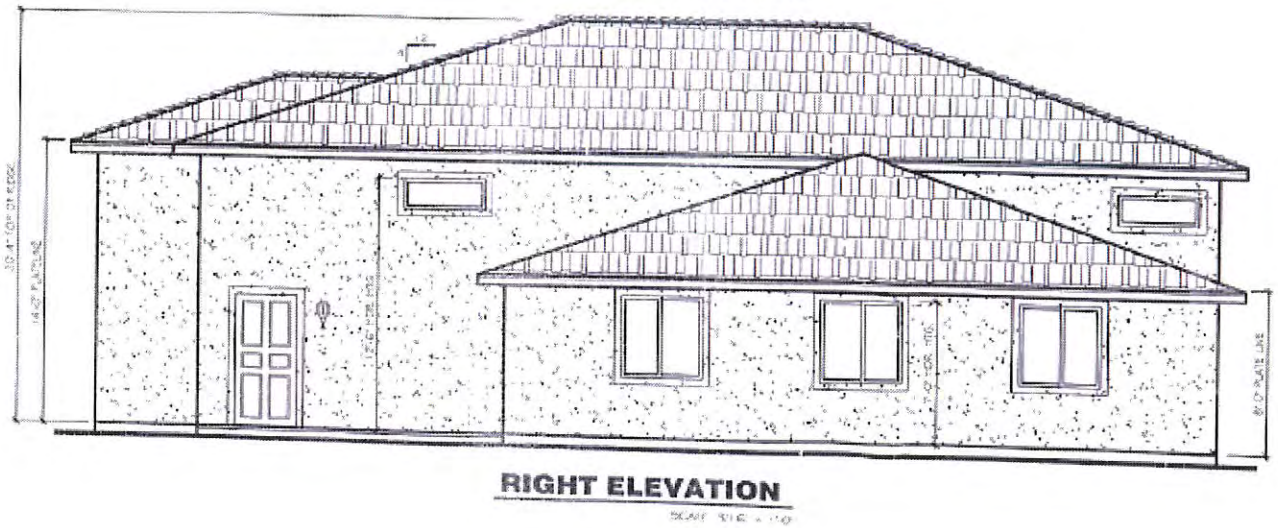
Dustin Dell

The proposed use for the shop we would like to build would be for our personal use to store our atv, boat and other personal items.

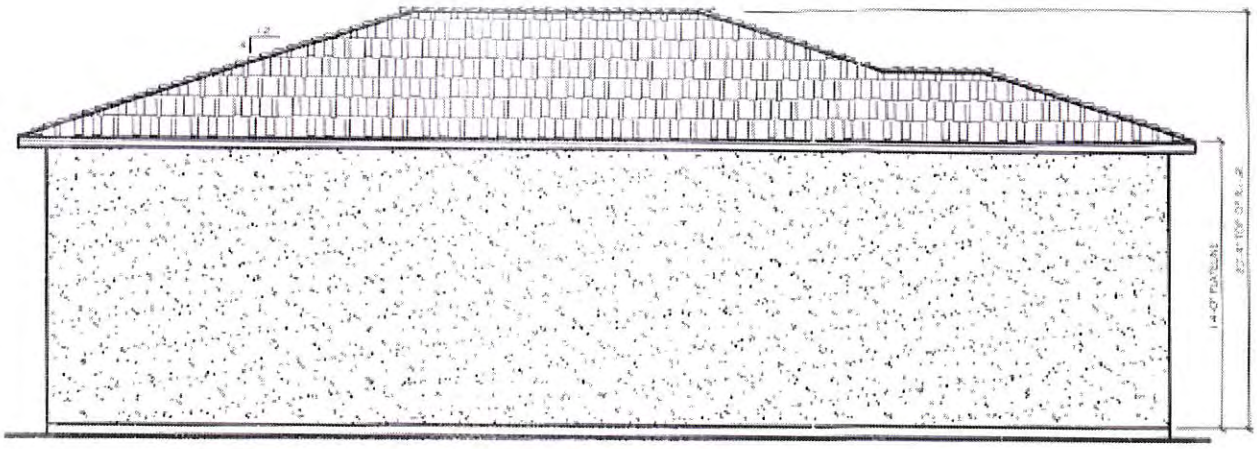
Elevations



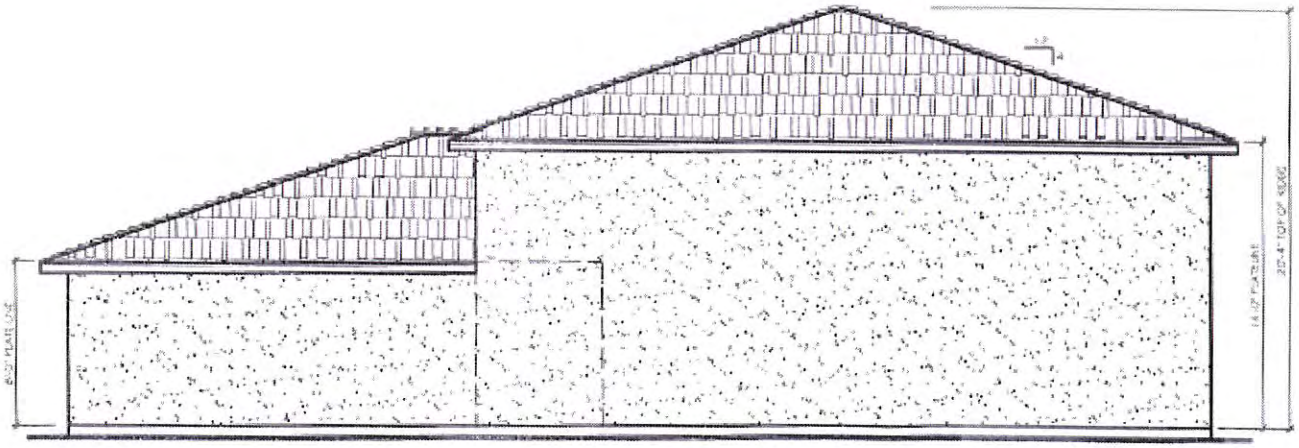
FRONT ELEVATION



RIGHT ELEVATION

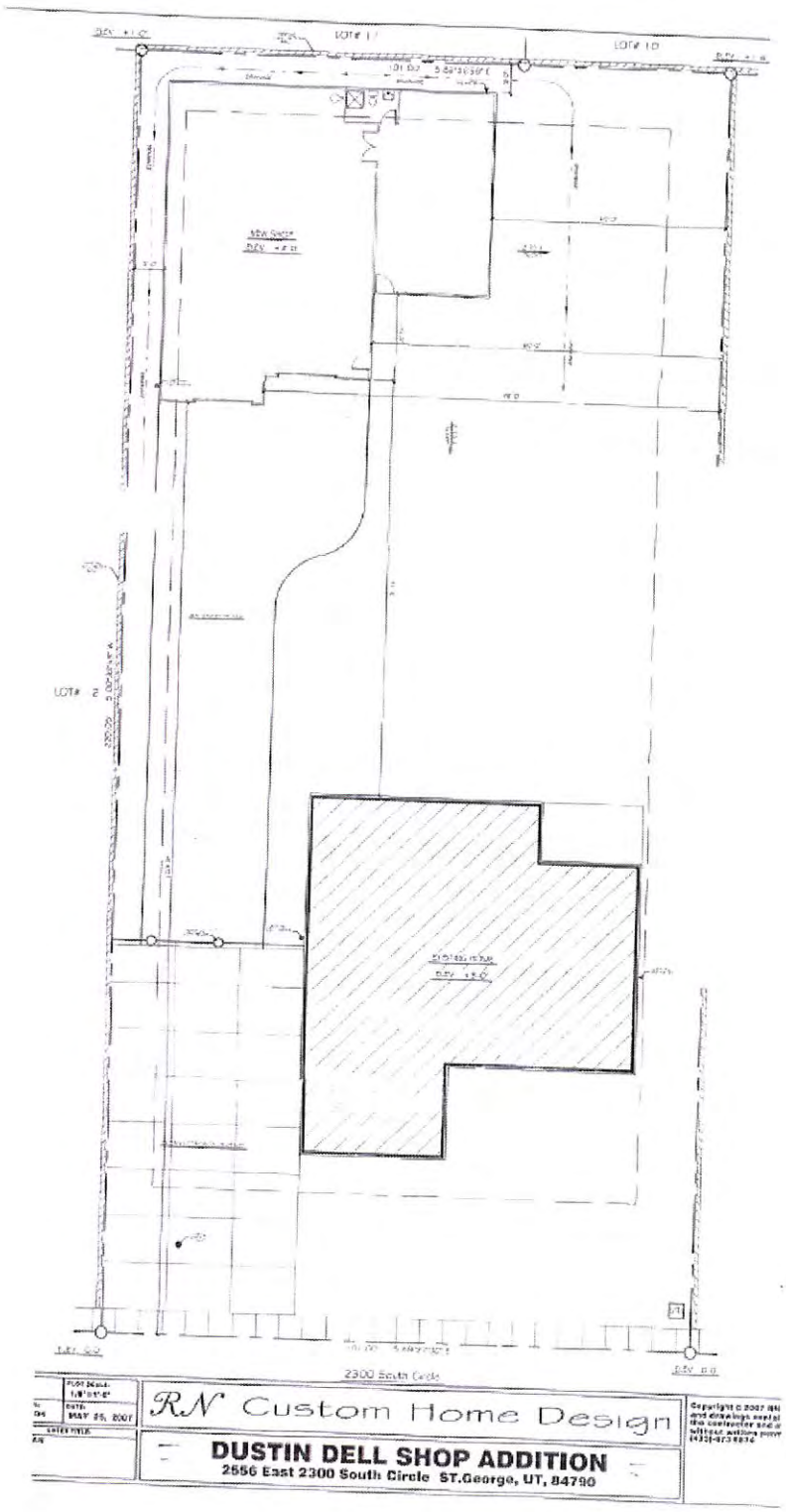


LEFT ELEVATION

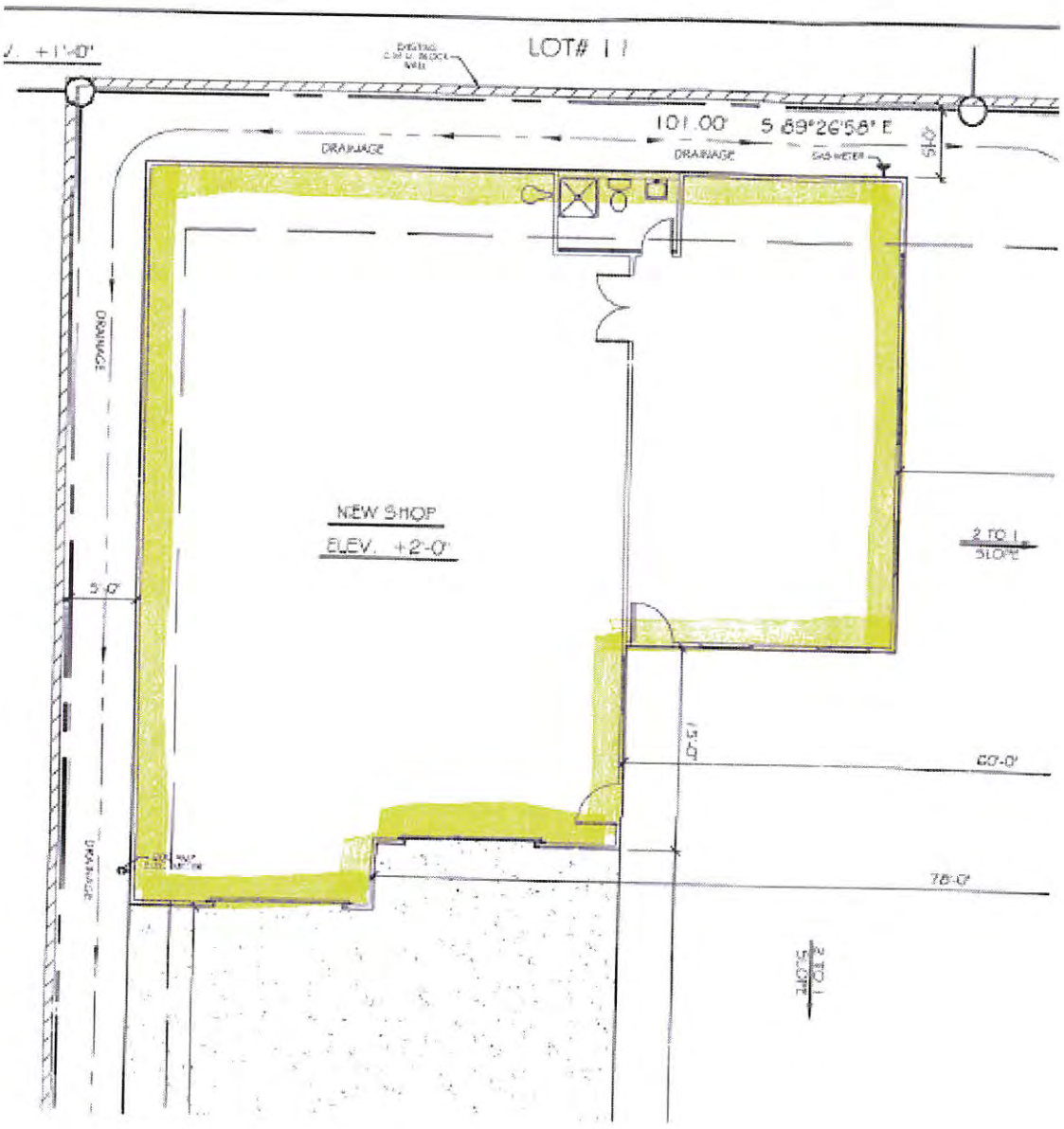


REAR ELEVATION

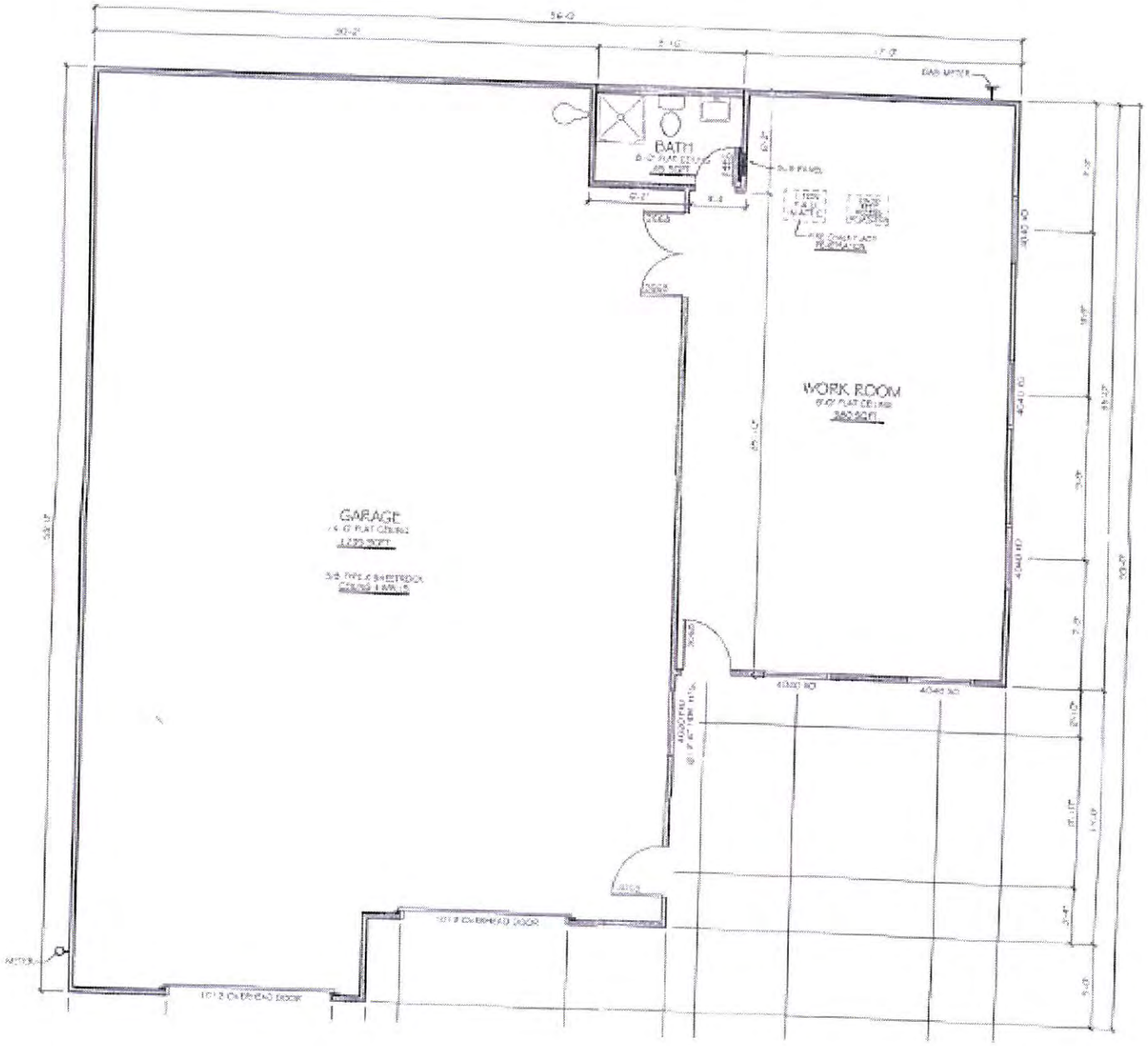
Site Plan


LOT# 1
LOT# 10
LOT# 2
2300 South Circle
RN Custom Home Design
DUSTIN DELL SHOP ADDITION
2556 East 2300 South Circle ST.George, UT, 84790

Foot Print


LOT# 11
101.00'
S 89°26'58" E
DRAINAGE
DRAINAGE
GAS METER
NEW SHOP
ELEV. +2'-0"
2 TO 1 SLOPE
5'-0"
60'-0"
78'-0"
2 TO 1 SLOPE

Floor Plan



Application

CITY OF ST GEORGE
REC#: 01515235 2/08/2016 4:57 PM
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OPER: LIC
REGN: 31-5
CLIENT: [illegible]
PLANNING FEES 300.00CR
TENDERED: ENTERED 300.00 1 CHECK(S)
APPLIED: 300.00
CHANGE: 0.00

CONDITIONAL USE PERMIT
APPLICATION & CHECKLIST

I. PROPERTY OWNER(S) / APPLICANT INFORMATION

APPLICANT: Dustin Dell (owner)
(If different than owner)
MAILING ADDRESS: 2556 E. 2300 So. Cir.
St. George, UT 84790
PHONE: 435 668 1602 CELL: ← FAX:
E-MAIL ADDRESS: ddell411@yahoo.com
LOCATION OF SUBJECT PROPERTY: Lot 13, Crimson Cliffs Sub. Ph. 1

CONTACT PERSON / REPRESENTATIVE (if applicable):
(If different than owner)
MAILING ADDRESS: Same as above

PHONE: CELL: FAX:
E-MAIL ADDRESS:

II. PROPERTY INFORMATION

ZONING: Res. SUBDIVISION: Crimson Cliffs

TAX I.D. NUMBER (PARCEL SERIAL NUMBER): SG-CCFS-1-13

EXISTING USE: Personal Residence
Use of property and/or Buildings

PROPOSED USE: Personal Storage
Use of property and/or Buildings.

OFFICE STAFF USE ONLY
CASE NO. 2016-CUP-008 FILING DATE: 2/8/16 RECEIVED BY: RS RECIEPT: 155235
FEE: $300.00 – PAYABLE BY CHECK OR MONEY ORDER. CASH WILL NOT BE ACCEPTED

III. SUBMITTAL CHECKLIST

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

IV. SITE PLAN REQUIRED INFORMATION CHECKLIST

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

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

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

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

Yes	N/A	Category	Description
		A. Noise	1. Excessive noise (unwanted or undesired sound) can cause serious impacts to health, property values, and economic productivity. Conditional uses shall not impose excessive noise on surrounding uses. "Exce means noise that is prolonged, unusual, or a level o and use annoys, disturbs, injures or endangers the c peace or safety of others.
		B. Dust	1. Comply with all air quality standards, state, feder 2. Use shall not create unusual or obnoxious dust b
		C. Odors	1. Comply with all air quality standards, state, feder 2. Use shall not create unusual or obnoxious odors b
		D. Aesthetics	1. Blend harmoniously with the neighborhood so th characteristics of the zone and the impact of the us is reduced.
		E. Safety	1. Take the necessary measures to avoid or mitigate created by the use, including problems due to traffic flooding, fire, hazardous materials, or related proble
			2. Uses shall not locate within the 100-year flood plain as identified by FEMA unless expressly recommended by the city engineer in conformance with city engineering standards and all state, local and federal laws.
		F. Traffic	1. Traffic increases due to the conditional use shall not cause streets or nearby intersections to fall more than one grade from the existing level of service grade or fall below a level of service "D" 2. Uses shall follow city access management standards and not create hazards to other drivers or pedestrians.
		G. Height	1. Buildings shall fit into the overall context of the surrounding area. 2. Photo simulations are required showing all sides of the building(s) and showing how the building fits into the surrounding area to include not less than five hundred feet (500') in all directions from the building and including its relationship to nearby ridges, hills, and buildings.
		H. Hours of Operation	1. Nonresidential uses operating in proximity to or within a residential zone shall limit hours of operation so as not to disturb the peace and quiet of the adjacent residential area.
		I. Saturation / Spacing	1. To the extent feasible, nonresidential uses allowed in residential zones as conditional uses shall be dispersed throughout the community rather than concentrated in certain residential areas
		J. Maintain Character and purpose of zone	1. Uses shall be consistent with the character and purpose of the zone within which they are located.
		K. Public Health	1. Use shall comply with all sanitation and solid waste disposal codes. 2. Use shall not create public health concerns. (Ord. 2007-01-001, 1-4-2007)

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

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

VI. COMMENTS

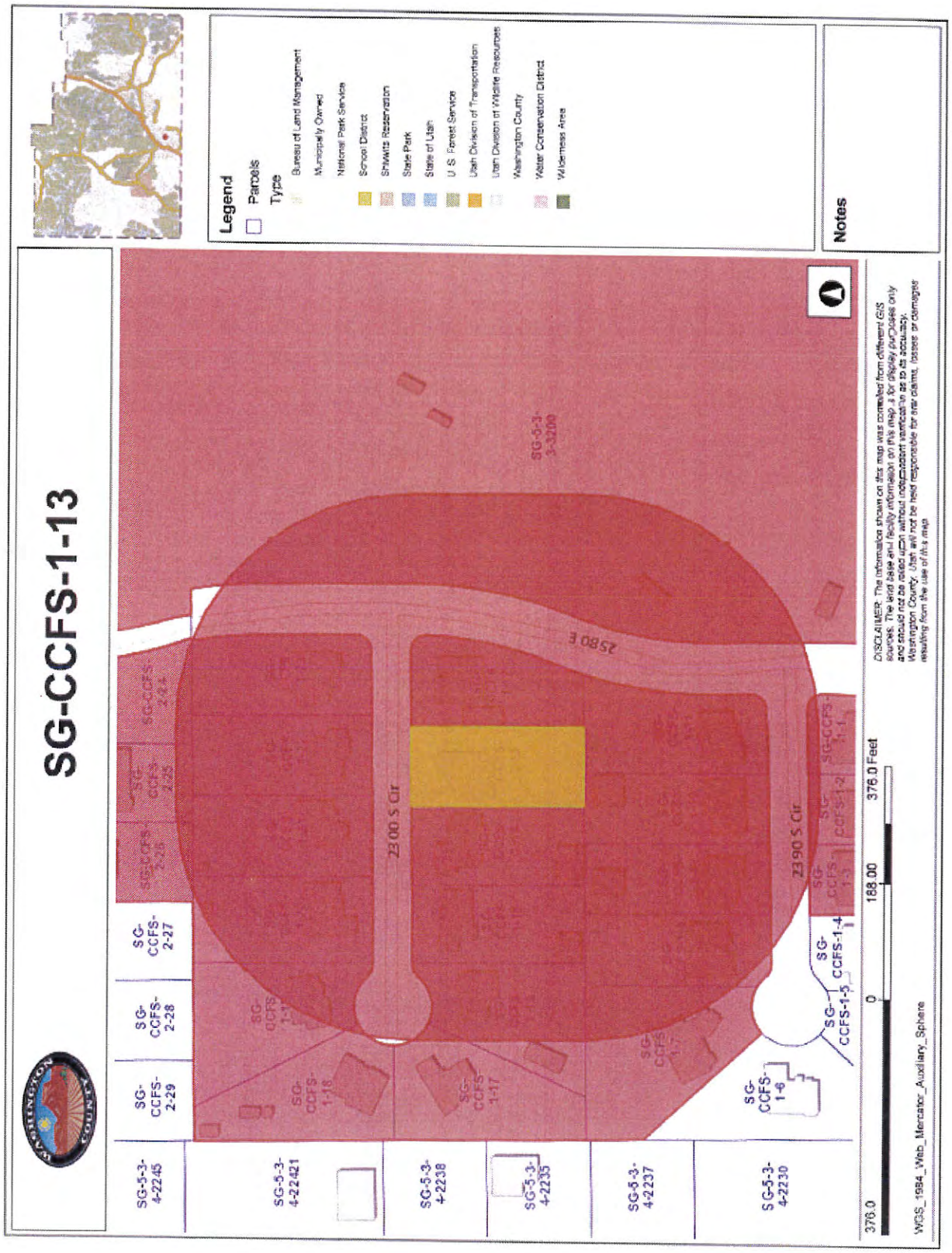
1. Please be aware that, if determined necessary by City staff, additional information and/or special studies may be required to review the project. These studies may include, but not be limited to: a soils report, hydrology report, traffic study, etc.
2. Until the following information is submitted, your application will be considered incomplete:
3. The applicant has the ability and intention **to utilize said CONDITIONAL USE PERMIT within twelve (12) months from date of final approval** by the City Council; and the applicant understands this CONDITIONAL USE PERMIT application, if granted, becomes null and void and of no effect if unused within twelve (12) months from the date of filing the application, or if any time after granting the use is discontinued for a period of twelve (12) months, or developed by someone other than the applicant
4. A CONDITIONAL USE PERMIT approval does not eliminate the necessity of obtaining a building permit, which is required for construction of all buildings in the project.

VII. APPLICANT AGREEMENT

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

Signature 1-22-16 Date

Signature Date

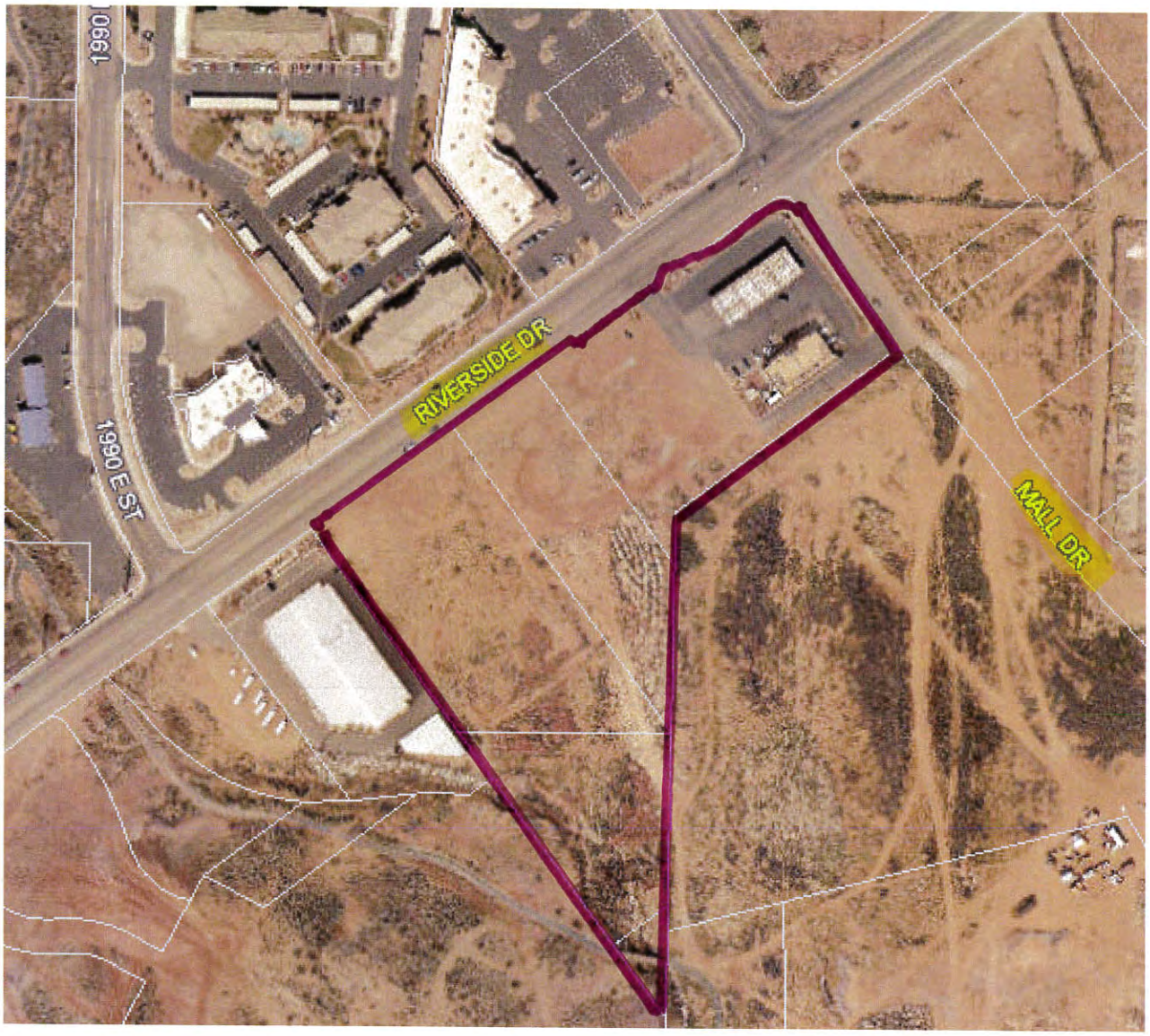

SG-CCFS-1-13
Legend
Parcels
Type
Bureau of Land Management
Municipally Owned
National Park Service
School District
Shivwits Reservation
State Park
State of Utah
U.S. Forest Service
Utah Division of Transportation
Utah Division of Wildlife Resources
Washington County
Water Conservation District
Wilderness Area
Notes
2300 S Cir
2390 S Cir
2580 E
SG-5-3-3-3200
SG-5-3-4-2245
SG-5-3-4-22421
SG-5-3-4-2238
SG-5-3-4-2235
SG-5-3-4-2237
SG-5-3-4-2230
SG-CCFS-2-29
SG-CCFS-2-28
SG-CCFS-2-27
SG-CCFS-1-18
SG-CCFS-1-17
SG-CCFS-1-6
SG-CCFS-1-5
SG-CCFS-1-4
376.0
0
188.00
376.0 Feet
DISCLAIMER: The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Washington County, Utah will not be held responsible for any claims, losses or damages resulting from the use of this map
WGS_1984_Web_Mercator_Auxiliary_Sphere

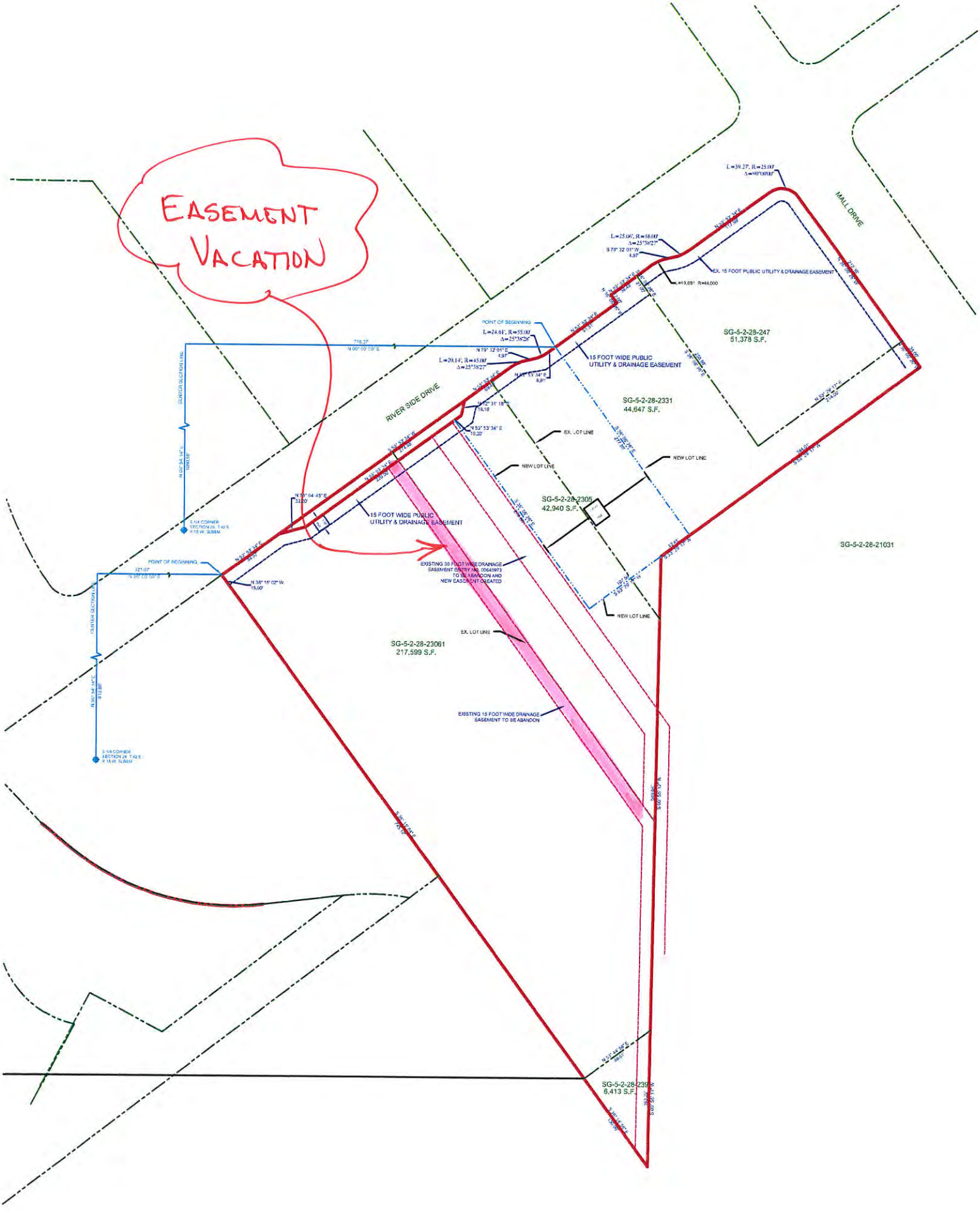
ITEM 4
Easement Vacation/Lot Line Adjustment

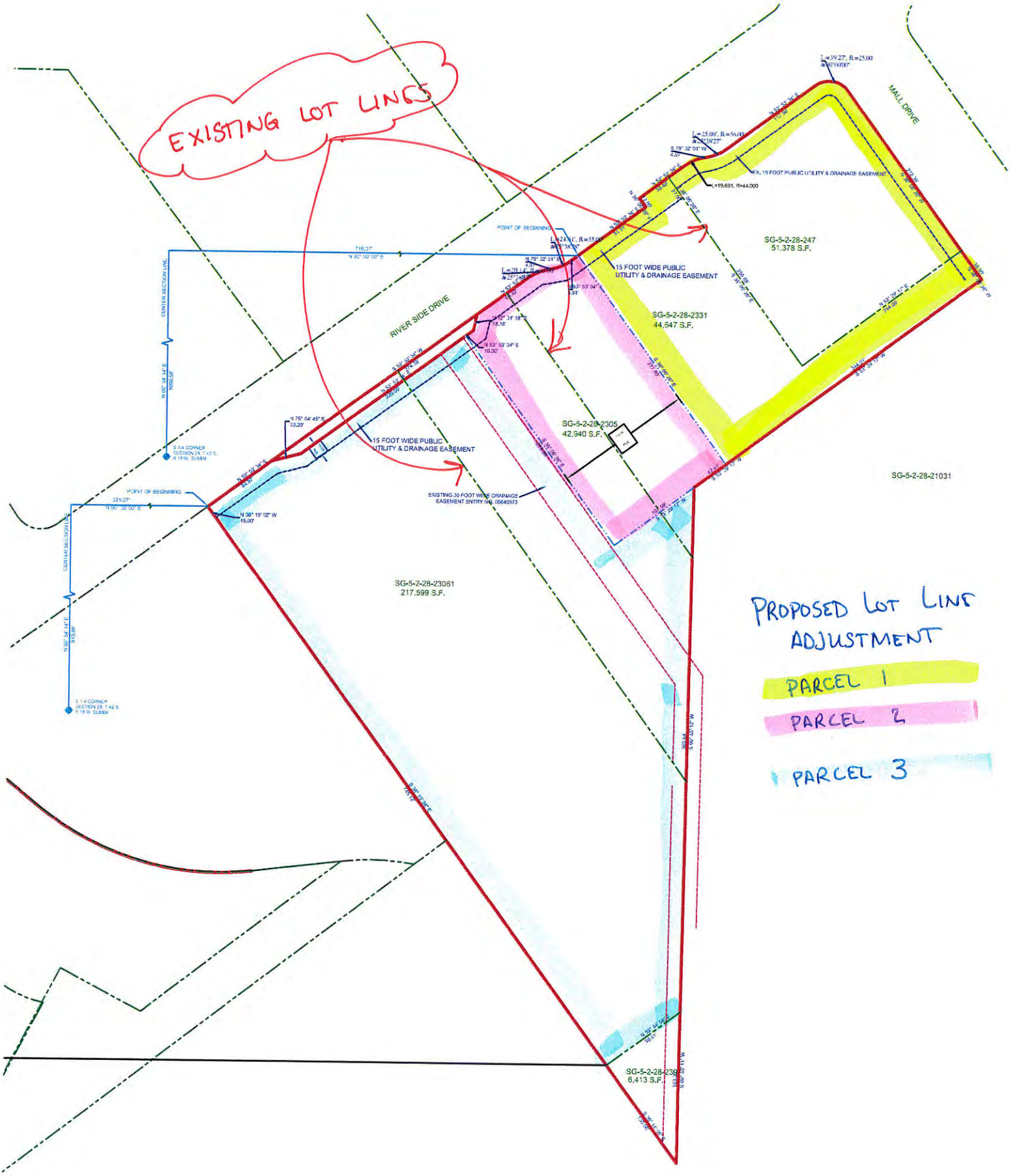
PLANNING COMMISSION AGENDA REPORT: **02/23/2016**

EASEMENT VACATION/LOT LINE ADJUSTMENT
SIMLEW
Case No. 2016-LRE-005

Request:	Approval of an Easement Vacation/Lot Line Adjustment on commercial property
Representative:	Ried Pope, L.R. Pope Engineering 1240 East 100 South #15-B St. George, UT 84790
Property:	Located on the south side of Riverside Drive at approximately 2050 East (west of the Maverik)
Zone:	C-3
Staff Comments:	The purpose of this Easement Vacation/Lot Line Adjustment is to accommodate the construction of several commercial buildings. FYI – The City is requiring that new Public Utility and Drainage Easements be placed per the Joint Utility Committees (JUC) request, along with a dedication of deceleration lanes along Riverside Dr. All aspects of this Easement Vacation/Lot Line Adjustment were carefully looked at and reviewed by the Public Works Department staff, (which includes New Development Division staff and Planning & Zoning staff) and Legal Department staff and it meets all of the conditions and approvals. This Easement Vacation/Lot Line Adjustment is ready for Planning Commission's consideration for approval.
Recommendation:	Recommend APPROVAL to City Council of this Lot Line Adjustment for parcels SG-1642 & SG-1645 to SG-5-2-28-2306, SG-5-2-28-2305, SG-5-2-28-2331, and SG-5-2-28-247


1990 E ST
RIVERSIDE DR
MALL DR


EASEMENT VACATION
MALL DRIVE
RIVER SIDE DRIVE
POINT OF BEGINNING
15 FOOT WIDE PUBLIC UTILITY & DRAINAGE EASEMENT
EX. 15 FOOT PUBLIC UTILITY & DRAINAGE EASEMENT
SG-5-2-28-247
51,378 S.F.
SG-5-2-28-2331
44,647 S.F.
SG-5-2-28-2305
42,940 S.F.
SG-5-2-28-21031
SG-5-2-28-23061
217,599 S.F.
SG-5-2-28-239
6,413 S.F.
EX. LOT LINE
NEW LOT LINE
EXISTING 30 FOOT WIDE DRAINAGE EASEMENT ENTRY NO. 00640973 TO BE ABANDON AND NEW EASEMENT CREATED
EXISTING 15 FOOT WIDE DRAINAGE EASEMENT TO BE ABANDON
CENTER SECTION LINE
S 1/4 CORNER SECTION 28, T 4 S, R 1 W, SLB&M


EXISTING LOT LINES
MALL DRIVE
RIVER SIDE DRIVE
SG-5-2-28-247
51,378 S.F.
SG-5-2-28-2331
44,647 S.F.
SG-5-2-28-2305
42,940 S.F.
SG-5-2-28-21031
SG-5-2-28-23061
217,599 S.F.
SG-5-2-28-239
6,413 S.F.
15 FOOT WIDE PUBLIC UTILITY & DRAINAGE EASEMENT
EX. 15 FOOT PUBLIC UTILITY & DRAINAGE EASEMENT
EXISTING 30 FOOT WIDE DRAINAGE EASEMENT ENTRY NO. 00640973
POINT OF BEGINNING
CENTER SECTION LINE
PROPOSED LOT LINE ADJUSTMENT
PARCEL 1
PARCEL 2
PARCEL 3

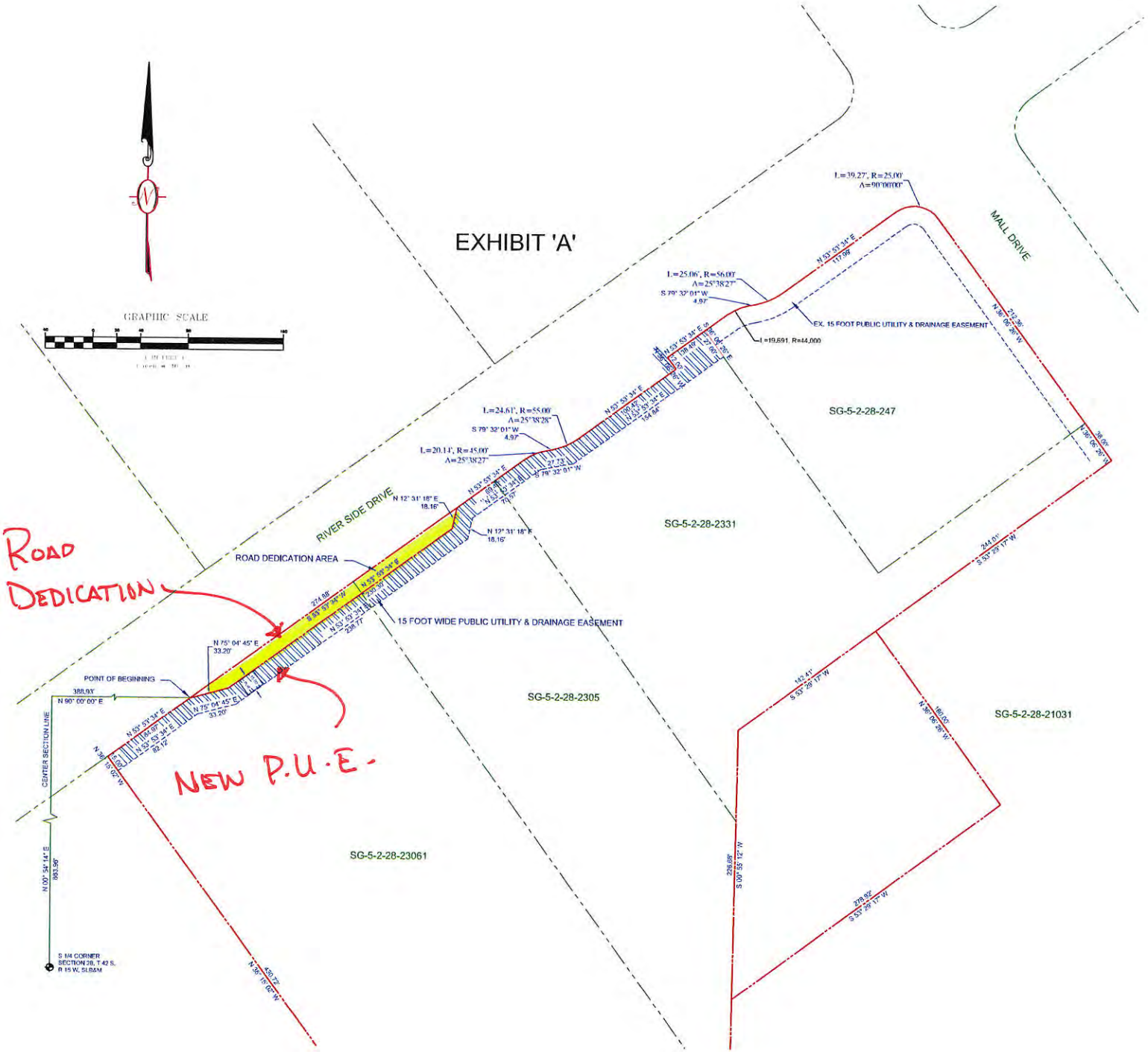
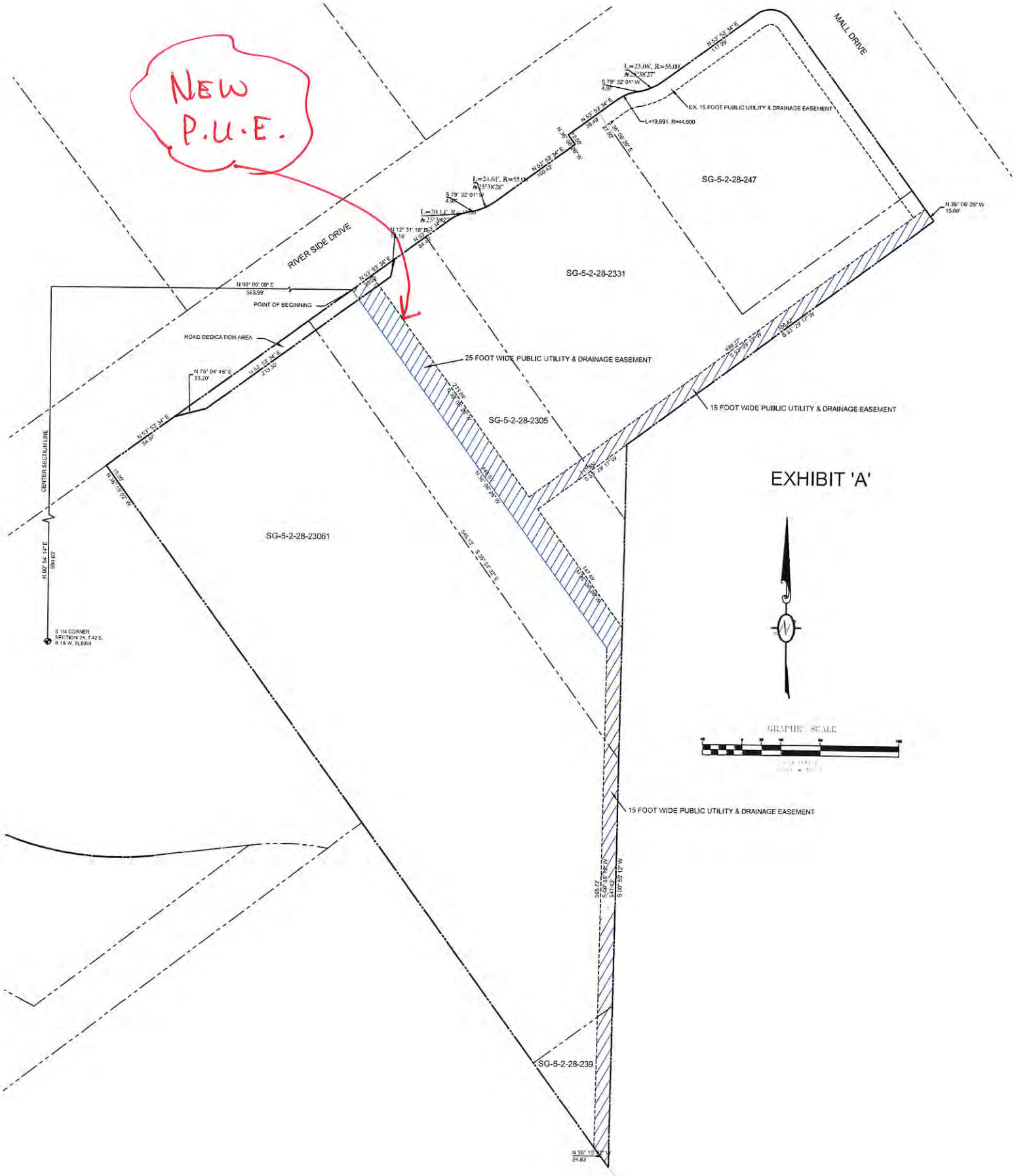


EXHIBIT 'A'
GRAPHIC SCALE
MALL DRIVE
RIVER SIDE DRIVE
ROAD DEDICATION AREA
15 FOOT WIDE PUBLIC UTILITY & DRAINAGE EASEMENT
EX. 15 FOOT PUBLIC UTILITY & DRAINAGE EASEMENT
POINT OF BEGINNING
CENTER SECTION LINE
S 1/4 CORNER SECTION 28, T.42 S., R.15 W., SLB&M
SG-5-2-28-247
SG-5-2-28-2331
SG-5-2-28-2305
SG-5-2-28-23061
SG-5-2-28-21031
ROAD DEDICATION
NEW P.U.E.


NEW P.U.E.
MALL DRIVE
RIVER SIDE DRIVE
EX. 15 FOOT PUBLIC UTILITY & DRAINAGE EASEMENT
SG-5-2-28-247
SG-5-2-28-2331
SG-5-2-28-2305
SG-5-2-28-23061
SG-5-2-28-239
POINT OF BEGINNING
ROAD DEDICATION AREA
25 FOOT WIDE PUBLIC UTILITY & DRAINAGE EASEMENT
15 FOOT WIDE PUBLIC UTILITY & DRAINAGE EASEMENT
15 FOOT WIDE PUBLIC UTILITY & DRAINAGE EASEMENT
CENTER SECTION LINE
S 1/4 CORNER SECTION 28, T 42 S, R 15 W, SLB&M
EXHIBIT 'A'
GRAPHIC SCALE

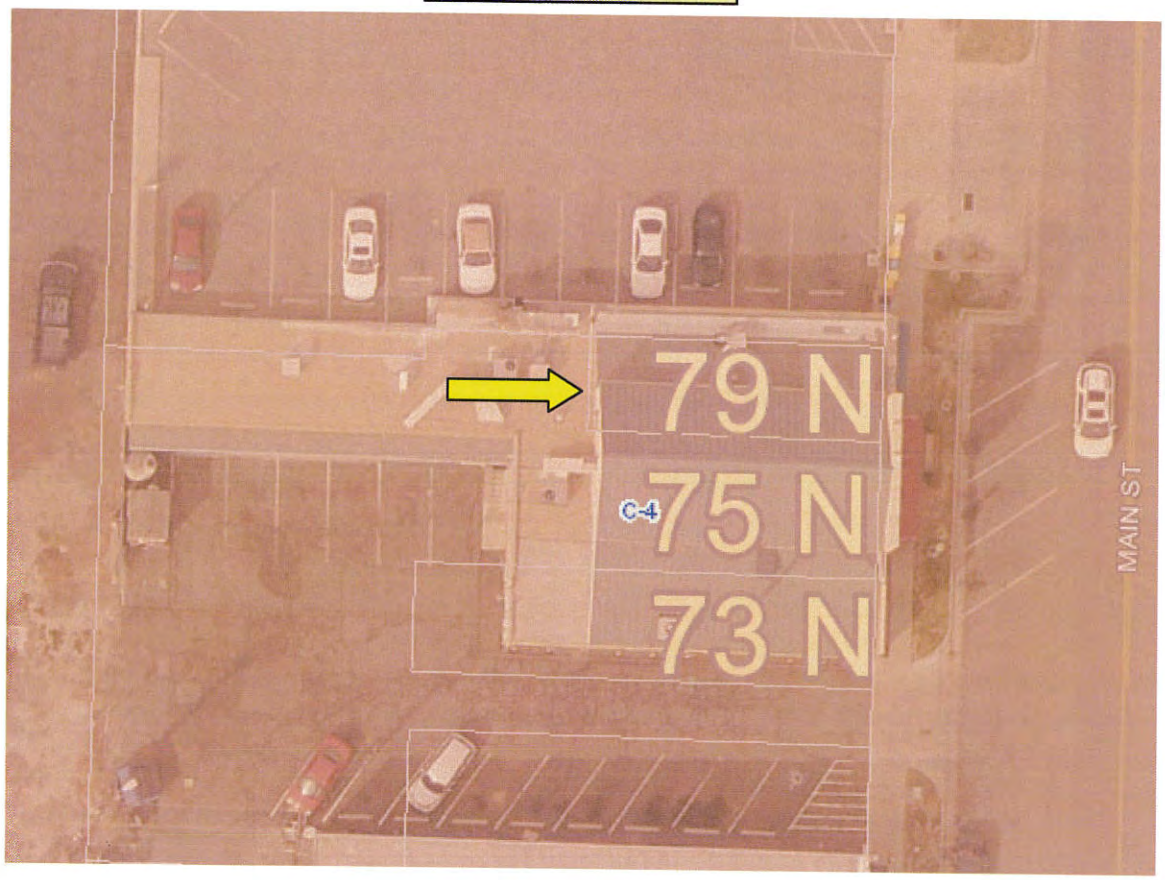
ITEM 5
Exterior Modification

HISTORIC PRESERVATION COMMISSION AGENDA REPORT: **01/13/2016**
PLANNING COMMISSION AGENDA: **02/09/2016** *(Tabled)*
PLANNING COMMISSION AGENDA: **02/23/2016**

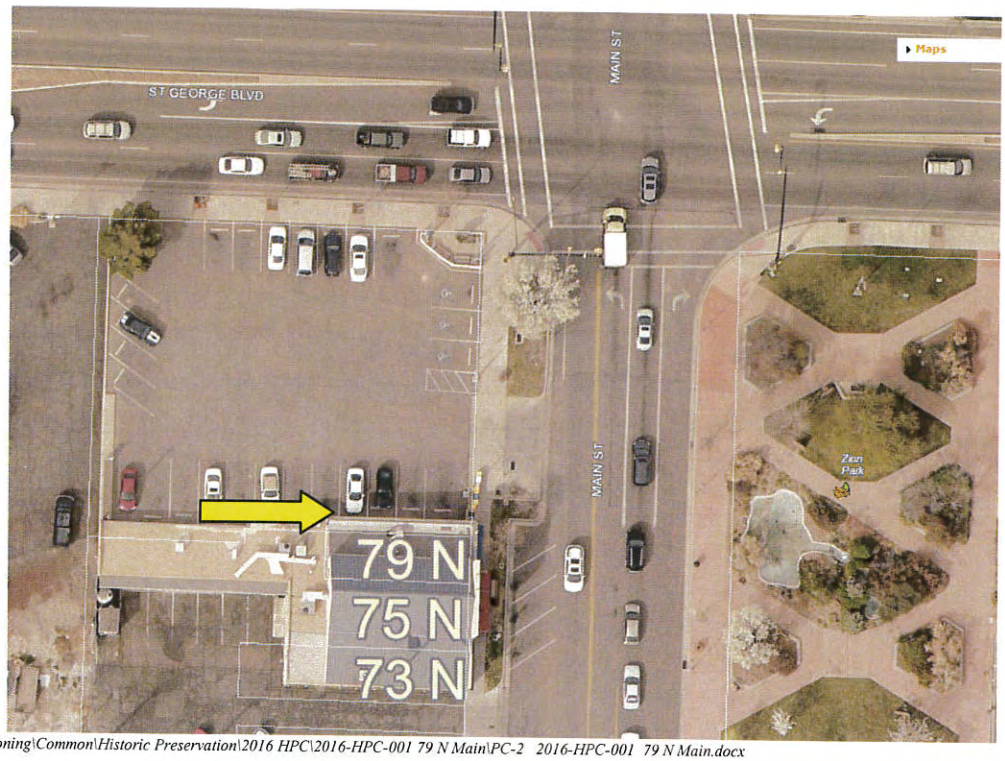
79 North Main
Case No. 2016-HPC-001

Request:	Consider a request from Mr. Ryan Gubler to modify the exterior aesthetics at 79 North Main Street. This property is located in the Historic District Overlay Zone.
Applicant:	Ryan Gubler 1854 W Stonebridge Dr #51 St. George, UT 84770
Current Zone(s):	C-4 (Commercial)
Location:	79 N Main Street
Comments:	The applicant is requesting to modify the exterior of a building located on Main Street and in the Historic District. Currently, the building is a cream color stucco exterior and has been used as a jewelry/antique store. The applicant is proposing to modify the front façade, change the materials, and colors. The proposal is consistent with historic facades that are often found on Main Street and is an improvement to the current building.
HPC:	Historic Preservation Commission recommended approval.

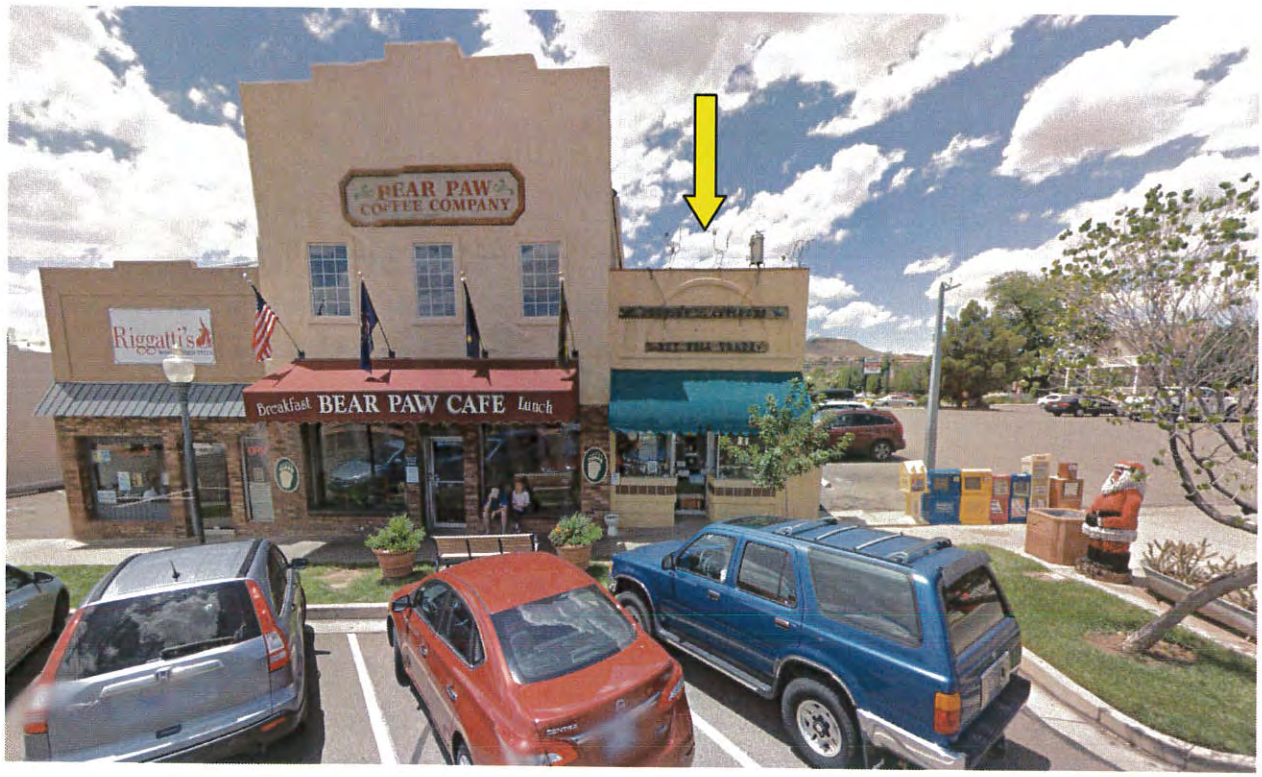
Zoning (C4)



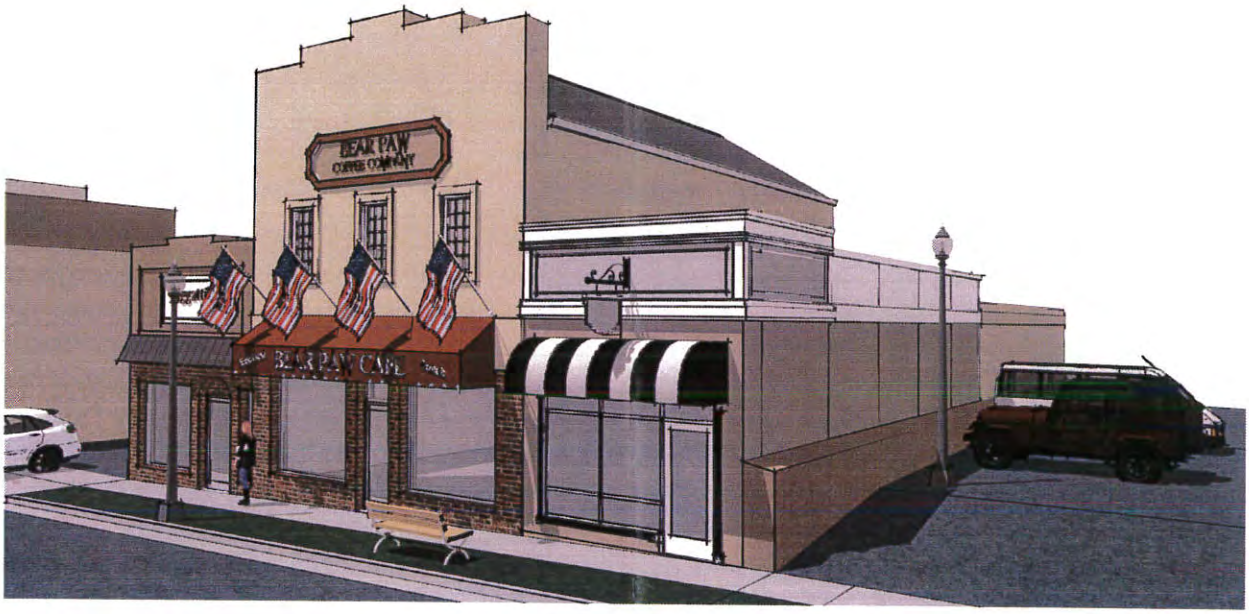
Site

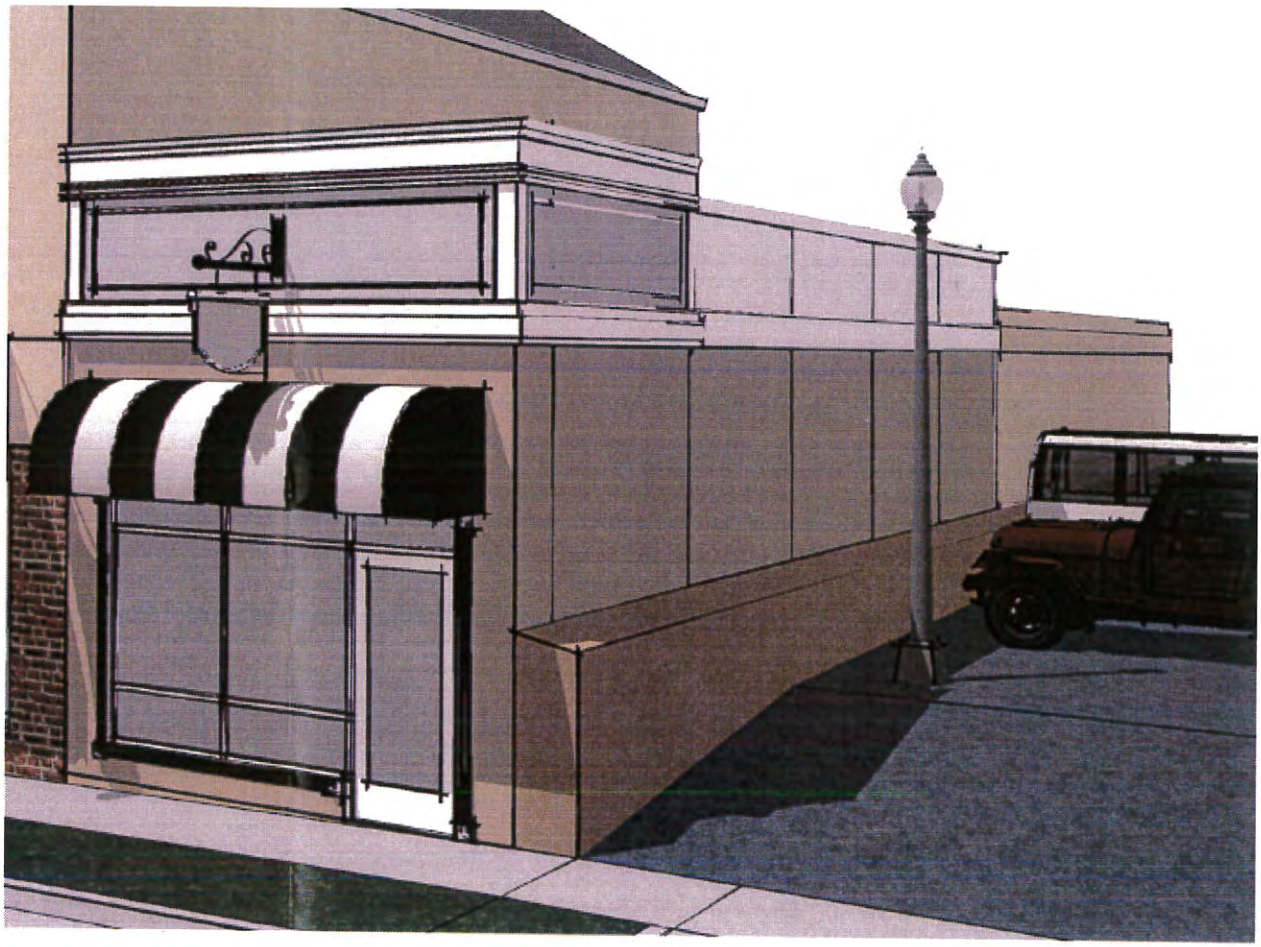


Street Views



Request:





ITEM 6A
Preliminary Plat

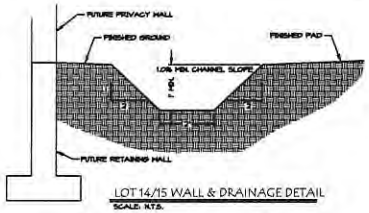
PLANNING COMMISSION AGENDA REPORT: **02/23/2016**

PRELIMINARY PLAT
Blackberry Court Phase 3 Amended
Case No. 2016-PPA-008

Request:	To approve an amended preliminary plat for a three (3) lot residential subdivision
Location:	The site is located along Blackberry Circle at approximately 750 North at approximately 1150 West.
Property:	3.4 acres
Number of Lots:	3
Density:	0.9 du/ac
Zoning:	R-1-10 (Single Family, 10,000 s.f. lot sizes)
Adjacent zones:	This plat is surrounded by the following zones: North – R-1-10 South – Open Space East – R-1-10 West – Open Space
General Plan:	LDR (Low Density Residential)
Applicant:	Rosenberg Associates
Representative:	Allen Hall, Rosenberg Associates

Comments:

1. The purpose of this amended preliminary plat is to extend the proposed cul-de-sac further to the west which extended the westerly property line further to the west.

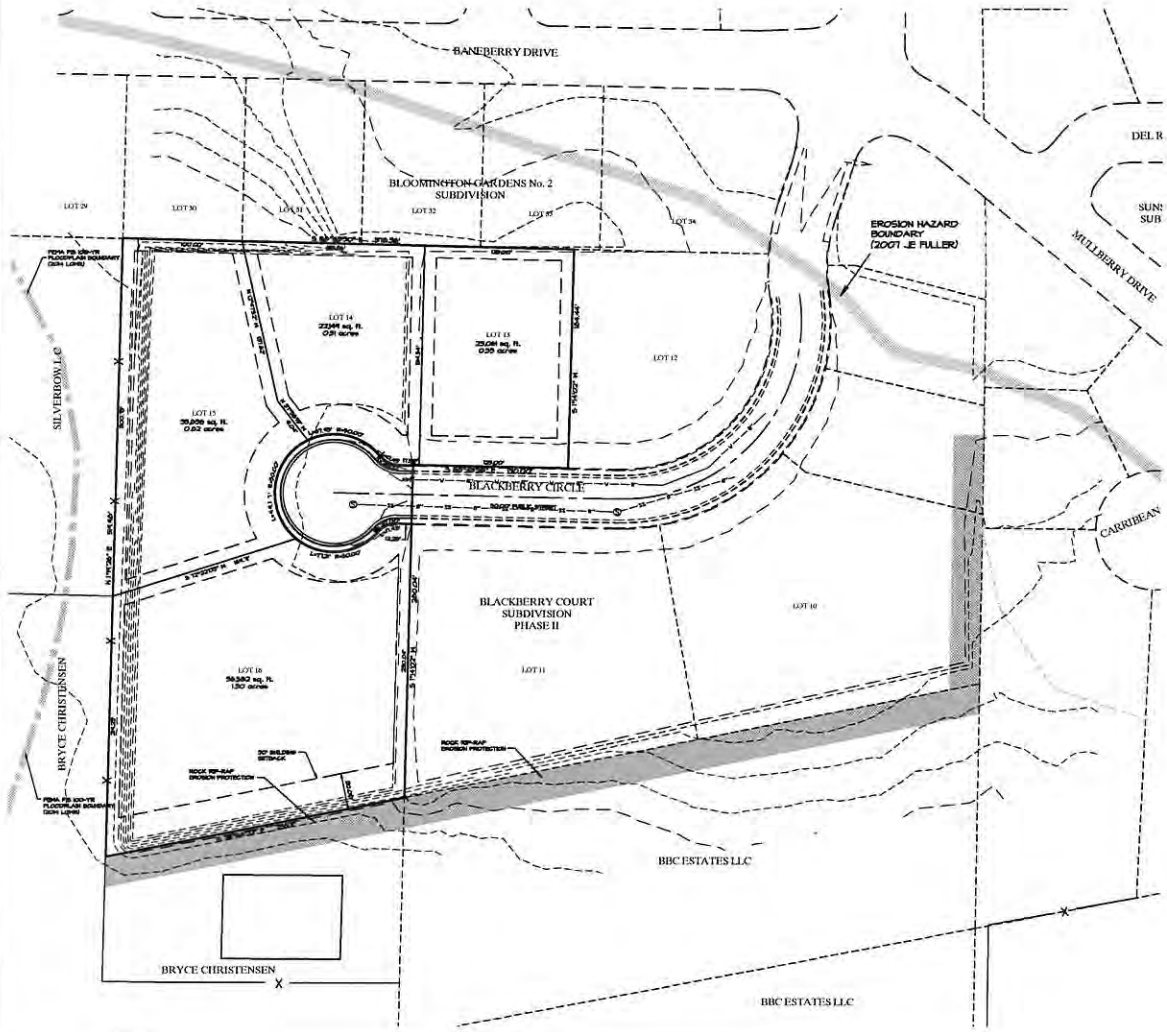


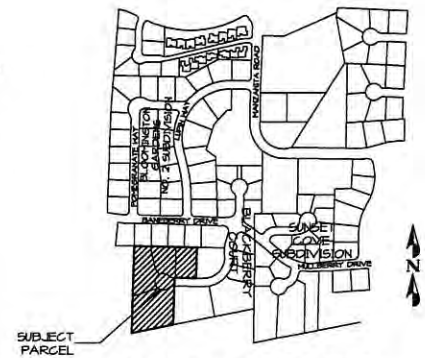
LOT 14/15 WALL & DRAINAGE DETAIL
SCALE: N.T.S.

GEOTECHNICAL ENGINEER
THE ENGINEER FOR THIS PROJECT IS:
LANDMARK TESTING AND ENGINEERING
525 NORTH 3050 EAST, #3
ST. GEORGE, UTAH 84770 (435) 986-0566

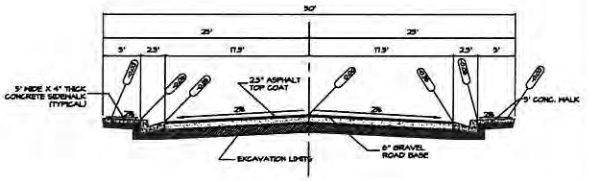
OWNER/DEVELOPER
THE DEVELOPER FOR THIS PROJECT IS:
BLAINE MERRIER
SILVERBOW LC
5584 SOUTH 1470 WEST
ST. GEORGE, UTAH 84790

SITE DATA - OVERALL
CURRENT ZONING: R-1-10
TOTAL SITE AREA: 3.4 ACRES
SINGLE FAMILY LOTS: 4 DU
MIN. LOT AREA: 10,000 SF
SITE DENSITY: 0.8 DU/AC
SETBACKS: FRONT: 25'
REAR/SIDES: 10'





CITY OF ST. GEORGE VICINITY MAP
NTS



TYPICAL 50' STREET CROSS SECTION
SCALE: N.T.S.

LEGEND
- PROPERTY CORNER
- SEWER MAIN 8" DIA. (UNLESS OTHERWISE NOTED)
- WATER MAIN 8" DIA. (UNLESS OTHERWISE NOTED)
- SEWER MANHOLE 48" DIA. (60" AS REQUIRED)
- 6" FIRE HYDRANT WITH VALVE
- WATER VALVE
- STREET LIGHT
- EXISTING GROUND CONTOUR 1' INTERVAL
- EXISTING GROUND CONTOUR 5' INTERVAL
- FINISHED GROUND CONTOUR 1' INTERVAL
- FINISHED GROUND CONTOUR 5' INTERVAL

PRELIMINARY PLAT OF
BLACKBERRY COURT PHASE 3
AN R-1-10 SINGLE FAMILY SUBDIVISION
LOCATED IN THE EAST HALF OF SECTION 14, TOWNSHIP 42 SOUTH, RANGE 16 WEST OF THE SALT LAKE BASE AND MERIDIAN

DATE:	1/25/16
JOB NO.:	381-15-004
DESIGNED BY:	AHH
CHECKED BY:	
DWG:	Pre. Plat

REVISIONS | DATE

ROSENBERG ASSOCIATES
CIVIL ENGINEERS • LAND SURVEYORS

352 East Riverside Drive, Suite A-2
St. George, Utah 84790
ph (435) 634-8166 fax (435) 634-8197
www.rcsi.com

AMENDED PRELIMINARY PLAT
FOR
BLACKBERRY COURT SUBDIVISION, PHASE 3
ST. GEORGE
UTAH

SHEET
1
1 OF 1 SHEETS

ITEM 6B
Preliminary Plat

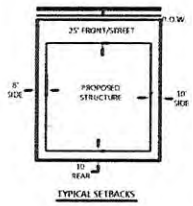
PLANNING COMMISSION AGENDA REPORT: **02/23/2016**

PRELIMINARY PLAT
Desert Heights
Case No. 2016-PP-009

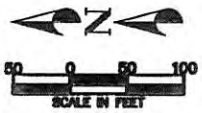
Request:	To approve a preliminary plat for a fifty-one (51) lot residential subdivision
Location:	The site is located along the west side of Desert Edge Drive, north of Broken Mesa Drive and south of Rimrunner Drive.
Property:	16.68 acres
Number of Lots:	51
Density:	3.06 du/ac
Zoning:	R-1-10
Adjacent zones:	This plat is surrounded by the following zones: North – PD-R(Desert Canyons PD) South – Arizona East –R-1-10, PD-R(Desert Canyons PD) West – R-1-10
General Plan:	Residential
Applicant:	Development Solutions Group
Representative:	Ken Miller

Comments:

1. Developer is proposing lot size averaging on this project as 24 of the lots will be less than the 10,000 SF minimum size.



TYPICAL SETBACKS



FLOOD NOTE

THIS SITE IS LOCATED WITHIN THE FEMA FLOOD INSURANCE RATE MAP NUMBER 49053C1042G, WITHIN ZONE X.

SITE DATA:

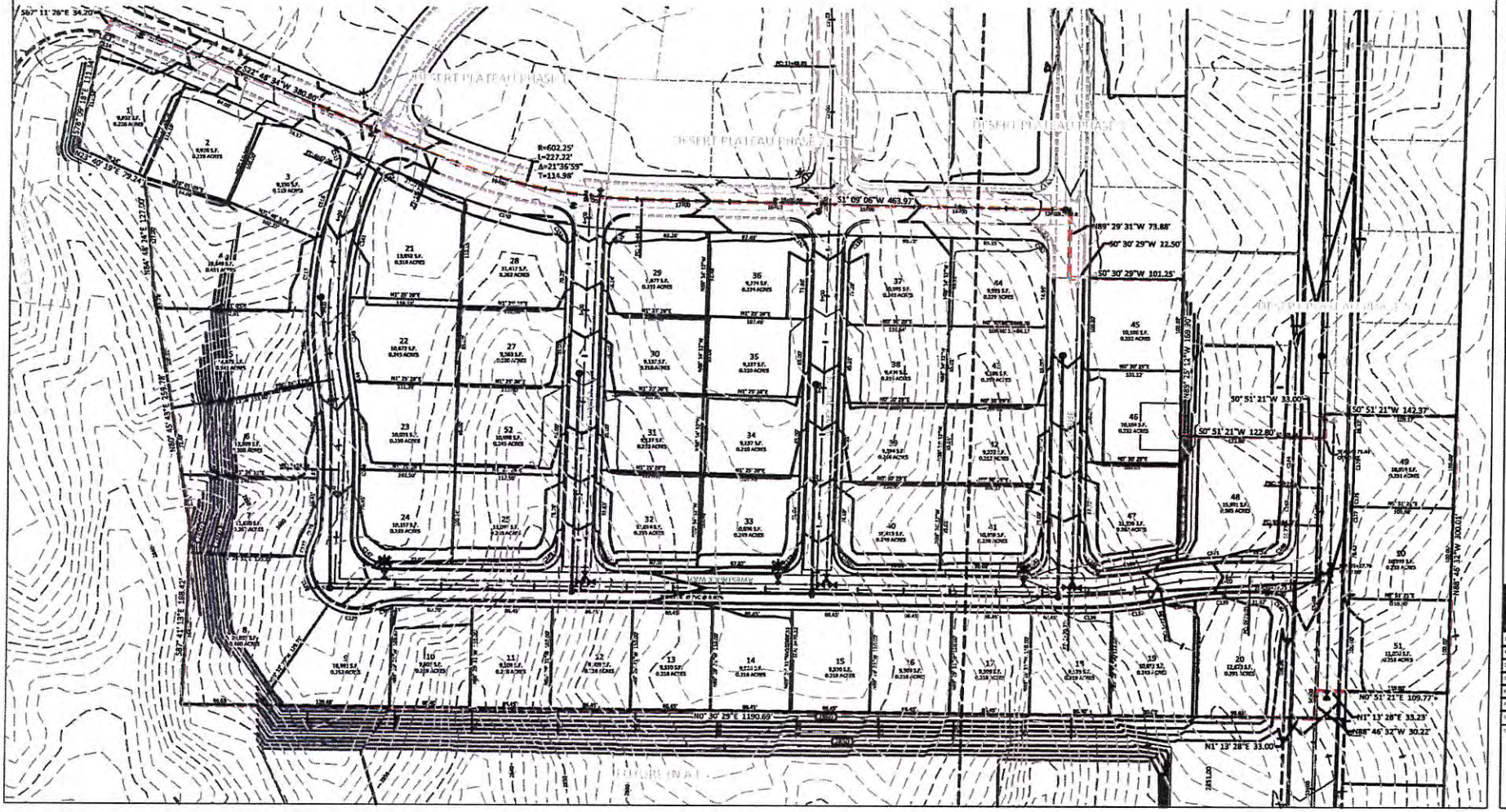
ZONING:	R-1-10
SITE AREA:	16.66 ACRES
TOTAL DWELLING UNITS	51 DU
DENSITY:	3.06 DU/AC

NOTES:

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

Vicinity Map

NOT TO SCALE



DEVELOPMENT SOLUTIONS, INC.
LAND PLANNERS, CIVIL ENGINEERS
178 East St. George Blvd Suite #201
St. George, UT 84770
Office (435) 628-2121 Fax (435) 674-3353
www.developmentsolutions.co

PROJECT NAME: DESERT HEIGHTS AT DESERT CANYONS
ST. GEORGE, UTAH

SHEET NAME: COVER SHEET

DATE	2-1-19
PM	KM
DRAWN BY	KK
DESIGNED BY	KK
CHECKED BY	KK
PROJECT NO	15-045-2
SCALE	NTS
SHEET NUMBER	1

1 OF 2 TOTAL

ITEM 6C
Preliminary Plat

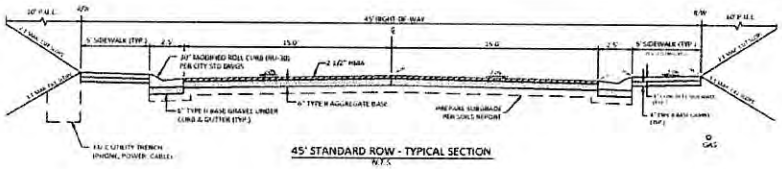
PLANNING COMMISSION AGENDA REPORT: **02/23/2016**

PRELIMINARY PLAT
Maple Estates
Case No. 2016-PP-004

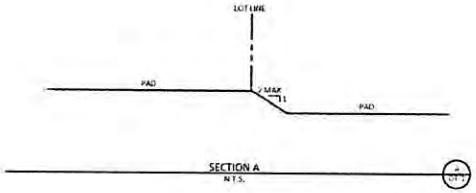
Request:	To approve a preliminary plat for a fifteen (15) lot residential subdivision
Location:	The site is located at 3000 E and 3580 S
Property:	5.56 acres
Number of Lots:	15
Density:	2.7 du/ac
Zoning:	R-1-10
Adjacent zones:	This plat is surrounded by the following zones: North – R-1-10 South – A-1 East – R-1-8, A-1 West – R-1-10
General Plan:	LDR (Low Density Residential)
Applicant:	Development Solutions Group
Representative:	Steve Kamlowsky

Comments:

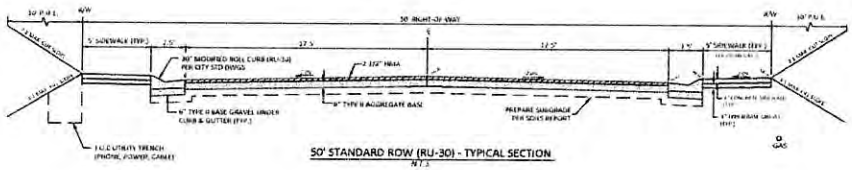
1. The developer is proposing to do lot size averaging as 4 lots are less than 10,000 square feet.
2. Lot 1 will be a double fronting lot along 3000 East and will require a 10-foot landscape strip and privacy wall along 3000 East.



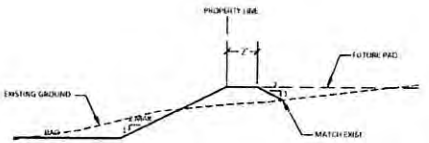
45' STANDARD ROW - TYPICAL SECTION
N.T.S.



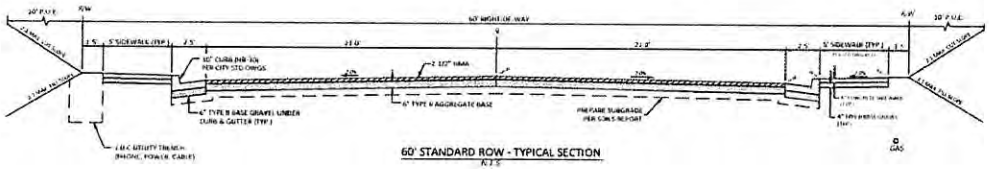
SECTION A
N.T.S.



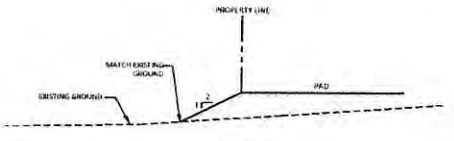
50' STANDARD ROW (RU-30) - TYPICAL SECTION
N.T.S.



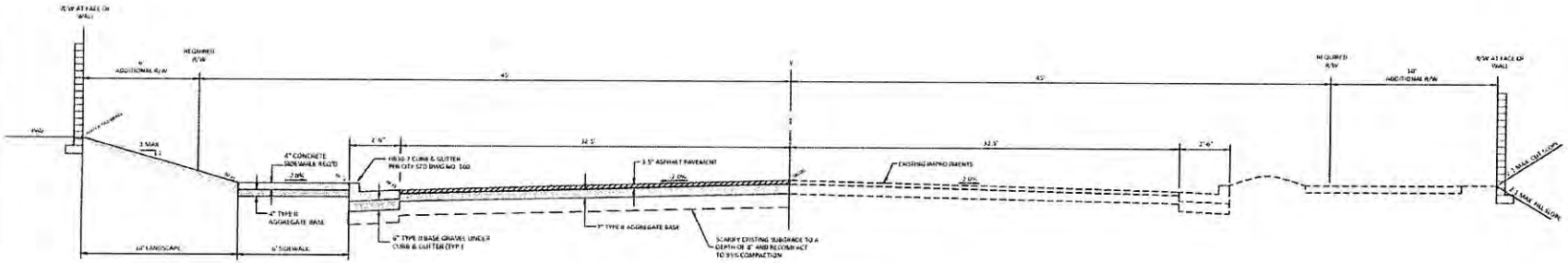
SECTION B
N.T.S.



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



SECTION C
N.T.S.



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

DEVELOPMENT SOLUTIONS, INC.
CIVIL ENGINEERS
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123 East 1050 South, George, Utah 84790
St. George, UT 84770
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www.developmentsolutionsutah.com

MAPLE ESTATES
SUBDIVISION
LOCATED IN ST. GEORGE, UTAH

DETAILS & SECTIONS

DT-1

2 OF 2 TOTAL

PLANNING COMMISSION
CITY OF ST. GEORGE
WASHINGTON COUNTY, UTAH
March 10, 2015 – 5:00 PM

PRESENT: Chair Ross Taylor
Commissioner Ro Wilkinson
Commissioner Julie Hullinger
Commissioner Nathan Fisher
Council Member Joe Bowcutt

CITY STAFF: Assistant Public Works Director Wes Jenkins
Planning & Zoning Manager John Willis
City Surveyor Todd Jacobsen
Deputy City Attorney Paula Houston
Planning Associate Genna Singh

EXCUSED: Commissioner Don Buehner
Commissioner Todd Staheli
Commissioner Diane Adams
Planner II Ray Snyder
Assistant City Attorney Victoria Hales

FLAG SALUTE

Chair Ross Taylor called the meeting to order and asked Commissioner Julie Hullinger to lead the flag salute at 5:0 pm.

1. FINAL PLATS (FP)

Consider approval of a twelve (12) lot residential subdivision for **"Cornerstone Phase 2"**. The representative is Mr. Roger Bundy, R&B Surveying. The property is zoned R-1-10 (Single Family Residential, 10,000 s.f. minimum lot sizes) and is located at approximately 3100 East and 2840 South (in the Little Valley Area). Case No. 2015-FP-001 (Staff – Todd Jacobsen).

Todd Jacobsen presented the item with no comments.

MOTION: Commissioner Ro Wilkinson made a motion to accept Cornerstone Phase 2 and authorize chairman to sign.
SECONDED: Commissioner Nathan Fisher seconded the motion.
AYES (4)
Commissioner Ro Wilkinson
Chair Ross Taylor
Commissioner Nathan Fisher
Commissioner Julie Hullinger
NAYS(0)
Motion carries.

2. **LOT LINE ADJUSTMENT (LRE)**

Consider approval of a lot line adjustment for **"731 & 735 North Industrial Road".** The representative is Mr. Marc Brown, Brown Consulting Engineers. The property is zoned

Todd Jacobsen explained that the lot line is closer to the building in the back. They want the line to be equidistant between the two buildings. Shifting the lot line allows better circulation for the trucks. There are no easements associated with this one.

Deputy City Attorney Paula Houston asked if the building on 735 North meet the setbacks.
Todd Jacobsen said yes, the smallest distance is 26' and the requirement is 10'.
Deputy City Attorney Paula Houston asked if the drive entrance to 731 North is an easement access or do they own it. Is it paved?
Todd Jacobsen said it is paved. The access is a 25' easement granted between the two lots to the building on the back.
Deputy City Attorney Paula Houston asked if the access is remaining the same.
Todd Jacobsen said it was.

MOTION: Commissioner Nathan Fisher made a motion to recommend approval of the lot line adjustment.
SECONDED: Commissioner Julie Hullinger seconded the motion.
AYES (4)
Commissioner Ro Wilkinson
Chair Ross Taylor
Commissioner Nathan Fisher
Commissioner Julie Hullinger
NAYS(0)
Motion carries.

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

A. Consider approval of a fourteen (14) lot residential subdivision amendment for **"Escalera Phase 5 Amended".** The representative is Mr. Bob Hermandson, Bush & Gudgell. The property is zoned RE-12.5 (Residential Estates, 12,500 s.f. minimum lot sizes) and is located at 1938 East 1200 North Circle. Case No. 2015-FPA-008 (Staff – Todd Jacobsen).

Todd Jacobsen explained that this is the lot that had the Parade home. The pool crosses the lot line so they are swinging the lot line over to correct the pool. It is moving 4'.

Deputy City Attorney Paula Houston asked if the pool is out of the easement.
Todd Jacobsen said it's still in the easement.
Deputy City Attorney Paula Houston asked if there are utilities there.
Todd Jacobsen said there are none there.

Chair Ross Taylor clarified that this is to correct an error.
Todd Jacobsen said yes, this is to correct on paper the mistake made on the ground.

MOTION: Commissioner Ro Wilkinson made a motion to accept item 3a with approval from legal counsel and staff and authorize chairman to sign.
SECONDED: Commissioner Nathan Fisher seconded the motion.
AYES (4)
Commissioner Ro Wilkinson
Chair Ross Taylor
Commissioner Nathan Fisher
Commissioner Julie Hullinger
NAYS(0)
Motion carries.

B. Consider approval of a twenty-four (24) lot residential subdivision amendment for **"Gentry Lane Amended".** The representative is Mr. Bob Hermandson, Bush & Gudgell. The property is zoned RE-12.5 (Residential Estates, 12,500 s.f. minimum lot sizes) and is located at approximately 3000 South and Gentry Lane (in the Little Valley area). Case No. 2015-FPA-009 (Staff – Todd Jacobsen)

Todd Jacobsen presented that this was recorded a few weeks ago. The trail was built a bit differently than what is recorded. The Parks Department is okay with the adjustment. This is also to correct on paper what was built on the ground.
Councilman Joe Bowcutt asked if the trail still meets the width.
Todd Jacobsen said yes, the trail is still 15' wide.

Deputy City Attorney Paula Houston added that this item will be subject to legal approval for some language modification on the plat.

MOTION: Commissioner Julie Hullinger made a motion to approve item 3b subject to legal approval and authorize chairman to sign.
SECONDED: Commissioner Ro Wilkinson seconded the motion.
AYES (4)
Commissioner Ro Wilkinson
Chair Ross Taylor
Commissioner Nathan Fisher
Commissioner Julie Hullinger
NAYS(0)
Motion carries.

4. **PRELIMINARY PLAT**

A. Consider approval of a preliminary plat for a nine (9) lot commercial subdivision for **"The Fields at Mall Drive".** The applicant is Suburban Land Reserve and the representative is Mr. Dan McCay. The property is zoned PD-C (Planned

Development – Commercial) and is located at 3000 East and Mall Drive. Case No. 2015-PP-007. (Staff – Wes Jenkins).

Wes Jenkins presented the following:
This recently came forward as a zone change. Some issues with the project - there is a low spot in 3000 East. There is a ditch to be relocated which will dump into the Virgin River. The property south of Mall Drive will be dedicated to the City. We'll need to work out the accesses over City property so that will need to be discussed. The City will deal with the culverts but the accesses are to be maintained by the developer.

Commissioner Nathan Fisher asked if that would be addressed with the development agreement.
Wes Jenkins said yes it would.

Councilman Joe Bowcutt asked about the relocation of the drainage ditch.
Wes Jenkins explained where it is moving and where the drainage goes.

Wes Jenkins stated that the southern entrance on 3000 East is a RI/RO for delivery trucks only but still needs to be worked out.
Chair Ross Taylor said that is difficult for a truck to turn right out of there.
Wes Jenkins said that's why we're still working it out.

Commissioner Ro Wilkinson asked why the project name is the Fields at Mall Drive. It sounds like the Fields at Washington rather than being a project in St. George. Is that going to change?
Wes Jenkins answered that staff has brought that up and it is not going to change.
Commissioner Ro Wilkinson said it is confusing to the general public because a lot of people think that the Fields at Little Valley are part of Washington.

Councilman Joe Bowcutt asked if more property will be given up on 3000 East.
Wes Jenkins said normally we do a pork chop but it doesn't work with semi trucks. I would like a one way where they pull in on 3000 East and exit to the west.
Councilman Joe Bowcutt asked if the owner needs to give up more property.
Wes Jenkins stated a deceleration lane may be necessary.
Councilman Joe Bowcutt noted that that would change the Preliminary Plat.

Chair Ross Taylor asked if the delivery trail goes all the way over to the western street.
Wes Jenkins said it does so that's something to work through with the design process.
Commissioner Nathan Fisher asked if there is parking behind the retail shops.
Wes Jenkins said yes, that is probably for employees of the retail shops. The retail shops will have some cross parking and cross access agreements.
Councilman Joe Bowcutt asked if each retail shop would need to stand alone.
Wes Jenkins said they have provided the parking for the retail shops but the pads would have to stand alone for their parking.
Commissioner Nathan Fisher clarified that the pads will have to provide parking within the pad area.
Deputy City Attorney Paula Houston said approval is subject to the development agreement which will address many of these issues.

Chair Ross Taylor asked that the truck delivery be explained by the representative.
Ray Alton stated that we know that is tricky because we can't do a pork chop. Once the preliminary plat is approved we'll submit construction drawings that will tweak that access.
Chair Ross Taylor asked if they could circulate clear through to the other street.
Ray Alton said that is a possibility.
Chair Ross Taylor said that would be helpful to all the tenants and to the trucks.
Councilman Joe Bowcutt asked what the timeframe on the road to the west is (2780 East).
Ray Alton said we are designing it. I don't know if it is coming forward with Lin's or the other retail areas.
Chair Ross Taylor noted that if it is part of your circulation it would be beneficial to do it sooner rather than later.
Commissioner Nathan Fisher stated that the plat shows the road, so won't it come forward now?
Ray Alton replied that they are phasing the project so that road would come forward with a later phase. That is the intent but we can bring it up with the developer. They won't want to improve it until those tenants come in. With just Lin's they can go around Lin's and come out onto Mall Drive. We can look into the circulation. If we can restrict left turn into the drive from 3000 East that is what we want to look at.
Councilman Joe Bowcutt said that people will try to use that access.
Commissioner Nathan Fisher asked if phase 1 includes the store and the retail pads.
Ray Alton said it is just Lin's for now.
Chair Ross Taylor said the retail spots should be platted out to identify where they are.

MOTION: Commissioner Nathan Fisher made a motion to recommend approval of the Preliminary Plat conditioned on legal approval of the development agreement that has terms that are satisfactory to the City for not just the global preliminary plat but the phasing as well.
SECONDED: Commissioner Julie Hullinger seconded the motion.
AYES (4)
Commissioner Ro Wilkinson
Chair Ross Taylor
Commissioner Nathan Fisher
Commissioner Julie Hullinger
NAYS(0)
Motion carries.

B. Consider approval of a preliminary plat for a four (4) lot residential subdivision for "**Blackberry Court Phase 3.**" The applicant is Mr. Blaine Webber and the representative is Mr. Alan Hall, Rosenberg Associates. The property is zoned R-1-10 (Single Family Residential, 10,000 s.f. minimum lot sizes) and is located at Blackberry Circle. Case No. 2015-PP-006. (Staff – Wes Jenkins).

Wes Jenkins presented that this plat is to finish off the cul-de-sac. It will add four lots to the cul-de-sac. It has been graded. The contours on their drawing looked like the drainage was negatively impacting adjacent lots. They have revised the drawing so the contours are accurate and convey out to an open field.

Chair Ross Taylor asked for clarification on the drainage.
Wes Jenkins explained that the subdivision above these lots is lower than Blackberry. It looked like the drainage was going north by the contours but the applicant said they are not. The rainage will go west.
Deputy City Attorney Paula Houston asked if this plat is in the flood plain.
Wes Jenkins said it was originally. The northeastern lot was in the floodplain when another plat came forward and they removed it because it wasn't raised up yet so that is why it is part of this plat now. They are out of the floodplain but they are in the erosion hazard boundary and will need erosion protection for the lots.

MOTION: Commissioner Nathan Fisher made a motion to recommend approval of preliminary plat for Blackberry Court Phase 3.
SECONDED: Commissioner Ro Wilkinson seconded the motion.
AYES (4)
Commissioner Ro Wilkinson
Chair Ross Taylor
Commissioner Nathan Fisher
Commissioner Julie Hullinger
NAYS(0)
Motion carries.

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

Consider a request for a Conditional Use Permit for permission to use a landmark site as a vacation rental. The property is located at **295 South Main Street**. The zoning is RCC (Residential Central City). Case No. 2015-CUP-005. (Staff – John Willis).

John Willis presented the following:

This is an existing landmark site and was one of the first established. It is known as the Miner Grant Prisbey home. Not only is the home a landmark but so is the Mulberry tree. Recently the Planning Commission has recommended that vacation rentals be conditionally permitted for landmark sites as well. The difference between the B&B and vacation rental is an on-site owner/manager. Parking at this location – it was previously the Book Loft. They are proposing 3-4 bedrooms and will provide 4-5 on site parking spaces. It fronts on Main. Zoning is RCC. The applicant intends to rent to groups with occupancy of 8-10 individuals. Renting to a group rather than having multiple units will limit the parking demand. Staff does recommend that if the tree were to be modified the City Forester be contacted. There are suggested conditions listed in the staff report from previous cases. Findings will also need to be address in the motion.

Councilman Joe Bowcutt asked if renting to groups rather than individual rooms needs to be an agreement with the City.
Deputy City Attorney Paula Houston said it does. That can be covered in the findings as far as mitigating traffic.

Commissioner Nathan Fisher asked if we police short term rentals enough to make it effective?

Deputy City Attorney Paula Houston replied that if we get a complaint then we look at the conditions and the conditional use can be pulled if they are not complying. We don't go out and look for them but do follow through when complaints are submitted

John Willis added that the applicant will be pulling permits to renovate the inside so that is another way we can verify that this is one overall unit.

Chair Ross Taylor noted that the applicant has suggested as many as 8-10 people there at one time. There is a sensitivity to noise level so one finding could be applicable is that the applicant's contract states noise cannot disturb the neighborhood.
Deputy City Attorney Paula Houston advised that other issues can be addressed through the findings such as the number of people or vehicles.

Commissioner Nathan Fisher asked if the City's noise ordinance already regulates that.
Deputy City Attorney Paula Houston said it does cover some of the issues but there are not specified hours in the ordinance. It says "unreasonable noise".
Chair Ross Taylor said the contract could address potential noise issues.

Commissioner Ro Wilkinson asked if there is ample parking for that amount of people on-site.
John Willis explained that the standard is one per unit for a hotel so they meet that standard.
Commissioner Ro Wilkinson said the outside is in disrepair and I would say they need to update the landscaping as well.
Commissioner Nathan Fisher stated they do have to come in with substantial improvements.
John Willis added that the applicant does intend to put money into the site. It is a landmark site so any exterior modifications would go to Historic Preservation Commission and City Council for approval.
Deputy City Attorney Paula Houston inserted that the items can be required if it is a concern as part of the significant improvements.

Commissioner Nathan Fisher added that we cannot force him to do improvements later we can only approve what is here now and then add conditions of approval. Ordinance does say that they must maintain the nature of the historic home so we don't have to worry about that part.

Chris Potter

> As far as renting to large groups, 8-10 people is pushing it for this property. I would prefer smaller groups for less wear and tear. I will improve it to a level that I want to monitor the flow through there. As far as improvements – all the books are gone now, but there are floor boards that have been eaten away and it needs a lot of work. I've got to renovate everything eventually. I'll update the landscaping otherwise people won't want to rent. I called the City Forester, and he told me that the City doesn't have jurisdiction and I asked him to send an email and he never did. The tree looks like it's about to fall so it really needs some help.

Deputy City Attorney Paula Houston stated that the City's jurisdiction is only over street trees so if Planning Commission wants to preserve the tree it needs to be a condition of approval.

Commissioner Nathan Fisher added that we need to keep in mind the safety of the property and the occupants. If we require the tree to be maintained I consider it a risk.
John Willis inserted that the City Forester examining the tree would be beneficial.
Councilman Joe Bowcutt stated that stipulation then creates liability for the City.
Deputy City Attorney Paula Houston advised that if you want to keep it say so but condition that someone look at and determine if it's safe to keep. If a licensed arborist says it is not safe then they can remove it. A third party, not the City Forester should look at it.

Chair Ross Taylor advised that the applicant may want the rental contract to address the same items the city would be concerned with.

Chair Ross Taylor opened the public hearing

Phillip Rebber 254 S Main, also chairman of Primrose HOA across the street

Our group is concerned about the vacation rental being across the street from us. We don't want to prohibit development and appreciate your concerns. We're in a very impacted area. We're impacted by traffic and several half way houses in our community. It's hard for us to continue accepting these things. They are not very compatible and we're already on a busy street. Having a facility like that with additional traffic in and out will make it more difficult for us. The parking should be on site because there are already a lot of people who park on the street. Noise was also a concern. Not having an onsite person there to control the activities makes it possible to have 8-10 individuals there being a bit too much for the neighborhood. We hope there can be a better use for the house.

Chair Ross Taylor closed the public hearing

Commissioner Nathan Fisher stated that vacation rentals allowing multiple groups is my concern because of noise and parking. The real question is how to police or limit that. On the parking – I have been to that building and you can get into that concrete area pretty well but if there are multiple vehicles it is hard to get out again. It would nice for staff to work with them for a parking scheme that is useful and reasonable. They should have enough space there. I think a limitation could be that on street parking would not be allowed because the assumption is they will park on Main Street because that is where the front door is. We can also put a curfew for noise. As far as management – there needs to be something in there that if something occurs when being rented there needs to be a local management company or individual who would deal with issues as they come up. Many neighborhood issues can be solved with that.

Chris Potter said that the real estate company is three blocks away. Tenants can have the office number and my cell number.
Councilman Joe Bowcutt asked if neighbors can have access to a cell number as well.
Chris Potter said yes.

Chair Ross Taylor said we're thinking of things that have occurred previously and getting in touch with a responsible person is not always easy. I think it would be beneficial to have the phone number posted so people can call at any time.

Commissioner Ro Wilkinson asked if there are many complaints regarding short term rentals.
Deputy City Attorney Paula Houston said it depends on the management of the rental. It is usually large groups that become a problem.
Chris Potter added that there are actually very few homes that have a CUP for this type of rental. Aren't complaints for illegal short term rentals?
Deputy City Attorney Paula Houston said right –most are in illegal short term rentals but there are also some in the permitted areas.
Chris Potter explained that one reservation I had on this project was the number of listings on VRBO for St. George is up 13% in the last few months. More than half are illegal. I know the areas that are approved for nightly rentals. There were 342 listings yesterday. You really don't want those illegal rentals by you – you want a rental like this that has a CUP and is closely watched by someone who is invested in the property. This is also a big lot and not an illegal rental that has another house 20' away.

Councilman Joe Bowcutt said that one of the challenges for any vacation home is that the neighbors are the ones who suffer. By the time a complaint goes through the person who was renting is gone. Unless that is controlled there can be problems. It has to be monitored.

Commissioner Nathan Fisher said there are some things a management company might turn a blind eye to. All it takes is a few complaints to the City and the City can determine if the conditions are being met. If they are not, the CUP can be pulled. The neighbors are going to be the best police for an item like this. I believe the applicant has enough self interest with this property to manage it well.

Chair Ross Taylor noted that the motion needs to include the findings. A suggested item for noise is that there will be a statement in the contract that excessive noise noticeable to the neighborhood is not acceptable, no items with dust or odors need to be included, signs and posters should be addressed, and occupancy can fall under traffic but needs to be addressed.

Chris Potter said there will most likely be four bedrooms with 2 people a bedroom and a pull out bed, so 10 people maximum.
Commissioner Nathan Fisher noted that we need to limit it but not knowing the number of bedrooms I think we should state 2 per bedroom and 2 in the front so if 3 beds max at 8, or 4 bedrooms max at 10 – it should be reasonable to the number of rooms.

Chair Ross Taylor asked if a 10 person maximum is sufficient.
Chris Potter said there are only 2 bathrooms so I think 10 will suffice.
Chair Ross Taylor said the set maximum would be 10 occupants for nightly lodging.
Commissioner Nathan Fisher inserted; unless there are only 3 bedrooms.

Councilman Joe Bowcutt asked what happens if there are 10 people in there and the property manager comes over to kick them out in the middle of the night – it's not going to happen. There has to be some kind of deposit.
Chris Potter said there will be a deposit of $500-$1000. This isn't a low budget rental. They're paying $200-$300 a night base rate plus the 200-300 cleaning fee. They pay an 11.5% transient

tax. It really does add up. There is also the deposit. This will have better renters than some long term. I may scale the rate depending on the occupancy.

Chair Ross Taylor added that an identified quiet time would also be needed in the contract. Is 11:00 pm reasonable?
Deputy City Attorney Paula Houston said the policy is not before 6:00 am or after 9:00 pm for construction. For other items it is 10:00 pm.
Commissioner Ro Wilkinson said that in her HOA quiet hour is 10:00 pm unless it is a weekend then it is 11:00 pm.
Chris Potter agreed that 11:00 pm is reasonable.

Chair Ross Taylor said another finding would be for public health; the phone number of someone available needs to be posted so the neighbors can make that call and that will help and will comfort the neighbors.

Commissioner Nathan Fisher noted that a limit on vehicles may be necessary. I can see if someone brings a boat or trailer they wouldn't be able to park on site so we may need to allow off street parking on a limited basis.
Deputy City Attorney Paula Houston said that RVs and such are not allowed on the street – there should be enough on site but whether they park onsite or not is hard to enforce.
Commissioner Nathan Fisher noted that the CUP won't be revoked for parking because we have a hard time proving it so we just need to make sure there is sufficient parking on site.
John Willis stated there is room for 4-5 parking stalls if they don't stack. If it's one group they can stack to allow more vehicles on site.
Commissioner Nathan Fisher noted that the condition should then be that the parking area not be reduced in size by any means.

MOTION: Commissioner Nathan Fisher made a motion to recommend approval to City Council the CUP Item 5 on the agenda with the following conditions designed to minimize the impact of the CUP on the community and neighbors:
1 – as to the condition of landscaping there be significant improvement to what is existing in order to make it attractive and unobtrusive and that it be maintained in that condition throughout the tenure of the CUP
2 – only one group be allowed to rent the facility at a time; no combining groups of any manner and no more than 10 tenants be allowed overnight at any time and in the event that the number of bedrooms be less than four the number of tenants be reduced by 2 per bedroom unit
3 – require local manager for facility and that manager is available at all times of occupancy to ensure that the rooms are clean between rentals or groups and that at the very least if the group is there longer than a week it be cleaned at least one a week and that the contact information for the local manager be on the property visible at all times not to just the occupants but to the neighbors as well
4 – the applicant maintain the size of the existing parking – parking can be increased but not decreased
5 – the tree in the front of the house be inspected by an arborist, someone licensed and qualified and if the tree can be preserved it is done so and the recommendations of the

licensed professional be followed
6 – the applicant restrict noise on the premises after 11:00 pm so it is not noticeable inside the homes of the adjoining neighbors
7 – the onsite parking is developed b the applicant be approved by staff for configuration
8 – the applicant comply with code requirements for hotels except the on-site manager is not required and the rooms do not need to be cleaned daily but at least weekly and between groups
9 – the records related to this business be maintained by the manager at the managers facility or office
10 – if the building is not used as a vacation rental it shall revert back to SF use and the CUP be terminated and any other use would have to be presented as a new CUP application
11 – not to be used as office or commercial or retail unless approved with new CUP
SECONDED: Commissioner Ro Wilkinson seconded the motion.
AYES (4)
Commissioner Ro Wilkinson
Chair Ross Taylor
Commissioner Nathan Fisher
Commissioner Julie Hullinger
NAYS(0)
Motion carries.

6. **GUEST HOUSE**

Consider a request for a guest house to exceed the maximum allowable floor area of four hundred square feet (400 s.f.) and a basement. The property is located at 2051 West 450 South. The zoning is R-1-10 (Single Family Residential, 10,000 s.f. minimum lot size). Case No. 2015-GH-001 (Staff – John Willis).

John Willis presented the following:
The applicant has modified the application. Originally the submittal had a basement request but now they want storage on the main floor and not a basement. The approval is per the Planning Commission it is not a recommendation. You may hear the original submittal or the revised. You may decide if you want to hear the revised or table until next meeting. The overall footprint is 448 s.f.. The livable s.f. is 352 s.f. and then 96 s.f. storage.

Chair Ross Taylor asked how the storage was separated.
Gregg Smith said the storage would be accessible through the living space to limit the number of exterior doors. We had two plans – slab on grade with storage or basement plan. We wanted a pool house and also some storage space.

Deputy City Attorney Paula Houston asked how large the storage area would be.
Gregg Smith said 8x12.

Chair Ross Taylor advised that if the storage had its own entry and wasn't accessible from the inside it would give some comfort. As is, the storage can be more livable space. A separate entrance would help.
Deputy City Attorney Paula Houston stated that someone in the future would rent it out as two rooms rather than a storage area and that's the concern.
Commissioner Nathan Fisher stated that we have to look at the worst case scenario. It would be better as not livable space.
Deputy City Attorney Paula Houston noted that in the past there have been approvals for guest houses with storage space but the storage area was smaller where you can't but a bed in there.
Gregg Smith asked if the recorded deed restriction prohibits that.
Commissioner Nathan Fisher noted that monitoring becomes an issue.

Gregg Smith said the overall footprint can be reduced to less than 400 s.f.
Chair Ross Taylor said that if the size is reduced below 400 s.f. the Planning Commission would not need to hear the item. So you're going to withdraw this and we won't act tonight?
Gregg Smith said he would withdraw the request and bring something forward if necessary.

7. **MINUTES**

Consider approval of the minutes from the October 10, 2014, December 09, 2014, January 13, 2015 and January 28, 2015 meetings.

The minutes were tabled to be heard at a later date.

ADJOURN

MOTION: Commissioner Nathan Fisher made a motion to adjourn
SECONDED: Commissioner Julie Hullinger seconded the motion.
Meeting adjourned at 6:51 pm.

PLANNING COMMISSION
CITY OF ST. GEORGE
WASHINGTON COUNTY, UTAH
April 14, 2015 – 5:00 PM

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

CITY STAFF: Planning & Zoning Manager John Willis
Assistant Public Works Director Wes Jenkins
Planner II Ray Snyder
City Surveyor Todd Jacobsen
Assistant City Attorney Victoria Hales
Planning Associate Genna Singh

EXCUSED:

FLAG SALUTE

Chair Ross Taylor called the meeting to order and asked Commissioner Julie Hullinger to lead the flag salute at 5:02 pm.

Chair Ross Taylor addressed the agenda: Final Plat 1A will not be presented tonight, Vacate Public Street Item 4B will not be presented, and Preliminary Plat Item 5A will not be presented tonight.

1. **FINAL PLATS (FP)**

   A. Consider approval of a sixteen (16) lot residential subdivision for "**Desert Rim Phase 1**." The property is zoned PD-R (Planned Development Residential) and is located at Rim Runner and Desert Canyons Parkway. The owner is Quality Development LC & Quality Venture One LLC, the applicant is Development Solutions Inc, and the representative is Mr. Ken Miller. Case No. 2014-FP-075. (Staff – Todd Jacobsen).

Item pulled from the agenda prior to the meeting.

   B. Consider approval of a twelve (12) lot residential subdivision for "**Escalera Phase 6**" The property is zoned RE-12.5 (Residential Estate 12,500 sq. ft. minimum lot size) and is located at approximately 1900 East and 1200 North. The representative is Mr. Bob Hermandson, Bush and Gudgell. Case No. 2015-FP-002. (Staff – Todd Jacobsen)

Todd Jacobsen stated that Item 4A will not be heard either.

Todd Jacobsen presented Item 1B with no comments.

C. Consider approval of a twenty-four (24) lot residential subdivision for "**Fieldstone Phase 3.**" The property is zoned R-1-10 (Single Family Residential, 10,000 sq.ft. minimum lot size) and R-1-12 (Single Family Residential, 12,000 sq.ft. minimum lot size). Lots 32, 44, and 45 split both zones. The property is located at 3480 South 2240 East (in the Little Valley area). The representative is Mr. Brad Petersen, Development Solutions. Case No. 2015-FP-003. (Staff – Todd Jacobsen).

Todd Jacobsen presented the item with no comments.

D. Consider approval of a nine (9) lot residential subdivision for "**Hughes Subdivision.**" The property is zoned R-1-10 (Single Family Residential, 10,000 sq. ft. minimum lot size) and is located at approximately 2160 East and 2450 South. The representative is Mr. Clay Tolbert, Southwest Consulting Services. Case No. 2014-FP-022. (Staff – Todd Jacobsen).

Todd Jacobsen presented the item. There is an existing home on lot 1. That lot is legal non-conforming. Mr. Denis Hughes lives there and has access already. We have asked that he change his access to the less traveled street but have not heard back yet.

E. Consider approval of a final plat for a three (3) lot commercial subdivision for "**Riverside Business Park.**" The representative is Mr. Brandon Anderson, Rosenberg Associates. The property is zoned C-3 (General Commercial) and is located at 359 and 377 East Riverside Drive. Case No. 2015-FP-010. (Staff – Todd Jacobsen).

Todd Jacobsen presented the item.

Assistant City Attorney Victoria Hales asked if the cross access and easement agreements are in place.
Todd Jacobsen noted it is shown on the plat.

F. Consider approval of a nine (9) lot commercial subdivision for "**The Fields at Mall Drive.**" The property is zoned PD-C (Planned Development Commercial) and is located at Mall Drive and 3000 East Street. The representative is Mr. Brandon Anderson, Rosenberg Associates. Case No. 2015-FP-007. (Staff – Todd Jacobsen)

Todd Jacobsen presented the item added that not shown on the plat is the road that will need to be dedicated further to the west to the bridge so there is a fully dedicated roadway there.

Councilman Joe Bowcutt asked if the road on the west side is to be built by the City or Developer.
Todd Jacobsen responded there is a delayed improvement agreement.
Assistant City Attorney Victoria Hales said it will be subject to the development agreement.

MOTION: Commissioner Ro Wilkinson made a motion to approve 1B, 1C, 1D, 1E, and 1F based on staff recommendations and subject to legal approval and authorize chair to sign. Victoria Hales asked if the motion included Item 1E being subject to cross-access and

easements and Item 1F being subject to the roadway and canal dedication and the development agreement.
Commissioner Ro Wilkinson said that is correct.
SECONDED: Commissioner Todd Staheli seconded the motion.
AYES (7)
Commissioner Ro Wilkinson
Commissioner Don Buehner
Chair Ross Taylor
Commissioner Nathan Fisher
Commissioner Diane Adams
Commissioner Julie Hullinger
Commissioner Todd Staheli
NAYS (0)
Motion carries.

2. **VACATE FINAL PLAT (LRE)**

Consider approval to vacate a ten (10) unit commercial condominium final plat for "**The Hilltop at Sunset**" The property is zoned C-3 (General Commercial) and is located at 948 North 1300 West (Switch Point Resource Center). The owner is the City of St. George and the representative is Mr. Matt Loo. Case No. 2015-LRE-009. (Staff – Todd Jacobsen) *Note: This item will be a public hearing at City Council*

Todd Jacobsen presented the item stating there is a need to merge the lots together to be able to add a food pantry to the Switch Point Resource Center. The plat needs to be vacated and then the lots will be merged together in order to add the other building.

Councilman Joe Bowcutt asked if there are separate tax ids for each parcel.
Todd Jacobsen said yes, so when merged there will only be one tax id.

Commissioner Nathan Fisher asked if it creates a problem vacating now and then seeing a new plat later.
Assistant City Attorney Victoria Hales said no, this will be done first and then the lots will be merged.
Todd Jacobsen added that the lot merge will be done by document.

MOTION: Commissioner Nathan Fisher made a motion to recommend approval of Item 2 to City Council.
SECONDED: Commissioner Diane Adams seconded the motion.
AYES (7)
Commissioner Ro Wilkinson
Commissioner Don Buehner
Chair Ross Taylor
Commissioner Nathan Fisher
Commissioner Diane Adams
Commissioner Julie Hullinger

Commissioner Todd Staheli
NAYS (0)
Motion carries.

3. **EASEMENT VACATION / LOT MERGER (LRE)**

A. Consider approval of an easement vacation / lot merger (amended final plat) for "**Lots 154 and 155 of Castle Rock Subdivision Phase 2.**" The property is zoned R-1-10 (Single Family Residential, 10,000 sq. ft. minimum lot size) and is located at Broken Bow Drive and Cascade Canyon Circle. The representative is Mr. Brandon Anderson, Rosenberg Associates. Case No. 2015-LRE-010 (Staff – Todd Jacobsen) *Note: This item will be a public hearing at City Council*

Todd Jacobsen presented the item. The merger is to allow the owner to build an accessory structure on the other lot.

MOTION: Commissioner Julie Hullinger made a motion to approve item 3A and authorize chairman to sign.
SECONDED: Commissioner Ro Wilkinson seconded the motion.
AYES (7)
Commissioner Ro Wilkinson
Commissioner Don Buehner
Chair Ross Taylor
Commissioner Nathan Fisher
Commissioner Diane Adams
Commissioner Julie Hullinger
Commissioner Todd Staheli
NAYS (0)
Motion carries.

B. Consider approval of a lot split for "**140 West 400 South.**" The property is zoned RCC (Residential Central City). The representative is Mr. Scott Woolsey, Alpha Engineering. Case No. 2015-LRE-008 (Staff - Todd Jacobsen).

Todd Jacobsen presented the item. There is an existing lot in the RCC zone that the owner would like to split. To do so one lot has to be at least 5,000 s.f. and the other lot needs to be at least 8,000 s.f.. The split does meet the code but the home on the smaller lot will need to meet the architectural standards as laid out in the code. Those restrictions will be put on the deed.

Chair Ross Taylor asked if the lot meets minimum lot width requirement.
Todd Jacobsen said it does meet the minimum frontage requirement.
Assistant City Attorney Victoria Hales asked if the existing house meets setbacks and other standards.
Todd Jacobsen said yes, we did review that.

MOTION: Commissioner Don Buehner made a motion to approve Item 3B for a lot split as it

appears to meet the requirements to do so.
SECONDED: Commissioner Todd Staheli seconded the motion.
AYES (7)
Commissioner Ro Wilkinson
Commissioner Don Buehner
Chair Ross Taylor
Commissioner Nathan Fisher
Commissioner Diane Adams
Commissioner Julie Hullinger
Commissioner Todd Staheli
NAYS (0)
Motion carries.

C. Consider approval of an easement vacation / lot merger (amended final plat) for "**Lot 533 & Lot 802 of the Ledges of St George Phase 5 & Phase 8, respectively.**" The property is zoned PD-R (Planned Development Residential) and is located at 2181 West Long Sky Drive (in the Ledges Development). The representative is Mr. Michael Draper, Rosenberg Associates. Case No. 2015-LRE-013 (Staff - Todd Jacobsen) *Note: This item will be a public hearing at City Council*

Todd Jacobsen presented the item. The northern parcel has an existing house that takes up most of the lot. At the rear of that existing house is a swimming pool. They would like a pool house on the back parcel. They would like to vacate the easement and merge the lots and then attach the pool house to the existing home as an addition. There is a fence in the setback that they will need to push back from where it is to meet the setback standard of 25'.

Councilman Joe Bowcutt asked if drainage is going to be a problem.
Todd Jacobsen said no, the drainage will need to be to either street.

Commissioner Nathan Fisher asked if this will be a change on the deed or a plat amendment.
Todd Jacobsen explained there is an option in State Law to make this amendment by document which is the route we chose.
Ro Wilkinson asked where the property is accessed.
Todd Jacobsen said there is a fence that she will add some landscaping and such to so the adjacent owners on the rear of her existing home do not encroach on her property.

MOTION: Commissioner Nathan Fisher made a motion to recommend approval of Item 3C.
SECONDED: Commissioner Julie Hullinger seconded the motion.
Assistant City Attorney Victoria Hales asked if the approval is conditioned on the fence moving.
Commissioner Nathan Fisher added the condition that the owner relocates the fence on the Phase 8 lot to meet the setback requirement of 25'.
Commissioner Julie Hullinger seconded the motion.
AYES (7)
Commissioner Ro Wilkinson
Commissioner Don Buehner
Chair Ross Taylor

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

4. **VACATE PUBLIC STREET (LRE)**

A. Consider approval to vacate the remainder of a public street / right of way for **200 East Street** located at 200 East Street between Blocks 10 & 11 of the Jesse W. Crosby Entry (approximately between 1600 and 1670 South)(near the Dixie Center). The representative is Mr. Brandon Anderson, Rosenberg, Associates. The property is zoned C-3 (General Commercial). Case No. 2015-LRE-011. (Staff - Todd Jacobsen) *Note: This item will be a public hearing at City Council*

Item pulled from the agenda.

B. Consider approval to vacate the remainder of a public right of way for **"Old Alignment of Indian Hills Drive / Tonaquint Drive."** The representative is Mr. Reid Pope, L.R. Pope Engineering. The property is zoned PD-C (Planned development Commercial) and is located at the rear property of 324 West and 302 West Hilton. Case No. 2015-LRE-015. (Staff - Todd Jacobsen) *Note: This item will be a public hearing at City Council*

Item pulled from the agenda.

5. **PRELIMINARY PLATS (PP)**

A. Consider approval of a preliminary plat for a ninety-one (91) lot residential subdivision for **"Desert Crest."** The owner is Quality Development LC & Quality Venture One LLC, the applicant is Development Solutions Inc, and the representative is Mr. Ken Miller. The property is zoned PD-R (Planned Development Residential) and is located at approximately Desert Canyons Parkway and Rim Runner North Street. Case No. 2015-PP-009. (Staff – Wes Jenkins).

Item pulled from the agenda prior to the meeting.

B. Consider approval of a preliminary plat for a forty-two (42) lot residential subdivision for **"Desert Ridge."** The owner is Quality Development LC & Quality Venture One LLC, the applicant is Development Solutions Inc, and the representative is Mr. Ken Miller. The property is zoned PD-R (Planned Development Residential) and is located at approximately Desert Canyons Parkway and Rim Runner North Street. Case No. 2015-PP-010. (Staff – Wes Jenkins).

Wes Jenkins explained that the western-most road is Desert Canyons Parkway. Desert Canyons Parkway will need to be dedicated prior to Desert Ridge recording. There is a trail along the East

side of Desert Canyons Parkway. Desert Canyons has to be improved to the entrance as well as the access into the subdivision.

Chair Ross Taylor asked if Desert Crest Phase 1 includes these lots.
Wes Jenkins said Desert Ridge lies within Desert Crest.
Assistant City Attorney Victoria Hales added that this plat is subject to the roadways being dedicated as well as an open space dedication.

MOTION: Commissioner Diane Adams made a motion to approve Item 5B subject to open space dedication as well as Rim Runner North and Desert Canyons Parkway being improved and dedicated.
SECONDED: Commissioner Don Buehner seconded the motion.
AYES (7)
Commissioner Ro Wilkinson
Commissioner Don Buehner
Chair Ross Taylor
Commissioner Nathan Fisher
Commissioner Diane Adams
Commissioner Julie Hullinger
Commissioner Todd Staheli
NAYS (0)
Motion carries.

C. Consider approval of a preliminary plat for a thirteen (13) lot residential subdivision for "**Tonaquint Heights Phase 2.**" The owner is Quality Properties, Inc., the applicant is Development Solutions Group, Inc., and the representative is Mr. Logan Blake. The property is zoned R-1-40 (Single Family Residential 40,000 square foot minimum lot size) and is located south of 2440 South in the general vicinity and west of Tonaquint Drive (1170 West and Chandler Drive). Case No. 2015-PP-011. (Staff – Wes Jenkins).

Wes Jenkins presented the item. The original approval for Tonaquint Phase 1 was distributed to you prior to the meeting. Some of those lots were given to a church and gave way to the cul-de-sac. Tonaquint Phase 1 was lots 3, 4 and 12 on the drawing. Now they want to build the remaining lots. Lot 15's configuration has changed a little bit. This went to hillside a long time ago. There are open space areas to be dedicated to the City. This is zoned R-1-40 however they are doing a cluster development similar to lot size averaging. The whole area meets the density of R-1-40. The lots are smaller than 40,000 s.f. because of the open space dedication. The pad layout was approved by the Hillside Review Board and the buildable area is defined. Most of the lots shown meet the original layout except 107, 106, 114 and 110.

Chair Ross Taylor asked if the buildable areas are staked out.
Wes Jenkins said they will have to tie the buildable area to the property line and then stake it out prior to building. Right now they will put in roads and utilities and then the buildable pad area will have to be staked out at the grading permit stage. There are CCRs that will define it even tighter than that. Lots 107, 106, 114, and 110 the pad is shown differently than the original approval. The

applicant will amend that to reflect the original approval. Your recommendation is subject to them reverting back to the original approval.

Commissioner Don Buehner is the proposed road different than the original.
Wes Jenkins said the road configuration is the same except there is a cul-de-sac rather than a through street. The changes from the original approval are the four lots, lots 107, 106, 110, and 114. The rest match except for lot 116 but that's where the cul-de-sac was built so staff felt that matched the intent of the original approval. Lot 111 would also need to be amended.

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

Commissioner Nathan Fisher asked if the open space is being deeded to the City.
Assistant City Attorney Victoria Hales said yes, but not the no disturb areas.
Wes Jenkins explained that you can disturb the driveway area and then your pad.
Assistant City Attorney Victoria Hales added that it will be on the plat as a no disturb area.

Councilman Joe Bowcutt asked if the City wants the proposed open space dedication.
Wes Jenkins said that was in the original approval. It will remain undisturbed as an open area with rock formations and unique features.

Commissioner Nathan Fisher asked if Planning Commission needs to do anything to verify that buildable area.
Wes Jenkins said the phase 1 plat and this plat show the lot boundaries as well as the buildable pad areas.
Commissioner Nathan Fisher asked if it is enforced.
Wes Jenkins said that we rely on the engineer. We do perform a pre-lot inspection and there will be orange fencing protecting the no disturb area.
Assistant City Attorney Victoria Hales added that if someone were to come in for a pool permit our building department refers to the notes on the plat.

Commissioner Don Buehner asked why the item is being pushed through when it's not complete.
Wes Jenkins said Planning Commission can table the item and bring it back later. They have already started working on the roads because of the original approvals. The push is time.

Commissioner Don Buehner asked if timing is a rush or just convenience.
Wes Jenkins said the plat will be revised between this meeting and City Council.
Assistant City Attorney Victoria Hales advised that the Planning Commission can ask the applicant to bring the item back, recommend approval, recommend approval with conditions, or recommend disapproval. It is within your purview to ask for more information.

Commissioner Nathan Fisher pointed out that even if the item is recommended for disapproval it will move forward to City Council.
Assistant City Attorney Victoria Hales concurred and added that legal has not reviewed this item.

Ryan Thomas (Development Solutions) explained: my recollection was that this preliminary plat was to take care of something that staff and we didn't realize that the plat needed to be brought

forward again. We didn't realize the church property changed the plat. This is to reflect what really is built out there, so this plat is to reflect what the final plat would be so they agree.

Commissioner Diane Adams asked if the final plat will reflect all the conditions tonight.
Ryan Thomas said yes. It will address the no disturb area. We thought the Preliminary Plat was okay because we were looking at the old approvals. The construction drawings were approved and everyone missed the original Preliminary Plat so this is really a house keeping item.

Commissioner Don Buehner said he didn't think he would know the difference between the building pads anyway so there is an advantage to pointing those out and I don't see a problem moving forward.
Ryan Thomas added that this preliminary plat occurred back in 2004 so the reason this sat so long and why we're holding back on the south side of the plat is the 100' setback from the edge of the cliff there. That's why the City agreed to take that Open Space.
Commissioner Nathan Fisher added that he agrees that this can be cleaned up prior to Council and that we can move forward.

MOTION: Commissioner Nathan Fisher made a motion to recommend approval of Item 5C based on staff comments; approval is subject to the applicant adjusting the applicable no disturb areas for lots 106, 107, 110, 111 and 114.
SECONDED: Commissioner Diane Adams seconded the motion.
Assistant City Attorney Victoria Hales asked if it also is subject to the Open Space being dedicated with the plat.
Wes Jenkins said it would be.
AYES (7)
Commissioner Ro Wilkinson
Commissioner Don Buehner
Chair Ross Taylor
Commissioner Nathan Fisher
Commissioner Diane Adams
Commissioner Julie Hullinger
Commissioner Todd Staheli
NAYS (0)
Motion carries.

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

Consider a request for a Conditional Use Permit for permission to construct a detached accessory **RV garage** with an attached **covered outdoor living patio** and an **attached pool equipment room** that will exceed the allowable ridge height of fifteen (15') feet. The property is zoned RE-20 (Residential Estate 20,000 sq. ft. minimum lot size). The property is Lot 78 of the Meadow Valley Farms subdivision and is located at 2433 E 3995 S. Case No. 2015-CUP-006. (Staff – Ray Snyder).

Ray Snyder explained the following:

This property is a corner lot. The request tonight is for a detached RV garage. They will also have an outdoor living area and then a small pool equipment room. There will be a changing room with shower near the pool. There is an elevation change on the property that they account for in their plans.

Ray Snyder went through a power point presentation illustrating the site plan and elevations for the proposed structure.

Ray Snyder continued: There will be a 16' wall for the RV area and 12' for the outdoor area. I have not received any calls or letters for this request. The driveway widths do meet code. The structure will be 10' from the north property line and meet setbacks of the code. The structure will be 85' from the home. The ridge height is 28' and will not encroach into City easements. The structure will have similar finishes to the main home. There are standard findings to be addressed.

Ray Snyder went through the applicable findings.

Commissioner Todd Staheli asked if the shower will be on septic or sewer.
Ray Snyder said, if available, they would have to connect to the sewer. That is looked at when the plans come in at the building permit stage.

Keean Welch (contractor) said the City sewer does come out to about where the south end of the proposed driveway sits.

Councilman Joe Bowcutt asked if the house is already there.
Keean Welch said it is under construction.

Councilman Joe Bowcutt asked if there will be a wall along the frontage because it's a corner lot.
Ray Snyder said staff hasn't looked at the walls yet but the double fronting standard does not apply.

Commissioner Todd Staheli commented that Item G, height, describes a photo simulation that shows all the sides and we rarely see those. We are supposed to see how it fits into the surrounding area and I've only seen that a few times. Can that be waived as a condition rather than us ignoring it?
Ray Snyder commented that the photo simulation really applies to commercial projects.
Chair Ross Taylor said that needs to be established so it doesn't look like we're ignoring it.
Commissioner Todd Staheli said it would be nice to see them.
Chair Ross Taylor added that the application says it's required and we rarely see it so it either needs to be provided or reworded.
Ray Snyder said staff doesn't expect it for single family projects. We do have the 2d elevations.
Chair Ross Taylor countered that it doesn't show how it affects the neighborhood. If we require it then we ought to have it.
Don Buehner asked how significant the grade change is.
Keean Welch said it's about 3'.
Commissioner Don Buehner asked if the RV garage will be down at the road level.
Keean Welch said right, it will sit down.

Commissioner Don Buehner noted that it will be less intrusive to the property north of the proposal than written due to the grade change.
Commissioner Todd Staheli said that adds to the need to see the simulation.
Commissioner Nathan Fisher noted there are many detached garages in that area.

Councilman Joe Bowcutt asked if there is a restriction on how close the driveway can be to the intersection.
Wes Jenkins said no, there wouldn't be.

Chair Ross Taylor opened the public hearing.

Chair Ross Taylor closed the public hearing.

Assistant City Attorney Victoria Hales added that this CUP does run with the land so, if granted, it will go to subsequent owners.

MOTION: Commissioner Diane Adams made a motion to approve the CUP Item 6 subject staff comments, any detrimental effects have been mitigated, and the findings: D similar to home, height per the staff report, and J which is to maintain the character and purpose of the zone.
SECONDED: Commissioner Todd Staheli seconded the motion.
AYES (7)
Commissioner Ro Wilkinson
Commissioner Don Buehner
Chair Ross Taylor
Commissioner Nathan Fisher
Commissioner Diane Adams
Commissioner Julie Hullinger
Commissioner Todd Staheli
NAYS (0)
Motion carries.

7. **GENERAL PLAN AMENDMENTS (GPA)**

A. Consider a General Plan Amendment from LDR (Low Density Residential), to BP (Business Park) or PO (Professional Office) on approximately 11.3 acres. The property is generally located at 3025 South River Road (*approx. 1,300 LF of frontage along the south side of River Road at the intersection of River Road and Tamarisk Drive – adjacent to the Bloomington Hills subdivision*). This proposal is to change the General Plan to allow for the future submittal of a zone change for "**Dixie Power**," to allow development of a professional office for a utility company. The applicant is Dixie Escalante Rural Electrical Association and the representative is Mr. Jared Madsen, Alpha Engineering. Case No. 2015-GPA-002. (Staff – Ray Snyder).

Ray Snyder explained the following:

There is an existing building and circular drive as well as the substation and yard. There are residences to the northwest. The intent in the future is to build two-story offices for Dixie Escalante. Back in 2004 this project came in as a Conditional Use Permit for a public utility. The applicant submitted the request as Business Park but staff noted that outdoor storage is not allowed in such an area, so we want to make sure that whatever zone this ends up as is truly what they are asking for. Staff has suggested that Professional Office be utilized instead. Staff recommended to the applicant that the applicant come forward with a CUP rather than a General Plan Amendment but the applicant would prefer to change the land use. If the land use amendment is requested then staff would prefer PO over BP. Staff does want to point out that the land use stays with the land and so if recommended for approval varying projects may occur at this location.

Ray Snyder went through the staff report comments.

John Czar stated that are no current plans to use the facility different than the current use.
Russell Condy (DREA) – before 2004 we did have pole storage and such there – those have been relocated to Ft. Pierce. We do have open storage at this location that would remain but there are no plans to increase the substation. The application is more to rezone so we can have an office.

Chair Ross Taylor asked why there was a need for a general plan amendment rather than the CUP when a CUP can be granted.
Russell Condy said the request is to allow a new facility to be built in the future.
Commissioner Nathan Fisher said when the recommendation was made in 2004 it excluded the area SW of the existing transformer.
Chair Ross Taylor asked why the applicant wouldn't expand the existing CUP.
John Czar replied the applicant would rather not expand the CUP. The GP would allow us to ZC in the future and come forward with a PD with a more restrictive use list and colors and materials.

Ray Snyder added that one letter was received in favor of the proposal.

Commissioner Nathan Fisher asked if a PD was allowed in both the BP and PO land use designations.
Ray Snyder stated the PO designation with PD-AP zoning is preferred by staff.

Commissioner Ro Wilkinson asked if the existing office were moving to the new designation.
Russell Condy explained that a new office building for staff will be built and the existing building will be for customer service.

Chair Ross Taylor opened the public hearing.

Chair Ross Taylor closed the public hearing.

Assistant City Attorney Victoria Hales counseled that the Planning Commission has broad discretion to decide what land use is appropriate in this location.

Commissioner Don Buehner asked if this was a recommendation to Council or a Planning Commission decision.

Assistant City Attorney Victoria Hales explained that it is a recommendation; the Planning Commission is responsible for recommending amendments to the general plan to Council.

MOTION: Commissioner Ro Wilkinson made a motion based on comments by staff and legal to accept the general plan amendment to Professional Office (PO).
SECONDED: Commissioner <><> seconded the motion.
AYES (7)
Commissioner Ro Wilkinson
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 General Plan Amendment from LDR (Low Density Residential) to COM (Commercial). The proposal is to change the General Plan to allow for the future submittal of a commercial zone change. The property is located on the north side of 1580 East and River Road on approximately 1.4 acres. The applicant is River Road Inv. and **Shefco** and the representative is Mr. Mike Sheffield. Case No. 2015-GPA-001. (Staff – John Willis)

John Willis explained the following:
This property is near Bundy Lane. The zoning is currently R-1-10. The general plan amendment is to extend the commercial bubble south to the Bundy Lane intersection. The exhibit supplied shows their entire potential development however tonight's proposal is just to see if commercial makes sense in that area. Building heights and other items relevant to zoning are not up for discussion at this stage in the process. In review of the general plan and policies it does support neighborhood convenience commercial centers at appropriate locations along an arterial street to reduce the need for cross-town travel. At the time of a zone change request a traffic study will be required. Before development proceeds traffic will be reviewed. Staff believes that this would be a difficult location for residential development. The expansion to 1.4 acres of commercial is supported by the general plan policy.

Assistant City Attorney Victoria Hales asked staff to address how the residents in that area get access to River Road and whether or not the commercial development will have access on the same road.
John Willis stated that Bundy Lane has been utilized for a long time. Any commercial traffic that comes through staff would have to address. I do not believe that commercial would be able to access on that road.
Commissioner Nathan Fisher noted that the design shows access from River Road with an entrance on the north side of the building so Bundy Lane would see the back of the building. Legally they can go off of Bundy Lane because they own it.

Wes Jenkins added that Bundy Lane is a private road so more than likely commercial traffic would utilize River Road.

Assistant City Attorney Victoria Hales counseled that we are not approving this design or layout we are only looking at the general plan.

John Willis reiterated that we are looking at the commercial bubble and if it should extend south to Bundy Lane. Any building heights, locations, uses, etc to be discussed will be addressed at the ZC stage.

Commissioner Don Buehner asked how far the commercials extend north from Bundy Lane.
John Willis said the commercial bubble of the general plan extends 100 feet or so.

Commissioner Don Buehner asked what the green line in the letter from residents there means.
John Willis explained that the neighbors are proposing that some of that remain residential.

Chair Ross Taylor – it appears to me that the intent of the applicant is to put a building right along the edge of Bundy Lane and it seems that the resident concern is to get that building a bit further away than it sits.

Mike Sheffield (applicant) – our goal is to create quality neighborhoods. We believe we create high quality products and would like to continue adding value to the area. The first phase of this development is the frontage of River Road on the west side and the amendment tonight is the southernmost tip. We do have a general rendering of what these buildings will look like. The potential occupant for this change would be Stevens Henagar College. The development will be self contained and access will be north of the parking lot off of River Road.

Assistant City Attorney Victoria Hales interrupted stating tonight's request is not to consider design. Tonight is only to consider if that section of River Road should be changed from residential to commercial.

Mike Sheffield continued:
Bundy Lane is a complication because we do want that road there for Bundy Lane. The reason the road has extended is because the road was diverted around a rock and the road moved around it, however our property line is in that lane. Our proposal is to work with those on Bundy Lane to remove the bubble and correct the road. We want to keep the same intersection but realign the road slightly. Again, that road will not access into the commercial development. Will buildings block my view? No – there is an elevation difference of 32' as well as the 20' separation of Bundy Lane.

Assistant City Attorney Victoria Hales interrupted stating the roadway is relevant to determine the extent of the general plan amendment, but the other details such as tenants and heights will not be addressed.
Mike Sheffield added that the traffic study is underway and should be done in the next few weeks. We believe this will be a good transition as a natural barrier due to the elevation difference. Residential uses are not feasible in this location.

Wes Jenkins stated the road will be dealt with as they come in at the zone change process and the intent is to ensure access is still provided to the residents.

Chair Ross Taylor reiterated the issue tonight is if that corner is appropriate for residential or commercial.

Chair Ross Taylor opened the public hearing.

Tim Martin – St. James – our request is that the provisions agreed to a year ago when Boulder Creek came in are met. You are to consider, in total, the traffic study, and the developer was to work with the neighbors. None of those things are happening and yet the change is before you. Neighbors did receive the newsletter but the newsletter was received the day of the meeting. The drawing on the back of that letter is different than what you are looking at tonight. We are not comfortable because we don't know what we're really going to see. The objection is to see this all at once after the traffic study and with the collaboration of the neighbors. This project is not to come in piecemeal. There was also supposed to be a major anchor but all we hear are pieces like a car wash or office. What are we in store for if we do this a chunk at a time? The west side is being looked at but the east side is being ignored. We were to see and be able to comment on the entire plan.

Commissioner Don Buehner asked Mr. Martin if he sees a better land use designation for the area. Tim Martin said no, we really don't. I'm sure Bundy Lane would want it residential but there were some items to be addressed from previous meetings that have not been addressed.

Commissioner Nathan Fisher reminded everyone the purpose tonight is just if the 1.4 acres is to be commercial. If you want to see the entire vision for the project we cannot make the applicant do that at the general plan stage. We need to know factually what the best use for that property would be.

Jake Stabney – Boulders – I understand that this issue is narrow tonight for you, but it is not narrow for us. The Sheffield's were told to do the traffic study, the project was to be presented all at once and we're seeing pieces. We don't know what the businesses are. This issue has generated more animosity and concern than you can imagine in St. James and Boulders. This is not a simple question. A year ago the rules were laid out and those items have not been done. If you are going to allow incremental use then residents need to know that. We don't think it's a good idea – we need to see the whole project. I don't know what to put in there but I would not want my clients to have to deal with that intersection. It's such a small piece of land. Lastly, this commission should not have to deal by piece by piece and have us up here complaining at things. They should not be dumping their problem on us or on you. They haven't done what they were told to do. One additional condition was that they were to meet with the neighbors and they haven't done that. We are all concerned about traffic. The Sheffield's need to meet with our neighborhood council and then with staff. Reject this proposal tonight and make them do what they were told to do.

Commissioner Don Buehner explained the process that this goes through is layered. Tonight's process is narrow and to determine best use for this area. Many of your concerns would be addressed after this process when the zone change comes forward. The general plan does not have

force of law – this is just to see best fit. A zone change will come later and that will address what you've brought up. There is no way to address that at this stage.
Chair Ross Taylor added that the rules have not changed.

Commissioner Julie Hullinger left at 7:15 pm

Commissioner Nathan Fisher moved for a recess at 7:15 pm.

Meeting resumed at 7:22 pm.

Commissioner Nathan Fisher left during the recess.

Chair Ross Taylor – for clarification – the intent for a planned development on both sides of the road would be presented at the zoning stage of the process. The issue before you tonight is an entirely different issue. Mr. Sheffield's proposal is 1.4 acres being changed from LDR to COM in the general plan and extend the commercial another 200' along River Road, and does this make sense. This is to determine best use of the property. Mr. Sheffield is not stepping away from the directive he was given. This has nothing to do with design or other issues yet. We have a narrow scope tonight and everything discussed tonight needs to stay in that scope.

Steven Sheffield explained we originally submitted the zoning on the other properties and as a favor to the residents we were asked to speculate potential tenants. We have tried to meet requests and it created a picture that wasn't accurate. We then postponed everything and the animosity built up has been very personal and that is why I am handing everything over.

Assistant City Attorney Victoria Hales asked Mr. Sheffield to direct his comments toward the General Plan Amendment.

Steven Sheffield stated the best use is commercial as the rest of the frontage is commercial. The logical use and best buffer will be a professional office. We have a long term tenant lined up and this will be an appropriate request. Staff has requested that before we move forward with zoning on the west side we get this GPA in place first. Then when the traffic study is complete for all of the development it will come forward with the zone change.

Tom Durant – Bundy Lane – I signed the letter before you. Bundy Lane has been a residential street for decades. There are two vacant lots left. A few of us have worked with Sheffield and have been agreeable to some items but not having commercial there at the corner. We do not oppose the request other than Bundy Lane continuing as residential. From our street south is all residential. I have heard from multiple people that they would be willing to use that lot as residential. We don't oppose the development. We are agreeable to it with limitations. We do oppose changing the general plan to allow commercial up to Bundy Lane. Our request for your consideration is that Bundy Lane remain residential.

Carol Bundy – I've lived on Bundy Lane for 33 years. I've raised my children there and now have family also on Bundy Lane. There is more at stake than the developer wanting to make more money. I feel like that fact that I own property as well is being ignored. Bundy Lane is only a lane.

It's small and quiet. Your decision could impact us immensely so I caution you to be wise and consider the residents on Bundy Lane who will be greatly impacted. It's just 1.4 acres. That area could be used for another home and the integrity of the lane could be maintained. We want to maintain the safety and quaint feel.

Hal Hickman – Cobblestone in the Boulders – the plot you have before you has the 1.4 acres proposed to change – across the street there is a line that runs east. That property is in the general plan as residential and that line is a buffer to protect the residents. This is really a camel's nose in the tent. If you change this piece then the piece across the street is also up to change. We believe there should be a buffer between the existing homes and the proposed commercial. We are not against commercial development we believe a buffer is important. This 1.4 acres is essential to that buffer.

Jared Taylor – Bundy Lane – I moved closer to family – we moved onto Bundy because my wife grew up there and that's where we wanted to raise our family – surrounded by family on a quiet street. I think the development will be great but that corner piece is property wanted by residents and citizens to build a home on so they can be closer to family. We're not asking for a lot. I have offered to purchase some of that property and the request was unheard as commercial property is worth more money. My argument is what is worth more?

Chair Ross Taylor closed the public hearing.

Commissioner Don Buehner – I always appreciate the public sharing concerns. My comment is that there are some developments that have an access into residential lanes that can take people away from a busy road. Putting a family that close to River Road is a concern to me. I get the arguments made but I don't know that continuing residential will enhance someone's experience in that area.

Chair Ross Taylor agreed that trying to see this as a residential property is a struggle. I struggle seeing a high wall along that frontage if that remains residential. I love Bundy Lane and the people there and appreciate your concerns but as I try to see a home there it will be costly to make and maintain. You might be able to add two more families there but they wouldn't have the same quality of life as you've experienced. I cannot see a family on that corner fenced in.

Commissioner Don Buehner stated 90% of the concerns brought up regarding process and expectations are all addressed at the zone change level so again this is to determine if this piece is better for two small residential lots on River Road or for a continuation of commercial.

Commissioner Todd Staheli – I read the letter and saw the green line and I do struggle if that should be residential or commercial. I wouldn't want a house on River Road, but I'm sure there are people who don't mind. I'm going back and forth and I see some value in keeping part of it residential for one possibly two homes. I don't' know what that would do to the feasibility of the commercial project.

Commissioner Diane Adams said I appreciate the concept of a buffer zone. The letter with a green line as residential may not leave enough room to develop a commercial project.

Assistant City Attorney Victoria Hales counseled that you can recommend to City Council a modification. The vote does need to have a majority vote of 4. You can recommend approval, denial, or approval with modifications.
Councilman Joe Bowcutt stated that even if that remains residential there will be commercial right up to it. If someone else buys that we'll be in the same scenario.

Commissioner Todd Staheli countered that the people who buy those lots will know that it is designated as commercial behind them.

Commissioner Don Buehner said this has nothing to do with property values. It is to keep the best interest in mind. I don't really see a buffer currently.

MOTION: Commissioner Todd Staheli made a motion for Item 7b that we approve the general plan amendment with the modification that 100' off of Bundy Lane remain as Low Density Residential.
SECONDED: Commissioner Diane Adams seconded the motion.
Councilman Joe Bowcutt asked what the balance of the property would be.
Commissioner Todd Staheli said it could be commercial.
Councilman Joe Bowcutt said if I were the developer that would not leave enough space to do anything.
Commissioner Todd Staheli said with the scope we're looking at that isn't the question.
Councilman Joe Bowcutt said– I would withdraw as a developer then as that doesn't do anything. If you put 100' with residents there yes future people will know, but I can't see someone loving that piece. I think there is a buffer already.
AYES (2)
Commissioner Diane Adams
Commissioner Todd Staheli
NAYS (3)
Commissioner Ro Wilkinson
Commissioner Don Buehner
Chair Ross Taylor

MOTION: Commissioner Don Buehner made a motion that based on public comments related to this piece of land and acknowledging the concerns, we recommend to City Council they consider a GPA to the 1.4 acres proposed be changed to commercial adding that it is my estimation that in the end, not withstanding the concerns we've heard, that that would be the best use for the community for that area.
SECONDED: no second
Chair Ross Taylor stated the motion dies for lack of a second, and no other motion was forthcoming. This item will go forward to City council with no recommendation from the Planning Commission. The City Council will also address this item as a public hearing item.

C. Consider a General Plan Amendment from BP (Business Park) to HDR (High Density Residential) on approximately 6.037 acres. The property is generally located at 415 South Dixie Drive behind the existing building on the property. This proposal is to allow

for the future submittal of a zone change for a high density project. The owners are Mr. Dennis **Garr** and Mr. Gordon Lyle. The representative is Mr. Dennis Garr. Case No. 2015-GPA-003. (Staff – John Willis).

John Willis explained the following:
There is an existing building on the property. This previously came forward in the past as one comprehensive project. The original approval was for a senior citizen mixed use development. Most of the uses were geared toward senior citizens. The General Plan is Business Park and the zone is PD-CR which is a mixed use development. The building will remain and the rear portion is proposed as High Density Residential. The general plan will be the guide for any future zoning approvals. The surrounding area is mostly low density residential. There is some commercial and some PD-R zoning with MDR general plan around it. The original approval was for mixed use and density is based on the general plan. If the general plan is commercial then the allowance is HDR. As the proposal is no longer mixed use the general plan needs to change. There were 144 units approved originally however senior housing has a lesser impact than a multi family project. One other issue with the site is access. There is an existing building and then a 50' easement that runs through the front property to access the rear section. With one access there can only be 50 units. Staff feels that MDR is more appropriate than HDR. We did receive one letter regarding this proposal. Again this is to determine if is HDR is an appropriate general plan designation for this area.

Councilman Joe Bowcutt stated that he thought the senior housing approved at one time was only out on the road between Dixie Drive and the existing building
John Willis said the approval was for the site in general. This used to be one lot and now the lot has been split into two lots.

Councilman Joe Bowcutt asked if the easement through has to be a standard road and at what width.
John Willis stated there are many questions regarding that easement. Those will be addressed with the site plan to minimize any potential conflict. The easement is 50' which should accommodate a road. There would need to be hydrants and the one access limits him to 50 units.

Commissioner Ro Wilkinson asked if staff recommends senior housing at this location.
John Willis stated that was the original approval.

Commissioner Diane Adams asked if one access allows 50 units.
John Willis said yes, the applicant is working on a second access. If found a second access would allow greater density. We would need to look at the site in the future to ensure parking and other conflicts are met.

John Willis noted that staff recommends MDR which is up to 9 units an acre on the 6 acres so 54 units which is in line with what one access would allow.

Dennis Garr explained that we wanted to build 2 story buildings with 70 units. With the one access we were hoping for 52 units. The owner lost the back half and when we bought it then we found out the issues. We're trying to get the 2nd access and then have 72 units – if not we'll have to go with the 52. On the NE corner there was a crash gate for fire emergencies.

Chair Ross Taylor asked if the applicant would like to withdraw the HDR request.
Dennis Garr explained when we bought this land it was a different staff and we did the work for 72 units and thought everything was in place. We just want to do what we had in place at one time.

Commissioner Don Buehner countered that there is only one access.
Dennis Garr said if the MDR is 52 units with one access we're agreeable to that.

Commissioner Todd Staheli asked if you want to change from HDR to MDR.
Dennis Garr said we don't anticipate another access so we're okay going down to MDR.

Chair Ross Taylor opened the public hearing.

Chris Bromberger – I represent the neighbors – we have huge concern with the amount of traffic flow right behind and to the east. Our concern is that when you're looking left the "S" in Dixie Drive is so sharp that you don't have much time and there's a blind spot there. My concern is that right behind that corner is where you pull into this development. We've asked for a light there and there's already a light close enough to this to prevent that. There is existing traffic flowing in and out of there from the established building. It's not just the 52 new units it's also the commercial already there. We don't want to be harmful to this new owner we just want a lower density to be considered because of traffic.

Dennis Garr said when this was previously approved the access was there to line up with the drive across the way. We do have a deceleration lane. It will also be a RI/RO. We can't change the access as it was approved before.

Councilman Joe Bowcutt stated that since Dixie has hooked into the freeway that road has increased the traffic.
Dennis Garr said the TIS was based on the units from back then for senior housing and assisted living.
Councilman Joe Bowcutt asked if the access can be on the north side of the property.
Dennis Garr said that is preferred but not in our control.
Assistant City Attorney Victoria Hales counseled that tonight's decision is not with the access but if MDR is appropriate for the general plan.

Commissioner Don Buehner asked if the general plan was left as is what could be developed.
John Willis said the original approval was mixed use with HDR on the entire parcel.

Commissioner Diane Adams said that's the difference. This piece is not part of the original intent.
John Willis said the issue we have now is that it's residential but the GP doesn't match. It is no longer a mixed use project and BP has no residential density associated with it. The mixed use project is gone, so if residential comes in now it has to go back to the general plan. We are trying to clean it up.
Commissioner Don Buehner asked why BP doesn't make sense to staff.

John Willis stated no one wants to use the site. That site has struggled for years to try to be successful. Looking at the current application is why staff brought this forward as a general plan amendment.

Christine Bromberger approached to reemphasis the traffic problems. It's scary pulling out because you can't see the cars coming around the curve.

Chair Ross Taylor closed the public hearing.

Commissioner Don Buehner said it's difficult to tell what best serves the community because there are so many problems there.
Commissioner Todd Staheli noted the traffic is intense and I struggle adding more units but having the units back there would be a benefit to the success of the area.
Chair Ross Taylor said the BP has not been fruitful. As this is vacant land behind a warehouse it may be challenging as residential but I don't see another use being beneficial at all. It would seem the designated remaining as BP is fruitless.

Commissioner Don Buehner stated with accessibility which is unfortunate and traffic as it I suggest that other designations be considered which may be beneficial. There are other designations available.

MOTION: Commissioner Don Buehner made a motion to recommend to City Council that they not approve a the General Plan Amendment request to change the designation to MDR based on the fact that there are other uses to be considered and the difficulty of access and existing traffic issues as it may not be the best use of the property.
SECONDED: Commissioner Diane Adams seconded the motion.
Commissioner Todd Staheli asked what land use would be better.
Commissioner Don Buehner said he didn't have a recommendation.
Assistant City Attorney Victoria Hales asked if the Commission's recommendation is for the land to stay as BP for now.
John Willis stated the problem with commercial is you don't have frontage and Single Family will be difficult.
Commissioner Don Buehner asked if a senior citizen planned development would work.
Commissioner Todd Staheli asked how many Single Family homes could go there.
John Willis said 24 homes would be possible.
AYES (3)
Commissioner Ro Wilkinson
Commissioner Don Buehner
Commissioner Diane Adams
NAYS (2)
Chair Ross Taylor
Commissioner Todd Staheli
Motion fails. No further motion was forthcoming. It will proceed to Council with no recommendation.

8. **ZONE CHANGE (ZC)**

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 PD-C (Planned Development 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 (AWA)'. Case No. 2015-ZC-006 (Staff – Ray Snyder).

Commissioner Don Buehner stepped away at 8:52 pm

Ray Snyder explained the following:
The request is to change the zoning to PD-C. The general plan does support this request. As part of the zone change you are approving the layout and concept but really the main thing tonight is the Smith's Market Place, fuel center, and signage. A colored site plan has been presented – you are approving a conceptual layout. The project would be done in phases.

Commissioner Don Buehner returned at 8:55 pm

The outlying units will come back as amendments. We ask that the entire property be rezoned and the subsequent buildings come back later. The dimensions are on the elevations. The majority of the building is at a lower elevation with higher aesthetic pieces. They have added a fuel center and felt it was okay to present tonight. The fuel center is a canopy and small building that matches the larger building. The use list has been discussed with staff at length. I don't know that the wording at the top of the use list is relevant but I do want you to look over the list for the entire site. The uses did look reasonable to staff.

Chair Ross Taylor asked that on page 3, prohibited uses, substitute sexually oriented businesses rather than what is listed.
Ray Snyder said that as far as the City ordinance goes, any sexually orientated businesses are only allowed in the M-1 and not in commercial areas.
Assistant City Attorney Victoria Hales stated that the "prohibited uses" should be removed from the use list entirely. It should be removed completely as City and State code already has regulations. As far as the catch all on the first page – that catch all is broad as to negate the use list so I would request that catch all be removed as well.
Commissioner Todd Staheli asked that if the uses will be addressed when each pad comes in. Assistant City Attorney Victoria Hales said no, this is for the entire site so the uses are important to consider.

Ray Snyder clarified that the recommendation is to remove the catch all at the beginning and then the prohibited uses at the end. The sign plan in the packet has been updated and given to you. The request is reasonable with the current code. There is a development agreement between the

developer and the City. In terms of right of way and road we don't see any outstanding issues and it is not a condition on the zone change.

Ray Snyder highlighted the staff comments and example motion in the staff report.

Introductions:
Rick Woodbury (Woodbury Corp)
Keith Buswell (Corporate relations, Wadman Corp)
Bret Wahlen (Anderson Wahlen Associates)

Bret Wahlen – we are excited to be here. I've been working on this project for years. This store is a full service marketplace. There have been 3 built in the last year. The materials we are looking at tonight are colored block and home block to meet more of an earth tone to fit the area. When you get a bigger building like this you need those higher elevations to create some relief. This store is slated for 2017 but we are pushing for a 2016 debut. We do appreciate working with staff. We did table the item to create this PD rather than the general commercial. The signage you see has been done in other Utah communities.

Commissioner Ro Wilkinson departed at 9:23 pm

Commissioner Todd Staheli said the look of the signs is acceptable but I'm concerned about the number of signs requested.
Rick Woodbury explained we would not be building here if we didn't think this was a major commercial road. This is on 28 acres. It's a big site and there are 8 monument signs. They are necessary marketing tools to draw quality tenants. It sounds like a lot but if you put 8 trees on this acreage you would think little of it.
Commissioner Todd Staheli countered that the monument signs can have multiple tenants.
Rick Woodbury said the issue is maintaining visibility for Smith's and still having advertising for the pads. Some are perpendicular rather than facing the roads. Signage only on the building would not be very visible. As for the uses, cutting out the catch all is not a problem. We would prefer prohibited uses rather than only listed available uses. If we tried to list each use individually it would be extensive and we would want to update it often. If it's found in a shopping center in Utah we feel we should be allowed to do that.
Assistant City Attorney Victoria Hales stated that this is a permitted use list so you don't need the exclusionary list.
Rick Woodbury said they can do that. We need a broader permitted use list for uses we can't foresee today.
Assistant City Attorney Victoria Hales stated that "what is customarily allowed in Utah: is not defined and the statement is too broad. PD-C lists permitted uses that you can add to in the future.
Rick Woodbury stated we'll work with what we have but I don't think the language is necessarily bad. The intent is for a shopping center not a limited use area. Another issue is we don't necessary want tattoo or body piercing shops but they are customary now. Is there objection to the incidental use list?
Commissioner Diane Adams said no, there is not.
Assistant City Attorney Victoria Hales said when there are permitted uses in a PD-C we would not normally have the broad language listed at the beginning; the list is only for permitted uses. They

can amend the list at any time. On page three, the prohibited uses would not be listed. They are already addressed elsewhere in the code. Also number 5 on the permitted use list says residential above retail is allowed, and this would not normally be allowed in the PD-C zone; that is more permissible in the C-4 zone.
Rick Woodbury agreed to remove the residential option right now but someday we may come back for that.

Assistant City Attorney Victoria Hales added that there is a development agreement this item is subject to.

Ray Snyder added that tattooing is a conditional use in specific zones; you may want to address that. Microbrewery is another item you may also want to look into.
Assistant City Attorney Victoria Hales counseled that microbreweries do have specific rules regulating them by State law. It is okay to leave that as a permitted use if the Planning Commission would like it listed.
Rick Woodbury asked that tattooing remain as national tenants may want that use.
Commissioner Diane Adams stated she would like tattooing to remain as a permitted use.

Ray Snyder suggested that the 'in conjunction with' uses be listed as separate line item uses.

Chair Ross Taylor opened the public hearing.

Chair Ross Taylor closed the public hearing.

Assistant City Attorney Victoria Hales counseled that this is a PD-C so Planning Commission reviews all aspects of the application: the use list, various building materials, elevations – I didn't see elevation for the fuel center, design, layout, as well as the signage. If you recommend approval, they would be allowed to build in accordance with the details in their proposal even if it is in excess of what the code allows.

Commissioner Don Buehner noted that a 28' height for outlying pads was stated.
Ray Snyder added that the maximum height of 45' with the parapet was proposed.

Assistant City Attorney Victoria Hales stated that any motion does need to be unanimous.

MOTION: Commissioner Don Buehner made a motion to approve the PD Zone Change including:
1- the entire acreage presented
2 - the use list with removal of the first sentence catch all recognizing that the list will be modified prior to City Council and revised so the in conjunction uses are listed as approved uses except for #5 "residential" which is to be removed, and the "prohibited uses" are to be removed as they are addressed the code
3 - we accept the building elevations and color materials
4 - landscaping as presented
5 - signage plan as submitted
6 - this approval is not for the design of anchor b, c or the retails shops or the pads which will

require separate future zone change amendments
SPR will be required,
7 - civil engineering will be required,
8 - the roadways shall be developed in compliance with the master road plan
9 – trail shall be developed in compliance with the master trail plan
10 – platting shall be processed with the City
11 – setbacks shall comply with zoning ordinance
12 – parking shall comply with zoning ordinance
13 – photometrics shall be submitted with the site plan review
14 – erosion protection to be in compliance with standards
15 – we recommend the height for the main entrance for Smith's be approximately 45' max and 30' max for adjoining parapets and 35' for secondary buildings and outlying pads maximum of 28'.
Ray Snyder asked if the fuel center was included in the motion.
Commissioner Don Buehner said the fuel center is added to item 3 of the motion.
Assistant City Attorney Victoria Hales asked if the motion is subject to a development agreement
Commissioner Don Buehner added that the zone change shall be in compliance with the development agreement.
SECONDED: Commissioner Diane Adams seconded the motion.
AYES (4)
Commissioner Don Buehner
Chair Ross Taylor
Commissioner Diane Adams
Commissioner Todd Staheli
NAYS (0)
Motion carries.

9. **MINUTES**

Consider approval of the minutes from the February 10, 2015 meeting.

No edits were suggested.

MOTION: Commissioner Todd Staheli made a motion to approve the February 10, 2015 minutes.
SECONDED: Commissioner Don Buehner seconded the motion.
AYES (4)
Commissioner Don Buehner
Chair Ross Taylor
Commissioner Diane Adams
Commissioner Todd Staheli
NAYS (0)
Motion carries.

10. **HANDOUT**

Copies of "**Vision Dixie**" are being provided to the Planning Commission. At a future Planning Commission meeting (with a lighter agenda), staff and the commission can review and discuss.

ADJOURN

MOTION: Commissioner Diane Adams made a motion to adjourn.
SECONDED: Commissioner Don Buehner seconded the motion.
Meeting adjourned at 10:01 pm

PLANNING COMMISSION
CITY OF ST. GEORGE
WASHINGTON COUNTY, UTAH
April 28, 2015 – 5:00 PM

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

CITY STAFF: Planning & Zoning Manager John Willis
Assistant Public Works Director Wes Jenkins
Planner II Ray Snyder
Assistant City Attorney Victoria Hales
Planning Associate Genna Singh

EXCUSED: City Surveyor Todd Jacobsen
Commissioner Ro Wilkinson

FLAG SALUTE

Chair Ross Taylor called the meeting to order and asked Councilman Joe Bowcutt to lead the flag salute at 5:01 pm.

Chair Ross Taylor presented a "land use process" flow chart to the Commission as a training tool.

1. **ZONE CHANGE AMENDMENT (ZCA)**

   Consider a zone change amendment request on one (1) acre of property zoned PD-C (Planned Development Commercial) to accommodate the future development of a sprinkler supply retail store. The property is generally located east of the I-15 Freeway and north of 300 South Street. The owner is GMG II Investments LLC, the applicant is Mr. Mike Canning, and the representatives are Mr. Brandon Dawson, Dawson Development LLC. And Mr. David Peterson, Excel Engineering. Case No. 2015-ZCA-009 (Staff – Ray Snyder).

Ray Snyder presented the following: This is a zone change amendment as the zoning is PD-C, but the property is vacant and a new building is coming forward. The site plan, elevations, and landscaping are part of tonight's consideration. Presented are 2D elevations, colors, landscape plan, and a similar building that has recently been built. They would like the primary building and an outside storage area. Staff recommends option A in regards to landscaping with the

greater amount of vegetation along the freeway. There is an existing block wall on the east side of the property separating the residential zone. There is a billboard on the west side of property close to the freeway. Staff created alternatives to the site plan because their plan shows an 8' fence around the property. Note that 6' is the maximum fence height per code and that does not allow for a variance. Alternative 2 shows the fence setback 25' because you cannot have a 6' fence in the front setback area. Alternative 3 moves the building forward and puts the storage to the north of the building rather than the east. Curb, gutter, and sidewalk are already installed so they will not need to put in additional improvements. There is a chain link fence to the north of the property separating this proposed building and ServePro which is acceptable between two commercial properties. In their current location, Sprinkler Supply has put their storage in parking spaces which is not allowed per code. Staff believes they are trying to address the outside storage with the new proposal.

Commissioner Nathan Fisher asked if the current location is less than an acre.
Brandon Dawson said the current location is about 0.5 acres.

Ray Snyder continued: There is a private sewer from 300 South that goes through the property and connects to the ServePro property. Because it's an 8" line Sprinkler Supply does have the opportunity to hook into that line but there may be an easement there that prevents a structure from being built there. That easement may affect where the lean-to storage can be located. There is not a use list for this property; Sprinkler Supply would be the only use allowed per tonight's approval. Again, the fence can only be 6' tall by code. The existing block wall on the east side is required. There also needs to be 10' landscaping separation.

Councilman Joe Bowcutt asked if there needs to be landscaping on the east side.
Assistant City Attorney Victoria Hales said yes there needs to be landscaping there.
Commissioner Nathan Fisher asked if they landscape the easement at their risk.
Assistant City Attorney Victoria Hales said that is correct.

Ray Snyder continued to highlight the staff report.

Chair Ross Taylor said the building you're showing has the shed – is it open face?
Brandon Dawson said the roof system only with slight walls on the sides.
Chair Ross Taylor asked how tall.
Brandon Dawson said it is 18' tall.
Chair Ross Taylor said I'm looking at what would be best for the neighbors as well as the freeway. I would prefer Alternate 3 so it would lessen the impact to both the neighbors and the freeway. It also helps with the easement. Is that reasonable to you?
Brandon Dawson said with the building in front and storage in back there is no room for parking at the current location. Contractors and deliveries will need an easy access and loading area. Because of the natural slope with the site if we put the building in the front we have to reshape the whole lot for drainage. The owner really wants a bigger area to maneuver.

Chair Ross Taylor said the parking standard would be 24 spaces and I don't see those on the plans. The site plan we see only shows 10-12.

Brandon Dawson said additional parking can be located on the west side at the freeway. The middle of the parking lot will also have truck and trailer parking.
Commissioner Todd Staheli asked if the parking spaces are going to be designated. The current location has parking taken up by storage.
Brandon Dawson said everything will be under that covered storage.
Assistant City Attorney Victoria Hales asked if the covered storage is open on the front and back.
Brandon Dawson said yes.

Assistant City Attorney Victoria Hales asked if there is a proposal for the chain link between this and ServePro.
Brandon Dawson said it will remain.
Assistant City Attorney Victoria Hales said it is my understanding of the code is that it needs to be solid. If there is outside storage there needs to be a solid fence, not chain link, and no storage higher than the wall if outside storage is allowed per 10-8-6.
Commissioner Todd Staheli noted that ServePro doesn't have outside storage that's why they were permitted the chain link.
Chair Ross Taylor asked if there were a back on the lean to would the storage still be outdoor.
Assistant City Attorney Victoria Hales said it must be completely enclosed.

Councilman Joe Bowcutt said as I look at the options from the City – moving the building forward was a concern for unloading but if the building is north of the property they can only unload in the parking area. With option 3 they can pull in and unload behind the building and circle around the building.
Brandon Dawson countered that a semi with 50' trailer may not make that turn.
Commissioner Diane Adams said you don't have that option where you are right now either.
Commissioner Todd Staheli added that they unload on the street and use a fork lift to get the pallets in and out currently.
Commissioner Nathan Fisher asked how the option submitted by the applicant works.
Brandon Dawson said a large truck and trailer can be in the middle area.

Chair Ross Taylor asked what distance is between the building and the east fence on alternate 3.
Brandon Dawson said I don't have that.
Chari Ross Taylor said it looks very wide to me. I don't favor the 18' storage right by the existing residences.
Brandon Dawson countered that those condos do sit higher than this property.
Commissioner Todd Staheli noted there was an opposition letter from a resident east of this proposal. How tall is the storage?
Brandon Dawson said the building is 28' and the storage is 18'.

Assistant City Attorney Victoria Hales asked if there are pictures of similar open storage structures at other projects.
Brandon Dawson said we don't have open storage at any other projects.
Commissioner Todd Staheli asked the applicant to explain the lean to.
Brandon Dawson said it is open on two sides. It's closed on the north and south.

Councilman Joe Bowcutt said if the lean to were on the east side of the property, 10' from property line and then landscaping no one sees the landscaping. Clients could see the landscaping if the lean to were put elsewhere.
Brandon Dawson said we proposed not to landscape that.
Councilman Joe Bowcutt asked if the applicant would consider putting the storage along the freeway fence.
Brandon Dawson said we did not consider that. However, putting the lean to there would block his store front windows on the freeway side.

Commissioner Nathan Fisher asked if the storage were on the north, can't it be right up to the property line?
Brandon Dawson said there's an easement there as well for the sewer and the standard easement.

Commissioner Nathan Fisher asked if we can push the building all the back toward ServePro. 10-8-6 allows for it.
Ray Snyder stated that fire code would apply when putting storage on the property line.
Commissioner Don Buehner said I like the idea of reducing the rear setback.

Chair Ross Taylor said we appreciate there are costs to improve the lot, but that building is going to be there for quite some time and to have a shed like that with a sloping roof that reflects sun to the residential property is not ideal.
Brandon Dawson said I can propose that to the owner. His concern is the space for deliveries.

Assistant City Attorney Victoria Hales said the rear yard setback is 10' unless less is recommended by the Planning Commission.

Commissioner Don Buehner asked if the current location is retail or wholesale.
Brandon Dawson said wholesale. It's about 80/20 split. There is some limited walk in traffic.
Commissioner Todd Staheli added that their hours support that as well.

Brandon Dawson stated the landscaping on 1-15 was a concern of the owner. The concern is the UDOT chain link to him is 10'. Is that UDOT area even being maintained?
Commissioner Nathan Fisher asked if the proposed fence along I-15 is chain link or solid.
Brandon Dawson said it is solid. We want a solid fence right next to the UDOT chain link fence. The proposal is also for 8' as they are concerned with theft.
Ray Snyder added they did propose a metal corrugated fence. They wanted solid fence by the freeway and then landscaping. Staff wants landscaping and then the fence. The only reason they have to have the solid wall is for the outside storage.
Councilman Joe Bowcutt countered that that becomes no man's land.
Ray Snyder stated if they have landscaping along the east side, frontage and west side they would easily be able to maintain it all. There is some discretion as to the amount of foliage.
Brandon Dawson noted that ServePro has gravel and trees. The concern is trying to maintain that area.

Commissioner Nathan Fisher noted that when the landscaping is outside the wall there is a maintenance problem, however the 1-15 corridor needs to look good. I would like to see at least some trees there. Trees can be seen much better than gravel and bushes.
Commissioner Don Buehner stated you've given some thought to the freeway with your architecture and mature trees block that a bit but there is a compromise.
Brandon Dawson said the owner proposed landscaping on the inside.
Commissioner Don Buehner said anything on the inside would not be seen from the freeway.
Commissioner Nathan Fisher asked what the grade change is from the freeway to the property. If ServePro had a fence would you even see it?
Commissioner Todd Staheli said no.

Commissioner Nathan Fisher asked if the east elevation is a warehouse door for loading.
Brandon Dawson said it is for smaller items. They drive those in on the fork lifts.
Commissioner Diane Adams said given you use the fork lifts you can pull the building forward with the "U" shaped drive.
Brandon Dawson said the east side is a little tight for that.
Commissioner Todd Staheli asked if they have to go around. Your current location doesn't allow for that and not all businesses are capable of that.
Brandon Dawson said the question is getting a semi around the building. We don't want to back in and they don't want to unload on the street. We're trying to make it more convenient.

Chair Ross Taylor opened the public hearing.

Brent Nyman – owner at La Paloma Condos. Our buildings are 2 story. There's one unit on the bottom and one unit on the top. I don't know whether they have considered the elevations from the north end to the cul-de-sac. Last fall there was a severe flood that influenced the condos greatly. There needs to be some retention areas here considered. If there are that many semis and contractors coming in and out – what will the noise level be for the condos. How often are trucks and patrons coming in? If it's during business hours it is understandable but if they're coming after hours that would be a concern.

Brandon Dawson stated that per code we will retain our water. I don't know how many trucks come and go but they are only permitted during operating hours 7:00 am to 5:00 pm.

Chair Ross Taylor closed the public hearing.

Commissioner Don Buehner asked what staff recommends for landscaping.
Ray Snyder said 300 needs to have 15' landscaping. I would think that along the freeway a compromise of trees at 30' intervals with 50% vegetation around the corner and then gravel closer to ServePro would work.
Commissioner Diane Adams clarified that the landscaping would be outside of the fence.
Chair Ross Taylor added that you'll need to decide that as well as what type of fence.
Councilman Joe Bowcutt said there's an odd jog at the cul-de-sac and then more no man's land to the south.
Ray Snyder said the regular commercial landscaping requirement is 15' minimum.

Assistant City Attorney Victoria Hales stated that in the PD landscaping is per chapter 25. Section G-2 can allow adjustments for driveway and parking if there is a hardship and it has to be made up elsewhere.
Commissioner Nathan Fisher asked if only the front requires 15' landscaping.
Ray Snyder said it is a PD zone and there is a requirement for landscape plans in 10-25-3.B3. Straight commercial zoning does address the freeway specifically. 10-10-5–G addresses that.

Commissioner Nathan Fisher said if there's a wall right at UDOT and then mature trees that's all we'll see regardless.
Commissioner Don Buehner asked if there is a sample for the fence along I-15.
Brandon Dawson said the fence panel will match the building stucco beige.
Commissioner Nathan Fisher asked if we should have the sample for the fence for the PD.
Ray Snyder said it's in the packet, but I didn't ask for it.

Commissioner Nathan Fisher said we still need a new design for the parking.
Brandon Dawson noted that the landscaping will affect that so we're waiting for that decision.
Ray Snyder inserted that staff had these conversations but the applicant didn't want to provide additional information.

Commissioner Todd Staheli said he would like to see where the fence, parking and materials will truly be.
Commissioner Julie Hullinger agreed.

Chair Ross Taylor said I would like to see that shed moved from the east to the north. There are some items you need to address before we can move forward.
Commissioner Don Buehner stated depending on the fence we may be open to the location next to the UDOT ROW.
Commissioner Diane Adams said I'm okay with landscaping in the fence as long as there are trees.
Commissioner Julie Hullinger agreed and said trees at 30' intervals are good.
Commissioner Don Buehner agreed as well.
Brandon Dawson said we could have parking and then 4' for the tree.
Assistant City Attorney Victoria Hales said it has to be at least 5' for the tree per code. The applicant can table the item or Planning Commission can recommend or not recommend with what is available tonight.
Commissioner Todd Staheli added that if we make a motion we may recommend denial.
Commissioner Don Buehner advised that we recommend to City Council. You can still go to City Council but you may not go with a favorable recommendation from us. It is up to you if we move forward with what we have or if you come back with more information.
Brandon Dawson said we can table and bring back the site plan looking at the building moving and the fencing on I-15.
Chair Ross Taylor asked if he would like to return to the next meeting.
Brandon Dawson said yes.
Commissioner Nathan Fisher said if you can meet your parking and add more trees that would be nice. I also suggest larger than 2 gallon trees.

Chair Ross Taylor stated the applicant has tabled until our next meeting unless the applicant needs more time.

Brandon Dawson asked what landscaping was required along the residential side.
Chair Ross Taylor said you can do shrubs and bushes in that easement that won't have too deep of a root system. Demonstrate your product there.
Commissioner Nathan Fisher said there needs to be some type of foliage to separate the commercial and residential areas. Meet with staff for that.

Item tabled.

2. **ZONE CHANGE (ZC)**

Consider a zone change request to rezone from A-1 (Agricultural) to R-1-8 (Single Family Residential 8,000 sq. ft. minimum lot size) on 20.66 acres to accommodate future residential development of "The Arbors." The property is generally located in Little Valley east of 3000 East Street, and north of the logical extension of Crimson Ridge Drive (*The property is located in the SE ¼ of Section 10, T43S, R15W, SLB&M*). The property is also located directly east of Oakwood Estates and Tupelo Estates. The owner and applicant is Development Solutions Group and the representative is Mr. Steve Kamlowsky. Case No. 2015-ZC-011 (Staff – Ray Snyder).

Ray Snyder presented the following:
The master plan is LDR. Surrounding property is A-1, R-1-10, and R-1-8. It's very far south of Little Valley and the equestrian use is not this far south.

Ryan Thomas added that we plan on 9,000 s.f. lots to hit a different price point than what is currently out there.

Chair Ross Taylor opened the public hearing.

Chair Ross Taylor closed the public hearing.

Assistant City Attorney Victoria Hales counseled a zone change is a legislative act with broad Planning Commission and Council discretion.
Councilman Joe Bowcutt said even though that's currently A-1 – there's not water available for that and it will never be used as agricultural land.
Chair Ross Taylor said it's a logical extension of what is around it. A number of the homes around there are R-1-8 so it's not unusual.
Commissioner Nathan Fisher asked if lot size averaging can be utilized here.
John Willis said yes it can.
Councilman Joe Bowcutt said we need to keep that in mind that the lots will be 8000.
Wes Jenkins said you will see lot size averaging at the preliminary plat stage.

Commissioner Nathan Fisher noted that moving further away from Little Valley and to the airport it seems the density is increasing.
Assistant City Attorney Victoria Hales noted that with lot size average a percentage can go below the minimum lot size.
Commissioner Nathan Fisher asked what the general plan was before.
Ryan Thomas said that is to the west.
Chair Ross Taylor added that smaller lots are much more economical for water.

MOTION: Commissioner Julie Hullinger made a motion to approve item 2 to R-1-8.
SECONDED: Commissioner Todd Staheli seconded the motion.
AYES (5)
Commissioner Don Buehner
Chair Ross Taylor
Commissioner Diane Adams
Commissioner Julie Hullinger
Commissioner Todd Staheli
NAYS (1)
Commissioner Nathan Fisher
Motion passes.

3. PRELIMINARY PLATS (PP)

A. Consider approval of a preliminary plat for a three (3) lot residential subdivision for **"Meadows Edge Phase 1."** The owner is Development Solutions and the representative is Mr. Logan Blake. The property is zoned A-1 (Agricultural) and is located at 3910 South Bentley Road. Case No. 2015-PP-013. (Staff – Wes Jenkins).

Wes Jenkins presented the item. The lots will each be one acre. There is an overhead power line that will need to be relocated. It does fall within the erosion hazard boundary. The erosion was addressed with Meadow Valley Farms.
Ryan Thomas added that Meadow Valley Farms phase 4-7 erosion hazard survey report allowed us to move that line outside of that project and outside this project. The thick black line to the west is the revised erosion hazard line. Jay Sandberg in Engineering worked with us for this and he was in agreement with the location of that new erosion hazard line.
Wes Jenkins elaborated that the study would have addressed any necessary mitigation. If there is more required it will be evaluated with the construction drawings.

Councilman Joe Bowcutt asked if the lots can be split later.
Wes Jenkins said they can as long as they meet the setbacks and lot size requirements.
Commissioner Nathan Fisher said they would have to amend the plat.

Assistant City Attorney Victoria Hales noted that legal has not reviewed any of the preliminary plats.

MOTION: Commissioner Nathan Fisher made a motion to recommend approval of item

3a subject to legal approval and conditioned on staff seeing that this was in the erosion hazard study previously submitted.
SECONDED: Commissioner Diane Adams seconded the motion.
AYES (6)
Commissioner Don Buehner
Commissioner Todd Staheli
Commissioner Julie Hullinger
Chair Ross Taylor
Commissioner Nathan Fisher
Commissioner Diane Adams
NAYS (0)
Motion carries.

B. Consider approval of a preliminary plat for a total of one hundred sixty-six (166) residential units in nine residential subdivision phases for **"Sun River Phases 49 - 57."** The owner is SunRiver St George, the applicant is Rosenberg Associates, and the representative is Mr. Matt Kelvington. The property is zoned PD-R (Planned Development Residential) and is located on 48.40 acres at approximately 4300 Pioneer Drive. Case No. 2015-PP-012. (Staff – Wes Jenkins).

Wes Jenkins explained: There are double fronting lots that will require privacy walls and landscape strip. The landscape and round-about will be maintained by the HOA. Applicant proposes a 6' retaining wall with 5' privacy wall on top of it which isn't allowed per ordinance. Current code allows for 8' solid and then 50% open above that. That will have to be addressed as we go forward. There is a steep hillside that will drain toward Riverstone. They will catch the run off and then slope south so it won't impact the road or Riverstone. There is a drain line that follows the trail. They have been asked to pipe that; they would prefer a swale because of cost.

Commissioner Nathan Fisher asked if staff will see it later or will the Commission.
Wes Jenkins replied staff will at the construction drawings stage.

Assistant City Attorney Victoria Hales asked if they can step back the retaining and privacy walls and meet code.
Wes Jenkins said yes they could do that.

Chair Ross Taylor asked what are the total numbers for SunRiver.
Scott McCall said I don't have the numbers but we're under it.
Commissioner Diane Adams said they are allowed 2193 and they're well under. When did the decision go back to putting this in SunRiver? I have a letter from the board saying this wasn't going forward.
Scott McCall said it was going back and forth a lot. This will be the last installment of SunRiver. As for the drainage – it's a significant area between phase 13 and the new project. It's a large natural area that's been beat up. We will groom it but want it to remain open. The wall item is interesting. There is residential against the commercial RV storage project. We do need the residential elevation up to make it work. We have 6' retaining now and then 10' strip

for landscaping and then another 6' retaining wall. We have staggered it. That second wall will have a 5' privacy fence on top of it. The only one to see it would be someone in the RV storage area. I know we can't do anything now because the ordinance is as it is but that may be a consideration to make when revising the ordinance in the future. Currently we will build with the 50% open per code.

Continued discussion on the retaining wall issue.

Commissioner Todd Staheli asked if there is a problem with the drainage.
Scott McCall said it is a natural area. Upstream has all been developed. There have been multiple studies and it has the capacity it needs to maintain that water.

MOTION: Commissioner Diane Adams made a motion to approve item 3b subject to legal approval.
SECONDED: Commissioner Julie Hullinger seconded the motion.
AYES (6)
Commissioner Don Buehner
Commissioner Nathan Fisher
Chair Ross Taylor
Commissioner Diane Adams
Commissioner Julie Hullinger
Commissioner Todd Staheli
NAYS (0)
Motion carries.

Don Buehner left the meeting at 6:53 pm.

C. Consider approval of a preliminary plat for a sixty (60) lot residential subdivision for **"The Villas at Cottam Ridge."** The owner is Wright Homes and the representative is Mr. Derek Wright. The property is zoned PD-R (Planned Development Residential) and is located at River Road and 1850 South. Case No. 2015-PP-014. (Staff – Wes Jenkins).

Wes Jenkins presented the item: the setbacks were revised to meet ordinance. There is a natural area with drainage that will be piped and then an open ditch as it goes northwest. They have a main access off of River Road with a secondary access that they've requested as 25'. The north half of that access is proposed with development to the north. I have concerns with that as there needs to be two accesses. They are building in phases. The amenities will go with phase 1.
They will need privacy and landscape to be maintained by HOA. There is also drainage from the church to the north that will need to be addressed. An easement to the church will also be needed

Councilman Joe Bowcutt noted that at the zone change there was drainage going to the north. If there's no access to go across the other person's land do we need a catch basin?
Wes Jenkins said they need to find a way to get it through. There cannot be stagnant water there.

Councilman Joe Bowcutt said it's not pretty now and it will only get worse if they don't take care of it to a certain degree.
Wes Jenkins said it'll be in the HOA control. You do have the prerogative to ask that that be fixed.
Councilman Joe Bowcutt said the HOA has the potential to not do it. There's a long term problem there.
Wes Jenkins said you can ask them to dress it up.
Chair Ross Taylor asked if they can declare it as open space.
Wes Jenkins said yes.
Commissioner Nathan Fisher asked if this should have been addressed at the PD-R stage.
Assistant City Attorney Victoria Hales stated the there was a condition at the zone change stage that applicant has to convey drainage.
Wes Jenkins said there can be no stagnant water, it has to be conveyed.
Commissioner Nathan Fisher said we need to see what was said with the PD-R.

Assistant City Attorney Victoria Hales asked what the setback issues were.
Wes Jenkins said we want to make it subject to setbacks. I think it does but they didn't call it out on all of the drawing.
John Willis said they appear to meet the ordinance we just need to verify it.

Commissioner Nathan Fisher said I don't know how we can approve it now with the water going nowhere.
Wes Jenkins said you can table for more information.
Assistant City Attorney Victoria Hales counseled that generally the applicant has to agree to that.
Chair Ross Taylor said with the applicant being absent we would need to make a motion.
Wes Jenkins inserted that we have continued items in the past.
Assistant City Attorney Victoria Hales counseled that the item can be pulled from the agenda if the application is incomplete.
Councilman Joe Bowcutt said that drainage area is crucial and I don't know that we want to make a motion on it and the applicant needs to be present.
Assistant City Attorney Victoria Hales said the issue is whether to require that drainage be conveyed to the road, and the developer has to address it, and show the HOA is responsible for maintaining it. They cannot convey it onto another landowner.
Councilman Joe Bowcutt said if they didn't have that area they wouldn't be allowed that many units.

Commissioner Nathan Fisher said we did address the drainage easement with the zone change.
Assistant City Attorney Victoria Hales noted that action summary item 9 said they needed to address the drainage. The preliminary plat must show layout, drainage plan, grading, sewer water and power etc. I'm not certain this application is complete.

Councilman Joe Bowcutt asked who owns the land northwest. Once it goes there what happens?
Wes Jenkins said Howard and then there's piping into the City storm drain system.
Assistant City Attorney Victoria Hales said they are responsible to get it to the pipe.

Wes Jenkins said that is my concern that if there's a huge area that's a mess now it will be difficult for an HOA to maintain it. If it's to be improved it should be addressed now and done with the construction drawings.

Commissioner Julie Hullinger stepped out at 7:09 pm

Commissioner Nathan Fisher said even though we didn't give detail at the PD-R there is opportunity to require the OS be developed like any other subdivision.
Wes Jenkins said you can request some idea of what they are going to do in the drainage area to make it manageable for the HOA.
Councilman Joe Bowcutt said the easement needs to be in place before approval.
Commissioner Todd Staheli said he would feel most comfortable if they were to come back with the easement, drainage and the setbacks.
Wes Jenkins said they do need to show a plan for that area.

Commissioner Julie Hullinger returned at 7:11 pm

Councilman Joe Bowcutt noted that we also need to address the 25' road.
Wes Jenkins stated that I asked that they improve the 25' until at least adjacent to the last building.
Commissioner Nathan Fisher asked if the road should go to the property line.
Wes Jenkins said yes, you can ask for that.

Assistant City Attorney Victoria Hales said my understanding from code is the Commission can make a motion to approve, conditionally approve, or deny and we cannot table without the applicant. We could have pulled the item prior to the item being heard.
Ray Snyder inserted that in the past if the applicant wasn't here it was automatically tabled because the applicant cannot defend the item.
Commissioner Nathan Fisher added that they can move forward even if we deny and will have to address the issues

Continued discussion on the options moving forward.

MOTION: Commissioner Julie Hullinger made a motion to deny the item because it is incomplete. They can come back when all the information is available. They need to address the drainage, the easements, the width and continuation of the road, and the setbacks.
SECONDED Commissioner Todd Staheli seconded the motion.
AYES (5)
Commissioner Nathan Fisher
Chair Ross Taylor
Commissioner Julie Hullinger
Commissioner Diane Adams
Commissioner Todd Staheli
NAYS(0)

Motion carries.

4. **MINUTES**

Consider approval of the minutes from the February 24 and March 10, 2015 meetings.

Minutes from the March 10, 2015 meeting were not ready for approval.

MOTION: Commissioner Diane Adams made a motion to approve the February 24, 2015 minutes.
SECONDED: Commissioner Todd Staheli seconded the motion.
AYES (5)
Commissioner Nathan Fisher
Chair Ross Taylor
Commissioner Julie Hullinger
Commissioner Diane Adams
Commissioner Todd Staheli
NAYS (0)
Motion carries.

5. **DISCUSSION / TRAINING**

1. General Plan Amendments
2. Public Clamor

John Willis presented the land use process. The graphic is for the Planning Commission's use as well as for the general public. The process is not comprehensive but a stepping stone.

John Willis presented information regarding public clamor.

ADJOURN

MOTION: Commissioner Todd Staheli made a motion to adjourn.
SECONDED: Commissioner Diane Adams seconded the motion.
Meeting adjourned at 7:39 pm

PLANNING COMMISSION
CITY OF ST. GEORGE
WASHINGTON COUNTY, UTAH
May 12, 2015 – 5:00 PM

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

CITY STAFF: Assistant Public Works Director Wes Jenkins
Planning & Zoning Manager John Willis
Planner II Ray Snyder
Assistant City Attorney Victoria Hales
Planning Associate Genna Singh

EXCUSED: Commissioner Nathan Fisher
Commissioner Todd Staheli
City Surveyor Todd Jacobsen

FLAG SALUTE

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

Chair Ross Taylor stated that item 3, zoning regulation amendment will go to the end and item 9 minutes are stricken from the agenda.

1. **ZONE CHANGE AMENDMENT (ZCA)**

   Consider a zone change amendment request on one (1) acre of property zoned PD-C (Planned Development Commercial) to accommodate the future development of a '**Sprinkler Supply**' wholesale / retail store. The property is generally located east of the I-15 Freeway and north of 300 South Street. The owner is GMG II Investments LLC, the applicant is Mr. Mike Canning, and the representatives are Mr. Brandon Dawson, Dawson Development LLC. And Mr. David Peterson, Excell Engineering. Case No. 2015-ZCA-009 (Staff – Ray Snyder). *(Note: This item was tabled at the 4/28/2015 meeting)*

Ray Snyder presented the following: this item was tabled from the last meeting. A revised layout has been submitted. We had asked the applicant to consider putting the building in a different location. They have chosen to keep the building in the same location. They have added diamond areas for trees at 30' intervals with parking between the trees. There will be a 6' solid fence on the west side of the property. They have also put a 6' solid fence on the southern front property line setback 25'. They have lowered the lean-to height to 14'. Items cannot be stacked in the yard over 6' high. The 14' height is to allow for a fork lift to operate under the covering. There is an 8" sewer line and an easement on the eastern side of the property that runs north to ServePro. A landscape plan has been submitted. ServePro does have a 6' chain link fence. That is not required to be solid as there is not

storage in the yard. On the eastern property line there is an existing block wall. Sprinkler Supply is required to put 10' of landscaping on the eastern property line per code as the property abuts a residential zone. The sewer line and easement is there and the applicant was sent a memo regarding that landscape area. There are options for the applicant as far as root barriers, bushes, or trees that would not negatively affect the sewer line. There is a sample motion in the staff report outlining some of the things the Planning Commission may want to consider.

Brandon Dawson (developer): we did bring a sample of the fence for your review.

Chair Ross Taylor asked what the proposed landscaping would be.
Brandon Dawson said the proposed landscape plan was submitted so the only thing you don't have before you is the landscaping on the east side. We are concerned that plants there will not receive much sun-light so we're worried the plants there will die. We need to contact our landscape architect to figure that out.
Chair Ross Taylor stated there will need to be live plants there to screen that eastern property line

Councilman Joe Bowcutt asked which direction the rain comes off the lean to.
Brandon Dawson said it will fall east into the landscape area. There will be two entrances into the property.
Commissioner Don Buehner asked about the landscape diamonds on the west side.
Brandon Dawson said they are a minimum of 5' wide and then the depth of the parking stall. The stalls aren't shown because the parking at the building does meet the requirement.
Assistant City Attorney Victoria Hales stated that they will have to meet parking ordinance requirements. The parking ratio is 1:250 for commercial.
Brandon Dawson clarified that 6,000 sf of the building is calculated at warehouse parking.
Ray Snyder stated there will need to be 24 spaces.

Assistant City Attorney Victoria Hales asked what fencing will be used adjacent to ServePro.
Brandon Dawson said the intention is to leave the chain link.
Assistant City Attorney Victoria Hales advised that the fencing has to be solid because the business has outside storage. Adjacent to the residential, the fencing has to be solid masonry with a 10' landscape strip, not only rocks as proposed.
Brandon Dawson replied if we have to then we would want the have the metal fencing all around so it matches. Three sides will be metal and then the eastern property line is block as it is existing.

Chair Ross Taylor stated I did hope that there would have been some consideration on that eastern property line. You did lower the storage but you didn't move it. You're constructing a beautiful building and hiding it behind fencing and storage.

MOTION: Commissioner Ro Wilkinson made a motion to accept the zone change amendment based on the landscaping and fencing as discussed and legal counsel.
Assistant City Attorney Victoria Hales asked if the root barriers between the landscape and the sewer line are included in the motion.
Commissioner Ro Wilkinson said, yes add staff's memo.
Assistant City Attorney Victoria Hales asked what type of fencing is recommended.
Commissioner Ro Wilkinson said the fence should be the metal corrugated on the south, west,

and north sides, and solid masonry on the east. Add the comments from the staff report pages 3 and 4.
Commissioner Don Buehner – add that item 4, second sentence, trees installed, state live trees and bushes – add root barrier to protect the sewer line.
SECONDED: Commissioner Diane Adams seconded the motion.
AYES (5)
Commissioner Ro Wilkinson
Commissioner Don Buehner
Chair Ross Taylor
Commissioner Diane Adams
Commissioner Julie Hullinger
NAYS (0)
Motion passes.

2. **ZONE CHANGE (ZC)**

A. Consider a zone change request to rezone 'Area 1' 1.695 acres from C2 to PDR, Area 2' 0.074 acres from PDR to C2, and 'Area 3' 0.412 acres from C2 to PDR (a total of 2.181 acres) to accommodate future residential development of "**Desert Crest**." The property is generally located at the southeast corner of Desert Canyons Parkway and the Southern Parkway. The owner and applicant is Development Solutions and the representative is Mr. Ken Miller. Case No. 2015-ZC-012 (Staff – Ray Snyder).

Ray Snyder presented the following: this request is to allow a modification to accommodate a future residential subdivision and clean up the commercial boundary as well.

Curt Gordon explained there is a big grade change here which is why we're requesting the change. The housing is higher and the commercial lower. There's about 20' grade difference there.

Chair Ross Taylor opened the public hearing.

Chair Ross Taylor closed the public hearing.

MOTION: Commissioner Julie Hullinger made a motion to approve item 2a.
SECONDED: Commissioner Ro Wilkinson seconded the motion.
AYES (5)
Commissioner Ro Wilkinson
Commissioner Don Buehner
Chair Ross Taylor
Commissioner Diane Adams
Commissioner Julie Hullinger
NAYS (0)
Motion carries.

B. Consider a zone change request on approximately 13.36 acres from RE-20 (Residential Estate 20,000 sq. ft. minimum lot size) to R-1-12 (single family Residential 12,000 sq. ft.

minimum lot size) to accommodate a future residential development of "**The Cove at Little Valley**." The property is generally located on the south side of Horseman's Park Drive, and generally between Little Valley Road and 2350 East Street. The owner is Sullivan Field LLC and the representative is Mr. Shaun Sullivan. Case No. 2015-ZC-013 (Staff – John Willis)

John Willis presented the following: Sunrise Ridge Intermediate is to the north with another school to the west. The General Plan is LDR. The applicant has modified the request. They have squared off the portion to the north. The acreage stays the same. The request is for R-1-12. The proposal is consistent with the General Plan and fits the area. Staff recommends approval. There are some issues with this site that will come up with the preliminary plat such as the over-head power line.

Commissioner Diane Adams stated the current zone allows about 27 houses. Would the change allow 43 houses?
John Willis said an acre is 43,560 square feet.
Assistant City Attorney Victoria Hales said that's 3.6 units per acre x 13.36 acres. That's up to 43 homes.
John Willis said there is a power line and other factors that will help reduce that number of lots that can fit on the property.

Chair Ross Taylor stated one concern from the past is mixing RE and R zoning because of animal rights. In this situation there is a street that will buffer that slightly that helps with the compatibility. Why use R-1-12 rather than an RE-12.5?
Paul Blackmore said the Village at Little Valley is R-1-12. What we're trying to do there is match the Village. We are buffered by Little Valley Drive and Horseman Park. R-1-12 also allows us to utilize lot size averaging to accommodate the power line and other factor.

Assistant City Attorney Victoria Hales counseled that whatever zone is approved goes with the land regardless of ownership or proposed layouts proposed by this developer.

Chair Ross Taylor opened the public hearing.

Paul Iverson – I moved out to LV in early 2000. I bought the property out here and did my research. At the time a lot of it was zoned for 20 acre and 5 acre lots. A Councilmember at that time stated that arriving at the airport over open space would be a good thing. When CC amended the master plan out there to high density the citizens fought that change. Through elections we got that changed. The master plan was amended. My understanding that nothing but .5 acre lots was to abut LV Road. Ag lots are right across the street such as mine. Feathered zoning has been a practice of the city and it seems that feathering has disappeared of late. A separation of a 66' road and horse trail doesn't seem to be enough. This request is about money because 45 lots get you more than 27 lots. The City needs to protect those who are here. Please consider feathering zones rather than the dramatic change. Dense housing across from my agricultural land is not a good mix.

Paul Blackmore explained we're asking for R-1-12 to do lot size averaging. There are several issues on the property. The location of the power line requires us to put large lots on LV Road. There is also an elevation change at LV Road. There's a curve with limited site distance as well. The power line

controls our road and separation from LV Road. The preliminary plat will not access on LV and the lots will be deep lots. That's just the geography of the site. We can't move the power line or change the site distance. No lots will front LV and there will be a deep setback in that area. There will be a privacy wall and landscape strip. We will not access on Little Valley Drive.
Assistant City Attorney Victoria Hales reiterated that approval is not for a specific project. You are only approving zoning.

Commissioner Don Buehner asked for clarification on the R-1-12 request.
Paul Blackmore said R-1-12 allows lot size averaging. It allows for a lot size mix for smaller lots and larger lots. RE-20 zoning would not make the project feasible. There are parks and schools in the area which would attract families to the area.
Councilman Joe Bowcutt noted that lot size averaging with smaller lots makes for some more affordable homes.

John Willis added there is a buffer in the general plan from agricultural to residential. That buffer is not for all of Little Valley Road. There's a yellow buffer on the east side of Little Valley road of 100'.

Councilman Joe Bowcutt asked if part of that 100' buffer is in this project.
Paul Blackmore said it comes into the property about 75'. It's about 20,000 s.f. of the project. The power line does run there and is shown as the dotted line. The buffer zone for the agricultural is protected by that line. The sidewalk and road can go under part of the power line.
Chair Ross Taylor asked how the buffer was going to be dealt with.
Paul Iverson said the buffer does not allow anything inhabitable. Based on the past – if they decide to build a detached garage in that buffer it appears that that would be allowed.
Assistant City Attorney Victoria Hales – legal disagrees – there should not be a structure. Generally speaking it was approved with a setback. Some people have the open space in their lot but they're not supposed to build on it. The buffer zoning will need to be stated on the plat.
Councilman Joe Bowcutt stated the challenge is this is only a zone change. The plats will address those issues.
Assistant City Attorney Victoria Hales said the issue is whether or not you want to change the zone and if it is appropriate for this location and time. If you change it the rights attach to the land. That zone will be the new entitlement.

Chair Ross Taylor closed the public hearing.

Commissioner Don Buehner said he is uncomfortable and sensitive to the LV area with horse property. The residents have been great and patient. To continually whittle away at their space is problematic. I understand that feasibility is part of this for the developer and community. My thought is that there can be RE-20 on Little Valley Road against the horse properties. If we approve the whole thing as R-1-12 it erodes that protection.
Commissioner Ro Wilkinson agreed.
Assistant City Attorney Victoria Hales counseled that the Commission has, on other occasions, asked that applicant to split their zone change request.
Chair Ross Taylor counseled the applicant that it may be best that you reconsider splitting the zones
Councilman Joe Bowcutt countered that that will defeat his lot size averaging request.
Paul Blackmore said there is an advantage to averaging. That's why we prefer the R-1-12.

Commissioner Don Buehner asked Paul Iverson to step forward.
Paul Iverson – past experience has taught me that if it's not in writing it's useless. My understanding was that all agricultural subdivisions were to have a 100' buffer. It appears my understanding is not what was written in "legal-ease". Is there enough room between the power line and road to squeeze in a lot? I can tell he won't do that but I'm worried about the future.

Bill Papanikolaus (partner in project) - if you drive down there, there are schools, fields and parks. Our property focuses on families. We are very separated from the property on Horseman's Park. There will be a huge barrier and no interaction. Many of the other changes in the area have to R-1-12 and R-1-10. We're really separate from the Agricultural area and closer to the schools and parks for a family development.

Chair Ross Taylor said the land out there on the eastern edge was never Agricultural because there wasn't irrigation. This piece here has been agricultural land. There is a difference.
Bill Papanikolaus – the schools and park do sway that. Above us sits the Village at Little Valley. We're in a cove that associates with the fields and family atmosphere.

Commissioner Don Buehner said he is struggling to concede to R-1-12 without a buffer.
Commissioner Diane Adams noted that the Agricultural area is being eaten up piece by piece.
Assistant City Attorney Victoria Hales counseled that the Planning Commission can recommend approval, recommend approval with conditions, or recommend denial. You can require the RE-20 strip if you choose as a condition or other items you see fit. If recommending the split zoning you can ask them to come back if they want to voluntarily withdraw or continue it, or act on it tonight. If your recommendation if for denial they can still go to City Council with the recommendation for denial. The City Council considers your recommendation. You can make a motion with a buffer. You may decide that you don't want to change the zone for portions of the property. There is no requirement to change the zone. If you feel a zone change is not appropriate, in your discretion, you may recommend denial for that area.

Bill Papanikolaus stated that we would prefer to voluntarily table.
Chair Ross Taylor clarified that the item is tabled until the next meeting per the applicant's request.

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

Consider a zoning regulation amendment to amend sections pertaining to **accessory structures** in Title 10, Zoning Ordinance, Chapter 2 "Definitions," Chapter 7A Residential Estate Zones, Chapter 7B Single Family Residential Zones, Chapter 7C Multiple-Family Residential Zones, Chapter 7D Mobile Home Zones, and Chapter 14 Supplementary and Qualifying Regulations. The proposed amendment would make the code more consistent throughout varying zones and would address how to measure height as well as setbacks. Case No. 2015-ZRA-002 (Staff – John Willis)

Item was not heard at this meeting.

4. **GENERAL PLAN AMENDMENT (GPA)**

Consider a general plan amendment from COM (Commercial) to MDR (Medium Density Residential) on approximately 7.89 acres. The property is generally located at the northeast corner of Brigham Road and Desert Hills Drive. This proposal is to change the general plan to allow for the future submittal of a zone change for "**Desert Hills Townhomes**" to allow development of a multi-family project. The applicant is SITLA (State and Institutional Trust Lands Administration) and the representative is Mr. Ryan Thomas, Development Solutions. Case No. 2015-GPA-004. (Staff – Ray Snyder).

Ray Snyder presented the following: tonight we are reviewing the general plan only – does this make sense for the area. The property is by Desert Hills High School. There is some commercial property which is the Ivory Homes office space. Hidden Valley came in as a master plan community. The triangle piece is commercial on the general plan. Ivory Homes did have an approved 2 lot commercial subdivision. They want to leave the northern portion for commercial as well as a commercial piece at the intersection. The remaining area is requested as MDR. There are townhomes to the west of the vacant property. The zoning for residential development exists for the piece.

Curt Gordon – the property is under contract for us to purchase from SITLA and they agree with the concept to change. Our plan is to build housing consistent with the neighborhood. This amendment will make the general plan consistent with the zone.

Chair Ross Taylor asked where potential families would shop.
Curt Gordon said that Bloomington would be an option. There are many services there.
Chair Ross Taylor asked if there will be more commercial at the Southern Parkway.
Curt Gordon said yes and there is medium density across the street.

Councilman Joe Bowcutt asked how many units could be there with the MDR designation.
Curt Gordon stated it will be similar to what's across the street at about 10 units per acre.
Ray Snyder said they are allowed 5 to 9 units per acre for MDR.
Councilman Joe Bowcutt asked what the greatest potential unit count could be.
Ray Snyder said there could be 72 units maximum per the general plan and acreage.

Commissioner Don Buehner said it is currently zoned PD-R.
John Willis stated PD-R density is per the general plan. They don't have to change the zone but they will need to amend the PD-R to get approval for the site plan, elevations, materials, etc.
Commissioner Don Buehner asked which general plan designation would allow for mixed use projects.
John Willis explained any of the land use designations would allow a mixed use project. Mixed use projects would require commercial on the bottom and residential above which may not be suitable here.
Commissioner Don Buehner stated in my mind there's a reason this was commercial. The commercial makes sense here. That is an isolated piece of property. If this were to have mixed use is there a general plan we might consider other than MDR?
John Willis said PD mixed use can go on any land use designation. If it's commercial and you want mixed use then the allowance would be for high density residential. If you left the General Plan as commercial the PD-R has no associated units so they would need to be mixed use to have residences or change the zone.

Chair Ross Taylor counseled that schools function better if they're not by commercial. There are too many distractions.
Assistant City Attorney Victoria Hales clarified that the applicant's request does maintain some commercial.
Chair Ross Taylor said if the majority is family housing that will benefit the school.
Diane Adams stated that townhomes do sell quickly. It is a need in the community.

Chair Ross Taylor opened the public hearing.

Chair Ross Taylor closed the public hearing.

MOTION: Commissioner Julie Hullinger made a motion to approve item 4.
SECONDED: Commissioner Diane Adams seconded the motion.
AYES (5)
Commissioner Ro Wilkinson
Commissioner Don Buehner
Chair Ross Taylor
Commissioner Diane Adams
Commissioner Julie Hullinger
NAYS (0)
Motion passes.

5. **HILLSIDE PERMITS (HS)**

A. Consider a request for an amendment to a Hillside Development Permit for **Red Cliffs Park**." The applicant is Red Cliffs Park LLC and the representative is Mr. James Sullivan. The total area is approximately 34.58 acres. The property is located at Nevada Drive and 3000 East Street and is zoned PD-R (Planned Development Residential). Case No. 2015-HS-001. (Staff – John Willis).

John Willis presented the following: this is a hillside permit. It's been awhile since we've seen one. Any hillside over 20% and located in the overlay must approach the hillside review board first. The board is comprised of professional in geotechnical, geographical and other fields. They review drainage, disturbance, and other items regarding the hillside. The board then makes a recommendation to the PC and CC. This request is an amendment to an original approval. Tonight we are looking at a small portion of the original approval. The applicant wants to modify the approval to connect two cul-de-sacs to provide connectivity and address sewer issues that exist on site. Two cul-de-sacs were originally approved. There's an elevation change between the two. The request is to connect the two cul-de-sacs. There are two requests – one to modify the layout and the second to modify the disturbance.

Chair Ross Taylor asked if the area has been graded along Nevada Drive.
John Willis stated they have graded to the cul-de-sacs. Most of the subdivision is built out. That's where they're running into the sewer issues and how this will help solve that problem. Part of the approval tonight is because the disturbance to connect is greater than the code allows. There is a

provision for hillside, Planning Commission and City Council to approve that larger disturbance area if it is not contrary to the overall purpose of the hillside overlay.

Assistant City Attorney Victoria Hales asked if the hillside board approval is the first step.
John Willis explained that hillside met on 5/6/15 and recommended approval of the request.
Councilman Joe Bowcutt asked if the actual disturbed area to be approved is less than 3,000 s.f..
John Willis said the area is 4,600 s.f..

Brandee Walker (B&G) explained that eliminating the cul-de-sac reduces some of the disturbance so we can give back some of that area and then add the connection. The difference is the 3000 s.f. This is the last phase of the project. The sewer in the upper cul-de-sac was reverse grade down back and out but there's solid rock there. We would prefer to avoid the maintenance issue.

MOTION: Commissioner Diane Adams made a motion to approve item 5a as requested.
SECONDED: Commissioner Don Buehner seconded the motion.
AYES (5)
Commissioner Ro Wilkinson
Commissioner Don Buehner
Chair Ross Taylor
Commissioner Diane Adams
Commissioner Julie Hullinger
NAYS (0)
Motion passes.

Commissioner Ro Wilkinson stepped away at 6:55 pm

B. Consider a request for a Hillside Development Permit to allow for the removal of isolated noncontiguous and insignificant slopes to allow development of multi-family **apartments**. The property owner is Mr. Randy **Simonsen**, the applicant is Mr. Jared Nielson, and the representative is Mr. Rob Reid, Rosenberg Associates. The total area is approximately 38.86 acres. The property is located directly north of the electrical substation at Riverside Drive and 1990 East Street and is south of the Rebel Creek Ridge apartments. Case No. 2015-HS-002. (Staff – Ray Snyder).

Ray Snyder presented the following: there are two parcels in this request. One area will have disturbance and the other will not be touched. Because the owner has both properties they are considered one for the project and will utilize a density transfer. The zoning is R-3 on the piece to be developed and R-1-10 on the piece the transfer is coming from. Most of the property is under 20% slope. They will want to do four story buildings with two levels of parking underneath.

Commissioner Ro Wilkinson returned at 7:00 pm

Ray Snyder continued: some of the outcroppings are what they are requesting to take out. If hillside is approved at council then the application will come forward with a BDCSP and CUP to be approved by Planning Commission and City Council. The hillside board was favorable and recommended approval. The removal was for isolated areas only on the 6.8 acres. The owner did offer to dedicate

the 32.0 acres of remaining hillside to the City. The theory is that that dedication will protect the outcroppings forever. This would be subject to legal review for a separate donation agreement.

Rob Reid explained that essentially the whole area is 38 acres and there is some developable area in the upper 32 acres and we request that through hillside and you consider the area insignificant in order to develop the 6 acres with density transfer.

Councilman Joe Bowcutt asked how much of the swales are going away.
Rob Reid said it depends on where you're at. We staked the property and had fills of about 23'. We measured to the first floor of the proposed building. There will also be underground parking. There is one level on the north and two levels to the south. The hill is probably 25-30' higher than the ground.

Chair Ross Taylor asked if there is a plan for potential rock fall hazards.
Rob Reid said the geotechnical engineer said the site is out of the fall zone. There will be more information for that at the construction drawing stage.

Ray Snyder stated page 3 shows the motion from the hillside.

Councilman Joe Bowcutt left the meeting at 7:09 pm

Assistant City Attorney Victoria Hales stated if the applicant as stated wants to donate the hillside I think the City would accept it as a separate agreement. It would not be a condition of approval. The area would become open space that couldn't be developed if donated.

MOTION: Commissioner Don Buehner made a motion to approve item 5B to allow for the removal of isolated and insignificant slopes based on the idea that the 32 acres would not be developed, and the owner may donate it to the City in the future if they want to, and per staff recommendation and the Hillside Review Board recommendation.
SECONDED: Commissioner Ro Wilkinson seconded the motion.
AYES (5)
Commissioner Ro Wilkinson
Commissioner Don Buehner
Chair Ross Taylor
Commissioner Diane Adams
Commissioner Julie Hullinger
NAYS (0)
Motion passes.

6. **PRELIMINARY PLAT (PP)**

Consider approval of a preliminary plat for a sixty (60) lot residential subdivision for **"The Villas at Cottam Ridge."** The owner is Wright Homes and the representative is Mr. Derek Wright. The property is zoned PD-R (Planned Development Residential) and is located at River Road and 1850 South. Case No. 2015-PP-014. (Staff – Wes Jenkins).

(Note: This PP was previously tabled at the 4/28 PC meeting, because there were unresolved issues regarding the width and improvement of a second access, future deposition of the 'wetland' area, setbacks, drainage, and landscaping. The PC considered the plat incomplete at that time.)

Wes Jenkins presented the item: there are 3 pages to the plat. The first shows the setbacks of 10' from private roads and 20' for the garages. There are also setbacks that meet the requirements of the zone change. The second page shows the grading. The drainage will be piped and then to an open ditch to property they do not own. They will not be allowed to increase the amount of drainage so they may need to have some detention on site. There will be double fronting lots with the privacy wall and 10' landscape strip to be maintained by the HOA. Through their agreement they are only allowed to improve part of the road. The applicant can address what occurs on that north western property to not allow them to finish the road. The landscaping is the third sheet. The darker green areas are the trees. Live trees would remain with a drip system that the HOA would maintain to keep the trees alive. They would remove the existing dead trees there.

Assistant City Attorney Victoria Hales asked if the applicant owns the land for the second access, and the drainage.
Wes Jenkins said no, they do not.
Brandee Walker said it belongs to the Cottam Family. A portion of that is owned by Howard. It's a land share on that access and we do meet the standard for asphalt width. Howard's agreement is separate from Jim and Linda's agreement.
Chair Ross Taylor asked if that agreement has been signed.
Brandee Walker explained that Jim and Linda's home is on the property and their home will be demolished but Howard's home will remain. There is a signed document. The main access will be elsewhere. This is a secondary access that will come in later. Both accesses are private.
Assistant City Attorney Victoria Hales stated we'll need to see that agreement to verify adequate drainage and access.

Chair Ross Taylor asked what is going on with the vegetative area.
Brandee Walker said there are concerns with that area. Development will reduce the historic flow. In developing the growth pattern for the trees will change. The dead trees will be removed and a drip system will be installed. It will all be cleaned up and maintained by the HOA's landscaping.
Chair Ross Taylor asked what leverage is there to require the area be cleaned.
Wes Jenkins said there are requirements for amenities which are fulfilled. The vegetation will be left as open space and should be addressed now. Whatever you decide staff will follow through and make sure it happens. They indicated they would remove the dead trees and leave the living trees.
Assistant City Attorney Victoria Hales counseled the landscape requirements in chapter 25 do require that something be done in a landscape plan, not just a default. The Planning Commission can address what they consider landscape to be. This is a preliminary plat so landscaping would be enforced by staff at the construction drawing stage.
Chair Ross Taylor stated I would like to see the motion reflect that all dead and diseased foliage be removed so it is all taken care of prior to the final plat recording.
Assistant City Attorney Victoria Hales stated the minimum landscape standards are in 10-25-3 of the City Code. You can state they have to meet the minimum landscape standards per ordinance.

Brandee Walker added that the owner has hired a landscape architect so when we submit drawings to staff it will be addressed.
John Willis added that the landscape plan can come in later it doesn't need to be approved at this time.
Assistant City Attorney Victoria Hales added that the drainage agreements must be in place to convey the drainage from the property, and to a public street. There are issues with the adjacent property and that also needs to be considered in your approval. This will need to be subject to legal approval so legal can review the multiple private party agreements.

MOTION: Commissioner Diane Adams made a motion to approve item 6 the preliminary plat for the Villas at Cottam Ridge subject to legal review for the access and drainage agreements and conditioned that it meet the minimum landscape standards per code 10-25-3
SECONDED: Commissioner Julie Hullinger seconded the motion.
AYES (5)
Commissioner Ro Wilkinson
Commissioner Don Buehner
Chair Ross Taylor
Commissioner Diane Adams
Commissioner Julie Hullinger
NAYS (0)
Motion passes.

Julie Hullinger stepped away at 7:30 pm

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

Consider approval of a final plat amendment for a previously recorded commercial subdivision final plat. This plat is "**Boulevard Centre Pad "C" Condominiums Amended.**" The representative is Mr. Bob Hermandson, Bush and Gudgell. The property is located at 162 North 400 East, Building 'C.' Case No. 2015-FPA-018 (Staff – Todd Jacobsen)

Wes Jenkins presented the item. The amendment is to allow the second floor to split into two units and allow the third floor to split into two units.
Assistant City Attorney Victoria Hales asked if both units have fire access. They both have to have escape routes.
Wes Jenkins said staff can verify that and make sure.
Chair Ross Taylor stated the motion needs to include "subject to fire safety".

MOTION: Commissioner Ro Wilkinson made a motion to accept the final plat amendment and authorize chairman to sign with the condition that all four units have a fire escape route.
SECONDED: Commissioner Diane Adams seconded the motion.
AYES (4)
Commissioner Ro Wilkinson
Commissioner Don Buehner
Chair Ross Taylor
Commissioner Diane Adams
NAYS (0)

Motion passes.

8. **LOT SPLIT (LS)**

Consider approval of the lot split of a vacant industrial lot located between developed parcels at 389 North and 477 North Industrial Road (also located directly across the street from developed property at 450 North Industrial Road). The representative is Mr. Scott Woolsey, Alpha Engineering. The property is zoned M-1 (Industrial). Case No. 2015-LRE-014 (Staff – Todd Jacobsen)

Wes Jenkins presented the item with no comments.
Assistant City Attorney Victoria Hales asked if access and lot sizes meet the standards.
Wes Jenkins said they both have access and there isn't a lot size standard.
Commissioner Diane Adams asked if they are grading now.

Commissioner Julie Hullinger returned at 7:35 pm

MOTION: Comissioner Don Buehner made a motion to approve the lot split.
SECONDED: Commission Diane Adams seconded the motion.
AYES (5)
Commissioner Ro Wilkinson
Commissioner Don Buehner
Chair Ross Taylor
Commissioner Diane Adams
Commissioner Julie Hullinger
NAYS (0)
Motion carries.

9. **MINUTES**

Consider approval of the minutes from the March 10, March 24, and April 14, 2015 meetings.

Item removed from the agenda at the beginning of the meeting.

Wes Jenkins added that for item 5B for land donation – if not donated there will be a development agreement stating the area is to be undisturbed.
Assistant City Attorney Victoria Hales added that the agreement would be recorded and run with the land.

John Willis asked if the Planning Commission would like to review item 3 on the agenda. Consensus from the Planning Commission was no.

ADJOURN

MOTION: Commissioner Don Buehner made a motion to adjourn.
SECONDED: Commissioner Julie Hullinger seconded the motion.

Meeting adjourned at 7:38 pm.