

**PLANNING COMMISSION
CITY OF ST. GEORGE
WASHINGTON COUNTY, UTAH
June 09, 2015 – 5:00 PM**

**APPROVAL 4/12/2016
Motion: Ro Wilkinson
Second: Todd Staheli**

PRESENT: Chair Ross Taylor
Commissioner Todd Staheli
Commissioner Don Buehner
Commissioner Nathan Fisher
Commissioner Ro Wilkinson (entered at 5:31 pm)
Council Member Joe Bowcutt

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

EXCUSED:
Commissioner Diane Adams
Commissioner Julie Hullinger

FLAG SALUTE

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

1. **FINAL PLATS (FP)**

A. Consider approval of a Roadway Dedication Final Plat for “**Canyon View Drive St George.**” The property is zoned R-3 (Multiple Family) and is located at approximately 1000 South Dixie Drive (south of the Pelican Hills Development). The representative is Mr. Brandon Anderson, Rosenberg Associates. Case No. 2015-FP-025 (Staff – Todd Jacobsen)

Todd Jacobsen explained that Canyon View Drive will connect to the development to the east and that will be the main road to take up to the condos up on top of the hill. The road north of Canyon View Drive will have a different name.

B. Consider approval of a sixteen (16) lot residential final plat for “**Desert Rim Phase 1.**” The property is zoned PD-R (Planned Development Residential) and is located at approximately 3630 East Desert Canyons Parkway. The representative is Mr. Brad Petersen, Development Solutions. Case No. 2014-FP-075 (Staff - Todd Jacobsen)

Todd Jacobsen presented the item with no comments.

C. Consider approval of a one (1) lot residential condominium subdivision final plat for “**Estancia Phase 1.**” The property is zoned PD-R (Planned Development Residential)

and is located at approximately 1145 South Plantations Drive (in the Green Valley area). The representative is Mr. Michael Purdy, Cornerpoint. Case No. 2015-FP-017 (Staff – Todd Jacobsen)

Todd Jacobsen explained that parcel 1, 2, and 3 are left out of this plat. Approval is only for the building fronting the road.

- D. Consider approval of an eight (8) lot residential subdivision final plat for “**Stone Cliff Phase 13.**” The property is zoned PD-R (Planned Development Residential) and is located at approximately 2630 East and 1710 South (Stone Cliff development – Flint Street). The representative is Mr. Reid Pope, Pope Engineering. Case No. 2015-FP-032. (Staff – Todd Jacobsen)

Todd Jacobsen presented the item with no comments.

Todd Jacobsen added that all final plats are subject to legal approval tonight.

Commissioner Nathan Fisher asked how many phases there are with Estancia.

Todd Jacobsen explained that there will be this phase 1 with future phases to be brought forward at another time.

Assistant City Attorney Victoria Hales added that there are some outstanding agreements and title report issues to clean up. The plats won't record until those items are cleaned up.

MOTION: Commissioner Nathan Fisher made a motion to approve items 1a, b, c and d and authorize chair to sign subject to planning, development, and legal review that all requirements and agreements are in place and satisfactory to the City.

SECONDED: Commissioner Todd Staheli seconded the motion.

AYES (4)

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Todd Staheli

NAYS(0)

Motion carries.

2. **EASEMENT VACATION / LOT LINE ADJUSTMENT (EV / LLA)**

Consider approval of an easement vacation / lot line adjustment for “**Lot 1 of Trebruk Estates Phase 1.**” The property is zoned R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size) and is located at 182 South Trebruk Circle. The representative is Mr. Marc Brown, Brown Consulting Engineers. Case No. 2015-LRE-018. (Staff – Todd Jacobsen)

Todd Jacobsen stated that existing lot fronts the cul-de-sac. He also owns the lot that backs the river. He wants to add to the lot that fronts the cul-de-sac and reduce the lot that fronts the river. The easement will need to be vacated and re-established.

Councilman Joe Bowcutt asked if the plat would need to be amended and if the surrounding owners agree to the change.

Todd Jacobsen responded that there are two options: amend the plat or by document. We chose to go by document for this case. We did receive consent from the neighbors and have that in our files. Easement will be vacated down the middle and remain surrounding the lot. No remnant will remain at the back, or the owner will resolve with City staff.

Commissioner Todd Staheli asked if a structure can be built that close to the river.

Todd Jacobsen stated the proposed structure is out of the floodplain, and they will have to stay out of the floodplain.

MOTION: Commissioner Don Buehner made a motion to recommend approval for item 2, easement vacation and lot line adjustment considering staff's recommendation and that it meets the requirements outlined by staff.

SECONDED: Commissioner Nathan Fisher seconded the motion.

AYES (4)

Commission Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Todd Staheli

NAYS(0)

Motion passes.

3. **LOT LINE ADJUSTMENT (LLA)**

Consider approval of a lot line adjustment for "Central Storage." The property is zoned C-3 (General Commercial) and is located at 955 North 1300 West Street. The representative is Mr. Marc Brown, Brown Consulting Engineers. Case No. 2015-LRE-019. (Staff – Todd Jacobsen)

Todd Jacobsen noted that this property is not in a subdivision. The request is to move the lot line south in order to separate the smaller storage units from the larger storage units.

Assistant City Attorney Victoria Hales asked if there are easements to be vacated.

Todd Jacobsen said there are no easements to be vacated with this item.

Joe Bowcutt questioned if the storage units above the lot line belong to someone else.

Todd Jacobsen explained that the same owner owns each lot.

MOTION: Commissioner Nathan Fisher made a motion to recommend approval of the lot line adjustment, item 3.

SECONDED: Commissioner Don Buehner seconded the motion.

AYES (4)

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Todd Staheli
NAYS(0)
Motion carries.

4. **VACATE CITY PROPERTY (VCP)**

Consider approval of City property to be vacated at approximately **2100 East Colorado Drive**. The property is zoned PD-R (Planned Development Residential). The applicants are Mr. and Mrs. Jenkins, and the representative is Mr. Bob Hermandson, Bush and Gudgell. Case No. 2015-LRE-020-A. (Staff - Todd Jacobsen)

Todd Jacobsen stated that item 4 and item 5 tie into each other. Red Cliffs Park East Phase 1 included the roadway in their plat. There was a strip there deeded to the City from the Developer, James Sullivan, S&S Homes. There is a home owner (1032 N) that owns up to the road. There is a significant elevation change there so he is not able to do anything with the property. Now with the road there is access to the property other than the piece of property the City owns. The Developer asked the home owner if they could purchase the upper part of the property for development. The owner has agreed to that. James Sullivan will grant the owner the property requested for vacation so the owner can access his parcel and so S&S can develop additional lots. We will then split the home owner's lot and then amend the plat for Red Cliffs Park East Phase 1. Approval would be based on the condition that the home owner merge the lot with the City vacated piece. The lot merger must occur within 30 days.

Commissioner Nathan Fisher asked if the statute generally stipulates the land be give back to the adjacent owner.

Todd Jacobsen stated that is true if it's a roadway. This piece is not part of the roadway; that's why it goes back to the developer who originally donated it.

Joe Bowcutt asked for clarification: so S&S owned before and deeded to the City and now he wants it back? In the past haven't we charged for purchase?

Todd Jacobsen said that it was donated to the City so it can be donated back.

Assistant City Attorney Victoria Hales counseled that a condition of approval needs to be that it must be merged to the adjacent parcel within 30 days.

Commissioner Nathan Fisher asked if the agreement between the home owner and James (S&S) is already established.

Assistant City Attorney Victoria Hales said normally it would go back to S&S. We don't get involved in the private agreements between the homeowner and S&S.

Todd Jacobsen stated we do have a letter from James requesting the land go to the home owner

MOTION: Commissioner Don Buehner made a motion to, based on staff recommendation, recommend item 4 to vacate city property located at approximately 2100 E Colorado Drive. The recommendation is conditioned that the vacated piece be merged with the adjacent parcel within 30 days.

SECONDED: Commissioner Nathan Fisher seconded the motion.

AYES (4)
Commissioner Don Buehner
Chair Ross Taylor
Commissioner Nathan Fisher
Commissioner Todd Staheli
NAYS(0)
Motion carries.

5. **LOT SPLIT (LS)**

Consider a lot split for **1032 North 2075 East Circle**. The property is zoned RE-12.5 (Residential Estate 12,500 sq. ft. minimum lot size). The applicants are Mr. and Mrs. Jenkins, and the representative is Mr. Bob Hermandson, Bush and Gudgell. Case No. 2015-LRE-020-B. (Staff - Todd Jacobsen)

Todd Jacobsen stated this lot split deals with the vacation we just reviewed. This lot split would include the merged vacated property.

MOTION: Commissioner Todd Staheli made a motion to recommend approval of item 5, lot split at 1032 N 2075 E Circle per staff recommendation and what we've heard tonight.
SECONDED: Commissioner Don Buehner seconded the motion.
Commissioner Nathan Fisher asked if the motion included the condition on a deed being recorded of the merge of the vacated property.
Commissioner Todd Staheli added the condition that the lots be merged within 30 days.
Commissioner Don Buehner re-seconded the motion.
AYES (4)
Commissioner Don Buehner
Chair Ross Taylor
Commissioner Nathan Fisher
Commissioner Todd Staheli
NAYS(0)
Motion carries.

Ro Wilkinson entered at 5:31 pm

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

Consider a zone change amendment request to construct a two-story, 90 unit town home project consisting of 16 buildings with amenities on approximately 7.89 acres of property in the PD-R (Planned Development Residential) zone. The project is "**Desert Hills Town Homes**" and is located at approximately the northeast corner of Brigham Road and Desert Hills Drive. The owner is SITLA (State Institutional Trust Lands Administration), and the applicant is Mr. Ryan Thomas, Development Solutions Group. Case No. 2015-ZCA-016. (Staff – John Willis)

John Willis explained the following:

We recently updated the general plan for this area from COM to MDR. The applicant would now like to amend the PD seeking approval of the density, site plan, elevations, and materials. The proposal is for 90 units, 2-story buildings. The MDR density range is 5-9 units per acre. They are requesting 11.4 units per acre. This density can be approved per 3 findings: the development is an infill development, the dwellings are platted for individual ownership, the density and scale is similar in scale to an adjoining development or fits harmoniously in the neighborhood. The applicant has provided a narrative and exhibits and believes they meet the criteria. They exceed the landscaping and parking requirements. They meet building height and recreation area. There are townhouses in the vicinity as part of the overall Hidden Valley development which met MDR criteria. MDR would allow up to 9 DUA and applicant requests approximately 12 DUA. The request to increase density doesn't appear out of character with the units across the street, but the applicant must prove that the findings are met.

Commissioner Nathan Fisher asked if a materials board was provided or if the printed paper was the submittal.

John Willis responded that only the printed 24x36 was provided by the applicant.

Commissioner Nathan Fisher questioned the density of the town homes to the west.

Assistant City Attorney Victoria Hales stated the project to the west has a higher density than the MDR allows, however the entire development is within the MDR range of the zone.

Ryan Thomas, Development Solutions:

The Hidden Valley Townhomes wasn't an infill piece so they could bring in other areas with open space and a 90' road and that's how they could lower their overall density. This is an infill piece so we don't have the opportunity to bring in more land to lower the density. The second finding – all the units will be individually platted for individual ownership. The third finding – if in harmony – we believe it is. The units will be similar in size to the other townhomes. Our dimensions are very similar to those of the other projects. The density for Hidden Valley is 10.2 units an acre.

Commissioner Nathan Fisher asked if walking through the projects the feel would be similar. Ryan Thomas said yes and added that the roofs will not be red like the site plan they will be earth tone per the materials sheet.

Commissioner Ro Wilkinson asked how many accesses are available.

Ryan Thomas explained there is a main entrance on Desert Hills Drive and another on 840 East. The 840 East access is already there. Half of the parking will be covered. There will be visitor parking.

Commissioner Nathan Fisher stated that a physical materials board would be nice to see rather than a print as the colors are not always the same.

Ryan Thomas stated that a physical materials board can be brought in prior to City Council. Commissioner Nathan Fisher reiterated that he would like to see the board.

Ryan Thomas added that the intent is to be similar to the surrounding projects.

Commissioner Don Buehner stated there are two concerns. One is the materials board and the other is the increased density request. I have some concern about the density.

Ryan Thomas countered that Hidden Valley didn't meet the general plan. We added up all the phases of the area and they exceed the general plan with a 10.2 density.

Commissioner Don Buehner added that another problem with the density is that it is directly across from the high school. I had some concern when you amended the general plan to MDR and now you're asking for HDR.

Ryan Thomas explained that HDR is 9-22 units and we're at the bottom end of that spectrum.

Commissioner Don Buehner stated that we debated with the general plan if MDR or COM was better. In asking for your density you're making it more akin to HDR than MDR and my concern is that it is not harmonious to the high school. You tend to get more rental units near a school. Increased density right next to a high school is a concern to me.

Ryan Thomas said he didn't see how the product compares to the high school.

Commissioner Don Buehner stated it's not a comparison it's whether it's in harmony.

Ryan Thomas countered that the project is in harmony to the neighbor to the west.

Commissioner Nathan Fisher explained the concern is the overall area not just the adjacent neighbor. If the finding is infill can't they pull in that future commercial piece? Infill means it cannot be developed any other way, so we don't create a definition or exception that can be argued every time there is a development.

Assistant City Attorney Victoria Hales counseled that there is not a definition in the code for infill. Planning Commission determines if the project meets the requirements per their application. Other times infill has been used it is for parcels that are land-locked in the center of a block with limited access, like in the downtown area. This parcel is surrounded by access, three roadways and other developable land. The Commission must determine if it is infill based on the total circumstance for this parcel.

Commissioner Nathan Fisher noted the applicant's argument is that additional land cannot be acquired but they can acquire their own vacant commercial area. There are 2/3 findings they have not yet proven.

Ross Taylor agreed that we need to be sensitive to the high school. Small apartments that are rentals are not the most desirable by a school as they tend to be a distraction. With that in mind, I would be in favor of lower density and configuring units that would be more family friendly. I'm concerned also that we've gone over the limit for MDR and there may be adjacent parcels that have done that in the past.

Ryan Thomas added there will be a wall around the project. These will be townhomes so there may be full time owners or renters but they'll be sold individually. I believe we meet the criteria as Hidden Valley had a 10.2 density and that too is over the approved range. When we came in with the general plan originally we thought about HDR but we didn't want to go up to 22 units an acre. Our intent has always been the lower limits of HDR.

Don Buehner stated that we need to verify the density of Hidden Valley. Additionally, that parcel is not across from the high school as this piece is. I believe more consideration needs to be made regarding the high school.

Commissioner Nathan Fisher asked about the unit sizes.
Ryan Thomas said a floor plan should be in the packet. There will be an HOA to maintain the landscaping.

Assistant City Attorney Victoria Hales stated that at this point we cannot confirm nor deny if the project west of this proposal was outside the allowed amount for MDR. I would assume that the project would meet the requirements of the zone. Planning Commission may recommend approval, denial, or ask the applicant if they want to continue it and to bring it back with the requested details.

Commissioner Nathan Fisher noted that the submittal states 3 bedrooms and 2.5 bathrooms.
Ryan Thomas added that this product will be priced at a certain point. Parts of the population need that price point. Our project has the tennis courts and seminary building across not the high school itself.

Councilman Joe Bowcutt stated that the challenge is if that density is acceptable.

Commissioner Don Buehner stated the issue is making an exception to the allotted density. They have the right to MDR but going to HDR the requested exception is the concern.

Assistant City Attorney Victoria Hales stated 71 units would be the maximum unit count at MDR as opposed to the 90 in the request.

Commissioner Nathan Fisher advised that we would be setting a precedent for what the definition of infill is with this proposal.

Chair Ross Taylor opened the item to the public.

Chair Ross Taylor closed the item to the public.

Ryan Thomas added that they sent flyers out to the neighbors and held a neighborhood meeting that no one showed up to when the general plan was being amended.

Commissioner Todd Staheli reiterated that a materials board rather than printed paper is preferred and should be seen. It is up to the applicant to do some more research and bring the board. We are few in numbers so it's up to the applicant to take a chance with a motion tonight or to table the item.

Commissioner Ro Wilkinson suggested the applicant return with another proposal.

Commissioner Nathan Fisher added that the materials board needs to be reviewed because there are times the colors don't match. It is our obligation for us a commission to review that.

Ryan Thomas stated that they would like a motion made tonight.

MOTION: Commissioner Don Buehner made a motion to recommend to City Council denial of the PD-R request for the following reasons: 1 – there is question as to whether the request for increased density is harmonious as it is the front of the high school in the neighborhood make up, and verify the density of Hidden Valley; 2 – the color board has not been submitted and the printed paper copy is not adequate

SECONDED: Commissioner Ro Wilkinson seconded the motion.

Commissioner Nathan Fisher – I concur but on different grounds – the materials board is significant but another issue is if this piece is truly an infill piece. My hope is that City Council makes a decision on that. I believe it would be like a reviewing a variance where they’ve created their own hardship. I think we’ll get the same product with lower density.

Commissioner Don Buehner noted there is some mitigation from 70 units to 90 units and the reduction mitigates the risks.

Commissioner Nathan Fisher agreed; we’ll get the same product in fewer number, but the number is significant.

AYES (5)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Todd Staheli

NAYS(0)

Motion carries - denied recommended to City Council.

7. **ZONE CHANGE (ZC)**

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 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)

(Carried over from previous PC meeting)

John Willis explained the following:

This came forward in May and now it is back for consideration. The applicant has modified the request and left a buffer of RE-20 along the frontage and R-1-12 for the remainder of the piece.

Commissioner Nathan Fisher asked if they own all the way to Little Valley road.

John Willis said they do except for the corner piece. There were concerns at previous meetings having R-1-12 across from larger lots. The entire property will be subdivided; the lots along the frontage will just be larger lots.

Paul Blackmore added that they met with Paul Iverson after the last meeting. He wanted a buffer to help protect his land. We coordinated and compromised to leave the RE-20 area to guarantee the feathering to his property. The 11.5 of the 13+ acres is to be changed. The compromise didn’t affect our potential layout but it guarantees the lot sizes to the neighbors.

MOTION: Commissioner Ro Wilkinson made a motion to accept the zone change on 11.5

acres from RE-20 to R-1-12.

SECONDED: Commissioner Todd Staheli seconded the motion.

AYES (5)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Todd Staheli

NAYS(0)

Motion passes.

8. **GUEST HOUSE (GH)**

Consider a request for a guest house / pool house to exceed the maximum allowable floor area of four hundred square feet (400 sq. ft.). The property is located at **643 Saratoga**. The zoning is R-1-10 (Single Family Residential, 10,000 sq. ft. minimum lot size). Case No. 2015-GH-004 (Staff – Ray Snyder).

Ray Snyder explained the following:

The setbacks are well out of the easements. They request a counter, sink, and refrigerator. It's considered living area but they have barn doors and the changing rooms are accessible from the outside only. The bathroom is also only accessible from the exterior. The applicant will need to fill out a deed restriction stating the guest house cannot be rented. The actual livable area is about 400 s.f. but total footprint is 600 s.f. Staff does not see any red flags and feels the guest house is appropriate.

Councilman Joe Bowcutt asked if the mechanical room is counted in the 600 s.f..

Ray Snyder said yes because it is under a roof but open on one side. The applicant did mention that they may scale this down because the pool took up more room than originally thought.

Chair Ross Taylor noted that the 400 s.f. limitation is to prevent rentals but the design itself precludes the rental. I don't see this ever having an appeal for a rental.

MOTION: Commissioner Nathan Fisher made a motion to approve the guest house/pool house item 8 as designed conditioned on the deed restriction and construction being in accordance with the plans as presented.

SECONDED: Commissioner Don Buehner seconded the motion.

AYES (5)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Todd Staheli

NAYS(0)

Motion carries.

9. **PRELIMINARY PLATS (PP)**

- A. Consider approval of a preliminary plat for a ninety-one (91) lot residential subdivision for “**Desert Crest.**” The applicant is Quality Development and the representative is Mr. Ken Miller. The property is zoned PD-R (Planned Development Residential) and is located on South Desert Canyons Parkway. Case No. 2015-PP-009. (Staff – Wes Jenkins).

Wes Jenkins presented the item. There will be a trail along the Parkway that the city will own and maintain. Open space will also need to be dedicated of 15%.

Chair Ross Taylor asked how many phases are up for approval.

Wes Jenkins explained that originally there was phase 1 but now it will be one big development with five phases.

Assistant City Attorney Victoria Hales noted that the legal department will review this at the final plat stage so all plats are subject to legal approval at a later time.

MOTION: Commissioner Todd Staheli made a motion to recommend approval of item 9a for Desert Crest subject to 15% open space dedication for all phases and subject to legal approval.

SECONDED: Commissioner Ro Wilkinson seconded the motion

AYES (5)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Todd Staheli

NAYS(0)

Motion carries.

- B. Consider approval of a preliminary plat for a seventy-six (76) lot residential subdivision for “**Red Wood Estates.**” The applicant is Development Solutions and the representative is Mr. Steve Kamlowksi. The property is zoned R-1-8 (Single Family Residential, 8,000 s.f. minimum lot size) and is located at 3200 East and Crimson Ridge Drive. Case No. 2015-PP-017 (Staff – Wes Jenkins).

Wes Jenkins explained that the zone was just changed to R-1-8. They are requesting lot size averaging. 12 lots fall below 8,000 s.f.. The density does stay below the requirement.

Assistant City Attorney Victoria Hales noted that the legal department will review this at the final plat stage so all plats are subject to legal approval at a later time.

MOTION: Commissioner Ro Wilkinson made a motion to recommend approval of item 9b based on staff comments and conditioned on legal approval.

SECONDED: Commissioner Nathan Fisher seconded the motion.

AYES (5)

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

10. **PARKING (PRKG)**

A request to review the parking requirements for the "Promenade at Red Cliffs." The property is zoned C-2 (Highway Commercial Zone) and is located on Red Cliffs Drive north of St George Blvd. Case No. 2015-PRKG-001. (Staff – Ray Snyder)

Ray Snyder presented the following:

This site used to be Paradise Bakery. The Bakery was approved as a restaurant and staff considers the site to be non-conforming in regards to parking. If another restaurant were to come into the building in under a year that use can be continued. There is an overall site plan for the whole complex but most of the parking is not part of this proposal. There are three restaurant proposals within the one building. They want to divide the building into 3 pieces and also create a patio area of 1000 s.f.. That additional patio would remove some parking and increase the need for parking. Staff calculated 409 parking spaces. It is not clear where the excluded property parking is but there is a statement that 472 spaces are available that staff is honoring. Staff put together a parking table to evaluate the current uses and parking. 474 spaces would be required and their document states there are 472. It appears they are short 2 spaces to begin with and taking away 7 while adding more square footage would increase their non-conformity. I did receive an email from Sue regarding a parking analysis. ATrans went through and did a study but staff administers the code. If a center has greater than 500 spaces there is an allowance to allow reduced parking. There is a 53 space short fall.

This is subject to the following: evidence of no conflict of demand, number of stalls does not exceed spaces normally required, spaces cannot be more than 200' from use, shared parking agreement needed.

Chair Ross Taylor stated the parking is difficult there and restaurant patrons stay for a while.

Commissioner Don Buehner agreed that parking there is a problem.

Commissioner Ro Wilkinson added that a lot depends on holidays and snow birds and the parking varies. The restaurants are the most used.

Ray Snyder added that Red Rock Commons put in additional parking and there is still difficulty parking there.

Assistant City Attorney Victoria Hales counseled that it existed as a restaurant before so the non-conforming use exists. You're looking at if they can take away the 7 spots and add the outdoor seating area. Planning Commission needs to determine if the applicant's new request works with the existing, non-conforming use. Can they remove the number of spaces requested? Continuing a restaurant use is allowed.

Commissioner Nathan Fisher asked if the non-conformity can continue if they expand. Assistant City Attorney Victoria Hales stated the patio is the issue. Commissioner Nathan Fisher countered that to remain non-conforming it has to be the same as before. If they add to it then they have to bring it to current code. Assistant City Attorney Victoria Hales stated it has to come to code if it is a major change, but if it is not significant then it can remain.

Sue Jagodzinski approached the Commission to explain:
We've been working with staff for the last month or so on the parking situation. Our specialty is buying performing buildings and bringing them back to life. Paradise Bakery has left and there is a furniture store there as well. The 1000 s.f. can be retail since the furniture store is there as well. I've been to the site multiple times and did not have a problem finding parking. I have heard that this is an underperforming center that is an eye sore. We want to improve the center with architecture and painting to upgrade the aesthetics. The patio isn't set in stone. It can shift to lose fewer spaces. I know we are relocating the trash enclosure as well.

Commissioner Todd Staheli asked where the handicap stalls will be relocated to. Sue said they will go to the west of the building. Commissioner Nathan Fisher asked if moving the trash enclosures will take up different parking spaces. Sue said yes the spaces and enclosure will flip flop. If we can add spaces we're open to it.

Commissioner Don Buehner stated we really want to see the area successful but the customer service of the previous tenant was poor. I'm not sure when the study was done but with an unsuccessful place that doesn't have many customers is an unrealistic view of demand. If it becomes successful then that adds to the parking demand. The 7 spaces to me is an issue that we need to consider carefully.

Councilman Joe Bowcutt stepped out at 7:21 pm.

Commissioner Todd Staheli agreed that the parking study shows availability because Paradise was performing poorly. The issue of not having enough parking for all those is moot but removing the 7 and adding seating is a problem.

Councilman Joe Bowcutt returned at 7:24 pm.

Commissioner Nathan Fisher stated losing stalls to make something successful may be worth considering. I like the idea of adding the patio in a way to not lose stalls. We need to know if we can change the non-conforming. Assistant City Attorney Victoria Hales counseled that 10-19-5 allows you to do it if you make the finding notwithstanding the requirement to City Council that the spaces are deemed reasonable for the uses. Commissioner Nathan Fisher – the center space – part of the building is retail and not restaurant – can the whole thing become restaurant and not change the non-conforming?

Assistant City Attorney Victoria Hales stated that is a concern but you have to consider if the spaces are reasonable for the uses under the code. If they have the same uses and parking, there is no change, and no special approvals are required.

Commissioner Todd Staheli said he would lean toward 2 successful restaurants over parking. Commissioner Don Buehner agreed but expressed concern that more goes into the success of a restaurant than patio space. If the next business isn't successful then we've lost parking stalls for nothing.

Sue – asked if the approval can run with the business.

Assistant City Attorney Victoria Hales counseled the non-conforming must be similar in proportion regarding the retail and restaurant spaces and uses.

Councilman Joe Bowcutt asked if the parking calculation includes stalls by the food court area and in front of Tai Pan.

Ray Snyder said the parking is for the whole center.

Councilman Joe Bowcutt said there are several vacant places in that food court area which means if restaurants come into those vacancies we've got a problem.

Commissioner Nathan Fisher noted that we can approve it now to fix it but if it becomes successful we've got a bigger problem than we currently have.

Councilman Joe Bowcutt commented he would hate to see what could be two viable or three viable businesses be shut down for 7 parking spaces.

Commissioner Don Buehner agreed but suggested the best help we can give the applicant is that they go back to the drawing board and keep the stalls and work with what you have. Eliminate the 3rd area and have 2 nice restaurants. Try to make it work with the space provided.

Eliminating stalls presents a problem.

Commissioner Nathan Fisher stated that application should reconfigure the area in a manner that is less intrusive.

Chair Ross Taylor said if they can add the patio and not touch parking it's a go on our end.

Commissioner Don Buehner said you can go forward to City Council and you can ask for a recommendation from us tonight to continue your time frame or you can choose continue it and bring in a different detail.

Sue Jagodzinski said we continue the item.

No motion – item tabled.

11. **REDUCED SETBACK (RS)**

Consider a reduced setback from ten feet (10') to zero feet (-0'-) on the south property line of the Lifetime Store at 530 E St. George Blvd to allow construction of a storage structure. Case No. 2015-RS-001. (Staff - Ray Snyder)

Ray Snyder explained the applicant would like to put a covered storage area with 0' setback. The setback is usually 10'. It is commercial to commercial and the request is allowed per

Planning Commission approval if the setback is determined unnecessary. The structure will be 11' high.

Assistant City Attorney Victoria Hales asked if the storage is enclosed by a fence.

Ray Snyder said there's a partial block wall. You wouldn't see the storage because the wall except for the 5' above the fence.

Vaughn Stuart explained the block wall existing. The part open from the wall can be enclosed if needs so the other neighbor can never see what is stored there.

Chair Ross Taylor asked which neighbor the graphics are from.

Ray Snyder said it is the neighbor the south.

Commissioner Todd Staheli asked why the zero setback is necessary when there is nothing back there.

Vaughn Stuart said they set up their basketball tournaments there and they do have vehicles to load and unload there.

Commissioner Nathan Fisher said it's already storage as a zero setback without a structure so this would allow some covering and prevent a weed patch with the 10' setback requirement. The south property will eventually improve and it would be nice for them to have a decent view rather than storage.

Vaughn Stuart noted the property line jogs so only a portion would be on the line.

Commissioner Nathan Fisher said it will be more usable for you and more appealing for the neighbor to the south. What material will be used for the wall?

Vaughn Stuart said aluminum or steel frame work. There can be vinyl siding. The structure will go past the jogged property line but will not itself jog.

Commissioner Nathan Fisher asked what the roof material and color would be.

Vaughn Stuart stated it would be like a commercial car port. Color has not been decided.

Commissioner Nathan Fisher stated tan would be preferred by the Planning Commissioner.

Assistant City Attorney Victoria Hales said the code does require that outside storage be behind a solid fence. 10-10-5 does state that all materials and merchandise shall be stored in an enclosed building or surrounded by site obscuring fence. Material cannot be higher than the enclosing fence or wall.

Assistant City Attorney Victoria Hales recommended a 5 minute break.

Chair Ross Taylor noted that the sprinkler company was surrounded by a 6' solid fence and then they had a 3 way enclosure with 10' landscaping.

Meeting break at 8:07 pm

Meeting resumed 8:15 pm

Assistant City Attorney Victoria Hales counseled that before the Planning Commission today is the reduced setback for outside storage and I don't think there is an issue with the request as long as there is a solid block fence or enclosed building. If the motion is made to meet those requirements you may move forward.

Commissioner Todd Staheli asked if the storage can be above the wall.

Assistant City Attorney Victoria Hales said that would be a code violation.
Councilman Joe Bowcutt asked if a 3 sided structure counts.
Assistant City Attorney Victoria Hales counseled the code says enclosed or behind solid block fence so he can pick either however enclosed is 4 sides.

Commissioner Nathan Fisher said the only way to do this is to have a 6' wall around the property with an open structure of 11' but product stacking can only be 6'.

Commissioner Todd Staheli asked if drainage is an issue with the 0' setback.

Commissioner Nathan Fisher said we can approve the 0' setback with a solid fence enclosing the storage area or an enclosed building.

Assistant City Attorney Victoria Hales counseled the motion tonight is just the setback.

John Willis stated that staff will ensure the code is met.

MOTION: Commissioner Nathan Fisher made a motion to approve the request for a 0' setback on the rear property line for a storage facility conditioned on the applicant complying with applicable ordinances.

SECONDED: Commissioner Todd Staheli seconded the motion

AYES (5)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Todd Staheli

NAYS(0)

Motion carries.

12. **DISCUSSIONS**

Discuss recent City Council Actions (June 4th) and other current items.

NOTE: The June 23rd Planning Commission meeting will be held at the Washington County Commission Chambers, 197 East Tabernacle.

ADJOURN

MOTION: Commissioner Ro Wilkinson made a motion to adjourn.

SECONDED: Commissioner Todd Staheli seconded the motion

Meeting adjourned at 8:36 pm.