

APPROVAL: 04/26/2016

Motion: Ro Wilkinson

Second: Diane Adams

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

PRESENT: Chair Pro Tem Nathan Fisher
Commissioner Diane Adams
Commissioner Julie Hullinger
Commissioner Todd Staheli (entered at 5:11 pm)
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: Commissioner Don Buehner
Commissioner Ro Wilkinson
Chair Ross Taylor

FLAG SALUTE

Chair Pro Tem Nathan Fisher called the meeting to order and asked Commissioner Julie Hullinger to lead the flag salute at 5:02 pm. The meeting will go as outlined in the agenda. Please note that we have three commissioners and one council member present. For a decision to move forward the decision must be unanimous. If you as an applicant would like to continue your item to another date please let us know.

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

Consider approval of a fifteen (15) lot residential Final Plat for “**Whisper Ridge Phase 2 – 3rd Amended and Extended.**” The property is zoned R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size) and is located at 1121 West Cresole Drive. The representative is Mr. Bob Hermandson, Bush and Gudgell. Case No. 2015-FPA-035. (Staff – Todd Jacobsen)

Todd Jacobsen presented the item. They want lot 12 to be merged into the adjacent two lots; so three lots into two. The easements will move with the lot lines.

MOTION: Commissioner Diane Adams made a motion to approve the final plat amendment as submitted and authorize chair to sign.

SECONDED: Commissioner Julie Hullinger seconded the motion.

AYES (4)

Councilman Joe Bowcutt

Chair Pro Tem Nathan Fisher
Commissioner Diane Adams
Commissioner Julie Hullinger
NAYS (0)
Motion carries.

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

Consider a request to construct a below ground testing range for testing firearm products. The property is located at 401 North 3050 East and the zoning is M-2 (Industrial). The applicant is Mr. Tony Berry, Berry's manufacturing, and the representative is Mr. Greg Mathis, MRW Design. Case No. 2015-CUP-009 (Staff – John Willis)

John Willis presented the item.

The applicant would like to construct an underground testing range. It will be underground however a portion will be above ground to accommodate the door and staircase to the facility. M-2 zoning does allow for indoor shooting ranges as a CUP. There is another section of the code that does allow the Planning Commission to review uses and determine if they fit the zoning. We are bringing this forward as a CUP, similar to a shooting range. The City Council will review this item as well. The testing range will not be visible from the street. The M-2 does not have standards for a shooting range but the commercial zone does. Conditions in the commercial zone are:

Indoor Shooting Range: Shooting ranges shall be fully improved to comply with all current city standards and the building shall be built to the current building code.

Hours of operation shall be limited to six o'clock (6:00) A.M. to ten o'clock (10:00) P.M.

Indoor shooting ranges shall have walls, ceilings, and floors that are impenetrable to the ammunition discharged by firearms being used within it or have internal baffling built so that the ammunition discharged cannot hit the walls or ceiling.

Indoor shooting ranges shall be constructed and insulated in such a manner that prevents sound from the discharge of firearms within the facility to exceed a maximum limit of sixty five (65) dBA at the property line.

Magazine (ammunition) storage shall be fully enclosed by construction materials as approved by the building department and fire department per applicable codes.

Shooting range must be specifically approved as required per 5-4-3: and be authorized by the City Council

Commissioner Todd Staheli entered the meeting at 5:11 pm

Applicable findings for this item are letters G and I.

Chair Pro Tem Nathan Fisher stated noise was not a finding and asked if that was addressed by the commercial standard. Will there be a buffer to residential?

John Willis said that is correct, by applying the commercial standard it would no longer be an applicable finding. There is a slight buffer. The residential there is single family residential patio homes.

Councilman Joe Bowcutt asked if there is an elevation change between the homes and the facility.

John Willis said he was uncertain but it does look like an elevation change.

Councilman Joe Bowcutt asked how the 65 decibels is monitored.

John Willis said he will have to follow up to see how the decibels are monitored.

Victoria Hales said 65 decibels is about the sound of a speaking voice at the property line (dBA measures the relative loudness of sounds in air as perceived by the human ear). This is in a manufacturing zone and there are not decibel limits to the other facilities in the area. It is presumed that there will be loud noises associated with manufacturing zones.

John Willis added that the hours of operation would also monitor that. The hours of operation are taken from the commercial standard. They only plan on operating during business hours.

Chair Pro Tem Nathan Fisher said the motion made will need to note which hours we would like to see.

Commissioner Diane Adams asked if business hours are Monday to Friday or weekend.

John Willis said it could be weekend.

Assistant City Attorney Victoria Hales counseled that ordinance does not apply to M-2 but staff suggests the commercial standards are used from 10-10-5. Also this will not be open to the public. This is a CUP so if approved it would stay with the property even if the owner changes.

Chair Pro Tem Nathan Fisher said adding no public use of the testing range may need to be a condition that we add to a motion.

MOTION: Commissioner Julie Hullinger made a motion to approve Item 2 and include the findings G and I and that the hours are limited from 8:00 am to 5:00 pm as well as the conditions outlined by staff with no public use of the testing range.

SECONDED: Commissioner Diane Adams seconded the motion.

AYES (4)

Chair Pro Tem Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli.

NAYS (0)

Motion carries.

3. GENERAL PLAN AMENDMENTS (GPA)

- A. Consider a General Plan Amendment from MDR (Medium Density Residential) to COM (Commercial) on approximately 0.6 acres. The property is generally located at the northwest corner of the intersection of 300 North Street and 500 West Street

(involving three lots). The applicant is Mr. Bruce Cunningham. This proposal is to change the General Plan which would then allow the applicant to return with a PD zone change for the future development of a project called “**Camp RV.**” Case No. 2015-GPA-005. (Staff – Ray Snyder)

Ray Snyder presented the item:

There are three properties. The two on the east side are the properties where the potential business would be after the zone change process. The current general plan has the area designated as MDR and the request is to extend the COM area. There is a narrative in your packet. There is a non-conforming auto repair business on the west property. If the general plan and then zone change are approved then a CUP would need to come forward with site plan review and civil engineering plans. Elevations were submitted for the potential project after the zone change process. I did receive an email from the applicant today with photos that have been placed before you.

Councilman Joe Bowcutt noted that to get a trailer back into the facility may be a problem because they would be out in the middle of the road trying to park the recreational vehicle.

Ray Snyder said tonight is really just a general plan amendment. We’ll look at the site plan later at the zone change stage.

Assistant City Attorney Victoria Hales counseled that we are not reviewing the use at this time. Tonight’s decision is for a general plan amendment. The question is if MDR to COM is appropriate for this location and does it fit with the general plan. This layout of the project is not at issue tonight.

Bruce Cunningham (applicant) said that trees would be better for the site than the parking structures. For backing up the trailers the drive aisles are there and then staff can park the vehicles rather than patrons.

Chair Pro Tem Nathan Fisher asked if the existing auto shop is part of the business area.

Bruce Cunningham said no we are not.

Commissioner Diane Adams asked where parking is onsite.

Bruce Cunningham said for every trailer there is an onsite parking space.

Chair Pro Tem Nathan Fisher opened the public hearing.

Chair Pro Tem Nathan Fisher closed the public hearing.

Assistant City Attorney Victoria Hales counseled this is a legislative act whether changing the general plan for the proposed commercial land use is suitable for the location.

MOTION: Commissioner Diane Adams made a motion to recommend approval of the GPA from MDR to COM on approximately 0.6 acres at the intersection of 300 North and 500 West.

SECONDED: Commissioner Todd Staheli seconded the motion.

AYES (4)

Chair Pro Tem Nathan Fisher

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

- B. Consider a General Plan Amendment from E (Employment) and MDR (Medium Density Residential) to **HDR** (High Density Residential) on approximately 51.95 acres. The property is generally located at approximately 1280 W 4700 S (Southeast of the intersection of Sun River Parkway and Arrowhead Canyon Drive). The owner is SITLA and Mr. Kyle Paisley is the agent. The applicant is Sun River St George Development L.C., and the representative is Mr. Scott McCall. This proposal is to change the General Plan to allow for the future development of a PD zone change for **“The Villas at Sun River – Twin Homes Project”** Case No. 2015-GPA-006. (Staff – Ray Snyder)

Ray Snyder presented the following.

The general plan amendment is to allow for a future twin home project. The proposal is to change the E (Employment) and MDR (Medium Density Residential) land use designations to HDR (High Density Residential). There are about 52 acres proposed to change. There is a PK (park) designation south of the current MDR that will remain. There is a concept of twin homes submitted but again we’re talking about the general plan only. There was a concern from staff regarding availability of water but that will be addressed at another stage in the process.

Scott McCall (SunRiver Development) explained that a multi-unit two story building is the desire which is why the request is for high density. We think this area by an interstate and commercial would do well with high density.

Councilman Joe Bowcutt stated the portion to the north is commercial.

Scott McCall stated that is zoning. The pink “E” land use was a custom designation created when SITLA came forward originally.

Chair Pro Tem Nathan Fisher asked if multi-family units would be for the entire area.

Scott McCall said they wanted to try a small area first and are not sure the extent. A lot of the mystery would be dispelled at the zone change stage.

Assistant City Attorney Victoria Hales counseled that this is a GPA not a specific project. The MDR and E being changed to HDR could later be up to 22 units per acre. The issue is whether or not the change is in the best interest of the community and suitable for this location.

Scott McCall said the change would allow the possibility of multi-family for the whole area. We’ll come back with a thorough zone change application.

Assistant City Attorney Victoria Hales said tonight is if this designation is appropriate for that area. Zoning is the next phase and a specific density would be established at that stage. On top of the zoning designation could be the specifics for landscaping, height of buildings, etc. depending on the zone change application. But this is a proposed general plan amendment, and this is in your broad legislative discretion.

Commissioner Todd Staheli asked that the water availability be explained.

Scott McCall said any development out there would see an end of availability until a new water line is built. It would be along the southern corridor all the way to the interchange. It's infrastructure only. The water is available.

Chair Pro Tem Nathan Fisher asked if designated HDR what rights does an owner of property have to a particular zone that qualifies for high density.

Assistant City Attorney Victoria Hales advised there isn't an entitlement until the zone change. John Willis added the entitlement is at the zone change but when you change the general plan you're anticipating zoning within that designation. There is a range there from 10 to 22 units.

Chair Pro Tem Nathan Fisher asked if the MDR designation would satisfy the needs of the applicant.

John Willis stated the range of MDR is up to 9 units per acre. MDR is for town house and condo projects, but not apartments.

Chair Pro Tem Nathan Fisher opened the public hearing.

Mary Jo Pay – we live right along SunRiver Parkway. When we heard about this development we weren't happy about it. We moved down to SunRiver to not be around teenagers and away from traffic. We were promised the project would be single story. We're the only houses with a look out to the mountain. We retired here and we want to be happy here and have our view. The applicant is waffling. We really want to be protected and not have teenagers and others coming into our neighbor who would steal and be loud.

Charles Jo – all I've heard is not to worry there won't be apartments around here. If you pack in a bunch of people here the traffic is going to be a problem. There are only two accesses into the project. It should handle MDR but HDR would create problems with traffic. I think the people should have some say about this and I would like to know where the project is going to start. Is the park still going to happen? The plans should be completely set up.

Scott McCall said the park will still be built.

Assistant City Victoria Hales reminded the public that general plans and zoning are two different steps in a process. First is general plan – the general plan says MDR and E. The question tonight is if the designation should stay the same or change to HDR. It is not approving a certain plan, or roads, or where anything will be. This hearing is whether the 50+ acres should be HDR.

Charles Jo – I do not support HDR. I support MDR.

Chair Pro Tem Nathan Fisher stated this is a multi-step process. The detail will come later but not feasible at this stage. The only issue before us is whether in this area is HDR appropriate. The height of buildings and type of buildings will all be established down the road.

Chuck Golden – it seems the ultimate goal of the applicant is to do something other than MDR. They may start with MDR but then in the future we don't know what they're going to build. I suggest it all be changed to MDR because that will satisfy the short term and that would satisfy the residents as well.

Cheryl Sandwell – going to HDR at 22 units per acre is 1,122 units. That may not all be put in there but that is a great number. In all of SunRiver there are not that many homes. There is only a 2-lane road into SunRiver and that could be problematic.

Chair Pro Tem Nathan Fisher closed the public hearing.

Chair Pro Tem Nathan Fisher asked if this is part of SunRiver.
Scott McCall said no, this will be a new project with its own HOA. It will be age restricted to 55+ but not part of the current project. We will put that all together for the zone change stage with CCRs that will take care of many of the concerns.

Chair Pro Tem Nathan Fisher advised that the proposal can change, but the general plan designation will remain. The property can be sold but we cannot hold them to any of that.

Commissioner Diane Adams asked if MDR would work.
Scott McCall said that would only allow twin homes. We just want the flexibility for multi-family. The zone change would let us show you the multi family better.

Commissioner Todd Staheli asked if traffic has been addressed.
Scott McCall stated that a traffic study would be conducted if needed and all the safety requirements would be met. We'll build a wider road or install the infrastructure as needed.
Commissioner Todd Staheli asked if the applicant could go forward as MDR.
Scott McCall said we can do the twin homes but it would not allow us to respond to the market. It's adjacent to an interchange and commercial so multi-family really is common.

Joe Bowcutt asked if Arrowhead Canyon is city street or HOA.
Scott McCall said it is a City street. There will be a City trail that is master planned with the City. It will have an unusually deep buffer of 30' that may help the adjacent residents.

Chair Pro Tem Nathan Fisher asked what the MU designation is.
Scott McCall said it is mixed use part of the Atkinville plan.

Chair Pro Tem Nathan Fisher noted when dealing with an interchange and how it can be used it is challenging. They propose HDR and my thought is COM may be better or MDR as there is COM and HDR in the area already. HDR near LDR is a bit of a concern to me. We need to separate the potential project and think about what could be there.

Assistant City Attorney Victoria Hales stated this decision does need to be unanimous and is in the Planning Commission's broad discretion.
Commissioner Julie Hullinger asked the applicant if they would like to move forward or table.
Scott McCall said he is confident with moving forward tonight.

Commissioner Todd Staheli said it is a unique area but there are so many different things that could be there with HDR. I worry about the traffic but the road there is not really built for HDR.

Commissioner Diane Adams said I've never seen the developer do something that doesn't work well. The worst case scenario is 1,100 units but I don't know that the current developer would do something that drastic. There have been many changes out there and they have all worked out well. All SunRiver residents have had an opportunity to input into this area. All of the changes have been harmonious to the area.

MOTION: Commissioner Julie Hullinger made a motion to approve item 3B.

SECONDED: Commissioner Diane Adams seconded the motion.

AYES (4)

Chair Pro Tem Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion carries.

- C. Consider an amendment to the General Plan Land Use Designation to provide a new category **MHDR** (Medium High Density Residential) with a density range of 10 to **15** dwelling units per acre. Case No. 2015-GPA-008. (Staff John Willis)

John Willis presented the item. This is a staff initiated application to create a new designation of MHDR with a range of 10-15 units. HDR would then be 16-22 units. Most ranges have 4-5 unit increments but the current HDR has a large range of 10-22 units per acre. It is difficult to look at HDR requests because that range is so large. This request is to break the density range apart and make for better decision making. A definition would need to be added to the general plan, and the range table would need to be modified. The zoning districts MHDR would translate to be PD-R and TND. There is an existing MHDR designation specific to Little Valley. Revisions to that plan have eliminated the need for that designation so we are simply removing any indication that the designation is Little Valley specific. The color coding would remain the same. There is a visual example of what types of projects would come forward called "Visualizing Density". I have put some of those graphics in your packet.

Commissioner Julie Hullinger stepped away at 6:19 pm

Commissioner Julie Hullinger back at 6:21 pm

Commissioner Diane Adams said this designation would have been a benefit to the previous application.

John Willis said that was discussed but the applicant wanted to move forward.

Commissioner Diane Adams said she liked the proposal.

Assistant City Attorney Victoria Hales said many developments would benefit from this so they are not stuck in the MDR or HDR range. That additional category and range makes a significant difference.

John Willis said this helps us limit the type of developments that occur.

Councilman Joe Bowcutt said it's a great idea. We'll see what the public thinks but it allows for better control.

Chair Pro Tem Nathan Fisher opened the public hearing.

Chair Pro Tem Nathan Fisher closed the public hearing.

MOTION: Commissioner Diane Adams made a motion to approve item 3C the creation of a MHDR designation with a range of 10-15 units per acre.
SECONDED: Commissioner Todd Staheli seconded the motion.
AYES (4)
Chair Pro Tem Nathan Fisher
Commissioner Diane Adams
Commissioner Julie Hullinger
Commissioner Todd Staheli
NAYS (0)
Motion carries.

4. **PRELIMINARY PLAT**

Consider approval of a preliminary plat for a seventeen (17) lot residential subdivision for "**Chaco West Phase 4**". The owner is Double Dragon Inv LLC and the representative is Mr. Brett Henke, Kuma Engineering. The property is zoned PD-R (Planned Development Residential) and is located in the Entrada development near Tacheene Drive. Case No. 2015-PP-019 (Staff – Wes Jenkins)

Wes Jenkins presented the item. They will not mass grade the lots they will be done on an individual basis. They will build the roads and utilities.

Assistant City Attorney Victoria Hales asked if this is within the unit limits for the PD.

Brett Henke said the overall Entrada development has 151 units still available including this in the calculations. This is one of the few remaining pieces.

Assistant City Attorney Victoria Hales said this will be subject to legal approval.

MOTION: Commissioner Todd Staheli made a motion to approve item 4 for a 17 lot residential subdivision in Entrada subject to legal approval.
SECONDED: Commissioner Julie Hullinger seconded the motion.
AYES (4)
Chair Pro Tem Nathan Fisher
Commissioner Diane Adams
Commissioner Julie Hullinger
Commissioner Todd Staheli
NAYS (0)
Motion carries.

5. **DISCUSSIONS**

Discuss as required any recent City Council Actions and other current items.

ADJOURN

MOTION: Commissioner Todd Staheli made a motion to adjourn.
SECONDED: Commissioner Julie Hullinger seconded the motion.
Meeting adjourned at 6:35 pm.