

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

Approved: 5/10/2016
Motion: Todd Staheli
Second: Julie Hullinger

Approved: 6/14/2016
Motion: Julie Hullinger
Second: Todd Staheli

PRESENT: Chair Ross Taylor
Commissioner Ro Wilkinson
Commissioner Todd Staheli
Commissioner Nathan Fisher
Commissioner Diane Adams
Commissioner Don Buehner
Commissioner Julie Hullinger
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
Deputy City Attorney Paula Houston
Assistant City Attorney Victoria Hales
Building & Development Office Supervisor Genna Singh

EXCUSED:

FLAG SALUTE

Chair Ross Taylor called the meeting to order and asked Commissioner Don Buehner to lead the flag salute at 5:00 PM.

1. **FINAL PLATS (FP)**

- A. Consider approval of a fourteen (14) lot residential subdivision final plat for “**Hawthorne Estates Phase 3**”. The property is zoned R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size) and is located at approximately 3060 East and 3450 South (Ashton Drive and Tanoak Circle). The representative is Mr. Brad Petersen, Development Solutions. Case No. 2015-FP-050. (Staff – Todd Jacobsen)

Todd Jacobsen presented the item with no comments.

- B. Consider approval of a twenty (20) lot residential subdivision final plat for “**Sun River at St George Phase 47**”. The property is zoned PD-R (Planned Development Residential) and is located at approximately 1290 East 5080 South (Blue Star Drive and Silk Berry Drive). The representative is Mr. Brandon Anderson, Rosenberg Associates. Case No. 2015-FP-060. (Staff – Todd Jacobsen)

Todd Jacobsen presented the item with no comments.

MOTION: Commissioner Ro Wilkinson made a motion to recommend approval of item 1A and 1B and authorize chair to sign.

SECOND: Commissioner Diane Adams

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. **FINAL PLAT AMENDMENT (FPA / LLA)**

Consider approval of an amended residential subdivision final plat / lot line adjustment to adjust the **lot line between Kachina Springs East Phase 3** and the **parcel to the north** (SG-6-2-10-111) by moving it approximately ten feet (10') towards back of curb. The City is retaining the area as a utility and drainage easement. The properties are zoned PD-R (Planned Development Residential) and are located at 2139 West Cougar Rock Circle. The representative is Mr. Roger Bundy, R & B Surveying. Case No. 2015-LRE-029. (Staff – Todd Jacobsen)

Todd Jacobsen presented the item. This is on the north side of Cougar Rock Circle. There is a hatched area there to be changed. The existing phase line is on the northeast side of the private road. We want to move that 10' SW and it will follow back of curb. This adjustment will allow for a future phase and put the setbacks at the curb. We will retain that area as a public utility easement.

Commissioner Diane Adams asked if legal has reviewed this item.
Deputy City Attorney Paula Houston said yes.

MOTION: Commissioner Julie Hullinger made a motion to recommend approval.

SECOND: Commissioner Nathan Fisher

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. **ZONE CHANGE (ZC)** (Public Hearing)

- A. Consider a zone change request to change 0.80 acres from the R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size) zone to C-2 (Highway Commercial) to accommodate the future development of an auto service shop and car sales lot for ‘**Auto Gallery.**’ The property is located west of (*adjacent to*) the existing Auto Gallery car sales lot at the corner of 700 South and 1100 East Street. The owner is Brink 14 Properties LLC, the applicant is Bluff Street Properties, and the representatives are Mr. Curren Christensen, NAI, and Mr. Brandon Anderson, Rosenberg Associates. Case No. 2015-ZC-025 (Staff Ray Snyder)

Ray Snyder presented the following:

The zoning is a piece of R-1-10 with commercial around it. The general plan is Commercial. The applicant provided more information for this zone change and that additional information is before you. The applicant will later come to staff for site plan review.

Chair Ross Taylor said it shows highlighted in yellow the R-1-10 and this request is for only part of that existing R-1-10, correct?

Ray Snyder said that is correct. It is for the property fronting 700 South.

Ross Taylor opened the public hearing.

Ross Taylor closed the public hearing.

MOTION: Commissioner Nathan Fisher made a motion to recommend approval of Item 3A to City Council.

SECOND: Commissioner Diane Adams

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 zone change from R-4 (Multiple Family Residential) to PD-SH (Planned Development Student Housing) on 1.6 acres to accommodate a fifty-six (56) unit two hundred and sixty-five (265) bed student housing project called the “**Vintage at Tabernacle.**” Located at approximately 850 East Tabernacle. The owner is Redstone Residential Inc., the applicant is Mr. Chris McKay, and the representative is Mr. Tyler Hoskins. Case No. 2015-ZC-028 (Staff John Willis)

John Willis presented the following:

This is the first student housing project to come forward since the code has been amended to allow for PD-SH. This approval will be for building height, landscaping, density, parking, and other items. The zoning is R-4 and the general plan is COM. The proposal is in the Pedestrian Emphasis Area that allows for certain parking reductions and other allowances per the code. The building is 5 stories with the bottom floor as parking. They are proposing a pedestrian access to the south that would allow students to go to the North Instructional Building (NIB) of the University. The area is 1.6 acres. The code requires a minimum of 2.0 acres; however the Planning Commission may recommend to City Council that the area be reduced. The project is proposing 35 dwelling units per acre. This zoning does allow for 40 units per acre. Part of the incentive of student housing is parking. The code allows for a requested reduction of 25% in parking. The parking may be reduced to .75 spaces per student if the following are met: the project is new construction with 10+ units and is in the PEA – each property shall clearly specify by rental contract the parking restrictions, the property is to enter into an agreement with the City and University, monitoring requires a semiannual, verified report of tenants in possession of autos, and it is the owner's duty to verify student status. Bicycle parking is to be provided at a ratio of 1:10 students. The applicant is required 200 spaces with the reduction and has provided 209.

There is a proposed landscape plan of 46% landscape where the required is 20% in the code. They are providing street trees on Tabernacle as well as the perimeter of the property. The trees will help mitigate the building height. There is a recreation area requirement of 100 s.f. per unit which is 6,200 s.f. and they have provided 11,000 s.f. with a pool and spa with a courtyard. The driveways do line up with adjacent streets. The maximum height per the zone is 55' and they are requesting 66'. The frontage meets that height, but the rear section is greater than the code allowance. There is an incline on the property, and they propose the foliage to help mitigate that impact. There are design standards in the PD-SH zone and staff feels they meet the standards in the code. There is sufficient architectural relief. Materials will be stucco, brick and cast stone. The traffic study has been submitted and is under review.

Comments in the staff report:

There is limited land around the University and that is why this code was created. This zone is not intended for standard rentals or multi-family projects so there are multiple agreements needed to ensure it is student housing. 66' is the height request. Cross across agreements for pedestrian access is needed between the property and the University. The project spans 2 lots, so a merger is required before construction. The reduction to .75 spaces per student if the 5 criteria are met and would be verified during the building permit and site plan review stage. 75% of the occupants must attend DSU and is a requirement. It is the owner's duty to have each tenant waive any privacy right in order to have the owner verify student status. Approval allows for up to 6 students per unit. Reduction in size from 2.0 to about 1.6 acres may be recommended for approval. On the lower elevation the front is 4 stories which is along Tabernacle. The elevation change is on the back and that bottom level will be parking. There will be an internal courtyard.

Flyby shown

Chair Ross Taylor asked if the 5 stories come to the back of the NIB or if it faces 100 S. The back parking lot is 10' above grade of 100 S, so that 5th story is already above grade there. John Willis said from the front of Tabernacle there is a 14' grade change.

Chair Ross Taylor said from the rear to 100 S is another 10' grade change. So from 100 S to this the building will appear to be 78-80' high.

Commissioner Don Buehner asked if the parking lot is below the entire structure.

John Willis said yes. Parking will be accessed from Tabernacle. The parking will not be visible from the exterior.

Councilman Joe Bowcutt expressed concern that the sewer may not be deep enough on Tabernacle. Tyler Hoskins (representative) – the bottom two levels are parking so we won't need sewer for the bottom levels. There will be drainage that we will have to address. The livable area will be one story above Tabernacle.

John Willis added that items such as drainage and sewer will be addressed during the construction drawing phase.

Chair Ross Taylor opened the public hearing.

Chair Ross Taylor invited the applicant forward.

Chris McKay and Grant Collard

****Chris McKay and Grant Collard presented photos of existing projects****

Grant Collard explained that our company is out of Provo, Utah and serve about 10,000 students. This property size is a boutique for us. Having fewer than 300 beds allows for life long connections. We know Dixie State needs more student housing. We've operated this floor plan in other projects and find it to be successful.

Chris McKay added there are a lot of dilapidated student housing products around the University and there is a need for a comfortable and up-to-date building. We love the underground parking with cars off the street. There are behavioral guidelines that students must adhere to in order to maintain an upscale image for the product and for the University in general. We have met with the University multiple times and they too are on board.

Paul Morris – VP Administrative Services (DSU) explained that the University doesn't formally approve off campus housing. We have identified student enrollment growth as our biggest challenge and we need housing. We're building 350 beds to replace some of our older units. We appreciate the PEA created. We cannot provide the beds we need on campus, so we need help from the private sector.

Councilman Joe Bowcutt asked how high the building will be on 100 South.

Paul Morris said it's 4 stories.

Chair Ross Taylor noted there are requirements for 75% occupancy of students and the automobile limit.

Grant Collard explained that we run 4,000 beds at BYU and they have the ability to have rental agreements in place that track strictly who is there so we have those reporting procedures in place from experience.

Chair Ross Taylor closed the public hearing.

Commissioner Julie Hullinger said it appears to be a great project and we need it.

Commissioner Don Buehner agreed. The height is a challenge, but the space is so difficult. I can't imagine an issue from 100 S with that height, so there is a benefit outweighing the potential negative. This will benefit our downtown area as well.

Chair Ross Taylor stated the applicant will need to find some ambitious trees for 100 South and tall shrubbery.

Commissioner Nathan Fisher agreed that mature trees need to be planted and not 2 gallon trees. Tabernacle may not be as big of a deal but it is important project wide. Is ventilation for the parking down below reviewed at the construction drawing stage?

John Willis said the International Building Code.

Deputy City Attorney Paula Houston asked what the purpose of the traffic study is and will it affect the project.

Wes Jenkins replied we met with the engineer for the study. The biggest impact will be 1000 E and 100 S for left turns. There is a struggle there now, and it is not an issue they are to resolve. There are existing problems in the area.

Commissioner Don Buehner stated parking on campus is difficult and will get worse. The proximity of this to campus makes it seem there will be fewer problems.

Wes Jenkins said that is why there is the pedestrian cross access to the NIB.

Jennifer Harrington – instructor at health science – our building is not part of the main campus. The campus is not just that one foot print. The health science building is by the hospital so many students must commute and our department is expanding. I think you need to take that into consideration if students are taking classes from our department.

Chair Ross Taylor said we're looking at everything tonight as far as design, parking, etc.

Commissioner Nathan Fisher asked if the analysis of the traffic study needs to be a condition on the motion.

Deputy City Attorney Paula Houston said they don't expect an issue but yes you should condition approval to compliance with the study. You're approving the PD zone, the height, the density, lot size which must integrate into the surrounding area in a harmonious manner, so you must make a finding to that regard, as well as the materials, elevations and the terms staff has listed for the zone such as the use, parking, student housing requirement, landscaping, etc.

Chair Ross Taylor noted that staff's comments cover those items.

Deputy City Attorney Paula Houston noted the contracts verifying student status and limited parking entitlements are not in that list and need to be stated as a condition as well as merging the lots.

John Willis stated that comment 11 addresses the other agreements. The only items left out would be the traffic study.

MOTION: Commissioner Diane Adams made a motion to recommend approval of item 3B zone change taking the property from R-4 to PD-SH given that it is only 1.6 acres to accommodate 56 units and 256 beds. This is within the PEA. We understand it is fewer than 2.0 acres but is within the PEA to allow and accommodate. Subject to the site plan, elevations

and materials board. Will follow setbacks of zone and meet fire code. Construction is to start within 18 months. 64'8" height allowed rather than the 55' per code. Project is subject to cross access with the University to the south, conditions of the traffic study to be met, a lot merger is required prior to construction, parking to be reduced to .75 spaces per student, 75% of the occupants must be students and owner verified. All of staff and attorney comments are to be included in the motion.

SECOND: Commissioner Todd Staheli

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. **ZONE CHANGE AMENDMENT (ZCA)** (Public Hearing)

- A. Consider a zone change amendment to **expand** the **IHC Medical Campus** by the construction of three (3) new buildings, remodeling portions of the existing building, adding a new two (2) story concourse, adding additional parking, landscaping, providing a temporary one (1) story building, and by the creation of a "LiveWell Park" on property zoned PD-C (Planned Development Commercial). The property is located on River Road (between Medical Center Drive & Foremaster Drive). The applicant is IHC and the representative is Mr. Steve Kelly. Case No. 2015-ZCA-026 (Staff Ray Snyder)

Ray Snyder presented the following:

The request is for a new north tower at 5 stories and a new south tower. A concourse will be added to the middle. Parking will be added throughout and a new Live-Well park will be behind the hospital. The materials board has been provided. The materials will blend in with the existing structure. There will be a temporary building there by the concourse.

Deputy City Attorney Paula Houston and Assistant City Attorney Victoria Hales switched at 6:02 pm

There is a breakdown of the new buildings and heights provided in your packet. The proposal is in harmony with the existing building. When the civil engineering plans come in we will review the parking calculations. There will be additional parking areas and modifications to the existing parking. At first glance there are no red flags. Height, parking, landscape, design, materials, all look good. There are no changes to the helicopter pad. The new Live-Well park is included in this approval.

Steve Kelly (architect - project manager)

Scott Wycoff (planning director for IHC)

Steve Wycoff said we're excited to begin this process. This hospital has been a success and there are needs for this expansion. There will be 406,000 s.f. added. The existing hospital is 425,000 s.f. There will be 70,000 s.f. of remodeling to make connections and update the spaces. The one story temporary building is to help accommodate some immediate growth for surgery patients and observation patients. Those who go to ER who need minor treatment and to be watched would go to this area rather than placing them in impatient beds. There will be 18 new observation beds added to the ER, but until that is done we will need the temporary building. It will match the existing hospital with flat walls and we anticipate that being there about 18 months. The construction process will have all three locations going consecutively and will take about 3 years.

Commissioner Nathan Fisher said the temporary building says 2 ½ years, June of 2018.

Steve Wycoff noted it is a bit of an unknown but it will be 18 – 24 months depending on the soil conditions. We anticipate no longer than 24 months.

Commissioner Nathan Fisher said as we add buildings, there is less parking immediately by the hospital. Are there access routes to get from the east side parking to the hospital?

Scott Wycoff agreed there are parking concerns. We plan to have all employees on the east lot, and leave the front parking for visitors and patients. Valet parking will also be continued. There will be a second bridge built for employees to cross. Access to the ER will not change. The new building will be to the west of how you access it currently.

Councilman Joe Bowcutt asked if emergency vehicles can go through the physician parking on the east.

Scott Wycoff explained there is a bay where they can park, and they will access it the same way, or they can go through the south road.

Chair Ross Taylor asked what is the progress on the underground transit from the hospital to Coral Desert.

Scott Wycoff said there was a plan at the wash to do a walking trail. We want to do that project with the City when the culverts are replaced.

Chair Ross Taylor opened the public hearing.

Chair Ross Taylor closed the public hearing.

MOTION: Commissioner Julie Hullinger made a motion to recommend approval of item 4A with all details and staff comments as presented.

SECOND: Commissioner Todd Staheli

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.

Commissioner Todd Staheli stepped away at 6:20 pm

- B. Consider the ‘use’ addition of “**Art Studio / Gallery**” to the Baron Commercial Center approved PD-MNF (Planned Development Manufacturing) zone use list. The center is located at 620 North 1100 East Street. The property is zoned PD-MNF. The applicant is Mrs. Miken Larsen. Case No. 2015-ZCA-027 - (Staff Ray Snyder)

Ray Snyder presented the item:

Zoning for this piece is PD-MNF. The owners association has reviewed the request and recommended approval of the additional use. This will add line item 17 “Art Studio/Gallery” to the approved use list. There have been no calls or inquiries regarding this item.

Chair Ross Taylor opened the public hearing.

Chair Ross Taylor closed the public hearing.

MOTION: Commissioner Nathan Fisher made a motion to recommend approval of item 4b.

SECOND: Commissioner Diane Adams

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 a zone change amendment request to change the Planned Development Master Plan from Open Space (P-4) to KS-5 (Residential) to create two (2) new single family residential lots in “**Kachina Springs East Phase 4**” on 0.49 acres in the PD-R (Planned Development Residential) zoning district for APN SG-6-2-10-1401. This property is within the ‘Entrada Master Plan’ area and is located on the east side of Cougar Rock Circle just east of the intersection with Magatsu Drive. The applicant is Kachina Dev Co Inc, Mr. Brian Chadaz and the representative is Mr. Scott Duffin, Horrocks. Case No. 2015-ZCA-024 (Staff John Willis)

John Willis presented the following:

This is an amendment to allow for two single family lots. It is in the Entrada master plan. This parcel is entirely open space currently. The area to the north was required for drainage. It was believed the entire area would be needed for drainage, but it has been determined that it is no longer needed. The current PD plan shows this as open space. The applicant proposes that the lower portion be placed in their KS-5 designation which is residential per the Entrada master plan. Entrada’s PD established lot counts. The staff report states this is an increase in units. That is incorrect. There are available units that have not been utilized in the project. The only change is

the land use exhibit and an updated land use chart. Staff is concerned that the two lots do not meet the character of the area. These proposed lots are .23 and .25 of an acre. The lots on the adjacent area have .40 and above lot sizes. Across the street from the proposal is a 3' wall and large windows. Staff doesn't see the lots across the street as cohesive to this request, but more comparable to the adjacent lots. There have been several letters received regarding this item.

****Scott Duffin showed a presentation****

Brian Chaddez – I'm an authorized representative for Kachina Development Company. The developer previously obtained approval from the Entrada design community. Since the area is no longer needed as a detention basin it leaves an awkward piece of land that needs to be used for something. The land was offered to Jack Fisher Homes to allow for a pool and park area but that fell through. It was also offered to the club and denied. It was also offered to the HOA for a park or pool and was not accepted. The property is an eyesore at this time and needs something done. The property has been used as a staging area. There are patio homes as smaller units across, and then there are custom homes lots that are bigger adjacent. There is also an elevation change between the proposal and existing custom homes. If this were to be one home they would have 300' of frontage rather than 100-150' of frontage like the adjacent homes. The patio homes have about 70' of frontage. There will be an easement to the detention basin. The lots would be subject to the same CCRs as the rest of the community.

Scott Duffin added that I have done a drainage study with the Vistas at Entrada and looked closely at this area. What they have there is adequate as long as it is maintained properly.

Commissioner Don Buehner asked what the lot sizes are for the bigger lots.

John Willis responded that the total acreage is .6 but the buildable area is .4 acres.

Scott Duffin stated both proposed lots are about .27 acres.

Commissioner Don Buehner asked what size the patio pads across the street are.

Scott Duffin said they are 6,000 s.f.

Chair Ross Taylor said that would be .15 acre or so.

Scott Duffin said those would be deeded as private ownership for the building pad with limited common around.

Councilman Joe Bowcutt said I can understand the challenge of the long frontage but I also have a challenge with a small building lot. If I was the guy right next door I would not be impressed. The transition is drastic.

Scott Duffin countered that those lots have not yet been sold.

Brian Chaddez said if there is one large lot it wouldn't fit with the patios across either.

Chair Ross Taylor asked if there is debris in the existing detention basin.

Brian Chaddez said there is debris that goes into the area which is why there is an easement to get into the detention area.

Scott Duffin said there will be building pads with limited common area.

Commissioner Nathan Fisher asked what the buildable area is.

Scott Duffin said it is in the .2 range.

Commissioner Nathan Fisher asked if access is through the limited common area.

Scott Duffin said that is correct.

Chair Ross Taylor asked if the basin flows onto the adjacent property.

Scott Duffin said it will go to the street before it would go to the adjacent property.

Chair Ross Taylor opened the public hearing.

Robert Rohand – I'm in a patio home across the street. I submitted a letter objecting to this proposal. In essence when I purchased it was for the view. The view of Snow Canyon is beautiful and the area across from me was not zoned for residential. Building on these lots would greatly obstruct my view. I've looked at the 33 units at Vistas and 22 on Cougar Rock and there are many still available. Kachina East also has vacancies. I bought under the premise that this was open space and would remain that way.

Chair Ross Taylor closed the public hearing

Brian Chaddez said again these are not additional units, just new lots. The area doesn't look good so allowing this to develop will add to the values of the adjacent homes.

Commissioner Don Buehner said it doesn't sound like the neighbors are in favor of the proposal. There are other options to building homes that would allow you to keep the open space.

Brian Chaddez agreed but the club and HOA were offered the property at no cost and they decided they did not need the property.

Commissioner Don Buehner said open space would also work and would have to be maintained by the HOA.

Brian Chaddez said the development already has quite a bit of open area. The entities to keep this up do not want to take on that role.

Commissioner Don Buehner said there can also be recreation type space there that they don't want but it can remain open. Note that staff has concerns about the fit.

John Willis said the patio homes across the street are enclosed and stand alone. They back this shared road. The area adjacent has larger lots and this would fit better with the larger lots.

Commissioner Nathan Fisher said the buildable area needs some clarification – how realistic is to put a house there?

John Willis stated typical lots are 80-100' of frontage. These are a bit larger frontage but the lot shape is a bit odd and the buildable area is reduced due to the setbacks.

Commissioner Nathan Fisher asked what the requirement for maintaining the open space area is.

Assistant City Attorney Victoria Hales said they do have adequate open space in the overall PD.

But, I do not know the details of their private agreements, but the open space should be addressed in their CCRS.

Commissioner Nathan Fisher asked if the City regulates what open space can become.

John Willis explained that if it's to remain natural the narrative is to address that. If it ends up becoming a weed patch they must maintain it.

Assistant City Attorney Victoria Hales said their private documents should address that, but other than what's been privately agreed, the City ordinances state that the area cannot become a nuisance.

Chair Ross Taylor said if you look at a lot with 225' of frontage and only 90' of depth it is hard to use effectively. Two lots seems more functional than one lot to me.

Commissioner Nathan Fisher stated I would like to see the developer have the best use of the area, but if you look at the houses at the larger lots they are not small patio homes they are significant custom homes. I'm concerned these lots are not consistent with that.

Brian Chaddez said the patio homes are small pads. The lots are a bit cumbersome, but a good architect can design around that.

Assistant City Attorney Victoria Hales stepped out at 7:07 pm and back in at 7:08 pm

Chair Ross Taylor noted this is a high traffic area of the project, and I think one lot will be difficult. Commissioner Nathan Fisher said when you drive into this area it is clear they are not patio homes. Brian Chaddez disagreed. When you drive the curve it is the patio homes.

Commissioner Nathan Fisher said there was an expectation for open space and views when there is an established area master plan.

Brian Chaddez said the open space was set out for a detention basin. It was never established as a pristine area. We're not taking away a promised open space.

Commissioner Don Buehner said I take issue with that. The idea is that that area was not buildable, and the request is to change that and build homes on it.

MOTION: Commissioner Nathan Fisher made a motion to recommend denial.

SECOND: Commissioner Don Buehner

AYES (4)

Commissioner Julie Hullinger

Commissioner Diane Adams

Commissioner Nathan Fisher

Commissioner Don Buehner

NAYS (2)

Chair Ross Taylor

Commissioner Ro Wilkinson

Motion to recommend denial passes.

Recess at 7:17 pm

Meeting reconvened at 7:25 pm

5. **ZONING REGULATION AMENDMENT (ZRA)** (Public Hearing)

Consider amendments to the following chapters and sections in Title 10 Zoning regulations regarding **accessory buildings**: 10-2-1 Zoning Definitions, 10-7A-4 Height Regulations, 10-7A-6 Modifying Regulations, 10-7B-4 Height Regulations, 10-7B-6 Modifying Regulations, 10-7C-4 Height Regulations, 10-7C-7 Modifying Regulations, 10-7D-5 Height Regulations, 10-7D-7 Modifying Regulations, and 10-14 Supplementary and Qualifying Regulations. Case No. 2015-ZRA-002. (Staff John Willis)

John Willis presented the item:

This code amendment addresses several issues with accessory structures. It defines cargo containers and it removes accessory structures from individual code sections and places them in one area of the code for easier administration. Each residential code section had provisions for accessory structures. We've removed accessory structures from individual sections and placed it in one section. The definition of an accessory structure has been modified. Structures with living area such as a pool house, guest house or casita do not fit into the definition. We have also defined cargo containers. Accessory structures will be administered through the supplementary and qualifying

regulations section of the code. The language existed in other sections of the code and is now located here. There is a change in the code addressing structures placed in the utility easement.

Commissioner Ross Taylor said not all accessory buildings require a building permit correct. John Willis said that is correct, we will add language stating if a building permit is required. We will remove the end portion of that. The other modification is the non-portable issue. The easements have interest from the City and from utility companies, so the City alone doesn't have authority to allow a structure to encroach without going through JUC. Accessory buildings shall not cover more than 25% of the rear yard. We removed the provision to allow for a CUP for greater than 25% as it is something that has not been utilized. We measure height of structures from the midpoint of the roof between the eave and the peak to be consistent with the building code.

Councilman Joe Bowcutt asked if the garages that have come forward in the past will now be measured differently.

John Willis said that is correct. We default to the definition of height and don't expressly state it with accessory structures.

Councilman Joe Bowcutt asked how this will affect pool houses with breeze ways.

John Willis said that if the structure is connected, it is not an accessory structure. This does not address what a connection is. Main dwelling and accessory separation is 6' (used to be 10'). This makes the side and rear yard consistent. Number 8 is a change – there was a table that was difficult to administer. The proposal is to remove the setback per vertical wall and set one standard. We felt that removing the vertical wall and maintaining the height of 15' would address any issues. In determining the 5' setback we looked at fire code which has a minimum of 3' for review. We also looked at overhang. The setback may be 5' but the projection allowance is 4'. This will remove the vertical wall height, reduce the number of CUPs being processed, and creates a consistent setback. In number 9 – accessory in side yard – we've added similar roof pitch standards.

Councilman Joe Bowcutt asked if the side yard still has the curb setback.

John Willis replied it has to meet setbacks of the zone if it is a side yard.

Commissioner Nathan Fisher asked if it's in the rear of the property but on the side is that side yard or rear yard.

John Willis stated the back plane of the house is rear yard. Staff has been working on this code change for some time now and many changes have been integrated into this submittal. The side yard roof pitch is to ensure the design matches the house. Originally side yards do not allow for accessory buildings in the side yard. Temporary buildings may be approved temporarily with a valid building permit. Vertical stacking of containers is prohibited. Temporary structures do not need to be painted. There are also modifications to double fronting lots in residential zones and to the guesthouse separation distance.

Commissioner Nathan Fisher asked for clarification on section 10-14-15A temporary building. It states a non-conforming building may be a temporary residence during construction. Can a cargo container be a temporary residence?

Assistant City Attorney Victoria Hales said temporary buildings are typically trailers not containers.

John Willis said we can clarify that. We will specifically address cargo containers in that section.

Commissioner Nathan Fisher pointed out that clarification is needed on section – C – cargo containers may be temporarily approved.

John Willis agreed that should say may be used for temporary use (not a temporary residence). Commissioner Don Buehner noted that 10-14-15C and 10-14-15A would be modified.

Chair Ross Taylor opened the public hearing.

Jonathan Zundell – I attended the work meeting and I was under the understanding I was under compliance with the changes. I do have a few concerns – my concern is the original ordinance states portable and non-portable. That has been removed from the ordinance. That is not as concerning to me as the setback. The current ordinance addresses all of those and there is no reason to remove the option for a 0' setback. If you're within the 3' setback you need a 60 minute firewall. Throwing out a blanket ordinance I see makes it easier to manage, but it limits our options as property owners. We don't need to get rid of the 0' setback. Projections from the roof are already not allowed and are already addressed. I do not think the 5' setback is a necessity. Making it more convenient for staff is not reason enough.

Councilman Joe Bowcutt asked what advantage the 5' difference makes.

Jonathan Zundell stated it takes up 5' of my yard. I would like to utilize my entire property. I would have to change my landscaping and such to accommodate it.

Chair Ross Taylor said the 5' between you and the fence is a good place to collect garbage and is hard to maintain. It does take up space and is 5' wide of wasted space.

Assistant City Attorney Victoria Hales said there are utility easements that are wider than that. The 5' allows some encroachment on existing easement. The block walls are up to 6' in height and accessory structures could be taller than that. The language was drafted with all the competing interests considered. The 5' is consistent with the 10' fire code between the property lines and buildings. It was carefully discussed and decided on as 5'. The 5' is less than the 7.5' utility easement but also considers fire code.

Jonathan Zundell countered that as long as there is a fire wall on both properties the structures can be up to the property line.

Assistant City Attorney Victoria Hales noted that the fire department has contributed it's thoughts to staff, but is not here tonight. If you want them here we can arrange that. You can build closer to the property lines there are measures you can take to allow for that per the building code. If you want an accessory structure built to fire code there are provisions in the code addressing it, but it isn't something we're addressing tonight.

Commissioner Julie Hullinger said I don't want an accessory structure right on my property line. I would appreciate the 5' setback.

Scott Roper – Kustom Container – can you apply for a CUP to reduce the setback? That would be a benefit for commercial containers.

Commissioner Nathan Fisher said that was 10-14-15 authorized use – there wasn't a significant change there. It allows for temporary structures during construction, and I wanted to know if cargo units could be the temporary structure during construction. It cannot be used as temporary sales office during construction.

Scott Roper said every commercial and even residential subdivisions have on site offices which are typically 20' containers with doors, windows, and HVAC. We typically build those out of brand new units. They either have a container or sales trailer. That change will affect a lot of properties.

Chair Ross Taylor said sales office or other commercial uses was not a concern.

John Willis added that 10' seemed reasonable as a separation.

Scott Roper explained that when we deliver to commercial areas space is a premium. Most choose to have the containers touching to limit trash or squatting between containers. Spacing those 10' would destroy their back areas.

Commissioner Nathan Fisher asked if the 10' separation is from a permanent building or between containers.

John Willis said staff can look at that. I don't know that we want the spacing either.

Scott Roper added that our equipment typically doesn't put them right next to a building. If we're putting them in a driveway the doors swing 4' so they're usually 5' from the building.

John Willis stated staff would like to move forward but will discuss with Scott potential changes needed for commercial container placement.

Assistant City Attorney Victoria Hales noted that staff will clarify the 10' – it may not be necessary between containers, but may be needed between containers and other structures.

Chair Ross Taylor said line 353 does need some wordsmithing.

Assistant City Attorney Victoria Hales stated staff can revise that between now and City Council as well as any other items you see that need revision.

Commissioner Don Buehner asked if there is a way to build in flexibility with the setbacks.

John Willis said looking at 0 lot line is rare. When you put eaves on a structure you need to be 1-2' away from the property line. The cargo containers can go up against the property line but then they need to meet the fire code and after talking to the fire department that is challenging.

Commissioner Don Buehner asked if staff would like to hold firm to the 5' setback.

John Willis said the idea of the 5' is to mitigate impact on the adjacent property as well as fire code. Setting up the standards for a CUP would be difficult. If you want to allow for a 0' setback then it just needs to be stated in the code.

Chair Ross Taylor closed the public hearing.

Commissioner Nathan Fisher said I typically favor the flexibility but I tend to favor pushing accessory structures away from the property line.

MOTION: Commissioner Nathan Fisher made a motion to recommend approval of the ordinance changes proposed with the following revisions: section 10-14-12 subsection 4, line 317, that the clause prior to obtaining building permit removed... subsection a – authorized and ... conclusion of the first sentence language similar to cargo may not be used as temporary residence... 10-14-15C – title to reflect that cargo containers may be approved for temporary use under the following standards. 15C.5 that the first sentence be revised to reflect that the purpose is not to create separation between containers, just between other structures. 5' setback from property line. Definitions 10-2-1 sub paragraph 2 insert after one, solid muted.... Or similar to main structure and then all of staff's comments included.

SECOND: Commissioner Ro Wilkinson

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. **GENERAL PLAN AMENDMENT (GPA)** (Public Hearing)

Consider a General Plan Amendment to change the land use designation from RESORT, TC (Town Center), MDR (Medium Density Residential), HDR (High Density Residential), and LDR (Low Density Residential) to COM (Commercial) on approximately 187 acres. Located at the **former St George Municipal Airport** on the Black Hill at approximately 500 West and from 300 South to 1600 South. Case No. 2015-GPA-010. (Staff John Willis)

John Willis presented the following:

The current general plan has multiple designations which were established in 2008. The plan was amended with a potential land sale but never moved forward. The proposal is to change each of those designations to commercial land use. There is a concept plan that utilizes the existing runway. DXATC is the biggest push for this change. That campus will be purchasing a chunk of land and has created a buzz there for other companies and services to follow. When you're looking down or driving down the area we wanted to maintain that old runway feel and pay homage to where we've come. There will be a trail on the exterior of the property that will have little outlets to overlook the City. We recognize the hillside there and will set buildings back to protect that. DXATC has submitted a rendering for the potential zone change, and the city would like to maintain that feel up there. There will be a regulatory PD text at a future date. The City will comply with the hillside rules. Traffic will need to be addressed. Two new roads are anticipated and will be further analyzed with potential development. We have received a few citizen responses in regards to this.

Commissioner Diane Adams said there was a lengthy letter with items to address from Mr. Koontz.

John Willis replied that just the area on top is proposed to change, there are a few roadways identified for the area, the roads will do with each project as needed, weight loads is not something we typically review, commercial uses we don't see as retail big box stores, we want it more as a tech center. There may be some little restaurants or retail but nothing big. The intent of the city is not to create a retail or big box area and a PD zone change will outline all of that. The areas off of the hillside will be maintained as open space.

Assistant City Attorney Victoria Hales noted this is a general plan amendment so the exact uses are not at issue tonight. It is in your broad discretion if Commercial is appropriate for the area.

Chair Ross Taylor opened the public hearing.

Gerry Koontz – that was my letter. The letter doesn't address as well as what was presented tonight. I am not opposed just needed more information. There is a safety issue with the park located at the top of the hill. I live by the park and see the activity there. There is a concern with heavier traffic there by the park. Maybe some diagonal parking could be striped there. The street is quite narrow. I see now that is out of the context of this change but it is an issue that needs to be addressed. There can be something done with the sky or the eyebrow to fix that area to repair the scar. If money is set aside from these land sales or development that could be considered.

Chair Ross Taylor closed the public hearing.

MOTION: Commissioner Julie Hullinger made a motion to recommend approval.

SECOND: Commissioner Nathan Fisher

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. **REDUCED SETBACK**

Consider the reduction of the required side yard setback located along the north property line from ten feet (10') to four foot (4'). Also consider a reduction of a portion of the required rear yard setback located on the west property line from ten feet (10') to approximately seven feet and forty-eight one hundredths inches (7.48') for a distance of approximately 28 feet - along the north west corner of the lot (*the rest of the setback would be maintained at the required 10 ft. – see site plan*). The property is zoned C-3 (General Commercial) and is located at 73 North 900 East on a 0.78 acre lot. This request would allow for the construction of a new shop building for “**Dixie 4 X 4**” as submitted. Case No. 2015-RS-003 (Staff – Ray Snyder)

Ray Snyder presented the following:

The current owners want to redevelop the site. They want a new 14,000 s.f. facility. The existing building will be demolished at the completion of the new building. The zoning and land use is commercial. All of the storage and debris will go away with the new construction. The building will be an L shape. There is a tall retaining wall on the property. You can see the 4' distance from the existing building and retaining wall that they would like to maintain. There is a transmission line on the south side.

Jeff Mathis said this will be a great addition to the area and will clean up the existing debris and such on the property.

Councilman Joe Bowcutt said the 4' setback has been there for quite some time and has not been an issue.

Commissioner Nathan Fisher said there is a parking lot next to it. Is this a recommendation to Council or is it for Planning Commission to approve?

Ray Snyder said this is a Planning Commission approval.

Assistant City Attorney Victoria Hales counseled that if you reduce the setback there needs to be a finding that the setback is not needed, and the finding needs to be stated in your motion. Building design will have to comply with building and fire codes.

Commissioner Diane Adams made a motion to approve substantiated by staff comments and find that additional setback area is not necessary. Comply with all codes.

SECOND: Commissioner Don Buehner

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.

8. DISCUSSIONS

Discuss current items as required

John Willis stated that clarification is needed regarding item 3b and the mature trees.

Commissioner Diane Adams said she would like that included in the previous motion.

John Willis noted he will include mature trees as part of the motion in the report for Council.

Chair Ross Taylor stated that item 3B will be reopened.

MOTION: Commissioner Diane Adams made a motion to include mature trees in the landscaping requirements around the entire perimeter of the project.

SECOND: Ro Wilkinson

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.

ADJOURN

**MOTION: Commissioner Ro Wilkinson made a motion to adjourn.
Meeting adjourned at 9:12 pm.**