

**PLANNING COMMISSION
CITY OF ST. GEORGE
WASHINGTON COUNTY, UTAH
January 26, 2016 – 5:00 PM**

Approved: 6/28/2016
Motion: Ro Wilkinson
Second: Diane Adams

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

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

EXCUSED: Commissioner Todd Staheli
Commissioner Diane Adams

FLAG SALUTE

Chair Ross Taylor called the meeting to order and led the flag salute at 5:00 PM.

1. **GENERAL PLAN AMENDMENTS (GPA)** (Public Hearings)
 - A. Consider a General Plan amendment from LDR (Low Density Residential) and FP (Flood Plain), to COM (Commercial) on approximately 6.30 acres. The property is generally located west of the intersection of 1450 South Street and River Road. This proposal is to change the General Plan to allow for the future submittal of commercial development called “**Boulder Creek Crossing-West.**” The applicant is Mr. Stephen Sheffield. Case No. 2016-GPA-003 (Staff John Willis)

John Willis presented the following:

The request this evening is if the land use designation should change to support commercial development. There is a mixture of zoning on the property with R-1-10, OS, and PD-C. The existing general plan has LDR (low density residential) on the south and the northern portion is FP (flood plain). Most of the site is located in the flood plain. The hatching on the map is floodway and the proposal ends at the hatching. The flood plain does take up all of the property and extends to the existing Boulder Creek project. Commercial projects can develop in the flood plain if they raise the base floor elevation 18” above or they can amend the map through FEMA with a LOMR.

Chair Ross Taylor opened the public hearing.

Chair Ross Taylor closed the public hearing.

Ross Taylor advised that this is a general plan amendment. We look at what might best serve the community. This property is subject to flooding and erosion. We typically give more protection to residential than commercial. This being in a potential flood area, I see it more suitable to commercial than residential.

Don Buehner asked staff if there were any letters in opposition to this item.
John Willis replied no there are not.

MOTION: Commissioner Ro Wilkinson made a motion to accept item 1A GPA for Boulder Creek Crossing West.

SECOND: Commissioner Julie Hullinger

AYES (5)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Julie Hullinger

NAYS(0)

Motion carries.

- B. Consider a request to amend the General Plan from MDR (Medium Density Residential), LDR (Low Density Residential) and COM (Commercial) to COM (Commercial) on approximately 6.01 acres. The property is generally located at the northwest corner of the intersection of 1450 South Street and 3000 East Street. This proposal is to change the General Plan to allow for the future submittal of a zone change to allow development of a future **health facility**. The applicant is **IHC Health Services, Inc.** Case No. 2016-GPA-005 (Staff John Willis)

John Willis presented the following:

This is a general plan amendment. The question is if the current land use makes sense or if it makes sense to expand the existing commercial designation. The current zoning on the property is R-1-12. The current general plan has an existing commercial bubble of about 1 acre, then MDR at about 2 acres, with LDR as the remainder. The request is to make the outlined area COM and leave the rest of the property as LDR. The focus tonight is if expanding the commercial makes sense for this property.

Commissioner Nathan Fisher asked staff how wide the remaining LDR is on the west of the proposal.

John Willis stated there isn't a legal description for the general plan but it should accommodate a road and a row of homes.

Tom Uriona, IHC – we've been searching for a site in this area for some time to locate a medical clinic. We want to have a lot large enough to add onto the clinic in the future when needed as the community grows. The total acreage of the property is 11 acres but the commercial designation would be for 6 acres. Out time table for development after the general plan and zone change would be as soon as possible.

Commissioner Nathan Fisher asked how large the clinic on Sunset is.

Tom Uriona said that is a family care and instacare facility. This would start as the same type of facility and expand as needed. It's about 25,000 square feet on about 4 acres.

Commissioner Ro Wilkinson asked what the additional 2 acres would be for.

Tom Uriona said we would come in and install the dedicated street and plat the remainder as single family lots.

Commissioner Don Buehner said the general plan amendment designates the corner as commercial and the specifics of the zoning will come forward at the zone change stage. We've got a corner there and the question is if it makes sense as commercial for the general plan.

Chair Ross Taylor opened the public hearing.

David Lundberg – our company owns the 4 acres north of this parcel. My concerns are how this will affect the road plan for the area. I understand there is a way to plat a road through here. I feel this may interrupt the road plan and am concerned about the irrigation line that crosses the property.

Doug Hafen – I am strongly opposed to this amendment because of the detrimental effect this will have on our neighborhood. My wife and I spent a year looking for a home in St. George to have the lot size and character of neighborhood we wanted. This is 1450 S, The Springs, and River Hollow. All that zoning is R-1-12 clear over to 3000 East. That whole area was to be residential and what we were looking for. We paid premium prices in that neighborhood because of the location. The only part of this area not developed is this part here that they want to go commercial. We are very opposed to interjecting commercial property into a neighborhood that has been beautifully laid out. Sites around are being prepared for residential development. Putting commercial here spoils a beautiful neighborhood. What's going to happen here? Who will want to build a house right by commercial property? We have strong feelings about this and are concerned that if this part happens then the rest will turn commercial. I invested too much in my home to back up to commercial property. There is another intersection just south east of this that wouldn't affect any residential. There is plenty of commercial just a few miles away. This piece as commercial is not beneficial to the City. We request that you recommend denial.

Commissioner Don Buehner noted the fact that they've left a strip as LDR is usually a gift to neighbors as a buffer. You wouldn't back up to the commercial because they've left that area for residential. What is the detrimental effect?

Doug Hafen replied a clinic would disturb an area that is supposed to be residential. I don't want to be by high density housing or commercial.

Commissioner Nathan Fisher asked why commercial would be better at the southeast intersection.

Doug Hafen said there isn't any residential there to interfere with and the site would be easier to develop. Our homes are already here. If you develop the commercial first then people know what they're dealing with.

Richard Douse – I oppose this and hope that you would deny it. I have a bachelor's in land use and city planning. My career is not in that field. I have served on a Planning Commission and I express my thanks to you for voluntarily serving. I oppose this because the general plan after community

involvement in 2007 designated this area as R-1-12. The neighborhood continued to grow east and north. The zoning is R-1-12 and the area has developed with upscale residential homes. The only piece that is undeveloped is this and the adjoining piece. The area has progressed with upscale homes. I also object because when purchasing property here it would be assumed that the R-1-12 zoning would remain towards 3000 East. I asked the realtor before purchasing about the area and was reassured that it would all be comparable homes. The proposal to change this to commercial doesn't make sense due to the layout of the land. The property lies substantially below the road about 10-15'. The property is well below the existing road. Most commercial zones would make the property come up to grade with the road or there would be steep grades. Filling the property may cause draining issues into the neighborhoods. Extensive fill could also affect the water table and may move that table in a way that would potentially ruin foundations in the area. Any commercial use in that property would create a large parking area and create drainage issues. This would cause issues to the neighborhood and downstream which would require tax dollars to fix the problem. There is no guarantee that this property will be used for a health facility. If the applicant chooses to develop otherwise or sell the property, then there is a commercial area that exists and could be used for potentially more detrimental uses. The expansion to higher zoning is also a problem. It is a possibility that the rest of the area be changed to commercial as well. There is an existing clinic 6 minutes away from this area. If they are trying to serve those to the south of us they should look south to reduce the traffic impact. We request that you deny the application and recommend that it remain R-1-12. Please seriously consider denying this application.

Commissioner Nathan Fisher noted that currently there is a general plan for this area that is LDR, MDR and Commercial. Part of this is already commercial. If we were to leave it as is there would be some commercial.

Richard Douse countered that the zoning is all R-1-12. How could the commercial be there without the neighborhood knowing?

Commissioner Don Buehner added that the general plan also designated intersections that are fairly major such as this are candidates for commercial development.

Richard Douse said I am aware of that but things have changed in that community. The property down at Mall Drive is close and has a lot of commercial use. West of this area also has commercial. We don't see a need for this corner to be commercial. There is enough commercial nearby and the existing clinic is only 6 minutes away. A new clinic would be much better served south of here.

Tom Juledo – I have no problem with the commercial zoning but want to make sure that it will be a clinic. If you designate that it has to be a medical clinic that would help. My concern is when they are going to put a stop light at 1450 South. We also need speed bumps in this area. Will there be a storm drain installed with this project? I get flooded all the time.

Brett Wahlen – there are clinics similar to this on Sunset and in Hurricane – none of which back up to a residential community. My home backs up to the area. It is not a sensible location for a clinic. Traffic would be an issue and it decreases property values from 500' to a mile. There is no evidence otherwise. The burden of proof should lie with the applicant and not the home owners. The area is already slated for homes and not commercial.

Richard Denhalter – I am a retired city attorney and understand the decisions you have to make tonight. Good planning practice is to have general plan designations that correspond with zoning.

We have here a piece of property that is zoned residential and the area is building out that way. Bad planning practice is to put a designation on the property that is not consistent with already developed uses. There are many fields in Washington that could be used for commercial. Why choose right next a residential community. The traffic, parking, and access at this already troubled intersection would be a planning error. The surrounding property to be used for expansion at some point and time is not as big as it looks. There is a lot of water in that drainage area and will shrink the available use of the property. That will call for commercial or high density but does not fit in with the character of the area. If you look at the subject property, there are streets to the west. Those two streets go right into the bigger parcel here. There is another one to the north that would also dead end into the lot. People live in those neighborhoods. There are bus stops in those neighborhoods. The parcel will get access from these residential streets. The clinics create a tremendous amount of traffic and parking. You put a clinic on this site and there will be cars coming from all directions. The intersection is controlled by one stop sign. Making a left from 3000 East looks too dangerous to me. This area will need to be signalized at some point. Any general plan amendment should be consistent with the zoning. If you change to commercial patrons will access through our residential neighborhoods. It is very dangerous to put an additional load of traffic in this area. Good planning says we respect the zoning that is there. We have to plan ahead to avoid a dangerous traffic area.

Commissioner Ro Wilkinson asked if it's residential won't you have the same problem. Richard Denhalter said there are already streets planned where all the streets connect. There is plenty of site distance and no possibility of conflict. Houses will have fewer trips than a clinic or instacare. We don't want to lose our children to this traffic nightmare. Development of the residential properties will not be a problem. There will be connectivity. Respect us and protect our children.

Commissioner Nathan Fisher asked if the request is to leave the general plan as is.

Richard Denhalter said it needs to be consistent with the zoning.

Commissioner Nathan Fisher explained the applicant is the only one who can request the change. All we can do is recommend a change as proposed or it remains the same. Please note that there is currently commercial there in the general plan and then there is medium density at 5-9 units per acre which would be a townhome project and then the low density residential.

Richard Denhalter said good planning dictates that the general plan corresponds to the zoning and the zoning is low density residential. Deny tonight's request. The general plan needs to meet the zoning.

Chair Ross Taylor noted we've heard about drainage, grade, parking lot would be an apron for drainage problems, no guarantee of the use of the property, may encourage additional commercial requests, may not be best location to serve the area – potentially move south, we've heard comment that there are no other facilities adjacent to residential, there are 3 streets that would dump into the property, traffic would increase, the intersection is too busy and left turns would be difficult and signaling may be needed. Please present new ideas if you have them.

Richard Douse said when I looked at the general plan it shows R-1-12 not commercial. Somewhere along the line after the general plan was approved the commercial came in. The zoning is still R-1-12. There is a concern about noise issues with additional traffic as well.

Mike Millgate – I agree with the issues that have been mentioned. When we bought we were told it was all zoned residential. The complaints that come with commercial are noise and lighting. Please consider the items in the email that was sent. My concerns were that the GPA isn't here to describe zoning. I request that more specifics be given.

Darren Hafen explained that children have to cross 1450 and go down to Little Valley for school. Putting commercial here adds to the traffic and danger to the children walking to school.

Madge Douse questioned if you had a million-dollar home, would you want a medical facility next door.

Kathleen Denholter said there are two elementary schools in the area – I am concerned with the safety of the children. Many children ride bikes or walk to and from school. The clinics in the area are not by residential areas nor are they by any schools. IHC needs to look at the land adjacent to Summit Athletic Club.

Sam Bates – I live north of this. We've had issues with flooding on our lot. I also agree with the safety of children. If you put a big concrete slab here the run off will go straight to our house. There is going to be additional drainage issues with development here.

Todd Jones – specific to detriments I think of character. To change the general plan would drastically change the character of our neighborhood. I remember being here about 7 years ago going through this same thing. I was unaware that there was an acre of commercial.

Assistant City Attorney Victoria Hales stated the general plan has an approximate 1-acre blob of commercial and an approximate 3-acre blob of medium density residential and the rest is low density residential. However, the current zoning is all R-1-12. The general plan and zoning are different. The applicant has requested that the commercial blob on the general plan go to about 6 acres with no medium density buffer, and with low density residential for the remainder. They are asking that the commercial bubble be increased on the corner. The issue is what is appropriate for that corner for the General Plan. It is your recommendation to City Council, which is the land use authority, who makes the decision. You may recommend approval, denial, or make an additional recommendation.

Todd Jones said I understand it all as R-1-12 and for the character of the area I would request that it be the same.

Assistant City Attorney Victoria Hales clarified it is not zoned commercial. The general plan is commercial and the zoning is R-1-12.

Russell Stewart asked if the general plan were changed is there a guarantee that a clinic will be developed. The clinic isn't as bad a strip mall.

Commissioner Don Buehner said the only guarantee is that any proposal would have to come forward with a zone change and be reviewed prior to development.

Steve Kemp (represents the land owner). The Smoots have owned this property for over 100 years. When 1450 and 3000 were widened and shifted the issue came up for the corner. In 2005 I began

working with the family. That is how the general plan designation came about. When the City acquired the right of ways is when the general plan was made commercial and medium density.

Chair Ross Taylor closed the public hearing.

Commissioner Ro Wilkinson asked IHC if they had looked into other properties in the area. Tom Uriona stated that long term this will be the best spot to be. In 10-15 years things will change and we want to be in a position to serve. The day will come where this site will be more desirable than commuting to River Road. As the General Plan stands there is commercial and medium density existing. IHC would be willing to reduce the size of the site to 4 acres and change the land use request to Professional Office (PO) which would limit the development to clinics or offices. We do plan to build a clinic there. If we need to table and come back we are willing to do that.

Commissioner Ro Wilkinson asked if the perimeter will have block walls.

John Willis said this is where you get more specific. If residential development is adjacent to a more intense use, there has to be a fence but if there is a road it may not apply.

Tom Uriona said we would plan on the road. We would bring in plans to show that separation.

Commissioner Nathan Fisher noted that when it comes to drainage and such it will be there regardless of the type of development.

Jason Smith – traffic – I have concern with reducing the request to about 4 acres instead of about 6 because of the distance for accesses that is required. Enlarging the commercial bubble allows for the access to have sufficient spacing and makes the access safer. We are still in the conceptual stage so streets and drainage have not yet been addressed.

Councilman Joe Bowcutt explained the general plan is a guide. As times change the general plan is amended. I am sure that when the R-1-12 was established there were farmers coming in who didn't want residential. The general plan is a guide and those guidelines will change over time. You cannot say that something will always remain. Keep in mind that it would be really nice if a medical center was built away from the homes, but they are building there because there are homes. We don't want to make detrimental changes but we have to look at what is best for the majority of the citizens.

Chair Ross Taylor said there are a lot of roof tops south of this. This is 5-6 minutes away from other facilities. I am wondering if there wouldn't be some life in the idea of moving south to have greater access to the developing area and not have to leap frog in the future. This is quite close to the existing River Road campus.

Commissioner Nathan Fisher noted that the proposal is a clinic in the future but could be something else. It would nice if we could put homes everywhere but smart planning requires there to be services for those homes so everyone doesn't have to commute into town. As cities expand there are commercial pods throughout neighborhoods because those services are needed for those homes. Is commercial a wise choice for this corner or is something else better? We're not looking at an instacare, we're looking at the best use for this area. If residential, how many homes would actually be built on that intersection? You're not going to see a home there. That property will never be developed as residential. The size of the commercial bubble is what we need to look at. If you look

at the Bloomington Walmart the neighbors did not want it and are now happy with that. It takes time to adapt. What is the best use of that corner?

Commissioner Ro Wilkinson expressed that you cannot find parking at the River Road campus. They do need another campus in the area.

Commissioner Don Buehner asked the Commission their thoughts on PO rather than COM.

Commissioner Nathan Fisher said it's a good idea.

Commissioner Don Buehner said the concern of safety for children is to be considered and I believe an office designation for the corner that opens up the site distance there would be safer. The character of the neighborhood is a concern as well. If that neighborhood stopped short of the intersection I do not feel that it would mar the character.

John Willis added that 1450 and 3000 are 90' arterial streets that are designed to carry a lot of traffic. Those are main thoroughfares not collectors. When we developed the subarea plan we were concerned with traffic in the area.

Commissioner Don Buehner said whatever ends up going there I see people rushing home as much as I see people rushing to commercial areas. I don't connect character to that intersection. I like the designation as PO for that busy intersection.

Assistant City Attorney Victoria Hales counseled there is an AP zoning designation that aligns with the PO land use designation. For zoning the PO does allow for AP offices and businesses, laboratories, and hospitals are a conditional use. You can consider the general plan as it is, as commercial, or as PO.

John Willis noted that it is up to the Planning Commission, but the applicant is willing to amend the request to PO on about 4 acres rather than COM on about 6 acres. The next public notice would state PO as opposed to COM with the applicant being amenable to that change.

MOTION: Commissioner Don Buehner made a motion to recommend that roughly 4 acres be changed on the General Plan to professional office.

SECOND: Commissioner Nathan Fisher.

Assistant City Attorney Victoria Hales asked for clarification if the MDR is to be absorbed by the PO designation and the remainder be LDR.

Commissioner Don Buehner stated the motion is that the MDR and COM portion be absorbed by the PO designation at about 4 acres and the rest remain LDR.

SECOND: Commissioner Nathan Fisher

AYES (5)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Julie Hullinger

NAYS(0)

Motion carries.

2. **ZONE CHANGES (ZC)**(Public Hearings)

- A. Consider a request to rezone approximately 20 acres from A-1 (Agricultural) to R-1-8 (Single Family Residential 8,000 sq. ft. minimum lot size). The project is called the ‘Arbors 3’ and the property is generally located north of the logical extension of Crimson Ridge Drive; being the easterly 20 acres of sectional Lot 6 of Section 10, T 43 S R15W, SLBM. The owner is Development Solutions Group, Inc. Case No. 2016-ZC-005. (Staff John Willis)

John Willis presented the following:

This request is to go from A-1 to R-1-8. The General Plan is LDR which allows for up to 4 units per acre.

Chair Ross Taylor asked if the request is for 20 acres or 4, both are stated in the staff report. John Willis clarified the request is for 20 acres.

Chair Ross Taylor opened the public hearing.

Chair Ross Taylor closed the public hearing.

MOTION: Commissioner Julie Hullinger made a motion to recommend approval item 2a.

SECOND: Commissioner Ro Wilkinson

AYES (5)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Julie Hullinger

NAYS(0)

Motion carries.

- B. Consider a request to rezone approximately 2.52 acres from PD-R (Planned Development Residential) to R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size). The project is called ‘Desert Canyons’ and the property is generally located southwest of the intersection of Deserts Edge Drive and Broken Mesa Drive. The owner is Development Solutions Group, Inc. Case No. 2016-ZC-004. (Staff John Willis)

John Willis presented the following:

This is a cleanup item for the area. As the larger development fine tunes they have to adjust, and that is what this is. The R-1-10 to the south will jog up and go to the roadway. The PD-R is higher in density so the R-1-10 is a down zone at developer’s request. As they continue to engineer the roads in the area we’ll see more of these clean up items.

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 2b.
SECOND: Commissioner Don Buehner
AYES (5)
Commissioner Ro Wilkinson
Commissioner Don Buehner
Chair Ross Taylor
Commissioner Nathan Fisher
Commissioner Julie Hullinger
NAYS(0)
Motion carries.

3. **HILLSIDE PERMIT (HS)**

Consider a request for a Hillside Development Permit to allow removal of isolated noncontiguous and insignificant slopes to allow development of single family residential subdivisions in 'The Lakes' PA-14 and PA-16 (*Note: PA = Planning Areas*). The applicant is '730 St George LLC,' Boulder City Nevada, Mr. Mark Tupen Project Manager, and the representative is Mr. Ray Alton, Rosenberg Associates. The total area is approximately 45.73 acres. The APN is SG-6-2-28-2110. The property is located near Plantations Drive and Sunbrook Drive and is zoned R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size). Case No. 2015-HS-004 (Staff Ray Snyder)

Ray Snyder presented the following:

This request is where Plantations and Sunbrook intersect. The zoning is R-1-10 and the general plan is LDR. The green that surrounds PA-14 and PA-16 would not be disturbed. There is a future road between PA 16 and PA 14. The request is for the orange areas on the contour map. They won't disturb the road or natural drainage areas.

Chair Ross Taylor asked if the hill on the left hand side of the drainage picture is being removed. Ray Snyder said no, it will remain.

Commissioner Nathan Fisher asked if you're standing at Sunbrook Drive and looking west, are the two knolls you see in question?

Ray Snyder said they are not being removed. They want to remove some areas that the committee deemed insignificant. The HSRB made a motion to recommend approval of PA 14 and PA 16 as presented with conditions and those can be found in the staff report.

Chair Ross Taylor expressed confidence in the recommendation of the hillside review board.

Commissioner Ro Wilkinson said you're going to make a lot of bike riders mad.

John Willis said that was a concern when they were developing. This is a prime mountain bike area. They have integrated that into their development but that is further south. This development has been in the works for 20 years.

Assistant City Attorney Victoria Hales said the proposal is subject to an existing development agreement, and the developer must comply with its terms.

MOTION: Commissioner RoWilkinson made a motion to recommend acceptance of item 3 with staff and Hillside Review Board comments and subject to the development agreement.

SECOND: Commissioner Julie Hullinger

AYES (5)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Julie Hullinger

NAYS(0)

Motion carries.

4. **LOT MERGER/FINAL PLAT AMENDMENT (LRE)**

Consider approval of a lot merger / final plat amendment within a recorded subdivision. The purpose is to merge Lots 80 and 81 of "Dixie Downs RV Resort Phase 1." The property is zoned MH-6 (Mobile Home) and is located at 1225 North Dixie Downs Road. The applicants are Mr. and Mrs. Dimmon Payne. Case No. 2016-LRE-002 (Staff – Wes Jenkins).

John Willis presented the following:

This is a plat amendment to merge lots 80 and 81. The applicant wants to do an addition to the existing home on lot 80 and abide by the setbacks. The HOA was concerned that by merging the lots they would lose HOA fees for one lot. The property owner would still pay fees on two lots even though they are merged.

Assistant City Attorney Victoria Hales noted the HOA fee issue is a private agreement.

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

SECOND: Commissioner Ro Wilkinson

AYES (5)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Julie Hullinger

NAYS(0)

Motion carries.

John Willis reminded the Planning Commission that there will be a work meeting on February 02, 2016 in the Administrative Conference Room to discuss the TND ordinance.

ADJOURN

MOTION: Commissioner Nathan Fisher made a motion to adjourn.

SECOND: Commissioner Don Buehner

Meeting adjourned at 7:26 pm.