

**PLANNING COMMISSION
CITY OF ST. GEORGE
WASHINGTON COUNTY, UTAH
January 12, 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 Todd Staheli
Commissioner Nathan Fisher
Commissioner Diane Adams
Commissioner Julie Hullinger
Council Member Joe Bowcutt

CITY STAFF: Assistant Public Works Director Wes Jenkins
Planning & Zoning Manager John Willis
Planner II Ray Snyder
Assistant City Attorney Victoria Hales
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 5:03 PM.

1. **GENERAL PLAN AMENDMENTS (GPA)** (Public Hearings)
 - A. Consider a request to amend the General Plan (GP) **from LDR** (Low Density Residential) **to MDR** (Medium Density Residential) on a total of 20.43 acres. The project is called “**The Joshuas.**” The property is generally located on Tonaquint Drive. The proposal is to change the General Plan to correct the land use for existing Phase 1 and 2 (*GP clean-up*) and to allow for the future submittal of a zone change to allow development of a proposed Phase 3. The applicant for Phase 3 is Salisbury Homes and the representative is Bush & Gudgell, Inc. The applicant for Phases 1 & 2 is the City of St George. Case No. 2016-GPA-002 (Staff Ray Snyder)

Ray Snyder presented the following:

The applicant requests that Phase 3 be changed to MDR. Phase 1 and 2 are established and are requested to be changed to MDR to match what has been developed.

Chair Ross Taylor opened the public hearing.

Chair Ross Taylor closed the public hearing.

MOTION: Commissioner Ro Wilkinson made a motion to recommend approval of Item 1A for Phase 1, 2 and 3.

SECOND: Commissioner Todd Staheli

AYES (7)
Ro Wilkinson
Don Buehner
Ross Taylor
Nathan Fisher
Diane Adams
Julie Hullinger
Todd Staheli
NAYS (0)
Motion carries.

- B. Consider a request to amend the General Plan **from LDR** (Low Density Residential) **to COM** (Commercial) on approximately 10.43 acres. The property is generally located at the intersection of Sugar Leo Road and Pioneer Road (between Pioneer Road and the I-15 Freeway). This proposal is to change the General Plan to allow for the future submittal of a zone change. The applicant is Mr. Denis Lyman. Case No. 2016-GPA-001. (Staff John Willis)

John Willis presented the following:

Current general plan is LDR. Current zoning is OS. The current property owner acquired the land from the state. The applicant's proposal is to amend the general plan from LDR to COM. Does the current land use designation make sense, or should it be changed to meet the applicant's request of commercial or does a different land use designation such as open space make more sense for that particular property? The property does have hills, flat spots, and a ravine. Part of the property sits above the I-15 Freeway.

Don Buehner asked where the nearest residential areas are located.

John Willis said there is residential north, northwest, and across Pioneer is a subdivision and church.

Chair Ross Taylor invited the applicant forward.

Reid Pope, representative stated that residential is not ideal because of the freeway noise. The ultimate plan is for RV storage to create a buffer between the freeway and housing there. Staff has mentioned that noise is a concern so we measured the dBA from when semi-trucks go down the freeway and it wasn't that high. It got a higher value when a car passed on Pioneer itself. No matter what happens there the dBA will increase because of the increase of traffic on Pioneer. The site has an irregular shape and would need to have an apartment complex or lower level development to attract residents. We would like to use the property commercially and think that it will enhance the area. We have photos of what the project could look like as well as a map showing the dBA ratings. The dBA when a vehicle goes down Pioneer is 70-80. The highest reading from a semi was 65.

Ross Taylor clarified that at this point our concern is the best use of the land. Any proposed uses for the land come later. Our discussion needs to stay along those lines.

Chair Ross Taylor opened the public hearing.

Darwin Rigg (Riverstone) – we're about 100 yards away from the proposed change. If you make the general plan commercial, can the owners make it any kind of commercial or will it be restricted to his pictures tonight?

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Chair Ross Taylor advised that tonight is just the use of the land. Not a particular design or request.

Commissioner Nathan Fisher said what is being approved tonight is only the general plan. Specifics don't get addressed at this stage. The real question tonight is what land use would be appropriate.

Jed Fackerel (Las Colinas) – there is a storage unit next to the fire station. It doesn't make sense for more storage. Residential makes sense. I moved here to have the residential feel. Bloomington has a homey feel and residential make up and that should remain. I believe homes can be built on that property.

Jason Haslin asked if commercial zoning would allow for billboards and allow signs.

Chair Ross Taylor said commercial properties are allowed signage per the sign ordinance.

Jason Haslin added that they would have to remove those hills for development and I feel that hill is a buffer. Removal would be unfortunate.

Alexa Fackerel (Las Colinas) – we live on Carissa and our home faces the freeway. We love how Bloomington is completely residential until you get to the major intersection that is commercial. We are also worried about signage and don't want to see bright signs looking out the window. The hills are a buffer there.

Commissioner Nathan Fisher reiterated that the issue is whether commercial is a good fit for this area. The details will be addressed with the zone change where concerns like lighting can be addressed. At this stage we cannot require the developer to tell us what is going there. It is not relevant at this stage and we cannot require it. The details can be requested and mitigation to potential impacts can be addressed at a later stage.

Steve McNab (Riverstone) – my house backs Pioneer and we look out to that open space. I feel open space is the best use for the land. I moved here to enjoy the wide open spaces and 360 views. I would rather see the open space and freeway than an additional RV storage unit.

Jean Rigg (Riverstone) – when I go by that property I see dirt and hills and there isn't much room there. If you drive by the property there is not much there and I would prefer the hills to homes or commercial. I am concerned about the property owner because the property is nothing. I don't understand why an owner would have to pay taxes on land that is nothing. I prefer it not be developed and that the property not be taxed because the property is useless. Commercial development would be an eyesore there. There isn't a need for the property to be used for anything other than hills and a buffer.

Chair Ross Taylor closed the public hearing.

Commissioner Nathan Fisher explained the goal here is to determine the best use of the land. If we took as our mantra that we don't want to disturb open space then we wouldn't have any new development. Growth is going to occur and we need to do it smartly and correctly. It was mentioned that the area is growing which to me means they need services to serve them. We don't know specifically what is going to happen there but assuming RV parking was to go there, there is probably a market for it. If the general plan is approved for commercial it won't necessarily be RV parking but could be other commercial uses. That entire area will have a lot of commercial areas coming in to support the residential growth. The question is the best use for this area. There are a lot of homes being built there. The likelihood of residential succeeding there is minimal. A productive land use there can be found.

Commissioner Don Buehner asked staff what the terrain is like.

John Willis stated that some is flat and below the freeway but there are hills that project above I-15.

Commissioner Don Buehner noted that it has been suggested that the land be open space.

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John Willis explained the general plan is LDR and the zoning is OS. We did discuss with the applicant how to leave the hills to maintain the buffer. Staff would suggest that the buffer remain when developed where possible. That is something that we would look at in the future if approved.

Commissioner Diane Adams asked what the setback would be if commercial zoning were in place. John Willis said the front setback would be 25' from the property line.

Commissioner Ro Wilkinson said there is going to be a need for commercial.

Commissioner Todd Staheli asked if this is for all 10 acres.

John Willis said the proposed general plan amendment is 10 acres.

Reid Pope (representative) added we do plan to use all of the land and utilize the property. The hills aren't really above the freeway. If that were the case the noise would increase. The property does drop down to Pioneer Road. The southern portion is all below the freeway. There would be an area to the north that we would have to leave for access to a trail system. There is also drainage on the property to be dealt with.

Commissioner Nathan Fisher asked what the setbacks from Pioneer and from I-15 are.

John Willis said Pioneer would be 25' and I-15 would be 10'.

Councilman Joe Bowcutt added that there is still I-15 ROW that exists there.

John Willis explained that Pioneer Road is about 80' so the property depth is about 300'.

Assistant City Attorney Victoria Hales advised that this is a general plan amendment so the only issue before you is if commercial is appropriate at this location rather than what land use designation exists.

Commissioner Todd Staheli said we need to look at what is in the area to see what people need. Commercial vs OS vs LDR is the question. I would be worried about lights and such at commercial development. They said cars make more of an impact than the semis on the freeways so that concerns me. Traffic and lighting would concern me with commercial development.

Commissioner Don Buehner said it seems we're debating three different designations. There is value to OS. The question to me is OS vs COM. I don't see LDR as a consideration.

Chair Ross Taylor said this property is accessible quickly from the freeway. For that reason alone I don't see open space fitting because of the traffic around it. This is near the development of several communities that would need services nearby. I see commercial fitting better than residential because of the proximity to the freeway and needs.

Commissioner Todd Staheli asked if we recommend approval for commercial and city council approves and they come back for RV storage and we deny that zoning request could any other commercial come in.

Commissioner Nathan Fisher said the general plan would be commercial and then someone would have to come forward with a commercial zone. If it's a planned development zone change request we see all of it. If it's a general commercial zone than any of those commercial uses would be open per ordinance.

Assistant City Attorney Victoria Hales added zoning the entitlements are not there until the zoning phase, and commercial zoning does address the details you've discussed such as use, lighting and signage.

Commissioner Don Buehner noted the accessibility comment is valid but aesthetically I understand it won't be a nature reserve or anything too elaborate but there's a feel here that we don't want to lose. Aesthetically I believe open space is of value in this area.

Chair Ross Taylor countered that depends on how you feel about mud hills. There isn't much vegetation and the soil type doesn't support vegetation.

Commissioner Todd Staheli said there are pine trees on Pioneer but otherwise there are hills with bike trails.

Councilman Joe Bowcutt noted that one supreme challenge is providing services as we continue to expand residential development. No one wants those services in their backyard but if we all have to drive far for services we'll complain about traffic. I remember the people of Bloomington protesting WalMart and I can't imagine that all of them stayed away from WalMart after it was developed. We have to plan to meet those needs for the entire community.

Commissioner Nathan Fisher addressed open space. If we can control where the open space is and make it happen it would be great. Because it's already general planned for LDR someone could put homes in there and we couldn't control that. If we're only forcing them into something that doesn't fit in that area I don't know that we're addressing the issue.

Commissioner Todd Staheli noted there are already storage units in the area and I don't know that it's the right use for the property.

Assistant City Attorney Victoria Hales noted that specific uses for the property are not before the commission tonight. Is this land use designation appropriate at this location? Specific issues can be addressed at a later stage in the process.

MOTION: Commissioner Julie Hullinger made a motion to recommend approval for the land use to change to Commercial.

SECOND: Commissioner Ro Wilkinson

AYES (6)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

NAYS (1)

Commissioner Todd Staheli

Motion carries.

2. **ZONE CHANGE AMENDMENTS (ZCA)** (Public Hearings)

- A. Consider a fourth (4th) zone change amendment request to the 'Atkinville Interchange Zone Plan' to add a planned development residential neighborhood within the milepost 2 interchange area to be called '**The Villas at Sun River St George**' on 51.95 acres. The property is located along Interstate 15 to the east, Sun River parkway to the north, a future city park and the Atkinville Wash to the south, and Arrowhead Canyon Drive to the west. The applicant is Sun River St George Development L.C., and the representative is Mr. Scott McCall. Case No. 2016-ZCA-001. (Staff Ray Snyder)

Ray Snyder presented the following:

This is the 4th amendment to the Atkinville Interchange. This development would be separate and independent of the existing Sun River project. The project would be age restricted as a 55+ community. This request is to change part of the PD-C to PD-R and has multiple portions to the request: short term rentals, private streets, signage plan.

This came before PC and CC as a GPA. The general plan designations are MDR and MDHR. The existing zoning is PD-R and PD-C. The amendment will change the PD-C to PD-R. Both designations have about 26 acres each. There is a table submitted that recalculates the land uses for the overall Atkinville Interchange plan. The density for this project would have 237 for the MDR and 384 for the MHDR for about 621 units conceptually. The Atkinville Land Use Exhibit 2.1 would be updated with this proposal. There is a

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submitted conceptual land use map. The green is non residential, blue one story residences, yellow 2 story residential, red, 2 story residential. There will be a grand entry with landscape median and amenities. There would be a monument sign in the grand entrance. There are public and private road sections in this project. Cross sections have been submitted as well. Arrowhead is proposed as a 100+ cross section for roadway, curb and gutter, sidewalk, landscaping, trail system, and then additional landscaping and privacy wall. There is a conceptual phasing plan. The grand entry with amenities would be developed first. There is also a master sign plan proposed. The circles are 4x4 marketing signs. There is a monument at the main entry and on Greystone. There is another sign request on the I-15 freeway but details were not given. Staff does not support the I-15 sign and does not want it approved at this time. The two monuments and four marketing signs are up for approval tonight and the other sign would have to come in later with more detail.

Floor plans and elevations have been submitted. They show earth tone materials. A traffic impact study has been submitted and is under review by engineering. A geotech report has also been submitted. Private streets would be on the interior. There is a future park proposal to the south and adjacent to this project as a neighborhood park. There is a barrier at the freeway with landscaping that includes power line accessibility. The density proposed does meet the general plan designation. Signage would be for the monument signs, the marketing signs. The community advertisement at the freeway is not recommended for review at this time.

Commissioner Diane Adams asked what the difference between community park and neighborhood park is. Ray Snyder said there is a size difference.

Chair Ross Taylor noted that vacation rentals are requested. There has to be an amenity for that. What is the amenity?

Ray Snyder said the amenity for this project would be the green area. The proposal is for a pool as well as pickle ball courts and open grass area. This does meet the ordinance if approved. They are requesting that 45% of the project allow for short term rentals. No lock out units will be permitted and the rentals shall meet the City's short term rental ordinance.

Councilman Joe Bowcutt said as far as the 45% I would be more comfortable if a designated area allowed for short term rather than a blanket approval and then an enforcement issue.

Scott McCall noted the reason we do the sole management company is so they have to register with the company and we'll track it that way.

Councilman Joe Bowcutt noted that these things tend to end up falling on the City for enforcement.

Scott McCall stated we have an excellent management company and I am confident in that. Everyone would be required to use that one company. The management company won't be the only management. If there's an unregistered rental in the area it would be reported by the neighbors as well.

Councilman Joe Bowcutt said short term rentals are already a problem and I don't want to add to that.

Commissioner Todd Staheli added that he has a neighbor who illegally runs a short term rental regardless of the ordinance because he would rather pay the fee than lose the income.

Scott McCall said we have the resources and CCRs to manage this.

Chair Ross Taylor added that a concern with the rentals is what happens to neighborhoods. With 45% rentals then on both sides of my house could be a short term rental and that messes with relationships. I like what Councilman Bowcutt said about designating an area in the project rather than spreading it throughout.

Darcy Stewart said I would like to invite the city to see the rentals in Sun River. Those rentals are monitored exactly. The short term rental for us is more of a marketing ploy. I don't suspect it being used as a resort community.

Commissioner Nathan Fisher asked how you determine who is in the 45%. First in wins?

Darcy Stewart said yes, first in would be allowed to short term rent.

Commissioner Nathan Fisher noted this will be an age restricted community. Can short term rental be age restricted?

Darcy Stewart said the short term renters must be 55+ as well.

Councilman Joe Bowcutt said it's great to have an HOA but once the land is all developed HOAs fall apart and then there is no enforcement. That's why I prefer the designated area for rentals.

Darcy Stewart said for the last 3 years Sun River has been managed by the HOA. They run it well and budget well. It's a development of about 2,000 units and they do great. The professional management company is vital to that.

Scott McCall added that Sun River St. George runs itself. It's a huge body of people. I don't see this HOA falling apart. There are too many people who care in this area.

Assistant City Attorney Victoria Hales asked if this area will have a separate HOA.

Scott McCall said it will be. We're asking for approval of 500 units but it will probably be built at about 350.

Commissioner Don Buehner asked the application what the hesitation is to cluster the short term rental area.

Scott McCall said not yet knowing our product mix. We just don't know if the 2 story product will ever go forward. The rental units will be spread out. Buyers will know that short term rentals are available in the area prior to buying into the community.

Darcy Stewart added the plan is for 327 duplexes. The only reason we're requesting more than that is just in case we need to change it up to better meet the needs of the area.

Commissioner Nathan Fisher clarified that we're approving the proposed structure today with the single family one story, then the 2-story, and next layer right? You'll have to come back in for more specific approvals.

Scott McCall said we're requesting the ability to have a product mix without coming back in.

Commissioner Todd Staheli asked, isn't the PD specific units? They're asking for a mix.

Assistant City Attorney Victoria Hales advised the Planning Commission should consider in your recommendation the look of the units. You are also approving the maximum unit count and if the number of units requested meets the density requirements. The applicant wants flexibility on where to put the unit types.

Commissioner Nathan Fisher noted the blue single story has to be single story but the higher density can be bumped down.

Scott McCall said it's not the same level of approval as a PD-C.

Ray Snyder brought the colored materials board forward for review

Assistant City Attorney Victoria Hales said the areas are designated in the color picture. The unit counts as proposed do not exceed the general plan.

Councilman Joe Bowcutt noted the proposal says 2 story permitted in the yellow so they could do 1 story instead but in the 1 story area it is limited to 1 story. Does this HOA have use of the Sun River golf course?

Darcy Stewart said the golf course is a public entity. Residents would have privileges to the course.

Chair Ross Taylor called for a break at 6:32 pm

Commissioners Nathan Fisher and Todd Staheli departed during the break.

Chair Ross Taylor called the meeting back to order at 6:43 pm

Ray Snyder noted that page 22 of the staff report explains the land uses.

Assistant City Attorney Victoria Hales asked applicant to strike part of the proposal that says the applicant can transfer unused density to a different project under "Land Use Plan." A PD amendment would be

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required to modify unit counts. It would be best to strike after the first 2 sentences under "land use plan." You can build to a lesser density or unit mix but you cannot transfer unused units to another parcel.

Scott McCall agreed to the modification.

Assistant City Attorney Victoria Hales said the preliminary plat has to match the PD approval.

Ray Snyder asked the applicant to explain phasing and amenities.

Scott McCall explained that amenities will be phased with initial development and before 100 units are sold.

Assistant City Attorney Victoria Hales noted that page 35 should be modified where it states the order and size of phasing can change if it affects the amenities. I'm not concerned about the size of each phase, just the phasing of the amenities.

Commissioner Diane Adams asked what the average size of a phase is.

Scott McCall said we want flexibility. We've done 90 unit phases and we've done 16 unit phases.

Assistant City Attorney Victoria Hales addressed page 37 regarding a signage plan. There are temporary signs listed and then in another part of the packet it says the development will take 5-7 years. How temporary are the temporary signs?

Scott McCall said there are the 4 marketing signs which will be there until the area is completely developed.

Assistant City Attorney Victoria Hales noted that does not seem temporary.

Scott McCall said they will be removed when the area is sold out.

Chair Ross Taylor noted that temporary to the sale of the last unit is descriptive.

Assistant City Attorney Victoria Hales clarified that temporary per this packet is to the sale of the last unit which is projected to be 7 years.

Chair Ross Taylor opened the public hearing.

Debbie Cruz (Sun River) – my main concern is the entrance. They are located right across from where our entrance is. Golf carts cannot go down the Parkway so they would cut down our area to get to the golf course. 600 more units will cut through here. If they're not part of Sun River I don't want them driving through our area. Short term rentals probably won't be for those under 55 years of age. There is quite a bit of traffic here and this will add to it. If you go straight or left on Sun River off of Arrowhead it can be a bad intersection due to the bushes, hillside, and pedestrian traffic. The Sun River hill hasn't even been developed yet. Can the entrance be pushed toward Pioneer by the hotel and other businesses and maybe a stop light there to keep the traffic away from Arrowhead and the Sun River entrance? I didn't know that the rental would be up to 45%. Will they be individually owned?

Scott McCall explained the rentals will be owned and the owner could rent. They can do golf carts on the private streets but they cannot be on a public street like Arrowhead. We aligned the streets that way due to trafficking practices to match the existing cuts. Sun River Parkway is UDOT ROW and we have no availability there per UDOT. We did do a traffic study for 500 units and that does not require a traffic signal.

Marie Smith – the Reflections in Sun River doesn't allow for everyone to access it. If the 600 units aren't allowed where we are what keeps them out? What about all the dogs going through our property? The signage will make it difficult when driving.

Scott McCall noted the City doesn't allow gated communities. Reflections was the last one. We will be very careful with our signage placement.

Assistant City Attorney Victoria Hales noted there are requirements for signage placement.

Amy Myers (Sun River) – our road backs up to the Villas. I agree with the increase in traffic statement because it's coming off of Arrowhead and not Sun River Parkway. You can't put a road on Sun River Parkway? That would eliminate a lot of traffic from Arrowhead if there could be one on the Parkway.

Commissioner Don Buehner noted you're right but it's not an option per UDOT.

Amy Myers – we're going to get an additional 600 cars going by and the noise is a concern. The roadway placement is a concern.

Mr. Myers – the problem needs to be addressed. Pushing the problem off and saying can't is not an excuse. Talk to the state and facilitate change.

Commissioner Don Buehner said we have a proposal before us that we're going to review. It is our understanding that UDOT didn't allow for an entrance there. We are only going to review the proposal before us.

Aaron Smith – I think it's a beautiful project and I think they've brought a lot to the community. It appears this project will change zoning from commercial to residential

Commissioner Don Buehner said the zoning will now conform to the master plan which encouraged residential in this area.

Charles Job – I like the project but object to the short term rentals. I don't think they need 45% rentals. If they have to have that many I agree with putting them in a certain area.

Chair Ross Taylor closed the public hearing.

Commissioner Diane Adams noted as I look at the proposal and having lived there for many years – everything I've seen out there is just what they said it was going to be. I know there will be a management company that will run this with their own CCRs and HOA. I think there will be pride of ownership just like Sun River. I don't see this being anything detrimental to the area. If left the way it is currently zoned the density would be higher than this proposal as well as commercial. I don't want those things in my backyard. Neighbors I would welcome.

Assistant City Attorney Victoria Hales advised that the Planning Commission is reviewing use, density, parking, amenities, landscaping, short term rentals at 45% of the project, materials, phasing, private streets, and signage not including the freeway sign. Any action must be with a vote of at least 4.

Chair Ross Taylor noted he is impressed with the character and design. I like that we're approving a maximum number and allowing a lesser number if the market so calls. I would prefer the short term rental approval be specific rather than the whole project. I have concerns about how the neighborhood will interact if dispersed, however this is a community that is most likely 2nd homes anyway. I'm sure there will be traffic issues but they can be resolved.

Commissioner Diane Adams said there will be one management company. Does the management rent the unit or does the property owner?

Scott Taylor said the owner would put the home into a rental pool so there would be more control. Owners would have to register with them and cannot rent on their own per the deed restriction and CCRs. Violators would be fined. I believe we have a solid plan and that it will work

Councilman Joe Bowcutt said the percentage of rentals is fine it's the randomness throughout the project that is a potential concern.

MOTION: Commissioner Don Buehner made a motion to recommend approval of the zone change amendment including the PD-C to PD-R, as presented the conceptual site plan, colors and materials, building design, and signage plan – as to the short term rentals I encourage that before Council it be reviewed further.

Assistant City Attorney Victoria Hales advised you can approve with conditions.

Commissioner Don Buehner added that the motion is conditional that they rethink the short term

rentals and have a proposal for Council that addresses the concerns. Approval of the twin homes as presented, the amenities are to be completed before the 100th unit is sold, the landscaping barrier at the freeway as depicted, the landscaping as depicted, the permitted uses and setbacks as described as well as the street trees and short-term rentals at 45%. Another condition for the short term that they be controlled and managed by the HOA and one management company.

Commissioner Diane Adams asked if the approval excludes the freeway sign.

Commissioner Don Buehner said yes, exclude the freeway sign.

Assistant City Attorney Victoria Hales asked if the motion includes deleting the text addressing density transfer.

Commissioner Don Buehner said yes, add that to the motion.

SECOND: Commissioner Julie Hullinger

AYES (5)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Diane Adams

Commissioner Julie Hullinger

NAYS (0)

Motion carries.

- B. Consider a zone change amendment to the Gordon Palmer / Southgate area Planned Development to create a master **sign plan**. The property is located between Blackridge Drive and Hilton Drive and 1470 South and Dixie Drive. The applicant is **Stephen Wade** Auto Group and the representative is Mr. Bill Western. Case No. 2016-ZCA-003. (Staff – Genna Singh)

John Willis presented the following – the PD zone allows for signage requests that exceed the code. There are two sites for review: Mercedes Benz and the Toyota dealership. The zoning is PD-C which allows for the request. The first request is for a monument sign at the Mercedes location. The allowance is 15' in height and they are requesting 17.5'. The second is a pylon sign for Mercedes. They are allowed to be 50' in height but are requesting a size of 185 s.f. rather than the allowed 120 s.f.. The Toyota sign is proposed at 160 s.f. rather than 120 s.f. . The existing sign is 35' in height. They are allowed a 2nd sign but it has to be 70% the height of an existing. They are requesting that 70% reduction be removed. Staff recommends approval.

Chair Ross Taylor opened the public hearing.

Bill Western, representative – these signs are dictated by the manufacturer. The Toyota change is because of the addition of Scion. The Mercedes signs are standard for Mercedes dealers.

James Painter – I have property across the street and want to know if I can do the same thing.

Chair Ross Taylor noted you would have to go through the same procedure.

Assistant City Attorney Victoria Hales noted the Painter's property is a separate PD zone but can come forward with a proposal for that PD.

Chair Ross Taylor closed the public hearing.

MOTION: Commissioner Diane Adams made a motion to recommend approval of item 2B for signage for Mercedes and Toyota

SECOND: Commissioner Don Buehner

AYES (5)

Commissioner Ro Wilkinson
Commissioner Don Buehner
Chair Ross Taylor
Commissioner Diane Adams
Commissioner Julie Hullinger
NAYS (0)
Motion carries.

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

Consider a request to rezone approximately a 0.176 acre parcel from PD-R (Planned Development Residential) to RE-12.5 (Residential Estate 12,500 sq. ft. minimum lot size). The project is called the '**Rocky Point Zone Change**' and the property is located on the south side of Colorado Drive, and generally between 2050 E and Colorado Circle. The owner is Red Cliffs Park LLC and the representative is Mr. James Sullivan, S & S Homes. Case No. 2016-ZC-002. (Staff John Willis)

John Willis presented the following:

This property was dedicated to the City and has been abandoned to the property owner. It's just a sliver of property. The applicant wishes to combine it with property to the south and then subdivide. The open space here is historic drainage. The area is not impacted by the drainage at all. Staff will need to clean up that item in the future. The zoning is PD-R and the property to the south is RE-12.5 and will be added to that.

Councilman Joe Bowcutt asked if that makes the RE piece adjacent to the roadway where it wasn't previously.

John Willis said that is correct.

Chair Ross Taylor opened the public hearing.

Lorraine Perkins (#4 of Colorado) stated she wants more information for the HOA. The 3 homes there will have access off of Colorado. This property was City's and was given back to Red Cliffs Park LLC? Assistant City Attorney Victoria Hales explained that when property is not needed by the city it goes back to the original owner.

Lorraine Perkins asked if the 3 homes can be built or would they have to rezone first.

Commissioner Don Buehner said they won't build on the sliver.

Lorraine Perkins noted that S&S promised public parking. We have concerns about the ridge and wash and the blasting which caused damage to existing homes. Will they blast again for these homes? We have had previous damage done. There are only 2 roads that leave those subdivisions but 66 houses are being built across the hill. We have the Escalera subdivision which has 20+ homes. 2050 and 1950 are the only ways out of there. We have a lot of traffic. This is a long term problem. The 3 houses is also a concern and how they are built.

Chair Ross Taylor closed the public hearing.

MOTION: Commissioner Julie made a motion to recommend approval.

SECOND: Commissioner Ro Wilkinson

AYES (5)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Diane Adams

Commissioner Julie Hullinger
NAYS (0)
Motion carries.

4. **CONDITIONAL USE PERMITS (CUP)**

- A. Consider a conditional use permit request for establishing a **bulk propane business** with a 30,000 gallon tank, protective steel bollards, building, warehouse, loading dock, etc. The applicant is M&C Warren Investments LLC and the representative is Mr. Mark Burgess, Classic Builders. The property is zoned M-1 (Industrial) and is Lot 98 located on Venture Drive in the Ft Pierce Industrial Park. Case No. 2016-CUP-002 (Staff Ray Snyder)

Ray Snyder presented the following:

Bulk plants are conditional uses in the M-1 zone. The property is vacant currently. There is a shared drive between the two properties. The tank and bollards will be on the west side of the property. The fire marshal has been made aware of the proposal and made his comments. Staff has not received any opposition to the proposal. It is a CUP so the findings need to be addressed. The applicant has made contact with the Ft. Pierce HOA.

Assistant City Attorney Victoria Hales noted the HOA approval has to be voted on by their board with a letter, not just a verbal confirmation. Are they using the shared access and do they have an agreement?

Mark Burgess, representative stated there is a signed shared access agreement there. We met with Gilbert Jennings. Gilbert says we need approval from City Council first and you're saying that we need his approval. He's not too concerned with the use as he is with the site plan.

Ray Snyder noted that staff tries to get a letter from Ft. Pierce as a courtesy but it is not a City requirement.

Assistant City Attorney Victoria Hales said you don't need it prior to the CUP but prior to the development. We do need to see the cross access agreement also. A CUP runs with the land, and Planning Commission shall approve the CUP if the conditions mitigate the detrimental effects per ordinance.

Chair Ross Taylor noted that the staff report states natural gas on page 3, but it is propane, and that is not the same.

MOTION: Commissioner Ro Wilkinson made a motion based on staff recommendation, and legal counsel to approve, the CUP propane business changing the natural gas notes to propane, we must receive a letter from the HOA prior to development, must review the shared access agreement, and that findings are mitigated and accept staff comments 1-5.

SECOND: Commissioner Diane Adams

AYES (5)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Diane Adams

Commissioner Julie Hullinger

NAYS (0)

Motion carries.

- B. Consider a conditional use permit to allow a maximum of 12 children in an established child family support facility (**Respite**) in the RCC (Residential Central City) zone located at 310 W 200 N. The applicant is "The Family Support Center" and the representative is Ms. Laura Bartschi. Case No. 2016-CUP-001 (Staff Ray Snyder)

Ray Snyder presented the item. The request is to change the current approval of 8 children to 12. A narrative has been provided by the applicant. In 2007 the use of Respite was added to the multifamily code. In 2008 the applicant submitted for approval in the RCC. The code was amended to allow in the RCC, RE, and R-1 zones. Council approved 8 children for this location. Parking shall be 1 space per staff member and 1:8 children. The findings are to be addressed as it is a CUP.

Commissioner Diane Adams asked what the parking requirement is.

Commissioner Don Buehner noted they are asking that it remain what it is.

Assistant City Attorney Victoria Hales stated they need at least 3 spaces.

Laura Bartschi (applicant) - the main reason to ask for the increase is because our state license allows for 12 but our City license only allows for 8. We don't always have that many children at once but would like that ability if needed.

Commissioner Don Buehner asked what the staffing requirements are per the state.

Laura Bartschi said the size of facility is a factor. Staffing is 1:4 children.

Commissioner Don Buehner said you need another parking space.

Laura Bartschi said we have 4 spaces; one covered and 3 driveway spaces.

Chair Ross Taylor said you can't stack behind the carport - that doesn't count.

Assistant City Attorney Victoria Hales stated tandem parking is now allowed in a residential zone. The RCC is a residential zone.

Ray Snyder said staff can drive by the property prior to Council to take a more up to date picture and verify parking.

MOTION: Commissioner Julie Hullinger made a motion to recommend approval of item 4b with a condition that pictures proving the parking is sufficient are provided to City Council.

SECOND: Commissioner Diane Adams

Chair Ross Taylor noted that it is a CUP so we have to address the findings.

Commissioner Julie Hullinger added: and include the staff findings that effects are detrimental. Approval is for 12 children.

Chair Ross Taylor said the report states that you have exceeded your allotted 8 by having 10 at a time; do not exceed your 12.

AYES (5)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Diane Adams

Commissioner Julie Hullinger

NAYS (0)

Motion carries.

- C. Consider a conditional use permit to construct a detached **accessory structure** with a maximum midpoint height of approximately twenty feet (20') for personal auto and RV storage. The structure will be constructed of colored CMU brick with a tile roof and be 2,400 sq. ft. (60 ft. x 40 ft.). The property is zoned R-1-10 (Single family Residential 10,000 sq. ft. minimum lot size) and is located at **3810 Sugar Leo Road**. The applicant is Mr. Richard Nerwinski, DR Builders Inc. case No. 2016-CUP-003 (Staff John Willis)

John Willis presented. The request is for 20' height. The structure will be in the rear of the property. They meet the side yard setback at 3' but will need approval from JUC to encroach into the easement. They meet the distance requirement between the main structure and accessory structure. Midpoint measurement is 20'.

The structure will be CMU brick and will be colored to match the existing home as well as the tile roof. It is a CUP so the findings need to be addressed. Aesthetics, height, maintain are applicable findings.

Richard Nerwinski said there are numerous buildings in the neighborhood that exceed 20'

MOTION: Commissioner Don Buehner made a motion to recommend approval of item 4C and accept staff comments 1-5 and note that the aesthetics are mitigated by the proposal, the height will be approximately 20', and finding J that it maintains the character are purpose of the zone – we believe it meets that.

SECOND: Commissioner Diane Adams

AYES (5)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Diane Adams

Commissioner Julie Hullinger

NAYS (0)

Motion carries.

- D. Consider a conditional use permit to construct a 15,626 sq. ft. single family **residential home** that will exceed thirty five feet (35') and requires a conditional use permit approval. The project **height** measured per ordinance would be approximately **42 feet**. The proposed residence will be located at **2836 South 2300 East Circle** and is zoned RE-12.5 (Residential Estate 12,500 sq. ft. minimum lot size). The applicant is Mr. Kevin Hafen. Case No. 2016-CUP-004. (Staff John Willis)

John Willis presented the item. This is a CUP for a single family house. Structures are limited to 35' in height. You take the two highest elevations from grade to midpoint and average them. The applicant is proposing a 42' height per that measurement. The property is a little less than 3 acres. The zoning is RE-12.5. The applicant is substantially further than the code requires in regards to setbacks. The front elevation is 35' and the rear is 50' which makes the 42' average. There is a knoll on the property that this will be placed on top of. This is a CUP and the findings are to be addressed. We have received public comments regarding this item.

Kevin Hafen – as I was designing the home there was a misunderstanding of how to measure height. The front grade matches the code at 35'. This home should bring value to the neighborhood. If you could see the lot it's up on the hill. From the walk out basement to the neighboring grade is a 20' difference. Commissioner Don Buehner said it's not about affecting the neighbors it's about how much it's affecting them. Mitigation is required for a CUP. Some neighbors do not feel the exception to the height is warranted. Are there other homes in the area that are like this? I question if this proposal maintains the character and purpose of this zone.

Kevin Hafen said there are different grades to the property.

Chair Ross Taylor noted that as part of the conditions you have to provide mitigation. The building has to fit into the context of the surrounding area.

Kevin Hafen noted that aesthetically it is stucco and rock like everything around here. It is a larger home, and then the height, but everything else will meet the area.

Commissioner Ro Wilkinson asked if the extra 7' is just roof.

Kevin Hafen said that is right.

Councilman Joe Bowcutt asked if the surrounding area is a subdivision or lots.

Kevin Hafen said that to the left is subdivision and then large acre lots.

Councilman Joe Bowcutt said aesthetics is the concern by the letters submitted. Not that the house won't look good but will it look good there. If I were living there it would probably increase my home value but by the same token it could decrease it if someone doesn't want to live by a huge home.

Kevin Hafen said it will increase property values in the area and I'm centered on 3 acres.

Don Buehner noted the applicant can build a 15,000 s.f. home he just doesn't have the height allowance.

Does the 7' make it more problematic aesthetically? I'm not sympathetic that you've already done the plans. I'm more looking at the idea of how the height affects the area. It's a beautiful home but I believe it can be designed to meet the ordinance.

Commissioner Ro Wilkinson said if we allow this I'm worried that we'll receive a lot more requests. We've done it for commercial but this is for a residence.

Councilman Joe Bowcutt noted that if this home were built by other 3 acre lots there would probably be no challenge.

Kevin Hafen added that from the neighbor to me there is a 20' grade change.

Commissioner Don Buehner noted you have a hip roof. Say you went with a flat roof I don't know that the height would be much different.

Commissioner Don Buehner asked if a request like this has been heard before.

John Willis said he is unsure of past requests but there are two on tonight's agenda.

Commissioner Diane Adams asked if the height were to be reduced would living space be lost.

Kevin Hafen said no, the footprint would remain the same.

Commissioner Don Buehner said this ultimately goes to City Council but precedence is my concern.

Chair Ross Taylor noted there is difficulty being able to say that all findings can be mitigated.

MOTION: Commissioner Don Buehner made a motion to recommend approval of item 4D and that it include the findings regarding dust, noise, odor and safety as listed, height of 42' average as measured to the midpoint, the home would maintain the character and purpose of this residential zone and public health as mentioned.

Motion failed to receive a second.

MOTION: Commissioner Julie Hullinger made a recommendation of denial because the height is not in harmony with the neighborhood.

SECOND: Commissioner Ro Wilkinson

AYES (4)

Commissioner Julie Hullinger

Commissioner Diane Adams

Chair Ross Taylor

Commissioner Ro Wilkinson

NAYS (1)

Commissioner Don Buehner

Motion carries to recommend denial.

- E. Consider a conditional use permit to construct a residential **home** that exceeds the allowable **height** of thirty five feet (35') and requires a conditional use permit approval. The project height measured per ordinance would be approximately **48 feet**. The proposed residence would be located at 225 South 1160 West Circle and is zoned PD-R (Planned Development Residential). The applicant is Mr. Cary Blake, C. Blake Homes. Case No. 2016-CUP-005 (Staff John Willis)

John Willis presented the item:

This is lot 309 and is on a hillside. There is an elevation of 47' and 49' for an average of 48'. The home starts at grade and rises up. Adjacent houses built retaining walls and put the home on top after building up the pad. The elevation of this home would match the elevations of what exists in the area. This proposal appears to be consistent with the neighborhood.

Commissioner Ro Wilkinson asked if that is the only remaining lot. Is there anything that can go above it? Darrin Allred (applicant) – the Black Hill is behind. The roof line will match the adjacent house roof lines. We'll use the garage to retain the hillside rather than using retaining walls and an elevated pad.

Councilman Joe Bowcutt asked how the peak compares to the house to the north.

Cary (representative) – I believe the next house is higher because it's 2 story with peaked roof and they started 30' above the road.

Darrin Allred added the driveway to the lower garage is equal to his driveway on the right.

Joe Bowcutt asked if the home south is built or if it's an open lot.

Assistant City Attorney Victoria Hales noted it's part of a different project. There are no other vacant lots in that cul-de-sac. That vacant lot belongs to the southern cul-de-sac and is not a building lot.

Don Buehner noted that adding the retaining wall garage element is what puts the request above the 35'. I would like to address the aesthetics.

John Willis said if you look at the neighborhood, the pads were built up so the home is in line with the rest of the neighborhood.

MOTION: Commissioner Diane Adams made a motion to recommend approval of item 4E for Blake Homes and realize the height exceeds 35' but the neighborhood and adjacent property roof lines are similar, the setbacks are as stated and that the mitigation findings are acceptable as stated knowing that the height is the item to address. I believe it blends in harmoniously with the other homes in the neighborhood.

SECOND: Commissioner Ro Wilkinson

AYES (5)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Diane Adams

Commissioner Julie Hullinger

NAYS (0)

Motion carries.

5. **PRELIMINARY PLAT (PP)**

Consider approval of a preliminary plat for an eight (8) lot residential subdivision development called the "Don Cannon" subdivision. The applicant is Mr. Todd West. The property is zoned R-1-10 (Single family Residential 10,000 sq. ft. minimum lot size) and is located on 750 North Street. Case No. 2016-PP-001. (Staff – Wes Jenkins).

Wes Jenkins presented the item. This is for a nine lot residential subdivision not eight lots as stated. The roads will need to be finished and there must be a privacy wall on the lots that back onto commercial. Councilman Joe Bowcutt asked if there is a setback from the wash.

Wes Jenkins said no. There's a pipe there. Each lot is about 11,500 s.f.

Todd West said the channel in the back was City property and then the City gave it back to Rowland Stone so Rowland owns that area.

Assistant City Attorney Victoria Hales noted the approval will be subject to legal review.

MOTION: Commissioner Ro Wilkinson made a motion to accept item 5 subject to legal review and for 9 lots rather than 8.

SECOND: Commissioner Diane Adams

AYES (5)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Diane Adams

Commissioner Julie Hullinger

NAYS (0)

Motion carries.

6. **FINAL PLATS (FP)**

- A. Consider approval of a final plat for a one (1) lot residential subdivision for “**St George Elementary Subdivision**.” The property is zoned RCC (Residential Central City) and is located between 100 South Street and 200 South Street at approximately 300 East (west of the ‘Sun Bowl’). The representative is Mr. Scott Woolsey, Alpha Engineering. Case No. 2015-FP-064 (Staff – Wes Jenkins).

Wes Jenkins said there is a roadway vacation that goes back to the City and then a portion remains as an easement.

MOTION: Commissioner Julie Hullinger made a motion to recommend approval of item 6a and authorize chair to sign.

SECOND: Commissioner Diane Adams

AYES (5)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Diane Adams

Commissioner Julie Hullinger

NAYS (0)

Motion carries.

- B. Consider approval of a final plat for a twelve (12) lot residential subdivision for “**Entrada at Snow Canyon ‘Chaco West’ Phase 3**.” The property is zoned PD-R (Planned Development Residential) and is located along the westerly and northerly sides of Tacheene Drive at approximately 2910 West and 2480 North (in Entrada Development). The representative is Mr. Kevin Bundy, Kevin Bundy Surveying Inc. Case No. 2014-FP-034 (Staff Wes Jenkins)

Wes Jenkins explained this is for 11 lots not 12. There used to be a lot in the cul-de-sac that they pulled. It was shown on the preliminary plat.

Commissioner Ro Wilkinson stepped out 9:16 pm

Commissioner Don Buehner asked why the lot was removed.

Wes Jenkins said it may have had something to do with the roadway. There are 12 lots for approval – 11 on one sheet and one on the other.

MOTION: Commissioner Diane Adams made a motion to recommend approval and authorize chair to sign.

SECON: Commissioner Don Buehner

AYES (4)

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Diane Adams

Commissioner Julie Hullinger

NAYS (0)

Motion carries.

- C. Consider approval of a final plat for a nineteen (19) lot residential subdivision for “**Meadow Valley Farms Phase 7.**” The property is zoned RE-20 (Residential Estate 20,000 sq. ft. minimum lot size) and is located at approximately 3995 South and Little Valley Road. The representative is Mr. Brad Petersen, Development Solutions. Case No. 2015-FP-059 (Staff – Wes Jenkins)

Wes Jenkins explained they will dedicate hillside to the City and that will be contiguous to future hillside dedication. There will be an undisturbed hillside left in the lots.

Commissioner Ro Wilkinson returned at 9:19 pm

MOTION: Commissioner Don Buehner made a motion to recommend approval and authorize chair to sign.

SECOND: Commissioner Julie Hullinger

AYES (5)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Diane Adams

Commissioner Julie Hullinger

NAYS (0)

Motion carries.

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

Consider approval of a lot line adjustment on residential property between parcel 1 and 2 for “**Magnolia**” in the Green Valley area. The property is zoned PD-R (Planned Development Residential) and is located near the end of 1790 West Street. The representative is Mr. Eric McFadden, Premier Design and Engineering. Case No. 2015-LRE-033 (Staff – Wes Jenkins)

Wes Jenkins explained this came as a zone change recently. The hatched area will become part of parcel 2 rather than being part of parcel 1. It belongs to the overall HOA. They have other amenities available.

MOTION: Commission Diane Adams made a motion to recommend approval of the LLA.

SECOND: Commissioner Don Buehner

AYES (5)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Diane Adams

Commissioner Julie Hullinger

NAYS (0)

Motion carries.

8. **DISCUSSION**

A discussion of **TND** (Traditional Neighborhood District) is requested by Stacy with Development Solutions.

Stacy Young– we've formulated a decent drafting strategy and propose another work meeting this time just with Planning Commission. We'll give you a draft a week ahead of time and then discuss it round-table.

Wes Jenkins said we'll coordinate a work meeting with Planning Commission on an off Tuesday at 5:00 pm.

ADJOURN

MOTION: Commissioner Ro Wilkinson made a motion to adjourn.

SECOND: Commissioner Julie Hullinger

Meeting adjourned at 9:25 pm.