

**IVINS CITY
PLANNING COMMISSION
MINUTES
March 5, 2019
435-628-0606**

1) WELCOME AND CALL TO ORDER

CHAIRMAN AND COMMISSIONERS: The meeting was called to order at 5:30 p.m. All present included Chairman Jeff Loris, Commissioner Adel Murphy, Commissioner Lance Anderson, and Commissioner Mike Scott.

Staff Attending: Dale Coulam-City Manager/Attorney. Mike Rodriguez-Building and Zoning Administrator and Sharon Allen-Deputy City Recorder.

Audience Attending: Frankie Fleming, Gregg Meyers, Rich Svien, Dan and Jan Brown, Claudette Larsen, Sue Gordhammer, Shelley Moeller, Sharon Barton, Regina Roper, Rob Reid, Bill Riley, Jeremy Call, Ed Hayworth, Cameron Kelsch, as well as others that did not sign in.

A. Acknowledgement of Quorum

B. Flag Salute--Commissioner Mike Scott

C. Invocation--Commissioner Lance Anderson

D. Disclosures

Commissioner Lance Anderson stated that he had 3 final plats on the agenda, Taviawk Phase 9-BB, Taviawk Phase 12-A, and Indigo Trails Phase 1-B Amended and Extended. **Chairman Jeff Loris** stated that he did the structural engineering for Movara Villas and the company he works for is doing all the civil engineering. He does not feel there is any conflict in voting. No other conflicts.

2) REPORTS AND PRESENTATIONS --None

3) BUSINESS LICENSES -None

4) PUBLIC HEARING AND ACTION ITEMS—

A. Public Hearing regarding a Project Plan for Movara Villas, located at approximately 290 Fitness Way. Movara Fitness Resort-Owner. Cameron Kelsch-Applicant.

Dale Coulam stated that the project plan needed an amendment before we could move on to approval of the preliminary plan. He showed the new site plan and discussed the amendments from the previous project plan. Page 5 had previously shown 8 five-plexes, 20 ft apart. They could be purchased or rented out. They have now proposed 20 separate units along the perimeter of their property. They are on building pads. There is no minimum lot size. The second amendment is now there is only 10 ft between buildings which meets minimum fire code requirements. These are two-story buildings, but small. The third amendment is the upper floor has an overhang for a covered patio. Most people get picked up from the airport and brought to the spa so along Hwy 91 those units do not have a carport. The others along the adjoining property could be used as a carport or covered patio. The second floor has an overhang to it and is slightly larger than first floor. Parking requirements there have fewer spaces available because they are using the parking that is already there for the spa. Those are the main changes from the previous project plan. We couldn't move forward with preliminary plan because as a mixed-use development they can choose residential or commercial development standards, and it is usually a blend. They can also create guidelines for their project with a project plan. It is usually done at the zoning stage when they get their zoning designation and that was done with the original

1 approved proposal. Because that plan has changed, it necessitated this amendment which they
2 have now filed. **Commissioner Lance Anderson** stated along Hwy 91, there is a 30 ft setback,
3 that is the closest a building can be. So really, it should be 30 ft, for the right of way, plus 10 ft
4 for the setback. **Dale Coulam** stated that can be addressed in the motion of recommendation to
5 the City Council. **Chairman Jeff Loris** opened the Public Hearing. Dan Brown stated that all the
6 building going on always seem to be two-story. We want to be able to see the beautiful
7 mountains. They don't need that there. He is totally against two-story buildings. **Dale**
8 **Coulam** stated that they are allowed to build two-story buildings, but these two-story structures
9 are built lower than they our ordinances allow. They could be allowed 35 ft and these are only
10 about 22 ft tall which is less than our 25 ft residential allowance. Hearing no further
11 comments, **Chairman Jeff Loris** closed the Public Hearing.

**B. Discuss and consider recommendation regarding a Project Plan for Movara Villas,
located at approximately 290 Fitness Way. Movara Fitness Resort-Owner. Cameron
Kelsch-Applicant.**

12 **Commissioner Lance Anderson** stated they need a 30 ft landscape buffer, then you have your
13 setback on your lot from there. **Mike Rodriguez** stated his understanding is that the buildings set
14 30 ft from the right of way. **Dale Coulam** stated that the project plan can propose something
15 differently and you can object to it. **Commissioner Lance Anderson** stated he would object to
16 that because the goal is to protect the view. **Dale Coulam** stated that the private property
17 ombudsman stated that 30 ft was reasonable. Anything beyond that was not. Jeremy Call stated
18 that our intention was 30 ft, but currently the buildings are located 40 ft from the existing right of
19 way. There is however a deck that cantilevers into that space. **Chairman Jeff Loris** inquired if a
20 building can cantilever over if it is not touching the ground. **Mike Rodriguez** stated that
21 generally it is the outside of the foundation wall to the property line to measure setbacks. Page
22 1.1 narrative shows the right of way lines are 100 ft right of way and edge of buildings are cited
23 40 ft away. Jeremy Call stated need to clarify if deck can cantilever in about 3 ft 4". **Mike**
24 **Rodriguez** stated that generally the exterior is the edge of the foundation and that is what we
25 measure to. Attached architectural features can encroach in. **Commissioner Lance**
26 **Anderson** stated that the buffer wall is an average because we don't just want a straight wall.
27 **Mike Rodriguez** stated Item 2 on the setbacks states it should be a minimum of 30 ft from any
28 part of the building. clarified that Commissioner Anderson wanted an average of 30 ft for the
29 landscape buffer from old highway 91 right of way and a building setback of 10 ft back from the
30 wall. **Chairman Jeff Loris** stated vertical plane in any situation he will measure from
31 foundation to the offset line. Why would we make that change in this one case? **Commissioner**
32 **Lance Anderson** stated he doesn't know that we have ever had that issue. In this situation if we
33 put 40 ft then we are okay to the vertical plane. **Chairman Jeff Loris** stated every single house
34 in Palisades has that overhang that cantilevers. **Dale Coulam** stated we can require 10 ft setback
35 from the average wall and the way that is measured is to the foundation. If we deviate and say 40
36 ft then we have required something from this developer that we don't require of others. That
37 would be an illegal exaction. **Chairman Jeff Loris** stated in Tuscano they have eaves and
38 balconies that hang over a foot or eaves that hang over 18 inches still in the 10 ft
39 setback. **Commissioner Lance Anderson** stated we may need to make a change but not on this
40 application. **Commissioner Mike Scott** stated he doesn't necessarily like two-story buildings,
41 but our ordinance allows it. **Commissioner Adel Murphy** stated they are doing 22 ft too. The
42 height is less than we require.

MOTION: Commissioner Mike Scott moved to approve recommendation regarding a Project Plan for Movara Villas, located at approximately 290 Fitness Way. Movara Fitness Resort-Owner. Cameron Kelsch-Applicant, with clarification that the setback will be 40 ft, that includes the 10 ft rear yard setback to the building foundation, and an average of 30 ft setback to the fenceline.

SECOND: Commissioner Adel Murphy

VOTE: The motion carried.

Chairman Jeff Loris	AYE
Commissioner Adel Murphy	AYE
Commissioner Lance Anderson	AYE
Commissioner Mike Scott	AYE

5) DISCUSSION AND POTENTIAL ACTION ITEMS—

A. Discuss and consider recommendation regarding a Preliminary Plan for Movara Villas, located at approximately 290 Fitness Way. Movara Fitness Resort-Owner. Cameron Kelsch-Applicant.

MOTION: Commissioner Adel Murphy moved to approve recommendation regarding a Preliminary Plan for Movara Villas, located at approximately 290 Fitness Way. Movara Fitness Resort-Owner. Cameron Kelsch-Applicant.

SECOND: Commissioner Mike Scott

VOTE: The motion carried.

Chairman Jeff Loris	AYE
Commissioner Adel Murphy	AYE
Commissioner Mike Scott	AYE
Commissioner Lance Anderson	RECUSE

B. Discuss and consider recommendation on relevant portions of Chapter 12 regarding Accessory Dwelling Units.

Dale Coulam stated that Commissioner Bryan Pack wasn't particularly opposed to this as long as they were long-term rental, and not short-term rentals. and we had one public comment on that. They recognized the need for affordable housing and that having the option available was beneficial. **Commissioner Adel Murphy** stated she has strong feelings on this. She inquired if this would be city wide? The old township? If we do it city wide and we say that the subdivisions with CCRs can state that they don't want to do it, we are creating a nuisance that allows people in subdivision to say well the city says we can do it so oh well, who cares what the CCRs say. AirBnB we will not get reasonable rents on casitas when people can rent out their casita for \$100 a night. We can't chase AirBnB very well. She understands the need for affordable housing, but we are not getting it this way. We have people in Ivins already renting casitas. If we are thinking about doing it, require a license or register that they are doing it. If we allow it, the owners have to live on the property and be full-time residents. If they are both rented out, there are more cars and you are turning single family areas into multi-family neighborhoods and people that live there already should not have to deal with that. What will rents be and what people? They are pretty small. It will not be to families, there is no room for families in casitas and many don't even have kitchens in them. We have some issues and we are going to open up AirBnB and VRBO and how do we chase that down? Neighbors will complain. Someone mentioned that the medical students need places to live but one and a half of those buildings sit empty.

Commissioner Lance Anderson stated they were too expensive. **Commissioner Adel**

Murphy stated so we open up a casitas ordinance, so those buildings can sit empty. We could

1 suggest the old township maybe. She just doesn't know how we would do this. It is
2 problematic. **Dale Coulam** stated that the medical students housing being was talked about
3 before the student housing was built and we had people asking if they could rent out their
4 casitaWe have deed restriction requirements to not rent out casitas so to promise not to use their
5 casita on a short term rental basis mayhave the same result. The CCRs comment is well taken.
6 The city passes an ordinance and you have an existing HOA, but that does become a temptation
7 to ignore that. It also depends on the enforcement by that HOA. **Commissioner Adel**
8 **Murphy** stated the city is creating civil matters between homeowners. CCR's are more
9 restrictive. **Commissioner Lance Anderson** stated they are responsible for enforcing them. **Dale**
10 **Coulam** stated we have an affordable housing task force committee and they are going through
11 questions. This is one tool that may have influence on affordable housing but it is not the answer
12 in and of itself. Bryan Pack stated he would like to see how this fits in the whole puzzle of
13 affordable housing. **Commissioner Adel Murphy** stated we want affordable housing, but
14 renting casitas is not going to get us what we want. **Mike Rodriguez** stated casitas can be a
15 guesthouse attached or a detached sleeping and bathing and kitchen area, and they sign a deed
16 restriction to guests and they have their own entrance. **Commissioner Mike Scott** stated we give
17 the community reliability. We do time to time change the zoning and we notify and having
18 public hearings but generally we are reliable. Single family homes are a major investment and in
19 a single family neighborhood as we call it, if we do this, we turn it into multi-family overnight
20 and he objects to that. Casitas may be a tool for additional affordable housing but not
21 appropriate. **Chairman Jeff Loris** stated we have something that is not allowed by the City, by
22 ordinance or deed restriction but because people are doing it, we are willing to change
23 it. **Commissioner Lance Anderson** stated that only one person showed up to show
24 concern. **Commissioner Mike Scott** stated only one or two commented, but no real concern. But
25 potentially we are thinking of changing or rezoning every subdivision. Every person should get a
26 mailer. **Commissioner Adel Murphy** stated it only says Chapter 12 regarding accessory
27 dwelling units. It does not mention casitas. **Dale Coulam** stated as he sees it tonight the Planning
28 Commission has three options. One is to make changes to Chapter 12 and allow rental of
29 accessory dwelling units or, two with the task force looking into itwait for their feedback, or
30 three put it to the task force and they are considering this so let them report to City Council and
31 let them guide us before considering this aspect. Ed Hayworth stated his suggestion is that the
32 Commission continues on and asks the task force to come back with a recommendation.
33 **Commissioner Mike Scott** stated this essentially turns every single neighborhood into multi-
34 family housing. It may not be thousands of homes, but he would not want that to be done next to
35 his home. Single family neighborhoods should stay single family neighborhoods. **Commissioner**
36 **Adel Murphy** stated her opinion is a flat out no. It is not a good idea. We worry about private
37 property rights and then we take all these homes and create problems. **Commissioner Lance**
38 **Anderson** stated there are people getting a benefit, so he knows it works. He is torn between the
39 two.

40 **MOTION: Commissioner Lance Anderson moved to continue recommendation on relevant**
41 **portions of Chapter 12 regarding Accessory Dwelling Units, to wait for more information,**
42 **and then have a new public hearing, with notice clearly explaining the purpose.**

43 **SECOND: Commissioner Mike Scott**

44 **VOTE: The motion carried.**

Chairman Jeff Loris	AYE
Commissioner Lance Anderson	AYE

Commissioner Mike Scott	AYE
Commissioner Adel Murphy	NAY

C. Discuss and consider recommendation of proposed Overlay Amendments to Chapters 7 and 8 of the Zoning Ordinance.

Dale Coulam stated he made Commissioner Mike Scott's changes to the Subdivision Enhancement Overlay and this is still here because Commissioner Lance Anderson wanted to discuss lot averaging. **Mike Rodriguez** stated that 25% of lots cannot be less than what is allowed. **Commissioner Lance Anderson** stated it doesn't have enough flexibility. If they are big and little lots inside the subdivision what does it matter for space purposes and density. 25% is too tight. **Commissioner Mike Scott** stated this would be primarily on smaller parcels. **Commissioner Lance Anderson** stated on the south side of Hwy 91 if they could lot average there and bring the cluster down off the hill, but with 25% they can't really do more. **Chairman Jeff Loris** stated because lots are that size for that zone, we would want them to mainly be that size, but if we allow a large gamut of lot sizes we will have high density in a low density area. **Commissioner Lance Anderson** stated we need a number. The hillside is a good example, because if they cluster with lot averaging it keeps them down low. **Commissioner Adel Murphy** stated if we protect adjoining subdivisions and build like the neighboring subdivisions, why not be higher on the inside? People buying in there know exactly what they are buying. If we protect the perimeters maybe they can have a higher percentage. **Commissioner Lance Anderson** stated there are 150+ townhomes that are zoned 12.5. **Chairman Jeff Loris** stated but the point is to keep the zone and the use in the same area, so we don't have a lot RE-15 and 7500, it is to keep them within the same region in the subdivision. If we get to 50%... **Commissioner Lance Anderson** stated that 50% may be too much. Right now, you can't have more than 25% that are less than what the zone requires. **Mike Rodriguez** stated that setbacks dictate how small lots and the house can be. **Commissioner Adel Murphy** stated she thought they could have some clustering in the subdivision, so they could have some open space. **Commissioner Mike Scott** stated are you creating this to have open space, or just to have smaller lots, so you can have bigger lots? Where is the win for adjoining communities? **Mike Rodriguez** stated if you increase the size of lots then the rest have to increase to make the lot averaging. if you go with 33% for example, then 33% can be smaller than 10k sq ft, but then it restricts the other 67%. Be careful not to give too much to reduce the size of the lots in that zone. **Commissioner Lance Anderson** stated it just seems that this is a tool that is not being utilized because it is hard to make it function. **Commissioner Mike Scott** stated a cul de sac may be appropriate to have smaller lots. **Commissioner Lance Anderson** stated it is okay if we don't do it. It was just his thought. **Mike Rodriguez** stated that the ones that have tried it, the 25% seemed to work for them. **Commissioner Adel Murphy** stated for affordability they want to have a product that has value in there they can sell. **Commissioner Lance Anderson** stated he thinks a little more percentage on these smaller parcels might work better. Maybe we need to work on it more later.

MOTION: Commissioner Mike Scott moved to approve recommendation of proposed Overlay Amendments to Chapters 7 and 8 of the Zoning Ordinance.

SECOND: Commissioner Adel Murphy

VOTE: The motion carried.

Chairman Jeff Loris	AYE
Commissioner Adel Murphy	AYE
Commissioner Lance Anderson	AYE

Commissioner Mike Scott	AYE
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D. Discuss and consider approval of the Final Plat for Palisades at Snow Canyon Phase 7, located at approximately Park Avenue Way and Desert Lane. GP Ivins Homes and Land-Owner. Bush and Gudge/Adam Allen-Applicant.

Mike Rodriguez stated that this subdivision consists of 12 lots under 4 acres and Phase 6 is under construction. Phase 7 is north of the City owned property on Center Street. Staff and TRC have reviewed this plat and recommend approval. **Chairman Jeff Loris** stated he saw no issues.

MOTION: Commissioner Mike Scott moved to approve Final Plat for Palisades at Snow Canyon Phase 7, located at approximately Park Avenue Way and Desert Lane. GP Ivins Homes and Land-Owner. Bush and Gudge/Adam Allen-Applicant.

SECOND: Commissioner Adel Murphy

VOTE: The motion carried.

Chairman Jeff Loris	AYE
Commissioner Adel Murphy	AYE
Commissioner Lance Anderson	AYE
Commissioner Mike Scott	AYE

E. Discuss and consider approval of the Final Plat for Taviawk Phase 9-BB, located at approximately Wicasa Way, Kayenta Development-Owner. Lance Anderson-Applicant.

Commissioner Lance Anderson recused himself. **Mike Rodriguez** stated that this plat is one lot on 1.024 acres. It complies with our preliminary plan. TRC and staff have reviewed this and recommend approval.

MOTION: Commissioner Mike Scott moved to approve Final Plat for Taviawk Phase 9-BB, located at approximately Wicasa Way, Kayenta Development-Owner. Lance Anderson-Applicant.

SECOND: Commissioner Adel Murphy

VOTE: The motion carried.

Chairman Jeff Loris	AYE
Commissioner Adel Murphy	AYE
Commissioner Mike Scott	AYE
Commissioner Lance Anderson	RECUSE

F. Discuss and consider approval of the Final Plat for Taviawk 12-A, located at approximately Takala Way and Tearasinab Way. Kayenta Development-Owner. Lance Anderson-Applicant.

Commissioner Lance Anderson recused himself. **Mike Rodriguez** stated this is 2 lots on 1.6 acres and complies with the preliminary plan. Staff and TRC have reviewed this and recommend approval. **Chairman Jeff Loris** stated there were a few bearings missing.

MOTION: Commissioner Adel Murphy moved to approve the Final Plat for Taviawk 12-A, located at approximately Takala Way and Tearasinab Way. Kayenta Development-Owner. Lance Anderson-Applicant.

SECOND: Commissioner Mike Scott

VOTE: The motion carried.

Chairman Jeff Loris	AYE
Commissioner Adel Murphy	AYE
Commissioner Mike Scott	AYE

Commissioner Lance Anderson	RECUSE
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G. Discuss and consider approval of Indigo Trails 1-B Amended and Extended, located at approximately Wild Indigo Way. AnA Enterprises LLC and Kayenta Development-Owner. Lance Anderson-Applicant.

Mike Rodriguez stated that this was amended and extended and consists of 4 lots on 3.19 acres. It eliminates one lot and increases the size of another. Staff and TRC reviewed this and recommend approval. Lot 1 was enlarged and created 2 on lots 5 and 14.

MOTION: Commissioner Mike Scott moved to approve Final Plat for Indigo Trails 1-B Amended and Extended, located at approximately Wild Indigo Way. AnA Enterprises LLC and Kayenta Development-Owner. Lance Anderson-Applicant.

SECOND: Commissioner Adel Murphy

VOTE: The motion carried.

Chairman Jeff Loris	AYE
Commissioner Adel Murphy	AYE
Commissioner Mike Scott	AYE
Commissioner Lance Anderson	RECUSE

H. Discuss and consider approval of the Ivins City Planning Commission minutes for February 19, 2019.

MOTION: Commissioner Mike Scott moved to approve the Ivins City Planning Commission minutes for February 19, 2019.

SECOND: Commissioner Adel Murphy

VOTE: The motion carried.

Chairman Jeff Loris	AYE
Commissioner Adel Murphy	AYE
Commissioner Lance Anderson	AYE
Commissioner Mike Scott	AYE

6) REPORTS

A. Planning Commission

B. Chairman

C. Building and Zoning Administrator, Mike Rodriguez

D. City Attorney, Dale Coulam

Dale Coulam stated this was in the newsletter, but Commissioners Mike Scott and Adel Murphy are coming to end of their terms. The Mayor is accepting resumes from people interested in serving on the Planning Commission. Those need to be submitted by the end of this week or the first of next week so he can review those.

E. Items to be placed on future agendas

Mike Rodriguez stated there would be one or two more final plat for Lance Anderson on our next agenda.

7) ADJOURNMENT

MOTION: Commissioner Lance Anderson moved to approve ADJOURNMENT

SECOND: Commissioner Mike Scott

VOTE: The motion carried.

Chairman Jeff Loris	AYE
Commissioner Adel Murphy	AYE
Commissioner Lance Anderson	AYE

Commissioner Mike Scott	AYE
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