

**PLANNING COMMISSION
CITY OF ST. GEORGE
WASHINGTON COUNTY, UTAH
November 27, 2018**

PRESENT: Chairman Nathan Fisher
Commissioner Roger Nelson
Commissioner Don Buehner
Commissioner Todd Staheli
Commissioner Summer Barry
Council Member Joe Bowcutt

CITY STAFF: Assistant Public Works Director Wes Jenkins
Community Development Director John Willis
Assistant City Attorney Victoria Hales
Planner II Ray Snyder
Planner III Carol Davidson
Development Office Supervisor Genna Singh

EXCUSED: Commissioner Dannielle Larkin
Commissioner David Brager

CALL TO ORDER

Chair Fisher called the meeting to order at 5:10 pm
Commissioner Staheli led the flag salute.

1. **HILLSIDE PERMIT (HS)**

Consider a hillside permit to allow for the development of a proposed single family residential subdivision as an expansion of the existing **Stone Cliff** PD-R (Planned Development Residential) development. The site is located on approximately 26.28 acres and is immediately adjacent to 1450 South Street. The applicant is Traveller Stone Cliff LC and the representative is Mr. Gail Maxwell. Case No. 2018-HS-005 (Staff Ray Snyder)

Ray Snyder presented the following:

Note that Item 1 and Item 2A complement each other. They will presented separately and will require separate motions. There are four (4) areas in Stone Cliff in this proposal. They each have varying slope ranges which allow for different disturbances.

Parcel 1 is against 1450 South and will be the parcel where disturbance is proposed.

Parcel 2, Parcel 3, and Parcel 4 are also hillside areas within the project. Approvals on Parcel 1 impact the remaining parcels for any future proposed disturbance. There are two existing homes that will be demolished as part of this request. The hillside review board did not find any significant outcroppings in Parcel 1 that should be protected.

The hillside review board made a recommendation to approve the request as there were not significant slopes to be protected.

A drainage and a geotechnical report have been completed and reviewed by the hillside review board.

Commissioner Buehner asked what can be disturbed.

Ray Snyder replied 19-29 slope cannot have more than 30% disturbance. The proposal is to disturb the 30-39 (orange) and 19-29 (dark yellow).

Commissioner Buehner asked for clarification on disturbance.

Gail Maxwell, representative, explained that 2.99 acres are in the 19-29 range to be disturbed. The property in the light tan is below the 19% and isn't reviewed.

Commissioner Buehner stated that 2.99 acres is being disturbed and then 1.75 remains for disturbance.

Gail Maxwell said we can substitute the remaining area to disturb the 1.75.

Commissioner Buehner asked if none of it has been disturbed in the overall development.

Ray Snyder said this is in regards to the four parcels outlined.

Commissioner Buehner asked if another 30% can be disturbed later on.

Gail Maxwell said the remaining blue parcels will not be used and the disturbance is being pushed to Parcel 1.

Chair Fisher asked if the areas have been used in previous approvals.

Gail Maxwell said no, we haven't had to utilize substitutions in the past.

Victoria Hales asked if Parcels 2, 3, and 4 will remain as undisturbed forever.

Gail Maxwell said yes, they will remain undisturbed open space. Parcel 3 could be a nice park but we will never disturb it.

Victoria Hales asked if it is city land.

Gail Maxwell said no, but it could be.

Councilman Bowcutt asked how the undisturbed land is bound by future councils.

Gary Esplin said items either come to the city or have a binding easement that can never be disturbed. It should be recorded to be left open. There are four parcels in question here that have not been used in the past. They are requesting that Parcel 1 takes the disturbance for Parcel 2, 3, and 4. Parcels 2, 3, and 4 are then tied to Parcel 1 and cannot be disturbed.

Victoria Hales counseled a deed restriction needs to be a condition of approval.

MOTION: Commissioner Buehner made a motion to recommend approval of Item 1 subject to a recorded deed restriction or dedication of Parcels 2, 3, and 4 to the city with the note that there are no significant outcroppings to be protected.

SECOND: Commissioner Nelson

AYES (5)

Commissioner Barry

Commissioner Buehner

Chair Fisher

Commissioner Nelson

Commissioner Staheli

NAYS (0)

Motion carries.

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

- A. Consider a zone change amendment to the **Stone Cliff** PD-R (Planned Development Residential) zone to expand the overall development to allow new single family lots in the subdivision. The proposal is located on 26.28 acres and is immediately adjacent to 1450 South Street. The applicant is Traveller Stone Cliff LC and the representative is Mr. Gail Maxwell. Case No. 2018-ZCA-046 (Staff Carol Davidson)

Carol Davidson presented the following:

This item is in conjunction with the hillside permit that was just heard. The request is to add 40 new lots to the existing Stone Cliff Planned Development. The general plan shows the area as LDR with zoning R-1-10. The idea is to annex this area into the existing PD-R. The request meets the density allowance of LDR. Landscaping is also met. Recreation/amenities are required. There is an existing area with a pool and tennis courts. The 40 added units would required 8,000 square feet of recreation area. When combing the existing units and proposed units, the existing recreation area exceeds the code requirement. There will be a new entrance on 1450 South with a turn around area before the gated area. The landscaping along 1450 South will be maintained by the HOA with the second layer of landscaping being maintained by each homeowner.

Victoria Hales asked that the access be addressed again.

Carol Davidson said there will be separate access to future commercial but residents could stub over from the residential development. There will also be a crash gate type access and utilities that stub to The Views at Stone Mountain.

Gail Maxwell said the existing construction entrance will remain for construction and emergency access.

Chair Fisher opened the public hearing.

Tom Blaisdell said that on the staff report, page 2, it says the existing recreation area is being proposed to be used by the additional land. In the memo sent to homeowners by the developer, it was stated that additional recreational facilities were going to be built. I believe a requirement for additional recreation land should be a condition of approval.

Chair Fisher explained that our role is to ensure applications meet City ordinance. We need to ensure the proposal meets the requirements of the ordinance. The table in the staff report illustrates to us that the proposal meets ordinance. We cannot require the developer to develop more recreation area if they meet ordinance as is. The matter of additional recreation above the requirement of the ordinance is a private matter. The item that may be in the purview of the City Council is whether or not the annexed land has access to the existing recreational area. We cannot enter into a private dispute.

Continued discussion on recreational area

John Anderson said that the existing facilities cannot accommodate the people using the facilities. They are inadequate. Additional lots being brought into the development add to this problem. The HOA was promised that additional facilities were going to be developed.

Victoria Hales noted that again, those are private promises that are not enforceable under city ordinance. The proposal at hand does meet the ordinance.

Tom Blaisdell asked what happens if the city approves the project and then the developer doesn't abide by the promises to the HOA.

Victoria Hales said there are legal avenues to prevent that from happening but those private disputes. The City cannot enforce your private agreements.

Chair Fisher closed the public hearing.

Victoria Hales counseled that any approval would be subject to the developer showing this property has been annexed into the CCRs with complete access to the existing amenities. They have to show us that the HOA board approved annexation and amenity usage. This may have been done already. It needs to be looked into.

Chair Fisher said they have to show that the existing amenities are available to the annexed property.

MOTION: Commissioner Buehner made a motion to recommend approval of item 2a as presented with the condition that the it is demonstrated that the existing amenities are accessible and usable to the additional property to the City's satisfaction.

SECOND: Commissioner Staheli

AYES (5)

Commissioner Barry

Commissioner Buehner

Chair Fisher

Commissioner Nelson

Commissioner Staheli

NAYS (0)

Motion carries.

- B. Consider a zone change amendment for "**Pad 'G' in the Dino Crossing Commercial Center** (*Smith's shopping center*)" to develop a multi-tenant commercial retail building in the PD-C (Planned Development Commercial) zone on approximately 0.74 acres. The property is generally located on Mall Drive (*between Riverside Drive and Dinosaur Crossing Drive*). The applicant is Dino X LLC and the representative is Woodbury Corporation. Case No. 2018-ZCA-047 (Staff – Ray Snyder)

Ray Snyder presented the following:

This proposal is for Lot 8, Pad G in the Dinosaur Crossing subdivision. The proposed building design will be the same as the other buildings in the development. The height is below the 35' limitation per ordinance. The parking is in excess of what is required.

Commissioner Barry asked if a drive thru is proposed.

Ray Snyder said yes, there is a drive up window.

Victoria Hales asked if the setbacks are being met.

Ray Snyder said it will be reviewed more closely during site plan review.

Commissioner Barry asked if additional landscaping is required by the drive thru.

Cameron Dorman said yes, there is landscaping proposed between the sidewalk and drive thru.

Commissioner Buehner asked if this is a vanilla shell. Are there issues with signage? Is parking okay for all restaurants?

Cameron Dorman said yes, it is a shell.

Ray Snyder said there is a master sign plan for the site. The parking is well above our requirements.

Councilman Bowcutt asked if parking has to be a certain distance from the building.

Victoria Hales said the parking is determined by use and will be checked by staff at a later stage.

John Willis said shared parking has to be within 250'. When a use is proposed at the business license stage that parking is reviewed. There are existing cross access and parking agreements.

Commissioner Barry asked if there is a pedestrian plan.

John Willis said there should be.

Victoria Hales said there are corridors on the overall site plan.

Chair Fisher opened the public hearing.

Chair Fisher closed the public hearing.

Commissioner Buehner said this has been a great addition to the community.

Victoria Hales counseled this is conditioned on public utility easements being provided.

MOTION: Commissioner Nelson made a motion to recommend approval as presented with the condition that public utility easements are provided as required by the City.

SECOND: Commissioner Barry

AYES (5)

Commissioner Barry

Commissioner Buehner

Chair Fisher

Commissioner Nelson

Commissioner Staheli

NAYS (0)

Motion carries.

- C. Consider a zone change amendment for “**Desert Color Town Center**” PD-C (Planned Development Commercial) zone to amend the current Desert Color Zone Plan to include the Sullivan Homes Office Building that is an approved use under the zone plan. The proposal is located on Black Mountain Drive next to Interstate 15 on 1.07 acres. The applicant is SITLA and the representative is Mr. Bob Hermandson. Case No. 2018-ZCA-049 (Staff - Carol Davidson)

Carol Davidson presented the following:

The general plan for this is TC (Town Center) and the zoning is PD-C (Planned Development Commercial). Landscaping is required along I-15; overall site landscaping exceeds the requirements outlined in the ordinance. Parking exceeds the required amount of stalls. There will also be a shared parking area for Sullivan Homes and Big Shots. The overall height is 46’. Desert Color does allow for 55’ height in their approvals. A materials board has been provided.

Councilman Bowcutt said the landscaping along I-15 shows a no-mans land close to Black Mountain Drive. That area needs to be addressed somewhere with Desert Color.

Bob Hermandson, representative said the intent of that area will be parking so the landscaping will continue south. The intersection there will become a roundabout rather than a dead end so there will be parking there and development in the future.

Chair Fisher opened the public hearing.

Chair Fisher closed the public hearing.

Victoria Hales noted that the I-15 face does need to look like a front facade and that needs to be addressed.

Bob Hermandson said the front door faces I-15 for about 80% and then the high side wall faces for about 20%. The whole building is really visible.

Commissioner Nelson said this will be one of the first things people see when coming into St. George.

Commissioner Buehner said the orientation works.

Victoria Hales said this is subject to executing and recording the development agreement and the Spine Roads agreement.

MOTION: commissioner Barry made a motion to recommend approval subject to an executed and recorded development agreement and executed and recorded Spine Roadway agreement.

SECOND: Commissioner Staheli

AYES (5)

Commissioner Barry

Commissioner Buehner

Chair Fisher

Commissioner Nelson
Commissioner Staheli
NAYS (0)
Motion carries.

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

Consider a zone change from OS (Open Space) to R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size) for “**Maple Estates Phase 6**” on 0.16 acres. The proposal is generally located adjacent to Banded Hills Drive and south of Copper Cliff Drive. The applicant is Quality Properties and the representative is Mr. Steve Kamlowky, Development Solutions. Case No. 2018-ZC-048 (Staff – Ray Snyder)

Ray Snyder presented the following:

The proposal is to change the zoning on 0.16 acres to R-1-10.

Ryan Thomas, Development Solutions, explained this proposal is for one additional lot. This area will be added to the R-1-10 area next to it to make a larger lot.

Victoria Hales asked why the zoning is currently open space.

John Willis said the whole area was open space and some of it was carved out for the surrounding areas.

Chair Fisher asked if that open space was determined to satisfy a requirement or was it simply open space.

Ryan Thomas said he believes it was simply open space. The other open space will be dedicated to the city and there is a trail that we are building along that area.

Commissioner Buehner said we’ll have to rely on staff because we don’t want to nibble away at open space areas.

Chair Fisher opened the public hearing.

Chair Fisher closed the public hearing.

Commissioner Nelson noted that not changing this area will make a weed patch area for the existing lot they want to add it to and this lot.

Commissioner Barry asked how the lot will be accessed.

Ryan Thomas said access will be from Banded Hills. A note on the plat will require a circular drive for safety.

Commissioner Nelson asked if this is the only lot that fronts Banded Hills.

Ryan Thomas said it will be the only one facing west but others front Banded Hills in the other area.

MOTION: Commissioner Staheli made a motion to recommend approval.

SECOND: Commissioner Nelson
AYES (3)
Chair Fisher
Commissioner Nelson
Commissioner Staheli
NAYS (2)
Commissioner Barry
Commissioner Buehner
Motion fails.

Commissioner Buehner said he is inclined to trust staff about the open space but we're approving a sit alone area that isn't part of a neighborhood and just sits by itself. It seems to be an ugly duckling there.

Chair Fisher asked if a determination before Council was made that the open space wasn't required for a reason, would that be acceptable?

Commissioner Buehner said yes, that would help the first concern.

Commissioner Barry said the isolation is my concern.

Commissioner Buehner said it may be appropriate for this area to remain as open space.

Chair Fisher said there will be homes to the north and south of it.

Ray Snyder said the it won't be just a triangle lot. There are other single family lots in the area.

Commissioner Buehner noted none of those homes will face Banded Hills. This lot is unusual.

Ryan Thomas said the ones up the hill do.

MOTION: Commissioner Staheli made a motion to approve the item with the condition that staff determines the open space was not required to meet any requirements for any other plat.
SECOND: Commissioner Nelson
AYES (5)
Commissioner Barry
Commissioner Buehner
Chair Fisher
Commissioner Nelson
Commissioner Staheli
NAYS (0)
Motion carries.

4. **FINAL PLATS (FP)**

Consider a fourteen (14) lot residential final subdivision plat for "**Tuscan Hills Phase 4 Subdivision**" located at 1310 West Street and 1690 South Street. The property is zoned PD-R (Planned Development Residential). The representative is Scott Woolsey, Alpha Engineering. Case No. 2018-FP-057 (Staff – Wes Jenkins)

Wes Jenkins presented the item. There will be open space being dedicated to the HOA. There is also a 30' ridgeline setback.

Commissioner Nelson asked how the HOA accesses the area.

Wes Jenkins said it is a requirement of the overall development. It is a hillside area.

Victoria Hales said this is subject to the plat meeting approvals such as amenities, HOA, etc.
1:41:07 = motion

MOTION: Commissioner Nelson made a motion to recommend approval with the conditions outlined by legal.

SECOND: Commissioner Barry

AYES (5)

Commissioner Barry

Commissioner Buehner

Chair Fisher

Commissioner Nelson

Commissioner Staheli

NAYS (0)

Motion carries.

5. **FINAL PLAT AMENDMENTS (FPA & LRE)**

- A. Consider an amended final subdivision plat for “**Coral Desert Subdivision Phase 2 Amended and Extended**” to decrease the size of Lot 2, to add Lots 3 and 4, and to realign the public roadway. The proposal is located at 1450 East Street and approximately 800 South Street. The property is zoned PD-C (Planned development Commercial). The representative is Scott Woolsey, Alpha Engineering. Case No. 2018-FPA-073 (Staff – Wes Jenkins)

Wes Jenkins presented the item. There are storm drain lines that daylight into an open ditch in this area. Staff prefers the area remain an open ditch. The road has been realigned to address this. The plat is to change the lots, vacate the road, and establish a new road.

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

SECOND: Commissioner Nelson

AYES (5)

Commissioner Barry

Commissioner Buehner

Chair Fisher

Commissioner Nelson

Commissioner Staheli

NAYS (0)
Motion carries.

- B. Consider an amended final subdivision plat for “**Lot 63, Bloomington Hills No. 2 Subdivision Amended.**” The purpose is to subdivide Lot 63 into two lots. In September 22, 2016, the applicant had merged the two lots into one, but now wishes to subdivide the lot back into two lots, and intends to sell one. The proposal is located at 3073 South Ninebark Circle. The representative is Kevin Bundy, Truline Surveying. Case No. 2018-LRE-024 (Staff – Wes Jenkins)

Wes Jenkins presented the item.

Victoria Hales stated new public utility easements need to be shown at the new lot line.

MOTION: Commissioner Staheli made a motion to recommend approval and authorize chair to sign with the condition that the public utility easements will be added along the new lot line.
SECOND: Commissioner Barry
AYES (5)
Commissioner Barry
Commissioner Buehner
Chair Fisher
Commissioner Nelson
Commissioner Staheli
NAYS (0)
Motion carries.

6. **PRELIMINARY PLATS (PP)**

- A. Consider a one hundred twenty-nine (129) unit residential preliminary plat subdivision for “**Moorland Park Phases 3-9**” located west of 3000 East. The property is zoned R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size). The representative is Logan Blake. Case No. 2018-PP-052 (Staff – Wes Jenkins)

Wes Jenkins presented the item. There is an erosion hazard line in this development so erosion hazard mitigation is required per an erosion hazard study. There is an existing sewer main that has an easement. There is drainage from 2780 that is here as well. This will be dedicated to the city to be utilized as a utility corridor. There is also a 2 acre area for a park.

Victoria Hales asked what that area is proposed as on the plat.

Wes Jenkins said it is one large lot for now.

MOTION: Commissioner Nelson made a motion to recommend approval with the conditions that the utility corridor is **dedicated to the city, erosion hazard mitigation , and an agreement**

for the two acre park is reached.

SECOND: Commissioner Buehner

AYES (5)

Commissioner Barry

Commissioner Buehner

Chair Fisher

Commissioner Nelson

Commissioner Staheli

NAYS (0)

Motion carries.

- B. Consider a one hundred seventy-three (173) unit town home preliminary plat subdivision for **“Woodland Town Homes”** located at 2780 East Street and Mall Drive. The property is zoned PD-R (Planned Development Residential). The representative is Tim Stewart. Case No. 2018-PP-049 (Staff – Wes Jenkins)

Wes Jenkins presented the item. This is also in an erosion hazard area and will require mitigation. There is also future park property area that has been left out of the plat. It should be part of the plat and remain as a lot like in Moorland. **ROADWAY DEVELOPMENT** A decel lane will be required off of Mall Drive.

Victoria Hales said there is an off-site development agreement requiring the Mall Drive improvements. This is also subject to the PD approvals.

MOTION: Commissioner Buehner made a motion to recommend approval with the condition that the agreement for Mall Drive is executed, the park area is added to the plat as a lot, and the erosion hazard study is completed.

SECOND:

AYES (5)

Commissioner Barry

Commissioner Buehner

Chair Fisher

Commissioner Nelson

Commissioner Staheli

NAYS (0)

Motion carries.

- C. Consider a ninety-two (92) unit Patio Home preliminary plat subdivision for **“Woodland Patio Homes”** located south of Mall Drive (*between 2780 East and 3000 East*). The property is zoned PD-R (Planned Development Residential). The representative is Tim Stewart. Case No. 2018-PP-053 (Staff – Wes Jenkins)

Wes Jenkins presented the item. There will be double fronting lots so a 10' landscape strip is required as well as a 6' privacy wall. Whichever project develops first is required to develop a deceleration lane to Mall Drive. The access to 2780 must also be developed.

MOTION: Commissioner Barry made a motion to recommend approval with the condition that the development agreements for Mall Drive are met and the PD approval is met.

SECOND: Commissioner Staheli

AYES (5)

Commissioner Barry

Commissioner Buehner

Chair Fisher

Commissioner Nelson

Commissioner Staheli

NAYS (0)

Motion carries.

7. **MINUTES**

Consider approval of minutes from previous Planning Commission meetings.

8. **CITY COUNCIL ACTIONS – November 15, 2018**

Planning staff will report on the following items heard at City Council

A. 2018-CUP-020 – Affagato (Coffee House) & Gather @ Town Square

B. 2018-CUP-023 – Garage – Lot 15 – M Vly Farms Ph 3

ADJOURN

Commissioner Buehner made a motion to adjourn.

Commissioner Barry seconded.

AYES (5)

Commissioner Barry

Commissioner Buehner

Chair Fisher

Commissioner Nelson

Commissioner Staheli

NAYS (0)

Meeting adjourned at 7:11 pm.