

**IVINS CITY
PLANNING COMMISSION
MINUTES
March 16, 2021
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 Bryan Pack, Commission Doug Clifford, Commissioner Lance Anderson, and Commissioner Bob Morris.

Staff Attending: Cody Mitchell-Building and Zoning Administrator, Lane Mecham-Director of Finance and Sharon Allen-Deputy City Recorder.

Audience Attending: Chris Haddad, Dan Clarkson, Cory Linquist, Sam Drake, Arnold Billingsley, Rich Parker, Les Kozlowski, as well as others that did not sign in.

A. [Acknowledgement of Quorum](#)

B. **Invocation--Commissioner Bob Morris**

C. [Disclosures](#)

Commissioner Lance Anderson stated he has a conflict with Item 4A, B, C, and D. No other conflicts.

2) REPORTS AND PRESENTATIONS -None

3) PUBLIC HEARING AND ACTION ITEMS—

A. [Public Hearing regarding a proposed Zone Change from RA-1 \(Residential Agricultural, minimum lot size 1 acre\) to R-1-10 \(Single Family Residential, minimum lot size 10,000 sq ft\), and R-1-10 \(Residential Single Family, minimum lot size 10,000 sq ft\), with lot averaging on 10.23 acres, located at approximately 400 South and 200 West. Burton Creation, LLC-Owner. Tony Allen-Applicant.](#)

Cody Mitchell stated that this parcel is just over 10 acres located on the southwest corner of 400 South and 200 West. They have proposed to go from residential one acre parcels to R-1-10, residential single family zoning, with a minimum of 10,000 sq ft lots. Staff does not make recommendations on zone changes or land use amendments. The land use is already Medium Density. The property to the west and east is R-1-10. Haven at Heritage Acres has an SEO, Subdivision Enhancement Overlay, and the parcel to the east is R-1-10 and is currently undeveloped and being used as agricultural. The parcel to the north is Unity Park on the corner. They are also requesting lot averaging, so the average lot would be 10,000 sq ft. The difference between lot averaging and SEO like Haven at Heritage Acres, is the majority of the lots in Haven are well under 10,000 sq ft. On this proposal, the average would be 10,000 sq ft. They can be 25% less than the assigned zoning, but the average has to be 10,000 sq ft. **Chairman Bryan Pack** stated that the boxed highlighted section of RA-1 is all we are dealing with here tonight. He opened the Public Hearing. Chris Haddad lives in Shadow Canyon on 520 South. She is representing six residents that have some concerns about any more building in this area. One of the main questions is increase in traffic on 200 West. We have already seen a considerable increase with the skate park, and this will add to that. 200 West, south of 400 South is not a well-cared for road. It is dirt on both sides of the street and just enough room for two lanes of traffic. We have a lot of walkers, runners and cyclists and dog walkers that go to the park throughout the day. They have to go into the dirt or walk in the street to get to the park area. Would sidewalks

1 be put in on 200 West to accommodate all that traffic? Would there be an additional street going
2 through that property that would pour out onto 200 West? That would also add to our traffic
3 situation. Would the current 200 West drainage system be affected? There have been problems
4 there in the past from rain run-off. Regarding the type of homes to be built there, will they block
5 views from Shadow Canyons and to the west? What is the height going to be? Developers are
6 asked to enhance their areas regularly. In Unity Park with the ballpark, those lights are not on
7 timers. We wonder if there is any chance the developers could improve that part of the
8 neighborhood by paying for those timers? Their own development would be affected more than
9 ours and would be a wonderful contribution to the neighborhood. Les Kozlowski stated he lives
10 on Desert Shelter Drive. That field is a nice place to enjoy the beautiful views. The average size
11 lots in American Heritage is just below 9000 sq ft with big garages and our concern is if the
12 same kind of building happens, if it is rezoned, we won't have views anymore and the Shadow
13 Canyons people. That tract is the direct view to red mountain and pine mountain. He moved here
14 for the views. We would like to maintain that view. We were told that land was for sale and it
15 wouldn't happen for several years but so be it. He is not against development, just the congestion
16 of development. It impacts traffic, views, night sky and life in Ivins. Change it to something with
17 larger lots to ensure easements that surround it are maintained as a maximum so we can see
18 through homes and maintain our views. Arnold Billingsley stated he lives on Desert Shelter and
19 we submitted a letter and he would like to add to that to reflect a third of the people in Haven at
20 Heritage Acres that are endorsing our recommendations and concerns of our community. With
21 more effort, he is sure they could get 80 to 90 percent of homeowners that would share these
22 concerns. In addition to Les Kozlowski's comments, we have concerns on congestion, the
23 additional consequences of heavy-duty equipment, subcontractors and particulates in the air, not
24 to mention destruction of views and the quality of life we currently have. We understand the
25 developer would like to develop. There are plenty of R-1-10 areas on the map, so R-12.5 would
26 not be a negative. Looking at it from the developers standpoint and his return on investment,
27 with bigger lots you have the ability to get more money. Once the developer and builders leave
28 and the dust settles we still live here. We end up with the impact. Our community is concerned
29 and would appreciate your hesitation. 40 homes are a possibility in just this one track, so we are
30 looking at 80 homes so 160 people and automobiles and they leave twice a day. That creates a
31 huge impact in traffic out of that community. We appreciate your support and reasoning on why
32 the community is focused on these concerns. Richard Parker stated that he lives on Desert
33 Shelter, last home on that street. He supports what has been said by his neighbors, but the
34 average lot would be 10,000 sq ft, and 25% could be less than that? R-12.5 zoning is better. Does
35 it allow for these people to build two-story homes? He would like to know where the exit and
36 entrance to that subdivision would be on 400 South and 200? Right now it is at the end of that
37 street and you go right into the field. During Parade of Homes there were so many cars that go
38 down, turn around and come back. During construction, he would ask that they put a temporary
39 barricade so big trucks wouldn't come driving to that site through there. He would also like the
40 Commission to address what Subdivision Enhancement Overlay is. Arnold Billingsley stated that
41 he would like to point out that map shows half the amount of what homes are there now. There
42 are probably another 5-7 lots in that blank space will be under construction in the next 30 days.
43 Sam Drake stated that he lives on Desert Shelter. Part of the big sell of our neighborhood and
44 why he and his wife came to Ivins is the beautiful views. He would like to echo the desire to
45 have the zone increased to the larger lot size and not have two-story homes as well as setting it
46 off the property line. The homes in Haven at Heritage Acres are just right up against the road. It

1 would essentially block out everything from the back of our home. Tony Allen stated he is the
2 applicant and appreciates the Commission taking the time to consider their zone change
3 application. Many of the concerns that have been expressed here, will be addressed by
4 Rosenberg Engineering and AGECE as they design a subdivision down the road. A lot of issues
5 with ingress and egress, width of sidewalks, etc are obviously issues that will be dealt with down
6 the road when we come in for a subdivision. There is a great deal of engineering that takes place
7 and the City is involved with that process. The proposal would amount to approximately 30 lots
8 on the 10.3 acres. Lot sizes would be similar to those in the Haven as well as the homes. There
9 would be a wall on 400 South and on 200 West and no residences would front either of those two
10 streets. Ingress and egress would be on 200 West and one on 400 South. All that traffic flow
11 would be approved by the City as we move forward with our plans. He is sensitive to the
12 comments made about not wanting more development, but they have their homes, and now don't
13 want anyone else here. That is an unrealistic expectation in Washington County. 15 years ago
14 there were probably less than 1000 people in Ivins. We are looking at 500,000 people here by
15 2060. He is not one to say someone else can't move in next door. We have a very conservative
16 plan and the zoning fits the neighborhood and it is a continuation of what is east and west of us.
17 It is an appropriate zone and compatible with the zones on either side. We ask that the zone
18 request be granted. Rich Parker stated that he would like the Commission to look at the picture
19 from his backyard. It is not that he doesn't want any growth, but he doesn't want this to happen.
20 The house is 10 ft away from the property line, and although the foundation was, the overhang is
21 5-6 feet away. We don't want this to happen. Hearing no further comments, **Chairman Bryan**
22 **Pack** closed the Public Hearing.

B. Discuss and consider recommendation of a proposed Zone Change from RA-1 (Residential Agricultural, minimum lot size 1 acre) to R-1-10 (Single Family Residential, minimum lot size 10,000 sq ft), and R-1-10 (Residential Single Family, minimum lot size 10,000 sq ft), with lot averaging on 10.23 acres, located at approximately 400 South and 200 West. Burton Creation, LLC-Owner. Tony Allen-Applicant.

23 **Cody Mitchell** stated that in Haven at Heritage they achieved the same zoning of R-1-10 with a
24 Subdivision Enhancement Overlay. Essentially they laid out how many lots they could acquire
25 on 20 acres. That number came to 62. They put in the retention basin and some open space on
26 the northwest corner of that parcel, which allowed them to receive a density bonus so they could
27 accommodate 62 lots on between 8500 to 9000 sq ft. This applicant is applying for R-1-10 with
28 lot averaging, where 25% can fall under 10,000 sq ft with none under 7500 sq ft. They must
29 average 10,000 sq ft. So if you look at it as a whole, this proposed zone change the lots will be
30 larger than the Subdivision Enhancement Overlay in Haven at Heritage Acres. The City
31 ordinance restricts height to 25 feet. It is possible to get a two-story home in 25 feet, as well as
32 an RV garage. Those are some of the products that Haven at Heritage Acres builds in their
33 subdivision. Two-story is not really popular in our area so most people tend to stick to single-
34 story slab-on-grade construction. **Chairman Bryan Pack** inquired if there were concessions in
35 that subdivision to allow for more density? They could build two-stories in Haven at Heritage
36 Acres if they wanted to? **Cody Mitchell** stated that was correct. **Commissioner Lance**
37 **Anderson** stated it was just for the density for the drainage because it benefitted the City and
38 they got the open space. The difference with the lot averaging is we are not negotiating, it just
39 means that if they are given that zoning they can have a little more creativity in designing their
40 subdivision, with bigger and smaller lots. **Chairman Bryan Pack** stated applicant made a good

point that many of the items listed that were concerns do get handled through engineering like drainage and access. Those things have policies in place that ensures those items are covered as part of the subdivision process. **Cody Mitchell** stated yes as well as improvements. **Commissioner Lance Anderson** stated the City does very little road-building. The developer, and in turn the homeowners, pay for the cost of the gap fill. With this zone, the ordinance says the sides can be 10 ft and your eaves can hang over. **Cody Mitchell** stated there is a reduced setback for outbuildings, awnings, rear patios. It cannot be filled with habitable space. **Commissioner Lance Anderson** stated he doesn't like that, but that is how the rule is written. They are asking for the zone that meets the land use and fits that qualification. If we said 12.5 it would be a taking from that land owner. A view is not a justification. When Suncrest West and Amber Estates was built we sat for hours talking about the difference in elevation. We don't have that here. When he came to Ivins, there were 600 people and none of these folks were here. We all love being here and we try to protect everything, but if you have a subdivision that is already doing it, it is hard to tell the next developer they can't to protect views. When Haven at Heritage came in, we had the same discussion with even more people here, since it was before the pandemic. **Chairman Bryan Pack** stated that is a point he would like to make is that the developer has property rights and can do certain things with his land based on US Constitution and City ordinances and our hands are tied in a lot of ways on what we can do here. **Commissioner Doug Clifford** inquired if there are any concessions for basements? We are dealing with a situation where we can't discriminate on someone that is coming in later in the building process when it matches the land use. The developer can try to vary lot lines to protect views between homes and minimize height. R-12.5 was proposed, which would only be six homes less and doesn't change the setbacks. People will use every inch of their lots. That doesn't make any difference, it just changes the size of the home. Right now with affordable housing, we need the smaller homes. This proposal is in line with everything around it. We would be doing a disservice trying to turn these into larger lots. **Commissioner Lance Anderson** stated with bigger lots the mass actually becomes greater because they build the homes bigger. That was seen in Altura when it went in by Tenaya. Larger lots doesn't mean more open space, it just means bigger mass.

MOTION: Commission Doug Clifford moved to approve recommendation of a proposed Zone Change from RA-1 (Residential Agricultural, minimum lot size 1 acre) to R-1-10 (Single Family Residential, minimum lot size 10,000 sq ft), and R-1-10 (Residential Single Family, minimum lot size 10,000 sq ft), with lot averaging on 10.23 acres, located at approximately 400 South and 200 West. Burton Creation, LLC-Owner. Tony Allen-Applicant.

SECOND: Commissioner Bob Morris

VOTE: The motion carried.

Chairman Bryan Pack	AYE
Commission Doug Clifford	AYE
Commissioner Lance Anderson	AYE
Commissioner Bob Morris	AYE

4) DISCUSSION AND POTENTIAL ACTION ITEMS--

- A. Discuss and consider approval of Mojave Mesa Phase 1-C Amended and Extended Final Plat, located at approximately Mojave Way and Palo Verde. AnA Enterprises, LLC-Owner. Lance Anderson-Applicant.**

Lance Anderson recused himself. **Cody Mitchell** stated this application is to subdivide this 6.39 acre parcel into 6 lots and is being amended to adjust lot 51. It was once a corner lot and now he has taken that out and is just squaring off the edge. The northeast corner of that lot is now squared off for the road that has been eliminated. In addition, he is adding 6 lots in the Palo Verde cul-de-sac. This application complies with City Ordinance. TRC has reviewed and staff recommends approval.

MOTION: Commissioner Bob Morris moved to approve Mojave Mesa Phase 1-C Amended and Extended Final Plat, located at approximately Mojave Way and Palo Verde. AnA Enterprises, LLC-Owner. Lance Anderson-Applicant.

SECOND: Commission Doug Clifford

VOTE: The motion carried.

Chairman Bryan Pack	AYE
Commission Doug Clifford	AYE
Commissioner Bob Morris	AYE
Commissioner Lance Anderson	RECUSE

B. Discuss and consider approval of Indigo Trails Phase 1-G Final Plat, located at approximately Kwavasa Dr and Wild Indigo Way. AnA Enterprises, LLC-Owner. Lance Anderson-Applicant.

Lance Anderson recused himself. **Cody Mitchell** stated that this is in Indigo Trails and is a .346 acre parcel requesting subdividing into 3 lots on Wild Indigo Way, the most western street in Indigo Trails, and the other lot wraps around to the eastern street. This proposal is consistent with the Preliminary Plan which was reviewed and approved by the Planning Commission in February 2016 and the proposed improvements comply with City Ordinances.

MOTION: Commissioner Bob Morris moved to approve Indigo Trails Phase 1-G Final Plat, located at approximately Kwavasa Dr and Wild Indigo Way. AnA Enterprises, LLC-Owner. Lance Anderson-Applicant.

SECOND: Commission Doug Clifford

VOTE: The motion carried.

Chairman Bryan Pack	AYE
Commission Doug Clifford	AYE
Commissioner Bob Morris	AYE
Commissioner Lance Anderson	RECUSE

C. Discuss and consider approval of Taviawk 11-Z Final Plat, located at approximately Tearasinab Way. Kayenta Development, Inc-Owner/Applicant.

Lance Anderson recused himself. **Cody Mitchell** stated that this is an extension of an approved Preliminary Plan reviewed by the Planning Commission in February 2013. This single lot subdivision on Tearasinab Way is found to be in compliance with City Ordinance. TRC has reviewed the plat and staff recommends approval.

MOTION: Commissioner Bob Morris moved to approve Taviawk 11-Z Final Plat, located at approximately Tearasinab Way. Kayenta Development, Inc-Owner/Applicant.

SECOND: Commission Doug Clifford

VOTE: The motion carried.

Chairman Bryan Pack	AYE
Commission Doug Clifford	AYE
Commissioner Bob Morris	AYE

Commissioner Lance Anderson	RECUSE
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D. Discuss and consider approval of Posovi Phase 2-K Final Plat, located at approximately Donoma Court. Kayenta Development Inc-Owner. Lance Anderson-Applicant.

Lance Anderson recused himself. **Cody Mitchell** stated this is a 1.362 acre parcel for a single lot subdivision in the most northern section of Kayenta across the wash and then hitting the Reserve. This is consistent with the Preliminary Plan that was reviewed by the Planning Commission in December 2008 and the proposed improvements are in compliance with City Ordinances.

MOTION: Commissioner Bob Morris moved to approve Posovi Phase 2-K Final Plat, located at approximately Donoma Court. Kayenta Development Inc-Owner. Lance Anderson-Applicant.

SECOND: Commission Doug Clifford

VOTE: The motion carried.

Chairman Bryan Pack	AYE
Commission Doug Clifford	AYE
Commissioner Bob Morris	AYE
Commissioner Lance Anderson	RECUSE

E. Open Meetings Training. Tabled until next meeting.

F. Discuss and consider approval of the Ivins City Planning Commission Meeting Minutes for March 2, 2021.

MOTION: Commissioner Bob Morris moved to approve the Ivins City Planning Commission Meeting Minutes for March 2, 2021.

SECOND: Commission Doug Clifford

VOTE: The motion carried.

Chairman Bryan Pack	AYE
Commission Doug Clifford	AYE
Commissioner Lance Anderson	AYE
Commissioner Bob Morris	AYE

5) REPORTS

A. Planning Commission

Chairman Bryan Pack stated that Commissioner Lance Anderson is possibly out of terms so this next meeting may be his final meeting. They are three four-year terms. **Commissioner Lance Anderson** stated that this is only his second term.

Chairman Bryan Pack stated that it will be discussion only on the Lighting Ordinance at the next City Council meeting.

B. Chairman

C. Building and Zoning Administrator, Cody Mitchell

D. City Attorney, Dale Coulam

E. Items to be placed on future agendas

6) ADJOURNMENT

MOTION: Commissioner Lance Anderson moved to approve ADJOURNMENT

SECOND: Commissioner Bob Morris

VOTE: The motion carried.

Chairman Bryan Pack	AYE
Commission Doug Clifford	AYE
Commissioner Lance Anderson	AYE

Commissioner Bob Morris	AYE
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