

NOTICE OF MEETING
PLANNING COMMISSION
CITY OF ST. GEORGE
WASHINGTON COUNTY, UTAH

PRESENT: Chairman Ray Draper
Commissioner Natalie Larsen
Commissioner Emily Andrus
Commissioner Nathan Fisher
Commissioner Steve Kemp
Commissioner Elise West
Commissioner Austin Anderson

CITY STAFF: Community Development Director John Willis
Assistant Public Works Director Wes Jenkins
Assistant City Attorney Bryan Pack
Planner III Dan Boles
Planner III Michael Hadley
Development Office Supervisor Brenda Hatch

EXCUSED:

CALL TO ORDER/FLAG SALUTE

Chair Draper called the meeting to order at 4:02 pm. Commissioner West led the flag salute. Chair Draper introduced Austin Anderson as the new Planning Commissioner. Chair Draper announced that Item 2A and Item 3 were removed from this agenda.

1. GENERAL PLAN AMENDMENT (GPA) (Public Hearing) Legislative

- A. Consider a request to change the General Plan from Medium Density Residential (MDR - 5-9 dwelling units per acre) to High Density Residential (HDR - 16-22 units per acre) on approximately 7.51 acres generally located at 1700 West Canyon View Drive. The applicant is Greg Whitehead. The project will be known as Canyon View Drive General Plan Amendment. Case No. 2021-GPA-002 (Staff – Dan Boles)

Dan Boles presented the following:

Dan Boles – If this change is approved they will be able to come back with a zone change. Staff suggests that you keep the one that is north of Canyon View Drive more in line with what is going on near it on the northwest in the Green Valley subdivision. That is about 2.3 acres roughly in the R-1-10 zone. Our recommendation is that if you are inclined to change the general plan, just make sure that the property on that side is more in line with what is happening there.

Greg Whitehead – The soil and topography isn't great, that is why we are asking for this general plan amendment. We will have to come back with a plan that uses the topography and kind of

mitigates the soils. At some point we will come back with a PD-R plan and show where the buildings will go.

Chair Draper opened the public meeting.

Chair Draper closed the public meeting.

Chair Draper re-opened the public hearing.

David Lopez – I own the lot next to the lot that is zoned R-3, I am wondering if we can change my lot to that. I am having a really hard time selling it because of the soil conditions and R-3 next to it. So, I am wondering what we can do about that.

Chair Draper closed the public hearing.

Chair Draper – For the record we indicate that multiple opportunities, multiple vehicles for speaking on this issue have been provided through Zoom using the reaction button, the chat feature and *9 on the phone.

Commissioner Fisher – Just so I'm clear all of the area that is being requested is MDR?

Dan Boles – Yes, it is.

Commissioner Kemp – There is about 70 ft of elevation change from the northwest corner to the street, then it is pretty flat.

Chair Draper – I think on the other side of the road we should leave it as it is now because it is surrounded by R-1-10. I think we should change everything south of Canyon View.

Commissioner Kemp – The comment was made that they would like to cluster the buildings at the road.

Commissioner Anderson – I am leaning toward leaving it as is.

Commissioner Kemp – I think about how many high-density projects we have approved in that area. I think medium density feels right.

Commissioner Larsen – I agree.

Commissioner West – I agree.

Commissioner Fisher – I agree, the north is surround by single family.

MOTION: Commissioner Kemp made a motion to recommend denial of this application for a general plan change to the City Council Item 1A.

SECOND: Commissioner Fisher

ROLL CALL VOTE:

AYES (6)

Commissioner Steve Kemp
Commissioner Emily Andrus
Commissioner Natalie Larsen
Commissioner Elise West
Commissioner Nathan Fisher
Commissioner Austin Anderson
NAYS (1)
Chairman Ray Draper

Motion Carries recommend denial

- B. Consider a request to change the General Plan from Low Density Residential (LDR - 1-4 dwelling units per acre) to Commercial (COM) on approximately 4.4 acres generally located at 930 South 3000 East. The applicant is Quality Development, LLC and the representative is Logan Blake. The project will be known as Moorland Commercial General Plan Amendment. Case No. 2021-GPA-003 (Staff – Dan Boles)

THIS ITEM HAS BEEN PULLED

2. CONDITIONAL USE PERMIT (CUP) Administrative

Consider a request for a conditional use permit in order to redevelop the existing site by updating the building elevations, landscaping, and parking areas. The project is located at 850 South Bluff Street. The applicant is Bluff Springs, LLC and the representative is Todd Gardner. The project will be known as St. George Place Conditional Use Permit. Case No. 2021-CUP-006. (Staff – Dan Boles)

Dan Boles presented the following:

Dan Boles – The property owners are looking to upgrade this site. The general plan calls for commercial, it is zoned C-3, that is in line with the uses they are looking for in this center. They are proposing to open up the area that leads to Main Street. They will provide some landscaping in hopes to connect it better with Main Street. They are right where they need to be with the parking. Some of the existing parking spaces will be converted into landscaping, per ordinance they can be credited for the parking stalls used as landscaping. They have tried to look at the site to make sure they have proper circulation and it appears they have that. They are proposing changes to the building with glass, awnings and so forth to break up the building. They are upgrading the Main Street side of the building so it will look nice on that side.

Commissioner Larsen – The colors they are showing, all the purples and yellows, they are muted on one page and not the other.

Dan Boles – Those are not the colors they are proposing, those were just to show what part goes with what. The staff is recommending removal of the existing wall.

Commissioner Larsen – Will we see big bay doors then?

Dan Boles – Maybe, the applicant could answer better.

Commissioner Fisher – Just to clarify this is C-3 not PD so they are only bringing it in because of the size?

Dan Boles – Yes that is correct.

Bart Supas – I have been hired by the owners to redesign and re-develop the property. It is not just paint; it is re-development. We have met with members of the City Council and the Mayor, they have asked us to update the part facing Main Street, we have done that. The question on the colors, that isn't part of the project, the architect put that on there to make it stand out. The building you asked about will be part of the project. We are proposing to level the existing bank and put in an 18,000 sq ft development. We are proposing to put another 4200 sq ft building as a restaurant.

Commissioner Anderson – Staff had a comment about removing the concrete wall, are you open to that?

Bart Super – Part of that is retaining, we will be dressing that up, it will not be a concrete wall. We have had numerous discussions about redevelopment across Main Street. That will be phase 2.

Commissioner Kemp – Was the 5,000 sq ft. building included in your parking calcs?

Dan Boles – It doesn't appear to be included. They have got a few more parking spaces than they are required to have.

Chair Fisher – So you are improving that building but not making it part of this CUP?

Bart Supus – Yes, with the second phase re-development we will probably demo that building.

Discussion on parking continued.

Commissioner Fisher – Because this is not a PD they will need to meet the ordinance for C-3, this is just for the conditional use permit correct?

Dan Boles – Yes.

Commissioner Larsen – Is there a parking standard for Shuttle Service?

Dan Boles – I'm not sure, I can look that up.

Lou Phung – Regarding the parking you are correct the retail building is not included in that. The need for parking will be low, I think we could squeeze a few more spaces in there if we needed to, we would prefer to have the landscaping. There are some very large and generous landscape islands. At the throat where it connects to Main Street, we are cutting back those buildings and removing the cover. Then you will be able to see through to Main Street. We are trying to create a place that people can come and hang out not just shop and leave. It will also be walkable. There will be a buffer between the buildings and parking area with planters. There will be sun shades to provide protection for the hottest times of the day. We are going to cut that wall down, but some of it needs to be maintained. We will make sure it doesn't cut that property off from Main Street.

Bart Supas – The new exit on to Main Street, those two corner locations we have identified as restaurants and will provide outdoor seating with music, misters so again, it's a complete redevelopment.

Commissioner Nelson – I think it’s a great project.

Commissioner Kemp – I agree, I am concerned about the building that wasn’t included in the parking. If it means taking the two restaurants down in size to make the parking work, then I think they should.

Chair Draper – They will have to meet code and staff will make sure that it meets the code.

MOTION: Commissioner Anderson made a motion to recommend approval of the Conditional Use Permit with Staff Comments

SECOND: Commissioner Larsen

Commissioner Fisher – You will want to add that the findings mitigate the factors.

Commissioner Anderson – Yes I will include that.

ROLL CALL VOTE:

AYES (7)

Chairman Ray Draper

Commissioner Steve Kemp

Commissioner Emily Andrus

Commissioner Natalie Larsen

Commissioner Elise West

Commissioner Nathan Fisher

Commissioner Austin Anderson

NAYS (0)

Motion Carries unanimous recommend approval

3. ZONING REGULATION AMENDMENT (ZRA) (Public Hearing) Legislative

A. Consider a request to amend portions of the City zoning ordinance, Title 10, specifically section 10-8B-1, 10-8D-1, and 10-17A-5 as it relates to car washes and applicable standards for car washes. The applicant is the City of St. George and the application number is 2021-ZRA-003 (Staff – Dan Boles)

Dan Boles presented the following:

Dan Boles – We have identified some potential standards, and we would like to make some changes to the code. The first would be to remove the use from all the commercial zones and add it to the PD-C zone as permitted with standards. Screening of drive aisles through landscaping and berms, materials, color and architecture, bay tunnels need to be completely enclosed, vacuum stations will need to be out of the required setbacks and away from residential zones. Recycled water will be required, they will need five vehicle stacking spaces and no neon or similar lighting shall be permitted except as an accent to an architectural building element, so no blinking, none of the stuff you see now.

Chair Draper – The neon lights are they restricted by the signs also?

Dan Boles – It’s talking about the banding or the lights that are on the building, not signs, the lights that are blinking or moving. It says neon or similar lighting.

Chair Draper – So you don’t want any border lighting on the facia or the soffit of the building?

Dan Boles – How it reads is, neon or similar lighting shall not be permitted except as an accent to architectural building elements, in no case shall such lighting face adjacent residential property also in no case shall such lighting flash, move, rotate, blink, flicker or use intermittent electrical pulsation.

Commissioner Larsen – So this doesn't apply to interior lighting?

Dan Boles – Nope, this is all exterior lighting.

Commissioner Fisher – Are the vacuums out of the setbacks on the one on River Road? Could these vacuums still front the street?

Dan Boles – Yes they could.

Chair Draper opened the public hearing.

Braden Simonsen – My family has been in the carwash business here in St. George for about 15 years. As far as the zoning we don't see a problem with the carwashes in C-1 to C-4, they are high traffic which we think is appropriate for carwashes. We're fine with some of the standards, we think that there should be specific standards related to carwashes. We do have concerns with some of the standards on here that we think are singling out carwashes. Screening drive throughs, I don't see a reason for that, we don't think that's fair, all drive throughs should have to be screened if this is put into place. Unless it is going to be applied across the board, we don't think it's fair to single out carwashes. If it is not going to be applied across the board, I don't think it should be implemented at all. We don't have an issue with the muted colors and things like that, but we do think it is important to have some type of accent or brand identity, whether that be a bright color or a muted color. There are businesses all over town that people identify based on the colors that are used on the building and again if this is not going to be applied across the board to every type of business, why are we singling out carwashes here? As for the accented lighting, it's not fair to have the carwashes singled out, the same thing for the continuous roof line. We don't have any issues with being a good neighbor. We don't have any issues being out of the setback. We agree with the recycled water. I noticed that there were no standards for mobile detailing. I drive around town and see mobile detailers that are just washing the water down into the storm drain. I do think the stacking should apply to other businesses. The neon lighting, I can understand the concern, but you can't single out carwashes. It needs to be applied across the board. If it is something architecture or color or something like that it should be across the board.

Connor Atkin – I concur with everything he said. For instance, number 4 and 5 it says vacuum stations and related equipment, does that mean pay stations? If we are calling all carwash equipment maybe we could have some massaging of the wording there. We think that the fund raisers and the mobile detailers are held to the same standards of recirculation of the water. I think there should be some clarity on the standards of materials and colors.

Commissioner Larsen – Have you had interaction with staff about this before the meeting?

Connor Atkin – I have not yet been with them but we are on the working city council meeting so we can explain our business.

Commissioner Larsen – Typically on one of your drive thru bays how much water is used?

Connor Atkin – 35 gallons, and as opposed to home washing it 135 gallons for the hose running for 15 minutes. Self-wash is about 10 gallons for 15 minutes. We want to make sure that we use the water properly. The mobile and home washing goes down the sewer. Professional carwash space is more environmentally friendly.

Commissioner West – What would you define as related equipment or how would you change that wording?

Connor Atkin – I would propose to say vacuum stations if that's what the issue is, don't put related carwash equipment because everything is related carwash equipment, pay station, canopies. I would say get rid of the words related carwash equipment and put vacuum stations if that's what the issue is.

Chair Draper closed the public hearing.

Chair Draper – For the record we indicate that multiple opportunities, multiple vehicles for speaking on this issue have been provided through Zoom using the reaction button, the chat feature and *9 on the phone.

Chair Fisher – I think those that have spoken feel like they are being picked on by these, there are already standards in the ordinance for other businesses?

Dan Boles – Yes, and maybe at another time the Council will ask us to look at the other businesses but now they are asking us to look at Carwashes.

Chair Draper – But there are already other requirements for stacking on restaurants, right?

Dan Boles – Yes.

Commissioner Kemp – I tend to agree with some of the comments, I don't think you can as the carwash to screen the cars in line for the carwash.

Commissioner Fisher – If it really is screening, that might be an issue but maybe it is that you see cars between the trees.

Dan Boles – The intent is not to have no impact; it is to soften it.

Commissioner Larsen – Are you not better off looking through a parking lot than having the screen. It seems obtrusive to me and not necessary.

Commissioner Fisher – I like the idea of the screening through planting and berms, maybe just a little more clarification is needed as to softening.

Commissioner Kemp – Could we make a recommendation to accept some public comment, written content to those standards? I don't know if tabling it is the right thing. Can we make a motion subject to receiving public comment?

Bryan Pack – I think if you wanted to include those comments in your motion then you would table it and then move forward.

John Willis – They do have the opportunity to provide comment. This would just be a more formal way of gathering those comments.

Commissioner Anderson – Don't they have to come through with a PD amendment and show all their colors?

John Willis – Yes they would.

Commissioner West – I would like to see them more defined.

Discussion on whether a motion should be made tonight and what should be included in said motion.

John Willis – On the first one we can get rid of the screening and say that we have added landscaping. As far as colors we do see carwashes that come in with these bright colors, this is specifically because they have come in with the colors.

Commissioner Fisher – We do see that and then what we do find is that St. George is not alone, they do have that in other areas a request for muted colors such as Park City and in Arizona.

Commissioner Larsen – I do see a lot of these business with the bright colors, that are their logo how will they be identified then?

John Willis – They would typically be identified by their sign.

Commissioner Anderson – Where do we draw the line then? Are we going to tell McDonalds that they can't have yellow?

Discussion continued on color choices.

MOTION: Commissioner Kemp made a motion to recommend approval of item 3A a request to amend portions of the City zoning ordinance, Title 10, specifically section 10-8B-1, 10-8D-1, and 10-17A-5 as it relates to car washes and applicable standards for car washes with the following recommendations: under the carwash specific standards : Item 1 carwashes shall have screening similar to other drive through businesses made of vegetation and berms, changes to Item 2 bright and reflective colors shall not be allowed the bright colors may be used to accent the business, Number 8 I would add here, but no more restrictive than other drive through businesses.

SECOND: Commissioner West

Commissioner Fisher – On item number 1 would you change the motion to say additional landscaping.

Commissioner Kemp – Yes, I would change the motion to say additional landscaping.

Commissioner Larsen – And on item 4 it needs to vacuum and vacuum related equipment.

Commissioner Kemp – Yes I would change it.

Chair Fisher – Do we still have a second?

Commissioner West – Yes.
ROLL CALL VOTE:
AYES (7)
Chairman Ray Draper
Commissioner Steve Kemp
Commissioner Emily Andrus
Commissioner Natalie Larsen
Commissioner Elise West
Commissioner Nathan Fisher
Commissioner Austin Anderson
NAYS (0)
Motion Carries unanimous recommend approval

- B. Consider a request to amend portions of the City zoning ordinance, Title 10, specifically section 10-2-1, and 10-8D-1 as it relates to the small animal definition and allowed uses in the commercial code under animal services. The applicant is the City of St. George and the application number is 2021-ZRA-004 (Staff – Mike Hadley)

Mike Hadley presented the following:

Mike Hadley – There are two parts to this there is the definition of small animals and allowed use in the PD-C. Staff received an application and in review of that application we realized that the definition of small animal restricted residents to have small animals or pets that do not exceed 15 pounds. So, we would like that definition to read, that an animal that A) on average will reach a mature weight of no more than 15 pounds and does not include rabbits or urban hens, or B) is a dog or a cat. The second portion of that is to add an allowed use to PD-C zone. Animal hospital and veterinarian clinic including care for small animals only provided conducted completely within enclosed building with up to 150 animals. And Animal Shelter (Non-Government/Non-Profit) for small animals only provided conducted completely within enclosed building with up to 150 animals.

Chair Draper opened the public hearing.

Heath Snow – I’m an attorney that is representing property owners that are near the proposed site of the Humane Society. It is important to note that the City does not have definition of large animal, it does not have a definition of domestic animal. It does have a definition of household pet. I am concerned here because we are going to open a pandoras box. In two of your commercial zones you can have boarding of small animals for up to 30 days, then you can have a veterinary hospital with no boarding. If you think about this and you change the definition of small animals I want you to think of our puppy shops. If you change the definition then you could have full grown animals in them large Saint Bernards. I think you should define humane shelter. Just changing the definition of small animals will not work. I want to make clear is why in a PD-C zone? Most animal shelters are in industrial zones. Generally, you think about the types of uses that are allowed. I can see a puppy store, but I don’t think it is appropriate to have a shelter in the PD zone. I would like to ask that you recommend denial of that definition. We would request that Planning Commission table this.

Commissioner Fisher – If it does require the animals to stay in an enclosed building, what are your thoughts on that?

Heath Snow – I don't think it deals completely with all of the issues such as waste and smells. They will also have a meet and greet area where people who are wanting to adopt dogs can take them outside. They won't be sheltered overnight outside but there's going to be animals outside. Can you imagine that in the middle of a strip mall or an area just off of our freeway entrances, Gateway? I think that all being enclosed within a building helps but I don't think that it will eliminate all of the nuisances that can deteriorate and diminish values for public commercial property.

Neil Walter – I am with NAI Excel commercial real estate. I was here a few years ago when the applicant when they asked for a C-2. I think the code change is to remedy a specific problem. This was originally to be a C-2. In the planned development zone those uses were already approved. This is to have it be a use that can move forward. Because of the way it is structured now, that is not feasible.

Craig Cook – President and general counsel for the Humane Society. There is a definition of household pets. The small animal definition as it stands would exclude 90% of dogs. 20% of cats. The gentleman mentioned animals running around, we are talking about an animal shelter, they won't be in a pet store. No pet store is going to have 150 animals. For a shelter we have to have that many animals in. We are not just talking about dogs and cats but other small animals. Rabbits will not make the cut because they are food. So, I guess we won't have those at our shelter. The definition by itself eliminated the possibility of an animal shelter. This is why the change is needed.

Bob Hermandson – I represent GCBH for Twin Lakes, I own all the remaining lots in Twin Lakes. I am tremendously invested in the area. It appears to me that the amend to the code is made for the Humane Society so that they can accomplish their goals. It is difficult because a change from 30 to 150 is a big jump and we are amending the definition so that they can have this use. I would recommend not approving because we will have houses and units that look directly down on this. 150 animals will have a lot of noise. I wasn't envisioning 150 animals coming in and out of the property directly in front of our residential component.

Commissioner Fisher – There really are two issues, one is the PD-C coming later. I will assume you are not disagreeing with the definition change, what you are opposed to is allowing it in the PD-C zone and the zone change that is coming later.

Bob Hermandson – I agree with that, that is correct.

Vaughn Maurice – I am the executive director at the Humane Society of Utah. Animal sheltering has come a long way in just the last decade. There has been lots of studies on how to best house and maintain animals in a comfortable, calm, relaxed way. In Murray we have a 45,000 square foot facility where we house well over 300 animals every day. I would encourage you all to visit our beautiful shelter up there. There is very little noise. People find it relaxing families come through and enjoy it. On a weekly basis we get 2,000 to 3,000 visitors between our clinic and our shelter. We have after school programs that kids sign up for again and again.

Chair Draper – It sounds like this should be in the next item.

Heath Snow – Clarified the definition of animal boarding and veterinary hospital in the C-3 zone. Adjusting just the definition of small animals, you could accomplish this by amending the definition of animal shelters and including household pets and you would accomplish the same thing

essentially they are trying to accommodate a weight issue. Nowhere in the commercial zone, C-2, or C-3, do you see animal shelter, but we are going to put it into the PD-C zone. My point is animal shelters usually go in the industrial or manufacturing zones.

Neil Walter – PDC zones are static as of the time it is created; they do not evolve. Therefore, when you amend the C-2 over time the use list that was encapsulated at the time the PD zone was created are static, when the C-2 zone evolves over time.

Craig Cook – This is a misnomer that animal shelters are in an industrial area, that is the old ways of the shelters where the dogs are out in the cages and barking and everything. Now days we can put our shelter anywhere and it would not be any different than Costco or Walmart to the neighborhood. It is simply not like that anymore.

Chair Draper closed the public hearing.

Chair Draper – For the record we indicate that multiple opportunities, multiple vehicles for speaking on this issue have been provided through Zoom using the reaction button, the chat feature and *9 on the phone.

Commissioner Anderson – What zones are permitted for animal shelters today?

Mike Hadley – In the C-2 or C-3 zone.

Commissioner Anderson – How many animals?

Mike Hadley – 30.

Commissioner Fisher – We have been moving things to a PD zone so that they could see in more detail what is going on and the boxes are not just checked.

John Willis – I think it was an oversight on the definition of small animals in the code for all zones even the residential zones. As the definition stands dogs and cats over 15 pounds would not be allowed anywhere. Talking about shelters, the shelter is a City facility, so the shelter is permitted in all of our commercial zones, but we don't call that specifically a shelter. This would allow for the addition of a non-profit, non-governmental shelter that is typically a City facility. And like Commissioner Fisher mentioned we put it in the PD zone because it does provide that oversight with specific PD approval and those standards can be applied. That is why we are not recognizing that use in all of the other zones.

Commissioner Kemp – I understand that we are trying to fix some deficiency in the code. I don't understand why we have to tie it to the other section, why do we have to do both?

John Willis – The applicant asked for the amend for the use in the PD zone and we noticed the deficiency in the definition, so the staff tacked that on. You can separate them.

Commissioner Fisher – So each time someone wants to come forward with an application for this use in a PD then it would come before us and we would be able to have discretion. So, there are a few issues 30 versus 150, allowing private versus City owned, and then adding it to the PD.

John Willis – One thing to clarify is that it is up to 150 animals so when the PD comes forward, you can decide based on the project how many animals they should have.

Discussion continued on number of animals.

Commissioner Fisher – I think it makes sense that we are clarifying the definitions. I like moving it to the PD instead of the straight zone. I would like to know what the commission thinks about private or not private. The way it is now can anyone come in and open a shelter.

John Willis – No it would have to be government.

Commissioner Fisher – Does it make sense to have a non-profit, non-government shelter?

Commissioner Anderson – I’m totally fine with defining it, I think there should be a shelter somewhere in St. George.

Commissioner Kemp – I want those organizations here such as the Humane Society and Best Friends.

MOTION: Commissioner Fisher made a motion to recommend approval of item 3b with the definition changes and adding those items to PD C specifically adding the comments in the staff report.

SECOND: Commissioner Larsen

ROLL CALL VOTE:

AYES (7)

Chairman Ray Draper

Commissioner Steve Kemp

Commissioner Emily Andrus

Commissioner Natalie Larsen

Commissioner Elise West

Commissioner Nathan Fisher

Commissioner Austin Anderson

NAYS (0)

Motion Carries unanimous recommend approval

Chair draper announced a 15-minute break.

Chair Draper reconvened at 6:32 pm.

4. **ZONE CHANGE AMENDMENT (ZCA) (Public Hearing) Legislative**

A. Consider a request for a zone change amendment to the Gateway Commons PD. The property currently is zoned PD-C (Planned Development Commercial). The property owner is requesting an amendment to the current PD-C (Planned Development Commercial) zone to amend the use list on the property which is located at 1580 W Gateway Dr. The property is Lot 7 of the Gateway Commons subdivision and is approximately 2.02 acres. The applicant is The Humane Society and the Representative is Craig Cook. Case No. 2021-ZCA-027 (Staff – Mike Hadley)

Mike Hadley presented the following:

Mike Hadley – The applicant is here to address any questions you might have.

Craig Cook – I would like our realtor to be able to speak.

Neil Walter – Before Craig makes the presentation I just wanted to note that the approved use list that was shown by staff for this particular project, includes animal boarding, animal hospital, animal shelter and I think the primary question before the commission would be in regard to the number of animals. When we first came to put this area together with the City, the preferred zoning was C-2, the City didn't want that, so we worked with the City to have a PD-C and we took out some of the uses of the C-2 zone. I just wanted to note that we are not asking for a new use, the use has always been there.

Commissioner Larsen – Have the other parcels been sold?

Neil Walter – They have been sold, there isn't a plan for all the lots yet.

Commissioner Larsen – I just wondered if they are uses that will coincide with this use?

Neil Walter – Some of them do and some of them do not, but the use list has been in place prior to any of the lots being sold.

Craig Cook – I have been with the Humane Society for 50 years this year. We took in 33,000 animals a year and we rehomed 1,000. We put down 32,000 pets a year. Showed slides of the facility in Murray. We adopt out around 10,000 animals a year, we do vaccinations. This is not a run-down shelter. I might add that there are some run down shelters in Washington County. We take the animals from them and your St. George shelter so that they can be adopted and not euthanized. The shelter we are proposing here would 15,000 or 20,000 sq ft at the most. We are under contract, but we can't buy the property because it isn't zoned correctly. We have a get acquainted area the dogs go for walks every day. Any animals that go out for adoption have to be spayed or neutered. Our dog runs are all inside, soundproofed and they have great ventilation. Our air is very clean and filtered. The cats are not in cages anymore. They are in cat condos. We have a kitten area and we have an area for sick animals. We have a thousand volunteers; we have an investigator for animal cruelty. We just opened a spay and neuter clinic on Sunset. The building we want to build will have all of these things. The main thing you should keep in mind here, I am telling you they saw this use on their sheet when they bought the property along with many other uses that they may not like. Secondly the Humane Society is a draw. The other businesses get a lot of our business. They will actually benefit when we're there. I can tell you that as a certainty. We will save St. George money. It will benefit the City all around. This is an ideal place for this shelter, it's the only one we can afford, and it has good access. I doubt that there is any other place that will come here. We will be an asset.

Chair Draper – You said you take them for walks. On this parcel that you will get will there be a lawn area that you would walk them on.

Craig Cook – Yes there will probably be some walking, it doesn't hurt anything. We are next to a freeway too, there is plenty of noise from the freeway.

Commissioner West – My concern is there isn't a lot of walking area there up against Red Hills Parkway.

Craig Cook – It would be completely fenced.

Commissioner West – So you would walk them all on site?

Craig Cook – Yes.

Chair Draper opened the public hearing.

Vaughn Maurice – I wanted to expand a little on what we would be offering. We will have a 2-million-dollar budget. We would be employing 35 people right off the bat. Our wage is around \$15.00 per hour. We do more than just adopt. We have a pet retention service; we work with people to keep their animals instead of turning them in. We offer training, we provide that for free. We want animals to stay in their home. We do everything we can to take care of them. It takes a lot of the burden off of the City shelter. We provide a lot of services to the City shelter already.

Bob Hermandson – Just to be specific I am on the HOA board for Twin Lakes directly to the north of this project. It does concern me; we are comfortable with them having 30 animals. There is a dramatic increase between 30 and 150. I am wondering how the filtering system works outside. We are directly over them so the what happens to the smells as they are expelled from the building are my concern. I wanted to point out that their other space, I want to be clear that I am in support of the need for this here, but not at this particular location. I would like to point out the surrounding uses in Murray, I don't believe that they have any residential neighbors or any businesses that we are referring to. The concern is definitely there. They don't have complaint in Murray because the uses are industrial in nature. It is not a fair comparison. Just doing rough numbers, this space is much smaller than what they have in Murray. This is an abnormal use; it will have a great need for parking. I fully support the facility, they are a great employer, it is needed but in this location it doesn't make sense. It is significantly larger than what we were envisioning. This is less than half the size of their location in Murray.

Commissioner Fisher – I would like to ask if they came to you and asked you to design a building what size would you get in there?

Bob Hermandson – It would be roughly 19,000 sq. ft. that doesn't include parking and landscaping.

Discussion continued on what could feasibly be on the site.

Bob Hermandson – We agreed to the 30 animals, we're ok with that. That scale would be significantly smaller. That is what we agreed to as part of our purchase.

Austin Atkin – My thoughts on the use and the scale of it, the number of 30 animals came from what the city had in the ordinance for C-2 at the time. The model for the Humane Society is very different than what the old model was for shelter at the time the 30 was used from the code. They are able to do it in a much more efficient way. I just want to point out the that 30 number might have been chosen under different circumstances. I think the location makes sense because it was an allowed use.

Gary Barlow – We own lots 2, 3 and 4 directly across from the site. We are opposed to the zone change in the area. I want to point out that they keep referring to the great facility in Murray, that is between the freeway and 3rd West. I want to say that we are vehemently opposed, and we are prepared to take legal action against the zone change. I am not opposed to the Humane Society, but I am opposed to it in this area. It would be fine if they hold it to the 30 animals. That is what we agreed to when we purchased.

Vaughn Maurice – The size of the facility in Murray is 45,000 square feet on 5 acres of land. What we are proposing here is 15,000 square feet, three stories on 2 acres of land, making the footprint smaller. The 150 animals will be composed of 60 cats, 40 dogs, and 60 small animals like mice and chinchillas. It's not 150 large ones.

Heath Snow – My client owns the three parcels across the street, my other client owns the parcels next to it. I would like to remind the planning commission of a couple of words Neil Walter used. He indicated that the developer wanted the C-2 zone but the City wanted a PD so they would have more control of what would be there with the PD zone. When my clients bought the property without any CC&Rs, they bought because they understood what was allowed in the PD, they bought this property based on those uses. The City agreed to those uses and let them become stagnant, to use Mr. Walter's words. Now you have a perspective property owner who wants to force a rezone on all the other property owners within that subdivision. I'm not against the Humane Society or what they do. We agreed to certain uses in that subdivision, now they are trying to apply different uses and force it upon us who are all members of that same subdivision and we don't think that's right. The intensity of the use was set at 30 animals and animals less than 15 lbs. We would strongly recommend that the Planning Commission recommend denial to the City Council the rezoning of my client's property.

Mike Burkner – I have a business in town, but tonight I'm here because I'm an animal lover. It has been said that the city cannot handle what is happening in the City of St. George right now. There is a tremendous need in the community that isn't being met. There are impromptu shelters that are in this town that are probably in buildings and zones they are not allowed in. To me it seems like the right place for a shelter like this. The Humane Society is the gold standard for animal care.

Aaron Webb – I just want to say that when I bought it was supposed to be residential in my understanding. Then when they did all the excavation it did get changed to commercial. Then we were ok with that and now they are trying to change it to something else. They said they would walk the dogs at 5:00 am, that would wake us up. We got dogs up here that bark all night long. If you start bringing more dogs we won't get any sleep.

John Ziegler – I am a critical care physician in the Intermountain Healthcare. I am a property owner in the St. George and Ivins area. I am also on the board of Directors of the Humane Society. We would like to be very good neighbors to all of you. It is self-contained on the property. It should be very attractive, and it should bring business to the other businesses in the area. The area is in dire need of this type of business. We need high visibility to be successful. We will be self-contained on our own property.

Craig Cook – We are willing to work with the City on walking dogs, we would make a deal on only walking them at certain times. Our ventilation system does not let smells out. We can guarantee

that. We will even be putting in fans with sterilization. We are willing to work with anybody on these conditions. The first definition was totally worthless, it was an unusable definition. We can work with the number also probably we would have 30-40 dogs and 30-40 cats at a time then other small animals. You wouldn't even know it from the outside. If you go down to Murray you will see hundreds of apartments about half a mile from our location there. If we don't get this property we probably won't get anything. We will keep our clinic going for a while, but it was meant to be temporary until we got a facility. We could put up sound walls around the property.

Commissioner West – What do you use to soundproof the walls?

Craig Cook – We haven't had to do it up there, but we would put up some kind of sound deafening wall. There isn't much more noise than a restaurant with traffic coming and going.

Chair Draper closed the public hearing.

Chair Draper – For the record we indicate that multiple opportunities, multiple vehicles for speaking on this issue have been provided through Zoom using the reaction button, the chat feature and *9 on the phone.

Commissioner Larsen – I appreciate what you are doing, I just don't think is the fit for this area for a number of reasons.

Commissioner West – I also agree, I am a huge supporter of the Humane Society. I would like to see it in a different location.

Commissioner Kemp – I am familiar with the real estate in this area and I know they can buy land for 35% less in the Ft Pierce area.

Commissioner Larsen – I know that doesn't have traffic visibility, but they said that it is a draw and I believe it would be.

Commissioner Anderson – I feel like we need it and I would like to see it here somewhere else. I am concerned about the property owners that already bought here and have voiced concern.

Commissioner Fisher – I think we are jumping to extremes thinking it's going to smell, that it is going to be loud. The problem is we are moving forward in a direction without enough information not only from the ones opposing it but also from the applicant. I am always reserved about land use. I would want more information from the applicant.

Discussion on mitigation that could be proposed.

Commissioner Larsen – When you look at the parking for the volunteers, room to exercise the animals, and the clinic. I feel like it's a small parcel for animals.

Commissioner Kemp – They can get a nicer facility in a different location, this is a commercial property, there is a lot going on. I look at the commitments made to the property owners around it when they bought their property.

MOTION: Commissioner Kemp made a motion to recommend denial of the zone change listed as item 4A in the Gateway Commons PD.

SECOND: Commissioner West

Discussion on motion:

Commissioner Larsen – I feel conflicted, I wonder if we should table it and have them

ROLL CALL VOTE:

AYES (3)

Commissioner Steve Kemp

Commissioner Elise West

Commissioner Austin Anderson

NAYS (4)

Commissioner Natalie Larsen

Commissioner Emily Andrus

Commissioner Nathan Fisher

Chairman Ray Draper

Motion failed

Discussion on whether they could move to a different location the number of animals and size of facility.

John Ziegler – Many of the folks who spoke in opposition are imagining the absolute worst scenario, I would just like to say that this will be a first-class state of the art facility. It will be a first-class facility. We need to be in a location near the main highways and the mall. We need to be visible, if we are not along the interstate corridor there it isn't going to work. This was thought out in great detail and I would assure you that we will be a great neighbor.

John Willis – The Planning Commission can table it.

Commissioner Fisher – I am assuming they have gone through an analysis, if I were to drive up to the other building am I going to hear or smell anything? If I'm not, then a lot of the concerns will go away. My concern is that we make a decision without the information, I get that we might want it to be a bigger facility in a different space, but if it can be done here, and none of the neighbors can tell then I think it will be like the Walmart in Bloomington.

Commissioner Kemp – I don't want to make a decision based on the fear that the Humane Society won't come. I don't think it is reasonable to assume that we will never see them here if they don't get this spot. I don't think this is the right place.

MOTION: Commissioner Anderson made a motion to table it for two weeks.

SECOND: Commissioner Larsen

Commissioner Fisher can we table it to a date certain so that we don't open the public hearing again.

Chair Draper – yes it is tabled for two weeks to our next meeting.

ROLL CALL VOTE:

AYES (5)

Chairman Ray Draper

Commissioner Steve Kemp

Commissioner Emily Andrus

Commissioner Natalie Larsen

Commissioner Nathan Fisher

Commissioner Austin Anderson
NAYS (2)
Commissioner Steve Kemp
Commissioner Elise West
Motion Carries

- B. Consider a request for a zone change amendment to the current PD-C (Planned Development Commercial) to amend the façade/elevations of the current Target building which is located at 275 S River Road. The property is approximately 8.71 acres. The applicant is Kimley-Horn and the Representative is Bryce Christensen. Case No. 2021-ZCA-029. (Staff – Mike Hadley)

Mike Hadley presented the following:

Mike Hadley – They have had issues with the material they had on the building before with the material cracking, so it became a safety issue.

Commissioner Kemp – What is different from what was approved before?

Mike Hadley – They will be painting it.

Bryce Christensen – The Target had a major remodel a few years back. The material has been found faulty on other stores and could fall from the façade. We coordinated with the City to get that material removed. An exterior faux insulation system will replace it on the entry. The other areas will be painted.

Commissioner Anderson – Are you patching and recoloring the new eifs system?

Bryce Christensen – They are actually putting a new eifs system at the entrance the rest will be patched and painted.

Chair Draper opened the public hearing.

Chair Draper closed the public hearing.

Chair Draper – For the record we indicate that multiple opportunities, multiple vehicles for speaking on this issue have been provided through Zoom using the reaction button, the chat feature and *9 on the phone.

MOTION: Commissioner Larsen made a motion to recommend approval of Item 4B as presented by staff.
SECOND: Commissioner Kemp
ROLL CALL VOTE:
AYES (7)
Chairman Ray Draper
Commissioner Steve Kemp
Commissioner Emily Andrus
Commissioner Natalie Larsen
Commissioner Elise West

Commissioner Nathan Fisher
Commissioner Austin Anderson
NAYS (0)
Motion Carries unanimous recommend approval

5. HILLSIDE PERMIT (HS) Administrative

- A. Consider a request for a Hillside Development Permit to allow for the development of a proposed single-family residential development within Stone Cliff. The representative is Brandee Walker with Civil Science. Case No. 2020-HS-011 (Staff – Dan Boles)

Wes Jenkins presented the following:

Wes Jenkins – Let me give you a quick recap of this. Back in 2018 they were trying to acquire all of this piece here. The area along 1450 triggered the hillside. Their proposal was to use the undeveloped portions to offset the disturbance of this piece. It went to hillside, planning commission and council and all recommended approval. They then acquired this piece and they came back so this time they asked to use the 0 – 20 to offset this. We took them back to hillside, we met with them a number of times and they agreed to dedicate the property to the city to solidify that it would remain open forever. In the mean time they worked out an agreement with the city.

Chair Draper – I know this goes back a long way. We are not using stuff that was already committed for another hillside, is that legitimate with what they are asking for?

Wes Jenkins – Yes, Stone Cliff has been around a long time, we never did find anything that showed we allowed them to use it on other areas. They agreed to dedicate it to the city so that there is no coming back and using against other hillsides.

Chair Fisher – And as far as our records go back, they are not double dipping?

Wes Jenkins – We couldn't find anything showing that. And it will be contingent upon the City Council approving the agreement.

MOTION: Commissioner Anderson made a motion to recommend approval for the hillside permit subject to the council accept the agreement.

SECOND: Commissioner Larsen

ROLL CALL VOTE:

AYES (7)

Chairman Ray Draper

Commissioner Steve Kemp

Commissioner Emily Andrus

Commissioner Natalie Larsen

Commissioner Elise West

Commissioner Nathan Fisher

Commissioner Austin Anderson

NAYS (0)

Motion Carries unanimous recommend approval

- B. Consider a request for a Hillside Development Permit to allow development of the subject property into townhomes. The applicant is asking for approval of a hillside permit in order to cut into 20-40% slopes. The property is located on the east side of Riverside Drive between Judy Ln. and Foremaster Road. The property is currently zoned R-3 (Multi-Family Residential). The owner is Dave Nasal. Case No. 2021-HS-002 (Staff – Mike Hadley)

Wes Jenkins presented the following:

Wes Jenkins – Their request is to disturb areas that are already disturbed. The one part is because it is not contiguous, and it is a small rock outcropping. The hillside recommended they go to a 2:1 slope to match the topography. They also requested that they landscape this area in here. We will have to look at the open areas that they be mitigated for erosion. That will be part to the site plan review. The channel would convey the water out from behind the units. They are going to have an area that will need to be maintained. The hillside recommended approval.

Commissioner Andrus – Is that the HOA’s responsibility to maintain that area?

Wes Jenkins – Yes, it will be.

MOTION: Commissioner Larsen made a motion to recommend approval of item 5B.

SECOND: Commissioner Anderson

ROLL CALL VOTE:

AYES (7)

Chairman Ray Draper

Commissioner Steve Kemp

Commissioner Emily Andrus

Commissioner Natalie Larsen

Commissioner Elise West

Commissioner Nathan Fisher

Commissioner Austin Anderson

NAYS (0)

Motion Carries unanimous recommend approval

6. ZONE CHANGE (ZC) (Public Hearing) Legislative

- A. Consider a request to change the zone from R-1-10 (Residential Single Family, 10,000 sq ft lot minimum) to PD-R (Planned Development Residential) on approximately 15.35 acres located 2700 East & 2900 East 1450 South. The applicant is Traveller/Stone Cliff, LC and the representative is Chans Snow. The project will be known as Stone Cliff PD. Case No. 2021-ZC-030 (Staff – Dan Boles)

Dan Boles presented the following:

Dan Boles – The general plan is LDR, they are currently zoned R-1-10. They are requesting to go to PD-R.

Chanse Snow – Is there any questions that you have?

Commissioner Larsen – Is the second entrance coming through this new area to Stone Cliff?

Wes Jenkins – Yes, the second entrance would.

Chanse Snow – Yes, the decell lane has already been built for that. It will be designed to look similar to the primary entrance, only it won't be as grand in stature. It will probably be half the size.

Commissioner Larsen – Do you know when that will be completed?

Chanse Snow – It should be completed in phase 19, in two to three years.

Chair Draper opened the public hearing.

Thomas Blasdell – There were some important parts of the story that were not mentioned. It is true that at one point the applicant offered to exchange slopes for parcel 2, 3 and 4 for parcel number 1. The applicant did not disclose that they did not own parcel number 2. They deeded it to the HOA. The applicant's attorney said ok we don't own parcel number 2 but having disturbance rights on the others is sufficient. That wasn't true. At the time the planning commission made the agreement to exchange the 3 parcels the applicant was asked if parcel number 3 would remain open space. Victoria specifically asked the applicant if it would remain specifically open space. I don't know how you can let them now go back and let them be allowed to do it when they explicitly said parcel number 3 would be open space. I think that is an important part of the story that was not part of the staff's presentation. I believe there is one parcel that they are intending to change to PDR owned by a Mr. Dockstader not the applicant.

Commissioner Fisher – That would take care of itself. If it wasn't approved by the owner it wouldn't be able to happen.

Thomas Blasdell – The original CC&R for Stone Cliff has had a basic structure, there is land that the HOA has pre-approved to be added to the HOA. That structure has always been maintained. Back in 1995 there was a portion of land that was in the HOA. Over time as the HOA expanded, things took an illogical turn in May of 2020. The HOA members voted to amend the CC&Rs the description excluded land that you think should be logically included. The members of the HOA are the ones who decide what can be added and what can't. This document shows there is some land in proposed phase 17 that is not part of the HOA yet, for whatever reason.

Discussion continued on what land is included in the HOA.

Wes Jenkins – It was our understanding that all of this was annexed into the HOA. It should be a part of it as a condition that they provide verification that it has been annexed in to the Stone Cliff HOA. The other portion owned by Dockstader is another condition is they work out an agreement

that they have access, or they would have to make it a public road so that lot can access a public road.

Chair Draper closed the public hearing.

Chair Draper – For the record we indicate that multiple opportunities, multiple vehicles for speaking on this issue have been provided through Zoom using the reaction button, the chat feature and *9 on the phone.

MOTION: Commissioner Fisher made a motion to recommend approval to city council of item 6A that the other property owner sign off on this or become a part of the HOA, and that the all the property that is proposed in this application be annexed as required.

SECOND: Commissioner Kemp

ROLL CALL VOTE:

AYES (7)

Chairman Ray Draper

Commissioner Steve Kemp

Commissioner Emily Andrus

Commissioner Natalie Larsen

Commissioner Elise West

Commissioner Nathan Fisher

Commissioner Austin Anderson

NAYS (0)

Motion Carries unanimous recommend approval

- B. Consider a request to change the zone from R-3 (Multi-Family Residential) to PD-R (Planned Development-Residential) for the Willow Bend townhomes project consisting of 82 total units. The property is located generally north of Judy Lane along the east side of Riverside Drive and is approximately 16.39 acres. The applicant is The Lofts Development, LLC and the Representative is Dave Nasal. Case No. 2021-ZC-031 (Staff – Mike Hadley)

Mike Hadley presented the following:

Mike Hadley – The general plan shows the northern portion as MDR and the southern portion as COM. There will be a density of 7.7 units per acre. With the R-3 zone they could actually ask for a lot more density than what they are asking for with this PD.

Dave Nasal – I just wanted to mention like Wes said the main driver is to line up the accesses. This is 81 units now; one unit was removed on the bend up here in the pink area. Hillside asked us to go to a 2:1 to blend it in better. If you are familiar with that area it is all blue clay, so you won't get too much visible coloring. We have relief on the backside of the buildings that are up against Riverside, so it doesn't end up being a boring wall. We worked with the adjacent landowner to provide a paved trail through his property to the city trail.

Chair Draper opened the public hearing.

Chair Draper closed the public hearing.

Chair Draper – For the record we indicate that multiple opportunities, multiple vehicles for speaking on this issue have been provided through Zoom using the reaction button, the chat feature and *9 on the phone.

Commissioner Fisher – I appreciate the developer’s willingness to make the back of the buildings against Riverside attractive.

MOTION: Commissioner West made a motion to recommend approval of item 6B 81 townhomes for Willow Bend Townhomes.
SECOND: Commissioner Kemp
ROLL CALL VOTE:
AYES (7)
Chairman Ray Draper
Commissioner Steve Kemp
Commissioner Emily Andrus
Commissioner Natalie Larsen
Commissioner Elise West
Commissioner Nathan Fisher
Commissioner Austin Anderson
NAYS (0)
Motion Carries unanimous recommend approval

- C. Consider a request to change the zone from RE 37.5 (Residential Estates with a minimum of 37,500 sq. ft to R-1-10 (Residential with a minimum lot size of 10,000 sq. ft.). The property is located at 509 Damascus Dr. and is approximately 0.76 acres. The applicant is Amanda Empey and Melissa Fugate Case No. 2021-ZC-032 (Staff – Mike Hadley)

Mike Hadley presented the following:

Mike Hadley – Mike showed pictures of the proposed property. It should be mentioned that this item came forward in 2017. The Planning Commission recommended approval to City Council and at City Council it was denied.

Chair Draper – I am on the council in Bloomington, I know what the council would like to say but it won’t affect my judgement very much.

Amanda Empey – Our goal is to split this property directly in half and then build a single-family home on the second lot.

Melissa Fugate – Yes our reason for the zoning is because it connects to the same zone the R-1-10 behind it.

Amanda Empey – It is a lot to maintain, we have talked to the neighbors and a lot of them would like to see it improved.

Chair Draper opened the public hearing.

Troy Piles – The reason it was denied is because the neighbors disagreed with the changing of the character of the neighborhood. You would actually be able to put 2 houses on there with this zone change if the lot only needs to be 10,000 square feet. I feel like if there is another alternative to something then the zone doesn't need to be changed. Another concern is that the house that is built may not be like the other houses in this neighborhood.

Commissioner Fisher – Did you say that there are no CC&R's for the lot that this subdivision is in? And also, it does adjoin a similar zone that touches this lot. If this were approved it would add what is already contiguous to this area.

Chair Draper – There are CC&R's there is not an HOA. The minimum house size is 1500 sq ft.

Troy Piles – There has to be a line drawn somewhere and it has already been drawn. There are other opportunities to use the extra part of the lot that hasn't been used thus far.

Commissioner Fisher – So you would rather see it left as a dirt lot than see it changed and developed?

Troy Piles – I would like to see it developed like the other properties in the same manner, as the rest of the neighborhood. People have pools and guest houses or corrals for horses. If you approve it then I would ask that you restrict it to one home and that the size be compatible with the other houses in the neighborhood.

Wayne Bartlett – I purchased the property right next door in 1975. I have seen every house built in the Bloomington Ranches. I was a construction supervisor and built apartment buildings. All of the buildings were excellently built. They made sure that all buildings met the codes and I can verify that they did. One thing they did say is that you could not build another building on your property unless it was a casita for an aging mother or father. My property is next to theirs; it is $\frac{3}{4}$ of an acre and its dirt in the back. I find that building a second house on that property next door to me violates every house that has been built till now.

Daniel Wolf – There should be a petition on file, I walked the neighborhood and I generated that. I am opposed to splitting the lot. I want it to stay Bloomington Ranches.

Jim Riley – I said hey I can subdivide this thing, they told me no you can't. I wanted to build a casita there, they wouldn't let me because it was detached. To see someone, try to put a couple of houses across the street from me, it isn't right.

Lisa Huber – I am agreeing that it could have 3 houses built on it. If you look at the map and you look at the other home sits off to one side and there is another one that sits off to one side, can they be split also? When we bought our home 11 years ago we were thrilled to have a place where we could have animals, or a garden and we would like to keep it Bloomington Ranches.

David Jackson – My wife and I built 509 in 1998, nobody likes change. When I did live there, people frequently asked me who owns the lot next to you? It was my back yard. There is a lot of street front. I really love Bloomington, there are some nice diverse houses, I don't see the real

downside. Originally I think the houses were smaller out there before the 80's then they got the McMansions. I just wanted to say that I live there, and I don't mind the change.

Brett Empey – I am the one who originally brought this to council in 2017. All of the backyard is on the street frontage. They would need to put a 6ft wall right next to the sidewalk to even get a back yard. The main thing was to just split that lot in half and make it easier to maintain. I think it would be a benefit to the neighborhood. You are not going to build 3 homes on that lot, that's ridiculous.

Jace Fugate – I am Melissa Fugate's husband. We have been searching for a long time for a lot and have a better place to raise our family. We do have a pretty small home, and we don't want to build another small home. We did go and talk to all the neighbors. Their main concern was that we would build 3 houses. We are not going to build 3 houses on it. We are very excited to build and have a larger yard.

Chair Draper closed the public hearing.

Chair Draper – For the record we indicate that multiple opportunities, multiple vehicles for speaking on this issue have been provided through Zoom using the reaction button, the chat feature and *9 on the phone.

Commissioner Larsen – I think Nathan made a good point as it butts up against the next zoning. It's better than a dirt lot. I do think there should be a condition that only one home can be built.

Chair Draper – I do think it would look better to have that developed. The concern I have is will we start getting into spot zoning. I'm torn.

Commissioner Larsen – I don't know how that's really a spot zone as it is next to the R-1-10.

Commissioner Kemp – I did move to Bloomington in 1974. I have sat and watched this lot for the last 40 years and a large portion of it was vacant. It's now 2021. We've got a lot that has been empty. There is another one next to the Bloomington market. That being said we are facing a housing shortage; we are facing affordable housing shortage. It does about the R-1-10 zone. I have looked at some letters for and some letters against. Based on that I would like to see this zone change; I do agree with Natalie that we recommend a condition that it can only be split once and only add one house.

Commissioner Andrus – I think I agree with what has been said, a new home there would look better than the dirt. I don't think it would be a spot zone with the R-1-10 right next to it.

Bryan Pack – I don't know that you will be able to put a condition on this zone change, there will be setbacks that will apply to the R-1-10 zone.

John Willis – It's not a true definition of a spot zone if it meets the general plan. They will need to meet the ordinance you will not be able to put a condition on it.

Commissioner West – It is really hard to find somewhere to live right now. I can appreciate what you want to do there. I'd like to live next to my sister myself.

MOTION: Commissioner Larsen made a motion to recommend approval of item 6C a zone change from RE-37.5 to R-1-10.
SECOND: Commissioner Andrus
ROLL CALL VOTE:
AYES (7)
Chairman Ray Draper
Commissioner Steve Kemp
Commissioner Emily Andrus
Commissioner Natalie Larsen
Commissioner Elise West
Commissioner Nathan Fisher
Commissioner Austin Anderson
NAYS (0)
Motion Carries unanimous recommend approval

7. PRELIMINARY PLAT (PP) Administrative

- A. Consider a request for a thirty (30) lot residential subdivision known as Woodhaven Estates located at the northeast corner of the intersection of 3430 East and 2450 South. The property is 29.77 acres and is zoned RE-37.5. The applicant Bush and Gudgell, representative Bob Hermandson. Case No. 2021-PP-016. (Staff – Wes Jenkins)

Wes Jenkins presented the following:

Wes Jenkins – This is near Crimson High School. The rest of the area has been changed to RE-37.5. They will be required to finish improvements.

MOTION: Commissioner Fisher made a motion to recommend approval to City Council for a preliminary plat for Item 7A.
SECOND: Commissioner Larsen
ROLL CALL VOTE:
AYES (7)
Chairman Ray Draper
Commissioner Steve Kemp
Commissioner Emily Andrus
Commissioner Natalie Larsen
Commissioner Elise West
Commissioner Nathan Fisher
Commissioner Austin Anderson
NAYS (0)
Motion Carries unanimous recommend approval

- B. Consider a request for a one hundred eighty-four (184) lot, residential subdivision known as Desert Color Pod 5 Plat A located within the Desert Color development along the proposed extension of Lagoon Parkway between the Lizard Wash and the existing port of entry. The property is 53.78

acres and is zoned PD-R. The applicant is Bush and Gudgell, representative Bob Hermandson. Case No. 2021-PP-017 (Staff – Wes Jenkins)

THIS ITEM WAS PULLED

- C. Consider a request for a one hundred and twenty-nine (129) lot, residential subdivision known as Cecita Crest at Divario Phase 3 located in the Divario development south and west of Divario Canyon Drive at approximately the intersection of Lesina Heights Drive and Alserio Lane. The property is 38.58 acres and is zoned R-1-7. The applicant is Rosenberg Associates, representative Allen Hall. Case No. 2021-PP-018 (Staff – Wes Jenkins)

Wes Jenkins presented the following:

Wes Jenkins – A couple years ago this came forward but they couldn't get the water pressure up this high so it will be conditioned on a pump station be installed, operational and approved by the City.

Commissioner Andrus – When do you think that will be done?

Wes Jenkins – I believe it will be June or July.

Rick Rosenberg – We want to get started on the earth movement for this phase before the homes start going in the other phase because of the rock that has to be taken out.

MOTION: Commissioner Kemp made a motion to recommend approval of item 7C a one hundred and twenty-nine (129) lot, residential subdivision known as Cecita Crest at Divario Phase 3 subject to staff's recommendations and approval of the pump station discussed.

SECOND: Commissioner Anderson

ROLL CALL VOTE:

AYES (7)

Chairman Ray Draper

Commissioner Steve Kemp

Commissioner Emily Andrus

Commissioner Natalie Larsen

Commissioner Elise West

Commissioner Nathan Fisher

Commissioner Austin Anderson

NAYS (0)

Motion Carries unanimous recommend approval

- D. Consider a request for a sixty-four (64) lot, residential subdivision known as Cascata at Divario Phase 3 located within the Divario development south of Sentieri Vista Drive at approximately the intersection of Karersee Drive and Appain Way. The property is 19.83 acres and is zoned R-1-10.

The applicant is Rosenberg and Associates, representative Allen Hall. Case No. 2021-PP-019 (Staff – Wes Jenkins)

Wes Jenkins presented the following:

Wes Jenkins – This one has the same condition as the previous one with the pump station.

Commissioner Larsen – Is there a back up to that pump station?

Rick Rosenberg – The redundancy is in the pump station itself.

MOTION: Commissioner West made a motion to recommend approval for a sixty-four (64) lot, residential subdivision known as Cascata at Divario Phase 3.

SECOND: Commissioner Fisher

ROLL CALL VOTE:

AYES (7)

Chairman Ray Draper

Commissioner Steve Kemp

Commissioner Emily Andrus

Commissioner Natalie Larsen

Commissioner Elise West

Commissioner Nathan Fisher

Commissioner Austin Anderson

NAYS (0)

Motion Carries unanimous recommend approval

8. MINUTES

Consider approval of the minutes from the March 23, 2021 meeting.

MOTION: Commissioner Andrus made a motion to recommend approval of the minutes for the March 23, 2021 meeting.

SECOND: Commissioner Anderson

ROLL CALL VOTE:

AYES (7)

Chairman Ray Draper

Commissioner Steve Kemp

Commissioner Emily Andrus

Commissioner Natalie Larsen

Commissioner Elise West

Commissioner Nathan Fisher

Commissioner Austin Anderson

NAYS (0)

Motion Carries unanimous recommend approval

9. CITY COUNCIL ACTIONS

John Willis the Community Development Director will report on the items heard at City Council from the April 1, 2021 meeting.

1. 2021-ZCA-025 Desert Color Resort 2D
2. 2021-CUP-004 Mulberry Inn
3. PP – Desert Color Phase 2D
4. PP – Desert Color Resort Phase 5
5. PP – Webb Acres Ph 2-3
6. PP – Abberly Farms

10. ADJOURN

MOTION: Commissioner Fisher made a motion to adjourn.

SECOND: Commissioner Kemp

ROLL CALL VOTE:

AYES (7)

Chairman Ray Draper

Commissioner Steve Kemp

Commissioner Emily Andrus

Commissioner Natalie Larsen

Commissioner Elise West

Commissioner Nathan Fisher

Commissioner Austin Anderson

NAYS (0)

Motion Carries unanimous recommend approval