

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

Public Notice

PRESENT: Commissioner Larsen
Commissioner Emily Andrus
Commissioner Steve Kemp
Commissioner Elise West
Commissioner Nathan Fisher
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 Carol Davidson
Planner III Mike Hadley
Development Office Supervisor Brenda Hatch

EXCUSED: Chairman Ray Draper

CALL TO ORDER/FLAG SALUTE

Pro tempore Chair Larsen called the meeting to order at 5:03 pm. Commissioner West led the flag salute.

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

- A. Consider a request to change the zone from C-2 (Commercial) to PD-R (Planned Development Residential) on approximately 19.72 acres located generally west of the 900 South and 250 West intersection. The applicant is proposing 223 units on the property. The applicant is Wasatch Commercial Builders and the representative is Josh Lyon. The project will be known as Soleil Ridge Apartments. Case No. 2021-ZC-064 (Staff – Dan Boles)

Dan Boles presented the following:

Dan Boles – I will turn some time over to Wes to present the hillside with this zone change.

(After Hillside presentation)

Dan Boles – There is a portion of this property that should be zoned open space, they agree but currently they are only zoning it PD-R at this time. One thing we want to be clear on is

that they are not charging their tenants for parking. They are meeting the parking requirements. They are showing a clubhouse, pickleball courts, firepits and a pool. They are meeting the amenity and landscape requirements. Dan showed the elevations included in the packet. The elevations are all between 52 and 54 feet, that is from the lowest to the highest point. They have a couple parking structures, we have a condition in the packet to dress up the parking structures, we don't want to see just a flat gray parking garage. You will need to make a motion on the hillside and then a motion on the zone change.

Commissioner Anderson – Didn't this have a sliver of property that is owned by the City?

Dan Boles – Yes, that is another condition I wanted to bring up. We have asked the applicant to provide a title report before it goes to City Council so that gets taken care of.

Jarom Johnson – I think the biggest thing for us is that we are self-managing the multifamily property. That's what we do, we have done it for 20 years. This is our first time in St. George. This site has been sitting for a long time, but we think this is a great but not easy use for this site.

Commissioner West – And these are all leased?

Jarom Johnson – They will be rented, we have studio, 1 bedroom, 2 bedroom and 3 bedroom.

Commissioner Fisher – So are there any other details on the wall?

Josh Lyon – We do have a design that AGECE is proposing, we just haven't gotten it from him yet. The steps in the wall are pretty wide, I want to say 10 feet, so they would fall on those before they got to the project.

Commissioner West – What is the specific attractions to this space?

Jarom Johnson – The organic on and off from a major exit. We have looked at a lot of properties off of major exits.

Discussion continued on the attraction to this property.

Paula Houston – Will you be able to proceed with the project if the City doesn't sell you the piece in the middle?

Jarom Johnson – It would be difficult. It looks like it was supposed to be a street. There would not be a street if this property is built this way.

Paula Houston – You realize that no promises have been made regarding that property?

Jarom Johnson – Yes, we do.

Discussion on why the site is attractive and what the strip owned by the City was intended to be.

Pro tempore Chair Larsen opened the public hearing.

Dean Terry – On the onset I would like to say that it is beautiful. I think the architects have done a nice job; Rosenberg Associates have done a nice job. This is an old subdivision. We still have some property in there. The group has talked to me on the phone but have never met with me. We have been left out of the loop. We own an adjacent piece that goes around the hill. We were told they wanted to purchase or develop it with us if we didn't want to sell. We need to be in the loop, we need services run so that we can stub off of them for our property. We have been waiting for them to meet with us. We think the project is beautiful. Can the CCR's restrict short term rentals?

Commissioner Fisher – It is not proposed to be vacation rentals, the zoning will dictate what the uses will be.

Dean Terry – Let's restrict it with this PD zone change today. I think we need some consideration. The utilities and right of ways in and what have you.

Pro tempore Chair Larsen closed the public hearing.

Dan Boles – The height of the building, we want to make sure there is that condition in there, the height restriction is 40 ft, they are asking for more than that so you will need to make the findings that it meets the 6 criteria. You need to make sure that is clear in the motion. There is a model motion that you can use with the conditions.

Commissioner Anderson – It looks like 700 South, 800 South and 900 South will all be finished out with this project.

Wes Jenkins – They are not extending 800, we looked to extend it, but the cuts were really high. We eliminated extending 800, we are just working with them to get access through the parking lots to 800. So, it potentially has 3 access points. They will grant an easement for public access.

Commissioner Fisher – As far as utilities, what requirement will they have to Dean's properties?

Wes Jenkins – It will be close; I just don't know if sewer and water comes all the way up 800. I also wanted to show you that I think one of the other buildings falls in the rock fall hazard, the City Council has been really strict about allowing buildings in the rock fall.

Commissioner West – So there is only a light on 900?

Wes Jenkins – Yes.

Commissioner Fisher – Personally I have a problem with not having more detail on the wall and then if it were just a parking structure, I would give ideas to put it together before City Council. But combined with the wall, I think it would be important for them to come back here. I think it's a great project. Normally I would push it along and not worry about it

going to City Council, but I don't feel comfortable with pushing it along with just a few suggestions.

Commissioner Anderson – I agree, I think it's a great project, but this motion would be paragraphs long. I support the project. I would like to give them a couple weeks to clean up some of these issues.

Commissioner Kemp – Knowing that the Council has taken a hard line on the rock fall hazard, it just feels like there is too much on not enough space.

Commissioner Anderson – I am sure it can be mitigated, and they can get this density.

Commissioner Kemp – I noticed that the parking structures are only half as high as the buildings.

Pro tempore Chair Larsen – Looking at the parking structures, I think we need to keep things affordable for the developers so that these apartments can be affordable to live in.

Commissioner Fisher – We could postpone it to a date certain so they could get some things in line.

Jarom Johnson – A couple things we want to clarify on the parking structure you would only be seeing the north side of the parking structure that would be visible. We have played around with murals in the past. We would do landscaping for the first level, then we would bring in color palates consistent with the site. We don't disagree with anything you are saying there. We would be happy to present those.

Commissioner Kemp – How would you feel about us pushing it to a date certain so we can see some of the materials and we can give a recommendation.

Jarom Johnson – When you look at the wall scale, it is large. The reality of it is that hillside is good in its core purpose. I think we would be happy to do that with a date certain. We would like to see what it will look like as well.

Commissioner Anderson – How much time would you need?

Jarom Johnson – I think two weeks.

Pro tempore Chair Larsen – October 12, 2021. I think it's really important for you to understand that when you come back, our City is really detailed about that wall. That it is safe, that the details are there, that we have an idea of the color and if you have a rendering it really helps the Planning Commission as well as City Council. As you probably know, we have had rockfalls and we've had them in houses, so it is something the City takes seriously.

Jarom Johnson – And we do as well, this is not something we would build to flip. When we plan something we are planning it for 20 years. That is the holding period I'm looking at as an owner operator.

Commissioner Fisher – The amount of detail you have for your elevations, that is the kind of detail we will want to see for your wall. You have heard Wes say that the City Council is focused on structures within the rock fall. I would like to suggest that you spend a little more time with the staff on working through that because that is going to be a hurdle both here and there. And also working with Mr. Terry, it may not be an issue, you’ve got the time now.

Jarom Johnson – Yes, like I say we don’t take coming into a location lightly. Being good neighbors is a part of that. That is a new issue to me though, I had not heard of that until today.

Commissioner Fisher – We appreciate the work you’ve done on this.

Commissioner West – I want to say make some visual improvement to the top floor of the parking. It is right in the middle of the project.

MOTION: Commissioner Kemp made a motion that we table Item 1A until the October 12, 2021, meeting 1. The additional detail on the rock wall or other type of wall that will be on the west and the north. 2. Additional detail on the parking structure on their elevations, inside and outside the property. 3. The rockfall issue of structures inside the rockfall area and how those will be mitigated. 4. Additional detail on what they can do to dress up or break up the parking structures. 5. Report on the discussion with the neighbors to the North concerning connectivity at 800 S Street.

SECOND: Commissioner Fisher

ROLL CALL VOTE:

AYES (5)

Commissioner Steve Kemp

Commissioner Emily Andrus

Commissioner Larsen

Commissioner Elise West

Commissioner Nathan Fisher

Commissioner Anderson

NAYS (0)

Motion Carries unanimous recommend approval

- B. Consider a request to change the Zoning from A-1 (Agricultural) to PD-C (Planned Development Commercial) to allow for the development of a new commercial building. The property is approximately 11.42 acres. This property is generally located on the southeast corner of Mall Drive and 3000 East Street. Please see map on back. The applicant is Suburban Land Reserve Inc., and the representative is Rollin Johnson. The project will be known as The Fields at Mall Drive Phase 3 – Fat Cats. Case No. 2021-ZC-069 (Staff – Carol Davidson)

Carol Davidson presented the following:

Carol Davidson – I do want to mention that the next 3 items will be in the same location. This is the general site plan, there will be 5 lots, they will only be developing the first lot right now. Carol showed pictures of what the inside of Fat Cats will look like. The tallest point will be 40 ft, so they are meeting the height regulation. They don't have their landscape plan done quite yet. They will need to meet code. They are meeting the parking requirements. The use list is the typical commercial use list. Some of the items that have not been addressed are pedestrian access, bike parking and conduit for electrical charging stations we will address that with the site plan. Staff does recommend approval of this with the condition that they meet all of the zoning requirements which includes that last item.

Pro tempore Chair Larsen – Will 3000 East traffic be addressed before we bring more commercial to that corner. There is a lot of backed up traffic and a lot of wrecks there by Linn's. I love the project, it is needed, but we need that roadway addressed.

Commissioner Fisher – As far as that corner goes, it's not included in this zone proposed change, is there a reason for that? Nothing will change there.

Wes Jenkins – That's why that is left open. They will be responsible to finish improvements along Merrill Road. The City has plans to finish the east side of 3000 East, the City has already committed to finish it down to 1140.

Pro tempore Chair Larsen – So will that be 2 lanes on 3000?

Wes Jenkins – 3000 will be two lanes in each direction plus the center turning lane, then with a little shoulder on the side.

Pro tempore Chair Larsen – Before or after this project is completed?

Wes Jenkins – Before, I was talking to Jay Sandberg in Engineering. I believe it has already been bid out and should start construction next month. It is ahead of them.

Carol Davidson – There is also a trail that goes along Merrill Road and 3000 East, and they will need to finish that.

Commissioner Kemp – So the uses on this list will be for the additional pads around?

Carol Davidson – Yes, including the Fat Cat's and there are 4 that are not being developed at this time. It's basically a lot of retail, some service uses.

The commissioners discussed the use list.

Dan McKay – We appreciate the opportunity to be here. I wanted to talk about where we started. We were trying to figure out whether or not this should be an annexed area into St. George. After we made the annexation application in we put a sewer line in. Shortly after that we participated with the City and put over 1 million dollars into that bridge. None of us thought that this area would be possible for commercial. The Fat Cat's is going to be 11 acres. The Planning Commission asked us to reserve a 5-acre spot for commercial. Now we

are growing that from 5 acres to 11 acres. Tonight, we are going to talk about other parts of this project. Some single family for rent, and as you go south a condo project. The new temple will be going in just south of there. I felt like that was useful history for everyone as we jump through these puzzles piece by piece, we debated internally whether we should bring it all forward or bring it in piece meal. Right now, that white building is under construction, and we were told we need to get done sooner rather than later. That's the reason why you will see some of this piece meal.

Commissioner Kemp – How many facilities do you own and operate?

Rob Fromm – We have been in business for 21 years; we have what we call legacy Fat Cat centers that are just bowling and arcade. We are no longer doing those types of facilities any more, we have 5 of those. Of these new flagship properties where we include theaters and a whole arena of attractions, we have 4 of those.

Pro tempore Chair Larsen opened the public hearing.

Pro tempore Chair Larsen closed the public hearing.

Commissioner Anderson – I think it's a great use.

Commissioner Andrus – I think it's great we are always saying how we need more commercial in this area.

Commissioner Larsen – I would like to see the City take care of the traffic.

Wes Jenkins – As part of this overall project we will be requiring a traffic study to address the entire area.

Discussion continued on roads and traffic.

MOTION: Commissioner Anderson made a motion that Planning Commission recommends approval of Item 1B with the condition that the applicant meet all the findings in the staff report.

SECOND: Commissioner Kemp

ROLL CALL VOTE:

AYES (5)

Commissioner Steve Kemp

Commissioner Emily Andrus

Commissioner Larsen

Commissioner Elise West

Commissioner Nathan Fisher

Austin Anderson

NAYS (0)

Motion Carries unanimous recommend approval

- C. Consider a request to change the Zoning from A-1 (Agricultural) to R-1-10 (Single Family Residential, minimum lot size 10,000 square feet) to allow for the development of a new residential subdivision. The property is approximately 44.73 acres. This property is generally located east of 3000 East Street between 1180 South and 1450 South. Please see map on back. The applicant is Suburban Land Reserve, Inc and the representative is Rollin Johnson. The project will be known as SLR Fields. Case No. 2021-ZC-070 (Staff – Carol Davidson)

Carol Davidson presented the following:

Carol Davidson – I am glad the applicant provided the overall view. This one is just north of where they are building the Red Cliffs Temple, this does abut Washington City, they do want to annex a portion from Washington County to finish out this project. I did want to mention that they would be able to get 178 dwelling units however that doesn't include right of way, so that will reduce it. Some of their lots will be quite a bit bigger than the 10,000 sq ft.

Pro tempore Chair Larsen opened the public hearing.

Pro tempore Chair Larsen closed the public hearing.

Commissioner Andrus – I like the gradation from R-1-10 to the condos and then to the commercial, that is what we like to see. It's a good idea to put the big lots around the temple.

MOTION: Commissioner Andrus made a motion to recommend approval of Item 1C a zone change from A-1 to R-1-10.

SECOND: Commissioner Kemp

ROLL CALL VOTE:

AYES (5)

Commissioner Steve Kemp

Commissioner Emily Andrus

Commissioner Larsen

Commissioner Elise West

Commissioner Nathan Fisher

Austin Anderson

NAYS (0)

Motion Carries unanimous recommend approval

- D. Consider a request to change the Zoning from A-1 (Agricultural) to PD-R (Planned Development Residential) to allow for the development of a new residential subdivision. The property is approximately 41.01 acres. This property is generally located east of 3000 East Street and south of Merrill Road. Please see map on back. The applicant is Property Reserve Inc., and the representative is David Hicks. The project will be known as The Park at Temple View. Case No. 2021-ZC-071 (Staff – Carol Davidson)

Carol Davidson presented the following:

Carol Davidson – We do have MDR on the General Plan, A-1 is the zone. There will be 6.52 dwelling units per acre. They will have multiple types of housing. There will be single family homes that are close together, we have seen a few projects like that.

Commissioner Fisher – How far apart will they be?

Carol Davidson – They can go down to 3 feet. They will have townhouses and duplexes intermixed. They will have more amenities than what is required. They will have a park or trail that goes straight through so you will be able to view the temple all along this corridor. There are plans for a trail along 3000 and Merrill Road. The trail that goes through their property will be private. The landscape will be looked at with the Site Plan Review. Shrub and xeriscape will be the bulk of the landscaping. They are proposing 2 phases. They are requesting a sign variation. They want two monuments at each entrance, one on each side, they are requesting a variation for one on each side and 15 ft high instead of the 10 ft that is allowed. Carol showed elevations of the residences. They do meet their parking regulations; they are over quite a bit.

Commissioner Kemp – I see a couple gated access ways into the commercial?

Carol Davidson – Yes we did require them to have access to the commercial for pedestrians.

Discussion continued on the trails and access.

David Hicks – I did a 3-foot easement between the single family, but we could go 5 if it works. The reason for the gates are so that we can make sure that the people using the amenities are the people who are renting in our project.

Commissioner Fisher – Did I understand that this is a for rent product?

David Hicks – Yes, this will be in our portfolio for a long time.

Commissioner West – I appreciate the creativity. I have concerns with the green area that is shown in front of homes.

David Hicks – The picture you have in your packet, didn't distinguish between grass and shrub areas. The grass is really only for the amenities area. Where it's not necessary, front and back yards, we're not gonna do that, it's going to be shrubs and xeriscape. In the center where all the amenities are we wanted to make sure people could play and enjoy real grass. We will not use turf where it isn't needed. We are going to work with the Leisure Services Director to see what landscaping will work in St. George We recognize the importance of water conservation.

Commissioner Fisher – Wonderful project, looks good.

Pro tempore Chair Larsen opened the public hearing.

Pro tempore Chair Larsen closed the public hearing.

MOTION: Commissioner West made a motion to recommend approval of Item 1D to change the zone from A-1 to PD-R located at 30th East and South of Merrill Road with the recommendations for signage and that they meet all the requirements found in section 10-7 of the zoning regulations.

SECOND: Commissioner Fisher

ROLL CALL VOTE:

AYES (5)

Commissioner Steve Kemp

Commissioner Emily Andrus

Commissioner Larsen

Commissioner Elise West

Commissioner Nathan Fisher

Austin Anderson

NAYS (0)

Motion Carries unanimous recommend approval

- E. Consider a request to change the zone from R-1-10 (Residential Single Family, 10,000 sq ft minimum lot size), to PD-C (Planned Development Commercial) on approximately 8.83 acres located generally at 900 S River Road. The applicant is proposing commercial development on the proposed parcels. The applicant is Old Course Development and the representative is Civil Science. The project will be known as 900 S Properties. Case No. 2021-ZC-066 (Staff – Mike Hadley)

Mike Hadley presented the following:

Mike Hadley – The General Plan designation is commercial; the zoning is R-1-10.

John Willis – There are several uses on this use list, there are some that would require more standards such as storage units. The Planning Commission may want to discuss that.

Commissioner Kemp – Where are we with the connectivity for 900 S around the hill?

Wes Jenkins – We are working with the developer to design the roadway with this development with the connection of 1450 extend to Riverside.

Commissioner Anderson – I think it looks good; I think this area needs to be dressed up.

Commissioner Kemp – When will we see a site plan? When will we see the accesses on River Road be addressed?

Mike Hadley – That would be up to the applicant.

Pro tempore Chair Larsen opened the public hearing.

Pro tempore Chair Larsen closed the public hearing.

Commissioner Fisher – I would agree with John, I think we should remove storage units.

Commissioner Andrus – I agree, I think the rest of this list fits the area.

Commissioner Kemp – The only thing I think is that storage units fill the cracks like in the southwest corner of this property.

Commissioner Larsen – Yes and they provide a service.

Discussion continued on storage units and the requirements.

MOTION: Commissioner Kemp made a motion to recommend approval of item 1E a zone change from R-1-10 to PD-C on approx. with the following conditions: Storage units are removed from the use list, and they comply with all other staff recommendations.

SECOND: Commissioner Anderson

ROLL CALL VOTE:

AYES (5)

Commissioner Steve Kemp

Commissioner Emily Andrus

Commissioner Larsen

Commissioner Elise West

Commissioner Nathan Fisher

Austin Anderson

NAYS (0)

Motion Carries unanimous recommend approval

- F. Consider a request to change the zone from R-4 (Multi Family) to C-3 (Commercial) on approximately 0.26 acres located at 45 S 800 E the applicant is proposing the Hope Pregnancy Care Center on the property. The applicant is Hope Pregnancy Care Center and the representative is Amy Fox. The project will be known as Hope Pregnancy Care Center. Case No. 2021-ZC-065 (Staff – Mike Hadley)

Mike Hadley presented the following:

Mike Hadley – This is the proposed building which already exists. They do have an agreement with the church to use some of this parking if they need to.

Commissioner Kemp – Right now you show 8 parking stalls in the front and currently there is a curb cut there are you proposing that you remove that and put in the parking?

Amy Fox – We would like to get the zoning approved without that it was something that Rob Reid drew up to show what parking we could have.

Shannon Gerber – We did speak with Sam Martin that has written up a memorandum for shared parking. When we went through the points that are required for shared parking agreements they were not comfortable with point number 4 that we could turn the parking lot over to the City. He wasn't comfortable with having it reported against his property, but he loves to see us there, he likes our pregnancy center, and they would in good faith let us use the parking.

Commissioner Kemp – That doesn't get us there though does it?

John Willis – No it doesn't, when they come forward with the business license they would have to comply with parking.

Commissioner Kemp – I am just concerned that when you get to the business license part of this journey you are going to run into this parking issue and trying to meet the requirement.

Shannon Gerber – I think we were required to have 15 spaces, I believe we can provide 8, then we were going to use the 7 spaces of the bigger church parking lot.

Commissioner Kemp – Can you make it revocable?

Paula Houston – A revocable one will not work because the business would always need access to the parking and if it's revocable and then it changes owners the parking spaces could go away.

Shannon Gerber – Would you like to hear the letter from him, or should we submit it?

Paula Houston – We would be happy to look at it and consider it.

Discussion continued on use, parking and zone.

Pro tempore Chair Larsen opened the public hearing.

Pro tempore Chair Larsen closed the public hearing.

Commissioner Fisher – To me C-3 makes sense.

MOTION: Commissioner Anderson made a motion to recommend approval of a zone change for item 1F from R-4 multi family to C-3 commercial.

SECOND: Commissioner Kemp

ROLL CALL VOTE:

AYES (5)

Commissioner Steve Kemp

Commissioner Emily Andrus

Commissioner Larsen

Commissioner Elise West

Commissioner Nathan Fisher

Austin Anderson

NAYS (0)

Motion Carries unanimous recommend approval

- G. Consider a request to change the zone from R-1-10 (Residential Single Family, 10,000 sq ft minimum lot size) to OS (Open Space) on approximately 37.24 acres located along the Virgin River south of Riverside Drive. The applicant is Pass DeBuck LLC and the representative is Brandee Walker/Civil Science. The project will be known as Open Space. Case No. 2021-ZC-068 (Staff – Mike Hadley)

Mike Hadley presented the following:

Mike Hadley – The majority of this is in the Virgin River area, this is related to the upcoming project.

Pro tempore Chair Larsen opened the public hearing.

Thomas Calma – The question I have is what does open space mean and what can be done in an open space?

Pro tempore Chair Larsen closed the public hearing.

Commissioner Kemp – I think this is a cleanup item.

John Willis – Read the use list for open space.

MOTION: Commissioner Kemp made a motion to recommend approval of Item 1G to the City Council.

SECOND: Commissioner West

ROLL CALL VOTE:

AYES (5)

Commissioner Steve Kemp

Commissioner Emily Andrus

Commissioner Larsen

Commissioner Elise West

Commissioner Nathan Fisher

Austin Anderson

NAYS (0)

Motion Carries unanimous recommend approval

2. ZONING CHANGE AMENDMENT (ZCA) (Public Hearing) Legislative

Consider a request for a zone change amendment for the Boulder Creek Commons North PD-C (Planned Development Commercial) zone in order to review elevations and site layout

for a Quench It soda/snack shop on approximately 0.78 acres located approximately 1450 S 1450 E. The representative is Brandee Walker. The project will be known as Quench It. Case No. 2021-ZCA-067 (Staff – Mike Hadley)

Mike Hadley presented the following:

Mike Hadley – General Plan designation is commercial. It is in the flood plain and the zoning is PD-C. Since this property is in the flood plain there are a couple requirements. In order for them to proceed they will be required to do an erosion hazard study and a flood plain elevation certificate. They will need to build at least 1 foot above the flood plain elevation.

Pro tempore Chair Larsen – What about stacking?

Mike Hadley – They should have plenty of stacking to stay out of the way of traffic. They are also adding a connection to the public trail.

Commissioner Fisher – How close is that access to Maverik.

Wes Jenkins – The reason they put that there is because it lines up with the existing one on the other side. It's about 400 ft, it should be 500 ft.

Commissioner Fisher – Does it really need to line up to that? Will it be a shared access with the property to the east? And approving it like it is now it won't have a decel lane?

Wes Jenkins – No, but it will be required, on the arterial so that should be a condition.

Discussion continued on access and traffic.

Commissioner Anderson – Will that access service this Quench It and then the future development?

Cam Debuck – Yes, but I don't think we will develop the other side, there is a sewer line running through there and we don't have deep pockets.

Commissioner Anderson – So will there be a decel lane even though it isn't shown on here?

Cam Debuck – Yes.

Wes Jenkins – That will need to be a condition on the zone change.

Cam Debuck – Because of the traffic study we were told that we had to put the access here.

Commissioner Fisher – Can they put their access with Maverik's access.

Wes Jenkins – We can talk to them but sometimes the big corporations don't want to do that.

Commissioner Andrus – I don't really have a problem with it. You're going to have this problem no matter what you put there, and they have a right to access. I appreciate that they put dual lanes for stacking.

Discussion on access and traffic continued.

Cam Debuck – We will put the decel lane in, we were aware we have to do that, we just didn't know we needed to put it on this drawing.

Pro tempore Chair Larsen opened the public hearing.

Pro tempore Chair Larsen closed the public hearing.

MOTION: Commissioner Anderson made a motion to recommend approval of the zone change for item 2 with the condition that they put in a decel lane for the entrance and including complying with staff comments and findings.

SECOND: Commissioner Kemp

ROLL CALL VOTE:

AYES (5)

Commissioner Steve Kemp

Commissioner Emily Andrus

Commissioner Larsen

Commissioner Elise West

Commissioner Nathan Fisher

Austin Anderson

NAYS (0)

Motion Carries unanimous recommend approval

3. HILLSIDE DEVELOPMENT PERMIT (HS) Administrative

Consider a request a Hillside Development Permit on Soleil Ridge. The property is generally located west of Bluff Street at approximately 300 West and 900 South. The property is currently zoned C-2 (Commercial) and OS (Open Space). The owner is Soleil Ridge Partners, LLC. Case No. 2021-HS-007 (Staff – Wes Jenkins)

Wes Jenkins presented the following:

Wes Jenkins – It is below the old airport property. We did go to hillside when the project was called the Cove in August of 2020. The hillside board approved it, but it never came forward to the Planning Commission or City Council. The property was sold, and they have changed a little and came back to hillside. Rob showed pictures of hillside showing the land disturbed from 1967. It was determined that the land is disturbed and should not be counted toward the percentage categories. They felt like when the Geotech came back it showed exposed bedrock that can be cut steeper and left exposed. They will convey the water from the hillside through these berms and then through the project to the road. Some of the discussion was around how drainage would be handled and how the rock fall hazard would

be handled. They did stake the disturbed line, they are trying to keep to where it has already been cut, there are only two little areas that they will disturb otherwise. On the south side where it will be disturbed lays in the high landslide area on the Utah State map. The engineer onsite said that the landslide was very shallow.

Rob Reid – There were a few things we talked about in hillside. They did additional testing on the landslide area, and it showed that we will have negligible effect on the landslide. We did have proposed improvements in the rockfall area. The Geotech proposed that we build up a berm to contain the rockfall.

Commissioner Fisher -

Commissioner Anderson – Is there an exhibit that shows how an 8 ft tall, with a 6 ft wide berm?

Rob Reid – No.

Commissioner Andrus – Can you show us where those rock fall walls would sit?

Rob pointed to where the wall would sit on the pictures that Wes had as a part of his presentation.

Discussion continued on the walls.

Wes Jenkins – When this was presented you can see that the rock fall hazard was really lying within the parking area. I think a couple of the buildings will lie within that, and that is why they are doing the berm.

Commissioner Anderson – I don't know how you would put the berm on top of the rock wall. They would have to create more disturbance to do that.

Wes Jenkins – You're right or they will have to come further out.

Pro tempore Chair Larsen – Will this project be built all at one time?

Wes Jenkins – That is something you could ask the owner during the zone change.

Commissioner Fisher – So this is all we have for the wall?

Wes Jenkins – Yes.

MOTION: Commissioner Kemp made a motion to table item 3 until the October 12 ,2021 meeting to discuss all of the items in the motion for item 1A.

SECOND: Commissioner Fisher

ROLL CALL VOTE:

AYES (5)

Commissioner Steve Kemp

Commissioner Emily Andrus
Commissioner Larsen
Commissioner Elise West
Commissioner Nathan Fisher
Austin Anderson
NAYS (0)
Motion Carries unanimous recommend approval

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

Consider a request to portions of the city zoning ordinance, specifically Title 10-17A-3 and 10-7B-1, as it relates to Accessory Dwelling Units (ADU). The applicant is the City of St. George, and the application number is 2021-ZRA-009 (Staff – Dan Boles)

Dan Boles presented the following:

Dan Boles – To start with I just wanted to let you know that this is simply to bring our code into compliance with State Code. Tonight, we are only focusing on the part that focuses on within a single-family dwelling. State Code has recently changed to say that you cannot restrict an ADU on lots that are over 6,000 sq ft. We are proposing a permitted with standard section to lots that are 6,000 sq ft. Dan read from his presentation describing the changes.

Commissioner Larsen – So if someone bought a small home that is 800 sq ft on a large lot but you want to build a larger home on that lot, how would that work?

John Willis – Whichever dwelling you would want to use as an ADU would need to meet the code for ADU. So, if you wanted to use the 800 sq ft home as the ADU you might have to make some adjustments to the building so that the front door doesn't face the street and it doesn't look like a duplex on the property.

Discussion on regulating the proportion of the internal ADU.

Commissioner Kemp – Are we trying to address the reporting requirement that the state has for us showing how many ADUs we have?

John Willis – We have our attainable housing in our general plan that outlines what we are doing for affordable housing. It is reported with the Moderate-Income Housing Study.

Pro tempore Chair Larsen opened the public hearing.

Curly Carey – Thank you for your service. Anything I say here today can't make a difference because the state did this. I would like to know how many people bought single family homes since this law thought they were going to live in a neighborhood with two families on each lot. How does a potential buyer coming in know what will be next to them

at any given time? It's a travesty. I am not against renters or rental properties. They need to be available for a City to grow and flourish. They need to be available for a City to survive. We all come to a point in life where we may not be able to maintain our homes, or we may not have position to own a home, because it is expensive. But I don't think that a blanket over the whole City is a proper way to do it. I think that it certainly has a place in transitional zones. I don't think it applies to the whole city. I think that it has a place where there is great demand for smaller residential units, like around colleges, around schools even some types of manufacturing plants. The state legislature, in their wisdom said that a homeowner's association cannot out rule this unless they out rule all rentals. As I look at our SunRiver community, I would love to say no rentals, but I know that is not a reality.

Pro tempore Chair Larsen closed the public hearing.

Commissioner Anderson – I don't disagree with what Mr. Carey said, but what happens if the City doesn't comply?

John Willis – There is funding from the state associated with the Moderate-Income Housing Plan that they have discussed withholding from the cities that don't comply.

Paula Houston – And a little bit further than that is that it also creates the potential for lawsuits from private individuals that you deny the right to do that, so you have that side as well.

Commissioner Kemp – One of the things they went through are carve outs, I think staff needs to work on that.. There are certain percentage of the City that you can say no accessory dwelling units in this area because of X. It looked like they were trying to create in those carve outs, an incentive to say ok we understand that there are things happening on a local level, but we don't know what's going on.

Discussion continued on possible carve outs.

MOTION: Commissioner Fisher made a motion to recommend approval to City Council Item 4 a zoning regulation amendment as presented.

SECOND: Commissioner Kemp

ROLL CALL VOTE:

AYES (5)

Commissioner Steve Kemp

Commissioner Emily Andrus

Commissioner Larsen

Commissioner Elise West

Commissioner Nathan Fisher

Austin Anderson

NAYS (0)

Motion Carries unanimous recommend approval

5. PRELIMINARY PLAT (PP) Administrative

- A. Consider a request for a five (5) lot residential subdivision known as The Fields at Mall Drive Phase 3 located at the southwest corner of the intersection of Mall Drive and 3000 East. The property is 11.42 acres and is zoned PD-C. The applicant is Suburban Land Reserve, Inc, representative Rollin Johnson. Case No. 2021-PP-045. (Staff – Wes Jenkins)

Wes Jenkins presented the following:

Wes Jenkins – You saw this today; this is the Fat Cats and that’s your subdivision. The property owner in Washington did acknowledge that this is where his access is approved.

MOTION: Commissioner Andrus made a motion to recommend approval of Item 5A the preliminary plat for the Fields at Mall Drive.
SECOND: Commissioner Anderson
ROLL CALL VOTE:
AYES (5)
Commissioner Steve Kemp
Commissioner Emily Andrus
Commissioner Larsen
Commissioner Elise West
Commissioner Nathan Fisher
Austin Anderson
NAYS (0)
Motion Carries unanimous recommend approval

- B. Consider a request for a ten (10) lot residential subdivision known as Desert Garden Cove located Along Valley View Drive at approximately 950 West. The property is 6.35 acres and is zoned PD-R. The applicant is Civil Science, representative Brandee Walker. Case No. 2021-PP-046. (Staff – Wes Jenkins)

Wes Jenkins presented the following:

Wes Jenkins – You saw this with the zone change and hillside, this is just how they will subdivide it.

MOTION: Commissioner West made a motion to recommend approval for Item 5B a 10-lot residential subdivision for Desert Garden Cove along Valley View Drive and approximately 950 West
SECOND: Commissioner Fisher
ROLL CALL VOTE:
AYES (5)
Commissioner Steve Kemp
Commissioner Emily Andrus

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

- C. Consider a request for a two (2) lot residential subdivision known as Tuweap Drive Development located along Tuweap Drive at approximately 1850 North Tuweap Drive. The property is 2.74 acres and is zoned A-1. The applicant is Civil Science, representative Brandee Walker. Case No. 2021-PP-047. (Staff – Wes Jenkins)

Wes Jenkins presented the following:

Wes Jenkins – It is just south of Tuweap, 1800 North and 2000. There is an easement that gives access to this parcel here. They will access this lot with a 25 staff will work with them on that. This lot will be accessed off of Tuweap it is a 66-foot road, so they are required to provide a circular drive. They will be required to finish their improvements along the road, pavement, curb, gutter. There is a trail slated for here, it requires 4 additional feet to put the trail in there, so the developer has agreed that he will give the City an easement and we will develop the trail. We agreed to an easement so that he could maintain his setbacks.

Commissioner Fisher – The parcel on the north could still access Tuweap if it wanted to. It's just making it convenient to do it on the flag.

Wes Jenkins – We will need to visit with him and work something out and see if there is a way to make that driveway work. Eventually when this develops all the way up we wouldn't let those two accesses be that close.

Commissioner Kemp – What is going to happen to the almost 2-acre parcel on the west? It's landlocked and it's part of the wash.

Wes Jenkins – I don't know, it isn't the same owner, they do have established easements through here, from Tuweap Drive that gives them access to the parcel. It will be difficult. I'm not sure what their intentions are for it.

MOTION: Commissioner Fisher made a motion to recommend approval to City Council Item 5C a 2-lot preliminary plat subdivision on Tuweap Drive.
SECOND: Commissioner West
ROLL CALL VOTE:
AYES (5)
Commissioner Steve Kemp
Commissioner Emily Andrus
Commissioner Larsen

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

- D. Consider a request for a two (2) lot commercial subdivision known as Riverside Automotive located at approximately Riverside Drive and Foremaster Drive. The property is 2.55 acres and is zoned C-3. The applicant is Civil Science, representative Brandee Walker. Case No. 2021-PP-048. (Staff – Wes Jenkins)

Wes Jenkins presented the following:

Wes Jenkins – They are proposing a shared access, I’m not sure that it meets our access management policy, we will need to verify that. It really only meets a right in right out. The intent was for them to get another access right here off of the road up to Knetta’s Knoll that you recently saw and that was to meet their primary with this being their secondary access but right now that is all they are proposing so it will be conditioned on staff verifying that.

Commissioner Fisher – So if we approve it is there still an issue with access?

Wes Jenkins – If you recommend approval and say it is subject to working with staff as far as the main access from that drive there and this being a right out there, as I recall that’s all we can give them based on our management access policy. Then you would have to have some kind of cross access agreement between the two parcels.

MOTION: Commissioner Andrus made a motion to recommend approval to the City Council item 5D being subject to the primary access being on that road to the south.
SECOND: Commissioner Fisher
ROLL CALL VOTE:
AYES (5)
Commissioner Steve Kemp
Commissioner Emily Andrus
Commissioner Larsen
Commissioner Elise West
Commissioner Nathan Fisher
Austin Anderson
NAYS (0)
Motion Carries unanimous recommend approval

6. MINUTES

Consider a request to approve the meeting minutes from the August 24, 2021, and September 14, 2021, meeting.

MOTION: Commissioner Kemp made a motion to recommend approval of the minutes.
SECOND: Commissioner Anderson
ROLL CALL VOTE:
AYES (5)
Commissioner Steve Kemp
Commissioner Emily Andrus
Commissioner Larsen
Commissioner Elise West
Commissioner Nathan Fisher
Austin Anderson
NAYS (0)
Motion Carries unanimous recommend approval

7. CITY COUNCIL ACTIONS

John Willis the Community Development Director will report on the items heard at City Council from the September 23, 2021, meeting.

1. 2021-ZRA-010 Airport Vicinity Uses 10-10-1
2. 2021-ZCA-055 Building 4 at The Foundry
3. 2021-ZC-008 Twin Lakes
4. 2021-HS-006 Twin Lakes
5. 2021-PP-043 Palermo Pass (PA-6)
6. 2021-PP-034 Twin Lakes Townhomes

8. ADJOURN

MOTION: Commissioner West made a motion to adjourn at 8:31 pm
SECOND: Commissioner Andrus
ROLL CALL VOTE:
AYES (5)
Commissioner Steve Kemp
Commissioner Emily Andrus
Commissioner Larsen
Commissioner Elise West
Commissioner Nathan Fisher
Austin Anderson
NAYS (0)
Motion Carries unanimous recommend approval