

**ST. GEORGE CITY COUNCIL MINUTES
REGULAR MEETING
DECEMBER 2, 2021 5:00 P.M.
CITY COUNCIL CHAMBERS**

PRESENT:

**Mayor Michele Randall
Councilmember Jimmie Hughes
Councilmember Bryan Smethurst
Councilmember Gregg McArthur
Councilmember Dannielle Larkin
Councilmember Vardell Curtis
Assistant City Manager Deanna Brklacich
City Attorney Tani Pack Downing
City Recorder Christina Fernandez**

OPENING:

Mayor Randall called the meeting to order and welcomed all in attendance. The invocation was offered by David Case from The Church of Jesus Christ of Latter-day Saints and The Pledge of Allegiance to the Flag was led by Scouts.

Assistant City Manager Deanna Brklacich stated item 10 will be tabled until the December 16th meeting.

CONSENT CALENDAR:

- a. Consider award of bid to Skyline Creations Inc. for lead and asbestos abatement project.**
- b. Consider award of bid to Skyline Creations Inc. for the removal and replacement of flooring at the St. George Recreation Center.**
- c. Consider approval of a Commercial Operating Agreement with West Air for small package delivery services at the St. George Regional Airport.**
- d. Consider approval of a Commercial Operating Agreement with Alpine Air Express for small package delivery services at the St. George Regional Airport.**
- e. Consider approval of a request for a fee reduction for the annual Arts to Zion | Art & Studio TOUR held throughout St. George and Southern Utah January 13-17, 2022, as well as a variance for signage.**
- f. Consider approval of a fee waiver for Red Cliffs Bird Fest on April 30, 2022.**

Councilmembers McArthur and Larkin noted the Arts to Zion and Red Cliffs Bird Fest events.

MOTION: A motion was made by Councilmember McArthur to approve the consent calendar.

SECOND: The motion was seconded by Councilmember Smethurst.

VOTE: Mayor Randall called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Smethurst – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Curtis – aye

The vote was unanimous and the motion carried.

AMEND TITLE 10, CHAPTER 13A OF CITY CODE/ORDINANCE:

Consider approval of an ordinance amending Title 10 Chapter 13A of city code as it pertains to certain public streets in the hillside overlay zone.

Planner Dan Boles presented the request to approve an ordinance amending Title 10 Chapter 13A of city code as it pertains to certain public streets in the hillside overlay zone. He provided a PowerPoint presentation covering the following topics: Proposed language; and Planning Commission recommendation. The Planning Commission recommended striking #3; however, staff would like to keep the language.

Mayor Randall noted this item was discussed at the work meeting prior to this regular meeting.

Councilmember McArthur commented he believes #3 should be left in. On #6, he would like language to say that the aesthetics are approved by the Council.

Mr. Boles stated staff can work on the language.

MOTION: A motion was made by Councilmember McArthur to approve the ordinance amending Title 10 Chapter 13A of city code as it pertains to certain public streets in the hillside overlay zone.

SECOND: The motion was seconded by Councilmember Larkin.

VOTE: Mayor Randall called for a roll call vote, as follows:

Councilmember Hughes – aye
Councilmember Smethurst – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Curtis – aye

The vote was unanimous and the motion carried.

AMEND PLANNED DEVELOPMENT COMMERCIAL ZONE/ORDINANCE:

Consider approval of an ordinance amending the Boulder Creek Commons (River Crossing Phase One) PD-C (Planned Development Commercial) zone for phase one of the proposed commercial development to be known as River Crossing Phase One on approximately 12.02 acres located on the southeast corner of River Road and 1450 South. Case No. 2021-ZCA-081

Planner Dan Boles presented he request to amend the Boulder Creek Commons PD-C (River Crossing Phase One) zone for phase one of the proposed commercial development to be known as River Crossing Phase One on approximately 12.02 acres located on the southeast corner of River Road and 1450 South. He provided a PowerPoint presentation covering the following topics: Aerial map; Land use map; Zoning map; Site plan; Site plan (after Planning Commission meeting); Conceptual landscape plan; Conceptual landscape plan (after Planning Commission meeting); Building C; Building D (West); Building D (East); Building E; Building F; Building G; Approved use table; Site photos; and Materials board. Parking is adequate; however, the Planning Commission was concerned with how the stacking would work. When the request came before the Council to remove the limit of drive thrus earlier this year, the Council wanted to make sure there is plenty of room for stacking; therefore, there is a requirement for stacking of five (5) vehicles for each drive thru. Staff has reviewed the plans and made sure that requirement is being met. The Planning Commission asked that the applicant provide an exhibit showing the stacking will be met, he showed the exhibit. Additionally, the Planning Commission was concerned with the two entry ways between buildings G and H; therefore, the applicant has removed one of these entry ways to allow for additional stacking for buildings G and H. Another change made at the Planning Commission's suggestion is that the entry point at the southwest corner of the property be constructed with Phase 1. After being asked by Councilmember Larkin, Mr. Boles noted buildings E and F will face 1450 South.

Jason Brice, architect for the project, explained they were careful to keep the sides of the buildings facing the streets aesthetically pleasing. Building F is a great example of how the building will look from the front of the building as well as from the street.

Mr. Boles explained that most nearby residents are okay with the project. The developer has worked with those that had concerns. After being asked by Councilmember McArthur, Mr. Boles spoke about double stacking. Staff is comfortable with the proposed stacking.

Councilmember McArthur commented he is concerned that stacking for this project will be similar to that of Red Rock Commons.

Mayor Randall stated she has spoken with the developer; they do not want to have issues with stacking.

MOTION: A motion was made by Councilmember Curtis to approve the ordinance amending the Boulder Creek Commons (River Crossing Phase One) PD-C zone for phase one of the proposed commercial development to be known as River Crossing Phase One on approximately 12.02 acres located on the southeast corner of River Road and 1450 South with the conditions from the Planning Commission that 1) The southernmost entry point is included in phase 1; 2) There is adequate stacking; and 3) The entry points between buildings G and H is reduced to one (1).

SECOND: The motion was seconded by Councilmember Larkin.
VOTE: Mayor Randall called for a roll call vote, as follows:

Councilmember Hughes – aye
Councilmember Smethurst – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Curtis – aye

The vote was unanimous and the motion carried.

**AMEND ATKINVILLE INTERCHANGE AREA COMMERCIAL ZONE/ORDINANCE:
Consider approval of an ordinance amending the Atkinville Interchange Area
Commercial zone for a conceptual site plan, elevations, and colors and
materials to be known as SunRiver Patio Furniture on approximately 5.06
acres located south of Nighthawk Drive, west of Pioneer Road and east of
Sand Piper Drive. Case No. 2021-ZCA-062**

Planner Carol Davidson presented the request to amend the Atkinville Interchange Area Commercial zone for a conceptual site plan, elevations, and colors and materials to be known as SunRiver Patio Furniture on approximately 5.06 acres located south of Nighthawk Drive, west of Pioneer Road and east of Sand Piper Drive. She provided a PowerPoint presentation covering the following topics: Aerial map; General plan map; Zoning map; Atkinville Interchange Area zone plan; Site plan; Parking requirements; Traffic improvements; Pedestrian circulation, bike parking electronic, vehicle charging station; Landscape requirements; Buffer requirements; Lighting requirements; Elevations; and Planning Commission recommendation. After being asked by Councilmember Larkin, Ms. Davidson spoke about the architecture facing Sand Piper Drive.

Applicant Collins Stuart stated that he has met with the residents on three (3) occasions.

Mayor Randall noted the Council visited the site. She explained SunRiver residents are concerned with access on Sand Piper after which she mentioned that the residents have formed a committee. This committee has been really production and understands the topography and that Mr. Stuart needs an entrance off of Sand Piper for trucks. Other concerns were regarding trash pickup, deliver times, and lighting.

Mr. Stuart explained the committee the residents formed has been helpful. Although there are a lot of different opinions, residents are concerned about safety. He noted that elevations are extremely unique on this property. In the end, his goal is to see that traffic turns right when exiting the property. Residents want to avoid traffic heading south to Sand Piper, moving to the direction of the neighborhood; he agreed. He will install signage to keep traffic from heading south on Sand Piper. Regarding hours for deliveries, he will control the hours as to not to disturbing the residents. Additionally, he will limit trash pick up to the hours of 8:00 a.m. to 5:00 p.m.

Councilmember Larkin noted another of the concerns from the residents is that people would use the back access when the rest of the area is developed. She asked about installing a gate so that the only access is commercial access.

Mr. Stuart stated that he has not spoken to the residents about limiting this access to commercial use. He indicated that the entrance from Sand Piper is not visible as someone enters the property. He has spent a lot of time thinking about the access; he uses the same scenario at his other stores. Both of them have access points from the rear of the building; however, he utilizes the entrance and exit points from the main road as it is visible. They are making sure to share access points with the property to the south. As the property is developed, the idea is to make the property the most appealing, attractive, visible, and safest to enter the property.

Mayor Randall asked if the Planning Commission approved hours of deliver and trash pickup, etc. Ms. Davidson stated they did not. Mayor Randall indicated she was told by the committee that they are okay with the hours of delivery being between 7:00 a.m. to 6:30 p.m. except for in the hotter months (June, July, August, and September) which will be from 6:30 a.m. to 6:30 p.m. and trash pickup between 8:00 a.m. and 6:00 p.m. Mr. Stuart agreed with those hours.

After being asked by Councilmember Curtis, Mr. Stuart stated if there is a problem, residents could call him. He is currently working with the residents regarding the height of the wall.

Ms. Davidson noted the maximum wall height is 6'4".

Councilmember McArthur commented the Council has received more input on this item and this project than any other project this year. The Council has discussed this request, visited the property, and heard the concerns from the residents. He thanked Mr. Stuart for working with the residents.

MOTION: A motion was made by Councilmember Curtis to approve the ordinance amending the Atkinville Interchange Area Commercial zone for a conceptual site plan, elevations, and colors and materials to be known as SunRiver Patio Furniture on approximately 5.06 acres located south of Nighthawk Drive, west of Pioneer Road and east of Sand Piper Drive with the stipulations discussed tonight with regard to hours of operation in terms of trash removal, delivery services, and all other considerations including the right turn only out of the property.

SECOND: The motion was seconded by Councilmember Smethurst.

VOTE: Mayor Randall called for a roll call vote, as follows:

Councilmember Hughes – aye
Councilmember Smethurst – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Curtis – aye

The vote was unanimous and the motion carried.

ZONE CHANGE/ORDINANCE:

Consider approval of an ordinance changing the zone from A-1 (Agriculture) to R-1-8 (Single Family Residential) on approximately 15.647 acres located at 3000 South 3500 East to be known as Red Pine R-1-8. Case No. 2021-ZC-080

Planner Mike Hadley presented the request to change the zone from A-1 to R-1-8 on approximately 15.647 acres located at 3000 South 3500 East to be known as Red Pine R-1-8. He provided a PowerPoint presentation covering the following topics: Aerial map; General plan map; Zoning map; and Site plan map.

MOTION: A motion was made by Councilmember Smethurst to approve the ordinance changing the zone from A-1 to R-1-8 on approximately 15.647 acres located at 3000 South 3500 East to be known as Red Pine R-1-8.

SECOND: The motion was seconded by Councilmember Larkin.
VOTE: Mayor Randall called for a roll call vote, as follows:

Councilmember Hughes – aye
Councilmember Smethurst – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Curtis – aye

The vote was unanimous and the motion carried.

ZONE CHANGE/ORDINANCE:

Consider approval of an ordinance changing the zone from C-3 (General Commercial) and R-1-10 (Single Family Residential) to PD-C (Planned Development Commercial) on approximately 15 acres located east of 3050 East Street, north of 750 North to be known as Zion Regional Medical Center. Case No. 2021-ZC-076

Planner Carol Davidson presented the request to change the zone from C-3 and R-1-10 to PD-C on approximately 15 acres located east of 3050 East Street, north of 750 North to be known as Zion Regional Medical Center. She provided a PowerPoint presentation covering the following topics: Aerial map; General plan map; Zoning map; Area concept plan; Site plan; Hospital; Future medical office; Traffic and utilities; Parking; Use list; Landscaping – buffer – pedestrian routes – EVCS conduit – bike parking; Elevations; Renderings; Materials board; and Recommendation from the Planning Commission. She noted the map included in the packet has been updated to amend the access between Walmart and Home Depot; she provided a new map. There is no power supplied to the property currently; therefore, Ms. Davidson suggested approval include a condition that no building permit for vertical structures will be issued until the substation is complete and all necessary easements

are in place for the substation. It is anticipated that the substation will be complete in approximately a year and a half after the Energy Services Department gets the okay to build. Staff has discussed this issue with the applicant.

Councilmember McArthur noted his biggest concern is regarding traffic. He asked Public Works Director Cameron Cutler to speak about the access to the north. The City Manager from Washington City approached him and stated it is crucial to have the road through the Walmart and Home Depot. He wants to make sure both St. George and Washington City are happy with the ingress/egress.

Public Works Director Cameron Cutler outlined the traffic movement to the north. He noted there is a lot of traffic at 3050 East and Telegraph. The proposed driveway to the west, going to 850 North helps with the left turn movement coming out of Walmart, greatly improves the intersection. When the MPO modeled this driveway, they estimated about 2,500 cars daily. This is not a high number when comparing the numbers to a through movement. Washington City will still need to obtain the right of way on the Home Depot site. He noted that Mr. Sandberg owns a lot of the property to the east and does not want a roadway going through his property. He then spoke about future proposed roads in the area, including the proposed interchange 11. After being asked by Councilmember McArthur and Larkin, Mr. Cutler spoke about the north ingress/egress and how it will impact the parking in this area.

Councilmember Larkin noted people try to avoid the Green Springs intersection. She is concerned that drivers turn left onto 850 North and traffic gets backed up; she asked if a round-a-bout would help. Public Works Director Cameron Cutler noted 2,500 cars is not much on a regular road. For example, Indian Hills Road has about 7,500 cars per day. He indicated that a round-a-bout was not modeled, but he could have that done.

Brian Hales, a traffic engineer for the project, stated the queue length for the intersection is 275 feet for the right turn pocket. They have added a lot of elements and are looking at a future signal to the south to help traffic flow out of the development.

Developer Jared Cox stated they only heard about the substation condition a couple of hours ago. They have always known about the substation would be required for this area, but this is the first they heard the building permit would not be issued until the substation is complete. Their construction duration will be about eighteen months and the substation would be about eighteen months. They envisioned there would be an overlap period so the substation would be completed prior to the hospital being completed. Waiting eighteen months to be allowed to go vertical would crush their opportunity to put the hospital on the site. They would be open to the Certificate of Occupancy being held up, but not the building permit. Mr. Cox commented they can work on getting temporary power during construction. By not having the ability to move the project forward on the construction makes the project not feasible for them.

Garrett Goff, representative for the Sandberg property, agreed with Mr. Cox. They envisioned the building of the substation would run concurrent with the hospital. This condition would squash the hospital build.

Ms. Davidson noted the Energy Services Department suggested the condition as they were concerned that there is no power to the property currently.

Community Development Director John Willis explained staff needs to make sure the substation is under construction and to work with the applicant to obtain the property. Staff is concerned with a multibillion-dollar project being built without having power. Staff feels holding up the building permit until the substation is built is the best option.

Mr. Goff noted they have been working with staff regarding selling the southeastern portion of the property.

Assistant City Manager Deanna Brklacich commented Energy Services Director Laurie Mangum indicated that her department could provide temporary power and allow them to obtain the building permit as long as the Certificate of Occupancy is not issued until the substation is officially energized.

Government Affairs Director Shawn Guzman explained based on staff's previous experience, it would be very difficult to wait until the Certificate of Occupancy stage. He indicated that staff could keep the project moving with the grading done while working on acquiring the substation site and easement. He believes the acquisitions can be done in a timely manner and still be done in a way to allow the developer to get their building permit on time. It would be better for staff to go along with the first proposal of holding off on issuing the building permit. He made a commitment that if the City is far enough along with the building of the substation, he would be flexible with the time frame for issuing a building permit for this project. There is a lot of work the developer needs to do on the property prior to going vertical. The developer and staff can work on the project as a team without putting the burden on staff if the substation is not complete at the time of the Certificate of Occupancy.

Mr. Cox commented there is no doubt there will be a lot of work on getting the substation in place as quickly as possible. He noted they are looking to have the building permits in June and only found out about the proposed condition at 3:30 this afternoon. He is really concerned that they cannot get the building permit until the substation is complete.

Mayor Randall asked if Mr. Cox if he would prefer the item be tabled so he and staff could speak with Energy Services Director Laurie Mangun.

Mr. Cox explained if the Council is going to put the condition staff is suggesting, the project will not work. If the Council would table the item and have further discussion, it may work. He looks forward to having a more productive conversation.

Councilmember Hughes commented what he is hearing is that staff will do everything they can to see that Mr. Cox can obtain a building permit in June knowing there may still be some conditions.

A discussion took place regarding the proposed condition regarding the substation and whether or not to table the item.

Government Affairs Director Shawn Guzman clarified staff is not opposed to starting the plan review because that will take a while to be done. What staff is saying is that if the City can get the substation site within the next month and easement for the powerlines; staff can begin the process of purchasing the equipment and getting ready to go with the substation and at the same time, keep the developer on this protect moving. Staff will do everything they can to see that both projects are done concurrently. He believes staff can work out the issues in a way that makes everyone involved more comfortable.

MOTION: A motion was made by Councilmember Hughes to table the item until December 16th.

SECOND: The motion was seconded by Councilmember Larkin.

VOTE: Mayor Randall called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Smethurst – aye
Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Curtis – aye

The vote was unanimous and the motion carried.

ZONE CHANGE/ORDINANCE:

Consider approval of an ordinance changing the zone from C-3 (General Commercial), M-1 (Manufacturing), and R-1-10 (Single Family Residential) to PD-C (Planned Development Commercial) on approximately 26.99 acres located east of 3050 East Street, north of 750 North Street to be known as St. George White Hills Development. Case No. 2021-ZC-074

Planner Carol Davidson presented the request to change the zone from C-3, M-1, and R-1-10 to PD-C on approximately 26.99 acres located east of 3050 East Street, north of 750 North Street to be known as St. George White Hills Development. She provided a PowerPoint presentation covering the following topics: Aerial map; General plan map; Zoning map; Conceptual plan; Conceptual site plan; Conceptual site plan with hospital; Use list; Recommendation from the Planning Commission; and Additional recommendations from staff. Ms. Davidson mentioned staff would like to add the same condition that no building permits for this property be issued until the condition of the substation.

Councilmember McArthur left the meeting during Ms. Davidson's presentation.

Applicant Mr. Goff asked that this item be tabled as well.

MOTION: A motion was made by Councilmember Curtis to table the item until December 16th.

SECOND: The motion was seconded by Councilmember Larkin.

VOTE: Mayor Randall called for a roll call vote, as follows:

Councilmember Hughes – aye
Councilmember Smethurst – aye
Councilmember Larkin – aye
Councilmember Curtis – aye

The vote was unanimous and the motion carried.

GENERAL PLAN AMENDMENT/ORDINANCE:

Consider approval of an ordinance changing the general plan future land-use map from COM (Commercial) and IND (Industrial) to MDR (Medium Density Residential), HDR (High Density Residential), and PF (Public Facility) on approximately 53 acres located east of 3050 East Street and north of 750 North Street to be known as St. George White Hills Development. Case No. 2021-GPA-012

Planner Carol Davidson presented the request to change the general plan future land-use map from COM and IND to MDR, HDR, and PF on approximately 53 acres located east of 3050 East Street and north of 750 North Street to be known as St. George White Hills Development. She provided a PowerPoint presentation covering the following topics: Aerial map; City property; Zoning map; General plan map; Existing general plan map vs. proposed general plan map; Conceptual plan; and Recommendation from the Planning Commission. After being asked by Councilmember Larkin, Ms. Davidson showed where the helipad will be located and noted a buffer will be required. The hospital is expected to be complete prior to the residential; therefore, residents will be aware there is a helipad in the area.

Mr. Goff noted the mixed density residential will not be developed for some time. Staff wanted the developer to come in with a overall plan which they did a.

MOTION: A motion was made by Councilmember Larkin to approve the ordinance changing the general plan future land-use map from COM and IND to MDR, HDR, and PF on approximately 53 acres located east of 3050 East Street and north of 750 North Street to be known as St. George White Hills Development.

SECOND: The motion was seconded by Councilmember Smethurst.

VOTE: Mayor Randall called for a roll call vote, as follows:

Councilmember Hughes – aye
Councilmember Smethurst – aye

Councilmember Larkin – aye
Councilmember Curtis – aye

The vote was unanimous and the motion carried.

PRELIMINARY PLAT:

Consider approval of the preliminary plat for Brooks Subdivision, a 3-lot residential subdivision located at the southwest corner of the intersection of 100 South and 300 West.

Assistant Public Works Director Wes Jenkins presented the preliminary plat for Brooks Subdivision, a 3-lot residential subdivision located at the southwest corner of the intersection of 100 South and 300 West. He showed and outlined the preliminary plat. Staff has been working with the owner to remove some curb and gutter that is outdated. There are four (4) trees on the site; they will need to remain unless the developer goes to the Shade Tree Board for approval to remove them. Another condition is that a turnaround for public safety vehicles is provided; the applicant is comfortable with the condition.

MOTION: A motion was made by Councilmember Smethurst to approve the preliminary plat for Brooks Subdivision.

SECOND: The motion was seconded by Councilmember Larkin.

VOTE: Mayor Randall called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Smethurst – aye
Councilmember Larkin – aye
Councilmember Curtis – aye

The vote was unanimous and the motion carried.

PRELIMINARY PLAT:

Consider approval of the preliminary plat for Palermo Pass at Divario, a 197-lot residential subdivision located within the Divario development at the intersection of the future extension of Alienta Drive and the future extension of Divario Canyon Drive.

Mayor Randall asked the Council to table the item until December 16th.

MOTION: A motion was made by Councilmember Smethurst to table the preliminary plat for Palermo Pass at Divario until December 16th.

SECOND: The motion was seconded by Councilmember Larkin.

VOTE: Mayor Randall called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Smethurst – aye
Councilmember Larkin – aye
Councilmember Curtis – aye

The vote was unanimous and the motion carried.

PRELIMINARY PLAT:

Consider approval of the preliminary plat for Rock Garden, a 10-lot industrial/manufacturing subdivision located in the St. George Industrial Park just west of the intersection of 770 North and 1080 East.

Assistant Public Works Director Wes Jenkins presented the preliminary plat for Rock Garden, a 10-lot industrial/manufacturing subdivision located in the St. George Industrial Park just west of the intersection of 770 North and 1080 East. He showed and outlined the preliminary plat and conditions.

MOTION: A motion was made by Councilmember Hughes to approve the preliminary plat for Rock Garden.

SECOND: The motion was seconded by Councilmember Curtis.

VOTE: Mayor Randall called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Smethurst – aye
Councilmember Larkin – aye
Councilmember Curtis – aye

The vote was unanimous and the motion carried.

APPOINTMENT:

Mayor Randall recommended appointing Wendy Spooner to the Arts Commission.

MOTION: A motion was made by Councilmember Hughes to appoint Wendy Spooner to the Arts Commission.

SECOND: The motion was seconded by Councilmember Curtis.

VOTE: Mayor Randall called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Smethurst – aye
Councilmember Larkin – aye
Councilmember Curtis – aye

The vote was unanimous and the motion carried.

Councilmember Larkin left the meeting.

REPORTS FROM MAYOR, COUNCILMEMBERS, AND CITY MANAGER:

No reports were given.

ADJOURN:

MOTION: A motion was made by Councilmember Curtis to adjourn.

SECOND: The motion was seconded by Councilmember Smethurst.

VOTE: Mayor Randall called for a vote, as follows:

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Councilmember Hughes – aye
Councilmember Smethurst – aye
Councilmember Curtis – aye

The vote was unanimous and the motion carried.

Christina Fernandez, City Recorder