

**PLANNING COMMISSION
CITY OF ST. GEORGE
WASHINGTON COUNTY, UTAH
November 12, 2013 – 5:00 PM**

MINUTES APPROVED
By: Commissioner Ro Wilkinson
Seconded: Commissioner Ben Read
Date: 01/21/14

PRESENT: Chairman Ron Bracken
Commissioner Kim Campbell
Commissioner Nathan Fisher
Commissioner Julie Hullinger
Commissioner Ron Read
Commissioner Ross Taylor
Commissioner Ro Wilkinson
Council Member Jimmie Hughes

CITY STAFF: Community Development Coordinator Bob Nicholson
Development Services Manager Wes Jenkins
Project Manager Todd Jacobsen
Planner I Craig Harvey
Planner II Ray Snyder
Deputy City Attorney Paula Houston (arrived at 5:05 pm)
Administrative Secretary Genna Singh

EXCUSED:

FLAG SALUTE

Chairman Ron Bracken led the flag salute at 5:01 pm.
Chairman Ron Bracken then invited Todd Jacobsen to the podium to present the first item.

1. **FINAL PLATS (FP)**
 - A. Consider approval of a final plat of “**Clear Valley Farms Subdivision**” a seven (7) lot residential subdivision plat. The representative is Mr. Scott Woolsey, Alpha Engineering. The property is zoned R-1-10 (Single Family Residential Estates 10,000 square foot minimum lot size) and is located at approximately 1070 South Street and Morningside Drive (west of Cox Park and north of Heritage Elementary School). Case No. 2013-FP-065. (Staff – Todd J.)
 - B. Consider approval of a final plat of “**Escalera Phase 5**” a fourteen (14) lot residential subdivision plat. The representative is Mr. Bob Hermandson, Bush and Gudgell. The property is zoned RE-12.5 (Residential Estate 12,500 square foot minimum lot size) and is located at approximately 1960 East Street and 1200 North Circle. Case No. 2013-FP-055. (Staff – Todd J.)

Chairman Ron Bracken opened the item up for the Planning Commissioners.
There were no questions or comments regarding the items.

MOTION:

Commissioner Kim Campbell made a motion to approve item 1A and 1B and authorize chairman to sign.

Commissioner Nathan Fisher seconded the motion.

AYES

Commissioner Nathan Fisher

Commissioner Ro Wilkinson

Commissioner Ron Read

Commissioner Julie Hullinger

Chairman Ron Bracken

Commissioner Ross Taylor

Commissioner Kim Campbell

NAYS

None

Motion passes.

2. **FINAL PLAT AMENDMENT (FPA)**

Consider approval of “**Lot 95 and 96 of Sunset Plateau Phase 3 and Lot 29 of Sunset Plateau Phase 1B**” a lot line adjustment between two recorded residential Final Plats (Final Plat Amendments). The representative is Mr. Bob Hermandson, Bush and Gudgell. The zoning is R-1-8 (Single Family Residential Estates 8,000 square foot minimum lot size and is located at 759 Dusk Drive (Lot 29), 754 Northstar Drive (Lot 96), and 730 Northstar Drive (Lot 95). Case No. 2013-LRE-025 (Staff –Todd J.).

Staff Comments:

Lot 29 is increasing from 10,975 s.f. to 12,829 s.f.

Lot 95 is decreasing from 11,464 s.f. to 11,337 s.f.

Lot 96 is decreasing from 10,665 s.f. to 8,938 s.f.

Also the public utilities and drainage easement located between Lot 29 & 96 and also Lot 96 & 95 is vacated.

Deputy City Attorney Paula Houston arrived at 5:05 pm

There were no questions or comments concerning this item.

MOTION:

Commissioner Ro Wilkinson made a motion to accept item 2 FPA and authorize to sign.

Commissioner Ross Taylor seconded the motion.

AYES

Commissioner Nathan Fisher

Commissioner Ro Wilkinson

Commissioner Ron Read

Commissioner Julie Hullinger

Chairman Ron Bracken

Commissioner Ross Taylor
Commissioner Kim Campbell
NAYS
None
Motion passes.

ADDENDUM - FPA

Consider approval of a final plat amendment for “**Sage Meadows Phase 2 Amended**”. It’s an approval of an 18 lot subdivision Final Plat. The representative is Mr. Scott Woolsey, Alpha Engineering. The zoning is R-1-10 (Single Family Residential) and is located at approximately 2950 East and 2000 South (east of the new Crimson View Elementary). Case No. 2013-FPA-069 (Staff – Todd J.).

Staff Comments:

The purpose of the amendment is to vacate a portion of 3000 East. This area is depicted by the cross hatched area. This area is intended to become part of Lots 9, 10, 15, & 16 and is to be used and maintained by the City of St. George as an easement for Roadway, Landscape and also Public Utilities.

Lot 9 originally had 11,031 s.f. and now has 12,517 s.f.
Lot 10 originally had 10,903 s.f. and now has 12,399 s.f.
Lot 15 originally had 10,413 s.f. and now has 11,227 s.f.
Lot 16 originally had 10,413 s.f. and now has 11,130 s.f.
No other changes were made or intended with the Plat.

At the last Planning Commission meeting we approved this plat. There was an issue with the setback on 3000 E for four lots. We’re vacating part of 3000 E – making it narrower – to give them the setbacks they need for the houses.

Chairman Ron Bracken asked if the roadway would still be sufficient.
Todd Jacobsen responded that yes the roadway is sufficient. He added that Line 9 was added the plat for that reason.

Line 9 reads:

The City of St. George retains the right to maintain the landscape strip without interference from the adjacent property owners and the City retains the ability to remove the landscape strip in the future if it becomes necessary to widen the roadway along 3000 East Street.

So right now with the change it is wide enough but if it becomes necessary to widen the road we have the caveat there to take it if we need it.

MOTION:
Commissioner Ross Taylor made a motion to recommend approval to the Final Plat Amendment for Sage Meadows Phase 2.

Commissioner Ron Read seconded the motion.

Ayes

Commissioner Nathan Fisher

Commissioner Ro Wilkinson

Commissioner Ron Read

Commissioner Julie Hullinger

Chairman Ron Bracken

Commissioner Ross Taylor

Commissioner Kim Campbell

Nays

None

Motion passes.

Ray Snyder approached the podium to present Items 3A and 3B. Ray noted that item 4 has been tabled so if anyone in the audience is here for that it will not be on the agenda tonight.

3. ZONE CHANGES (ZC) - PUBLIC HEARINGS (5:00 P.M.)

- A. Consider a request for a zone change from RCC (Residential Central City) to AP (Administrative Professional) for 1.94 acres located on the northeast corner of **200 East** Street and **600 South** Street. The applicant(s) are IHC Health Services, Inc. (Intermountain Healthcare) and the LDS Church and the representative is Mr. Clay Tolbert, Southwest Consulting Services. Case No. 2013-ZC-014 (Staff – Ray S.)

Chairman Ron Bracken opened the item to the public for comments.

There were no public comments.

Chairman Ron Bracken closed the item to the public and opened the item up to the Planning Commissioners for discussion.

There were no questions or comments from the Planning Commissioners.

MOTION:

Commissioner Nathan Fisher made a motion to recommend approval of item 3A.

Commissioner Julie Hullinger seconded the motion.

AYES

Commissioner Nathan Fisher

Commissioner Ro Wilkinson

Commissioner Ron Read

Commissioner Julie Hullinger

Chairman Ron Bracken

Commissioner Ross Taylor

Commissioner Kim Campbell

NAYS

None

Motion passes.

- B. Consider a request for a zone change from AP (Administrative Professional) to C-4 (Central Business District Commercial) on 0.35 acres located at **214 East Tabernacle Street**. The owner and applicant is Mr. Martin Lustig. Case No. 2013-ZC-015 (Staff – Ray S.)

Staff Comments:

This building is the former H & R Block office. A previous potential buyer wanted to demolish the building and construct a new one on site. However, it is a designated landmark site (Seegmiller Home) and the Historic Preservation Board reviewed the proposal and did not support demolition. The board recommended it be re-used and re-purposed. The City Council would have to review any request to remove the building. The new owner, Mr. Lustig, has preserved and renovated the structure. The applicant wishes to expand the number of potential office or retail uses by changing the zoning to C4.

Mr. Lustig originally came to Planning Staff Review because a potential renter wanted to put a restaurant there. We did all of the numbers with parking and square footage and they would have ample parking for that. However, that is no longer the intent and the building is on the market to find possible renters.

Ray invited the applicant, Mr. Martin Lustig, to the podium.

Martin Lustig stated the following:

“I bought the property 5 months ago and it was very run down. It was up for lease but I convinced the owner to sell it to me. My intention is not to sell it but to lease it out. After I renovated the exterior of the building I have had many requests from restaurants, art galleries, retail stores, antique stores and not all meet the AP zoning. By requesting the zoning to be C4 it opens the potential for different businesses. I haven’t redone the inside because it would have to be redone again depending on who leases it. The other three corners are all C4.”

Chairman Ron Bracken opened the item to the Planning Commission.

Commissioner Ro Wilkinson asked for clarification on what type of business there would be ample parking for.

Martin Lustig responded that the most parking needed would be for a restaurant and there’s ample parking for that. There are 22 spaces and the potential for 24 including handicapped parking.

Commissioner Kim Campbell added that he was involved in the discussion for the Historic Preservation Committee. He thinks it’s a good fit for the rezoning and is ready to support a motion.

Chairman Ron Bracken opened the item to the public.

Commissioner Ro Wilkinson addressed Mr. Lustig and complimented the work he has completed on the exterior and that she is happy that the building has not been torn down.

Mrs. Joseph Pilattes (Apartments at 55 S 200 E) approached the podium:

“Most of our families are involved in the apartments there and we’re concerned about parking. My husband and I walked around and thought there was a lot of parking but if they put in a restaurant it would be very congested. There is a school by us and the mailman had to change his schedule over the last 20 years because of that. We’re concerned about a restaurant or if there is anything to do with animals.”

Martin Lustig addressed Mrs. Pilattes stating that: he is not interested in a pet store. Patrons would only park on the lot. The building is not big enough for a big restaurant.

Mrs. Joseph Pilattes responded that they’re just concerned that if there is not enough parking where the patrons would go.

Chairman Ron Bracken inserted that the parking actually limits what type of restaurant would go there and how many people would be parking in the lot.

Chairman Ron Bracken closed the meeting to the public and opened the item for discussion among the commissioners.

There were no further questions or comments from the Planning Commissioners.

MOTION:

Commissioner Julie Hullinger made a motion to approve item 3B.

Commissioner Kim Campbell seconded the motion.

AYES

Commissioner Nathan Fisher

Commissioner Ro Wilkinson

Commissioner Ron Read

Commissioner Julie Hullinger

Chairman Ron Bracken

Commissioner Ross Taylor

Commissioner Kim Campbell

NAYS

None

Motion passes.

4. **ZONE CHANGE AMENDMENT (ZCA) - PUBLIC HEARING (5:00 P.M.)**

Consider a request for a zone change amendment to the Planned Development Zone for the “**Ledges**” development located on north Highway 18 at 1585 Ledges Parkway. The requested amendment includes changes to the land use plan and a proposal to allow short term residential rentals in a portion of the development.. Case No. 2013-ZCA-016 (Staff – Bob N.)

ITEM 4 WAS TABLED BEFORE THE MEETING AND WAS NOT HEARD.

5. **ZONING REGULATION AMENDMENTS (ZRA) - PUBLIC HEARINGS (5:00 P.M.)**

- A. Consider a request for a zoning regulation amendment to the City Zoning Regulations, Title 10, Sections 10-10-5.K and 10-8-7.G to allow the City Council to waive the ground floor commercial requirement in **mixed-use projects** for buildings with obstructed visibility from the public street. The applicant is the City of St George and the representative is Mr. Bob Nicholson. Case No. 2013-ZRA-008 (Staff – Bob N.)

Staff Comments:

The city adopted zoning regulations for mixed use projects only a few years ago and to date no projects with mixed use in a building (ie, vertical mixed use with ground floor commercial and residential on upper floors) have been proposed or built.

A flaw in the current zoning requirements is the requirement that all buildings in a mixed-use project shall have some type of commercial use on the ground floor, with residential use on upper floors. For buildings located on a projects interior (or otherwise have poor visibility from the public street) ground floor commercial uses are not likely to succeed. Commercial uses need good visibility from the street in order to have a reasonable chance for success.

This proposed code amendment will allow the City Council, with a recommendation from the Planning Commission, to waive the ground floor commercial requirement where the building is located on the projects interior or otherwise has poor visibility due to some factor associated with the site, such as trees or neighboring buildings which block visibility from the street. This flexibility in the code will allow the Planning Commission and City Council to review projects on a site-by-site basis and determine which buildings could be exempt from the ground-floor commercial requirement, as requested by the developer.

The mixed use provisions are in the PD mixed use and the C4 zone. They have similar language to what was read. The mixed use in the PD zone is 10-8-7 and the affected paragraphs are F and G.

Paragraph F states:

Minimum Ground Floor Glass: The ground floor of the building elevation fronting the street on all mixed use buildings shall contain not less than forty percent (40%) nonreflective glass surface (i.e., windows).

A provision would be added providing, *“unless the City Council approves ground floor residential use as per Section G below.”*

Section G states:

Ground Floor Uses: The ground floor uses shall consist of office, retail, restaurant or a combination of such uses, as approved by the city council as part of the planned development zone approval.

A provision would be added providing, ***“The City Council may allow residential use on the ground floor (ie, entire building has residential use) where the ground floor area has poor visibility from the public street due to the building’s interior location within the project, or due to other site factors that obstruct ground floor visibility from the public street.”***

That was for the PD zone. There would be similar language in the C4 zone. Section 10-10-5-K, paragraph 1 states:

Residential use shall be located above the first floor commercial, retail, or office uses. Maximum density shall be determined by the city council upon recommendation of the planning commission.

Then the new language would be added, ***“The City Council may allow residential use on the ground floor (ie, entire building has residential use) where the ground floor area has poor visibility from the public street due to the building’s interior location within the project, or due to other site factors that obstruct ground floor visibility from the public street.”***

Commissioner Ross Taylor asked if it is stated when you do a Planned Development if it is mixed use or not. He also asked that if it is possible to identify on the PD which buildings will have commercial and which will not. Doesn’t the PD handle this issue by definition?

Bob Nicholson responded that it does except for this - in the PD mixed use right now it requires ground floor commercial in all buildings. All we’re saying is giving the Planning Commission and City Council the ability to waive that ground floor commercial requirement on the interior.

Commissioner Ross Taylor asked why they would do PD mixed use rather than PD.

Bob Nicholson responded that there are special provisions for mixed use. The other ones are PD-Residential or PD-Commercial. In those there is language that refers to projects concerning horizontal mixed use. The City has never addressed commercial and residential in the same building.

Commissioner Ross Taylor clarified stating, so there are special considerations for mixed use designation that we can’t get to any other way.

Commissioner Ross Taylor mentioned that he is thinking of shopping malls and things where you cannot see what is in each store but they have a marquee that describes each business. He wondered if that was not an adequate solution.

Bob Nicholson responded:

“This wouldn’t prohibit. If a developer felt that the ground floor commercial is viable he can go ahead and do it. It doesn’t say a developer can’t do it; it just gives the option if the ground floor is not viable. This gives developers the option to come to Planning Commission and request a waiver for those interior buildings. Some of these projects have 4-5 buildings. The buildings that front the street will be mixed use. But the buildings on the interior are hidden from the street. We’re not saying you can’t have commercial, we’re just saying that it doesn’t have to be. If people can’t see the commercial space from the street it will be difficult. Instead of being mandated we’re putting a little flexibility in there. The developer will have to bring that forward for certain buildings.”

Deputy City Attorney Paula Houston questioned if this change would allow existing hotels or other buildings to come in and turn their hotels into residential areas now if they put stores on the street and then apartments in the back.

Bob Nicholson responded that again this implies that mixed use would be in one building.

Deputy City Attorney Paula Houston added that most motels are two story so they can put retail stores on the front on the ground level and the rest that is off the street could turn into residential.

Bob Nicholson responded that that is a possibility.

Deputy City Attorney Paula Houston stated that this could even occur at the backs of some of our old commercial buildings.

Bob Nicholson retorted that that possibility exists today. The only provision is that the ground floor is commercial of some sort. This would give the Planning Commission the flexibility to grant or not grant.

Deputy City Attorney Paula Houston then questioned on what grounds would they grant it if all it says is floor visibility from the street and has no other terms.

Commissioner Nathan Fisher added that this is not like a CUP where the terms are listed. It needs to be the opinion of the City Council that it furthers some purpose; not just that it's not visible because you're going to have many situations where the City Council may not want to grant it under those circumstances. So it seems like we need to have a little more objectivity so it's not so subjective.

Bob Nicholson agreed that that's a good suggestion. So instead of limiting it to just the visibility issue we need to add language looking at other factors that might *not* warrant ground floor residential.

Deputy City Attorney Paula Houston added that making some standards could help.

Commissioner Ro Wilkinson asked if there is a building on Main Street that already has this.

Bob Nicholson responded that there is a place that used to be mixed. Are you talking about the new building on Main Street? That building doesn't have residential. This is for residential and commercial in the same building.

Chairman Ron Bracken asked if this is like what the photo shop used to have.

Commissioner Kim Campbell inserted that the photo shop still has it.

Bob Nicholson responded that yes, this is what we're looking at. The photo shop would be legal non-conforming.

Chairman Ron Bracken opened the item to the public for comments.

Commissioner Nathan Fisher addressed Deputy City Attorney Paula Houston asking if there is still an issue with a hotel coming in and using this.

Deputy City Attorney Paula Houston answered, correct.

There were no public comments.

Chairman Ron Bracken closed the item to the public and opened it to the Planning Commission.

Chairman Ron Bracken addressed staff inquiring if there should be a motion tonight or if staff would like to take it back and rework it a little bit.

Bob Nicholson responded that we have time and we'll bring it back on the next agenda after developing some criteria for it.

Chairman Ron Bracken addressed the commissioners stating that a motion to table was needed.

MOTION:

Commissioner Nathan Fisher made a motion to table item 5A.

Commissioner Ro Wilkinson seconded the motion.

AYES

Commissioner Nathan Fisher

Commissioner Ro Wilkinson

Commissioner Ron Read

Commissioner Julie Hullinger

Chairman Ron Bracken

Commissioner Ross Taylor

Commissioner Kim Campbell

NAYS

None

Motion passes.

Comments on the motion:

Commissioner Nathan Fisher added that in addition to the issues Deputy City Attorney Paula Houston raised, it seems there need to be standards or something that we can identify as being factors to consider in granting it not just that they can come in, present that there's an obstruction and then they're automatically entitled to it. We just need standards or factors to be considered to help make the decision.

Council Member Jimmie Hughes addressed Paula stating:

This will still have to come to City Council and it states *may* grant. Without the standards, does that mean that if they meet the fact that there is a visibility problem then don't we automatically as a council have no grounds to deny it?

Deputy City Attorney Paula Houston responded that if you don't have set grounds you open yourself up to potential liability because they're going to claim that you're treating them unfair or not equal to someone else.

Council Member Jimmie Hughes added:

I'm trying to think through what list you'll need to create in order to be comprehensive enough but flexible enough without putting you right back where the ordinance is now. I know we can add some but I can still see a place where someone is going to come and say, 'oh I fit in there'. Even in the case of the hotel they might fit in there in the case that we forgot something. I don't know the answer but I'm just throwing it out there that might be a pretty extensive list.

Bob Nicholson responded that in most of the cases for hotels this amendment only applies

to the PD mixed use and the C4. We do have a couple hotels in the C4 but the C4 zone goes from 400 E to 400 W so there are a few that we'll need to look at.

Commissioner Nathan Fisher added that sometimes once you start putting the list together you'll be able to start lumping things together and categorize. That then will become the standard with examples from the list. You may be able to categorize it enough to make that comprehensive list. You can't create a complete list but you may be able to categorize and handle it that way.

- B. Consider a request for a zoning regulation amendment to the City Zoning Regulations, Title 10, Section 10-18-3.C to **modify the corner lot fence requirements** to allow a fence or wall to be built on the property line along the street side yard subject to certain standards. The applicant is the City of St. George and the representative is Mr. Bob Nicholson. Case No. 2013-ZRA-009 (Staff – Bob N.)

Staff Comments:

Currently the Zoning code (10-18-3:C) requires that in the side setback along a public street a six foot (6') tall fence or wall may be constructed provided such fence or wall is a minimum of ten feet (10') behind the front line of the dwelling, and also setback at least ten feet (10') from the sidewalk. (A four foot (4') tall fence or wall may be built to the property line.)

Bob Nicholson explained the graphics shown on the PowerPoint presentation

The requirement to have a ten foot (10') setback from the sidewalk for a six foot (6') tall wall along the street-side property line has generally not been popular with corner lot property owners and over the years many violations of this requirement have occurred because property owners usually want to enclose their entire yard (including area along the street side) area without providing a 10' setback from the sidewalk for a wall over 4' tall.

The purpose of the 10' setback from the sidewalk was to provide a measure of visibility and safety for pedestrians or children on bicycles/tricycles using the sidewalk. A solid fence or wall built to the sidewalk could create a blind spot for cars backing out of a driveway and not able to see a pedestrian or child coming down the sidewalk. The proposed amendment would allow a 6' tall fence or wall which is at least 50% see-thru to be built on the side/rear property line, while a solid (opaque) fence or wall would still require a 10' setback from the sidewalk (for 6' tall fence/wall).

Commissioner Kim Campbell asked what the safety issue would be.

Bob Nicholson responded that if the fence is close to the driveway then there is a blind spot.

Commissioner Kim Campbell countered that the safety issue would be based on the height not necessarily the location of the fence.

Bob Nicholson answered:

“To some extent because right now a 4’ is allowed to the property line, but a 6’ has to be set back 10’. Now we’re trying to allow a 6’ fence out there on the property line as long as it is half see through. By allowing the 6’ with see through out to the property line is a bit of a compromise that should work better for everybody. The other thing is that the way the ordinance reads today is that the 6’ fence has to be 10’ from the corner of the house. That’s another difficult thing to enforce. Our philosophy is to keep the ordinances simple. Simple is better.

Bob read the proposed ordinance change:

Exceptions To Corner Lot Requirements: In the side setback which fronts on a public street, height up to six feet (6') is allowed provided such fence is ~~a minimum of ten feet (10')~~ behind the front line of the dwelling, and ~~provided that such fence~~ is set back at least ten feet (10') from the sidewalk **for solid or opaque fences, but may be built to the property line if the portion of the fence or wall above four feet (4') is see-through (e.g, wrought iron, or similar materials)**.

Commissioner Nathan Fisher asked what happens if they put 50% solid on one side and 50% wrought iron on the other side. You mean up and down, right?

Bob Nicholson conceded that yes that would be the intent.

Nathan Fisher stated that it would meet the literal language so we’re really talking about a limitation where we’re trying to accomplish the 4’ solid and then wrought iron above.

Bob Nicholson responded that yes generally that is true. In the case of a driveway it would be better to have more visible. Maybe we should define it more.

Commissioner Nathan Fisher added that it needs to be stated that vertically 50% or if you’re trying to focus on the area near a driveway or where there would be a site visibility issue that you have to put some discretionary language there that qualifies the purpose.

Otherwise you need to clarify 50% above or below.

Commissioner Ro Wilkinson asked if this change is applicable to commercial and residential properties.

Bob Nicholson responded that the change is just for residential.

Commissioner Nathan Fisher inserted that this change is for “Chapter 18: Walls, Fences and Hedges”.

Chairman Ron Bracken opened the item to the public for comments.

There were no public comments.

Chairman Ron Bracken closed the public hearing and opened the item to the Planning Commission for discussion.

Commissioner Nathan Fisher reiterated that we need to clarify how the 50% is to be interpreted or used unless we want to propose it with that ambiguity.

Chairman Ron Bracken addressed staff asking how staff feels about the amendment at this point.

Bob Nicholson responded that the amendment is not urgent and staff has time to clarify that.

Commissioner Ron Read asked Bob if a solid 4' is currently allowed to the property line. Bob Nicholson said yes.

Commissioner Ron Read continued stating that we just need to deal with the other 2'. The 4' can be solid all the way down and then the 2' would need to be see-through.

Commissioner Nathan Fisher added that if they want 6' only the lower 3' can be solid.

Bob Nicholson assured that the issues will be addressed.

Commissioner Kim Campbell noted that you could put landscaping in front of that fence by putting large trees and that defeats the purpose of the ordinance. Most people landscape that way for privacy. They gain property with the fence but expose themselves by going to the property line.

Deputy City Attorney Paula Houston inserted that our ordinance actually includes landscaping.

MOTION:

Commissioner Nathan Fisher made a motion to table item 5b.

Commissioner Kim Campbell seconded the motion.

AYES

Commissioner Nathan Fisher

Commissioner Ro Wilkinson

Commissioner Ron Read

Commissioner Julie Hullinger

Chairman Ron Bracken

Commissioner Ross Taylor

Commissioner Kim Campbell

NAYS

None

Motion passes.

6. **PRELIMINARY PLATS (PP)**

- A. Consider approval of a preliminary plat for "**Meadow Valley Estates Phase 4**" a seven (7) lot residential subdivision. The applicant is Development Solutions Group and the representatives are Mr. Logan Blake and Mr. Brett Burgess, Development Solutions. The property is zoned RE-12.5 (Residential Estate 12,500 square foot minimum lot size) and is located on the west side of Little Valley Road at the intersection of Mountain Ledge Drive. Case No. 2012-PP-041 (Staff – Wes J.).

Staff Comments:

1. Lots 401-403 were originally approved as a preliminary plat for Meadow Valley Estates Phase 4 in 2005. However, this preliminary plat has since expired and the applicant has added 4 additional lots.
2. Proposed Road A will provide future access to the Gentry property to the south.

“This is the last phase for Meadow Valley Estates. The original PP for the entire phase came through in the original 2000s. In 2005 they proposed that Mountain Ledge Drive came through and connected to Little Valley Drive. It was just three lots and the road. For some reason it was never completed or *finalled*.

They are now amending this because it has expired and they are adding 4 lots. At that time they also included this stub road that connects to the Gentry property. The power and the telephone and cable have already gone through Mountain Ledge Drive.

So this came to council last week as a zone change and was approved from an RE-20 to an RE-12.5. In that meeting residents had concerns about Mountain Ledge Drive extending through due to the amount of traffic. We met with them and discussed with them our opinion on the matter as well as the road master plan. There are two master plan roads as part of this. Citizens felt that a cul-de-sac should be put here to limit traffic. There is a pathway there that the residents say they use to get to the school.

They presented to Council even though it didn't apply to the zone change but they wanted to get their opinion out. The developer has come back with an option if the cul-de-sac is required like the residents would like. The problem staff has with this is that the cul-de-sac and no longer extend the road down either you've created an island with the Gentry piece and there is no connectivity to the subdivision. You would have to come in and out off of Little Valley Road.

Commissioner Julie Hullinger stepped away from the meeting at 6:00 pm

People going to the field would have to go all the way around. Staff preferred the road connectivity to Little Valley Road and felt that we should follow the road master plan.

The gentleman here who would like to discuss this with you does have some good points but what we thought we would do is bring this to you and get some ideas and see what your recommendation would be. So there's an option with the road going through to Little Valley Road and one with a cul-de-sac. Either way we prefer that there is a stub road down to the Gentry piece. If you do make them do the cul-de-sac with the stub road they lose a lot and the setbacks are not right within the cul-de-sac. Council and the developer were supportive as long as the road down was deleted.

Just to summarize this was approve years ago with a road going through to Little Valley and down to the Gentry piece. That is why there are two options before you tonight. If he would like to speak he can. The developer is here as well.”

Chairman Ron Bracken allowed Citizen Jason Wright to present his thoughts on the matter.

Jason Wright began by noting that if you go to the County office and search for Meadow Valley Phase 4 it is not recorded.

Wes Jenkins responded that it is not recorded because it never went through the final plat process.

Jason Wright continued:

“We had 4-5 individuals present; we prefer the cul-de-sac. Some points I would like to bring up concerning a cul-de-sac:

- It provides better safety for the children
- Cul-de-sacs promote friendship and neighborhood interaction
- It provides lower burglary
- It provides privacy and provides continuity

I know that when I met with Wes and Monty one of their concerns was access.

**Jason highlighted various access points to get to their community **

Commissioner Julie Hullinger returned at 6:07 pm

Jason Wright:

“The fields were built here after the houses were put in. The Gentry property is not even part of Meadow Valley Estates so I’m surprised they’re trying to link them when they are not part of it. The builder is here and supports the cul-de-sac. I am in full support of the re-zoning but want the cul-de-sac.”

Chairman Ron Bracken asked the applicant to step forward.

Brett Burgess (applicant) stated the following:

“We discussed with Barry and Jason a couple of different options. We’ve also met with staff a few times. When we first came through with the item we were punching the road straight through because we thought that is what the City wanted. We had eight lots at the time and we knew the City really wanted connectivity to the Gentry piece. We went back and forth with Wes and were informed that we should lose the lot and punch the road through to accommodate access.

The citizens brought forward the concern with the road so we came up with options.

When we first built Meadow Valley Estates we had to loop in power. 2350 east and the ball fields weren’t there at the time. We didn’t have it looped to anywhere else. There is a 69 KVA, which is a high voltage power line, and an offshoot that comes above ground about $\frac{3}{4}$ of the way up the road. We had to tie in to loop this entire area. We had to dip off of this pole and then loop in through the existing property and then come down Mountain Ledge. I spoke with Chad Reynolds at Dixie Power and we were curious if we could continue to feed Mountain Ledge Drive. He believes they will still need the connection to get to the line somehow. If we jump back to the cul-de-sac we need to meet with Dixie Power more to sort out the power there.”

Chairman Ron Bracken asked the applicant if the power problem will create issues doing the cul-de-sac.

Brett Burgess responded that he didn't have that information yet.

Chairman Ron Bracken asked if the power line is currently in.

Brett Burgess responded that the power line is in. It's in the public utility easement for the plat with the road but I'm not sure how it will pan out for a cul-de-sac. All I know is it has to connect somehow to Little Valley Road.

Chairman Ron Bracken stated that it appears you need to answer this question before presenting to us. You may want to table tonight. Would you prefer that?

Brett Burgess responded yes, we could table and look at. At least everyone has the knowledge.

Chairman Ron Bracken said that's a major problem you've got there with the power. We also need to know how that other little road will fit in.

Brett Burgess responded that we can get in contact with the developers there and have some open dialogue there.

Chairman Ron Bracken concluded that the configuration is the issue at this point. Solve those issues then bring it back. Can you have it solved by the next meeting?

Brett Burgess stated that they should be able to have it sorted out by the December meeting.

Council Member Jimmie Hughes inserted that we have a good idea on what the Gentry property will be too so we can look at them together.

Commissioner Ron Read asked Wes if they go with the cul-de-sac option will it be mandated to have connectivity to the Gentry piece.

Wes Jenkins responded that yes, we want a road to the Gentry piece so it's not an island.

Commissioner Ron Read clarified, so in their discussion with the developer give us a road down.

Wes Jenkins added that regardless if it goes through to Little Valley Road or if it's a cul-de-sac we'll request it the road down to the Gentry piece.

Commissioner Nathan Fisher and Commissioner Ron Read discussed the surrounding road sizes and connectivity with Wes Jenkins.

Chairman Ron Bracken

MOTION:

Commissioner Julie Hullinger made a motion to table.

Commissioner Ron Read seconded the motion.

AYES

Commissioner Nathan Fisher

Commissioner Ro Wilkinson

Commissioner Ron Read

Commissioner Julie Hullinger

Chairman Ron Bracken

Commissioner Ross Taylor

Commissioner Kim Campbell

NAYS

None
Motion passes.

- B. Consider approval of a preliminary plat for “**Chaco West Phase 3**” an eighteen (18) lot residential subdivision. The applicant is Double Dragon Investment, LLC and the representative is Mr. Brett Henke, KUMA Engineering. The property is zoned PD-R5 and is located along Tacheene Drive in the Entrada development on the border of St. George and Santa Clara which is located in Section 4 Township 42 South Range 16 West. Case No. 2012-PP-042 (Staff – Wes J.).

Staff Comments:

1. Tacheene Drive is already a fully improved private roadway along the frontage of this project.
2. As with the Entrada development the proposed roadways will be private streets with sidewalk on one side.

The southern lots will not be done until later due to the sewer.

The fire marshal is okay with the longer road as long as there is a cul-de-sac. It is longer than we normally allow but we did not see any issue with it. I also talked to the water department. The Entrada development in this area does have poor water quality because they are at the end of the line. There is not a lot of landscaping out there so there isn't a lot of turn-over with the water. There is a fire hydrant at the end of the cul-de-sac that the City will need to get in there and flush the line more often. Scott Taylor and I talked about another road. We can't fix all of the water problems but it can take it from terrible to bad. As far as safety and traffic we're okay with the road going a little longer.

Also, if you notice the lot up on top there is a no disturb area. Entrada only allows a maximum of 80% disturb area. The final plat will have that outlined. They won't mass grade, that will be done with each building permit.

There were no questions from the Planning Commission.

MOTION:

Commissioner Kim Campbell made a motion to approve 6B.

Commissioner Nathan Fisher seconded the motion.

AYES

Commissioner Nathan Fisher

Commissioner Ro Wilkinson

Commissioner Ron Read

Commissioner Julie Hullinger

Chairman Ron Bracken

Commissioner Ross Taylor

Commissioner Kim Campbell

NAYS

None

Motion passes.

7. **CONDITIONAL USE PERMITS (CUP)**

- A. Consider a request from **Sprint** for a conditional use permit to upgrade infrastructure and replace an existing forty-six foot (46') tall monopole tower (that does not meet structural standards) with a new forty-two foot (42') tower. For approximately six months there will be two towers located on site until the old one is removed. The site is generally located at 700 N 1500 E. Case No. 2013-CUP-015. (Staff – Ray S.)

Staff Comments:

Ray talked through the submitted graphics.

On page 4 under staff comments it is noted:

The city maintains a case file for each company.

This applicant requests permission to replace an existing monopole tower, but to leave the old one up until such time as a changeover from service can occur.

The applicant's goal is to increase coverage.

The maximum tower height permitted by code is 100' and this tower would only be 42'.

A proposed draft motion based on previous cases would state: *it is recommended to the City Council by the Planning Commission that approval be given to construct a replacement forty-two foot (42') tall monopole tower and allow the existing tower to remain in place for a period of approximately six months until such time as the services can be successfully transferred over and the old tower removed. The following findings shall also apply:* those findings would be those applicable to the conditional use such as noise, dust, odors, aesthetics, safety, traffic, height, etc.

Ray noted some of the conditions that were applicable to the conditional use permit.

Ray invited the applicant to the podium.

Rock Schutjer representing Sprint:

The important consideration is that we are reducing the height and that this is part of Sprint's 4G upgrade across the nation. This is a little complicated because we found that the initial pole does not meet structural requirements. It is pretty well worn. This is why we want to replace the pole. The industry requires careful structural consideration and they overbuild and design for safety.

Chairman Ron Bracken opened the item for questions from the Planning Commission.

Commissioner Nathan Fisher asked if this pole is on top of the hillside.

Rock Schutjer answered yes it is there are several sites up on that ridge.

Commissioner Ron Read asked if there were any changes to the building. Rock Schutjer responded that there is no building up there; there is only a structural pad. Temporarily they will add an additional pad to put new cabinets in place. In the second phase the new tower will go up and the old tower will go down.

Chairman Ron Bracken asked if the smaller tower they are putting up is more substantial than the current tower.

Rock Schutjer responded that that is correct.

Commissioner Kim Campbell addressed staff stating: the issue concerning structures on the edge of a ledge that we see throughout the city; is that city setback for residences or structures? Or does it apply just to the tower?

Ray Snyder noted that we've seen it a lot with subdivisions for visual but I don't recall having it.

Commissioner Kim Campbell asked why there is a 100' setback for residences from edges and not for a cell tower. What is the reason for the setback for residences and would it apply to a cell tower? Why can a cell tower be on the edge but not a residence?

Ray Snyder responded that he is not aware of any reason. The tower is not on the edge. It is actually a few towers in. We are away from the edge near the freeway but are near the side edge. All of these piers are here for the towers. They are over engineering.

Commissioner Kim Campbell added that: I just don't get why the aesthetic applies to houses but not cell towers.

Bob Nicholson conceded that that's a good point and I'm sure there is a setback but I would need to research it. I think it would be 50'.

Commissioner Kim Campbell asked if the setback for residential houses is purely aesthetic or for safety.

Bob Nicholson responded that the setback is 90% aesthetic and 10% safety.

MOTION:

Commissioner Julie Hullinger made a motion to approve 7a.

Commissioner Ro Wilkinson seconded the motion.

AYES

Commissioner Nathan Fisher

Commissioner Ro Wilkinson

Commissioner Ron Read

Commissioner Julie Hullinger

Chairman Ron Bracken

Commissioner Ross Taylor

Commissioner Kim Campbell

NAYS

None

Motion passes.

- B. Consider a request for a Conditional Use Permit to establish a **towing and impound** yard in the St. George Industrial Park. The zoning is M-1 (Industrial). Located at 405

N Park Street. The applicant is Mr. Sam Andrus. Case No. 2013-CUP-017 (Staff – Ray S.).

Ray read the text of a letter submitted by Mr. Sam Andrus:

“One light duty tow truck would be parked on the premises. Inside the building would be the impound yard. There is ample room inside the garages to park multiple vehicles. Although a brick wall encloses the property, impounded vehicles would not be parked outside the building so as to be seen from the street. Please agree to the use of this property as a towing and impound yard as currently another towing company has their impound yard just south of this property at 375 N Park Street and Andrus Towing is moving from their current location just north of this property at 451 N 1300 E.”

It is not unusual for the industrial park to have towing and impound yards. There is a wall that surrounds the property to block views from the street.

Again a conditional use permit is required to establish a towing and impound yard. Auto salvage yards and things are required to come before council with a conditional use permit which is why we are here. I don't have anything to emphasize. The findings are here for the noise, dust, and aesthetics as applicable.

Ray invited the applicant's representative to approach the podium.

Mrs. Jackie Andrus approached to comment:

“We do have a property just north of this property and there is a different company south of us. There would be impounded cars that would be parked inside the building. There is also the brick wall there so you can't see anything from the street.”

Commissioner Kim Campbell asked if there are any materials you can see above the fence. Jackie Andrus responded no because the fence is 6' high.

Mr. Dave Eickleberger (neighboring property owner)

“The concern I have is that the wall that separates our properties is a shared wall. Having had the impound yard down there for 8-10 years. There's never a person who has had their car impounded happy with that. They want to see their car. They come looking through my fence. The fence has been cut open. People do whatever they can to get to their car. Even though my side of the wall is 7' tall any cars parked in my parking lot will use a step ladder to get into their property - especially if their gate is closed. My concern is having people climbing on my vehicles getting to their vehicles.”

Commissioner Ro Wilkinson asked Mr. Eickleberger if this problem has occurred in the past. Dave Eickleberger responded no, the other property is a chain link fence so they can see through it. We have had our fence cut twice. We've had the sheriff up there three separate times. My concern is not the impound lot per say but the people using our cars to get over the fence.

Chairman Ron Bracken inserted that it sounds like the vehicles are actually enclosed inside so people can't get to them.

Dave Eickleberger countered that people could break into the building.

Commissioner Kim Campbell asked if Mr. Eickleberger has a gate on his property.

Dave Eickleberger answered no, there is no reason to have a gate. There is a mechanic and parking. The mechanic in there is really good. When you have a '57 Chevy in there and someone's climbing on your bumper that's an issue. How am I going to be assured that drug dealers won't be climbing our wall?

Jackie Andrus added:

"The state requires we have certain operating hours from 8:00 am – 5:30 pm. Those hours will be posted on the brick wall. The gate will be closed after that. It is true we are on the police rotation so we'll deal with DUI and drug arrest. In this location I have never had a problem with anyone trying to break in and get their stuff. We've done private property impounds as well and I've never had a problem with anyone. I believe that all impound yards should have a block wall. From my knowledge I don't think that a chain link fence is up to code that's why we've always parked our cars inside the building. I don't think there will be a problem with people trying to get things from their cars because they are parked inside."

Sherrie Eickleberger countered:

"A friend wanted to open an impound lot and she had given me the permit to apply with the state. Basically it states that the requirement is a chain-link fence or something to that statute with barbed wiring or razor wiring. It said right there that it had to be chain-link or similar."

Chairman Ron Bracken inserted that chain-link is most likely the minimum. The city does not like the razor wiring.

Sherrie Eickleberger continued to state that there have been quite a few threats and we've had to call the police because people come in and threaten.

Chairman Ron Bracken asked the Commissioners if they had any questions.

Council Member Jimmie Hughes addressed the Eicklberger family stating that he understands their concerns but asked if they had a solution.

Dave Eickleberger stated that he doesn't know how to park cars there without having people use them to step over the wall. I don't know what a solution would be.

James Andrus (father of the applicant) approached the podium to state:

"They have not had one problem in five years with having vehicles inside. People are told upfront that the vehicles are locked within a warehouse. Other impound yards have problems because they are accessible. I understand the City's concern about where we put them but we are trying to make it work. The block wall keeps the area cleaned up."

Commissioner Ross Taylor pointed out that these folks are concerned about someone wanting to come at night. Mr. Andrus was asked if there is a sign that has the hours of operation as well as a phone number to contact.

James Andrus responded that there is a sign with the hours of operation as well as a contact number. He added that the phones are answered "7/24".

Chairman Ron Bracken inserted that the vehicles are locked up inside so there is no reason for someone to get over the fence because they still can't get in the building.

James Andrus added that this is correct; they can't get in the building.

MOTION:

Commissioner Ro Wilkinson made a motion based on the comments of staff to accept item 7B towing and impound yard.

Commissioner Ron Read seconded the motion with comments:

The only thing I am looking at is the safety because Ray didn't make any comments in that aspect of it. Pick up the comments of staff and as for safety, put forth that the block wall and the building and the sign seem to be every reasonable precaution the Andrus's can take to notify people that the cars are behind a block wall, they are locking in a building, there is a 24 hour number they can call to know when they can pick their vehicle up. I don't know what else they can do under safety.

AYES

**Commissioner Nathan Fisher
Commissioner Ro Wilkinson
Commissioner Ron Read
Commissioner Julie Hullinger
Chairman Ron Bracken
Commissioner Ross Taylor
Commissioner Kim Campbell**

NAYS

None

Motion passes.

Sherrie Eickleberger wanted to comment during the motion but was asked to wait until the motion was over by Chairman Ron Bracken.

After the motion, Sherrie Eickleberger commented that she is concerned about her fence that they have to put some type of razor blade do we have to allow them to put that the top of our wall?

Chairman Ron Bracken responded that when they get their permit all of those things will be resolved.

Deputy City Attorney Paula Houston stepped in to state that what you're talking about is legal right between the two property owners. It's not a city issue.

8. **MINUTES**

Consider approval of the Planning Commission minutes for October 8, 2013.

Chairman Ron Bracken noted that on page 3, a “d” needed to be removed from the word “approved” in Commissioner Ro Wilkinson’s motion.

MOTION:

Commissioner Ross Taylor made a motion to approve the minutes with the stated change. Commissioner Kim Campbell seconded the motion.

AYES

**Commissioner Nathan Fisher
Commissioner Ro Wilkinson
Commissioner Ron Read
Commissioner Julie Hullinger
Chairman Ron Bracken
Commissioner Ross Taylor
Commissioner Kim Campbell**

NAYS

None

Motion passes.

Ray Snyder approached the podium to comment that on Section 10-18-6 Barbed Wire it does state that barbed wire, razor ribbon and similar fencing shall be prohibited in all zones except for agriculture, manufacturing and certain commercial zones. It says that it can’t be over 7’ and that it has to be pulled straight so it does mention it.

Ray Snyder also added that Bob looked up the setback in the Hillside Ordinance section 1—13A-10 it has to be 50’ back from the ridge. We’ll be sure to include that when it goes to City Council.

Deputy City Attorney Paula Houston added that per the state code, towing or impound yards are only required to have chain link fencing. A block wall is an added measure taken by the applicant.

DISMISSAL

MOTION:

Commissioner Nathan Fisher made a motion to dismiss. Commissioner Julie Hullinger seconded the motion.

AYES

**Commissioner Nathan Fisher
Commissioner Ro Wilkinson
Commissioner Ron Read
Commissioner Julie Hullinger**

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Chairman Ron Bracken

Commissioner Ross Taylor

Commissioner Kim Campbell

NAYS

None

Meeting dismissed.