

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

Public Notice

Notice is hereby given that the Planning Commission of the City of St. George, Washington County, Utah, will hold a **Planning Commission** meeting in the City Council Chambers, 175 East 200 North, St George, Utah, on **Tuesday, April 25, 2023**, commencing at **5:00 p.m.**

PRESENT: Chair Steve Kemp
Commissioner Lori Chapman
Commissioner Emily Andrus
Commissioner Ben Rogers
Commissioner Austin Anderson

CITY STAFF:
Public Works Assistant Director Wes Jenkins
City Civil Attorney Ryan Dooley
Planner III Carol Davidson
Planner III Mike Hadley
Planner III Dan Boles
Development Office Supervisor Brenda Hatch

EXCUSED: Commissioner Nathan Fisher

Chair Kemp called the meeting to order. Commissioner Rogers led us in the Pledge of Allegiance. Commissioner Kemp announced that Item 2 was removed and will be heard at a later date, item 6A is also removed and will be heard at a later date.

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

Consider a request to change the zoning from C-3 (General Commercial) to PD-C (Planned Development Commercial) on approximately 1.18 acres to establish a use list and to be eligible to obtain a bar license at this location. This property is generally located at 295 and 307 North Bluff Street. The applicant is Jerald Jensen. The project will be known as North St. George Plaza. Case No. 2023-ZC-005. (Staff – Carol Davidson)

Carol Davidson presented the following:

Carol Davidson – The general plan is Commercial. There are actually 2 buildings, one is Blues Katz and the other is a retail building to the south. This site had a previous building which was removed due to the expansion of Bluff Street. Both of the new buildings were built in 2020. They are asking for the uses in C-3 for the PD-C use list. Blues Katz operates as a restaurant currently which means they need to have 70% food sales and 30% alcohol sales. The City code has licenses available for a bar license in PD-C that have bar as a use after 2019. That will give clients the ability to come watch a show and order a drink without ordering food. Staff does recommend approval.

Commissioner Chapman – Carol, it's just for the one building correct?

Carol Davidson – No it will be for the whole development, both buildings.

Chair Kemp – And that will go through other processes with the City and State to license, correct?

Carol Davidson – Yes, correct.

Chair Kemp opened the public hearing.

Chair Kemp closed the public hearing.

Commissioner Anderson – I don't see any problem changing it to the PD-C

MOTION: Commissioner Anderson made a motion to give a positive recommendation to City Council on Item 1 to change the zone from C-3 to PD-C.

SECOND: Commissioner Rogers

ROLL CALL VOTE:

AYES (5)

Chair Kemp

Commissioner Chapman

Commissioner Rogers

Commissioner Anderson

Commissioner Andrus

NAYS (0)

Motion Carries unanimous vote

2. PLANNED DEVELOPMENT AMENDMENT (PDA) (Public Hearing) Legislative

Consider a request for a PD (Planned Development) amendment to Joshua's at Southgate Planned Development Residential (PD-R) zone. The applicant is seeking approval to build 90 townhome units on 10 acres. This property is located approximately at 800 W Tonaquint Drive. The applicant is Eugene Gordon Inc, and the representative is Adam Allan. The project will be known as Tonaquint Townhomes. Case No. 2023-PDA-006. (Staff – Mike Hadley)

THIS ITEM WILL NOT BE HEARD AT THIS MEETING, IT WILL BE NOTICED AT A LATER DATE.

3. DEVELOPMENT AGREEMENT (DA) (Public Hearing) Legislative

Consider a request to an amended development agreement to expand the golf cart right-of-way easement in Sun River to allow access to new commercial areas in Sun River Commons. The applicant is Sun River St. George Community Association, representative Scott McCall. Case No. 2022-2023-DA-001. (Staff – Carol Davidson)

Carol Davidson presented the following:

Carol Davidson – In the City of St. George you are not allowed to drive your golf cart on the street unless there is a development agreement that says you can do that. Carol showed where it is currently allowed with the development agreement that is in place and showed where they would like to extend the allowance to which is included in the packet. Golf carts are not allowed directly on the road, they are allowed in the bike lane. As far as the cost goes, 87% of the cost will go toward SunRiver and 13% will go to the Villas. A lot of times the City will put the signs in and then be reimbursed. Staff does recommend approval.

Commissioner Andrus – On Pioneer Rd and Sun River Parkway they are not on the street, is that in the bike lane or on a separate path?

Carol Davidson – I think it is a separate path, but the pink areas are where they are allowed to cross.

Commissioner Anderson – I am not sure why the easement needs to go all along Pioneer Road? I think they could access Smith's easy enough without going along Pioneer Rd.

Chair Kemp – It says that there is access with some restriction.

Commissioner Rogers – It does say that the easement does not include Sun River Parkway and Pioneer.

Discussion on where the path and crossings for the golf carts will be.

Douglas Brown – I understand your concern about the section in front of the fire station. The sections in green are separate developments that weren't included on the original agreement. They were developed after 2011. We do drive on all the roads in the community that are private. We are only allowed to cross in certain places on Sun River Pkwy and Pioneer Rd, there will be no travel on either road. We don't know what type of businesses will be developed on Pioneer, if you are concerned about the crossing in front of the fire station we can probably get by without those, but we would like to get access without having to come back. We don't want to have any conflict with traffic on those roads. We want to be able to get to Smith's with our golf carts.

Commissioner Anderson – I think my concern is there are 2 crossings on Pioneer Rd, it's a busy road and it's only going to get busier. I think that would be a real conflict with the rest of the City. I don't think cars should have to be slowing down on that road to look out for golf carts on that road.

Douglas Brown – We are just asking for your consideration if we could somehow cross safely.

Commissioner Anderson – That is the key, safely.

Commissioner Rogers – Is your concern the same if there is a light at that intersection?

Commissioner Anderson – Yes, I think that is a big concern, if there is an accident it will be the car's fault.

Chair Kemp opened the public hearing.

Karen Fisher – I am a SunRiver resident. I have a commercial development background from another state. SunRiver Commons already supports golf cart travel, the blue line is what they are looking for approval.

Douglas Brown – We have been crossing SunRiver Pkwy since 2011 without any concerns.

Chair Kemp closed the public hearing.

Wes Jenkins – As far as Pioneer Road, I think we do have concerns about what might be developed out there. Maybe that is something that we look at another time. We didn't have an issue at the crossing at Arrowhead, but maybe we will look at the rest a later time.

Commissioner Anderson – I don't have any issues with the crossing at Arrowhead. I think we should remove the crossing at Sand Piper to Pioneer Road.

Commissioner Andrus – When golf carts cross are they acting more like cars?

Commissioner Anderson – Yes.

Commissioner Andrus – I would agree with Austin, we should delay those crossings on Pioneer Road, I think an underground crossing would make more sense.

Chair Kemp – As long as they are not crossing Pioneer do you see a problem with the blue legs?

Commissioner Andrus – I don't think so because they can't cross Pioneer.

Commissioner Rogers – I have worked on several projects on these parcels on I-15 that would generate a lot of traffic, so I do understand Austin's concern. I have worked on SunRiver and their agreements. I agree with Austin, the traffic needs to be more studied before they can cross Pioneer Rd if that ever happens.

Discussion continued on what to eliminate.

Ryan Dooley – If the recommendation is going to be to change the easement then the easement would need to be redrafted. The easement document is one document and the surveyors have gone out and said those are the dimensions. So if the motion is to recommend approval with no crossings on Pioneer Road and removing those two stubs that touch Pioneer Road, if that is the recommendation to City Council, then the City Council would be free to approve it as is. But just so you know there would be an added cost because we would require that easement to be redrafted.

MOTION: Commissioner Anderson made a motion to approve item 3 with the removal of the public road crossings on Pioneer and the removal of the easement from Pioneer Road to Sandpiper along Bluegrass Way.

SECOND: Commissioner Andrus

ROLL CALL VOTE:

AYES (5)

Chair Kemp

Commissioner Chapman

Commissioner Rogers
Commissioner Anderson
Commissioner Andrus
NAYS (0)
Motion Carries unanimous vote

4. CONDITIONAL USE PERMIT (CUP) Administrative

Consider a request to consider a conditional use permit to update the building facades and add a 1500 square foot drive-thru restaurant to the southwest corner of this property. The project is generally located on the northeast corner of St. George Boulevard and Bluff Street. The applicant is Jason Hurst and the representative is Matthew Metcalf. The project will be known as 160 N Bluff. Case No. 2023-CUP-001. (Staff – Carol Davidson)

Carol Davidson presented the following:

Carol Davidson – The general plan is commercial, and the zoning is C-3 general commercial. There used to be a building here that was removed with the expansion of Bluff Street. They are proposing to add facades on the main building and add a drive-through restaurant on the new building. There is quite a bit of mature landscaping that will remain, and they will add a bit more. In the north building they are proposing to change it to restaurant use. They do meet the parking requirements as far as total spaces go. There is parking in the rear and on the side that will serve as employee parking. They are proposing to change the façade a bit, they will be using the same materials that they have currently. The other redesign will be to the stores that are to the north of Ace Hardware. They will make 3 prominent entrances. Staff does recommend approval with some conditions to work with staff on pedestrian access and to combine the 3 parcels into one.

Chair Kemp – Do we have enough stacking?

Carol Davidson – Yes, they can stack 8 without blocking parking.

Commissioner Chapman – Can we designate the parking in the back to employees?

Caron Davidson – It’s pretty far, I don’t think customers will use it.

MOTION: Commissioner Chapman made a motion to recommend approval of Item 4 to City Council with staff’s conditions.
SECOND: Commissioner Rogers
ROLL CALL VOTE:
AYES (5)
Chair Kemp
Commissioner Chapman
Commissioner Rogers
Commissioner Anderson
Commissioner Andrus
NAYS (0)
Motion Carries unanimous vote

5. HILLSIDE DEVELOPMENT PERMIT (HS) Administrative

Consider a request for a hillside development permit for a residential retaining wall. The applicant is requesting that the Hillside Review Board consider the structural stability and mitigate the appearance and location of this retaining wall. The property is currently zoned R-1-8 (Single Family Residential, minimum lot size 8,000sf). The site is located at 150 N. Donlee Drive. The applicants are Ryan and Martina Davis. Case No. 2022-HS-018. (Staff – Carol Davidson)

Wes Jenkins presented the following:

Wes Jenkins – The wall exists; this has been to hillside twice. The concerns were the ridgeline setback, there was no building permit for the retaining wall and the height of the retaining wall. When we met out there the review board felt like they created ridgeline, and they were comfortable with that. They had concerns about the compaction and stability of the wall and the height. They came back with a revised report. Landmark provided a revised report. The board was comfortable with the wall at that point, but they still had concerns with the height of the wall. One of the recommendations was to leave the wall as is but they knew it didn't meet the City code. One of the options was to come and put material in at the base of the wall, the board didn't like that because it is about a 2:1 slope, they were worried all the material would slough off. The second option was to build another wall, the issue with that is that they may not be able to stay on their own property. The third option was to remove two upper courses of the block wall bringing it down to a height of 7.5 feet which is your third option and just sloping it between the base of this upper wall that you can't see. The trouble with that one is, the owner doesn't like that option because it provides a very steep slope, it difficult to mitigate it, but he recognizes that the ordinance is the ordinance. The other thing the hillside recommended was that the wall be stained to match the natural color of the rocks right there so that it would be blended as it goes forward. They did have within their study, one of their drivers on this is that they do want a pool permit. As part of the study Landmark addressed the future pool and said it should be kept back the recommendation would be 10 ft from the house, 10 ft from that wall just to give it some room to breathe there.

Chair Kemp – I'm just trying to understand the timeline. No permit was pulled, the 10.5 ft. wall was built, then they got a cease and desist from the City.

Wes Jenkins – No, they submitted for a pool permit and that is when the City discovered the unpermitted wall.

Chair Kemp – And now we're trying to back into a solution.

Wes Jenkins – That is why we took it to Hillside, number 1 for the ridgeline. Is there a concern with the ridgeline, they felt like there was no ridgeline there so they didn't have a problem with them creating that ridge.

Chair Kemp - Isn't there a sewer line that runs along the bottom of all those?

Wes Jenkins – Yes, there was a small retaining wall that was there to support that sewer line. There was some drainage coming off this lot and eroding that wall. The applicant went out there with the waste water department and they said it would be nice if there was a wall there to help with the mitigation of

the drainage of the water from that lot. The applicant thought that he was getting permission from the waste water department to build the wall. There was some confusion there.

Ryan Davis – As part of the due diligence before I bought the house, you can see this undercut here that holds the sewer line up. I was told to contact the waste water department and they came up and looked at it and said it really needs a wall below it. I said my plan is to build a retaining wall for the pool so we can flatten the back yard because it had a pretty good slope. They said as long as we cover and replace the dirt and hold the wall the new retention touches that wall holds it up and then it fills in all the undercut. They said that's actually great. I said I'm happy to pay for that as long as I don't have any problems at the City. I thought I had gone through the right process, but that is not the case. Wes has been great to try and help me remediate the questions and concerns.

Chair Kemp – When was the home to the north of you built? It doesn't look like it was built until the last few years.

Ryan Davis – That's correct, he built it, probably in the last year. We were trying to remedy the erosion from the water.

Chair Kemp - How many gallons is your pool supposed to be?

Ryan Davis – We haven't got that far yet.

Chair Kemp – I'm really surprised that you would want to build a pool up against that. I'm not a soils engineer.

Ryan Davis – Actually the basalt is right there, so that's the reason for the retention wall, so we can get down to set the pool.

Commissioner Anderson – I don't have any problem with it, I just have concerns with the color matching.

Chair Kemp – This is an ask for forgiveness. Maybe I'm personally biased, but I spent 4 months getting a 2-tiered 16 ft wall approved by this planning commission 8 years ago that never got approved because it was going to be 8.5 to 9 ft. It's 2.5 ft taller than the code and there is no way, in my opinion, that you can put material at the bottom, maybe you could add some large boulders to hide the wall face, but they would have to be the size of a wheel barrow and implanted.

Commissioner Rogers – I don't know if it is our place to decide which option the applicant takes. But option 2 was recommended by Landmark as adding a 3rd wall at the bottom, essentially it does that.

Chair Kemp – But can they do that and stay on their own property? Don't they have to step back 4 ft?

Wes Jenkins – Yes, one of the concerns with option 2 is the property line and its location in relation to the existing wall. Option 3 did bring it into compliance just so you are aware, by taking the two blocks off it brings it to 7.5 ft. and then you would slope that 2.5:1 between the two walls.

Chair Kemp – Even just taking one block off, I think that would be the easiest thing to do.

Wes Jenkins – And that’s what he would prefer, it’s just that 2 gets it down to 7.5 ft. which gets it below the allowance per code.

Chair Kemp – I’m more inclined to agree to an 8.5 ft wall than a 10.5 ft wall that doesn’t require, if you go to 7.5 ft or take that second course out, now you’re so steep that you are having the same problem above the wall that you are having below.

Wes Jenkins – You’re going to have a concern with erosion and that because of the slope and such, you would have to provide something to help prevent erosion, either face it with rock or put some type of vegetation that would hold it.

Chair Kemp – What if you removed just one course?

Wes Jenkins – That doesn’t take it to the right height for code. When we went to hillside we didn’t have these options and their recommendations were to just leave it alone.

Commissioner Anderson – If it was my house I would take it down and put it back up with geogrid in it. It really wouldn’t be that big of a job. I know he doesn’t have to do that, but if you are putting an expensive pool in there.

Chair Kemp – That’s what I’m saying that pool is going to crack eventually.

Commissioner Anderson – I think options 1 through 3 I’m not opposed to any of those as long as it’s stained. I’m just telling the applicant from experience, if you put in a \$100,000 pool, it might make sense to take a couple days and restack that wall. The material is right there. It really isn’t that hard and put the geogrid in.

Commissioner Rogers – I have the same concern. The geogrid would give security. I don’t like option 1. Either option 2 or 3 would work for me. Option 2 is my preferred. And then all of it stained black.

Chair Kemp – I think this wall is already on the property line. If we recommend 2 and he can’t fit the other wall I think he’s going to have to start over.

Commissioner Rogers – I don’t think we need to make a recommendation. I don’t like 1. The applicant can decide 2 or 3 but he has to stay within his own property line.

Chair Kemp – How do you feel about him taking 1 course off? It will be 5 inches too tall. We are already doing forgiveness instead of permission here.

Commissioner Rogers – This is the same issue that we worry about which is setting a precedent. We already set a precedent with a member on this board having the same issue. I don’t like setting a precedent. I hate the fact that one person might get away with it and another doesn’t. That’s a precedent issue and I think he needs to come into compliance.

Ryan Dooley – Just a reminder that the applicant will still need to be within the code.

Chair Kemp – The Hillside Board recommend a 2.5 ft variance, correct?

Commissioner Andrus – Are we making a recommendation or are we just recommending approval based on Hillside’s conditions?

Wes Jenkins – I think Ryan is right, you have to hold to what the ordinance allows, if you want to make a recommendation.

Chair Kemp – I don’t want to change the code.

Commissioner Anderson – I guess I was confused with number 2.

Wes Jenkins – Number 2 would work also if you build that wall there and stack against it.

Commissioner Anderson – I thought the Hillside said they wanted it to stay, or was I misunderstanding?

Wes Jenkins – No, that is what they said but we didn’t present them with the other options. The option we presented was that he had extra material and he said that he would pile it against the bottom of the wall and put some rocks to hold it into place. But they felt like that was too much risk, that it would erode and wash away.

Commissioner Anderson – I’m ok going forward if it just follows the code. I just want to strongly reiterate that it would not be that hard to start that wall over, you might find that you end up gaining more property and you can put the pool wherever you want with that geogrid.

Chair Kemp – We have zero confidence that this wall is even correctly built. I know that the structural went out and did an after the fact survey but.

Commissioner Anderson – It will have a deed restriction, if they ever resell it, it shows it is undocumented.

MOTION: Commissioner Rogers made a motion to recommend approval of the Hillside Permit to the point that it meets current code.

SECOND: Commissioner Anderson

ROLL CALL VOTE:

AYES (4)

Commissioner Chapman

Commissioner Rogers

Commissioner Anderson

Commissioner Andrus

NAYS (1)

Chair Kemp

Motion Carries

6. **PRELIMINARY PLAT (PP) Administrative**

A. Consider a request to consider a preliminary plat for (3) parcels. Consider a request for a nine (9) lot preliminary plat known as Desert Canyons business Park. The property is located approximately 4921

S Airport Pkwy. The property is 30.12 acres and is zoned PDR. The applicant is Desert Canyons Development LLC, and the representative is Curt Gordon. Case No. 2023-PP-012 (Staff – Mike Hadley).

THIS ITEM HAS BEEN PULLED FROM THE AGENDA

- B. Consider a request to consider a preliminary plat for (3) parcels. Consider a request for a three (3) lot preliminary plat known as Tonaquint Commercial located north and northwest of the existing Tonaquint Cove subdivision. The property is 132.91 acres and is zoned M&G. The applicant is DSG Engineering, and the representative is Logan Blake, DSG Engineering. Case No. 2023-PP-015 (Staff – Mike Hadley).

Mike Hadley presented with no additional comments.

MOTION: Commissioner Anderson made a motion to recommend approval of item 6B.
SECOND: Commissioner Rogers
ROLL CALL VOTE:
AYES (5)
Chair Kemp
Commissioner Chapman
Commissioner Rogers
Commissioner Anderson
Commissioner Andrus
NAYS (0)
Motion Carries unanimous vote

7. MINUTES

Consider a request to approve the meeting minutes from the April 11, 2023, meeting.

MOTION: Commissioner Andrus
SECOND: Commissioner Chapman
ROLL CALL VOTE:
AYES (5)
Chair Kemp
Commissioner Chapman
Commissioner Rogers
Commissioner Anderson
Commissioner Andrus
NAYS (0)
Motion Carries unanimous vote

8. CITY COUNCIL ACTIONS

No City Council meeting was held on April 20, 2023.

9. ADJOURN

MOTION: Commissioner Chapman

SECOND: Commissioner Andrus

ROLL CALL VOTE:

AYES (5)

Chair Kemp

Commissioner Chapman

Commissioner Rogers

Commissioner Anderson

Commissioner Andrus

NAYS (0)

Motion Carries unanimous vote