

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, June 27, 2023**, commencing at **5:00 p.m.**

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

CITY STAFF:
Community Development Director Jim Bolser
City Civil Attorney Jami Brackin
Planner III Carol Winner
Planner III Mike Hadley
Planner III Dan Boles
Development Office Supervisor Brenda Hatch

EXCUSED:

Chair Kemp called the meeting to order. Commissioner Fisher led us in the Pledge of Allegiance.

1. **Soleil Ridge Apartments, Development Agreement, Hillside Development Permit and Zoning Map Amendment** – Josh Lyon, representing Wasatch Commercial Builders is requesting approval of a Development Agreement, a Hillside Development Permit and a Zoning Map Amendment on the property located generally west of the 900 South and 250 West intersection for the purpose of constructing 224 units on 19.72 acres. The project is known as Soleil Ridge Apartments. This project was previously heard at the September 28, 2021, Planning Commission meeting. (Staff – Dan Boles)

Dan Boles presented the following:

Dan Boles – This first one comes in three parts, it has been before you before, we took some time to identify the issues. There is a development agreement that goes with it. This has come in 4 different installments to change the land use map. We got caught up in the slope map about a year and a half ago. There is slope and rock fall hazard on the property. They are proposing 7 buildings with a total of 224 units. The clubhouse was attached to building 3 previously, now it is attached to building 2. They are meeting the parking requirements. There are stacked garages. They are meeting the requirements for amenities as well. The buildings are approximately 44 ft tall; it does meet the height requirements of the code. There are a few renditions of the buildings. Some of the buildings are between 52 and 54 ft. tall. They are asking for an increase in height. One of the things mentioned the last time they were here was that they wanted to see the buildings dressed up a bit. They have added some stone, there are some garages on the north of the site. Three things, there were a couple of issues the last time they were here. There is some rockfall issues on the west side of the property. They are proposing a fencing structure that will mitigate the hazard of a rock coming towards the building. It is newer technology that we haven't seen. If

you have questions about it, their team can answer those questions. We have met with them and they have demonstrated to the staff how it would work if a rock came loose. There is a parcel that is long and skinny that the City owns that goes right through one of their garages. That will be deeded to them through the development agreement in exchange for some attainable housing. There will be 7 units set aside in perpetuity for affordable housing.

Commissioner Chapman – Did you say that every unit has 2 spaces and guest parking? And how big are the units?

Dan Boles – They do have 2 spaces and guest parking. I can't answer the size of the units, but the applicant can.

Commissioner Anderson – What was the attainable housing in trade for?

Jami Brackin – I think the parcel was a small portion that was kept by the County for taxes in the old days and then deeded to the City.

Commissioner Fisher – As far as the fence for rock fall is it more in line with what we have seen with Monster Storage?

Josh Lyon – It is actually a company out of Switzerland. They design specifically for rockfall. They run the map on the sizing, and they size the fence accordingly. They show the anchoring points and then they show you where to anchor them. They design the fence at greater than what is required than what we are going to have.

Commissioner Anderson – Is there the potential to mine the rock up there now?

Wayne Rogers – Yes, that is always the preferred way. We will clean those up first, but the fencing is more like Sentierre. It is probably 100 times stronger than a chain link fence. It will stretch. Our part of the design was to see what the energy is and the bounce height, that is why the 6 ft height.

Commissioner Anderson – I know that if there is an incident there will be maintenance to put it back, I want to make sure that whoever owns it in 20 years will maintain it.

Josh Lyon – It is, and we made sure that staff was comfortable with it and that there will be one owner that will maintain it.

Commissioner Chapman – Is there anything in the development agreement that makes it reviewable and is it necessary?

Jami Brackin – There is not necessarily a mandatory review by the Planning Commission. This agreement is for 25 years, but this is a land use regulation for this property. So just like changing the code, if at any time we think we need to initiate a change to the development agreement then the parties get together and try to figure that out.

Chair Kemp – What happens at the end of 25 years?

Jami Brackin – There is a deed restriction that keeps those floating units for 30 years that gets recorded, at the end of that 30 years they go back into market based.

Chair Kemp opened the combined public hearings.

Chair Kemp closed the combined public hearings.

Commissioner Chapman – How do you feel about that land going from commercial to residential?

Chair Kemp – Because of the density it is a higher and better use.

Commissioner Anderson – That property has been vacant for a long time, I think they have done a great job, it looks good. We are getting 7 affordable housing units, hopefully the rest will be something the public can afford.

Commissioner Chapman – Did we find out how big the units are?

Jarom Johnson – They are 1-, 2- and 3-bedroom units.

Commissioner Rogers – I am certainly in favor of development; I am in favor of increasing our apartment amenities in town. I don't know that I necessarily agree that most people in town can afford what is being termed luxury apartments. The fact that we have 7 that are attainable is good. But I have 3 children of my own in their 20's and 30's that can't find housing in this town that they can afford. I'm not necessarily opposed to the project. I like the design; I think it's the appropriate use. My frustration is the continued path of not addressing really attainable housing in our City.

Commissioner Fisher – I think this is a challenging area, I appreciate that they worked with experts to mitigate the circumstances of the property. Hopefully, the luxury will pull the people out of where they are and get other people into their units that will be affordable.

Jim Bolser – Just a reminder before you take the motions you will still need 3 separate motions for this item.

Commissioner Chapman – Is there any additional mechanical height above the 54 ft that they are asking for?

Josh Lyon – The mechanical will be ground height, just to be clear, the buildings are terraced.

Chair Kemp – I don't really have a problem with the variance because in our general plan we talked about pushing the taller buildings out against the hills. The rock fall hazard was my biggest concern last time and the access out onto Bluff street, they have 3 accesses and one of them is a signalized intersection. I like it.

Commissioner Fisher – There is one thing I noticed on the conditions from the staff, no additional financial charges are placed for private parking, and it reminded me of a situation that I think we are going to have to deal with in every case now unless we do something with the ordinance. I am aware of a development that qualified for higher density and alleyways because they provided 2 car parking garages and then a certain number of guest parking but then later, after they require the tenants to keep their garage cans

inside the garages which eliminates one of the cars forcing those occupants to park on the street or in the marked parking. Now they are charging everyone to park in those parking stalls. I think we've got to have a condition or a change in the ordinance that this is approved based on the parking presented here and there should be a condition that the developer and the HOA cannot impose any requirement that would limit the ability to use garages as designed, whether it is a 1 car or 2 car garage. They don't do anything to inhibit an occupant's ability to use the design of the garage for less than what it was designed for based on the parking requirements that we have.

Commissioner Chapman – I also think that that there should be something on there that they cannot charge additional for the use of the parking garage because that what qualifies for the parking, and we do have some that do that.

- a. **PUBLIC HEARING:** Consider a request for a Development Agreement that will allow the developer to acquire city owned property and implement rockfall hazard mitigation in return for supplying attainable housing units. **Case No. 2023-DA-003**

MOTION: Commissioner Fisher made a motion to recommend approval to City Council of the development agreement for Soliel Ridge apartments based on the findings and subject to the conditions that are listed with an additional condition that the developer and owner and if in the future it is somehow subdivided and governed by an HOA is prevented from requiring or placing any conditions on an occupants ability to use the garage spaces as they are designed to meet the requirement for parking under the ordinance as we pass it today.
SECOND: Commissioner Anderson
ROLL CALL VOTE:
AYES (6)
Chair Kemp
Commissioner Anderson
Commissioner Rogers
Commissioner Fisher
Commissioner Andrus
Commissioner Chapman
NAYS (0)
Motion Carries unanimous vote

- b. Consider a request for a Hillside Development Permit in order to allow construction in grades that exceed 20% and to approve plans for rockfall hazard mitigation. **Case No. 2021-HS-007**

MOTION: Commissioner Rogers made a motion to recommend approval to the City Council Item 1B a Hillside Development Permit.
SECOND: Commissioner Andrus
ROLL CALL VOTE:
AYES (4)
Chair Kemp
Commissioner Anderson
Commissioner Rogers
Commissioner Fisher

Commissioner Andrus
Commissioner Chapman
NAYS (0)
Motion Carries unanimous vote

- c. **PUBLIC HEARING:** Consider a request to change the zoning from C-2 (Commercial) to PD-R (Planned Development Residential) in order to construct a multifamily development. **Case No. 2023-ZC-006**

MOTION: Commissioner Anderson made a motion to recommend approval to City Council to change the zone from C-2 to PD-R.
SECOND: Commissioner Chapman
Commissioner Fisher - Would
ROLL CALL VOTE:
AYES (4)
Chair Kemp
Commissioner Anderson
Commissioner Rogers
Commissioner Fisher
Commissioner Andrus
Commissioner Chapman
NAYS (0)
Motion Carries unanimous vote

2. **Food Truck Park Zoning Regulation Amendment** – Yori Livingston is requesting to amend portions of the St. George City Code, to add Food Truck Park as a use and to allow this use as a permitted with standards use in the C-2, C-3 and/or C-4 zone. This item was continued from the May 9, 2023, Planning Commission meeting. **Case No. 2023-ZRA-002.** (Staff – Carol Winner)

Dan Boles presented the following:

Dan Boles – Dan went over all of the language that was added to the proposed ordinance since the last meeting, these changes are highlighted in yellow in the Planning Commission Agenda Packet.

Commissioner Rogers – I can imagine some locations will be more temporary than others. I hate to think that a grease interceptor would be appropriate for every location.

Jami Brackin – Again, just having a food truck parked somewhere is different from having a food truck park. If you have a food truck park, then a grease interceptor will be required.

Yori Ludvingston – Your counsel was to make it less restrictive. It would kill you to have to put in a grease interceptor to run 2 or 3 trucks out there.

Commissioner Anderson – Where do you take it now?

Yori Ludvingston – You take it to Katering Koncepts. If you make us have the grease interceptor and we have to leave, then why do we need the grease interceptor?

Commissioner Rogers – If they are leaving every night then I don't think you would need a grease interceptor.

Discussion on whether the trucks should move every night or week.

Commissioner Chapman – The parking requirement says that food truck has to be parked on pavement. That's not saying anything about tables or chairs. So, the drive aisles, pads, and parking have to be paved or concrete?

Dan Boles – Yes, that's right.

Commissioner Anderson – If a food truck park is being built and they put in the rest rooms, a grease trap, how do you feel about them staying overnight? If they have everything they need there how do you feel about them staying there? I don't know if we can write language in there that they have to be able to move so that they aren't dilapidated and old.

Chair Kemp – I think we could,

Jim Bolser – What guarantee would we have that they run? The City is not going to go out and inspect them? Second, there is a very clear difference between a mobile business license and a general business license. If they are not required to move, then they are no longer mobile, do they qualify for a mobile business license? How do we enforce that they are mobile? There are some very significant questions regarding mobility.

Chair Kemp – I agree with you, and I think there might be a way do that by requiring that all the vehicles be registered, that the registrations don't expire and that the City or health department or someone could require that everyone has to be able to roll out, even for an hour, they need to be able to move. I don't want to see them become dilapidated, permanent fixtures. The concept is for them to come and go. I've looked at several of these since the last meeting. The last one was in Oklahoma City, and I thought it was really well done. As long as they maintain it, as long as it's mobile, I don't know how we would draft that language.

Jim Bolser – I would offer a couple points for consideration. What guarantee do we have that they do run? The City is not going to go out and inspect them to see whether or not their engines run. Secondly, there is a very clear difference between a mobile business license and a brick-and-mortar business license. One of those is that the mobile business license moves. If it is allowed to be stationary, it no longer moves. Is it no longer qualifying for a mobile business license when it no longer moves? There is a very clear question of mobility when it comes to a mobile business license. How would we enforce making sure they can move; how would we check that? For instance, we are not going to have our fleet maintenance folks go and inspect a food truck to see if it can move. There are some very significant questions on what is mobility if we are not requiring them to maintain mobility.

Chair Kemp -

Jami Brackin – Yes, and here's why. Because, again, State statute prohibits us from regulating how many days you can be on a certain location. We can only regulate the hours of operation on a daily basis.

Jim Bolser – I am going to reflect on something you said earlier Mr. Chairman. There may not be any concerns with this site. But we are not considering text amendments based on this site, we have to consider them citywide. Although this applicant may have zero problems with maintaining their vehicles for mobility, is everybody going to be in that same boat? Or are there going to be, for lack of a better term, a “bad actor” who wants to take advantage and now we have zero enforceability because even if it’s obvious that the vehicle no longer operates we now have no mechanism to ensure that.

Chair Kemp – So you’re saying the hard line in the sand is that they have to move every single day?

Commissioner Andrus – So what if we require them to have a grease trap if they have more than 3 trucks?

Commissioner Chapman – If they don’t have a grease trap and they don’t have a huge tank that pretty much ensures they have to leave.

Discussion continued regarding wastewater disposal.

Commissioner Fisher – I think we need to be very careful about what we are doing here. This is a certain segment. This is just one type of industry and I think we need to be careful that we are not drafting something that is allowing this segment to invade a more permanent segment. We require a lot if someone wants to put in a restaurant and there’s a reason for it. We have got to be very careful about what we do here because if this becomes too simple, what we will see more of this then buildings being constructed. And that’s not what this is, these are food trucks, there is a purpose behind it. We need to be very careful about what we put in here that will allow it to be used more in the permanent nature than what is really intended. I don’t want them to have to spend more money than necessary, but as soon as they try to become more permanent then they should have to do what a permanent building should do. I would like to hear Waste Water’s thoughts on it.

Jami Brackin – It basically boils down to exactly what you are saying, if restaurants would be required to put this in and you now have a multiple restaurant kind of situation and I think that is where they’re coming from, but we’re happy to bring them back and have them talk to you guys.

Commissioner Anderson – The other thing is, if I can add, what is going to dictate the quantity of food trucks in a park?

Commissioner Andrus – The size.

Commissioner Anderson – Is it parking?

Jami Brackin – You do still have parking standards that you have to meet. You do still have access standards that you have to meet. The size of the property is going to dictate how many pads there are.

Commissioner Fisher – Right now the parking standard is based on the square footage of a restaurant, what’s kitchen, what’s not. How’s that going to be determined for food trucks?

Dan Boles – This ordinance would create that standard and require 3 parking spaces per pad/food truck.

Commissioner Anderson – I think it makes sense to accommodate this, but we don’t want restaurants penalized. I think if you want to do a park the waste water would not be a bunch of money to put in. I

think I'm probably ok with leaving the waste water disposal in the food truck setting. I think you could do a 1,000 gallon for about \$10,000.00.

Commissioner Fisher – I'd like to know what waste water has to say, I think the movement has to happen. I think we may need both the moving and the grease trap. I think that I would like to hear from the waste water. In the beginning my thoughts were why do the waste water if we are going to make them move but now I think we may need both. Again, I would just caution us that we're thoughtful in what we are doing, I know that we are talking about one in particular, but we can't look at one in particular.

Chair Kemp – We can't and that is the point. This new business model that didn't exist 20 or 30 years ago, these trucks are an opportunity for new businesses to incubate. To try new concepts. The cost of opening a restaurant is so cost prohibitive that you won't see them come along without these incubators.

Commissioner Fisher – I think at least for me, I need more information to know what implications there are with making this site permanent for use while still trying to preserve this.

Commissioner Chapman – Am I incorrect in assuming that it's not a permanent place, it's a gathering place. The location is permanent.

Chair Kemp – It's got permanent restrooms; it's got a permanent grease trap.

Commissioner Chapman – It's a gathering place and there may be different food trucks there every day.

Commissioner Fisher – The permanency is the use that is there, maybe different users. What protections do we need to establish for this use?

Discussion continued regarding the use and the permanency of the use.

Commissioner Rogers – If this is a business, my concern is a manager onsite. It doesn't go into details of what that is.

Chair Kemp – We can get high centered on these things, I agree with Nathan's ideas, but I think Ben might be right. I think we might see a whole lot less of these because we are making it too complicated.

MOTION: Commissioner Anderson made a motion to recommend approval of item 2 to City Council as presented.

SECOND: Commissioner Andrus

ROLL CALL VOTE:

AYES (4)

Chair Kemp

Commissioner Anderson

Commissioner Andrus

Commissioner Chapman

NAYS (2)

Commissioner Fisher

Commissioner Rogers

Motion Carries

3. **PEG 1B Subdivision Preliminary Plat** - Bob Hermandson, representing Bush and Gudgell is requesting approval of a preliminary plat to create a single lot for the northern portion of the PEG apartments development located along Desert Color Pkwy just south of Black Mountain Dr. The property is approximately 8.62 acres and is zoned PD-C (Planned Development Commercial) with a Horizontal Mixed-Use Overlay. **Case No. 2023-PP-021** (Staff – Dan Boles)

Dan Boles presented the following:

Dan Boles – This creates the lot that the apartments will sit on. The apartments were approved last year. This is the one that has the mixed-use overlay that allows the apartments.

MOTION: Commissioner Fisher made a motion to recommend approval of item 3 to City Council.

SECOND: Commissioner Rogers

ROLL CALL VOTE:

AYES (6)

Chair Kemp

Commissioner Anderson

Commissioner Rogers

Commissioner Fisher

Commissioner Andrus

Commissioner Chapman

NAYS (0)

Motion Carries unanimous vote

4. **Cove Valley Preliminary Plat** – Ken Miller, representing DSG Engineering is requesting approval of an eleven (11) lot residential preliminary plat located at approximately 2500 East and 5500 South on the extension of Malitsoh Way, north of White Dome Dr. The property is approximately 2.61 acres and is zoned R-1-7 (Single Family Residential 7,000 sq ft minimum lot size). **Case No. 2023-PP-022** (Staff – Carol Winner)

Dan Boles presented the following:

Commissioner Andrus – What roads are out there now? In the aerial this is kind of floating in the middle of nowhere. I am curious of what roads are out there now, what roads are in the process of being built?

Wes Jenkins – Right now they are developing these 3 projects right here, they are constructing these roads (Wes pointed to the map).

Commissioner Rogers – Do all these still have one point of access off of River Road?

Wes Jenkins – The agreement is that with this one, which is there last one of the three. They would be required to build this access to the east that ties into Desert Canyons. That would be there second access. Unless the City, the City has some funds that they are getting from the Federal Government to build the

interchange here, it's not going to cover it all, they are still trying to come up with the remainder, if that comes first then that would give them the second access. Either way, they need develop their second access. They worked out with the school district that the kids will build the homes on these lots for the parade of homes.

MOTION: Commissioner Anderson made a motion to recommend approval of Item 4 Cove Valley preliminary plat.
SECOND: Commissioner Rogers
ROLL CALL VOTE:
AYES (6)
Chair Kemp
Commissioner Anderson
Commissioner Rogers
Commissioner Fisher
Commissioner Andrus
Commissioner Chapman
NAYS (0)
Motion Carries unanimous vote

5. **Estates at Old Farm Preliminary Plat** – Ryan Lay, representing Bush and Gudgell is requesting approval of a twenty-one (21) lot residential preliminary plat located north of 2450 South St and east of 2580 East St. The property is approximately 14.50 acres and is zoned R-1-20 (Single Family Residential 20,000 sq ft minimum lot size). **Case No. 2023-PP-023** (Staff – Carol Winner)

Dan Boles presented the following:

Dan Boles – We are just looking at this chunk of R-1-20 that we rezoned recently.

Chair Kemp – So these lots are the same size as the lots to the west of them?

Dan Boles – Yes, 2580 East was originally proposed for a 66 foot Right of Way because these are double fronted lots we are going to allow them to put the landscaping and the trail in within the right of way. It is a little unusual, but we don't want to give up the right of way.

Commissioner Fisher – Who will take care of it?

Dan Boles – They will have to have an HOA.

Jami Brackin – The HOA will have to enter into a landscape agreement with the City.

MOTION: Commissioner Chapman made a motion to recommend approval of Item 5.
SECOND: Commissioner Fisher
ROLL CALL VOTE:
AYES (4)
Chair Kemp
Commissioner Anderson

Commissioner Rogers
Commissioner Fisher
Commissioner Andrus
Commissioner Chapman
NAYS (0)
Motion Carries unanimous vote

6. **The Estates at Copper Ridge Preliminary Plat** – Tony Carter, representing Horrocks Engineering is requesting approval of a forty-two (42) lot residential preliminary plat generally located on Hillrise Drive south of Summit Ridge Drive. The property is approximately 70.83 acres and is zoned PD-R (Planned Development Residential). **Case No. 2023-PP-013** (Staff – Dan Boles)

Dan Boles presented the following:

Dan Boles – This was rezoned to a PD a couple years ago; a plat and hillside were also approved. There were some delays with the water tank. That pushed their preliminary plat out, it expired. They are bringing the plat forward without changes to ask for a reinstatement. There will be a lot of open space, all of the lots have pads, the pads will be shown on the plat and the rest is non disturb.

Chair Kemp – Will there be a cul-de-sac there at the end?

Wes Jenkins – That is where they access those cell towers. They will still need to access those roads. They will have some type of turn around on the property, we haven't worked that out yet.

Commissioner Andrus – I do work for Horrocks that has been doing the site plan for this, but I haven't worked on this project at all.

MOTION: Commissioner Fisher made a motion to recommend approval of Item 6 a preliminary plat for Estates at Copper Ridge with all staff's conditions and findings.

SECOND: Commissioner Anderson

Commissioner Anderson – Can we add staff's conditions and findings?

Commissioner Fisher – Yes

Commissioner Anderson - Yes

ROLL CALL VOTE:

AYES (6)

Chair Kemp

Commissioner Anderson

Commissioner Rogers

Commissioner Fisher

Commissioner Andrus

Commissioner Chapman

NAYS (0)

Motion Carries unanimous vote

7. **Minutes**

Consider a request to approve the meeting minutes from the June 13, 2023, meeting.

MOTION: Commissioner Andrus made a motion to approve the minutes with the change that Commissioner Chapman led the Pledge of Allegiance.

SECOND: Commissioner Fisher

ROLL CALL VOTE:

AYES (6)

Chair Kemp

Commissioner Anderson

Commissioner Rogers

Commissioner Fisher

Commissioner Andrus

Commissioner Chapman

NAYS (0)

Motion Carries unanimous vote

8. City Council Items

Jim Bolser the Community Development Director will report on items heard at the June 1, 2023, City Council meeting.

1. 2023-ZC-003 Tonaquint Heights Phases 4-7
2. 2023-HS-005 Banded Hills Lot 3
3. 2023-PP-018 Moorland Park Phases 5 and 8
4. 2023-PDA-004 Circolo Villas
5. 2023-PP-011 Circolo Villas
6. 2023-PDA-007 Desert Reflection
7. 2023-PP-017 Desert Reflection at Desert Canyons

9. Adjourn

MOTION: Commissioner Rogers made a motion to adjourn.

SECOND: Commissioner Chapman

ROLL CALL VOTE:

AYES (6)

Chair Kemp

Commissioner Anderson

Commissioner Rogers

Commissioner Fisher

Commissioner Andrus

Commissioner Chapman

NAYS (0)

Motion Carries unanimous vote