# IVINS CITY
# PLANNING COMMISSION
# MINUTES
# January 5, 2016
# 435-628-0606

**1) WELCOME AND CALL TO ORDER**

**CHAIRMAN AND COMMISSIONERS:** The meeting was called to order at 5:30 p.m. All present included Chairman Jeff Loris, Commissioner Adel Murphy, Commissioner Bryan Pack, Commissioner Mike Scott, and Commissioner Lance Anderson.
Staff Attending: Dale Coulam-City Manager/Attorney, Kevin Rudd-Building and Zoning Administrator, Sharon Allen-Deputy City Recorder.
Audience Attending: Claudette Larsen, Curren Christensen, Richard, Kathy Barth, Dee Osborn, Brandee Walker, Terry Marten, as well as others that did not sign in.

**A. Acknowledgement of Quorum**
**B. Flag Salute-Commissioner Adel Murphy**
**C. Invocation-Commissioner Lance Anderson**
**D. Disclosures-No Conflicts, except for Commissioner Lance Anderson who stated he owns land down South of Item 4A - the old Bellagio, Indigo Trails.**

**2) REPORTS AND PRESENTATION - None**
**3) BUSINESS LICENSES -None**
**4) PUBLIC HEARING AND ACTION ITEMS**

**A. Public Hearing regarding Land Use Amendment from Community Commercial to High Density Residential at approximately 411 W Hwy 91/Guy Lane, on the east side of street and south of Rider's Mountain View Tire Inc. Curren Christensen-Applicant. Tizzinuf LLC-Owner.**

**Kevin Rudd** stated the current land use for this property is Community Commercial and the zoning is C-1. Rider's Tire is also. Movara is zoned Resort on the Land Use Plan. The property next to it is zoned Professional. The applicants are requesting to change the land use to High-Density Residential and then will request a zone change to multi-family for townhomes on this property. Staff does not comment on land use amendments. The City does lack moderate income housing. There is not a great inventory here and so the City needs to look at providing more areas for High-Density residential in the near future. The townhomes that Robert Ence did are very nice. We will see more recommendations coming forward, especially with the University being built. **Commissioner Bryan Pack** inquired what is the property to the left? **Kevin Rudd** stated that the school district has 40 acres and it says school. If the school sold that property we'd have to designate another use for it. **Commissioner Adele Murphy** inquired what is across the street? **Kevin Rudd** stated that it is zoned RA-1. **Chairman Jeff Loris** inquired on the potential density. **Kevin Rudd** stated that multi-family density is based upon the improved open space they provide. Ence did 11 units on an acre, so maybe 12 units on an acre. It's a 5 acre parcel. **Chairman Jeff Loris** opened the Public Hearing. Curren Christensen stated that he works for NAI and is the real estate broker marketing the property for the last two years now. He stated that it is an island with no frontage on Hwy 91, school and residential to the West It would blend well to provide for moderate income housing. They feel it would be a good project and estimates approximately 12 units an acre. Developers are interested in the site and doing

something similar to the Ence project. These would be great for starter homes. Rocky Vista University will be great for the City and the area in general. **Dale Coulam** stated that Allan Carter's letter be read for the record and a copy is available at City Hall upon request. Terry Marten stated that he sponsored the Highway 91 corridor in the past, and now we are talking about the RV Resort It appears what should happen is to be sure it's put in the right place. There are a lot of different zones in this area. We need to give thought of what we really want to see. We need to give it a lot of consideration. We ultimately got rid of the salvage yard that was in that area. He would like the Commission to think about the best use for this property. He suggested putting a group of people together and discussing what we want to see there. Curren Christensen stated that given the size of that area for Community Commercial he thinks residential is a better fit. Next to a school zone there will be different densities around that school. Any commercial development would not happen for many years. Residential is the highest and best use for this property. **Chairman Jeff Loris** read the letter from Allan Carter. Hearing no further comments, **Chairman Jeff Loris** closed the Public Hearing.

**B. Discuss and Consider Recommendation regarding Land Use Amendment from Community Commercial to High Density Residential at approximately 411 W Hwy 91/Guy Lane, on the east side of street and south of Rider's Mountain View Tire Inc. Curren Christensen-Applicant. Tizzinuf LLC-Owner.**

**Kevin Rudd** stated the average medium density would be R-1-10. Multiple family would be high density, which would include R-1-5 or R-2-6 duplexes. **Commissioner Mike Scott** inquired if Movara was talking about putting multi-family to the left. **Kevin Rudd** stated yes, they suggested 8 unit condominiums. It would be close to the same density. **Commissioner Mike Scott** stated that they previously approved that idea. He inquired if council did as well? **Kevin Rudd** stated yes they did and it went through the subdivision process, but then they invested in other properties they owned. They wanted commercial around the cell tower. They were going to put those multi-family units into a rental pool. It would be similar to Red Mountain and their individually owned project. The school was looking into going North as an option but they couldn't find a large enough parcel. **Commissioner Lance Anderson** stated he doesn't know that we can ever say that will become a school. **Kevin Rudd** stated that a school could go anywhere. There is an underlying zone and the land use needs to be established. It shows the intention that we have there. **Commissioner Lance Anderson** stated that Movara was going to do High-Density. How high could they be? **Kevin Rudd** stated 25 feet. Up to 35 feet if they pushed the buildings in. It would be two story. **Commissioner Bryan Pack** stated it was mentioned that other uses had been brought up. **Kevin Rudd** stated there was a retail component within the building. We created a new use in our use chart for a buyer on that parcel. **Dale Coulam** stated that they had also proposed a meditation garden, which would be difficult next to Riders Tire and the cell tower. This could be a transition buffer to go high density residential or commercial. The letter that was read referenced a prior lawsuit. There was a plan that was settled on but they have not submitted an application for that plan. We have seen an amended concept that deviated from the settlement agreement which would need to meet our current ordinances. If they want to apply it would have to comply with the settlement agreement or our current ordinances. **Commissioner Lance Anderson** stated medium density would be best but it doesn't allow multi-family residential. **Commissioner Mike Scott** stated he thinks it is a compatible kind of housing and looks reasonable to him. **Commissioner Lance Anderson** inquired if there are 60 units on 5 acres, where all the cars would park. It should be medium density residential. **Dale Coulam** stated there has been an application filed, which requires a decision. The time to plan

Highway 91 Corridor would have been before. Now we are obligated to act on this application. **Commissioner Lance Anderson** inquired if we think it's the best interest to go from C-1 to Residential? **Commissioner Adel Murphy** stated that residential is her feeling, either medium or high density. **Commissioner Bryan Pack** stated that this is a good spot for higher density residential, it is off the road a bit. He is not opposed to that. **Commissioner Lance Anderson** stated at some point we need to bring the density down. **Chairman Jeff Loris** stated that R-1-10 would be a 20 unit area. 25 units would be at 7.5. He thinks 20 units is their max. That is a low revenue builder. **Commissioner Lance Anderson** stated that everything on the South side of Highway 91, if the school is built, is defined. **Kevin Rudd** stated if a high school went there, high density or commercial on that side would make sense. **Commissioner Lance Anderson** stated a school there shuts down every access we have so we need to be careful. **Kevin Rudd** stated it is a 100 foot wide corridor. The Western corridor will come through there. It won't be too much traffic. It is a great location for high density and some commercial. **Chairman Jeff Loris** stated that the Ence townhomes look great because of our guidelines. **Commissioner Lance Anderson** stated he is not in favor of it because he doesn't know where it would ever stop. **Dale Coulam** stated that the Commission has the flexibility to say that they could have a row of single homes as a buffer for the two story multi-family. **Kevin Rudd** stated if you give him high density residential you can do that with the zoning when they do a zone change. **Dale Coulam** stated that zoning follows property lines. He would think high density for most of the property and then at least one row of 7.5 medium density homes along Fitness Ridge Way.

**MOTION: Commissioner Adel Murphy moved to approve Recommendation of a Land Use Amendment from Community Commercial to Medium Density Residential, one row on the South portion along Fitness Ridge Way. The rest of the property's land use to be amended to High Density Residential up to Rider's Mountain View Tire Inc. Curren Christensen-Applicant. Tizzinuf LLC-Owner.**
**SECOND: Commissioner Bryan Pack**
**VOTE: The motion carried.**

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| Chairman Jeff Loris | AYE |
| Commissioner Adel Murphy | AYE |
| Commissioner Bryan Pack | AYE |
| Commissioner Mike Scott | AYE |
| Commissioner Lance Anderson | AYE |

**C. Public Hearing on a Preliminary Plan for Encanto Resort, located approximately 1380 East Snow Canyon Parkway (on the north side of Snow Canyon Parkway) Walter Plumb-Applicant. Plumb Holdings LLC-Owner.**

**Kevin Rudd** stated that this is the plan that was approved. It is exactly the same as the Conditional Use Permit that allows them to build it. Staff brings it forward with recommendation for approval. **Commissioner Bryan Pack** inquired if these were short term rentals. **Kevin Rudd** stated yes, a development agreement will need to be conditioned on that. **Dale Coulam** stated in the Conditional Use Permit process it was represented that all of the units (60) would be placed in a rental pool for part of the year. The development agreement will restate that requirement. He stated that applicant's representative, Brandee Walker, would like to have that at the final plat stage rather than at preliminary plan, before final plat approval is given. They are all hotel/condos in a rental pool. The Commission could grant preliminary plan

approval with the statement that a development agreement will be approved by the Planning Commission before final plat approval, specifying that these are all in a rental pool for a portion of the year. So the marketing will be consistent with the Conditional Use Permit. They are single family homes, each divided into two units where you can rent all or a portion of the home. **Commissioner Lance Anderson** inquired if they are phasing. Brandee Walker stated there is no phasing. **Chairman Jeff Loris** opened the Public Hearing. Hearing no further comments, **Chairman Jeff Loris** closed the Public Hearing.

**D. Discuss and Consider Recommendation Public Hearing on a Preliminary Plan for Encanto Resort, located approximately 1380 East Snow Canyon Parkway (on the north side of Snow Canyon Parkway) Walter Plumb-Applicant. Plumb Holdings LLC-Owner.**

**Dale Coulam** stated the motion should reference that the development agreement will be agreed upon before final plat approval and the requirements of the Conditional Use Permit will carry forward that these are all in the rental pool.

**MOTION: Commissioner Adel Murphy moved to approve Recommend the Preliminary Plan for Encanto Resort, located approximately 1380 East Snow Canyon Parkway (on the north side of Snow Canyon Parkway) Walter Plumb-Applicant. Plumb Holdings LLC-Owner with the understanding that prior to final plat approval, a development agreement will be required. As part of that development agreement, there will be a conditional that these are hotel/condos, and that all units will be part of a rental pool.**
**SECOND: Commissioner Mike Scott**
**VOTE: The motion carried.**

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| Chairman Jeff Loris | AYE |
| Commissioner Adel Murphy | AYE |
| Commissioner Bryan Pack | AYE |
| Commissioner Mike Scott | AYE |
| Commissioner Lance Anderson | AYE |

**5) DISCUSSION AND POTENTIAL ACTION ITEMS**

**A. Discuss and Review Zoning Ordinance Text and proposed amendments to Ivins City Subdivision Ordinance 15.04.303(1)(2)(3), Preliminary Plan Review Process.**

**Commissioner Mike Scott** stated that his proposed changes are that we make no changes but change Class 5 to be without a Public Hearing and only Council has a Public Hearing. **Chairman Jeff Loris** stated that it makes sense. **Commissioner Mike Scott** stated Class 5 uses are the most potentially disruptive uses. The most impactful. City Council needs public input for that. We are a recommending body with expertise and so he opted for less public input at our level for the applicant and community and less burdensome and confusing. **Dale Coulam** stated that public comment also helps to make a good recommendation to City Council. That's the flip side of that. **Chairman Jeff Loris** stated that the Commission took their recommendation to the Council and to the public and then the Council did the opposite. **Commissioner Mike Scott** stated they are elected and the community should be heard at City Council. **Commissioner Lance Anderson** stated that public comment is hard because there is no conversation. It's a double-edged sword. **Commissioner Adel Murphy** stated it is good to sometimes have the second Public Hearing. We are receptive to the public. She is not sure she is ready to take it away in all instances. **Commissioner Lance Anderson** stated he is leery to take it all away. **Commissioner Mike Scott** stated he suggests this only for Class

5. **Commissioner Bryan Pack** stated that it makes sense. **Chairman Jeff Loris** stated that we should have the decision before the deciding group. **Commissioner Mike Scott** stated he could go either way. Is it a burden and confusion and where is it needed most? **Kevin Rudd** stated for example, should there be a second public hearing on a convenience store or a gas station. **Commissioner Lance Anderson** stated he personally would need a Public Hearing to make that decision. **Dale Coulam** stated that land use experts have reminded us that the statute does not require the public hearing. Conditional uses are primarily administrative; subdivision approvals are completely administrative. Public hearings are required for legislative decisions. A public hearing may, however, be helpful for the more impactful conditional uses. N may come forth with evidence of an adverse effect that needs to be mitigated by imposing a condition. You would need to listen to evidence and filter out public clamor **Commissioner Lance Anderson** stated that the Council needs the Public Hearing. **Commissioner Mike Scott** stated that he feels the Commission isn't reaching a decision here, but he looked at lowering or raising each class. Class 4 and 5 are the only opportunity for a Public Hearing. We currently have a mobile home zone but that is not allowed anymore. He suggests eliminating it and changing the zoning map to R-1.75. It would help with financing and sales of properties. **Kevin Rudd** stated that there are some that may be less than R-1-7.5. But they are legal non-conforming structures now. **Dale Coulam** stated they could do away with that designation and put a single family residential designation on it and try to match the size of the lot. **Commissioner Mike Scott** stated there is also an A-20 acre lot on the land use and on the legend, but we have none so we could do away with that. **Commissioner Lance Anderson** inquired if we need RA-5. **Commissioner Mike Scott** stated that Campground A-20 and RA-5 zones, change that to a Class 5 use. It permits RV Resort use. It allows recreational vehicles for a 45-day stay and it doesn't refer to how many. **Dale Coulam** stated we could eliminate that use if an RV Resort use is created. **Chairman Jeff Loris stated that** casitas and guesthouses could change to a Class 2 in all zones. We will never see this come before us unless they have already met all the requirements. **Kevin Rudd** stated yes. **Commissioner Mike Scott** noted that an animal hospital is a class 5 but indoor only is a class 4 for commercial kennels. He recommends that indoor be a Class 4 and create an outdoor that is a Class 5. **Commissioner Lance Anderson** stated we could just eliminate commercial kennel. Why would we allow that? **Commissioner Bryan Pack** stated if an application came and it was an impact we could mitigate that by leaving it in there. **Commissioner Mike Scott** stated if we leave it in we should break it into indoor and outdoor. **Commissioner Lance Anderson** suggested both be at Council level where it is most impactful. **Commissioner Mike Scott** inquired if we should move commercial kennel completely up to a Class 5. He suggested on a Church, we must approve, so that can be a Class 3. **Kevin Rudd** stated it can go in any zone. **Commissioner Mike Scott** inquired if there was any point in having a Public Hearing then? **Dale Coulam** acknowledged that a Church can go anywhere, but it does still have an impact. Casitas have guidelines that have to be met that make it purely administrative. **Commissioner Mike Scott** stated then we should keep churches a Class 4. **Commissioner Mike Scott** stated that RM are multi-family zone and it is treated as 3 plus units, but a single family is permitted. He suggested we make that a Class 2 use in that zone. We would continue to have Public Hearing on all Class 5's. **Chairman Jeff Loris** suggested we table this to another meeting. **Commissioner Adele Murphy** congratulated Commissioner Mike Scott on doing a great job. **Commissioner Bryan Pack** thinks that City Council should have the Public Hearings. **Commissioner Mike Scott** stated that he will make these changes and review

them at the next meeting. **Dale Coulam** stated that the subdivision ordinance has evolved and so we will review and discuss that at the next meeting as well.

**B. Discuss amendment to the Ivins City Zoning Ordinance for a "Recreational Vehicle Resort" in the Commercial Professional and Research Zoning District.**

**Dale Coulam** stated that the Public Hearing and recommendations all center around use. To designate the use, we need to change the Land Use Plan and then create a zone and show it on the zoning map. We could notice a Public Hearing for those map changes while working on the text or handle it all at once and wait to change the maps when we have an ordinance ready. **Commissioner Mike Scott** stated he thinks we would get the same public comment and he'd rather propose text and then let them digest that and give input then. **Commissioner Adel Murphy** agreed that we should have the hearings together. **Commissioner Lance Anderson** stated he would like to wait. **Kevin Rudd** stated that staff will prepare a draft. We are aware of the comments and we will address those concerns. It will be a resort. **Commissioner Adel Murphy** stated that John Reed put together a letter and he had good points, good comments and information in it.

**C. Discuss and consider approval of the Ivins City Planning Commission minutes for Planning Commission December 15, 2015.**

**MOTION: Commissioner Bryan Pack moved to approve the Ivins City Planning Commission minutes for Planning Commission December 15, 2015.**
**SECOND: Commissioner Mike Scott**
**VOTE: The motion carried.**

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| Chairman Jeff Loris | AYE |
| Commissioner Adel Murphy | AYE |
| Commissioner Bryan Pack | AYE |
| Commissioner Mike Scott | AYE |
| Commissioner Lance Anderson | AYE |

**6) REPORTS-None**
**A. Planning Commission**
**B. Chairman**
**C. Building & Zoning Administrator, Kevin Rudd**
**D. City Attorney, Dale Coulam**
**E. Items to be placed on future agendas**
**7) ADJOURNMENT**

**MOTION: Commissioner Lance Anderson moved to approve ADJOURNMENT**
**SECOND: Commissioner Lance Anderson**
**VOTE: The motion carried.**

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| Chairman Jeff Loris | AYE |
| Commissioner Adel Murphy | AYE |
| Commissioner Bryan Pack | AYE |
| Commissioner Mike Scott | AYE |
| Commissioner Lance Anderson | AYE |