IVINS CITY
PLANNING COMMISSON
MINUTES
November 1, 2016
435-628-0606

1) WELCOME AND CALL TO ORDER

CHAIRMAN AND COMMISSIONERS: The meeting was called to order at 05:30 p.m. All present included Chairman Jeff Loris, Commissioner Bryan Pack, Commissioner Mike Scott, and Commissioner Lance Anderson.

Staff Attending: Dale Coulam-City Manager/Attorney, Sharon Allen-Deputy City Recorder.

Audience Attending: Mark Howard, Donald Kermmoade, Mary Alexander, Arlo Caldwell, Barry Burlile, Patricia Burlile, Cheryl Hill, Margaret Lameka, Jared Madsen, Claudette Larsen, as Bud Sumner, as well as others who did not sign in.

A. Acknowledgement of Quorum

B. Flag Salute--Commissioner Lance Anderson

C. Invocation--Commissioner Bryan Pack

D. Disclosures--None

2) REPORTS AND PRESENTATIONS-

A. Amended Concept Plan for Red Desert Subdivision, located at approximately 350 N. 600 E. Roush Enterprises, LLC/Red Earth Development-Owner/Applicant.

Dale Coulam stated last meeting we talked about eight lots and indicated that there was a good chance he would amend his concept plan that he would amend the eastern portion of the property. He did that and there is now a total of 18 lots and includes his lot with his house. This is a lot averaging and there is one lot that is below what would otherwise be the required amount. Along the top the lots are bigger and along the southern side the lots are a little smaller and most meet the lot size except one or two. It does comply with the lot averaging requirements and we will be seeing preliminary plan coming forward with this. It will be phased and there will be a development agreement with that. His initial thought was to do five in the first phase and he will average 2-3 a year. It depends on the market and he wants to get some approvals in place and see what happens with this years Parade of Homes and they are beautiful view lots. It's at the top of the city beneath the red mountain. The problem is with drainage and they have to catch water along the middle and the south end. He is showing two possible alignments for the street and he hasn't decided on that yet. He showed both possibilities. The lots as shown is a mirror image of the west side and he has sketched in an idea to possibly put a road to the south on the eastern side but it is not fully shown how the lots would work out. The preliminary plan he would need to make that decision and he would show that.

3) BUSINESS LICENSES -None

4) PUBLIC HEARING AND ACTION ITEMS-

A. Public Hearing on a proposed Zone Change of 5 acres from RA-1 (Residential/Agricultural-minimum lot size 1 acre) to R-1-10 (Single Family Residential-minimum lot size 10,000 sq ft.) located on the southeast corner of Center Street and 400 W. Alpha Engineering-Applicant. New Trend Construction, LLC-Owner.

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Dale Coulam stated this property has been for sale for quite some time and has finally sold. There is a stub road from Suncrest West that guides how it would develop. Zoning around the area is R-1-10 and across the street is R-1-10. Tenaya Estates is RE-15. Tenaya Sands is RE-15 with a Subdivision Enhancement Overlay and half of those lots are approximately 10,000 sq ft. Suncrest West is directly next to it at R-1-7.5 a traditional subdivision, a zoning of multi-family next to that, and leftover parcels that have not been sold off that are still zoned R-A-1. The applicant is asking for a R-1-10 zone which is larger than Suncrest West and fits the zone. That is what surrounds the property. Amber Estates is RE-15 and has an overlay and got a density bonus because of the park. R-1-7.5 is Suncrest West. Staff does not make recommendations. **Chairman Jeff Loris** opened the Public Hearing. Mark Howard stated he was glad it sold and is going to be built, but rain floods down and in the circle. What will be done about drainage? Will it punch into Suncrest West or will it be walled off? **Chairman Jeff Loris** stated that this is zoning only from what he understands the road that is stubbed in now will continue north into this subdivision. Don Kermmoade stated that he lives in Suncrest West. He looks forward to getting rid of the gophers in his backyard. There is quite an elevation change. The wall at the end of the bumpout road is approximately 42" high and drops quickly and looks like Niagra Falls. That is a consideration. From Center Street to 200 West is around a 15-20 foot elevation drop. It is steep. Drainage is our primary concern. Lot size is very appropriate. We live under 7.5. His concern if that these will be single level stories, and asked the Planning Commission to look at this as development plans go forward. Consider the view and let us see the Utah hills. Cheryl Hill stated she lives in Suncrest West and there is a bad gopher problem. When they dig something needs to be done. Will they raise the height of the wall between us? **Chairman Jeff Loris** stated this is just the zone change. When the plan comes before us we will have that information. Maggie Lameka stated that she lives in Tenaya Estates. Her preference would be to zone it to RE-15 and putting 18-19 houses on that 4.5 acres if he is proposing 10,000 sq ft lots it will be congested. She also wondered where the the entrance will be. With the roundabout there, it is hazardous. Mary Alexander lives in in Tenaya Estates. She requested that they keep the lighting and the dark sky rules. **Chairman Jeff Loris** stated it is in our ordinances. That will be required. Arlo Caldwell stated he lives in Suncrest West and his concerns have been addressed. He will be watching the flooding issues very closely. Will the roads be maintained by the City or privately owned? **Dale Coulam** stated we won't know until they come forward with their plan. This is just a density question. We have three choices. R-1.7.5, the same as Suncrest West, R-1-10, or RE-12.5. **Dale Coulam** stated they have three choices R-1-7.5, R-1-10, or RE-12.5 and the building height is the same in all three zones. It is 25 feet to the highest point of the house. **Commissioner Lance Anderson** stated when Suncrest West came in, Amber Estates had multiple meetings regarding the height and those are only single stories. Mark Howard inquired do you have any idea the developer's plan, unofficially? **Chairman Jeff Loris** stated no. We have not met with the developer at all. This is only the zone change. Mark Howard inquired when we will know and will be have a hearing to challenge it? **Dale Coulam** stated if it is a standard subdivision there will be no Public Hearing, but if they have a Subdivision Enhancement Overlay there would be. There is still notice of the agenda. We cannot compel someone to build a house lower than 25 feet. Some developers come in and propose that on their own. Mark Howard inquired if that is single story? **Chairman Jeff Loris** stated it could be two-story. The townhomes on Center Street are below 25 feet. Bud Sumner inquired if someone could get two stories in 25 feet or less? **Chairman Jeff Loris** stated

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it is possible. This is just a zone change. Hearing no further comments, **Chairman Jeff Loris** closed the Public Hearing.

B. <u>Discuss and consider recommendation on a proposed Zone Change of 5 acres from RA-1 (Residential/Agricultural-minimum lot size 1 acre) to R-1-10 (Single Family Residential-minimum lot size 10,000 sq ft.) located on the southeast corner of Center Street and 400 W. Alpha Engineering-Applicant. New Trend Construction, LLC-Owner.</u>

Dale Coulam stated that on drainage a lot of those improvements are occurring north and northwest of this area. We have in place, plans to cut off water and take it out to the wash and plans to put in couple detention basins up high to catch water. So there are plans in place to cut off and prevent the water from rushing to this point. Detention basins will slow it down. Those are past the planning stages and moving forward with design and funding. We are hopeful that by the time this property develops we will also have put in those storm drains in place and cut off the water. We have made a lot of progress on flood control to the East. Now we are focusing on plans and funding on the West side more. We have had earth and berm around this property but that is not the answer. The answer is to cut the water off above. We are moving fast to implement those improvements. **Commissioner Lance Anderson** stated we solve problems, we don't mitigate them. **Chairman Jeff Loris** stated after curb and gutter is in, those will also be mitigated by the other streets. **Dale Coulam** stated as they design their project they would have a professional engineer address all those drainage issues. **Commissioner Lance Anderson** stated that the City has a heightened awareness and a lot of efforts have been made to help mitigate issues. **Chairman Jeff Loris** stated the City has done well to make sure that is mitigated. So we have three zoning choices. **Commissioner Lance Anderson** stated my philosophy is if we went to 12.5 and they put an overlay there, then we could control the height. **Dale Coulam** stated they have to give up open space to start the bonus. There is a minimum amount given up and then they can get additional as they give up more open space. 5 acre parcel is hard to do a Subdivision Enhancement Overlay. The price to play that game is pretty steep on such a small parcel. **Chairman Jeff Loris** stated if he looks at Suncrest and separate it into blocks R-1-10 fits. If we did an overlay to get down from 12.5 they could give up to get them to R-1-10. **Dale Coulam** stated Amber Estates gave up a lot to get their density. Tenaya Sands is RE-15 and about half the lots are 10,000 sq ft. It takes a larger piece of property to play that bonus card. **Commissioner Lance Anderson** stated he is concerned about the height, but he doesn't see how we can unless we require RE-12.5. **Commissioner Bryan Pack** inquired what is the difference in density on R-1-10 and 12.5? **Chairman Jeff Loris** stated 15-20 for R-1-10. 12-15 at RE-12.5. So a difference of 3-4 houses. **Commissioner Bryan Pack** stated he is okay with R-1-10. **Chairman Jeff Loris** stated he is in favor with R-1-10. **Commissioner Mike Scott** stated it works because the 7.5 is already there. **Commissioner Lance Anderson** stated that we will need to pass on to New Trend that we would like them to put single story in there.

MOTION: Commissioner Bryan Pack moved to approve recommendation on a proposed Zone Change of 5 acres from RA-1 (Residential/Agricultural-minimum lot size 1 acre) to R-1-10 (Single Family Residential-minimum lot size 10,000 sq ft.) located on the southeast corner of Center Street and 400 W. Alpha Engineering-Applicant. New Trend Construction, LLC-Owner.

SECOND: Commissioner Mike Scott

VOTE: The motion carried.

Chairman Jeff Loris	AYE

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Commissioner Bryan Pack	AYE
Commissioner Mike Scott	AYE
Commissioner Lance Anderson	AYE

5) DISCUSSION AND POTENTIAL ACTION ITEMS-

A. <u>Discuss and consider approval to cancel/reschedule Planning Commission Meeting for December 13, 2016.</u>

Dale Coulam stated that is the same date as the Ivins City staff Christmas party. It was the only day available.

MOTION: Commissioner Bryan Pack moved to approve cancel/reschedule Planning Commission Meeting for December 13, 2016.

SECOND: Commissioner Mike Scott

VOTE: The motion carried.

Chairman Jeff Loris	AYE
Commissioner Bryan Pack	AYE
Commissioner Mike Scott	AYE
Commissioner Lance Anderson	AYE

B. <u>Discuss and consider approval of the Ivins City Planning Commission minutes for October 18, 2016.</u>

MOTION: Commissioner Bryan Pack moved to approve the Ivins City Planning Commission minutes for October 18, 2016.

SECOND: Commissioner Mike Scott

VOTE: The motion carried.

Chairman Jeff Loris	AYE
Commissioner Bryan Pack	AYE
Commissioner Mike Scott	AYE
Commissioner Lance Anderson	AYE

6) REPORTS

A. Planning Commission

B. Chairman

C. Building & Zoning Administrator

D. <u>City Attorney</u>

Dale Coulam stated we had the administrative appeal filed by Gary Pendleton on the Resort Recreational land use decision by City Council and administrative law Judge Darren Barney decided that the decision of the City Council was a legislative decision and he was not allowed to consider that because he is only allowed to consider administrative decisions and so he ordered that it be dismissed. Mr. Pendleton filed in district court and covered both places. It will proceed at the district court level. Mr. Graf then filed for a zone change. That ended the stay for the administrative proceeding. I imagine that the possibility that when Mr. Pendleton will get notice of that zone change that he will file a stay at the district court level. He is delaying as long as he can. He learned about referendum today and so if a zone change is allowed at some point we can expect a petition may go to a vote of the people if he gets enough signatures on that. It will be a

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first for us. We have never gone to district court on a land use appeal and we have never had a referendum. Next meeting you will have a Public Hearing.

E. Items to be placed on future agendas

7) <u>ADJOURNMENT</u>

MOTION: Commissioner Lance Anderson moved to approve ADJOURNMENT

SECOND: Commissioner Mike Scott

VOTE: The motion carried.

Chairman Jeff Loris	AYE
Commissioner Bryan Pack	AYE
Commissioner Mike Scott	AYE
Commissioner Lance Anderson	AYE

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