IVINS CITY
PLANNING COMMISSION
MINUTES
June 13, 2017
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 Adel Murphy, Commissioner Mike Scott, Commissioner Bryan Pack, and Commissioner Lance Anderson.

Staff Attending: Dale Coulam-City Manager/Attorney, Mike Rodriguez-Building and Zoning Administrator, and Sharon Allen-Deputy City Recorder.

Audience Attending: Kathie and Robert Taylor, Jared Madsen, William Roberts, Leon and Myrtle Ott, Seth Foster, Eric McFadden, Kathy Barth, Richard Bryant, Robert Ence, as well as others that did not sign in.

A. Acknowledgement of Quorum
B. Flag Salute--Commissioner Mike Scott
C. Invocation--Chairman Jeff Loris
D. Disclosures

Commissioner Lance Anderson stated that he has a conflict with Taviawk IX-R Final Plat. No other conflicts.

2) REPORTS AND PRESENTATIONS -None

3) BUSINESS LICENSES -None

4) PUBLIC HEARING AND ACTION ITEMS-

A. Public Hearing for Land Use Amendment and Zone Change for the Haven at Heritage Acres, located at approximately 400 West and 400 South. Seth Foster-Owner. Alpha Engineering-Applicant.

Mike Rodriguez stated this is our first concurrent application since its approval. This property is located just south of Unity Park and just north of Highway 91. The northern half of the property is currently Medium Density Residential and the lower half is Low Density Residential. The applicant is asking to change the Land Use to Medium Density Residential and to change the zoning from RA-1 to R-1-10. **Dale Coulam** stated that a nearby parcel was recently changed to High Density Residential with a zoning district of townhouse. One nearby property owner has stated a desire to change to something similar but others nearby are Low Density Residential. **Chairman Jeff Loris** opened the Public Hearing. William Roberts stated that his entire east boundary is across the road from this property. He inquired if the townhome zone is straight across the street north of Movara? **Mike Rodriguez** stated yes. It was changed last month. Candace Ence lives across the street. She inquired how this change would impact animal rights and what the access points would be? **Chairman Jeff Loris** stated that first they will change the use, then they will present a plan. **Dale Coulam** stated your animal use stays RA-1 and allows animals. R-1-10 has pets only, no horses. Candace Ence stated R-1-10 is a quarter acre or around 10,000 sq feet. Will they will be doing bigger lots, or average the same size. She

stated she wants people to realize there are chickens allowed. **Dale Coulam** stated hens are actually allowed in the R-1-10 zone as well. Robert Taylor stated that he his concern is during game season parking is ridiculous already and there are kids crossing the street. Once the road is developed it will be parallel parking and be even worse. The subdivision across the street was proposed 45 houses and then they beautified it and upped it to 65 houses. Seth Foster stated in their subdivision, they are giving a portion to the City for drainage. Robert Taylor stated that speed limit is not enforced and is supposed to be 25 mph. They do not stop at the stop sign. William Roberts stated that he wanted to reiterate they all have animals in their area. He inquired if they would be one story homes. They will be single residential? **Dale Coulam** Amber Estates has a HOA. They comply with the rules of that subdivision. In RA-1 you can have rooster and chickens. R-1-10 has no agricultural-type animals, but City Council allows hens. Seth Foster stated that he is with AHS Homes. He lives in an agricultural area himself. **Chairman Jeff Loris** closed the Public Hearing.

B. <u>Discuss and consider recommendation of Public Hearing regarding Land Use Amendment and Zone Change for the Haven and Heritage Acres, located at approximately 400 West and 400 South. Seth Foster-Owner. Alpha Engineering-Applicant.</u>

Commissioner Lance Anderson stated that in Cliffrose we zoned RE-12-5 and allowed them to get a bonus, which allowed us to keep open space. It gives a little control to keep larger single family homes. **Commissioner Bryan Pack** stated he has no comments, but he is curious about the parking at the park. It may or may not change what we do here. **Dale Coulam** stated it will help organize street parking. Their side of 400 South will have curb gutter and sidewalk. It may help improve the situation. **Commissioner Lance Anderson** inquired if this is an area they could finish gap-fill. **Dale Coulam** stated we have several projects prioritized ahead of that. **Chairman Jeff Loris** stated if that parking goes to parallel parking you will get half as many cars there because it isn't vertical parking. Then it slides down to other areas to park. **Commissioner Mike Scott** stated on the land use change on the southern half of the property from Low Density to Medium Density he has no concerns. The zones are RE-7.5. RE-10 and RE-12.5. So Lance Anderson's idea is to set it at 12.5 and allow them the opportunity to do a density bonus and deal with their drainage issue. What would be the difference in the number of lots? **Dale Coulam** stated it is an impossible question at this time without the plan. They could qualify as open space for a density bonus but how large we don't know. We don't know amenities inside the subdivision. That is only one element of a density bonus. They are not required to come forward with a plan at this stage. They have a rough idea of what they could do on this property is all. **Commissioner Mike Scott** stated that because the other property was High Density Residential, then Medium Density Residential at R-1-10 is okay. **Commissioner Lance Anderson** stated that he thinks 55 is the maximum number of lots they could get at RE-12.5. With a 25% density bonus, they could get 68-69 lots. **Chairman Jeff Loris** inquired isn't that the same as R-1-10? **Commissioner Lance Anderson** stated yes but at RE-12.5 and bonuses they can gain the 25% and keeps the outer edges from having homes in them. **Dale Coulam** stated that we need to remember they don't get a bonus for every single bit of open space. The first 10% doesn't count. Any open space above 10% starts to count as a bonus. Jared Madsen stated they have looked at the preliminary layout and 10% is two acres to start with then the lots come down to about 8000 sq ft to start fitting. If that is okay with RE-12.5 zoning, we would be fine with that. By the time you put roads in, the lots get pretty small. **Commissioner Lance Anderson** stated that the only benefit for the City to say RE-12.5 is to control height,

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color, texture and open space. **Chairman Jeff Loris** stated that he is looking at the entire land use map and 400 West to 600 West is Medium Density Residential. Everything west and north of that is Low Density Residential. High Density Residential is on the highway. It is a good fit for Medium Density Residential. The Road Master Plan comes down and dips into this piece. **Commissioner Mike Scott** stated that the land use change to Medium Density Residential makes sense. On the zoning side, it is just a question of whether we do RE-12.5 or R-1-10. **Commissioner Lance Anderson** stated if we go with RE-12.5 they may wind up with 8000 sq ft lots. **Commissioner Adel Murphy** stated maybe they don't want 8000 sq ft lots. They may have a different project in mind. **Chairman Jeff Loris** stated 10,000 sq ft lots sound better than RE-12.5 with 8000 sq ft lots. **Commissioner Lance Anderson** stated that Ken Miller stated they wanted just a small yard to take care of and less stuff to be laying around there. That is why smaller lots fit. If you get bigger lots you are just asking for more junk to be stored there. Medium Density Residential is fine. It is just controlling the height, texture, and color that makes him think they should do RE-12.5. **Dale Coulam** stated that Shadow Canyon did not appear to have a density bonus so those lots are 10,000 sq ft as well. This would be comparable to Shadow Canyon development. **Commissioner Lance Anderson** stated if they keep it like Shadow Canyon that is fine. If it gets two story in there with a bonus room, that is the concern.

MOTION: Commissioner Bryan Pack moved to approve recommendation regarding Land Use Amendment and Zone Change for the Haven and Heritage Acres, located at approximately 400 West and 400 South. Seth Foster-Owner. Alpha Engineering-Applicant.

SECOND: Commissioner Mike Scott

VOTE: The motion carried.

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

5) DISCUSSION AND POTENTIAL ACTION ITEMS-

A. <u>Discuss and consider approval of Taviawk IX-R Final Plat, located approximately 1089 N.Yamka Court/746 W. Wicasa Way. Kayenta Development-Owner. Lance Anderson-Applicant.</u>

Commissioner Lance Anderson recused himself. **Chairman Jeff Loris** stated that he called Brett Henke and asked to change where it is improperly noted. West needs to be changed to East.

MOTION: Commissioner Bryan Pack moved to approve Taviawk IX-R Final Plat, located approximately 1089 N.Yamka Court/746 W. Wicasa Way. Kayenta Development-Owner. Lance Anderson-Applicant.

SECOND: Commissioner Mike Scott

VOTE: The motion carried.

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

B. <u>Discuss and consider the updated Arts Master Plan.</u>

Dale Coulam briefly introduced this last meeting. The Arts Master Plan was adopted as an element of the General Plan so a Public Hearing will be required before making a recommendation. City Council will have a Public Hearing as well. We can discuss it if you think there needs to be changes before the Public Hearing or if you want to move it to a Public Hearing. Judith Kapuscinski explained that the Arts Master plan is still included in this document and now the appendices are included in this document. If you want it broken out they can do that, but it reads differently because it contains info as part of the body of the plan itself. **Commissioner Bryan Pack** stated the whole plan sent was only 12 pages, but the table of contents shows 29. **Dale Coulam** stated that two meetings ago there was a 29-page updated document. The Deputy Recorder will email those to the Planning Commission and it is available on City Council agenda tabs to review.

C. <u>Discuss and consider multi-family townhouse parking requirements.</u>

Dale Coulam stated that we have an inconsistency in our ordinances regarding parking requirements. Multi-family townhouse requires 2.5 spaces per unit if it has two bedrooms and a provision for additional guest parking and at least one of those is required to be covered. Specifically, it also requires the covered parking be "completely concealed." He proposes that is impossible. So the question is that since that time we've changed other ordinances that require two car garages with two spaces the short term overlay only requires two parking spaces per unit. Nowhere else is 2.5 spaces required any longer. In Ence's project there are unused parking spaces that would have been better as landscaped open space. So the number of parking spaces is the first issue. The second issue is the covered parking and whether it should say completely concealed. People park in front of their unit so there is a lot of unused covered parking in there as well. Why did we have the requirement of covered parking? If it was for convenience of the residents in those units, it is not hitting the mark. **Commissioner Lance Anderson** stated it takes away from the units with no benefit to the community. **Dale Coulam** stated we require a .25 space per unit so every four is an extra parking space. We are fine with the guest parking but the extra half space per unit has required excess parking. Staff is looking for direction when it comes time to draft the ordinance. We would like to reduce from 2.5 to 2 spaces and change the covered parking and let the market drive that. The parking area should be screened from view by a wall or landscaping or a berm. **Commissioner Lance Anderson** inquired in an ordinance didn't we already have that? **Commissioner Adel Murphy** stated that was in our commercial. **Dale Coulam** clarified that this is an older ordinance. **Commissioner Mike Scott** stated 2.5 is much more than necessary. Two spaces is plenty. **Dale Coulam** stated that he will draft it to be consistent with the other ordinances.

D. <u>Discuss and consider allowing rental of casitas and other rooms.</u>

Dale Coulam stated that Ron Densley at City Council brought this item up. We have a prohibition against renting casitas in any form. **Commissioner Lance Anderson** stated unless it was a Bed and Breakfast. **Dale Coulam** stated yes and that has to be an attached casita. Lots of people in town have mother-in-law quarters and now they've moved away or passed and so the casita sits unused. Our ordinance prohibits renting it; if you are in an HOA, chances are the CCRs probably prohibit it as well. The question is should we remove the prohibition but still be subject to the CCRs? We also required them to sign a deed restriction prohibiting it. That has been recorded but if someone wants to rent a casita and requests we remove that restriction, they could come to the City and we could release the deed restriction. **Commissioner Adel Murphy** stated you are now putting a multi-family use in single-family neighborhoods. **Commissioner Lance Anderson** stated the owner of the home is responsible for

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all the utilities and water. **Commissioner Bryan Pack** stated the neighbors are more concerned about parking and noise. **Chairman Jeff Loris** stated what is the difference if it is my grandparents or a couple are staying there? **Commissioner Lance Anderson** stated most people in Ivins built casitas for parents or their children and then they aren't there anymore and it is just sitting there. There are no more people or cars than when we approved the casita. **Commissioner Adel Murphy** stated we will open up trouble for short-term rentals. **Commissioner Bryan Pack** stated it is different, because mother-in-law suites would be visited once or twice a year and now it would be constant. **Commissioner Adel Murphy** stated on AirBnB right now in Ivins near Tuacahn there is a pop-up being rented in their backyard. If we think they aren't doing it, we are fooling ourselves. **Chairman Jeff Loris** inquired isn't it already happening? **Dale Coulam** stated that it is impossible for staff from an enforcement standpoint to monitor them all and distinguish that. New legislation makes it so now we can't go after them for advertising short term rentals. We may be able to use it as proof of renting as a short-term rental. Unless we get a complaint, we don't know if it is short-term or long-term. Rooms are currently being rented out long-term. **Commissioner Adel Murphy** states that maybe someone doesn't live in their home but they will rent out their casita. We don't allow Bed and Breakfast's to do that because they live there. **Commissioner Mike Scott** stated that single family means just that. Multi-family should not be in single family residence. That was not our intent, whether it happens or not. Single family should remain single family. We should not open up the floodgate and allow multi-family into single family residences. **Commissioner Bryan Pack** stated he agrees with Mike Scott and Adel Murphy. **Dale Coulam** summarized the discussion by stating that it changes into two primary residences in an area zoned single family. Instead of mother-in law casitas, you now have two units like a duplex. The purpose of the prohibition was to protect and preserve the single family residential use of the zone. Even though it may provide some benefit to students or young families, we lose the protection that was initially put into place. **Dale Coulam** stated he would tell the City Council that the Planning Commission is recommending that this not be changed.

MOTION: Commissioner Bryan Pack moved to deny allowing rental of casitas and other rooms.
SECOND: Commissioner Mike Scott
VOTE: The motion carried.

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

E. <u>Discuss and consider approval of the Ivins City Planning Commission minutes for May 30, 2017.</u>

MOTION: Commissioner Bryan Pack moved to approve the Ivins City Planning Commission minutes for May 30, 2017.
SECOND: Commissioner Adel Murphy
VOTE: The motion carried.

Chairman Jeff Loris	AYE
Commissioner Adel Murphy	AYE
Commissioner Mike Scott	AYE

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Commissioner Bryan Pack	AYE
Commissioner Lance Anderson	AYE

6) REPORTS

A. Planning Commission

B. Chairman

C. Building and Zoning Administrator, Mike Rodriguez

Mike Rodriguez stated that next agenda in July is loaded up.

D. City Attorney, Dale Coulam

E. Items to be placed on future agendas

Dale Coulam stated that in our zoning we do not allow cargo containers as storage units. They are prohibited. But people are getting very creative with what you can do with cargo containers. They are using them as living and commercial spaces. We need to discuss whether we should address them as a type of building material as expressly allowed or prohibited because our ordinance right now is vague. Courts see anything vague and construe it against the regulating body. We have not received a formal application but someone presented a two-unit cargo container coffee shop. **Chairman Jeff Loris** stated he has designed them for houses, commercial and many uses. **Dale Coulam** stated they are becoming fairly popular. **Commissioner Lance Anderson** stated they still have to meet our design standards.

7) ADJOURNMENT

MOTION: Commissioner Lance Anderson moved to approve ADJOURNMENT

SECOND: Commissioner Bryan Pack

VOTE: The motion carried.

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

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