IVINS CITY
PLANNING COMMISSION
MINUTES
April 17, 2018
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 Bryan Pack, and Commissioner Lance Anderson.

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

Audience Attending: Mike and Karen Martinez, Bob Schovaers, Richard and Sally Tom, Claudette Larsen, Rick Rosenberg, Louis and Linda Mellito, Vincent and Donna Festa, Glenn Crespin, Roger Rigby, Mike Shepherd, Tom Heaton, Susie Appel, Jake Meng, Cliff Gustin, Allen Hall, CJ Unzen, Greg Zemp Riley Richardson, Jason Smith, Vinnie Pisani, as well as others that did not sign in.

A. Acknowledgement of Quorum

B. Flag Salute--Commissioner Bryan Pack

C. Invocation--Chairman Jeff Loris

D. Disclosures

Chairman Jeff Loris stated he has a conflict with Item 5A. He drew the plans and works for the applicant. This item will be handled by Commissioner Adel Murphy. Lance Anderson disclosed that he has a conflict with 4A and B because he owns property to the north and west of the development.

2) REPORTS AND PRESENTATIONS --Open Meetings Training

MOTION: Commissioner Bryan Pack moved to approve suspending the rules and moving Open Meetings Training to Item 6 on the agenda.

SECOND: Commissioner Adel Murphy

VOTE: The motion carried.

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

3) BUSINESS LICENSES -
None

4) PUBLIC HEARING AND ACTION ITEMS-

A. Public Hearing on recommendation to approve a proposed Concurrent Land Use Amendment from LDR (Low Density Residential) to MDR (Medium Density Residential), and a proposed Zoning District Change of RE-20 (Low Density Residential, minimum lot size 20,000 sq ft) to R-1-10 (Medium Density Residential Single Family, minimum lot size 10,000 sq ft) on 11.79 acres. Located at approximately 600 West Center Street. Temting, LLC-Owner. Jake Meng-Applicant.

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Michael Rodriguez stated that this amendment and zone change is at the old Tuscan Grove development on the corner of 600 West and Center. It was a SEO Subdivision Enhancement Overlay that was approved in 2006 and it created 22 lots and one parcel that was going to be a park. The density bonus that they got was because of the park, some landscape strips around the perimeter, and the entry features. It has been in litigation for some time. The reason they asked for R-1-10 zoning is they looked at Medium Density Residential to the lots that have already been created and platted out and the utilities that are already in place. They looked at 12.5 and doing lot averaging, many lots in there are over 10,000 sq ft. However, they could not do lot averaging at the 12.5 zone because there was more lots than 25% below 12,500. In order to retain the plat as submitted and retain the same number of lots they chose to go with R-1-10 zoning. **Chairman Jeff Loris** opened the Public Hearing. Louis Mellito inquired if this is a request to cut the lots in half? **Dale Coulam** it is erroneous that it is RE-20 without saying it also has a Subdivision Enhancement Overlay. What they are proposing to build is exactly what was approved. They are not cutting lots in half. They are going from 22 lots to 23 lots. **Chairman Jeff Loris** stated that is correct. One lot that was a park will be a lot now. **Dale Coulam** stated they lost their previous approval so they need to seek appropriate zoning to fit what is there. Louis Mellito stated this is to determine if the lot is going to be a park? **Dale Coulam** stated that is the only difference between what was previously approved. Glen Crespin stated he is amazed at how the City handles our orderly meetings. He wanted to reflect that Dale Coulam's statement alleviates a lot of his concerns. A neighbor and he took time to measure the lots. They are no bigger than Silver Sage Subdivision down below. They are pretty much the same. Very close. He thought they were going to close off the lane going in off 600 West. On a personal note he invested in a 140 ft fence. He doesn't know how they deal with existing fences. He wondered if he will get reimbursed for half of it, or that fence remains his. Richard Tom stated that there were a lot of comments for the school property going from Agricultural to Medium Density Residential recently and it was nice of the Planning Commission to consider 12.5 zoning there. The same concern applies to this proposal. If the original lots are not going to change then don't change the zone. In Tenaya Estates it shows blue which is medium density but it is zoned RE-15 and somewhere it changed. If no additional lots are going in, one day the adjoining properties will be rezoned in the future off 600 West. Rezoning this will create other candidates to be rezoned nearby. If we change the zone to R-1-10 then that gives the next zone change more leverage to develop to a Medium Density Residential or a High Density Residential. People have concerns that we want to retain the small town feel. Why even consider it? **Chairman Jeff Loris** stated the reason for the change is in the last zone change the park created a density bonus, so because the park is out this no longer a bonus area so it needs rezoned. Richard Tom stated he appreciates what is being said and it is a technicality and it would be nice to develop that land. It will be nice to get homes there. People lose their privacy as homes get built, so as nice as homes there may be, it does have an impact. Vinnie Pisani stated he is a proud member of the Ivins community and he has concerns with this request. It doesn't change the 22 lots and the bonus of the park, but he is unclear on the zone change. Since there is no visual or site plan other than the old one, he inquired if they were following the old site plan? Would the lot widths or setbacks or anything change? Rick Rosenberg stated he was representing the applicant. The plan is identical to the final plat to Tuscan Grove with the exception of the park area which is now shown as a lot. They looked to see if they could meet the 12.5 zoning and there are lots that are over 20,000 but since utilities and water is already in the ground they are going with R-1-10 and the preliminary plan is ready to be submitted when the zoning is approved. The common area and landscape and

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detention area on the South end are all still there. The City Engineer has asked to see things upgraded, but the plan is the same. Vinnie Pisani inquired if the zone change in any way could make more lots? **Dale Coulam** stated they could 25% based on their zoning they are unable to get more than 23 lots and that is what utilities are stubbed for. Vinnie Pisani stated if they deviate from it they will make a mess of that property. Changing the zoning sets a precedent. This is about the future of Ivins. Somebody has to make sure the right thing is being done. Cliff Gustin inquired if there was any other way to accomplish what the applicant desires to do without being zoned R-1-10? **Dale Coulam** stated they tried to do 12.5 with lot averaging but they can't meet the formula. Of the 11 lots, 8 are smaller than 12.5. Cliff Gustin inquired about the landscaped area and who maintains that? **Dale Coulam** stated on Center Street the City will. On 200 North they do not maintain it, and 600 West depends on road classification since it is a minor arterial so the City would. Rick Rosenberg stated almost all the lots they have were under 12.5. Steve Carriello stated we went through same thing with Cantera rezoning and people spoke and asked not to do it. They lost their view anyway. The point is the Planning Commission sided with us and then the City Council overrode that. What are the chances of that happening again? **Commissioner Adel Murphy** stated go to City Council meetings. It doesn't stop here with the Planning Commission. We only recommend. Glenn Crespin inquired what is the difference between R-1-5 and R-1-10 and R-12.5? **Commissioner Adel Murphy** stated it is the square footage. Louis Mellito inquired if the overlay allows them on a 10,000 sq foot lot to go to 7,500, if they do all the beautification and get the bonuses. **Mike Rodriguez** stated Tenaya Sands is RE-15 with a SEO and there are only 6 lots over there that are over 15,000. This is similar. They are not asking for an overlay, just regular zoning. Louis Mellito stated he is more in favor with 15,000 sq foot lots. Richard Tom stated that we worked with 12.5 to stay in the medium density but why is low density not an option? **Chairman Jeff Loris** stated this plat was agreed to in 2006. The only way to keep the exact system in place is to keep R-1-10. Richard Tom stated so the only win-win is using the R-1-10. **Chairman Jeff Loris** if the land was undeveloped we could discuss it, but the utilities makes it so R-1-10 is their only route. Louis Mellito inquired why doesn't the developer want to include a park? He would rather have a park than a house on the other side of that wall. **Dale Coulam** stated it requires a HOA and they maintain the park. Louis Mellito stated all this for one more house and the park was there from the beginning. He would rather have that park. We are trying to exclude it to put one more house in. Susie Appel stated she is excited to see the property get finished. It has disintegrated. Everyone here will be thrilled with the end result. The developer and owner have integrity and it will be beautiful and high end real estate that will eventually be your friends and neighbors. Hearing no further comments, **Chairman Jeff Loris** closed the Public Hearing.

B. <u>Discuss and consider recommendation of a proposed Concurrent Land Use Amendment from LDR (Low Density Residential) to MDR (Medium Density Residential), and a proposed Zoning District Change of RE-20 (Low Density Residential, minimum lot size 20,000 sq ft) to R-1-10 (Medium Density Residential Single Family, minimum lot size 10,000 sq ft) on 11.79 acres. Located at approximately 600 West Center Street. Temting, LLC-Owner. Jake Meng-Applicant.</u>

Commissioner Bryan Pack inquired if we can ask for a condition that the subdivision remain the same? **Dale Coulam** stated no it is administrative. **Commissioner Bryan Pack** inquired if there was anything to stop the developer from coming in with a different plat and put additional lots on here? **Dale Coulam** stated the frontage restricts it. Rick Rosenberg stated the lots are 80 feet on the front. Most of these lots are 90. We could maybe pick up one or two, but it is not

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economical to move 23 water and sewer laterals and tear up the street. **Commissioner Lance Anderson** stated if we do an overlay we control heights and stuff. **Dale Coulam** stated that it is not written as a single story currently, but it talks about architectural styles. They were given the full amount of bonuses and there is a Development Agreement in place. They can't keep it as an overlay. They are asking to change it to do an R-1-10 as a straight standard subdivision. **Commissioner Lance Anderson** stated his rough math at R-1-10 is 41 lots if you could get the frontage. They could get the other lot in there with the overlay. He disclosed that he represents the properties to the West and to the North. In Ivins we have kept the community very open and protect viewsheds. If New York sold Central Park they would make billions but they choose to keep that. Everything we do is to protect the viewsheds. It has laterals and no it would not be efficient to add lots in there but he doesn't want to give up the SEO. It does sets precedence for the next rezone. He is okay with the R-1-10 for 22 or 23 lots but afraid to the zoning R-1-10 and have them change the plan. It is important to note that since they owned it they have cleaned it up. **Commissioner Adel Murphy** stated R-1-10 scares her because we zone it R-1-10 and one day in the future we are all gone and the next group buys it and asks for R-1-10 next to it. **Commissioner Lance Anderson** stated that Suncrest West/Amber Estates is 8000 and next door is RE-15. They have the right to develop their property and they have the right to keep what was there. **Dale Coulam** stated that the Development Agreement does not specifically mention the park so it does not permit it, but it gave them permission for 22 lots. It mentions landscape and buffers. It would have been Kevin Rudd's calculation for the bonus, but it wasn't carried over in the development agreement. **Commissioner Lance Anderson** stated RE-15 allows the lots but no city park but keeps Them single story. **Dale Coulam** stated that current development agreement keeps it RE-20 with an SEO and gives them the full density bonus of 25%. **Commissioner Lance Anderson** stated give them RE-15 with an SEO and then keep the homes single story. **Dale Coulam** stated RE-15 with a SEO and single story homes could be your recommendation. Rick Rosenberg stated he would have to check the math. **Dale Coulam** stated that an SEO is something that a developer can request, we cannot impose it on them. We can only deal with the zoning districts so we cannot do an SEO unless they ask for it if they feel comfortable that they can achieve it, and get the single story homes. **Commissioner Lance Anderson** inquired if they have to resubmit an application? **Dale Coulam** stated they could. Rick Rosenberg stated they could also change it to R-1-10 and after it records go to 12.5. Would we do single story just to make Kayenta happy? You would be requesting something from the developer that has no merit. **Dale Coulam** stated it is an illegal exaction for us to ask them for it. We can't require it. Right now, the application is for R-1-10 zoning going to 23 lots from 22 lots. When the preliminary plan gets set then we have a development. **Commissioner Lance Anderson** stated we are trying to help with a problem. **Mike Rodriguez** stated how we got to this point is we looked at what zone makes the most sense. This is what works because the utilities are already laid out. The developer approached us with R-1-10. An SEO didn't work. If we could ask for RE-12.5 or RE-15 with an SEO to limit the height. **Commissioner Bryan Pack** stated the single story is not what is most important to him here. **Commissioner Adel Murphy** stated her either. **Dale Coulam** stated so the option is to ask for a larger zone like 12.5 or RE 15 to incent them to do a SEO. **Chairman Jeff Loris** stated we look at all options to make sure we look at the future. We look at what the applicant is looking for. They want to do a subdivision that is going to be beautiful. These lots are going to be huge. As a whole, we don't like the straight R-1-10. **Commissioner Bryan Pack** stated that the biggest issue is that the risk is small but there is no guarantee that they will build. **Dale Coulam** stated there is no such thing

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as conditional zoning. LUDMA says it is a legislative decision to zone so you zone as it is the best zone for that area. If you want them to file an SEO with the preliminary plan then zone it RE-15. **Commissioner Lance Anderson** stated they could do that in their time frame. **Dale Coulam** stated yes so if they do RE-15 that would incent them to do an SEO. In order for them to get the number of lots they want they'd get an SEO and run it concurrent with the preliminary plan and lock them in. **Mike Rodriguez** stated that it appears with RE-15 they could get the zoning. **Chairman Jeff Loris** stated based on those calculations can they do the lots they want? **Commissioner Lance Anderson** stated yes. Rick Rosenberg stated if we take that route, we would have to justify the bonus. It opens up requirements on the developer. **Dale Coulam** stated that requirements of the SEO are design, entryway, architectural features, and they are ambiguous. It doesn't guarantee that they are giving us a one story home. **Commissioner Lance Anderson** stated the Planning Commission can request it. C**hairman Jeff Loris** stated it feels like a taking. **Dale Coulam** stated there is nothing telling you they will do a single story. We are rewriting that ordinance because it is ambiguous. They would get the maximum bonus because our ordinance is ambiguous. They have the SEO and a development agreement. **Chairman Jeff Loris** stated when we decide anything in it is because the developer requests it. **Dale Coulam** stated you would deny the R-1-10 request and instead request RE-15.

MOTION: Commissioner Bryan Pack moved to deny recommendation of a proposed Concurrent Land Use Amendment from LDR (Low Density Residential) to MDR (Medium Density Residential), and a proposed Zoning District Change of RE-20 (Low Density Residential, minimum lot size 20,000 sq ft) to R-1-10 (Medium Density Residential Single Family, minimum lot size 10,000 sq ft) on 11.79 acres. Located at approximately 600 West Center Street. Temting, LLC-Owner. Jake Meng-Applicant, and instead recommend approval of changing the zoning to RE-15.

SECOND: Commissioner Adel Murphy

VOTE: The motion carried.

Commissioner Adel Murphy	AYE
Commissioner Bryan Pack	AYE
Commissioner Lance Anderson	AYE
Chairman Jeff Loris	NAY

C. <u>Public Hearing on recommendation to approve a proposed Zone Change of 1.21 acres from C-1 (Community Commercial) to CLM (Commercial with Light Manufacturing), located at approximately 100 South 300 East. Rocky Mountain Power-Owner/Applicant.</u>

Mike Rodriguez stated that Rocky Mountain Power has an existing substation directly across from Rocky Vista University and next to the medical office on Center Street. They are looking to expand the substation and that is not allowed in the C-1 zone so they are requesting to change from C-1 to CLM to allow them to expand to that particular use. **Chairman Jeff Loris** opened the Public Hearing. Hearing no comments, **Chairman Jeff Loris** closed the Public Hearing.

D. <u>Discuss and consider recommendation to approve a proposed Zone Change of 1.21 acres from C-1 (Community Commercial) to CLM (Commercial with Light Manufacturing), located at approximately 100 South 300 East. Rocky Mountain Power-Owner/Applicant.</u>

Commissioner Bryan Pack inquired about the expansion. **Dale Coulam** stated yes, it is more than 20 feet. It is the substation closest to Red Mountain Elementary School boundary and they

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want to expand it to the South. **Commissioner Bryan Pack** inquired if the Conditional Use Permit needed to discuss construction or if our ordinances covered that? **Dale Coulam** stated this is a major facility utility it lists substation and that is only allowed in the Commercial Light Manufacturing zone. That whole block was zoned commercial so they need to do a zone change for the expansion and the existing substation. **Commissioner Bryan Pack** stated that they already have to follow ordinances for any construction that goes on to follow noise ordinances and construction hours. **Commissioner Lance Anderson** stated they are moving it further south. **Chairman Jeff Loris** stated yes and to the west.

MOTION: Commissioner Adel Murphy moved to approve recommendation of a proposed Zone Change of 1.21 acres from C-1 (Community Commercial) to CLM (Commercial with Light Manufacturing), located at approximately 100 South 300 East. Rocky Mountain Power-Owner/Applicant.

SECOND: Commissioner Bryan Pack

VOTE: The motion carried.

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

E. <u>Public Hearing on recommendation to approve a proposed Class V Conditional Use Permit to expand an existing substation. Property located at approximately 100 South 300 East. Rocky Mountain Power-Owner/Applicant.</u>

Dale Coulam stated that this is a legislative decision. **Chairman Jeff Loris** opened up the Public Hearing. Mike Shepherd stated the expansion is 37 feet to the West and 65 feet to the South. Purpose is to expand to a 30 NDA load and summer 2019 current transformer will be overloaded beyond its capacity. Hearing no further comments, **Chairman Jeff Loris** closed the Public Hearing.

F. <u>Discuss and consider recommendation to approve a proposed Class V Conditional Use Permit to expand an existing substation. Property located at approximately 100 South 300 East. Rocky Mountain Power-Owner/Applicant.</u>

Chairman Jeff Loris inquired about a survey on the North side of the fence line by Red Mountain Elementary. Is there an access to the substation or do we have an easement? **Commissioner Bryan Pack** inquired about any safety issues. How about current fencing and screening from public view? **Mike Rodriguez** stated that is in our code they will have to do that already. Mike Shepherd stated that there is chain link with slats all the way around and block fence on the subdivision.

MOTION: Commissioner Bryan Pack moved to approve a proposed Class V Conditional Use Permit to expand an existing substation. Property located at approximately 100 South 300 East. Rocky Mountain Power-Owner/Applicant.

SECOND: Commissioner Adel Murphy

VOTE: The motion carried.

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

5) DISCUSSION AND POTENTIAL ACTION ITEMS-

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A. <u>Discuss and consider recommendation of Preliminary Plan for Townhomes 560, located at approximately 560 South 150 East. JLB3S, LLC Applicant/Owner.</u>

Chairman Jeff Loris recused himself. He has a conflict because he did both the structural and architectural design on this and he works for the applicant. **Mike Rodriguez** stated there was a manufactured home on this property and the applicant is considering putting 12 townhomes on. This is the parcel that we recently had a zone change on. The configuration shows three buildings with parking to the North and three buildings with 4 units each and the building to the right fronts 150 East. The others will face into the parking lot. They will have parking on the front. There is parking allowed on the street and they have adequate parking. Fire has also looked at this plan.

MOTION: Commissioner Bryan Pack moved to approve recommendation of Preliminary Plan for Townhomes 560, located at approximately 560 South 150 East. JLB3S, LLC Applicant/Owner.

SECOND: Commissioner Lance Anderson

VOTE: The motion carried.

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

B. <u>Discuss maximum length for multi-family buildings.</u>

Dale Coulam stated that on Multi-Family building lengths when our code said it was 120 feet, we had duplex and a Multi-Family zone. It was really designed to double the setbacks from single family residential development. Now we have additional zones so we have resolved the setback issue, and now we are talking about the total length of the buildings. What length building should abut commercial? What maximum length could abut compatible use? What would the maximum length be allowed on the interior of a project? We talk about how it impacts neighbors. He handed out copies of a draft ordinance, and stated that in discussing this with the Council they are considering 120 feet length. An example is if it abuts commercial, you could increase the maximum length by 50% and then on compatible uses or interiors you could allow an increase of 25% for 5 or 6 unit buildings. This is for discussion only, so that at our next Public Hearing it can be the way you would like it to be. This came up in discussion as we talked about setbacks on townhomes. Riley Richardson is here and his project will come forward at some point. We thought his project was a good illustration to show those three questions in one drawing. The building height is 25 for the first 60 feet then 35 feet so the massing occurs is in the center of the project. Same thought with the interior and whether it could be longer than 120 feet. Parking lots next to commercial buildings, are we concerned about long walls with 40 foot offsets, same with mixed use or Multi-Family? Right now, after 120 feet maximum it is cut off, so they can only really get 4-5 units. **Chairman Jeff Loris** stated Guy Lane allows a buffer zone between residential and commercial so do we worry about a large mass next to commercial? Riley Richardson stated there is a 20 foot setback all along there. That is a benefit. We had the ability to go to a higher density the way it is zoned but we want to put people into homes. We could have gotten 8 more units out of it. The unfortunate thing is if we spread them apart, we lose another 5 units. Sun Country Home solutions main objective is affordable housing. It is medium income. This product has to have garages. We made them nice and tidy. **Commissioner** Lance Anderson stated we will never have a Walmart or Albertsons or anything that big here. **Chairman Jeff Loris** stated they would still have the architectural

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feature? **Dale Coulam** stated yes. **Commissioner Bryan Pack** stated he is in favor of this and if he was looking to buy, it would be nice to have them more broken up. **Dale Coulam** stated they pay an impact fee if they subdivide for each unit with the conservancy district. **Mike Rodriguez** stated that it is more than half the cost of residential. The other thing with the WCWCD is they have landscape meters and common areas. **Dale Coulam** inquired if we should submit this as drafted? **Chairman Jeff Loris** stated yes. **Dale Coulam** stated that also on Section 2, we would amend the table of uses to add Class V Conditional Use Permit as a clean up under CLM. Kayenta still has around 16000 sq ft of allowed storage space in the Crescent Mon area. They are proposing to relocate it from the heart of Crescent Moon out a ways, but we don't have a zone that allows storage so instead of opening up floodgates for storage, it is limited to Kayenta's existing 16000 that they have right to, so we would make it CLM. That will be on Public Hearing as well.

C. Discuss and consider approval of minutes for April 3, 2018.

MOTION: Commissioner Bryan Pack moved to approve minutes for April 3, 2018.
SECOND: Commissioner Adel Murphy
VOTE: The motion carried.

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

6) REPORTS

A. Planning Commission

Commissioner Bryan Pack inquired if we could follow up on the water connections discussion next meeting. It is important to know before we discuss more dense properties.

B. Chairman

C. Building and Zoning Administrator, Mike Rodriguez

D. City Attorney, Dale Coulam

Dale Coulam stated that we are required to have open meetings training annually and a meeting is defined as a quorum together. Social gatherings are an exception unless you three discuss business. Beware of pre-meeting or post-meeting discussions. Keep current on your disclosure forms. They are updated the first of each year and then disclose any issues on that night's agenda. If you are an applicant you may step down. If you just have a conflict you can still participate and vote in that discussion. Closed or electronic meetings we don't do much with here. Electronic transmissions are not a meeting, but if you have a group email he would discourage doing that personally. Our Planning Commission follows these guidelines well.

E. Items to be placed on future agendas

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 Bryan Pack	AYE
Commissioner Lance Anderson	AYE

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