IVINS CITY
PLANNING COMMISSION
MINUTES
October 15, 2019
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 Bryan Pack, Commissioner Doug Clifford, Commissioner Lance Anderson, Commissioner Jeff Loris, and Commissioner Bob Morris.

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

Audience Attending: Dave and Donna Burrill, Dan and Jan Brown, Chris Haddad, Larry and Valerie Cazier, Larry Myers, Diane Chavez, Ron and Annette Densley, Stuart and Tricia Sochrin, Bob Nickerson, Ward Dawson, Gwenn Davies, Dan Coberly, Sue Gordhammer, Lynne Mackechnie, Martha Burbidge, Gary Burbidge, Randall Johnson, Lynne Johnson, Michael and Sharon Barton, Shelley Moeller, Kathy Herrick, Randy Luffberry, Julie Dean, Dean and Sharon Aspenberg, Dave Davies, Mike Guisinger, Renel Jones, Creed Jones, Bill Wentworth, Mike Nicholson, Karen Nicholson, Martin Himmelstein, Mark and Mickey Bishop, Jonathan Upchurch, George Stoddard, Sharon Gillespie, Mark Walter, David Crimin, Regina Roper, Marilee Neilsen, Claudette Larsen, Roger and Kathy Roos, Sam Patel, Terry Marten, Jenny Johnson, Brandon Ogden, Dan McCullough, Rebecca Isakson, Dan Krupicka, CJ Coharcheck as well as others that did not sign in.

A. Acknowledgement of Quorum

B. Flag Salute--Commissioner Bob Morris

C. Invocation--Commissioner Bob Morris

D. Disclosures

Commissioner Lance Anderson stated he has two items on the agenda; Items 4C and 4D,and Items 4E and 4F. **Commissioner Jeff Loris** stated it is not a conflict, but he wanted to disclose that Items 4A and 4B Canyon Crossing work was done by the company that he works for. No other conflicts.

2) REPORTS AND PRESENTATIONS --None

3) BUSINESS LICENSES -None

4) PUBLIC HEARING AND ACTION ITEMS—

A. Public Hearing regarding a proposed Class V Conditional Use Permit for Canyon Crossing, located at approximately the corner of Snow Canyon Parkway and Snow Canyon Drive. RAD Properties, LLC-Owner. Sam Patel/Dixie Property Management, LLC-Applicant.

Mike Rodriguez stated that this is a proposed commercial development on 2.5 acre site located on the northeast corner of Snow Canyon Drive and Snow Canyon Parkway. The property is zoned Resort Commercial. It consists of four multi-tenant retail buildings that include a convenience store with gas station and canopy with four islands. There are three restaurant uses shown: one adjacent to the convenience store, one has a drive-through lane around it and a restaurant in the third building with a drive-through lane around it. Additional retail space is

intended to be tenant space that can be leased out to a variety of different type of retail uses. The table of uses in our zoning code allows automotive self-service stations with a Class V Conditional Use Permit in the Resort Commercial zoning district. An application for a Class V Conditional Use Permit requires a recommendation from the Planning Commission before going to City Council for final decision. Under both State law and City Code, conditional uses are administrative actions. The TRC has reviewed the proposed commercial development and met with the applicant and their design team a number of times to discuss a variety of different uses they are proposing as well as reasonable conditions to be imposed on the project. They considered all the applicable standards and recommended numerous reasonable conditions be imposed to mitigate any anticipated detrimental effects of the proposed project after considering the standards set forth in our code. There are a number of exhibits here to view. The applicant and design team are present to answer any questions if necessary. **Chairman Bryan Pack** stated that this is a Class V Conditional Use Permit so our role is we are looking at the use that is permitted with reasonable conditions to mitigate negative impacts. **Mike Rodriguez** stated it is allowed in that resort commercial zoning district so we are looking at any adverse conditions. **Dale Coulam** stated he would not use the word permitted; rather it is allowed as a Class V Conditional Use Permit. We have a set of standards in our zoning ordinance and the TRC has gone through those and they are an exhibit to this agenda. TRC has recommended a couple dozen conditions they would propose and you may alter or add to those. On Land Use and Zoning Amendments, staff does not recommend because those are legislative decisions. This, under both State Law and City Code, is an administrative decision. **Chairman Bryan Pack** opened up the Public Hearing. Ron Densley stated this property has been in their family for over 30 years. The history of this property included a portion being donated as right of way for the Parkway and a sewer line going through the property to serve Red Mountain Spa. A portion of the property was also donated for the bike path and when Tuacahn was being constructed, the property was used as a staging area. This project will be a great tax base and create jobs. Taxes are what makes things in Ivins nice. There are many benefits from that through this project. They have done an awesome job in designing this and have met all requirements of the TRC and taken all the consideration of the neighbors and make this friendly and compatible to the area. Randy Luffberry lives on Docena and stated he is impressed with the design, but has a couple things to consider. The density number of shops seems heavy. He is concerned about that primarily for traffic and volume. When Tuacahn has school and shows, and special events like Iron Man. The more dense it is, the more impact it will have during those times especially. He would like them to consider cancelling out the gas station. We have one already in town. We don't need two. It is a traffic draw and accidents are likely to happen. Living right at the roundabout, we hear near misses almost every day. When you up the traffic volume there are more chances for that to happen. He is also concerned about pedestrian danger. It is tough now as it is to cross the street. He would like to see a traffic study before this hits Council. There may need to be a pedestrian-controlled lighting system there so they can pass without danger. He is impressed with what he sees, just concerned about the future impacts. Dan Brown stated that it looks good, but a gas station makes no sense. Where are the employees parking? It appears to be tight parking. Do a traffic analysis. Snow Canyon had 450k visitors last year. Tuacahn has hundreds of kids going there. Now there are the Terraces at Tuacahn and Sentierre all going down one road. The gas station should go. Johnathan Upchurch stated that he is a traffic engineer by profession. He believes the access and egress to Snow Canyon Drive should be widened to 36 ft wide to allow the driveway to be marked for one lane inbound and two lanes outbound so that no one will be

blocking. He suggests that the driveways aprons be flared aprons to meet the street. Building #3 shows no rear access for deliveries. The drive-through he was not aware of when he reviewed the site plan. The turning radius is extremely tight. They are barely adequate for a passenger car. He cannot tell from the footprint how large the canopy is. The two dumpster locations requires the waste collection company's driver to back up 180 ft and it includes a curve. He suggests the traffic study that was recommended by TRC be done prior to City Council. Dan Coberly stated he lives on Painted Hills Drive and he has concern about how to control the exit fronting right into Tuacahn and making a left-hand turn there where there is also a crossing there. He does not see a plan for mitigating the factors there. He found a study online regarding pedestrian and bicyclist roundabout issues. A copy of the study can be requested at the Ivins City office. It deals with site issues that come off of roundabouts with regards to traffic. Stuart Sochrin stated if this project is built it will unleash a headache and it should not be built. Not smart growth. Mike Nicholson stated that Rosenberg is a highly regarded engineer. This is not a wily-nily design and they have met all the criteria needed. This will be better than a lot of alternatives like a tire store or mechanic shop. Traffic is a generic complaint. This will not increase the seating at Tuacahn building this. It will service the local community. Sue Gordhammer stated that she wants to stress how this design on paper aesthetically looks very pleasing. It is part of the system that is our City and part of the community. We need to look at it with traffic and the cyclists and the pedestrians. Gas stations require digging underground tanks. There is an aquifer and wells up in Snow Canyon that runs to Padre Canyon so we need to be concerned about leaks. She is not against the development but she is against a gas station. It will generate pollution. At a restaurant people come, sit, stay and eat; and a gas station is all about turn-around. Gas stations also lower property values. Sharon Gillespie stated she lives at Ridgecrest Circle. When growth is unbridled and not managed it becomes unbalanced. She understands and respects that we need a tax base. We have reached an imbalance with this having a gas station included. She would like to point out the number of store fronts in the area that are empty and have been for some time. Will we control the types of businesses that come and go in these stores? Noise is a factor for the surrounding area with dumpsters being emptied. Brandon Ogden stated he lives on Praya Drive and that he is hearing people talk about the dangers of growth but he comes from central California that was under basically a no-growth ordinance, and that causes an equal number of problems. Private property rights are really important. If you are compliant and do what the ordinances say the public opinion should have very limited value. It is highly variable. There is a methodology to ordinances and how things are built and those processes. Just because people do not like something, does not mean it is not a valid thing to do. Chris Haddad stated she is a Shadow Canyon resident and a retired police officer after 28 years. She then became a US Deputy Marshall. \She stated that convenience stores and gas stations staying open until midnight here in this area will result in panhandlers and young teenagers. She is sure that the convenience store will be selling cigarettes, vape pipes, etc. It attracts that type of hanging out. Stores and restaurants being proposed are okay. The other concern is cyclists going in and out of Snow Canyon and dealing with the roundabout and the in and out traffic. CJ Coharcheck stated she lives on Puerto and the number of parking spaces is roughly 7 or 8 per business. The types of stores have no place for overflow for employees to parks and be out of the way for customers. If they take out the gas pumps and put in more parking we would all be happy. Terry Marten stated that lives on Shivano. He can't believe we are talking about a site that enters Tuacahn and enters the City of Ivins along Snow Canyon Parkway and thinking that the best thing on that site is a service station and a convenience store. Fifteen years ago a group of planners and citizens sat

down and started driving this City in a direction that would make it a destination-oriented city for the kinds of things that are unfound anywhere else in Southern Utah. Tuacahn Amphitheater and Snow Canyon is an amazing place and with a little careful planning we could show the world how communities could be developed. Lately power and greed has this City's soul lost to the dollar. He envisions restaurants and facilities to serve the community. Go get gas somewhere else. We have that already in Ivins and one at the reservation just down the road. This site needs to be unique and spectacular and this is not that direction at all. We need to design and create and plan an exceptional town. A Conditional Use Permit is created to drive the direction of the design and construction in a way that will satisfy the community now and in the future. He would hate to see what we have here slip away. Mark Walter stated he lives at Red Rock Circle and a few years ago Citadel and Eagle Rock came to the roundabout. We had a packed house in opposition back then, and how many live there and enjoy that area now? Same issue with the LDS Church. There was much opposition and people were worried about views. We have had other projects where the concern was lighting, color etc. What use makes sense for this City is this City's business. When you come through this process, you have a proposal before you and an opportunity to make it mirror what you want to see in this community. These guys are doing everything in their power to make it a pleasing asset to the community. The Church is very rare. There is nothing like it here. It was specially done for Ivins City and it was this staff and board that had the vision to think outside the box and make it happen for the community. Rocky Vista University chose this location over St George. They have all been a great asset to the community. Something will happen to this property. It has been on the market for awhile but now here is the plan and they are trying to accommodate what the community wants. It will be the nicest place around. Be a part of the solution, don't just shoot it down. Sharon Barton stated that we do not want to become another Sunset Boulevard. We are a view corridor and that does not fit in. Dan McCullough stated he lives at 285 Painted Hills Drive and driving up Tuacahn is as amazing as Zion. Yosemite had a gas station on the floor of the valley and it was terribly ugly and they finally tore it out. His concern is traffic and lights on and cars until midnight. Rebecca Isakson stated she lives on Wisteria Way and is concerned about the developer following our night sky compliance. The property was for sale and believe that people have a right to do what they want with their land, but we as taxpayers should have a fund that we can buy some of these properties form these farmers and keep some open space and beautiful sight corridors and tax money should be used to buy some of this land. Put a cow on it and get a tax break. On Highway 91 every time she passes the tall condos, that view is gone. Michael Barton stated that the Densley family is owed a lot of respect and gratitude by this community, but this is in the entrance to Snow Canyon and Tuacahn and common sense should be applied here. Is this good for the community long term? Hearing no further comments, **Chairman Bryan Pack** closed the Public Hearing.

B. Discuss and consider recommendation of a proposed Class V Conditional Use Permit for Canyon Crossing, located at approximately the corner of Snow Canyon Parkway and Snow Canyon Drive. RAD Properties, LLC-Owner. Sam Patel/Dixie Property Management, LLC-Applicant.

Chairman Bryan Pack stated a lot of concerns were addressed in the proposed conditions by TRC. One condition #12 states not that a parking study needs to be done, but just that there will not be any outside seating unless a parking study shows that there is sufficient parking. Item #25 shows a reference to a trip study. He thinks it would be helpful to know that data impacts traffic and parking and that it should be done. Do we have any guidance to refer to before those studies

are done? **Mike Rodriguez** stated that Condition #12 did not have any outdoor seating being proposed for any of the three restaurants, but in the future that could be a possibility so they would need to complete a parking study at that time to consider if that would be allowed. We have provisions in our zoning code that calculates the number of parking spaces that are required onsite an off-street. Based on the uses and the sizes of the buildings, as proposed, we determined the appropriate number of parking spaces for the proposed uses as they are being submitted in this application. They are in conformance with the number required in our zoning ordinance. Our 2005 code is based on sizes of building and size of that particular use. For example, one parking space per 400 sq ft of gross building area. Those get calculated out and we take that up to the next highest number. We maxed out and have the highest number of spaces per our code requirements for the types of uses they are proposing on this site. They have met the minimum parking spaces that are required for the proposed uses. On the study, they have given an initial traffic count for the proposed uses to our City Engineer. That is a Class I Traffic Study that their engineer has to complete and submit to us and reviewed before we determine the traffic count. **Dale Coulam** stated the City is taking the planning that was done years ago and applying it to this application. Planning from years ago stated that this piece of property was zoned Resort Commercial. It does not say only unique and spectacular uses. A Class V Conditional Use Permit has in it, an automotive self service station in the Resort Commercial zone. If we were talking about zoning or changing the table of uses comments objecting to the gas station would be an appropriate topic However, we are under a legal duty to apply the ordinances as they are written to this application. We have to follow the laws just like the applicant has to follow our laws. Parking has an ordinance in place and it meets that criteria per our zoning administrator. The traffic count was required by the Technical Review Committee and the City Engineer required a traffic study. The Planning Commission can state that they want to see that traffic study before recommending to Council to make a final decision because of the safety concerns raised here. **Commissioner Doug Clifford** stated valid points have been made and to some extent decisions were already made by the current zoning laws and now we decide if this application fits. There were things that were not around when those zoning laws were created. That roundabout for bikers is a real issue and the impact of the roundabout could be significant. Others that I am thinking of in this area are all on lighted intersections. **Chairman Bryan Pack** stated that the impact may be different because of the roundabout. **Commissioner Doug Clifford** stated it needs to be talked about and deal with it or it will be highest accident point in the city. **Commissioner Jeff Loris** stated that on the traffic study, there will be a person sitting in a lawn chair there for weeks counting how many people come through there and then they estimate by taking the busiest and slowest time. Traffic going through the roundabout will not be estimated, only the site itself. The City of Ivins has to do an engineered study specifically for the roundabout to take care of that. It won't be Ron Densley because he is doing his own site. **Dale Coulam** stated if we retain an engineer for a traffic study, we may go to the applicant for that cost. If we need that data in order to make a reasonable decision then it could be necessary as part of their application. **Commissioner Jeff Loris** inquired if we could see information regarding public safety and compare it to Lightfoots? **Dale Coulam** stated he would request that information. **Chairman Bryan Pack** stated he doesn't see public safety as a concern. We have had very few issues with Lightfoot's. **Commissioner Lance Anderson** inquired how many pumps? **Dale Coulam** stated it originally had five islands with one double-sided pump on each island. The canopy now has four islands so a total of eight pumps. The canopy can be no more than 2500 sq ft per our table of uses and 3000 sq ft for the convenience store. **Mike**

Rodriguez stated they also agreed to reduce the overall mass of the canopy so it was a more subtle structure with no canopy signage. **Chairman Bryan Pack** stated that our four adverse impacts are traffic safety, crime, lighting and viewshed. **Dale Coulam** stated that along Snow Canyon Parkway there is an additional requirement of a 15 degree view angle and buildings cannot protrude through that view angle. Their exhibit shows that they are under that view angle and the canopy does not impact it. They comply with that requirement as well. They submitted drawings to show that they are under that requirement. **Commissioner Lance Anderson** inquired on the convenience store, is there an access out the back of it? **Dale Coulam** stated there may be an emergency door. We have required that all the utilities be on the north side of the building and it be landscaped **Mike Rodriguez** stated that proposed condition #6 should not have any utilities meters or other equipment on the back side and they will be on the north side of the building. They will also be screened with landscaping. **Commissioner Lance Anderson** stated everyone seems to have a problem with the gas station. Could we as a Planning Commission put any conditions on here against that? **Dale Coulam** stated that has been taken out of our hands. It is already zoned to allow for that use as a Class V conditional use, but we can mitigate the adverse impacts of a gas station in that location by the list of conditions. We would have to see those studies. It is reasonable to say that before we make our recommendations that we want to see factual data on traffic as a safety issue. **Commissioner Lance Anderson** stated when the grocery store went in, they had to figure out a way to mitigate the sound of the commercial air conditioners. **Dale Coulam** stated the conditions now require they be screened with parapets but you can get more specific. **Chairman Bryan Pack** inquired about the turning radius on drive-throughs and if it is appropriate? **Mike Rodriguez** stated that this was discussed at TRC and the radius on the drive-through were going to have to be large enough to accommodate larger vehicles. **Commissioner Lance Anderson** stated Jonathan Upchurch brought up the exit on the west side. **Mike Rodriguez** stated the traffic study needs to be done. We do not know how soon that will be completed. **Commissioner Lance Anderson** stated they have thought about viewshed and drainage, but lighting is still a concern. **Chairman Bryan Pack** stated we have the dark sky initiative. **Dale Coulam** stated that the proposal for the dark sky initiative has not yet been adopted by the City, but our current outdoor lighting covers a lot of those issues. TRC listed lighting as a condition and what they have done on past projects was purchased night sky compliant lighting and they agreed to do that. It needs to comply with our ordinance. He doesn't know that we can go beyond that. **Commissioner Jeff Loris** stated that the law is the law. If you don't want anyone to build there, purchase it. **Chairman Bryan Pack** inquired if we see any negative impacts that is not covered by our ordinances, we can impose those to help mitigate that. **Dale Coulam** stated if there is a safety issue, not just purely an aesthetic issue. It must cause an adverse impact or danger. **Chairman Bryan Pack** stated that they have worked on six items on their list. Traffic safety, crime...**Commissioner Bob Morris** stated those of which will be resolved by a study. **Commissioner Doug Clifford** stated that the roundabout is a unique situation. That traffic study needs to take those in to account. **Commissioner Bob Morris** stated it won't generate traffic it will disrupt traffic. **Chairman Bryan Pack** stated that he thinks it will. Let us get a list of adverse impacts and get the traffic study and consider these and come up with a recommendation. **Commissioner Lance Anderson** stated he would like to see a schematic of the canopy. **Chairman Bryan Pack** stated so the list is traffic safety, crime, lighting, viewshed, noise, larger vehicles. **Commissioner Lance Anderson** inquired what about environmental? **Mike Rodriguez** stated that EPA requires that and it will comply with those