IVINS CITY
PLANNING COMMISSION
MINUTES
January 14, 2020
435-628-0606

1) WELCOME AND CALL TO ORDER

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

Audience Attending: George and Denis Otott.

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

A. Acknowledgement of Quorum

B. Flag Salute--Commissioner Bob Morris

C. Invocation--Commissioner Bob Morris

D. Disclosures

Commissioner Lance Anderson stated that he has 5A and 5B as final plats on the agenda. No other conflicts.

2) REPORTS AND PRESENTATIONS --None

3) BUSINESS LICENSES -None

4) PUBLIC HEARING AND ACTION ITEMS—None

5) DISCUSSION AND POTENTIAL ACTION ITEMS—

A. Discuss and consider approval of Taviawk 11-U Final Plat. Located at approximately Takala Trail and Paiute Drive. Kayenta Development Inc-Owner/Applicant.

Commissioner Lance Anderson recused himself. **Mike Rodriguez** stated that this is a one lot plat and it is on the corner of Paiute and Takala Trail and complies with the approved Preliminary Plan. TRC reviewed it last week and recommends approval.

MOTION: Commissioner Jeff Loris moved to approve Taviawk 11-U Final Plat. Located at approximately Takala Trail and Paiute Drive. Kayenta Development Inc-Owner/Applicant.

SECOND: Commissioner Bob Morris

VOTE: The motion carried.

Chairman Bryan Pack	AYE
Commissioner Jeff Loris	AYE
Commissioner Bob Morris	AYE
Commissioner Doug Clifford	AYE
Commissioner Lance Anderson	RECUSE

B. Discuss and consider approval of Taviawk 12-A Amended Final Plat. Located at approximately Takala Way and Tearasinab Way. Kayenta Development, Inc-Owner/Applicant.

Commissioner Lance Anderson recused himself. **Mike Rodriguez** stated this plat is for 2 lots on 1.168 acres at Takala and Tearasinab Way. It is an amended final plat because the cul-de-sac has been reduced in size to comply with fire code and to shorten it. This otherwise complies with

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the preliminary plan. TRC reviewed this last week and recommends approval. **Commissioner Jeff Loris** stated that he spoke with Brett Henke about a couple changes. The corner of the radius as it comes around from the bearing for the 38 ft right of way across the driveway there is a dimension 8.11 feet and there is normally a dot that stipulates where the line ends. There should be one more dot between those curves. The other correction is the bearing down the center of the road is S34921W and the road comes down straight through and Brett Henke assured him that the bearing to the center of the monument is the same bearing all the way across. There is a discrepancy between a 10 ft 8" section there and the rest of the corridor. It is not parallel. Brett Henke should fix that. It needs to be corrected on the mylar.

MOTION: Chairman Bryan Pack moved to suspend B. Discuss and consider approval of Taviawk 12-A Amended Final Plat, with suggested changes. Located at approximately Takala Way and Tearasinab Way. Kayenta Development, Inc-Owner/Applicant.

SECOND: 0

VOTE: The motion carried.

Chairman Bryan Pack	AYE
Commissioner Jeff Loris	AYE
Commissioner Bob Morris	AYE
Commissioner Doug Clifford	AYE
Commissioner Lance Anderson	RECUSE

C. Discuss and consider amendments to Density Allowances for Multi-Family.

Chairman Bryan Pack stated that he is hopeful to move this forward with some recommendations. **Mike Rodriguez** stated this is continued discussion and Commissioner Anderson had asked for Red Mountain Vista Townhomes amounts and we have that exhibit, as well as Commissioner Jeff Loris' spreadsheet to review. He liked this site plan as an example because it is all calculated out and shows they cover 23.9% of the entire site and roadways, sidewalks, driveways and parking at a little more than 31% of the site. Landscape area is 45% of site. This is a great example to ask engineers preparing these documents to give us these exhibits to spell those percentages out. 72 units is on 7.9 acres, which equals 9.05 units per acre. It is a good example on how to calculate it both ways, by percentage and number of units on this site plan. This development is about half built out now, with 3 and 4 units per building at the maximum 25 feet. **Commissioner Lance Anderson** stated we changed the ridgeline rule after those were built. On open space-what is required? **Mike Rodriguez** stated that they just need to show us that number. We have a minimum required amount of 10% open space on multi-family development, and they provided just a bit over that. The code says that a minimum amount of open space shall be 800 sq ft for the first 2 units and 200 sq ft for each additional unit. There are 72 units on the site. **Commissioner Lance Anderson** inquired so in the criteria, it states what that open space will be? **Mike Rodriguez** stated that the code says areas not allowed as part of usable open space is private lots, yards, balconies and patios, public right of way, private streets and drives, and open parking areas and dwelling driveways. Land covered by structures is not considered open space, as well as designated outdoor storage areas and required perimeter setback areas. **Commissioner Doug Clifford** stated that the open space seems awfully small**.** **Chairman Bryan Pack** stated that if we change to a percentage basis, that will change what these end up looking like and they would not be quite so dense. The only way to get denser is if they do a lot of amenities. **Commissioner Doug Clifford** inquired if we allow to get to this point what kind of amenities go in? Is it worth it to have them there?

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Commissioner Bob Morris stated that he penciled out a plan and hoping to encourage and achieve single-story and neighborhood. As an example, with no restriction, you can use 14% of the land. If you want more, choose your amenities, and if they do single story, let's give them 25% and then work themselves up and put in a clubhouse and a pool, but stop the maximum at 45%. **Commissioner Lance Anderson** inquired single story in your mind, what is that height? **Commissioner Bob Morris** stated 15-17 ft. **Commissioner Lance Anderson** stated that we looked at a single-story 4/12 pitch, 10 ft plate is 19 feet tall. **Mike Rodriguez** stated Haven at Heritage Acres has 25 ft height and it is single-story. It is not uncommon to see a single-story home push that 25 ft height limit. Arrowhead height will be 21 to 23 ft. **Commissioner Bob Morris** stated they have to be large homes to achieve that. **Commissioner Lance Anderson** stated that is a 2400 sq ft house that is 19 ft. **Commissioner Bob Morris** stated so he is thinking no restriction and if they are going to build tall, limit it at the gate and make it lucrative for them to provide neighborhoods, with swing sets and swimming pools, clubhouses. Make that be the way they get the percentages that they need. If they go single-story with height limit, reward them right up front and give them the ability to have an incentive. **Commissioner Jeff Loris** stated these are densities for Multi-Family but at the top, #1 Lot Coverage Density states that it covers twin home R-2-10 and Townhome RTH. This system cannot be applied to R-2-10. We should exempt twinhomes and duplexes. **Mike Rodriguez** stated they are also limited to 25 ft on a 10,000 sq ft lot. They could be two-story. **Commissioner Jeff Loris** stated if you try to limit twinhome to 14% usage it wouldn't work. It needs to be an acre or more to look at these percentages. **Mike Rodriguez** stated that larger areas could be given incentives and it would be difficult to apply this to twinhomes. Just eliminate them from density bonuses. **Commissioner Doug Clifford** inquired should we break these down into categories we want to address? **Mike Rodriguez** stated we are really only looking at Townhome TH and Multi-Family RM. That is it for this ordinance being considered. **Commissioner Lance Anderson** stated in high density zones? **Mike Rodriguez** stated TH Townhomes and RM Multi-Family, R-2-10 and R-1-5 are all considered high density zoning districts. **Chairman Bryan Pack** stated these are the highest densities we have in this group. **Commissioner Lance Anderson** stated those smaller densities are limited by setbacks. **Mike Rodriguez** stated so now the discussion is what type of bonuses to consider and whether you want it on a percentage basis. **Chairman Bryan Pack** stated that using these A,B,C,D categories, Commissioner Bob Morris is suggesting if people go single story, which is under 17 ft. **Commissioner Jeff Loris** stated that he suggested both restricted and unrestricted. So the amenities in categories B,C and D were minor, but A category was large investments for developer to have recreation for them, so no restrictions was a height of 25 ft and 10% bonus goes to 24% allowed usage. If we take the same sq ft as Rocky Mountain Vista Townhomes and compare using this method, that is a great reduction of only 4 units per acre rather than almost 10 they have. If we add in all amenities and Clubhouse, it could take them to 56 units on the site and if they combined all A,B,C and D categories, they would be at 70 units, which is about where they are at right now. **Commissioner Doug Clifford** inquired if they could have even put that many amenities in? He doesn't think they could. **Commissioner Jeff Loris** stated that is what is nice about A category because they are larger elements and weighted differently. **Commissioner Lance Anderson** stated that he has been looking at gyms and HOA amenities. Clubhouses are important, with swimming pool, and pickleball courts. You can have four pickleball courts to one tennis court. What is value of a clubhouse compared to a pickleball court? It may be more important to a certain demographic than to others. **Commissioner Jeff Loris** stated that this way

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they were allowed 58 units without any extra amenities on their lot. 72 was their max as to what they could possibly do. **Commissioner Bob Morris** stated and yet it is too much for the amenities they are providing. We are trying to back the number of units down without bankrupting anybody. **Commissioner Jeff Loris** stated this development put in a park and gazebo. **Commissioner Bob Morris** stated that it isn't for us to determine what amenities they use, because that is a business decision. We just need to create incentives for lower structures and amenities to create neighborhoods. **Mike Rodriguez** stated that the developer's objective is to get as many units as they can in as small of an area as they can. If they have a limit on height they will be larger buildings in size and area and will take a larger footprint. Densities tend to increase by going higher and putting more units in a smaller space. **Commissioner Bob Morris** stated that if they stay single story they start out with an incentive. They can't go more than 25 ft but we still give them incentives to create more amenities. **Chairman Bryan Pack** inquired how were other multi-family projects calculated? **Commissioner Jeff Loris** stated Kanta Village was similar in size and scope. **Commissioner Lance Anderson** stated Sage Villas was 35% and the lengths of the buildings were changed to make them longer. They have a pool. Can they put the pool in what is considered open space? It can be considered as part of their open space. **Commissioner Doug Clifford** stated that it seems like developers would be pressed to add as many amenities as they could, taking away all open space to increase those densities. Then we end up with a place that has no grass. We need a minimum percentage of open space and then portion of amenity space. **Commissioner Bob Morris** stated that as we are in the desert, grass should be minimal. **Commissioner Lance Anderson** stated that when you eliminate grass and trees the power bills become astronomical. Conservation is towards our environment, not just water. **Mike Rodriguez** stated there is a category in here that is to provide for additional open space whether improved or unimproved. These additional categories ABCD are recreational amenities, other than open space. **Commissioner Bob Morris** stated if we limit the percentage they can build on, we are forcing open space, and amenities reduce the open space, so open space goes out the window but if you want to take up more of the land with buildings, you have to make it look more like a neighborhood. **Mike Rodriguez** stated so you are trying to specify the maximum amount of building area on one acre is 14%? **Commissioner Bob Morris** stated yes that is his proposal. No builder will do that. You could not make money doing that. **Mike Rodriguez** stated then define the additional percentages of building area and what they will allow for the different types of amenities. **Commissioner Doug Clifford** stated he would like to differentiate between minimum open space and amenities. **Chairman Bryan Pack** stated that we can take Commissioner Bob Morris' percentages proposal and think about that and the amenities. **Commissioner Jeff Loris** stated very first and foremost in our ordinance it is already considering open space. **Commissioner Bob Morris** stated we would have to throw that out. **Commissioner Doug Clifford** stated if we are doing 14% that open space is huge already. We are going about it the wrong way because then we are starting out with a gigantic amount of open space, and the only way to give an incentive is not with more open space, but amenities. **Commissioner Bob Morris** stated 14% is the land. The rest is open space. Those recreational amenities are open space. **Commissioner Jeff Loris** stated no one in their right mind that wants to develop their land, would build on only 14%. **Commissioner Bob Morris** stated that is correct. So if they don't like 14%? Make it a neighborhood. There is no more incentive for open space. **Commissioner Lance Anderson** stated we are saying 14% is the zone, and no open space requirement. **Commissioner Bob Morris** stated yes because we are forcing it and making them earn it. **Commissioner Lance**

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Anderson stated now take your 14% and even add a half percent for landscaping for Commissioner Doug Clifford. **Mike Rodriguez** stated put this in a draft and look at it. **Commissioner Jeff Loris** stated A category has the clubhouse, which is a large element to put in. Category B has recreation areas, swimming pool, tennis courts. C category has gazebos and D is very limited. Category B should have 5% weight, more than Category C or D. Clubhouse is 10% and pool should be more like 5%. **Dale Coulam** stated if you get too aggressive with this you would have to go to the ombudsman to be sure it isn't a taking. When you have the language all there and it is in a form that everyone can read through it, we could send it to engineers we typically deal with, and tell them it is coming up to a public hearing and see what they have to say. They will need to be notified though. They will be the ones trying to draw this up and fit it in to a development. **Commissioner Bryan Pack** stated that we will have Mike Rodriguez get it into a format that they can read it and have Commissioner Jeff Loris do some calculations and everyone look at the amenities, the Categories and the weight given to each. Once we have that we will invite Dale Coulam to send it out to the developers and ombudsman to consider the takings issue. **Commissioner Jeff Loris** stated that Kanta Village has 81 units on 4 acres and if they do a clubhouse and a pool that is an additional 21% increase above the 14% and gives them 49 units, where Kanta Village had 85.

Commissioner Bob Morris stated he is not married to the numbers, but we weren't happy with 81 units. **Dale Coulam** stated at 14%, assuming you do nothing, how does that compare to a one unit 5000 sq ft lot single family home? **Commissioner Jeff Loris** stated that at 14% it is 4 units per acre. **Dale Coulam** stated you have land use designations of low, medium and high density residential, which begins at R-1-5 and R-2-10. Is 14% a lower density? If it is lower, that is a problem because it is no longer high-density. You have a land use designation of high-density and you are forcing them to get them into the land use designation they are already entitle to. That sounds like an illegal taking. The bare minimum should at least equal the R-1-5 density so you are still within the high-density land use category. Otherwise it becomes an illegal taking. **Commissioner Lance Anderson** stated take 5000 sq ft and apply the setbacks and then that gives us our building area. He asked Mike Rodriguez to calculate that for next meeting. **Dale Coulam** stated the do nothing option should at least equal density of the R-1-5. **Chairman Bryan Pack** stated that we need to compare this to the R-1-5. **Mike Rodriguez** stated he will create an exhibit and show the setbacks and what we can use for the base percentage and show what that can be. **Chairman Bryan Pack** stated he still would like to have the percentages in the ordinances in a form we can look at and then come back and look at the amenities and how to weight them.

D. Discuss and consider Outdoor Lighting Regulations.

Commissioner Bob Morris stated that recently the night sky proposal put up to our City Council was rejected but during that it pointed out that a lot of our current lighting code criminalizes many of us in our neighborhoods because of the restrictions and he doesn't see how those changes were made. We went down to 22 Kelvin, and within the last 3 months that was passed. The change that recently occurred, was that done through a legislative process? **Dale Coulam** stated it was done by the City Council. It was not a zoning text amendment because the lighting ordinance was in two places in our code. It did not come to the Planning Commission or have a public hearing. It did go through City Council so now that they decided to consolidate them all into one ordinance, it will go through planning commission and will involve the public and planning commission in making recommendations. The main lighting ordinance was passed by Council. **Chairman Bryan Pack** inquired do you have a list of items you are concerned

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about? **Commissioner Bob Morris** stated yes, in my head. If you go to Home Depot to get landscape lighting, you can't get lights that meet our current restrictions. We have to decide as a community, because dark sky has permeated our ordinance. It hasn't been opened up to the community to decide if we want dark streets at night. The focus is not correct in our lighting. Look at the fixtures along Center Street that are supposed to be lighting the sidewalks. The photometrics are not focused or pointed in the right direction. You cannot discern color with those lights and so they are rendered useless. Rocky Vista University put filters on two months ago and now they need more lights because it is dark and unsafe. There is nothing offensive about security lighting. There are two weeks out of every month that you can see the stars. The moon itself is the biggest light pollution deterrent of being able to see the stars. Summer months are not good for star gazing and then Christmas lights go up, so now we are at 14 weeks out of the year to see the stars. How many hours at night are you awake to see the stars? He set his alarm for 1:00 am to watch the meteor shower in Pine Valley, there were clouds. He was born near Los Angeles California so he knows unsafe neighborhoods. We have safe neighborhoods here, but we had 22 car break-ins and they all occurred at night. **Chairman Bryan Pack** inquired if he has suggestions for the ordinance and if he could put those in writing? **Commissioner Bob Morris** stated yes. Personally he would exempt residences from restrictions on lighting except for offensive lighting that crosses over property boundaries. Other than that, we should be able to light up our property so that it is safe. Even the specs on our bollards are a problem. The International Engineer Association requires a certain level of lighting. Our limitation of 22 kelvin is so low it is forcing properties to be underlit, and opening them up to lawsuits if someone falls. **Commissioner Lance Anderson** stated people are not just trying to enjoy the night sky, we are trying to enjoy the darkness of the night too. If we all have a right to light up our yard, you are now taking away my right. Who has the right? Refer back to keeping it natural. When you drive through Santa Clara do their lights help to see the road? They don't. They are too bright and glare. It has been in Ivins for years and with all these rules and ordinances, it has created value here. We are known for this. It is not something new. Kelvins he does not know much about but we need to be careful. Everything is an opinion until they become an ordinance. **Chairman Bryan Pack** stated let's all look into kelvins, security lighting etc. We need to see the information that both these statements are based on. We are looking at the text of an ordinance and how that can possibly be changed. **Dale Coulam** stated City Council asked the Planning Commission to look at electronic message board signs. Sometimes it will flash bright and move, those are the type of signs that may not have been around when the original ordinance was adopted and they asked us to look at tweaking that. There is a little bit of language in there about blinking but we have been asked to specifically address the electronic message signs and looking at possibly restricting or prohibiting those. We are also looking at updating any other areas that may have changed since the original ordinance was written. **Chairman Bryan Pack** requested to get a copy of the ordinance that they can mark up and red-line with the sections that City Council has asked for, and then come back and discuss. **Dale Coulam** stated he would try to get that to them before next meeting.

E. Discuss and consider approval of the Ivins City Planning Commission Minutes for December 17, 2019.

MOTION: Commissioner Doug Clifford moved to approve the Ivins City Planning Commission Minutes for December 17, 2019.
SECOND: Commissioner Bob Morris
VOTE: The motion carried.

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Chairman Bryan Pack	AYE
Commissioner Jeff Loris	AYE
Commissioner Lance Anderson	AYE
Commissioner Bob Morris	AYE
Commissioner Doug Clifford	AYE

6) REPORTS

A. Planning Commission

B. Chairman

C. Building and Zoning Administrator, Mike Rodriguez

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 Jeff Loris

VOTE: The motion carried.

Chairman Bryan Pack	AYE
Commissioner Jeff Loris	AYE
Commissioner Lance Anderson	AYE
Commissioner Bob Morris	AYE
Commissioner Doug Clifford	AYE

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