IVINS CITY
PLANNING COMMISSION AMENDED
MINUTES
February 4, 2020
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 Bryan Pack, Commissioner Jeff Loris, Commissioner Doug Clifford, 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: Rich Svien, Raffi Simon, Allen and Maureen Lenhart, Jeff and Cindy Rupert, Claudette Larsen, Chris Haddad, Kathy Johnson, Julie Dean, Janell Kessner, CJ Koharcheck, Randy Szczesny, George Stoddard, Kathy Barth, Ron and Shirley Blake, Dave Lynn, Marc Brown, Tom Ahey, as well as others that did not sign in.

A. Acknowledgement of Quorum

B. Flag Salute--Chairman Bryan Pack

C. Invocation--Chairman Bryan Pack

D. Disclosures

Commissioner Lance Anderson stated he has a zone change and land use on the agenda, Items 4 A and B. He also has the final plat for Mojave Mesa Ph 1-B, Item 5 B. Item 5 A he has something to do with, but that application is from the City. No other conflicts. **Commissioner Jeff Loris** arrived at 5:40 pm and stated he had no conflicts.

2) REPORTS AND PRESENTATIONS --

A. Concept Plan Report for The Crossings at Red Desert Estates, located at approximately 850 South Main. V.E. Management Investments-Owner. Dave Lynn-Applicant.

Mike Rodriguez stated that this is 10.94 acres located at the intersection of 850 South and Main Street. It was being proposed to be subdivided into 156 lots on their initial application, but it is actually 114 two-story townhome units and 30 twinhomes located on 6000 sq ft lots. On the eastern portion of the site, when that was rezoned there was a portion that was created as a buffer of R-2-6. The majority of the site is zoned RM for multi-family. These proposed improvements are in compliance with City ordinances. **Commissioner Lance Anderson** inquired if the height limit is 25 ft.? **Mike Rodriguez** stated yes this is a standard subdivision. **Commissioner Doug Clifford** inquired if the change in the number of lots needs to be amended on the plan? **Mike Rodriguez** stated that when we get the application for the Preliminary Plan that information will be accurate with what is being represented. **Commissioner Bryan Pack** stated that right now, nothing is developed around it. **Mike Rodriguez** stated that it is mostly vacant to the east and west of this and on the other side of the intersection are the storage units on 800 South and Main. This is located on the south eastern corner. **Commissioner Lance Anderson** stated that since it is a standard subdivision, that means there is nothing to vote on. **Dale Coulam** stated since it is a standard subdivision the Planning Commission will be making sure that it complies with the ordinances, and staff will be looking at that.

3)BUSINESS LICENSES -None

4) PUBLIC HEARING AND ACTION ITEMS—

A. **Public Hearing on a proposed Concurrent Land Use from HDR (High Density Residential to MDR (Medium Density Residential) and Zone Change from R-1A (Residential-Agriculture, minimum lot size 1 acre) to R-1-10 (Residential Single Family, minimum lot size 10,000 sq ft) on 10.94 acres, located at approximately 350 South and Kwavasa Drive. RT Marten Utah LLC-Owner. Kayenta Development Inc-Applicant.**

Mike Rodriguez stated that this is a proposed concurrent land use and zoning amendment application. The current land use is HDR High Density Residential and requesting MDR Medium Density Residential and RA-1 Residential one acre lots and proposing to rezone that to R-1-10 minimum 10,000 sq ft single family home, on 10.91 acres. This is located on Kwavasa Drive 600 West and approximately 350 South across from Kee Stone Village development and north of Cliffrose on 400 South. It borders another parcel to the north of it, where previous action was taken to change the land use and zoning for S&S Homes to build 10,000 sq ft homes north of this parcel off Kwavasa Drive and Kayenta Development entered into an agreement with them to do a land swap. S&S is going to exchange the western most portion of the current 20 acre parcel that they have R-1-10 single family homes, and continue their development to the south of this property. They will get a few extra lots, and they will have improvements to make along Kwavasa Drive on the western side of the roadway. They will send in a concept plan at a future meeting to show us how that will all be laid out, but this is the first step to doing a land use and zone change on this parcel. A zone change and land use change was already approved for S&S homes portion that they currently own, and this is adding to that development in exchange for a portion of their site that they already have approval on. **Chairman Bryan Pack** stated that this request is taking it from High Density to Medium Density. **Mike Rodriguez** stated yes the current designation is High Density Residential and could be Multi-Family type development and are proposing changing it to Medium Density Residential, which is consistent with R-1-10 zoning that was already approved on the portion north of this. **Chairman Bryan Pack** stated if approved this would eliminate any risk of high density multi-family there. **Mike Rodriguez** stated yes. **Commissioner Doug Clifford** inquired about the little corner that was cut off the parcel. **Chairman Bryan Pack** opened the Public Hearing. Jeff Rupert stated he lives next door to Kwavasa. Is the elevation going to be raised at all? **Chairman Bryan Pack** stated that he would need to speak with the developer or S&S Homes. Jeff Rupert stated that he spent a lot of money on his house and backyard and if the grade is raised there goes his view. Cindy Rupert stated that with Kee Stone development, they raised the lots by 5 ft so when the house went in it blocked our view. That is why we are concerned. We paid premium lot price. Are these going to be single level homes? **Mike Rodriguez** stated this is application is for the land use and zone change. It is not for the development. It will be single family homes on 10,000 sq ft lots. **Chairman Bryan Pack** stated we don't know yet and the applicant is not required at this stage to give that level of detail. That is later on down the road. Raffi Simon inquired as to how many homes are proposed in this development? **Mike Rodriguez** stated 10,000 sq ft lots. We don't know how many lots are being proposed yet. Raffi Simon stated these will be one story not over 25 ft. What is proposed for the same owner west of this development? **Mike Rodriguez** stated we have no application for any of that. **Chairman Bryan Pack** stated this is currently zoned for high density residential. They could have apartments as it is now. This change will make this land less dense. Raffi Simon stated exhaust fumes and water usage is an issue and will there be enough for everyone in a drought? Shirley Blake stated she lives east of this development and thinks that medium density

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is good. She is tired of the weeds and the dust. Developing it is better than what we have. **Commissioner Lance Anderson** stated this is a new group that have all come in here and moved to our city and may not be aware that 400 West was always a sacred line before it was voted on to be changed. Before we got involved, this development was slotted to be 25 ft high homes all the way to the edge of the canyon. S&S Homes is a good builder who has a right to build what they had planned. We worked an arrangement with them to keep the height down, keep them single story, keep the big garages from going to 25 ft, and we have an agreement in place for that. RT Marten is the property owner and he is his consultant. We kept the heights down and single story can be up to 25 ft, so we worked with them on a 4:12 pitch to minimize and to keep the pad heights low. We have went through all of those and they have drainage to deal with that will be worked out during their preliminary plan. Why we chose to work with them is we didn't want tall homes on the edge of the canyon, and getting 600 West improved, which is now the responsibility of S&S Homes. They have worked hard to meet the criteria you are already thinking about. **Mike Rodriguez** stated that to compare building heights and grade changes, and what you are describing as single story homes, 4:12 pitch-roofs, and minimum 10,000 sq ft lots, Cliffrose has a higher density. They have a Subdivision Enhancement Overlay so they have lots smaller than 10,000 sq ft and they are 5:12 and 6:12 pitched roofs and a height of 22 ft plus. The homes proposed to be developed on this site will be shorter and on larger lots than what they see in Cliffrose. **Commissioner Lance Anderson** stated that they are trying to keep RV garages at around 19 ft. The corner of this plat was taken off there because there will be a road that comes through there, so that is the radius. We have an agreement for 73 homes in there and that is a little over 10,000 sq ft and some that are 12,000 sq ft between the two parcels. **Mike Rodriguez** stated and no lots less than 10,000 sq ft. Jeff Rupert stated that he appreciates that we all have the same goal and appreciates that it is going from high to medium density. He doesn't want to see apartments popping up. When he moved here, we had the night sky lighting ordinance and was told that no major building would be going on. We got sold on that, so our only effort now is to minimize what goes on around us since we can't stop it. He appreciates the Planning Commission sharing the information so we understand it better. We had expectations and we are disappointed, but continue working for us in keeping things low. Hearing no further comments, **Chairman Bryan Pack** closed the public hearing.

B. Discuss and consider recommendation to approve a proposed Concurrent Land Use from HDR (High Density Residential to MDR (Medium Density Residential) and Zone Change from R-1A (Residential-Agriculture, minimum lot size 1 acre) to R-1-10 (Residential Single Family, minimum lot size 10,000 sq ft) on 10.94 acres, located at approximately 350 South and Kwavasa Drive. RT Marten Utah LLC-Owner. Kayenta Development Inc-Applicant.

Commissioner Lance Anderson recused himself. **Chairman Bryan Pack** stated he is in favor because it is a benefit to lower the density. **Commissioner Doug Clifford** inquired about the zone under the land use. **Dale Coulam** stated the zone is a holding zone. It had never been developed so it had never been changed. There is currently a bubble of high density. **Commissioner Jeff Loris** stated they have essentially halved the amount of density, so he is also in favor. Commissioner Lance Anderson and RT Marten have kept the densities from increasing on the west side. The plan was to keep that line at 400 West and it has crept to 600 West.

MOTION: Commissioner Jeff Loris moved to approve recommendation to approve a proposed Concurrent Land Use from HDR (High Density Residential to MDR (Medium

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Density Residential) and Zone Change from R-1A (Residential-Agriculture, minimum lot size 1 acre) to R-1-10 (Residential Single Family, minimum lot size 10,000 sq ft) on 10.94 acres, located at approximately 350 South and Kwavasa Drive. RT Marten Utah LLC-Owner. Kayenta Development Inc-Applicant.
SECOND: Commissioner Doug Clifford
VOTE: The motion carried.

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

5) DISCUSSION AND POTENTIAL ACTION ITEMS—

A. Discuss and consider approval of Kwavasa Drive Road Dedication Plat.

MOTION: Commissioner Doug Clifford moved to approve suspending the rules to discuss and consider approval of Item 5A Kwavasa Drive Road Dedication Plat.
SECOND: Chairman Bryan Pack
VOTE: The motion carried.

Chairman Bryan Pack	AYE
Commissioner Doug Clifford	AYE
Commissioner Lance Anderson	AYE
Commissioner Jeff Loris	ABSENT

Mike Rodriguez stated that part of this road is on SITLA property and they had comments and edits so we have an updated exhibit. The City is asking that this portion be dedicated so they can do some improvements. **Commissioner Lance Anderson** stated that it is being driven by a drainage project from Taviawk down to the corrals and down the wash. It is a city project. There will have a detention basin at 400 and 450 and all the way down to Hwy 91, down to the corrals and past to the bottom of the wash. **Commissioner Doug Clifford** stated that right now this is a road to nowhere. **Commissioner Lance Anderson** stated yes, SITLA is dedicating this at no cost to the City because it benefits their property in the future. They will construct half of the road during the drainage project.

MOTION: Commissioner Doug Clifford moved to approve Kwavasa Drive Road Dedication Plat.
SECOND: Commissioner Jeff Loris
VOTE: The motion carried.

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

B. Discuss and consider approval of Final Plat for Mojave Mesa Phase 1-B, located at Mojave Way. AnA Enterprises, LLC-Owner/Applicant.

Commissioner Lance Anderson recused himself. **Commissioner Doug Clifford** stated that the application shows 1.794 acres with 14 lots, but that is only half of that parcel. There is a second parcel that is not listed on this application. **Mike Rodriguez** stated that this is for 14 lots total and the second parcel is 1.837 acres for a total of a little over 3.5 acres and there are 6 lots on the left westernmost portion and then 8 lots on the easternmost portion of the development. R-1-75 is the zoning on the 8 lots and R-1-10 zoning on the remaining 6. TRC has reviewed this plan and

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the proposed improvements are in compliance with city ordinances. Phase 1-A was previously approved and has one model home under construction. **Commissioner Jeff Loris** stated this looks good to him. **Chairman Bryan Pack** stated that this is an administrative decision.

MOTION: Commissioner Jeff Loris moved to approve Final Plat for Mojave Mesa Phase 1-B, located at Mojave Way. AnA Enterprises, LLC-Owner/Applicant.

SECOND: Commissioner Doug Clifford

VOTE: The motion carried.

Chairman Bryan Pack	AYE
Commissioner Jeff Loris	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 Commissioner Bob Morris wants to be here for these discussions. **Dale Coulam** stated that Mike Rodriguez gave out the information the Planning Commission requested. You can discuss the information and before you make a final decision wait for Commissioner Bob Morris. **Chairman Bryan Pack** stated that we have added in percentages as a starting point. Dale Coulam has expressed concern that these percentages may be too prohibitive and considered a taking. **Dale Coulam** stated that 14% was an arbitrary stab. Multi-Family is in a high-density land use. High-density zoning starts out at 5000 sq ft lots. There is your beginning for a base density within a high-density residential land use. If picking 14% results in fewer lots than what can be developed at R-1-5 then that is a taking. That land use legally entitles them to a zone that fits that land use designation. From 5000 sq ft you could do some incentives and bonuses, but anything below that you are performing an illegal taking and you would have to pay for the property that has been taken. **Commissioner Doug Clifford** stated that we should take a stab at calculating 5000 sq ft with setbacks around it and road coverage and come up with a number. It is not 14%. If you take the Crossings at Red Desert Estates that we just looked at, with no incentives, it is 25% already and it is tight. No way to start at 14% and get there. **Commissioner Lance Anderson** stated when doing the zoning for 5000 sq ft, the ordinance says you take the gross and times it by 80% to tell you how many lots you can get. When we are doing these high density ones, you don't have that consideration to take in to start. **Dale Coulam** stated on approximately 15.5 acres there are 66 lots with 5000 sq ft lots with roads. This is base density. **Chairman Bryan Pack** stated this is comparing apples to oranges. There are 66 units here, but if you look at it as a multi-family situation you would get a different number. If we use building pads instead of lots to measure it gets hard to compare. It makes him think 14% could work. They would have 60+ homes to get to 14% and so in that situation it would work. **Dale Coulam** stated it just can't be fewer than what R-1-5 can put in there, or you step outside of the high density residential land use classification. **Chairman Bryan Pack** stated what if you have someone that wants larger homes than smaller homes, then you get a different outcome. **Commissioner Doug Clifford** stated that we should break them apart. One class for duplexes, one for townhomes etc. **Commissioner Lance Anderson** stated we already have that. **Chairman Bryan Pack** stated that he is concerned that using percentage in any setting is too dependent on the size of the building being built to render it meaningful for us. One is building large homes, one is not. One is rendering a taking, the other is not. If that is the analysis each time, we might as well go back to lots. **Commissioner Lance Anderson** stated if you roll back the number on lots, you hurt the guy with the smaller lots because he won't be able to be

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utilize his property like the larger lots. **Chairman Bryan Pack** stated that we run into a takings problem with the base numbers. **Commissioner Lance Anderson** stated that we only care about square footage on the property percentage-wise. There is no comparison for an R-1-5 and doing these percentages. They don't relate to each other. We care about the mass that is on a property, not how many units they can put on it. **Commissioner Doug Clifford** stated that of course the tendency would be to go two story on all of these. **Commissioner Lance Anderson** stated that is why if they do single story we give them availability to get more ground coverage because it is still less visible for the community. **Chairman Bryan Pack** stated that maybe we put a clause in that says no matter what percentage base it has, it cannot be any less dense than the number of lots you could put on an R-1-5. **Dale Coulam** stated as the Chairman was suggesting, you could do your percentages and put in a provision stating that in no event can it be less than what you can have on 5000 sq ft lots. The Planning Commission can play with those percentages and then we can submit it to the private property rights ombudsman's office for a legal opinion. **U**e the percentage and put clause in no less than what they'd get on R-1-5. **Commissioner Lance Anderson** stated he took house pads and it is at 25% They can tell us whether or not it an issue before we ever formally pass the ordinance. He stated this example has R-2-10 too so this is a little bit of a mix. **Commissioner Lance Anderson** stated if it was all high-density 14% is about 71 lots. **Chairman Bryan Pack** stated that it works in this situation. There are situations it wouldn't work in that we identified in our last meeting. This one is not less dense than R-1-5. We could simply add a clause that says no matter what the percentage it, if you end up with an amount less than lots you could get with an R-1-5, we bump it up to get at least that many lots. **Commissioner Lance Anderson** stated Movara is 700 sq ft and use less footprint but have more architectural features to them. With an average of 25% on this one there is no place to ask them to put anything. **Commissioner Doug Clifford** stated they have a pool and a pickleball court. There is no place for a clubhouse at 25%. **Commissioner Doug Clifford** stated there is no backyards or anything. That is not what we want by any means, but this is where we are at with 25%, so somewhere between 14% and 25%. **Mike Rodriguez** stated that the original concept showed 156 units so we could take that and compare it to what we have here for next meeting. This is a good example of a fairly dense development. **Commissioner Lance Anderson** stated he is trying to get it so homes are not just a place to sleep at night but create a space to live. **Commissioner Doug Clifford** inquired do we have a number for length of a building? **Mike Rodriguez** stated 150 ft is the maximum. These are 20 ft wide so 120 ft long. **Commissioner Lance Anderson** stated that Sage Villas development was where that length got extended. That is why that density is higher. **Mike Rodriguez** stated that was only on interior of a site or adjoining commercial or multi-family. They have to have shorter buildings when they are adjacent to single family zoning. **Commissioner Jeff Loris** stated these are all 23.4%, 23.7% and 23.9% so around 25% to break even between the 5000 sq ft lot and a 1500 sq ft slab. **Commissioner Doug Clifford** stated we also need to be careful going into incentives. A single clubhouse in this development would be useless. Let's dissect and build around this example. **Commissioner Lance Anderson** stated let's go backwards with the bonus calculations. Fill it full of houses and see how many amenities they can put in. We are too late to make changes on this plan.

D. Discuss and consider Outdoor Lighting Regulations.

Chairman Bryan Pack stated that Commissioner Bob Morris supplied some paperwork on this topic and very much wants to be part of this discussion. Dale Coulam sent language to address the reader boards and it looked fine to him. **Commissioner Doug Clifford** stated the message

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boards are one we need to get in front of. They are the bane of every community. **Commissioner Lance Anderson** stated that they are not allowed correct ? We couldn't have a sign on Highway 91 right now, could we? **Dale Coulam** stated it is vague-flashing, blinking, moving, but he proposed simply a new definition for electronic message boards and various other names that those are known by, and then include it in the list of prohibited flashing, blinking, and moving lights. That was one of the advantages of Council saying let's consolidate our ordinances. As we consider amending the various lighting ordinances going forward it will be a public process with public hearings and the opportunity for the public to address that. **Commissioner Lance Anderson** stated people are confused about the night sky initiative compared to our outdoor lighting ordinance. The initiative was brought in by a group of people to qualify us for that designation. City Council voted to not go forward with that. **Dale Coulam** stated it went beyond what was required to qualify. Mike Scott had stated they went overboard in all the other areas to try to make up for an area where there was a deficiency. There were things in there that went beyond trying to qualify for night sky designation. If we first hit the areas that our current ordinance is deficient in, it will prohibit some of these things we don't want and then work on the other items that are going to take more time. **Commissioner Lance Anderson** stated he wanted the public to understand we are not working on the initiative but we are working on our outdoor lighting ordinance. **Dale Coulam** stated which is already very restrictive. The Night Sky Initiative is the name of a private group that was promoting a significant change in the ordinance and wanting to apply for dark sky designation. In their presentation they indicated that a lot of our ordinance qualified for that designation. We have a very restrictive ordinance currently but it is deficient in a few areas. **Chairman Bryan Pack** stated so we get those issues pinned down and then come back and compare Commissioner Bob Morris and Commissioner Lance Anderson's positions. We have two contrasting opinions on the board here, so we can hear arguments for both. **Mike Rodriguez** stated the outdoor lighting ordinance is addressed in two different areas in our municipal code. Chapter 14 in building and construction, and in Chapter 16 in the zoning ordinance. We are tasked to create it for the zoning ordinance in the code. **Dale Coulam** stated his suggestion is as we do these tweaks, we also start working on consolidating all those pieces. We will move it to a vacant reserved chapter and then renumber it as it should be in the zoning ordinance. We will put it in the new format before it goes to Public Hearing. He will put it in a draft form. **Commissioner Doug Clifford** stated Alpine also has a restrictive lighting ordinance and a similar community. **Commissioner Lance Anderson** stated some of the technology has changed.

E. Discuss and consider approval of the Ivins City Planning Commission Minutes for January 14, 2020.

MOTION: Commissioner Jeff Loris moved to approve the Ivins City Planning Commission Minutes for January 14, 2020.

SECOND: Commissioner Doug Clifford

VOTE: The motion carried.

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

6) REPORTS

A. Planning Commission

B. Chairman

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C. Building and Zoning Administrator, Mike Rodriguez

D. City Attorney, Dale Coulam

E. Items to be placed on future agendas

Mike Rodriguez stated S&S Homes will be coming forward and a CUP Amendment for Black Desert Resort.

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 Doug Clifford	AYE
Commissioner Lance Anderson	AYE

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