IVINS CITY
PLANNING COMMISSION
MINUTES
February 18, 2020
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 Jeff Loris, Commissioner Lance Anderson, and Commissioner Doug Clifford.

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

Audience Attending: Chris Haddad, Richard and Sally Tom, Mike and Karen Martinez, Larry Myers, Eric McFadden, Claudette Larsen, Patty Dupre, Mike Scott, Lisa Rutherford, Rich Svien, Regina Roper, Joe Platt, Shelley Moeller, Sharon Barton, CJ Koharcheck, Dee Husebye, Heidi Neel, Kathy Barth, Braden Nelson, as well as others that did not sign in.

A. Acknowledgement of Quorum

B. Flag Salute--Commissioner Jeff Loris

C. Invocation--Commissioner Jeff Loris

D. Disclosures

No conflicts.

2) REPORTS AND PRESENTATIONS --None

3) BUSINESS LICENSES -None

4) PUBLIC HEARING AND ACTION ITEMS—

A. Public Hearing to approve a proposed amendment to the Class IV Conditional Use Permit for Black Desert Resort, located at approximately 1630 E Snow Canyon Parkway. Enlaw, LLC-Owner. Kent Bylund-Applicant.

Mike Rodriguez stated that previously a Class IV Conditional Use Permit was approved for a construction project office and information office on a half acre site of an overall 70 acre parcel just south of the horse roundabout and across the Snow Canyon Parkway from The Reserve and Entrada subdivision. It was approved at that time for them to place two portable office buildings. Construction had begun on the ranch road north of Pioneer Parkway in Santa Clara and for the construction of a new water line into the site from St. George City so they asked to place those units. This application is to amend the existing use permit to add an additional building perpendicular to the other building. It will be a site-built temporary building that will house a golf simulator, which is a video program so the proposed course can be played. Along with that, the back portion of the building is being used to store the side by side vehicle they use to traverse across the project. It is an off road vehicle they want to keep secure after hours and on weekends. This will be a temporary site-built structure and they are also asking to install additional road base to provide additional parking for that new use. TRC has reviewed this and the improvements are in compliance with city ordinances. **Chairman Bryan Pack** inquired what is the height? Is it designated there, and how does it compare to the building in front of it? **Mike Rodriguez** stated it can't be higher than the buildings that are already there. They are flat-sloped roofs. This is a two-year permit and we would restart the clock on the entire use permit with this approval. **Chairman Bryan Pack** opened the Public Hearing. Claudette Larsen inquired if the

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golf course will be in the black rock? **Mike Rodriguez** stated we have not seen the golf course plan yet. That is still in the designing stage, but the golf simulator may show what that will look like, and it will be constructed within the lava fields there and extending down in to Santa Clara City. Claudette Larsen stated we are trying to keep the black lava rock undisturbed. **Mike Rodriguez** stated it his understanding that they are going to minimize disturbance to the lava. We haven't seen the plans yet, but it is our understanding that they are going to minimize impact to the lava fields. **Dale Coulam** stated that the Sensitive Lands Ordinance requires a certain amount of the lava be undisturbed. They are preserving a significant amount, more than required to be undisturbed. You can go to these trailers and get more information. Tom Weiskopf is designing that course and they are being very sensitive to the lava. Lisa Rutherford inquired how many times they can extend and clear the land before they actually do any substantial development? We have Sentierre which languishes in front of Tuacahn and is sort of an eyesore. This is the entrance to Ivins which has that beautiful roundabout. What if this development languishes and they cleared all this land? What is the revegetation plan if this development falls through? **Mike Rodriguez** stated this is for only the half acre site to have the temporary units onsite. As they get into the 70 acre site they will apply for that development and have Public Hearings to be able to scrutinize those. Lisa Rutherford stated this is the cart before the horse. They don't know what they are planning and we haven't seen any plans. **Mike Rodriguez** stated they are designing and developing their plans. They will be bringing those forward in the near future. Some of the development occurring in the lava will be subject to review by the Sensitive Lands Committee as well. Richard Tom stated that if the development takes off and gets more interest and there is increased parking and traffic, from a safety point of view, what will congestion look like at that roundabout? Just consider that going to those sales offices and that simulator. Hearing no further comments, **Chairman Bryan Pack** closed the Public Hearing.

B. Discuss and consider approval of a proposed amendment to the Class IV Conditional Use Permit for Black Desert Resort, located at approximately 1630 E Snow Canyon Parkway. Enlaw, LLC-Owner. Kent Bylund-Applicant.

Commissioner Jeff Loris wondered the same as Lisa Rutherford. How many times can they come back and ask for an amendment? **Mike Rodriguez** stated this application is for the half acre site where the units and parking is located. **Commissioner Jeff Loris** inquired how many times will they add on? Is there a limit? **Commissioner Lance Anderson** stated there is no limit. They are trying to figure out in their design what is out there and what people want. This is better for us than them building the whole site. The pieces that are disturbed out there already it doesn't hurt to get them started creating their development. They are doing their fiduciary responsibility. **Dale Coulam** stated a Class IV Conditional Use Permit means that you are the approving body. The Planning Commission is the limit, but you have to have a good reason to allow it or not allow it. They expect within the next few months to file Conditional Use Permits for the actual use of Phase 1 of that resort. They are getting close, but have not filed application for the Conditional Use Permit yet. **Commissioner Lance Anderson** stated that we could add that as a condition that it needs to be revegetated. **Mike Rodriguez** stated he believes that was added in the first Conditional Use Permit, but we could certainly add it again. The size of the unit is 20 ft wide, 40 ft length, and 12 ft high. Stucco sided to blend in with natural vegetation. Site-built building on a foundation but a temporary structure. It will be removed sometime in the future as the site develops. **Commissioner Jeff Loris** inquired where is Phase 1 located? **Dale Coulam** stated it may be further south just before you get to the lava and include the golf course. If they don't commence construction within two years of the temporary permit, then it should be

revegetated; but the plan is that these go away and this area all becomes part of their landscaped entrance. **Mike Rodriguez** stated the first Conditional Use Permit was a two year permit and we would extend amendment to two years from today. Joe Platt stated that he is the applicant for Black Desert and can assure that they don't intend to ask for any additional expansion of this site. Those of you who watch golf on television have seen the simulator that is behind the golfer and shows the flight of the ball. Top Flight, the company creating this, had never prior to us asking, created a virtual golf simulation on a course that hadn't been designed yet. We have the course on paper and know where everything will be subject to your approval. We challenged them to come up with a simulation of a golf course that hadn't been built yet. They have completed that and now we need a place to exhibit it. We are disturbing one acre of ground to properly develop the ground on 600 acres. We are only disturbing less than 40 acres of the entire 300 acre site and no vertical construction. It will just be the golf course, The immediate area around this site will have development, but the lava we all love so much and want to preserve will only have golf holes as unobstrusively as possible. 40 acres is a minimal disturbance. In leaving the site when we are done, we developed that roundabout so we know how to do this right. The City will be proud of this and it will be the main entrance to the resort. It will be beautiful and a heavily landscaped area. We will be back in 3 or 4 months with a Conditional Use Permit request. **Chairman Bryan Pack** stated it sounds like revegetation and being no taller than shown on the plan are the conditions we want to include. **Commissioner Lance Anderson** stated that this is a large roundabout designed for traffic.

MOTION: Commissioner Doug Clifford moved to approve proposed amendment to the Class IV Conditional Use Permit for Black Desert Resort, located at approximately 1630 E Snow Canyon Parkway. Enlaw, LLC-Owner. Kent Bylund-Applicant, to include revegetation of the site.

SECOND: Commissioner Jeff Loris

VOTE: The motion carried.

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

5) DISCUSSION AND POTENTIAL ACTION ITEMS—

A. Discuss and consider recommendation to approve a proposed Preliminary Plan for T&L Parkway, located at approximately 175 West 100 South. Eric and Jessica Gish-Owner. Eric McFadden-Applicant.

Mike Rodriguez stated that the latest exhibit was given to the Planning Commission late, but this is a flag lot being created on .576 acre parcel at the back of the existing property. This is zoned R-12.5 located at 175 West 100 South. There is an existing residence at the front of the parcel and this meets all our city requirements. TRC has reviewed it and the plan is in compliance with city ordinances. The City Engineer has worked with the developer on the detention basin to mitigate storm drainage, which is why there was a late submission. **Commissioner Lance Anderson** inquired if the same owner will own both lots? **Mike Rodriguez** stated they are selling that one rear lot. **Chairman Bryan Pack** stated this is essentially an administrative decision. **Commissioner Jeff Loris** stated it looks good to him.

MOTION: Commissioner Jeff Loris moved to approve recommendation on a proposed Preliminary Plan for T&L Parkway, located at approximately 175 West 100 South. Eric and Jessica Gish-Owner. Eric McFadden-Applicant.

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SECOND: Commissioner Doug Clifford
VOTE: The motion carried.

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

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

Chairman Bryan Pack stated this has been a discussion for many weeks now. We are close to moving it forward. **Mike Rodriguez** stated that he gave examples of density on a percentage basis for Crossing at Red Desert Estates, the Multi-Family development at southeast corner of 800 South and Main Street. Originally, the applicant came in with the entire parcel developed with townhomes, but because there was a strip of R-2-6 zoning on the East end of that, they were required to do twinhomes on that parcel. On the original application, the entire site, which is a little over 10 acres with 6 unit buildings and 40 unit buildings that calculated out to a density of 115440 sq ft total sq footage of building area out of a total of 447078 so a density of just under 26%. That would be the amount in just a townhome development. **Commissioner Lance Anderson** inquired how much were they allowing for amenities? **Mike Rodriguez** stated minimal open space, so a density of 16.5 units per acre and 29525 sq ft usable open space. The required 10 percent is almost 45000 sq ft of open space. He also recalculated it taking into consideration the twinhome development, which came out to 19.5% density on the Multi-Family and 22% on twinhomes with 29525 sq ft of open space. We require 10% of open space on multi-family developments. It is based on the number of units. 800 sq ft for the first two dwelling units and 200 sq ft thereafter. **Dale Coulam** stated the density percentage went up on twinhomes but partly because those would be actual lots. Those would not be the same calculation because it requires an actual lot size versus multi-family which considers an entire lot site taking the footprint to use the percentage basis. **Commissioner Lance Anderson** stated and there are different setbacks for all of them. **Chairman Doug Clifford** stated that he took a 5000 sq ft lot and put an average home with setbacks required and the density for that is 26-28% maximum you could put on there. So 15-20 percent is too low. **Commissioner Lance Anderson** stated that the difference is they could have 156 townhomes. If you took 447000 sq ft and with R-1-5 times that by 80% and divide it by 5000 sq ft. That is 71.5 lots. So on an R-1-5 zone, anytime we are lower than 71.5 it would be a taking. We couldn't do that as a percentage. If they did it all at 26%, 156 units is almost double the units. 26% is too much. It doesn't create a lifestyle. **Chairman Bryan Pack** stated if we stick to 13, 14 or 15 percent and have a clause that no matter what it can't go lower than an R-1-5, so 71.5 lots and then add incentives for amenities, getting up to 25%. Start at 15% and end at 25%. **Dale Coulam** stated he likes the savings clause, but he has a hard time applying percentages to an R-1-5. State that it needs to end up with the same number of units as you would in a R-1-5. **Commissioner Jeff Loris** stated it took a 1500 sq ft number as an average house times that by 70 lots that is 105000 sq ft. 435600 sq ft subtracting from 105000 sq ft is still 24% of the total area used. We have run this every way in every subdivision, and really what it comes down to is that an R-1-5 is using 25% of their land for an average unit. **Commissioner Lance Anderson** stated that is a big house for a 5000 sq ft lot. **Commissioner Jeff Loris** stated this is the average number of where to start at our restrictions of density allowances is completely wrong because they would get 24% just from the R-1-5. **Chairman Bryan Pack** stated that is not the way he looks at it. It is the number of lots.

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Ignore the percentages on this when you are doing the calculations. The only reason we are looking at R-1-5 is to preserve it from being a taking. They can't get any less number of lots on their multi-family than if they were to do an R-1-5. So 24 is okay there because it gets them to 70 lots. Then when you switch over to percentages we would do on a multi-family, if they start at 15% they can do that if they do smaller units they can get more than 71 units. **Commissioner Lance Anderson** stated the logic is correct but the average is too high. It would be more like 12-1300 sq ft house. **Chairman Bryan Pack** stated so if we start at 15% we incentivize smaller units which is good in Multi-Family and provides some affordable housing as well as getting amenities that make them a livable community. **Commissioner Jeff Loris** stated that we would have to apply it. **Dale Coulam** stated that we are talking about densities for Multi-Family and R-1-5 is not Multi-Family and so this calculation does not apply to that zone, but it is the first zone in a high density residential use, so we have to make sure you get at least the same number of units so it stays within high density. By figuring out what that is and having a savings clause that in no event do you end up with a density that is less than the number of units you could get in an R-1-5 then everything else in multi-family can be done in percentages if that is the way you want to define it. **Chairman Bryan Pack** stated so it is not set in stone, but let's start at 15% and end at 25% and figure out the incentives we want to create. Smaller units might be a natural incentive. **Commissioner Lance Anderson** stated that if they are building two story units they can get more amenities in a two story building. **Chairman Bryan Pack** stated that he has heard that perhaps a clubhouse is as beneficial as the current ordinance seems to think it is. The biggest bonus should maybe be outdoor recreation space or open space. **Commissioner Doug Clifford** stated even walking paths would be better. **Commissioner Lance Anderson** stated if we need to give a finding as to why it doesn't work. Only a few people get to enjoy the clubhouse. A bigger pool allows more people to enjoy it. He wants people to have a house and enjoy their environment. What will give the people in that development the most enjoyment? **Chairman Bryan Pack** stated there are four categories in the old ordinance. Clubhouse was Category A. Category B was swimming pool, tennis courts, multi use sports courts, and similar nature. Category C was childrens play area, basketball court, pavillion, gazebo, walking path. **Commissioner Jeff Loris** stated that should be more heavily weighted. **Chairman Bryan Pack** stated Category D are amenities like security lighting, outdoor barbecue, picnic tables, sandbox, volleyball court, those seems to fit into Category C as well. We could reduce the amounts to say that if you do all of these you get 10%, and then carve up that 10% among these four categories. We will put numbers in here and then think about it and let Commissioner Bob Morris be involved in the conversation. **Commissioner Lance Anderson** stated security lighting should have no bonus for that. It doesn't give anyone more enjoyment of life. Clubhouse is a big open word and what they put into one. **Chairman Bryan Pack** stated let us put 2%. **Commissioner Doug Clifford** stated that Category C has the items people would enjoy the most, so it should be the highest number. **Chairman Bryan Pack** stated that maybe saying 10% if they do them all is carving them up to small. You get to pick up to 10% with the highest number being outdoor and maybe put Category C at 5 or 7%. **Commissioner Doug Clifford** stated then they choose. **Chairman Bryan Pack** stated so let's do 5% for Category C. **Commissioner Lance Anderson** stated take out security lighting and give Category D 5%. Category C and D are the same types of amenities. **Commissioner Doug Clifford** stated maybe we don't have Category C and D, we just have Category C which includes everything in there. You do need walking paths and picnic areas and things like that. **Commissioner Lance Anderson** stated so let's leave Category C the way it is, and move

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basketball court to Category B and then combine Category C and D and move volleyball and tennis court up to Category B. **Chairman Bryan Pack** stated so Category D we can just carve it up where outdoor barbecue is more like amenities in Category C, picnic tables and sandbox is the same, volleyball court goes up in Category B. Horse shoe pit put in Category C. Eliminate Category D. Commissioner Jeff Loris suggested carving out a category for swimming pools by itself. **Commissioner Jeff Loris** stated make Category B by itself. Water like splash pad, etc. **Commissioner Lance Anderson** stated that the problem is how detailed do we get like size of pool etc. We may need subcategories under these four categories because how do you weight the difference between a pool and a splash pad. **Chairman Bryan Pack** stated that he would be comfortable putting a splash pad in with the basketball court. **Commissioner Lance Anderson** stated so let's say 2% on clubhouse and pool by itself at 3% or 4%, and put 5% on the other two categories. Go with that and be thinking about how we want to distinguish the cap. **Chairman Bryan Pack** stated our next discussion will be what is going to meet the criteria for these different categories and the percentages.

C. Discuss and consider Outdoor Lighting Regulations.

Chairman Bryan Pack stated last time we had Commissioner Bob Morris give us his ideas so be sure to read those. **Commissioner Lance Anderson** inquired if we are staying on the mandate of what City Council gave us? **Chairman Bryan Pack** stated he sees two separate things we are trying to accomplish. One is to address the few items that City Council set in their meeting, which is electronic message boards, canopy lighting, drive-through lighting and amphitheater lighting. We are not doing the night sky initiative at this point, but they wanted us to look at those. We are also looking at the overall scheme as well. That will take more time, because we need to understand the difference between kelvins. We know where Bob Morris and Lance Anderson stands on things. Dale Coulam prepared an ordinance for us and the only things we changed are in red and are very minor, which was define message board and put some restrictions on them. His understanding is that canopy lighting and drive through lighting are already addressed in our ordinance as it currently exists. **Dale Coulam** stated those components were in the zoning ordinance so when we consolidate and look at outdoor lighting you will see all of the regulations. That consolidation has been renumbered as Chapter 23 of the zoning ordinance and that will be its new designation. There may be some formatting issues that would be helpful to maybe break things out in their own sections. A simple way to handle electronic message boards would be by making a definition, and add them to the prohibited list. What you have now is a compilation of ordinances that already exist. We already had in place such a restrictive ordinance that has been in place for the last decade and others think we need to add things that are already covered. It is a useful review to go through. He would caution spending too much time on this and do that at a later time. Electronic message boards have been a glaring gap in our ordinance for quite some time and he points to Mountain America Credit Union as an example. **Commissioner Lance Anderson** stated that maybe we should pass those smaller items onto City Council right now so we don't have that issue. **Dale Coulam** stated you can tweak as you go through and format it to make it easier to read. Move this on for recommendation to City Council and in the future there may be a more in-depth discussion out there. **Chairman Bryan Pack** stated we need to recognize we are not addressing the whole ordinance, send these items to City Council, and revisit this later. **Commissioner Lance Anderson** stated that some people think we are revising the whole ordinance. He is passionate about not wanting it diluted. Other communities have taken on our ordinance. Ivins, since 1977 when he first lived here, has been able to see the night sky. He really appreciates that. It is dark enough by his home that he can see

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the lights coming off of Mesquite. **Chairman Bryan Pack** stated that they both bring valuable insights to the group and Commissioner Bob Morris just as much so, on the other side of the spectrum. There are valid concerns out there. No one is proposing that we sacrifice safety. That is a high priority. **Commissioner Lance Anderson** stated that it has worked well so far for 12 years. We have a track record.

D. Discuss and consider approval of the Ivins City Planning Commission Minutes for February 4, 2020.

MOTION: Commissioner Jeff Loris moved to approve the Ivins City Planning Commission Minutes for February 4, 2020.
SECOND: Commissioner Doug Clifford
VOTE: The motion carried.

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

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