IVINS CITY
PLANNING COMMISSION
MINUTES
June 30, 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 Commissioner Lance Anderson, Commissioner Doug Clifford, and Commissioner Bob Morris.

Staff Attending: Dale Coulam-City Manager/Attorney, Mike Rodriguez-Building and Zoning Administrator, Lane Mecham-Director of Finance, Chuck Gillette-City Engineer and Sharon Allen-Deputy City Recorder.

Audience Attending: Patrick Manning, Chris Haddad, Regina Roper and Elaine Winget.

A. Acknowledgement of Quorum

B. Invocation--Commissioner Bob Morris

C. Disclosures

Commissioner Lance Anderson stated he has two final plats on the agenda. Taviawk 12-C and Mojave 1-A Amended and Extended. No other conflicts.

2) REPORTS AND PRESENTATIONS –None

3) BUSINESS LICENSES -None

4) PUBLIC HEARING AND ACTION ITEMS—

A. Continued Public Hearing on a proposed Class V Conditional Use Permit Application for Black Desert Resort at Entrada, located at approximately Snow Canyon Parkway south of the horse roundabout. Enlaw, LLC-Owner. Patrick Manning-Applicant.

Mike Rodriguez stated that this is the continued public hearing. We opened the public hearing in our last meeting. Black Desert Resort at Entrada currently has an information office on a half acre site south of the horse roundabout at Snow Canyon Parkway and there are two temporary office trailers, one as an information office and one housing the golf simulator that shows the virtual version of the proposed golf course. The applicant is requesting a Class V Conditional Use Permit to develop the overall site of about 247 acres. The proposed improvements have been reviewed by the TRC. They included narrative and we included the recommended proposed conditions specific to this project. **Commissioner Lance Anderson** stated that Paul Buck sent an email in and wondered about how light and noise pollution from the resort will be mitigated. Patrick Manning stated that 20 plus years ago the vision for Entrada was to have a private country club and when it was developed we would do the resort side of Entrada which is Black Desert Resort. It spans through St. George, Santa Clara and Ivins and is about 600 acres. Guests and residences would come off of the horse roundabout. This is the place people will go to congregate and shop in an environment that is conducive to that. We have a Family Village and a focus on families in that section. The juxtaposition is on the far end at Hideaway Village, with no kids allowed. In the center is over 3000 feet that you can walk and it is the culinary district and the family village and you can walk the entire area without ever passing over a vehicular street. As you come into the resort the road starts to slope down and goes to a pedestrian walkway bridge that is at-grade so you don't have to go up steps. The road goes underneath and serves to get into the underground parking. We did not want a plan with big parking lots or to see a bunch

of cars. We have about 1800 parking spaces underneath the buildings. This is all single-story retail shopping and restaurants. The Culinary Village is two story with retail and shopping and restaurants below and above we have residences with an emphasis on culinary, like chef kitchens. We are in final negotiations with Wolf Subzero to do the first subzero culinary institute in that area. Our first phase is called Resort Center and it has the 19th green, a lake, and a pool about the length of a football field. There is a 150 room hotel and about 290 residences. This area includes two restaurants, a 24000 sq ft convention center and approaching a world-class spa. We have our culinary specialist that has opened up Waldorf Astoria's down to Mom and Pop joints and he is incredible. He is in Las Vegas and comes here often and is familiar with the area. We have a great team collaborating. **Mike Rodriguez** stated that the retail buildings are one-story and the surface parking will be on the other side. Patrick Manning stated they are not intending to have any surface parking on Snow Canyon Parkway. What is showing are actually meant to be walkways and patios. Regarding Paul Buck's comments, we embrace the night sky and the spirit behind it and we will dim everything and are very sensitive to that. **Commissioner Lance Anderson** opened the Public Hearing. Regina Roper inquired if this is the world class spa that was supposed to be close to Harmon's? Chris Haddad inquired about the almost half mile of walkway and whether there will there be motorized vehicles for ADA? Lane Mecham stated there are no attendees that have a raised hand. Chris Haddad also inquired about the convention center and the maximum amount of people that will attend? Patrick Manning stated that the main destination spa is being planned for the SITLA parcel, but in the Resort Center we will provide a high level of service there, more boutique. Regarding vehicles on non-motorized vehicle areas, we will have regular runs with Black Desert golf carts and there will be an app they can hit and we will come pick them up. On the convention center, we would have maybe 1200 there at any given time. We don't have what an average might be. Regina Roper inquired where the deliveries will come in? Patrick Manning stated that we have no backside so you can see everything, so it is a challenge because we don't have any ugly spots. We found a six acre parcel behind the substation in Santa Clara off of Pioneer Parkway. That is where we will put all employee parking, shuttle, our maintenance facility, deliver and distribution, so cold storage, no 18-wheelers in Ivins. They come in pioneer parkway and then smaller trucks will deliver. Laundry facility will also be behind that substation. Hearing no further comments, **Commissioner Lance Anderson** closed the Public Hearing.

B. Discuss and consider recommendation on a proposed Class V Conditional Use Permit Application for Black Desert Resort at Entrada, located at approximately Snow Canyon Parkway south of the horse roundabout. Enlaw, LLC-Owner. Patrick Manning-Applicant.

Commissioner Doug Clifford inquired to Chuck Gillette if they have anything outstanding, or if they have complied with everything? Chuck Gillette stated we don't have everything fleshed out right now, but it is a concept with the Conditional Use Permit and we will be working with them as they come in with each phase. There is still information on storm drain we are asking for and we will get that before we go into the first phase and we have made that a condition. **Commissioner Lance Anderson** inquired if when they do their phasing, will each phase be handled like a subdivision? **Mike Rodriguez** stated that subsequent phases come back to the Planning Commission. Building plans and elevations will be brought back to the Planning Commission to be reviewed. This is a Class V Conditional Use Permit, so it is a recommendation to the City Council. **Commissioner Bob Morris** inquired what area of development is similar to this in our region or state? **Mike Rodriguez** stated Las Vegas. **Commissioner Lance**

Anderson stated maybe Midway Zermont. **Mike Rodriguez** stated prior to the issuance of any building permits, we have condition that they show that certain improvements be completed before any building permits.

MOTION: Commissioner Doug Clifford moved to approve recommendation on a proposed Class V Conditional Use Permit Application for Black Desert Resort at Entrada, located at approximately Snow Canyon Parkway south of the horse roundabout. Enlaw, LLC-Owner. Patrick Manning-Applicant, with changes.

SECOND: Commissioner Bob Morris

VOTE: The motion carried.

Commissioner Lance Anderson	AYE
Commissioner Doug Clifford	AYE
Commissioner Bob Morris	AYE

5) DISCUSSION AND POTENTIAL ACTION ITEMS—

A. Discuss and consider approval of Palisades Phase 2, second amended final plat, located at approximately 755 to 773 East, and 356 to 362 North Turtle Point Drive. Gee, Burr, Aucoin, Hutchison, Adams and Palisades at Snow Canyon HOA-Owner. Bush and Gudgell-Applicant.

Mike Rodriguez stated that this is for four lots on a total acreage of 2.17. The purpose for this amendment is to adjust the northeast boundary of this subdivision along the rear lot lines of lots 331-334. These lots and the common area along the east boundary line are the only areas that changed. TRC reviewed on June 25th and recommends approval. **Commissioner Doug Clifford** stated that this was a disputed boundary between the plats as they were originally filed and what the government had listed as the turtle reserve. **Mike Rodriguez** stated yes this clarifies that. **Commissioner Doug Clifford** stated that the subdivision thought they had another 30-40 feet out into that boundary and they were told no.

MOTION: Commissioner Doug Clifford moved to approve Palisades Phase 2, second amended final plat, located at approximately 755 to 773 East, and 356 to 362 North Turtle Point Drive. Gee, Burr, Aucoin, Hutchison, Adams and Palisades at Snow Canyon HOA-Owner. Bush and Gudgell-Applicant.

SECOND: Commissioner Bob Morris

VOTE: The motion carried.

Commissioner Lance Anderson	AYE
Commissioner Doug Clifford	AYE
Commissioner Bob Morris	AYE

B. Discuss and Consider approval of Taviawk 12-C Final Plat, located at approximately Paiute Drive. Kayenta Development-Owner/Applicant.

Commissioner Lance Anderson stated that he would have to recuse himself, and without a quorum to vote, these two plats will need to be continued to the next Planning Commission.

C. Discuss and consider approval of Mojave Phase 1-A Amended and Extended Final Plat, located at approximately Saguaro and Mojave Way. Custom Contracting/AnA Enterprises-Owner. AnA Enterprises-Applicant.

Commissioner Lance Anderson stated that he would have to recuse himself, and without a quorum to vote, these two plats will need to be continued to the next Planning Commission.

D. Discuss and consider recommendation of amendments to Density Allowances for Multi-Family.

Commissioner Bob Morris stated we are not right on square footages yet. He would like to talk it over more. **Commissioner Doug Clifford** stated that he ran some numbers and examples, and it comes out to about 10 or so units per acre and they still have plenty of open space. To get the same kind of density, 50 units would need to be almost 8 acres with no amenities, which is a really high incentive to get them up to that 20-30% density. **Commissioner Bob Morris** stated that a weight room is 10-12 ft per person and one person per unit. It seems like 2000 sq ft for a weight room on 50 units is pretty large. **Commissioner Doug Clifford** stated he likes 800 to 1000 sq ft better. This will be one project that when we get all done with it, these are good guidelines, but it needs to be a little flexible and may need conditions. The concept is great. We need to get with some developers and look at their projects and see how they pencil out and if this really fits. See if we can get someone to give us some feedback. **Commissioner Bob Morris** stated the next step is a public hearing. **Commissioner Lance Anderson** stated we can move it to Public Hearing and hope that someone will apply it that has done this type of development. **Mike Rodriguez** stated that we could schedule the Public Hearing and between now and next meeting we can pinpoint some sites.

E. Discuss and consider Introduction of proposed zoning text amendments regarding grading.

Mike Rodriguez stated this is regarding Chapter 11 and Title 16 of the zoning code to change the grading requirements. **Chuck Gillette** stated that on Chapter 11 which is general standards, this started as a grading ordinance revision a couple years ago because we had a couple developments where we had significant issues on uphill development going on above existing development and the people on the downhill side thought they had a view and privacy and then find out they have neither. About 10 years ago we tried to fix this, spent a couple years on it, then didn't change anything. The Mayor feels like this idea that maybe making developers put the roads even deeper than below existing grade like they do right now. We have ways to mitigate the impacts of that. Our intent is to present the ordinance and then think about it. Tom Jorgensen is pretty talented in using the land development software and we are actually working on doing a sample subdivision in an area he is most concerned about people building uphill on. Most of what has changed is in Section 134. Pad elevation is approved at preliminary plan and may be revised as we approve construction drawings. Finish floor elevation is basically defined as about 6" above approved pad elevation. High flood risk lots that we know have the potential for a lot of water to flow into the streets and curbs and gutters in front of those lots. The text follows with the figures. Figures 11-6 and 11-7 depicts a situation where a developer is developing uphill from an existing development. This is all schematical and the idea is that there is uphill and downhill, showing both developed and undeveloped. This ordinance is pretty strict intentionally, so we threw out there the maximum guidelines they can apply in this grading ordinance. Let us know if you think it is too far or too much, too restrictive. We want their best effort to set center line elevation of the roadway with the roadway that is adjacent to the development equal to the elevation of the existing grade at the property line as a way to prevent lots from going up too high above an existing development and to limit the amount of fill against an existing development. City Council may require one or more of the following situations, one-story buildings only, flatter hipped roof required, increased setback. We let the ordinance open

up that toolbox for additional restrictions that might apply when we have these sorts of situations. **Commissioner Lance Anderson** inquired if they can use drainage pipe behind it? **Chuck Gillette** stated this is if you are able to set the road here and they are able to minimize fill. A lot of areas we are developing have slopes ranging from 1% up to 3-4% and a normal lot is about 100 ft deep plus another 20-25 feet to the center of the road, so maybe 125 ft deep. If this were at a simple 3% grade the depth of that road at 125 feet times 3% is 3.75 feet, so that means that road is almost 4 feet below grade at the center line. That might be really difficult to achieve as far as what drainage allows. We need a sample project to see if it is even possible. **Commissioner Lance Anderson** stated if we build roads with the grade there are less drainage problem. **Chuck Gillette** stated we have also had issues with privacy walls so we have listed situations in here that states when they need to build a privacy wall so they don't take away people's privacy. **Commissioner Doug Clifford** stated that this says that the boundary between development and new development there would be no surface water flowing across a boundary because it flows to the street. In existing development, there would be water going down to the surface. He understands the situation and he doesn't know any other way to do it except to drain from the back which is a nightmare. **Chuck Gillette** stated there is no perfect or ideal situation. So City Council can require one-story buildings, flatter hip roofs or increased setbacks and some ideas he has is building constructed on new lot pads must be limited to 18 feet high above the pad with 4 12 pitch or less, hipped roof, or flat roof, 50% no higher than 15 feet and the remaining no higher than 13 feet. **Commissioner Doug Clifford** inquired if 18 feet is the current standard? **Chuck Gillette** stated the current building height restriction is 25 feet. In sensitive lands, if there is anything above 8% they have a height requirement of 18 feet. If it is a flat roof we are suggesting 15 feet. There is no reason for these numbers, they are just for discussion. Figure 11-A this is when drainage conditions or excessive slope prevents lowering the road as required in the previous section such as the lot pad is more than two feet above the average natural grade of the property boundary of the new development, then the following additional restrictions apply. So if you are going to be more than two feet above the natural grade you need to drain your lot to the back and lower that. We are saying a maximum of two feet below the top of the curb. As another maximum restriction, we are saying there needs to be additional setback provided and is based on 5 ft for drainage facility and 2 to 1 slope up to pad elevation and whatever that distance is, is the additional setback, added to the setback provided by zoning. **Commissioner Lance Anderson** inquired how do you get in there to maintain it? **Chuck Gillette** stated this could be maintained by the HOA or could be required to be maintained by the property owner. If there are other ideas on that we can discuss them. If there is no drain to tie into it may have to run over land. There are lots of drainage exceptions in here. **Commissioner Lance Anderson** stated this works and he is doing this already, but he doesn't have the privacy walls on property lines. **Chuck Gillette** stated and if you are developing both the uphill and the downhill, there is not two privacy walls. This is only when you have two different developers, and one has already developed. It just gives the ability to have some give and take with Staff. **Commissioner Lance Anderson** stated it allows us to have the ability to create something better than cookie cutter lots. He likes it. Remember when you are 2 ft above curb then the top of your slab is about 10" above that. **Chuck Gillette** stated we are saying finished floor can't be more than 6" above pad elevation. But recommend 10" if that is more reasonable. Uphill side we are trying to say that those developments that are going in that they are as high as possible so what gets developed after them, the problem is already mitigated. Set pad elevation higher to match grade at property line but no higher than 4 feet above curb. Put

that pad up as high as possible up to the elevation of existing grade. We want walls to go in with development and at grade. It needs to have the capacity to retain up to 3 ft soil. Put that in as part of the subdivision. Run-on drainage may be needed to be managed, site depending by offsetting the privacy wall. **Commissioner Doug Clifford** stated that currently isn't the rule that each lot needs to manage the stormwater on their lot. **Chuck Gillette** stated that an owner needs to manage their own stormwater if they are in a subdivision that has been built that way. If it is natural drainage on an existing lot they have no obligation. **Commissioner Lance Anderson** stated whatever you increased on the property is the water you have to deal with. The property that was going across the property before you started still gets to go across the property. **Chuck Gillette** stated we also indicated on the downhill side we want the lots to be as low as possible and on the uphill side we want the pads as high as possible so there is a stair-step effect. Then we can reduce this elevation difference in the back of the lot with those retaining walls. he also threw in the idea that if there is excessive amount of grade difference between two lots that there should be some additional setback distance so Table 11-1 stated that if is less than 4 feet there is no additional setback but if it is more than 4-5 feet then there is a 5 ft additional setback, from 5 up to 10 feet there is 10 ft setback, 10 to 15 feet is a 15 ft setback, and more than 15 feet City Council looks at it to decide on the additional setback. **Commissioner Lance Anderson** stated usually you want 4-5 feet between walls for plantings. **Chuck Gillette** stated we don't want this 12 foot solid vertical wall if there is a 12 foot difference, we want it to be stepped and an additional setback to accommodate those steps. **Commissioner Lance Anderson** stated so it masses with the environment. If you use a rock wall they take up more space so you can't plant your plants. **Mike Rodriguez** stated walls taller than 5 feet needs to be terraced. **Chuck Gillette** stated there is already a rule that says that you have to build retaining walls on lots that are 11000 sq ft or smaller and there is greater than two feet of difference between the two lots. We decided to add that if the retaining wall is constructed on the property line, the retaining wall shall be constructed of masonry or concrete. We are not going to allow rock walls if it is on the property line. If it is designed so that the privacy wall up to 7 feet may be constructed on top of the retaining wall by drilling in dowels. Gravity rock retaining walls shall not be allowed on the side lots unless there is adequate width, which we are defining as 110 feet. No rock walls on property line because then privacy walls can't be on the property line. Rock retaining walls shall be offset from property lines so there is enough space for proper footings. We bumped up the maximum height on a privacy wall from 6 to 7 feet. In the past, 6 foot was the average maximum height. We want to bump it to 7 so that we can strictly say at no point can the wall be higher than 7 feet. **Commission Lance Anderson** inquired if that is measured on the downhill? **Mike Rodriguez** stated that it was 6 feet and now says 7 feet and that is in line with IBC. **Chuck Gillette** stated if you have permission from property owners you can build higher. It needs to be an agreement in writing. Paragraph D is something that the Mayor suggested that when an uphill lot is installing a privacy fence or wall on the side property line, it must also install retain wall up to 4 feet high down to the approved pad elevation of the downhill lot. If they are developing this lot and trying to put a privacy wall in, they are required to put the retaining wall in at the same time so that it doesn't prevent the downhill lot from being able to put it in at the property line in the future. The Mayor thought that should be required. **Commissioner Lance Anderson** inquired is that done at the time of the building permit? **Chuck Gillette** stated we have a rule that says at the time of subdivision development. **Commissioner Lance Anderson** stated that is conflicting because he doesn't know what people will want when he goes to build something. We don't know the color of their

wall or if they want to set the wall back. **Chuck Gillette** stated there is one other thing. No fence erected within one foot of a future sidewalk. Cody Mitchell was looking at this and is not so sure and he is going to come back with some other recommendation before the next meeting. Chuck believes personally that they should be spaced for landscaping so he bumped that one foot to 5 foot. Commissioner Lance Anderson stated it should be spaced at a minimum of 3 feet. **Commissioner Doug Clifford** stated 3-5 feet. **Mike Rodriguez** stated it depends on the subdivision and Cody Mitchell wants to look at it for any language that is applicable throughout the city. **Chuck Gillette** stated we have always had a section that causes our walls to be different colors and textures and so we get a patchworks effect so he recommends having a consistent wall design on these major roads. There is a caveat that if a developer can provide an acceptable justification that the design is not compatible the design may be evaluated on a case by case basis. So we can allow other types of walls but we want one stripe, split face textured, four-inch cap, stepping vertical and horizontal and we want them to change. We are allowing gates to come in on rear yards if they want to provide them and we defined the responsibility of the repair of those walls. **Commissioner Lance Anderson** stated so on Hwy 91 with splitface, he did one on Mojave Mesa where he put it in lower so it was hidden. He doesn't want them to be an architectural feature. That is a subjective item. **Chuck Gillette** stated you are adding an architectural feature and then hid it? He would rather look at the wall. **Commissioner Lance Anderson** stated where you put the splitface is very subjective. Indigo Trails has stucco and that is sometimes appropriate too. The lava wall up Snow Canyon Parkway is long enough that it was appropriate. **Chuck Gillette** stated he thinks he would be okay going from block to block. Just not every 200 feet seeing a different wall. There is a note in here that says no terraced retaining wall systems higher than 12 feet but he struggles with that because what if you need retaining higher than 12 feet? What do you do then? He felt that was appropriate to take that out. **Commissioner Doug Clifford** stated that was a lot of work. **Chuck Gillette** stated that next meeting he will present an example to applying these principles to a property he is worried about.

F. Discuss and consider approval of the Ivins City Planning Commission Meeting Minutes for June 16, 2020.

MOTION: Commissioner Doug Clifford moved to approve the Ivins City Planning Commission Meeting Minutes for June 16, 2020.
SECOND: Commissioner Bob Morris
VOTE: The motion carried.

Commissioner Lance Anderson	AYE
Commissioner Doug Clifford	AYE
Commissioner Bob Morris	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

Mike Rodriguez stated we will be bringing back these items.

7) ADJOURNMENT

MOTION: Commissioner Lance Anderson moved to approve ADJOURNMENT
SECOND: Commissioner Doug Clifford
VOTE: The motion carried.

Commissioner Lance Anderson	AYE
Commissioner Doug Clifford	AYE
Commissioner Bob Morris	AYE