IVINS CITY
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Rec'd By: _____
Date: 11/30/2020

Fee 200.00
Code 403

SPECIAL EXCEPTION APPLICATION

Property Owner: Patrick Manning on behalf of Enlaw LLC & BD Resort Center LLC **Subject Property:** Black Desert Resort

Address: 1439 Cobblestone Lane 1630 E Snow Canyon Parkway

St. George, Utah 84790

Phone: 330-565-4420

Fax: patrick@blackdesertresort.com

Approval Authority: The City Council, following the receipt of a Commission recommendation, is authorized to review all Special Exception Applications.

Application Requirements

✓ Complete a Special Exception Application.

____ Fourteen (14) copies of a site plan, drawn at a scale of 1 inch = 40 feet, or as required by the Zoning Administrator, prepared by a licensed engineer or architect, plus twenty (20) copies of an 11 inch x 17 inch reduced copy of the site plan set identifying the following:

✓ The location and dimension of the property and all proposed uses and buildings, and existing buildings or other structures located on the property, and existing buildings and structures located within one-hundred (100) feet of the property. Existing property lines and existing fence lines shall be shown.

✓ The proposed setbacks and exterior dimensions of all proposed buildings and structures.

✓ The location of roads and streets serving the site, or proposed to serve the site.

N/A The location and dimension of all proposed ingress and egress points, off-street parking, and loading areas, including the total number of parking and loading spaces.

✓ The location and dimension of all pedestrian and biking facilities, including sidewalks and trails, if any.

✓ All public and private rights-of-way and easements located on, or adjacent to the property, proposed to be continued, created, relocated, or abandoned shall be shown.

✓ For Special Exceptions requesting additional primary building height, the application shall include the proposed building elevation plan(s), identifying the maximum height of all proposed buildings and structures and shall include a view-shed analysis clearly identifying all impacts on views to Red Mountain and Snow Canyon and impacts to views to the building site. (Additional viewpoints and view shed analysis requirements may be determined necessary by the Council and Commission).

✓ Such other information as the Zoning Administrator, Commission, or Council determines necessary to adequately review and decide the application.

Section 2806 Special Exception Application Review Procedures and Approval Standards:

1. The procedures for the review of an Application for a Special Exception are identified by Figure 28-1 herein.

2. The Council in deciding, and the Commission in formulating a recommendation for a Special Exception, shall review the application and determine from the application:

   a. The Special Exception is an allowed Special Exception, as identified in this Chapter.

   b. The Special Exception complies with the requirements applicable to the zoning district, including minimum area, yard setbacks, height, and all other requirements, unless modified by the approval of a Special Exception Application.

   c. The proposed Special Exception will be conducted in compliance with the requirements of this Ordinance, and all other Land Use Ordinances.

   d. The Special Exception will not have a materially adverse effect upon the character of the area or the public health, safety and welfare.

   e. The Special Exception will not result in the destruction, loss, or damage of natural, scenic, or historic features of significance.

   f. The Special Exception will not cause air, water, soil or noise pollution or other types of pollution.

   g. Requirements are proposed, or can be proposed, necessary to secure the purposes of this Ordinance, and prevent or minimize any adverse effects upon properties in the vicinity, upon the City as a whole, or upon public facilities and services.

3. The Council shall not approve, and the Commission shall not recommend, a Special Exception unless the evidence presented establishes the proposed Special Exception:

   a. Will not be detrimental to the health, safety, or general welfare persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;

   b. Will not create any nuisance;

   c. Is located on a lot or parcel of sufficient size to accommodate the Special Exception; and

   d. Will not have a negative impact on adjacent properties, the character of the area, or the public health, safety and welfare.

Section 2807 – Planning Commission Recommendation Required

Prior to Council deciding a Special Exception Application, a recommendation on the proposed Special Exception shall be received from the Commission.

Section 2808 – Terms and Conditions for Special Exceptions

1. All approvals by the Council approving a Special Exception shall comply with all requirements of this Ordinance, all other Land Use Ordinances, and the requirements for a Building Permit, as applicable.

2. The Council may impose such reasonable requirements with respect to location, construction, maintenance, operation, site planning, and other items for the Special Exception deemed necessary for the protection of adjacent properties and the public interest. These requirements may include, but are not limited to, requirements on use, site plan layout and configuration, building size, design, features and location, construction, operation, character, location, landscaping, lighting, fencing, screening and buffering, measures directed at minimizing possible nuisances, measures to protect natural features, and other requirements determined necessary and appropriate. Any approval requirements imposed on a Special Exception shall be clearly identified and included in the Council's decision.

Patrick Manning — Date 7/20/2021

Signature of property owner — Date

☐ Date received _____

☐ Application is complete

Signature of Building and Zoning Administrator — Date 7/21/2021

☐ Approved

☐ Approved with Conditions: _____

☐ Denied