Ivins City Staff Report
City Council Meeting June 16, 2022

Agenda Item: Preliminary Plan Report for Crossings at Red Desert Subdivision, located at approximately 800 South and Main Street. VE Management and Investment Co. LC-Owner. Dave Lynn-Applicant.

Submitted by: Mike Haycock, Building & Zoning Administrator

Recommended Action: Staff Recommends approval. Planning Commission held a Public Hearing on 5/31/22.

DISCUSSION: Crossings at Red Desert Subdivision consists of a total of 64 townhomes and 14 duplex lots on 10.26 acres. The land use is medium density and high density. The property is zoned R-2-6 (Twinhomes, minimum 6,000 sq ft.) and (R-M Residential Multifamily) with a nightly overlay, which are zones allowed for and the proposed density with density bonus is consistent with city ordinances.

PURPOSE OF THE PRELIMINARY PLAN: A Preliminary Plan application is the second step in the subdivision process. Its purpose is to show Staff and the Planning Commission that the application has been reviewed to make sure it conforms to the zoning, and subdivision code requirements and to verify utilities and grading before preparing the final mylar for signature and recording. Property address, certified legal description prepared by a Utah licensed surveyor, acreage, dimensions and tax identification number were reviewed, as well as;

Existing streets (with names) and right of way widths, buildings, culverts, bridges, waterways, irrigation ditches and systems, wells, springs, utilities, fencing, easements, rights of way, flood boundary, surface watercourse features, geologic hazards, parks, trails, open space, storm drain and sanitary sewer systems, topography (contours at maximum 2 foot intervals), survey monuments, section lines, other features and infrastructure on or adjacent to the property or as requested by the city manager, city engineer or other appropriate city staff member;

Proposed subdivision boundary and dimensions, streets (with names and widths), lot layout, lot sizes and dimensions, phasing, gross lot density, curbs, gutters, park strips and landscaping, waterways, demolition, sidewalks, fencing, easements, parks, trails, open space, public land dedications, storm and subsurface drainage systems, detention areas and potential flood boundary, sanitary sewer system, utilities, soil erosion and sedimentation control plan and any other infrastructure or improvements on or adjacent to the property and any other information requested by the city manager, city engineer or other appropriate city staff member;

"Preliminary grading plan", as defined in chapter 2 definitions of title 15, Subdivision Regulations, and in accordance with the standard specifications;

Designation of common areas and amenities available for use of residents, commercial area customers and the general public;

Preliminary landscaping plan; Preliminary lighting plan; The acreage and legal description of the area to be subdivided; and

All property lines of adjacent properties within one hundred fifty feet (150') of the boundary of the proposed subdivision with the names of the owners and the parcel tax identification numbers. (Ord. 2016-02, 2016) as well as a draft Development Agreement.

FINDINGS AND ANALYSIS:

- The preliminary plan application is complete.
- The subdivision complies with City ordinances by obtaining and satisfying any documentation requested by city engineer or other appropriate city staff member regarding agreements with adjacent owners, agreements for the provisions of utilities and easements, encumbrances, traffic impacts, and compliance with federal, state and local requirements.
- Density bonuses were verified. 15% base density and 10% amenity bonus
- Grading cross sections were added with sufficient detail
- The concept plan originally showed 68 townhomes , 4 units were removed
- Planning Commission held a Public Hearing on 5/31/22 and recommends approval.

SUPPORT MATERIALS:

- Application
- Land Use Map
- County Map
- Preliminary Plan/Vicinity map

Respectfully Submitted:

Mike Haycock, Building & Zoning Administrator

Content Review:

Dale Coulam, City Manager

ORDINANCE NO. 2021-11

AN ORDINANCE OF IVINS CITY, UTAH, AMENDING CHAPTER 9 OF THE ZONING ORDINANCE & CHAPTER 4, PART 5 OF THE SUBDIVISION ORDINANCE REGARDING DEVELOPMENT AGREEMENTS

WHEREAS the Ivins City Council desires to amend Chapter 9 of the Zoning Ordinance and Chapter 4, Part 5 of the Subdivision Ordinance regarding Development Agreements; and

WHEREAS the Ivins Planning Commission held a public hearing on July 13, 2021, and recommend the proposed text amendments to require development agreements for all subdivisions, whether phased or not, and to provide a disclaimer that there may not be sufficient water to serve lots and/or phases in the future; and

WHEREAS the Ivins City Council held a public hearing on the Planning Commission's recommendation on August 5, 2021, and desires to adopt the recommendations of the Planning Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE IVINS CITY COUNCIL that Chapter 9 of the Zoning Ordinance and Chapter 4, Part 5 of the Subdivision Ordinance are hereby amended as follows:

Section 1. Zoning Ordinance. Chapter 9 of the Zoning Ordinance entitled "Development Agreements" is hereby amended as follows:

CHAPTER 9

DEVELOPMENT AGREEMENTS

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16.09.103: WHEN REQUIRED: All subdivision, commercial and multi-use applications shall trigger the requirement for a Development Agreement to be approved by the City Council, regardless of whether it is to be constructed in a single phase or multiple phases. (Ord. 2021-11, 2021)

16.09.104: CONTENT: The City should consider the following sections for possible inclusion in any Development Agreement, as applicable:

(1) Duration of agreement.

(2) Description of the subject property.

(3) Allowed uses.

(4) Maximum density or intensity of the allowed uses and construction requirements including, but not limited to, exterior colors, design guidelines, minimum and maximum building heights and building size. (Ord. 2021-11, 2021)

(5) A subdivision layout or site plan identifying, but not limited to, the location and arrangement of all allowed uses, circulation patterns, and all required dedications and improvements.

(6) A phasing schedule for all project phases and the timing for the provision of all features, dedications and improvements.

(7) A listing of all project features and facilities being voluntarily provided to the city, in addition to those typically required by all land use ordinances.

(8) In High Density Residential Zones (R-1-5 to Multi-Family), developments having twenty-five (25) units or more shall require in the Development Agreement that a minimum of fifty percent (50%) of the units are sold to owner occupants. (Ord. 2021-11, 2021)

(9) A disclaimer that there may not be sufficient water to serve lots and/or phases in the future and that decision will be made at time of building permit application. (Ord. 2021-11, 2021)

(10) Other conditions, terms, restrictions and requirements for subsequent actions and approvals. (Ord. 2015-15, 2015)

Section 2. Subdivision Ordinance. Chapter 4, Part 5 of the Subdivision Ordinance entitled "Development Agreements" is hereby amended as follows:

CHAPTER 4

DEVELOPMENT AGREEMENTS

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PART 5. DEVELOPMENT AGREEMENTS

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16.04.502: General Requirements:

(1) All subdivision applications shall trigger the requirement for a Development Agreement to be approved by the City Council, regardless of whether it is to be constructed in a single phase or multiple phases. (Ord. 2021-11, 2021)

(2) The development agreement shall be prepared by the city attorney and shall incorporate all agreements between the parties.

(3) The development agreement must be approved prior to final plat recording.

(4) In High Density Residential Zones (R-1-5 to Multi-Family), developments having twenty-five (25) units or more shall require in the Development Agreement that a minimum of fifty percent (50%) of the units are sold to owner occupants. (Ord. 2021-11, 2021)

(5) A disclaimer that there may not be sufficient water to serve lots and/or phases in the future and that decision will be made at time of building permit application. (Ord. 2021-11, 2021)

(6) If the developer is including parks, open space, clubhouses and/or trail improvements within a development, the development agreement shall include proposed phasing, if any, and terms of completion of these improvements. (Ord. 2021-11, 2021)

(7) Any special agreements, conveyances, restrictions or covenants which govern the use, maintenance and continued protection of common areas shall be included in the development agreement.

(8) The development agreement may provide limitations on the number of building permits issued and/or phases of the project to be approved subject to the completion of the improvements.

(9) The development agreement for phased subdivisions shall incorporate the phased subdivision master plan.

(10) The development agreement shall include any provisions for security for completion of the subdivisions improvements and/or schedule of utility construction and restoration bond requirements.

(11) If the development is a phased subdivision, the development agreement shall specify all conditions and requirements that must be met in order for protect and maintain a vested approval for all subsequent phases. For example, the city may impose as a condition precedent to final approval of subsequent phases, the availability and access to water and sewer services and source sufficient to accommodate the subsequent phase. (Ord. 2006-02, 2006)

Effective Date: This Ordinance shall become effective immediately upon passage and publication.

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THIS 22nd DAY OF SEPTEMBER, 2021 BY THE FOLLOWING VOTE:

	AYE	NAY	ABSTAIN	ABSENT
Dennis Mehr			X	
Cheyne McDonald	X			
Jenny Johnson		X		
Sue Gordhammer	X			
Derek Larsen	X			

IVINS CITY Corporate Seal WASHINGTON COUNTY

Chris Hart, Mayor

ATTEST:

Kari Jimenez, City Recorder