IVINS CITY
PLANNING COMMISSION
MINUTES
February 13, 2024
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 Dave Robinson, Commissioner Pam Gardiol, Commissioner Perry Brown, and Commissioner Doug Clifford.
Staff Attending: Dale Coulam-City Manager/Attorney, Mike Haycock-Building and Zoning Administrator, Marty Thomas-Zoom and Sharon Allen-Deputy City Recorder.
Audience Attending: Jerry Nostadt, Ron Stoops, Paula Bishop, Ken Bishop, Lynn Eric Savage, Callie Larsen, Bruce Larsen, Sharon Gillespie, Lance Anderson, Lisa Ganz, Fred Silkey, Carol Newsom, as well as others that did not sign in.

A. Acknowledgement of Quorum
B. Flag Salute--Chairman Dave Robinson
C. Invocation--Chairman Dave Robinson
D. Disclosures--None.
2) REPORTS, PRESENTATIONS AND APPOINTMENTS-None.
3) PUBLIC HEARING AND ACTION ITEMS-
A. Public Hearing on a Zone Amendment from RMU (Resort Mixed-Use) to RC (Resort Commercial), approximately 4.813 acres, located at approximately Guy Lane and Hwy 91, AnA Enterprises, LLC-Owner. Lance Anderson-Applicant.

Mike Haycock stated that the Resort Mixed-Use zone is along Hwy 91 and Guy Lane. To the south is Movara, which has a Community Commercial land use. To the west there is some high-density residential. To the north is medium-density residential and to the northeast is low-density residential. To the west is an R-1-7.5 zone, and to the northeast is undeveloped RA-1 and C-1 that is an auto repair shop, then further south are townhomes that are under construction. There is an R-1-5 piece that is being developed and south is an already-zoned piece of Resort Commercial. Resort Commercial is a zone allowed under the Resort Mixed-Use land use. Lance Anderson stated that he calls land use a designation and the zone as the zone, since they are both called Resort Mixed-Use to avoid confusion. A month or so ago, the Planning Commission was talking about the Resort Mixed-Use zone and that his parcel is the only one in the city to have it, and that maybe you can get him to change it. He wants it to match to the other zone to the south of this. We have commercial to the east and the Mixed-Use overlay which is commercial plus high-density residential and then townhomes to the east. The lots are all bigger in Mojave than the listed zone. He has a gentleman that may be interested in putting some commercial on the bottom and some housing on the top. That is his request. He believes Kevin Rudd or Mike Rodriguez suggested he use that zone but that was created back when Shan Gubler owned where Black Desert is now, and that zone doesn't really work in our city with how it functions. We can remove this from the zoning map and then not have to worry about it. **Chairman Dave Robinson** opened the Public Hearing. Fred Silkey lives in Mojave Mesa. We had a somewhat contentious homeowners meeting last week. They are being kept in the dark. He loves his home

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but if he looks over his wall there is a forty-foot hole behind him, for several acres. Across from Ryders they were collecting piping and equipment, and Lance Anderson cleaned it up some. The area of Fitness Way and Guy Lane has had heavy equipment for six months. Blue Clay is a problem. The construction is a constant noise. We don't know what will go on that parcel. We want communication and shut this down until we get some communication. He has never been treated like this and the whole neighborhood is hot about it. Bruce Larsen stated he lives in Mojave Mesa on Fitness Way. He has a couple technical questions. What is the difference between Resort Mixed-Use and Resort Commercial and what type of commercial can go in there? Mom and pop shops, computer shops? **Dale Coulam** responded that most commercial uses are allowed, but not light manufacturing, and generally would be required to have a resort component. The difference is that Resort Mixed Use zone is an unworkable zone as currently drafted. An applicant would be entitled to a zone change because of that, to another zone. Bruce Larsen inquired what makes it unworkable? **Dale Coulam** stated it was created for something that doesn't fit within the City anymore. Bruce Larsen stated he doesn't know if he is in favor or not. What types of commercial? **Dale Coulam** stated it doesn't allow gas stations anymore. You can look at the table of uses on our city website. **Commissioner Doug Clifford** stated this was the only parcel that is zoned this way. **Chairman Dave Robinson** stated that is correct. Paula Bishop lives on Ocotillo Way and her neighbor received a letter with a map attached, and she did not. Can we expand that area? **Dale Coulam** stated that notification letters are sent within 300 ft per our ordinance. We would have to approach the City Council about extending the distance of that. Paula Bishop stated Hidden Springs RV was farmland and now it will be an RV Resort and "the best of Utah" and supposedly a super nice resort for people to bring their RVs. Will it be a permanent trailer park? It will change the whole dynamic of our neighborhood. **Chairman Dave Robinson** stated that is not relevant to this zone change. **Dale Coulam** stated it is not for long-term. It is a short-term RV Resort use and has been zoned that way for quite awhile. Paula Bishop stated she just didn't know about it and didn't research it but is worried about more commercial coming in and affecting our market value. Lisa Ganz stated that she sent a note to the Planning Commission, and this was a discussion at a recent meeting about the need to change the ordinance around Resort Commercial. She understands that Dale Coulam thinks the Resort Mixed Use is an unworkable zone and she has heard that in the past but Resort Mixed-Use offers more protections for the neighbors nearby with open space and buffer zones and a project plan. We need to better understand what the community wants in Resort Commercial and Resort and may be moving in the wrong direction doing this now, until we know how we want Resort Commercial to look. She respectfully requests that they pause the discussion until the Resort Commercial is fleshed out. Lance Anderson stated that before taking this property over from Custom Contracting, they had not had an HOA meeting. We just had an HOA meeting this year and he is trying to get that HOA working. Mojave Mesa and Mojave Flats have been in front of the public for over two years. The hole is there to drain out water at the lowest point. He doesn't want the 35 ft buildings to tower over the houses to the west. That is the intent to make those buildings fit in there. Carol Newsom lives at Mojave Mesa and inquired on the Resort Commercial allowing 35 feet because only one end is dug down. 35 feet towards Hwy 91 would tower. She has concerns about heights of the buildings on that property. Marty Thomas stated there was no one on Zoom. Hearing no further comments, **Chairman Dave Robinson** closed the Public Hearing.

B. Discuss and consider recommendation of a Zone Amendment from RMU (Resort Mixed-Use) to RC (Resort Commercial), approximately 4.813 acres, located at

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approximately Guy Lane and Hwy 91, AnA Enterprises, LLC-Owner. Lance Anderson-Applicant.

Mike Haycock stated that Resort Mixed-Use has a buffer requirement abutting residential. The problem developers have had with the zone is that a minimum of 50% of the commercial structures must have a residential component. If any structure contains a residential use in two or more stories, there can be no residential on the ground floor. There is not enough commercial that wants to come here to have every structure have some commercial and some residential. Every developer that looks at this zone says they can't build to those requirements. It is a defunct zone. When we get into the details it doesn't work. There is no buffer requirement in the Resort Commercial zone. Most uses that impact the neighborhood are Class IV or V Conditional Use Permits. There is not much difference between the two in the table of uses. **Chairman Dave Robinson** stated it can't be a gas station or auto repair. The one that is there came before the ordinance. It would be doctor's offices or restaurants or that kind of general use? **Mike Haycock** stated yes. Low impact. **Commissioner Pam Gardiol** inquired if Resort Commercial does not require buffering against residential? **Mike Haycock** stated not specifically but the table of uses send you to Chapter 11 where it talks about massing and other design statutes that will require a buffer. It is not written specifically. Resort Mixed-Use has an established buffer between commercial and residential. **Commissioner Pam Gardiol** inquired what would a buffer in Resort Commercial look like? What protects the neighborhoods? **Mike Haycock** stated there is no exact buffering, but the design guidelines that soften massing and elevations, and keeping buildings apart. **Commissioner Pam Gardiol** inquired about a sound buffer softening sounds like dumpsters being emptied? **Mike Haycock** stated not a specified buffer. Resort Mixed-Use would be 50-60 ft, as opposed to Chapter 11 which doesn't get that specific. **Commissioner Pam Gardiol** inquired how do we protect the neighborhood from commercial? **Mike Haycock** stated the Resort Mixed-Use has that protection, whereas the Resort Commercial doesn't. We want to add protections to the Resort Commercial zone. **Chairman Dave Robinson** inquired if we went to Resort Commercial, would they be under the new refined ordinance? They haven't submitted an application. **Dale Coulam** stated not necessarily. Their application for the zone change is under the current ordinance. If you change the nature of the zone the current zone and ordinances will apply. It is possible there could be some level of detail that may apply with an application. **Mike Haycock** stated last meeting he asked the Planning Commission if we are going to develop standards or not use the zone anymore. If this is approved, it will be like all the other Resort Commercial in the area. **Chairman Dave Robinson** stated the deep pit there he understands that the lot is fairly level, but the houses are just so much higher on the top end, it leaves a pit. Does that area have the viewshed? Can 35 feet be put on the highway or taper? **Mike Haycock** stated it would taper. There is a 15-degree view corridor from the sidewalk. **Chairman Dave Robinson** stated they can't build 35 feet tall buildings directly on Hwy 91. It has to taper back. **Commissioner Doug Clifford** stated that this area that we have tried to identify to meet requirements for either commercial or for high-density housing. This is one of our major transportation corridors, and there is a lot of both residential and commercial along there. We need to find places in the city to do that. That is not new. That has been in the General Plan for a long time. Do we modify and wait? He doesn't see an application ready to go. Lance Anderson stated that he was actually going to construct a building for himself and then there is a gentleman that is waiting for this to be decided to start. It was already zoned commercial back when they all bought their houses. He is not taking residential and making it commercial. The building would start out being for himself and then go towards his project, next

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to Fitness Way on the south end of the lot. The low end of the property. **Commissioner Pam Gardiol** stated that we are looking at the zone change only, and it increases our likelihood of complying since we are required by the State to have Moderate-Income Housing. This is a major thoroughfare to the community, and this adds the possibility of helping address that issue. **Mike Haycock** stated that Resort Commercial doesn't necessarily give density. We have added single family uses that are not short-term rentals. Resort Mixed-Use has the possibility to be commercial on the bottom and residential on top up to 35 feet. Parking would be the buffer here, which pulls the buildings to the front. It is difficult to build this in the Resort Mixed-Use zone, but it is still possible. One zone is not better than the other for Moderate-Income Housing. **Chairman Dave Robinson** stated but Resort Commercial is required to have a housing element in there. **Mike Haycock** stated it allows it to be rented out, not only on a short-term basis. **Commissioner Pam Gardiol** stated that a resident used the words "blue clay" Is that the geology of that area? **Mike Haycock** stated there are problems in that area with settlement, but an engineer should know that and be able to mitigate it. That is not a consideration for the zone change though. **Chairman Dave Robinson** stated that this is the only Resort Mixed-Use left in the city and we anticipated that we were going to need to change this. It has been brought forward to make that change. Resort Mixed-Use doesn't work in many areas. This needs to happen. Are we concerned about what Resort Commercial might become and that it may be more protective? **Dale Coulam** stated that your other commercial districts are Neighborhood Commercial, General Commercial-which does allow gas stations. Commercial Professional and Research which we have not had anyone willing to do that zone other than Rocky Vista University, and Commercial Light Manufacturing which is not desired. Resort Commercial is probably the most reasonable choice, if being changed. **Commissioner Doug Clifford** inquired if that was the only zone that allows a residential component with Commercial? **Chairman Dave Robinson** stated we don't tailor to contractors, but at the same time, we can't hold them up either. **Commissioner Doug Clifford** stated that we aren't going to leave it the way it is. Resort Mixed-Use he believes was done because the State did that everywhere along roadways in larger communities where they would do two-tiered buildings with commercial on the bottom and residential on top. That has been successfully done in many communities in larger metropolitan areas. Are we ready to make changes to the Resort Commercial to allow buffering if required and would that buffering severely interfere with a potential plan? He realizes we are just looking at the zone. **Chairman Dave Robinson** stated if we look at it that way, we are adapting for one piece of property. **Commissioner Doug Clifford** stated we do look at how it fits on a roadway in zoning though our transportation corridor. We believe we need more commercial. **Dale Coulam** stated remember legally if you change the zone they go with the ordinance as it exists now, not in the future. If it is not economically feasible to develop this property as Resort Mixed-Use that could result in a legal challenge as an illegal taking because we imposed too many requirements and made it no longer feasible to develop. To keep the city out of liability, we need to change the zone. **Chairman Dave Robinson** stated we could deny it. **Dale Coulam** yes and hope that City Council remedies your decision. **Chairman Dave Robinson** stated that is true, this still goes to City Council. We could postpone this until Resort Commercial is rectified but he feels that is inappropriate. **Commissioner Doug Clifford** stated that it also still falls under the old requirements. That doesn't solve the problem. **Mike Haycock** stated if you do that, leave it Resort Mixed-Use because you'd make a buffer requirement, making it unusable because of the dimensions of this parcel. Using Chapter 11 the builder can possibly meet design requirements the way it stands now. If you add a buffering requirement, it is really hard to develop with

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setbacks and a view corridor. **Commissioner Doug Clifford** stated that he wouldn't fall under those new requirements anyway. **Dale Coulam** stated you could grant a different commercial zone that would be feasible to develop. He has filed his application. The applicant is entitled to have this decided under the ordinances as they exist today. Tabling it does nothing to change that. This is too large a piece for Neighborhood Commercial and too small for the requirements of Resort Mixed-Use. You are down to the two most reasonable zones, Community Commercial or Resort Commercial. **Chairman Dave Robinson** stated we have our answer whether we like it or not. **Commissioner Doug Clifford** stated this application is not being done in spite. **Chairman Dave Robinson** stated no he is applying for this in anticipation of what we talked about in eliminating this last parcel with this zone. **Commissioner Doug Clifford** stated we may be looking at modifying this zone in the future to look at more protections for residents surrounding it. There are requirements for field of vision already in place. It is not as draconian as maybe everyone believes it is. He inquired what was the zone for Crossings gas station? **Dale Coulam** stated Resort Commercial. We later eliminated gas stations from that zone. **Commissioner Perry Brown** inquired how big that lot was? **Chairman Dave Robinson** stated 3 plus. This one is four plus acres but if you have residential in with it, it gets tight.

MOTION: Commissioner Doug Clifford moved to approve recommendation of a Zone Amendment from RMU (Resort Mixed-Use) to RC (Resort Commercial), approximately 4.813 acres, located at approximately Guy Lane and Hwy 91, AnA Enterprises, LLC-Owner. Lance Anderson-Applicant, as it is in the best interest of the city and applicant to go this route. Roll Call Unanimous.

SECOND: Commissioner Perry Brown

VOTE: The motion carried unanimously.

Chairman Dave Robinson	AYE
Commissioner Pam Gardiol	AYE
Commissioner Perry Brown	AYE
Commissioner Doug Clifford	AYE

4) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of the Ivins City Planning Commission Meeting Minutes for January 30, 2024.

MOTION: Commissioner Perry Brown moved to approve the Ivins City Planning Commission Meeting Minutes for January 30, 2024.

SECOND: Commissioner Pam Gardiol

VOTE: The motion carried unanimously.

Chairman Dave Robinson	AYE
Commissioner Pam Gardiol	AYE
Commissioner Perry Brown	AYE
Commissioner Doug Clifford	AYE

5) REPORTS

A. Planning Commission

B. Chairman

C. Building and Zoning Administrator, Mike Haycock

Mike Haycock stated he is still working on the other ordinances.

D. City Manager/Attorney Dale Coulam

Dale Coulam stated that he apologizes, but the subdivision ordinance discussion will have to be continued and he will get to it when he can.

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E. Items to be placed on future agendas.

Commissioner Doug Clifford stated that we need to work on the Resort Commercial Zone and clean them up and make them more usable.

6) ADJOURNMENT

MOTION: Commissioner Doug Clifford moved to approve ADJOURNMENT

SECOND: Commissioner Perry Brown

VOTE: The motion carried unanimously.

Chairman Dave Robinson	AYE
Commissioner Pam Gardiol	AYE
Commissioner Perry Brown	AYE
Commissioner Doug Clifford	AYE

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