IVINS CITY PLANNING COMMISSION STAFF REPORT

TO:	**Ivins City Planning Commission**
SUBMITTED BY:	**Rob Dalley-Building and Zoning Administrator**
DATE:	**April 29, 2025**
AGENDA ITEM:	**Discuss and consider approval of Kwavasa Phase 3 Amended Preliminary Plan, located at approximately Kwavasa Drive and Keleva Trail. RT Marten and Kayenta Homesites, Bryan Oliverson and SITLA-Owner. Brett Henke-Applicant.**

Notice: This staff report is for the use of Ivins City (the City") staff, Planning Commission, and City Council only and is not intended to be comprehensive. No applicant or member of the public should rely on it or its contents for any purpose. Neither this report nor its contents vest any rights of any kind with any applicant or member of the public.

EXECUTIVE SUMMARY

This report presents a proposed amended Preliminary Plan for the property located at approximately Kwavasa Drive and Keleva Trail. The owners, and applicant, Brett Henke, seek to approve the amended Preliminary Plan consisting of 22 lots on approximately 24.147 acres. The land use is medium-density residential. The property is zoned RE-37. The Building Official has reviewed this application request on 3-30-25 and found it to be a complete application as shown in the attachments, and in compliance with City Code as well as the Land Use Plan. Staff recommends approval. The Planning Commission is to determine whether this Preliminary Plan amendment materially conforms to the Ivins City Code. This is the second time the Planning Commission has considered this Preliminary Plan. City Council no longer approves Preliminary Plans pursuant to Section 15.04.203(3)(b) of the Ivins City Code. There is an approved development agreement on this property, since it will be a phased subdivision. This Preliminary Plan does not have any sensitive lands.

BACKGROUND

- **Owner/Applicant:** RT Marten, RT Marten Utah Kayenta Homesites, Bryant Oliverson
- **Property Location:** Approximately Kwavasa Drive and Keleva Trail
- **Current Zoning:** RE-37
- **Current Land Use:** Low-Density
- **Parcel Size:** approximately 24.147 acres
- **General Plan Designation:** The land use in the General Plan is intended to be a guide for new development and redevelopment. The Plan establishes a vision for future development that, if achieved, will preserve the unique character of Ivins. It should be used to ensure

that new development and redevelopment are consistent with the Land Use Plan. Additionally, the Plan should help developers understand what type of developments are appropriate for differing properties. By referencing the Plan in development discussions, the City can help ensure that a consistent and community-supported pattern of growth is achieved.

The applicant proposes this Preliminary Plan to accommodate a specific development type. All land use and zones are consistent with the associated land use designations and conform to the zoning ordinance, design guidelines, standard specifications, and all relevant sections of Title 15 of the Ivins City Code. Public services and utility services have sufficient capacity and are otherwise adequate to serve the subdivision.

ANALYSIS

Applicable Review Process and Standards

A Preliminary Plan application is the second step in the subdivision process. As the approval of the Preliminary Plan simply applies existing law to a specific application, it does not create and/or amend the law and is therefore an administrative matter, pursuant to ICC 15.02.102. Thus, the Planning Commission's action to approve the Preliminary Plan will be upheld if the Preliminary Plan materially conforms to the Ivins City Code.

The purpose of a Preliminary Plan is to show staff and the Planning Commission that the subdivision conforms to the zoning and subdivision code requirements and to verify utilities and grading before preparing the final mylar for signature and recording. The plan must include, among other things, the following elements, if applicable:

- Property address, certified legal description prepared by a Utah licensed surveyor, acreage, dimensions and tax identification number;
- Vicinity map showing the project locations relative to City boundaries, major roads and minor roads that serve the property;
- 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.

The Zoning Administrator and the Technical Review Committee have the responsibility to determine whether the Applicant's application is complete. After the Preliminary Plan application is determined to be complete, the Technical Review Committee reviews the application. Once the applicant makes all necessary corrections consistent with the Technical Review Committee's comments, the Planning Commission reviews the application. If the proposed subdivision is a standard subdivision, the Planning Commission does not need to conduct a public hearing. If the Technical Review Committee determines that no complex issues exist (such as expansive clay soils, high traffic generation, high water usage, or other geologic hazards), the Planning Commission can proceed without the need for in-depth special technical reviews by third-party contractors. If the Planning Commission approves the Preliminary Plan, such approval will remain valid for one year from the date of approval. If a final plat is not approved within that one-year period, the Preliminary Plan expires and becomes null and void unless the Planning Commission grants a one-time six-month extension. Ivins City reserves the right to apply any additional authority and/or procedures allowed by law.

Zoning Districts Purpose and Compatibility

According to Ivins City Code 16.06.102, zoning districts are established to achieve the purposes of the General Plan and land use ordinances. The proposed Preliminary Plan aligns with the City's goals by its development potential and existing development rights under the current land use ordinance. Using zoning and land use regulations strategically ensure that new development's style and intensity does not detract from the City's unique character. The Ivins City General Plan supports neighborhoods that provide a variety of housing options designed to meet the financial and aesthetic needs of a broad range of residents.

TRC Discussion and Recommendation.

The Technical Review Committee reviewed the Preliminary Plan on April 15, 2025 and determined that the subdivision conforms to Ivins City Code requirements. The Technical Review Committee further verified the need to update the phasing numbers and that Keleva Trail needs to be installed and the developer will add a note that the trail is required on that portion as

well. The Technical Review Committee had no other key considerations to recommend. Based on this analysis, The Technical Review Committee recommends approval.

Sensitive Lands Ordinance

The Sensitive Lands Ordinance provides clearer guidelines on protected lands, including ridgelines and rock outcroppings. The proposed development site is not affected by this ordinance.

RECOMMENDATION

Based on the analysis and findings listed in this report, it is recommended that the Planning Commission approve the proposed Preliminary Plan for this property:

- The Preliminary Plan conforms to the zoning ordinance, design guidelines, standard specifications, and all relevant sections of Title 15 of the Ivins City Code;
- public services and utilities services have sufficient capacity and are otherwise adequate to serve this subdivision, which may include roads, gas, electric, telephone, mail, police and fire protection, water, sewer and recreation;
- The Preliminary Plan is appropriate for all the reasons identified in this staff report.
- The development agreement was approved on October 3, 2024. There have been no applicable changes in the project nor City Code since.

ALTERNATIVE ACTIONS

As alternatives to recommending that the Planning Commission approve this subdivision, the Planning Commission has the discretion to:

- approve this subdivision with alterations and/or amendments offered by the Applicant that comply with existing law;
- deny this subdivision based on specified findings consistent with City Code that are contrary to the findings recommended by Ivins City staff in this staff report; or
- table consideration of this matter for further development and discussion.

ATTACHMENTS

1. Application
2. Aerial map of the property
3. Vicinity map
4. Preliminary Plan

Respectfully Submitted: Rob Dalley

Rob Dalley, Building and Zoning Administrator