

**PLANNING COMMISSION
CITY OF ST. GEORGE
WASHINGTON COUNTY, UTAH
January 21, 2014 – 5:00 PM**

PRESENT: Chairman Ron Bracken
Commissioner Kim Campbell
Commissioner Nathan Fisher (Entered at 5:46 pm)
Commissioner Julie Hullinger (Departed at 8:30 pm)
Commissioner Ron Read (Entered at 5:18 pm)
Commissioner Ross Taylor
Commissioner Ro Wilkinson (Entered at 5:24 pm)
Council Member Jimmie Hughes (Entered at 5:25 pm)

CITY STAFF: Community Development Coordinator Bob Nicholson
Development Services Manager Wes Jenkins
Planner I Craig Harvey
Planner II Ray Snyder
Assistant City Attorney Victoria Hales
Deputy City Attorney Paula Houston
Administrative Secretary Genna Singh

EXCUSED: Project Manager Todd Jacobsen

FLAG SALUTE

Chairman Ron Bracken called the meeting to order and led the flag salute at 5:04 pm.

1. **GENERAL PLAN AMENDMENT, PUBLIC HEARING (5:00 P.M.)**

Consider a request to amend the City General Plan Land Use Map by changing the land use designation from MDR (Medium Density Residential) to HDR (High Density Residential) on approximately 5.71 acres located at approximately 1151 South Plantations Drive. The proposed change would allow construction of “**Estancia**” a resort condominium development with opportunities for short term (over-night) rentals. The applicant is Capital 5 LLC and the representative is Mr. Dave Nasal. Case No. 2014-GPA-001. (Staff – Bob N.)

Bob Nicholson began explaining the power point slide showing the Planning Commission the location of the proposed project and its surroundings.

The property is located on the plateau there at Green Valley. Looking east is Plantations Drive. The project known as Trendwest is to the south. To the north is the Cottages. Green Valley is in the distance. Plantations Drive is planned to be an arterial 4-5 lane highway. Eventually it will connect to Dixie Drive. The Cottages is single level. Trendwest is 3-story.

This property shares an access road with Trendwest. From that same road you can see the Cottages. The Trendwest is a 3-story development with timeshares and short term rentals. Las Palmas is one of the early Green Valley developments which is also 3-story.

The General Plan land use map is a guide for zoning decisions and zoning requests which are not consistent with the General Plan generally require a General Plan Amendment prior to considering the zoning request to see if the request fits what is around it.

Trendwest has approximately 16 units per acre. The Cottages on the north side has 8.2 units per acre. The subject property is between the two. The property was, in the early 80s, part of the Green Valley PD but we never had a specific site plan. At some point in the future they will need to go through a site plan and building elevation approval. Normally that happens with the zoning but this parcel never did have a specific plan attached to it.

The definition of MDR is between 5 and 9 units per acre. HDR is between 10 and 22 units per acre. Most of the plateau falls within that HDR distinction. Trendwest is about 18. Las Palmas is over 10 as well as the Sports Village. The Cottages is a bit less dense but for the most part those developments are high density.

Plantations Drive today is a 2-lane road that dead ends just off the property. It is planned to connect to South Dixie Drive. Right now, until Plantations connects, the only real access is Canyon View. That road is clearly under pressure. The applicants intend to sell this as second homes similar to Las Palmas. We've calculated a trip/unit as 5 a day. This project could generate 390-400 trips per day. The project would have to pay the traffic impact fee of \$754 per single family unit. They would also have to look at how the project could help solve Canyon View Drive. There is a new access point on Dixie Drive there at Pelican Hills but it doesn't connect all the way to Canyon View. We're trying to solve that problem so that will be part of the equation when we address the site plan.

We felt comfortable with the request because it is consistent with Green Valley. The rest of the area (except the Cottages) is also 3 story projects.

You have a letter from "The Lakes" concerning this project. If you have questions, I will turn the time over to the applicant.

Chairman Ron Bracken asked if the letter was in favor of the change.

Bob responded that the letter did not support the change in the general plan. There was an area north of the Cottages that was high density. There were some other areas designated as medium density. They wanted to move things around so council said let's flip flop those MDR and HDR distinctions and that was part of the trade off.

Dave Nasal (applicant) approached the podium:

This will be a 3-story facility. We have worked with Green Valley Spa & Resort to use their amenities in addition to the amenities we will have. It will be similar to the way Las Palmas is set up now. Trendwest was excited to have something near there and will be most excited when the road is done. Talked to residents in the Cottages to see their concerns and they brought up that they wanted a block wall and that there were some drainage issues. We will definitely put in the wall and help mitigate their drainage issues. Our project will be fairly similar to Trendwest. Green Valley Spa & Resort submitted a letter stating that we do have access to their amenities.

Chairman Ron Bracken opened the item to the public.

There were no public comments.

Chairman Ron Bracken closed the item to the public and opened the item up for discussion among Commissioners.

Commissioner Ross Taylor addressed staff concerning the letter submitted from The Lakes asking for clarification on the restrictions imposed on The Lakes and how this project would differ or be similar.

Bob Nicholson responded that the action summary stated that there should be compatible density to the surrounding areas. The first page is his letter. The next is the action the council took. Item four of the approval process for the Lakes states that there should be compatible densities with surrounding developments. When council approved the project there were 2900 approved housing units for The Lakes. On that last page, The Lakes had a pod originally shown right next to the Cottages North shown as HDR. There was a series of other development pods that were MDR. They asked the council for another HDR pod. Due to concerns with the Cottages North, Council said they could flip flop those pods. So they went from HDR at the Cottages to MDR.

Commissioner Ro Wilkinson entered the meeting at 5:24 pm

Commissioner Ross Taylor clarified if this is an extension of what is already in Green Valley: Sports Village, Trendwest.

Bob Nicholson responded, yes. There is not much left there in the Green Valley area.

Deputy City Attorney Paula Houston advised the Commissioners that even though renderings and things were submitted that is not what is being approved tonight. Tonight is a General Plan Amendment. They can sell it to someone else and they can go for the highest density of 22, so please keep that in mind. Regardless of who has the property, they would have to come in with a zone change.

Councilmember Jimmie Hughes entered the meeting at 5:25 pm

MOTION

Commissioner Ross Taylor made a motion to recommend approval for the General Plan Amendment.

Commissioner Kim Campbell seconded the motion

Ayes 6

Commissioner Kim Campbell

Commissioner Ross Taylor

Chairman Ron Bracken

Commissioner Julie Hullinger

Commissioner Ron Read

Commissioner Ro Wilkinson

Nays 0

None

Motion passes.

2. **ZONE CHANGES (ZC) - PUBLIC HEARING (5:00 P.M.)**

- A. Consider a zone change request from R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size) to PD-C (Planned Development Commercial) for “**Boulder Creek Commons**” (on the east side of River Road) and “**Boulder Creek Crossings**” (on the west side of River Road). The project site contains approximately 21.08 acres of land and is located in the vicinity of the intersection of River Road and 1450 South. The applicant is Shefco and the representative is Mr. Sheffield and the engineering firm is Rosenberg Associates. Case No. 2014-ZC-001 (Staff – Bob N.).

Commissioner Kim Campbell removed himself from the item

Bob Nicholson addressed the audience to let them know that public hearings tonight will go on to City Council on February 20 if approved as public hearing items.

We’ve received quite a few letters concerning this change. There are some in support and many against.

First let’s discuss the General Plan. The General Plan is a guide that isn’t very specific. Usually it is just bubbles designating different zones. The intent of the General Plan is not necessarily property line specific but more of a concept. The decision of where commercial areas end and begin is more of a zoning decision. The commercial designation does not go all the way to Bundy Lane. If you feel comfortable with it, we can extend it. We’ve drawn a bubble or circle around that intersection, but it does not extend to Bundy Lane. There is some discretion on the south end of the proposed project.

The applicant has provided a narrative which is in your report. In that narrative is a proposed list of uses. There is a very long list there. We did meet with the applicant and asked that some that were inappropriate were removed however there may be others. If he feels strongly about certain

uses he has the right to maintain those. Because this is an applicant petition we cannot make him change the listed uses. He has the right to make the request.

The site plan is divided into four quadrants. Boulder Creek Commons is two acres. Boulder Creek Commons South is on the south side of the projected extension of 1450 South and the west of River Road. There are 8 acres involved. The buildings represent 67,133 sq feet and 304 parking spaces. On the east side of River Road is Boulder Creek Crossing north and south. The north side is 3 acres and the south side is 6 acres.

Again the PD Commercial zone the applicant can propose the uses and you might want to look at his long list of potential uses.

Landscaping required is a 15' wide strip along the public street frontage as well as 5% of the interior parking lot. Their site plan does meet and exceed the requirement.

Parking will comply with chapter 19. For retail and office parking is 1:250. Their calculations do show that. For restaurants the parking is 1:200 and that is also shown on the site plan.

City ordinance does require that lighting will be downcast with dark sky style lighting. They will have to supply a photometric plan to show that.

There are many uses in your packet, some have been scratched out but there are some that you may find as inappropriate. Most fall within the office and retail category. But there are some like auto repair and others that are not always part of a neighborhood center.

Commissioner Ross Taylor asked if we are dealing with the PD and the zone change.

Bob responded that you are dealing with the site plan, building elevations, and the proposed uses for this zoning approval. The PD zone requires the site plan and typical elevations. Their elevations and materials board have been provided.

They do talk in their narrative about a phasing plan. Phase 1 will be the NE corner of development. The Jiffy Lube is shown as part of this but is a separate application. The Maverik and Jiffy Lube will follow. There will be 2-3 parcels east of the Maverik for office use or a bank and road improvements. As part of the site plan they will need decel lanes at all of the entrances and exits. A traffic study was done a while back and indicated that a decel lane and right turn lane are required and also noted driveway locations.

Phase 2 will be on the southeast corner. There will be several pads for retail, fast food, and financial institutions. They also indicated that in the future, phase 3 and 4 would be to develop south of the property and phase 5 would be to the north of the project. Again the lighting would have to be downcast and the architecture will be similar to the Red Cliffs Mall.

January 2004 had a traffic impact study done. Staff recommends that before plat approvals or building permits are issued the traffic study would need to be updated including this proposal as well as a potential grocery store.

Signage would need to be monument style. Pole signs are not allowed at River Road or 1450 S.

The river bank is being armored. When rip rap is installed a city trail will be placed there. Additional armoring work will be done to elevate the property out of the 100 year flood plain by the City and the property owner.

The commercial zoning does not go all the way to Bundy Lane. If you feel it is appropriate, it is within your discretion. Staff feels that the 2-story building shown closest to Bundy Lane would serve best as a residential area or at a minimum a 1-story building. Bundy Lane is a private street. The people who live on that street maintain it. Across from them is The Boulders.

Commissioner Nathan Fisher entered the meeting at 5:46 pm

On the traffic one thing that will help in that area is when the new Mall Drive Bridge is completed. 3000 East will be a 4-lane road and will help relieve the pressure on River Road.

At some point you'll want to look through the listed uses that were proposed.

Commissioner Ross Taylor asked staff to clarify the traffic access in and out of the property. Bob Nicholson responded that he is not prepared to address that tonight because we are asking them to update it. In 2004 when the Traffic Study was done; most of the ingress were designated and those are installed in most places. The access points are quite a ways from 1450 S and River Road. They do line up and I think that full movement to approve would be addressed through the traffic study

Commissioner Ross Taylor noted that that's a challenging road for full cross movement.

Bob Nicholson added that the traffic study may determine that as Right In/Right Out only.

Commissioner Ross Taylor asked if the property on the West between the two units is buildable. Bob Nicholson responded that at the time of the application the parcel was under separate ownership. Sheffield controls the piece now so it will have to be a separate application. It is a buildable lot.

Commissioner Ross Taylor stated that it would improve things a lot to have a frontage road alongside River Road to access those properties.

Bob Nicholson responded that they will be able to access through the parking areas. If he were to bring in that bare parcel it would be a requirement to connect those pieces.

Commissioner Nathan Fisher asked legal if he needed to recuse from the item because his firm works with Sheffield, not on this matter in particular but on other matters.

Deputy City Attorney Paula Houston advised that you are required to declare the conflict of interest and then you can decide whether to recuse or not.

Commissioner Nathan Fisher asked Mr. Sheffield if the case his firm is working on has to deal with this project.

Mr. Sheffield responded.

Commissioner Nathan Fisher chose to recuse from the item.

Steve Sheffield explained that Commissioner Fisher's law firm is working on a title clearing action concerning ownership near the river.

50:27

Steve Sheffield:

After 25 years of planning and strategizing, this is a wonderful announcement of the Boulder Creek Crossings shopping center. Most of you are new since we did the master plan years ago. I'll go over a brief history to bring everyone up to speed.

Normally developers do not put in streets and major improvement until it is time to develop a property. We came here when I was 11 years old in 1963. 50 years ago, my father predicted that there would be a shopping center here. We as a group have controlled this property and have participated heavily in the development of this community. We developed the Boulders subdivision, Boulder Springs Villas gated community, and the Summit Athletic Club. We chose to do something special because it is our neighborhood. I live in this neighborhood and care so much about it so I want to do it right.

Back in the 80s and 90s the City of St. George asked that we build and donate streets because the community needs them. They asked that we do the lighting on River Road, and relocate 1450. This was hard for us to do as a small group. The argument was that because you will have a shopping center there eventually it would be nice for you to do it now before your development is there. We made that sacrifice and did it. We also provided a power, sewer and water. Most people may not know about the flood studies we have conducted. As a result of the 10 year ago, 15 year go and recent floods we were commissioned to do the flood and erosion control studies. Those are expensive requirements. All along the river, underground there is a huge wall that was funded mostly by us. The purpose of the wall was to protect The Boulders, Boulder Springs Villas, Summit Athletic Club and the future commercial center from being eroded away if the river changed course. With the flood study we were able to safely build phase 4 and 5 of The Boulders and Boulder Springs Villas which we added two extra feet to the entire subdivision. We have gone the extra mile and contributed heavily. The erosion wall being built now is on property we donated to the City. We have facilitated trades with the river way to be an enhancement to the project. The wall includes a trail section which we are contributing to and donating property to because we are committed to the trail. We asked that they split the trail on the sides of the river. We have provided an acre trail head to the City so people can park and walk or ride on the trail. We are very committed to this property and neighborhood having contributed almost everything we have.

In 2004 Smith's provided an offer to put in a grocery store. We were moving forward with that plan until the recession hit. We put in all of these up front improvements but we couldn't get people to build in the recession. Why zone this now, why wait? We were waiting for the market to improve and didn't want to pay commercial property taxes but they taxed us at commercial rates anyway. Our plan of saving money in that regard did not work. Now it is time to move forward. The same level of commitment we have made to our residential subdivisions and the athletic club we will put here. We are hoping to sell as few properties as we can.

Why here and why now? I would like to answer those questions. When the City master planned the area before this area was developed, they wanted to designate neighborhood centers. The purpose of neighborhood centers is to minimize traffic and economic burden to the residents. This was designed as one of those. It seemed like the best place to put it. Where else would you put such a thing? We definitely need it. The strategic plan is that all those going to work on River Road and 1450 South now can be saved for groceries, banking, professional and medical services, beauty shop, whatever great services in our neighborhood. That will save time and congestion. Geographically it is centrally located, it was master planned long before the subdivisions were there. There have been signs on the property for over 10 years showing that there will be a commercial center there. The businesses who come to these things are waiting for the following: rooftops and houses to support the center, traffic generated from houses, and they are waiting for a steady marketplace where there will be growth and stability. Now they see a steady market that is growing at about 5% in our area. They also want an anchor tenant. Our anchor tenant will be Smith's Food King with their new upper scale grocery store. They haven't quite finished their paperwork and design issues. They have asked to do their own thing. Basically they will most likely face north and be centralized. I've brought to them all our concerns: the view, not wanting to see equipment and it has to be pleasing to the neighborhood and compliment the themes of the center. We don't have a final deal with them yet but we're moving forward anyway.

There are now enough homes, enough traffic and the market has stabilized so we'll move forward. All legitimate concerns can be resolved with planning and design.

Property values: is this going to damage our property? Because the subdivisions are raised and separated geographically by landscaping and hillside as well as making sure the lighting and parking is designed properly then property values will go up. For 10 years I've been saying there would be a shopping center down there and would hear, oh how nice.

What about appearance? The renderings you see do not show all the trees and things. They do show the elevations we are going for. We are very committed to protecting views. Each store has been designed to have the same look on the front and back so they'll have their own character but will fall within a desert contemporary style theme.

Traffic: will this make traffic worse? The houses bring the traffic. We come and go. The traffic exists here now because of the houses. This is designed to reduce the traffic north of River Road. There are a few people who may come across but they will stop at the center and not go down to the subdivisions. This location will reduce traffic or take advantage of the traffic that is already there without contributing to it. Will this bring people into our neighborhoods? The traffic study says no. There will be two access points on River Road going east, the one on 1450 will be right in right out only, the road near Summit will be full access road. So there will be two full access roads with sufficient distances for in and out. We recognize that one will need to be right in right out only. Patrons can choose the safest route for them. The stoplight at 1450 will have a 4th arm put on that we have already paid for. That road will go west to the Taylor's farm. We proposed this notion as an alternative just in case those on Bundy Lane would like to tie into it if they choose. For now it will just dead end. On the west side there will be a deceleration lane added going south from the river bridge. We have designed it to have a right in right out there at Jiffy Lube to avoid congestion. One of these two will be full access. The store will be low to not block the views. The empty parcel will be a subsequent zoning meeting.

Crime is a concern people have: it is dark out here at night time. From my perspective this will help due to landscaping, security lights and cameras. Is there a valid concern that this will increase crime? Possibly, but what is it like in Bloomington? They were concerned that their lifestyle would change, but they love it. The area there at Albertson's is the same thing. I don't know all the answers but I do know that with the right lighting, architecture, and planning will make it easier for our police force to patrol at night. The only things open late would be the Maverik and the grocery store. It is a good question to ask but I do not think that it will be a problem. I think the biggest fear is change; "not in my backyard". It has been designated here for many years. We have invested all that we have and would like to move forward and get it done. It will take 5-7 years in phases for this to all be complete because we want to do it right. I do want to offer our friends and neighbors this: because this is our neighborhood we would like an advisory committee to help us choose the type of shops we want. I created an email: bouldercreekcrossing.com and phone number 703-1100 to hear requests. The same care we put in The Boulders and Summit Athletic Club we will do here. As far as the uses go, we lined out many that were not appropriate.

Chairman Ron Bracken opened the item up to the public for comment.

David Cole (The Boulders HOA):

The Boulders HOA would like to ask this request to be tabled in order for the Planning Commission to research this and allow time for The Boulders to assess property values and traffic with the new development. It is in the best interest of everyone before a zone change takes place we take time to consider all the issues. Please delay: adequate notice has not been received by affected home owners. Owners have either not received or did not receive in time notices to assess their property values.

Second The Boulders HOA has not had time to receive appraisals of how property values would be affected or the traffic impact assessment. Since the development will be adjacent to The Boulders, the proximity and type of businesses can adversely affect property values.

The Boulders is an upscale neighborhood – I don't know any upscale community that would want a big box store near it. Boulder Springs Road became a thoroughfare for semi trucks and commuters trying to avoid the intersection. This will be a magnet for traffic and The Boulders will be affected.

Third the developer's true plans are only now coming to light. As late as Thursday at the St. George Economic Summit the developer announced the big box contract with Smith's. This is the first we heard of the entire plan. We are not opposed to developing; we are opposed to the way they are developing. It would be a negative factor to put a big box store in the middle of an upscale neighborhood and produce a nuisance. It is believed that tonight's request is only the nose of the camel in the tent. The developer is only asking for the north portion. The developer hopes to get the rest of the camel in the tent, the big box grocery store, down the road.

Fourth the developer was involved in our development and consistently stated that there would be a residential buffer zone for any commercial developer. Even the general plan shows that commercial zoning does not necessarily go all the way to Bundy Lane. Many home owners purchased lots and built homes per previous plans of the developer to have commercial at the intersection but with a residential buffer zone in between. A rezoning commitment tonight will undermine property values.

Fifth point goes to the Jiffy Lube rezoning – the developer has always promoted this as an office and professional building development and yet the first two to go in are a gas station, and automotive repair shop with a McDonalds in the works. If rezoning is granted, the developer will be free to come in with any commercial development.

Additionally we are dismayed that the gas station and auto service station are allowed anywhere near a natural resource. Even the City's general plan chapter 5.6.1-2 – the City policy is to discourage any development in the 100 year flood plan. Exceptions can be made for uses compatible with periodic flooding such as trails and public uses. Obviously these two businesses do not fit this use. Again, we ask you to table any rezoning until assessment can be made on property values and traffic.

Commissioner Ron Read addressed Mr. Cole asking who failed to get notices or was noticed late.

David Cole the homes right on the base of the development. To date no one has received notice of a rezoning. It is just by happen chance we found out this was happening.

Commissioner Ron Read asked for clarification on the timeliness of the notices.

David Cole responded that to his knowledge no one received notice in The Boulders area.

crowd clamor

Commissioner Ro Wilkinson asked if the announcement at the Economic Summit is what brought the zone change to your attention.

David Cole responded that Mr. Hickman got wind of it and it just so happened that an HOA member heard it at the Economic Summit. So we didn't find out about Smith's until Thursday so we have had no time to consider what the impact would be on our neighborhood.

Commissioner Ro Wilkinson inserted that Albertson's was in the works several years ago.

David Cole responded that if you look at any of the master plans the developer has showed us over the last 15 years, they all show a residential, R-1-10, remaining in place adjacent to The Boulders. Anything presented to us thus far was that. We have been led to believe for 10-15 years that this would all remain residential. It is our position that that section should remain residential. We were always told there would be a buffer there, even when Albertson's was a potential store there.

Commissioner Ro Wilkinson commented on the traffic there. Most of our accidents happen out there so I think that that will all need to be mitigated.

David Cole added that it'll be nice to have conveniences there but they don't want fast food. It'll happen again if the traffic is not planned properly.

Commissioner Ron Read addressed Mr. Cole asking if the body he represents is proposing that a similar line be sown on the east.

David Cole responded, precisely, we're fine with that as long as there is a buffer zone.

Steve Sheffield

First of all the residential buffer zone is a notion we proposed years ago when the master plan was adopted. We thought that might be a good use. I live there right now and we've reallocated some of the densities. As we have drawn the master plans throughout the years, one of our options is to put an apartment complex or condominium there. As a person who lives there and considers that we would like an office or professional with nice landscaping and walls and facing so it's quieter than a high density residential area. The big box is not on the agenda right now. That's later. The reason we separated that is because all the uses we're looking to approve tonight are congruent to the city. We've already put in roads and things to help with the traffic there. Imagine if we hadn't done that years ago. In the 2004 traffic study it was done imagining that all the houses were built and if there were a shopping center here. It was already designed to answer those questions in advance and that's why we put the roads in the way we did. The 100 year flood plain questions I addressed. As long as we meet the grade requirement we'll be okay. We'll meet those plus a little. The sign saying grocery store anchored commercial center has been there for years. The things on the agenda tonight have no need to wait. The grocery store and residential buffer are good things to discuss but are not on the agenda tonight. Smith's or whoever signs will be the ones to have to address that, but that's not on the agenda so let's not hold it up for that purpose. I know that many in The Boulders are not represented by the HOA person here tonight. As for Bundy Lane – that is no place for house. If we are to put a back facing professional office that is low profile

enough to not block views; that is a better use than forcing someone to live on that corner. So this is a more appropriate use.

Commissioner Ro Wilkinson responded that, you made the comment that people will mingle there but most of these people work in St. George or different areas so the traffic goes into town for a purpose.

Rhoda Marker –

I live on the other side of the river. My home overlooks the river so I see the Summit from my bedroom window and the river. Concerning the zone change this side of the river agrees with Dave that we did not receive any notice. I did not receive notice last year concerning the Maverik either. We didn't realize it was going to be a gas station until we saw the tanks going in. There are many people who can agree with my statement. Under the City code 10-7B-1: the purpose of these zones is to provide appropriate locations where low density residential neighborhoods may be established, maintained and protected. The regulations also permit the establishment, with proper controls, of public and semipublic uses such as churches, schools, libraries, parks and playgrounds which serve the requirements of families. The regulations are intended to prohibit those uses that would be harmful to a single family neighborhood.

Currently Mr. Sheffield is proposing a 23 acre lot with the intent to create a 65 acre commercial development in our neighborhood. We as neighbors and citizens who would be most highly affected by this oppose the zone change from residential to commercial. We are not interested in a Las Vegas type of lifestyle nor are we interested in bringing more large stores. There is an abundance of chain stores in St. George. Speaking of Maverik, I can get to three in less than a mile. This will harm the single family residents of this area. The traffic, noise, air and pollution will be harmful to our children and way of life. The businesses Mr. Sheffield is proposing, which included a McDonalds, will not pump money in our community, nor will it enhance our lives. It will take money from our locally owned businesses, congest our roads and will increase crime.

The Maverik was done without notice. What was missing in these slides are my home and the others that look over the area. We oppose the change this zone change on the grounds of our peaceful lifestyle our beautiful view and the harm this will bring to our neighborhood. Additionally he spoke of a geotech assessment. This assessment was done in 1995. When he gave the permits, which I have from Rosenberg Associates, the info included was from a 1995 assessment about the erosion. It has been proven by our residents that the flooding is extensive. We saw flooding all the way to the Summit parking lot.

Because tonight is also about Jiffy Lube – we also object to this zone change. On the City website, the Virgin River has been a major source of water for Southern Utah. It is ethically unsound to then place a Maverik and Jiffy Lube 50 feet from a river which has historically been a flood plain and zone of water flow. In conjunction with the erosion and hazard risk assessment dated May 21, 2013 in regards to the current construction of the Maverik which is 100 feet from the river and proposed Jiffy Lube was primarily based on the 1995 study. In that assessment it states that potential geologic hazards include flooding and liquefaction. It has been proven that this area will be and has been

subject to flooding that will ruin the oil changing bays and gas tanks. I witnessed, from my bedroom window, the flooding that covered the lot the Maverik will be on.

Rosenberg's recommendations to Mr. Sheffield state: "permitting with the US Army Corps of Engineers and State of Utah Stream Alteration Division and consultation with the US Fish and Wildlife Services *should* be complete prior to construction." It also stated that, "Consultation with the Fish and Wildlife Services will be required to determine any required biological conditions of the proposed construction."

In speaking with Patricia McCleary of the US Army Corps of Engineers— she was not consulted concerning the Maverik or Jiffy Lube.

It is her understanding that the Stream Alteration program has not been notified or consulted.

Additionally, I spoke to Paul Abates of The Fish and Wildlife Service. He was not informed by the developer concerning the Maverik or proposed Jiffy Lube either.

I have contacted many organizations aimed at protecting our drinking water and preventing the contamination of our water shed— none were consulted.

I spoke with Steve Mesmer of the Virgin River Program who does not think that it would be wise to place businesses on the flood plain. The City of St. George has already used millions of dollars of tax payer money to repair the shores of the Virgin River.

It is important to protect the water our children drink and play in. and to protect the tax players from the cost of repair and possible pollution that Maverik and Jiffy Lube will cause. The risk is irresponsible and dangerous. Regarding the precautions Mr. Sheffield *might* take in regards to the Jiffy Lube 50 feet from the river we do not want the possibility of it contaminating our water. We object! We want a peaceful life in St. George, Utah without the problems that those in West Virginia recently dealt with – a lack of clean water.

Commissioner Ron Read addressed Ms. Marker stating that I know you object to the uses, but do you have objections to the extent of the project?

Rhoda Marker responded yes. We have too much traffic where we are. The traffic there is unbearable and the noise is catastrophic for us. We object to that because as soon it changes from residential there is no way to regulate the businesses he'll put in.

Commissioner Ron Read – so you're objecting to anything commercial on those corners.

Rhoda Marker responded yes, because the Maverik already being put on the river bed is atrocious. This developer is not concerned about the residents. No one was informed that a Maverik was going in. No one was allowed to write to an email. No one was given the chance or the choice to say we don't approve. The person who did receive notice for this did not receive notice for Maverik. People in The Boulders knew about it because I took the letter and walked across and gave it to them. Mr. Sheffield claimed at a neighborhood meeting that their letters were in the mail and I believe that was false.

Chairman Ron Bracken asked Paula to address the clamor.

Deputy City Attorney Paula Houston addressed the clamor and stated that Bob Nicholson will address notices.

Jared Bates– Rosenberg Associates

I wrote the erosion hazard assessment. The assessment was written last year based on up to date information – the geotech report was from 1995 and is current because the dirt have not changed. As far as permitting with the Corps and the State of Utah; what was referred to in the assessment was part of the rock wall. The Jiffy Lube and the Maverik are outside the outside the orders of the Corps. That would all be taken care of with the NRCS project. Much of the assessment was based on the assumption that there would not be a wall there. So, these were the requirements if there was not going to be a wall there. Again, basically the Corps and State of Utah are not involved as they have no jurisdiction over the Maverik location or Jiffy Lube. As far as notification, Bob will address that. We followed the ordinance and requirements of the City.

Bob Nicholson approached stating that the noticing requirements are a few things. State law requires a notice in the newspaper and website publication 10 days prior to a meeting. City practice of sending letters is 500' from the boundary of the zone change. Addressed come from the County. When we heard there were some concerns we did a little checking. When you take the furthest point of the zone change you only pick up one home in River Ridge Estates. That corner is within 500'. From Maverik there are no homes reached on the north side of the river.

Deputy City Attorney Paula Houston added that notice letters are City policy. It is not State law, nor is it City ordinance that we have to send notices. We do that as a courtesy to the neighbors so they can weigh in on these things because we know that people generally aren't checking the website to see what is on the agenda. Some people do, but most do not.

Crowd clamor

Bob Nicholson added that we did get some additional letters from the applicant which added eleven addresses. It is the applicant's responsibility and the county usually does a good job. We checked on Google maps and 500' from the Maverik does not pick up residences. 500' from the Jiffy Lube hit one and the lady did get the letter.

Continued crowd clamor and response from Bob Nicholson concerning noticing

Jared Bates (Rosenberg) – all buildings will be in accordance with city ordinance of being one foot above the base flood elevation as established by FEMA. This development is consistent with what the City has done in the past. For example the Dixie Center is in the flood plain and has been protected adequately. As long as it is designed and built correctly there shouldn't be any concerns. The risks are mitigated accordingly.

Hal Hickman – 1451 Cobblestone

My neighbor Steve got a letter and I didn't and really I'm closer than he is. None of my neighbors other than Steve got one. I think there's a real problem. I talked to Bob about the fact that I haven't gotten one and he stated that some hadn't gone out yet. That's a different issue that needs to be resolved.

The first issue is the presentation about the Maverik and Jiffy Lube. I sat down one day and followed the Virgin River. At no point in that journey did the river come close to a

petroleum based business. Most of them were more than ½ mile away. I'm concerned about the quality of that decision. I think it was a very bad one and would encourage you not to allow the lube shop to go down there.

Secondly, Steve has made many presentations to us in the Boulders.

Mr. Hickman went through his PowerPoint presentation showing the various plans Mr. Sheffield has presented to the area over the years.

When I stood at my fence with Steve and asked him what was to be there he told me he was looking to put an R-1-0 there that would be a great addition to our neighborhood. We weren't very happy with the Summit Athletic Club.

Previous plans were all very similar until the presentation from the "What's Up Down South" had the big box store in it. I'm looking right down on the back of that store. There's not much distance there. Most supermarket store backs are not pretty. There are bays for trucks which usually come at night so they can stalk their shelves in the evening. The side of Smith's is the only place they can store their unused carts. If you really want to look at the size of the back wall, the wall will reach above the hillside I built my home on.

Steve wants to do this because it is his last opportunity. The Boulders was his first chance. He charged us premiums and now I'm going to see a block wall. Now you're not going to make a decision tonight but you are making a decision on the plot plan that is presented. If you look it, if he were to go back to his original design the lot lines would be untouched and there would be a nice buffer in between. So if you approve this you almost immediately approve the big box store later because you eliminate the possibility of residential later.

This little round-a-bout comes in off the street and that's the line that separates the commercial from the residential. Those homes down in the Villas were raised 2-4 feet to get above the flood plain. We're not concerned about driving all over town to get what we want. From Riverside Drive to Harmon's is only 3-4 blocks. To get to Steve's store is only an additional 3-4 blocks. The new bridge will get rid of a lot of traffic but it will build up again. Left turns are almost impossible. It can't be done from Boulder Springs because the traffic is horrendous. So what do we do? We have two entrances to each shopping center which means that somehow traffic has to get back onto River Road. They suggested you table this. Why? Because we had 3 days to get our act together on this and it wasn't enough. I talked to Smith's today and they still haven't made a decision. I talked to traffic folks and they said the study is on its way but it is not here yet. You still don't know the problems we'll have there. It's impossible to tell. I don't suggest tabling. I suggest that you instruct the applicant to put together that group he said he was going to put together. We do not object to Steve using the corner. We dislike Maverik. If we put together a group and decide what we can handle with the design he has given I think it would be well for this Commission.

Councilman Jimmie Hughes asked if Mr. Hickman has a problem with the plan that on screen.

Hal Hickman responded no, only the apartment houses.

Councilman Jimmie Hughes asked if Smith's were to go in would you have a problem.

Hal Hickman said no.

Commissioner Ro Wilkinson stepped out of the meeting at 7:15 pm

Diane Bromley – Boulder Springs Villas

I just wanted to say that I have owned 32 homes in my life. When we bought this home two years ago we were excited because of the detail and excited that there would be commercial property down the street to help keep our world small and that we could walk to. We feel quite close. When we were evacuated from our home years ago, it was an area that had a neighborhood shopping center. In my observation, those shopping centers did nothing but increase the value and make people's lives easier. As a mother with six children, those large nucleus neighborhoods were like little ants. What increases traffic is people going out and in. In my 18 years, I never experienced the shopping centers increasing traffic. They made our lives simpler and our worlds smaller. I'm grateful Steve has given us that email that we can send comments to.

Ross Clauser – Bundy Lane

I'm concerned about the 2-story building that they are going to put right next to me. Steve said the Wal-Mart in Bloomington doesn't affect anyone. I have friends who were robbed at gunpoint there and we believe it is because of the Wal-Mart. I'm mostly concerned with the 2-story building if there were a height requirement. If it were in front of his home I'm sure he wouldn't want it in front of him.

Jake Stanty – Cobblestone Lane

I have a beautiful view of the white temple and the red cliffs. I don't want to have to look at the golden arches. It's a beautiful view I don't want ruined. I suggest that 500' is not enough. Change that to 1000' because that's not a good enough reason if someone lives 6' beyond 500' they won't get notice. It gives the impression that you're trying to hide. Steve has made a good pitch and you've gotten good input here. You can see that there is a lot of input here. There are some unhappy people here who cannot come here or they're hoping that we will say something for them. You've heard several people ask for a tabling of this proposal. I join in that. I should not be the one asking for that. Steve should be asking for that. You live near half of the people here. Steve, your best position ought to be to table so you can talk to the people who are here and those who are not here and then *listen* to what we're telling you. If you do that right, the next time the proposal comes in you won't see people complaining about it. I encourage you to postpone this matter so Steve can make his neighbors happy.

Commissioner Ro Wilkinson returned at 7:24 pm

Sherlyn Carter – HOA President; River Ridge Garden Homes

We have a traffic problem. I don't believe that this new bridge across the river will funnel enough people to offset the additional traffic. I propose that we table this until we have more time and until the City can assure us that the traffic problems can be solved. I appreciate the wall at the river but this addresses only the land the buildings are on. What has been done to address the underground development for the Jiffy Lube or Maverik? We know how high the water table is. Once they meet the City requirements they're off the hook. If damage happens it falls back on the City. What has been done now that the

Maverik already has approval? They have put in their tanks underground and we don't know. We weren't given information. I don't fall within the radius of 500' but to me this is an issue that the entire County should be concerned about. The 500' radius hits the river bed and the river; all that meander land. Courtesy notices were only received by two dozen. I'm certainly impacted. I want to see it tabled for another session at least 30 days so we can be reassured that our life style will not be adversely impacted through – traffic, increased commercial development, devaluation of property and damage to river. I think that is the least you can do tonight.

Steve Sheffield

I'm not in charge of the notices. I went to the County and handed them into the City. We made every effort to make sure they went out and that was the City who sent them out. I completely agree with the gentleman not wanting his view blocked. We're not blocking Hal's view, my view, or your view. We'll find a way to not block the view of the temple. You might lose some of the river but the panoramic will remain. Even though we have the right to build we will choose to not block the view. We have architecture designed to be low profile to not block views.

Regarding the old plans presented, we've gone through many scenarios. Many people didn't like this one due to the condominium. When we shifted the density it seemed to make sense with the current market at the time. One thing we noticed was that the streets were taking up a lot of our property, so the available commercial space shrunk. We started about 23 acres and now have 18. I personally didn't like that approach. But that's not the subject. The grocery store is not on the agenda. We put everything that was non-controversial on tonight and put the other things off. We have found that the space in there is enough to provide some flexibility. We will take more time on the grocery store ensuring that they will make it appealing. That's not on the agenda tonight. This part is not that part.

The only question I see for tonight is the Bundy Lane parcel and the height blocking views. The R-1-10 that Hal referred to was what the current zone was. It was a holding zone. It was never intended to actually be that.

The comment that there will be no control over what will go in there after approval – the PD-Commercial is designed to have control. They have to follow the color schemes and theory. We do have control that's why we're doing PD-Commercial rather than normal commercial. This will create so many jobs for our neighbors. The impact fees to the community will be substantial. The sales tax revenue will be substantial and all those things benefit the City. There are a lot of positive things to it. Those who are excited about this are home with their families and not here tonight.

Commissioner Ron Read called to question.

Verdict Helma – River Bridge

We found out about this on Wednesday. One thing we were told is the traffic. This will not kill traffic because people will still go all the way to Costco and Wal-Mart.

Chairman Ron Bracken stated that question has been called.

Chairman Ron Bracken closed the item to the public and opened the item up for discussion among the commissioners.

Commissioner Ron Read made the following recommendations to remove from the use list:

- all the animal services need to be removed
- part sales, auto rental, repair, storage that entire category
- under medical I would take off nursing home in addition to those already removed
- under retail sales I would take off cabinet provision, motorcycles and boats, rental for equipment, and trigger sales
- under service I would remove the towing and the welding shop

I would also like to discuss the limit of the buffer left on the Bundy side and take care of the issue with the height there.

One thing I don't know if the parties understand is that Smith's will have to come in on their own. They will have to come to us before there will be anything further.

There is the one building on the east side that is 2-stories that is adjacent to the Summit. I think there is an issue with that one being 2-stories.

One thing I am concerned about is that on the elevations are that the fronts and backs are alike it better be that way because there are buildings on River Road.

Steve Sheffield responded, true on the River Road and 1450 properties ones but not on the ones on the hillside. Those visible on all sides by public will be done nicely. As to the height there is a row of 2-story houses now. We will not be any higher than the houses.

Commissioner Ron Read added that his position is that that corner should remain residential.

Steve Sheffield showed a reference from St. James subdivision from the architecture firm.

Greg (Campbell Architects) added that this is a rendering that shows you still see the mountains.

Steve Sheffield added that it will not block any valuable views there at St. James.

Commissioner Ron Read asked if the piece to the west is residential.

Steve Sheffield responded that it should be moved over with open space on the front.

Deputy City Attorney Paula Houston inserted that the height is noted on page eight. One is put in at 49' and others at 35'. Most are at 28'. Also, just for reference 35' is allowed even for houses without a conditional use permit to go higher than that.

Commissioner Ron Read noted that we don't know which buildings are which on the plan.

Steve Sheffield commented that there is an office building down by the river that should have but it won't reach as high as the Remax building. None of them will be higher than 35'.

Commissioner Ron Read clarified that that is the furthest northwest building.

Steve Sheffield responded yes, next to Maverik is projected to be 3 story but won't block views.

Commissioner Ron Read stated they're not labeled here.

Steve Sheffield responded that we're just doing concepts, this is only for zoning. I don't have anything ready to build.

Deputy City Attorney Paula Houston corrected Mr. Sheffield's statement: legally this is not accurate. You are approving a site plan with specific buildings with specific heights so when they're in there that is what you're approving. This is not an idea that may change. He would have to amend it to change those things in the future.

Commissioner Ron Read added that his recommendation would be that the maximum building height be 35' and anything more than that he would have to come back and amend.

Deputy City Attorney Paula Houston added that given your comments, if you do not feel you have enough you should continue or deny or put conditions so you know which buildings are which. You can send it back for that.

Steve Sheffield added that must be told the 3 story building by the Maverik. None of the others are that height.

MOTION

Commissioner Julie Hullinger made a motion to table and that a committee is formed in the neighborhood then come back.

Commissioner Ro Wilkinson seconded the motion.

Commissioner Ross Taylor added that the item should be tabled for 30 days. I think there needs to be adequate time to flesh this thing out and get it exactly how it's going to be.

I think it's a wonderful project but the neighborhood needs to see it as it really is and deal with the issues they find important.

Deputy City Attorney Paula Houston inserted that that would need to be with applicant consent otherwise he has the right for it to go to City Council within the 30 days.

Chairman Ron Bracken asked the applicant how he felt.

Steve Sheffield responded that a lot of expense and effort has gone in to get here. It's frustrating to stop a moving thing here. I took the controversial part out of this for that very reason. I don't know that anyone has objected to anything but Bundy Lane. Since the rest of it is not controversial.

Crowd comment: we're objecting to all of it.

Chairman Ron Bracken responded that it appears there's just enough conflict that it would be a good idea for you.

Steve Sheffield responded I'm willing to meet with anybody. I welcome ideas.

Chairman Ron Bracken asked if the applicant is okay to table for 30 days.

Steve Sheffield asked what would be different.

Chairman Ron Bracken – you could object to it and go on to City Council at the next meeting. We are a recommending body here. Whether we recommend it or not you could still go forward with it.

Steve Sheffield responded that these are my friends and neighbors. I really care about them. I'm not sure anything will change other than being courteous to them but that's enough.

Chairman Ron Bracken asked again: so table for 30 days?

Steve Sheffield responded yes, I will.

Chairman Ron Bracken clarified that the applicant does not want to table but is willing to.

Crowd comment: 1000' feet instead of 500' so we're aware of what's going on.

Deputy City Attorney Paula Houston addressed the commissioners stating that there needs to be clarification on the committee.

Commissioner Julie Hullinger stated that the neighborhood committee needs to be formed.

Deputy City Attorney Paula Houston asked the commissioners if they would also require the traffic study and what else do you need.

Commissioner Ron Read responded let's give the neighborhood time for the traffic study.

Steve Sheffield added anyone interested in the advisory committee needs to email me at bouldercreekcrossings@gmail.com and then we will have volunteer meetings to inform everyone and hear everything and we will move forward because we need to. Smith's will happen separately because there are issues there that are more complex than these simple ones here.

Commissioner Ross Taylor added that one thing that would help is that if you could label the buildings and the criteria that goes with them.

Commissioner Ron Read addressed Paula: so one more thing can we tell the audience if we're going to re-notice? Generally we don't if we say the date here in the meeting.

Deputy City Attorney Paula Houston stated that we don't usually.

Commissioner Ron Read addressed the audience stating that we will not send notices out you'll need to spread the word.

Hal Ickman asked if staff was putting together the committee.

Commissioner Ron Read answered that Mr. Sheffield will put the committee together.

Hal Ickman responded that Mr. Sheffield has already said it's not going to do any good.

Commissioner Ron Read responded that the community can either take the meetings or the Commission will vote tonight.

Hal Ickman said he wants the meeting but he wants to ensure that there is some recommendation the community can bring in. Otherwise they will be at a standstill because Steve won't change.

Commissioner Ron Read stated that we can't force you to agree, but come back with your comments and we'll vote on it.

Steve Sheffield responded, let's get the zoning done and move on but I want to be courteous to my neighbors. We'll talk it through and then we'll come back in a month.

Hal Ickman said what Steve is saying is that he wants to be courteous but he's not going to listen.

Chairman Ron Bracken stated we have a motion on the table which we will add the 30 days to which will be the second meeting in February.

Deputy City Attorney Paula Houston asked if the amendment will include Ross' comments about the clear layout of the lots with the numbering of the buildings.

Commissioner Julie Hullinger responded yes, I will add that to my motion.

Commissioner Ro Wilkinson: based on Ross' comments of labeling the buildings I say we move forward and table it and in 30 days come back with a suggestion.

Deputy City Attorney Paula Houston asked the Commission if they would like to continue the public hearing or close public hearing and continue only the meeting.

Chairman Ron Bracken stated that the Commission will continue the public hearing.

Ayes 5

Commissioner Ross Taylor

Chairman Ron Bracken

Commissioner Ron Read

Commissioner Julie Hullinger

Commissioner Ro Wilkinson

Nays 0

None

Recused Commissioners 2

Commissioner Kim Campbell

Commissioner Nathan Fisher

Motion passes.

Councilman Jimmie Hughes: I hope you understand the difficult job the Planning Commission Has. We as a City Council value their decision. It's just one more step in the process to make sure we get it right.

I would like to recommend that you please try to keep it agreeable even though you will disagree. Try to remember you're talking about someone else's piece of property. I'm hopeful that when this comes back that everyone will be in agreement on.

Crowd comment: Can the Jiffy Lube also be tabled with this discussion?

Chairman Ron Bracken responded no, it is a separate issue.

Deputy City Attorney Paula Houston addressed the audience reminding those in attendance that this is a public meeting that is recorded. Audience members were asked to keep the noise to a low roar.

- B. Consider a zone change request from R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size) to PD-C (Planned Development Commercial) for "**Jiffy Lube**" on approximately 0.66 acres of land located approximately north of the intersection of River Road and 1450 South. The applicant is Novasource Sunwest LLC and the representative is Rosenberg Associates. Case No. 2014-ZC-002 (Staff – Ray S.).

Commissioner Ron Read stepped out of the meeting at 7:57 pm

Ray Snyder:

This is a zone change. Reference also the case you just heard. The applicant has provided a narrative which can be found in your packet. This project is for an automotive service facility. The Boulder Creek Crossings project does encompass this site.

The building proposed is one story, with a max height of 23'. The proposed refuse storage area is shown on the site plan. Landscaping is about 23% of the site. Access will be from River Road as right in right out shared with Maverik. The parking has been calculated.

Commissioner Ron Read returned to the meeting at 7:59 pm

Ray Snyder presented a PowerPoint. This shows what we get from the Washington County Recorder's office. We have applicants go to the County and request the 500'. In the 500' going along the curved line, we anticipate at least 2 people know about it and they'll talk to the neighbors and word will get out. The yellow highlight is the Jiffy Lube property. The line represents 500' and the highest most remote part of the property only touches 2 properties. The circumstance is such there that much of it is vacant.

Building height and elevations: the proposed colors are light colors consistent with Maverik that was approved a year ago. There will be a trail shelf and armoring that raises the land above the flood level.

There is a narrative in the packet that covers the site. I'll invite Jiffy Lube to come up to expound if need be.

Ray Allton (Engineer with Rosenberg Associates):

I'll try to address the concerns I've heard tonight. I cannot address the emotional issues but I hope that some of the things I say can alleviate some concerns. Since we submitted the package we have worked through staff review. On the trail, Jiffy Lube will work with the City to have a trail link that can provide access to the trail going under the bridge. Jiffy Lube will also, between the parking lot and trail, provide a landscape buffer area. The purpose of this is to provide screening and shading for the pedestrians there. They will do more landscaping than required to try to enhance the trail that goes through there. They're going to try to make the bank more attractive so people can enjoy it more.

One concern about the location of the building – it is true that they are close to the river. They are right next to the River Road Bridge. In prior floods, that area did not get wet. The bridge was high enough that that piece was not submerged when the waters crossed 1450 South. Jiffy Lube's parcel did remain dry.

They will talk about some of the environmental standards they impose internationally with all their stores. Jiffy Lube is not a repair shop. They perform simple services only with oil. There is no gas or large volumes of fuels such as a Maverik.

The other point on the erosion protection – The NRCS does come up to the 25 year storm. Maverik and Jiffy Lube are required to come up to the 100' year flood plain level. They are going higher than the requirement. That corner did not erode or become submerged in prior floods.

Commissioner Ro Wilkinson asked what happens to the oil when it is taken out.

Shane Smoot (Novasource representative):

We have been involved with the quick lube industry for 25 years. We contract with Thermal Fluids, a substantial organization that picks up, on a regular basis, the used oil and antifreeze. They take it and recycle it. Most is used as a burner fuel.

Commissioner Ro Wilkinson asked if the oil is contained in barrels.

Shane Smoot

Absolutely. It's important to understand. The structure is this: there is a basement below the service base. It is a concrete vault – 10 to 12 inches all around - with UL certified tanks. In the event of a flood, it will not impact our tanks. They are anchored and UL certified. Those tanks are UL certified. There was a situation where the water came into the bays and came into the basement and there was not a single drop of oil in the water. It would take something extraordinary and even then they're contained in a concrete vault.

Commissioner Kim Campbell clarified that there's a pit below the bay that has metal containers anchored to the bottom of the pit. Are those ports capped after use?

Shane Smoot

You have a tray that slides under the car that goes to the tank with a shut off valve. If there's a risk of release the shut off valves can be switched and sealed. We own this land. This has been the first time I have heard concerns about that. I understand it's a public concern and it's the public's right to express that. I assure there is no environmental risk. The reality is that with the existence of quick lubes there is less oil let out into the environment. That oil gets recycled. If people do it themselves the oils goes to the landfills. Jiffy Lube has been in the business for 30 years and has a great reputation. They also take in do it yourself oil. If you drain your lawn mower or change your own oil Jiffy Lube will take it. I appreciate that some are upset about Maverik, but a quick lube is not a gas station. Oil is like maple syrup. It doesn't migrate. We're not going to have a release. We protect it, contain it, and are UL certified. We've built hundreds of facilities and I haven't seen any problems. Not only are we above the 100 year flood but our floor elevations are 3-4 feet above that. The chances of floods getting to our facility are extremely remote and even if it does it's not a problem.

Deputy City Attorney Paula Houston asked the applicant about the shared access agreement with Maverik.

Shane Smoot responded, yes on the right in, right out we are sharing and there's also a shared on 1450 South.

Deputy City Attorney Paula Houston asked who owns the grey area.

Shane Smoot answered that Mr. Sheffield owns that area but we have an easement agreement there. Not only did we purchase this land but we're contributing to the river upgrades. We're also putting all the telephone poles underground. We're making it a very attractive area. Even

from a traffic standpoint we're only projecting 40 cars a day or four cars an hour. It's not repair. It's not noisy. It's preventative maintenance.

Commissioner Kim Campbell addressed Ray Allton asking that he explain the rip rap. What is the assurance that upstream the river won't come out of the banks? How far does it go up and what is the protection?

Ray Allton approached to respond that right now the NRCS project will go up to where the river and 1450 South come together. There is a wall that already goes up to the Boulders that is buried. The 1450 South road is the City's commitment stating we can't let that road flood. If flooding does go to 1450 South you know the City will be out there. 1450 is also considered a buffer in addition to the rip rap. Those infrastructures together provide a good buffer there.

Commissioner Kim Campbell asked if the rip rap above the trail and below the trail are both keyed into the ground.

Jared Bates (Rosenberg Associates) responded stating that there's a cross section in there that shows it. There are the two baskets keyed into the rock wall. It is keyed in.

Commissioner Kim Campbell asked if the second tier is not applicable to the Jiffy Lube.

Jared Bates that is right.

Ray Allton added that the baskets will key into the City's portion.

Chairman Ron Bracken opened the item up to the public for comment.

James Rominov (citizen):

A few things worry me about this. The cosmetic changes to Jiffy Lube are good but that isn't my concern. One gentleman pointed out that there is nothing like this along the river. Another thing mentioned is that no environmental agencies were contacted. It may not be law, but I would think that it would be special interest because that is our water supply. I think Jiffy Lube would welcome these agencies signing off on it. The ultimate responsibility – would Jiffy Lube put in writing that they will take care of the clean-up of the water? I would like that answered. The gentleman here may not have the authority but I think that would behoove all of you. If the City has to pay for the clean up – the millions it would cost would be by the tax payers of the City. If Jiffy Lube believes in their no chance they should be able to write that they will be responsible for the clean-up.

Shane Smoot:

I am an environmental attorney. There is no process with the Department of Environmental Quality. There is no need or way to contact them and get approval. I can tell you that our set up meets all regulations and environmental laws. We do this across many states. I know we are safely within regulation. If there is a release, we are liable for it. If we need to put it in writing it does not change the law that we are liable and responsible. The orders of magnitude we are talking about millions of dollars – motor oil

remediation is very insignificant. If a storage tank breached it would be cleaned up in a day. It pools. It doesn't travel. It doesn't go everywhere. Gas stations shut down for 6 months. That's not the case with motor oil. Any release would be \$5,000-\$10,000. Do we acknowledge responsibility? Absolutely. Nor do we believe it will happen. It would take something massive to breach those tanks, and even if it did it's contained in a vaulted area in a basement.

Councilman Jimmie Hughes asked what the capacity for stored oil is.

Shane Smoot responded that 1,500 to 2,000 is full capacity. Used oil is only 500 gallons. The new motor oil may be 1,000-1,500 if they are maxed out.

Councilman Jimmie Hughes clarified; so as far as used motor oil 500 gallons would be the max.

Shane Smoot responded that if there was a risk of flood we could have all of the oil evacuated in two hours. There is not a substantial risk of release. Along with the fact that gas stations and quick lubes are very different. Quick lubes are a good thing.

Commissioner Nathan Fisher asked if 500 gallons of used oil is the capacity of the tank or if the oil is removed often enough to where there's never more than 500 gallons.

Shane Smoot clarified that that's our design that 500 gallons is max. They come in every week or two weeks to drain.

Commissioner Julie Hullinger left the meeting at 8:30 pm

Rhoda Marker (citizen):

Again I did not receive notice concerning this project. When Maverik was approved without a public hearing— this is setting a precedent saying we're not as bad as our neighbor. And now there will be a gas station, Jiffy Lube, and then a car wash all right on the river. Three of the most toxic businesses right on the river.

The NRCS was not involved in the Jiffy Lube project. They keep showing a lot of diagrams showing that they have rip rap and that the NRCS is protecting this. There is no conversation going on between them and the NRCS nor other entities like the Fish and Wildlife Division. When you're talking about 50' from the river front you're dealing with a lot of environmental impact. There are endangered species there that are killed by even a small maple syrup spill. It will spread out. This proposal does not address concerns about run off that Jiffy Lube will have. Claiming that it will all be contained is not true. I used to live around the corner from a Jiffy Lube. One year after it was built it was shut down due to unethical acts.

Just because he's an environmental attorney doesn't mean he's protecting the environment it only means he knows how to skirt around the laws and regulations there are.

Ron discussed there should be a restriction on auto repair on the previous development. I don't understand why we need to have a Jiffy Lube by the Maverik. In the news there have been many articles and law suits concerning Jiffy Lube's unethical practices. Concerning oils and spills – humans spill oil. If you look at any Jiffy Lube pavement there are spots from spills. It is irrational to claim that spills will not occur.

The 100 year floodplain is subjective. You cannot control Mother Nature's temper. Look at Santa Clara and the damage that was done there. Historically companies will bankrupt out of liability when problems occur. Additionally I live across the river – having the Maverik is already an eyesore. Changing the lighting and looks does not change the fumes and smells that cause leukemia and reproductive cancers because those fumes also hit the river. The floodplains are subjective. We could have flooding occur this year and flash floods occur.

David Cole – Boulders HOA

I think the issue tonight should turn more on common sense not on requirements. Yes they have met the requirements given them but does common sense say we tempt Mother Nature and put a two petroleum based businesses right by the river. If the two reservoirs break the Jiffy Lube does not have 2 hours to evacuate the oil. Tonight our position is that the commercial zoning is okay but this type of business is not. I think common sense says we don't tempt Mother Nature.

Sharlyn Carter – River Ridge Garden Homes

I know that shut off valves fail. My daughter worked in Henderson at the Wal-Mart that included the oil changing section. Their shut off valve failed and 300 gallons were spilled before they noticed there was a problem. What would happen here? I'm just asking you to consider if this is the best location for Jiffy Lube. I think Jiffy Lube is a great company, but isn't there a safer location where we don't have these environmental concerns. If you're not going to listen to reason what else can be done to protect the river? I know they've met the company requirements. Have they met standards based on this location? What else can be done to appease our concerns?

Gwenyvre Peterson – River Ridge

Everyone has talked about traffic. I'm concerned about that too. But the water in the river – if we have another flood like we did in 2005 – I stood on my patio and it hit the base of our hill. The water went over the bridge and went in the area where these businesses will be. It finally went back under the bridge but that took some time. If there is a spill or leak it will contaminate not only our water but the water down the river.

Chairman Ron Bracken added that for reference a 300 gallon spill will fill 125 x 150 ft as ¼ inch. Spills there should not be able to make it to the river. If you had a flood then there is potential but under normal circumstances it's not likely for oil to reach the water.

Jake Stanty - Cobblestone – asked if Jiffy Lube only does oil changes.

Shane Smoot– they do antifreeze, fluids, the only streams coming would be used oil and antifreeze. We only do preventative maintenance like windshield washer fluid. They have a 14 point check they do.

Chairman Ron Bracken closed the item to the public and opened it up for discussion among Commissioners.

Commissioner Nathan Fisher asked if there is an access easement that runs around the perimeter off of 1450 South.

Ray Allton answered that there is an agreement between Jiffy Lube and Sheffield. Right now that is the entrance to the Maverik. If Steve Sheffield does develop on that parcel it will accommodate the ability to go all the way around. It will be a paved access.

Commissioner Nathan Fisher asked if the agreement was already in place.

Ray Allton said yes, with Steve Sheffield and Maverik.

Commissioner Nathan Fisher addressed Paula asking if there is anything we need to do to make sure that agreement is not removed down the road.

Deputy City Attorney Paula Houston replied that she made a note to look into the agreement and that it can be added as a condition for approval.

Steve Sheffield inserted that the easement is temporary but recorded on title so it cannot be changed. The plan is to build both buildings and have all parking lots connect. It states that if we need to relocate we will but it has to be somewhere.

Deputy City Attorney Paula Houston questioned if there is some type of association that will maintain all this or if individual businesses will.

Steve Sheffield stated that each individual will main parking and access of their own.

Deputy City Attorney Paula Houston clarified if there will always be a need for cross access agreement and a maintenance use.

Steve Sheffield replied that they are intended to be permanent. They may choose to form an association late, but for now we each will take care of our share.

Commissioner Kim Campbell asked if the pit area is precast or poured in place walls.

Shane Smoot responded that the pit is poured in place with footings and foundation walls.

Commissioner Kim Campbell asked if there are water stops to keep it all contained.

Shane Smoot responded that there are no floor drains but I'm not sure about that. It is water proofed on the outside and inside.

Commissioner Kim Campbell explained that it is the floor to wall joint that needs a water stop. If it's precast you don't need it.

Shane Smoot replied that as a condition to approval we're willing to look into the water stop.

MOTION

Commissioner Nathan Fisher made a motion to recommend approval of Item 2B with the condition that the applicant provides to legal the agreement that ensures preservation of the temporary or replacement easement for access to this facility as well as the maintenance and use as part of the agreement.

Commissioner Ross Taylor seconded the motion.

Ayes 6

Commissioner Kim Campbell

Commissioner Ross Taylor

Chairman Ron Bracken

Commissioner Ron Read

Commissioner Ro Wilkinson

Commissioner Nathan Fisher

Nays 0

None

Motion passes.

3. **CONDITIONAL USE PERMITS**

- A. Consider a request for a Conditional Use Permit (CUP) for a **detached accessory garage** with a building height of twenty-nine feet eight (29') which exceeds the allowable building height of fifteen feet (15') unless a CUP is approved. The subject property is located at 2529 E 3860 S. The zoning is RE-37.5 (Residential Estate 37,500 square foot minimum lot size). Mr. Gerard Holzapfel is the applicant. Case No. 2014-CUP-001. (Staff – Craig H.).

3:45:00

Most of the lots in this area are about an acre in size. This lot was a parade home last year.

Under the ordinance; Title 10, Chapter 7B "Modifying Regulations," Section 10-7B-6(B)(7) reads: "*Detached Garages and accessory building shall be limited to an overall height of fifteen feet (15') for pitched roofs...unless a Conditional Use Permit is granted for a greater height*". This structure will be ± twenty-nine feet (29') in height, thus necessitating the purpose of this conditional use permit request.

The adjacent land is all single family residences.

The proposed structure will be located in the rear yard approximately ninety feet (90') from the main dwelling and ten feet (10') from the side and rear property line.

The proposed height is due to matching the main dwelling's roof pitch of 10/12 and a tall wall height to accommodate the RV.

The detached garage is to be used for the storage of a RV, boat and ATVs.

*** Councilmember Jimmie Hughes stepped out of the meeting at 8:54 pm***

The proposed structure will not encroach onto any City easements.

The detached garage will have the same finishes as the existing home and similar colors. There will be a small attic storage area in the roof of the proposed garage for storage only. It will be non living space.

Craig highlighted the findings that are applicable to a detached garage:
The aesthetics will have the same finish materials as the existing home.

The height will be approximately 29' in height.

A detached garage is within the existing character of the zone. Barns and "ag" buildings are allowed. It's not a-typical. It is a bit higher than some of the garages we've seen. It is within the character of the zone.

Commissioner Nathan Fisher asked staff if there are photos from the area to show impact. Craig Harvey responded that there is usually an aerial but the subdivision is too new.

Chairman Ron Bracken noted a spelling error in the blurb.

Commissioner Ross Taylor asked what the height of the residence is.

Gerry Holzapfel (applicant) responded that the house is 35' so it's smaller than the house.

Commissioner Kim Campbell asked what the pitch on the house is.

Gerry Holzapfel responded that both the house and the garage are 10/12.

MOTION

Commissioner Ross Taylor stated:

After reviewing the request for a Conditional Use Permit, items G and J are the only two that apply and the height of the garage is not that different from the house so it should be mitigated okay; I move that we approve the Conditional Use Permit Item 3A.

Commissioner Ro Wilkinson seconded the motion.

Ayes 6

Commissioner Kim Campbell

Commissioner Ross Taylor

Chairman Ron Bracken

Commissioner Ron Read

Commissioner Ro Wilkinson

Commissioner Nathan Fisher

Nays 0

None

Motion passes.

- B. Consider a request for a Conditional Use Permit for a proposed **short pour concrete** batch plant. The subject property is located at 690 North Industrial Road. The zoning is M-1 (Industrial). Mr. Eric Clay is the applicant. Case No. 2014-CUP-002. (Staff – Ray S.).

Rowling Rock Concrete Systems is the company looking to get the conditional use permit. They came in years ago and submitted graphics that I included today because they are still relevant.

The request is for a second business location; a proposed short pour concrete company that would primarily supply small home projects. They have the same type of business in the Fort Pierce Business Park.

The reason to come in tonight is under Ordinance: Section 10-11-2 requires approval of a conditional use permit for concrete or asphalt mixing and batching plants. I believe the intent originally was for a large plant, but we bring these in as conditional use permits just in case.

Off street parking has been calculated as follows: Section 10-19-5 requires 1 space per every 250 square feet of office space. The proposed office area is approximately 100 square feet. The applicant proposes 2 parking spaces for vehicles and 4 spaces for concrete trailers. It appears there will be ample space for customer, employee, and short pour trailer parking.

Access will be on and off of Industrial Road.

The maximum height allowed in the M1 zone is s 35 feet. The dry mix material dispenser is approximately twenty feet (20') in height.

They would have to obtain a permit as required by the Building Department for the batch plant equipment prior to occupancy of the business.

If the use intensifies the Planning Commission and City Council could reevaluate the conditional use permit.

The applicant did submit a narrative. There's not a lot to the site.

I did receive two letters about this. There was one letter of opposition due to a similar plant being located nearby. The second is similar to the first. Staff does not regulate the proximity of business locations. Staff recommends approval.

Deputy City Attorney Paula Houston asked staff if they have to make improvements on site, including fencing.

Ray Snyder pulled up the aerial photo showing the lot with a fence and gate into the property.

Eric Clay (Applicant) responded that the property is all fenced in with gates. There is office space just to the left of the photo where our computer will be kept. So yes, there is fencing. There is paved parking for approximately a dozen cars. There is gravel spread between the parking and the road. I will put in plants. I do want to enhance and improve the property.

Deputy City Attorney Paula Houston added that as new ones come in they are to update the property and comply. She also asked the applicant where the clean out and disposal of the aggregate takes place.

Eric Clay responded that we've contacted Dixie Waste. We'll haul off the washed out aggregate and we turn it into road base. Typically, we ask the homeowners to use all of the material but we'll have an area just for that.

MOTION

Commissioner Ro Wilkinson made a motion to accept the conditional use permit on Item 3B.

Commissioner Ross Taylor seconded the motion.

Ayes 6

Commissioner Kim Campbell
Commissioner Ross Taylor
Chairman Ron Bracken
Commissioner Ron Read
Commissioner Ro Wilkinson
Commissioner Nathan Fisher
Nays 0
None
Motion passes.

4. **WIRELESS MASTER PLAN**

Consider a request to amend the Wireless Development **Master Plan for ATC** (American Tower Company). The representative is Mr. Pete Simmons, Technology Associates. The additional location is at 1150 East Riverside Drive (Post Office). Case No. 2014-WMP-001. (Staff - Ray S.)

Ray Snyder began by reminding the Planning Commission that Wireless Master Plans are approved at the Planning Commission level.

Ray showed aerials of where the request is located. The location is zoned PD-C. It's proposed to lease an area 34 ft. x 60 ft. for Verizon 12 ft. x 26 ft. equipment shelter and to locate a 40 ft. monopole within. They're asking for approval for this location. If approved they will come back later for approval for the monopole.

I have instructed him to go to the Building Department and come with a zone change amendment to add the use of a cell tower at this site.

They are asking to accommodate a new forty foot (40') monopole wireless telecommunications facility which staff feels is not too intrusive. They want one customer on it only and that would be Verizon.

Pete Simmons (Representative for American Towers):

We have an agreement nation-wide with USPS. Verizon has asked us to work with this USPS for a new location. Once we get the master plan approved, we'll go forward with the zone change and the building permits if this is the direction this goes. I've talked to Ray about height. I understand that 60' may not work here so that's why we want to do a 40' instead. We felt this would have less of a visual impact. The idea was that the uses around here would be C2 and the height limit is 35' if we could go 40' that would help us improve this area.

Chairman Ron Bracken asked if there is a reason the pole can't be on a building in that area.

Pete Simmons responded that you can in most areas but there's a problem placing the extra equipment. Looking at that area there is no place for equipment. That is why we approached USPS because they have enough space in their secured area. It will be hidden behind there but you'll still see a bit of it. 40' will be interesting to work with out there.

In talking with staff we felt that to lessen the impact we would use a smaller pole and that's why it will be a single user.

Chairman Ron Bracken asked if the monopole goes above the trees in that area.

Pete Simmons responded that for now yes, but as time goes on no.

Commissioner Kim Campbell asked what color the monopole would be.

Pete Simmons responded that it will be painted to blend in to the area so potentially a reddish or brownish.

Commissioner Kim Campbell added that shades of gray seem to work.

Pete Simmons concluded that it won't be shiny.

Commissioner Nathan Fisher asked staff how close the nearest residential subdivision is.

Chairman Ron Bracken inserted that it is more than 150'.

Discussion on the distance - consensus was that the nearest residential subdivision is more than 150' from the location.

MOTION

Commissioner Kim Campbell made a motion to recommend approval of Item 4.

Commissioner Nathan Fisher seconded the motion.

Ayes 6

Commissioner Kim Campbell

Commissioner Ross Taylor

Chairman Ron Bracken

Commissioner Ron Read

Commissioner Ro Wilkinson

Commissioner Nathan Fisher

Nays 0

None

Motion passes.

5. **PRELIMINARY PLATS AMENDED (PP-A)**

Wes Jenkins presented the Final Plats (FP) in Todd Jacobsen's absence

- A. Consider approval of an amended preliminary plat of for "**Red Cliffs Park Phase 5**" a three (3) lot residential subdivision plat. The representative is Mr. Bob Hermandson, Bush and Gudgell Engineering. The property is zoned PD-R (Planned Development Residential) and is located at approximately 2050 East and Colorado Drive. Case No. 2008-PP-016. (Staff – Todd J.)

(Note: amended due to name change - reference FP below)

The purpose of this Amendment is to change the name of the Preliminary Plat for this phase from Red Cliffs Park Subdivision to Red Cliffs Park Phase 5. This phase, Red Cliffs Park Phase 5, was going to be Red Cliffs Park Phase 9.

- B. Consider approval of an amended preliminary plat for “**Red Cliffs Park Estates**” a four (4) lot residential subdivision plat. The representative is Mr. Bob Hermanson, Bush and Gudgeon Engineering. The property is zoned PD-R (Planned Development Residential) and is located at approximately 2050 East and Colorado Drive. Case No. 2008-PP-016. (Staff – Todd J.)

(Note: amended due to name change - reference FP below)

The purpose of this Amendment is to change the name of the Preliminary Plat for this phase from Red Cliffs Park Subdivision to Red Cliffs Park Estates. This phase, Red Cliffs Park Estates, was going to be Red Cliffs Park Phase 10.

This item has been pulled out because it does not want to be part of the Red Cliffs Park HOA.

- C. Consider approval of an amended preliminary plat for “**Red Cliffs Park East Phase 1**” a thirteen (13) lot residential subdivision plat. The representative is Mr. Bob Hermanson, Bush and Gudgeon Engineering. The property is zoned PD-R (Planned Development Residential) and is located at approximately 2050 East and Colorado Drive. Case No. 2008-PP-016. (Staff – Todd J.)

(Note: amended due to name change - reference FP below)

The purpose of this Amendment is to change the name of the Preliminary Plat for this phase from Red Cliffs Park Subdivision to Red Cliffs Park East Phase 1. This phase, Red Cliffs Park East Phase 1, was going to be Red Cliffs Park Phase 5. This will also be pulled out to have a separate HOA.

- D. Consider approval of an amended preliminary plat for “**Red Cliffs Park East Phase 2**” a sixteen (16) lot residential subdivision plat. The representative is Mr. Bob Hermanson, Bush and Gudgeon Engineering. The property is zoned PD-R (Planned Development Residential) and is located at approximately 2050 East and Colorado Drive. Case No. 2008-PP-016. (Staff – Todd J.)

(Note: amended due to name change - reference FP below)

The purpose of this Amendment is to change the name of the Preliminary Plat for this phase from Red Cliffs Park Subdivision to Red Cliffs Park East Phase 2. This phase, Red Cliffs Park East Phase 2, was going to be Red Cliffs Park Phase 6. Again this is to create its own HOA.

MOTION

Commissioner Nathan Fisher made a motion to approve items 5A, B, C, and D.

Commissioner Kim Campbell seconded the motion.

Ayes 6

Commissioner Kim Campbell

Commissioner Ross Taylor

Chairman Ron Bracken
Commissioner Ron Read
Commissioner Ro Wilkinson
Commissioner Nathan Fisher
Nays 0
None
Motion passes.

6. **FINAL PLATS (FP)**

Wes Jenkins presented the Final Plats (FP) in Todd Jacobsen's absence

- A. Consider approval of a final plat for "**Red Cliffs Park Phase 5**" a three (3) lot residential subdivision plat. The representative is Mr. Bob Hermanson, Bush and Gudgell Engineering. The property is zoned PD-R (Planned Development Residential) and is located at approximately 2050 East and Colorado Drive. Case No. 2013-FP-077. (Staff – Todd J.)
- B. Consider approval of a final plat for "**Red Cliffs Park Estates**" a four (4) lot residential subdivision plat. The representative is Mr. Bob Hermanson, Bush and Gudgell Engineering. The property is zoned PD-R (Planned Development Residential) and is located at approximately 2050 East and Colorado Drive. Case No. 2013-FP-076. (Staff – Todd J.)

Wes Jenkins noted that on this plat, before it records, there is a drain line easement that needs to be resolved. Staff is trying to determine where the easement is located. The city will then at that that storm drain line before it is accepted.

Commissioner Ross Taylor asked if that comment should be noted in the approval.

Wes Jenkins replied that yes, please note the comment in the motion.

- C. Consider approval of a final plat for "**Red Cliffs Park East Phase 1**" a thirteen (13) lot residential subdivision plat. The representative is Mr. Bob Hermanson, Bush and Gudgell Engineering. The property is zoned PD-R (Planned Development Residential) and is located at approximately 2050 East and Colorado Drive. Case No. 2013-FP-075. (Staff – Todd J.)
- D. Consider approval of a final plat for "**Red Cliffs Park East Phase 2**" a sixteen (16) lot residential subdivision plat. The representative is Mr. Bob Hermanson, Bush and Gudgell Engineering. The property is zoned PD-R (Planned Development Residential) and is located at approximately 2050 East and Colorado Drive. Case No. 2013-FP-074. (Staff – Todd J.)

- E. Consider approval of a final plat for “**Riverside Cliffs Phase 1**” a twenty-eight (28) lot residential subdivision plat. The representative is Mr. Rob Reid, Rosenberg Associates. The property is zoned R-1-8 (Single Family Residential 8,000 square foot minimum lot size) and is located at approximately 1900 East Riverside Drive (between Foremaster Ridge and the Virgin River). Case No. 2013-FP-079. (Staff – Todd J.)

Wes Jenkins noted that this subdivision used to be called Palomar. There is one part of this plat that has property owned by the City. It will be part of their landscape area. The City was going to require a lease or purchase agreement. They do not want to purchase; they would rather lease. It was proposed that we swap the property. The motion would be that approval of this final plat would have a condition that the swap or lease occurs prior to recording of the final plat.

- F. Consider approval of a final plat for “**Sunterra Subdivision**” a nine (9) lot residential subdivision plat. The representative is Mr. Scott Woolsey, Alpha Engineering. The property is zoned RE-12.5 (Residential Estate 12,500 square foot minimum lot size) and is located at approximately 2110 East and Coyote Springs Drive (northwest area of Little Valley). Case No. 2013-FP-067. (Staff – Todd J.)

Wes Jenkins noted that the only thing here is that they will be dedicating a piece to the City for an equestrian trail. The City will then be responsible to pipe the canal at a later date.

Deputy City Attorney Paula Houston added that this also needs to be subject to legal review.

- G. Consider approval of a final plat for “**Sycamore Phase 5**” a three (3) lot residential subdivision plat. The representative is Mr. Roger Bundy, R & B Surveying. The property is zoned R-1-10 (Single Family Residential 10,000 square foot minimum lot size) and is located at approximately 3900 South Little Valley Road (in the Little Valley area). Case No. 2013-FP-066. (Staff – Todd J.)
- H. Consider approval of a final plat for “**The Flats at South Pointe Phase 3**” a sixty-five (65) lot residential subdivision plat. The representative is Mr. Eric McFadden, Premiere Design & Engineering. The property is zoned R-2 (Multiple family) and R-1-10 (Single Family Residential 10,000 square foot minimum lot size) and is located at 61 South and 65 South Clinton Circle (at approximately 140 South Valley View Drive). Case No. 2013-FP-023. (Staff – Todd J.)

Wes Jenkins noted that Item 6H has been pulled from agenda.

- I. Consider approval of a final plat for “**The Vistas at Entrada Phase 1**” a ten (10) residential subdivision plat. The representative is Mr. Scott Bishop, Horrocks Engineers. The property is zoned PD-R (Planned Development Residential) and is located at approximately 2600 North and 2000 West (on the east side of Snow Canyon Parkway in the Entrada Development). Case No. 2013-FP-064. (Staff – Todd J.)

Wes Jenkins noted that this will be part of Entrada near the wash. There will be a no disturb area within some of the lots. There is drainage that will empty into the wash. The drain line will have to be common area maintained by the association.

- J. Consider approval of a final plat for “**Whisper Ridge Phase 5**” a nine (9) lot residential subdivision plat. The representative is Mr. Bob Hermandson, Bush & Gudgell. The property is zoned R-1-10 (Single Family Residential 10,000 square foot minimum lot size) and is located at approximately 800 South and Cresole Drive (on the east side of Indian Hills Drive and in the Whisper Ridge Development). Case No. 2013-FP-078. (Staff – Todd J.)

Wes Jenkins noted that there is part of this that is BLM ground. The City has obtained a grant where the City can use this for recreation purposes. The Parks Department had the understanding that the road provides access to a trailhead and a natural park area. Legal asks that this plat is approved pending legal review of the agreement with the BLM.

- K. Consider approval of a final plat for “**Snowfield Estates Amended #4**” a fifty-eight (58) lot residential subdivision plat. The representative is Mr. Eric McFadden, Premiere Design & Engineering. The property is zoned R-2 (Multiple family) and R-1-10 (Single Family Residential 10,000 square foot minimum lot size and is located at 61 South and 65 South Clinton Circle (at approximately 140 South Valley View Drive) Case No. 2013-FP-071. (Staff – Todd J.)

They are amending the lot line to match what was actually built.

Commissioner Ross Taylor asked staff if the comments were to be in the motion or if they were just information.

Wes Jenkins responded that the comments were informational.

MOTION

Commissioner Kim Campbell made a motion to recommend approval for Items 6A, 6B after the drainage easement is resolved before recording, we approve 6C, we approve 6D, we approve 6E with the exception that the two properties need to be swapped or the lease needs to be resolved, we approve 6F with exception that the dedicated trail is subject to legal review first, we approve 6G, we approve 6I, and we approve 6J with exception the access required for the BLM trailhead needs review by legal, 6K and authorize chairman to sign.

Commissioner Ro Wilkinson seconded the motion.

Ayes 6

Commissioner Kim Campbell

Commissioner Ross Taylor

Chairman Ron Bracken

Commissioner Ron Read

Commissioner Ro Wilkinson
Commissioner Nathan Fisher
Nays 0
None
Motion passes.

7. **PRELIMINARY PLATS (PP)**

- A. Consider approval of a preliminary plat for “**Cornerstone**” a sixty-five (65) lot residential subdivision. The applicant is Austin Anderson and the representative is Mr. Paul Blackmore. The property is zoned R-1-10 (Single Family Residential Estate 10,000 square foot minimum lot size) and is located at the southeast corner of the intersection of 3000 East and Seegmiller Drive. Case No. 2013-PP-047 (Staff – Wes J.).

The west half of this property was platted in 2007 as Cornerstone Subdivision. The property went into foreclosure and the plat was vacated in December of 2009. However at the time the plat was vacated, the owner requested that the portions of 3000 East that were dedicated to the City remain as dedicated public right-of-way and the equestrian trail easement along 3000 East and the easement along the extension of Seegmiller Drive remain as dedicated to the City.

The developer is proposing a detention basin north of lot 65 to be dedicated to the City. There is an existing pipe that does connect to the 66” storm drain line.

The lots along 3000 East will be double fronting lots and will require a 10-foot landscape strip and 6-foot high privacy wall.

There is a 100-foot buffer setback along the south side of Bridle Gate that is part of the City General Plan. This 100-foot buffer is to separate higher density residential from agricultural. Bridle Gate’s CCRs do not allow horses near the residential area. The 100-foot buffer will severely affect lots 61 and 65. Staff’s opinion is that the 100-foot buffer should be from the equestrian arena on the north side of Bridle Gate not from the south property line. Therefore, Staff recommends that the buffer not be used against these lots.

Staff is recommending that the 5-foot sidewalk along the north side of Seegmiller Drive be eliminated from 3000 East to proposed lot 61. The future multi-use trail along the north side of Seegmiller will be used in lieu of the sidewalk.

One other thing – originally there was a 66’ road. These power poles cannot be moved. You cannot build a 66’ road there due to that. The 66’ road does not seem necessary so the 50’ was deemed adequate. They will also have a deceleration lane there at 3000 East.

MOTION

**Commissioner Nathan Fisher made a motion to recommend approval of Item 7A.
Commissioner Ross Taylor seconded the motion.**

Ayes 6

Commissioner Kim Campbell

Commissioner Ross Taylor

Chairman Ron Bracken

Commissioner Ron Read

Commissioner Ro Wilkinson

Commissioner Nathan Fisher

Nays 0

None

Motion passes.

Councilman Jimmie Hughes returned at 9:42 pm

- B. Consider approval of a preliminary plat for “**Riverside Cliffs Ph 2** (formerly called Palomar)” a twenty-three (23) lot residential subdivision. The applicant is Plumb Holdings, LLC and the representative is Mr. Rob Reid, Rosenberg Associates. The property is zoned R-1-8 (Single Family Residential Estate 8,000 square foot minimum lot size) and is located at approximately Riverside Drive and 1980 East Street. Case No. 2014-PP-001 (Staff – Wes J.).

As discussed earlier there is the trail they are hoping to swap.

The existing rock walls shown on this preliminary plat were constructed originally when the subdivision was known as Palomar subdivision. A letter from a geotechnical engineer will be required prior to the recording of the final plat that states that these walls were constructed per the City standards or they will have to be removed and rebuilt.

MOTION

Commissioner Ross Taylor made a motion to recommend approval of Item 7B subject to comments concerning rock walls.

Commissioner Kim Campbell seconded the motion.

Ayes 6

Commissioner Kim Campbell

Commissioner Ross Taylor

Chairman Ron Bracken

Commissioner Ron Read

Commissioner Ro Wilkinson

Commissioner Nathan Fisher

Nays 0

None

Motion passes.

- C. Consider approval of a preliminary plat for “**Riverstone Ph 9**” a thirteen (13) lot residential subdivision. The applicant is Quality Development and the representative

is Mr. Logan Blake, Development Solutions. The property is zoned R-1-10 (Single Family Residential Estate 10,000 square foot minimum lot size) and is located at approximately 4100 South and 1100 West. Case No. 2014-PP-002 (Staff – Wes J.).

This subdivision was originally approved as Las Colinas and zoned as PD-Residential.

Phases 1-8 have already been approved. There is an overhead existing power line that exists. It is a transmission line. Dixie Power and the applicant are in the process of relocating this line to go with the property line. In the other phases they have dedicated 20' to Dixie Power so they can have full access to their poles and lines.

When this originally came in they ended the cul-de-sac and stubbed a flag lot. This cul-de-sac is longer than normal City standards. However, after looking at it staff felt that this was better and accomplishes more. They will have to grade the properties near SITLA. They do have an agreement with SITLA to grade on their property. The road will not access the SITLA piece in the future. They will access on interior streets.

MOTION

Commissioner Ro Wilkinson made a motion to recommend approval of Riverstone, Item 7C.

Commissioner Nathan Fisher seconded the motion.

Ayes 6

Commissioner Kim Campbell

Commissioner Ross Taylor

Chairman Ron Bracken

Commissioner Ron Read

Commissioner Ro Wilkinson

Commissioner Nathan Fisher

Nays 0

None

Motion passes.

- D. Consider approval of a preliminary plat for “**Meadow Valley Estates**” a seven (7) lot residential subdivision. The applicant is Quality Development and the representative is Mr. Logan Blake, Development Solutions. The property is zoned RE-12.5 (Residential Estate 12,500 square foot minimum lot size) and is located at approximately 3900 South Little Valley Road. Case No. 2014-PP-003 (Staff – Wes J.).

This preliminary plat was heard at City Council on December 19th and denied. The developer has revised the layout and is proposing to not extend Mountain Ledge Drive to Little Valley Road but instead terminate Mountain Ledge Drive as a cul-de-sac at Little Valley Road.

The two proposed lots along Little Valley Road will be double fronting lots and will require a 10-foot landscape strip with a 6-foot high privacy wall along Little Valley Road. That will then be dedicated to the city to own and maintain.

MOTION

**Commissioner Kim Campbell made a motion to recommend approval of Item 7D.
Commissioner Ross Taylor seconded the motion.**

Ayes 6

Commissioner Kim Campbell

Commissioner Ross Taylor

Chairman Ron Bracken

Commissioner Ron Read

Commissioner Ro Wilkinson

Commissioner Nathan Fisher

Nays 0

None

Motion passes.

- E. Consider approval of a preliminary plat for “**Hidden Pinyon**” a twenty-one (21) lot residential subdivision. The applicant is Jenco LC, Mr. Dean Gardner and the representative is Development Services. The property is zoned PD-R (Planned Development Residential) and is located approximately near the Ledges 3rd Fairway. Case No. 2014-PP-004 (Staff – Wes J.)

On the master plan that was approved for this development in Dec. 2007, the area where this subdivision is being proposed was approved for 79 units over 20.5 acres, which is a density of 3.85 dwelling units per acre. They have reduced the density.

One item with this plat is that the road was never dedicated. With this plat they will dedicate as far as they can. A private road will be dedicated for the rest of it because they do not own it. There has been difficulty in trying to get them to dedicate as a public road. The City will charge them for maintenance until the road can be dedicated as a public road.

Commissioner Ross Taylor asked if the road meets city standards.

Wes Jenkins responded yes, that’s why we feel comfortable with it being a private road.

Commissioner Nathan Fisher asked if the road is not part of the area to the south of it.

Wes Jenkins showed the road dedications on the plans.

Commissioner Nathan Fisher clarified; so the road was not included in previous plats?

Wes Jenkins responded, no, it was not. There were issues with UDOT and landscaping.

Deputy City Attorney Paula Houston clarified that they have the right to use that and access. They don’t have the right to dedicate to the City at this time and that’s why we’ve agreed to go forward.

MOTION

Commissioner Nathan Fisher made a motion to recommend approval of Item 7E.

Commissioner Ross Taylor seconded the motion.

Ayes 6

Commissioner Kim Campbell

Commissioner Ross Taylor

Chairman Ron Bracken
Commissioner Ron Read
Commissioner Ro Wilkinson
Commissioner Nathan Fisher
Nays 0
None
Motion passes.

- F. Consider approval of a preliminary plat for “**Northgate at the Ledges**” a twenty (20) lot residential subdivision. The applicant is Jenco LLC, Dean Gardner and the representative is Mr. Stacy Young, Development Services. The property is zoned PD-R (Planned Development Residential) and is located approximately near the Ledges 3rd Fairway. Case No. 2014-PP-005 (Staff – Wes J.).

On the master plan that was approved for this development in Dec. 2007, the area where this subdivision is being proposed was approved for 79 units over 20.5 acres, which is a density of 3.85 dwelling units per acre. They have reduced their numbers. They do have some open space areas. They are creating a buffer between the subdivisions. There will be open space and potentially a trail.

04:52:14

MOTION
Commissioner Ross Taylor made a motion to recommend approval of Item 7F.
Commissioner Nathan Fisher seconded the motion
Ayes 6
Commissioner Kim Campbell
Commissioner Ross Taylor
Chairman Ron Bracken
Commissioner Ron Read
Commissioner Ro Wilkinson
Commissioner Nathan Fisher
Nays 0
None
Motion passes.
Motion

- G. Consider approval of a preliminary plat for “**Acoma**” a one hundred and forty-seven (147) lot residential subdivision. The applicant is Jenco LLC, Dean Gardner and the representative is Mr. Stacy Young, Development Services. The property is zoned PD-R (Planned Development Residential). Case No. 2014-PP-006 (Staff – Wes J.).

This item was pulled from the agenda and will come forward at a later date.

- H. Consider approval of a preliminary plat for “**Fieldstone Phase 2**” a thirty (30) lot residential subdivision. The applicant is Development Solutions and the representative is Mr. Logan Blake, Development Solutions. The Phase 2 property is zoned R-1-10 (Single Family Residential 10,000 square foot minimum lot size) and is located south of Little valley Elementary School along the south side of Equestrian / Crimson Ridge Drive at approximately 2300 East. Case No. 2014-PP-007 (Staff – Wes J.).

We approved phase 1 already. They are proposing a 45’ cross section and a 50’ road running north/south.

MOTION

Commissioner Ro Wilkinson made a motion to accept the Preliminary Plat for Fieldstone Phase 2, Item H.

Commissioner Nathan Fisher seconded the motion.

Ayes 6

Commissioner Kim Campbell

Commissioner Ross Taylor

Chairman Ron Bracken

Commissioner Ron Read

Commissioner Ro Wilkinson

Commissioner Nathan Fisher

Nays 0

None

Motion passes.

- I. Consider approval of a preliminary plat for “**Fieldstone Phase 3**” a twenty-six (26) lot residential subdivision. The applicant is Development Solutions and the representative is Mr. Logan Blake, Development Solutions. The Phase 3 property is zoned R-1-12 (Single Family Residential 12,000 square foot minimum lot size) and is located south of Little valley Elementary School along the south side of Equestrian / Crimson Ridge Drive at approximately 2300 East. Case No. 2014-PP-011 (Staff – Wes J.).

A couple of items with this one: It’s right next to phase 2. There will be a 66’ road between this and the Bryce Christensen piece. After visiting with the applicant, staff felt this was acceptable with the road and a privacy wall serving as a buffer. Bryce Christensen’s intention is to have the area similar to Little Valley. Staff felt it was acceptable not to extend the cul-de-sac.

MOTION

Commissioner Kim Campbell made a motion to approve Item 7I.

Commissioner Ro Wilkinson seconded the motion.

Ayes 6

Commissioner Kim Campbell

Commissioner Ross Taylor

Chairman Ron Bracken
Commissioner Ron Read
Commissioner Ro Wilkinson
Commissioner Nathan Fisher
Nays 0
None
Motion passes.

8. **MINUTES**

Consider approval of the Planning Commission minutes for November 12, and December 10, 2013.

Suggested edits:

Chairman Ron Bracken noted: Page 14 of November 12 – the very last line Wes Jenkins responded that it is not recorded

Commissioner Ross Taylor noted: Page 12 of November 12 – paragraph two under Nathan Fisher’s comments the wrong “rot” is being used for “wrought” iron.

MOTION

Commissioner Ro Wilkinson made a motion to approve the minutes with the suggested edits.

Commissioner Ron Read seconded the motion.

Ayes 6

Commissioner Kim Campbell

Commissioner Ross Taylor

Chairman Ron Bracken

Commissioner Ron Read

Commissioner Ro Wilkinson

Commissioner Nathan Fisher

Nays 0

None

Motion passes.

ADJOURN

MOTION

Commissioner Ross Taylor made a motion to dismiss.

Commissioner Nathan Fisher seconded the motion.

Ayes 6

Commissioner Kim Campbell

Commissioner Ross Taylor

Chairman Ron Bracken

Commissioner Ron Read

Commissioner Ro Wilkinson

Commissioner Nathan Fisher

Nays 0

None

Meeting adjourned at 10:05 pm