

Minutes of the public hearing and regular meeting of the Planning Commission of the Town of Apple Valley, Washington County, Utah that was held on the 24th of August, 2017 at 6:00 pm at the Town Office Building, 1777 N. Meadowlark Drive, Apple Valley, Utah 84737.

1. The meeting was called to order at 6:00 pm.
2. The Pledge of Allegiance was led by Jack Davis.
3. Roll Call: Lee Fralish, Janet Prentice, Dale Kingsley, Cynthia Browning and Jack Davis were present. Mayor Moser was present. Robert Campbell was present. Rod Mills of Ensign Engineering was present. Legal counsel was excused.

4. Declarations of conflict of interests

None stated.

5. Public Hearing on zone change to Agricultural for AV-1330-E – Marty & Tish Lisonbee

Motion made by Jack Davis to open the public hearing. Lee Fralish seconded the motion. Vote: Lee Fralish-yes, Janet Prentice-yes, Cynthia Browning-yes, Dale Kingsley-yes, Jack Davis-yes. Motion passed 5/0.

Marty & Tish Lisonbee were not present.

Rod Mills explained that this was a simple zone change.

Motion made by Jack Davis to close the public hearing. Lee Fralish seconded the motion. Vote: Lee Fralish-yes, Janet Prentice-yes, Cynthia Browning-yes, Dale Kingsley-yes, Jack Davis-yes. Motion passed 5/0.

6. Discussion and possible action on zone change to Agricultural for AV-1330-E – Marty & Tish Lisonbee

Motion made by Janet Prentice to recommend Town Council approval of the proposed zone change. Lee Fralish seconded the motion. Vote: Lee Fralish-yes, Janet Prentice-yes, Cynthia Browning-yes, Dale Kingsley-yes, Jack Davis-yes. Motion passed 5/0.

7. Discussion and possible action on the proposed minor subdivision of AV-1378-D – Kendra Webb

Kyle Wipf, representing Kendra Webb, said they wanted to subdivide a large area and had been in contact with engineering on the requirements.

Rod Mills said there were a few details that needed to be worked out, but he recommended a public hearing be scheduled and he would continue to work with them.

Motion made by Jack Davis to schedule a public hearing for the proposed subdivision on September 14th, 2017 at 6:00 pm. Cynthia Browning seconded the motion. Vote: Lee Fralish-yes, Janet Prentice-yes, Cynthia Browning-yes, Dale Kingsley-yes, Jack Davis-yes. Motion passed 5/0.

8. Discussion and possible action on Site Plan for AV-1337 – Aaron Stout

Aaron Stout presented his site plan to the Planning Commission. His plan showed cabin rental units and their layout on the parcel, as well as roads and utilities.

Rod Mills recommended that the Planning Commission forward the item to the Town Council pending septic and ingress/egress issues be clarified.

Motion made by Jack Davis to move the item forward to the Town Council with the recommendation to approve, pending all conditions and issues were clarified with engineering. Cynthia Browning seconded the motion. Vote: Lee Fralish-yes, Janet Prentice-yes, Cynthia Browning-yes, Dale Kingsley-yes, Jack Davis-yes. Motion passed 5/0.

9. Discussion and possible action on General Plan Amendment for AV-1311-A-7 (RE-40,000 to PD) – Majestic Development

Rod Mills said that the Town was interested in preserving what was already in place. He said that due to the commercial nature of the proposed project, the Town would not allow them access through the existing residential areas. He said that without a different access, the project could not move forward. He asked the Planning Commission to consider whether the zone change made sense for the area. He also recommended looking at the future implications of changing the zone.

Janet Prentice asked if the access road would have to come through Smithsonian Butte.

Rod Mills said that was his understanding.

Cynthia Browning said they could also stipulate the setback from the cliff.

Rod Mills said the staff preferred Planned Development zone over a Commercial zone because it gave the Town the ability to specify any additional restrictions that would make sense.

Jack Davis asked what the distance from the proposed site to the nearest resident was.

Rich Despain said the great thing about a Planned Development zone and the accompanying development agreement was that the Town could negotiate with a developer on the Town's needs and restrictions. He said that with other zones, such as residential, a developer could do pretty much what they wanted.

Cynthia Browning said she appreciated what Mr. Despain was proposing and that she would prefer the proposed development over large homes being built on the mesa. However, she said that when she and many residents in the area bought property, the property being discussed was BLM and was never supposed to be developed. She said that as a resident of the area, she would rather not see the buildings or hear the people that would be staying above the neighborhood. She again said she appreciated what was being proposed as opposed to big houses.

Rich Despain said it was tricky. He said it was a million dollar piece of property and that any buyer would have to make money off of it somehow. He said that this was the best compromise for everyone.

Jack Davis added that the Town had a night sky ordinance that prohibited upward facing lighting.

Rich Despain said they had done their research on lighting and that the human eye didn't really pick up on red light. He said that the outward facing fixtures could be changed to red so that the lighting would not really be noticeable outside.

Cynthia Browning said this would all be discussed at a later time, but she just wanted to let the developers know what they were up against.

Jack Davis asked about a slide presentation that Mr. Despain had.

Rich Despain said they had a slide show that showed a rendering of the mesa with approximately 50 homes on it with the vegetation removed, which would be the result of the current town plan.

Lee Fralish asked who the current owner of the land was.

Rich Despain said Jack Raleigh (Majestic Development) was the current owner, but they currently had the land under a purchase contract.

Janet Prentice expressed concern that if homes were built on the mesa, many of them would turn into short term rentals.

Rod Mills asked the Planning Commission if the two items being proposed made sense and was in the best interest of the community. He said that if they did, he would recommend they put some stipulations in place to ensure the developer didn't just sell the land after the zone change took place.

Rich Despain said the owner was also concerned that a zone change could take place and then they decided to not buy the property. He said the owner would also like the sale to be a condition of the zone change. He said it sounded like everyone was on the same page.

Rod Mills reiterated that when the public hearing was being held, everyone needed to realize that the hearing would be about the general plan amendment and the zone change, and not about the specific planned development and accompanying site plan.

Cynthia Browning said her decision would differ depending on the plan.

Rod Mills said that was the great thing about having a proposed plan in advance.

Janet Prentice asked that Mr. Despain present the plan at the next meeting.

Rod recommended that these items be moved to a public hearing. He said he didn't expect a developer to do a lot of work if the zone change was not going to take place.

10. Discussion and possible action on Zone Change for AV-1311-A-7 (OST to PD) – Majestic Development

Motion made by Jack Davis to schedule a public hearing for the proposed general plan amendment and zone change on September 14th, 2017 at 6:00 pm. Janet Prentice seconded the motion. Vote: Lee Fralish-yes, Janet Prentice-yes, Cynthia Browning-yes, Dale Kingsley-yes, Jack Davis-yes. Motion passed 5/0.

Mayor Moser suggested that they may want to schedule this hearing on a different date to make sure there was enough time to discuss the items and receive feedback.

After much discussion, it was decided to keep all the hearings scheduled on the 14th of September.

New Motion made by Jack Davis to proceed with scheduling a public hearing for the proposed general plan amendment and zone change on September 14th, 2017 at 6:00 pm. Lee Fralish seconded the motion. Vote: Lee Fralish-yes, Janet Prentice-yes, Cynthia Browning-yes, Dale Kingsley-yes, Jack Davis-yes. Motion passed 5/0.

11. Discussion and possible action on Site Plan for RV Park for AV-CDPT-3-12, 13, 14, 15 – Brant D. Tuttle

Brant Tuttle said he had been to the last meeting and had addressed the concerns that were communicated to him.

Janet Prentice asked if there would be anyone on site to supervise the other people renting RV sites.

Brant Tuttle said there would be someone staying in a trailer on site, like a camp host.

Lee Fralish asked about their proposed access that was going through a residential neighborhood.

Brant Tuttle said coming off of Highway 59 onto Canyon Drive was not safe for vehicles pulling trailers. He said the entrance on Chaparral Drive would end up with approximately 38-40 homes that they would pass once they were built.

Jerry Eves began to discuss the proposal.

Denny Bass interrupted.

Jack Davis asked him not to interrupt.

Bob Cole interrupted.

Jack Davis asked him to take a seat.

Bob Cole said he would see Mr. Davis later.

Jack Davis asked him if that was a threat.

Jerry Eves said he had been developing in the area since 1995. He said So. Zion Estates phases 1-3 were the first items developed. He said they used Canyon Drive as their main access. He said all of Cedar Point phases 1 and 2 as well as all of So. Zion Estates used Canyon Drive to access the development. He said they reached the maximum number of lots they could develop without adding turn lanes. He said Scott Snow from UDOT required turn lanes be put in. He said the previous Mayor Mary Reep didn't want two turn lanes too close together, thinking that Bubbling Well Ln. would eventually need one. He said that is the reason they moved the Cedar Point entrance to the roundabout. He said they would like to use the Chaparral Drive entrance for the RV's to access the RV park. He said there were only a two existing homes that would be currently be affected.

Jack Davis said there were four homes that would be affected at this time.

Brant Tuttle said there were hydrants every 400 ft. for fire protection. He said they would need to do a lot line adjustment so each lot had its own infrastructure. He said they had met with the health department regarding each lot having its own septic system.

Cynthia Browning asked if they were proposing that the RVs would be driving through a residential area to access the site.

Brant Tuttle said that was the plan.

Jack Davis recommended that this item be continued until next meeting when there was more information. He said as a resident in the area he did not like the current plan.

Rod Mills said this was an appropriate use of the land for commercial zoning. He said that since it was bordering residential property, it would normally be expected that the commercial have a separate access.

Jack Davis asked if they had considered any other approaches.

Jerry Eves referred back to Mayor Mary Reep. He said that if they vacated the plat for phase 4, everyone would be trespassing when entering the area. He said that the money was invested in the area with the understanding that part of the property was zoned commercial. He said the Town made him put the UDOT widening in the existing location and now they should let him use it.

Janet Prentice said her parents were on the Planning Commission at that time and she didn't feel that they would have liked commercial traffic being mixed with residential.

Rod Mills said the Planning Commission needed to tell the applicant what they needed to meet if they continued the item.

Jack Davis said that fire protection and accessibility needed to be addressed.

Jerry Eves said they had addressed those issues with the exception of the ingress and egress.

Jack Davis said he had an issue with that.

Jerry Eves said he did as well and wished he could have put it at Canyon, but the Town didn't allow it.

Rod Mills said the big issue was providing access to a commercial zone without affecting residential areas.

Jack Davis asked Mr. Eves how people could be prevented from going through residential areas even if Canyon was designated as the commercial access. He said residential areas would be affected no matter what that plan was. He asked if there was another option.

Jerry Eves said UDOT would not approve another access. He said he would do some research and come back to the Planning Commission with a solution.

Rod Mills suggested that they schedule a work session to discuss their options.

Motion made by Jack Davis to schedule a work meeting to discuss the matter further on September 18th, 2017 at 6:00 pm. Lee Fralish seconded the motion. Vote: Lee Fralish-yes, Janet Prentice-yes, Cynthia Browning-yes, Dale Kingsley-yes, Jack Davis-yes. Motion passed 5/0.

12. Consider approval of minutes:

a. August 10, 2017 Meeting

Motion made by Lee Fralish to approve the August 10, 2017 meeting minutes. Janet Prentice seconded the motion. Vote: Lee Fralish-yes, Janet Prentice-yes, Cynthia Browning-yes, Dale Kingsley-yes, Jack Davis-yes. Motion passed 5/0.

13. Adjournment

Motion made by Cynthia Browning to adjourn the meeting. Janet Prentice seconded the motion. Vote: Lee Fralish-yes, Janet Prentice-yes, Cynthia Browning-yes, Dale Kingsley-yes, Jack Davis-yes. Motion passed 5/0.

Meeting adjourned at approximately 7:30 pm.

Date approved: _____

ATTEST BY: _____
Nathan Bronemann

Jack Davis