



APPLE VALLEY PLANNING COMMISSION PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, December 07, 2022 at 6:00 PM

MINUTES

Chairman | Allen Angell

Commissioners | Lee Fralish | Margaret Ososki | Richard Palmer | Garth Hood

CALL TO ORDER- Chairman Angell called the meeting to order at 6:01 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Chairman Allen Angell

Commissioner Lee Fralish

Commissioner Margaret Ososki

Commissioner Richard Palmer

Commissioner Garth Hood

Staff Present

Town Clerk/Recorder Jenna Vizcardo

Town Administrator Jauna McGinnis

Planning Department Manager Frank Lindhardt

Planning and Zoning Assistant Kyle Layton

CONFLICT OF INTEREST DISCLOSURES

None declared.

APPROVAL OF MINUTES

1. Minutes: November 2, 2022
2. Minutes: November 15, 2022

Chairman Angell asked commissioners if they had any comments. Minutes were reviewed.

MOTION: Commissioner Fralish motioned we approve the minutes of November 2, 2022 and November 15, 2022.

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes

Commissioner Hood - Abstain

Commissioner Palmer - Yes

Commissioner Fralish - Yes



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Chairman Angell - Yes

The vote was 4-0, 1 abstain and the motion carried.

HEARING ON THE FOLLOWING | DISCUSSION AND POSSIBLE ACTION ITEMS

3. Public Hearing: Update Title 11.12 Standards, Ordinance-O-2022-60.

Planning Department Manager Frank Lindhardt commented majority housekeeping and referencing design standards we have in the Town. Also adding Ash Creek as a reference.

Chairman Angell opened public hearing.

No public comments.

Chairman Angell closed the public hearing.

4. Discussion and Action: Update Title 11.12 Standards, Ordinance-O-2022-60.

MOTION: Commissioner Hood motioned that we recommend to the council that we pass the amendment 11.12 Standards as specified.

SECOND: The motion was seconded by Commissioner Fralish.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes

Commissioner Hood - Yes

Commissioner Palmer - Yes

Commissioner Fralish - Yes

Chairman Angell - Yes

The vote was unanimous and the motion carried.

5. Public Hearing: Zone Change for AV-2194-D and AV-2194-B | Approx: 1 N. Cinder Hill Road from Open Space/Open Space Transition Zone (OS/OST) to C-3 General Commercial Zone (C-3) for the stated purpose of commercial development to match neighboring C-3 parcels. Applicant: Hidden Rock Development Group.

Kyle Layton Planning and Zoning Assistant gave overview:



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COMMENTS: Applicant is requesting a zone change to a commercial or planned development commercial zone with the intent to develop a horizontal hotel. The property is currently surrounded by C-3 property to the West and North, as well as some BLM property to the East and South. The general plan shows this property as well as all surrounding properties as agricultural land.

This project was presented to the Joint Utility Committee on November 16th, 2022. Several concerns were brought up during this meeting and while the applicants have addressed some, the following are still concerns from staff:

The first concern is access to the property. It is currently accessed through Cinder Hill Road as well as Gouldwash Road. Both roads are not currently roads that have been dedicated to the town and run through multiple private properties. The transportation master plans show only a portion of Gouldwash road to be used for future planning. The master plan shows these roads as a collector street and would require major improvements to bring them up to town standards. Due to the size of the project the applicants would be required to have a primary access as well as a secondary access in case of emergency. Another concern with access would be approval from UDOT for access off highway 59 as far as staff knows there hasn't been any information on whether this would be possible.

The second concern is the site plan that was provided shows quite a bit of development on the hillside. The applicants did a good job of keeping the buildings on relatively flat ground but there are concerns on the road running through their property for emergency vehicle access. Much of their development is on a slope greater than 30% which is not allowed by Apple Valley's hillside ordinance. The hillside ordinance allows slopes up to a maximum of 12% for the road if the road is brought up to full improvements including pavement. It may be difficult to develop roads to meet these requirements.

The last concern is with the water and wastewater. These are issues that could be worked out later but may lead to very expensive development costs that the applicant needs to be aware of.

The following is our report based upon the property location and other facts:

REQUIRED CONSIDERATIONS TO APPROVE A ZONE CHANGE When approving a zone change, the following factors should be considered by the Planning Commission and Town Council:

1. Whether the proposed amendment is consistent with the Goals, Objectives, and Policies of the Town's General Plan;

The town General Plan shows this property as Agricultural. This zone change would not be consistent with the General Plan

2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;

There is not currently much development in the vicinity of this project. The location is the old kokopelli golf course. So there is part of a clubhouse as well as the golf cart paths which are being proposed to be integrated into this project.



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3. The extent to which the proposed amendment may adversely affect adjacent property; and

There is not currently any development on the adjacent property. This zone change would most likely set the course for how the property would be developed in this part of town.

4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

There are not currently any utilities for this area. The applicant would need to provide all utilities and road access.

Applicant introduced himself, Dallin Jolley from Salt Lake City as a Developer. This project is unique and special. Amazed of how beautiful the area is out there. Concept of argotourism. Concept is low density hospitality resort. The total would be 44 units. They would like to maintain those views and low-density approach. If driving on the highway 59 you wouldn't even see it.

Chairman Angell commented that he is really interested in the response to the steepness of the roads and understanding of fire access. Applicant stated there is some severity in slopes and opportunities in road fill to meet standards of Town and Fire Code. Chairman Angell commented about the Cabin Zone and asked applicant to help him understand why this project is not that based on the renderings. Applicant stated there will be an operating company that will be doing the maintaining and doing all the commercial services.

Commissioner Fralish commented this is higher end of development and asked what the source of water would be. Water options were discussed and applicant states he has been working with Andy of the Big Plains Water Special Service District.

Other applicant commented that low density is the goal and his name is Anish. He grew up in Maryland and came to Zion fell in love. Seed to table is very important to them.

Chairman Angell opened the public hearing.

Linda Noyes, Purple Sage Rd. Is there any going to being any impact studies on wildlife.

Applicant responded would love to do a wildlife study with DNR or whoever has those studies done.

Rich Kopp, 2222 E Ranch Rd. The project sounds great but has heard this kind of call before on these outrageous projects. You just have too many questions outstanding personally, major thing is UDOT with turn lane. Personally, until you get those questions answered it's a little premature for a zone change.

Larrin Hall 120 W 975 N, Hurricane, UT. Commented about zone change and having to clean up junk on property if zone change goes through.



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Rich Ososki, 1024 W Little Pinion Way. Big issue is with water and septic systems are issue as well. Other issue is also Rocky Mountain Power substation being farther out. To tell the truth kind of against it, don't see it myself at this time. Major problem to get in there. Don't feel comfortable.

Joanie Moses, 288 N Foothill Dr. Great job presenting. Like other people have said other developers have promised a lot of things. Sounds like tremendous amount of work and money involved. If you could make it happen, the way you are talking, I think it would be great. But I don't see where the water is going to come from.

Mike Farrar, 900 Mountain Dr. Few questions, maybe your guys know because I am new here. What makes these guys, honestly you guys' sound like good salesmen. What makes them do what they say they are going to do. Are there ordinances? Second question I have is what kind of revenue is involved for the city. We need revenue and if the prices right, hey you know you can do things. Then of course the water issue, I'm just kind of digging into the water issues. I see those 3 issues, water, revenue, and uncontrolled growth.

Chairman Angell closed the public hearing.

6. **Discussion and Action:** Zone Change for AV-2194-D and AV-2194-B | Approx: 1 N. Cinder Hill Road from Open Space/Open Space Transition Zone (OS/OST) to C-3 General Commercial Zone (C-3) for the stated purpose of commercial development to match neighboring C-3 parcels. Applicant: Hidden Rock Development Group.

Chairman Angell discussed reluctant about C-3 due to possibility of changing hands after zone change, recommends planned development.

Commissioner Ososki commented that she believes this project is cabins and not horizontal hotels.

Chairman Angell asked Planning and Zoning Assistant Kyle Layton about application presented as C-3 Zone Change and if we are going to proceed to change to different zone would that be feasible. Planning Department Manager Frank Lindhardt commented that he had same question and asked the Town attorney and he confirmed that we can change zone to Planning Commission's recommendation without the applicant having to go through application process. Site Plan/Master Plan on Planned Development is what sets a planned development in concrete. Since they do not have a master plan that is ready there is no way at this time that the Planning Commission could even recommend planned development. Discussed about recommendation that the applicant could come back with preliminary master plan with all the issues solved.

Chairman Angell commented on record would love to see this happen, as this is the right development, low density, and high end looking with nice tax base. This is what prevents us becoming 3-6000 development. Would like to give them hope to have the momentum behind. This must go back to Planning Commission. Discussion about tabling. Applicant would like approval with conditions.



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Chairman Angell commented this application as planned development as it stands does not meet our Ordinances. Chairman Angell commented that Town Council could potentially have them on the agenda just to hear their idea. Discussion about tabling this application. Planning Department Manager Frank Lindhardt discussed about possibly bringing in another application for Planned Development Commercial Zone Change with waiving the application fee and advertising the Planned Development Commercial Zone Change to err on the side of caution even though it is not necessary. Commissioner Ososki commented that she likes the project but has heard so many promises from developers in the past, she just doesn't believe they can follow through. Commissioner Palmer commented that he is all for it if you can come through with all of it being low density is what we want. Commissioner Hood commented he would be interested in the revenue aspect.

MOTION: Chairman Angell motioned to table.

SECOND: The motion was seconded by Commissioner Ososki.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes
Commissioner Hood - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

7. Public Hearing: Update Title 10.10.040 I Industrial Zone, Ordinance-O-2022-63.

Planning Department Manager Frank Lindhardt commented that we are taking recycling business out of permitted use and making it a conditional use.

Chairman Angell opened the public hearing.

No public comments.

Chairman Angell closed the public hearing.

8. Discussion and Action: Update Title 10.10.040 I Industrial Zone, Ordinance-O-2022-63.

MOTION: Commissioner Ososki motioned to recommend approval to Town Council on update on Title 10.10.040 Industrial Zone, Ordinance-O-2022-63.



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SECOND: The motion was seconded by Commissioner Fralish.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes
Commissioner Hood - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

9. Public Hearing: Adopt Title 10.10.130 Institutional Zone, Ordinance-O-2022-64.

Planning Department Manager Frank Lindhardt commented that Institutional Zone on the General Plan was added and didn't have zone to match. Institutional is government property.

Chairman Angell opened the public hearing.

Rich Kopp, 2222 E Ranch Rd. Asked where the location would be.

Chairman Angell closed the public hearing.

10. Discussion and Action: Adopt Title 10.10.130 Institutional Zone, Ordinance-O-2022-64.

MOTION: Commissioner Fralish motioned we adopt and send to Town Council Title 10.10.130 Institutional Zone, Ordinance-O-2022-64.

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes
Commissioner Hood - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.



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ADJOURNMENT

MOTION: Commissioner Fralish motioned to adjourn the meeting.

SECOND: The motion was seconded by Chairman Angell.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes
Commissioner Hood - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

Meeting adjourned at 7:24 p.m.

Date Approved: _____

Approved BY: _____

Chair |

Attest BY: _____

Town Clerk/Recorder | Jenna Vizcardo