

**Hurricane Planning Commission
Meeting Minutes
June 10, 2021**

Minutes of the Hurricane City Planning Commission meeting held on June 10, 2021, at 6:00 p.m. in the City Council Chambers located at 147 N. 870 West Hurricane UT, 84737

Members Present: Dayton Hall, Mark Sampson, Paul Farthing, Ralph Ballard, Michelle Cloud, and Penny James-Garcia

Members Excused: Rebecca Bronemann and Shelley Goodfellow

Staff Present: Planning Director Stephen Nelson, City Building and Planning Technician Brienna Spencer, and City Engineer Representative Darin Lefevre

6:00 p.m. - Call to Order

Chairman Dayton Hall called the meeting to order at 6:00 p.m.

Roll Call

Pledge of Allegiance, led by Michelle Cloud

Prayer offered by Ralph Ballard

*Michelle Cloud motioned to **approve** the agenda as presented. Paul Farthing seconded the motion. **Unanimous.***

Public Hearings

- 1. A Zone Change Amendment request located at approx. 160 W and 1200 S, parcel numbers H-L-1-2-B and H-L-1-D-1 to contain a PDO, planned development overlay.**

Bruce Covington represents property owners to the north of the proposed zone change. Their concern is that the proposed subdivision will landlock their land. The property owners prefer that the road and utilities be built to their property line for them to utilize when they are ready to develop their property.

Tim Eaton commenting online, would like access to the property with a road providing second access. He is willing to work with the property owners to make this work for everyone involved.

Darryl Fox lives adjacent to the proposed zone change. His house is a flag lot off 180 West and faces Angel Heights Drive. A four foot rock wall supports the canal in front of his home. If the property is purchased, he will have a large wall facing his front door. This will also impact the value and resale of his home.

- 2. A Zone Change Amendment request on a portion of H-3-2-4-1231 and H-3-2-4-123 located at 1369 W 650 S from RA-1, residential 1 unit per acre, to R1-10, residential 1 unit per 10,000 square feet to be consistent with the Southern portion of the parcels and development to the West.**

A resident in attendance asked for clarification on the current zoning, and Stephen Nelson explained that

the current zoning is RA-1.

- 3. A Zone Change Amendment request on 101.25 acres located at approx. 2800 West and 150 N to contain a PDO, planned development overlay with the underlying zoning R1-8, residential one unit per 8,000 square feet, and a portion to be reserved for commercial.**

The comment made by Chris Wyler was meant for the last public hearing item. See below.

- 4. A Zone Change Amendment request on 17.41 acres located at 3900S and 1100 W from RA-1, residential 1 unit per acre, to R1-10, residential 1 unit per 10,000 square feet. Parcel number H-3394-A-2-A.**

Dayton Hall read an online comment from Amber Farmer.

Lindsay Reber lives adjacent to the property. She is open to change and smart growth. However, 1100 West has no shoulder or sidewalk and is overly populated with traffic, and the new copper rock development increased traffic. Due to her lifestyle and animals, she has been pushed out of properties before.

- 5. A Zone Change Amendment request on the north portion of H-3-1-32-1103 located at 75 N 2260 W from M-1, light industrial, to HC, highway commercial.**

No Comment

- 6. A Zone Change Amendment request located at approx. 2800 S Sand Hollow Road on 461.38 acres to contain a PDO, planned development overlay.**

Chris Wyler lives adjacent to this property and appreciates what this developer plans to do.

NEW BUSINESS

- 1. 2021-ZC-18 / 2021-PSP-09 Discussion and consideration of a recommendation of a proposed zone change amendment request located at approx. 160 W and 1200 S, parcel numbers H-L-1-2-B and H-L-1-D-1 to contain a PDO, planned development overlay. Stormi LLC Applicant, Scott Stratton Agent.**

Scott Stratton explained that he built the subdivision along 1200 South. Phase two of that subdivision, and the new design provides more open space. Mrs. Cloud asked if there are emergency vehicle access concerns. Stephen Nelson stated that there is access from 1200 South, and the block length meets the code. Mr. Nelson reviewed the current trail plan stating that the trail for the canal does not go through the development. There is a drainage easement on Mr. Stratton's property, and he will be required to maintain the drainage. Mr. Stratton reported that he is willing to dedicate a trail easement along the east side of the property.

Mrs. James-Garcia noted that staff recommended approval conditional upon the roadway and utilities being stubbed to the north property. She asked for clarification regarding fire access to the flag lots. Mr. Nelson explained that the proposed site plan meets the standard within the fire code. Mr. Stratton does not feel that he should be required to pay to provide utilities and access to other properties. Mr. Hall reviewed the subdivision code. Mr. Nelson reviewed the map showing the location of Mr. Stratton's property. He reported that every development must provide access and utilities to the adjacent property.

*Paul Farthing motioned a **recommendation of approval** of 2021-ZC-21 and 2021. Subject to staff comments which include road connectivity. Penny James-Garcia seconded the motion. Penny James-Garcia, Paul Farthing, and Michelle Cloud – aye. Dayton Hall, Ralph Ballard, and Mark Sampson – nay. Motion **failed**.*

Chairman Dayton Hall opened the item for more discussion before sending a vote to the city council.

Mr. Ballard does not think Mr. Stratton should be burdened with the cost of providing connectivity for the property owner to the North. He does agree with connectivity but not at the complete cost of Mr. Stratton.

*Paul Farthing motioned to send a **split recommendation and a split vote** on whether connectivity should be required to the City Council. **Unanimous**.*

- 2. 2021-ZC-19 Discussion and consideration of a recommendation of a proposed zone change amendment request on a portion of H-3-2-4-1231 and H-3-2-4-123 located at 1369 W 650 S from RA-1, residential 1 unit per acre, to R1-10, residential 1 unit per 10,000 square feet to be consistent with the Southern portion of the parcels and development to the West. Chris Wyler Applicant.**

Chris Wyler explained that they want to match the zoning of the area. Mr. Farthing is concerned about the width of the roadway on 650 South. Stephen Nelson reported that the applicant is required to make improvements to the frontage of his subdivision. Mrs. James-Garcia asked who will pay for the improvements of 650 South and when the road will be improved. Mr. Nelson reported that this is not on the City's short-term project list. Mr. Wyler understands that he must make improvements along his property's frontage. Mr. Nelson provided the updated preliminary plat that will come before the Planning Commission next week. The plat shows connectivity and utility connections for the roadway. Mr. Wyler noted he is bringing in new asphalt to repair the road after bringing the sewer up to 650 South.

*Mark Sampson motioned a **recommendation of approval** of 2021-ZC-19. Michelle Cloud seconded the motion. **Unanimous**.*

- 3. 2021-ZC-20 / 2021-PSP-05 Discussion and consideration of a recommendation of a proposed zone change amendment and preliminary site plan request on 101.25 acres located at approx. 2800 West and 150 N to contain a PDO, planned development overlay with the underlying zoning R1-8, residential one unit per 8,000 square feet, and a portion to be reserved for commercial. Plumb Holdings, LLC and Walter Plumb Applicants, Craig Hopkinson Agent.**

Craig Hopkinson explained that the Plumb Holding group has 77.31 acres of overall acreage under contract. The original owner is retaining acreage near the overpass and SR-9 for commercial purposes. Mrs. James-Garcia asked why the applicant is not conforming to the general plan. Mr. Hopkins explained that they want to offer a variety of homes for all home buyers. Mrs. James-Garcia noted that this zone change goes against the general plan, and the density is too high for the area. She urged the applicant to increase the number of single-family homes. Mr. Farthing agrees with Mrs. James-Garcia. However, a lot of lava rock takes up their property, and it is really hard to build on that. Mr. Nelson explained the yield plan and noted that the yield plan includes options for a density bonus with the PDO. The applicant is proposing a twenty percent density bonus.

Mr. Nelson reported that the parks and trails calculate for ten percent of the density bonus. However, the applicant has not provided reasoning for the remaining ten percent. The applicant

engineers estimate that the applicant could add twenty-nine units based on a density transfer. Mr. Nelson explained that the engineer's report was provided today, and the staff was unable to fully review the engineering report. Dayton Hall stated that the general plan shows this area set as single-family. The PDO ordinance states that multiple-family dwellings shall be permitted in a PDO overlay. He noted that the PDO allows the Planning Commission to place conditions and restrictions. He is not against a PDO with a restriction on single-family homes. However, that is not what is being proposed.

Mr. Ballard agrees with the previously stated comments. Mrs. Cloud agrees with the Commissioner's comments. She suggests tabling the item to allow the applicant to come back with an updated site plan that is less dense. Craig Hopkinson stated he would like them to table it and work with Stephen to see what they can come up with. Mr. Nelson asked if the Planning Commission would agree to allow attached housing if the density is reduced to four units per acre. Mrs. James-Garcia would like to see real trails and parks, not land the developer deems unbuildable. Mr. Hall can support a mix but would like to see the majority as single-family homes to not deviate from the general plan.

*Penny James-Garcia motioned to **table** 2021-ZC-20 and 2021-PSP-05 until the applicant can provide more information. Mark Sampson seconded the motion. **Unanimous.***

4. 2021-ZC-21 Discussion and consideration of a recommendation of a proposed zone change amendment request on 17.41 acres located at 3900S and 1100 W from RA-1, residential 1 unit per acre, to R1-10, residential 1 unit per 10,000 square feet. Parcel number H-3394-A-2-A. DAF Development LLC Applicant, Rick Richardson Agent

Rick Richardson reported that the applicant is requesting R1-10. Their objective is to have third-acre lot sizes. The Copper Rock development surrounds this area, and they feel it fits with the area. Stephen Nelson explained that the property is the city boundary, but the road is within the county. The developer will widen the road, and the city will work with the county to make improvements. Mr. Hall does not think the zoning is harmonious with the adjacent properties. He feels this parcel is best used as a transitional parcel between R1-10 and the developed rural parcels. Mr. Farthing reported that the approval of Copper Rocks ended the plan for low density. He thinks third-acre lots would work well right here. Riley Richardson reported that the property is mostly by R1-10. The property's frontage is very narrow, which will feel less imposing, and many of these lots will be bigger than 12,000 square feet. They want this zoning for the flexibility to accommodate the sloping they will have to deal with. Mr. Nelson explained that the Planning Commission could recommend something less impactful.

*Ralph Ballard motioned a **recommendation of approval** of 2021-ZC-21 with the change to R-15 lots. With a note that the client is open to a recommendation from the City Council that certain lots may be slightly smaller. Paul Farthing seconded the motion. Penny James-Garcia, Michelle Cloud, Mark Sampson, Ralph Ballard, and Paul Farthing – aye. Dayton Hall – nay. Motion **carries.***

5. 2021-ZC-22 Discussion and consideration of a recommendation of a proposed zone change amendment request on the north portion of H-3-1-32-1103 located at 75 N 2260 W from M-1, light industrial, to HC, highway commercial. IHC Health Services, Inc Applicant

Stephen Nelson reported that hospitals are not allowed in light industrial zoning, which is why the applicant is applying for a zone change to highway commercial. Dan Kohler explained that they are applying to rezone the property on the north of Intermountain Healthcare (IHC) property to be consistent with the highway commercial property to provide emergency services in Hurricane. Mr. Kohler reported that IHC is not opposed to providing access for surrounding property owners.

*Paul Farthing motioned a **recommendation of approval** of 2021-ZC-22. Ralph Ballard seconded the*

motion. Unanimous.

6. **2021-ZC-23 / 2021-PSP-07 Discussion and consideration of a recommendation of a proposed zone change amendment request located at approx. 2800 S Sand Hollow Road on 461.38 acres to contain a PDO, planned development overlay. The Hollows LLC Applicant, Brett Burgess Agent**

Brett Burgess explained the application and process this project has been through in the last year. He reviewed the requested zoning and what they are doing with their project. They plan to have resort areas, planned commercial areas, single-family residential areas, a trail system and preserve open space. Mr. Ballard feels that the commercial aspect is lacking in this area, and appreciates that they are providing commercial services. Mr. Nelson noted that there are eighteen acres of commercial area. He cited the acreage of other commercial areas within Hurricane City. Dayton Hall noted that Sand Hollow Road is busy and would like to see more than eighteen acres of commercial. He feels the R1-8 is denser than the rest of the area. Mr. Burgess shared that they were trying to match the previous General Plan map. Mr. Farthing stated that he would push for more commercial. Especially for a small local grocery store like Lin's or Davis Market. Mr. Burgess shared that they are willing to add more commercial. Mrs. James-Garcia agrees that commercial is needed in this area. She feels that 55% of single-family is a great percentage, and she appreciates having an HOA and management put in place. The only concern is the percentage of nightly rentals as far as Sand Hollow Road handling the traffic and activity level. She would like to see the number of nightly rentals reduced to create a single-family neighborhood and not a recreational neighborhood. Mr. Burgess reiterated that he is willing to work with the city to create a master planned area that benefits the city. Mr. Hall summarized that the commissioners would like to see increased commercial and decreased recreation resorts. The percentages of commercial and recreation resorts were further discussed.

*Ralph Ballard motioned a **recommendation of approval** of 2021-ZC-23 and 2021-PSP-07. Subject to area F being changed to commercial and the total percentage of the recreational resort reduced to twenty percent. Paul Farthing seconded the motion. Unanimous.*

7. **2021-FSP-20 Discussion and consideration of a possible approval of a final site plan for Sky Valley Townhomes, Ph 1, a PDO containing 31 townhome units, located approx. at 600 N 3000 E. Frank Lindhart Applicant, Civil Science Agent.**

Stephen Nelson reported that the application does not have the required JUC signatures. Mrs. James-Garcia asked about ingress and egress. Frank Lindhart reported that there would be access off 600 North and Coronado Drive.

*Paul Farthing motioned to **approve** 2021-FSP-20 subject to receipt of final signatures. Penny James-Garcia seconded the motion. Unanimous.*

8. **2021-PP-14 Discussion and consideration of a recommendation for a preliminary plat, Coronado Ridge Phase 4, an 82-lot single-family home subdivision located at 3350 W and 600 N. DAF Development Applicant, Todd Getz Agent.**

Jim Lyman shared that phase one contains twenty-six lots. Stephen Nelson reported a sensitive lands application will need to be submitted upon approval of future phases.

*Mark Sampson motioned a **recommendation of approval** of 2021-PP-14. Subject to staff comments. Michelle Cloud seconded the motion.*

*Mark Sampson motioned an **amended recommendation of approval** of 2021-PP-14 phase one. Subject to staff comments. Michelle Cloud seconded the motion. **Unanimous.***

9. 2021-PP-15 Discussion and consideration of a recommendation for a preliminary plat, Bench Lake Townhomes, a 172-unit townhome development located on 1100 W and south of 3000 S. Blue Mountain Property Enterprise LLC, Scott Stratton Agent

Stephen Nelson explained that the Planning Department needs to review the contour lines of the sensitive lands to verify whether they need a sensitive land application. Karl Rasmussen provided a contour map of the area and explained how the applicant plans to make the project flat.

*Mark Sampson motioned a **recommendation of approval** of 2021-PP-15. Subject to staff and JUC comments and preliminary approval of sensitive lands assessment by the Planning Director. Michelle Cloud and Ralph Ballard seconded the motion. **Unanimous.***

10. 2021-PSP-06 Discussion and consideration of approval of a Preliminary Site Plan, Car Wash, and Self-Service Laundromat located on State Street and 2000 W. Brian Lewis Applicant.

Stephen Nelson reported that when JUC reviewed the application, they felt the applicant had the proper services to service the car wash. A planter strip along the easement is suggested, and the planter strip will help with traffic flow. The use is compliant with zoning, but the overall application is lacking in detail. The biggest issue is that the preliminary utility plan is not included in the application.

*Michelle Cloud motioned **approval** of 2021-PSP-06. Using option two and that the applicants meet with City Planner to provide the missing documents. Penny James-Garcia seconded the motion. **Unanimous.***

11. 2021-PSP-08 Discussion and consideration of approval of a Preliminary Site Plan for Sector 5, a 76 independent living unit development located within the Sky Mountain PDO, located at 600 N and 2200 W. Ryan Wilde and Sector 5 Agent, Dan Porter and Jonathan Zundel Agents.

Ryan Wilde reviewed the project and explained the changes. The project has been changed to an independent living development. Stephen Nelson explained that the development agreement states that the property shall consist of an independent living and assisted living facility developed under all the city land use code and design standard requirements. However, the city does not have a good definition of an independent living facility. He is unsure whether this proposal meets the development agreement and whether the units comply with the master development agreements as a PDO. Fay Reber stated that the master development agreement community caps the number of allowed units, and the applicant was aware of that limitation. This proposal is not consistent with the development agreement.

Mrs. James-Garcia explained the history and background of how the master planned development came to be. Mr. Hall explained that based on the interpretation of the agreement, he cannot support the plan provided. The commissioners agree that the plan presented does not match what the development agreement states.

*Penny James-Garcia motioned to **deny** 2021-PSP-08. It does not meet the development agreement, exceeds the unit limit, and is not harmonious with the surrounding community. Paul Farthing seconded the motion. **Unanimous.***

Planning Commission Business:

1. Road Improvement (Exaction) Ordinance Amendments

No discussion was held.

2. Planned Commercial Ordinance Update

No discussion was held.

3. Annexation Map Presentation

No discussion was held.

4. RV Parks in Hurricane

No discussion was held.

Approval of Minutes:

1/27/2021 – moved to next meeting

Adjournment at 9:07 p.m.