

ON SEPTEMBER 22, 2021 AT 6:00 PM, THE HURRICANE CITY PLANNING COMMISSION MET IN THE CITY COUNCIL CHAMBERS LOCATED AT 147 NORTH 870 WEST HURRICANE UT, 84737

Members Present: Dayton Hall, Mark Sampson, Shelly Goodfellow, Paul Farthing, Ralph Ballard, Michelle Cloud (electronically), and Penny James-Garcia.

Members Excused: Rebecca Bronemann

Staff Present: Planning Director Stephen Nelson, Planning Assistance Fred Resch, and Planning Technician Brienna Spencer.

Chairman Dayton Hall called meeting to order at 6:02 p.m.

Roll call was taken.

Paul Farthing motioned to approve the agenda as posted. Penny James-Garcia seconded the motion. Unanimous.

The Pledge of Allegiance was led by Doug Heideman and Nanette Billings offered the prayer.

Public Hearing

1. **A Zone Change request located at 1205 S 400 W from RA-0.5 to R1-15 to split the lot that complies with the zoning. Parcel number H-3-2-3-226.**

No comments

2. **A Zone Change request located at 65 E 200 South on the portion that is RM-1, multifamily 6 units per acre, to GC, general commercial to match the rest of the property. Parcel number H-63-B-1.**

Stephen Nelson explained the request of the applicant. The applicant would like to expand on their current use and this will allow them to do so. No additional comments were made.

New Business:

2021-ZC-32 Discussion and consideration of a recommendation of a proposed zone change located at 1205 S 400 W from RA-0.5 to R1-15 to split the lot that complies with the zoning. Parcel number H-3-2-3-226. Davis Beau Applicant.

Beau Davis owns the property. He purchased it to fix up and rent out long term. He would like to split the lot to build an additional home on it. The original parcel size is one acre but there was frontage dedicated to the city for the roadway which dropped it down to the .96 acres. The lot requirement for RA-0.5 is 0.45 so he's requesting quarter acre zoning so he isn't out of compliance. Penny James-Garcia asked Stephen Nelson if he could verify the original lot size. Mr. Nelson stated that he knows there was a dedication but he'd have to do a title search to verify the lot was originally an acre. Mark Sampson asked Stephen Nelson if as a general rule if someone comes in and takes the right of way, does that mean everyone up and down the street has to change their zoning? Mr. Nelson stated that when a road takes away from some land, the use for the property does not change. But the zoning will need to be changed if they want to change the use of the property. Discussion on these types of circumstances was

had. Shelly Goodfellow agrees with staff comments and this lot complies with it all. Dayton Hall doesn't have an issue with the lot size, it's the zoning that is concerning. People that buy a regular single family zoned home are going to have a different expectation of the surrounding area. There is a difference use of residential agriculture. He has a concern that the next property owner that comes in is going to want third acre zoning. Mrs. Goodfellow suggested a variance but Mr. Hall stated that those are unpredictable. Mr. Nelson stated that he agrees with Dayton that variance leaves things up in the air. He pointed out that the general plan does set this area aside for R1-6 to R1-15 so the request is within the zoning parameters and it is likely that surrounding neighbors could come in and request a similar zoning. Paul Farthing asked if there was any way around the zone change? He is all in favor but granting the zone change does set a precedence. Mr. Nelson stated that the dedication of the road does not count towards the lot size. Michelle Cloud stated that this meets the four criteria looked at when granting a zone change so she has no issues with it.

Ralph Ballard motioned a recommendation of approval of 2021-ZC-32 to the city council with the understanding that this lot was once an acre with the remainder of it being divided would arrange for lots that are less than the half acre so in order to accommodate the landowner, it will be 0.45 acre or greater lots. Mark Sampson seconded the motion. Unanimous.

Penny James-Garcia asked if we have the authority to recommend the city council grant a zone change for third acre lots but say they can't do third acre lots? Ralph Ballard stated that he included an explanation of why he made the motion he did. Stephen Nelson stated that if they came in and broke off just a third acre, it would be within their right to do. The motion, from his understanding, was just a clarification of intent but they can't be held to it unless they sign some kind of development agreement.

2021-ZC-33 Discussion and consideration of a recommendation of a proposed zone change request located at 65 E 200 South on the portion that is RM-1, multifamily 6 units per acre, to GC, general commercial to match the rest of the property. Parcel number H-63-B-1. Saint Paul Catholic Center Applicant, David Bittmenn Agent.

Mark Sampson asked Stephen Nelson why this isn't already part of the downtown commercial use. Mr. Nelson addressed his comment while referencing the general plan map. The commissioners discussed the history of how the commercial zoning has been done in this area. Penny James-Garcia stated that she thinks this is an appropriate request for the area. We need more commercial in the area and this is a better option than what they currently have to operate on. No further comments.

Paul Farthing motioned a recommendation of approval of 2021-ZC-33 to city council based on the staff finding that it meets the general plan, it is consistent with the surrounding uses, it will have no real impact on the area, and services are adequate to serve the area as proposed. Penny James-Garcia seconded the motion. Unanimous.

2021-PSP-16 Discussion and consideration of approval of a preliminary site plan for a proposed recreation resort containing 35 units plus a restaurant, located at 475 N State Street. Corporation of the Episcopal Church in UT and Shamo Christen D and Charos Applicants. Matt Lowe Agent.

Jeff Thomas with Pro-Value engineering is representing the applicant. He stated that the comment about roadways being private or public, he assumes that they would be public but he would have to double check. Stephen Nelson stated that when they originally showed this, it was stated that the roads would be private but the plan doesn't indicate what is private and what is public. If they are public, some of the off the street parking spaces does not comply with city code but if they are private, that kind of parking has been allowed in the past. The design of the appropriateness of the roads just depends on whether or not the roads are private or public. Ownership of parking and streets was discussed further. Michelle Cloud's biggest concern is JUC comment number one which is power being difficult to deliver to them. Mr. Nelson stated that power is on the other side of SR-9, its not impossible to get power there, they will just need to work with the power department through the construction process. Paul Farthing stated that his assumption of this development would be to sell each individual unit. If they were all under the same ownership, he wouldn't have an issue with them being private, but if they are all individually owned, the roads need to be public. We've talked about how many vacation rentals are on the horizon and in able to protect the city, if short term rentals fail, the roads should comply and be public. Ralph Ballard stated that something needs to be listed out on what we want/need to see with this application. Mr. Nelson stated that Zion Village has private roads but generally speaking when they are broken up into individual units, having public roads is the safer bet. However, it'll add to how we are going to handle parking because the off-street parking does not currently comply. Shelly Goodfellow shared that 63 parking spaces is still not sufficient especially with the restaurant so parking is still an issue. Mark Sampson asked what the rules are for connecting to a public street from a private street. Mr. Nelson stated that generally speaking, when we have a private driveway, we treat it as a driveway entrance. The access, driveway, streets, and parking was further discussed while referencing the site plan presented. Per code, they have to provide access to adjacent property owners which is what the stub at the top of the property is doing for the property owner to the West. Mr. Farthing stated that he can see the issue with parking becoming an issue for the restaurant. If he was the owner of it, he would want to control the parking. Ralph Ballard commented about the potential median and where they are going to put a turnaround in. He can see access being an issue. Penny James-Garcia stated that all the developer is doing is cramming all the possible units onto the property. She does not like this plan and she does not think it is safe. The proposed clubhouse is a joke of a clubhouse for this many units. It needs to be revamped and revisited to make it where its reasonable. Dayton Hall stated that 6 trailer parking spots is not enough for this many vacation units.

Ralph Ballard motioned to continue 2021-PSP-16 to get a plan that is more suitable. Shelly Goodfellow seconded the motion. Unanimous.

2021-PP-27 Discussion and consideration of a recommendation of a preliminary plat for a proposed recreation resort containing 35 units plus a restaurant, located at 475 N State Street. Corporation of the Episcopal Church in UT and Shamo Christen D and Charos Applicants. Matt Lowe Agent.

Ralph Ballard motioned to continue 2021-PP-27 to get a plan that is more suitable. Shelly Goodfellow seconded the motion. Unanimous.

2021-PSP-17 Discussion and consideration of approval of a preliminary site plan for a proposed commercial building located on the southwest corner of Sand Hollow Pkwy and Caddy Lane. Hurricane Hills Ranch, LLC Applicant, Valerie Espinoza Agent.

2021-PP-28 Discussion and consideration of a recommendation of a preliminary plat for a proposed commercial building located on the southwest corner of Sand Hollow Pkwy and Caddy Lane. Hurricane Hills Ranch, LLC Applicant, Valerie Espinoza Agent.

Tony Carter represents the applicant. He stated that the office spaces are for the Villas residence to utilize while being on vacation. They will not be full time business offices. There will also be the restaurant on the top floor. Ralph Ballard stated that the parking issue needs to be addressed and done properly. Penny James-Garcia stated that she likes this because they are giving up a big lot to give their vacation renters a big service by providing this amenity. Parking is always a concern. Stephen Nelson stated that there is a high likely probability that the amount of parking spots proposed will be adequate. However, there has to be some kind waiver on the approval of less parking being approved. Mr. Nelson stated that he hasn't ever received any complaints about parking and there is a lot of overflow parking at the actual Villas. Mark Sampson asked about the current private road, Caddy Lane. Mr. Nelson stated that engineering recommends that Caddy Lane be dedicated as a public road. Shelly Goodfellow stated that she thinks there is plenty of space to add more parking. Her concern is that in the future, what if the use demands more parking? She understands the current use and that the parking is adequate for it but we should look at future use as well. Nanette Billings stated that when they proposed this, it was stated that the convention center would be for the community. More parking is needed. Parking for the Villas and proposed commercial building was discussed. The commissioners like the idea of the proposed use.

Shelly Goodfellow motioned to continue 2021-PSP-17 and 2021-PP-28. Ralph Ballard seconded the motion. Unanimous.

2021-AFP-14 Discussion and consideration of a recommendation of a proposed amended final plat for The Port at Gateway, Lot 2 Amendment, located at 290 N and Old Highway 91. CWZ Inc Applicant. Clint Waters Agent.

Jeff Thomas with Pro-Value represents the applicant. He went over the proposed amendment and what the applicant is seeking. Stephen Nelson talked about the water loop and what is going to be needed for it. There also has to be a note on the amended plat that they have not added, so it will need to be listed in the final amendment. Mark Sampson asked about staff comment number four. Mr. Nelson shared that as of his meeting, the standard has been resolved. Ralph Ballard asked how far the distance needs to be to water loop it. Mr. Nelson addressed the question on the map presented at the meeting. Paul Farthing ask Mr. Nelson if the fire department was okay with this. Mr. Nelson stated that when discussing things with them, they didn't have any issues.

Mark Sampson motioned recommendation of approval of 2021-AFP-14 subject to staff comments. Penny James-Garcia seconded the motion. Unanimous.

2021-CIMP-02 Discussion and consideration of written report to the City Council about a proposed Critical Infrastructure Materials Protection Area, Parcel ID H-3-1-30-31021, H-3-1-31-431, H-4-1-25-2202, and H-4-1-36-100. Interstate Rock Products Inc Applicant.

Chase Stratton represents the applicant. Dayton Hall asked Fay Reber if the four criteria are met, is the city required to create the zone as well as what the Planning Commission's role is in this process? Mr. Reber stated that there is actually supposed to be a committee to make this recommendation but there isn't that committee so it leaves it to the Planning Commission. The way he interprets the state statute is that if even if they meet the four criteria, it is up to the city to approve the district. Mr. Stratton went over why they are requesting the critical infrastructure materials protection. Penny James-Garcia asked Mr. Reber about a portion in the staff report that states the development agreement is under review by the City Attorney and asked if he found anything within it that are in conflict? Mr. Reber stated that there is a clause in the development agreement stated that they would waive their grandfathered uses, which raises a slight concern, but he didn't find anything that would prevent us from granting this. Mrs. James-Garcia stated that when Interstate Rock was here for their zone change, there was a lot of comments from the public about the truck traffic on 600 North and 3400 West. They don't tend to send their trucks through their own subdivision. It would be at least fair to split the traffic between 600 North, 3400 West, and the road through their subdivision. She also asked about the comment regarding the section of the trail throughout the mine and if we are going away from the trails and transportation plan we just adopted. Stephen Nelson addressed this by stating that the owner is has been unwilling to dedicate the trail to the city for their own protection. When meeting with them months ago, they discussed to move the current trail. This was referenced on the map presented. Shelly Goodfellow stated that Interstate Rock needs to protect themselves. The location of the trail was discussed, again. Mr. Hall stated that when looking at the four criteria, the applicant has satisfied all of them. Ralph Ballard believes the criteria has been met and it should be granted. Mr. Sampson asked if when a title search is done, will it pull this protection area. Mr. Reber stated that it is stated on the plat, which will show in a title search.

Shelly Goodfellow motioned to approve the written report for 2021-CIMP-02 as drafted. Ralph Ballard seconded the motion. Unanimous.

2021-LUCA-03 Discussion and consideration of a recommendation of a proposed code amendment to Hurricane City Code 10-26. Hurricane City Planning Applicant.

Stephen Nelson drafted up a section within this code that addressed garbage cans/dumpsters, which was presented to the commissioners. Ralph Ballard asked about the wording where it states the trash being city issued because ours isn't city trash. Fay Reber suggested that the language be changed to state something about getting approval from the solid waste district for the disposal of waste. The possible requirements for cans/dumpsters was discussed. The commissioners also discussed the possible standard square footage size for pools and clubhouses as well as amenities that should be provided in a resort area. Mr. Nelson shared that he's written codes in the past that do have those types of standards. He stated that he will add a standards table to present to the commissioners next meeting.

Paul Farthing motion to continue 2021-LUCA-03. Ralph Ballard seconded the motion. Unanimous.

Planning Commission Business:

1. Utah Public Open Meetings Act Training
2. Training and Conferences
3. City Council Recap

Adjournment