

Minutes of the Hurricane City Council special meeting held on October 25, 2024, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 9 a.m.

Members Present: Mayor Nanette Billings and **Council Members:** David Hirschi (online), Kevin Thomas (online), Clark Fawcett, Drew Ellerman, and Joseph Prete (online).

Also Present: City Manager Kaden DeMille, City Attorney Dayton Hall, Planning Director Gary Cupp, City Engineer Arthur LeBaron, and City Recorder Cindy Beteag.

AGENDA

9:00 a.m. - Call to Order –

Mayor Billings welcomed everyone and called the meeting to order.

Prayer and Pledge led by Clark Fawcett

NEW BUSINESS

1. Consideration and possible approval on FSP24-68 a final site plan for Canyon Villas, a 180 unit park model development located at 250 N 2800 W. Sunwood Homes, Applicant. Brandee Walker, Agent.

Clelen Tanner reviewed the plans for a retaining wall along the southern edge of his property and found them to be a repeat of previous plans that were unsuccessful. He asserted there were discrepancies between the plans submitted to Mr. Vercimak and those given to the Planning Commission. Citing Dayton Hall's letter to the applicant dated June 12, 2024, he requests withholding or denying all project permits and removing the unpermitted wall to restore the property to its original state. Additionally, he asks Hurricane City to consider daily criminal charges for the ongoing violation.

Mayor Billings read the following staff comments written by Gary Cupp that were provided in the packet. "Discussion: The applicant is seeking approval of a final site plan for the Canyon Villas, a 180 unit park model development located along 2800 W along with associated open space and amenities. This project was approved under the "park model development" classification that has been removed from our code, however this development is still reviewed under those standards. This project received preliminary site plan approval in December of 2022. The site is zoned Mobile Home/RV Park with a planned development overlay.

JUC Comments:

1. Construction drawings were approved in October 2024.

Staff Comments: Final Site Plan:

1. Zoning is MH/RV(PDO) in June 2023 the applicant applied for and received a variation in zoning standards that allowed for park model units larger than 400 sq ft. The final site plan matches the layout of the approved preliminary site plan.

- a. This development is a “park model development” which has specific standards that are similar in many ways to an RV park.
2. Open Space and Amenities: A playground area, pickleball courts, clubhouse/office and retention center are shown on the site plan. Per city code 10% of the area must be open space, which is met
 - a. Hurricane City Code (HCC) 10-43-8 states: *If common areas are provided within a manufactured home park or subdivision, or recreational vehicle park or park model park adequate guarantees shall be provided to protect such common areas from future development. No certificate of occupancy shall be issued for any structure in such park or subdivision until all required guarantees have been submitted to and approved by the City. The developer of a manufactured home park or subdivision, or recreational vehicle park or park model park, may elect any of the methods set forth in subsection 10-23-10A of this title to preserve common areas.*
 - b. Even though HCC 10-43-6(E) states that this development must remain a single parcel the applicant has already agreed to submit a final plat application to memorialize the easements for public utilities within the park. This final plat must also show easements protecting the two proposed common areas within the development. The final plat application must be submitted prior to scheduling a preconstruction meeting.
3. Parking: Per city code HCC 10-43-6(C)(7) one space is required per unit. Tandem parking for two vehicles has been provided per unit as well as overflow parking to meet this code.
4. Landscaping: A landscape plan has been submitted. Per HCC 10-43-6: *“Any area not covered by a manufactured home or recreational vehicle or park model, hard surfacing, or a building shall be landscaped per an approved site plan.”* The proposed landscaping plan shows this code being met with landscaping provided on a per-unit basis as well as landscaping provided with the retention area.

5. Building elevations have been provided. All units will be under 35’ tall.

Recommendation: The Planning Commission should review this application based on standards within Hurricane City Code. HCC 10-43-5 states that final approval for park model developments is a City Council decision after a Planning Commission recommendation. Staff recommends that the Planning Commission send a recommendation of approval to the City Council subject to staff and JUC comments.”

Gary Cupp explained this application went to Planning Commission last night and it was unanimously recommended for approval based on the proposed final site plan being consistent with the approved preliminary site plan. Staff and JUC comments include submittal of a final plat application for one lot. Mayor Billings asked him to address Mr. Tanner’s comments. Mr. Cupp explained a wall was not permitted under the grading permit. So, staff could not determine if it was to code because nothing was submitted. Mayor Billings added that it has

been reviewed now and has been determined it is adequate for what is needed. Clark Fawcett asked how big of site this is. Mr. Cupp stated approximately 16.57 acres. Mayor Billings pointed out the time to not approve this was before construction drawings. Now the Council only gets to choose how it is laid out. The applicant now has vested rights. Drew Ellerman confirmed there is not an expiration of time for preliminary site plans. Joseph Prete stated he didn't vote for this when it was approved at preliminary site plan because he had concerns of the road width, parking, and open space. Mr. Cupp stated the street standards for this type of development are narrower than a regular subdivision. Street parking will not be allowed. There is overflow parking on the north end and then each lot has two tandem parking areas. Arthur LeBaron reviewed the sizes of the parking stalls. He had a lot of concerns when this was first proposed so he went and looked at other developments similar in structure. Parking of vehicles on the street was not an issue at any of them. He mentioned there were some problems with the location of electrical equipment, so they addressed them in this project. Councilman Prete pointed out parking varies depending on time of day and holidays. He has seen a lot of parking problems. The streets are only thirty-four feet wide and there are no sidewalks. Mr. Cupp explained the code requirement is one space per unit and that is being met. Councilman Prete stated the problem is the parking requirements in the code were intended for 400 square foot buildings, but the Council granted an exception allowing larger buildings for this development, so the standard parking requirements do not necessary apply here. Mayor Billings pointed out that is why they provided two. Councilman Ellerman mentioned the triangle area on the corners that need to be left open. Mr. Cupp explained that area can't have permanent structures, but cars can park there. Councilman Fawcett stated parked cars within that triangle are a site problem too. Councilman Ellerman agreed stating if prohibiting anything within the triangle it isn't in the code then it needs to be. It is a safety issue regardless of if they are private streets. Mr. LeBaron pointed out there is a note on the plan to install no parking indicators within the triangle. He stated there is a line on the drawings that does need to be pushed back to accommodate more parking. Applicant stated that triangle area can be painted with red lines. Councilman Ellerman confirmed no parking on the street will be posted. Kaden DeMille stated the police can't issue ticket on private roads. Councilman Ellerman stated the best way is for the owner to have a contract with a towing company to enforce the parking.

Clelen Tanner stated the wall details are not specific to this project. The plans don't show the relationship between the wall and the adjoining property owners. He stated the applicant already encroached on his property. He didn't install the required drain, and the applicant exposed his wall footings. He has lost elevation on his property and his wall is cracked. He thinks new plans need to be submitted without encroaching on his property. They brought in a vibrator and was only ten feet from his house when they are supposed to be thirty feet away.

Mr. LeBaron explained when Sky Ridge was developed it spilled onto the Canyon Villas property. They are now trying to fix it. He thinks this is a time when property owners need to work together. It makes sense that a retaining wall needs to be built. Mr. Tanner has a right to not be damaged, so if he has been damaged, the builder should make it right. Councilman

Ellerman stated when a wall is built, they have to go a little over the property line to install it. The other subdivision pushed dirt onto the proposed development when it was built. Now they are trying to fix it. The parties need to work together to get it done. Mr. Tanner stated they went eight feet onto his property. Mayor Billings stated the property line can be verified and if the contractor went too far then he will have to fix it. She recommended including in the motion that property lines are verified, and parking lines are addressed.

Drew Ellerman motioned to approve the final site plan for Canyons Villas subject to proper communication from all properties pertaining to the retaining wall, the placement of the retaining wall is addressed, verification of the property lines, and that the parking depth on corner lots is sufficient for the site triangle is confirmed. Seconded by Kevin Thomas. Motion carried with Kevin Thomas, Clark Fawcett, Drew Ellerman, and Joseph Prete aye. David Hirschi absent.

Mrs. Tanner asked why this was this handled outside of the normal process. Mayor Billings explained it went through the same process. Construction drawings were done by staff, but a special City Council meeting was called at the applicant's request.

Adjournment: Clark Fawcett motioned to adjourn at 9:44 a.m. Seconded by Drew Ellerman. Motion carried unanimously.