

ON FEBRUARY 23, 2022 AT 6:00 P.M., 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, Shelley Goodfellow, Paul Farthing, Michelle Cloud, Ralph Ballard, Rebecca Bronemann, and Penny James-Garcia.

Members Excused:

Staff Present: Planning Director Stephen Nelson, Assistant Planner Fred Resch, Planning Technician Brienna Spencer and City Engineer Representative Darrin LeFevre

Chairman Dayton Hall called meeting to order at 6:00 p.m. The Pledge of Allegiance was led by Web Crowder and Shelly Goodfellow offered the prayer. Roll call was taken.

Rebecca Bronemann motioned to approve the agenda as posted. Paul Farthing seconded the motion. Unanimous.

Public Hearings

1. A Zone Change Amendment request located at 1200 W 4600 S from RA-1, residential agriculture 1 unit per acre, to R1-15, residential one unit per 15,000 square feet. Parcel number H-3403-K. Joshua Coen Applicant. Clark Spilker and Pope Engineering Agent.

Comments submitted are on file and attached to the end of these minutes.

Michael Salzman lives in Sky Ranch. He spoke of the General Master plan and what it shows for this area. He shared that the city has this area set aside for A-40 down to RA-0.5. It is not harmonious with the existing developments. RA-1 seems best suited for the area. He requests that the commission does not recommend this to the city council.

Johanna Hevalong lives on the flag lot that wraps around the proposed zone change. She shared what had to happen when her lot was developed. The access to 1200 west was the decision. She would like to see these lots developed at acre lots.

Mark Parini lives in Grassy Meadows and is a pilot. He stated that it seems to him that these developers are not considering the runway. The way he takes off on the runway, he goes right over the proposed developments full of high density. He, and a lot of others, would like to see less density. Because there are air operations, he would like to have it taken into consideration and keep those lots at 1-acre tops.

The manager at the Grassy Meadows Airport stated that take off is the most hazardous part of the operations. Unfortunately, sometimes it does happen and engines fail. Just a few months ago, an engine failed and the plane was totaled. They barely made it into the safety zone onto the landing strip. He thinks one unit per acre is small enough.

Susan Boren stated that this plane crash just spoken about was just to the west of her pasture. She was very grateful that she had land for this plane to come down as safely as possible. She asked the commissioners how they would feel if they had high density developments coming in around them when they bought a piece of land they thought would be for low density and big lots. The reasonable model for any city development is having high density in the middle of the city and keep the lower density on the outskirts.

Jackie Soresick lives in Cliff Dwellers on almost 2 acres. When they bought, they didn't understand that they would be in just a high dense area. They have approved 17,000 units all around and they would like the commissioners to keep that into mind. Infrastructure is also an issue. Who is responsible for the services to these developments? Does the developer pay for it? Does the city pay for it?

Steve talked about the traffic and conditions of 1100 west, it will not handle any more traffic. It is a major concern that most homeowners have out there. Some of the existing traffic has vehicles going 90mph and it makes it hard to back out of his driveway sometimes. This will be the main access into town because it's the quickest.

Zellen Barney stated we need to be reasonable about what we put out there. In the future, we will have city councilmen who complain about the location of the airport. It was put out there because it was a safe area. The lower density should be kept for the safety of those who choose to build out there.

Mary Ann Perkins lives in Adobe Hills. She stated that this request is not harmonious with what is out there. Everything to the north is at least 2 acre lots. She thinks even 1 acre lots is too small being that close to the runway. She doesn't want the zone change to be done now because it makes it hard for later on. A development agreement sounds great, but it can also be hard to enforce. She also has horses and when the north wind blows, poop goes everywhere. If you put houses right there, they are not going to be happy with her and she was there first. None of the four considerations in her letter were not met.

2. A Zone Change request located at 284 W 1080 S from RA-1, residential agriculture one unit per acre, to RA-0.5, residential agriculture one unit per half acre. Parcel number H-3-2-3-2126. Michelle Stratton Shumway Applicant

No comments

3. A Zone Change Amendment request located at approximately 600 S 3500 W from R1-6, residential one unit per 6,000 square feet; R1-8, residential one unit per 8,000 square feet; R1-10, residential one unit per 10,000 square feet; R1-15, residential one unit per 15,000 square feet, to R1-6, residential one unit per 6,000 square feet and R1-8, residential one unit per 8,000 square feet. Parcel number H-4-2-12-1102. D. R. Horton (Don Bean) Applicant. Adam Allen Agent.

No comments

4. A Land Code Use Amendment to Title 10, Chapter 15, regarding Planned Commercial development standards

Comment submitted is on file and attached to the end of these minutes. No additional comments.

5. A Land Code Use Amendment to adopt Water Conservation standards within Title 10 Chapter 39 – Subdivisions, Chapter 32 – Landscaping and Screening, Chapter 23 – Planned Development Overlay, and Chapter 33 – Design and Compatibility Standards.

No comments

NEW BUSINESS

1. 2022-ZC-05: Discussion and consideration of a recommendation of a proposed Zone Change Amendment request located at 1200 W 4600 S from RA-1, residential agriculture 1 unit per acre, to R1-15, residential one unit per 15,000 square feet. Parcel number H-3403-K. Joshua Coen Applicant. Clark Spilker and Pope Engineering Agent.

Robbie Pope stated that preliminary, they have 31 units. He appreciates the landowner of the flag lot because he was curious of what was going to happen with that as well. He is aware of the zone change to the south but he was not part of it so he doesn't know completely. He understands the objections but doesn't think this is high density. It is not his property; he is just the engineer. Stephen Nelson presented a potential preliminary plat that was included in the packet but it is not an approval or denial of the site plan. It was provided as a reference. Mr. Pope stated that he was not involved in the development of the airstrip and maybe there are some concerns, but he doesn't know the answers to those concerns. Michelle Cloud asked Mr. Nelson to pull up the general plan map, which shows this area to be rural residential. We just paid a lot of money for our general plan update, it's not even a year yet. Because of that, she is inclined to not be in favor of it. We have a unique place out there and she asked if we want to protect a unique area to our city. Rebecca Bronemann thanked the pilots who educated them about the runway safety. She stated that she doesn't think it is safe for the runway and the high density based off those comments. Mrs. Bronemann asked Mr. Nelson about staff comment number 4. Mr. Nelson addressed her question about possibilities about safety concerns. We want to ensure that we are able to respect the rights of all property owners and not hamper them because of a land use that happens to be adjacent so we are currently in discussion with the residence of this area about annexation into the city. The Hurricane Airport has a protection overlay that protects it but there isn't anything at a city or county level that protects this airport. Mark Sampson stated that the Hurricane Airport has certain protections and because the airport in Sky Ranch is not in the city, they cannot have those same protections. Mr. Nelson stated that the Hurricane Airport is public and this is private so there are different rules that apply to each one. He is not sure if there are any conflicts with the runway, his concern is the general plan. Mrs. Bronemann stated that she is typically all for higher density because it seems to be more affordable, but this doesn't seem to be appropriate for it. Paul Farthing asked what the surrounding zoning is. Mr. Nelson stated that the Solaroca zone change has a PDO with an underlying R1-10. They have agreed to low density around the outsides next to the surrounding properties. Mr. Pope stated that the general plan would allow for RA-0.5 which would only be a difference of 6,000 square feet. Mr. Farthing stated he doesn't think we should treat this application any different than the surrounding applications. Dayton Hall stated that this parcel is not consistent with the general plan, it is not harmonious with the surrounding neighborhood, and there are not adequate services. The more density you put out there, the more traffic you'll have. Penny James-Garcia stated that she will not vote against the general plan unless there is some compelling reason. It is a unique neighborhood. We have done a lot to protect this type of lifestyle. She shared some of the conversation she had with a gentleman on the Sky Ranch airport board. She stated that he looked for an airport community and there are very few around the United States. It is an asset to our city. Ralph Ballard asked if a protection over an airport is federally or FAA filing. This is not a consideration for that, but he wanted the commissioners to be aware. The density is a concern and services are a concern. He asked Mr. Nelson about the plans for water to this area of town. Mr. Nelson shared the plans for the water tank up on the hill and once that goes in, water will not be an issue. Shelley Goodfellow stated in terms of development, it is nice and she wishes we had more like this. But in terms of location, it does not meet the criteria. It is not for the area and we do need a buffer zone. She asked Ross which direction planes take off most often. Mr. Ross

stated that is most common for them to take off to the south. Mrs. Goodfellow had Mr. Nelson pull up the annexation map and pointed out that this area will be right in the central area of Hurricane but in terms to this development and where we are at right now, she doesn't see how we can approve this.

Mark Sampson motioned a recommendation of denial on 2022-ZC-05 based on the fact that it is not consistent with the General Plan, it is not harmonious with the surrounding neighborhood, and it does not have adequate services. Paul Farthing seconded the motion. Unanimous.

2. 2022-ZC-06: Discussion and consideration of a recommendation of a proposed Zone Change request located at 284 W 1080 S from RA-1, residential agriculture one unit per acre, to RA-0.5, residential agriculture one unit per half acre. Parcel number H-3-2-3-2126. Michelle Stratton Shumway Applicant

Michelle Shumway stated that she is looking to relocate so she can sell her home. Most of the properties to the west are zoned RA-0.5. It'll give her some more options when she goes to sell her home. Shelley Goodfellow asked about the future 300 west and how long it'll be till that is developed. Stephen Nelson stated that 300 west will be put in when development demands for it. He is unsure the lot will even be able to split the lot with the requested zone change. We require roadway dedication and improvements when there is a master planned road which requires the subdivision process not just a lot split. Penny James-Garcia is not in favor because it diminishes and opens the door for higher density. Dayton Hall doesn't have any issues with RA-0.5 but he is concerned about opening it up to R1-15. Paul Farthing doesn't have any issues with making it two half acre lots. Michelle Cloud stated that it meets the zone change requirements.

Paul Farthing motioned to continue this until the applicant comes back with an R1-15 zone change request. Rebecca Bronemann seconded the motion. Unanimous.

Further discussion was had.

Michelle Cloud – aye, Rebecca Bronemann – aye, Paul Farthing – aye, Dayton Hall – nay, Mark Sampson – aye, Penny James-Garcia – nay, Ralph Ballard – nay, Shelley Goodfellow – aye. Motion carries.

3. 2022-ZC-07: Discussion and consideration of a recommendation of a proposed Zone Change Amendment request located at approximately 600 S 3500 W from R1-6, residential one unit per 6,000 square feet; R1-8, residential one unit per 8,000 square feet; R1-10, residential one unit per 10,000 square feet; R1-15, residential one unit per 15,000 square feet, to R1-6, residential one unit per 6,000 square feet and R1-8, residential one unit per 8,000 square feet. Parcel number H-4-2-12-1102. D. R. Horton (Don Bean) Applicant. Adam Allen Agent.

Stephen Nelson reminded the commissioners of the proposed development but there was an issue with zoning. Because of the zone boundary discrepancy, staff could not make a positive recommendation for their preliminary plat. He stated that Karl Rasmussen brought to his attention today that the map actually approved is not reflecting on the city's zone change map. However, he cannot find record of it but wanted to make it publicly known the potential discrepancy. Penny James-Garcia asked how much the density will change. Adam Allen stated that it'll add maybe 10 units overall. Mrs. James-Garcia asked for an update on the PID. Mr. Nelson stated that the PID is approved and the city has approved two roadways. Darrin LeFevre stated that they have approved two roadway dedications and will be approving maybe two more next week. This has been coming along very slowly but we will be seeing it

pick up very soon. Dayton Hall stated that it is important to note that they are next to an orchard and they are requesting an increase next to an orchard.

Rebecca Bronemann motioned a recommendation of approval on 2022-ZC-07 subject to staff and JUC comments. Paul Farthing seconded the motion.

Ralph Ballard stated that there is a lot more to approving homes and density next to orchards and we are reducing our ability to produce food.

Michelle Cloud, Rebecca Bronemann, Paul Farthing, Dayton Hall, Mark Sampson, Penny James-Garcia, Shelley Goodfellow – aye, Ralph Ballard – nay because he thinks we need to look at the agriculture side of things. Motion carries.

6. 2022-CUP-03: Discussion and consideration of approval of a conditional use permit for an accessory building of greater size and height located at 1458 S 700 W. Andrew Hathaway Applicant.

Dayton Hall summarized why this application is being seen again. Andrew Hathaway stated that they are using gray cinderblock that will have the same roofing as the house. The garage will match the house in color. Penny James-Garcia shared that she spent over an hour researching what the term compatible architecture means. Stephen Nelson stated that he went through our previously approved conditional use permits on accessory buildings and none of them were cinder block. Mrs. James-Garcia stated that she thinks we need to be consistent and if we haven't approved cinder block and we shouldn't start now. She doesn't know why they would want to put a cinder block building on their lot. It sets a precedence that is not there and she doesn't think we should start it. Mrs. Hathaway stated that the code does not state anything about cinder block. Ralph Ballard asked how much it would cost to stucco this size of a building. Mr. Hathaway stated that it would cost them \$25,000 to stucco it. Shelley Goodfellow shared that she doesn't see any issues with this. She thinks the reason the code does not state the allowed materials is because the city is not an HOA. Rebecca Bronemann stated that there is no precedence that has been set and she doesn't think we can deny this. Michelle Cloud feels like the applicant has the intent to be compatible especially with them using the same materials on the roof. Paul Farthing doesn't see any issues. Dayton Hall asked what wouldn't be considered compatible architecture. Councilman Kevin Thomas shared what his perspective, as a home designer, would be the way it looks not the materials it's made out of.

Shelley Goodfellow motioned to approved 2022-CUP-03 because it is compatible due to the colors, trim and same roof as the house. Ralph Ballard seconded the motion. Michelle Cloud, Rebecca Bronemann, Paul Farthing, Dayton Hall, Mark Sampson, Ralph Ballard, Shelley Goodfellow – aye. Penny James-Garcia – nay. Motion passes.

7. 2022-CUP-04: Discussion and consideration of approval of a conditional use permit for a commercial building of greater height located at 48 S 1760 W. Red Rock Hospitality Applicant. Ishraj Singh Agent

Steve Beasley stated that they are looking for a typical Hampton Inn that comes at 54 feet tall. He stated that he spoke with Fred Resch this morning and that if it could be brought down 2 feet, it would probably be okay. Paul Farthing asked how tall the Wyndam and Clarion Inn and Suites is. Stephen

Nelson stated that since those conditional use permits were approved, the code has changed. He does have a few standards the commission should consider and part of the issue is that there are no direct adjacent developments to set the standards for 1.5 times the height. He did state that he has some issues with this code that could allow for some loopholes with the 1.5 times the height. Mark Sampson asked where the 1.5 times came from. Mr. Nelson stated that nobody had a good recollection of where that standard came from. Mr. Farthing stated that the Clarion is right next to residential so we can't really look at that. Something like this will provide more rooms for more tax revenue for other businesses and the city. Someone is willing to make the investment and we're going to make their life miserable for less than two feet. Dayton Hall stated that based off the code, he doesn't see how we can do the math and give the requested height. Mr. Beasley stated that he doesn't think they should base the height off of residential heights. Penny James-Garcia thinks we need to review our code. She is in favor of this but she cannot vote against the code. Ralph Ballard stated that a code review is necessary. He is in favor of the hotel and would love to see the project happen but this code is something we do have to address. Shelley Goodfellow asked what the plans were for excavating. Mr. Beasley stated that they haven't gotten that far with the civil engineering yet but it will be below the highway. Mrs. Goodfellow stated that we shouldn't deny this but continue it so we can work on our code. Mr. Nelson stated there are quite a few different ways we could address this code to make it work.

Paul Farthing motioned to deny 2022-CUP-04 based on the finding that the requested height is greater than 1.5 times the immediate adjacent properties. Penny James-Garcia seconded the motion. Shelley Goodfellow, Paul Farthing, Mark Sampson, Ralph Ballard, Dayton Hall, Michelle Cloud, Penny James-Garcia – aye. Rebecca Bronemann – nay.

8. 2022-CUP-05: Discussion and consideration of a possible approval of a conditional use permit for a metal building located at 1100 N Main St. Josh Proctor Applicant

Penny James-Garcia asked what the code classifies metal shipping containers as. Stephen Nelson stated that generally his interpretation is that they should get permits and a conditional use permit because he would classify them as a metal structure. But nobody has ever come in to ask him if they could put a metal storage container on their lot. Although not relevant, further discussion about metal shipping/storage containers was had. Commissioners do not have any issues with the requested structure.

Mark Sampson motioned to approve 2022-CUP-05. Rebecca Bronemann seconded the motion. Unanimous.

9. 2021-PP-32: Discussion and consideration of a recommendation of a preliminary plat for Desert Sands Area G, a 125-unit single-family subdivision located at 3000 S Sand Hollow Road. The Hollows LLC Applicant. Brett Burgess Agent.

Brett Burgess went over the application. Shelley Goodfellow is glad they are not maximizing their density and she has no problems. Ralph Ballard stated that commercial is what funds the city, not residential. We need to figure out a way to keep it here and if we do, we will have the money to do what we want to do. Mr. Burgess stated that they are trying to get some commercial going. They want to do a gas station and some restaurants. Dayton Hall asked how high the ground water was. Mr. Burgess stated

that they have only seen water along the commercial side but they hit rock at 4 feet in the residential area. They will build it up along Sand Hollow Rd so it shouldn't be an issue especially with the pump stations the water conservancy has put in. Michelle Cloud would like to request a pizza place. Mr. Ballard stated that the ground water is an issue and it will affect the gas station.

Paul Farthing motioned a recommendation of approval 2021-PP-32 subject to staff and JUC comments. Mark Sampson seconded the motion. Unanimous.

10. 2022-FSP-02: Discussion and consideration of a possible approval of a final site plan for Walmart Lot 8, a one-unit commercial development. American Heritage Homes Applicant

Ben Reusch is the owner of the property and is currently in negotiations with a pizza place for one of his buildings on this lot. Stephen Nelson stated that landscaping and building renderings were all that was needing to be approved. Paul Farthing mentioned the staff comment about potentially adding some additional ADA compliant parking. Rebecca Bronemann stated that outdoor lighting just needs to be dark sky compliant.

Rebecca Bronemann motioned to approve 2022-FSP-02 subject to staff comments. Michelle Cloud seconded the motion. Unanimous.

11. 2022-PSP-06: Discussion and consideration of a possible approval of a preliminary site plan for Hurricane Equipment Rentals located at 520 W and SR-9. Hurricane Equipment Rental Applicant.

Shelley Goodfellow motioned to approve 2022-PSP-06 subject to staff and JUC comments. Penny James-Garcia seconded the motion. Unanimous.

12. 2022-AFP-02: Discussion and consideration of a recommendation of an amended final plat for North Slope at Copper Rock Phase 2. Fairway Vista Estates Applicant. Alliance Consulting (Mike Bradshaw) Agent

Ralph Ballard motioned to continue 2022-AFP-02 at the applicant's request. Mark Sampson seconded the motion. Unanimous.

Planning Commission Business:

1. City Council Recap
2. Discussion and consideration of rescheduling Hurricane City's Planning Commission meeting
Ralph Ballard motioned to approve the schedule as amended. Paul Farthing seconded the motion. Unanimous.

Approval of Minutes:

December 9, 2021

Shelley Goodfellow motioned to approve the minutes for December 9, 2021. Michelle Cloud seconded the motion. Unanimous.

January 13, 2022

Mark Sampson motioned to approve the minutes for January 13, 2022. Ralph Ballard seconded the motion. Unanimous.

4. 2022-LUCA-01: Discussion and consideration of a recommendation of a Land Code Use Amendment to Title 10, Chapter 15, regarding Planned Commercial development standards

Stephen Nelson shared that he has spoken with some of the planned commercial property owners and they recommended that instead of calculating things by floor area, we do the overall site area. What the tradeoff comes to is larger commercial areas with smaller residential areas with calculating floor area and smaller commercial but not necessarily incentivize smaller residential units. Dayton Hall stated that we are giving more density to the residential side of these planned commercial by incentivizing more commercial. There is a tradeoff where we are allowing above 15 units per acre if they will do 40% commercial. But if we calculate by total area instead of floor space, it throws the balancing out of whack. Mr. Nelson stated that area would be a little bit easier to calculate through the process. With preliminary site plans, the estimates will be a little hard to judge so he will have to have a really good idea of what their buildings are going to look like. But calculating area, commercial building could be a little loose and you can be more open ended about what it'll be. From an implementation standpoint, it will be easier to work with. But the reason we did it this way was to create a larger and more walkable commercial type development. He just thinks the overall implementation might be a little tricky when figuring out square footage.

Dayton Hall motioned a recommendation of approval of 2022-LUCA-01 subject to the city attorney's review. Mark Sampson seconded the motion. Unanimous.

5. 2022-LUCA-02: Discussion and consideration of a recommendation of a Land Code Use Amendment to adopt Water Conservation standards within Title 10 Chapter 39 – Subdivisions, Chapter 32 – Landscaping and Screening, Chapter 23 – Planned Development Overlay, and Chapter 33 – Design and Compatibility Standards.

Stephen Nelson went over the proposed water conservation standards and where it would pertain to certain sections within the city code. Because we were opening the code, he thought right now would be a good time to talk about park strips and street trees because it pertains to the spirit of the water conservation portion of the code. Penny James-Garcia stated that when speaking with Mr. Nelson this afternoon, she asked if there is any real data for our city of Hurricane that shows we have a water issue, and he stated that we do not so she feels this is premature. Michelle Cloud stated that we are in a water crisis and we need to do what we can to conserve. There are some things that all the different departments are okay with. She thinks there is a lot more we can do. The commissioners further discussed what they would like to see with restrictions within residential zones. Ms. James-Garcia stated that she has an issue with the section that regulates adding trees within park strips. She shared that they have had a lot of issues within Sky Mountain where the sidewalks are heaving because of the roots. They just recently took out 47 of their 85 trees.

Mark Sampson motioned to continue 2022-LUCA-02. Paul Farthing seconded the motion. Unanimous.

Adjournment