Hurricane Planning Commission
Meeting Minutes
March 13, 2025

Minutes of the Hurricane City Planning Commission meeting held on March 13, 2025, at 6:00 p.m. in the City Council Chambers located at 147 N. 870 West Hurricane UT, 84737

Members Present: Mark Sampson, Paul Farthing, Brad Winder, Kelby Iverson, and Amy Werrett.

Members Excused: Michelle Smith, Shelley Goodfellow, Ralph Ballard

Staff Present: Planning Director Gary Cupp, City Planner Fred Resch III, City Attorney Dayton Hall, Building/Planning Clerk Karri Richardson, City Engineer Representative Jeremy Pickering, Water Department Representative Kory Wright, Power Department Representative Scott Hughes, and Councilman Kevin Thomas.

6:00 p.m. - Call to Order

Roll Call

Pledge of Allegiance led by Amy Werrett.

Prayer and/or thought by invitation given by Brad Winder.

Paul Farthing motioned to approve the agenda as presented. Brad Winder seconded the motion. Unanimous.

Declaration of any conflicts of interest – none.

Public Hearings

1. A Zone Change Amendment request located at 1485 W 400 S from RA-1, residential agriculture one unit per acre, to RA-0.5, residential agriculture one unit per half acre and R1-15, single family residential one unit per 15,000 sqft. Parcel number H-3-2-4-1416.
Laura Penrod Smith, representing the neighbor to the west, stated that they intend to pursue the same zone change for their property and are therefore in support of the request.

2. A Land Use Code Amendment to Title 10 Chapter 15 regarding Planned Commercial standards.
No comments

NEW BUSINESS

1. ZC25-06: Discussion and consideration of a recommendation to the City Council on a Zone Change Amendment request located at 1485 W 400 S from RA-1, residential agriculture one unit per acre, to RA-0.5, residential agriculture one unit per half acre and R1-15, single family residential one unit per 15,000 sqft. Parcel number H-3-2-4-1416. Tonya Beutler, Applicant.

Tonya Beutler explained that she was thinking of the future and would like to rent or sell the smaller parcel closer to the road, while leaving the flag lot to build a house for her own use later. Brad Winder asked if that meant two different zoning designations for two different lots. Mrs. Beutler confirmed, stating the back lot would be RA-0.5 to allow for keeping animals.
Paul Farthing asked about fire truck turnaround, and Tonya responded that a semi could turn around there. Kelby Iverson inquired whether there was an ordinance on flag lots, and Gary Cupp confirmed there was, noting that if they did the lot split, they would need to conform. However, this request was only for a zone change.

Dayton Hall asked if the dimensions of the lot had been reviewed to ensure it would meet flag lot standards, and Fred Resch III confirmed that they had. Mr. Iverson asked if this was the area with rural/residential zoning. Mr. Cupp clarified that was located further west.

Amy Werrett motioned to approve ZC25-06 subject to staff and JUC comments. Brad Winder seconded the motion. Unanimous.

2. AFP25-02: Discussion and consideration of a possible approval of an amended final plat for Hurricane Views Plat B Lots 3 and 4, located at 2107 W 320 S. Andrew Kay, Applicant.
Andrew Kay presented his request for an amended final plat for Hurricane Views Plat B Lots 3 and 4, located at 2107 W 320 S. He explained that a ravine had gone through the property and, to save costs, it was originally designated as common area. However, during construction it had been filled in with excess dirt. The amendment would adjust the lot lines so this space could be included in the lots instead of being maintained as common area.

Mark Sampson asked staff whether this area served as drainage or if it appeared stable. Gary Cupp stated he had reviewed the site and it looked consistent with the rest of the area. No drainage study had been completed, but there were no concerns. Mr. Sampson asked if any analysis had been done prior to approving it as open space. Mr. Cupp replied no, explaining it had simply been designated as space for the HOA to maintain, and no development was proposed.

Paul Farthing expressed concern that the area had been approved as open space but was later changed without approval. Mr. Cupp stated that it was considered in their review, but no issues had been identified. Kelby Iverson noted that often subdivisions are developed with common space, and later requests are made to change it for development.

Amy Werrett asked whether this change would make lot 4 bigger and lot 3 smaller. Mr. Kay explained that lot 3 would get much larger while lot 4 would get a little larger. He added that the land had existed in this condition even at the time the development was first created.

Mr. Cupp claimed that the land was not designated as open space, park, or drainage, just an area for the HOA to maintain. He asked rhetorically if the applicant had come in originally with this request, would the process or answer be different, suggesting it would not. Mr. Iverson added that when HOAs are tasked with maintaining land, situations like this could actually help ensure the land continues to be maintained.

Kelby Iverson motioned to approve AFP25-02. Paul Farthing seconded the motion. Unanimous.

3. PP25-07: Discussion and consideration of a possible approval of a preliminary plat for SkyRim Townhomes, a 132 unit townhome development located at 290 N 3320 W. Brad Brown, Applicant. Reeve & Associates, Agent.

Brad Brown explained that this request covered only the townhome portion of the development, which is similar to the concept previously presented several times. He stated they were ready to move forward with the plat. He acknowledged the staff review raised concerns that they were not at this point yet, but he believed they were close enough to proceed.

Paul Farthing questioned whether the streets would be private or public, noting that typically the City requires public roads. Fred Resch III explained that while public roads are required in most cases, there are some different situations. Mr. Farthing expressed concern that with small private roads there would not be enough room for resident parking or emergency vehicles. Mr. Brown responded that while there would be some private alleyways, the main roads would be public, and discussions had been held with fire on what they wanted to see.

Jeremy Pickering added that one of the conditions was that the roads paralleling 290 N would be public. Mr. Farthing asked about visitor parking, and Mr. Brown confirmed there would be, pointing out the locations. Gary Cupp added that the project met the parking requirement, with driveways provided for each unit.

Amy Werrett raised the question of whether adequate public facilities could be provided, asking specifically about power. Mr. Cupp explained that the issue was they had not yet obtained the easements or power to the area. Mr. Brown noted he had spoken with Scott Hughes about power.

Mr. Hughes clarified that the discussion Brad referred to took place years ago, and while at that time it was indicated that once a contract was signed and money paid, the infrastructure would be built within a reasonable timeframe, things have since changed. The complication now was determining who would build the system—the power department or the contractor. He added that in his view, they could still keep the contract with Brad.

Dayton Hall asked if servicing the lines would require an extension, and Mr. Hughes confirmed it would. Mr. Hall then asked if an extension application had been submitted. Mr. Hughes responded he did not believe so, as their earlier discussions predated the ordinance change. Mr. Hall also asked if the easements needed to come off 2800 had been recorded. Mr. Brown replied they had not but explained they had done a lot of due diligence with the engineer to ensure the paths and design were ready.

Mr. Huges commented that while he did not like going back on what was previously discussed, even under the old arrangement, it required approvals, easements, and money in place first. Mr. Hall agreed with Planning Department staff that it was premature to approve the request, and the issues identified in the staff report needed to be addressed first.

Mark Sampson asked if there would be opposition to tabling the item until the issues were resolved, and Dayton said no. Mr. Brown asked whether it should be continued or tabled. Mr. Sampson explained tabling was more appropriate, as the issues could take longer than two weeks to resolve. Kelby Iverson asked for clarification between denial, tabling, and continuing. Mr. Hall explained that denial meant the applicant could reapply but would need to pay another fee, and while some applications have time limits, this one did not. A continuation meant it would automatically roll to the next meeting, while tabling meant it would return once the conditions had been met.

Mr. Farthing acknowledged that a lot had already been accomplished, and Dayton agreed, but reiterated it was not ready yet. Brad Winder noted there were many concerns raised by different departments that could be resolved before approval. Mr. Sampson concluded that the Commission did not want to approve something with too many unresolved issues and determined the request would be tabled.

Brad Winder motioned to table PP25-07 until JUC and staff comments were resolved. Paul Farthing seconded the motion. Unanimous.

4. HIL25-01: Discussion and consideration of a recommendation to the City Council on an exception to the sensitive lands ordinance for a retaining wall located at 760 S 1480 W. Kendra Eliot, Applicant. Terry Spinks, Agent.

Terry Spinks requested an exception to the sensitive lands ordinance for walls that exceed 16 feet. Mark Sampson asked if staff's recommendation was positive. Gary Cupp explained that based on their analysis, the request met the criteria for an exception. He stated that although staff was not pleased this work was done without review or building permits, the review after the fact showed it still met the criteria. He noted that when similar situations arise, staff evaluates them as if they had been submitted correctly from the start, and their recommendation would have been the same.

Paul Farthing asked why permits had not been obtained. Mr. Spinks explained that the owner had purchased the lot from the developer, who constructed the original walls. The owner wanted the walls extended to avoid having a walk-out, and the excavator mistakenly believed no additional permit was needed, assuming it was covered under the original wall approval. Staff became involved afterward.

Mr. Farthing pointed out that Aaron Earl had raised concerns that the wall heights reported were not accurate. Mr. Cupp clarified that the wall heights as built did conform to what had been approved. Mr. Sampson asked who verified the height of the wall, and Gary responded that it was certified by an engineer's stamped letter.

Kelby Iverson asked what would happen if the request was not approved, noting that tearing the walls down would likely cause more damage than leaving them. Mr. Cupp said staff considered the intent of the sensitive lands ordinance and determined that the construction did not conflict with its purposes. The walls had been certified by engineers as constructed. Mr. Iverson stated that unless there was another agenda at play, the request should be approved.

Mr. Earl asked if a permit had been applied for initially, would the applicant have been subject to additional investigations and reports. Mr. Cupp answered that those studies had already been completed with the subdivision approval, so they would not have been repeated. Mr. Earl insisted that the information could not be accurate and said surveying should have been required beforehand. Mr. Cupp responded that because the work was done without permits, staff had no opportunity to require it, but engineers did certify the construction as built.

Dayton Hall reminded the Commission that they were only considering the exception and the four criteria required by ordinance, not questions of retaliation or penalties. Mr. Farthing concluded that the request did meet the criteria.

Kelby Iverson motion a recommendation of approval of HIL25-01. Brad Winder seconded the motion. Unanimous.

Mr. Sampson encouraged Mr. Earl to go to City Council next week and make a comment.

5. FSP25-09: Discussion and consideration of a possible approval of a final site plan for LakeView Townhomes Phase 1, a 38 unit townhome development located at 4640 W Dixie Springs Dr. The Hollows LLC, Applicant. Logan Blake - DSG Engineering, Agent.

Brett Burgess presented the final site plan review for the townhomes, stating that they had met the requirements given to them. He explained that the streets would be public and the homes would have driveways with garages, and he expressed hope for approval.

Amy Werrett asked about the overall density, noting the figure of 414 units and questioning how this project would impact that number. Mr. Burgess replied that he did not have the exact information on hand but explained that when they increased units in this area, they had decreased them in Lakeside and Sedero, keeping the overall total within the approved 1,770 units. Fred Resch III confirmed that this phase should meet the density approvals and noted that the City has allowed density to be shifted between phases within the development.

Mrs. Werrett also asked about the trees and common areas shown on the plans and who would maintain them. Mr. Burgess explained that the Lakeview Townhomes would have their own HOA responsible for maintaining those areas.

Paul Farthing motioned to approve FSP25-09 subject to staff and JUC comments. Amy Werrett seconded the motion.

Mark Sampson asked what the number of units citywide was prior to this approval for townhomes. Mr. Resch responded that, based on the preliminary count, the number was about 25,000 units, including these.

Motion carries unanimously.

6. LUCA25-01: Discussion and consideration of a recommendation to the City Council on a Land Use Code Amendment to Title 10 Chapter 15 regarding Planned Commercial standards.

Gary Cupp explained that, based on direction from City Council, there is concern with the current requirement of 20% commercial and 20% residential in Planned Commercial zones, with the remainder flexible. The Council feels that a 20% commercial minimum is far too low for a commercial zone, so the proposed change would raise it to a 70% commercial minimum.

Mark Sampson asked how the 20% threshold was originally set. Fred Resch III said it was established in 2022, because at that time the Planned Commercial zone did not require any mixed use at all—it could have been 100% commercial or 100% residential. The 20/20 standard was adopted to ensure some mix while giving developers maximum flexibility.

Paul Farthing asked what kind of flexibility this new proposal would allow and referenced an example in St. George where apartments are built above commercial space. Dayton Hall responded that, as currently drafted, there is no flexibility—70% commercial would be required. Council kept receiving applications at the minimum 20% commercial level and wanted to raise the standard.

Councilman Kevin Thomas noted that the old ordinance allowed too much flexibility, so at the time the 20/20 compromise made sense, but it resulted in mostly housing-heavy projects with minimal commercial. The goal now is to encourage more commercial and less residential in Planned Commercial zones.

Mr. Resch said he shares Paul's concern that requiring 70% commercial could make it difficult for projects like the St. George example. Mr. Cupp added that he likes the flexibility of the 20/20 system, but agreed that 20% minimum commercial is too low. Mark recalled that Cedar Pawn was developed at 50/50. Mr. Resch clarified that, technically, Cedar Pawn is 100% commercial since they are short-term rentals, but if they were long-term it would be a 50/50 mix.

Kelby Iverson suggested something like 70% commercial with the possibility of a variance, but not less than 50%. Mr. Hall clarified that Planned Development Overlays (PDOs) govern Planned Commercial zones, and site plans are approved legislatively with the council during the zone change process.

Mr. Cupp added that council also expressed concerns about building height in commercial zones, so the ordinance has been adjusted to cap height at 35 feet. Mark recalled long discussions about hotels. Mr. Hall clarified that hotels in highway commercial were never entitled to 55 feet by right; they were only allowed to apply for conditional use permits to exceed 35 feet.

Mr. Farthing suggested a 50% commercial minimum, with higher requirements left to City discretion. Mr. Iverson asked Councilmember Thomas if council had discussed flexibility. Kevin said he didn't recall 70% specifically being discussed, but one councilmember had been vocal about that figure. Mr. Sampson recommended giving more flexibility, somewhere around 50–60%.

Councilman Thomas asked whether the percentage applies to total square footage across the site or each floor. Mr. Resch confirmed it applies either way—vertical or horizontal. Mr. Sampson asked for examples of mixed-use areas. Mr. Resch pointed to Sky Rim as a good example. Mr. Sampson questioned why this has become an issue now. Mr. Farthing explained that it arises when large tracts of land are proposed heavily one way or the other.

Kelby Iverson motioned a recommendation of approval of LUCA25-01 to the City Council with the change that it be 50% commercial, 20% residential, and 30% flexible and the approval of the other red lines made by the City Attorney, Dayton Hall, and planning staff. Paul Farthing seconded the motion. Unanimous.

Planning Commission Business:

1. **Discussion on allowed uses in agricultural zones**

Gary Cupp brought up an issue with a general (farm) store that was built in an RA zone. The store is currently operating without a business license and was constructed without a building permit. By code, farm stores are limited to selling products produced on their own land, but this store has been selling additional items. He asked the commission to discuss whether the ordinance should be expanded to allow more flexibility in what farm stores can sell.

Mark Sampson asked how this compares to the pecan store. Mr. Cupp explained that farm stores cannot sell items not produced on their own property, and this business would need to reduce its offerings accordingly. Mr. Sampson then asked about procedures for illegal short-term rentals. Fred Resch III said the process involves issuing warnings, then citations, and ultimately court if violations continue.

Kelby Iverson questioned whether the same standards apply to farmers—for example, if he sells hay from his land. Karri Richardson clarified that products produced on the land can be sold as an agricultural use, but making and selling non-agricultural items like jewelry would require a business license.

Mr. Cupp asked whether the city should expand what farm stores can sell. Mr. Sampson asked about Cherry Hills Farm. Mr. Cupp said it is a grandfathered use, but if it shut down and reopened, it would have to comply with current regulations.

Mr. Iverson raised a concern: if farm stores are allowed to expand, would that eliminate the need for business licenses for non-farm items like jewelry? Mr. Cupp confirmed they would still need a business license.

Councilman Kevin Thomas suggested a percentage approach, requiring a certain portion of sales to come from farm-produced goods and allowing a smaller portion of sundries. Mr. Iverson supported the idea of allowing agricultural properties to pursue ag-related ventures but agreed it should be limited to what they produce, with only a small portion of supplemental items.

Mr. Sampson asked what other communities are doing with farm stores. Mr. Cupp said more research is needed. Paul Farthing suggested requiring 80% farm/agricultural products and allowing the rest to be supplemental. Councilman Thomas said he likes the concept of farm stores overall. Mr. Cupp concluded by saying staff would bring forward a draft code amendment for consideration.

2. Discussion on the Planned Development Overlay ordinance.

Gary explained that this item was tabled last November so staff could do some fine tuning. That work has now been completed, and the item will be coming back to the commission within the next meeting or two. This update was mainly to alert the commission that it is returning soon.

The commission briefly discussed upcoming conferences. The ULCT Conference is scheduled for October 1st and 2nd, and the APA Conference will take place May 7th–9th. The discussion focused on who would be attending each.

Approval of Minutes:

1. July 25, 2024

No corrections made. Mark Sampson noted that two members had not been present at the previous meeting and asked if they could still vote. Dayton Hall explained that even if they were not at the meeting, members are encouraged to vote as long as they review the material and see nothing wrong with it.

Kelby Iverson motioned to approve the minutes from July 25, 2024. Brad Winder seconded the motion. Unanimous.

Paul Farthing motioned to adjourn. Brad Winder seconded the motion. Unanimous.

Adjournment at 7:40pm