

Hurricane Planning Commission
Meeting Minutes
September 22, 2022

Minutes of the Hurricane City Planning Commission meeting held on September 22, 2022, at 5:00 pm in the City Council Chambers located at 147 N. 870 West Hurricane UT, 84737

Members Present: Mark Sampson, Paul Farthing, Shelley Goodfellow, Ralph Ballard, Michelle Cloud, Brad Winder, and Kelby Iverson

Members Excused: Rebecca Bronemann

Staff Present: Planning Director Stephen Nelson, Assistant Planner Fred Resch, City Attorney Dayton Hall, Planning Technician Brienna Spencer, City Council Representative Kevin Thomas, and City Engineer Representative Jeremy Pickering

5:00 pm - Planning Commission Business:

Mark Sampson, Michelle Cloud, Brad Winder, Shelley Goodfellow (joined at 5:04 pm), Kelby Iverson (joined at 5:08 pm), and Ralph Ballard (joined at 5:36 pm) were present during this time.

1. Discussion of updates to the General Plan Map.
 - a. Stephen Nelson reviewed the areas of the general plan map in which staff recommends updates.
 - b. Mr. Nelson suggested amending the area of 3000 South to commercial with mixed-use. The commissioners are not sure they want to narrow the uses.
 - c. Commissioners discussed changing the area south of Dixie Springs Drive from single family to a planned community to allow for a wider variety of use within this area, including commercial uses. The commissioners were in general favor of the change.
 - d. Commissioners discussed the area of I-15 along Foothills Canyon Dr. The current general plan is not in line with the use approved for the area. This change will match the approved site plan for the Coral Canyon PDO, which shows this area as a mix of commercial and residential. The commissioners were in general favor of the change.
 - e. Commissioners discussed the area directly north of the Walmart and West of the SR-7/SR-9 interchange. Staff is proposing general commercial and light industrial. Mayor Billings had asked Mr. Nelson to look at the areas where industrial would be appropriate, and this is this area he feels is appropriate. This change will create opportunities for light industrial and commercial. The commissioners were in general favor of the change.
 - f. There was further discussion about preserving areas for heavy industrial.
 - g. The commissioners discussed changing the area along 600 North from mixed-use to single family. The commissioners were in general favor of the change.

- h. Commissioners discussed changing the general plan from single-family to rural residential in the town center. Throughout this year, the Planning Commission and City Council have been consistent in denying single-family zone change requests in this area. It is appropriate to change this to match the decisions of the Planning Commission and City Council to avoid controversy or potential petitions on the actions. The commissioners favored the change but would like to see the proposed area include the Roberts Ranch area.
2. Discussion of updates to the public notice process.
 - a. Mr. Nelson explained that the changes to the code made by City Attorney Dayton Hall are not reflected in the information presented to the Planning Commissioners. These updates will be presented at the next meeting.
3. Discussion of short-term rentals in accessory dwellings, residential hosting, and commercial zones.
 - a. Mr. Nelson shared that there is vagueness in the code, leading to misinterpretation. He explained the confusion regarding residential hosting and accessory dwelling units.

6:00 pm - Call to Order

Chairman Mark Sampson called the meeting to order at 6:07 pm.

Roll Call

Pledge of Allegiance, led by Michelle Cloud

Prayer was given by Kelby Iverson

Declaration of any conflicts of interest

- Kelby Iverson declared a conflict as he owns a neighboring property on old item #2.

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

Public Hearings

1. A Zone Change Amendment request located at approx... 29 N 1690 W from R1-10, residential one unit per 10,000 square feet, to R1-8 with a PDO, residential one unit per 8,000 square feet with a planned development overlay. Parcel numbers H-3-1-33-3141 and H-3-1-33-4221

Brent Peterson owns property directly adjacent to this property. The last time this was discussed, it was suggested that the city attorney and staff meet with the property owner to discuss his concerns regarding the access easement on the property. He reported that he received an email from Mr. Hinton acknowledging the 66-foot easement. However, the proposed plan does not reflect that 66-foot easement. He is frustrated that the engineer continues to draw incorrect plans for the property.

Jim Lyminn lives on the corner of Andesite Dr. and the new proposed road. He met with several

neighbors who do not want this development. When they bought their homes, they thought they were buying homes that would be surrounded by single-family homes. He is concerned that property values will decrease due to the density and traffic.

A written comment was submitted and is on the record and attached to the end of these minutes.

2. A Zone Change Amendment request located at approx. 3112 West State Street from HC, highway commercial, to PC, planned commercial. Parcel number H-3-1-31-3009.

No comments.

3. A Land Use Code Amendment request to Title 10 Chapter 21: Agriculture Protection Overlay, Title 10 Chapter 14: Residential Agriculture Zoning Standards, Title 10 Chapter 7 Section 9: Conditional Use Permit Standards, and Title 10 Chapter 12: Agriculture Zoning Standards.

No comments from the public.

Stephen Nelson explained that the proposed changes allow flexibility regarding the acreage requirement of agriculture protection zones. The required dedications for master plan roadways will not count against the overall density for subdivisions with three lots or less in an RA-1 or RA-5 zone. He also noted that the proposed change will allow reception centers as a conditional use in agriculture RA-1 and RA-5 zones.

OLD BUSINESS

1. 2022-ZC-29 2022-PSP-36: Discussion and consideration of a Zone Change Amendment request located at approx.. 29 N 1690 W from R1-10, residential one unit per 10,000 square feet, to R1-8 with a PDO, residential one unit per 8,000 square feet with a planned development overlay. Parcel numbers H-3-1-33-3141 and H-3-1-33-4221. Richard & Kathleen Hinton Applicant.

Karl Rasmussen reviewed the map and explained how they chose the location of the road. He noted that Hurricane City's standard for a roadway accessing less than one hundred units is fifty-two feet. He shared that Brent Peterson has expressed interest in trading the sixty-six-foot easement for real property to the west, and the applicant is not willing to trade property. Stephen Nelson noted that the applicant needs to establish a secondary access road. He explained that the initial application consisted of small single-family lots. However, the applicant amended their request to cluster the single-family units into multifamily dwellings due to protected wetlands. Mr. Iverson confirmed that this access could go in independently from the easement. The property owner is hopeful the proposed road will satisfy the access to Mr. Peterson's property. The easement will remain for Mr. Peterson's access until that roadway is complete. Dayton Hall explained that this is a private easement, and the city has no legal right to utilize the easement.

The applicant requests a density bonus because of the enhanced amenities and proposed open spaces. Mr. Nelson noted that the applicant must meet four of the density bonus criteria in the code. A density bonus is meant to incentivize developers to enhance the overall development. Mr. Farthing is concerned and has an issue with approving a density bonus due to an enhancement of the unbuildable area. Mrs. Goodfellow stated that this is multifamily according to the General Plan. She is comfortable with the zoning but not the density bonus. Mr. Ballard asked what the legal requirement is regarding distances between roads. Mr. Nelson does not think the Utah Department of Transportation will have an issue with

access to 1690 West because there is already an established roadway. Mrs. Cloud feels this request meets the zone change requirement. However, she also has an issue with the density bonus. Mr. Ballard feels this property is a different circumstance due to the government changing the farmland to wetlands. Mr. Nelson reviewed the density bonus requirements. He thinks they have met some of the requirements. However, the Planning Commission has the discretion to make that determination.

Paul Farthing motioned to continue 2022-ZC-29 and 2022-PSP-36 to allow the developer time to prepare a list to justify the density bonus. Ralph Ballard seconded the motion. Unanimous.

2. 2022-PP-19: Discussion and consideration of a recommendation to the City Council on a preliminary plat for Fox Meadows Estates, a 20-lot residential subdivision located at 2898 S 1100 W. Gavin Godfrey Applicant. Luke Godfrey Agent.

Eric McFadden with Premier Design explained the changes made to the preliminary plat. This project is zoned R1. He reported that the biggest issue with the project is the Frog Hollow Wash. Building the roadway with Frog Hollow Wash increased the right of way to one hundred feet. The applicant met with neighboring property owners and the city to find a solution. This proposal vacates the masterplan route on the north property. Stephen Nelson shared that there are justifications for moving the roadway from the wash. However, this will require a change in the transportation master plan. The Planning Commission discussed the floodway and flooding mitigation. Mr. Nelson expressed concern regarding the alignment of the road along the property line. He is not opposed to the location. However, both property owners need to agree. There are additional roadways necessary to meet the requirement of 800-foot block lengths. The applicant will also need a water looping system.

Mrs. Cloud asked if the Water Department has issued a will-serve letter. Mr. Nelson has not received the will-serve letter. Mrs. Goodfellow thinks moving a master planned road is a big deal. It may work for this development, but it would require other property owners to dedicate land for a master planned road. She does not think moving the roadway to make this development work should be considered. Mr. Farthing agrees with Mrs. Goodfellow. Moving a master planned road is a significant task and requires a public hearing. Mr. Iverson appreciates that the applicant is adhering to the master plan. They are not asking for increased density or a zone change. He noted that there are issues pertaining to agriculture fencing and mitigating wastewater. He does not want to move the master planned roadway and encumber other property owners. Dayton Hall disclosed that he owns property adjacent to this development. Luke Godfrey reported that they have amended this plat several times and asked the Planning Commission to provide direction on moving forward. Mark Sampson listed the following direction for the development: moving the master planned roadway is not an option, the master planned roadway, wash, and master planned trail need to be accommodated, and the wastewater need to be routed properly. Mr. Nelson stated that as this is presented, substantial issues need to be resolved. Mr. Farthing agrees that the wash needs to be addressed, but the city will not address this to accommodate this development.

Paul Farthing motioned to send a recommendation of denial of 2022-PP-19 based on the issues with the master planned roadway, the wash, trail, wastewater handling, the issue of exceeding the maximum block lengths, water loop, and fencing. Brad Winder seconded the motion. Unanimous.

Luke Godfrey reported that they might need to apply for a conditional use to waive the eight-hundred-foot block lengths.

3. 2022-PP-20 2022-PSP-38: Discussion and consideration of a recommendation to the City Council of a preliminary plat and a possible approval of a preliminary site plan for Southern Dunes Townhomes, a recreation resort 345 townhome development located at 2600 W and 4200 S. Southern Dunes Townhomes Applicant. Bush & Gudgell, Inc Agent

Stephen Nelson shared that the applicant made updates to address the staff's concerns. They have added three new access points as well as provided amenities. According to the code, this size of the development is required to have four pools. The applicant has proposed providing two pool areas with hot tubs and private hot tubs in one hundred ninety units. They are seeking an alternative compliance that the code does allow, but it is up to the Planning Commission to make that determination. The biggest concern is the block lengths. They have decreased a lot of block lengths, but there are still some concerns with other roadways. According to the block length ordinance, the engineering department can allow different lengths to ensure the code's intent is met. Mr. Farthing is concerned about the amenities, and he feels that this size of development needs two full-size pools and two full-size clubhouses with varying amenities. Mr. Nelson recommended continuing the item to allow time to work out the final details.

Dayton Hall explained that the Planning Commission needs to consider the adequacy of public facilities, which includes infrastructure. The Power Department does not have adequate capacity to service this area. The Fire Department reported that all units previously approved in this area need to be sprinkled due to insufficient water pressure, so there may not be enough water and water pressure. The development should not be approved until the Planning Commission is comfortable with the adequacy of facilities and infrastructure. He encouraged the Planning Commission to discuss these concerns. This is a significant development, and it warrants additional questions. Mr. Nelson stated that Cordero submitted a water model. Mr. Iverson stated that we are not there yet when it comes to services. The applicant's representative agrees with the Planning Commission. He stated that there is a water model and there is adequate sewer. He understands that there is not enough capacity to serve power to the area. However, he feels confident power will be in the area before completing the project.

Mr. Hall shared the process of development in general. Mrs. Goodfellow feels that a recreation resort should be held to the highest standard. There are inadequate facilities, and the proposed amenities are not up to standards. Mr. Hall reiterated that the Planning Commission needs to base its recommendation to the City Council on whether the Commission finds the applicant has met the requirements of the City's ordinances. Scott Hughes shared that the Power Department is currently building a line to Cordero. However, it is a distribution line with limited capacity to serve the area. There are several developments with previously signed construction drawings. Whether the city wants to reserve the capacity for those who have signed construction drawings or allow new power connections on a first come, first serve basis is a decision that needs to be made.

At this time, the Power Department has reached its capacity level with the number of units that have signed construction drawings. The substation needs to be finished to increase capacity. He explained that the current lines could be upgraded to bigger lines. Shifting loads from one circuit to another can help with capacity as well. These subdivisions are so far from substations, so services start to lag the further away they get. Mr. Hughes stated they have the right of way for a transmission line, but everything is still up in the air. It could be six months or years. They just don't know. He expressed that the Power Department would like some direction on whether they hold the capacity for those who have signed drawings, even if they are not being developed, or give it to someone ready to develop tomorrow. Mr. Hall reported that construction drawings expire after two years. Mrs. Goodfellow stated that the priority should be providing services to existing residents, not a new development.

Ralph Ballard motioned a recommendation of denial of 2022-PP-20 and 2022-PSP-38 due to the amenity requirements, block lengths, and other voiced concerns being addressed. Importantly, there are not adequate services for the project and there is not a reasonable plan that services will be timely provided. Kelby Iverson seconded the motion. Unanimous.

NEW BUSINESS

1. 2022-ZC-33 2022-PSP-41: Discussion and consideration of a recommendation to the City Council on A Zone Change Amendment request for Steward Land Holdings located at approx.. 3112 West State Street from HC, highway commercial, to PC, planned commercial. Parcel number H-3-1-31-3009. Steward Land Holdings Applicant. Brad Brown Agent.

Brad Brown presented the application. He explained that Stewart Land Holdings is coordinating with staff to ensure they are in line with the general plan, and they feel they have done that. Mr. Farthing asked Stephen Nelson to address the comment regarding the future roadways connecting to Walmart. Mr. Nelson shared that the applicant has expressed their desire to speak with Walmart to provide connectivity through their property. The applicant could do thirty units with only one access, and the second access is required to build out the remaining development. The consensus of the Commissioners is that the application answers the four questions.

Shelley Goodfellow motioned to send a recommendation of approval of 2022-ZC-33 and 2022-PSP-41 to the City Council. Paul Farthing seconded the motion. Unanimous.

2. 2022-LUCA-08: Discussion and consideration of a Land Use Code Amendment request to Title 10 Chapter 21: Agriculture Protection Overlay, Title 10 Chapter 14: Residential Agriculture Zoning Standards, Title 10 Chapter 7 Section 9: Conditional Use Permit Standards, and Title 10 Chapter 12: Agriculture Zoning Standards.

The Planning Commission discussed allowing property owners to apply for agriculture protection on less than five acres if they have five or more connecting acres in a different municipality. Mr. Nelson recommended establishing protocols regarding land ownership versus leasing.

Ralph Ballard motioned a recommendation of approval of 2022-LUCA-08, directing planning staff to revisit the concerns discussed tonight. Shelley Goodfellow seconded the motion. Unanimous.

3. 2022-PSP-39: Discussion and consideration of a possible approval of a preliminary site plan for Mountain View Apartments, a 31-unit apartment complex located at 60 S 925 W. Interstate Rock Products, Inc. Applicant. Chase Stratton Agent.

Chase Stratton reviewed the application. The property was rezoned three years ago, and they are ready to start development. Mrs. Goodfellow asked if the north access is wide enough. Mr. Nelson shared that the city approved the access easement several years ago. Because the city approved the initial development, he thinks the existing accesses are sufficient.

Brad Winder motioned to approve 2022-PSP-39 subject to JUC and staff comments. Shelley Goodfellow seconded the motion. Unanimous.

4. 2022-FSP-12 2022-CUP-21: Discussion and consideration of a possible approval of a final site plan and conditional use permit for Sunnie LLC, a triplex located at 217 W 100 S. Sunnie LLC Applicant. Scott Stratton Agent

Stephen Nelson stated that the code was changed to allow a conditional use permit for long-term residential in the downtown area if the property meets specific requirements. The applicant has requested to use the units as short-term and long-term rentals. The code does allow for mixed-use as part of the conditional use permit. Mr. Nelson advised that Mr. Stratton should designate which units will be used for long-term rentals, and onsite management is required. Mrs. Goodfellow asked how this would be enforced. Mr. Nelson confirmed that this would be managed through the business license

process.

Shelley Goodfellow is disappointed because the Planning Commission spent a lot of time amending the code to preserve this applicant's right to use these as long-term rentals, and now he wants to use them as short-term rentals.

Shelley Goodfellow motioned to approve 2022-FSP-12 and 2022-CUP-21. Subject to staff and JUC comments. Brad Winder seconded the motion. Unanimous.

5. 2022-PP-23: Discussion and consideration of a recommendation to the City Council on a preliminary plat for Bash Resorts, a 375-unit recreation resort development located north of Iron Bridge Blvd. Western Mortgage and Realty Co-Applicant. Brent Moser Agent.

Stephen Nelson explained this zoning was established when the Elim Valley development was dissolved. The density, number of units, and acreage meet the requirements. However, the retreat center and pool are outside of the zoning boundary. The zoning boundary is currently in dispute. They are proposing off-site parking, which is allowed with special approval from the Planning Commission. Fred Resch shared that they have fewer pools than required by code, but they plan to have a big pool in the middle of the development. The applicant has received will-serve letters from the departments. The biggest issue is that the owner's affidavit has been signed by someone who is not the property owner. This needs to be corrected before moving forward. Dayton Hall noted that engineering has questioned whether this property has adequate services. Mr. Farthing is frustrated that the city is approving developments without adequate services. Mr. Nelson stated that the secondary accesses stubbed. However, they are stubbed into parking lots and dead ends. The Planning Commission can require public access through the property. Mrs. Goodfellow reiterated that recreational resorts must meet a high standard.

Shelley Goodfellow motioned to continue 2022-PP-23 to give the applicant time to work out the issues stated. Paul Farthing seconded the motion. Unanimous.

6. 2022-PP-24: Discussion and consideration of a recommendation to the City Council on a preliminary plat for Gateway at Sand Hollow Resort, a 945-unit recreation resort development located south of Sand Hollow Road and west of 3700 W. Western Mortgage and Realty Co-Applicant. Brent Moser Agent.

Stephen Nelson reported that the applicant has requested to table the application until they resolve issues.

Brad Winder motioned to table 2022-PP-24. Paul Farthing seconded the motion. Unanimous.

7. 2022-AFP-06: Discussion and consideration of a recommendation to the City Council on an amended final plat for Moccasin Flats Lot 18 & 19 located at approximately 4500 S 1100 W. Anish Bhatia Hidden Rock Development Group Applicant. Bush and Gudge (Gregg Meyers) Agent.

Dallyn Jolley reviewed their original resort application. They have decided that single-family is most appropriate for this area. They are proposing to amend the existing plat to add a lot that matches the north side of the subdivision plat. This change created a flag lot. Mr. Sampson asked the applicant if they had reviewed staff comments. Fred Resch shared that an updated map was provided. Mr. Nelson stated that the updated plat has addressed all major concerns.

Paul Farthing motioned a recommendation of approval of 2022-AFP-06 subject to staff and JUC comments. Shelley Goodfellow seconded the motion. Unanimous.

8. 2022-AFP-07: Discussion and consideration of a recommendation to the City Council on an amended final plat for Quail Lake Estates Lots 26 and 26A located at 4400 W State St #26. Darrell and Christine Leigh Applicant. Ryan Scholes/Alpha Engineering Agent.

Ryan Scholes reported that the landowner wants to combine lot 26 and 26A to avoid paying two HOA fees.

Brad Winder motioned a recommendation of approval of 2022-AFP-07 subject to staff and JUC comments. Paul Farthing seconded the motion. Unanimous.

9. 2022-PSP-40: Discussion and consideration of a possible approval of a preliminary site plan for the American Conservation Experience, an office and warehouse building located at 333 N State St. American Conservation Experience Applicant. Jim Kuhn Agent.

Stephen Nelson stated the preliminary site plan was approved a year ago. The applicant wants to improve their existing facilities by adding a new building with an office space and pull-through garage area. The existing access point is sufficient for the business. Jim Kuhn explained the location of three access points. The Utah Department of Transportation has approved the access.

Paul Farthing motioned to approve 2022-PSP-40 subject to staff and JUC comments. Brad Winder seconded the motion. Unanimous.

10. 2022-PP-21: Discussion and consideration of a recommendation to the City Council on a preliminary plat for Marla Phase 2, a nine-unit recreation resort development located at approximately 1600 S Sand Hollow Road. Western Mortgage and Realty Company Applicant. Brent Moser Agent.

Stephen Nelson stated that the applicant is adding to the existing resort. They are asking for the parking lot to be joined, which adds five acres of parking. The concern is that the public street is tied into the parking lots. Karl Rasmussen reported earlier this evening that they are doing this because there is a future detention basin and City Park at the end of the streets. Mr. Nelson is unaware of plans for a city park in this area. Mr. Rasmussen reported that this detention basin is necessary for the lack of infrastructure in Dixie Springs. The storm last week nearly destroyed this area. Mr. Nelson feels engineering should review this to determine if the roadway should stub through.

Shelley Goodfellow motioned to continue 2022-PP-21. Michelle Cloud seconded the motion. Unanimous.

11. 2022-FSP-13: Discussion and consideration of a possible approval of a final site plan for the Three Falls substation located at 1217 S 1150 W. Hurricane City Power Applicant.

Scott Hughes explained that the Power Department will apply for a conditional use permit for the height of the block wall around the substation. Stephen Nelson shared that a landscaping plan has been provided. However, the department has asked for a delay in the landscaping because there is no water stubbed to the property.

Paul Farthing motioned to approve 2022-FSP-13. Ralph Ballard seconded the motion. Unanimous.

Approval of Minutes:

1. August 12, 2021

Shelley Goodfellow motioned to approve the minutes of August 12, 2021, as amended. Michelle Cloud seconded the motion. Unanimous.

2. August 11, 2022

Brad Winder motioned to approve the minutes of August 11, 2022. Paul Farthing seconded the motion. Unanimous.

3. August 25, 2022

Ralph Ballard motioned to approve the minutes of August 25, 2022, as amended. Paul Farthing seconded the motion. Unanimous.

Paul Farthing motioned to adjourn. Unanimous.

Adjournment