

**Hurricane Planning Commission
Meeting Minutes
October 27, 2022**

Minutes of the Hurricane City Planning Commission meeting held on October 27, 2022, 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, 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, Building and Planning Technician Brienna Spencer, and City Engineer Representative Jeremy Pickering

6:00 p.m. - Call to Order

Roll Call

Pledge of Allegiance by Ralph Ballard

Prayer and/or thought by invitation from Mark Sampson.

*Ralph Ballard motioned to **approve** the agenda as presented. Brad Winder seconded the motion. **Unanimous.***

Declaration of any conflicts of interest:

No conflicts were declared.

Public Hearings

1. A Zone Change Amendment request located at the first bend headed south on Sand Hollow Road to alter the zoning boundaries between RR, recreation resort, and RM-3, multifamily 15 units per acre, to align with the new road, Resort Drive, as well as RR, recreation resort, and GC, general commercial, to allow for the realignment of Sand Hollow Road.

No comments

2. A Zone Change Amendment request located at 677 N State St from M-1, light industrial, to HC, highway commercial.

No comments

3. A Land Use Code Amendment Request to Title 10-Chapter 3-Subsection 4 and 10, Title 10-Chapter 15-Subsection 3, Title 10-Chapter 41, and Title 10-Chapter 51 to make changes regarding short-term rental standards for accessory dwelling units within residential areas, residential hosting standards, and short-term rental standards in commercial zones.

No comments

A commenter online asked for clarification on the language changes in old business number 4. He feels the intent was captured but is not reflected in the language.

OLD BUSINESS

1. 2022-CUP-24: Discussion and consideration of a possible approval of a conditional use permit for metal building located at 600 N 3100 W. James Cheney Applicant

James Cheney explained that this is a commercial storage unit building. He reported that the building will have earth-tone colors, and the material is not reflective.

*Paul Farthing motioned to **approve** 2022-CUP-24 subject to staff comments. Shelley Goodfellow seconded the motion. **Unanimous.***

2. 2022-CUP-22: Discussion and consideration of a possible approval of a conditional use permit for a greater height wall located at 90 W 100 N. Luis Martinez Applicant.

James reported that the applicant wants to match the height of the existing retaining wall. The wall to the east is eight feet. This wall will step down to six feet in front of the neighbor's garage and down to four feet along the street. James shared that the wall is not being built on the property line, and he noted that the wall is fifteen feet back from 100 West. Stephen Nelson reported that a twelve-foot site triangle is required for driveways.

*Shelley Goodfellow motioned to **approve** 2022-CUP-22. Subject to staff comments. Ralph Ballard seconded the motion. **Unanimous.***

3. 2022-LUCA-09: Discussion and consideration of a recommendation to the City Council on a Land Use Code Amendment Request to Title 10-Chapter 3-Subsection 4 and 10, Title 10-Chapter 15-Subsection 3, Title 10-Chapter 41, and Title 10-Chapter 51 to make changes regarding short-term rental standards for accessory dwelling units within residential areas, residential hosting standards, and short-term rental standards in commercial zones. Hurricane City Applicant.

Stephen Nelson explained the recent changes governing the number of bookings per unit simultaneously. Mr. Nelson reported that the verbiage of Bed and Breakfast has been eliminated from the code per Councilman Thomas's request. Section C clarifies that no more than one group may occupy any home or residential hosting facility at one time. The update made to the structural modifications enables Hurricane City to govern modifications made without a building permit when applying for a business license. The definition of whole home rentals was added as well as the clarification of the ADU definition.

Mr. Nelson explained that staff wants to add a management requirement for a short-term rental complex within commercial zones. He asked what the trigger is for full-time onsite management. The Planning Commission recommends that management be required for two to three units. Mr. Nelson discussed various options for defining a specific boundary limit. Shelley Goodfellow feels that management should be within Hurricane City, and management ideally would be within twenty minutes of the complex.

Mrs. Cloud is concerned about parking. She shared that parking is a disaster due to the vacation rentals in Dixie Springs. Mr. Nelson stated that there are parking standards in place. Mr. Iverson suggested reviewing the changes further.

Dayton Hall stated that the code defines the immediate family as a group that functions as a family unit. Mrs. Goodfellow asked for further discussion regarding onsite management, and she reiterated that the onsite management should be within Hurricane City. Mr. Nelson explained the intent of that language regarding two to three units.

*Shelley Goodfellow motioned a **recommendation of approval** to the City Council of 2022-LUCA-09. As amended. Brad Winder seconded the motion. **Unanimous**.*

4. 2022-LUCA-10: Discussion and consideration of a recommendation to the City Council on a Land Use Code Amendment Request to Title 10-Chapter 25 to consider requiring a note be placed on new subdivision plats for areas within the airport runway protection zone.

Stephen Nelson shared that Planning Commission recommendations are reflected in the update. He noted that an additional amendment will be added to clarify that this applies to public and private airports within a half mile of Hurricane City boundaries. Dayton Hall added wording stating that operators of the airport or pilots cannot abuse their rights to fly and seek protection under this notice unless they are complying with the laws and ordinances that govern them to be protected by the notice.

*Ralph Ballard motioned to send a **recommendation of approval** of 2022-LUCA-10. As amended. Paul Farthing seconded the motion. **Unanimous**.*

5. 2022-PP-26: Discussion and consideration of a recommendation to the City Council on a preliminary plat for Desert Sky Estates, a 73 lot residential subdivision located at 2100 W and 3350 S. Desert Sky Estates Applicant. Ben Wilits and Tony Carter Agents.

Tony Carter thanked the Commission for continuing this item because it allowed them to time speak with Power Superintendent Scott Hughes. Mr. Hughes explained that the City would be at capacity if the signed construction drawings were built out. His question is if the City should continue to approve developments or reserve the power for those that have signed construction drawings. Dayton Hall explained that when the city signs off a construction drawing, it signals permission allowing developers to move forward. Mr. Hall stated that legally, he has issues committing power to additional developments until capacity is available. His recommendation as the City Attorney is to refrain from committing power that has already been committed. Stephen Nelson reported that the Water Department provided a map declaring locations where there are concerns about water pressure. The Cordero water loop is barely sufficient for their approved units, and this development would be on the same water loop. Mr. Nelson read the comments from the Water Department. Mr. Carter shared that the water model completed by Horrox shows sufficient water for both developments. Mrs. Goodfellow asked what happens when a construction drawing expires. Mr. Nelson explained that the drawings must be resubmitted if construction does not start within two years. Mrs. Goodfellow feels that the developments not within the PIDs should have access to the existing capacity. Mr. Hall reported that two proposed PIDs do not have funding and may not go through. Mrs. Goodfellow does not think the city should overcommit services. Mr. Iverson feels that it is a black-and-white issue. However, if this continues, people will want real answers, and this may need to be re-evaluated further.

*Mark Sampson motioned a **recommendation of denial** of 2022-PP-26. The Power Department has already been committed to other developments, and this is an issue for the City Council. Paul Farthing seconded the motion. **Unanimous**.*

Mr. Hall stated that this zone change was conditional upon a development agreement stating that the developer would not apply for any further development until the adequate public infrastructure was available. Mr. Nelson reported that the City Council and the Mayor are discussing how to address

delayed developments properly. Mr. Iverson asked why this came before the Planning Commission. Mr. Nelson stated that per an internal discussion, staff felt it would be best for the approving authority to deny the application.

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 noted the reasons this application was continued. The main issue is the zoning boundary lines, and the applicant proposes to change the roundabout, which raises another concern. Mr. Nelson reported that the staff recommends tabling the applicant to address the zoning, roadway alignment, and staff comments in the report. Brent Moser reported that multiple sets of plans have been designed and thrown away in an attempt to work out the best design for the city. He noted that these roads are difficult to work with, and this change was made because of the findings of a traffic study completed by Horrox.

*Ralph Ballard motioned to **table** 2022-PP-24. Paul Farthing seconded the motion. **Unanimous.***

NEW BUSINESS

1. 2022-ZC-36: Discussion and consideration of a recommendation to the City Council on a Zone Change Amendment request located at the first bend headed south on Sand Hollow Road to alter the zoning boundaries between RR, recreation resort, and RM-3, multifamily 15 units per acre, to align with the new road, Resort Drive, as well as RR, recreation resort, and GC, general commercial, to allow for the realignment of Sand Hollow Road.

Brent Moser shared that nobody has intentionally delayed Sand Hollow Road, and the road affects several subdivisions. They have spent a lot of time on Sand Hollow Road and think this is a solution. Stephen Nelson stated that this is an expansion of the originally approved resort. He advised the Planning Commission to consider the four zone change considerations and the five recreation resort zoning considerations. He explained that this zone change would positively impact commercial uses and is located next to good transportation facilities. However, this change will add ten acres and the project already exceeds twenty acres.

Mr. Farthing stated that changing the ten acres on the south side to RM-3 makes the most sense. Mrs. Cloud understands why the alignments need to be this way, but more is needed to answer the four considerations in the affirmative. Mr. Iverson stated that he does not like the additional recreation resort but has no other issues. Mrs. Goodfellow appreciates the information provided by Mr. Moser. She recognizes that it is important to understand the developer's perspective and investment. However, this goes against the code because it is larger than twenty acres. She would like to grant the zoning but cap the density to the original approval. Dayton Hall reported that Planning Commission could recommend that the City Council approve a modification to swap the ten acres of the southern portion to RM3.

*Paul Farthing motioned a **recommendation of denial** of 2022-ZC-36 with the comment to consider realigning the southern ten acres to RM-3 wherever it will fit within the development. Ralph Ballard seconded the motion. **Unanimous.***

2. 2022-ZC-37: Discussion and consideration of a recommendation to the City Council on a Zone Change Amendment request located at 677 N State St from M-1, light industrial, to HC, highway commercial. Myka Desormier Applicant. Dennis Parker Agent.

Stephen Nelson reported that the purpose of this application is to determine whether the property can be zoned highway commercial. Mr. Nelson reported that the general plan map shows this as commercial, and he presented the surrounding zoning map. Mr. Ballard has no issues with approving highway commercial. He is concerned about the continual reduction of light industrial.

*Ralph Ballard motioned to send a **recommendation of approval** of 2022-ZC-37. Based on staff findings. Paul Farthing seconded the motion. **Unanimous.***

3. 2022-PP-28: Discussion and consideration of a recommendation to the City Council on a preliminary plat for Kolob View Subdivision, a 20 lot single family subdivision located at 850 S 1300 W. Stratton Development Applicant. Colt Stratton Agent.

Colt Stratton stated that some staff comments were missed in their haste to submit the application. The main issue is the master planned road. The owner of the south property will not allow the applicant to build the road through their property. He asked the Planning Commission how they would like the applicant to proceed. Mr. Farthing feels that this issue needs to be resolved. The city needs to determine what it is doing with 1150 South. Mr. Stratton discussed the applicant's frustration that the city allowed a developer to build a roadway on their property. Stephen Nelson reported that The Stratton's attended the open house on the road alignment, and the City is taking their recommendations serious. However, what they have presented does not match the master planned road nor what was recommended. There are also concerns regarding the slope of the property.

*Paul Farthing motioned to **table** 2022-PP-28 until the road issues are resolved. Michelle Cloud seconded the motion. **Unanimous.***

4. 2022-CUP-25: Discussion and consideration of a conditional use permit for a metal building located at 1015 N 200 W. James Powell Applicant.

Stephen Nelson shared that Rebecca Bronemann is correct in her assessment of the state law governing a primary structure. The code states that the city cannot regulate the facade of one to two-family unit structures. Dayton Hall reported that staff reviewed the exceptions in subsection three, A through H, of which none applied. The Commission cannot deny this based on the colors or reflectiveness of the materials.

*Kelby Iverson motioned to **approve** 2022-CUP-25 because they did not find any exceptions within State Code 10-9-A-534 section 3. Shelley Goodfellow seconded the motion. **Unanimous.***

5. 2022-CUP-26: Discussion and consideration of a possible approval of a conditional use permit for a greater height building located at 724 W 1300 S. Stan and Shani Dutton Applicant.

Heidi Stout is here on behalf of the applicant. She reported that the building is one and a half feet taller than allowed by code. However, the property sits below the street that runs parallel. Stephen Nelson stated that the only concern is that a five-foot setback is required, and the site plan shows a three-foot setback. Ms. Stout will provide an updated site plan.

*Kelby Iverson motioned to **approve** 2022-CUP-26 with the condition that the setback is increased to five feet. Michelle Cloud seconded the motion. **Unanimous.***

6. 2022-PSP-44: Discussion and consideration of a possible approval of a preliminary

site plan for Hurricane Hampton Inn, a hotel located at 1760 W State St. Red Rock Hospitality LLC - Jeff Adams Applicant.

Steve Beasely with Desert Edge Architectural Firm is representing the applicant. Stephen Nelson reported that initially, the applicant asked for a greater height conditional use permit but was denied because it did not meet the code. The applicant returned with a petition to change the development standards within the code. The Planning Commission gave a positive recommendation for the code change. However, the City Council denied the change because they did not want to allow taller buildings in commercial zones. The applicant has returned with a building that meets the zoning standards.

*Paul Farthing motioned to **approve** 2022-PSP-44 subject to staff and JUC comments. Shelley Goodfellow seconded the motion. **Unanimous.***

7. 2022-FSP-14: Discussion and consideration of a possible approval of a final site plan for Dixie Mancaves, a 33 unit man cave storage unit development located on Abbey Road west of Sand Hollow Road. Dixie Man Caves LLC Applicant. Rick Meyer (Bush & Gudgell) Agent.

Stephen Nelson stated that the JUC has signed this off. It is recommended that staff approves lighting fixtures before installation. The applicant also needs to landscape the park strip along Sand Hollow Road. Rick Meyers stated that the units have no living space, and they are managed by an HOA.

*Shelley Goodfellow motioned to **approve** 2022-FSP-14 subject to staff and JUC comments. Brad Winder seconded the motion. **Unanimous.***

8. 2022-FSP-15: Discussion and consideration of a possible approval of a final site plan for Del Taco, a restaurant located at 711 W State St. Chase Stratton (PM Dev Corp) Applicant.

Stephen Nelson reported that the lighting meets the criteria. He needs to find out how it will be angled, so it must be inspected when installed. Chase Stratton reported that both properties have a cross-access agreement through the parking lot of the building along 700 West.

*Michelle Cloud motioned to **approve** 2022-FSP-15 subject to staff comments. Kelby Iverson seconded the motion. **Unanimous.***

9. 2022-FSP-16: Discussion and consideration of a possible approval of a final site plan for a commercial bed and breakfast located at 354 N State St. Wendy Williams Dew Applicant.

Stephen Nelson reported that this is a remodeled residential home within a commercial zone. The applicant is requesting approval for a commercial bed and breakfast. Mr. Nelson reported that, per Mike Vercimack, the construction drawing process was not required because this is on an existing sight with services to the property. The JUC reviewed the parking. The applicant needs to plant one more tree to comply with the code. The biggest issue is that a building permit was not issued for the remodel. The building official inspected the site, but he could not inspect a section of the home. He will inspect that section next week. The inspector does not have an issue with what he inspected. Mr. Nelson walked the property and inspected the inside of the structure. He reported that everything is done to high quality. The secondary structure has been red-tagged because they did not have a building permit. The applicant has agreed to obtain a building permit.

*Ralph Ballard motioned to **approve** 2022-FSP-16 subject to staff and JUC comments. Paul Farthing*

*seconded the motion. **Unanimous.***

Planning Commission Business:

1. City Council Recap

The City Council has canceled their November 3rd meeting. The next City Council meeting is on November 17th. The Planning Commission is holding one meeting in November and one in December.

Approved	Denied	Continued	Tabled
Road abandonment Turf Sod Road	Hinton Zone Change with the motion to waive a fee with the recommendation of coming back with forty- two units.	Southern Dunes Townhomes	
Road abandonment of 2800 west to allow for the realignment.		Pecan Valley Resort Zone Change with the recommendation of coming back with a development agreement capping the density	
Preliminary Plat for Lone Pine Subdivision			
Glampers Inn			
Bash Resort Preliminary Plat			
Marla Ph 2 Preliminary Plat			

Approval of Minutes:

1. Planning Commission draft minutes for September 22, 2022.

Shelley Goodfellow requested a correction to page 7, line 3. Swapping the term long term and short term.

*Paul Farthing motioned to **approve** the Planning Commission draft minutes for September 22, 2022. As amended. Brad Winder seconded the motion. **Unanimous.***

*Ralph Ballard motioned to **adjourn**. Michelle Cloud seconded the motion. **Unanimous.***

Adjournment at 9:07 p.m.