

**Hurricane Planning Commission
Meeting Minutes
February 23, 2023**

Minutes of the Hurricane City Planning Commission meeting held on February 23, 2023, at 5:00 p.m. in the City Council Chambers located at 147 N. 870 W Hurricane UT, 84737

Members Present: Mark Sampson, Ralph Ballard, and Brad Winder
Kelby Iverson and Michelle Cloud joined online

Members Excused: Rebecca Bronemann, Shelley Goodfellow, and Paul Farthing

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

5:00 p.m. - Planning Commission Business:

1. Discussion on amending the model home ordinance

Stephen Nelson reviewed the comments received for the model home ordinance. He reported that the first change to the ordinance provides exceptions to development to obtain a building permit for a model home has been changed to a model unit. The model home unit definition was updated. He reviewed the comments received from the Power Department. Councilman Thomas shared that he understands the reason for a model home ordinance but can also see how it would cause issues. He does not think the ordinance should be modified or eliminated. Ralph Ballard asked how the ordinance could be modified to prevent further confusion. Mr. Nelson feels that declaring specific conditions within the ordinance will prevent the issues that staff is facing. Mr. Ballard asked if a model home development agreement would be appropriate. Dayton Hall stated that a development agreement must comply with State Law. Mr. Nelson reported that most model homes are used for the parade homes. Councilman Thomas does not like allowing the ordinance to be used that way.

Mr. Nelson explained that Planning Commission can recommend the City Council to remove the ordinance, or they can make a positive recommendation with a list of conditions that the Planning Commission feels are appropriate. Kelby Iverson reported this item was brought before the Planning Commission because a developer requested approval for a model unit. The request was denied because of the wording of the code. Changing the wording of "home" to "unit" will address those concerns. Mr. Nelson reported that staff would like to add additional conditions to the code if the ordinance is rewritten. Councilman Thomas was sympathetic to the applicant and wanted to find a solution for the developer to have a model unit. However, he has realized there are unseen ramifications in changing the ordinance. He noted that he might be in favor of removing it. Mr. Iverson noted that the majority of cities have a model home ordinance. Mr. Ballard would like to see more legal criteria included in the ordinance. Mr. Hall reported that legal criteria can be added to section F.

2. Discussion on inclusionary zoning and the planned development overlay ordinance

Fred Resch III reported that inclusionary zoning allows cities to mandate or provide incentives for

developers to build affordable housing units. He summarized the policy recommendations in the Moderate-Income Housing plan and explained that the city must implement an inclusionary zone by October. He reported that a municipality can offer incentives but cannot force a developer to include affordable units within a development per Utah State Code. Mr. Ballard asked if mobile homes and RV units fit into the affordable housing plan. Mr. Nelson shared it would not be included in the inclusionary zoning, but the conditions for RV and mobile home developments can be updated. Mark Sampson would like staff to provide a metric showing the progress of affordable housing.

6:15 p.m. - Call to Order

Roll Call

Pledge of Allegiance led by Brad Winder.

Prayer and/or thought by invitation led by Ralph Ballard.

Declaration of any conflicts of interest.

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

Public Hearings

1. A Zone Change Amendment request located at 479 N 360 E from HC, highway commercial, to RM-3, multifamily 15 units per acre. Parcel number H-SMME-1-A.

Kevin Thomas lives near this property and shares his opinion as a community member. The area has high-density housing units and recreational resorts, and he feels it is important to protect highway commercial zoning.

Dorthy Begotee owns the lot second from the corner. She does not think more units should be added to the locations. She asked how the applicant plans to address access to the area. There needed to be a consideration as to how residents would get in or out of their residences when the traffic signal was installed.

Devin Begotee lives with his mother. He reported an access issue with the care facility in this area. Delivery trucks and emergency service response vehicles block access to their homes.

OLD BUSINESS

1. 2023-FSP-03: Discussion and consideration of a possible approval of a final site plan for Hurricane Equipment Rentals, an equipment rental company located at 504 W State St. Brad Holt Applicant.

Stephen Nelson reported that the applicant previously requested an exception to waive the full requirements for landscaping based on their temporary lease and nature of the property, and the Planning Commission was not in favor of the previously submitted plan. Brad Holt shared that there is already decorative rock along the sidewalk, and he presented the landscape diagram included in the packet. Mr. Ballard is more concerned with line of sight and thinks there are justifications for an exception of the landscape requirements. He asked if low bushes would satisfy the applicant and staff. Mr. Holt shared that bushes along state street would block visibility. Mr. Ballard suggested large boulders and cacti. Mr. Nelson stated that three criteria must be met when deviating from the code. He

does not have an issue with cacti. The main concern is the number of required trees.

Mr. Holt reported that this would eventually be a dental office, and they will change the landscaping. Kelby Iverson likes the presented plan. He feels the findings justify the exceptions. Michelle Cloud has no issues with the proposed plan. Mr. Ballard asked if trees are necessary. Mr. Nelson's personal recommendation is to require trees. However, he understands the nature of this application and the use of the property. Mr. Ballard feels trees will create line-of-sight issues. He suggested that Mr. Holt ask the property owner to install landscaping on the north side. Mr. Holt reported that financially it does not make sense for him to pay for landscaping, considering this is a temporary lease. He paid for landscaping when he was located on 700 West, which was torn out when they moved.

Ralph Ballard motioned to approve 2023-FSP-03 with the deviation of landscaping based on the findings that line of sight can be an issue on the corner with the conditions that boulders and cacti are used in the landscaping. Brad Winder seconded the motion. Unanimous.

NEW BUSINESS

1. 2023-ZC-04: Discussion and consideration of a recommendation to the City Council on a Zone Change Amendment request located at 479 N 360 E from HC, highway commercial, to RM-3, multifamily 15 units per acre. Parcel number H-SMME-1-A. Interstate Rock Applicant. Chase Stratton Agent.

Michelle Cloud feels this meets the zone change requirements. Kelby Iverson disagrees that it meets all the criteria. Chase Stratton feels a multifamily development makes the most sense at this location. Mark Sampson asked if it is appropriate to approve the zone change without having a site plan. Stephen Nelson reported that code does not require site plan approval with a zone change. Utilities are adequate for the property, but there are access concerns. Dayton Hall reported that a zone change only changes the use of the property, and access and traffic concerns are not up for consideration. The only thing up for discussion is whether the zone change meets the four criteria. Ralph Ballard stated that traffic on State Street is a mess, and this proposal will worsen it. He thinks commercial zoning in this area is appropriate. Mr. Nelson shared that the General Plan designated this parcel as a multifamily piece. Mr. Ballard stated feels allowing high density in this area will exacerbate the traffic concerns.

Ralph Ballard motioned a recommendation of denial of 2023-ZC-04 with the findings that the Planning Commission does not believe increased traffic in and out area is suitable, and there is a greater need for more commercial in this area. Mark Sampson seconded the motion. Ralph Ballard, Mark Sampson, Brad Winder, Kelby Iverson - aye, Michelle Cloud - nay. Motion carries.

2. 2023-AFP-05: Discussion and consideration of a recommendation to the City Council on an Amended Final Plat for Cliff View Estates Phase 1 Lots 14 & 15, located at 3653 and 3653 S Cypress Point Road. Fairway Vista Estates Applicant. Alliance Consulting (Mike Bradshaw) Agent.

Mike Bradshaw reported that the applicant is trying to incorporate all the developed properties into the lots and adjust lot lines to accommodate the existing wall within the property.

Ralph Ballard motioned a recommendation of approval of 2023-AFP-05 subject to staff and JUC comments and the finding that it will clean up the alignments of the existing walls. Brad Winder seconded the motion. Unanimous.

3. 2023-AFP-06: Discussion and consideration of a recommendation to the City

Council on an Amended Final Plat for North Slope Phase 2 Lots 42 & 43, located at 2041 and 2027 W Cedar Breaks Dr. Fairway Vista Estates Applicant. Alliance Consulting (Mike Bradshaw) Agent.

Mike Bradshaw reported that this amendment gives more sideyard access to lot forty-two.

Brad Winder motioned a recommendation of approval of 2023-AFP-06 subject to JUC and staff comments. Mark Sampson seconded the motion. Unanimous.

4. 2023-PSP-03 2023-HIL-01: Discussion and consideration of a possible approval of a preliminary site plan and recommendation to the City Council on a sensitive land application for Quail Lake Sunset RV, an RV park with 22 spots located at 2480 N Old Hwy 91. Ray Ebert Applicant. Civil Science-Brandee Walker Agent.

Ray Ebert is proposing an RV development which the applicant believes will benefit the city with increased tax growth. They would like to incorporate the sensitive lands into the project. Stephen Nelson stated that the response letter submitted by Civil Science satisfies most of the issues raised by staff. The applicant has committed to providing a detailed stormwater and flood plan. It is important to note that the approval of the preliminary site plan allows the applicant to move forward with the construction drawing but does not give the applicant vested rights. He noted that the submitted sensitive lands application meets the current code.

Brad Winder motioned a recommendation of approval of 2023-PSP-03 and 2023-HIL-01, subject to submitting a detailed drainage plan in the final plan. Ralph Ballard seconded the motion. Unanimous.

Mr. Nelson reported that there are services available to the property.

5. 2022-PP-08: Discussion and consideration of an extension of the preliminary plat approval for Red Slate Estates, formerly known as Elim Estates, a 135-lot single family subdivision located at approximately 1400 S 4300 W. Jared Madsen-Alpha Engineering Applicant.

Stephen Nelson reported that this plat was approved last year. The roadways and utilities to the property have been approved and are under construction.

Brad Winder motioned to grant a one-year extension of 2022-PP-08. Kelby Iverson seconded the motion. Unanimous.

6. 2023-AFP-07: Discussion and consideration of a recommendation to the City Council on an Amended Final Plat for Cliff View Estates Lot 6 Partial Amendment "C", located 3557 S Cypress Point Road. Fairway Vista Estates Applicant. Alliance Consulting (Mike Bradshaw) Agent.

Mike Bradshaw explained that they are extending this lot to accommodate setbacks. Stephen Nelson reported that they are incorporating additional land into the subdivision. Ralph Ballard noted that there are no comments from JUC, and he asked that the JUC include a finding that there are no concerns or comments in the packet. Stephen Nelson reported that he would pass the feedback to the JUC.

Kelby Iverson motioned to send a recommendation of approval of 2023-AFP-07 subject to staff and JUC comments. Brad Winder seconded the motion. Unanimous.

7. Discussion and possible approval of an amendment to the Planning Commission's application deadlines

Stephen Nelson reported that state code requires notice for amended final plats ten days before the application deadline. He reported that fourteen days are necessary to give proper notice.

Brad Winder motioned to approve the amendment of the planning commissions application deadlines regarding the amended final plat. Ralph Ballard seconded the motion. Unanimous.

Approval of Minutes:

1. January 26, 2023

Ralph Ballard motioned to approve the January 26, 2023; minutes as amended. Brad Winder seconded. Unanimous.

2. February 9, 2023

Michelle Cloud motioned to approve the February 9, 2023, minutes. Brad Winder seconded. Unanimous.

Stephen Nelson reported that the City Council approved the short-term rental and water conservation ordinance.

Brad Winder motioned to adjourn the meeting. Ralph Ballard seconded. Unanimous.

Adjournment