

**Hurricane Planning Commission
Meeting Minutes
March 27, 2025**

Minutes of the Hurricane City Planning Commission meeting held on March 27, 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, Shelley Goodfellow, Ralph Ballard, Brad Winder, Kelby Iverson, Michelle Smith, and Amy Werrett.

Members Excused:

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 at 6:03pm

Roll Call

Pledge of Allegiance led by Michelle Smith

Prayer and/or thought by invitation given by Kevin Thomas

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

Declaration of any conflicts of interest – Michelle Smith declared that her daughter works for Interstate Homes.

OLD BUSINESS

1. ZC24-07 PSP24-21: Discussion and consideration of a recommendation to the City Council on a Zone Change Amendment and Preliminary Site Plan request from NC, Neighborhood Commercial to R1-8 (PDO), Single Family Residential R1-8 with a Planned Development Overlay, located at 2230-2254 W 600 N. Parcel H-3-1-29-2213, H-3-1-29-2214. 317 Sycamore LLC, Applicant. Beau Ogzewalla, Agent.

Fred Resch III explained that this item had been tabled about a month ago because access agreements with neighbors had not yet been obtained. He noted those agreements have now been secured. Brad Winder asked for clarification on where the access would be located. Mr. Resch showed that the access would extend from 600 North to the back of the property. Mr. Winder then asked if the safety concerns related to the golf course had been resolved. Beau Ogzewalla responded that they had not been contacted directly by the golf course but had designed the layout to avoid issues. He added that they had communicated with residents who expressed concerns, and after providing answers, they had not received further inquiries.

Mr. Winder reminded Beau that one concern had been the open area along the fairway, asking whether there would be protective screens to prevent golf balls from hitting people. Beau said that since this plan was still somewhat preliminary, screens could be considered if needed, though their preference would

be not to install them for aesthetic reasons. Mr. Resch clarified that the commission was only reviewing the zone change and preliminary site plan at this stage—a broad overview. City Council may still condition approval on installing screens. Dayton Hall emphasized that if the City wanted to impose conditions outside the ordinance, now was the time to do so. Mr. Ogzewalla stated they would accept screens as a contingency if required. Mark noted that a standard of protection could be required as a condition.

Amy Werrett asked if the road inside the development would be public. Mark Sampson confirmed that it would. Michelle Smith asked who would be responsible for constructing the future road. Mr. Resch explained that the developer would be required to install a water line for fire safety if the eastern development did not progress at the same rate. Mrs. Smith followed up, asking if the developer was responsible for building the main access. Mr. Resch confirmed they were and Mr. Sampson reiterated to Beau that responsibility for developing the accesses rested with them. Mrs. Smith also asked whether there would be enough turnaround space for fire access. Mr. Sampson replied that the Fire Department had approved the plans. Mrs. Smith mentioned that Public Works had concerns about the roads not meeting standards. Mr. Resch clarified that was related to the previous design, when the roads were private. They have since been changed to public, with standard cross sections.

Mr. Hall pointed out that although agreements for access easements had been reached, easements had not yet been recorded. He said the commitment was sufficient to move forward with the zone change but clarified that final approval would require easements to be dedicated. Mr. Ogzewalla added that since they planned to acquire the land to the west, no agreement would be needed on that side.

Discussion shifted to the issue of fencing or netting along the golf course. Paul Farthing noted that nowhere else in Sky Mountain were such screens erected except by private owners. Mr. Winder pointed out that no other areas had walkways and benches placed so close to the fairway. Mr. Ogzewalla agreed that adjustments could be made if needed. Mr. Farthing felt that most residents would object to tall netting anyway.

Shelley Goodfellow asked how tall the proposed units would be. Mr. Ogzewalla said they had no designs yet but expected them to be two stories. Mrs. Goodfellow asked if they would be five-plexes. Mr. Ogzewalla replied they could be four- or five-plexes depending on code allowances. Mrs. Goodfellow said the proposed density was consistent with the area and would not adversely impact nearby properties. She felt the project was harmonious, would bring utilities and access improvements to neighboring properties, and would adequately provide facilities.

Mr. Sampson asked whether any consideration had been given to what would go on the commercial portion. Mr. Ogzewalla replied that it had not yet been determined. Ralph Ballard remarked that Sky Mountain had opposed every proposal in the past. He questioned liability, asking whether golfers were responsible if they hit people or property. Mr. Hall explained that liability was a gray area, but because this was a zone change request, the City had the opportunity to impose conditions such as screens. Mr. Ballard disagreed that all liability should fall on the developer. Mr. Sampson compared it to skiing, where participants assume liability for accidents but Mr. Hall said there was no similar waiver for golf.

Mr. Winder asked if the City itself could be liable if open space were required and someone were harmed there. He noted that the slope of the land placed the townhomes below the fairway. Mr. Farthing responded that if he hit someone in a City park while playing baseball, the City would not be liable, suggesting the same principle applied. Mrs. Goodfellow added that the real issue seemed to be the trail location. Mr. Ballard acknowledged that stray balls would inevitably go into the area, but said that shouldn't stop the project from moving forward, as long as it was fair.

Mrs. Smith then asked if the commission could approve only the zone change without the preliminary plat. Mr. Ballard explained that the preliminary plat was tied to the zoning, so one could not be approved without the other. Mr. Hall confirmed, adding that while the plat could later be amended with commission approval, the zone change and preliminary plat had to be approved together.

Shelley Goodfellow motioned a recommendation of approval of ZC24-07 and PSP24-21 to the City Council based on the standards being met and subject to staff and JUC comments.

Mr. Ballard added that the City Council would ultimately review and determine whether screens should be required and who would be responsible for installing them. Mrs. Goodfellow stated that she believed the distance between the development and the golf course was sufficient, and that people who choose to live on a golf course frontage property assume some level of risk. She also noted that the screens would likely be unsightly. Mr. Ballard emphasized that the commission should consider the concerns raised by the gentleman at the previous meeting, who had threatened to sue if someone were injured. Mrs. Goodfellow responded that she felt the threat was likely empty but acknowledged it could still be raised with the City Council.

Paul Farthing seconded the motion on the table. Unanimous.

It was noted that the issue of screens would be discussed at the City Council. Mr. Ogzewalla stated that they are okay with moving the trail if needed. Mr. Sampson recommended that Beau attend the City Council meeting in person or have a representative present to address any questions or concerns.

2. LUCA24-08: Discussion and consideration of a recommendation to the City Council on a Land Use Code Amendment to Title 10 Chapter 23 regarding Planned Development Overlays and Title 10 Chapter 11 and Chapter 17 regarding the Public Facility zone.

Fred Resch III explained that this process started with planning for the Civic Center masterplan. As part of that, changes were needed since the PF zone does not allow government offices, and the amendment to allow a PDO would enable mixed uses. He clarified that the intricacies of the change are not specifically because of the Civic Center, but rather to make the code cleaner, clearer, and to tighten responsibilities on decision-making about what is allowed. It was a general cleanup for PDOs and an opportunity to make necessary changes while the code was open. Dayton Hall clarified which edits were from whom: Fred and Gary in blue, Dayton in red.

Shelley Goodfellow asked if there were any other major changes beyond adding government buildings to the PF zone. Mr. Hall responded that this version holds the developer more tightly to the site plan approved with the zone change, and any changes beyond minor ones would need to go back for approval. He noted that minor and substantial examples are detailed in the draft. Brad Winder stated that when they first looked at this, there were concerns about the Civic Center not being publicly noticed enough and opposition to apartments. Mr. Hall stated that the purpose of the zone change is to allow a PDO on a PF zone so that what the City Council is considering would be allowed; they are not deciding on the design, but the amendment makes the Civic Center with a housing component possible.

Mr. Winder expressed concern that the density bonus could be an issue. Mark Sampson asked if the commission is willing to send a recommendation and noted that it could be sent back for changes. Mr. Hall confirmed that it could. Mr. Winder wanted to check if the 15% density bonus aligns with surrounding areas, but Dayton noted that it is already adopted in a different code. Mr. Resch clarified that the Water Wise landscape category is a density bonus criterion, and if requirements are met under Title 10 Chapter 52, the bonus is applicable. Ralph Ballrd asked if this applied to a PF PDO and Mr. Hall explained that a PDO allows City Council to pick and choose what can be in a zone; the change simply

allows it to be applied to PF zones as well. Mr. Winder asked if this would negate the purpose of zoning and Mr. Hall said the preliminary site plan governs the zone going forward.

Mr. Sampson and Amy Werrett discussed the HOA and limitations under Part A, and Mr. Sampson recommended aligning with new state regulations. Mrs. Werrett asked whether the changes allow the city to be a landlord. Mr. Hall confirmed with Mr. Resch adding that the city already has that ability. Michelle Smith raised concerns about conflict of interest and Mr. Hall explained that state statute permits cities to act in this capacity. When asked if the city could sell or lease land for housing development, Mr. Hall said yes and the arrangement could offset costs of building new City and Police buildings. Mrs. Goodfellow expressed concern that PF zones are intended for narrow uses and that giving the city this ability could be problematic as government grows. Paul Farthing noted that the city could already do the development without this change, with Mrs. Goodfellow agreeing but emphasizing the city would then be held to the same standards as private developers.

Kelby Iverson emphasized that while the staff argument is valid, citizens may not favor this change. He noted that private parties would be accountable through the PDO, but the city must be accountable to citizens. Ralph Ballard suggested hearing from the public. Mac Hall commented that while the PDO ordinance is mostly acceptable, it should not be the city using it for itself; it should be for private developers. Madox expressed concern about traffic on 870 W and the lack of studies. Mr. Farthing noted that utilities like power and gas are run by private entities, while Mr. Ballard agreed the PDO could provide opportunity. Mr. Farthing added that the PDO imposes requirements and a density bonus, not a free hand to the government. Mr. Ballard cautioned against allowing the government to bypass citizen input.

Mr. Hall summarized that removing the ability to place a PDO on a PF zone would make the PDO unusable there. Mr. Farthing reminded the commission that only a few citizens are concerned, and elected officials represent the public. Mr. Winder raised traffic concerns at SR 9. Mr. Hall said that with a zone change application, all traffic and related information would be reviewed like any other application. Mrs. Goodfellow suggested that everything else in the amendment looked acceptable. She proposed sending a recommendation without the PDO on PF portion. Mr. Iverson agreed that adjustments could be made without the PDO and further discussion could take place with the zone change.

Amy Werrett motioned a recommendation of approval of LUCA24-08 to the City Council with the adjustment or amendment to take out the PDO for Public Facility zones. Brad Winder seconded the motion. Roll call. Shelley Goodfellow, Brad Winder, Amy Werrett, Michelle Smith, Ralph Ballard, Kelby Iverson, and Mark Sampson – aye. Paul Farthing – nay. Motion carries.

Paul Farthing noted the reason for his nay vote. Voicing that the city is not the first to do this and sees no problem with it. He doesn't believe the city is going to become a major developer; this is simply a way to generate revenue to help pay for the project. He added that while some assume the public sector is completely inept, that is not the case.

Councilman Kevin Thomas expressed that he is a bit baffled. He questioned why a consultant was even hired for a masterplan when the city could just sell the property and let a developer do whatever they want, which would likely achieve similar density. He emphasized that the main concern seems to be the apartments, which are not required. He also clarified that the city is not trying to maximize profit, will not proceed without traffic studies, and does not intend to compete with private businesses. If citizens prefer, the city could simply sell the property and build only the City and Police facilities. He stated that the goal is to save citizens money, and while they had assumed affordable housing was desired, it is not mandatory. He doesn't understand the logic that seems to concern everyone else.

Mr. Iverson asked if the city could proceed without the PDO, and Kevin confirmed that they could. He questioned why the process couldn't just be made clean and straightforward since the site plan still gets approved.

Mrs. Goodfellow raised a cautionary point, noting that future City Councils may not have the same perspective, and this change could give them an advantage to act in ways contrary to current intentions.

NEW BUSINESS

1. CUP25-08: Discussion and consideration of a possible approval of a metal building and building of greater height located at 800 W State St. Coral Cliffs Entertainment, Applicant. Chase Stratton, Agent.

Fred Resch III stated that the maximum height in this zone is 35 feet, but the proposed building is 40 feet. He noted that the building will be constructed with metal. Two conditional uses are being requested.

Chase Stratton added that the cinema has a similar peak at its sign, and the new building has a peak at the entrance that is slightly higher. However, the average peak height of the roof is 36 feet. He explained that when viewed next to the movie theater, the new building does not look out of place.

Shelley Goodfellow asked if there was a reason for the additional height. Mr. Stratton explained that there is a second-story storage area, but most of the height is for aesthetic purposes.

Kelby Iverson motioned to approve CUP25-08. Paul Farthing seconded the motion. Unanimous.

Planning Commission Business:

1. Election of a new chairperson and appointment of a new alternate chairperson Mark Sampson is elected chair by popular vote.

Brad Winder motioned to make Shelley Goodfellow vice chair. Paul Farthing seconded the motion. Unanimous.

Paul Farthing motioned to adjourn. Shelley Goodfellow seconded the motion. Unanimous.

Adjournment