

**Hurricane Planning Commission  
Meeting Minutes  
August 22, 2024**

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Minutes of the Hurricane City Planning Commission meeting held on August 22, 2024, at 5:00 p.m. in the City Council Chambers located at 147 N. 870 West Hurricane UT, 84737

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

**Members Excused:**

**Staff Present:** Planning Director Gary Cupp, City Attorney Dayton Hall, Planning Technician Brienna Spencer, City Councilman Kevin Thomas, Water Representative Corey Wright, and City Engineer Representative Jeremy Pickering.

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

**1. Discussion and presentation on the Future Land Use Map**

There was a map laid out that commissioners marked up where they'd like to see certain zoning/development within the city. This map will be updated with their suggestions and presented to them at the next meeting to make sure all comments and notes are reflected.

**6:00 p.m. - Call to Order**

Roll Call

Pledge of Allegiance by Rebecca Bronemann

Prayer and/or thought by invitation offered by Mark Sampson

Declaration of any conflicts of interest – there were none declared

Approval of the agenda

*Paul Farthing motioned to approve the agenda as presented. Michelle Cloud seconded the motion. Unanimous.*

**Public Hearings**

**1. A Zone Change Amendment request located at 620 W 250 S from R1-15, residential one unit per 15,000 square feet, to RM-1, multifamily 6 units per acre. Parcel number H-WLS-4.** Edith Lang shared that this street is part of a long L and right now, there is a business on the property. From her understanding, this request is so the daughter can also have a business. Where the two streets create an L, it is too narrow to support a business. Adding the possibility of another business or a multifamily unit could cause further problems. She has a casita in her backyard and she had access requirements she needed to meet and she was told she would never be able to rent it out. She, as a citizen, doesn't understand why her situation is not acceptable for what the Colby's want to do.

Tracy Sleen agreed that 250 S already has enough traffic. While she understands the intent is to allow for a young adult to have some independence and that it is not easy but the change would be for the lot, not the house. If the home were to be sold, the new owner could knock the home down and build whatever the zone allows. As we have all seen, developers really like town homes and if there is multifamily, they are here in meetings asking for that use. Sadly, this house is already an issue with the daycare business from parking and employees. Let's pretend the daycare wasn't there, we cannot lose the neighborhood feeling. Once this house is gone, multifamily will be there and that opens it up too much.

Erroleen Scholzen shared that many years ago, we decided that we as a city would not do spot zoning and that is exactly what this is. 250 S is a small road and there is already an abundance of traffic.

Alex Lebaron lives right next door to the Colby's. His concerns have already been voiced, which is multifamily. He does not want what is happening on the corner of 100 W and 200 S to happen right next door to his house. Traffic is already an issue.

Treasa Collard agrees with what has been said. She really likes her small neighborhood and she would hate to see multi-units put in.

Doug Katzenbach feels the same. He doesn't mind what they are trying to do individually, but his concern is with the zoning. He doesn't want the opportunity for condos or multifamily next door.

## **NEW BUSINESS**

### **1. ZC24-08: Discussion and consideration of a recommendation to the City Council on a Zone Change Amendment request located at 620 W 250 S from R1-15, residential one unit per 15,000 square feet, to RM-1, multifamily 6 units per acre. Parcel number H-WLS-4. William and Malia Colby, Applicant.**

Malia Colby shared that when they purchased the house, it had a separate attached dwelling unit. She didn't know what spot zoning was and she was trying to get everything as separated as possible for own mailbox, utilities, business opportunities, etc. Mark Sampson asked if she'd seen other properties making changes that she thinks would be the same type of change they are asking for. Mrs. Colby shared that there is a house about five doors down with a basement but it has been converted to a duplex. The basement is being rented out and so is the top half. While doing research, she learned that one street over, there are at least 30 houses zoned RM-2 which is 10 units per acre. Within one to two miles, there are at least another 10. That was another reason they are here asking for it to be possible to have it rezoned. She understands the concerns voiced and people not wanting there to be six units on the property. These houses she is referring to in the multifamily zones around her, about 90% of them only have one house on them. Mark Sampson asked why they need separate utilities and all the things. Mrs. Colby shared that you could access the ADU from the inside of the house but it does have a separate entrance. As mentioned before, the separate utilities, mailbox, and home-based business are the main reasons why she's asking for the request. Ralph Ballard stated that he is afraid of the potential of future development. Shelley Goodfellow asked if they were to get this zone change, they couldn't build more than two. Gary Cupp stated that is correct, because you look at the size of the lot which would only give them one unit but because they have 10,000 square feet, the RM-1 would give them the allotment of 2 units. Mrs. Goodfellow clarified that the most this property could ever be is a duplex. You basically have two units already, your primary residence and your ADU. And the ADU can be rented out long term. Her question is, if the zone change is only wanted for separate address and separate utilities, is there any way to achieve that without a zone change? City Attorney Dayton Hall shared that the ordinance states only one meter per lot. If a zone change was granted that would allow them to split the lot. Then you could do a subdivision, split the lot into two parcels, request a new connection by paying

new impact and connection fees. Mrs. Goodfellow stated that this would be the start of a very tedious and expensive process to get two meters. Another thing is that this entire street is single family homes and she thinks by allowing the accessory dwelling unit it already pushes what exists there. She doesn't think the zone change is appropriate for this and it may not even solve the problem trying to be fixed. Brad Winder voiced a safety concern with the line of site on the road with a lot more cars being parked there too. Do we know if there is an adequate setback to add more parking if needed. Mr. Cupp shared that he thinks they already have ample parking and he doesn't think it's an issue. The setbacks of the house were not a consideration as an expansion wasn't proposed. Mrs. Goodfellow asked if you're allowed to run a business out of your home with an RM zoning. Mr. Cupp stated that he thinks a home-based business is only allowed in single family zones. Mrs. Goodfellow then reiterated that if the zone was to be changed, it would disqualify the existing business they have. Mrs. Colby shared that she knows you can run a home daycare while renting an apartment. Brienna Spencer stated that you can have homebased businesses in multifamily zones. In home child care or daycares are allowed in all of our residential zones. If someone in the Sky Mountain Apartments came in and wanted to do a daycare, the use allows for it, they would just have to meet state standards. Kelby Iverson appreciates the applicants for coming in and going through the process. One thing they learned tonight is that if the zone change was granted, you could not have more than two units. Hopefully that provides some relief to your neighbors. He asked staff if we allowed adu's on 0.28 acre lots. He thought it was only if you had 0.8 acres or larger. Mr. Cupp shared that you can have two adu's if you have 0.8 acres or more but every residential lot is allowed to have one. One suggestion or possibility could be abandoning the existing internal ADU and building a detached casita. He is not in favor of the zone change, it is random to put multifamily in the middle of a subdivision but he can see that even if you did, you could only have two units because of the size of the lot. Mrs. Colby asked if they were to do that, wouldn't it still cost the same to run the new meters? Mr. Iverson stated that the ADU would still have the utilities run to it off the existing house meters just like they have right now, but if you split the lot, then the subdivision ordinance would require they get new utilities. Mrs. Colby asked if they change the zone to any RM zoning, they will have to split the lot. Attorney Hall stated that if you want separate ownership, you have to split the lot. If you're going to have two separate parcels because you split the lot, then to add another building onto the new lot, it would be like any house on any lot. You'd pay impact fees and pay what anyone would pay. If you leave it in the same ownership, you can have an adu because it is the same ownership. You have the house and up to one adu on a lot this size. You don't have a second water meter or second power meter because it is the same lot. Mrs. Colby asked about the duplex on 700 W, since they are listed as a duplex, they must also have separate utilities for that. Mr. Sampson shared that he believes they do have the same meter, they are just two units. Paul Farthing stated that R1-15 is all around and this would be the definition of spot zoning. If you come into an established subdivision and start zoning it into duplexes, what does that do to the neighbors and neighborhood in single family subdivision. It's already that step in that direction with an ADU, but to rezone stuff into duplexes in an existing single-family subdivision is just wrong. Michelle Cloud suggested the same thing about building a separate ADU. She also mentioned that when looking at a zone change, there are four questions they have to answer. The first is whether the proposed amendment is consistent with the goals and objectives of the general plan. The second is whether the proposed amendment is harmonious with the overall character of existing development. The third is whether the proposed amendment will adversely affect the adjacent properties. The fourth is whether or not there are adequate services to serve it. There are adequate services and it probably wouldn't, maybe, adversely affect the adjacent properties. But it is definitely not consistent with the general plan and it is not harmonious with the character with the rest of the neighborhood. It does not answer all the questions in the affirmative so she does not think they should vote for it. Rebecca Bronemann asked if this would be in addition to the existing apartment on the property. Mrs. Colby stated that her daughter lives there. Mrs. Bronemann agrees with Mr. Iverson, she's not sure it's necessarily worth all the effort to go and redo all the utilities just so she can have a separate address. Having the ADU for her to stay in might be the best route for her. Mr. Sampson commented that he thinks this is the first of probably many attempts by the public to try to get out of the situation

we're in when referring to affordable housing. He appreciates the efforts to educate us with the frustration of affordable housing. There is a lot of work we need to do to help resolve this situation. He likes the comment that was made that with their own address, they could obtain their own mailbox and trash cans and feel more independent. He agrees, but he doesn't know if we have the rules in place to be able to allow them to do that in an affordable way. Mrs. Goodfellow said that one thing that wasn't said was accessibility. Doesn't fire codes come into play when a flag lot is created. There would have to be a certain amount of access on the side of the house. Mr. Iverson stated that there wouldn't be with and ADU but there would with the subdivision. Mrs. Bronemann will be in the same spot in a few years with her son trying to figure out how to help him live. It's hard to know how to help our children when the world seems to be against them when it comes to money and stuff.

*Michelle Cloud motioned a recommendation of denial of ZC24-08 as it is not consistent with the goals and policies of the general plan and it is not harmonious with the overall character of the existing development. Rebecca Bronemann seconded the motion. Unanimous.*

**2. PP24-19: Discussion and consideration of a possible approval of a preliminary plat for Dixie Heights Phase 3 & 4, a 75-lot single family subdivision, located at 3780 W 2610 S. Western Mortgage - Tim Tippett, Applicant. Karl Rasmussen and Brent Moser, Agents.**

Karl Rasmussen shared this is phases 3 & 4 of Dixie Heights. It's right next to Dixie Springs.

*Paul Farthing motioned to approve PP24-19 subject to staff and JUC comments. Kelby Iverson seconded the motion. Unanimous.*

**3. PSP24-24: Discussion and consideration of a possible approval of a preliminary site plan for Shadow Ridge Apartments Phase 2, an apartment complex, located at 6129 W 100 S. Kyle Arbizu, Applicant. LR Pope Engineering, Agent.**

Kyle Arbizu shared that they did Shadow Ridge Phase 1 last year. They've been in some discussion with Gary and the team and they found that there was actually enough space to add some additional units. What this would be is 16 more units all 1 bedroom. If the City was open to do anything with affordable housing to assist with impact fees. Once thing they ran into with the first phase was that the impact fees are the exact same price to build a one-bedroom apartment as it is to build a 5000 square foot home. They were hoping for some kind of break and in exchange they are willing to do a 20 year agreement on the units that would restrict rents to 80% of area median income. It would scale with inflation, so if median income comes up, rents will come up as well. However, they can still do the project without the reduced impact fees. The issue that came up during the planning review regarding the water looping has been addressed in the updated site plan he sent today. This update shows that the building has been brought within 300 feet, which then the water looping would no longer be needed and fire has signed off as well. Gary Cupp shared that he has not had a chance to review the revised plan. Preliminary site plans don't vest anything. On the affordable housing, zoning doesn't require them to have an agreement with the city to provide that nor do they have a development agreement. Paul Farthing asked if affordable housing is something the city could look at? Mr. Cupp shared that we are open to that but it is not required for preliminary site plan.

*Paul Farthing motioned to continue PSP24-24 to the next meeting to allow the planning staff time to respond to the applicant about staff concerns. Michelle Cloud seconded the motion. Unanimous.*

**4. AFP24-12: Discussion and consideration of a possible approval of an amended final plat for Quail Creek Industrial Park Phase 5 Lots 510 & 511, located at 5589 W 860 S. D&G Property Holdings, LLC, Applicant. CivilScience, Agent.**

Doug Dennett shared that there is a large equipment company that wants to buy the building on lot 510 and they want just a little bit more space. They are going to take an acre from lot 511 to add to lot 510.

*Kelby Iverson motioned to approve AFP24-12. Brad Winder seconded the motion. Unanimous.*

**5. PP24-20: Discussion and consideration of a possible approval of a preliminary plat for Quail Creek Commercial Plaza, a 28-lot industrial subdivision, located at 578 N Old Highway 91. Mountain Ridge Properties LLC, Applicant.**

Bill West shared that they have received all their approvals. Engineering and construction drawings are approved. They thought they were getting each unit as individual but that wasn't the case so they are here asking to ask for each unit to be individually divided.

*Shelley Goodfellow motioned to approve PP24-20 subject to staff and JUC comments. Kelby Iverson seconded the motion. Unanimous.*

**6. PSP24-13: Discussion and consideration of a possible approval of Southern Utah Sheds, a retail development, located at 989 W State St. Rachel Rasmussen, Applicant.**

Gary Cupp shared that the applicant is asking to table because there is a restaurant coming in on the same property and the applicant would be leasing the land from someone else and the property owner is having some reservations. The applicant also has some questions about the JUC comments and would like to table it.

*Shelley Goodfellow motioned to table PSP24-13 for six months. Paul Farthing seconded the motion. Unanimous.*

There was back and forth discussion about updates to plans needing to be submitted in an appropriate time frame to allow staff time to review the changes. Sometimes items need to go back to the JUC to make sure concerns really have been addressed.

*Kelby Iverson motioned to adjourn. Paul Farthing seconded the motion. Unanimous.*

**Adjournment**