

Hurricane City Planning Commission minutes 2-12-2015

ON FEBRUARY 12, 2015 AT 6:00 P.M. THE HURRICANE CITY PLANNING COMMISSION MET IN THE CITY COUNCIL CHAMBERS LOCATED AT 147 N 870 WEST HURRICANE, UT

Members Present: John Johnson, Yovonda Hall, Ralph Ballard, Bob Petersen, Bill Wilkey, Branden Anderson, and Paul Farthing

Members Excused: Ryan Cashin

Staff Present: Planning Director Toni Foran, City Council Representative Darin Larson, Planning Assistant Cindy Hyatt, and City Attorney Fay Reber

The meeting was called to order by Bob Petersen at 6: 07 p.m. The Pledge of Allegiance was led by Bill Wilkey and Yovonda Hall offered the prayer. Roll call was taken.

Bob Petersen welcomed the two new Commissioners, Paul Farthing and Branden Anderson. He asked them to introduce themselves. Paul Farthing stated he has lived in Hurricane for seventeen years. He moved from California and is now working as a part time paramedic/fire captain. Branden Anderson stated he and his family moved to Hurricane about five and half years ago from Richfield, UT.

Approval of agenda: Yovonda Hall motioned to approve the February 12, 2015 agenda as posted. Ralph Ballard seconded the motion. Motion carried with all Commissioners voting aye.

Mr. Petersen opened the public hearing at 6:08 p.m. for comments on the following items;

1. Proposed changes to the Land Use Code pertaining to vacation rentals and subdivision process

Toni Foran explained the proposed changes will make vacation rentals a permitted use subject to conditions set by the business licenses process and transient lodging facilities regulations. They would be permitted in the following zones; RA-1, RA-0.5, R1-10, R1-15, and R1-8. **No comments from the public.**

2. Proposed changes to Title 3 Chapter 9 Rental Dwelling Units and Chapter 10 Transient Lodging Facilities

Toni Foran explained the proposal is the improvements are required before the subdivision is recorded. No bonding would be allowed. **No comments from the public.**

Mr. Peterson closed the Public Hearing at 6:13 p.m.

Old Business:

2015-PP-01 Consideration and possible recommendation to the City Council for a preliminary plat for Park Side Subdivision, a 177 lot subdivision on 65 acres located north of Park View Drive and west of 3400 West – Interstate Rock Products, Inc, -Mike Madsen agent

Toni Foran explained she was visited by the State and National archeologists yesterday regarding lots 29-34. She was told they have been noted in the State records as an important archeological

site. She stated the applicants were unaware of this until earlier today. She mentioned the ordinance encourages but does not require them to get a clearance. Ms. Foran expressed that she does not have any issues with slope compliance with the Hillside ordinance after the field trip other than on lot 29. She stated it is not clear how that slope would be preserved. She stated the sewer agreement hasn't been signed but she knows they are working on a few exhibits. Karl Rasmussen stated the map shows lot 29 with steep slopes but he feels it is doable. He mentioned everyone was able to walk up the slope on the fieldtrip. Ms. Foran stated she didn't doubt it was doable but under the current ordinance the Commissioners need to look at the grade of the slope. Mr. Rasmussen stated the area the State has designated as an archeological site has been dug up multiple times before. He mentioned if the State has brought it up, then there is a process they have to go through to get it approved. He doesn't want lots 29-34 excluded from the approval because he feels that they can do their due diligence and have a clearance on them done by the time they are ready for Phase 2. He mentioned some different ways to handle archeological sites. Ms. Foran stated the archeologists will be in touch with Interstate Rock. Mr. Rasmussen asked the Commissioners to give them an opportunity to handle the archeological site but still move forward. Bob Petersen asked if the preliminary plat could be approved without the sewer agreement being signed. Ms. Foran explained it can be approved with the sewer agreement being signed as a condition of the approval. It won't be forwarded to the City Council for approval until the agreement is in place. Branden Anderson asked if everyone was in agreement regarding the location of the trail. Ms. Foran stated the City Council wanted it on the rim but it can be determined at City Council Mr. Rasmussen stated the developers would like the trail to be where it is shown on the map. Yovonda Hall asked if the Commissioners wanted to discuss lot 29 further. Mr. Petersen stated lot 29 is in Phase 2 so the approval could be subject to this issue being satisfactorily addressed before construction on Phase 2 begins. Ms. Hall asked if the City Council could approve an exemption from the ordinance on Lot 29. Ms. Foran stated no, it would have to be an ordinance change before final plat. Ralph Ballard stated if the archeological sites have already been gone through then they should be fine. He stated if the applicants are willing to provide the trail and pay the construction then it should be considered how they want it built. Mr. Rasmussen mentioned this route would save the City \$350,000 and it wouldn't be next to the cliff hazard.

Branden Anderson motioned to recommend approval of application 2015-PP-01 to City Council subject to lot 29 being approved, an archeological site clearance granted, and the sewer agreement is signed. John Johnson seconded the motion. The vote was as follows; John Johnson-Aye, Yovonda Hall-Aye, Ralph Ballard-Aye, Bob Petersen-Aye, Bill Wilkey-Aye, Branden Anderson-Aye, and Paul Farthing-Aye. Motion carried.

New Business:

2015-LUCA-01 Consideration and possible recommendation to the City Council on proposed changes to the Land Use Code and Title 3, Chapters 9 and 10 – Hurricane City applicant

Yovonda Hall motioned to recommend approval of application 2015-LUCA-01 to the City Council. Bill Wilkey seconded the motion. The vote was as follows; John Johnson-Aye, Yovonda Hall-Aye, Ralph Ballard-Aye, Bob Petersen-Aye, Bill Wilkey-Aye, Branden Anderson-Aye, and Paul Farthing-Aye. Motion carried.

2013-PP-04 and 2015-FP-02 Consideration and possible recommendation to the City Council on renewal of an expired preliminary plat and the final plat for Scow Orchard Estates, a 6 lot subdivision on 1760 West at approximately 300 South – Budd Scow applicant

Budd Scow pointed out this is the second time coming to the Planning Commission on this plat because of some issues the City Council wanted addressed. He stated they have been negotiating the width of road and let the plat expire in the process. Toni Foran stated the geotechnical report hasn't been received and will be needed before work can begin. Mr. Scow stated they understand the report is needed but they don't anticipate a problem. John Johnson motioned to recommend approval of application 2013-PP-04 renewal of expired plat to the City Council. Yovonda Hall seconded the motion. The vote was as follows; John Johnson-Aye, Yovonda Hall-Aye, Ralph Ballard-Aye, Bob Petersen-Aye, Bill Wilkey-Aye, Branden Anderson-Aye, and Paul Farthing-Aye. Motion carried.

Yovonda Hall motioned to recommend approval of application 2015-FP-02 to City Council with the condition the geotechnical report is completed before work begins. Branden Anderson seconded the motion. The vote was as follows; John Johnson-Aye, Yovonda Hall-Aye, Ralph Ballard-Aye, Bob Petersen-Aye, Bill Wilkey-Aye, Branden Anderson-Aye, and Paul Farthing-Aye. Motion carried.

Discussion items:

1. Request to consider amendments to temporary use and/or vendor cart regulations to create a Food Cart Tuesday at Sonny Boys – Lon Allen

Toni explained to the Commissioners that Lon Allen, owner of Sonny Boy's, would like to put together a "Food Cart Tuesday" in their parking lot. She stated she had included a summary in the packet and asked the Commissioners if they had a chance to review it. She stated she couldn't see how to make it fit within the current ordinance and would like the Commissioners opinion on how or if it could be done. Lon Allen stated twenty to thirty four buses go through town every day and there is a huge opportunity for Hurricane to get tour buses to stop. He mentioned it would take a year or two to get them stopping but there was a consistent event they would eventually put it on their route. He stated they chose to name the idea Food Cart Tuesday but it could be a farmers market too. He expressed the need for a variety of different carts and options to get people to stop. Easy access is a necessity for the large buses and the Sonny Boys parking lot would be perfect. He stated St. George is doing something similar on Monday nights at Hurst Ace Hardware and it is exploding. Mr. Allen stated he thinks Hurricane has the tourists to support this type of activity. Yovonda commented she pictures a parking lot full competing with his business. She asked if he had considered doing something similar indoors to get them into his restaurant. Lon explained he has a bigger vision. He stated people want a variety of things and having the option will be beneficial. It will bring more people in and he sees it as a win/win. He stated there are some people that don't like outdoor vendors and they will still go inside but Sonny Boys will also have their truck outside. He stated his pizza place will be opening in about a month. He sees this as a golden opportunity and the possibility of holding the event more than one night a week. Bob asked if he was planning on more than just food trucks. Lon stated there needs to be something to eat but any business could set up a booth. He thought local products such as honey and produce could be sold.

Ralph asks where it fit in with the current ordinance. Toni stated farmers markets and flea markets fall under temporary use permit but the flea market is only once per month and the farmers market can only be up to three months. She questioned if it could be one night a week until it meets the ninety days total. She asked how would this fit in with the vendor cart

ordinance, which limits the number of vendor cart licenses. Yovonda stated if there is a "farmers market" area then why have a vendor cart ordinance. Ralph stated he has seen it work in other areas and Hurricane has the through traffic to accommodate it. He stated some of his customers come to the office to pay bills just because they want an excuse to get out - if you provide something there for people to do then they will come. He stated they cluster restaurants together on purpose so people have options. Lon commented that is why food courts are so popular.

Lon stated the cost to each vendor would be minimal and his landlord is in favor of allowing it. How sales tax would be handled was discussed. Lon stated it would be too hard to create an event every week so everyone would have to have their own sales tax number. Yovonda clarified the ordinance allows events like this at the Community Center because they are events and licensed as an event. Ralph stated Hurricane is a bottle neck for a lot of the attractions in Southern Utah. Lon explained how St. George handles their vendor cart licenses. Paul stated he prefers this to be at the Community Center because of the trees and lawn. Lon stated there seems to always be activity there and expressed the opinion the City wouldn't want to shut down 100 West every week. Lon stated easy access for buses is needed or they won't stop. Parking at the Community Center can be an issue. Lon stated he could cut a driveway so buses can exit on 100 North. Branden asked where they would park buses. Lon stated road base or gravel could be put on the back area. Darin asked if it could be started to see how it goes before changing the ordinance. Commissioners discussed requirements for event permits and health inspections. Ralph asked if the Commissioners can decide or if Council will have the final decision. Toni stated Commissioners will have to change language and make the suggestions to the City Council. Darin stated it could be a discussion with the Council first but it is a lengthy process to change the ordinance and if this doesn't work, then it is a lot of work that isn't necessary. He stated it would be best if they could think of a way to do a trial period within the current ordinance before any changes were made. Toni stated they have to follow the ordinances and not upset other businesses by not requiring a license or tax number. Commissioners discussed Sonny Boy's parking lot and what could be done. Lon stated people can use restroom in their restaurant but if it got too big, port a johns would have to be there. They want to make it as cost free as possible for vendors to get it going. Toni stated she doesn't know how to make it work without changes to the ordinance. Bob stated he would like guidance from the City Council before a decision is made. Darin stated he will bring up this discussion with the Council and get their opinion.

2. Request an opinion from the Planning Commission regarding possible use of the commercial lot at the southwest corner of 860 North and SR-9 for a rock sales display business – Toni Foran

Toni stated she would like a second opinion on the possible use of the commercial lot. She explained it is zoned for commercial use but it is a weird corner lot that has a fifty foot water line easement across the back. Toni stated she thinks the rock yard might be the best fit for this lot. Ralph asked about parking. Toni stated it would be display only so parking wouldn't be needed; however, she would require 2 parking spaces to allow people to stop and look. Commissioners discussed lot size, location and easement. It was clarified the access would be off of 860 North. Commissioners agreed this would be a perfect fit for this lot.

- 3. Staff reports and planning commission concerns.** Toni stated there isn't any reports but she asked if anyone had decided if they were going to the Spring Planning Conference. Yovonda, Bob, and John confirmed they would be going.

Approval of minutes: Paul Farthing motioned to approve the January 28, 2015 minutes. Yovonda Hall seconded the motion. The vote was as follows; John Johnson-Aye, Yovonda Hall-Aye, Ralph Ballard-Aye, Bob Petersen-Aye, Bill Wilkey-Abstained, Branden Anderson-Aye, and Paul Farthing-Aye. Motion carried.

Meeting adjourned at 7:40 p.m.