

ON SEPTEMBER 10, 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: Bill Wilkey, Yovonda Hall, Ryan Cashin, Branden Anderson, John Johnson and Ralph Ballard

Members Excused: Bob Petersen and Paul Farthing

Staff Present: Planning Director Toni Foran, Planning Assistant Cindy Beteag, City Attorney Fay Reber, City Council Representatives Kevin Tervort and Darin Larson

The meeting was called to order by Chairman Cashin at 6:00 p.m. The Pledge of Allegiance was led by Margie Hare and Shellie Adams offered the prayer. Roll call was taken.

Approval of agenda: Bill Wilkey motioned to approve the September 10, 2015 agenda as posted. Yovonda Hall seconded the motion. Motion carried with all Commissioners voting aye.

Chairman Cashin opened the public hearing at 6:05 p.m. to take comments on the following:

A. Amending the use chart for the RA-.5 zone to change Bed and Breakfast, Home, from N, not permitted, to C, conditional use. Toni Foran explained this is a housekeeping item. The ordinance currently allows Bed and Breakfast in R1-10, R1-15 and RA-1 zones with a conditional use permit but it does not allow them in RA-.05 zones. She stated this change is to clean up the use chart and make it more consistent. Yovonda Hall asked if it was a conditional use permit in all the mentioned zones. Ms. Foran stated yes.

Kevan Adams stated it isn't a zone issue. He asked why not the R1-8 or R1-6 zones too. He stated as long as it meets the regulations, then it should be allowed. He stated there are some lots in the smaller zones that are bigger and they could accommodate the parking, etc. He feels if the code is being changed tonight to allow it in RA-.05 zones, then it should be allowed in the smaller zones as long as they meet the regulations that already in place.

B. Amending Table 10-13-1 to designate Animals and Fowl for Recreation and Family Food Production in the R-1-8 and R-1-6 zones as P, permitted, subject to note 3. Toni Foran stated when the City decided to allow chickens, rabbits, and ducks in residential zones they only allowed them in the R1-10 zones and above. She explained *P note 3* refers people to the land use regulations on how many are allowed and the location of the coop. Ms. Foran stated there have been several people come to the Planning Commissioners requesting them to be allowed in the smaller zones. TW Peterson stated he is in favor of allowing chickens in the smaller zones. Ms. Foran stated the chart that was given to the Planning Commissioners extended this use to the Mobile Home/RV zone but the agenda did not. Yovonda Hall asked if residents would still have to meet all the requirements in the land use code. Ms. Foran stated yes. Kevan Adams stated he is in favor of chickens being allowed in the MH/RV zones. He stated there are a lot of chickens in his neighborhood, which is zoned MH/RV, and they have been there a long time. He mentioned he doesn't feel it is a zoning issue. He feels it is the underlining regulations that allow the amount and location. He stated the lots in his neighborhood are not typical in this subdivision. He feels this use should extend to all zones as long as they still meet the regulations. He mentioned his neighborhood doesn't have sidewalks so it has rural feel. He would have a problem if the neighborhood next to him was allowed to have them and his neighborhood wasn't. He stated that would become a class issue.

Doug Hinton stated he is in favor of allowing chickens in the smaller zones. He stated he has chickens and would like to continue having them. He stated his neighborhood is sufficient to accommodate them.

Jaimie Mendanhall stated she is favor of chickens.

Brandi Petersen stated she is in favor of chickens.

Brandon Roberts stated he lives in Pecan Meadows and he doesn't understand why chickens are allowed across the street but he can't have them. He is in favor of allowing them.

C. A zone change request on approximately 8 acres south of 290 North and east of 3400 West from HC, Highway Commercial, and RA-1, Residential Agricultural, to realign the boundaries of the zones so 2 acres is zoned HC and 6 acres are zoned RA-1 to facilitate the future construction of commercial uses and an Assisted Living facility.

Toni Foran explained the zones aren't actually changing, the boundaries are just being moved. She stated because the zone boundary is along the boundary of an existing subdivision, she felt it was better to do a formal zone change with the property descriptions.

No comments from the public.

Chairman Cashin closed the public hearing at 6:19 p.m. and the public meeting began.

2015-ZC-07 Consideration and possible recommendation to the City Council for a zone change on approximately 8 acres at 290 North east of 3400 West to realign the boundaries of the HC and RA-1 zones to provide a 2 acre HC property and 6 acres of RA-1 bordering on an extension of 290 North street – Stratton Brothers LLC applicant

Mike Madsen stated his company has determined through a market study there is a need for assisted living centers in Hurricane. He explained in order to build the center he had to change the zone first. He stated the zone change is the first phase and then he can apply for a conditional use permit to build a sixty four bed facility. Ryan Cashin stated Walmart is involved in this subdivision and asked if they would be included in the process to change the lines in the plat. Mr. Madsen stated it is a permitted use under his agreement with Walmart; however, he doesn't perceive any issues. *Yovonda Hall motioned to recommend approval of application 2015-ZC-07 to the City Council subject to the staff findings; 1. The proposed amendment is compatible with the goals and policies of the general plan to provide supporting services and convenient commercial locations. 2. The proposed amendment is not out of character with existing development in the immediate vicinity and matches zones in the immediate vicinity. 3. The proposed amendment is really only realigning the boundaries of existing zones so there should be no negative effect on adjoining properties. 4. Public facilities and services are adequate to serve the subject property but are not connected. Ralph Ballard seconded the motion. The vote was as follows; Bill Wilkey-Aye, Yovonda Hall-Aye, Ryan Cashin-Aye, Branden Anderson-Aye, John Johnson-Aye, and Ralph Ballard-Aye. Motion carried.*

2015-TA-01 Consideration and possible recommendation to the City Council for proposed Land Use Code amendments:

A. Amending the use chart for the RA-.5 zone to change Bed and Breakfast, Home, from N, not permitted, to C, conditional use.

Yovonda Hall asked what the current regulations are for a bed and breakfast. Toni Foran summarized the ordinance stating; off street parking shall be provided as follows; two spaces for owner/operator and one space per guestroom, only sign, made of wood, stone or brick, and not more than nine square feet, shall be located on a street that meets fire code requirements, no structural modifications shall be made for the addition of separate entries to each guestroom. She mentioned other activities such as parties, showers, or wedding can be approved with the conditional use permit if the applicant wishes. She stated if the bed and breakfast is located

in a historic building then the application shall be reviewed by the historic preservation commission. Ryan Cashin asked if the ordinance required the bed and breakfast to be owner occupied. Ms. Foran read the definition; *A limited commercial activity within a residential structure where not more than four (4) rooms may be rented to paying guests on a nightly basis and the breakfast meal is provided for in the rental rate pursuant to the requirements of title 10, chapter 51 of this code in an owner occupied home.* Ralph Ballard mentioned the comments from the Fire Chief regarding maximum number of occupants. Bill Wilkey asked if there was any language in the ordinance requiring the owner to be present when the room(s) are rented. Ms. Foran stated no. She stated the Commissioners are only looking at adding the use in the RA-.05 with the current regulations. Ms. Hall clarified they can't consider Mr. Adam's comments regarding adding it the smaller zones because it was only advertised for the RA-.5 zone. She stated she thought it was odd to not include the RA-.5 zone since it is allowed in the zones on both sides of this zone. *Branden Anderson motioned to recommend approval of application 2015-TA-01 A. to the City Council. Ralph seconded the motion. The vote was as follows; Bill Wilkey-Aye, Yovonda Hall-Aye, Ryan Cashin-Aye, Branden Anderson-Aye, John Johnson-Aye, and Ralph Ballard-Aye. Motion carried.*

B. Amending Table 10-13-1 to designate Animals and Fowl for Recreation and Family Food Production in the R-1-8 and R-1-6 zones as P, permitted, subject to note 3. – Hurricane City applicant

Chairman Cashin stated the Commissioners need to decide if they want to include MH/RV zones in this amendment. City Attorney Fay Reber asked if MH/RV zones were advertised for tonight's public hearing. Cindy Beteag stated no. Toni Foran asked if the Planning Commission had the ability to make a recommendation as proposed or with changes. Mr. Reber stated they do but not for adding a zone that wasn't advertised. *Ralph Ballard motioned to recommend approval of application 2015-TA-01 B. to the City Council and to put on a future agenda to look at allowing them in the MH/RV zone. Yovonda Hall seconded the motion. The vote was as follows; Bill Wilkey-Aye, Yovonda Hall-Aye, Ryan Cashin-Aye, Branden Anderson-Nay, John Johnson-Aye, and Ralph Ballard-Aye. Motion carried.*

2015-AFP-02 Consideration and possible recommendation of approval for an amended plat for Panorama View Subdivision Phases II and III, for the purpose of abandoning Phase III including the public road and recording an amended plat showing only Phase II – Roland Hall applicant

Yovonda Hall stated she has a conflict with this application and recused herself. Roland Hall stated he would like to recommend the application being approved as written. Ralph Ballard asked why the applicant is undoing what was already approved. Toni Foran stated it is clarifying an issue that has been previously brought up of not allowing any lots without improvements or a dedicated road with no improvements. She stated this is a housekeeping item until the applicants are ready to move forward. It was mentioned phases 1 and 2 are completed and accepted. Phase 3 is the only one without improvements to the lots. Branden Anderson asked if phase 3 would come back. Ms. Foran stated she thought it would in the future. Mr. Ballard asked if it had to come back through process if the applicant wanted to develop phase 3. Chairman Cashin stated they would have to start the process again. Mr. Ballard asked if the time limit had expired before phase 3 was completed and that was why they are abandoning that phase. Ms. Foran stated yes. *Ralph Ballard motioned to approve application 2015-AFP-02 for the purpose of abandoning phase 3. Branden Anderson seconded the motion. The vote was as follows; Bill Wilkey-Aye, Yovonda Hall-Abstained, Ryan Cashin-Aye, Branden Anderson-Aye, John Johnson-Aye, and Ralph Ballard-Aye. Motion carried.*

2015-FSP-05 Consideration and possible approval of a final site plan for development of the vacant portions of the property at 55 N. 3700 West – Old Brentwood water park site – into a paintball field – Jeremy Johnson applicant

Toni Foran read the comments from staff meeting; the tower must be removed, concerns of hours of operation and containment of the paintballs, and there should be restrooms if this is going to be a permanent business.

Jeremy Johnson stated he would like to open a paintball facility in the old bowling alley facilities property. Branden Anderson stated the Planning Commission recently approved an application for a tile manufacturing business at this location. Ms. Foran explained there was an application for a zone change but it was contingent on the business relocating here but they have decided to withdraw that application. She clarified this application is only for the land not the building. Mr. Johnson stated they won't be doing anything with the building. Mr. Anderson stated there isn't access to the land unless they go through the building. Mr. Johnson explained he will have access to the parking lot and the land behind the building. He stated he doesn't want to lease the building at this time. Ryan Cashin stated the biggest concern he has heard is restrooms being provided and something being in place to restrain the paintballs onsite. Mr. Johnson stated there are fifteen foot nets surrounding the field and players aren't allowed to shoot straight in the air. Mr. Anderson asked if there are small openings in net. Mr. Johnson stated there are but they are small enough that a fly couldn't go through the holes. Ralph Ballard asked what the field would consist of. Mr. Johnson stated inflatable bunkers and wooden built items. Chairman Cashin asked if the applicant would use the tower. Mr. Johnson stated the owners do not want it torn down and he would like to use it however it isn't a deal breaker. He stated they would like use the lower level only. Chairman Cashin stated the comments from staff meeting state they would like it torn down or blocked off so people can't use it. Mr. Johnson asked if they could block it off with cinder blocks. Ms. Foran stated that is up to the building and fire departments. It was discussed fencing off the tower or using it if the fire and building departments find it safe. Bill Wilkey asked where the restrooms would be located. Mr. Johnson pointed out the location. He explained they would be port a potties but they would be set off the road so they can't be seen from SR-9. He stated he wants the property to look better than it does now. Chairman Cashin asked if there would be sanitation facilities. Mr. Johnson stated absolutely. Chairman Cashin asked if staff would be on hand to handle any injuries. Mr. Johnson stated when a tournament is held there will be people there to help and he is certified in CPR and First Aid. He stated EMT's will not be on staff so an ambulance would have to be called for any major incidents; however, they never had to call an ambulance at the previous location. Mr. Wilkey asked what the hours of operation would be. Mr. Johnson stated Friday from 4:30-8:30 p.m., Saturday from 7:00 a.m.-2:00 p.m., and Sunday from 3:00-5:00 p.m. Chairman Cashin commented he could see people calling and complaining about noise on Saturday mornings. Mr. Johnson stated the course wouldn't be any louder than the highway. Ms. Hall pointed out the hours the business is open fall under the noise ordinance and shouldn't be a problem. Mr. Anderson questioned if allowing a business in the back of the property would hinder the building being rented. Mr. Johnson stated he would like to rent the building in the future but for now he has to start outside. He explained the building would have the same course as the outside. Ms. Hall asked if the employees would be ok with port a potty. Mr. Johnson stated he doesn't have any employees. It is only himself, his wife and kids and they have no problem with using the port a potty. Mr. Anderson stated he would rather see the property rented as a whole then just a partial. Mr. Johnson stated he would like to also but it is not feasible right now. Mr. Ballard commented a split use is better than no business. Mr. Johnson explained he will do a month to month lease to see how the business does. If it goes well, then he has the option to lease the building as well but the owners still have the option to the sell the property. Mr. Anderson asked when he would start if the application is approved. Mr. Johnson stated he would like to start cleaning up the property tomorrow and is hoping to open in twenty days. Ms. Hall stated inexperienced shooters could shoot them high and hit roofs unintentionally. Mr. Johnson explained the paintballs can only stay in flight about 125-130 feet and the guns have regulations. Mr. Wilkey asked if the equipment would be rented there and if they would fill the tanks on site. Mr. Johnson stated yes but he is not using CO2. Chairman Cashin stated he is concerned with allowing port a potties because they are temporary. He asked Mr. Reber if they could put a time limit on the approval and require permanent restrooms in the future. Mr. Johnson stated he would have no problem with putting a time limit in place to see how the business does. Darin Larson pointed out Sand Hollow Golf Course uses port a potties. Mr. Wilkey stated they do use them in remote areas along the golf course and as long as they are serviced weekly they have no problems with them. Mr. Larson recommended against putting time limit on this business because a precedence has already been set. Mr. Reber asked Mr. Wilkey if Sand Hollow had to get

approval from Ash Creek Sewer District to use the port a potties. Mr. Wilkey stated no. Mr. Ballard asked if a second sewer connection could be made on that property if they required permanent bathrooms. Ms. Foran stated there is already a connection there so they would just have to tie into it. Mr. Wilkey mentioned Sand Hollow services the port a potty three times a week. Chairman Cashin stated Sand Hollow has daily use and this business would only be open three days a week. Mr. Johnson stated he would have them serviced every Monday or more if needed. Mr. Reber asked if they would have office on site. Mr. Johnson stated he has a twenty foot long, concession style, bumper pulled trailer that he uses for his office. Mr. Reber explained there is a requirement that in residential if there is a connection within 300 feet you are required to hook on but he is not sure the requirement is different for commercial. He stated the applicant will need to check with Ash Creek Sewer District to verify requirements. John Johnson mentioned the applicant has requested ninety days to complete the landscaping but that would put it into December and they wouldn't be able to plant then. Mr. Johnson stated it could be moved up to 45-60 days. Ms. Foran stated if the business is open until 8:30 p.m. they will need lights. Mr. Johnson stated once the days get shorter he won't be open later until he can get the whole facility. Mr. Ballard suggested putting in the motion that the business can only be open during daylight hours. Ms. Hall asked if this use was positive for this property. Chairman Cashin stated it is better than the weeds that are currently there. Ms. Foran explained outdoor recreation is a permitted use in this zone. Mr. Anderson asked if the application is approved for daylight hours only, could they come back to amend the hours if they expand. Ms. Foran stated the Commissioners can decide if they want the application to come back to them if there are any changes. She asked where staging trailer would be located and if it would be there all the time. Mr. Johnson stated in the staging area and it would be removed when the business is closed. Ms. Foran asked if the netting would be around the entire site. Mr. Johnson stated yes, everywhere they are playing would be surrounded by net. *Ralph Ballard motioned to approve 2015-FSP-05 subject to approval from Ash Creek Sewer District on the port a potties, the business is only operated during daylight hours with the option for staff to review any changes in the future, and the safety of the tower has been determined by the building and fire departments. Branden Anderson seconded the motion. The vote was as follows; Bill Wilkey-Aye, Yovonda Hall-Aye, Ryan Cashin-Aye, Branden Anderson-Aye, John Johnson-Aye, and Ralph Ballard-Aye. Motion carried.*

2015-FSP-06 Consideration and possible approval of a final site plan for an additional barn building at Diamond Ranch Academy in the Elim Valley PDO Special District – Diamond Ranch Academy applicant

Ryan Cashin stated the building is pretty much built already. Kelby Iverson stated he is representing Diamond Ranch and would answer any questions. Branden Anderson asked if the barn was for an animal hospital. Mr. Iverson stated everything for the facility has been donated by parents and that was how the plans were drawn; however, it is not a clinic, only a small barn to house animals. Chairman Cashin stated there is a master planned road that goes through the property right where the barn sits. He stated he wanted the applicant to be aware if the road was to be constructed they would be required to move the barn at their expense. Mr. Iverson stated he understood. It was clarified the road was on the City Master Planned Roads not the Diamond Ranch plans. Mr. Anderson asked if a final site plan is approved would it change the master planned roads. Chairman Cashin stated no. Mr. Ballard stated at this point they own the property so the City would have to purchase the property to build the road. Mr. Anderson asked if the application that was turned in was sufficient for a final site plan compared to what everyone else is required to submit. Ms. Foran read the requirements for a final site plan; all facilities related to the project located within two hundred and fifty (250) feet of the site boundary; Layout, dimensions, and names of existing and future road rights-of-way; Project name, North arrow, and tie to a section monument; The boundary lines of the project site with bearings and distances; Layout and dimensions of proposed streets, buildings, parking areas, and landscape areas; Location, dimensions, and labeling of other features such as bicycle racks, dumpsters, trash cans, fences, signage, and mechanical equipment; Location of man-made features including irrigation facilities, bridges, and buildings; A tabulation table showing total gross acreage, square footage of street rights-of-way, square footage of building footprint, square footage of total building floor area, number of parking spaces, and, if any, the number and type of dwellings and the percentage

devoted to each dwelling type and overall dwelling unit density; Identification of property, if any, not proposed for development. Mr. Iverson stated he feels like he addressed all of the questions. Chairman Cashin stated this application is really just an amendment to the original site plan. Mr. Anderson stated he has no concern with this project but feels the process and requirements should be same for everyone. Yovonda Hall asked if the building permit had been issued. Ms. Foran stated no, it can't be issued until a site plan has been approved. She stated she is unsure how the inspections will be done since the barn is mostly built. Mr. Iverson explained he had assumed it was agriculture so they didn't need a permit and that is why they started building the barn without a permit; however, he found out it is actually zoned PDO and a permit is required. Mr. Reber stated the Planning Commissioners have the authority to determine if what was submitted is adequate. It was decided to move forward with what was submitted. *Ralph Ballard motioned to approve application 2015-FSP-06 with the understanding the barn may have to be moved at the developer's expense if the master planned road is built and a building permit is issued before any work is done. Bill Wilkey seconded the motion. The vote was as follows; Bill Wilkey-Aye, Yovonda Hall-Aye, Ryan Cashin-Aye, Branden Anderson-Nay, John Johnson-Aye, and Ralph Ballard-Aye. Motion carried.*

2015-PP-10 Consideration and possible recommendation to the City Council for a preliminary plat for Painted Hills Commerce Center, a 2 lot commercial subdivision north of SR-9 at 2260 West – Toquerville , LLC applicant

Jerry Spilsbury explained this project is located in the industrial complex by the IHC. He stated they have had this land since they donated the Industrial Park to the City. He thought it would be a simple lot split but since the property was already split once they are required to do a subdivision. Mr. Spilsbury stated staff has recommended approval subject to the comments but he would like to address the comments. He feels some of the comments would cause undue hardship. He stated there is a problem with access to the front lot. He explained the front lot is in escrow and the buyer wants to put a hotel on it. It is very important to the buyer to have access off 2260 West or SR-9 with SR-9 being their preference. He stated he understands getting access off SR-9 is separate process with UDOT. Branden Anderson stated he works for UDOT and access off SR-9 would not be granted. Mr. Spilsbury stated staff is recommending access off 100 North but that doesn't make sense to him. He would like to put in an entry straight across from the IHC entry which is about 300 feet off SR-9. Mr. Spilsbury stated the access off 100 North uses more land and creates a hardship. Mr. Anderson asked if there would only be one access to lot 1. Mr. Spilsbury stated yes if the access is off 100 North. Toni Foran stated the City Engineer stated 100 North is the best place for the access because of the intersection. Mr. Spilsbury stated he has a list of accesses in Hurricane that have been granted to corner lots that are within 150 feet of the corner. Ms. Foran stated they were grandfathered in before the agreement with UDOT. Mr. Spilsbury stated the IHC access was put in after the agreement. Ms. Foran stated it was put in before the grade was changed and the signal light was installed. Mr. Anderson asked what the City Code was for how far an access had to be away from an intersection. Gerold Pratt stated he thought five hundred feet. Mr. Spilsbury stated it also says two hundred fifty feet with a right in and right out. He stated this access would be about three hundred feet from the intersection and could be right in, right out. Mr. Anderson explained the five hundred feet is required because of the turn lane and the stack option. He stated there is another access to IHC further down the road. Ms. Foran stated the closer IHC access could be closed in the future like the old access to Lin's if problems persist.

Mr. Spilsbury stated there is also a staff request for pavement and gutter on lot 2. He stated they show the engineering and gutter on lot 2 but they are asking if they could not do the pavement and gutter until lot 2 is improved. Ms. Foran stated this plat needs to be for both lots it can't be phases. She stated there is no curb, gutter, or sidewalks on 100 North. Mr. Spilsbury stated they would like the access off of 2260 West not 100 North and they would like to do curb, gutter, and sidewalk on lot 2 when it is developed. Mr. Anderson stated he doesn't think they will get access off of 2260 West according to the comments from the City Engineer or SR-9 so access would have to be off of 100 North. If that is the case then both lots would have to be developed to access lot 1. *Ralph Ballard was excused at 7:30 p.m.* Access location was discussed. Mr. Spilsbury stated according to the rules they can have a right in, right out at two hundred and fifty feet. Darin Larson asked if the access approval

was a City decision. Ms. Foran stated there are City standards that have to be met. Mr. Larson asked what would cause an abandonment of an access. Mr. Anderson stated a traffic problem. Ms. Foran stated when a plan is brought that could have an impact on SR-9 she is required to notify UDOT. Mr. Anderson asked if this application could be approved now and driveways could be worked out before final plat. Ms. Foran stated driveways are not shown on preliminary plat. She only mentioned them because she wanted the applicant to be aware of the problem. Ms. Foran clarified a two lot subdivision cannot be done in phases. Improvements were discussed. *Branden Anderson motioned to recommend approval of application 2015-PP-10 to the City Council subject to the staff and JUC comments; 1. Water can be connected from either street. Laterals will be needed. 2. Street access must be provided off 100 North for both lots. Shared access along the east lot lines between this subdivision and the SR-9 Commercial development is preferred. 3. Improvements for the full width of street frontages must be designed and approved before final plat. These lots fit the size and frontage requirements for commercial lots. Lot 1 is 2.5 acres and lot 2 is 1.5 acres. 4. The geotechnical notes submitted on the preliminary plat states the 2008 Geological Hazards maps indicate the site include liquefaction hazard and adverse construction conditions caliche, piping and erosion, shallow bedrock, and possible windblown sand and shallow groundwater. These conditions will have to be addressed with site plans as development on the lots is presented for review. 5. This plat provides frontage on a dedicated public street for both lots but does not provide access for Lot 1. A proposed cross access agreement has been provided by the applicant's engineer. 5. A copy of the site plan for the adjacent SR-9 Commercial development is included with the staff notes. The west end of that project shows the location of a shared driveway. This is the preferred access for this property. John Johnson seconded the motion. The vote was as follows; Bill Wilkey-Aye, Yovonda Hall-Aye, Ryan Cashin-Aye, Branden Anderson-Nay, and John Johnson-Aye. Motion carried.*

2015-PSP-04 Consideration and possible approval of a preliminary site plan for a multi-family project on the corner of 600 North and 2480 West - Jay Simmons applicant, Brant Tuttle agent Rick Peterson

Toni Foran stated she has handed out an updated plan with different parking but she is not sure if it solves the problem. Rick Peterson stated they thought they addressed the parking issue. He stated their proposal is to flip the duplex and fourplex so the center of the driveway is 165' from the center of the road. He stated the 185' joint agreement makes this 200' lot unbuildable. Branden Anderson asked if the development type required this distance. Ms. Foran explained the City standards are 185' from 600 North because of the hierarchy of the road. Mr. Anderson asked if it was because 2480 West was a bigger city road as opposed to a residential access. Ms. Foran stated she is unsure. The City Engineer, Arthur LeBaron would have to answer that question. Mr. Peterson stated they had a conversation with Mr. LeBaron and he said it is something he would have review because of the lot size. Mr. Anderson asked if the Planning Commission could approve a different access point. Ms. Foran explained this application is only preliminary so the Commissioners can make the approval subject to the issues being resolved before final site plan. She stated in her opinion there are a lot of narrow driveways and stacked parking. She stated the Planning Commission must specifically approve stack parking according to the Land Use Code but it is something that can be done in multifamily. Mr. Peterson stated they are trying to not create stack parking. Ms. Foran stated in order to meet the requirement for two parking spaces for every unit, there must be stacked parking because there is only single car garages. Mr. Peterson stated they could push the dog ears out to twenty feet instead of eighteen feet. So each unit would have the garage, the dog ear driveway plus the possibility of stacked parking. The Commissioners discussed whether the turning radius on the shared driveway was adequate. Chairman Cashin stated he is worried more about young families with kids living there which would create even more problems. Ms. Hall asked if they were limited on driveway width because of landscaping. Mr. Peterson stated the driveway width matches the garage width. He stated the road accessing the driveway is twelve feet wide. He stated they are trying to create a yard with landscaping and not a concrete jungle. They don't want the garage in the front to prevent a parking nightmare. Chairman Cashin commented he liked the project overall. Mr. Peterson asked what they could do to help with the parking issue. He stated there is no problem with the duplex because there is only one garage but the fourplex creates an access problem. Mr.

Anderson asked what was connected on the west side. Margie Hare stated single family residential. She stated they have an eighteen foot wide driveway. Ms. Foran stated the standard is a 9' feet wide and 18' deep parking space but that is based on a twenty five foot driveway. Commissioners discussed driveways. Ms. Hall suggested accessing the garages from the other side. Mr. Peterson stated they are trying to get away from all the parking in front and all concrete. Chairman Cashin stated he understands the concept of what they are doing but he doesn't know how to resolve the issue. Mr. Peterson asked what the City standards are. Ms. Foran stated typically if you are designing a parking a lot there is a twenty five foot driveway with eighteen feet deep parking spaces on each side. Mr. Peterson asked if they consider the twelve feet driveway. Ms. Foran stated that is counted as parking space so the driveway is only the part behind the eighteen feet. She stated that is her biggest concern. Chairman Cashin stated shortening the radius could help some but it still doesn't resolve the distance issue. He stated stack parking will still need to be used. Mr. Anderson stated the Commissioners could approve the preliminary site plan with the understanding a lot of issues need to be worked out before final is approved or they can discuss it further to try and find a solution. Ms. Hall stated she thinks functional needs to come before aesthetic. Mr. Peterson stated the purpose of these units is to create a design for the fifteen acres located behind it. They want to use these units as model homes for the whole subdivision. Ms. Foran stated she doesn't think it is achievable with this many units on this property. Mr. Peterson stated the original approval was for eight units and they are proposing six units. Ms. Foran explained that approval showed two story units and no garages. Mr. Peterson stated he thinks they can make it work. *Bill Wilkey motioned to approve application 2015-PSP-04 subject to staff and JUC comments; 1. Driveway access is located too close to 600 North. Standard distance for access is 185' feet. Driveway must be relocated. 2. Driveway must be developed with full radius and waterway 3. Location and depth of connection to sewer service must be verified with Ash Creek Special Service District. 4. Approved utility and construction drawings are required before final site plan 5. This is a new layout for this property and reduces the density by two units. 6. The application states there are 6 spaces in front of the garages. There do not appear to be 6 spaces that meet the minimum 9' X 18' parking space dimensions in addition to providing backing and driving space for vehicles entering and exiting garages. Crowded parking situations have proved to be a detriment in the Grand Legacy development to the north and should not be repeated on this site. 7. The proposed buildings themselves are very attractive with porches or patios and the landscaping areas meet the minimum requirement for multifamily if the site date is accurate. 8. This plan proposes units that will be individually sold so a preliminary plat will be required with final site plan. John Johnson seconded the motion. The vote was as follows; Bill Wilkey-Aye, Yovonda Hall-Aye, Ryan Cashin-Aye, Branden Anderson-Aye, and John Johnson-Aye. Motion carried.*

2015-FSPR-01 Review and possible approval of a fenced open storage facility located at the north end of Old Highway 91, approximately 473 N. Old Highway 91 at the Desert Ridge Properties parcel previously approved for open storage and Black Ridge Coatings

Jay Crosby handed out a new drawing showing the proposed use. He explained he has four commercial buildings with an empty lot north of them. He stated he pays \$4000 in taxes each year so his goal is to occupy the land to help with taxes. He stated he has a client, Jones Custom Pallets, who would like to utilize the land to store pallets. He explained their business buys and sells pallets. Mr. Crosby stated he would like approval for them to come in and occupy the space for a few years. Branden Anderson asked if it was originally approved for open storage. Toni Foran stated yes, it was approved as fenced storage from the beginning. She stated the Fire Chief might limit how many pallets can be stored on site but the Planning Commissioners need to decide if the use is appropriate. Mr. Crosby stated he talked to the owner of Jones Custom Pallets and he proposed keeping the pallets ten feet from fence for fire protection. He also said he will keep them stacked nicely so it is not an eyesore. They will keep space all around the pallets so there is access for emergency vehicles if necessary. Mr. Crosby stated the owner will have a semi-truck parked on the property that will loop around the storage container in the center. Chairman Cashin stated his concern is the closeness to I-15. He questioned if there was a fire if it would have any effect on the freeway traffic. Mr. Anderson stated he can't see too much of an issue with that concern. He does

agree with limiting how many pallets can be kept there for safety reasons but he thinks they should be able to continue the use. *Branden Anderson motioned to approve 2015-FSPR-01 for an additional two years subject to a review from the fire department for any additional requirements. Yovonda Hall seconded the motion. The vote was as follows; Bill Wilkey-Aye, Yovonda Hall-Aye, Ryan Cashin-Aye, Branden Anderson-Aye, and John Johnson-Aye. Motion carried.*

Approval of minutes: Yovonda Hall stated Kevin Tervort's motion on the August 26, 2015 minutes needs to be changed reference the moratorium is for any new applications. *Bill Wilkey motioned to approve the August 13, 2015 and the August 26, 2015 minutes with the changes. Yovonda Hall seconded the motion. The vote was as follows; Bill Wilkey-Aye, Yovonda Hall-Aye, Ryan Cashin-Aye, Branden Anderson-Aye, and John Johnson-Aye. Motion carried.*

Updates for Planning Commission

Toni stated Desert Vet has a deep, narrow lot that is all zoned Highway Commercial. She explained they would like the back portion to be zoned General Commercial in order to do enclosed, climate controlled storage units. She stated they would like to add a boarding and grooming facility to the vet portion on the front and the storage units on the back but they didn't want to do a site plan if the Planning Commission wasn't in favor of rezoning just the back portion of the lot. She stated a good portion of State Street is zoned General Commercial but this entire lot is Highway Commercial. The surrounding uses were discussed. Toni explained the Commissioners can determine a zone line by qualifications but she doesn't think this lot would meet them. She stated the back portion probably is not viable for highway commercial because it is deep and the front is already landscaped. Darin asked if the back yard neighbor was storage. Toni stated it is split storage and residential. Toni stated storage is allowed in General Commercial but not Highway Commercial. She stated boarding and grooming fits in Highway Commercial. Ryan stated a line would definitely need to be established of where the zone ends. Yovonda agreed the back portion is not viable for highway commercial. Commissioners discussed what portion of the lot would be rezoned. Yovonda asked if the access would be through the same location. Toni stated yes, they would have shared parking. Yovonda stated the use would be most viable as a General Commercial. Toni stated they could do a lot split and then rezone the back portion. Commissioners agreed a lot split would be best, then rezone the back lot.

Toni explained Brian Hinton obtained a lot with a garage on it in the Ballard Heights subdivision about sixteen years ago. The commercial zone went through a portion of the lot so the Board of Adjustments granted him commercial use on all of the lot. He has been using the lot as commercial for his business. She stated he has proposed the idea of having a RV park on this lot which is a third acre. Toni stated the ordinance requires five acres for a RV Park. Toni was excused from the meeting at 8:30 p.m.

Brian handed out a map of the lot illustrating what he is proposing. He explained the garage will stay where it is and there would be three RV pads. He stated he is thinking of the future and a steady income for when he retires. He wants to cater to the older generation with no long term stays. He is thinking 120 day maximum stay and nothing permanent. When he sells his existing business in the future he will turn the garage into a clubhouse. He stated it already has bathrooms, showers, washer and dryer hookups, a kitchenette, and a big room for pool tables. Ryan Cashin stated the lot is located on the corner with commercial use in the front and residential behind it. There is already sewer access for the pads. He stated this was brought up because Brian has let people stay on the lot in their trailers in years past but he received a letter from the City telling him that was not an approved use. It was his understanding that since it was commercial it could be used that way. Brian stated it was only a few friends that stayed there but as soon as he received the letter they left. Yovonda stated there is ordinance in place that requires a five acre minimum for a RV Park. Ryan stated the ordinance is for RV Parks developed right now but questioned if this would be grandfathered in since the hookups have been on the lot since Mr. Hinton purchased it. Brian stated it would be a mini RV with only three RV pads. Yovonda stated this

is not how grandfathered use is created. Ryan stated the Commissioners need to decide if it was purchased as a commercial lot with the intent for this use and it was allowable at the time purchase or if it is a change of use and wouldn't be grandfathered. Yovonda stated grandfathered isn't based on intent. She doesn't see how it can be allowed legally. Yovonda suggested researching what the acre requirement was for a RV Park when the lot was purchased if they were going to try to say it was grandfathered. Yovonda stated there is an ordinance in place that covers RV Parks. Ryan asked if it was an allowed use when he purchased the property since it was installed that way and it has been periodically used for that purpose. Yovonda stated there will be a lot of complaints from neighbors for it being there. Brian stated he would go to all the neighbors to get approval. He doesn't think it will be an issue. Yovonda asked if he had looked at what would be required for an RV park. He stated he looked at measurements, accessibility, sewer, water, and power. He feels there is a need for them. He stated it is gravel now and would like to keep it gravel. Yovonda asked Darin Larson how the City Council would feel since it didn't meet the five acre requirement. Darin stated it could go either way. Ryan stated since it was built out sixteen years ago then he is more inclined to allow it. Darin stated the sewer stubs give the intent. Yovonda stated she thinks it is pretty dicey and could go either way. Darin stated the City doesn't want to set a precedent so anyone with a third acre could come in and want to do this but the stubs in are a saving grace to allow it because it could have been the intent for over twenty years. Branden stated he has also been paying a commercial rate for sixteen years and not using it. Bill stated they need legal counsel on the precedent. Yovonda suggested talking to Fay before investing any money. She stated the sewer stubs might not mean anything. Ryan stated he has been paying a commercial rate and the stubs were in place at the time of purchase might qualify him to be grandfathered.

Conferences were discussed.

Meeting adjourned at 9:00 p.m.