

**ON FEBRUARY 24, 2016 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:** Bob Petersen, Ryan Cashin, John Johnson, Ralph Ballard, Yovonda Hall, Branden Anderson, and Paul Farthing

**Members Excused:** Bill Wilkey

**Staff Present:** Planning Director Toni Foran and Planning Assistant Cindy Beteag

The meeting was called to order by Chairman Cashin at 6:00 p.m. The Pledge of Allegiance was led by Boy Scout Marcus Chamberlain and Boy Scout Braxten Anderson offered the prayer. Roll call was taken.

**Approval of agenda:** Yovonda Hall motioned to approve the February 24, 2016 agenda as posted. Branden Anderson seconded the motion. Motioned carried with all Commissioners voting aye.

Chairman Cashin opened the Public Hearing at 6:01 p.m. to take comments on the following:

1. A proposed General Plan Map amendment for property located at 118 N. State Street from Multi- Residential Types to Commercial

Rich Murset stated the application is to take his property on State Street and 100 North that is currently zoned R1-6 and change it to Commercial to allow a motel type, short term rental facilities. He explained the units would be small detached units that would be rented out on a nightly or weekly basis. They would all have one owner and the project would have uniformed landscaping and utilities.

Ken Shamo gave a history of this property stating Clifton Wilson owned both sides of SR9 and when he purchased a lot from Mr. Wilson he was told it would stay residential. He stated it was Mr. Wilson's desire to keep these residential. He stated when he was on the City Council, many people tried to rezone it as commercial but the Council did not want commercial there. He stated he does think Mr. Murset's plan is good, as it will still be somewhat residential but he fears if it changes to Commercial then someone in the future could put a different use of the property. He would like to see it stay residential.

Colleen RC Harris stated she lives on this property and works for Mr. Murset. She stated Mr. Murset keeps his other vacation rentals immaculate. She thinks it would be wonderful to have more units on this property and it is the best use of the property.

Wayne Stansworth stated he has the adjoining property to the North. He is very opposed to this request. He does not want a motel around all the residents. He feels bad things happen in motels.

Louis Settler stated she used to be a tenant of Mr. Murset as well as an employee of his. She stated when she cleaned his vacation rentals the people that rented were always respectable and the neighbors never had any problems with them. She stated they are not a hotel, they are houses. She stated people come stay and spend money in the community. She feels it is something the community needs.

Chairman Cashin closed the Public Hearing at 6:09 p.m. and the Public Meeting began.

**2016-GPA-02 Consideration and possible recommendation to the City Council on a General Plan Map Amendment for property located at 118 N. State Street – Richard Murset/Iota LLC applicant**

Bob Petersen asked if the picture provided was a rough idea for the project. Mr. Murset stated yes. Mr. Petersen stated there had been some problems with access onto SR-9. Toni Foran explained there is a driveway already there and UDOT has approved it when they redesigned the road. She stated he has talked to the City Engineer as well. Chairman Cashin stated the City received a letter from Renae Thompson opposing the project. He stated he would like to address some of the comments in the letter, such as, Ms. Thompson states she was shown a 200 square foot plan but the plans submitted to the Planning Commission are much larger. Mr. Murset explained what he submitted was not the floor plan he intends to use. He only used them to show the style of home. He stated his plan is in the 700 to 1100 square feet range. Chairman Cashin stated he doesn't know if that would fit on the property. Mr. Murset stated the white marks on the map are for about 800 square feet houses and he thinks there is enough room for landscaping and parking. Chairman Cashin stated another concern is the traffic fourteen units would create. He stated the letter mentions a bus drop off in this location. Ms. Thompson stated the bus drops off and picks up twice a day. There is also a concern with access on and off State Street. He mentioned he tried to turn left onto SR-9 and had to accelerate to get out of the way of an oncoming car that he couldn't see. Mr. Murset stated that is an issue either way and not of his doing. He stated they would encourage people to turn right and then go turn around.

Branden Anderson indicated the application states it doesn't make economic sense to continue as a residential use but it was zoned residential when Mr. Murset bought it. He asked what changed to make it no longer feasible. Mr. Murset stated cost has gone up and the infrastructure cost too much. Ms. Foran clarified the infrastructure is there now. Mr. Murset stated yes. He explained the sound from State Street is the biggest deterrent for people wanting to live there. Mr. Andersen asked when he bought the property. Mr. Murset stated about 10 years ago. Mr. Andersen asked why they aren't considering this a motel. Mr. Murset stated it is a motel but not a traditional three story motel. Mr. Andersen asked if the zone is changed then it opens the door for anything commercial to go there. Ms. Foran explained if the General Plan is changed then it opens it up to any Commercial use. She stated it is possible to put conditions on a zone change but a General Plan amendment is saying that location is a good place for commercial activity. Ralph Ballard asked if there would be an onsite manager. Ms. Foran stated he is required to have one according to ordinance. Mr. Murset explained Colleen Harris does the housekeeping and she lives there so she would take care of it. He stated his only hesitation saying there is an onsite manager is that there wouldn't be a lobby for people to check into. Mr. Ballard asked if he owned the whole property. Mr. Murset stated yes, including the house. Mr. Ballard stated this is a similar layout to Canyon Ranch Motel in Springdale. He feels this is a good location but there are still some things to address. He stated parking hasn't been addressed. Paul Farthing stated a fire truck has to be able to access the property. He asked how the property would be used if it doesn't work as a vacation rental. Mr. Murset stated if it doesn't work as a vacation rental then there would be 14 rentals. Ms. Foran stated it couldn't be turned into long term rentals in a Commercial Zone.

Ms. Foran stated this application is to change the General Plan. She explained the Commissioners need to decide if this property is more beneficial as Commercial or Residential. Yovonda Hall stated the City now has ordinances to allow Air BNB type rentals. She asked why not use it as residential with that option. Mr. Murset stated he wouldn't be able to because he would have to subdivide the property. He stated if it is left residential then he would have to do multifamily units but he feels the proposed plan is a better fit. Commissioners discussed if the property fit better as commercial or residential. Chairman Cashin stated he sees both sides but he does have an issue with the traffic. Mr. Ballard pointed out all the commercial uses north of the property. Mr. Andersen stated his issue is the residential surrounding it and if it is changed any commercial use can go there. He stated the Commissioners can't change the General Plan based on what Mr. Murset is proposing, they need to base it on the use in general. He thinks it feels and looks more residential. Ms. Hall stated he bought the property as residential knowing what it was and what was surrounding it. She stated changing it now, changes it for everyone. Mr. Murset explained he would do this project under residential if it was allowed. He asked what else

he could do with the property. Mr. Farthing stated economic viability isn't the Planning Commission's concern. Mr. Murset stated what he is proposing is essentially still a residential type use. Chairman Cashin stated if it is changed to commercial then the next owner could put anything commercial there. Mr. Murset stated when the previous owner tried to rezone it as commercial he was told to come up with an idea and then they would look at it. So he has come up with an idea. He stated his plan is to see the project carried out and not sell the property after it is changed. Mr. Ballard stated the neighbors aren't in favor of the change so it makes it hard to do the project. Mr. Murset stated he thought it was good compromise because it's still a commercial use but with a residential feel. Chairman Cashin stated the traffic will be going in and out all day with the proposed use. It would be a higher use than residential. Mr. Ballard stated he agrees to a point on the traffic but it depends on the layout. Chairman Cashin pointed out Hurricane doesn't have the walkable areas like Springdale so people would have to drive. Mr. Murset stated if the main concern is density then the Commissioners could put a limit on how many units are allowed. Chairman Cashin explained the Commissioners have to look at how the property will fit with the surrounding uses. He stated if it was to change, then the density could be decided later. Mr. Anderson asked if the Commissioners can put restrictions on the General Plan. Ms. Foran stated that isn't allowed with the General Plan only with Zones because the General Plan is not specific. She explained changing the General Plan doesn't mean someone could open a 7-11 the next day on this location. It only gives the right to apply for a Zone Change to allow that use. Ms. Hall pointed out if the General Plan is changed to commercial then it would give them more rights to the property. Ms. Foran stated the General Plan is the idea for the future not always what is there or what properties are currently zoned. Commissioners discussed the possibility of changing the zone to multifamily as the General Plan currently shows. Ms. Hall pointed out he wouldn't be able to do vacation rentals in a multifamily zone. Mr. Murset questioned if multifamily or vacation rentals would be a bigger impact. Chairman Cashin stated that isn't the issue. The issue is changing the use to commercial. Mr. Ballard asked if any of the discussion had changed the neighbor's opinions. Commissioners decided to reopen the public hearing.

Chairman Cashin opened the Public Hearing at 6:44 p.m. to take additional comments.

Renea Thompson stated her property runs the length of Mr. Murset's property. She stated it is 273 feet deep. She feels there is enough room for five homes. She stated if over in Green Valley there are many homes being built along busy roads and they are just putting up a block wall. She thinks Mr. Murset could still get his money out by doing residential. It is too many little places on too small of a property. She stated she is opposed.

Ken Shamo stated he isn't opposed to what Mr. Murset is proposing, he is opposed to the commercial zone. He stated once it is commercial anything can go there. He is opposed to multi units. He would like it to stay residential but find something he can do with it.

Mr. Ballard asked staff if apartments were considered commercial. Ms. Foran stated no, they are multifamily.

Chairman Cashin closed the Public Hearing at 6:48 p.m. and the Public Meeting began.

Mr. Andersen asked if the zones to the North and South of the proposed property were zoned Neighborhood Commercial. Ms. Foran explained the surrounding zoning, stating it is Highway Commercial zones to the North and South of the proposed property. Ms. Hall clarified this is the only block along the street that isn't commercial. Commissioners discussed why it had stayed residential. *Ralph Ballard motioned to recommend denial of application 2016-GPA-02 to the City Council based on the findings the surrounding resident's expectations have been for this area to stay residential and the property owner still has rights under the current zoning. Branden Anderson seconded the motion. The vote was as follows; Bob Petersen-Aye, Ryan Cashin-Aye,*

*John Johnson-Aye, Ralph Ballard-Aye, Yovonda Hall-Aye, Branden Anderson-Aye, and Paul Farthing-Aye. Motion carried.*

**Planning Commission Business:**

**Conditional Use Permit training and discussion on standards.** Toni handed out Fay's notes from a training he attended on conditional use permits. She read #1, a conditional use runs with the land and it is improper to condition a use *"for as long as you are the person running it."* She explained when a conditional use is approved the Commissioners are saying this use will work as long as these conditions are being met. 2. When a conditional use permit is granted "subject to review in six months" the only thing up for review is whether the conditions have been met, not the issuance of the permit itself. 3. As a practical matter, if an ordinance lists something as a conditional use, it's extremely hard to deny a conditional use permit for that use because almost all potentially harmful effects can be mitigated by imposing reasonable conditions. 4. The best way to avoid challenges to denial of a conditional use is to simply eliminate those uses from the ordinance which are deemed undesirable. She stated the findings and evidence are very important because any challenge of a denial is based on the record of the Planning Commission meeting.

She stated the ordinance can designate who reviews conditional use applications. Commissioners discussed particular uses that come through regularly with the same conditions then it could be done administratively. Ralph asked if the applicant still had an appeal process if it was denied by administration. Toni stated the Board of Adjustment reviews all appeals. The group discussed some examples of what could be reviewed administratively.

Toni stated on page 8 it talks about approving or denying. It states it must be done on substantial evidence not clamor or speculation. This material discourages public hearings on conditional use permits. The Commissioners should create a clear statement that goes in the record of the laws and facts of why they approved or denied the application. She stated if the standards in the ordinance cite issues regarding property value and public safety then you can talk about it but not if it doesn't. She stated the statements on the application that the applicants have to answer are important. They are supposed to prove why they should get a conditional use. Once the City has set conditions, the neighbors can challenge the City if the conditions aren't being met. Toni pointed out some of the recommendations on page 23, which include: limit the use of conditional uses as a tool; do not make every item in a long list of criteria mandatory; build in flexibility; acknowledge noise, dust, pollution; don't require annual reviews or limit them to existing applicants. Toni stated the Commissioners need to look at conditional use section in the code and the use charts to see what changes need to be made.

**Staff and Commission concerns and updates.** Toni asked how many Commissioners haven't been able to attend training since July of 2015. She stated the spring conference will be held in May in Vernal. She asked the Commissioners to be thinking about if they are able to or want to go.

**Election of a Planning Commission Chairman.** Ralph asked what the duties are for the chairman. Toni stated the Chairman presides over the meetings and signs Mylars. Bob Petersen nominated Ryan Cashin to continue as chair. Paul Farthing seconded the motion. Motion carried with all Commissioners voting aye. Paul Farthing nominated Bob Petersen as second chair. Yovonda Hall seconded the motion. Motion carried with all Commissioners voting aye.

**Meeting adjourned at 7:22 p.m.**