

ON SEPTEMBER 25, 2019 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: Mark Sampson, Michelle Cloud, Dayton Hall, Chris Christensen, Ralph Ballard, and Paul Farthing arriving at 6:05 p.m.

Members Excused: Shelley Goodfellow, Rebecca Bronemann, and Mark Borowiak

Staff Present: Planning Director Toni Foran, Planning Assistant Cindy Beteag, City Council Representative Darin Larson, Assistant City Engineer Darrin LeFevre, and City Attorney Fay Reber arriving at 6:07 p.m.

Also present was City Council candidate Spencer Lundell.

Chairman Cloud called the meeting to order at 6:00 p.m. The Pledge of Allegiance was led by Dayton Hall and Lee Beatty offered the prayer. Roll call was taken.

Dayton Hall motioned to approve the agenda as posted, seconded by Ralph Ballard. Motion passed unanimously.

Chairman Cloud opened the Public Hearing at 6:03 p.m. to take comments on the following:

- 1. A Zoning Map amendment request for 1.67 acres located at approximately 367 West 300 North from R-1-10, Single Family Residential 10,000 sq. ft. lots to RM-2, Multifamily residential up to 10 units per acre to allow development as part of Silver Leaf Townhomes**

Pamela Webster stated she lives next to this property. She currently lives on a dead end street and loves it. She has invested a lot in her home and property. She knew homes would eventually be built there but the zoning was single family. She pointed out the lot next to her, which is the subject of this zone change, wasn't originally included in the multi-family she knew was there. She reminded the Commission of a section in the General Plan that states one of the goals is to preserve the small town quality rural feel. Another section states *ensure the new development (including its cumulative impacts) will not create an unfair or inappropriate burden, financial or otherwise, on existing residents.* She stated this request would create an unfair burden on her. She asked them to deny the request.

Lee Beatty stated he lives eighty five feet from this proposal. He commented they can't go back in time but they can preserve what is left and gave a little history of this area. He stated people come here to escape the large crowds. He read the following vision from the General Plan, *A City that recognizes its unique resources: viable farm fields and is willing to preserve them for the long term benefit of its citizens.* He stated this will create a burden on the dead end street. He stated on 300 North there is no curb and gutter or asphalt. He questioned who would be responsible to pay for it. He commented zoning is put into place to protect residents and adding more units to this area will not preserve the rural heritage for this area. He encouraged the Commissioners to not change the zoning. He stated he hoped they widened the roads within the Silver Leaf preliminary plat to accommodate on street parking.
- 2. Proposed changes to the Land Use Code, adding an Agricultural one acre zone –NOTE while the Planning Commission will take comments from interested parties on this item, the Planning Commission is still working on the changes and an additional hearing will be heard in the future.**

No comments were made.

Chairman Cloud closed the Public Hearing at 6:16 p.m. and the public meeting continued.

Old Business:

Parking amendment-Consideration and possible approval of a request for modified parking to accommodate theater use in an existing commercial building at 320 W State Street – Fox Theater

Glenn Fox was present to represent the application. He stated he has submitted a new site plan that proposes thirty parking spaces. He said the code requires forty three parking spaces so this would be an exception. He mentioned they are still trying to work with the Senior Center to use their parking at night. He has a verbal agreement with them and GoodYear Tire but they are not willing to put it in writing. He thinks the thirty spaces will suit their needs. Charles Reeve, owner of the property, stated he has talked to the County Commission. He explained the shared parking was brought up in their meeting but there wasn't anyone at the meeting to explain it. The County explained it is first come first serve but they can't put in writing that a private business has first option to parking. He stated they are considering allowing them to open a lane between the two properties. Mr. Fox commented it would help both properties if a shared access was created. Chris Christensen asked if this easement would be a legal document. Mr. Reeve stated it is just a proposal right now but it would have to be a legal document. He mentioned they would allow the County to advertise on this property if the parking lots were connected. Mr. Reeve stated the County told him they wouldn't prohibit people from parking there. Paul Farthing stated his concern is if the Senior Center changes down the road this agreement could go away. He asked if the building will be sprinkled. Mr. Fox stated the plans have been approved by the Fire District. He explained the Fire District is not concerned with a turnaround because the driveway isn't long enough. Dayton Hall agreed they need to make a decision based on the available parking not counting the Senior Center. He clarified only thirteen hundred square feet is for the audience. The rest of the building is administration, storage, backstage, and dressing rooms totaling forty eight hundred square feet for the entire building. Mr. Hall asked if he thought 3.8 people per parking space would be enough. Mr. Fox stated yes. Toni Foran stated they could consider the uses in the building shared but how much parking is needed will just depend on the success of the theater She stated it is up to the Commissioners to decide if they can give an exemption. Ralph Ballard commented they are trying to encourage people to walk and that will reduce parking. He pointed out if people want to come they will come. He mentioned how hard the parking is at Napa and questioned if requiring more parking isn't always the best. He stated a connection between this and the Senior Center would be a huge benefit. Mr. Farthing stated he thinks this would be good for the City and he would like it to go forward. He doesn't think they should count on the easement though. Ms. Foran pointed out a building permit has not issued so she asked them to include that a building permit is required before any work is done, the parking lot is improved, and a certificate of occupancy is issued before any performances are held on the site in the motion. Michelle Cloud stated Hurricane has some great buildings that can't be used because of the parking not being enough. *Dayton Hall motioned to authorize thirty parking spaces for theater use at 320 W State Street subject to the City granting a building permit and occupancy is granted before any use. Approval is based upon the findings; 1. This commission can authorize parking requirements for new commercial uses in existing commercial buildings in order to foster economic development and this will foster economic development. 2. The proposed use is a new use in an existing commercial building. Mark Sampson seconded the motion. The vote was as follows; Mark Sampson-Aye, Michelle Cloud-Aye, Dayton Hall-Aye, Chris Christensen-Aye, Ralph Ballard-Aye, and Paul Farthing-Aye. Motion carried.*

New Business:

2019-ZC-19 Consideration and possible recommendation to the City Council on a Zoning Map amendment for 1.65 acres located at 367 West 300 North from R-1-10 to RM-2 – Howard Isom applicant, Rick Bennion agent

Karl Rasmussen was present to represent the application. He explained they are proposing to change 1.65 acres to multifamily to accommodate about thirteen more units after the road is built. He stated if this is approved they will combine it with the rest of Silver Leaf Townhomes. Based on the acreage they could build fifty five units but they are only proposing fifty three or fifty four units. Paul Farthing stated he will abstain from voting because he was originally involved in this project but he thinks it is a good use for this land. It is a good buffer between Scholzen's and the residents. He thinks it will be good housing for the area and help get 300 North improved. He commented it is a classic infill product and will improve the neighborhood. It is a good location for residents to walk to school, Lin's and the theater. There is no farming in the area. Mark Sampson asked if they will do something to isolate this from Scholzen's. Mr. Rasmussen stated it is already isolated but they will clean up the area. He stated the detention is on the southwest corner. Mr. Sampson mentioned there is a lot of noise from Scholzen's. He asked if that was a concern. Mr. Rasmussen stated no. Ralph Ballard stated there is a neighborhood there and he knows it will need to be developed. He doesn't think it is right to stop the development on it but he thinks it is too much density for this neighborhood. Mr. Sampson asked for clarification on how this would tie into the original Silver Leaf project. Mr. Rasmussen handed out copies of what they are proposing. He explained there would be three points of access. Mr. Sampson asked if the Fire District had reviewed the proposed plans. Mr. Rasmussen stated yes. He stated they will have a park on the east portion of 200 North. He commented the property for the park is large enough for a duplex. He stated the road widths will be the City standard of forty five feet. City Attorney Fay Reber mentioned the Commissioners have discussed the four factors that have to be considered when they are reviewing a zone change. *Dayton Hall motioned to recommend denial of application 2019-ZC-19 to the City Council based on the following; 1. The proposed amendment is inconsistent with the goals, policies, and objectives of the General Plan. 2. The proposed amendment is not harmonious with the historical single family character of the existing development. 3. There will be significant negative impact on surrounding properties 4. There are insufficient public facilities and services available to service this property. Ralph Ballard seconded the motion. The vote was as follows; Mark Sampson-Aye, Michelle Cloud-Aye, Dayton Hall-Aye, Chris Christensen-Aye, Ralph Ballard-Aye, and Paul Farthing-Abstained. Motion carried.*

2019-PP-10 Consideration and possible recommendation to the City Council on a Preliminary Plat for Silver Leaf Townhomes, a 40 unit project located at approximately 190 North and 400 West – Rick Bennion applicant

Karl Rasmussen was present to represent this application. He stated they are proposing forty units. Dayton Hall asked if the City Council didn't approve the zone change will this application change. Mr. Rasmussen stated they will remove the road but the units wouldn't change. They would just move them over and make the park bigger. Ralph Ballard asked if there was a way to include the property from the previous application without using it as multi-family. Mr. Rasmussen stated it isn't large enough to make it financially feasible with doing multifamily so it will probably stay the way it is. *Ralph Ballard motioned to recommend approval of application 2019-PP-10 to the City Council recognizing there might need to be adjustments if the zone change isn't approved. Approval is subject to the JUC comments and staff comments; 1. The tentative plan for storm water drainage in the notes states "storm water can be locally retained and controlled using retention basins." The JUC notes the historic drainage on this property is not currently contained or retained with existing structures or basins. A drainage study will have to be completed and approved prior to submitting construction drawings. 2. Sewer design will be required and sewer must be continuous with no dead ends. 3. Improvements to 300 North and 300 West will be required. 4. The street labeled as 200 North will have to be renamed before final plat – closer to*

190 North. 5. Pressurized irrigation required to each lot. 6. Individual water meters are required. 7. A preliminary geotechnical review indicates this property is subject to adverse construction conditions including susceptibility to piping & erosion and possible high collapsible soils. A geotechnical report detailing the conditions on the site and making recommendations for construction must be submitted with construction drawings. 9. A final site plan must be submitted for review on the park, landscaping, and site plan design compliance before construction begins on the site. 10. A copy of CC&R's and HOA documents will be required with final plat application. Chris Christensen seconded the motion. The vote was as follows; Mark Sampson-Aye, Michelle Cloud-Aye, Dayton Hall-Aye, Chris Christensen-Aye, Ralph Ballard-Aye, and Paul Farthing-Abstained. Motion carried.

2019-PP-11 Consideration and possible recommendation to the City Council on a Preliminary Plat for the Front 9 at Sky Mountain, a residential subdivision with 224 multifamily units and 124 single family lots on approximately 99 acres – Perry Homes of Utah, LC and Lagom, LC, applicants; Greg Sant agent Greg Sant was present to represent the application. He stated this community has been thought about since 1992. A development agreement was put in place in 1993 between the original owners, Hurricane City and the BLM. They are proposing to start developing the remaining portion of the property. It follows the Master Plan approved in 2003. He stated over the last year he has worked with the City very closely. He commented they as developers recognize this golf course is a jewel of the community but it was always known there would be development around the course. He stated without the development around the golf course it would not be there. He commented as they have worked with the golf course management they realized the property didn't allow a big enough buffer area for golfers so they consolidated development between the holes to allow that buffer area. He explained the best way to do that was putting townhomes there. He pointed out the orange areas on the map that would be the buffer zones and the green areas are common areas that would be part of the subdivision. He said most of the land would be left in its natural state but some areas need to be disturbed to put in water and sewer lines. He explained the south side of hole 7 was designated as condominiums up to eight units per acre. The southwest corner had commercial zoning on the 2003 master plan but they were able to move the commercial use into the condominium area because it is in a hole and it was not a good spot for a road. He stated the west portion will be single family detached homes as well as to the North. There will be three access points off of 600 North and they will improve along 600 North anywhere that borders their property. He mentioned eventually the road to the north of the project will connect to Peregrine Pointe. Chris Christensen stated golf balls will probably hit these buildings causing conflict between the homes and the golfers. Mr. Sant stated that is why they met with golf course staff to determine the buffer areas. He stated on the back 9 there are yards that go right up to the golf course but that will not be the case on the front. Dayton Hall stated the Master Plans says there will be a trail system. He asked if that would be included in this. Mr. Sant explained the trail goes along the sewer line road, then comes up along hole 3, and then follows up through the cul-de-sac. It would be part of the sidewalk system from that point. Mark Sampson asked what the height of the condominiums would be. Mr. Sant stated they previously asked for variance on the height but they are no longer asking for that. They will build to the current standards. He clarified the orange areas would be deeded to the City. Mr. Sampson asked if this development would be separate from the existing HOA. Mr. Sant stated it is completely separate. Mr. Hall read the setbacks and asked if the lots would be large enough to accommodate the setbacks. Mr. Sant stated yes. Mr. Hall asked if the roads meet the City standards. Mr. Sant stated yes other than the road between holes 4 and 5 but they have met with the Fire District and it meets their turn around standards. It will be the only private road in this development. Michelle Cloud asked who owned the property between here and Peregrine Pointe. Mr. Sant explained it is owned by the same party that owns this property around the golf course. It is part of the same agreement. He said it will be a single family project with some commercial along 600 North. Ralph Ballard asked if they will develop

commercial anytime in the future. Mr. Sant stated possibly in the next three to four years. Chris Christensen asked about the tortoise protection area. Toni Foran explained the process to clear the property. *Mark Sampson motioned to recommend approval of application 2019-PP-11 to the City Council subject to staff and JUC comments; 1. A road connection between lots 18 & 19 in Phase 3B to the road between lots 98 & 109 in phase 4 should be added to meet City connectivity standards. While there is some slope in this area, it is not substantially different from the slope on lots and roads in the same area. 2. A water study will be required. 3. A plan to address drainage will need to be provided. 4. Construction drawings for each development area will be required. 5. Applicant must meet with Fire District to ensure Fire Code for access is met. 6. City and applicant will negotiate land exchanges, easements, and relocation of golf course facilities where required. 7. No preliminary geotechnical review was provided. The only adverse construction condition shown on the 2008 USGS maps for this area is shallow bedrock. 8. The preliminary drainage plan submitted shows the location of drainage basins in various locations throughout the project. A more detailed plan will be submitted and reviewed by the City Engineer before final plat. 9. Will serve letters for culinary water and sewer have been received. 10. A final site plan for phases containing multi-family units will be required before building permits are issued. Paul Farthing seconded the motion. The vote was as follows; Mark Sampson-Aye, Michelle Cloud-Aye, Dayton Hall-Aye, Chris Christensen-Aye, Ralph Ballard-Aye, and Paul Farthing-Aye. Motion carried.*

Commissioners took a five minute break.

Discussion and feedback item-Proposed zone change for the Elim Valley Master Planned Community, removing the PDO and proposing different zonings throughout with a different road pattern-Western Mortgage & Realty Company et. al.

Toni Foran explained Elim Valley's Development Agreement with the City. She stated the new owners have proposed a new plan that will take place of the current form based zoning and development agreement. An analysis of the density and amount of open space that was going to be developed in exchange for the density was provided. She said the owners would like input from Commissioners on the proposed zones before they make a formal application. Chris Christensen asked if the new plan was approved would it null the previous agreement. Ms. Foran stated it would have to go to the judge and have it reviewed. City Attorney Fay Reber explained the process. Greg Wood, Brent Moser, and Karl Rasmussen were present to answer questions. Commissioners discussed the benefits of getting rid of the development agreement that has been in litigation for years but they expressed great concern with the amount of density the applicants are requesting. Mr. Moser explained they need to get the requested density to make the project feasible. Commissioners discussed the possibility of breaking the proposed mass of RM-3 multifamily acres into smaller areas and perhaps including some RM-2 rather than all RM-3. It was clarified that the number of units in the development agreement was based on a master plan for the whole area and included a golf course and multiple park and trail areas to balance the density. Dayton Hall pointed out this plan puts 40% of the density on 16% of the land. Mr. Moser said he felt it was like Vineyard, Utah. Mr. Greg Wood said he believes the form based zoning project being built in Marla is a wanted project and he is able to sell the units in that area. After great discussion, it was decided to have another work meeting with the Commissioners, City Council and applicants to try and decide what works best for everyone involved, including future residents.

Work meeting and Planning Commission business:

All work items were continued until the next meeting.

Meeting adjourned at 9:03 p.m.