

ON August 26, 2020 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: Paul Farthing, Shelly Goodfellow, Mark Sampson, Ralph Ballard, Chris Christensen, Michelle Cloud, and Rebecca Bronemann.

Members Excused: Dayton Hall

Staff Present: Planning Director Stephen Nelson, Planning Technician Brienna Spencer, City Council Representative Darin Larson, Engineering Department Representative Darrin LeFevre, and City Attorney Fay Reber.

Chairman Paul Farthing called meeting to order at 6:00 p.m. The Pledge of Allegiance was led by Chris Christensen and Ralph Ballard offered the prayer. Roll call was taken.

Chris Christensen motioned to approve the agenda as posted, seconded by Shelly Goodfellow. Motion passed unanimously.

Chairman Paul Farthing opened public hearing at 6:03pm

1. A Zoning Map amendment request on 5200 W Turf Sod Road from RA-1, residential agriculture 1 unit per acre, to R1-10, residential 1 unit per 10,000 square feet, to build houses on 10,000 to 12,000 square foot lots.

Ash Creek Sewer submitted a comment on the record and is attached to these minutes.

No comments

2. A proposed Land Use Code amendment to Title 10 Chapter 13 and Chapter 14 regarding side yard street setbacks for accessory buildings within Residential Agriculture and Residential zones.

No comments

Comments closed at 6:06 pm

Old Business:

2020-ZC-27 Consideration and possible recommendation to the City Council on A Zoning Map amendment request located on the southeast corner of 600 N & 2260 W from M-1, light industrial, to RM-3, multifamily 15 units per acre, for affordable housing. GVS Holdings, LLC Applicant. Dave Nasal-Agent

Dave Nasal stated they would like to change the zoning to be similar to what has been approved to the East and North. Seems like a good place where there is a lot of multifamily out there already. The maxed out amount would be 52 units on 3.5 acres but they wouldn't want to try and fit that many so it'd probably be closer to the mid to high 30-unit range. He feels with its access off 600 North and with the neighboring zones, it's not a spot zone. Mr. Nasal also feels like it is a good buffer for the existing apartments next to the proposed zone change. Dirt doesn't stay dirt forever and the residence that move in will know what they are moving next to. Mark Sampson asked what is happening to the North

of the property. Stephen Nelson stated there was a PDO approved a little over a year ago and it was going to be an assisted living facility, however, they missed their site plan dead line so they have to come up with a new one. An applicant has come in and wants to regionalize a plan but some of those details are still being worked out. He believes they are looking at doing more of senior living condos. Shelly Goodfellow agrees that it is a good buffer between S&S steel and the condos next to the property. She stated that we are losing a lot of our industrial areas and that is something that we need to look at with our general plan. In terms to this project, it seems to fit. The people will know that the steel plant is there, it won't be quiet. Chris Christensen referred to the first page of staff comments about needing more affordable housing. He asked Mr. Nelson asked if there have been any affordable housing plans submitted. Mr. Nelson stated that they haven't but this parcel would meet this those moderate-income housing guild lines. Mr. Christensen asked if this zone change is advanced as an affordable housing play, shouldn't that be a relevant part of the decision of approval? Mr. Nelson stated what the City can do is make a requirement that there is a deed restriction that puts a limit on the price for rent once the development happens if that is something the applicant is okay with doing. Mr. Christensen also agrees with Mrs. Goodfellow that industrial does well in big groups. Rebecca Bronemann asked how long this parcel has been zoned industrial. It's been zoned industrial for a long time and nobody has come in to build anything there. How long are we going to let it sit there with nothing on it when we have a need for more multifamily housing. She thinks that if there was a need for it to be industrial, somebody would have come in and built on the lot already. Mrs. Bronemann also asked if there are any locations in the new general plan to bring in more industrial. Mr. Nelson stated that there has been some discussion on that. The main focus is out in our current industrial park by the fairgrounds and Old Hwy 91. There has been some talk about potentially having some industrial out along 3000 South. Ralph Ballard disclosed that Sam Zitting contacted him earlier the day and told him that Bill Zitting would be here. The things Sam started trying to tell him, he actually cut him off because he would rather it be presented to all the Commissioners, but he would like to hear what Bill has to say about it. Mr. Ballard stated that Sam had referenced a piece of ground he had that had been turned down recently because the commissioners felt like the density was getting too high there. It was shared that the industrial park has been there forever and it's getting pretty built out at this point in time. He would personally like to see more areas where you have industrial that is closer to people where you don't possibly have to commute. Bill Zitting shared that he is involved in the Retreat at Sky Mountain and the multifamily to the East of the proposed zone change. Another property to the East was presented to the staff a while back and they were told that there was enough multifamily in the area so they backed off and got it zoned to the current R1-6. Mr. Zitting has been here for a lot of years and knew Mrs. Bronemann's answer to how many years it has been zone industrial and they have regretted it being industrial ever since because it's just a beautiful spot. Ever since the new industrial park got built further West, they have tried to hide this and buffer it. 10-15 years ago, when they started discussing the retreat, the planners and city agreed that there needed to be a buffer between the heavy industrial, then some light industrial, then some multifamily, and then some single family. If the Retreat was right across the street, there would be a lot of complaints. Mr. Zitting thinks that there is getting to be a real nice buffer between multifamily and heavy industrial with RV storage and storage units. He thinks that we should continue that and not put too much multifamily in one area and continue that buffer between multifamily and heavy industrial. Mark Sampson asked if the property they had changed to R1-6 had an application to make a change to what they wanted or if the staff had stopped them? Mr. Zitting stated that they were told staff wouldn't support it because there was enough multifamily so they never brought it to the

commissioners. He thinks they should reject this zone change as well based off the reason's he just mentioned. Mr. Sampson asked Mr. Ballard if anyone else has been stopped from submitting a request to the commission based off staff comments. Mr. Ballard stated that he personally has been stonewalled on somethings but would rather not bring it up. People need to know they have a right to present but he has noticed that you discourage people from trying by telling them they won't succeed. Mr. Zitting said that is what happened in their situation and they didn't want to be inconsiderate of staff and go over their head. Mr. Sampson stated that you have the right to ignore the staff comments and still bring it to the panel. It was mentioned by Mr. Ballard that the last thing you want to do is start a war and want to continue a good working relationship. He appreciate the comments from Mr. Zitting and believes we need to look at what is being approved. Personally, he feels there is a need for industrial and commercial properties. It wouldn't be a bad thing to mix things in our community. Michelle Cloud is all for affordable housing but she's a bit torn, she thinks it would be nice to have some kind of commercial to serve all the multifamily there plus there is a lot of housing out there, it's a high density. Paul Farthing stated he thinks having industrial on SR-7 when it comes in would be a great place for it. He thinks that Mrs. Bronemann had a good point about the lot being empty for a very long time. The alternative would possibly be for S&S Steel to purchase that piece of property and put another warehouse for steel production. He thinks everybody states their stuff is affordable, you're going to charge what the market bares unless the City makes some kind of ordinance to regulate that. It is a high concentration of multifamily right there but it makes more sense to have it there where it is close to shopping and schools. Mr. Farthing thinks it will sit vacant if it isn't rezoned. Mr. Sampson asked if they wanted to put a small strip mall or something commercial right there, if they would have to rezone it still? Mr. Nelson referenced code 10-16-3 table 1, which shows all the uses and what is permitted in the specific zones. Mr. Nasal mentioned a few of the previous conversations with staff about revenue. Light industrial and manufacturing does not have revenue. From a retail standpoint there isn't a solution. They did not want to zone to be proposed as affordable housing and they think it fits with the area. Mr. Ballard has heard a lot of comments in the past about needing industrial. He asked the applicant if they think there is anything they think would be able to bring some kind of commercial. Mr. Nasal shared that there isn't the traffic count to bring those services. It wouldn't make sense to for them to bring something in like that. In regards to industrial, there are a lot of lots available in Quail Creek and that is a good place for it.

Shelly Goodfellow motioned a recommendation of approval of 2020-ZC-27 to the City Council because it is consistent with the goals, objectives and policies of the city's general plan in regards to multifamily housing, it is harmonious and ties into with the overall character of existing development in the vicinity, it will not negatively affect the adjacent properties, and public services and facilities are adequate to service the property. Seconded by Rebecca Bronemann. Vote as follows: Michelle Cloud - nay, Ralph Ballard - nay, Rebecca Bronemann - aye, Chris Christensen - aye, Mark Sampson - aye, Shelly Goodfellow - aye, Paul Farthing - aye. Motion passes.

New Business:

2020-ZC-28 Consideration and possible recommendation to the City Council A Zoning Map amendment request on 5200 W Turf Sod Road from RA-1, residential agriculture 1 unit per acre, to R1-10, residential 1 unit per 10,000 square feet. James, Gregory C Trust Applicant, Oren Bless-Agent.

Carl Rasmussen represents the applicant. They would like to rezone the area to be similar to the Pecan Valley subdivision across the street.

Michelle Cloud asked what size the lots are of the Pecan Valley and if they are going to be similar in size. Mr. Rasmussen stated that they will be R1-10 so 4 units per acre. Ralph Ballard stated it looks similar to the surrounding area and doesn't have any concerns with it. Rebecca Bronemann agrees with Mr. Ballard and doesn't see much of a difference from what it already is. Chris Christensen only has one issue and that is Sand hollow Road becoming more and more congested and the Turf Sod Road isn't big either. When are we reaching the point to where road improvements need to be made? Mr. Rasmussen stated that as soon as everything with Elim Valley is wrapped up, there will be quite a few improvements and new applications for preliminary site plan approvals coming into the Planning Commission. Improvements will need to happen in order for these future developments to happen. Road improvements on Sand Hollow Road and Turf Sod Road should be done within the next two years. Shelly Goodfellow doesn't see any problem with it and it seems to be congruent with everything else in the area. Mark Sampson referred to the comment submitted by Ash Creek sewer district and them proposing the applicant do RA-0.5 instead of R1-10. Ash Creek doesn't mind RA-0.5, they are concerned about the smell with the R1-10 and everything else they will get because of the proximity to the waste water treatment area. Stephen Nelson stated that the agriculture protection overlay, provides some protection from nuisance complaints from neighbors which makes it hard for the city or anybody else to pursue anything. Paul Farthing stated he feels like it seems a bit like a spot zoning. If we're trying to do planning it would be nice if there was a bigger plan just one strip of quarter acre lots. The way it is now, it's going to be difficult to develop. At half acre, it seems to meet the surrounding areas but that entire area is going to change.

Shelly Goodfellow motioned a recommendation of approval on 2020-ZC-28 to the City Council. Seconded by Rebecca Bronemann. Shelly Goodfellow- aye, Rebecca Bronemann- aye, Ralph Ballard- aye, Chris Christensen- aye, Mark Sampson- aye, Michelle Cloud- aye, Paul Farthing-nay.

2020-CUP-06 Consideration and possible approval of a conditional use permit for an accessory building 21' 6" tall located in a R1-10 Zone, at 2734 S 3970 W. Mark Stephenson Applicant.

Michelle Cloud asked if there will be an upstairs. Mark Stephenson stated no. She asked compared to the height of the house, where will the total height land? Mr. Stephenson stated the existing home is around 20' 6" and the garage will be 21' 6" to match the roof pitch of the home. Ralph Ballard asked if the garage will be blocking the view, applicant stated they will not be. Mark Sampson asked if the garage was going to be put right where he keeps his current RV and that he is going to meet the setbacks. Mr. Stephenson confirmed that is what he is doing. Rebecca Bronemann doesn't have a problem with it. Chris Christensen asked if the applicant has tackled the ACC. The city doesn't care about that but he wanted to make the applicant aware of the current ACC in Dixie Springs.

Rebecca Bronemann motioned approval of 2020-CUP-06. Seconded by Michelle Cloud. Unanimous.

2020-PP-15 & 2020-PSP-07 Consideration and possible recommendation to the City Council on a Preliminary Plat and Preliminary Site Plan for Zion Vista Phase 2, a PDO Development located at Rlington Parkway and 650 S. RR Penga Applicant. Psomas Agent

Rich Hansen is with the entity that owns Zion Vista. They came in a few years ago and finished the phase 1 of 80 units. They have been in the market place for 20 months or so and in that time, they have sold about 60 of those lots and they are running out. They would like to have a phase 2 to continue the development.

Ralph Ballard asked about the sewer system and if they deteriorate because it hasn't had any product running through it. Stephen Nelson stated that Ash creek doesn't think the current sewer piping meets standards and that it will have to all be redone. They will require it be tested as well as the water department. Mr. Ballard asked if the standards changed or an update in materials used to change the system. Mr. Nelson responded that there has been an update in materials but if there was no damage to the system and that it was covered, there wouldn't be an issue. The concern is that a lot of it had been left out in the open and wasn't taken care of. Mr. Hansen stated a camera test has been done, the water system has been exposed to the sunlight and may be compromised but they are going to do what they need to update the system so it doesn't come back to haunt them. In Zion Vista Phase 1, there were a couple places where they had to replace some sewer laterals but the sewer main was good. As far as the water line, it was good but they did have to, per city code, go in and replace all the water laterals to substitute the copper for poly. They assume they will probably have to do the same thing with Phase 2. At worst case, they would go in and replace any piping that has been exposed to the sun. They understand that it could be compromised. If they had to replace the entire sewer and water system, they would. Chris Christensen thinks as long as the JUC and staff comments are addressed, he doesn't have a problem with it. Paul Farthing asked what is happening with the golf course. The applicants own 56 acres of the project. The balance of the property is about 550 acres and they own about 10% of that, the rest is owned by the Splisbury family. A portion of Rlington is owned by the applicant and will be dedicated to the City once it's completed. Mark Sampson asked about staff comment number 6 and what it is. Mr. Nelson showed the commissioners what it was up on the big projector screen and stated the issue has been addresses. Shelly Goodfellow asked at what point does utility infrastructure get outdated? Mr. Nelson stated most utilities are designed to have a 50-year life span but sometimes it is sooner. All her other questions were addressed and she is happy to see the development finally happening and hopes to see if continue to develop in that area.

Mark Sampson made a recommendation of approval on 2020-PP-15 & 2020-PSP-07 to the City Council subject to staff and JUC comments. Seconded by Ralph Ballard. Unanimous.

2020-FSP-12 Consideration and possible approval of a final site plan for Lone Rock Condo's, located at Old Hwy 91 and Foothills Canyon Drive. Lone Rock Condominiums LLC Applicant.

Stephen Nelson went over the updated plans submitted by the applicant which addressed the concerns of staff and JUC. Shelly Goodfellow stated that when this application first came before them, it seemed like it genuinely is affordable housing. The applicant stated they have a 60:40 ratio for rentals and owning. Michelle Cloud asked about the area next to the gravel parking lot. The applicant replied it's just landscaping. Ralph Ballard asked what they plan to do to keep the reduction of lighting. The applicant stated that they will either be removing some lights or keeping the lighting the same, no more lighting will be added. They are all for the dark sky.

Chris Christensen motioned to approve 2020-FSP-12 with the modifications submitted to staff which addressed the concerns of staff comments. Seconded by Mark Sampson. Unanimous.

2020-FSP-13 Consideration and possible approval of a final site plan for Hurricane Views and Village Plat A, located at 2180 W and around 300 S. Hurricane Views, LLC Applicant, Clark Colledge Agent.

Ralph Ballard motioned to table 2020-FSP-13. Seconded by Michelle Cloud. Unanimous.

2020-LUCA-04 Consideration and possible recommendation to the City Council on a proposed Land Use Code amendment to Title 10 Chapter 13 and Chapter 14 regarding side yard street setbacks for accessory buildings within Residential Agriculture and Residential zones.

A new draft was presented before the Planning Commission. The draft basically states you can build up to 2 feet off the property line as long as it isn't in an established public utility easement. Shelly Goodfellow asked what the definition of an "established" utility easement is. Stephen Nelson stated that an "established" utility easement is something that is existing and has been recorded on a subdivision plat or with the county recorder's office. The City already has the right to that easement not a potential. Mrs. Goodfellow feels the definition of established seems very vague. It needs to be a little bit more specific, state recorded not established.

Shelly Goodfellow motioned a recommendation of approval on 2020-LUCA-04 to the City Council with the change stating that no accessory building shall be built within a "recorded" not "established" utility easement. Seconded by Ralph Ballard. Unanimous.

Approval of Minutes:

Rebecca Bronemann motioned to approve minutes. Seconded by Michelle Cloud. Unanimous.

Planning Commission Business:

Paul Farthing asked for an update on the previous zone changes that went to the City Council and what they decided to do. Stephen Nelson updated them on the status of those.

Meeting adjourned at 7:55p.m.