

ON APRIL 22, 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: Yovonda Hall, Ryan Cashin, Bob Petersen, John Johnson, Branden Anderson, Ralph Ballard

Members Excused: Bill Wilkey and Paul Farthing

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

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

Approval of agenda: Yovonda Hall motioned to approve the April 22, 2015 agenda as posted. John Johnson seconded the motion. Motion carried with all Commissioners voting aye.

New Business:

2015-FSP-01 Consideration and possible approval of a final site plan for a proposed limited size used car lot on a portion of the property at 240 N. State Street – Robert Peterson applicant

Robert Peterson stated his kids are opening a business at his old location but he still needs to sell a few cars to make ends meet. He stated he won't have more than six cars on the lot. Chairman Cashin asked Mr. Peterson if he had seen the staff recommendations. Mr. Peterson stated yes. Commissioner Bob Petersen asked if the property on the back of the provided map was part of the proposed area for the car lot. Mr. Peterson stated yes. Chairman Cashin asked if the cars that he will be selling will be new and running. Mr. Peterson stated they will be used cars but they will be in good running condition. Yovonda Hall asked if lighting would be allowed since it is in a residential neighborhood. Mr. Peterson explained there is a street light right in front of his lot so he wouldn't need any additional lighting. *Bob Petersen motioned to approve application 2015-FSP-01 based on the landscaping will be completed and maintained before a business license is obtained, adequate room is left for vehicles to access SR-9, and the parking area will be graveled. The business license will be issued after improvements are complete. Yovonda Hall seconded the motion. The vote was as follows; Yovonda Hall-Aye, Ryan Cashin-Aye, Bob Petersen-Aye, John Johnson-Aye, Branden Anderson-Aye, and Ralph Ballard-Aye. Motion carried.*

2015-FSP-02 Consideration and possible approval of a change in use from retail and office to arts instruction and performance for two buildings in a Planned Commercial Center located at 258 W and 268 W State Street – Flying D, LLC property owner, Shellee Griffin agent and Pam Lockwood arts instructor

Pam Lockwood handed out a report to address the staff concerns. Chairman Cashin asked how many students would be in the classes and the mini performances. Ms. Lockwood stated it is hard to tell because they are new to the area but they usually have seven to fifteen students in the dance classes. She stated when there is a performance they may have up to one hundred people in attendance but they can limit the number if needed. Chairman Cashin asked what the attendance history was when they performed at the Community Center. Ms. Lockwood stated there were about fifty seats available when they performed Robin Hood and most of them were full. She stated they were originally based out of Orem and they were successful there. She stated they are trying to get established here and it will be easier with their own building. Bob Petersen asked if they had secured the lease for the buildings. Ms. Lockwood stated yes, and they are in the process of trying to purchase the buildings. Chairman Cashin expressed his concern if the program grows as quickly as she has expressed then

they will quickly outgrow the buildings and available parking. Ms. Lockwood stated that would be a good problem but they could do the performances at other locations. She stated they have always kept the programs small because their educational programs are based on the freedom of the student. She explained the film students do their studies on film sites at other locations. Chairman Cashin mentioned the statement on the handout that states they have agreed with other business owners to share the parking. He asked if it she had the approval in writing. Ms. Lockwood stated no but she can get it if it is required. Toni Foran explained it is common parking in the commercial center so she wouldn't need to obtain written permission except from businesses outside the Planned Center.

Bob Petersen asked if the maximum allowance of students would be forty. Ms. Lockwood stated yes but they wouldn't have that many this year. She stated they are expecting ten to fifteen students the first year. Mr. Petersen asked if students come to this facility instead of high school. Ms. Lockwood stated yes, they are a private school. She explained they have regular high school classes but they also offer specific programs. Branden Anderson asked if the total of forty students would all be located at the proposed location. Ms. Lockwood stated the students attending Reel and the film students attend onsite at other locations. She explained this location serves as the administrative address for that portion of the school.

Mr. Petersen stated he is glad to see use in the buildings but his concern is if this is the best use for the building because of parking limitations. Ms. Lockwood stated parking shouldn't be a problem especially with Mountain West allowing people to park in their parking lot. She stated daytime would never be a problem and they don't do performances every night. Mr. Petersen asked if they would be building a stage in the buildings for performances. Ms. Lockwood stated they are going to have a gallery of walls so they could be moved around for art shows. She stated they would possibly have performances once in a while but any of the bigger shows would be done at the Community Center. Mr. Petersen asked what accreditations the programs need. Ms. Lockwood explained private schools, according to Utah law, do not need accreditation. She stated they have been accredited by other ministries but they don't count toward the State. Mr. Petersen asked if this location would be an auxiliary office from a Salt Lake City branch. Ms. Lockwood stated no. They were located in Orem for a while but they closed that location to open in Hurricane.

Darin Larson stated the school portion of this program has been discussed at length tonight but according to the ordinance, schools are not allowed in that zoning. He stated in the handout Ms. Lockwood passed out, it stated they are a church not a school, and a church would be allowed in the zone. Ms. Lockwood stated the school portion is an auxiliary for their ministries. Yovonda Hall questioned if the zoning is based on land use not who owns the business. Mr. Larson asked what the zoning is for the High School. Ms. Foran stated Public Use. Ms. Lockwood stated she has talked about the school portion a lot because that seemed to be the concern but they are a ministry with an arts program. Chairman Cashin asked Ms. Lockwood for percentages on what part of the business is used for ministry, school, performances, etc. Ms. Lockwood stated the ministry will be there and oversee everything. Chairman Cashin stated it seems the ministry is using its category to avert some of the ordinances in order to operate in this zone. He stated he doesn't see how this is considered a ministry. Ms. Lockwood stated they do many things to help but a Sunday meeting will be held every week at this location and they plan of offering a food bank. Chairman Cashin asked if fund raisers and money received for performances are donated to the ministry. Ms. Lockwood stated yes, the ministry comes first.

Ralph Ballard asked the applicant what brought them to Hurricane. Ms. Lockwood stated the mayor invited them to come to this area and they were out of a building in Orem so they made the move. Mr. Ballard asked how long they were in Orem. Ms. Lockwood stated from 1992 to 2002 and then they went to Park City and Summit County. Mr. Ballard asked if the students that attend are local. Ms. Lockwood stated right now they don't have students other than interns that are out in the field. She stated usually the students are local but others come here to attend when they hear about it. John Johnson asked if they offer degrees. Ms. Lockwood stated yes as well as tutoring and ACT tests. Mr. Ballard stated she mentioned the dropout rate for Utah. Ms. Lockwood stated she was quoting from a study performed by the State. Mr. Ballard asked if they focused on dropouts. Ms. Lockwood stated no but the report shows dropouts are gifted. She explained parents and

students have to agree and want to attend their program. Each person is interviewed before they are accepted. She stated they have had a 100% success rate with dropouts coming and graduating there.

Ms. Lockwood stated they are willing to do whatever they need to in the building. She stated she wasn't aware it would be a change of use. Ms. Hall asked for clarification on parking detail. Ms. Foran explained it was approved as the downtown area and the original developers were trying to promote walkable development so they got a parking reduction. She stated in the original plan, it was proposed to tear down the old restaurant and build more retail and parking. Ms. Foran stated there are sixty six spaces currently. Ms. Hall asked if that included the spaces in front of the restaurant, Dollar Store, Eye Center. Ms. Foran stated yes but she did not include the parking spaces in front of the restaurant because she didn't know what would happen with that building. Ms. Foran stated she had done the analysis for schools but later took it out because that use isn't allowed in the zone. Ms. Hall stated it needs to be considered as a school despite the church status because that is the main use. Mr. Larson commented the parking should only be an issue during performances not the school. Chairman Cashin asked if the fire code would allow a hundred people in the building. Ms. Lockwood stated they can put a maximum number allowed and then not go over that amount. It was clarified the parking for Mountain West Title, which is actually vacant but located in the same building as the auto parts store, is where the extra parking would be, which is not in the Planned Center.

Mr. Petersen asked if tuition was charged. Ms. Lockwood stated yes but they work with every student. John Johnson asked if the teachers are accredited in the fields they are teaching. Ms. Lockwood stated yes they are professionals in the arts and academic fields. She explained they are a private school so a musician can come in and do lessons. Mr. Ballard stated he sees two issues; whether it is considered a church and if there is enough parking. He questioned if the parking could be solved with putting an access in between the proposed location and the Mountain West Title location. Ms. Foran stated an access isn't needed. People could just drive around to access the overflow parking.

Ms. Hall stated she thinks the use is still the problem. Ms. Lockwood stated school is not the only thing they do. They have after school activities and performances. She stated they won't be taking away any parking from the existing businesses or create any more noise. Ms. Hall asked Ms. Foran how it was originally approved. Ms. Foran stated Planned Commercial Development for retail and professional offices. Ms. Hall commented there is only so much need for commercial use. Ms. Foran agreed it has been proven there is not a high demand for commercial space at that location. Mr. Ballard asked what the concerns are with having this use in this location. Ms. Foran explained schools are thought of having playgrounds and fields that take up a lot of space so it wouldn't be a good fit in the center of town. She stated this application wouldn't have that issue and that is why she labeled it as personal instruction. She stated it wouldn't take up same amount of space as a school or have buses dropping off and picking up students. It was decided it might be called a school but is it more of a personal use according to Hurricane's definitions. Ms. Hall asked what the age range is for the students. Ms. Lockwood stated teens and up but the evening programs have adults. Mr. Ballard asked what the youngest student has been. Ms. Lockwood stated her son who was ten. She stated they have to be at least sixteen to enroll in film school so they can travel.

Ms. Hall asked if the usage would be mostly indoors. Ms. Lockwood stated yes. The outdoor performances could be held at the Community Center. Ms. Hall stated one of the concerns is the effect on the other businesses. She stated the increased traffic flow might be good for them but having kids running around might make them nervous. Ms. Lockwood stated all the other businesses were excited about having them there when she talked to them. Mr. Reber asked if they are currently leasing at the Community Center. Ms. Lockwood stated yes. Mr. Reber asked if they are operating under same the ministry. Ms. Lockwood stated yes but they need their own building to run it how they want. Mr. Reber asked for clarification if they were only moving locations and if they had been holding church activities at the Community Center. Ms. Lockwood stated they have been unable to do the church portion of the program and they have been bumped from the schedule while at the Community Center.

Mr. Reber asked Ms. Lockwood to clarify if they will be conducting church activities at the new location. Ms. Lockwood stated yes. She explained they are only doing theater right now so it will add the school and church at the new location. Mr. Reber stated if the based on the owner not the use then any church could purchase property and open whatever they want without it fitting in the zone. Ms. Hall stated she thinks the location in Salt Lake City was based in a church but run as a school. Mr. Reber stated he feels the emphasis is more school than church but agrees with Mr. Ballard and questions if this type of school should be allowed in this zone. Ms. Hall asked if the Commissioners have the right to change the use based on the fact it hasn't worked. Mr. Reber stated no, they are limited by ordinance and definitions. Chairman Cashin commented this is not a standard school. Mr. Reber stated it may not be a standard school according to the Hurricane City definition so it is up to the Planning Commissioners to decipher how they interpret the ordinance. Branden Anderson asked if the Commissioners have the legal right to tell a church what they can and cannot do. Mr. Reber stated the ordinance regulates the use not the owner or name. Mr. Ballard asked what their tax status is. Ms. Lockwood stated they are tax exempt.

Ms. Foran read the definitions of "church", "school", and "personal instruction service" from the ordinance. Ms. Hall asked if personal instruction is allowed in this zone. Ms. Foran stated yes. She pointed out the buildings are shell buildings at this time so a tenant improvement permit will have to be pulled before work can be done and any use occupies the buildings. Ms. Hall stated the overflow parking should be a condition of the approval. Mr. Ballard asked if each business has an allocated parking spaces. Ms. Foran stated no it is all shared parking. Ms. Lockwood stated they want to work with the other businesses and they will leave spaces available for them. Mr. Anderson asked what all needs to be included in the approval. Ms. Hall stated she wants written approval for offsite parking before occupancy on the buildings. Chairman Cashin stated it needs to be defined as a personal instruction not as a school. Ms. Hall stated the church portion is irrelevant because personal instruction is a permitted use in the zone. Mr. Ballard stated a dumpster still needs to be addressed. Ms. Hall stated the storage also needs to be addressed. Ms. Foran stated no use is permitted in the building until occupancy and a building permit must be obtained before any work begins. The dumpster location was discussed. Mr. Larson asked if an agreement could be made with the restaurant to share a dumpster. Mr. Ballard questioned if the current dumpster placement could be used if it was cleaned up.

Branden Anderson motioned to approve application 2015-FSP-02 for a change of use from retail and office to personal instructional services use with the following condition: before occupancy there is written approval for offsite parking, Bob Petersen seconded the motion. The vote was as follows; Yovonda Hall-Aye, Ryan Cashin-Aye, Bob Petersen-Aye, John Johnson-Aye, Branden Anderson-Aye, and Ralph Ballard-Aye. Motion carried.

Discussion items:

Review of Dark Sky Lighting model ordinance. Ryan stated he thinks this item should be tabled until it becomes an issue or a very simple ordinance be created. Yovonda stated something needs to be done now and not wait. Toni stated she has received multiple complaints. Toni read a lighting ordinance from Texas. Yovonda stated she read the dark sky lighting ordinance and she didn't agree that larges cities need lots of lights but rural shouldn't have them. She stated everyone needs protection. Yovonda stated the biggest concern stated in the lighting ordinance is to protect the night sky. Ryan stated he thinks the biggest concern is light intrusion on neighboring properties. Toni stated light intrusion could be labeled as light trespassing. Yovonda agreed with the light trespassing because she feels it is a property right. Toni stated if the City is trying to promote Hurricane as a place to enjoy outdoor activities then it would be beneficial for people to able to enjoy the night sky. Yovonda mentioned that if everything is lit up then it creates shadows and security isn't as good. Darin stated the ordinance needs to be simple. Toni stated the ordinance needs to address commercial buildings not affecting other businesses but it doesn't need to manage how many watts or foot candles. Commissioners decided the ordinance will be for future projects and not make people change existing lighting. Darin asked if lighting up flags was exempt. Yovonda stated it is considered a monument and they have restrictions. Yovonda suggested

Hurricane City Planning Commission minutes 4-22-2015

encouraging motion lights in the ordinance. She mentioned looking at Santa Clara's ordinance because they did a class on lights at the conference last year. Yovonda stated light trespassing in residential areas can change sleep patterns. Toni stated she will start something simple for the Commissioners to review.

Review of geologic hazard areas and Draper ordinance

Commissioners went over maps of Hurricane showing the areas of geological hazards. Darin stated the Council would like the Commissioners to review the areas so another developer doesn't try to develop a subdivision in a geological hazardous area. Commissioners decided to look at rezoning hazardous areas.

Approval of minutes: April 9, 2015 Bob Petersen motioned to approve the April 9, 2015 minutes. Ralph Ballard seconded the motion. *The vote was as follows; Yovonda Hall-Aye, Ryan Cashin-Aye, Bob Petersen-Aye, John Johnson-Aye, Branden Anderson-Aye, and Ralph Ballard-Aye. Motion carried.*

Meeting adjourned at 8:15 p.m.