

**ON JULY 9, 2015 AT 6:00 P.M., THE HURRICANE CITY PLANNING COMMISISON MET IN THE CITY COUNCIL CHAMBERS LOCATED AT 147 N 870 WEST HURRICANE, UT**

**Members Present:** Ryan Cashin, Branden Anderson, Yovonda Hall, Ralph Ballard, Bill Wilkey and Paul Farthing

**Members Excused:** John Johnson and Bob Petersen

**Staff Present:** Planning Director Toni Foran, City Council Representative Darin Larson, 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 Yovonda Hall and Ralph Ballard offered the prayer. Roll call was taken.

**Approval of agenda:** Ralph Ballard motioned to approve the amended July 9, 2015 agenda as posted. Bill Wilkey seconded the motion. Motion carried with all Commissioners voting aye.

**2015-PP-07 Consideration and possible recommendation to the City Council of a Preliminary Plat for Sky Ridge Phase 10, a 23 lot subdivision on 6.6 acres located at 2700 W 270 North-Frank Lindhardt applicant**

Gerald Pratt, Pratt Engineering, stated the proposed project has twenty three lots and is adjacent to the previous phases of Sky Ridge. Mr. Pratt stated he hasn't seen the staff comments but his client did tell him there was a few. Ms. Foran handed Mr. Pratt a copy of the staff comments. He stated all the comments seem pretty standard and shouldn't be a problem. Chairman Cashin asked if staff had talked to the applicant regarding the service road. Ms. Foran stated she met with Mr. Lindhardt the day before and his only question was on the thirty foot landscaping buffer. Ms. Foran explained the Planning Commissioners approved a twenty five foot buffer but the City Council approved a thirty foot buffer. She stated there is language in the ordinance that allows a thirty foot buffer zone or the full front setback for the zone. Ms. Foran stated she told Mr. Lindhardt she felt comfortable allowing a twenty five foot buffer. She mentioned Mr. Lindhardt would like to discuss that item in the future with the Commissioners. She stated the applicant was fine with everything else. Brandon Anderson asked if this Preliminary Plat was already approved. Ms. Foran explained the Commissioners approved the Preliminary Site Plan so some the lots are from that and some are from before; making this a Preliminary Plat. *Ralph Ballard motioned to recommend approval of application 2015-PP-07 to the City Council subject to staff and JUC comments with the change on staff comment #5 of requiring a 25' landscape buffer instead of 30'; 1. Plans for road improvements and utilities will have to be submitted to the JUC for approval before final plat application. 2. Roadway cross sections must meet current City standards. 3. The sewer line shown connecting into this plat from a future phase road must have a 25' easement granted to the Ash Creek Special Service District. 4. An emergency ingress/egress meeting Fire Code standards across the Shoshone Land Co and VE Investments properties to 2600 West is required to be completed with final plan improvements. 5. Outfall from a retention pond located behind lot J-132 must be addressed before final construction drawings are approved. 6. Lots vary in size from 15,722 square feet to 6,547 square feet, for an average of 9745 square feet, meeting the underlying density requirements for an R-1-8. 7. Lot frontages vary from 71' to 222'. A PDO does not have set lot frontages to allow variation in lot size and alignment. 8. Buildable area footprints and lot elevations must be provided on final plat. 9. The only geological hazard for this area is shallow rock. 10. Lots J-132, J-150, and J-151 are subject to the requirement of a 30' landscaped buffer. A final site plan showing the building elevations, building footprint, and landscape plans for these lots will be required with final plat.* Yovonda Hall asked if the footage mattered or only if the buffer covers the full setback. Ms. Foran explained the ordinance requires the full setback unless the City Council gives a variance. *Paul Farthing seconded the motion. Ryan Cashin-Aye,*

Branden Anderson-Aye, Yovonda Hall-Aye, Ralph Ballard-Aye, Bill Wilkey-Aye, and Paul Farthing-Aye. Motion carried.

**2015-PP-06 Consideration and possible recommendation to the City Council on a Resubmittal of a Preliminary Plat for Ballard Multi-Family, a 153 lot townhome subdivision located west of 2460 West and south of 350 North which expired May 2015 – LaMar Ballard applicant**

LaMar Ballard stated due to some medical issues the previous year and the slow economy the project didn't get done. He stated he would like an extension to continue. Yovonda Hall asked if he had read the staff and JUC comments. Mr. Ballard stated yes. He has already talked to his engineer who feels they are all solvable. Bill Wilkey asked if staff had any concerns. Toni Foran stated no, it is the same as last year. Branden Anderson stated staff comment #3 states *Hurricane Land Use Code and State law require a preliminary plat to have "approval of the sanitary sewer and culinary water providers."* He questioned why this application was previously approved if they do not have those approvals. Ms. Foran stated they don't have the approval letters but they have been working with the providers and they won't sign off until it is acceptable. *Yovonda Hall motioned to recommend approval of application 2015-PP-06 to the City Council subject to JUC and Staff comments; 1. A 60' road cross section is provided. This cross section will have to be modified on construction drawings to meet the minor collector section. 2. A water study will be required before construction drawings. 3. A traffic impact study will be required during construction plans approval. 4. A private sewer agreement will be required before final plat. 5. Utility easements and meter placement must be shown on construction drawings. 6. Ductile iron pipe and copper services will be required on construction drawings. 7. The improvements to 2460 West must meet the 2 full 12' travel lanes requirement and all improvements to west side of road completed length of project. 8. Hurricane power must be consulted to determine power capacity in the area. 9. A drainage study will be required with the construction drawings. 10. Driveways must be wide enough to meet fire department minimum radius requirements and those radii must be shown on final site plan before final plat is approved. 11. A review of the County-wide USGS study indicates the following may be present on the site and further investigation should be performed by a geotechnical professional: Buried bedrock; caliche; piping and soil erosion; liquefaction; possible collapsible soil. 12. The development standards in table 10-13-2 states minimum lot width and/or frontage is 100 ft. for a project and 30 ft. for a unit. Units shown on the preliminary plat are 36 ft. by 22 ft., meeting the 30' minimum when measured on the long side. Planning Commission made a finding on May 8, 2014 that the unit sizes shown for this preliminary plat met the ordinance. 13. Hurricane Land Use Code and State law require a preliminary plat to have "approval of the sanitary sewer and culinary water providers." The preliminary utility plan shown on this plat shows a possible sewer design that is acceptable for preliminary plat. Water department will need a water study before final plat and final site plan but are okay with preliminary plat. 13. This project meets the requirement of Land Use Code **10-34-8: PARKING LOT DESIGN AND CONSTRUCTION**. Access To Public Street: Except for parking for a single-family or two-family dwelling, access to a parking space or parking lot shall be from a parking lot aisle and not directly from a public street. Every parking lot shall have access to a public street. Such access may be provided through platted or recorded easements, reciprocal arrangements, or other guaranteed means. However, the Land Use Code also requires: 10-39-7: PRELIMINARY PLAT REQUIREMENTS 8. Each lot shall abut a street shown on the subdivision plat or on an existing publicly dedicated street. The Planning Commission made a finding on May 8, 2014 that the plat does meet the requirement for a condominium project where common area abuts public streets but individual townhome footprint "lots" don't abut a street. 14. Because this plat is for a condominium project, a condominium declaration will be required when final plat is submitted. 15. Final site plan approval is required in conjunction with final plat for this type of multifamily project. 16. The open space property shown on the preliminary site plan has been overlaid by "drainage" on this plat. Open space must be "useable" to meet the Land Use Code and final site plan must provide adequate open space for multi-family developments. 17. Plat meets the density requirements for RM-2 zoning. Approval valid for one year. Ryan Cashin-Aye, Branden Anderson-Nay, Yovonda Hall-Aye, Ralph Ballard-Aye, Bill Wilkey-Aye, and Paul Farthing-Aye. Motion carried. Branden Anderson explained*

he voted nay based on staff and JUC comments. Ms. Foran explained a water study is required on every plat but there is water service in the area.

**2015-CUP-08 Consideration and possible approval of a conditional use permit for greater height on a commercial building that is approximately 52' tall at its highest point located at approximately 768 W. State Street – Sweet A Treats applicant**

Brandon Adams, owner of Sweet A Treats which owns Dairy Queen, stated he bought the property to the west of Dairy Queen and would like to put in an eighty room hotel. He stated he is applying for a conditional use permit because the proposed hotel will be four stories and taller than the permitted thirty five feet. Mr. Adams mentioned the staff comments refer to possible effects on the homes to the North, but he feels the taller height won't affect them any more than the permitted height of 35'. He introduced Craig Gubler as his partner and the contractor for this project. Chairman Cashin asked if it will be a Wingate Hotel. Mr. Adams stated yes, it will be a 3 star hotel. He feels it will be a great asset to Hurricane. He mentioned they are unsure of the façade at this point. Chairman Cashin asked Fire Chief Kuhlmann if the height of this structure would present a problem for the Fire Department. Chief Kuhlmann stated a four story building presents a completely different operational mode. He explained the process. He stated he doesn't feel it is a big enough challenge to withhold development. Mr. Gubler stated the building will be sprinkled. Chief Kuhlmann mentioned before the hotel opens, they will ask to do training in the building. Branden Anderson stated all the other developments in the area are two stories. He asked why they wanted to go four stories. Mr. Gubler explained the property is only 1.6 acres and most prototypes are going to four stories. He stated the prototype for Wingate was 90 rooms but they had to shrink it to 80 rooms to get adequate parking. Ralph Ballard commented the Fire Department equipment has come a long way since the ordinance was approved at the 35' max. He asked Chief Kuhlmann if they had taller trucks now. Chief Kuhlmann stated they have one and they have two more in the budget for next year because there are a lot of taller buildings in the County now. Mr. Anderson asked if there was only a few residential homes behind the proposed site. Mr. Adams stated there are only two. He explained they will push the hotel to the West to help not block their view. Ms. Foran clarified the vacant lot behind this property is zoned commercial. Ms. Hall stated four stories looking into a resident's back yard could cause a concern. Mr. Gubler explained the hotel sits towards SR-9 and to the west of the property so the windows won't look directly into the resident's yards. Ms. Hall asked if the homes were built before the commercial. Ms. Foran stated in front of their property was zoned commercial but she would have to look at the zoning maps to see when it changed. She mentioned the area was all used for industrial before the land was cleared. Commissioners discussed the residential homes. *Branden Anderson motioned to approve application CUP-2015-08 based on the staff findings; 1. The proposed building is in keeping with the General Plan and Land Use Code. 2. The greater height building will not have substantially more negative effects on surrounding properties than the permitted 35' height. 3. The building has potential to have positive impact on the commercial area as a whole. 4. The building's colors have been chosen to blend in with surrounding buildings. 5. Applicant can avoid any possible offensive glare by installing lighting that does not impact neighboring properties or the night sky. Approval subject to the building being a 55' hotel building. Paul Farthing seconded the motion. Ryan Cashin-Aye, Branden Anderson-Aye, Yovonda Hall-Aye, Ralph Ballard-Aye, Bill Wilkey-Aye, and Paul Farthing-Aye. Motion carried.*

**2015-PSP-02 Consideration and possible approval of a preliminary site plan for a hotel located at approximately 768 W. State Street – Sweet A Treats applicant**

Branden Anderson stated the site plan and the actual building look like two different buildings. Craig Gubler explained the actual picture of the building was just a prototype to show the height. He clarified the hotel will be an "L" shape. Chairman Cashin stated access to development from SR-9 shows one lane coming in and two lanes going out, a left and a right. Mr. Gubler stated they have met with UDOT who is discussing putting a divider in the middle of SR-9. He stated if that happens, they can shrink the access but not at this time. Mr. Cashin asked if they would have access through the bank and Dairy Queen. Mr. Gubler stated yes, there is an easement in the

back. Darin Larson clarified when the property was sold an access easement was included. Mr. Gubler stated elevations will stay the same along the back. Mr. Anderson stated UDOT won't be putting in a median in this area right now. Mr. Gubler stated they wanted to make a sure there was ingress and egress for fire access. Yovonda Hall suggested putting the dumpster in a different location so it wasn't close to the neighbors. Mr. Cashin commended the developer for providing parking for trailers and buses. Mr. Gubler stated they will pave the area behind Dairy Queen to accommodate bus parking. Bill Wilkey asked if the expansion behind Dairy Queen was included in the 80 parking stalls. Mr. Gubler stated they have a total of 80 parking spaces on the property but that does not include the expansion. He mentioned the staff comments state they need 82 spots but they would prefer a variance granted than an agreement with the neighboring businesses for parking. He explained he doesn't want to go that way because if the property sells there is not a record of the agreement. He stated after talking to Wingate, they know there are adequate parking spaces with 80 stalls. Mr. Wilkey stated his concern is when people bring ATV's, boats, or trailers in then it takes up more parking. Mr. Gubler mentioned the staff comment regarding landscaping and it had been fixed to 7.5%. Toni Foran mentioned Final Site Plan would still need to be approved to see elevations but for Preliminary Site Plan, they are good. Ms. Hall asked if the bus parking wasn't utilized behind Dairy Queen, the buses would park. Mr. Gubler stated they wouldn't be able to facilitate them or they could get approval from Dairy Queen or State Bank to park in their parking lots after hours. Ms. Hall asked Mr. Larson if the bank would approve overnight parking. Mr. Larson stated it has been discussed and they do allow Dairy Queen staff to park there. Mr. Cashin asked if staff had concerns with issuing a parking variance. Ms. Foran stated she would have to review the ordinance to see if a variance was allowed. Mr. Gubler stated their engineer reviewed the plans to see if they could fit 82 stalls but it is not possible. Ms. Foran read the ordinance and what the qualifications are. She explained a variance could be granted if a parking study was done. Mr. Cashin stated Wingate probably already has a traffic study done. Mr. Adams stated 80 spaces is a requirement for Wingate. Mr. Ballard asked if they could modify the plans to dedicate one bus parking space to help with the offset. Ms. Foran mentioned the applicants already have six 34' parking stalls there. Mr. Ballard stated they would offset the parking requirements. Ms. Foran stated they have fourteen spaces that are bigger than required so that could be a justification for the variance. *Yovonda Hall motioned to approve application 2015-PP-02 with 80 parking stalls based on the finding of the fourteen larger spaces provided and subject to the staff and JUC comments; 1. Sewer line fronting the property may need to be upsized. 2. Property has an existing 1 ½" water connection 3. 8' waterway will be required at driveway entrance off SR-9 4. Fire will require an equipment cache on the 3<sup>rd</sup> floor. 5. This is a new hotel laid out to allow for a courtyard swimming pool, rooms with balconies overlooking the courtyard, and the majority of the parking beside and behind the building. The interior layout includes a meeting room and generous lobby area. 6. The applicants are to be commended for providing a pedestrian access from the SR-9 sidewalk to the site. 7. Parking for longer vehicles and vehicles towing trailers is provided at the back of the site with 6 spaces 30' deep and 6 spaces 34' deep. 8. The parking lot as shown provides 80 total parking spaces. Table 10-34-1 requires 1 parking space per sleeping unit plus 2 spaces, for a total requirement of 82 spaces. The Planning Commission can modify this requirement by allowing shared parking with the Dairy Queen and State Bank properties if the owners of those properties consent. This can be presented with final site plan. 9. Additionally, 7% of the total parking area must be landscaped. This plan does not meet that requirement and at least one space may be lost to landscaping. Alternately, the applicants could include trees along the 4' strip shown on the north side of the property, if that is not a retaining wall. 10. The detention areas along SR-9 must be landscaped to include trees and shrubs. 11. This project is a well-planned, attractive addition to the commercial landscape in Hurricane. A final site plan is required. Paul Farthing seconded the motion. Ryan Cashin-Aye, Branden Anderson-Aye, Yovonda Hall-Aye, Ralph Ballard-Aye, Bill Wilkey-Aye, and Paul Farthing-Aye. Motion carried.*

**2015-FP-04 Consideration and possible approval of a final plat for Parkside at Grandpa's Pond, a 19 lot subdivision located at approximately 340 North 3700 West – Stratton Brothers applicant, Mike Madsen agent**

Mike Madsen stated there aren't a lot of comments on this project. They are ready to start. He mentioned a pre-construction meeting was held on Grandpa's Pond and they would like to start both projects at the same time. Branden Anderson asked when they expect to finish. Mr. Madsen explained it will depend on the planting season. He commented it could go into next year, early spring maybe, but they would like to start on it as soon as Park View II is done which should be September or October. Chairman Cashin asked if staff had any comments. Toni Foran stated the City Engineer, Arthur LeBaron, needs time to review the corrections before City Council reviews it but she doesn't foresee any problems. Yovonda Hall asked about the changes. Toni explained the changes. Ralph Ballard asked about the 30' sewer easement. Ms. Foran explained the easement is tied to the Park project, not this plat. She is not sure why it is shown on the plat. *Yovonda Hall motioned to recommend approval of application 2015-FP-04 to City Council. Branden Anderson seconded the motion. Ryan Cashin-Aye, Branden Anderson-Aye, Yovonda Hall-Aye, Ralph Ballard-Aye, Bill Wilkey-Aye, and Paul Farthing-Aye. Motion carried.*

**Discussion items:**

- 1. Staff reports and planning commission concerns.** Toni stated the budget for the next fiscal year has been approved. She said the League of Utah Cities and Towns Conference is Sept 15- 18 and the Utah APA Fall conference is Oct 1 and 2. She stated both conferences are up North and she has approval for four Commissioners to attend the Utah Cities and League. She explained if no one goes to that conference then everyone could attend the APA conference. She asked Commissioners to decide which conference they wanted to attend. Toni stated a quorum won't be present for the July 22<sup>nd</sup> meeting so it needs to be decided if it should be canceled or rescheduled. Commissioners agreed that unless something was pressing, it will be rescheduled. It was decided to hold the joint meeting on August 13<sup>th</sup> at 5:00 p.m. with the City Council regarding vacation rentals. Toni stated 33 single family building permits were issued in June. Ryan asked if the majority of the permits was in the West side of Hurricane. Darin stated probably two thirds of permits are on the West side.
- 2. Discussion regarding chickens in small lot single family residential zones.** Toni asked if the Commissioners wanted to change the ordinance to allow chickens in R-1-6 zones. Yovonda suggested approving allowance of chickens by the size of lot not zone. Toni stated permits aren't issued for chickens so if she gets a complaint she would have no idea if they were allowed or not without a lot of research. Ralph asked if a lot of complaints had been received regarding chickens. Toni stated there has been some but not a lot. The majority of complaints are when someone has a rooster but they are prohibited in all residential zones. Ryan stated he doesn't have an issue with residents having chickens unless it is on the small lots. Toni mentioned in R-1-6 and R-1-8 the rear setback is only ten feet. Yovonda pointed out there are restrictions to where the chickens can be placed so it would prevent the small yards from having them. Darin asked what the smallest zone was that currently allowed the keeping of chickens. Toni stated R-1-10. Bill asked if there was a health component reason for chickens not being allowed. Toni stated at the time it was approved people were worried about the feed storage attracting rodents, the avian flu, and if having too many would cause problems. Paul stated he likes the R-1-10 minimum because if you get in smaller zones it infringes on the neighbors. Ryan stated there are some people in the smaller zones that have a larger lot. He questioned if there was a way to accommodate them. Fay stated you can't paint with too small of brush in City government because it is too hard to enforce. He stated there are zones that provide the opportunity to have chickens if people wish. Commissioners discussed allowing it lot size and if Hurricane had the enforcement capability to allow it. It was decided to not change the ordinance.
- 3. Review of zoning map in agricultural sections of Hurricane to make final recommendation for zoning.** Toni stated she was reviewing the City Council meeting regarding the property in the South fields. They want to rezone it to agriculture. Commissioners discussed areas that would change. Toni suggested

Hurricane City Planning Commission minutes 7-9-2015

having a hearing to discuss it with the property owners. It was decided to discuss during the second meeting in August.

4. **Discussion on strengthening geological hazard ordinances.** Toni stated the Commissioners have looked at Draper's ordinance which sets good standards for the reports but it needs to be finalized. She mentioned she hasn't been able to talk to Arthur but will get with him to review the ordinance.

**Approval of minutes:** Bill Wilkey motioned to approve June 24, 2015 minutes. Paul Farthing seconded the motion. Motion carried with all Commissioners voting aye.

**Meeting adjourned at 7:38 p.m.**