

**ON APRIL 14, 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:** Bill Wilkey, Ryan Cashin, Bob Petersen, Ralph Ballard, Branden Anderson, Yovonda Hall, and John Johnson

**Members Excused:** Paul Farthing

**Staff Present:** Planning Director Toni Foran, Planning Assistant Cindy Beteag, 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 citizen, David Houston and Branden Anderson offered the prayer. Roll call was taken.

**Approval of agenda:** Yovonda Hall motioned to approve the April 14, 2016 as posted. Ralph Ballard seconded the motion. Motion carried with all Commissioners voting aye.

Commissioner Johnson joined the meeting at 6:13 p.m.

**Old Business:**

Chairman Cashin opened the Public Hearing at 6:03 p.m. to take comments on the following zoning map change request;

1. For 46.56 acres located at approximately 400 North 1500 West, north of Hurricane Garden Homes, west of 1380 West from the PDO approved for the Hurricane Heights site plan to a new PDO preliminary site plan with detached and attached single family homes.

Lester Dalton, representing Hurricane Garden Home's HOA, stated they have been meeting with the developers regularly since the last meeting and they have been very cooperative. He stated the HOA would like a condition placed on the potential approval that a formal agreement has been reached before it goes to the City Council. He explained they do anticipate an agreement very soon.

Phillip Carter stated his concern is the zoning approval for the land north of him. He explained his property is closest to the proposed land being developed on the west side. He stated the City told him the land north of his property was unbuildable because of the wash. He stated they wouldn't have built there if they would have known it could be developed in the future. He stated they have a half acre right now and if this is approved it shows a twin home being placed on the lot next to him.

Barry Thompson with Pratt Engineering, representing the applicant, presented a new drawing that reflects changes to the lot Mr. Carter mentioned. He stated it will be a single family home not a twin home. He stated they are trying to accommodate all the home owners and knew that was a concern. Chairman Cashin clarified that this is the only change to the plans from the plans the Commissioners previously received. Mr. Pratt stated yes. He explained there is a good relationship between Hurricane Garden Home's HOA and the developers. He stated his understanding is the agreement needs to be place before final site plan can be approved but they would like to still move forward at this time.

Mr. Dalton stated Mr. Thompson was correct but the HOA would rather have the agreement taken care of up front because if the zone changes and nothing gets built then something else could be built there. He stated he emailed a draft today to the developer. He explained they will have a HOA meeting in 10 days to

vote and everything should come together. He stated they have had three meetings and multiple phone calls with the developers and he sees no reason it shouldn't proceed.

Mr. Thompson explained his clients are under extreme pressure to get moving and they would like to do what was agreed upon in the HOA meeting. They would like to move forward and have an agreement in place before final site plan. He stated the developers have already put the application on hold for two weeks to try to work with the HOA.

Mr. Carter stated the new plan does reflect a single family home being built on the lot north of his but they thought nothing could be built in that area. Chairman Cashin asked if he knew why it was unbuildable. Mr. Carter stated no, he was just told it wasn't buildable and that is why they built there. Chairman Cashin asked Mr. Thompson if they had heard anything about the area not being buildable. Mr. Thompson stated they left space along the wash where it is unbuildable but this lot is not affected. The slope map was discussed. Mr. Thompson explained the only place where it exceeds 10% is along the man made dike and they will take care of the drainage issue. He commented he is unsure why Mr. Carter's builder told him it was unbuildable.

Chairman Cashin closed the Public Hearing at 6:19 p.m. and the Public Meeting began.

**2016-ZC-03 and 2016 PSP-01 Consideration and possible recommendation to the City Council on a zoning map change from PDO/R-1-10 to PDO/R-1-8 in accordance with the new preliminary site plan – Painted Sands LLC. Consideration and possible approval of the preliminary site plan for Painted Sands LLC duplex and single family project**

Branden Anderson stated he agreed with Mr. Dalton that an agreement needed to be made before it moves forward. Toni Foran suggested making the zone change approval not take effect until the agreement is signed. Yovonda Hall asked about the staff comment regarding coordinating access to the sidewalk between Hurricane Garden Homes and Painted Sands. Ms. Foran explained she wasn't sure if Hurricane Garden Homes wanted the pathway to connect or if they wanted to keep them as separate projects. Bob Petersen asked if one of the two accesses onto 600 North would be on the bottom of the hill. Ms. Foran stated yes, and the other one is on top of the hill. Ralph Ballard stated he agreed with Mr. Anderson. *Branden Anderson motioned to recommend approval of applications 2016-ZC-03 and 2016-PSP-01 to the City Council based on the findings; 1. The proposed amendment does not conflict with the goals and policies of the general plan by creating an area of medium density housing adjacent to an arterial road and within reasonable distance to schools and shopping. 2. A PDO overlay will allow integrated planning of dwelling types and open spaces no possible under conventional zoning. 3. The proposed density meets the base density of the underlying R-1-8 zone. 4. Financial security and capability should be ascertained before final approval with the condition the zone change doesn't take effect until they have a binding agreement between the parties and maximum density is 169 units. Ralph Ballard seconded the motion. The vote was as follows; Bill Wilkey-Aye, Ryan Cashin-Aye, Bob Petersen-Aye, Ralph Ballard-Aye, Branden Anderson-Aye, Yovonda Hall-Aye, and John Johnson-Aye. Motion carried.*

**New Business:**

Chairman Cashin opened the Public Hearing at 6:27 p.m. to take comments on the following map change request:

2. The 19.07 acres located at approximately 175 N 3570 West from MH/RV-PDO, Mobile home-RV PDO, to R 1-6 PDO, Residential 1 unit per 6,000 square feet lot PDO, to allow a small lot single family subdivision.

Emil Padgett stated his back wall borders this project. He stated his concern is the density. There is a wall there but it only offers a site barrier. Another concern is the economic differences. He would like to see a

compromise and have lots similar to size of his or to have all the lots on the north side being 73' wide instead of 53' wide. That would change the plans to 12 lots instead of 17 lots. He stated they weren't naive enough to think it wouldn't be developed but they would like to see larger lots along that side. He feels that would be a buffer zone between the larger lots and the smaller lots. He stated the elevation on the proposed property is as high or higher than the back of his lot and has a lot of rock. He asked if the elevations would remain the same or if they will be lowered.

Walter Parker stated as it is currently zoned, it is MH/RV and it is tied to the current Zion Gate RV Park through the clubhouse. He asked if they would have any affiliation with each other if it is changed. Toni Foran stated no. Mr. Parker clarified the water, sewer and power would be separate. Ms. Foran stated yes. Mr. Walter stated the developer of the RV Park was supposed to put a wall up around the Park but he didn't do it. He asked if a wall would be required on the North side. Ms. Foran stated the plan shows a wall on the plan but she thinks it will be built as each lot develops. Mr. Parker stated he would like to see single family dwellings rather than multi-family or another RV Park.

Peggy Rice stated she is concerned with the density and how it will affect their property values. She also has a concern of the elevation. Her back fence is below the hill of rock on the proposed property. She stated the rock hill is higher than her property which means it would be looking into her back yard. She feels it will have a tremendous impact to their property value. She is not happy with the size of the lots. She stated Rock Hampton doesn't have an HOA but she would like to come together as a group and meet with the developer to come to an agreement. Chairman Cashin stated they have the right to do that but that is not something the Planning Commission can regulate.

Jean Erickson stated her concern is the traffic behind her house. She asked if there would be a road straight through from 3400 West to 3700 West. Ms. Foran showed her a map of the proposed area. Ms. Erickson stated that confirmed her concern by bringing more traffic behind her house.

Steve Warn stated he has the same concerns as the previous home owners other than the property behind him is 15' lower than his property. He explained he lost part of his property because he couldn't put a wall on the lot line due to the terrain. He questioned if the lots would be leveled. He is concerned with the density as well.

Chairman Cashin closed the Public Hearing at 6:42 p.m. and the Public Meeting began.

**2016-ZC-04 and 2016 PSP-02 Consideration and possible recommendation to the City Council on a zoning map change from PDO/MH-RV to PDO/R-1-6 in accordance with the new preliminary site plan – Vincent Blackmore. Consideration and possible approval of the preliminary site plan for Vincent Blackmore 19.07 acre project.**

Vincent Blackmore, developer for this project, stated he appreciates the comments brought forward tonight so he can get a greater understanding of the concerns. He stated the most important thing is the current zone for this property is MH/RV so the proposed development would blend the higher property values in Rock Hampton to the RV Park better. He stated at this point their plan is to maintain working with the natural terrain but there will be some areas that are either cuts or filled. He doesn't think they would block any homes. He stated there is a tremendous need for this type of project because the rental market has skyrocketed forcing people to buy. He doesn't feel like they are diminishing Rock Hampton's values

because they are not building low income homes. The homes have all the upgrades they are just smaller homes on smaller lots. He stated there needs to be a balance between everyone. There are a lot of challenges with the proposed property and they need the density to make it work. He stated he would like to get more depth on the lots not more width. His concern is to be a good neighbor. He stated they are very proud of their product and invited everyone to come see their current project. He mentioned if he doesn't do this he knows other people will build an RV Park. Yovonda Hall asked how many units could be put in under the current zoning. Toni Foran stated she thinks 110. She explained he is asking for a density bonus to get more lots. She mentioned there is a 30 foot buffer required along all the lots that back up to the R1-10 zone. She stated they will have to resolve the sewer and power issues. She stated Ash Creek Sewer District gave them a drawing of how they want the sewer line. Mr. Blackmore stated they didn't object to any of the comments or changes, they just want to work together. Chairman Cashin explained to the Rock Hampton home owners what a buffer zone is. Ralph Ballard stated he sees this as a benefit to Rock Hampton as opposed to an RV Park being built there. Ms. Foran clarified the previous plan showed single family lots along Rock Hampton and then RV lots in the rest. Mr. Blackmore stated they have had to learn to work with the existing utilities in this development and the last one he did. Mr. Padgett stated they have no objection to the quality of the homes he builds. Their objection is the density along the wall between the two subdivisions. Ms. Foran stated the staff recommendation was five fewer lots than what was proposed. Mr. Blackmore stated they are willing to look at the plans and see if they could come to an agreement but they need some latitude to work with what is out there.

Branden Anderson asked if the street runs at an angle because of the utilities. Mr. Blackmore stated yes, there is a power line and they wanted to run the road parallel to it. He stated they will make the connection between phase 1 and phase 3 so they have turn arounds and access. Mr. Blackmore invited all home owners to come talk to him to address any of their concerns. Bob Petersen stated on their last project they had a troublesome lot and he thinks they did a good job with it. Ms. Hall asked if the Commissioners could approve the application and the density be worked out later. Ms. Foran explained the Commissioners have to set the density with the PDO. Mr. Blackmore stated he would hope they get the density they are asking for but he wouldn't want to hurt any other property owners so if they needed to go smaller in the future they are open to that. Ms. Hall stated bonus densities are given for added features. Commissioners reviewed what features qualifies for the bonus. Ms. Hall read the staff comment, *Open Space: There are two parcels on the plat labeled as "open space" – a 9,151.42 square foot parcel that appears to be intended for detention and open space or play area and a 12,100 square foot space where the sewer and power easements intersect. No proposals for finishing these parcels as recreation areas or landscape areas have been provided.* Ms. Foran explained they asked for maximum density bonus of 5% but didn't show any plans for what would be done. Mr. Blackmore apologized for it not being done and stated the setbacks. Mr. Anderson pointed out the traffic won't come through Rock Hampton so he thinks the biggest concern from the neighbors is the density. He thinks it is a good transition between the R1-10 zone and the RV Park. Chairman Cashin stated the buffer zone is important for the transition. He stated he thinks the 15% density bonus is too much and agrees with staff that 6% is better; however, he thinks more details are needed before they can make a decision. He stated he thinks the density along the Rock Hampton wall could be an issue. He asked Mr. Blackmore if the density were to be allowed at 6% or higher would there be the possibility of them designing plans to reduce the total number of lots along that one wall. Mr. Blackmore stated he can see something being worked out but he thinks it would be a better use to have a deeper lot

than a wider lot. Commissioners discussed the density bonus and decided they needed more information. Chairman Cashin asked Mr. Blackmore if he would prefer tabling the application until he can come back with a more detailed plan or would they like to move forward with what is recommended. Mr. Blackmore stated this is a first shot and what they are looking for is the maximum number of lots they can get, knowing they have a lot of things to work out. Ms. Hall asked if they would have to have another Public Hearing if it is tabled. City Attorney Reber stated not if the Commissioners continue the item. Mr. Ballard stated elevations was a big concern and he doesn't know how you can change it significantly with what is there. He asked how Mr. Blackmore would address the walls that are higher or lower. Mr. Blackmore stated he wants to work with the existing grade but he thinks the biggest concern is the Northwest area of the property. He explained he will take dirt from the other side and fill in the hole. He explained he won't put any fill against the existing wall and he thinks they will be the same or lower elevation. He mentioned he can't guarantee the height at this point but everything will be considered before they start building them. Ms. Foran stated the Commissioners need detail on the open space or insulation for the density bonus. *Ralph Ballard motioned to continue applications 2016-ZC-04 and 2016-PSP-02 to the next meeting. Branden Anderson seconded the motion. The vote was as follows; Bill Wilkey-Aye, Ryan Cashin-Aye, Bob Petersen-Aye, Ralph Ballard-Aye, Branden Anderson-Aye, Yovonda Hall-Aye, and John Johnson-Aye. Motion carried.*

**Commission Work Session:**

1. Discussion on conditional uses in agriculture, residential agriculture, commercial, and industrial zones. Commissioners discussed the agriculture zones excluding the Commercial uses as noted on the Use Chart 10-12-3 attached to the minutes. The remaining zones will be discussed in the future.
2. Discussion on subdivision ordinance on improvement in relation to current state law. Toni stated she printed out Hurricane's current ordinance. She explained the law has changed again regarding infrastructure, infrastructure assurance and infrastructure warranty. She explained it states *a land use authority shall require an applicant to complete a required landscaping or infrastructure improvement prior to any plat recordation or development activity*. Toni stated she has trouble with that statement because development is defined as grading and putting in infrastructure but in order to complete the required infrastructure improvement they have to undertake a development activity in accordance with the signed plans. She reads it as they only have to post an improvement bond if they want to record without completing that required landscaping or improvements. Fay stated he hasn't reviewed the changes. Toni asked if he would review the changes so they could discuss it at the next meeting. She stated the subdivision ordinance and conditional uses were both brought up at the State City Managers conferences. She mentioned the need to figure out where Hurricane's ordinances are in conformance with State Code and get back on track.
3. Toni stated she printed out the conditional use update from Utah APA newsletter. She stated the Commissioners have went through that training and thinks they are on their way to get that updated.
4. Discussion on Chapter 23 development standards. Not discussed.

**Staff and Commission concerns and updates**

**Approval of minutes:** Yovonda Hall motioned to approve the March 23, 2016 minutes as presented. John Johnson seconded the motion. The vote was as follows; Bill Wilkey-Abstained, Ryan Cashin-Aye, Bob Petersen-Abstained, Ralph Ballard-Aye, Branden Anderson-Aye, Yovonda Hall-Aye, and John Johnson-Aye. Motion carried.

**Meeting adjourned at 8:18 p.m.**