

ON APRIL 27, 106 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: John Johnson, Ryan Cashin, Bob Petersen, Branden Anderson, Paul Farthing, Bill Wilkey, Ralph Ballard, and Yovonda Hall

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 Branden Anderson and Bob Petersen offered the prayer. Roll was taken.

Approval of agenda: Toni Foran stated application 2016-CUP-06 should read 3200 square feet not 2100 square feet as shown. Yovonda Hall motioned to approve the April 27, 2016 agenda with the correction. Paul Farthing seconded the motion. Motion carried with all Commissioners voting aye.

Old Business:

Chairman Cashin opened the Public Hearing at 6:06 p.m. to take comments on the following map change request:

1. 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.

No public comment.

Chairman Cashin closed the Public Hearing at 6:07 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 with a request for a variance in the development standards– Vincent Blackmore. Consideration and possible approval of the preliminary site plan for Vincent Blackmore 19.07 acre project

Ryan Cashin stated the applicant and the surrounding home owners were able to meet and it looks like some changes have been made to the site plan. He asked Vincent Blackmore to discuss the meeting and the changes. Mr. Blackmore stated he did meet with a group of surrounding home owners who had all their concerns gathered to discuss. He felt like it was a very productive meeting and what he took away as the main concerns were elevation, density, traffic and congestion. He stated his proposal is to eliminate four to five lots along the north side closest to Rock Hampton. He instructed his engineers to remove four lots and increase the depth to create more of a buffer zone. He stated originally they asked for 118 lots and now they want 114 lots. By doing this, he feels like the north lots will be premium lots and there will be a good buffer between the subdivisions.

Mr. Blackmore stated another concern was the traffic on 3400 West. He explained when they build the first phase they will try to tie the street from east to west to 3700 West. By doing this, it gives the option for people to not take 3400 West. He feels this would help with the traffic. He explained they will be leveling out the elevation so most of the lots will be the same height as Rock Hampton.

Mr. Blackmore stated they asked for a bonus density. He explained they met with Toni Foran, who asked them to provide information showing they would be building a more energy sufficient home. He explained they gathered documents to prove the insulation. He feels like they have complied to meet the density. Yovonda Hall stated the first set of plans showed the ceiling insulation at R38. She asked Toni Foran if that was sufficient. Ms.

Foran explained the new plans show R42 but the Commissioner have to decide if that is enough for them to qualify for the density bonus. She mentioned she is unsure of how it would be monitored to ensure that is what is put in all the homes. Chairman Cashin agreed it would be hard to monitor. Ms. Foran suggested a better insulation certificate might be a solution. Mr. Blackmore stated Ms. Foran is correct and maybe a policy change on what is acceptable as a certificate should be changed. He explained his insulation process. He explained the insulation in the ceiling isn't looked at by the inspector but the insulation company is required to sign off that everything was done correctly. He thinks he can go back to the insulation installers to ensure they document it and have it on the certificate proving what was used in the home. He stated they are a full R factor above what is required. He suggested having that as an inspection item at the 6 way. Chairman Cashin stated he liked the suggestion of having the insulation installers certifying because the building inspectors don't have the man power to do more inspections. He stated he has a concern on the variance on the boundary buffer request and he asked the applicant to explain the reasoning. Mr. Blackmore stated he extended the lots already so the homes should be able to fit within the current boundary. He stated he doesn't understand why there has to be a 30 foot buffer zone when each home has a minimum set back. He explained they have the same setback as Rock Hampton so the homes will as far away in this subdivision as they are in Rock Hampton. He mentioned the lots are 93' deep and they will set the homes at 19' from back of curb in the front so there should be plenty of room. He stated they have eliminated lots and made them wider and there is already a 6' block wall. Paul Farthing explained a buffer zone is part of the PDO requirement. Chairman Cashin stated he has a concern with the buffer because it could become a weed collector. Mr. Blackmore stated it would have to be a yard but he would need flexibility on what is required. He is very pleased with the work in Zion Gate and he is trying to mirror Rock Hampton's landscaping. Chairman Cashin asked if the back yards had to be completed before selling in Zion Gates. Mr. Blackmore stated they didn't want yards not finished. They want a clean subdivision as you come through. He explained they complete all front yards but most home owners have asked him to complete the back as well. He stated he is ok if the Commissioners require the whole yard being completed on the North lots of this project but he wants flexibility on what landscaping is used. Chairman Cashin commented he likes the variance in landscaping because it gives a variety. He asked Mr. Blackmore if he had seen the staff comments. Mr. Blackmore stated no. Chairman Cashin read the staff findings; 1. The proposed amendment is compatible with the goals and policies of the general plan by creating an area of higher density permanent housing adjacent to an arterial road and within walking distance to shopping and a park. 2. The planned development overlay meets only some of the goals and objectives of the Planned Development Overlay zone. 3. The proposed Overlay meets the use limitations of the proposed underlying zone. 4. A density bonus of no more than 5% can be justified based on the materials submitted. 5. The PDO should be changed to PDO/R-1-6 to allow up to 111 units that meet the perimeter buffer setback requirements for a PDO overlay zone. Mr. Blackmore clarified they want 112 units not 111. He stated they feel like they are making a good effort to get that extra bonus. Chairman Cashin asked the Commissioners for their input on allowing more density if the better insulation is verified. Mr. Farthing stated yes and he likes the idea of back yards being landscaped. He feels like that shows good intentions. Mr. Blackmore corrected himself on the number of units. He stated they need 114 not 112. He stated he has boundaries on all ends that have to be blended together. There are a lot of obstacles to try to accommodate on this property.

Ms. Hall clarified the staff comments stated if the applicant got the 2 ½% density bonus based on the upgraded energy efficiently then they will qualify for 114 units. Ms. Foran stated yes. Chairman Cashin stated he doesn't want to put the burden on the City to verify. Ralph Ballard stated his installers will verify it. Branden Anderson asked if all PDO's will be changed to not require the buffer zone. He stated there needs to be a reason for the variance from the development standards. Ms. Foran stated it is a requirement that a variance can only be approved by the City Council and the applicant has to prove why they shouldn't be required to do the buffer. Mr. Blackmore stated he hears what they are saying but he doesn't understand why it is required when it is lots to lots. He has come with a superior product that will create a buffer. The required landscaping in the back yards would create that buffer. Chairman Cashin stated if the Council has to approve then he thinks they could

forward a recommendation with the suggestion for them to review that variance. Ms. Foran clarified she doesn't know why the buffer is required but it is in the ordinance. She explained Mr. Blackmore would like to do 10' setbacks along 3700 West and Zion Gate but then along Rock Hampton do 20' setbacks in the back yard so it matched the same setbacks as Rock Hampton. She stated the houses would be no closer than if they were the same zoning. Chairman Cashin stated they can't make that decision. Ms. Foran stated they need to make the recommendation.

Mr. Ballard asked if a wall would be around each lot. Mr. Blackmore stated yes. Ms. Hall added the applicant is required to prove the reasoning for a variance request. She read one of the comments stated *the variation will result in a substantial benefit not only to persons who will live or work within the project, but also to the city and its citizens generally.* She stated everyone will benefit from the wall between the RV Park and the subdivisions. Mr. Anderson asked Ms. Foran if the walls in Rock Hampton were built on the lot lines. Ms. Foran stated there are about four or five walls that didn't get built on the property line because of the terrain so it would leave three or four feet in between the lots of just empty space. Mr. Ballard clarified Mr. Blackmore would be fixing the elevations to eliminate that problem. Mr. Blackmore stated they will actually be helping the Rock Hampton home owners because he will level out all the property then the owners have the option to move their fence where it should be if they want. He stated his goal is to have the same elevation for the yards that abut each other.

Ms. Hall asked the Commissioners how they felt regarding the variance from the buffer requirement. Mr. Anderson stated he doesn't see a problem with the proposed project but he doesn't want to set a precedence for future developments. Mr. Farthing agreed, if it doesn't meet the standards then it shouldn't be built. Chairman Cashin stated he is not concerned with that because the ordinance gives the option for the City Council to review and grant a variance if there is substantial evidence. He thinks that is the Commissioners justification to forward it to the City Council to make the decision. The need to look at the buffer zone requirement in the ordinance in the future was discussed. Ms. Hall asked Mr. Anderson if he thought that if it was forwarded to City Council with a recommendation of approval it is going against the ordinance. Mr. Anderson stated yes. Ms. Hall explained the variance is for more unique situations. Chairman Cashin stated he feels like they are following the ordinance by allowing the City Council to consider a variance. Darin Larson asked if the City Council would look at the application without a recommendation. Mr. Reber stated they have to have a recommendation from the Planning Commission but it can be approval or denial. Then the City Council still has the option to decide if they agree or not. Chairman Cashin stated this situation is unique that could be justified with the City Council but the applicant needs to justify it with them. Ms. Hall questioned how a buffer zone would look in between these subdivisions if they require it. She could see this as a good example of when it would be better to not have the buffer zone. Ms. Foran stated a buffer in a different situation would be a good thing to offer a separation. Mr. Anderson thinks they need to meet the PDO requirement. Ms. Foran pointed out the ordinance states a variance can be granted. Mr. Anderson stated he doesn't have that authority. *Yovonda Hall motioned to recommend approval of applications 2016-ZC-04 and 2016 PSP-02 to the City Council with a request for variance. The staff makes the following findings; 1. The proposed amendment is compatible with the goals and policies of the general plan by creating an area of higher density permanent housing adjacent to an arterial road and within walking distance to shopping and a park. 2. The planned development overlay meets only some of the goals and objectives of the Planned Development Overlay zone. 3. The proposed Overlay meets the use limitations of the proposed underlying zone. 4. A density bonus of no more than 5% can be justified based on the materials submitted. 5. The PDO should be changed to PDO/R-1-6 to allow up to 111 units that meet the perimeter buffer setback requirements for a PDO overlay zone. Commissioners request to grant the density bonus at 7 ½ % with a certification of insulation verification from the insulation giving them 114 units. Planning Commission notes there is a benefit for both communities for not requiring the buffer zone. Approval is subject to the North lots backing up to Rock Hampton being completely landscaped. All JUC and staff concerns must be met before final plat. John Johnson seconded the motion. The vote was as follows; John Johnson-Aye, Ryan Cashin-Aye, Bob Petersen-Aye, Branden Anderson-Nay, Paul Farthing-Aye, Bill Wilkey-Aye, Ralph Ballard-*

Aye, and Yovonda Hall-Aye. Motion carried.

New Business:

Chairman Cashin opened the Public Hearing at 6:59 p.m. to take comments on the following map change request:

1. A zone map change request for 1.14 acres located at 430 S. 1530 West from RA-1, Residential Agriculture 1 acre, to RA-.5, Residential Agriculture ½ acre.

No public comments.

Chairman Cashin closed the Public Hearing at 7:00 p.m. and the Public Meeting began.

2016-ZC-05 Consideration and possible recommendation to the City Council on a zoning map change from RA-1, Residential Agriculture 1 acre, to RA-.5, Residential Agriculture ½ acre – Budd Scow applicant; Casey Lofthouse agent.

Applicant was not present. Toni Foran explained this is a 1.4 acre lot. She stated the applicant would like to take the lot line for parcel H-3-2-4-1-1441 and extend it through this 1.4 acre lot to join the back piece H-3-2-4-1449 leaving a ¾ acre lot along 1530 West. By doing it this way, it keeps the agriculture rights and the bigger lots but they have the ability to do a lot line adjustment and split off the front lot. Ralph Ballard asked if this lot was behind Casey Lofthouse's house. Ms. Foran explained Mr. Lofthouse can't access the field behind his current lot because of the structures and lot lines so if they are combined these lots he can access it through the other lots and still leave a building lot. She explained Bud Scow got a building permit a long time ago on the proposed lot but only the footings were poured. They might have to move the footprint of the building to meet the setbacks if the lot is changed. Ms. Foran pointed out the applicants couldn't create 2 ½ acre lots because there isn't enough frontage. Ryan Cashin mentioned he received a call with a concern this change would put one more house in the area that would take away from the agriculture benefit. Mr. Ballard stated there was already a house started there. *Bob Petersen motioned to recommend approval of application 2016-ZC-05 to the City Council based on the staff findings; 1. The proposed amendment is compatible with the goals and policies of the general plan by recognizing the area is appropriate for development in an area already served by City services and still providing for a rural lifestyle. 2. The proposed amendment is in harmony with existing development. 3. Public facilities and services are adequate to serve the subject property. Branden Anderson seconded the motion. The vote was as follows; John Johnson-Aye, Ryan Cashin-Aye, Bob Petersen-Aye, Branden Anderson-Aye, Paul Farthing-Aye, Bill Wilkey-Aye, Ralph Ballard-Aye, and Yovonda Hall-Aye. Motion carried.*

2016-AFSP-01 Consideration and possible approval of an amended final site plan for the Villas at Sand Hollow Phase 3A – Sand Hollow Resort applicant; Reed Scow agent

Reed Scow explained they had plans to build two buildings at a time but one of them is lagging behind. He stated they didn't want any trouble with recording the plat so they want to amend the original site plan to only build one at a time. He stated he has read the staff comments and he would like to discuss the first one, which states; *The land use code requires 2 parking spaces per dwelling unit. This minimum has been met. However, when the preliminary site plan was approved the discussion on parking for recreational vehicles and larger vehicles was discussed and no solution was reached. This site plan does not address parking for recreational vehicles. The Planning Commission approved the preliminary site plan subject to staff and JUC comments. Staff comment includes: A condition of approval should be provision of a parking area for recreational vehicles be submitted for site plan approval and constructed before occupancy of these buildings is granted.* Mr. Scow

explained when the project started it was big and then it came to a halt due to the economy. They have a very good product and they made it through the hard time. He stated everything they do is market driven. Right now, they are at 35 to 45 percent occupied. He stated as the market develops they will need more parking but currently they are not close to having the requirement of additional parking. He stated he asked his team what the parking lot looked like when they are 100% occupied. He was told there was still available parking because on an average the parking lots are about 60 to 70 percent occupied. They have designated areas for larger vehicles. They have been looking at an area to the South to put parking but they don't have the need for it yet. He stated they designed an area for RV parking and storage but the market won't bear it right now. He stated he is fine with everything else on the staff comments. He wants to ensure this project stays #1 in Utah. Toni Foran stated she agrees, there is parking along Villas North Drive as long as there is no development on the other side. It is large enough to accommodate parking if nothing else is developed. Chairman Cashin asked how they would regulate that if they approve it. Ms. Foran stated it could be done on evidence. Mr. Scow stated if someone comes with an RV or boat and they are staying a long time they unhook it in a stall not leave it connected the their vehicle. He stated this is a resort and they have to accommodate the needs for people so they want to stay. Bill Wilkey stated they are very review driven but there does need some triggers to require additional parking if there is a problem. He stated more and more ATV's are coming and they need to have somewhere to park. Chairman Cashin stated he has seen the parking and his concern is how to monitor it when it is time to require additional parking. Mr. Anderson stated even if trigger points are set up, how they would be enforced remains a question. Mr. Scow suggested if they build across the street then they could be required to put in additional parking. Ms. Foran stated the Planning Commission will see each phase so it can be decided at that time. Chairman Cashin stated he agrees with the applicant but wants to ensure the City has a way to enforce more parking if needed. Mr. Petersen suggested making a condition of the approval that parking is reviewed at the next phase. Ms. Hall mentioned the applicants are meeting the minimum. Mr. Ballard stated they have the potential to not be able to meet that minimum. Ms. Hall stated it can be address at the time. Chairman Cashin stated if nothing else is built and the demographics change then when would the Planning Commission review it. Ms. Foran stated if nothing else is built they will have plenty of room. *Paul Farthing motioned to approve application 2016-AFSP-01 based on the following comments; 1. The building elevation is the same as previously approved of this meeting. 2. A landscape plan has been submitted. The legend with the plan calls for "sod/grass" areas, "rock mulch" areas, "concrete" areas, and "compacted gravel" areas. However, none of these areas is specified on the plan. A modified plan with the areas called out should be submitted before landscape work begins on the site. Additionally, the legend provides a list of trees but leaves it up to the landscaper to choose which of the trees will be used. In accordance with good landscape practice, at least three different species from the list should be used on this site, ensuring species specific disease or pests will not destroy all the trees at one time. 3. No lighting plan has been submitted for this site. One should be provided before any lighting is installed on the site. 4. Fire District does require this phase to provide a 26' wide fire road from the parking for this phase out to the driveway in Phase 3B. 5. The pool complex has been redesigned with the pool house helping screen the pool from the parking lot and locating one of the spas closer to the pool to enable parents to keep a closer eye on youngsters. Approval is subject the following; 1. The Planning Commission will review parking adequacy for the new and existing phases when the future phase is reviewed. 2. A landscape plan showing the treatment for all the open areas is provided. 3. A lighting plan is provided. 4. The required fire road from the parking lot is completed before occupancy is granted on the building. 5. A building permit is issued for the pool complex before work begins. Branden Anderson seconded the motion. The vote was as follows; John Johnson-Aye, Ryan Cashin-Aye, Bob Petersen-Aye, Branden Anderson-Aye, Paul Farthing-Aye, Bill Wilkey-abstained, Ralph Ballard-Aye, and Yovonda Hall-Aye. Motion carried.*

2016-CUP-06 Consideration and possible approval of a conditional use permit for a detached 3200 sq. ft. accessory building containing a garage and a casita that is larger than allowed in an R-1-10 zone – Ronald Smith applicant

Paul Farthing was excused at 7:30 p.m.

Mr. Smith clarified the square footage is 3272 not what was listed on the agenda. He stated they are willing to do a deed restriction for the casita. Yovonda Hall asked if they will still meet the requirement of not covering more than 50% of the property with the change in the square footage. Toni Foran stated yes, he owns two lots. *Yovonda Hall motioned to approve application 2016-CUP-06 based on the following findings; 1. The proposed building is in keeping with the General Plan and Land Use Code. 2. The greater size building will not have negative effects on surrounding properties where it is proposed to be located on the property. 3. The total buildings on the property will not cover more than 50% of the property. 4. The building's design is compatible with the main house on the lot. 5. Applicant can avoid any possible offensive affects by installing lighting that does not impact neighboring properties or the night sky on the structure. 5. A deed restriction limiting the use to family and guests only and no rental separate from the main building will be required because the accessory building includes a casita. Bill Wilkey seconded the motion. The vote was as follows; John Johnson-Aye, Ryan Cashin-Aye, Bob Petersen-Aye, Branden Anderson-Aye, Paul Farthing-Aye, Bill Wilkey-Aye, Ralph Ballard-Aye, and Yovonda Hall-Aye. Motion carried.*

Chairman Cashin called for a recess to excuse Bill Wilkey, John Johnson and Chairman Cashin. Bob Petersen will conduct meeting when it resumes.

It was decided to postpone the work session since a quorum was not present. Toni handed out a copy of the letter that was sent out to the South Field property owners as well as the list of bills from the Legislative update. Ralph asked what boundaries were set for who got the South Field letter. Toni showed the Commissioners the area on the map. She suggested that she would make recommendation on the use chart and present them at the next meeting instead of going through them one by one. She stated they need to review the buffer zone requirement and decide what the purpose of it is. She stated Painted Sands application was tabled at City Council because the applicant was not present. She stated Ken Young is doing a seminar next week on Friday at the City office. She invited everyone to attend. Toni stated the General Plan shows the area just north of Dixie Springs Drive and west of Dixie Springs as R1-10. She asked the Commissioners opinion if someone wanted to do resort residential zoning in this location, would they have to do a general plan amendment or could it just be a zone change. She stated the ordinance requires five acres, a clubhouse, and an onsite manager. Commissioners agreed it could be done that way.

Meeting adjourned at 8 p.m.