

**ON JULY 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:** Bob Petersen, Ryan Cashin, Paul Farthing, John Johnson, Ralph Ballard, and Yovonda Hall

**Members Excused:** Branden Anderson and Bill Wilkey

**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 Ryan Cashin at 6:04 p.m. The Pledge of Allegiance was led by Bob Petersen and Yovonda Hall offered the prayer. Roll call was taken.

**Approval of agenda:** Cindy Beteag stated the Public Hearing item regarding an amendment to Title 10, Land Use, Chapter 39 needs to be removed from the agenda. It was done at the last meeting. Yovonda Hall motioned to approve the July 14, 2016 agenda with the correction. Paul Farthing seconded the motion. Motion carried with all Commissioners voting aye.

Chairman Cashin opened the Public Hearing at 6:07 p.m. to take comments on the following zoning map change requests;

**1. Zone Change from RA-1, Residential Agriculture 1 acre, to RA -.5 Residential Agriculture half acre on 4.91 acres at 735 W. 650 South – parcel H-3-2-3-426-A**

Darin and Leslie Reeve explained they purchased this property a few months ago and they are planning on moving into the house. Mr. Reeve stated the parcel came with close to five acres so they would like to change the zone to half acre to create custom homes in a cul de sac subdivision. He stated they currently live on a cul de sac and love it.

Chairman Cashin read a letter received from Gerald Schwantz and Jacqueline Dubois objecting to the zone change which is attached to the minutes. Bruce Zimmerman stated he agrees with the letter. Steve Heidelberg agreed with the letter and added 650 South needs to be wider for the children walking to school. He asked when the City would widen the road. Chairman Cashin explained the City Council would have to address the widening of 650 South.

**2. Zone change from RA-1, Residential Agriculture 1 acre, to R-1-15, Single Family Residential 15,000 square foot minimum south of the future 900 South at approximately 990 West – parcel H-3-2-3-365**

Kevin Demille explained he wanted to do one acre lots on the property behind his house but he found out there is a master planned road that goes through the middle of it so they are asking for half acre lots instead. They do not want the R-1-15 zoning.

Bruce Zimmerman stated they bought in this area for agriculture use and privacy. They did not want to be in a congested, noisy area with possible increased traffic, crime and pollution. He feels that if the zoning is changed there would be more congestion, crime, and pollution. He stated with half acre lots there would be up to eighteen more homes in the area which would bring in thirty six vehicles. He stated the road on 1100 West isn't wide enough to accommodate cars passing right now. He feels it needs to be widened and repaired and the developer should be required to pay for any curb, gutter, and repairs. He stated he lives at the end of 1100 West where all the traffic would be coming from this subdivision and people would have to make a left hand turn because they couldn't go straight or right. By doing this all the lights from the vehicles would flash right in their house causing undue stress for him and his wife. He explained he is a Vietnam veteran and the

lights and noise would be disturbing and stressful for him. He stated they feel the developer should be required to build six foot fence along the front and side of their property for privacy before any construction is started if it is approved. He stated construction is noisy, creates pollution, and takes a long time. He explained the pollution from the machinery and the pesticides cause medical problems for his wife. They do not want the zone change. It would cause them undo stress but if it is changed they would like a fence built at the developer's expense.

Dennis Church stated he is representing the Muriel Church Trust, owners of the property. He stated as the owners of this property, they were caught off guard with the fact they had to put a road through the middle of the farm. He explained they have been farming this area for over seventy years but he and his brother can no longer take care of it so they put it up for sale. He stated they want to support putting the property to use. He stated he was one of the first homes in this area and it has been hard to get used to neighbors but they would appreciate the Commissioners support to help get this farm sold. He stated it is a good area for young families.

Steve Heildelberg agreed with Bruce Zimmerman, he is a Vietnam Vet as well, but doesn't have all of the same conditions. His concern is he has lived on 1100 West for fifteen years and he has loved the open spaces. He stated he fought the subdivision on the 920 West but he understands half acre lots will probably be the smallest lots that can be developed. He stated he thought in the late nineties there was a master plan for the South Fields and all the lots were supposed to stay one acre and all the infrastructure was planned for that density. He thinks they will overload the utilities if they increase the density. He stated the City has made some bad decisions regarding Hwy 9 and the sewer connections. He stated people are having to pay more to put sewer lines in then they are paying for their house.

Sandra Black stated she agrees with the Zimmermans and Mr. Heildelberg. Her concern is the road. She is widowed and feels safe in this area and she doesn't want to increase the density. She would prefer the traffic to go through onto 920 West and not 1100 West.

Staci Jackman stated she agreed with the previous property owners. She lives on 1100 West and she is concerned on the traffic and the road conditions of 1100 West. She would like to see what the plans are for that road in the future.

**3. Zone change from M-1, Light Industrial, to HC, Highway Commercial, for 6.417 acres; to R-1-6, Single Family Residential 6,000 sq. ft. lots, for 5.645 acres; RM-2, Multifamily Residential up to 10 units per acre for 3.05 acres; and to RM-3, Multi-Family Residential up to 15 units per acre for 6.64 acres, with 16.8 acres remaining M-1.**

Travis Parry stated he is representing the applicants. He explained he does commercial real-estate and they are working with a new corporation that wants to build a 20,000 sq foot building, creating fifty jobs in the beginning. He stated they thought this property would fit their needs the best. He explained planning was a challenge due to the industrial use to the south, residential to south and west, schools in the area, and a major collector road. He stated they tried to accommodate the surrounding uses and provide transitional uses to them while also taking into account the noise issues in the area from the City Power plant and the road, a high voltage transmission line that goes through property, and the volcanic rock. He stated they have put a lot of thought and planning into this project. It is currently zoned light industrial and they tried to provide buffers for the different uses. He stated light industrial will remain on the east side and then it will transition into R1-6 to the west near Ivy Wood. He explained they took into account other projects where multi family density has worked better than single family density next to light industrial. He mentioned there is a cell tower on the North end of the property. He stated they weren't able to talk to the neighboring property owner, Scholzen's, until today but they would like to work with them and use their input. He stated Scholzen's would like to the applicants to keep the industrial zoning to abut their property instead of the R1-6. He stated they understand the Commissioners might have to table the application tonight so they can present the new plan with this change but they want to be

good neighbors and work with the surrounding property owners. He stated this is not a five year project, it will be more a ten to fifteen year project that they will do in phases.

Bruce Ballard representing the Scholzen's stated they are the big buildings on the hill. They have fork lifts and diesels and they are concerned about the noise they make because residents complain. He explained at the yard in St. George they had to stop doing what they had always done because residential use started moving in around them and people started complaining. He stated their biggest concern is the residential aspect. He stated they appreciate the applicants looking at other options. He stated it is important to them to not have houses along their property. He explained their business is an attractive nuisance and they have security issues so it makes it difficult to do what they do if houses are around them. He stated as the application was presented they don't agree with it but he thinks they could come to an agreement if it could be tabled. He stated it needs a buffer and it is not a good area for high density.

Keith Scholzen stated his property has 450 feet that would border this property. He explained he was forced to put his house where it is because of the turtle habitat and a road that was supposed to go through the property. He feels if there was more light industrial along the two properties as a buffer zone then it would be better. He would like lower density in the area, not multifamily. They have animals and they want to keep it that way.

Nick Scholzen stated he agreed with Bruce and Keith. He really doesn't like the high density areas. He would rather see it used as industrial.

Mr. Parry stated they would be open to tabling the application to discuss further with Scholzen's. He stated he doesn't think single family, low density would work because of some of the challenges on the site. He stated they are flexible on the south end and then go into medium density on the north west corner. He mentioned the General Plan shows this property as mixed use. He read the definition of mixed use, and clarified they are trying to provide mixed use. Chairman Cashin asked the applicant if they are open to tabling the application until they can meet with the neighboring property owners. Mr. Parry stated they are ok with tabling it or amending the application to show light industrial where it is currently labeled R1-6.

Nick Scholzen handed out a summary of their concerns to the Commissioners. See attachment to minutes.

Tyler Hoskins stated 700 West is supposed to be a major collector according to the master road plan and on the west side of that road there are quite a few residential lots. He stated the Scholzen's own the property west of their development and they would like it all to stay light industrial. He stated industrial and residential do not mix well. He stated this project is laid out well with the access on 600 North so it wouldn't create more traffic on 700 West. He stated there is already residential there so they shouldn't discredit the residential use.

Chairman Cashin closed the Public Hearing at 6:56 p.m. and the Public Meeting began.

**2016-ZC-07 Consideration and possible recommendation to the City Council on a zoning map change request for 4.91 acres at 735 W. 650 South from RA-1 to RA-.5 to facilitate a subdivision – Darin & Leslie Reeve applicants**

Yovonda Hall asked the applicants how they obtained this property. Mr. Reeve explained they walk along 650 South to their current house and they noticed it for sale. He stated he wanted to address the letter that was read in the Public Hearing. He agrees about the traffic and that is why they want to do sidewalks. He explained the owners of the letter would still only have one neighbor even if the zone changed because any new lot would face their back yard. Paul Farthing stated there is a subdivision on 990 West that is a cul de sac and another one on 840 West that both with half acre lots. He stated his concern is the roads. He stated he isn't opposed to this subdivision but 650 South and 920 West can't support more traffic. Leslie Reeve stated the access from this property to 700 West is the closest and she thinks people will use 700 West

more than the other roads. Chairman Cashin asked if they had read the staff comments. He asked them to address comment #4, The property is not served by sewer facilities. Mr. Reeve explained the home is hooked up to the sewer on 840 West but it is not a main line. Chairman Cashin stated 650 South would have to be widened and improved. Mr. Reeve stated there is only one other house that faces 650 South in between them and 700 West. It would be the closest subdivision to 700 West so he doesn't feel it would have a big effect on 650 South. He stated if they develop the subdivision they would be required to provide curb, gutter and sidewalk up to 650 South. He stated they couldn't widen 650 South from their subdivision to 700 West. He mentioned the General Plan shows single family up to 4 units per acre so this would fit with all the surrounding uses. Mr. Reeve stated the staff comments mention doing one acre lots but they would have the same infrastructure and the way this parcel sits they wouldn't be able to do one acre lots. Toni Foran explained the reason for the staff comment regarding one acre lots is because ideally a developer shouldn't create a dead end cul de sac a block away from a main road. It would be better to split the project with the neighbors and have a through street. She explained they might not be able to do the ideal thing but when looking at planning, you need to look at the big picture. Mr. Reeve stated the other property owner to the west and south is in green belt and he doesn't want to buy him out and do a big development. He wants a small neighborhood. This won't affect any of the other property owner's back yards, it will have the same fence line. Mrs. Reeve stated the City wants more affordable homes but some of the people they know are ready to move out of the affordable homes to get something bigger. They want to stay in the area so this project gives them the ability to move up and give someone else the opportunity to buy the more affordable house. Ralph Ballard stated his family owns the property straight across the road. He asked staff if the property had been deeded to the City to accommodate the widening of the road. Ms. Foran stated according to the County map it doesn't appear they have. Mr. Ballard agreed 650 South needs work. He asked if anything on the south side of 650 South was planned to accommodate the width. Ms. Foran stated it is on the master plan but she doesn't know where it is on the budget. Mr. Reeve clarified the access road wouldn't go along the neighbor's property, it would be in the middle of their property. Ms. Foran explained the neighbors had not seen the proposed plan when they wrote the letter. Ms. Foran stated 990 West, the other half acre subdivision on 650 South, will not always be a cul de sac. She explained when it was developed they had to deed a portion for a future road at the end of the cul de sac. Mr. Farthing stated they can't keep developing pieces without updated the 650 South and 920 West. Mr. Ballard agreed but added they can't hold projects because of the road and this applicant is so close to 700 West. He stated they should be required to widen the road to their property but they can't require them to improve the whole road. Chairman Cashin voiced he has the same concerns. Bob Petersen stated he liked the plan but feels it is premature. *Bob Petersen motioned to recommend denial of application 2016-ZC-07 to the City Council. John Johnson seconded the motion. The vote was as follows; Bob Petersen-Aye, Ryan Cashin-Aye, Paul Farthing-Aye, John Johnson-Aye, Ralph Ballard-Nay, and Yovonda Hall-Aye. Motion Carried.*

Mr. Ballard asked what subdivision was on 840 West. Ms. Foran stated that was not a subdivision. It is metes and bounds. Mr. Ballard asked what size of lots were on that street. Ms. Foran stated the smallest lot is .29 acres, there is some half acre and some 1 acre. Mrs. Reeve showed a drawing of the width of the road along their property. Ms. Foran explained the staff comment regarding sewer was based on information from the sewer district and was just to let the applicants know they would have to bring in a main sewer line.

**2016-ZC-08 Consideration and possible recommendation to the City Council on a zoning map change request for 7.66 acres from RA-1, Residential Agriculture 1 acre, to R-1-15, Single Family Residential 15,000 square foot minimum south of the future 900 South at approximately 990 West – parcel H-3-2-3-365 -to facilitate a subdivision –Kevin DeMille agent; Muriel Church Trust owners**

Yovonda Hall asked staff where the proposed road would go through this property. Toni Foran showed the Commissioners where the future 990 West road is proposed, starting on 400 South and going straight south to 1300 South. She stated the main reason for the location of this road is because that was the best location

for drainage and the sewer district prefers the sewer to be in a road. Ms. Hall asked if the sewer was already run through this property. Ms. Foran stated the main sewer is on 990 West to the end of the subdivision anticipating future users. Kevin Demille stated he would like to keep the zone as one acre but it wouldn't work with the proposed road. He doesn't think the road makes any sense. He stated there is already trouble on 650 South and then it would add one more road. He mentioned he can only get thirteen lots but it is possible there will only be seven or eight homes. He stated he is forced to do what he is doing because of the road. He expressed how hard it is to get in the 990 West subdivision and he doesn't see the road being extended. He stated he thought it would be better to have the road come in through 1100 West not 990 West and move the sewer. He stated Ash Creek doesn't have any problem with the current sewer line supporting this project but they would have to extend it in the future. He stated his original plan was to extend the sewer down 1100 West and improve the road then only develop six or seven larger lots. He asked if it was hard to do away with a master planned road. City Attorney Fay Reber stated it isn't impossible but it is hard to do. Ms. Foran mentioned the Public Works Department has received a grant to do a new transportation master plan but that is at least a year process. Mr. Demille stated he just wanted to put a few lots in for his kids and maybe a few other lots but now he'll have to put in about 2000 feet of road. Chairman Cashin clarified some of the lots will be bigger than half acre but he has to have this zone to make it work. Paul Farthing stated this application has the same concerns as the previous application. He stated he likes the project but there are too many concerns. Mr. Ballard stated 650 South will still be the bottle neck. Mr. Demille stated he originally designed the project to accommodate fire turnaround etc. but the master planned road ruined that idea. Mr. Demille stated all the property to the West is zoned quarter acres. Ms. Foran verified the zoning map and stated he is correct. Ms. Hall stated it is the same issue as the last application so it puts them in a bind. She stated they can't approve this application when they denied the last application with the same road problem. Mr. Demille stated this project would free up some of the traffic on 650 South because the road would be extended from 1100 West to 900 West. *John Johnson motioned to recommend denial of application 2016-ZC-08 to the City Council. Bob Petersen seconded the motion. The vote was as follows; Bob Petersen-Aye, Ryan Cashin-Aye, Paul Farthing-Aye, John Johnson-Aye, Ralph Ballard-Nay, and Yovonda Hall-Aye. Motion Carried.*

**2016-ZC-09 Consideration and possible recommendation to the City Council on a zoning map change from M-1, Light Industrial, to HC, Highway Commercial, for 6.417 acres; to R-1-6, Single Family Residential 6,000 sq. ft. lots, for 5.645 acres; RM-2, Multifamily Residential up to 10 units per acre for 3.05 acres; and to RM-3, Multi-Family Residential up to 15 units per acre for 6.64 acres, with 16.8 acres remaining M-1 parcel H-3-1-34-1401 at approximately 645 W. 600 North**

Travis Parry stated the problem area is only the R1-6 area so they would like to present a different option. He suggested removing that section from the zone change request and still move forward. Chairman Cashin stated he isn't sure if they can do that since it was advertised as a whole. Ms. Foran explained since it is the same zone the Planning Commission can recommend approval as is or approve with modifications. Chairman Cashin stated he is ok moving forward if they remove that section. Yovonda Hall asked if the adjoining property owner felt comfortable moving forward if the R1-6 was removed. Bruce Ballard stated they thought it was a great idea. Ralph Ballard mentioned the City Power area has a lot of noise. Mr. Parry stated there are no surprises for the developer or the future residents on this project. He mentioned they can down zone if needed. *Bob Petersen motioned to recommend approval of application 2016-ZC-06 with the clarification the 5. 6545 acres in the south west corner remain M-1 and the rest as proposed to the City Council. John Johnson seconded the motion. The vote was as follows; Bob Petersen-Aye, Ryan Cashin-Aye, Paul Farthing-Aye, John Johnson-Aye, Ralph Ballard-Aye, and Yovonda Hall-Aye. Motion Carried.*

**2016-FP-06 Consideration and possible recommendation to the City Council for a final plat of The Retreat at Sand Hollow Resort Phase 3B a 22 lot subdivision in Sand Hollow Resort – Reed Scow agent**

*Paul Farthing motioned to recommend approval of application 2016-FP-06 to the City Council. Chairman Cashin clarified the applicant was aware of the ground water issue. Reed Scow stated yes. John Johnson*

*seconded the motion. The vote was as follows; Bob Petersen-Aye, Ryan Cashin-Aye, Paul Farthing-Aye, John Johnson-Aye, Ralph Ballard-Aye, and Yovonda Hall-Aye. Motion Carried.*

**2016-PP-04 Consideration and recommendation to the City Council for a preliminary plat for the Ballard Townhomes Subdivision – a 153 lot townhome subdivision on 15.36 acres located at approximately 2480 West south of 550 North – LaMar Ballard applicant**

LaMar Ballard stated he would like to renew his plat. Toni Foran stated she spoke with Mr. Ballard before the meeting regarding why it hadn't been started. She stated the reason they are having trouble marketing this property is because of the impact fee structure. She stated there is a draft impact fee structure done and it will be going out to department heads for review before Council approval. *Yovonda Hall motioned to recommend approval of application 2016-PP-04 to the City Council based on the staff comments. Bob Petersen seconded the motion. The vote was as follows; Bob Petersen-Aye, Ryan Cashin-Aye, Paul Farthing-Aye, John Johnson-Aye, Ralph Ballard-Aye, and Yovonda Hall-Aye. Motion Carried.*

**2016-PP-05 Consideration and possible recommendation to the City Council on a preliminary plat for Seville II Subdivision – an 8 lot subdivision located north of 400 South on 920 West – Daniel Borchardt applicant**

Toni Foran stated a geotechnical report has been received and the applicant has removed the lot that was in the flood way but she hasn't received the flood plain application. She stated it will need to be delayed going to the City Council until that application has been received. It was clarified there will be five buildable lots. Yovonda Hall asked if all staff issues were resolved other than the flood report. Ms. Foran stated yes. Daniel Borchardt stated his engineer told him that he had turned in the application so he knows he is it done. Chairman Cashin asked if staff had any concerns reviewing the application if it is received before the City Council meeting. Ms. Foran stated that is fine. It is a requirement under the National Flood Insurance requirements. *Yovonda Hall motioned to recommend approval of application 2016-PP-05 to the City Council if the flood plain application is received before City Council and the easements are provided. Bob Petersen seconded the motion. The vote was as follows; Bob Petersen-Aye, Ryan Cashin-Aye, Paul Farthing-Aye, John Johnson-Aye, Ralph Ballard-Aye, and Yovonda Hall-Aye. Motion Carried.*

**2016-CUP -08 Consideration and possible approval of a Conditional Use Permit for 55' height on a hotel at approximately 45 N. 2600 West**

Tom Avant with TC Engineering stated he is representing the applicants. He stated they are proposing a hotel between the two hotels on 2600 West. He stated they were looking at two different options, a three story or four story. He explained the three story will work on the site but they would have to do a line adjustment. He stated after reading the staff comment findings, they would like to ask for three story hotel at 45'. He stated all major chains now require three story, they no longer will franchise a two story. He mentioned they are changing the roof type and it will be flat, not pitched.. He stated the majority of the building will be 40' tall, the only place it will reach the full 45' is at the front of the building where the sign is. The lobby will be in the center so it will be set back between the entrances on 2600 West. He explained they have already talked to UDOT on the access and they are ok with how it is presented. He stated there are hotels on both sides and a two story commercial building across the highway so the only residential that will be affected is to the north. They are orientating the building north and south to minimize the effect on the residential. Those residents would only look at the end not the full face. He stated they will do landscaping along 2600 West. He feels it will help block highway noise for the residents to the north and the impact for people to the south will be very minimal. He stated he has done Google street views and the hotel will only be visible from the first street. Chairman Cashin clarified they are only asking for 45' not 55'. Mr. Avant stated yes, they submitted both options because they didn't know if they could make the parking work with three stories. He mentioned the staff report did state the parking and traffic flow would be better with four stories but there would be an increase in cost to build taller. He stated the franchise is

pushing for a four story but he feels they can make it work with three story. Bob Petersen asked if the flat roof would keep it at forty feet. Mr. Avant stated the majority of the building will be forty feet but they need the approval for 45 feet for the entry and signs. Chairman Cashin asked what chain it would be. Mr. Avant stated Comfort Inn and Suites. Yovonda Hall asked if it was all the same property as the current hotel. Mr. Avant stated there is a property line separating them but it is the same property owner so they would have to do a lot line adjustment. He stated this is just a concept plan, they are still working on traffic flows, pool placement, and parking. He stated there will be 81 rooms. Mr. Petersen asked what they could expect for landscaping. Mr. Avant stated there will be trees along the north and east sides, some grass areas, and some shrubs. Ms. Hall stated the ordinance already allows 35' so it is ten feet over the allowance. Ms. Foran mentioned it is only an additional five feet for the majority of the building. *Yovonda Hall motioned to approve application 2016-CUP-08 with a maximum height of 45' based on the followings findings; 1. This is a good location 2. The hotel will be orientated to have minimal effect on the surrounding residential. 3. There will be a lesser impact because the majority of the building will only be 40'. Ralph Ballard seconded the motion. The vote was as follows; Bob Petersen-Aye, Ryan Cashin-Aye, Paul Farthing-Aye, John Johnson-Aye, Ralph Ballard-Aye, and Yovonda Hall-Aye. Motion Carried.*

**Approval of minutes:** June 9, 2016. Yovonda Hall motioned to approve the June 9, 2016 minutes as presented. Bob Petersen seconded the motion. The vote was as follows; Bob Petersen-Aye, Ryan Cashin-Abstained, Paul Farthing-Aye, John Johnson-Aye, Ralph Ballard-Aye, and Yovonda Hall-Aye. Motion Carried.

**Meeting adjourned at 8:32 p.m.**