

**ON AUGUST 24, 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:** Ralph Ballard, Ken Bradshaw, Bob Petersen, Ryan Cashin, Yovonda Hall, Paul Farthing, and Bill Wilkey

**Members Excused:** John Johnson

**Staff Present:** Planning Director Toni Foran, Planning Assistant Cindy Beteag, City Council Representatives Darin Larson and Pam Humphries, and City Attorney Fay Reber.

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

**Approval of agenda:** Yovonda Hall motioned to approve the August 24, 2016 agenda as posted. Bill Wilkey seconded the motion. Motion carried with all Commissioners voting aye.

Toni Foran thanked everyone for coming and for the all the responses the City received. She stated she wanted to clarify a few items before the meeting. She explained there is a non-profit association looking into the Southwest Utah Sports Park but there is nothing committed so that doesn't have any bearing on this hearing. She explained the General Plan Amendment process, stating there is a public hearing at Planning Commission and at the City Council. She stated a General Plan Amendment doesn't set the zone, height, or density. It only means they are looking at the land to see what fits best in that area. She stated one of the applications is a request for mixed use and the other one is for a planned community. She stated the only thing the Commissioners are considering is should the General Plan vision be changed for that area- not what the use is on the property. If the General Plan is amended, the property owner would have to come for a zone change; otherwise, the zone will stay the same. She stated she did forward all the emails she received to the Commissioners and she receive petitions from 198 individuals but about twenty more signatures came in after she tallied them for the Commissioners. City Attorney Fay Reber explained the Planning Commission doesn't make the final determination on a General Plan Amendment. The City Council does.

Chairman Cashin opened the Public Hearing at 6:11 p.m. to take comments on the following General Plan Map amendments:

**1. For property located at approximately 4390 West Dixie Springs Drive from Single Family Residential up to 8 units per acre to Mixed Use**

**Applicant Brent Moser** with Enhanced Homes stated they would like to extend the mixed use that is along Sand Hollow road towards Dixie Springs. He stated they feel like it would be a good buffer zone and alleviate the pressure of the nightly rentals in the Dixie Springs Subdivision. He stated they think they could bring in a good project and help the area.

**Richard Houston** stated he built his home three years ago but moved here last year. He stated he loves the night sky and quiet of the neighborhood. He explained his home backs up to the property in question. He stated there are 569 houses built in Dixie Springs. The proposed property is only 10 acres and lots are selling for \$30,000 each for undeveloped land. He stated it is a lot of money but it is tiny compared to the rest of Dixie Springs. He stated based on the application, this project would have 100 townhomes and a 100 room hotel. He commented it would be the biggest hotel in the town. He discussed how large the buildings would be and how much parking would be required. He stated this development would create a greater theft risk for cars and personal property and more light. He read quote from a city in Virginia, "the purpose of zoning is to promote the health, safety,

morals, and general welfare of the community. To protect and conserve the value of buildings and encourage most appropriate use of land.” He stated his number one reason of why this shouldn’t be approved is it doesn’t fit in with the land. It is not a planned community like Sand Hollow. His second reason is it will add 100 extra cars every day. His third reason is it will add light pollution, add noise, destroy views, and it would disrupt the lives of all of the Dixie Spring’s residents. He stated it only benefits two parties; the property owner and the developer. He commented there are better options for a hotel to help Hurricane grow. He feels it will lower property values of the surrounding property owners. He stated people bought in this area thinking they knew what would happen in this area and by allowing this change, home owners will lose faith in zoning. He stated the Commissioners wouldn’t want it in their back yards.

**Donna Coles** stated she agrees with Mr. Houston. She is concerned with the feasibility. She mentioned Coral Springs Condos are only forty percent full. She stated if it is built but there is not enough occupancy then it will be a white elephant at the entrance to Dixie Springs. She stated a traffic study needs to be done. She stated there are a lot of events in this area and during the events, it is very crowded. She stated she is all for moving forward with tourism but she doesn’t think this is the best location for this project. There is already congestion with traffic in the area. She feels property values will decrease.

**Steven Bartlett** stated his property abuts the proposed property. He mentioned he is a licensed Engineer and wanted to give his professional opinion. He also mentioned he sent a letter but he wanted to voice his opinion for everyone tonight. He stated the developer is a residential contractor and is not familiar with commercial development. He stated the applicant included the Spring Suit by Marriott name and if there is no connection or contract with them, then they cannot use the name for the application. He stated there would be significant impacts to the infrastructure including drainage and traffic. He feels it would be more consist to stay with the current use since it is still growing.

**Thomas Rupp** stated he has owned three homes and he always focused on equity until now. He is now focused on peace of mind and great neighborhood support. He feels this development would take away from that. He stated people moved here for the quiet neighborhoods.

**Fred Reynolds** stated when he bought his property he bought it in good faith that it would stay residential. He doesn’t want to live by commercial. He asked if property values go down will taxes go down. He is concerned about traffic and crime. He stated the Commissioners can’t balance the property owner’s everyday life against a tourist’s two or three day stay.

**John Gibbons** stated would like to see the zoning detail showing where the mixed use is located. He stated Mr. Moser mentioned the project would be good for the community but he didn’t give any detail of why it would be good.

Mr. Moser stated their presentation would be given over time this is only a concept idea. He stated they would follow all guidelines and zoning laws. He mentioned there is a need for nightly rentals. He stated he works in the tourist industry and he would like to keep the tourist in Hurricane. He stated they could build something nice that fits with the surrounding area. Mr. Gibbons stated a splash pad would support the community more than this development.

**Bob Carter** stated he agreed with all the previous comments. His concern is that if this is deemed to be mixed use and the developer doesn’t follow through then what is to keep future commercial businesses out of this property.

**Brent Moser** pointed out most of the land is owned by the Washington County Water District and their long term plan is to have commercial along that road.

**Danny Comsa** asked what the definition of mixed use is. Toni Foran read the definition. She explained the General Plan doesn’t set the density or use - that is done with zoning.

**Mike Pales** stated mixed use becomes a Trojan horse two or three years down the line.

**Alicia Staples** asked if conditions could be set if this is approved. Chairman Cashin stated no. Ms. Staples stated that is concerning because if the development falls through anything can go there.

She stated she agrees rentals are needed; however, the City cut down the amount of vacation rentals that are allowed. She stated if this is allowed, the height needs to be limited to preserve the views.

**Bob Duarte** stated he has been looking at this area for the last four years and if they knew this was a possibility they would not have built. If this does go through, he is concerned that people won't build in Dixie Springs. He stated he wants to live in a single family residence neighborhood.

**Dave Servati** stated he can't imagine anything that would make his value go up unless it is residential built on this property. If it is changed but not built then anything could come in on that property. Chairman Cashin explained this is only a General Plan Amendment so the zoning would not change until someone came in with a Zone Change request.

**Blair Peterson** stated he would be backed up to the property. He is concerned for privacy as they are putting a pool in their back yard. He stated he agreed with all the other comments. He commented if there is a lot of commercial property along Sand Hollow Road why rezone this property.

**Joanna Ames** stated Mr. Moser stated this would alleviate nightly rentals in Dixie Springs but she doesn't think it will because people do them as their second home. She stated a couple times a year the area is shut down because of races.

**Wayne Borgerson** stated he thinks the developer should stick to building residential homes.

**Mr. Houston** added the races are an asset to the community and they would be shut down if a hotel was put in this location. He feels that would be a great loss.

**Don Goodpaster** stated you could throw a rock from his property to the proposed development. He questioned why the developer didn't build across from Walmart on SR-9. He feels that would be a better area for commercial.

Ms. Foran explained all that land is an approved Planned Community and is tied up in a legal litigation. She stated she doesn't know when or if it will be resolved. Ms. Foran explained that area is known as Elim Valley. Chairman Cashin stated there are multiple owners and multiple banks involved so it will take a long time to resolve the issues before anyone can build there. Ms. Foran stated most of the land along Dixie Springs Drive is owned by the Water District and they will probably not open any of it up for development until they finish drilling all the wells they want to drill and decide where the well protection areas will be. She stated there is some other land out there that belongs to SITLA, State and Institutional Trust Lands Administration, but they will determine when it is developed. This is one of the few privately owned pieces of land.

Ms. Foran stated even if this approved it will not change the zoning. She stated the zone has to be changed before anything can be done. The General Plan does not set density or height limits- it is the vision for the City. She stated the question the Commissioners need answer is, does the City think there needs to be more mixed use. City Attorney Fay Reber clarified a General Plan Amendment does make it easier for someone to apply for a zone change. Ms. Foran stated a development agreement can be entered into at the zone change. Ms. Hall asked if the General Plan is changed does it give any vested rights to zoning later. Mr. Reber stated no, it is a separate application but it does make it easier for a zone change if the application fits. He explained a zone change is legislative action by the City meaning the courts will give great deference to the City's decision. He stated the courts would only overturn the City's decision if it is arbitrary and capricious. He commented developers understand this so they are more willing to develop an agreement in order for their zone change to be approved.

## **2. For property located at approximately 5200 West Turf Sod Road from Single Family Residential up to 4 units per acre to Planned Community**

**Daniel Sanger** stated they have another piece of property off Turf Sod road that they want to change the General Plan to Planned Community. He explained in the future they want to put a berm that would be conducive to the surrounding and a three or four story condos with six units per level. He stated they

picked this property because they want to be away from other developments so they can have a good buffer zone. He stated they have talked to utilities and they feel like they can get everything to that area without having a negative impact on the neighbors.

**Layna Larson** stated she and her family own about 145 acres around this property. She stated they have been holding onto the property until the market picks up. She feels like if condos are built it will devalue their property. She stated if condos aren't built and something like an RV Park comes in it will devalue their property even more. She stated the market is finally coming up and if this is approved it will devastate her family.

Mr. Sanger stated there would be a development agreement and there would be a good transition to the surroundings. Ms. Foran read the definition for Planned Community. She explained an RV Park would not fit in that area.

Chairman Cashin closed the Public Hearing at 7:11 p.m. and the Public Meeting began.

**2016-GPA-03 Consideration and possible recommendation to the City Council on General Plan Map Amendment to change a 10.36 acre parcel at approximately 4390 W. Dixie Springs Drive from Single Family Residential up to 8 units per acre to Mixed Use – Enhanced Home Builders LLC applicants**

Chairman Cashin read over the JUC comments. Yovonda Hall questioned if the vision had changed for that area. She asked if the Commissioners had seen anything that has made some kind of catalyst to change this property to Mixed Use. Chairman Cashin stated the General Plan is like a living and breathing item. It changes over time. He questioned if there is a need for this type of development in this area. Ms. Hall commented there are more visitors to the area but there are better places for hotels. Chairman Cashin stated there are a lot of other projects that are similar to this one. He asked if they would serve the purpose for this need or is there a need for more. Bill Wilkey stated he is affiliated with Sand Hollow Resort. He stated phase 2 in The Retreat is finished and phase 3 will start next week. He mentioned The Retreat is zoned for nightly rentals and once phase 3 is complete there will be fifty lots available. He stated there is going to be a lot of nightly rentals available and he doesn't know if the market can handle more. He asked staff if drainage will be problem in the proposed area. Ms. Foran stated there are problems with high water in the Retreat area but the property in question has a drain off Dixie Springs Drive and it is always dry. She stated this property is little higher and more removed from the drainage problem. Ralph Ballard stated he read all the emails and felt some of the comments were unrelated. He mentioned he has served on a lot of boards, one of which was an advisory board for the 600 North project. He stated most people were against the development. He stated there were a lot of suggestions and comments about property values going down yet his property is worth a lot more now. He stated he tried to weigh the comments that were received for this application and he would like to be fair to everyone involved. He mentioned a good project could gain as much for the Dixie Springs residents as they are afraid to lose. Chairman Cashin stated he lives in Dixie Springs and would be affected by a large building on this property but he tries to look at the long term. He stated he has seen decisions made that people thought were negative but turned out to be a beautiful project. He stated there is a lot of property available in this area for mixed use if the Water District would release some of the property. His question is, is this the right time to change the plan or do they need to wait and see if the Water District makes a change. He stated he likes living a distance away from services because he likes the dark skies. He mentioned the Commissioners have to look at what is good for the community not only today but twenty years down the road. Mr. Ballard stated he agrees but right now there isn't any mixed use property available. He stated he doesn't feel like it would destroy the night sky. He stated the City has ordinance in place to protect it. Ms. Hall stated they have discussed the General Plan a lot during the years. She mentioned there were hearings for people to voice their opinion because a lot of it is a guess of what the community wants as a whole. She stated there are a lot of people here tonight to tell the Commissioners what their intent is in their community. She stated there needs to be a balance but right now the community is weighted against the developer. She asked is this a revenue discussion or a vision for the community. She feels it should stay residential. Paul Farthing stated he agrees

with Ms. Hall. He doesn't see anything that has changed to require this need. It is still residential. Mr. Wilkey stated there are more condos being built in Sand Hollow so adding more might be too much at this time. Mr. Ballard stated they have to look at both sides and consider what the impacts would be for everyone. He mentioned a lot things get done even when people say it isn't possible. Ms. Hall stated the traffic issues are legitimate because there are only two ways to get in and out. She stated the property value comments are brought up with every application so it is hard to give that comment weighted value. She thinks the transfer of rights is what is at issue because people bought in to this area knowing the General Plan showed it as residential. She stated there needs to be a compelling reason to change it. Chairman Cashin stated since there is so much other land available for this type of project to add 10 more acres seems to be inappropriate. Ken Bradshaw stated he agrees with the Commissioner's comments. This area has already been designated as residential. Bob Petersen agreed. Ms. Hall stated she would hate to think they didn't look at it from the developer's side because the City needs developers. She just doesn't see the need or fit at this time. *Mr. Petersen stated with all the other projects already proposed he doesn't see the need for this expansion. He stated he doesn't feel like they are taking away from owner and therefore recommends denial of application 2016-GPA-03 to the City Council. Yovonda Hall seconded the motion adding one of the goals for approving a General Plan amendment includes this objective, "guide development in a manner that enhances the qualities that bring both residents and visitors to Hurricane". She stated visitors will still come without this development. She stated the General Plan amendment would open the door for a zone change which is not desirable at this time. Mr. Petersen agreed to add the comments to his motion. The vote was as follows; Ralph Ballard-Aye, Ken Bradshaw-Aye, Bob Petersen-Aye, Ryan Cashin-Aye, Yovonda Hall-Aye, Paul Farthing-Aye, and Bill Wilkey-Aye. Motion carried.*

**2016-GPA-04 Consideration and possible recommendation to the City Council on a General Plan Map Amendment to change a 20.21 acre parcel on Turf Sod Road from Single Family Residential up to 4 units per acre to Planned Community – Nielson Development LLC applicant**

Yovonda Hall asked the applicant if he had seen the JUC comments. Daniel Sanger stated he did not see them. Ms. Hall read the comments; 1. There is no sewer service in this area and a pump station would be required. 2. The water line to the adjoining property is not adequate to serve dense development. 3. A full drainage plan for this area needs to be developed. 4. There are right of way issues for both Turf Sod Road and 5200 West. 5. Though the applicant has described the power line as a transmission line, it is not considered a transmission line by Dixie REA and may not be big enough for this property. 6. Fire District review will be required and may require a second access to SR-7. She stated all the utility departments have issues with this property. Mr. Sanger stated it is undeveloped land. He stated they have talked to all the utility departments and there is a way to it make work. Chairman Cashin asked if Nielson Development would provide the infrastructure. Mr. Sanger stated yes or possibly share the cost with neighbors. Layna Larson stated the last time someone tried to develop this property the runoff and drainage would directly affect their property. Mr. Sanger stated they would have to design it to prevent that. Yovonda Hall asked if that is what the berm is for. Mr. Sanger stated no, that is a buffer for the project. Paul Farthing stated his concern is that this is a spot amendment to the General Plan. He would like to see Turf Sod Road developed before it is changed. He stated this application is the same as the first application and he doesn't see a catalyst that would cause a change in the General Plan. Mr. Sanger stated they have done a feasibility study and they think that with the growth pattern in the area it is viable. He stated they picked this land because it was available and there is only one other small Planned Community area so he thinks it will be a great place to have a nice transition from residential to condos. Toni Foran pointed out there are a lot of areas that are designated as Planned Community on the General Plan. Ms. Hall asked if they should consider this amendment because Sand Hollow is a target for tourists. Mr. Sanger stated there are a lot of targeted areas that people go and this is a good central location. This property has access to amenities to support it. Chairman Cashin stated he likes that there isn't a lot of development around it so people know what they are getting into before they buy but the JUC comments are a big concern for him. He would like more assurance from the JUC that the needs can be met. Ms. Foran stated the JUC have given their comments.

Chairman Cashin stated based on the comments the utility departments are not in favor of this development at this time. He stated if Nielson Development were to say they would front all the cost without putting the burden on the neighbors then he would be more inclined to approve it. Ms. Hall stated that might not be an option if the utilities cross someone's property and they don't want the development there. Chairman Cashin stated he likes this location for this project but if the infrastructure isn't there and the developer isn't able to put it in then it becomes a burden on the citizens. Mr. Sanger stated it is the developer's responsibility to put in the infrastructure. Chairman Cashin asked the Commissioners, does this application make sense if the infrastructure was there. Ralph Ballard stated after reading the report he doesn't think this project is nearly as ready as the other proposed project. He stated the JUC comments are for what they are able to support. He questioned if he needed to get more property owners on board and then come back with a bigger area instead of this one piece of property. Mr. Sanger stated each department he talked to told him the utilities aren't there now but it could work. He stated they would have to create an agreement or pay for it. Tyler Hoskins stated the General Plan currently shows this property as Single Family but according to the JUC comments they couldn't build there right now either because of the lack of infrastructure. He stated either way the infrastructure would have to be put in. He commented if it was residential they could currently put 80 homes there and they are only proposing 80 additional units. He stated it wouldn't be that different for the infrastructure to be in for condos instead of single family. Paul Farthing stated he doesn't like the spot change. He stated he would rather see an area changed not just one property. He feels it is premature. Mr. Ballard stated the other property owners have held their land for development. He suggested getting with them to change to a bigger area. Chairman Cashin stated he agreed, a larger area would be better. Mr. Ballard commented he has seen where everyone comes together and it is a better project. Mr. Sanger asked if the Commissioners wanted an agreement for the infrastructure or a larger area to be amended. He stated he can see getting more support with the infrastructure but it would be too hard to change the General Plan with multiple property owners. Ms. Hall asked if the only viable reason they wanted this location was because it is near Sand Hollow. Mr. Sanger stated no, it is the only 20 contiguous acres that is viable. He stated for the feasibility study they did they would have to use it for this purpose. Ms. Hall stated all the utilities departments say there are big hurdles. Chairman Cashin stated he sees it as too big of hurdles for a small project. Mr. Ballard stated he thinks it fits in this area but it needs to be a bigger area. Commissioners discussed tabling the application to allow the applicant to try and get more neighbors on board with the amendment to give a larger area. Ms. Hall questioned what the benefit of continuing the application would be for only weeks. She suggested recommending denial to the City Council and then if the applicant can bring other requested items to the City Council. Commissioners discussed the process for the applications after the Planning Commission approves or denies. Ms. Hall asked if it is tabled if the applicant had to wait until February for it to be reviewed again. Mr. Reber stated no, since they applied at this time it can be tabled for a future regular meeting. Mr. Larson stated it would be beneficial if the developer can get with property owners even if they don't want a General Plan Amendment for their property but they are still in favor of the change. He stated having some of the issues resolved will make all the difference. Chairman Cashin asked if the applicant would rather have a recommendation of denial to the City Council tonight or tabling the application to review some of the issues and then come back to the Planning Commission. Mr. Sanger asked if the Planning Commission could recommend approval to the City Council conditional upon certain items. Ms. Hall stated she would only vote recommendation of denial at this time because she wasn't comfortable setting conditions at this time. Mr. Ballard commented it is a beautiful area and there is potential for this area. Mr. Sanger stated it is in their benefit to get the neighbors' approval.

*Yovonda Hall motioned to continue application 2016-GPA-04 until the September 8, 2016 meeting. Paul Farthing seconded the motion. The vote was as follows; Ralph Ballard-Aye, Ken Bradshaw-Aye, Bob Petersen-Aye, Ryan Cashin-Aye, Yovonda Hall-Aye, Paul Farthing-Aye, and Bill Wilkey-Aye. Motion carried.*

**Planning Commission business:**

1. Final review of conditional use permit changes in land use charts. Continued to next meeting.

2. Review of downtown properties for potential rezone. Continued to next meeting.
3. Discussion on lot frontage standards in RA zones. Toni explained a lot of people looking at acres in the RA zones don't have the frontage to split their lots. She asked for the Commissioners to consider if there is a need for the 150' frontage requirement in this RA-1 zones or would 100' be ok. She asked the Commissioners to think about the purpose of requiring 150' instead of 100'.
4. Planning for Fall Conference. Toni asked who was going to fall conference. She stated we have to have the reservations by September 7<sup>th</sup>. Bob stated he is going to the Utah League.

**Approval of minutes:** August 11, 2016 Ken motioned to approve minutes. Yovonda Hall stated on page 2, line 84 owns need to be changed to owes. Ralph Ballard motioned to approve the August 11, 2016 minutes with the correction. Yovonda Hall seconded the motion. The vote was as follows; Ralph Ballard-Aye, Ken Bradshaw-Aye, Bob Petersen-Aye, Ryan Cashin-Aye, Yovonda Hall-Aye, Paul Farthing-Aye, and Bill Wilkey-Abstained. Motion carried.

**Meeting adjourned at 8:31 pm**