

ON SEPTEMBER 28, 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, John Johnson, Ken Bradshaw, Bob Petersen, Yovonda Hall, and Ralph Ballard

Members Excused: Paul Farthing and Ryan Cashin

Staff Present: Planning Director Toni Foran, Planning Assistant Cindy Beteag, City Council Representative Darin Larson, and City Attorney Fay Reber

Bob Petersen called the meeting to order at 6:00 p.m. The Pledge of Allegiance was led by Yovonda Hall and Bill Wilkey offered the prayer. Roll call was taken.

Approval of agenda: Toni Foran stated the address for application 2016-CUP-12 needs to be added. Yovonda Hall motioned to approve the September 28, 2016 agenda with the address added. Ralph Ballard seconded the motion. Motion carried with all Commissioners voting aye.

Bob Petersen opened the Public Hearing at 6:02 p.m. to take comments on the following Zoning Map change request:

- 1. A zone change for lots 2-14, Old Farm Subdivision, as recorded in 1994, from the current R-1-6, Single Family Residential 6,000 square foot lots, to R-1-8, Single Family Residential 8,000 square foot lots**

Toni Foran explained the owner of lot 14 in Old Farm Subdivision came to the City Council for an exception to the vacation rental ordinance regarding allowing a vacation rental in an R-1-6 zone. They told the City Council they had looked at all the lot sizes and they meet the R-1-8 lot size requirements. Ms. Foran stated the City Council directed the Planning Department to initiate a zone change for the entire subdivision.

Phyllis Knapp stated she bought a house in this neighborhood for her daughter and grandchildren. She stated her daughter has four children and she counted forty other kids in the area, six of them having special needs. She stated they don't want people coming there that they don't know and will only be there short term. She stated they want neighbors that they know. She wouldn't trust the kids to go out and play in the cul-de-sacs without knowing who is going to be there. She stated it goes against the traditional neighborhood and that is why she bought in that area. She has a special needs granddaughter and she wouldn't be able to stand up for herself. She stated there are rental houses down the street but they are long term rentals. She doesn't see any reason to change it from the traditional neighborhood.

Tiffany Hagen stated she lives in this neighborhood and she is opposed to the zone change. She doesn't feel vacation rentals are a need in the neighborhoods of Hurricane. She feels the neighborhoods are established and should remain that way. She stated she has stayed in this type of vacation rental in California but it was not in a family community. She likes the family community that she lives in and she doesn't want a vacation rental in her neighborhood. It will devalue their homes.

Angela Pozernick added there are two preschools in the neighborhood so the added traffic and children would be a problem with people that aren't familiar with the area. She stated she walked around and talked to her neighbors and they were all negative about the change. She feels that if it is changed it would change the traditional neighborhood and devalue the homes.

- 2. A zone change for a parcel H-4-2-11-122 located at 1358 Sand Hollow Road from RA-1, Residential Agricultural 1 Acre, to M-1, Light Industrial.**

Diana Black stated she is representing the buyers of this property. She explained the purpose of the zone change is to allow parking of recreational vehicles. She stated Sand Hollow allows nightly rentals but there is no parking available because they are not allowed to park on the street and if they are too large to park in the garage, they can't park in the driveway. She stated she has had to ask other property owners to allow people to park on their property because they had nowhere to store their recreational vehicle. She stated they would like somewhere safe for people to park. She stated she loves Sand Hollow and their CCR's but parking is a problem and they are trying to solve it by adding an area where people would feel safe to park their vehicles.

Toni Foran read in two letters received, one from Tim Tippet of Elim Valley and one from Gary Colf, the adjoining property owner. Copies of letters available in the Planning Department.

And the following Land Use Code text change;

- 1. An amendment to Title 10, Land Use, Chapter 39, Planned Development Overlay Zone, to modify the requirements of the development standards section and Chapter 29, Recreation Resort Zone to remove conditional uses.**

Toni Foran clarified it is Chapter 23 not Chapter 39. She stated this has been discussed in previous meeting and this is the formal proposal. She went over the proposed changes.

No comments from public.

Bob Petersen closed the Public Hearing at 6:20 p.m. and the Public Meeting began.

New Business:

2016-ZC-12 Consideration and possible recommendation to the City Council on a zoning map change request for lots 2-14, Old Farm Subdivision, as recorded in 1994, from the current R-1-6, Single Family Residential 6,000 square foot lots, to R-1-8, Single Family Residential 8,000 square foot lots-Hurricane City applicants

Toni Foran explained the vacation rental ordinance, stating there has to be 300 feet between licensed rentals and they have to provide off street parking. The proposed zone change would allow this use in this neighborhood that isn't allowed now. She stated the City Council thought they were giving more property rights that the property owners didn't already have by allowing vacation rentals. Darin Larson stated he thought there could only be about three vacation rentals in this subdivision if this was changed. Yovonda Hall clarified it is allowing vacation rentals not residential hosting as that would be allowed under the current zoning. She stated the City Council feels it meets the standards for R1-8 but if enough property owners don't want vacation rentals they need to consider their rights too. Ms. Foran stated the City Attorney may need to determine if only changing the one lot would work better for all parties. Ms. Hall stated the reason for the public hearing is to get all opinions of anyone that would be effected. She stated it is a tight area due to the cul-de-sacs. Ralph Ballard asked what other changes would happen if they changed the zone besides allowing vacation rentals. Ms. Foran stated the only other change is a guest house or casita without access is not permitted in R-1-6 but is in R-1-8. She stated the setbacks and outbuilding size would be different but the houses in the subdivision are already built. Ms. Hall stated the purpose of zoning is to separate uses but there are people wanting it both ways so it is hard to know which way is best. Tiffany Hagen stated the house that wants a vacation rental is up for sale so they wouldn't have to live with the problems it would create. Mr. Larson asked if there was a possibility to change only the one lot to R-1-8 to allow them to do the vacation rental since they are adjacent to other R-1-8 zones. City Attorney Fay Reber asked if there were CCR's recorded with the subdivision. Ms. Foran stated she isn't aware of any. Mr. Reber stated the practical impact to the neighborhood would be the same if they put a vacation rental on the corner. Mr. Larson stated it would prohibit other people from doing a vacation rental. Mr. Reber stated he is concerned of setting a precedence of allowing only one lot in a subdivision to change. CCR's were discussed. He asked if there was more than one phase in Old Farm. Ms. Foran explained there are two phases but the second phase is town homes. Phyllis Knapp said they could get a petition from all property owners stating they want it to stay a traditional neighborhood. Mr. Reber explained this board

only makes recommendations to the City Council and then the City Council will discuss it and make the final vote. Mr. Ballard stated the City Council will want to know if there are CCR's before they review. Bob Petersen suggested tabling the application to research if there are CCR's. Ms. Hall stated a lot of people didn't voice their opinion about vacation rentals when the ordinance was adopted but as issues come up in neighborhoods, people are voicing their opinion that they are not in favor of them. *Bill Wilkey motioned to table application 2016-ZC-12 for further research on CCR's and any other applicable information. Yovonda Hall seconded the motion. The vote was as follows; Bill Wilkey-Aye, John Johnson-Aye, Ken Bradshaw-Aye, Bob Petersen-Aye, Yovonda Hall-Aye, and Ralph Ballard-Aye. Motion carried.*

2016-ZC-13 Consideration and possible recommendation to the City Council on a zoning map change request for parcel H-4-2-11-122 located at 1358 Sand Hollow Road from RA-1, Residential Agricultural 1 acre, to M-1, Light Industrial –Paul Burningham applicant; Diana Black agent

Diana Black expressed her appreciation for the Commissioners consideration to surrounding property owner's opinions during a zone change. She asked where Mr. Colf's property is located in relation to the subject property. Ms. Foran showed her it is adjacent to the proposed property. Ms. Black stated requiring them to do a block wall would be expensive. She stated she knows the people who want to purchase this property and their way of living and this will not be a junk yard. It will be well kept and maintained. She stated the future owners may put a building on the property for cover but whatever is on there will be well done. She stated it is her understanding that Elim Valley had their sales trailer on the property adjacent to this property and there are two unsightly trailers currently on the purposed property. She stated if this is approved the trailers will be removed and everything will be cleaned up and improved. Mr. Reber pointed out if the zone change is granted the owner could change and they might not take care of the property as the people Ms. Black is representing. He stated there are no guarantees this is what would be developed on the site. Ms. Black stated this property will be tied to Sand Hollow for many years to come. Ms. Foran stated the standards for the M-1 zone require that it is screened. Ms. Black stated the owners have every intention of keeping this property as part of Sand Hollow Resort. Ralph Ballard clarified this is the property that currently has two trailers on it. Ms. Black stated yes. Mr. Ballard asked if an eight foot wall would to be engineered. Ms. Foran stated anything over six feet requires engineering. Yovonda Hall asked if they would charge people to store their vehicles on this property. Ms. Black stated she would expect they would charge for storage to offset the expense of having the facilities but she is unsure. Mr. Ballard asked how far this property was from Ash Creek Sewer District. Ms. Foran pointed out the two properties on the map. There is one lot in between them. Ms. Hall asked what two property owners sent letters. Ms. Foran stated Mr. Tippet sent a letter on behalf of Elim Valley which is across the street and Mr. Colf's property is an "L" shape bordering the proposed property. Ms. Hall stated if they required a block wall for Mr. Colf, there would be three sides not two. Ms. Foran stated there are other ways to screen a property but that can be reviewed at site plan. Mr. Ballard commented it would be positive to have storage on Sand Hollow Road. Ms. Black stated they will have to do something to protect the stored vehicles and they will do what is required. Ms. Hall asked if they could put restriction on what the use is with the zone change. Mr. Reber stated they could do a development agreement with the developer if the developer is willing to offer to limit the use. Mr. Ballard asked if the family living in the trailer would be misplaced if this is changed. Ms. Black explained the current owner passed away about eight months ago and the family members are selling the property so no one is living there currently. She stated storage is the only purpose for this property and that the developer should be willing to sign a development agreement. *Yovonda Hall motioned to recommend approval of application 2016-ZC-13 with the assurance from the applicant that they will work with the City Council on a development agreement. Approval is based on the following findings; 1. The proposed amendment is consistent with the need to supply supporting services to residential development. 2. The proposed amendment does not change the character of existing development in the immediate vicinity. 3. The proposed amendment should have no negative effect on adjoining properties. 4. Public facilities and services are adequate to serve the subject property. Bill Wilkey seconded the motion. The vote was as follows; Bill Wilkey-Aye, John Johnson-Aye, Ken Bradshaw-Aye, Bob Petersen-Aye, Yovonda Hall-Aye,*

and Ralph Ballard-Aye. Motion carried.

2016-LUCA-03 Consideration and possible recommendation to the City Council on a Land Use Code Amendment to Title 10, Chapter 23, Planned Development Overlay Zone, to modify the requirements of the development standards section and Chapter 29, Recreation Resort Zone to remove conditional uses.

Yovonda Hall stated the 25' from the back of the sidewalk is the same as from the back of the curb if there is a five foot sidewalk. Toni Foran explained the reason for the change is if there is planter strips then the driveway is not long enough to park a car. *Ralph Ballard motioned to recommend approval of application 2016-LUCA-03 to the City Council. Ken Bradshaw seconded the motion. The vote was as follows; Bill Wilkey-Aye, John Johnson-Aye, Ken Bradshaw-Aye, Bob Petersen-Aye, Yovonda Hall-Aye, and Ralph Ballard-Aye. Motion carried.*

2016-FSP-07 Consideration and possible approval of a final site plan for a fire station located at 56 N Coral Canyon Blvd-Hurricane Valley Fire District applicant; Darren LeFevre agent

Kayde Roberts with Jones and Demille Engineering was present to represent the applicant. He stated they would like to build a fire station west of the Texaco on Coral Canyon Blvd. He stated Hurricane City has reviewed the plans and they have received the comments from the Joint Utility Committee. He mentioned one of recommendation was down lighting and the owner has no problem with that requirement. He stated another recommendation was for the landscaping plan to have multiple species of trees and the owner will meet that requirement. They are working on the plan now and they will have City approval before they do any landscaping. He explained they are still waiting on funding before they purchase the building permit and start construction. Bob Petersen stated this is needed in that area. Mr. Roberts stated yes, even more with Telegraph under construction. Ralph Ballard asked if staff had any concerns with landscaping. Toni Foran stated if the commissioners include a condition that the landscaping is reviewed and approved by staff before it is installed then it shouldn't be a problem. *Yovonda Hall motioned to approve application 2016-FSP-07 based on the staff findings; 1. Site plan complies with off street parking, building design, and site screening requirements of the land use code. 2. Construction drawings have been submitted to the JUC Committee and have been signed. 3. The landscape plan is attractive and compliments the building. 4. Building design is compatible with the Coral Springs commercial development across SR-9. Approval is subject to the following conditions; 1. Outside lighting fixtures must be hooded or otherwise shielded to limit the intrusion of light beyond the site. Outside lighting must be reviewed and approved by staff before installation. 2. Tree species choice and landscaping irrigation design must be reviewed by staff before installation. 3. Building permits must be issued before work starts on the structure. Ralph Ballard seconded the motion. The vote was as follows; Bill Wilkey-Aye, John Johnson-Aye, Ken Bradshaw-Aye, Bob Petersen-Aye, Yovonda Hall-Aye, and Ralph Ballard-Aye. Motion carried.*

2016-CUP-12 Consideration and possible approval of a conditional use permit to allow the construction of a garage/guest house on a lot where a future house is planned that is higher than 20' at the peak located at 1515 W 300 South-Colter & Tara Criddle applicants; Stan Dutton agent

Stan Dutton explained the owners would like to build the garage/guest house first so they can move into it while they build their home. He stated they are willing to pay for all the building permits fees upfront but they would like to live in garage/guest house while they build so they don't have to pay rent. He stated they plan to build the main house within three to six months of finishing the garage. Yovonda Hall stated if a property owner lives in an RV while a house is built there is a six month limit. She asked staff if there is a time limit for living in the guest house first. Toni Foran stated there isn't a time limit in this zone because a guest house is permitted as long as it is for family members. Ms. Hall asked what would happen if they run out of money and want to live in the guest house permanently. Ms. Foran stated the only issue is that the guest house doesn't meet the rear setback but she doesn't know if that is a big issue or not in this area. Ralph Ballard clarified the casita could be the main house. Ms. Foran stated yes, other than the rear setback wouldn't be correct but right now it meets the setbacks as an accessory building. She stated if the owners

are willing to buy the building permit at the same time that is pretty good assurance they will build. Ms. Hall asked if they had a time line of when the house would be built. Mr. Dutton stated within three months of the guest house/garage being completed. Ms. Foran stated the conditional use is for the garage to be higher than what is allowed for an accessory building. Ken Bradshaw stated there is a 12x12 pitch on the roof. He asked if they cut that down to make it lower in height. Mr. Dutton explained the casita is on the second floor of the garage so they need that room for the living quarters. *Ralph Ballard motioned to approve application 2016-CUP-12 based on the following finding; 1. The lot is lower than the surrounding properties so the height will not be detrimental to the neighborhood. Ken Bradshaw seconded the motion. The vote was as follows; Bill Wilkey-Aye, John Johnson-Aye, Ken Bradshaw-Aye, Bob Petersen-Aye, Yovonda Hall-Aye, and Ralph Ballard-Aye. Motion carried.*

Consideration and possible revocation of a conditional use permit for a small engine repair shop at 117 W State Street.

Mike Hirschi stated he has done a lot of clean up around the building. He stated on the original approval for his conditional use, it states there is no outside storage or testing. He stated he didn't remember that being part of the approval but he would have a hard time functioning without that being allowed. He mentioned he is doing what he can to clean it up and keep it that way. Toni Foran asked if he is willing to limit the outside storage. Mr. Hirschi stated yes, the land owner gave him three parking spaces for storage. He stated he will do what he can to keep it to two spaces. He explained he has been trying to wait for the market to come back up for metal so that is why he accumulated so much. He proposed to amend the conditional use so he can repair and store outside. He explained a riding mower can't fit inside. He stated he hasn't received complaints from the noise and smell. He apologized for the site and stated he is trying to get it cleaned. Bob Petersen asked if he had looked at other locations for his business. Mr. Hirschi stated that is his goal but he can't afford it yet. Yovonda Hall stated she doesn't see why the approval for a small engine shop would put no outside repairs allowed. Ms. Foran explained it was for inside repairs only since it was downtown. Mr. Petersen asked if the City had received a lot of complaints. Ms. Foran stated over the years they have received some but most recently the other tenant of the building has complained about the parking. Mr. Hirschi stated he has been working on it since he received the first letter and he had it cleaned up but it got filled back up when he went out of town.

Mr. Hirschi stated his biggest issue with the outside storage is he was saving scrap but he has made the decision to get rid of it. Mr. Petersen commented he is only violating #3 on his conditions, no outside storage or repair work. Mr. Hirschi stated that is the one that he needs an amendment to because he can't function without it. He stated most people don't notice the sound it makes when he is testing machines. Ms. Hall asked if they can amend the original approval. Ms. Foran commented the Planning Commission has never amended a conditional use so she would look at the ordinance to see what they can do. Ralph Ballard commented he was upset this was on the agenda. He feels this business is a service to the community. He asked if the City has received written complaints. Ms. Foran stated written and verbal complaints have been received. She read the ordinance; *No conditional use permit shall be revoked against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the planning commission and show cause as to why the permit should not be amended or revoked. Revocation of a permit shall not limit the city's ability to initiate or complete other legal proceedings against the holder or user of the permit.* She stated the ordinance does talk about amending an approval. Mr. Ballard stated people don't understand the value of the parts but the location of this is hard. He commented he doesn't see how things aren't stolen all the time. Mr. Hirschi stated he has been very lucky and it does help that it is a busy location. Mr. Ballard asked if the parking spaces can be screened for storage. Mr. Hirschi stated the landowner doesn't want anything fenced off in the parking lot. He stated they have discussed putting something on the east side. City Attorney Fay Reber stated he and Ms. Foran looked at the language and the ordinance does allow the Commissioners to amend the conditions. He stated sometimes conditions are put on an approval because of concerns so he suggests allowing neighboring property owners to voice their concerns before the Commissioners amend the conditional use. He feels notice needs to be given and

worded differently on the agenda so people know what is being considered. Ms. Foran suggested to Mr. Hirschi that if he could get something from the property owner stating he is allowing two parking spaces for storage that would be helpful. Commissioners agreed condition 3 needs to be reviewed. Mr. Hirschi stated he thinks the only reason revocation issue is the outside appearance and he agrees but he is working on it. *Yovonda Hall motioned to table this application for two weeks in order to advertise the amendment of the conditional use permit. John Johnson seconded the motion. The vote was as follows; Bill Wilkey-Aye, John Johnson-Aye, Ken Bradshaw-Aye, Bob Petersen-Aye, Yovonda Hall-Aye, and Ralph Ballard-Aye. Motion carried.*

Planning Commission business:

1. **Final review of conditional use permit changes in land use charts.** Toni stated the conditions themselves are what they need to review not the charts. She stated she needs clarification on the definitions. She stated she took out animal unit because it isn't used. She stated on page 2 are the things that they ended up with as conditional uses; reception center, agricultural industry, public stable, assisted living facility, and greater heights and size than permitted by the code. There are two items that the zoning administrator has authorization to approve; guesthouse or casita without direct access to main dwelling unit and animals and fowl for recreation and family food production. She stated it clarifies the separation between the two kinds of approval in the processing part. She stated she added zoning administer in the right places and put in standards for each use. She stated some are ideas and some came from other cities so she needs the Commissioners input on this section. She commented she didn't come up with standards for Public Stable or Assisted Living Facility so any suggestions would be great. Yovonda stated Assisted Living Facility standards might be state mandated. Toni stated she thinks the only standards they need are to maintain the residential appearance since they will be in residential neighborhoods. She stated she saw something regarding greater heights that she feels would be appropriate. It reads, *the height may not be greater than two stories or one and half times the average height of the immediately adjacent buildings, whichever is greater.* She stated this would help with making compatibility work. Ralph asked what if nothing was built around it. Toni stated then it would be up to the Commissioners to approve the height. She stated they need to look at the Commercial zone and not have the greater height as conditional use instead change it to 55 feet as the standard height. Commissioners discussed the possibility of having standards for residential and commercial zones. Ralph stated it is good to have in there so there are guidelines. Yovonda asked about the casita's without direct access to the house. Toni stated the conditions in this chapter are the conditions they have always put on them in the meetings. Yovonda asked if they could do residential hosting if the casita is attached but not if it is detached. Toni stated yes, the detached have a restrictive easement. Toni stated they need to work on standards for Public Stable but they will probably be similar to the livestock restrictions and Assisted Living Facility.
2. **Review of downtown properties for potential rezone.** It was decided to discuss at future meeting.
3. **Discussion on lot frontage standards in RA zones.** Toni read several cities requirements for frontage which were everything from 30' to 150'. Ralph clarified it is currently 150'. Toni stated yes. He asked what is workable. Toni stated the 100' seems to work. She stated the lots still have room for a house and access to the back. Toni stated they could change the side setbacks to 10' and 20' so ensure access to the back of the property. Ralph stated if it works then they should change it. Toni stated it cuts the cost down for everyone to have the shorter frontages. It was decided that by changing it to 100' it will give more options. Commissioners agreed to change to 100'.

Approval of minutes: *Yovonda Hall motioned to approve the September 8, 2016 minutes. Ken Bradshaw seconded the motion. The vote was as follows; Bill Wilkey-Abstained, Ken Bradshaw-Aye, Bob Petersen-Aye, Yovonda Hall-Aye, and Ralph Ballard-Aye. Motion carried.*

Meeting adjourned at 8:03 p.m.