

ON JANUARY 12, 2017 AT 6:00 P.M., THE HURRICANE CITY PLANNING COMMISSION MET IN THE CITY COUNCIL CHAMBERS LOCATED AT 147 N 840 WEST HURRICANE, UT.

Members Present: John Johnson, Ken Bradshaw, Bob Petersen, Paul Farthing, Ralph Ballard and Rebecca Bronemann

Members Excused: Yovonda Hall and Ryan Cashin

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

Acting Chairman Bob Petersen called the meeting to order at 6:00 p.m. The Pledge of Allegiance was led by Ken Bradshaw and Bob Petersen offered the prayer. Roll call was taken.

Approval of Agenda: Paul Farthing motioned to approve the January 12, 2017 agenda as posted. John Johnson seconded the motion. Motion carried with all Commissioners voting aye.

Bob Petersen opened the Public Hearing at 6:05 p.m. to take comments on the following:

- 1. A zoning map change from RA-1, Residential Agriculture one acre, to RA-.5, Residential Agriculture half acre, for 1.5 acres located at 724 W. 1300 South with parcel #'s of H-3-2-355-C and H-3-2-3-355-B-1.**

Toni Foran explained the parcel is 99 feet wide and the applicants previously received a variance to allow a single flag lot providing the zoning was changed to half acre zoning. She stated the applicants went through the process of receiving a General Plan Amendment but never applied for a zone change. She stated it is her understanding a variance runs with the land so if the applicants get the zone change they can build the home. She stated she knows some people are concerned the applicants will build three homes if the zone is changed but because of the width of the lot it can only be a single flag lot unless a subdivision and road is built in the future.

Stan Dutton stated they want to change the zone to half acre. He explained he currently lives on the front parcel and has a shop in the middle of these two parcels so third acre zoning isn't an option. His plan is to build on the back parcel and turn his current personal home into a rental.

Cora Crowe stated Lawrence Hinton graded all these properties with a northwest slope to take advantage of the irrigation drainage. She mentioned Kelly Dutton has stated several times he is aware of this drainage easement and he would take care of it but has failed to do so. She explained in 2005 Mr. Dutton requested a land use amendment to split one and half acres and was approved to build two homes, one on a flag lot. A year later he requested it be changed to three half acre lots which was denied. The City Council stated they changed it once and would not again. She stated Stan Dutton built a house and a 100 foot metal structure on a foundation on the property. She stated three half acre lots are not available on these parcels. She handed out pictures showing how much space was available. She stated because it is a flag lot she doesn't think they need a zone change. She discussed setbacks and roadway width for emergency access. She stated she doesn't see a turnaround for emergency vehicles. She stated whatever decision is made she wanted to reiterate Kelly Dutton's comment that he will take care of the irrigation overflow.

Blake Youd stated he lives next door to Stan Dutton. He mentioned it is a little awkward to voice concerns because they are good neighbors. He has spoken to Mr. Dutton and he told him he wanted to turn the current house into a rental. His concern is retaining value in his property with having a flag lot and a rental next to him. He explained he had an appraisal done in 2009 and again two months ago and his value went down \$45,000 even with him putting money into renovating it. He requested that if the Commissioners approve this, they require an eight foot block wall along

the entire property and not allow a two story house. He stated his home is all he has and he wants to preserve it.

Ms. Foran read a letter from Mr. Rowley, a neighbor. Letter is available in the Planning Commission book.

- 2. The following proposed change to the Land Use Code, Title 10 of the Hurricane City Code: The addition of text to Chapter 41, Accessory Dwelling Units, a previously reserved chapter, to regulate the use of accessory dwelling units on single family residential owner occupied property to provide additional long term housing options within the City limits and to make changes in other code sections related to second kitchens.**

Toni Foran stated the Commissioners received a copy of all the other sections that would have to be changed in allowing this use. She explained the changes stating accessory apartment will need to be change to accessory dwelling unit. She underlined definition of family in the proposed ordinance but didn't know if the Commissioners wanted any changes. She read the definition of kitchen. She mentioned a lot of casitas have a sink and frig but they do not have fixed cooking facilities. She showed the change in the land use charts to allow them in single family residence zones and explained home owners would have to install a full kitchen in order to rent the dwelling unit no matter if it is attached or detached. She stated all setbacks would still have to be met. The ordinance requires all landscaping to be done and the owner lives in main dwelling unit to keep owners responsible and present. She stated if it is detached the structure can't exceed maximum permitted size and the total area of impervious surface must not be more than fifty percent of the lot. She stated there is a restriction that these units can't be short term rentals. She proposed a requirement that if there is a restrictive easement is recorded on the property then the owner will have to ask to have it removed. She suggested requiring a permit with no fee to ensure the building codes and standards are met.

Bob Carter asked if the dwellings units would be attached or detached to the main home. Ms. Foran clarified it could be both. Mr. Carter stated he is concerned there will be multiple residences at one location and it will create parking issues. Ralph Ballard stated the ordinance has parking requirements that have to be met. Ms. Foran explained there are standards in the parking code for how many parking spaces are required.

Cora Crowe asked why a bathroom wasn't required but a full kitchen is required. Toni Foran stated a bathroom is required by the International Building Code.

Bob Petersen closed the Public Hearing at 6:25 p.m. and the Public Meeting began.

New Business:

Discussion regarding possible licensing of 3rd vendor at Interstate Rock property, 573 W. State Street – the Kernel's Kettle Corn tent – Philip Hoerner manager

Toni Foran stated Mr. Hoerner has the flu and couldn't make it to the meeting. She mentioned Mr. Reber stated a tent is not a cart and the ordinance clearly states a cart is required so it might create a problem. *Ralph Ballard motioned to table this item until the next meeting. Ken Bradshaw seconded the motion. The vote was as follows; John Johnson-Aye, Ken Bradshaw-Aye, Bob Petersen-Aye, Paul Farthing-Aye, Ralph Ballard-Aye and Rebecca Bronemann-Aye. Motion carried.*

2017-LUCA-01 Consideration and possible recommendation to the City Council on a Land Use Code amendment, adding Chapter 41, Accessory Dwelling Units, to regulate the use of accessory dwelling units on single family residential owner occupied property to provide additional long term housing options within the City limits and to make changes in other code sections related to second kitchens.

Ralph Ballard clarified a deed restriction wouldn't be required anymore. Toni Foran mentioned a question she received asking if a snowbird could rent out a casita when they aren't living there full time. She stated

the proposal states the owner must be a resident of the main dwelling unit so if it is their second home they are not a resident. Commissioners discussed if the wording was strong enough to enforce. City Attorney Fay Reber stated he feels the language is strong enough. *Ralph Ballard motioned to recommend approval of application 2017-LUCA-01 to the City Council. Paul Farthing seconded the motion. The vote was as follows; John Johnson-Aye, Ken Bradshaw-Aye, Bob Petersen-Aye, Paul Farthing-Aye, Ralph Ballard-Aye and Rebecca Bronemann-Aye. Motion carried.*

2017-ZC-01 Consideration and possible recommendation to the City Council on a zoning map change request from RA-1, Residential Agriculture one acre, to RA-.5, Residential Agriculture half acre, for 1.5 acres located at 724 W. 1300 South with parcel #'s of H-3-2-355-C and H-3-2-3-355-B-1 – Stan and Kelly Dutton applicants

Ralph Ballard stated irrigation can be an issue. He feels the neighbors are concerned with the runoff from this property. Stan Dutton stated the property to the east of his is affected by the runoff because the flow runs NW. Mr. Ballard asked how the applicant would prevent this problem. Mr. Dutton stated he would put a retaining wall with two to three feet of concrete and then block on top and which would divert runoff to the drainage ditch along the church wall that goes to a drainage ditch. Bob Petersen asked if his intention was to put two more buildings. Mr. Dutton stated no. He mentioned he received a building permit for the shop. Ken Bradshaw asked how wide the access road was on the west side of the shop. Mr. Dutton stated thirty feet from the property line to the home so he has twenty feet for the road. Ms. Foran clarified when the Duttons received approval for the variance the requirement was twenty feet but now the requirement is twenty six feet. She stated he has thirty feet but ten feet has to be the side setback and then twenty feet for the road. She stated he will have to work with Fire District to meet all their requirements. She stated a variance runs with the land so she doesn't think they can change the requirement to match the current code. Mr. Reber verified that is correct. Commissioners discussed the location of the fire hydrant. Ms. Foran stated the fire department will have to determine if another one is required. Mr. Petersen asked how Mr. Dutton felt about a one story home. Mr. Dutton stated he and wife discussed doing a basement but they worry about flooding. He feels the home would be back out of the way so he doesn't see why that would be a requirement. Commissioners discussed homes in the area that are two stories and determined they can't set a height restriction. Ralph Ballard stated there are more half acre lots in the area. Ms. Foran stated the surrounding properties are one acre but a little way down the road there is half acre. She stated there is a good mix in the area. She clarified if this is approved it would be two houses on one and half acres. Mr. Dutton explained his parents currently own the back acre. Mr. Ballard stated the neighbors are concerned that more than one house will be built. Mr. Dutton stated with the flag lot that is not an option. Mr. Ballard stated he feels the zone change fits. Mr. Farthing commented the neighbors don't want someone down the road to try to put another home. Mr. Ballard stated the restriction that controls that is already in place with the flag lot. *Ralph Ballard motioned to recommend approval of application 2017-ZC-01. Ken Bradshaw seconded the motion. The vote was as follows; John Johnson-Aye, Ken Bradshaw-Aye, Bob Petersen-Aye, Paul Farthing-Aye, Ralph Ballard-Aye and Rebecca Bronemann-Aye. Motion carried.*

2017-PP-01 Consideration and possible recommendation to the City Council on a preliminary plat for Gateway Commercial Center, a proposed 8 lot commercial and industrial subdivision located at approximately 166 N. Old Highway 91 – Gateway Commercial Center LLC applicant

Applicant was not present. Bob Petersen asked if they were still waiting for approval from UDOT. Toni Foran explained State code requires the City to notify UDOT if a project will affect a high priority road. She stated it has been sent to UDOT and they have forty five days to respond but as of today they have not responded. She stated she put it on the agenda to allow the Commissioners to make a recommendation but it would not go to City Council until UDOT replies. Commissioners discussed tabling the item until UDOT responds. Mr. Petersen stated his only concern is the access onto Hwy 9. He feels it would be better to have a cul-de-sac rather than access to Hwy 9 since Trailer Source has access and the light is right there. Ms. Foran explained originally when this subdivision was developed there was a road that ran across the back of

Trailer Source so if UDOT built an interchange there would be an alternate access for the Trailer Source. She stated this plan does not provide that access so that will depend on what UDOT requests. Ralph Ballard stated this plan doesn't interfere with all that. Ms. Foran stated the last time this subdivision came before the city UDOT was pushing the city for a frontage road. She stated this plan doesn't have as many lots as the original plat. Mr. Ballard asked if this made the other road not an option any longer. Ms. Foran stated if the City doesn't ensure a road is built behind the lots then it puts a bigger burden on UDOT to have to do something to compensate. She stated the city does have an agreement with UDOT that they will do what they can to provide alternate access to lots that could have their access closed off in the future and this plat does not do that. Mr. Petersen stated as traffic increases Trailer Source is in jeopardy because traffic can be backed up from the light to the entrance to their property. Ms. Foran stated she thought that intersection was on the plan for an interchange and if that happened it would be an off ramp. She stated having a way to get access to this property would be a wise thing. Paul Farthing stated he would like UDOT's input before he makes a decision. Commissioners decided it would be better to table this application. *Ken Bradshaw motioned to table application 2017-PP-01 until UDOT responds. John Johnson seconded the motion. The vote was as follows; John Johnson-Aye, Ken Bradshaw-Aye, Bob Petersen-Aye, Paul Farthing-Aye, Ralph Ballard-Aye, and Rebecca Bronemann-Aye. Motion carried.*

2017-CUP-01 Consideration and possible approval of an accessory building that is larger and higher than permitted in the zone for a proposed building at 2764 S. 3870 West, Dixie Springs lot G 79 – Rock Solid Builders applicant

James Cheney clarified the building is not higher than what is permitted only larger. He explained he is the neighbor of this property and he wants to protect his view. He stated the lot is larger than other lots in the area and is an odd shape. He stated it is skinny in the front and the back requires retaining so he designed a detached garage to fit on the lot. Ralph Ballard stated the concern is drainage on the lot when there is too much area covered. Toni Foran stated this is the first application under the new ordinance. The ordinance requires that thirty five percent of lot must be pervious surface and with the buildings, swimming pool, and driveways it doesn't meet that percentage. Mr. Cheney stated he hadn't seen that requirement. She stated he could use a pervious option on the driveway since that is the largest impervious surface. Commissioners discussed pervious cement. Mr. Cheney suggested only having two tracks going back to the garage and not a full driveway. His stated his only concern is that the drainage stays away from the neighbor's basement. He would look at the percentage and find a solution. *Rebecca Bronemann motioned to approve application 2017-CUP-01 with the condition that the RV driveway must be constructed of a pervious material to ensure at least 35% of the lot is left pervious. Paul Farthing seconded the motion. The vote was as follows; John Johnson-Aye, Ken Bradshaw-Aye, Bob Petersen-Aye, Paul Farthing-Aye, Ralph Ballard-Aye, and Rebecca Bronemann-Aye. Motion carried.*

Planning Commission business:

1. **Look at other codes for possible downtown standards.** Toni stated she hasn't had a chance to review a lot of different cities. She mentioned there are some form based codes that she is looking at that are based more on what size of building and how much room they need for parking. She stated that might be best for the downtown and then they could have different standards for commercial and residential. She stated by doing it this way it is telling people what the building can look like but not the use inside it. Ralph explained the root of this discussion was because people can't currently utilize their property. Toni stated they need to look at what they want for downtown and then the use of the building wouldn't matter. Ralph stated he thinks that is what they were after. Toni stated rezoning individual lots would be too complicated. Ralph asked Toni she felt a form based code downtown would be better. Toni stated she thinks it would but it might be complicated and said the Commission will need to figure out a downtown zone and define how much of the downtown would be included in that zone. Ralph explained this concept was presented in Utah League of Cities and Towns conference and results in more of a mixed use

neighborhood. Toni mentioned she has had a few people who would like to open a shop but can only do it if they can live there and this would allow them to do that. Paul stated it is hard to predict what will succeed until something is tried and this would give people more opportunities.

2. **Report on Council actions.** Toni stated the plats were approved and Sky Ridge Ph 11 had their construction meeting today. She stated the zone change for Axton Hoyt was approved.
3. **She told** the Commissioners they will be getting a copy of the Copper Rock project annexation request. She explained the City has been working on an annexation agreement. She stated she will bring a copy of the master plan to the next meeting so the Commissioners are aware of what is included in the project. Paul asked if there were services to it. Toni stated no, that is one of the issues. She stated the biggest issue is sewer is not there. She stated as part of the agreement the developers would be required to extend the services to this property. She explained right they are still in the County's jurisdiction and the owners are working with the County to allow them to continue work on their golf course.
4. **Toni reported** she did receive notification from the Wilmores on the zone change for their property so the Council granted a zone change for RA -.5 on their property and R-1-10 on the Hayes property.

Approval of minutes: Rebecca Bronemann motioned to approve the December 8, 2016 minutes as written. Paul Farthing seconded the motion. *The vote was as follows; John Johnson-Aye, Ken Bradshaw-Aye, Bob Petersen-Aye, Paul Farthing-Aye, Ralph Ballard-Aye, and Rebecca Bronemann-Aye. Motion carried.*

Meeting adjourned at 7:10 p.m.