

ON JULY 13, 2017 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: Michelle Cloud, Bob Petersen, Paul Farthing, Ralph Ballard, and Rebecca Bronemann

Members Excused: Yovonda Hall and Mark Borowiak

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

Bob Petersen called the meeting to order at 6:00 p.m. The Pledge of Allegiance was led by Michelle Cloud and Rebecca Bronemann offered the prayer. Roll call was taken.

Paul Farthing motioned to approve the July 13, 2017 agenda as posted. Rebecca Bronemann seconded the motion. Motion carried with all Commissioners voting aye.

Old Business:

2017-PP-08 Consideration and possible recommendation to the City Council on a Preliminary Plat for Falcon Ridge Phase 3, a 14 lot subdivision located at approximately 260 E 1100 North-The Home Company applicant, Lane Blackmore, agent

Skyler Zaleski with Pratt Engineering was present to represent the application. He explained the slopes were too great on the previous map so they redesigned the subdivision to meet the ordinance. He stated the average slope is now less than ten percent. He mentioned they will fulfill the JUC comments during construction drawing review. Bob Petersen commented he likes this design better than the last one. Michelle Cloud asked about the drainage area between lots 9 and 13. Mr. Zaleski stated they are talking to the City to see if they want it deeded to them or if they want it as an easement. *Michelle Cloud motioned to recommend approval of application 2017-PP-08 to the City Council subject to the JUC and staff comments; 1. A drainage easement is shown at the back of lots 1, 2, and 3 and dumps out on proposed lot 10 for another portion of the subdivision. 2. A pressurized irrigation system will be required in the subdivision. 3. Full construction drawings must be approved before application for final plat. 4. A full 41' right of way, as required for access to adjoining property, is shown between lots 5 and 6. 5. Will serve letters have been received from Ash Creek Special Service District and Hurricane Water Department. 6. All lots meet minimum lot sizes and frontages. 7. Geotechnical preliminary review shows only caliche as an adverse construction condition, as well as moderate possibility of landslide. 8. The redesign has created lots meeting the hillside regulations and provide a building footprint large enough to allow construction of a house meeting the minimum setback requirements. Paul Farthings seconded the motion. The vote was as follows; Michelle Cloud-Aye, Bob Petersen-Aye, Paul Farthing-Aye, Ralph Ballard-Aye, and Rebecca Bronemann-Aye. Motion carried.*

New Business:

2017-PP-11 Consideration and possible recommendation to the City Council on a preliminary plat for the Retreat at Sand Hollow Phase 4, a single family subdivision located at the extension of 3175 S (Lazy Lane) at about 5000 West – Scott Sullivan agent Hurricane Hills applicant

Scott Sullivan was present to represent the application. He stated they liked the staff recommendations to re-design the cul-de-sac as a through street to empty out to Desert Sands Parkway. Bob Petersen

stated that change will be an improvement for lots 407 and 409 and it will give them an extra lot. Mr. Sullivan agreed and they feel this will make it safer. Chairman Petersen stated the lots that back up to 3150 South have double frontage. He asked if there would be a buffer between the parkway. Mr. Sullivan explained on the existing lots with double frontage they put in a retaining wall. Chairman Petersen clarified they wouldn't be able to put a gate in the fence allowing access onto 3150 South. He asked Mr. Sullivan if he had seen the JUC and staff comments. Mr. Sullivan stated yes, they don't have any problems with them. Ralph Ballard commented it is a win-win to remove the cul-de-sac. *Ralph Ballard motioned to recommend approval of application 2017-PP-11 to the City Council subject to the staff and JUC comments; 1. Confirmation that the drainage plan will serve these additional lots. 2. A through street meets traffic management recommendations better than a cul de sac and could result in at least one additional lot. 3. Signed construction drawings required before final plat. 4. Sewer District approval required. 5. Lot sizes range from 6709 sq. ft. to 15,776 sq. ft. Frontages are generally 73' to 80'. 6. Potential geotechnical adverse construction conditions on the site wind blown sand and possible shallow groundwater. 7. A 10' public utility easement along all street frontages is required. 8. Front setbacks in this subdivision for garages require they be at least 20' from back of sidewalk. 9. A pedestrian connection should be provided to either Desert Sands Parkway or 3150 South along a lot line. Alternatively, the cul-de-sac should be re-designed as a through street at least 100' from the intersection of Desert Sands and 3150 South to provide vehicle and pedestrian connectivity and to make lots 409 and 407 more buildable. Rebecca Bronemann seconded the motion. The vote was as follows; Michelle Cloud-Aye, Bob Petersen-Aye, Paul Farthing-Aye, Ralph Ballard-Aye, and Rebecca Bronemann-Aye. Motion carried.*

2017-FP- 06 Consideration and possible recommendation to the City Council on a final plat for Tava Resort at Sand Hollow, Phase 1, a 35 lot phase – Jared Madsen agent, Paul Burningham applicant.

Jared Madsen was present to represent the application. He stated this is the first phase of Tava Resort. He explained the construction drawings and road layout for the whole subdivision have been approved but the owner wants to phase the lots. He will do all the improvements at once including the amenities. Mr. Madsen stated they are working on a final site plan for the clubhouse and open space. Bob Petersen asked what the areas are for the common areas. Mr. Madsen stated it is pretty extensive including a lazy river, pools, statues, parks, and more. Michelle Cloud declared she has a potential conflict of interest with this application. She explained the real estate agent on this project works in her office and she has worked with her on some projects. *Paul Farthing motioned to recommend approval of application 2017-FP-06 to the City Council subject to final site plan being approved. Ralph Ballard seconded the motion. The vote was as follows; Michelle Cloud-Aye, Bob Petersen-Aye, Paul Farthing-Aye, Ralph Ballard-Aye, and Rebecca Bronemann-Aye. Motion carried.*

Concept plan Sam Seymour to discuss a concept for the property located at 112 West State Street – commercial kitchen and other future uses

Sam Seymour stated he wanted to discuss the potential use of the building on 112 W State as a commercial kitchen for his facility. He explained he runs Heritage Home Assisted Living and the Health Department has told him he has to have a commercial kitchen to serve his facility. He would like to use the building at 112 W State Street as a commercial kitchen for the assisted living center and then eventually add a restaurant. He passed out a concept plan. Bob Petersen asked if he would be making any changes to the current building. Mr. Seymour stated there won't be a lot of changes. It already has a grease trap and is right next to his current facility. He stated they will keep a kitchenette at the facility to keep snacks on site. Chairman Petersen stated it is permitted in Highway Commercial. He asked if the Assisted Living facility was going to be expanded behind the rental place. Mr. Seymour stated at one time he was going to but the appraisal didn't come through as needed. Toni Foran stated

Ash Creek Sewer District had someone else come in that was interested in the building and they told them there would be some connections to the grease trap. Mr. Seymour stated he knew there would be some work but not as much as a new grease trap. Paul Farthing stated a restaurant there would be good to bring people downtown. Ralph Ballard asked if he had plans for a restaurant now. Mr. Seymour stated he is still in the beginning planning for the restaurant. He needs to get the kitchen going and once it is established then he can get ideas going for the restaurant. Commissioners all agreed it is a good plan. Mr. Ballard asked if all the restrooms would stay where they are. Mr. Seymour stated yes but they will probably have to upgrade the building to ADA. Ms. Foran mentioned he will need to turn in plans for the remodel and purchase a building permit.

Discussion on Nielson RV fencing. Jesse Kochel stated he lives at 1367 W 100 North. His backyard butts up to Nielson RV. He stated when he moved in the house in 2005 it was an empty lot behind him. Once RV's started coming in, people started driving through his lot to access the RV lot or turn around. He talked to Mr. Nielson to work out that problem and Nielson RV put up a chain link fence up with mesh. He stated when the wind blows the mesh blows everywhere including their yards leaving them with no privacy between them. He explained he came to City and they told him Nielson RV hasn't purchased the property from UDOT but once they do a block wall will be built. He questioned how long the City is going to let them lease property before requiring something more permanent. He mentioned how much money they have put into the new building in St. George without making any improvements in Hurricane. Mr. Kochel asked how long a chain link fence will be allowed to separate residential and commercial. Cindy Beteag explained a letter was sent on May 1st to Nielson RV and they did repair the mesh but the neighbor's concern is that it will continue to be a problem. Mr. Kochel stated he is also concerned with the time frame. Paul Farthing stated the minutes from when site plan was approved state privacy slats not mesh. He feels like it is time to have a plan. Darin Larson asked Mr. Kochel if had talked to Mr. Nielson about this problem. Mr. Kochel stated not lately. Ralph Ballard asked if he had asked to split costs for a wall. Mr. Kochel stated Mr. Nielson came to him and another neighbor and told them he will be putting in a block wall. He stated they put commercial next to residential so they should be responsible to build the wall. Mr. Farthing asked if he had ever paved the property. Mr. Kochel stated no, it is road base. Bob Petersen asked what kind of fence was used at the new storage lot. Toni Foran stated chain link fence with slats. Mr. Ballard stated the business owner's money is irrelevant. He feels this issue is between the property owners. Mr. Kochel stated he is irritated at how things have developed. He has had people coming through his yard to access the lot and he was the one that had to address the issue to get it fixed. Mr. Ballard stated the Planning Commission didn't put a time limit in the approval so he has until he purchases the property. He explained the Planning Commissioners can only enforce the slats and road base. City Attorney Fay Reber confirmed if the approval didn't include a time limit, they can't change it. He mentioned the City could do letter that states it is not meeting the approval and give him a time limit to come in with a new plan and set a time limit at that time. Mr. Farthing stated they were given a promise that improvements would be done once the property was purchased but if they knew it was going to be a 30 year lease then they would have put a limit on when it was approved. He asked if the site plan could be reviewed. Ms. Foran stated it is her understanding UDOT doesn't want to sell the property until the City puts the road in to continue 1380 West. They are holding the property until the City knows where the road will be and details of it. Ms. Foran stated she can remember him coming in to ask about using mesh instead of slats but she couldn't find the minutes. She stated they need to check the minutes and see if it was approved. She stated if not, then maybe they can just talk to Mr. Nielson. Mr. Kochel asked if there was a final site plan with elevations when it was approved. He stated all the drainage from Nielson RV goes on their properties. He mentioned he talked to Mr. Nielson when they were making changes to the elevations but it is still draining onto the surrounding properties. He feels a block wall would alleviate this problem as well. Mr.

Ballard stated he has valid point because drainage should be contained on your own property. Mr. Farthing stated he can't purchase the property but he has made promises. Rebecca Bronemann asked if Nielson RV had to get permission from UDOT before they build a permanent structure. Chairman Petersen stated at this point more research needs to be done.

Mr. Reber stated the Commissioners could add with each approval that they need to comply with all other local, state, federal rules, regulations, ordinances and laws then the City may have a way to enforce issues like drainage. Commissioners discussed having a clause they could read with every application.

Planning Commission business:

1. **Report on Council actions.** Toni stated Kenneth Heaton Subdivision and Cordero was approved.
2. **Discussion on changes to proposed downtown zone.** Ralph asked if it had been changed to the old downtown. Toni stated no, instead she has come with plan B. She handed out a copy. She stated she went through the commercial zones and put a few new notes to take care of the residential but didn't change anything else until they have time to go through and create a new ordinance. She stated a lot of people wanted their residential rights protected so she put footnote that reads, *in the area designated as Downtown District on the General Plan map, existing single family residential uses may continue as permitted residential uses. Use and development standards for an R-1-8 zone shall apply. Existing approved multi-family and two family uses may continue as permitted residential uses. Use and development standards for an RM-2 zone would apply. No new residential uses are permitted.* She stated there was already accessory uses for maintenance and security so she added accessory dwelling units attached to a permitted structure are permitted. She stated she modified 10-15-7 a great height may be allowed for a commercial building. The height is currently thirty five feet same as residential. She stated they can still keep working on it but this will be a simple solution for now. Ralph stated by doing it this way anything that is currently commercial can't go back to residential. He stated it is a one way deal. Toni mentioned they wouldn't get the mixed use with this option either but it could be many more months before it is completed the other way. Ralph asked if apartments were considered commercial. Toni stated no, they are residential. Commissioners agreed this was a good solution while they continue working on the ordinance. Toni pointed out this does not change the sidewalk widths or the SR-9 section. This would allow accessory dwelling units. Ralph asked how many people would be waiting. Toni stated two that she is aware of. Discussed Mr. Curtis's situation and how this would affect him. He asked if the building and fire officials had looked at this. Toni stated they said anything less than eight feet makes it complicated but that doesn't mean it can't be done. Toni stated she can advertise if the Commissioners are comfortable and then continue to work on a downtown ordinance. Commissioners agreed.
3. **Presentation of miscellaneous proposed Land Use Code amendments.** Toni explained the State passed a new bill regarding home based businesses. The bill states cities can't charge a fee for home based businesses if they don't have an impact on the neighborhood. She handed out the proposed changes to the land use ordinance regarding home based businesses and told them there will be other changes in the business licensing section of the code.

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Toni handed out the proposed changes for 10-7-11, 10-37-10, 10-37-5, 10-37-12, Table 10-13-2, and 10-33-3. (All proposed changes available in the Planning Commission book located in the Planning Department) Commissioners discussed the changes. They agreed with all the proposed changes. Toni stated she will advertise for a Public Hearing.

4. **Planning Commission concerns and ideas.** Toni stated an email has been sent out to the Commissioners that are planning on attending the Utah League conference. Each person who wishes to attend needs to register for conference.

Meeting adjourned at 7:40 p.m.