

ON FEBRUARY 8, 2018 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: Mark Borowiak, Bob Petersen, Michelle Cloud, Chris Christensen, Ralph Ballard, and Rebecca Bronemann

Members Excused: Yovonda Hall and Paul Farthing

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

Chairman Petersen called the meeting to order at 6:00 p.m. The Pledge of Allegiance was led by Mark Borowiak and Ralph Ballard offered the prayer. Roll was taken.

Ralph Ballard motioned to approve the agenda as posted. Chris Christensen seconded the motion. Motion carried with all Commissioners voting aye.

Old Business:

2018-PSP-02 Consideration and possible approval of a preliminary site plan for a convenience store with gas sales at the north east corner of 100 East and State Street – Maverik Inc. applicant – Elizabeth Sorenson agent

Todd Myers was present to represent the application. Bob Petersen mentioned they haven't received the review from UDOT but they have received the traffic study. Mr. Myers stated after listening to the last meeting, he wanted to clarify some items that were brought up. The first item was the buffer on the north side. He stated they are proposing an eight foot precast concrete fence that will run the whole property line. He mentioned they will leave the site triangle open and if the City wants it further off of State Street on the East side they will. Mr. Myers stated the biggest discussion from last meeting was the access off of State Street. He explained they decided to remove that access, making those review comments a moot point. He stated by doing this it creates more landscaping on that side and leaves the existing trees and curb and gutter in place. Mr. Myers stated the next item that was discussed was where delivery trucks would park. He stated they pushed the building over five feet to make the drive aisle forty five feet which would give the delivery drivers room to park but still leave enough room for traffic to get around them. He stated he has spent time at this intersection observing traffic and he feels this site plan will help the sight distance problem because they will remove the residential house on the corner. Chris Christensen asked if the City had any concern of light spillage. Toni Foran stated lighting is not discussed at preliminary site plan. Mr. Meyers no there will be no direct light onto SR9. He stated the eight foot concrete wall will help with buffering the light and they plan on planting trees along the north property line. Chairman Petersen asked if the fence would comply with Ash Creek's easement. Mr. Myers stated they will have to have a locate done to find where all the utilities are and then arrange it around what is there. He stated their goal is to have it on property line. Mark Borowiak stated he didn't think there was room for a fence so he questioned how they made it fit. Mr. Myers stated there is a ten foot area behind the building but the easement doesn't take up the full amount so the discussion at the last meeting was trying to figure out where the best place for the fence would be. He stated the solution is to figure out where the easement is and work around it. Rebecca Bronemann stated she likes this plan better. She asked if any of the surrounding residents had made any comments. Ms. Foran explained notices aren't sent out for this kind of application since it is a permitted use. She mentioned the traffic patterns will be different with this change so the review will be based on the new traffic pattern. Ms. Bronemann stated there are two accesses on 100 East with the front one being an entrance only. She

questioned if they would have trouble with people trying to use it as an exit. Chairman Petersen stated with arrows and the flow he didn't think it would be a problem. Mr. Myers stated they will have arrows and signage. Mr. Christensen asked what the distance needs to be between the curb cuts. Ms. Foran stated this layout meets the City standard. Chairman Petersen agreed when the house is removed the site will be improved but he still has concerns about the traffic that will be on 100 East. He stated he would like to see the UDOT's review before it is moved forward. He doesn't think it will be any different than trying to get in and out of the one on 200 West. He thinks most people will try to go out on State Street which will cause problems. Mr. Myers stated every time the application is tabled Maverik has to pay more money to the property owners so if this isn't going to happen then they would like to know now. Chairman Petersen asked if they had a date for when the report would be back from UDOT. Ms. Foran stated the City Engineer told her it was just sent out this week. Ms. Bronemann stated she doesn't think it is any different pulling out here than it is on 200 West. She doesn't have a problem with approving it tonight. Mr. Ballard mentioned they will need to provide enough room around the sewer pipe in case it needs to be worked on. He stated the traffic will increase a lot in this area. He doesn't think it is great site because it is further from schools and businesses. Mr. Borowiak stated the traffic report stated thirty-four percent would be new traffic for this area. Mr. Christensen asked if 100 East was a dedicated city street. Ms. Foran stated yes. Mr. Christensen asked what it would take to get a right in right out on 100 East. Ms. Foran stated a traffic light would be preferred. She stated to be fair to the applicant a yes or no is needed tonight so they know where to go from here. *Michelle Cloud motioned to approve application 2018-PSP-02. Rebecca Bronemann seconded the motion. The vote was as follows; Mark Borowiak-Aye, Bob Petersen-Aye, Michelle Cloud-Aye, Chris Christensen-Aye, Ralph Ballard-Aye, and Rebecca Bronemann-Aye. Motion carried.*

Chairman Petersen opened the Public Hearing at 6:25 p.m. to take comments on the following:

- 1. An application for a General Plan Map amendment on 2+ acres of a 4+ acre parcel located at approximately 240 North 3700 West from Single Family Residential up to 8 units per acre to Multi-family housing types.**

Chairman Petersen clarified when this application was brought in last year it was for the entire parcel but tonight it is only for the north two acres.

Applicant Jeff Morby, stated they only want to change the General Plan on the northern two acres of the parcel. He stated the General Plan states medium and high density housing should be located between low density housing and other land uses and the higher densities should be dispersed throughout the community rather than concentrated in large aggregations. He pointed out this proposal meets both of these policies. He stated the neighbor to the north is storage units, the neighbor across the street is single family homes, the neighbors to the south is R-1-6, and to the east is R-1-10. He mentioned the City Council did say 200 North will be a through street. He stated they want to build five pads that would have four units on each pad. He stated they haven't been to an architect yet for plans because they want to make sure it is approved first but it will be a nice project. He mentioned there is a need for affordable housing. He stated they will develop this land either way but they feel this is better use for the property.

Richard Rice stated he'll be looking at apartments instead of houses like his. He feels the property values will go down. He stated there are plenty of places to build low cost housing. He stated they already have low cost housing by them and they are still waiting for the contractor to the south of them to match the elevations like he promised. He stated this is the same thing that they tried to get approved last year. He stated he feels like the developer is just trying to get his foot in the door and then will come back in the future to try and change the whole parcel to high density. He mentioned there is a twenty five foot drop in elevations from 3700 West. He

stated he has been involved with a lot of developing and he knows what apartment buildings look like in thirty years. He stated the elevation difference is a big problem.

Don Theall stated he is against the General Plan change. He stated on September 7, 2017 the City Council voted to deny an application to change this four acres. He noted that it is the same City Council members still on the board. He stated the only thing that has changed is the requested acres. He stated if this is approved it will be two acres of multifamily housing surrounded by single family homes. He agreed that if it is approved the applicant would come back in a few years to change the remaining two acres. He asked the Commission to respect the wish of the surrounding neighbors and the City Council's decision to deny this application.

Mary Jones stated she has lived in this area for twenty one years. She stated she was one of the spokesmen at the last meeting when this was denied. She stated the original concerns remain but they do recognize the applicants attempt to compromise from the original request. She is still concerned that these apartments will be directly east of her home. She stated multi units in the middle of an upgrading community are not acceptable. She said the integrity of this community is fragile but upgrading has been taking place. She stated multi units are only a benefit to the builder. She stated if they are not well managed they have the potential to negatively impact the neighborhood. She stated they are requesting that this application to be denied.

Bob Ellis stated this will put more vehicles on the street. He feels that everyone will use 200 North which will be a dramatic increase of traffic for this area. He stated he is against this change.

2. An amendment to Chapter 17, Open Space and Public Facility Zones, of the Land Use Code.

Toni Foran read the proposed changes. There were no comments from the public.

Chairman Petersen closed the Public Hearing at 6:42 p.m. and the Public Meeting continued.

Public Meeting:

2018-GP-01 Consideration and possible recommendation to the City Council on a General Plan Map amendment on 2+ acres of a 4+ acre parcel located at approximately 240 North 3700 West from Single Family Residential up to 8 units per acre to Multi-family housing types – Stone Gardens LLC applicant, Jeff Morby agent

Toni Foran stated she would like to address some of the comments from the neighbors. She agreed this will bring up the density. She explained she totaled up all the acres in the area including the areas that are approved but not yet built. She stated the current density is 5.6 per acre and this proposal would allow six more units on this property. She mentioned Zion's Gate Phase 3 final plat has been approved and is under construction. It includes the 175 North road that will connect 3400 and 3700 West so 200 North will not be the first connection between them.

Michelle Cloud asked if the applicant knew what the price range would be for the townhomes. Mr. Morby stated they haven't pinpointed the exact cost but it should be somewhere between \$180,000 and \$200,000. That would be for an eighteen hundred square foot unit with a two car garage. He stated he appreciates the thoughts from the neighbors but they will not develop something that would depreciate the neighboring properties. He stated he has developed a lot of this type of housing and they are still running well. He explained is his experience that these developments are better run with an HOA. Mr. Morby said they will develop this property all at once so there is no risk of him coming back to change the remaining two acres. They understand the grade changes and what will be needed to develop this land. He mentioned the homes to the east will be looking over the top of the apartments.

It will all be graded and developed at one time. Mr. Morby pointed out all the surrounding properties are not single family zones. He stated the storage units are to the north and the property to the west is R-1-6 which is similar density to what they are requesting as far as traffic is concerned. He stated their single family product will be south of the apartments. Chris Christensen asked what would be developed on the remaining two acres. Mr. Morby stated 200 North will be continued through and they will put single family homes on the north and south of that road. He stated they will be similar homes to the ones in Rock Hampton. Chairman Petersen stated it has become a trend to put small clusters of multifamily housing mixed in with all types of neighborhoods. He stated it has worked very well. Rebecca Bronemann stated the General Plan encourages that as well.

Mark Borowiak asked about Land Use Code 10-34-8 regarding driveway access to the street. Ms. Foran stated that is a discussion item for the work portion of this meeting to see if the Commission wants to make changes to that section of the code.. Mr. Borowiak stated if the code stays in effect it would change this whole plan. Commissioners discussed different projects that this code affected. Mr. Borowiak stated he feels it would be difficult to develop this area since it is adjacent to the storage units. He feels it is a good transition from the storage units to single family homes. Chairman Petersen stated he wished he could alleviate the neighbors' concerns regarding property values but that has never been an issue with other townhome projects in the city. Neighboring property owner, Mary Jones, stated that is comparing apples to oranges because these are not townhomes, they are low income units. She stated there are already a lot of lower income areas and they are trying to clean up their area. She stated she is not against developing, she is against low income housing. Chairman Petersen clarified this project is not low income housing, it is affordable housing and there is a difference. Mr. Christensen asked what the affordable housing ratio is in Hurricane. Ms. Foran stated affordable housing is a tough subject because it depends on the median income and what level of that income the housing is trying to serve. She stated the State just did a study and it revealed that a rent payment of \$931 per month would be considered affordable for a family making 80% of the county median income. She mentioned the homes in Zion's Gate Estates are selling for about \$225,000 and a lot of them are qualifying for USDA loans. Mr. Christensen read staff comment #4. He asked if the City needed more affordable housing. Mr. Borowiak stated these are the types of homes that teachers can afford. He stated just because it is affordable housing doesn't mean they are getting low income people living there. Mr. Christensen asked what the compelling reason to approve this. Ms. Foran stated the City is not vested in it going one way or the other. She went through all the zoning and density in the surrounding areas. She stated one of the considerations when approving a General Plan change is if this area can accommodate this type of development and this area does meet all the requirements. Mr. Ballard stated it will be good to have the two roads that connect 3400 West and 3700 West. He mentioned this will only add six more units to this property. He stated there is a need for affordable housing and the applicant is trying to provide a product that is needed. He feels this is an improvement over what is already there. *Rebecca Bronemann motioned to recommend approval of application 2018-GP-01 to the City Council. Michelle Cloud seconded the motion. The vote was as follows; Mark Borowiak-Aye, Bob Petersen-Aye, Michelle Cloud-Aye, Chris Christensen-Nay, Ralph Ballard-Aye, and Rebecca Bronemann-Aye. Motion carried.* Residents who had attended the hearing were told there will be a Public Hearing scheduled for the City Council meeting at which this item will heard. They will get notice of this second hearing.

2018-LUCA-01 Consideration and possible approval of an amendment to Chapter 17, Open Space and Public Facility Zones, of the Land Use Code – City of Hurricane applicant

Ralph Ballard motioned to recommend approval of application 2018-LUCA to the City Council. Chris Christensen seconded the motion. The vote was as follows; Mark Borowiak-Aye, Bob Petersen-Aye, Michelle Cloud-Aye, Chris Christensen-Aye, Ralph Ballard-Aye, and Rebecca Bronemann-Aye. Motion carried.

2018-PP-02 Consideration and possible recommendation to the City Council on a preliminary plat for Hinton Estates, a 9 lot subdivision located at approximately 1180 South 700 West – JC Associates Financial applicant, ProValue Engineering agent

Jason Campbell was present to represent the application. He explained the preliminary plat for this subdivision was approved a few years ago but their plans have changed. Mr. Campbell stated the storm drain plan has been discussed by the City Engineer and ProValue Engineering. They both believe it will now drain to 700 West. He stated they are aware of the sewer depths. They believe there won't be any opportunity for basement lots to flow other than the two most eastern lots. Ralph Ballard asked if they were planning on building any basements. Mr. Campbell stated no. He stated he thought item #3 was a left over item from the last time they applied and no longer needs to be addressed. He stated there is not a drainage easement. Mr. Ballard asked if he's sure there isn't a drainage issue to the west. Mr. Campbell explained it drains to the north to the bottom of the cul de sac and then it turns and runs to the west to a detention basin. He stated all of their storm drain will come to 700 West. Toni Foran stated the pipe Mr. Campbell is talking about is to accommodate irrigation overflow. Mr. Campbell stated no city water comes through that pipe and there is no easement. He stated they are working with the property owners to the south to let them know they are responsible to maintain irrigation water. Mr. Ballard asked if the pipe had been there long enough that it would be prescriptive. Mr. Campbell stated they have looked through Hurricane City minutes and Canal Company minutes where both parties stated there is not an easement there. He stated item #4 regarding the planter strips is not something he thinks the City should approve in collapsible soil. He doesn't feel like it is a good idea. He stated it will concentrate the water in one area and cause failure in streets and curb and gutters. He thinks this policy should be reconsidered. He commented he has no issues putting in dry system to connect irrigation in future. He stated staff comments 5-8 all comply. He stated they will resubmit the geotechnical report. He confirmed the existing home will stay there as part of subdivision. He stated an easement along the east property is not needed as referenced on JUC item #3. He stated he will include a planter strip if it is required by Commissioners and Council. Chris Christensen asked if Hurricane City required fencing between different zones. Ms. Foran stated this property already has fences on two sides but it is not required by the City. *Ralph Ballard motioned to recommend approval of application 2018-PP 02 to the City Council subject to staff and JUC comments; 1. The tentative plan for storm water drainage is not shown but the City Engineer expects it to flow to the storm drain on 700 West. Full drainage plan will be required with construction drawings after preliminary plat is approved. HDPE pipe without joints is recommended. 2. Sewer is shallow in 700 West and design is needed. Basements may not have sewer service. 3. Planter strip between sidewalk and curb along 700 West should be landscaped. 4. Installation of dry system for future connection to pressurized irrigation is required. 6. A preliminary geotechnical review indicates this property is subject to adverse construction conditions including collapsible soil, expansive soil, gypsiferous soil and rock, and piping and erosion. It is also identified as being in an area with soils having similar characteristics as areas with high susceptibility for liquefaction. A detailed geotechnical engineer's report will be obtained by the developer and all recommendations will be followed. Mark Borowiak seconded the motion. The vote was as follows; Mark Borowiak-Aye, Bob Petersen-Aye, Michelle Cloud-Aye, Chris Christensen-Aye, Ralph Ballard-Aye, and Rebecca Bronemann-Aye. Motion carried.*

Approval of minutes: Rebecca Bronemann motioned to approve the January 24, 2018 minutes as written. Mark Borowiak seconded the motion. *The vote was as follows; Mark Borowiak-Aye, Bob Petersen-Aye, Michelle Cloud-Aye, Chris Christensen-Abstained, Ralph Ballard-Aye, and Rebecca Bronemann-Aye. Motion carried.*

Planning Commission business:

1. **Discussion on proposed changes to regulations on detached accessory dwelling units per City Council direction.** Toni she explained she wrote an article in the City newsletter explaining what was allowed for residential hosting and vacation rentals. After reading the article, Kevin Thomas called and stated he didn't remember detached dwelling units not being allowed as residential hosting. He asked for it to be on a City Council agenda to discuss. She stated the City Council voted 3 to 2 for the Planning Commission to discuss allowing rentals in detached dwelling units. Kevin Thomas stated he would like to see it used either way regardless if it is connected or not. He stated when it was originally talked about he didn't remember this distinction. Bob stated since the door has already been opened he doesn't see much of a difference. Toni stated if it is changed then it will change the conditional use permit process. Ralph stated people have told him people can make a lot more money doing them as short term as opposed to long term. Mark asked if it would change the housing density. Bob stated it is easier to see the ordinance with changes made as a starting point. Toni stated she will start a draft of what it will change and they can discuss it at the next meeting.
2. **Discussion on multifamily access requirements in the land use code.** Toni mentioned the proposal at the last meeting that showed the driveways for a multifamily project exiting onto the public street. She stated she wasn't sure what the reasoning was for having it in the ordinance. She said she talked to the City Engineer and he thought it should be done on case by case basis. She handed out pictures showing different examples. One example from St. George that is a good example of why they didn't allow driveways that lined up with intersecting streets on a steep street. She stated they did shared driveways on that project. She reminded the Commissioners of the Grand Legacy project which is not a good design. She stated they could change the standard so it depended on the specific street and how many homes but it would be individually reviewed. Michelle stated it makes more sense to do case by case. Rebecca and Mark agreed. Ralph stated it would be helpful to have standards if it was case by case. Toni stated it would make it easier for people to develop if they have a standard. She stated she will work with the City Engineer to come up with standards.
3. **Discussion on Night Sky ordinances.** Toni stated the City Council hasn't discussed this topic yet but there are some residents present who would like to discuss their concerns. Sharon Richardson stated she lives in Painted Hills and just found out there is a convenience store that is proposed right down the road. Her concern is there will be lights that are up high. She stated she walks at night and all the city lights obstruct most of the stars, especially the 7-11 lights. She mentioned the lights at Intermountain Healthcare are not as obtrusive. She stated she is in favor of night sky protection. Dave Haller stated he has concern with 24 hour operations that have a lot of lights. He stated development is coming but they don't want to see high lights that are on all the time. He stated this will be a large impact on the neighbors. Chris asked if streets were exempt from the ordinance. Toni stated in some of the codes they are. She stated she has talked with the Power Superintendent and he supports fixtures that can be programed to shine only in certain areas. She stated he recommended some of the Commissioners going to a lighting conference to see if any of it could be applied to our code. Chris suggested adding street lighting to the code. Michelle mentioned the night field trip that was discussed at the last meeting. Commissioners agreed to do the field trip at the next meeting.

Kim Cahoon stated she lives in Painted Hills. She clarified nothing has been approved for a convenience store yet. She stated the lighting will be an issue. They know it is commercial property but she doesn't understand the benefit of having it there. She stated people have invested in large lots with views. She asked when the neighbors could voice their opinion. Bob stated this use fits in the zone so it is a permitted use. He explained the Planning Commission can decide the lighting and

layout but that is all. Mr. Cahoon stated they are concerned with commercial going in but they may want to look at light poles that shine right into the houses. He stated it is a good thing to discuss not only for commercial but for residential. Ralph stated staff is working on it and this ordinance will help. Sandra Rusick stated her property will back up to the gas station. She is concerned about the lighting. She likes to sit on her porch to star gaze and if this is built she won't be able to do that anymore. She stated she was told that if the station comes in they will not have access off SR9. Bob stated that is correct. She stated that will put a lot of traffic on Rrlington Parkway. She stated Colina Tinta has been approved again so even more traffic will be coming on that street. She is concerned about the light and traffic. Bob stated The Planning Commission has not seen any plans so this discussion is premature.

4. **Planning Commission concerns and ideas.** Toni stated registration for the Spring Conference has opened so anyone that wants to attend please let staff know. Bob stated this is his last night as chair. Ralph will take over at next meeting and they will need to vote for a vice chair.

Meeting adjourned at 8:18 p.m.