

Hurricane City Planning Commission minutes 2-28-2018

ON FEBRUARY 28, 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, Rebecca Bronemann, and Yovonda Hall

Members Excused: Paul Farthing

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

Chairman Ballard called the meeting to order at 6:00 p.m. The Pledge of Allegiance was led by Mark Borowiak and Ron Mayfield offered the prayer. Michelle Cloud offered a thought. Roll was taken.

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

Old Business:

2018-PP-01 Consideration and possible recommendation to the City Council for a preliminary plat for Coronado Ridge Phase 3, a 28 lot single family subdivision located at approximately 585 N. 3150 West – Rock Solid Builders applicant, James Cheney applicant

Gerald Pratt with Pratt Engineering was present to represent the application. He stated they have made a lot of corrections and addressed the staff comments. Mark Borowiak mentioned the JUC comment that read *second access must be developed through property and to 600 North*. He asked where that was being proposed. Mr. Pratt stated on the north east corner of the property there will be an access through a commercial piece. Ralph Ballard asked if that was an approved access. Mr. Pratt stated yes, but it is an emergency access only. Yovonda Hall asked if they had gone over all the changes according to staff comments. Toni Foran went through all the changes to this plat. She stated all issues have been addressed. Bob Petersen clarified Coronado Drive will go through. He pointed out lot 22 is a pie shape. He asked if it would be buildable. Mr. Pratt stated he is confident they can get a house on it. *Michelle Cloud motioned to recommend approval of application 2018-PP-01 to City Council. Yovonda Hall seconded the motion. The vote was as follows; Mark Borowiak-aye, Bob Petersen-aye, Michelle Cloud-aye, Chris Christensen-aye, Ralph Ballard-aye, Rebecca Bronemann-aye, and Yovonda Hall-aye. Motion carried.*

Conditional Use permit review Consideration of and possible revocation of a conditional use permit for 2 horses issued to Brittany Nez at 416 W. 100 North

Brittany Nez stated she has moved the corral panels and cleaned out the stalls. Ralph Ballard stated he drove by the property today and he appreciates the efforts she has made. He mentioned there is still a big pile of manure on the property. He asked what the plan is to take care of it. Ms. Nez stated she will have a trailer next Tuesday and take it to the dump. Chairman Ballard asked what the long term plan is. Ms. Nez stated she will clean it with the tractor and rent a trailer to haul it off the property. Chairman Ballard stated it needs to be cleaned weekly. He asked if she was still planning on moving. Ms. Nez stated they are going to list the house in a week. Rebecca Bronemann stated as long as it stays clean she doesn't have a problem with the horses staying there. Bob Petersen stated the conditional use needs to

Hurricane City Planning Commission minutes 2-28-2018

be removed when she moves. Chairman Ballard stated he talked to Danny Campbell today and he mentioned the panels had moved but he lost another sale because of the manure. He mentioned there was a dispute about the block wall and whether the horses caused the damage. Chairman Ballard stated he feels the panels broke the fence and as a good neighbor she should look into fixing it. He stated another neighbor has complained about a fly issue so there is an issue there. He stated constant cleanup is needed. Chris Christensen stated he feels a sunset clause should be included that says it will expire every ninety days and then they have to reapply to ensure the conditions are being met. Yovonda Hall agreed with Ms. Foran that they could not move for years so then the horses will affect the neighbors for a while. She stated she didn't meet the conditions in the past so she question if they needed to review more often. She stated she liked Mr. Christensen's suggestion of doing a sunset clause. Mr. Borowiak stated he would rather review it if an issue arises. He agreed this conditional use needs to be ended when the home sells. Ms. Foran pointed out they gave her thirty days to clean it up but there is still a big pile of manure. She questioned why the Commissioners think there would be ongoing compliance. She stated she thought the point of giving her thirty days was for her to show that it could be taken of. City Attorney Fay Reber agreed with Ms. Foran. The Commissioners granted her additional time to come into compliance and she did not. He stated now the Commissioners need to decide if they are going to revoke it or make a motion with new conditions. Ms. Hall asked how the Commissioners felt since the conditions weren't met. Chairman Ballard stated he can see a lot of effort in cleaning it up but his concern is ongoing maintenance. Ms. Hall stated when the application first was presented the applicant wanted the horses closer so she could have daily contact with them. She stated at that point none of the neighbors had any complaints but it sounds like the neighbors now are not okay with it and the property hasn't been brought into compliance. Mr. Borowiak asked if the Commissioners could see enough good faith effort that they are willing to extend the conditional use. Ms. Hall stated if the manure is piled it will create problems with flies. Ms. Nez stated the trailer will be available on Tuesday. She stated in the future she will put it in her trailer to haul away. Chairman Ballard asked Ms. Nez when the last time she had cleaned the corrals. Ms. Nez stated a week or two ago. Michelle Cloud stated she empathized with the applicant because of personal things that have happened but they gave her thirty days to come into compliance and she didn't. Mr. Petersen asked if she had somewhere to put the horses. Ms. Nez stated no, she was hoping to be able to keep them until she moved. Mr. Borowiak asked if the house was currently listed for sale. Ms. Nez stated it will be next week. She stated if a trailer was available she would have had the manure gone. Rebecca Bronemann stated she understands the neighbor's frustrations but if the applicant is going to list her house then there is a good chance it will sell fast. Ms. Hall stated it might be hard to sell it with the horses there. Ms. Nez stated she has already found property that she wants to move to but she has to sell her house first. City Attorney Fay Reber stated the problem with extending the conditional use is that the applicant always has a plan but there is no insurance that it will happen. He stated if he was the adjoining property owner and he couldn't sell for another three months it would be a concern. He stated she didn't meet the original conditions and was given an extension but still hasn't come into compliance. Ms. Hall asked if they revoked it today how long would she have to remove the horses. Mr. Reber stated they would set that in the motion. Ms. Hall stated her time frames isn't meeting up with the neighbors time frames so it is causing problems with the neighbors paying interest on the construction loans. She stated there was a time frame set on it being finished and it isn't done. Chairman Ballard stated he sees a sustainable amount of effort in her cleaning the yard. He asked what time frame the applicant needed. Ms. Nez stated she will list it as soon as possible. Mr. Borowiak asked for clarification on what needed to be done. Mr. Reber stated it was continued at the last meeting so this is a hearing to determine if the conditional use permit needs to be revoked. Commissioners discussed time frame of when the horses needed to be removed.

Mr. Christensen stated progress needs to be shown continually and if it isn't then the conditional use permit will be revoked. Chairman Ballard suggested requiring the manure to be moved by Wednesday of next week, ongoing clean up, and she has ninety days to move the horses. Mr. Reber stated if it doesn't expire until June 1st, then something needs to be included in the motion regarding continual maintenance. *Chris Christensen motioned to revoke the conditional use permit for two horses located 416 W 100 North on June 1st at midnight with the condition that ongoing cleanup is done until that time and if that doesn't happen then a hearing will be set for an earlier revocation. Michelle Cloud seconded the motion. The vote was as follows; Mark Borowiak-aye, Bob Petersen-aye, Michelle Cloud-aye, Chris Christensen-aye, Ralph Ballard-aye, Rebecca Bronemann-aye, and Yovonda Hall-aye. Motion carried.*

New Business:

2018-FSP-01 Consideration and possible recommendation to the City Council on a final site plan for a 61 space RV Park at approximately 120 N. 3700 West and for common area amenities within the Sand Hollow Manufactured Home Park – Sand Hollow Park LLC applicant – Mark Wells representative

Todd Smith was present to represent the application. Chairman Ballard asked if he had seen the staff and JUC comments. Mr. Smith stated yes. He stated the first staff comment is met. Chairman Ballard stated there is a concern this creates some awkward lots for RV's to get in and out of. Mr. Smith stated they have noted that and the owners of the land are working with an engineer to make some changes to better it before it goes to the City Council. Chairman Ballard stated the changes need to be seen before it goes to City Council. Toni Foran stated the Planning Commission makes a recommendation to the City Council so they can include the recommendations in the report or have them come back so the Commissioners can see the changes first. Mr. Smith stated after seeing the staff comments, they went and looked at numerous parks. He stated their goal is to provide a top notch place and they realized these plans didn't provide that. Chairman Ballard stated there is a need for these parks. He stated there is a concern with only have thirty two feet in front of the office to check in. Mr. Smith stated they need at least two spots. Chairman Ballard mentioned the landscaping comment. Mr. Smith stated they are trying to provide a good park. He stated if the Commissioners look across the street he is putting a lot of plants and landscaping in to make it attractive and they will do this area to match. Rebecca Bronemann stated the plans do look like there are a lot of trees. Chris Christensen asked if staff was okay with the landscaping plan. Toni Foran stated there is a landscape plan for each site but there isn't a plan for the common areas. She stated the code says they need a landscaping plan for each area. Chairman Ballard asked if it was a dog park. Mr. Smith stated they have room for it, they just need to draw the plans. Chairman Ballard clarified the RV parking will be concrete and the rest will be gravel. He stated the dumpster enclosure materials need to be specified. Mr. Christensen asked if any of things are reasons to not forward it. Ms. Foran stated that is the Commissioners decision. Yovonda Hall stated if they forward it without seeing it then they will never know how it was completed. Chairman Ballard agreed seeing it first would be best. He stated it would be a better product if they had everything planned out first. Ms. Foran asked how long before they would have new plans. Mr. Smith stated about six days. Commissioners agreed they would like to see the plans before it is forwarded. *Yovonda Hall motioned to table application 2018-FSP-01 until the applicant has new plans. 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, Rebecca Bronemann-aye, and Yovonda Hall-aye. Motion carried.*

Chairman Ballard stated there is a comment regarding the common area with Sand Hollow Mobile Home Park. He asked them to have an explanation for that too at the next meeting.

2018-FSP-03 Consideration and possible approval of final site plan to change the use of property at 865 W. 100 North from residential to commercial use – Debbie Mayfield applicant

Scott Mayfield stated they don't want to change the zone, they only want to change the use from residential to a permitted commercial use. Toni Foran explained it is only on the agenda because a final site plan is required for commercial. She stated comments 4 and 5 need to be discussed. Mr. Mayfield stated they will put a fence in the immediate yard for the time beginning. He stated sometime in the future they will decide what they are going to do with the remainder of the parcel. Michelle Cloud asked what type of fence. Mr. Mayfield stated it will either be vinyl or block and be six feet tall. Mark Borowiak asked if there could be up to ten people staying there overnight. Mr. Mayfield stated yes. He explained there will be two clients per bedroom but the staff doesn't sleep so that would be eight overnight sleeping and two staff members. Yovonda Hall asked about the elevations changes on the back yard. She questioned if six feet would be adequate security. Mr. Mayfield stated they aren't required to have the fence but it will make it look better. He clarified this not a lock down place. Chris Christensen asked if staff had any concerns. Ms. Foran stated it is a permitted use so as long as it meets the standards it is fine. Ms. Hall commented that it is a good fit for the area. Ms. Foran stated if the Commissioners approve this the approval needs to be conditional upon the applicants purchasing the property. Ms. Hall stated usually on a final site plan it includes all of the property but they aren't going to use it. Ms. Foran referred the Commissioners to comment three, she stated the landscaping is existing so it is up to the Commissioners to decide what they want to require. *Yovonda Hall motioned to approve application 2018-FSP-03 conditionally upon the applicant purchasing the property based on the building design and parking requirements are met, the use is a permitted use, and that the backyard will be fenced. 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, Rebecca Bronemann-aye, and Yovonda Hall-aye. Motion carried.*

2018-FSP-04 Consideration and possible approval of a final site plan for an expansion of Hurricane Health and Rehabilitation at 416 N. State Street – Spencer Box owner representative

Spencer Box was present to represent the application. He explained they currently have a forty three bed facility but they are licensed for sixty patients. He stated they would like to expand and utilize those other licenses. He stated they want to add twelve private patient's room as well as a lobby, gym and other needed rooms. He stated they currently have dual rooms but these will be strictly private. He explained the new building will sit where the current employee parking is on the dirt. Chairman Ballard asked where the parking will be going. Mr. Box stated there is currently parking on both sides so they will still have the parking on the north side plus they will add fifteen more parking places. Ms. Foran stated her biggest concern was the landscaping deviation. She stated they turned in an explanation today on why they wanted a deviation. She did talk to the engineer and they added more trees. She stated the Commissioners need to see if it is justified and if so give the findings. Mr. Box stated there are multiple areas that need to be retained. Ms. Foran stated she received a lighting plan but it was just a detail of what the lighting was not the fixtures. Chris Christensen asked if there was a difference between a landscaping wall and retaining wall. Ms. Foran stated she is unsure what they are doing or if the rock wall will still be there. Mr. Box explained it would be depend on site restraint. He stated they might have to remove them and put a retaining wall there. He stated there is a nine feet difference from the existing building and this site so they will have to retain that portion as well. This will be a single story addition with an elevator to take patients up to the existing building. Bob Petersen clarified the

buildings will be connected. Chairman Ballard asked if they planned on more excavation. Mr. Box stated a little bit will be needed so they have room for a turn around. He stated there is a staff comment regarding the ten feet of landscaping along SR-9 so because of that they are asking for a deviation. Chairman Ballard asked if it would be filled in behind the retaining wall. Mr. Box stated no it will just catch things off that hill and it will be five feet tall. Chairman Ballard stated there is a safety concern on the drop off. He stated they should have a plan in place to prevent any problems. Mr. Petersen asked what material would be used for the parking lot. Mr. Box stated asphalt. Mr. Christensen asked if staff was satisfied with parking. Ms. Foran stated yes. Mr. Christensen asked if staff had any other issues that haven't been addressed. Mr. Foran stated no. Commissioners discussed parking when an event or holiday is being held at this location. Yovonda Hall questioned the reflective surface comment. Ms. Foran stated it came from the Hurricane Code but it shouldn't be an issue. Chairman Ballard commented the project looked good. He stated they have deviated from landscaping in the past but asked the applicants to enhance another area of the site. Mr. Christensen asked if there was a way to make the lights comply with the dark sky. Ms. Foran stated she didn't get to see the lighting detail. Mr. Box stated it will be down lighting for the parking lot lighting and the portal. *Chris Christensen motioned to approve application 2018-FSP-04 subject to the lighting complies with dark sky principals and a variation has granted to deviate from the landscaping code based on what was presented. 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, Rebecca Bronemann-aye, and Yovonda Hall-aye. Motion carried.*

2018-CUP-04 Consideration and possible approval of a conditional use permit for an accessory building that is larger than allowed by permitted use at 4047 W. Dorothy Circle – Steven & Julie Peine applicants

Toni Foran stated this meets all the conditions so the Commissioners should be able to just vote if they don't have any questions. *Yovonda Hall motioned to approve application 2018-CUP-04 with the condition the use may not be changed to living area and a building permit must be issued before construction begins. Approval is based on the following findings; 1. The proposed building is of compatible architecture. 2. The proposed building is for a use permitted in the zone. 3. The property will still contain more than 35% of pervious surface. Bob Petersen seconded the motion. The vote was as follows; Mark Borowiak, Bob Petersen, Michelle Cloud, Chris Christensen, Ralph Ballard, Rebecca Bronemann, and Yovonda Hall-Aye. Motion carried.*

2018-AFSP-01 Consideration and possible approval of amendments to the site plan for Marla Phase 1 at Elim Valley, eliminating many of the amenities – Western Mortgage & Realty Company applicant represented by Tim Tippett

Toni Foran stated there are just a couple areas where she disagreed with what they are proposing. She stated she thinks they need more trees in Block D and the walking path should have a few benches. She stated sand volleyball might not be the best thing along Sand Hollow Road in the detention area because the balls would always be going out in the road. She stated it might fit somewhere else better. She feels like the playground should stay in this phase because they don't know when phase 2 will be built. Tim Tippett was present to represent the application. He stated it is their desire to make this project nice. He stated he was not aware of the staff comments until tonight. Ms. Foran gave him a copy of the staff comments. Chairman Ballard asked if it was possible to add benches to the path. Mr. Tippett stated

the path is almost done and they have already accepted a bid for landscaping. They want to proceed with the Commissioners approval. Chairman Ballard asked about the trees. Ms. Foran explained the original plan for block D had a lot of trees but the new plan only shows only shrubs and no trees. Mr. Tippett pointed out on the plan where the trees are. Ms. Foran stated she didn't see the planting plan and said that comment no longer applied.

Mr. Tippett stated they would like to defer the completion of Block D until they get some houses built. Chairman Ballard pointed out if it was complete, it would help them sell their product. Yovonda Hall asked what was going in block D. Mr. Tippett stated it is two lots with a concrete patio and benches. Ms. Hall asked what he thought of moving the sand volleyball somewhere else. Mr. Tippett stated people are wanting pool areas so he doesn't see a big need for sand volleyball. Mr. Ballard stated he doesn't see the need to require the volleyball area. He stated something else could be there instead. Ms. Hall asked if the playground could go where the sand volleyball was proposed. Mr. Tippett stated they don't want a playground by Sand Hollow Road. Chris Christensen clarified it was a detention pond. He asked where the water flowed to from there. Ms. Foran explained this area was changed from when it was first approved due to drainage off of Dixie Springs. She stated right now the water goes out to the Sewer District's property but the long term plan is to get it to the river. Mr. Christensen asked if the City had a requirement for detention ponds. Ms. Foran stated in the original plan the applicant showed a baseball diamond in this location but that is one of the things they are asking to change. Chairman Ballard asked if the Sewer District had any objections to the water draining on their property. Ms. Foran stated they have approved it for short term but long term they want it to go to the river. Mark Borowiak stated since this is PDO there is an expectation that it includes certain amenities. He stated something needs to be included in phase 1 to meet that expectation. Ms. Hall agreed with Mr. Borowiak. She asked if they were planning on putting a playground in phase 1. Gregg Wood stated there is not room for a playground there because of the safety issue with Sand Hollow Road. Ms. Foran suggested it be included in Regent Park. Mr. Tippett stated they want something that is practical but looks nice. Mr. Christensen asked if their path will connect to anything in Sand Hollow. Ms. Foran explained the original PDO approval included the area from SR-9 to Dixie Springs and has trails or paths throughout. She explained this is only one portion and right now the path only circulates throughout this development. Chairman Ballard asked if there was still ownership issues with this project. Mr. Tippett stated they own the majority of the land up to Dixie Springs. Ms. Hall asked if they take out the sand volleyball what else could be put there. Mr. Tippett asked for recommendations. Mr. Christensen stated a fenced off dog park. Mr. Borowiak stated there is a nice park in Dixie Springs that has a pavilion, basketball court, playground equipment, and other nice features to bring people together. Ms. Hall pointed out that is a City Park. Ms. Foran explained how the park was funded. Mr. Borowiak stated it wouldn't need to be as extensive as the Dixie Springs Park but it gives an idea of what could be there. Mr. Tippett stated the improvements they are planning aren't isolated just for this phase and they will be used by all the phases. Chairman Ballard asked when they thought the next phase would be completed. Mr. Tippett stated they are unsure. He stated they are trying to complete everything the City Council required with the time line given.

City Attorney Fay Reber stated when this project was first approved it was under single ownership but since that time there have been numerous ownership changes. He stated the City is now in litigation that was filed by this applicante naming the City as a defendant and now Cyprus Capital is claiming to be the owner of the development agreement. He stated the City has obtained legal counsel to ensure they don't make any mishaps. He stated until this point Marla was developed according to the original approval but now that Cyprus Capital is claiming they have ownership of the agreement, he questioned to what extent this puts the City at possible liability because of the lawsuit. He stated his

recommendation is if the Planning Commissioners are inclined to approve this then it is contingent on receiving something from the legal counsel in Salt Lake saying it is okay to do so. Commissioners discussed the lawsuit. Mr. Reber stated it is his understanding that Marla would be approved under the Cyprus development agreement. He questioned whether or not this would put the City in some sort of liability position with respects to the allegations made in the law suit. Mr. Tippet stated the reason the City is named in the lawsuit is they are a party to the development agreement. Mr. Reber stated he would prefer to have a letter from the City's legal counsel saying it is okay before it moves forward. Chairman Ballard asked what they are hoping to accomplish with the lawsuit. Mr. Tippet stated they are trying to get a determination from the courts showing who the owner is. Mr. Reber stated the applicant is not seeking damages from the City in the lawsuit but the City is still hesitant to take any type of action that may contravene the lawsuit. Chairman Ballard clarified the Commissioners might be granting permission to develop this when the applicant has no right to develop it. Mr. Reber stated he doesn't know if that is the case but it is something that needs to be determined. Mr. Wood stated he is the one that attended the City Council meeting and made an agreement with them. He stated Western Mortgage has made the improvements but the City Council requested they update their landscaping so they can be in accordance with what they agreed to with them. He stated everything was addressed at City Council. He stated Marla is separate and they want to make the improvements. He stated how they move things around shouldn't affect the lawsuit. City Council Darin Larson stated they did approve building permits for up to twenty five homes in Marla Phase 1. He stated the Council asked them to address some of these issues. He stated the issue Mr. Reber is bringing up is that they are amending the plan that was grandfathered in but he feels it can still be moved forward. Mr. Tippet stated he agreed with Mr. Reber. *Mark Borowiak motioned to approve amending final site plan 2018-AFSP-01 contingent on receiving a letter of approval from the legal counsel. Rebecca Bronemann seconded the motion. Mr. Christensen asked if they made any recommendations on the volleyball court. Mr. Borowiak stated he thought they had got rid of that. He stated he is ok with waiting until phase 2. Ms. Hall stated the benches should be included. Chris Christensen amended that sand volleyball court is removed because of safety issues but benches are added on the path. The vote was as follows; Mark Borowiak-aye, Bob Petersen-aye, Michelle Cloud-aye, Chris Christensen-aye, Ralph Ballard-aye, Rebecca Bronemann-aye, and Yovonda Hall-aye. Motion carried.*

Approval of minutes: *Yovonda Hall motioned to approve the February 8, 2018 minutes as written. 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, Rebecca Bronemann-aye, and Yovonda Hall-aye. Motion carried.*

Toni Foran stated there will be an open house for The Retreat at Sky Mountain tomorrow at 4:00 p.m. It will be located in their clubhouse.

Planning Commission business:

1. Planning Commission concerns and ideas. Toni stated they need to vote on a vice chair. She reminded them the vice chair will become the chair next year. Rebecca motioned for Yovonda. Yovonda motioned for Mark. Yovonda declined Rebecca's motion. Ralph motioned Michelle. Chris seconded Mark. Bob seconded Michelle. Toni asked them to vote on paper and hand it in so she can add them. Mark is new vice chair.

Hurricane City Planning Commission minutes 2-28-2018

2. Discussion on proposed changes to regulations on detached accessory dwelling units per City Council direction. Toni stated she will include the proposal in the packet for them to review.
3. Discussion on proposed changes to multifamily access requirements in the land use code. Toni stated she has talked to staff and the city engineer. She stated she can come up with standards. She stated it will probably be best to look at them on case by case basis.
4. Discussion on Night Sky standards. Toni stated Darin did talk to the City Council about adopting a night sky ordinance. She stated they just want them to create some guidelines not requirements. Ralph stated they could come up with suggestions to educate people on the benefits on dark sky. Toni stated the Council felt that if there was enough education then people would comply voluntarily. She stated design guidelines would be good. Developers want their approval.

Meeting adjourned at 8:32 p.m.