

**ON MARCH 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:** Paul Farthing, Ralph Ballard, Mark Borowiak, Yovonda Hall, Bob Petersen, Michelle Cloud, Rebecca Bronemann, and Chris Christensen

**Staff Present:** Planning Director Toni Foran, Planning Assistant Cindy Beteag, City Attorney Fay Reber, and City Council Representative Darin Larson arriving at 7:00 p.m.

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

Chairman Ballard opened the Public Hearing at 6:03 p.m. to take comments on the following zoning map change requests and Land Use Code Text changes:

- 1. A zone change request on approximately 25 acres located north of 3270 South Street and east of 1100 West from RA-1, Residential Agricultural one acre, to RA-.5, Residential Agricultural half acre.**

**Candy Charlet** stated she and her husband purchased their property in 2006. She stated they wanted to get away from traffic, loud noises, and tract houses. They have now been there twelve years. She explained she lives in the County but the proposed property is right across the street. She stated it is important to have quality of life and that is why they moved. She stated she doesn't think their quality of life will continue if homes are built right next to each other. Chairman Ballard asked what she felt should be there. Ms. Charlet stated she felt it should stay one acre lots. She stated she wants her privacy and would like to hear why the owners are requesting this change. She read a letter from her neighbor Richard Rein He stated he lives on two acres. He feels if this is changed it will raise the density and ruin the street. He wishes for it to stay at least one acre.

**David Wooley** stated he recently purchased an acre close to this knowing that this area was one acre zoning. He stated the owner purchased the property knowing it was one acre. He hasn't started building on his lot yet but he might not if this is changed. It will ruin the views and the area. He stated if he wanted to live in a dense area he would have built somewhere else. He doesn't begrudge the owners for wanting to make more money but high density is what he wanted to get away from. He stated there is so much property in the area so they don't need to jam more people in this area.

**James Jorques** stated he also lives near this area. He stated he has a lot of experience with bad behavior and drug abuse. He feels that dense population correlates with crimes, noise, and air pollution. He stated he loves this area and he researched a lot to find a place to retire. He would hate for the City to think small and not think of the future. He stated it will get bad if it continues to grow. He asked the Commissioners to preserve the beauty of Southern Utah and keep the zoning as it is.

**Brad Sapp** stated he lives on the same street as the proposed property. He has lived there for three years. He stated they paid more for the lot because of the space and the zoning. He stated they thought it would be one acre all around them. He stated he knows there will have to be a break somewhere from more dense areas to the larger lots he suggested having the break at the ready mix project because it is already a natural break. He asked the Commissioners to deny this request.

**William Tribble** stated he lives on Cliff Drive. He stated he bought there about two years and would love to see it stay the way it is. He stated traffic is not what they want in the area.

**Carol Tucker** stated she lives in Cliff Dwellers and they are not in favor of this request. She feels it will environmentally change the area. She stated Washington County is noted for the protection of many plants. This would destroy the plants and wildlife. She stated she likes the night sky and this would bring more lights. She stated once one change is permitted many more will follow and it will turn it to a busy city. She stated they desire the zoning to stay what it is.

**Eric Van Dewoestine** stated he lives in this area as well. He agreed with the previous comments. He stated everyone on that street is against this change. He moved here to get away from dense areas. **Craig Olson** stated he lives on Cliff Drive. He stated he and his wife moved here from Vegas and they are very excited to be where they are. He stated they had an acre in Vegas with horses and other animals then the zoning changed and a lot of people moved there. They would hate to see it happen here. He stated they want it to stay one acre.

**Rick Heyrend** stated he lives in this area as well and he agrees with the previous comments. He stated at one point a group discussed making those one acre lots and everyone agreed. He stated he doesn't think it is fair that now it has changed hands they want to change it for more money. He moved out there to get away from high density. He stated it was more expensive to build out there but it is worth it to live in the area. He questioned if this is approved would the new lots all have septic tanks. He stated he feels like the rug is being pulled out from under them by changing the zoning from what they all thought was there when they purchased.

**Shane Brinkerhoff** stated he is one of the owners. He explained he started buying property in 2007 when it was in County. He stated they planned on developing the property as one acre but since it was annexed into the City they have to run the sewer over two miles. He stated to make the project feasible they need half acre lots. He stated they felt half acre was still keeping good sized lots since there is multifamily zoning across the street.

**Toni Foran** read an email into the record from Colleen Conover who is against the zone change. The letter is available in the Planning Commission book.

**Lynn Kofoed** stated she lives south of Cliffs Drive. She stated she is against the zone change. She stated she has been here ten years and when they bought they were told it would stay one acre. There is a lot of housing coming in for Copper Rock and they don't want more. She asked the Commissioners to please leave the zoning the way it is.

**2. A zone change request on 2/3 of a 40+ acre parcel at approximately 136 N. Old Highway 91 from HC, Highway Commercial, to M-1, Light Industrial. The remaining 1/3 of the property is currently zone M-1.**

Dustin Cox stated he is looking at purchasing this property. He explained he owns a concrete paving company but he doesn't have an on-site batch plant. He just needs a place to store equipment. He stated the main reason for zone change request is because UDOT won't allow access off of SR-9 for this property. He stated UDOT is in the process of taking away the highway access from the surrounding properties. He stated the surrounding lots are zoned industrial. He feels the proposed zone suits the needs of the area better.

**3. Code text changes regarding accessory buildings, use of accessory buildings, driveways for townhomes, and fixing child care definitions in use charts.**

No comments were made.

Chairman Ballard closed the Public Hearing at 6:32 p.m. and the Public Meeting continued.

**Old 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**

Toni Foran stated she has not received anything new for this application. She explained at the last meeting the Commissioners motioned to table this application until this meeting so it had to be on the agenda. She asked them to table the application until more information has been received. Yovonda Hall motioned to table application 2018-FSP-01 until paperwork has been submitted. Rebecca Bronemann seconded the motion. The vote was as follows; Paul Farthing-Aye, Ralph Ballard-Aye, Mark Borowiak-

Aye, Yovonda Hall-Aye, Bob Petersen-Aye, Michelle Cloud-Aye, Rebecca Bronemann-Aye, and Chris Christensen-Aye. Motion carried.

**New Business:**

**2018-ZC-02 Consideration and possible recommendation to the City Council on a zoning map change request on approximately 25 acres located north of 3270 South Street and east of 1100 West from RA-1, Residential Agriculture one acre, to RA-.5, Residential Agriculture half acre- Corbin Wade & Shane Brinkerhoff applicants, Jared Madsen agent**

Toni Foran mentioned Jared Madsen wasn't able to attend the meeting but someone else from Alpha Engineering is here to represent the application. Rebecca Bronemann ask what was there first the cement plant or the subdivision. Chairman Ballard stated the pit. Michelle Cloud asked Ms. Foran to clarify if Cliff Dwellers is one acre zoning. Ms. Foran stated yes. Yovonda Hall stated the Public Hearing allows residents that will be most affected by this change to voice their opinion. She stated the surrounding property owners have the right for the zone they purchased at and this is the place to voice their concerns with proposed changes. Ms. Foran stated that is the second criteria for the Commissioners to consider, *is the proposed amendment harmonious with the overall character of existing development in the vicinity of the subject property*. She stated that's where the comments from the exiting developments is very valuable. Ms. Hall stated it was interesting how close the batch plant was to Cliff Dwellers. She can see how having a denser project there would be a negative impact. She feels it is not a good fit up against the hill either. Chairman Ballard stated he has lived here for fifty eight years and he has seen Hurricane grow from twenty five hundred people to what it is now. He pointed out if they had cut the growth off like people are requesting then none of them would be here. He stated things change and people love this area. He hates to see the fields being developed. He stated there are a lot of things to consider.

Todd Gardner from Alpha Engineering explained when the applicants first purchased the property they were planning on one acre but there has been a lot of talk of bringing the sewer to the property. He stated it isn't feasible if they don't have the smaller lot zones. He stated once they bring the sewer in, it will benefit the other neighbors too. He pointed out the multifamily zoning across the street. They feel it will be a good buffer from that and Cliff Dwellers, pointing are there are a lot of different uses in this area. Ms. Bronemann clarified they would run sewer to this property. Chairman Ballard asked where the sewer currently ended. Ms. Foran stated Ash Creek Sewer District has been working with Copper Rock to find the best area for a pump station that will serve their area. The sewer is currently planned to run to a pump station at about 2100 West south of 3000 South. She stated ACS SD is updating their capital facility plan and they are currently blasting up Dixie Springs Drive over the top with the beginning of the line. The line, when completed, will run over to 3000 South and drains down. She explained Dixie Springs sewer line was intended to be the major outfall line for this area so the line was sized when it was built with the anticipation it would serve this area in the future. She stated the design is not there yet but it is in the working phase. Mr. Gardner stated Alpha Engineering is designing it. Ms. Foran stated there will be sewer in the area but her understanding is Copper Rock will not include anything past 2100 South so the developers would be responsible to extend it further.

Mark Borowiak stated he is generally more in favor of less density. He stated he needs reasons why it should it be changed and he didn't hear that tonight. He stated the less dense areas are further out and the denser areas are closer to the center of the City. He stated if rules are going to change, there needs to be a good reason and he didn't hear one. He stated he sympathizes with the owner. They have legitimate reasons to change the property but it is only for their benefit. Ms. Hall stated the motivating factor is to provide money to extend the sewer. She stated that is a risk you take in developing. She doesn't think the decision should be based on the sewer but how it fits in with the City. She feels one acre zoning would be better for this area. Bob Petersen stated he agreed with Mr. Borowiak. He stated he is also concerned with the slopes and the closeness to the cliff. Michelle Cloud commended the neighbors for voicing their opposition in a polite manner. She stated City planning has opportunities to

mix zoning and their job as Commissioners is to find a good place for the zones. She stated this area has one acre zoning around it so it makes sense to keep it that way. Paul Farthing agreed with Mr. Borowiak. He stated these people paid more for these lots to have more space. He feels there are other areas that would be better for half acre zoning. Ms. Bronemann stated when you buy that far out of town you want space. She also has concerns about being that close to the cliffs. *Mark Borowiak motioned to recommend denial of application 2018-ZC-02 to the City Council based on the findings as discussed. Yovonda Hall seconded the motion. The vote was as follows; Paul Farthing-Aye, Ralph Ballard-Aye, Mark Borowiak-Aye, Yovonda Hall-Aye, Bob Petersen-Aye, Michelle Cloud-Aye, Rebecca Bronemann-Aye, and Chris Christensen-Aye. Motion carried.*

Chris Christensen was excused.

**2018-ZC-03 Consideration and possible recommendation to the City Council on a zoning map change request on 2/3 of a 40+ acre parcel at approximately 136 N. Old Highway 91 from HC, Highway Commercial, to M-1, Light Industrial. The remaining 1/3 of the property is currently zoned M-1-Gateway Commercial Center applicant, Dustin Cox agent**

Toni Foran pointed out the different uses around this area. She stated it is not just industrial uses in the area. Yovonda Hall asked if they are wanting all M-1. Ms. Foran stated yes, the applicants are wanting it to be all the same zone. Dustin Cox stated Trailer Source's access is getting taken away because it is too much of a liability for UDOT and for that same reason they won't allow an access for this parcel. He stated he talked to UDOT today and they are in the process of getting a study done because they want to make major changes for this area. Rebecca Bronemann asked what they will build on the proposed lot if the zone is changed. Mr. Cox stated a multi-tenant building space. He stated he would like to have some other businesses help him bear the cost of development. Chairman Ballard asked staff what the access would be for the commercial uses in this area. Ms. Foran stated the City signed a Corridor Preservation agreement in 2009 and one of the goals was to provide an alternate access for those properties that front SR-9. She stated the closing off of the accesses is part of that agreement and the City will make sure there is another access. Chairman Ballard asked what the inventories are for Highway Commercial and Industrial. Ms. Foran stated there are still a lot of areas zoned Highway Commercial that aren't being used. She doesn't see a lot of need for Highway Commercial in this area. She mentioned there are some soil issues in this area and the impact on a shop as opposed to multistory building is less. Chairman Ballard asked what the depths were for the blue clay. Mr. Cox stated on the west end they stopped at 20 feet but towards the east and center the shallowest is six feet. He stated he doesn't think it will affect a warehouse. Bob Petersen asked if the access for Trailer Source was really going away. Ms. Foran stated she is not aware of what they are planning but that was what UDOT intended under the access management agreement. Mr. Petersen asked if Trailer Source would be able to get access from this property. Ms. Foran stated that is one of the issues that need to be resolved. Mr. Cox stated that would not be an option. He explained part of the transaction that UDOT is purchasing from the current land owners is a one foot buffer around Trailer Source. They are doing that so whoever owns this property can't get access to it through Trailer Source. Mr. Petersen clarified he was asking if Trailer Source could access their property from this property. Mr. Cox stated UDOT is trying to buy Trailer Source's property. Mr. Petersen stated he doesn't feel it is fair for the State to make them move when they have been a good business here for a long time. Mr. Farthing stated UDOT would have to buy it not just take it. Mr. Cox stated UDOT could work with them to trade property. Ms. Hall stated it makes sense to work towards the agreement with UDOT. *Paul Farthing motioned to recommend approval of application 2018-ZC-03 to the City Council subject to the staff findings; 1. The proposed amendment is not compatible with the existing General Plan map. However there are and policies of the General Plan that make this property more conducive to industrial use than commercial. 2. The proposed amendment is in harmony with the overall character of existing development. 3. Public facilities and services adequate to serve the subject property are located in close proximity to the property. 4. The*

*property is located “convenient to transportation and other services”. Rebecca Bronemann seconded the motion. The vote was as follows; Paul Farthing-Aye, Ralph Ballard-Aye, Mark Borowiak-Aye, Yovonda Hall-Aye, Bob Petersen-Aye, Michelle Cloud-Aye, Rebecca Bronemann-Aye, and Chris Christensen-Aye. Motion carried.*

**2015-LUCA-02 Consideration and possible recommendation to the City Council on Land Use Code Amendment regarding accessory buildings, use of accessory buildings, driveways for townhomes, and fixing child care definitions in use charts-Hurricane City applicant**

Toni Foran read over the changes. Yovonda Hall asked for clarification on the “a” under guest house or casita definition. Ms. Foran agreed that needed to be removed. *Yovonda Hall motioned to recommend approval of application 2018-LUCA-02 to the City Council with the changes that were discussed. Bob Petersen seconded the motion. The vote was as follows; Paul Farthing-Aye, Ralph Ballard-Aye, Mark Borowiak-Aye, Yovonda Hall-Aye, Bob Petersen-Aye, Michelle Cloud-Aye, Rebecca Bronemann-Aye, and Chris Christensen-Aye. Motion carried.*

Toni Foran stated the next two applications are for multifamily developments that have driveways on a Public Street so the Planning Commissioners can consider them since there is a pending ordinance to allow those driveways.

**2018-PSP-01 amended Consideration and possible approval of a preliminary site plan for a multi-family project on 15 acres south of 350 North and west of the extension of 2460 West – Rock Solid Builders applicant – James Cheney agent**

Gerold Pratt was present to represent the application. He handed out copies of the revised plan meeting the minimum lot frontage requirements. He stated they are still striving for 150 units. He explained they changed the units in the upper left corner to become long term apartments. Paul Farthing asked how many units would be long term. Mr. Pratt stated a five plex and a seven plex and they would be under one ownership. Toni Foran asked if it was the same as the ones in the lower corner. Mr. Pratt stated yes. Mr. Farthing asked if it would be on one lot. Mr. Pratt stated it will be on two lots – one for each building. Ms. Foran asked for an open space calculation. Mr. Pratt stated he will get it for her tomorrow. Yovonda Hall questioned how the water would stay in the detention areas. Mr. Pratt stated that will be addressed in the construction drawings but they will possibly do underground detention. Mr. Farthing asked if the tandem parking was still there. Mr. Pratt stated the applicant would like that to be allowed. Mr. Farthing asked if it would be for the apartments or the whole project. Mr. Pratt stated all of the project. Mr. Farthing stated 251 parking spots were provided and 306 are required. Ms. Foran stated that was the on the old plan. Mr. Farthing asked if it was now met. Mr. Pratt stated the count included the garages. Mr. Farthing asked if all the units had two car garages. Mr. Pratt stated all units have a minimum of one car garages. Mr. Farthing asked if there would be two parking spaces behind the garage. Mr. Pratt stated yes, there is one behind the garage and one to the side. Mr. Farthing asked the size of the units. Mr. Pratt stated he couldn’t remember for sure but he thought three bedrooms and two bath. Rebecca Bronemann asked how wide the road would be. Mr. Pratt stated the one that runs north and south is fifty two feet wide and the one on the right is forty five feet wide. Mr. Bronemann stated she wanted to make sure there is enough space for parking and driving. Mr. Farthing asked what the length of the driveways would be. Mr. Foran stated they are required to be twenty five feet. Mr. Farthing commented that nobody ever parks in the garage so there will be two cars in the front plus guests and the apartments. He stated if the streets are lined with parking then it will be hard to get around. Ms. Foran stated there are a lot of roads in residential areas where people park in the street but in this project there aren’t a lot of spaces to park on the road since the driveways are so close together. Commissioners discussed if they could require no parking on the streets. Ms. Foran stated the road cross shows there is not enough room to park on the roads other than the fifty two foot road. She pointed out parked cars are a traffic calming devise. Mr. Farthing asked about guest parking. Mr. Pratt stated the

area on the NW corner will have guest parking plus each unit will have three parking places. He stated they could include more parking if required. Mr. Farthing asked if they would build zero lot line units. Mr. Pratt stated they would be town homes, there will be four units together and then a break. Ms. Hall stated she liked the idea of requiring more parking but she didn't want to require more than what was required. Ms. Foran stated one reason she recommend an HOA office is to help with parking issues. Mr. Pratt stated they could add more parking in the corners. Mr. Farthing stated they need an HOA for this type of development. Ms. Foran agreed there is too much common area to not have a management company on site to maintain it. She stated they will have to meet the landscaping requirements as well. *Bob Petersen motioned to approve application 2018-PSP-01 subject to JUC and staff comments; 1. If this is a plat individual meters will be required. 2. A water study will be required. 3. Fire District turning radius and access per fire codes must be met. 4. The four units on the north side of 40 North in Phase 2 cannot have driveways entering directly onto a collector road. 5. Tandem parking is allowed. Michelle Cloud seconded the motion. The vote was as follows; Paul Farthing-Aye, Ralph Ballard-Aye, Mark Borowiak-Aye, Yovonda Hall-Aye, Bob Petersen-Aye, Michelle Cloud-Aye, Rebecca Bronemann-Aye, and Chris Christensen-Aye. Motion carried.*

**2018-PP-03 Consideration and possible recommendation to the City Council on a preliminary plat for Desert Fields, a 153 lot townhome project located on 15 acres south of 350 North and west of the extension for 2460 West-Rock Solid Builders applicant, James Cheney agent**

Toni Foran stated with the redesign that was presented comment 1 is corrected. She stated comment 3 should not have been part of this application. She stated JUC comment 8 has been taken care of as well. Paul Farthing asked if they were going to recommend having an HOA. Commissioners agreed it was needed. *Bob Petersen motioned to recommend approval of application 2018-PP-03 to the City Council with the JUC and staff comments; 1. The tentative plan for storm water drainage is not shown though there are detention areas designated. Full drainage plan will be required with construction drawings after preliminary plat is approved. 2. Sewer design will be required. 3. Full improvement of the west side of 2460 West Street and two full lanes of asphalt will be required. 4. The cross section of both 2460 West and 40 North includes a park strip between sidewalk and curb and these are required to be landscaped with the road improvements. 5. Distance separation for access into the project per fire code may require a road out onto 2460 West at the phase line. 6. Individual water meters are required. 7. A water study is required. 8. A preliminary geotechnical review indicates this property is subject to adverse construction conditions including caliche and piping & erosion. 9. A copy of CC&R's and HOA documents will be required with final plat application. 10. A final site plan will be required before construction on the site begins. 11. The plat is shown divided into two phases. Yovonda Hall seconded the motion. The vote was as follows; Paul Farthing-Aye, Ralph Ballard-Aye, Mark Borowiak-Aye, Yovonda Hall-Aye, Bob Petersen-Aye, Michelle Cloud-Aye, Rebecca Bronemann-Aye, and Chris Christensen-Aye. Motion carried.*

**2018-WA-01 Consideration and possible written approval for a 6 ft. block wall in the front yard at 2864 S 3350 West-Andrea Kaz & Steve Drummond applicants, Richardson Bros. Agent**

Toni Foran explained there is language in the code that says no fence exceeding four feet shall be erected in the front yard unless they receive written permission from the Planning Commission. She stated the applicants combined three lots into one lot and lot 20 will be part of their back yard. Rick Richardson with Richardson Bros. was present to represent the application. He stated his clients purchased these three lots with the understanding they would be able to build the wall. He stated they built their home on the first lot and part of second and then the third lot will just be yard. He explained they are coming off the sidewalk eight feet along the east side down to the north road and tie into their back yard. They have a pool so it would have to have some type of containment. He mentioned another scenario where someone purchased more than one lot and put a six foot fence to the back which was the neighbor's front yard. He stated they will meet the code for the corner for sight distance. Chairman Ballard asked what would be in the eight feet in front of the wall. Mr. Richardson stated landscaping.

Commissioners discussed different options and agreed this is what they would do if they had this property. Bob Petersen stated he has a concern with sight line on the corner. Ms. Foran stated it is meeting code for the sight triangle. *Paul Farthing motioned to approve application 2018-WA-01. Mark Borowiak seconded the motion. The vote was as follows; Paul Farthing-Aye, Ralph Ballard-Aye, Mark Borowiak-Aye, Yovonda Hall-Aye, Bob Petersen-Aye, Michelle Cloud-Aye, Rebecca Bronemann-Aye, and Chris Christensen-Aye. Motion carried.*

**2018-FSP-06 Consideration and possible approval of the final site plan for Maverik on the northeast corner of 100 East and State Street-Maverik applicant, Elizabeth Sorenson agent**

Toni Foran stated there was a disconnect between Maverik and their Engineer regarding the wall but they have provided a new plan with a pre-cast concrete wall and they have shown landscaping in the detention basin. Elizabeth Sorenson was present to represent the application. She stated there was some miscommunication with their Engineer but the plan is updated to show the wall and landscaping. She stated the lighting plans are not included in this set but they will be included in the building permit. Chairman Ballard asked what was decided with the placement of the wall in the sewer easement. Ms. Sorenson stated she has not heard yet. Mark Borowiak asked if the lighting plan is considerate of the dark sky. Ms. Sorenson stated yes. *Rebecca Bronemann motioned to approve application 2018-FSP-06 subject to staff comments; 1. Parking exceeds minimum requirements. The site plan indicates there are 3 bicycle parking stalls but there location is not designated on the plans. 2. The landscape plan includes a narrow landscape strip along the SR-9 frontage with trees and shrubs and a nice large landscape area east of the building. There is a landscape strip between the driveways on 100 East. The detention basin is the focal point for this site and should include some low growing shrubs such as the red flower carpet rose and desert daisy called out in other areas and not just gravel. Planning Commissioners have the final say on this recommendation and should specifically approve a deviation from the required 10' landscape strip along the road frontage. 3. This plan includes two signs – a pole sign at the south side and a monument sign at the north driveway which are located in such a way as to meet this code section : B. Sight Triangle: No freestanding or projecting sign shall be erected at any intersection improved for vehicular traffic within a triangular area formed by the property lines and their projections and a line connecting them at points twenty five feet (25') from the intersections of the projecting property lines; unless same in its entirety is less than three feet (3'), or more than eight feet (8') above the curb grade, no part of its means of support has a single or joined horizontal dimension exceeding twelve inches (12"), or said sign is within an area in which a building or structure is permitted by the provisions of the respective zone. 4. Dumpster enclosure is shown and details of construction provided. 5. The plans do not show a detail for the gas canopy with detailed lighting specifications. These should be provided before the canopy is constructed. Staff recommends lighting be completely contained and shielded within the canopy and with a light color temperature less than 3000 Kelvins. 6. No parking lot or building lighting is specified. Detailed lighting plan is required before lighting is installed. 7. Building elevations and details on the picnic areas west of the building have been provided. Both appear to be attractive and with good quality materials. Mark Borowiak seconded the motion. The vote was as follows; Paul Farthing-Aye, Ralph Ballard-Aye, Mark Borowiak-Aye, Yovonda Hall-Aye, Bob Petersen-Aye, Michelle Cloud-Aye, Rebecca Bronemann-Aye, and Chris Christensen-Aye. Motion carried.*

**2018-FSP-07 Consideration and possible approval of a final site plan for a vehicle and equipment leasing business on the southwest corner of 700 West and SR-9 – Brad Holt, TJ Rental and Leasing applicant**

Toni Foran explain in staff meeting they go over the agendas and there was a miscommunication. They would like the applicant to get JUC approval before he starts work. Brad Holt stated the plan is self-explanatory. He mentioned there are a couple issues showing where the power and water will be located but they will work through that. Paul Farthing asked what he would be renting. Mr. Holt stated trailers, tractors, and small equipment. Mr. Farthing commented he is glad to see a rental place back in

town. Chairman Ballard asked if he had plans for a bigger building in the future. Mr. Holt stated yes but it takes time to get it done. Chairman Ballard asked if staff saw any conflict with where utilities are located. Ms. Foran stated the departments just want to see drawings of how it will be put in and where the driveway is located before they sign off. She stated some details need to be wrapped up before it is done. Michelle Cloud asked if road base was appropriate material for this project. Ms. Foran stated the standards say Commissioners can approve a different surface for parking lots if they don't think there will be a problem. She mentioned other businesses where a gravel parking lot was approved. Chairman Ballard asked how thick the gravel was. Mr. Holt stated four inches. *Mark Borowiak motioned to approve application 2018-FSP-07 subject to JUC approval with a road base parking lot. Rebecca Bronemann seconded the motion. The vote was as follows; Paul Farthing-Aye, Ralph Ballard-Aye, Mark Borowiak-Aye, Yovonda Hall-Aye, Bob Petersen-Aye, Michelle Cloud-Aye, Rebecca Bronemann-Aye, and Chris Christensen-Aye. Motion carried.*

City Attorney Fay Reber stated that the City has received a response from its attorneys regarding Western Mortgage's request for Planning Commission approval of the amendments to the Marla final site plan. He stated that it is the attorneys' conclusion that if the proposed amendment to the final site plan were approved by the Planning Commission, such action may be interpreted as the City taking a position favoring one party over the other in the existing litigation with respect to the ultimate question of who is the developer under the development agreement, thus exposing the City to possible liability. Mr. Reber further stated the attorneys' opinion that in keeping with the City's position of neutrality in the pending litigation, the Planning Commission should take no action on the request for approval of the amendment of the Marla final site plan. Mr. Reber then stated that because the Planning Commission's prior motion regarding the amendment was specifically made contingent upon receipt of a letter from legal counsel that such approval would not be detrimental to the City's position in the lawsuit, the prior motion would not carry. There was discussion as to whether the matter should be placed on the agenda of the next Planning Commission meeting for clarification. The Planning Commission ultimately determined that because the condition for approval of the prior motion was not met, the prior motion would fail and that no further action was necessary. Mr. Reber then requested that the minutes of this meeting reflect that the proposed amended final site plan for Marla is not approved.

**Approval of minutes:** Yovonda Hall motioned to approve the February 28<sup>th</sup> and March 8, 2018 minutes as corrected. Paul Farthing seconded the motion. *The vote was as follows; Paul Farthing-Aye, Ralph Ballard-Aye, Mark Borowiak-Aye, Yovonda Hall-Aye, Bob Petersen-Aye, Michelle Cloud-Aye, Rebecca Bronemann-Aye, and Chris Christensen-Aye. Motion carried.*

Commissioners discussed status of Copper Rock.

**Planning Commission business:**

1. Discussion on Night Sky guidelines. Toni handed out some outdoor lighting basics. She stated the Council asked them to come up with some guidelines and she felt these had some great ideas. She asked the Commissioners to review the guidelines for the next meeting. Ralph stated they need to be careful if it not in the code then they can't present it as a "shall" if it's a "should". Darin stated there are sections in City that are not serviced with Hurricane power. Toni stated she has talked to a Dixie Power representative and asked them to adopt the same lighting standards as ours. She stated they were agreeable with that but their Board will have to take formal action.
2. Planning Commission concerns and ideas. Toni stated the next meeting is during the conference and asked if they will want to meet on that Thursday. Mark motioned to cancel the meeting.

Toni stated we have already received applications so it may need to be rescheduled. Motion died for lack of second. Bob motioned to reschedule the meeting to the 11<sup>th</sup>. Mark stated he can't make the 11<sup>th</sup>. Michelle seconded. All aye.

Meeting adjourned 8:30 p.m.