

**ON JANUARY 23, 2019 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:** Bob Petersen, Michelle Cloud, Ralph Ballard, Paul Farthing, and Rebecca Bronemann, and Chris Christensen

**Members Excused:** Mark Borowiak and Yovonda Hall

**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 Ken Hollman and Jim Mercer offered the prayer. Roll call was taken.

Bob Petersen motioned to approve the agenda as posted, seconded by Paul Farthing. Motion passed unanimously.

Chairman Ballard opened the Public Hearing at 6:03 p.m. to take comments on the following:

**1. A Zoning Map amendment from PDO/Neighborhood Commercial to PDO/R-1-8 for 7.83 acres located on the north side of 600 North at approximately 2270 West.**

**Penny James Garcia** stated she is the manager for Sky Mountain HOA. She stated she has three items she would like to address. She read a letter from the Board of Directors regarding their thanks for recommending denial on The Cove. She read another letter regarding the light fixtures at Undercover Storage. Toni Foran explained she has spoken to the owner and they have agreed to shield existing lights and put downward lighting on the new structures. Ms. Garcia read a letter from the Sky Mountain community showing support of the proposed development. All letters are attached to these minutes.

**Jim Mercer** stated he moved to Sky Mountain a year ago. His property is the most impacted by this development. He mentioned he was told by a golf course employee that this property was part of the golf course. He stated they were devastated to hear about this development but they do support the change in zoning. He has been to one meeting with the developer and he feels the developer does seem to be interested in working with the community. He is looking forward to working with the developer. He is in favor of this Assisted Living Center.

**Ken Hollman** stated he lives at Sky Mountain. He also thought it was golf course property. He thinks this development is the best of all evils. He is in favor of the change. He stated reasonable development is understandable. He looks forward to working with the development.

**Beth Bailey** stated of the things that could be put on this property this would be wonderful to have. She thinks Hurricane needs more assisted living. She is in favor of this change.

**2. A Land Use Code text amendment to Title 10 Chapter 23 regarding accessory building size and location.**

**Toni Foran** explained in PDO zoning the setbacks for an accessory building is based on rather or not the building is five hundred square feet or less. She stated the Commissioners are proposing to remove the five hundred square feet or less and just have all setbacks for accessory buildings be five feet from rear yard, three feet from property line, and ten feet from the house regardless of the size of the building. Chris Christensen asked how this is different from what the City Council approved. Ms. Foran explained the size of the accessory buildings is based on the zoning. The Council approved accessory buildings in single family zones at two feet and two feet but this is in the planned development so all setbacks are different.

**Patrick Price** stated he lives in Santa Fa and he thought he was in R-1-10 zone but it is a PDO. He has a large lot and he would like to put an accessory building on it however with the current setbacks it doesn't fit. He stated if this changed is approved he would be able to put in his accessory building. He is in favor of this change.

Chairman Ballard closed the Public Hearing at 6:18 p.m. and the Public Meeting continued.

**New Business:**

**2019-ZC-01 Consideration and possible recommendation to the City Council on a Zoning Map amendment from PDO/Neighborhood Commercial to PDO/R-1-8 for 7.83 acres located on the north side of 600 North at approximately 2270 West – Sector 5 applicant**

Toni Foran mentioned she got a copy of an email from the developer to the Sky Mountain HOA. She asked the developer if they are willing to commit to all of the HOA requests as a development agreement. Ryan Wilde, applicant, stated yes. Karl Rasmussen and Ryan Wilde were present to represent application. Chris Christensen stated staff recommends approval for everything but the front two hundred fifty feet. Ms. Foran stated the layout she received showed reception in the front two hundred fifty feet but she doesn't know what that means. She explained the City Manager doesn't want to lose all the commercial in that area. He would like to see the front two hundred fifty feet fronting 600 North as commercial and the back can be changed. Mr. Christensen asked what could go there if it stayed the same. Ms. Foran stated anything that is allowed in neighborhood commercial zoning. Paul Farthing asked how much land would be if they left the front portion as commercial. Mr. Rasmussen stated about an acre. He explained what they want to do there is a lobby for the Assisted Living Center. It will have a commercial appeal that matches the surrounding area. Mr. Wilde mentioned he has built this same development in other areas and once his development is done other medical offices come in next to him. Mr. Christensen asked what the City anticipates there. Ms. Foran stated it would have to be developed with the remaining piece of commercial. Mr. Rasmussen stated they would like to keep it as R-1-8. He stated the reception area is an indoor welcome area for family and guest. He stated it will look like a building that will appeal to Sky Mountain. Mr. Wilde explained the building that faces 600 North would look like a class A building. He stated people don't want their families to go behind commercial to visit the assisted living center. Bob Petersen asked if the reception area would be a separate building. Mr. Rasmussen stated they are working with the architect to possibly do a breezeway because they would like it connected. Mr. Petersen stated his concern is the industrial use across the street but if the residential is in the back then he thinks it is a good idea. Mr. Farthing stated he sees the City Manager's point of leaving the front commercial but unless you have a specific use for it then it doesn't make sense. Chairman Ballard clarified they need the entire property to do what they want to do. Ms. Foran mentioned the Commissioners can request a development agreement to be presented to the City Council with the requests from the Sky Mountain HOA. *Michelle Cloud motioned to recommend approval of application 2019-ZC-01 to the City Council with the condition a development agreement is presented that references the requests from Sky Mountain HOA and that the front portion of the property does not have any residential use. Rebecca Bronemann seconded the motion. Motion passed unanimously.*

**2019-PSP-02 Consideration and possible approval of a preliminary site plan for an industrial building on Lot 45, Fairgrounds Industrial Park at 5252 W. Wheeler Way – Brandon Sadler applicant, Civil Science agent**

Brandee Walker with Civil Science was present to represent the application. Bob Petersen asked if the dumpster would have an enclosure. Ms. Walker stated she believes the yard will be privacy fenced but if not the dumpster will be enclosed. *Bob Petersen motioned to approve application 2019-PSP-02 subject to staff and JUC comments; 1. Signed construction drawings required before final site plan. 2. Power demand will determine power design. 3. The proposed building meets all setback requirements. 4.*

*Minimum parking requirements have been met. 5. Driveway and parking are all asphalt. 6. If the site will include a sign that should be shown on the final site plan. 7. Landscaping design and detail will be required with final site plan. 8. Lighting plan required with final site plan. 9. Building details required with final site plan, including materials and colors. 10. Dumpster location is shown but no enclosure is shown. The code requires: Such areas shall be screened from view. Refuse enclosures at highly visible locations should be six feet (6') high, constructed of materials to match main buildings on the site, and provide latching gates for screening the opening to the enclosure. This preliminary site plan does not show any walls or gates so this dumpster will be "highly visible", requiring an enclosure meeting the standards above to be shown on the final site plan. Paul Farthing seconded the motion. Motion passed unanimously.*

**2019-RV-FSP-01 Consideration and possible approval of a final site plan for Crimson Ridge RV Park, a 45 space RV Park located at Crimson Ridge Drive and Old Highway 91 – Mike Stewart applicant**

Mike Stewart was present to represent application. He commented how amazing Toni Foran has been to work with. Paul Farthing stated he is glad they figured out how to make this work. Mr. Stewart mentioned they will comply with the dark sky requirements. Chairman Ballard stated there is a pile of clay by this development. He asked if they are using it. Mr. Stewart stated no, it is not on their site. Chairman Ballard stated he thought clay was some of the soil problems for this subdivision. Mr. Stewart commented that is why they think an RV Park is a good fit for this subdivision. He pointed out the existing house has not settled after ten years. *Paul Farthing motioned to approve application 2019-RV-FSP-01 subject to the staff recommendations; 1. No paved or concrete parking pads are shown on the sites, due to the nature of the clay on this site. A gravel finish is shown on each site. Supporting the RV's and pulling vehicles will require significant compaction before the gravel finish is laid. 2. A dumpster enclosure is shown adjacent to the parking for the office, meeting the following requirement: All storage and solid waste receptacles other than individual homeowner trash receptacles shall be contained within an enclosure at least six feet (6') high. 3. No lighting detail has been provided. The applicant has stated he is willing to ensure all lighting is night sky compliant. This will provide guests to the park to experience Hurricane's beautiful night sky. 4. Sign locations and design are shown on the site plan. Applicant has confirmed lighting will be from the top, shining down on the sign, and not up at the sign as shown on the detail. 5. Before this park is opened, a manager must be appointed and a business license obtained in accordance with the code: D. Manager: The owner of a manufactured home park or subdivision or recreational vehicle park or park model park shall appoint a property manager. The manager shall be: a. 1. Locally available; b. 2. Authorized to represent the owner with respect to all aspects of the management and maintenance of the park; and c. 3. Authorized to receive official notices, including service of process.* Michelle Cloud seconded the motion. Motion passed unanimously.

**2019-FSP-03 Consideration and possible approval of a final site plan for Phase 1 of Desert Fields Townhomes, 64 townhome units located west of 2460 West and south of 350 North – Rock Solid Builders, James Cheney**

Toni Foran explained this should be application 2019-FSP-03 not 01. She stated they have everything signed off except storm drainage but the City Engineer is comfortable with the Commissioners approving it subject to that being approved by him. Gerald Pratt and James Cheney were present to represent application. Michelle Cloud asked if there will be a wall or other type of barrier between the streets and road improvements. Mr. Pratt stated on 2460 West there will be a wall. Ms. Cloud asked if there would be any playground equipment. Mr. Cheney stated they would like to do something but they are concerned about liability. He mentioned future phases will have a pool and sports court but not in this phase. Rebecca Bronemann pointed out the lighting is down lighting. Paul Farthing asked if the City had received the CCR's. Ms. Foran stated no. Mr. Farthing asked if they are working on them. Mr. Cheney explained he hadn't put a lot of thought into doing them because he is building all of the units and he knows he will make them look nice. Chairman Ballard stated CCR's are more to protect what the residents can and

cannot do with the property after they purchase it. Mr. Farthing said if it is not in writing then they can't enforce them. He explained they are put in place to protect the developer's investment. Mr. Cheney asked if that is something that is done when it is recorded. Ms. Foran explained the reason CCR's were mentioned in the staff comments is because there is no parking for RV's provided in Phase 1 so the City needs some assurance that shows RV street parking is restricted. Mr. Farthing asked if there was any guest parking. Mr. Pratt stated there is extra parking in the upper left corner. He explained they didn't want to asphalt the entire project because they wanted open space. He stated they think the garage and driveways will be adequate parking. Mr. Farthing asked how wide the streets are. Mr. Pratt stated standard street width. Ms. Foran stated there is room to park on the street but there are a lot of driveways on the street. Mr. Farthing stated they might have parking issues. Bob Petersen mentioned staff comment #9 regarding onsite management. Mr. Cheney stated there won't be an onsite manager because they are individually owned. Ms. Foran pointed out two of the buildings are not individually owned. Mr. Cheney stated he was going to have a local offsite management company oversee it. He asked if that was allowed. Ms. Foran expressed without an onsite management the quality of the project goes down. Mr. Petersen mentioned the residents of the community can function as the HOA. Mr. Farthing stated how well the development does depends on the management. Mr. Cheney stated his goal is to make this nice but he needs to spend more time researching the management part of it. He mentioned this is first his multifamily project and he has been concentrating on getting it designed. He stated he will work at getting the management organized. *Bob Petersen motioned to approve application 2019-FSP-03 subject to the staff comments that have been discussed; 1. A wall or other barrier will be provided between the buildings and the street improvements. 2. CC&R's are submitted for review confirming management of common areas and parking of RV's has been addressed before work begins on the site. 3. Building permits are required for each building. 4. Common areas are all completed for use before occupancy of any buildings is granted. 5. The storm drainage plan is approved by the City Engineer. Rebecca Bronemann seconded the motion. Motion passed unanimously.*

**2019-LUCA-01 Consideration and possible recommendation to the City Council on a Land Use Code text amendment to Title 10, Chapter 23 regarding accessory building size and location in Planned Development Overlay zones – Hurricane City applicant**

Ralph Ballard asked if this was in agreement with what the City Council recently approved. Toni Foran stated her reading on the City Council's feelings when PDO setbacks were previously discussed is they not only want to take out the 500 square feet but also make all setbacks two feet. She explained the Commissioners are proposing to remove the 500 square feet but leave the setbacks as five in the back and three on the side. She pointed out all setbacks are different in the PDO zone. Ms. Foran stated if it fits on the lot she didn't see the reason to limit the building size. She stated go back to statement PDO is something better than what could be there. *Paul Farthing motioned to recommend approval of application 2019-LUCA-01 as presented to the City Council. Michelle Cloud seconded the motion. Motion passed unanimously.*

Ms. Foran explained she invited some people here tonight to talk to the Commissioners regarding putting a restaurant where the ice cream shop was across from the Community Center. She stated it doesn't meet the parking requirements with the other businesses that are there. She stated she doesn't know what the parking will be like and wanted the Commissioners input if they thought it could be approved. Chairman Ballard asked if there was parking behind the building. Ms. Foran stated yes maybe about eight and it is marked as parking. Kathleen Gutierrez explained her friend, Rosa, wants to open a homemade Peruvian cafe. It wouldn't be a sit down restaurant, more like grab and go. She is a little concerned about the parking. She asked if they could use parking at Wells Fargo after six. Ms. Foran stated yes but she didn't know if Wells Fargo would allow it. Ms. Gutierrez said Wells Fargo gave BAM permission to park there. She explained there is gate at the back of property that people could access the restaurant. She mentioned they will deliver food. Ms. Gutierrez said the building already has grease

trap and they are very expensive. She stated her friend likes the location and wants to do this but she wanted to make sure it was allowed before she signed a contract. A resident asked if they would pick up hotel people. Ms. Gutierrez said they would deliver to the hotels. She will offer very healthy food that she makes from local grown produce. Chris Christensen commented he isn't familiar with the property but it sounds like great idea. He asked what the concern was. Ms. Foran explained she can't operate by the current parking standards but it's an existing building so she didn't know if the Commissioners were okay with her giving them a little leeway. Chairman Ballard stated if it works it will bring life to the area. Rebecca Bronemann stated Hurricane needs more food options. Ms. Gutierrez asked if they did need more parking what their options would be. Ms. Foran stated people would probably park on Main Street and walk over. Chairman Ballard asked what the hours would be. Ms. Gutierrez stated probably breakfast options and then stay open until 8-9 p.m. Chairman Ballard suggested asking ERA if they would allow parking in the evening in their parking lot. Ms. Foran stated the City is trying to encourage people to utilize on street parking in the downtown area. She would like to let them try it out and see if it works. Paul Farthing stated that's the problem with where the Community Center is located. There is no way to get across the street to the businesses. Ms. Bronemann asked the Council to look at putting a pedestrian crossing on 100 West. Chairman Ballard said it is a good place to get started and then if it is successful they can move to a different location. Mr. Christensen stated his only concern is working out an agreement with parking. Ms. Gutierrez stated their main focus will be takeout and delivery. Chairman Ballard suggested putting up a sign to not park at neighboring businesses if they don't agree to shared parking. Commissioners agreed to allow the business.

**Approval of Minutes:** Rebecca Bronemann motioned to table the January 10, 2019 minutes, seconded by Michelle Cloud. *Motion passed unanimously.*

**Planning Commission business:**

1. **Planning Commission concerns and ideas.** Toni stated on the final site plan approval for Stonebrook Lot 6 one of the staff comments was they had to submit a light plan. She checked the building today and it has big light packs on the building that are lighting the parking lot. She explained the motion did not refer to the staff comments in the approval only the staff recommendations. She asked if she have the authority to have them fix the lights. Fay Reber stated he feels it is a reasonable interpretation is it was approved subject to the lighting. He stated a reasonable interpretation of the minutes is that the recommendations encompasses the comments.
2. **Report on City Council actions.** Toni stated the Council passed the preliminary plat for Silver Leaf Townhomes
3. **Discussion regarding buildings and pools in front yards and current standards.** Toni mentioned she got a note from the codifier that our code regarding pools does not specify they can only be located in the back yard. She stated that section needs to be reviewed to make it clear.
4. **Discussion regarding comments on recent public hearing.** Chris asked what changes have happened since the Public Hearing. Toni stated there is petition on change.org for people that in favor for the development. She mentioned a lady from Sky Mountain withdrew her petition after she heard what the development really was. Toni mentioned the applicant was a little upset he didn't have more time to speak after the Public Hearing. Ralph stated couple from Germany commented to him about what a beautiful area this is but everyone wants to shut the door behind them. Ralph apologized for not giving the applicant more time. Toni pointed out everyone needs to keep their terminology right because this application was a General Plan amendment not a Zone Change. Rebecca stated a lot of people signed the petition on false pretense. She doesn't think the petition has much merit. Fay stated public clamor is not something they should consider. He explained they want to consider their concerns but just because everyone signs a petition

doesn't mean it's what is best for the community. Toni pointed out the petitions did say they don't want extra lighting so it is a good start on a dark sky ordinance.

**Meeting adjourned at 7:32 p.m.**