

ON FEBRUARY 27, 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: Mark Borowiak, Chris Christensen, Yovonda Hall, Paul Farthing, Ralph Ballard, and Michelle Cloud

Members Excused: Rebecca Bronemann

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 Michelle Cloud and Yovonda Hall offered the prayer. Roll call was taken.

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

Chairman Ballard opened the Public Hearing at 6:06 p.m. to take comments on the following:

1. A request for a Zoning Map amendment from RA-1, Residential Agricultural one acre, to PDO/RM-1, Planned Development Overlay/multifamily residential up to 6 units per acre for 9.04 acres located north of the extension of 290 North and east of 3220 West

Allen Kulicke stated he would like more information about the proposed development. He explained they live right were this development begins. He stated this is a multifamily project but there is going to be single family to the North. He asked if that had been approved yet. He is concerned about how dense this plan is. He is also concerned with traffic because 3220 West comes off of 400 North and currently dead ends. He asked who pays for infrastructure. He asked if taxes or utilities go up to accommodate the cost of growth.

Toni Foran explained the applicant will build the extension of 290 North and 3220 West. They will only be required to build half the road but it will be at their expense. She stated taxes are based on the zoning for the property you live on so that won't change for the neighbors. She explained utilities rates are based on demand. She mentioned additional projects pay impact fees and that goes toward the construction of facilities to serve new growth.

Allen Kulicke asked if landscaping will be required. Ms. Foran stated the applicant has indicated on the plan that 1.7 acres will be landscaped. Mrs. Kulicke asked when construction would begin. Chairman Ballard explained it is a process. It is too early to say. Applicant Colt Stratton stated maybe by the end of the year.

2. A Land Use Code amendment requiring the location of pools in the side or rear yard of residential properties.

No comments were made.

Chairman Ballard closed the Public Hearing at 6:13 p.m. and the Public Meeting continued.

New Business:

2019-ZC-04 and 2019-PSP-03 Consideration and possible recommendation to the City Council on a Zoning Map amendment from RA-1, Residential Agricultural one acre, to PDO/multifamily residential up to 6 units per acre along with a preliminary site plan establishing the proposed locations for roads, open space, landscaping, and buildings– Stratton Brothers applicant

Colt Stratton was present to represent the application. He said they are looking to develop this as multifamily housing and if it's approved they will work on designing the project. Yovonda Hall asked about the elementary site west of this project. Ms. Foran confirmed it is planned there. *Paul Farthing motioned to recommend approval of application to the City Council 2019-ZC-04 and 2019-PSP-03 based on the staff findings; 1. The proposed amendment proposes to locate multifamily housing under a Planned Development Overlay in a location between commercial and lower density single family uses. It is also a smaller parcel and will not create a "large aggregation" of multi-family development. 2. Because this property is basically surrounded by vacant land, it will be made harmonious with the proposed future uses. 3. Public facilities and services are adequate to serve the property as design plans are developed. 4. The proposed amendment will affect adjacent property by providing new road connections and by the development of vacant land with a housing type needed in the area. Yovonda Hall seconded the motion. Motion passed unanimously.*

2019-PP-02 Consideration and possible recommendation to the City Council on a preliminary plat for a 14 lot single family subdivision located at approximately 200 N 3700 West-Jeff Morby applicant

Jason Smith was present to represent the application. He explained this subdivision went far in the approval process a few years ago but stopped because of economic reasons. They looked at other ideas for the property but they are back to the original plan. Yovonda Hall asked if the sewer was already in the ground from previous construction. Mr. Smith stated no construction was started but the sewer is there. He explained they have to go under it to serve this project because the trunk line isn't deep enough. Michelle Cloud stated she remembers when it was brought in for the multifamily and the City Council denied it so they came back again showing mixed use. She asked if that was denied as well. Ms. Foran stated yes. *Yovonda Hall motioned to recommend approval of application 2019-PP-02 to the City Council. Michelle Cloud seconded the motion. Motion passed unanimously. Ms. Hall pointed out she forgot to include the JUC and staff comments. Chris Christensen motioned to rescind the previous motion to make new one. Yovonda Hall seconded the motion. Motion passed unanimously. Yovonda Hall motioned to recommend approval of application 2019-PP-02 to the City Council subject to staff and JUC comments; 1. Construction drawings must be reviewed and approved before final plat application. 2. Sewer plan does not follow standards. 3. Sewer easement on east boundary of project is required unless other plans are approved. 4. Updated storm drain plan needed. 5. Updated geotechnical report needed. 6. Lot frontages meet or exceed the 80' minimum required. 7. Lot sizes average 10,000 square feet. The sizes vary from 13,377 sq.ft. to 8,694 sq. ft., providing a nice variety for this new neighborhood. 8. Pad drainage will be important as this project is designed to ensure lots do not drain on each other. 9. The road cross section for 200 North is the narrower 45' width with the wider 5' sidewalk now used as a standard residential street. The plan provides a transition point at the edge of the completed 50' wide street to narrow to the new cross section. This will help serve as a calming device for through traffic. Chris Christensen seconded the motion. Motion passed unanimously.*

2019-FSP-08 Consideration and possible approval of a final site plan for storage unit development at approximately 138 N. Old Highway 91 – Dustin Cox applicant

Dustin Cox was present to represent the application. He explained he is proposing a storage facility across from Orgill in the industrial area. He owns about forty four acres but he only wants to develop fifteen acres at this point. Paul Farthing asked if there would be an onsite manager. Mr. Cox stated yes. Chris Christensen mentioned staff comment 2 regarding Dark Sky. He asked if what was presented was compliant with Dark Sky. Toni Foran stated yes. Mr. Christensen asked that whoever makes the motion for the application to include Dark Sky requirements being met. Mr. Cox stated he is not planning on lighting at this point because there are street lights on SR9 and Old Highway 91. *Chris Christensen motion to approve application 2019-FSP-08 subject to the following; 1. Elevations and complete plans for the buildings have been provided. These are steel buildings with galvalume doors. 2. All lighting now or in the future be in compliant with Dark Sky lighting. 3. The layout has various spacing between buildings, from 26' to 60', depending on the unit sizes. Access to the site is via a recessed gate just past the office building. 4. A landscape strip is shown along the full Old 91 frontage consisting of trees, shrubs, gravel groundcover and decorative boulders. Only one species of tree is included. Another tree species should be substituted for every other tree to ensure some trees remain if there is a tree specific infestation. Irrigation will be by drip system. The area around the office is also nicely landscaped. 5. The property is shown as fenced with chain link. The drainage basin in the southeast corner is fenced to ensure safety for the users of the facility. 6. A dumpster enclosure is provided adjacent to the office building. 7. No wall is shown and is not required by the code. Paul Farthing seconded the motion. Motion passed unanimously.*

2019-AFSP-01 Consideration and possible approval of an Amended Final Site Plan for the development of the East Rim Park common area at Zion Vista Subdivision – Zion Vista applicants

Penny James-Garcia was present to represent the application. She explained they are asking for changes in the amenities because of the costs, what the residents moving in wanted, and what the HOA fees would be. Yovonda Hall asked how many lots had sold. Ms. James-Garcia stated thirteen and none of them want a pool. Paul Farthing asked how many total lots. Ms. James-Garcia stated eighty but they will come in never knowing of a pool. Chris Christensen asked Ms. James-Garcia to explain what all would change. Ms. James-Garcia said they are proposing no pool or playground and only doing one pickleball court instead of two. Toni Foran pointed out they are requesting to cut the amenities in half and remove the walking path in the open space. Ms. James-Garcia stated they added a picnic pavilion. Ms. Hall commented they didn't leave much. She asked what the applicant received in exchange for having these amenities. Ms. Foran stated higher density and smaller lot sizes. Chairman Ballard asked Ms. Foran if what they are proposing would still meet the requirements for Planned Development. Ms. Foran stated in her opinion no and this plan does not accommodate all ages. Ms. James-Garcia pointed out the majority of people that are looking in this subdivision are retired age. Ms. Hall asked what their average home cost. Ms. James-Garcia stated they are starting in the three hundreds.

Mark Borowiak mentioned he won't be voting because he owns a lot. He stated as a tenant he is in favor of this change. It will greatly reduce their HOA costs. He hasn't heard anyone that wanted the pool. He also thinks it is all retirees that are moving there. He asked Ms. James-Garcia why change from two pickleball courts to one when they are low maintenance. Ms. James-Garcia stated because of the demand of the buyers and the marketing of their realtors for what people are using. Mr. Borowiak mentioned they might reconsider having two because they are not costly. He stated what he is seeing is it is not young families buying in this area. Ms. Foran pointed out grandkids and visitors will be coming. Ms. James-Garcia stated they are trying to do what the owners want and keep costs down. She explained she didn't start working for these owners until a few months ago and they didn't really know what all a pool entailed. She stated pools are an attractive hazard and have a lot of liability associated with them. She mentioned all the trouble the Sky Mountain HOA has had with their pool. She stated

Utah requires HOA's to have a reserve account to cover maintenance and updates for amenities. She stated the owners decided to remove the pool after she explained to them about liabilities and maintenance of a pool and that the HOA fees would be tripled. Mr. Borowiak pointed out the prices are closer to starting at \$350,000. Michelle Cloud stated removing the pool is fine but she thinks they should keep the playground for when grandkids come and young families might move there. Ms. James-Garcia stated the City has done great job at putting parks in and they are just trying to accommodate their demographics. Ms. Foran explained the Commissioners need to discuss developments in a PDO which are supposed to meet higher quality standards. She stated the demographics of who is currently buying in the development is not one of the things the Commissioners look at when approving a Planned Development. She said the answer the Commissioners need to find is does this make a quality development? She agrees pools are a liability but there needs to be more than what is being presented tonight.

Paul Farthing stated he understands the demographics but it seems like a bait and switch. The applicants got the density, agreed to do all the upgrades, and now they want to remove the majority of the amenities. He stated he understands why they don't want the pool but an agreement was made and they need to replace it with something else. Yovonda Hall agreed with Mr. Farthing. She asked if the density regressed if the amenities regressed. She thinks they need to put something else in if they take the pool away. She pointed out the people buying now might be retired but that changes all the time. There needs to be something for everyone. She stated a walking path and benches would help. Ms. James-Garcia stated they do have benches by the Pavilion area but the area is not big enough for a walking path. Ms. James-Garcia pointed out the landscaped area is directly adjacent to a lot and that is something they considered when decided what to put in this area. They wanted to keep the noise down and protect the views of the surrounding lots. Ms. Hall clarified the pavilion replaces the playground. Ms. James-Garcia said they wanted a covered area to provide shade. Ms. Hall stated the applicants need to at least increase the pavilion size and put two pickleball courts. She pointed out the owner cost benefit ratio went up by getting rid of the amenities. Mr. Farthing stated they already got the density so they need the amenities. Chairman Ballard commented it would be better if they still had the playground and two pickleball courts. He suggested putting the pavilion where the pool was and leave everything else the same. He didn't think that would make the HOA dues too much. Ms. James-Garcia asked how the Commissioners would feel if they didn't do a playground. She mentioned that is something they really don't want because it is another attractive nuisance. She is concerned that it would be a liability if kids come to the playground that aren't supervised.

Chris Christensen pointed out staff comments 3-7. He suggested the developer sit down with Ms. Foran and decide what would meet the ordinance. He mentioned he looked at buying a house at Sky Mountain and the biggest draw was the open space. He stated if they are going to have a dense area like this then they need open space. He recommended working with the City to come up with a better plan and then come back. Ms. Hall pointed out there are more ideas for parks other than just playgrounds. She suggested doing more research of what else could go there. She suggested the Commissioners table this application for tonight and have the applicant come back with a different plan. She stated the pavilion is great start but there needs to be more. Mr. Farthing agreed with Ms. Hall. *Chris Christensen motioned to table application 2019-AFSP-01 until the next meeting with the idea the applicant will meet with staff to coordinate issues. Yovonda Hall seconded the motion. The vote was as follows; Mark Borowiak- Abstained, Chris Christensen-Aye, Yovonda Hall-Aye, Paul Farthing-Aye, Ralph Ballard-Aye, and Michelle Cloud-Aye. Motion passed.*

2019-PP-04 Consideration and possible recommendation to the City Council on a preliminary plat for an 8 lot single family subdivision located at approximately 150 South 2500 West-Jim Peterson applicant

Jim Petersen was present to represent the application. He stated the name of the subdivision is Colonial Heights. He explained in September 2016 it was approved and they had all the signatures. Then in September 2017 he came back for an extension. In September 2018 it looked like they were going to be bought out, so he didn't renew it. Now he has to go through the process again but no changes have been made. *Paul Farthing motioned to recommend approval of application 2019-PP-04 to the City Council subject to staff and JUC comments; 1. Power will have to be designed to accommodate the additional lots. 2. Water must be extended from existing lines in 150 South and 180 South. A fire line on the property will have to be relocated. 3. A plan to address drainage will need to be provided. 4. Sewer is available but the service to the existing house will have to be relocated to an easement between proposed lots 2 & 3. 5. The driveway will have to be moved to off 180 West. 6. The slope of the proposed cul-de-sac off 180 south will have to be reviewed and approved. 7. Construction drawings for utilities are required. 8. The new lot sizes vary from 10,141sq. ft. to 24,766sq.ft. The existing home remains on a 64,338 sq. ft. lot. 9. No preliminary geotechnical review was provided. The developer is aware of shallow bedrock and no other hazards appear to be present in this area. 10. The preliminary drainage plan submitted shows surface drainage and drainage swales directing run-off ton the roads. A more detailed plan will be submitted and reviewed by the City Engineer before final plat. 11. Will serve letters for culinary water and sewer have been received. Mark Borowiak seconded the motion. Motion passed unanimously.*

2019-LUCA-02 Consideration and possible recommendation to the City Council on a Land Use Code amendment requiring the location of pools in the rear or side yard of residential properties-Hurricane City applicant

Michelle Cloud motioned to recommend approval of application 2019-LUCA-02 to the City Council, seconded by Mark Borowiak. Motion passed unanimously.

Approval of Minutes: Chris Christensen motioned to approve the February 14th minutes as written, seconded by Yovonda Hall. Motion passed unanimously.

Planning Commission business:

1. **Planning Commission concerns and ideas.** Yovonda mentioned the other Commissioners need to proof the minutes after she leaves. Chris asked when she is done. Toni stated the Mayor is working on replacements. Cindy mentioned agendas for the Spring Conference were given to the Commissioners. She asked the Commissioners to let them know who wants to go.
2. **Report on City Council actions.** Toni stated the Cove applicants didn't provide the materials the Council had requested so it was tabled. She mentioned they did a shooting blank test last week where they had people all over to see if they could hear it. No one could. She reported the General Plan change on 2260 West at first was voted to deny and then the Council reconsidered it. The ending approval was to change the bottom eight acres to mixed use and the top three acres didn't change.
3. Toni stated the zone change from last April by the gravel pits was also approved with split zoning. The Gateway North amendment was approved but the other two zone changes were going to the next meeting so they didn't have to be on the same agenda as the Cove. Paul asked what the status was on Copper Rock. Toni stated they are going to apply for a temporary clubhouse that will be by Adobe Hills while they get the approvals for the clubhouse.
3. Proposed land use code changes regarding General Plan amendments and night sky protections were not discussed.

Meeting adjourned at 7:22 p.m.