

ON APRIL 24, 2019 AT 6:00 P.M., THE HURRICANE CITY PLANNING COMMISSION MET IN THE CITY COUNCIL CHAMBERS LOCATED 147 N 870 WEST HURRICANE, UT.

Members Present: Shelley Goodfellow, Ralph Ballard, Mark Sampson, Michelle Cloud, Dayton Hall, Rebecca Bronemann, and Chris Christensen

Members Excused: Paul Farthing and Mark Borowiak

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

Chairman Michelle Cloud called the meeting to order at 6:00 p.m. The Pledge of Allegiance was led by Dayton Hall and Rebecca Bronemann offered the prayer. Roll call was taken.

Rebecca Bronemann motioned to approve the agenda as posted, seconded by Mark Sampson. Motion carried with all Commissioners voting aye.

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

- 1. A request for a General Plan amendment from Agriculture/Rural Residential to Single Family Residential up to 4 units per acre for 20.07 acres located at approximately 3120 South 1100 West**

Cheryl Case stated she supports this request. She thinks it fits in with the neighborhood and requests they recommend approval.

- 2. A request for a Zoning Map amendment from PDO/R-1-8 to PDO/Recreation Resort for approximately 27 acres located within the front 9 holes of Sky Mountain Golf Course and between the Golf Course and 600 North at approximately 2670 West 600 North**

Greg Perry, applicant, apologized there was confusion on some of the items. He stated he is not building five story buildings. He is only asking for three stories on the three buildings furthest to the east. He explained the elevation is lower than 600 North anywhere from ten to fifteen feet so it would be the same effect on the neighbors as a two story building. He stated he thinks he will only need forty two feet high conditional use permit instead of fifty. Short term parking for RV's and boats would be provided for the condominiums and the parking for the townhomes would be in the common area. He mentioned the parking spots would be first come first serve. He stated they are showing small single garages in the parking lot that would be available for people that own a condo but they would be on a first come first serve basis as well. He stated all the roads would be public and built to those standards if possible. He explained there might be some areas where the road might have to be smaller but that is already addressed in the current development agreement. He said the cart paths or anything else to do with the golf course would be dedicated to the City so the City would control that. He mentioned Sky Mountain started in 1993 and there has always been a development agreement in this area that specifies the density and it shows an area for condos and townhomes along 600 North to act like a buffer. He stated the allowed height is thirty five feet but they are asking for a greater height to do three stories.

Toni Foran mentioned the height at The Retreat at Sky Mountain is forty feet, My Place Hotel is forty two feet, Villas @ Sand Hollow is forty five feet and Wingate is fifty one feet high to give the Commissioners an idea of the height the applicant was requesting.

Frank Lindhardt, developer of Sky Ridge, stated they have always known that there would be two stories across the street and he has disclosed that to all their buyers. He stated his issue isn't that there is going to be condos but they are requesting a change of use. He pointed out this area has always been zoned for residential where people would live full time but by changing it to vacation rentals it makes it a mini hotel. He stated this will change the feel of the neighborhood. He thinks it is a very poor place to put commercial use and very poor place to put it by the golf course. He can't understand why the City would agree to that. He thinks what is already approved is perfect for that spot. He agreed there needs to be higher density next to the road. He commended the City for previously allowing vacation rentals in the industrial zones and putting apartments next to it. He thinks that is the perfect location for them. He commented he is surprised to see it moved to the middle of the golf course and single family residences. He stated the property owner also owns the property across from S&S Steel and he thinks that would be better place to put vacation rentals but the owner chose to sell it. He stated he is opposed to vacation rentals and he thinks the height should be held to two stories.

Beth Bayley stated she is against the zone change. She stated the General Plan states that high density should be dispersed throughout the City and not in large aggregates. She pointed out there is already high density in this area and more high density projects already approved. She thinks high density should be stopped in this area and she would like to see everything north of 600 North as single family. She pointed out the General Plan also states single family detached housing is expected to continue as the dominant style of residential development. She stated having overnight rentals is not conducive for single family. She mentioned reduction of high speeds and traffic throughout neighborhoods is stated in the General Plan but she watches a lot of tickets and near misses on 600 North. If this is approved, it will only increase traffic, noise, and light pollution and go against the General Plan.

Peter Kirk stated he lives in Sky Ridge. He asked the Commissioners to deny this request. He stated he agreed with Ms. Bayley's comments this wouldn't fit in with the neighborhood. He feels that putting vacation rentals there it is the same as putting a hotel there and that is not why any of them bought in this area. He stated fifty feet is too high. Pine Valley disappears. He stated this would ruin the views and it doesn't fit the neighborhood.

Lee Stroud asked if there had been a study on what the impact would be to the police and fire department if this is approved as nightly rentals. Chairman Cloud explained one of the questions the Commissioners are supposed to answer is *Are public facilities and services adequate to serve the subject property*. She asked Ms. Foran if she could explain this process. Ms. Foran explained the City doesn't have a track history on vacation rentals yet because the areas that are zoned recreational resort haven't been built long enough. She stated the City has started getting police reports on the ones in single family areas but they don't have enough information on areas that zoned for vacation rentals. She stated the most complaints on vacation rentals are on noise and drug/alcohol offenses. She explained fire and ambulance concerns are reviewed with the plan but she did get a comment today from the fire department that they are concerned with only one access off 600 North to this development. She stated the Commissioners are not reviewing a set plan for this zone change, they are reviewing the use and height. Mr. Stroud commented the nightly rentals are not tied to the community so they are not vested in the community. If it requires more patrol then the citizens would have to pay more in taxes.

Cheryl Case stated she lives in Sky Mountain but she has lived in an area where the HOA allowed nightly rentals. She stated more than three quarters of the complaints were due to the rental

tenants including trespassing, abuse to common areas, damage to neighboring properties, and noise. She doesn't feel like vacation rentals are complimentary to the neighborhood. She asked the Commissioners to not allow vacation rentals in this area. She mentioned she has heard of the following Issues related to this property; challenges with the access, the golf course will have to be reconfigured, and issues related to property boundaries. She stated condominiums forty two feet high would not compliment the area. She recommends denial.

Karen Rinehart stated she lives in Sky Ridge and they were told it would be single family homes not condos built in this area. She is very upset that this whole development was approved and they were never notified. They would have spoken up then. She mentioned she worked at an office that manages nightly rentals and she got so many complaints on them concerning parking in the street and kids taking over the neighborhood. She stated if this happens they will move. This isn't what they moved here for. She stated Hurricane is a family community with little crime and she would like to keep it that way.

Glen Moore lives in Sky Mountain on the ninth fairway. He stated it is a beautiful place to live but there are some problems living on a golf course. He stated they pick up about fifty golf balls a day in their yard. The balls also damage stucco. He stated it looks like the development will be right at the end of the golf course. He asked who submitted the plans. Chairman Cloud stated Perry Homes and Greg Sant is representing them. Mr. Moore asked if the City owned the property. Chairman Cloud stated no. Mr. Moore stated not a good place for this development. Mr. Sampson asked Mr. Moore if he was aware of the issues of living by a golf course when he bought his home. Mr. Moore stated yes but he is about fifty feet above the tee box so he never gets balls close to his house. He mentioned all the homes that front the back nine have nets to protect their house. He doesn't know how they would screen the proposed development. He hopes they don't approve it.

Toni Foran stated it is her understanding the golf course was developed on property the City acquired but with wisdom from a City that had never developed a golf course, they sold the property in between the fairways to help pay for the golf course. She stated after the homes were built on the back nine the City had some regrets but the property had already changed hands a few times. She mentioned the only way for the land to not be developed is if the City could purchase it back. Greg Sant explained he and his father were involved in the original development because in order for the City to purchase the land the City needed investors to purchase land to help pay for the golf course. He stated once the golf course was developed, some of the land was given back to the BLM and the remainder was split between the investors. He commented without the investors and developers there wouldn't be a golf course. He stated there has always been a development agreement in place and they are aware there are issues. He mentioned they have been working with the golf course for the last three or four months to work out the issues. He stated unfortunately their wisdom wasn't enough to realize the golf course needs a larger buffer. As part of this process they, as developers, will give some land back to the golf course so there is a buffer between the golf course and the units he is proposing. He commented this is a Public Hearing to discuss the use not if there was going to be development.

Martha Raymond stated she is totally opposed to this and that she agrees with all the previous statements. She asked if they would put in fill dirt to bring so condos would start as the same as elevation of 600 North. Mr. Perry stated the three lots that they are asking for greater height will stay at the current elevation. He stated the condos will be thirty five feet or less above 600 North. Ms. Raymond stated her view will disappear.

Steve Gardner stated he lives in Sky Ridge and he was not aware of this development when he moved here. He agrees with the opposing comments but he also thinks the traffic will be a problem. There is already traffic problems. He asked if there had been any traffic studies done

and if turn lanes would be added. He commented when he tries to turn into his development people have to slam on their brakes because they are going too fast. He feels that bikes are unsafe on this road. He asked if they will add bike lanes. He thinks there is a real issue that needs to be addressed before this is moved forward.

Toni Foran explained Sky Ridge has developed the full frontage of road for 600 North on their side. She stated this developer would have to build the frontage in front of this project. She stated a traffic study will be required before development. She stated the cross section that has been discussed is a lane in both directions and a center turn lane. Ms. Foran pointed out the area in front of Peregrine Point that Perry Homes has improved. She stated everything that is getting developed is adding traffic but the additional road frontage will help with that. Mr. Gardner asked if there would be a bike lane. Ms. Foran stated the cross section shows a bike lane and they are hoping for a paved path.

Phil Young stated he has lived here for two years. He doesn't understand why the developer would put a three story building in the middle of residential. He used an allegory, asking if the Commissioners owned a zoo and had a pen of perfect sheep would they want to put a white elephant in the middle of it. He stated he doesn't see a problem with developing it as single family but not three story.

Tracey Parks stated she has owned a home in Sky Mountain since 1999 and she is against this proposal. They were aware that there would be homes on the front nine but they were not notified in 2003 when there was a change. She asked how many units would be vacation rentals if it was approved as opposed to what is already approved as single family homes. She isn't asking them to change their mind on the development only not allowing vacation rentals. Toni Foran stated this has been approved for up to one hundred sixty nine condo units since 2003. She stated the far west corner was zoned for commercial. She explained the applicant is proposing the same number of condo units other than adding some in the commercial area but they are a permitted use in that zone. She stated there are fewer structures on this plan than what was originally approved. Ms. Parks stated Sky Mountain is a tight knit community and they have worked hard to keep it single family. She is surprised to hear it was 2003 when condos were approved. She said Sky Mountain changed their CCR's to not allow short or long term rentals and the homes on Sky Mountain Boulevard are required to maintain their landscaping neat and clean. She stated the police have to monitor their pool and hot tub because they have so many kids break into it. She stated they were shocked to see this plan with vacation rentals. She mentioned vacation rentals are being built everywhere and there is an outcry from the residents. She feels the golf course is a great asset and it has greatly improved since Kent took over. She stated this development will impact the traffic tremendously. The nightly rentals will want to golf which will impact Sky Mountain Boulevard. She pointed out the speed limit is 25 but people that don't live there go 40 miles per hour. She thinks it will affect property values because of the nightly rentals. She commented people love to come to the golf course because of the views and the beauty but this will ruin it. There will be screens everywhere to keep the golf balls away from the homes. She thinks it will impact the police as well. She asked the Commissioners to deny the recreational resort request.

3. A Land Use Code text amendment to amend the development standards for RV Parks and to add lighting standards to site plan developments.

Toni Foran stated the Commissioners had a long discussion last meeting regarding this. She reviewed the standards from the national fire protection association and our fire marshal and they recommended language stating the width for RV lots had to meet the fire standard and not put an exact width requirements. She expressed a concern that the applicant from the last

meeting might not be able to meet the standard with the shade structures but that will have to be discussed with the fire district. Mark Sampson asked if the applicant would have to change their plans. Ms. Foran stated they will have to meet with the fire district. They might have to change the fixed structures. Ms. Foran stated lighting changes are standards for dark sky which will be applied to all site plans.

No comments were made from the public.

Chairman Cloud closed the Public Hearing at 6:55 p.m. and the Public Meeting continued.

New Business:

2019-GPA-05 Consideration and possible recommendation to the City Council on a General Plan amendment from Agriculture/Rural Residential to Single Family Residential up to 4 units per acre for 20.07 acres located at approximately 3120 South 1100 West-John & Connie Bramall, applicants; Jenny Chamberlain, agent

Jenny Chamberlain was present to represent the application. She thanked the Commissioners for considering this application. Shelley Goodfellow mentioned the papers talked about something similar to Robert's Ranch. Ms. Chamberlain stated the plan they are requesting is half acre. Ms. Goodfellow asked if that would still allow some agriculture uses. Ms. Chamberlain stated they don't have subdivision plans yet but they could put in the CCR's that animals are allowed. Ms. Goodfellow stated it was brought up in last meeting that this area was annexed in 2006 as RA-1. She stated the zoning shows RA-1 but the General Plan shows five acres. She asked why they weren't the same. Pam Humphries explained they can be different. Ms. Chamberlain pointed out that is the case with a lot of property in this area. Ms. Goodfellow asked if this changed would only be for the twenty acres on this application. City Attorney Fay Reber explained the City Council didn't want to approve the previous Zone Change request until the General Plan map had been updated. So that is why this applicant is back tonight with this application. Ralph Ballard stated he saw a comment about leap frogging but he doesn't see it as leap frogging. There is already more density to the south. He thinks this is filling the density back in around the developments. Ms. Chamberlain commented they think this is a good buffer. Mark Sampson asked what the plans were for 1100 West. Toni Foran stated 1100 West is an arterial but at this point there are no immediate plans to make it wider. She added that the applicants will correct the alignment of the road with this development. She stated the road will be improved as land is developed. Mr. Sampson asked how many lots there would be if it was divided. Ms. Foran explained this is a General Plan amendment so it has nothing to do with the layout of the lots or how big they are. The Commissioners need to determine if it is a good fit for the area. Dayton Hall mentioned there is a provision in the code that states zoning should never be inconsistent with the General Plan so they should have recommended a General Plan amendment last time instead of an approval. Mr. Hall commented he didn't see a designation for half acre zoning in the General Plan. Ms. Foran explained the General Plan is very general and the size is determined at zoning. She stated by doing that it gives property owners different options. Chris Christensen stated the report states General Plan amendment requests are only reviewed twice a year in February and August. He asked why this applicant was being reviewed now. Ms. Foran explained the City Council can vote to allow more requests than during the designated times and they voted to allow this one to be heard. She stated the Council was not comfortable in voting on the zone change until the General Plan had been changed. Mr. Reber commented the Commissioners just went through this process and part of the process is to make sure they submit everything and then with that make a determination if the amendment is going to be consistent with goals of City, whether or not it will have an impact on neighboring properties, and if there are facilities there to service the area. If the Commissioners feel that it meets those requirements then they make a recommendation to the City Council. He explained the Commissioners can recommend approval, recommend changes, or

recommend denial. He stated if more information is needed then it is best to continue the application until the Commissioners can make sure the recommendation is based on the factors in the ordinance. City Council Representative Darin Larson stated on this request when it came to the City Council they were in favor of the zone change but they felt it should go through the General Plan amendment process first. He stated the applicant will have to come back to the Council for the zone change but he assumes they will still want half acre. Mr. Ballard asked if they should update the General Plan for the rest of the property that was annexed as RA-1. Ms. Foran explained they can't right now because it was not advertised but she thinks it should be looked at in August. *Shelley Goodfellow motioned to recommend approval of application 2019-GPA-05 to the City Council based on it is compatible with goals of General Plan, it is harmonious with the existing character of the area, public facilities will be adequate to this property, and the uses will not negatively affect adjacent property owners. Rebecca Bronemann seconded the motion. The vote was as follows; Shelley Goodfellow-Aye, Ralph Ballard-Aye, Mark Sampson-Aye, Michelle Cloud-Aye, Dayton Hall-Aye, Rebecca Bronemann-Aye, and Chris Christensen-Aye. Motion carried.*

2019-ZC-09 and 2019-CUP-04 Consideration and possible recommendation to the City Council on a Zone Map amendment from PDO/R-1-8 to PDO/Recreation Resort for approximately 37 acres located within the front 9 holes of Sky Mountain Golf Course and between the Golf Course and 600 North at approximately 2670 West 600 North – Perry Homes applicant, Greg Sant agent

Fay Reber mentioned the Commissioners need to consider the follow four items when looking at a zone change. 1. Is it consistent with the goals, objectives and policies of the General Plan 2. Is it harmonious with the overall character of existing development in the vicinity of the subject property 3. Will it affect adjacent property and 4. Are public facilities and services adequate to serve the subject property. He stated after those items have been addressed then the Commissioners determine if the proposed changed is in the best interest of the City. He explained with the Conditional Use Permit if there is a way to lessen the effects then the Commissioners are obligated to approve the application but if they cannot lessen the effects then they should deny the request.

Greg Sant was present to represent the application. He commented he is grateful for the public input. He pointed out the number of units has already been determined so the numbers will be the same if this is approved or not. He stated with a nightly rental community only forty percent of the time people are at those units so it would be less of an impact. He said they will improve the road frontage on 600 North. He thinks Recreational Resort zone is just for communities like what they are proposing. He mentioned when Sand Hollow Resort was built they didn't have any neighboring communities or existing roads that went into other developments so it was harmonious with what was there. He claimed all homes in Sand Hollow Resort can be vacation rentals. He stated there isn't any developments that would be directly affected by this developments traffic. He believes this type of development is perfect for this location because it will reduce the traffic and it will not tie into any other development in this area. He thinks it meets the criteria for a zone change because it will not have a negative effect on the surrounding properties. He said this development will be similar to Sand Hollow and Paradise Village in Santa Clara. He stated their property management will live on site and will check everyone in and out. They will have high cleaning fees and deposits to keep people from destroying the units. He mentioned they will go out of their way to make sure the housing in this community stays as valuable as it is when it is purchased. He added vacation rentals are sold for twenty percent more than single family homes and mentioned this development is not where one house is single family and the next one is vacation rental. Anyone that buys in there will know vacation rentals are allowed. He mentioned there is another area that will still be developed for single family so people can choose where they want to buy. He stated they are lower than the total number of units that were originally approved because they want to capitalize on the beauty of Sky Mountain Golf Course. That is what will

bring people to this community. He explained the purpose of the master plan agreement was to have a mixed use that is market driven making the golf course more viable and bring more residents to support it. He said that is what they are trying to do. He stated they will work with the golf course to get more people on there to create more revenue and support them.

Mr. Sant pointed out there is a high demand for vacation rentals. Forty percent of the homes built last year were vacation rentals. He commented he thinks it is consistent with the General Plan. He has been working with all the departments of the City over the last few months to see what they will need to do to extend the services in this area. Chris Christensen asked if hotel, spas, and restaurants were part of the original approval. Mr. Sant said there are not hotels on this plan only condos and they were already approved. Mr. Christensen clarified they are not adding additional units they are only asking for vacation rentals. Mr. Sant mentioned there is more property that is part of the master plan but it will stay as PDO/R-1-8. They are trying to react to the market and provide vacation rentals. They feel that it is a good use because it will be less traffic and their management company will help with the golf Mr. Christensen asked if the only reason they were asking for the recreational resort zone is to allow vacation rentals. Mr. Sant stated yes without the nightly rentals they would be forced to maximize the number of units by an additional forty. He stated there would be two clubhouse buildings, one for the vacation rentals and one for the property owners. Mr. Christensen commented when he golfs on this course he has hit a lot of balls where the road is showing on hole 6. Mr. Sant said he walked the property with the Golf Course Superintendent, Jeff Beteag and they have staked where buffers would be needed. Mr. Christensen stated from a golfer's view the fairways are already narrow and people spend a lot of time in the rough so he sees a concern with development that close to the course. Mr. Sant agreed and added that is why he has been working with the golf course on buffer areas.

Rebecca Bronemann stated the applicant keeps comparing Sky Mountain with Sand Hollow and Paradise Village but that doesn't work because Sky Mountain doesn't allow any rentals. Mr. Sant stated they are not associated with Sky Mountain and none of the roads will tie together with this development. Ms. Bronemann asked why thirty five foot height didn't fit with their plans. Mr. Sant pointed out they could bring in fill dirt to bring it up to the elevation of 600 North and then build thirty five feet on top of that instead they are proposing to keep the same elevation of the land and increase the height. He thinks if they do it that way then it would have less of an impact of the neighbors and allow them to get more units. He added the upper units would have the best view possible if they can do a three story. Ms. Bronemann stated her main concern is fifty foot height blocks a lot of the neighbor's views. She asked if they would fill in the land if the conditional use isn't approved. Mr. Sant stated he doesn't think so but he was just pointing out they could. Mr. Christensen asked if the Sky Mountain HOA had submitted a statement on this development. Ms. Foran said she has talked to them but they do not want to make an official statement. Dayton Hall asked for clarification on where the condos would be allowed. Mr. Sant pointed out condos were already been approved by the City. They are not proposing anything new other than asking for vacation rentals. Chairman Cloud asked how many vacation rentals are already in Hurricane. Ms. Foran stated the Villas have seven buildings with twelve to eighteen units per building, all of the Retreat phases 1, 2, 3 which is approximately one hundred two, all of Tava, Coral Springs Condos and Zion Village Townhomes. Then Chris Wyler has an area approved for recreational resort, there are fifty six rentals in single family zones, six or seven in commercial areas, and residential hosting of maybe 50. Chairman Cloud questioned if Hurricane is reaching the limit on vacation rentals and if condos would be a better use for affordable housing. Mr. Sant stated with the price of the land they could not do affordable housing around the golf course. Mark Sampson mentioned most people here tonight are from across the street. He thinks traffic is a main concern and people losing their views. He asked Mr. Sant if he thought forty two feet as opposed to thirty five feet would that big of an impact on the neighbors. Mr. Sant stated the land is ten feet below 600 North so then it would only be thirty two feet

above the road elevation. He commented the view will be blocked either way at thirty five feet but they thought it would be the best place to put them since it is lower elevation.

Ralph Ballard asked if golf ball damage was a concern. Mr. Sant stated definitely or they wouldn't give up twenty acres of land for buffer areas. Mr. Ballard asked if they would be responsible for the screening. Mr. Sant stated as he understands the process they go through the zone change then they go through the development agreement. Screening would be discussed with the master plan. He stated if they determine they need screening then they would install it. Mr. Ballard asked if the development agreement gave the applicants an increase in investments or if there was anything the Commissioners needed to take into consideration. Mr. Reber stated if they recommend approval then they could include the development agreement. That way the zone change does not take effect until the agreement is recorded. Mr. Sant stated that is what they are anticipating. They want to be protected as much as the City. They want this community to stay looking nice forever. They will suffer if it is not ran well. Ms. Foran clarified they are requesting all units to be recreational resort including the single family, townhomes, and condos. Mr. Ballard asked how many units would be vacation rentals. Mr. Sant there would be one hundred sixty two attached units and fifty eight single homes. Mr. Sant explained they are requesting the zone change for a general location, not the exact legal description, because they are unsure of the layout until they can finalize it with the golf course. Mr. Ballard asked if the taller buildings would allow more common areas for amenities. Mr. Sant stated yes if they don't get the height exception they would have to do another building instead of the amenities which would move the buildings closer together blocking more of the view. Mr. Christensen asked if this would novate the master plan if this is approved. Mr. Reber explained if the agreement is approved then it would be an amendment to the original agreement.

Shelley Goodfellow asked what the style of the buildings would be for the condos. Mr. Sant stated he doesn't know at this point. He mentioned everything Perry Homes has done so far is pitched roof but they want to set this community apart so it is different from other communities. They are considering a flat roof but they would still have parapet walls to hide the air conditioners. Ms. Goodfellow read the standard for greater height; *the height may not be greater than two (2) stories or 1.5 times the average height of the immediately adjacent buildings, whichever is greater*. She stated because they sit in a hole the Commissioners should consider the second portion of the standard. She asked Ms. Foran for comparisons. Ms. Foran stated the greatest for Sky Ridge is eighteen feet and the homes in Sky Mountain are twenty to twenty five. She pointed out the lowest elevation is probably eighteen feet but it slopes up fast. She doesn't know if the applicant is planning to excavate the land to all one level. Mr. Sant explained the buildings will step up with the layout of the land. He stated the three taller buildings are probably one hundred fifty feet from the road so they will be closer to the golf course. He pointed out the further away from the homes the less of an impact it will have on the neighbors. Mr. Hall asked if they grant a greater height could they put a cap on how high it could be above 600 North. Ms. Foran stated it is easier to set a specific level. Mr. Hall commented he has a hard time approving a height of building when he doesn't know where it is measured from. Mr. Sant mentioned the approval could be for three story buildings on three buildings but not any taller than thirty two feet above 600 North. Commissioners discussed elevations and agreed it needs to be measured from ground level. Mr. Ballard asked if there was a lot of lava in this area. Mr. Sant stated probably ninety percent of the property is solid lava but they are familiar with developing on lava. Mr. Ballard pointed out excavation would be hard on lava. Mr. Christensen asked why they are looking at a conditional use permit at this point. Ms. Foran explained the applicant asked for it to be considered with the zone change. She stated if the Commissioners approve the greater height then the use doesn't matter. Mr. Christensen asked if they could continue the conditional use permit. Mr. Reber stated yes. Mr. Christensen asked if it could be tabled until a preliminary site plan is submitted. Mr. Sant explained in the zoning ordinance it states you can only get greater height at this point. Mr. Ballard asked if they could do a lower height on other

condos. Mr. Sant pointed out that is what they are proposing. They are only asking for greater height on three buildings. Mr. Ballard asked if there was a way to compromise to keep the views. Mr. Sant agreed with Ms. Foran they need to approve a set height. He thinks what they have proposed is a compromise because only the three units will be higher. He stated it is cheaper for him to group all the buildings together by the Sky Mountain entrance and then do open space around the golf course but then half the buildings would be along 600 North. They are trying to help the views and make a better product. Tracey Parks, Sky Mountain resident, stated Mr. Sant keeps comparing this development to Sand Hollow but that is a planned recreation area. She said Sky Mountain is single family homes and the vacation rental impact will change their community. It will affect their community even if the roads aren't connected because all the renters will go through their subdivision to golf. Mr. Sant pointed out the golf course wants that traffic and it will be there whether it is from them or outside traffic. Ms. Parks stated it is a busy golf course already and everyone coming to it has to go down Sky Mountain Boulevard. Mr. Sant stated that is what the Sky Mountain residents bought into. Mr. Sampson commented it was approved for a certain amount units in 2003 so that isn't part of the discussion tonight. The condos will be built regardless. Mr. Sant stated he thinks traffic will be less with vacation rentals because people are only there forty percent of the time. Mr. Hall said it is consistent with General Plan but he struggles with if the use is harmonious with the surrounding uses. It was discussed the roads are not connected to other developments and they are not changing the density. *Dayton Hall motioned to recommend approval of application 2019-ZC-09 to the City Council based the following; 1. The proposed amendment is permitted and consistent with the General Plan. 2. The proposed amendment is harmonious with the overall character of the existing development in the vicinity. 3. The proposed amendment will not adversely affect adjacent properties. 4. Public facilities and services are adequate to service the property. Ralph Ballard seconded the motion. The vote was as follows; Shelley Goodfellow-Aye, Ralph Ballard-Aye, Mark Sampson-Aye, Michelle Cloud-Nay, Dayton Hall-Aye, Rebecca Bronemann-Nay, and Chris Christensen-Nay. Motion carried.*

Greg Sant stated he will be out of country until May 14th. Toni Foran stated it will be on the May 16th agenda for City Council. Mr. Hall stated he forgot to include the development agreement as part of the motion. Rebecca Bronemann motioned to reconsider the motion, seconded by Dayton Hall. Motion carried with all Commissioners voting aye. *Dayton Hall motioned to recommend approval of application 2019-ZC-09 to the City Council based the following; 1. The proposed amendment is permitted and consistent with the General Plan. 2. The proposed amendment is harmonious with the overall character of the existing development in the vicinity. 3. The proposed amendment will not adversely affect adjacent properties. 4. Public facilities and services are adequate to service the property. Approval is subject to an amended development agreement being recorded. Ralph Ballard seconded the motion. The vote was as follows; Shelley Goodfellow-Aye, Ralph Ballard-Aye, Mark Sampson-Aye, Michelle Cloud-Nay, Dayton Hall-Aye, Rebecca Bronemann-Nay, and Chris Christensen-Nay. Motion carried.*

Consideration and possible approval of a 50' height for three proposed condominium buildings located south of Hole #7 on the golf course.

Mr. Reber asked the Commissioners to make sure any conditions are included in the motion. Dayton Hall suggested approving the greater height if the land stays at the current natural grade. Greg Sant mentioned this is the hardest area to get the sewer out because of the elevation. He stated there is a possibility they would have to raise the lowest area three or four feet but he doesn't want to fill it any more than he has to because of the cost. Mr. Hall asked if they could table this until they can provide a site plan with elevations. Mr. Sant commented they wouldn't build in this area for a couple years. Ms. Foran explained the approval is only good for a year. Mr. Sant asked if they could make it part of the development agreement. Commissioners decided to table this application until it is decided if it is

needed or if it can be part of the development agreement. *Rebecca Bronemann motioned to table application 2019-CUP-04. Ralph Ballard seconded the motion. Motion passed unanimously.*

2019-LUCA-03 Consideration and possible recommendation to the City Council on a Land Use text amendment to amend the development standards for RV Parks and to add lighting standards to site plan developments.

Mark Sampson stated staff recommends following the national fire code for RV Park Development. Toni stated yes and the change she made to the code was to allow shade structures if they are open on three sides. She commented she didn't want to put the exact number of the national code in case it changes in the future instead just state, "as allowed under the NFPA as it currently exists and as it may be amended in the future. Dayton Hall asked Ms. Foran if she added in section 6 that it must be dark sky guidelines. Ms. Foran mentioned she printed different ideas on what applies and what doesn't apply to fixtures on night skies. Mr. Hall stated if it is going to reference guideline then they need a standard. Ms. Foran stated they could take that out because it can be done with site plan approval. Commissioners agreed. Mr. Hall stated on 10-33-5, section F on the last sentence it reads *only lighting that is needed should be installed*. He feels that would be opening the door for a fight on what is needed. He thinks it needs to be defined. Ms. Foran stated they are trying to leave it a little open because the City Council doesn't want requirements. She stated this is giving the Commissioners general standards to look at but the only "shall" items are #4, walkways, and #7. Mr. Hall commented in the next section he thinks "trespass" is a loaded word that has various legal definitions. He suggested using a different word. Ms. Foran suggested adding a definition for light trespass so it is clarified. *Chris Christensen motioned to recommend approval of application 2019-LUCA-03 to the City Council as amended by tonight's discussion. Rebecca Bronemann seconded the motion. Motion passed unanimously.*

Approval of Minutes: April 11, 2019. Ralph Ballard stated his sentence on page 3 line 3 needs to be reworded so it is two questions. He also made the suggestion to use last names of Commissioners during the discussion items because there are now two Mark's. Rebecca Bronemann motioned to approve the April 11, 2019 minutes with the corrections, seconded by Mark Sampson. Motion passed unanimously.

Meeting adjourned at 8:58 pm