

ON JUNE 13, 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: Shelley Goodfellow, Michelle Cloud, Ralph Ballard, Mark Sampson, and Dayton Hall

Members Excused: Rebecca Bronemann, Paul Farthing, Chris Christensen and Mark Borowiak

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

Chairman Michelle Cloud called the meeting to order at 6:00 p.m. The Pledge of Allegiance was led by Mark Sampson and Ralph Ballard offered the prayer. Roll call was taken.

Shelley Goodfellow motioned to approve the agenda as posted, seconded by Ralph Ballard. Motion passed unanimously.

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

- 1. A request for a Zoning Map amendment on a 1.3 acre parcel located at 1439 W. 400 South from RA-1, Residential Agriculture one unit per acre to RA-0.5, Residential Agriculture half acre two units per acre.**

Melanie Daubs explained her father owns the property to the east of this parcel and he is concerned about a driveway being that close to their home. She stated the other building on their property has a gravel driveway right next to the house that has created a lot of problems with excessive dust. They don't want a driveway right by this house too.

Bryant Blackner mentioned he is the person that will be buying the new lot if this zone change is approved. He explained the road is just an access driveway and has been approved by the Fire District. They required twenty six feet wide, excavate one foot and a road base substance that will hold a fire truck. He said there is only one unit in the back and it will be manufactured home. The only construction will be when they put in the utilities and driveway.

- 2. A request for a Zoning Map amendment on a .34 acre parcel located at 80 W. 200 North from R-1-10, Single Family Residential 10,000 sq. ft. lot, to R-1-6, Single Family Residential 6,000 sq. ft. lot.**

Jerry Vandernoot stated he is from New York where people are crammed in everywhere. He thinks the existing zoning is adequate. If this is approved it would create a tiny lot.

Valerie Vandernoot stated she is all for the improvements to this area but she is wondering if this is approved will it change the zoning on the empty lots around them too. Toni Foran explained this zone change is only for the property requested. She stated it won't change any other zoning.

Toni Foran read a letter from Glenda Huff which is included in the record of this meeting.

Chairman Cloud closed the Public Hearing at 6:12 p.m. and public meeting continued.

New Business:

2019-ZC-12 Consideration and possible recommendation to the City Council for a Zoning Map amendment on a .34 acre parcel located at 80 W. 200 North from R-1-10, Single Family Residential

10,000 sq. ft. lot, to R-1-6, Single Family Residential 6,000 sq. ft. lot. – Travis Sanders and Brian Hawkins applicants

Brian Hawkins and Travis Sanders was present to represent the application. Mr. Hawkins explained they are trying called “the corner house project” meaning they find corner lot homes that are run down and they fix them up to resale. He stated they are planning on removing the garage and they will adjust lot lines, making the lots more equal. Chairman Cloud asked what the square footage of each lot would be. Mr. Hawkins stated they don’t have the exact number but they are close to seven thousand square feet each. Toni Foran explained sixty feet of frontage is required for the requested zone so in order to meet that they would have to move the lot line. Mr. Hawkins stated they want to keep it single family and stay with the look of the neighborhood. He handed out a picture of what the future house will look like. He explained the existing house will be remodeled but they will try to stay as close to the same look as it is now as possible. Mark Sampson stated removing the garage will address the concern in the letter. Ralph Ballard asked what that would do for the parking if they removed the garage. Mr. Hawkins stated there will be a detached garage on the north east side that will be accessed from 100 West. Ms. Foran pointed out without an agreement there is no insurance that what is being discussed tonight is what will be built so if that is what the Commissioners want they need to make the approval subject to a development agreement. City Attorney Fay Reber agreed a development agreement should be included to ensure the property is developed how it has been discussed. Mr. Hawkins stated the only thing that may change is they may do a basement on the new home. Mr. Sampson asked if it would be a spec house. Mr. Hawkins stated yes they are ready to start building. Mr. Ballard mentioned the agreement could specify that no more than one story above ground is allowed. *Mark Sampson motioned to recommend approval of application 2019-ZC-12 to the City Council based on the following findings; 1. The proposed amendment is compatible with the existing General Plan map and goals and objectives of the General Plan. 2. The proposed amendment is harmonious with the overall character of existing development in the vicinity. 3. Public facilities and services are adequate to serve the property. 4. The proposed amendment will affect adjacent property because it is anticipated it will bring an additional house on the property. This is a minimal effect. Approval is subject to a development agreement that includes the garage being removed, garage access will be off of 100 West for the existing house, and the future house only be single story above ground being approved. Shelley Goodfellow seconded the motion. The vote was as follows; Shelley Goodfellow-aye, Michelle Cloud-aye, Ralph Ballard-aye, Mark Sampson-aye, and Dayton Hall-aye. Motion carried.*

2019-ZC-13 Consideration and possible recommendation to the City Council on a Zoning Map amendment on a 1.3 acre parcel located at 1439 W. 400 South from RA-1, Residential Agriculture one unit per acre to RA-0.5, Residential Agriculture half acre two units per acre - Mike Duffey applicant

Bryant Blackner was present to represent the application. He stated the new parcel is going to be a single family dwelling unit. It will be just his wife and him so there won’t be a lot of traffic. Ralph Ballard mentioned Mr. Daubs concern with the proximity of the driveway. He asked Mr. Blackner if he would be using the existing driveway. Mr. Blackner stated no because it would have split the original lot in half so the driveway would be on the east side of the property. Mr. Ballard pointed out if they remove the orchard the front property will still have a split property with the existing driveway. He asked why they couldn’t use the exiting driveway. Toni Foran explained the code requires road frontage on the City street for flag lots. Mark Sampson asked why. Ms. Foran explained the process. She stated the ordinance requires the staff has to be twenty six feet wide and the remainder of the parcel has to meet the minimum requirements of the zone. Mr. Ballard asked how many acres are left if it is split. Ms. Foran stated Mr. Duffey will end up with .6 acres and Mr. Blackner will end up with half an acre plus the staff. Mr. Ballard asked it will leave any property between Daubs and Blackner’s driveway. He pointed out instead of putting the driveway by the person requesting the zone change they are putting it right next

to the neighbors. Mr. Blackner commented that after the home is completed there won't be a lot of traffic. Mr. Ballard stated he would like to see something done to protect the neighbors. Mr. Blackner pointed out if property was left in between the driveway and the neighbors it would just be a weed trap. Dayton Hall asked if there was a side setback for a driveway. Ms. Foran stated no. Shelley Goodfellow asked how close the neighbor's house is to the property line. Ms. Goodfellow commented if the neighbor's property isn't to code then it shouldn't keep this applicant from using their property. Cindy Beteag stated the side setback for the main dwelling unit is ten feet from property line. Ms. Foran went and measured on the County website and she estimated it to be about fourteen feet from the property line to the closest structure. *Shelley Goodfellow motioned to recommend approval of application 2019-ZC-13 to the City Council based the following; 1. The proposed amendment is compatible with the existing General Plan map and some important goals and objectives of the General Plan. 2. The proposed amendment is harmonious with the overall character of existing development in the vicinity. 3. Public facilities and services are adequate to serve the property. 4. Since the fire district requires the twenty six feet for a flag lot it will not affect the neighbor's property. Ralph Ballard asked about requiring a wall to help the neighbors. Ms. Foran stated they can't require that with a zone change. Dayton Hall suggested having a ten foot setback for the driveway. City Attorney Fay Reber explained the Commissioners can't put requirements on zone change approval. Any conditions must be approved with a development agreement. Ralph Ballard seconded the motion. The vote was as follows; Shelley Goodfellow-Aye, Michelle Cloud-Aye, Ralph Ballard-Aye, Mark Sampson-Aye, and Dayton Hall-nay. Motion carried.*

2019-FSP-13 Consideration and possible approval of a final site plan for an industrial building and site on a lot located at 5527 W. 240 North – Kevin Lamb applicant

Kevin Lamb was present to represent the application. He explained he wants to build a steel building in the BNG Industrial. He stated he owns a half acre and would like to build a 30'X60' building. It will be fenced in with a block wall and padlocked gate so it is secure. He commented the landscaping will be low maintenance. He stated it will look good from the street but it is just a place to park his service truck and equipment. He stated he knows there is concern with exterior lighting but all lighting will be on sensors. He wants to shut down all the lights at the end of the day and go home. Ralph Ballard explained they are not opposed to lights, the lights just need to be down light. He suggested talking to staff before he purchases anything. Mr. Lamb stated there are no yard lights. Shelley Goodfellow clarified in the Dark Sky requirements the "shalls" are required but the rest are recommendations. *Ralph Ballard motioned to approve application 2019-FSP-13 as long as the applicant meets all the codes. Dayton Hall seconded the motion. The vote was as follows; Shelley Goodfellow-Aye, Michelle Cloud-Aye, Ralph Ballard-Aye, Mark Sampson-Aye, and Dayton Hall-aye. Motion carried.*

2019-FSP-14 Consideration and possible approval of a final site plan for industrial buildings and sites at 397 and 373 S. Commerce St – Douglas Dennett applicant

Douglas Dennett was present to represent the application. He stated they are proposing to build two 100'x50' metal buildings east of Wheeler Machinery's yard. He mentioned they just built about thirty of them on Washington Dam Road. Ralph Ballard commented it meets landscaping and it will be required to meet the lighting code. Dayton Hall asked what types of uses will be in the building.. Mr. Dennett explained they can be rented out and some people will rent the entire building and other companies will rent only half the building. Chairman Cloud asked if he saw the comment regarding the dumpster enclosure. Mr. Dennett stated no but they will meet the code. *Dayton Hall motioned to approve application 2019-FSP-14 with the condition it meets the night sky requirements and a dumpster enclosure is included. Shelley Goodfellow seconded the motion. The vote was as follows; Shelley Goodfellow-Aye, Michelle Cloud-Aye, Ralph Ballard-Aye, Mark Sampson-Aye, and Dayton Hall-aye. Motion carried.*

2019-CUP-04 Consideration and possible approval of a conditional use permit for an accessory garage/casita taller than 16' at 2889 S. 3250 West – Rick Jorgensen applicant

Rick Jorgensen was present to represent the application. Mark Sampson pointed out the application meets all the standards so why does it have to come here. Ms. Foran explained she doesn't want to be the bad guy when the neighbors complain but if the application meets all the standards the Commissioners have to approve it. Mr. Jorgensen stated the Dixie Springs ACC has approved the plans already. He stated his concern is his space is tight and the south property line is a pie shape. He explained from the back to front it is about fifteen feet wider. He is hoping to stick to the three feet setback in the back corner and then as it comes to the front it will be ten feet away from the property line. He mentioned the natural grade also slopes back so it will appear shorter. Ralph Ballard explained water drainage is one of the reasons the ordinance was changed. Mr. Jorgensen stated it is private land behind him that would be difficult to develop so he doesn't feel like there would be an impact to the neighbors. Ms. Foran explained the application has to meet all the conditions or it can't be approved. Mr. Jorgensen asked what he can do to get a variance. Ms. Foran explained the Appeals Board can't grant a variance when a hardship is self-imposed. Mr. Jorgensen commented he knows it is only two feet but it makes it too tight to access that detached garage. Mr. Sampson asked if he could turn it more and line it up with the property line. Mr. Jorgensen stated he tried but it didn't help. Commissioners and applicant agreed to approve the application as presented and then if he wants to go to the Appeals Board later he can. Chairman Cloud asked what way the patio of the detached garage faces. Mr. Jorgensen explained his back yard. He explained the other side is the garage so they couldn't look down into the neighbor's yard. *Mark Sampson motioned to approve application 2019-CUP-04 as contained in the application. Dayton Hall seconded the motion. The vote was as follows; Shelley Goodfellow-Aye, Michelle Cloud-Aye, Ralph Ballard-Aye, Mark Sampson-Aye, and Dayton Hall-aye. Motion carried.*

2019-CUP-05 Consideration and possible approval of a conditional use permit for an accessory garage/racquetball court taller than 20' at 2015 S. 3325 West – Charles Harker applicant

No one was present to represent the application. Chairman Cloud stated it meets the qualifications. Commissioners discussed where it would be located. Ralph Ballard stated it is tall but it is up against the hill. *Ralph Ballard motioned to approve application 2019-CUP-05 as contained in the application. Shelley Goodfellow seconded the motion. The vote was as follows; Shelley Goodfellow-Aye, Michelle Cloud-Aye, Ralph Ballard-Aye, Mark Sampson-Aye, and Dayton Hall-aye. Motion carried.*

2019-PSP-06 Consideration and possible approval of a preliminary site plan for a proposed 2 building lodging facility at 479 N. State Street – Shadow Mountain LLC applicant, Robbie Pope agent

Robbie Pope and Amen Stephenson were present to represent the application. Mr. Pope stated they were looking for a mixed commercial lot and found one on State Street. They intend to have single and double room units to target travelers. He mentioned they have not purchased the property yet but they are under contract. Mark Sampson asked if it would be a hotel style. Mr. Stephenson stated yes. Mr. Sampson asked how many units they thought they could put there. Mr. Pope stated at the most it would be thirty six units. Ralph Ballard stated it is a good place for it other than the access. Mr. Pope stated there is currently road access onto SR-9. Toni Foran stated the comments from JUC is the driveway would have to line up with 600 North and include an agreement and redesign with UDOT because there isn't a left turn lane. Mr. Sampson asked if they are going to do a light there what the expected time frame is. Ms. Foran stated it is "imminent" but she is unaware of a time frame. She commented it would make this site one hundred percent more useable. Mr. Ballard stated there have been a lot of accidents in this area and he doesn't think it would be wise to develop this site without a light. Commissioners agreed a light is really needed there. Ms. Foran mentioned there is a canal easement on the property for

the old highline ditch shown on the original plat. Mr. Pope stated he talked to Mac Hall with the Canal Company and he stated there is nothing in it anymore. He asked about the staff comment pertaining to curb, gutter, and sidewalk. Ms. Foran stated it would be required on all street frontages. Dayton Hall asked if 450 North on the east side would still be there if a light is put in for 600 North. Mr. Foran commented it will all have to be reviewed. Mr. Ballard mentioned the applicants would be wise to plan on the State wanting to purchase part of this property for the intersection. Mr. Hall stated it is zoned commercial but with all the staff comments he has some concerns. He has no problem with the use just everything else needs to be addressed first. Mr. Pope explained he had designed the property with the buildings on the front and the parking in the back but then he saw the access was there already so he changed it. He also didn't want to negatively affect the existing neighbors. He asked what the Commissioners would like to see for the layout. Shelly Goodfellow commented as a customer she would like to be further away from the road but if she lived in the trailer park she would want it closer to the street. Mr. Hall pointed out if there are two accesses the neighborhood would access the light through their parking lot. *Shelley Goodfellow motioned to approve application 2019-PSP-06 subject to the staff review; 1. Buildings are described as 2 floor buildings with a 135'X 30' footprint. Final site plan will require building elevations and floorplans. 2. The proposed layout does not show full road improvements (curb, gutter, and sidewalk) to all road frontages, as needed for a commercial development. This would enable better pedestrian access to the site as well as better circulation. 3. Landscaping is required on all road frontages. 4. Consideration should be given to changing the site around so the State Street frontage is not dominated by the parking lot and the impact of the two story lodging units is not pushed so far into the existing neighborhood. 5. Commercial development requires dumpster enclosures. 6. Driveway location is offset from the intersection of 600 North and SR-9 across SR-9, which does not appear to be good planning for traffic safety. JUC comments will help clarify this issue. 7. Lighting will have to comply with design standards. 8. The plan fails to meet the following standard: D. Parking Lot Landscaping: 1. Every parking lot consisting of more than ten (10) spaces and three thousand five hundred (3,500) square feet of area shall contain internal landscaped areas as follows: a. Multiple-family residential: A minimum of ten percent (10%) of total parking lot area. b. Office and commercial: A minimum of seven percent (7%) of total parking lot area. c. Industrial and warehouse: A minimum of five percent (5%) of total parking lot area. 2. For every ten (10) required parking spaces, or portion thereof, a minimum of two (2) shrubs and one deciduous tree shall be provided within the internal parking area. The species of such trees shall be such that at maturity a tree canopy is provided to shade the parking area below each tree. 3. Landscaped areas shall contain a minimum of twenty five (25) square feet and shall have a minimum average width of at least five feet (5'). 4. Landscape islands should be located in the following priority: a. To define major drives and accessways; b. To delineate ends of parking rows; c. At aisle intersections; and d. Within parking rows. Ralph Ballard seconded the motion. The vote was as follows; Shelley Goodfellow-Aye, Michelle Cloud-Aye, Ralph Ballard-Aye, Mark Sampson-Aye, and Dayton Hall-aye. Motion carried.*

Toni Foran introduced Darrin LeFevre as the Assistant City Engineer and gave a brief overview of his work history.

2019-FSP-15 Consideration and possible approval of a final site plan for golf course facilities including irrigation pump station, course restrooms, and maintenance facility/temporary clubhouse for Copper Rock Golf Course located within the golf course and on an extension of 1500 West north of Adobe Hills – Copper Rock Golf applicant, Mike Bradshaw agent

DaLoss Hammon was present to represent the application. He explained they are requesting two restrooms, a pump house, and the maintenance facility that will serve as the temporary clubhouse. Toni Foran stated there is a comment in the staff report regarding dust but Mr. Bradshaw has talked to the

City Engineers and they will be using magnesium chloride on the parking lot to eliminate the dust. Mr. Hammon stated they can comply with all the other recommendations. Ralph Ballard asked how often they would have to put the magnesium chloride on it. Mr. Hammon stated probably about once a year if done right. Mark Sampson asked if this was part of the original development plan. Ms. Foran explained developments start with a preliminary site plan then with each phase they bring in the final site plan. She mentioned they had the maintenance yard in a different location but they amended it to put in this location. Shelley Goodfellow asked if the magnesium chloride goes on the gravel. Mr. Hammon stated it is mixed in with the road base. Mr. Ballard asked if it was corrosive. Mr. Hammon commented it is pretty biodegradable. Chairman Cloud asked about staff comment 9 regarding golf cart storage. Mr. Hammon stated that won't be a problem because they will move the golf carts to a permanent location when the clubhouse is built. *Mark Sampson motioned to approve application 2019-FSP-15 subject to the staff comments; 1. A lighting plan meeting the requirements of the City code be submitted and approved before a building permit for any building is issued. 2. Details on the dumpster enclosure are submitted and approved before it is constructed. 3. A dust control plan is submitted. 4. A landscape plan for the maintenance/clubhouse site is submitted and reviewed by staff before a permit is issued for the building. Shelley Goodfellow seconded the motion. The vote was as follows; Shelley Goodfellow-Aye, Michelle Cloud-Aye, Ralph Ballard-Aye, Mark Sampson-Aye, and Dayton Hall-aye. Motion carried.*

2019-ZC-11 Consideration and possible recommendation to the City Council for a zone change request for an Extraction Industries Overlay Zone for a 9 acre parcel and a 47 acre parcel located west of the Copper Rock golf course and Adobe Hills and east of Sand Hollow Road – Crush It Company applicant

Broc Spilsbury was present to represent the application. Toni Foran thanked Mr. Spilsbury for his patience as this is the first application the City has received for this overlay zone. Shelley Goodfellow asked what they are extracting. Mr. Spilsbury stated basalt and fill dirt. He explained the ten acres on the north end of their property will have to be taken down to make it accessible. By doing that they want to be able to use what they extract. Ralph Ballard commented this is a smart way to develop the land. Mr. Spilsbury stated on the other property they just want to get it ready for future development by matching it with the lay of the land. City Attorney Fay Reber asked if this application required a public hearing. Ms. Foran stated a Public Hearing was held at a previous meeting and no comments were made. This type of application also requires a Public Hearing at City Council. Mr. Ballard asked what they do to make sure it is not strip mining. Ms. Foran stated he has provided a reclamation plan. Mr. Spilsbury stated he doesn't want it to look like the pit the Water Conservancy took the clay out of. He just wants to get the land ready for future development. Mr. Ballard asked if it was all rocks or if there was some dirt. Mr. Spilsbury stated on the ten acres they drilled for hours and only went twelve feet but on the other property they could shovel the sand. He said on both properties it is good clean fill with no solvates. Commissioners discussed location and agreed it was a good location. Dayton Hall stated it appears they would need to remove twenty to forty feet. Mr. Spilsbury stated on the ten acre site they will need to remove about twenty two feet to get it level with where the natural rock is now. He commented his engineer thinks it will be better drainage with what they proposing then what it is now. Mr. Hall asked if it would drain to the east. Mr. Spilsbury stated it would have to drain to the east because of the future developments. Mr. Hall asked if he envisioned a road through the ten acres to open up the rest of the property. Mr. Spilsbury stated yes, there is a master planned road in that area. Mr. Hall asked if there would be road between each parcel. Mr. Spilsbury explained the ten acres will be a yard storage facility where the scale house will be located. They do not have any plans to use the City streets but his trucks will go site to site. Shelley Goodfellow asked what they will do to maintain the roads and control dust. Mr. Spilsbury stated they are planning on a road base. He didn't know what the City would require. He stated the magnesium chloride is an option but they will comply with whatever the City requires. Mr. Ballard commented dust is probably the biggest concern with this application. Mr. Spilsbury stated the majority of the traffic will

be from the ten acre site to 3000 South. He said he probably won't let trucks go past the ten acres unless there is a big job. Ms. Goodfellow pointed out as more development comes in this area it might decrease the traffic if they can get their material closer. Mr. Spilsbury commented the infrastructure is on its way to this area. Mr. Hall asked him to explain the phasing. Mr. Spilsbury explained the reclamation process is where they will bring the land back to its natural state. He asked if he brings in another plan in before his reclamation plan is completed it will trump this. Ms. Foran stated yes. Mr. Hall asked if the forty seven acres was a hill so after they excavated it wouldn't leave a pit. Mr. Spilsbury stated it will make it more develop-able and drain better. Mr. Hall asked if there was an existing water line on the ten acres. Mr. Spilsbury stated the neighbor to the east has a water line so they would either rent a meter from the City or they would put one in the right of way to feed the future development. Ms. Foran mentioned utility plans would have to be approved by the joint utility committee. Ms. Goodfellow commented when it rains a lot of mud and dirt gets brought onto the city street from the trucks. She asked if there would be a clean out plan to keep the roads clean. Mr. Spilsbury stated they can do a clean out pad and he offered to sweep the streets if it becomes a problem. Mr. Ballard asked who regulates this type of operation. Mr. Spilsbury stated they fall under MSHA because it is considered mining. He mentioned he will have a place to dump road base and concrete that they can recycle. He stated their goal is to sell it back to municipalities cheaper than they can make their own. Mr. Hall asked if they would put a crusher on the ten acres. Mr. Spilsbury stated yes. Mr. Ballard pointed out he will be regulated by a lot of different entities. Mr. Spilsbury agreed saying he is regulated by the State, SITLA, air quality permits, and mining safety. Chairman Cloud mentioned the recommendation needs to include both parcels. *Shelley Goodfellow motioned to recommend approval of application 2019-ZC-11 to the City Council for both parcels providing it complies with all local, State, and Federal regulations. Ralph Ballard seconded the motion. The vote was as follows; Shelley Goodfellow-Aye, Michelle Cloud-Aye, Ralph Ballard-Aye, Mark Sampson-Aye, and Dayton Hall-aye. Motion carried.*

Approval of Minutes: Ralph Ballard motioned to approve the May 22, 2019 minutes as written, seconded by Dayton Hall. Motion passed unanimously.

Planning Commission business:

1. **Planning Commission concerns and ideas.** Toni stated she will get the bylaws together for next meeting. She gave an update on Mark Borowiak. She stated she would love feedback on final site plan applications in making them administrative instead of making applicants wait for a meeting. Shelley asked what happened if administration denied the application. Toni stated it would go to the Appeal Board. Dayton stated they could write the ordinance differently if that is what the Commissioners wanted. Toni clarified only change the industrial ones that are in a developed subdivision as administrative and the rest still go to Planning Commission. Ralph suggested wording it so if there is an anticipated denial then it goes to Planning Commission. Toni mentioned they need to work on development standards in PDO. Commissioners discussed flag lot staff width requirements. Mark asked if the budget was approved to help with the General Plan. Toni stated right now there is \$50,000 in the budget but there is one more meeting to finalize the budget. Mark asked if it was approved in the budget how soon they could get started. Toni stated probably by the fall.

Meeting adjourned at 8:15 p.m.