

ON JULY 11, 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: Michelle Cloud, Chris Christensen, Dayton Hall, Shelly Goodfellow, Paul Farthing, Ralph Ballard, Mark Sampson, and Rebecca Bronemann

Members Excused: 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 Chris Christensen and Ralph Ballard offered the prayer. Roll call was taken.

Michelle Cloud stated application 2019-FSP-16 did not get their construction drawings signed so they will have to be continued. Chris Christensen motioned to table application 2019-FSP-16 until the next meeting, seconded by Ralph Ballard. Motion passed unanimously.

Ralph Ballard motioned to approve the agenda as corrected, seconded by Paul Farthing. Motion passed unanimously.

Chairman Cloud opened the Public Hearing at 6:02 p.m. to take comments on the following:

- 1. A request for a Zoning Map amendment from R-1-6, Single Family Residential 6,000 sq. ft. lots, to PDO/R-1-6, Planned Development Overlay/R-1-6 for 7.71 acres located south of 2300 S and east of 550 West (Frog Hollow Subdivision).**

No comments were made.

- 2. A request for a Zoning Map amendment from R-1-10, Single Family Residential 10,000 sq. ft. lots, to R-1-8, Single Family Residential 8,000 sq. ft. lots for a .87 acre property located at 620 S. Main street**

Jeff Snodgress stated he is the owner of this property and he also owns adjoining property where he lives. He explained there is currently a rental house on the property and a large open garden next door. He said he isn't taking care of it very well. He has covered the garden area in wood chips so nothing grows. He stated it is not attractive and he wishes to fix it. The property has one hundred fifty feet of frontage which is five feet short of splitting the lot in half. He stated he wants to rezone to R-1-8 which only has a seventy foot frontage requirement so he can split the lot and sell the rental property to a home owner. He would like to develop the vacant land where the garden is to sell. He has a map that shows he has two and quarter more feet than what the County map shows but he doesn't know which map he can use. He is already looking at house plans for this lot that would match well with the neighborhood. He commented this would be a narrow deep lot but he thinks it would improve the neighborhood a lot.

Steve Shosted stated he lives to the south of the proposed property. He agreed the property hasn't been maintained. They have had a lot of trouble with the dogs the people living there have. He stated there is wire tied to his fence from where they tried to tie up the dogs. He said the dogs have moved to the back yard and some of the neighbors are scared of them. He is also concerned that bedrooms are currently being rented out like transient type rentals. He stated Mr. Snodgress has assured him that he wants to sell the existing house and his son would relocate to the new house or Jeff's basement but there are concerns of who will live in the new house. He has heard it will be two stories with a casita on the top which would create two areas to rent. He questioned if that was allowed. He asked if either homes would be rentals. Mr. Snodgress stated neither one will be a rental and the new home will only have a bonus room. Mr. Shosted asked if it had to be zoned for rental property. Toni Foran explained long term rentals are permitted in all single family zones. Short term rentals are not permitted but if the owner lives on the property they can rent out up to four rooms. She explained you can't rent out both units on the same property separately. She stated the City's definition of family includes five unrelated individuals living together as a single housekeeping unit. Mr. Shosted stated Mr. Snodgress assured him he would sell the house next to him and sell the new house. He asked how much of a driveway would be poured for the new house. Ms. Foran stated twenty five feet is required. Mr. Shosted pointed out Main Street is a dead end street and parking is starting to become an issue. It is becoming a hazard for kids. They also get a lot of traffic that comes down the road not knowing it is dead end and have to do a six point turn to get back out of the neighborhood. He is worried it will affect his property values. He stated he hopes Mr. Snodgress has plans for off street parking.

Kyle Ballard stated he agreed with Mr. Shosted. He lives across the street. He agreed parking is an issue but there are a lot of rental issues. He stated Mr. Snodgress rents out his basement, the City has had to ask the people living in a trailer on the property to move, and Mr. Snodgress's son rents bedrooms to some questionable people. He agreed the yards are not taken care of. He had to call the dog control last week. He stated he has been living in this area for a while and he has been emailing about illegal renters for over two years. He asked what is the recourse is for illegal rentals. Ms. Foran explained the City sends a letter and then gives the information to the City Attorney. She mentioned the City has budgeted for a code enforcement officer and that will be their full time job. Mark Sampson asked if the code enforcer could issue citations. Ms. Foran stated they don't have that authority. They would have to gather the information and give it to the police. She mentioned that part has been the issue in the past. Mr. Ballard pointed out there is no enforcement right now and the future house will be a rental. He stated Mr. Snodgress already rents out his basement, house, and garage with no kitchen. He stated that is the reason for the parking issues. It is not fair to have all these illegal rentals and not pay any fees. The rentals are causing a lot of problems and the neighbors are not in favor of what is happening. He has done a lot of research and documentations on the illegal rentals but nothing is ever done. City Attorney Fay Reber agreed enforcement is a problem. He stated without proper verification the City can take to court then they can't do anything. Mr. Ballard stated actions speak louder than words so why would the City approve a zone change when the owner hasn't followed the rules.

Mr. Snodgrass stated he appreciates Mr. Ballard's comments but they are trying to fix the problems. He apologized for the people his son brings in but that is the purpose of this application. He stated they are thinking of moving into the house they are building. They will stay in the neighborhood and want it nice. His purpose is to improve the property.

3. A request for a Zoning Map amendment from HC, Highway Commercial, to GC, General Commercial, for 6.14 acres located at approximately 3500 W State Street with access north of the 3400 West Street Maverick

Walt Parker stated he lives adjacent to the property. He stated a flash flood came through this area last year and it flooded the RV Park taking out one of the homes and damaging other ones. He asked if the property will be well drained and if there be a wall.

Mark Sampson clarified the problem with last application on this property is there is only one access through Maverick. Toni Foran stated they do not have another access yet. They are asking for a different zone that allows storage which is less traffic than a hotel complex.

4. Proposed Land Use Code amendments pertaining to site plans in industrial subdivisions, model homes in master planned communities, and parking requirements for commercial uses.
No comments were made.

Chairman Cloud closed the Public Hearing at 6:30 p.m. and the public meeting continued.

New Business:

2019-ZC-14 Consideration and possible recommendation to the City Council for a Zoning Map amendment on 7.71 acres from R-1-6, Single Family Residential 6,000 sq. ft. lots, to PDO/R-1-6, Planned Development Overlay/R-1-6 south of 2300 S and east of 550 West (Frog Hollow Subdivision) - Shadow Glen applicant

Toni Foran stated the applicant could not be here so if there are a lot of questions he would like it be tabled until the next meeting. Mark Sampson asked if this was an extension of the Rainbow Canyon Subdivision. Ms. Foran stated they have asked to not be a part of that subdivision. She explained it has been platted for a while. They are just asking for PDO zoning to get different setbacks. Mr. Sampson asked if the setbacks were equivalent to Rainbow Canyon. Ms. Foran stated a lot of different things happened in Rainbow Canyon i.e. some places where the lot line is actually the wall of the house next door, side yards belong to neighbors, easements, and one section straight R-1-6 zoning. She mentioned one area doesn't have curb, gutter or sidewalks and the homes are close to the street which was a result from a lawsuit. She stated there are soil problems in the neighborhood. She explained the density will not change only the setbacks will change. Shelley Goodfellow stated the foundation is a big issue in this area. She asked if the City has put something in place to address that. Ms. Foran stated there is a waiver that all builders have to sign. She stated this builder has been working with a geotechnical engineer and they think they have a way to avoid that issue. Dayton Hall asked if this would be the only access to the future rodeo grounds. Ms. Foran stated at this time yes but they want a second access in the future. Mr. Hall clarified that is the reason for the wider road. Ralph Ballard stated his concern is a lot like Ms. Goodfellow. He stated his concern is if the setback are five feet and they have to get in there to fix a problem then there isn't room. Paul Farthing explained if there is five feet on one side of the house then the neighbor's setback would be ten feet. He stated the applicant's purpose for this is to have room to park an RV. He asked about the staff comment requiring a twenty two foot setback. Ms. Foran explained twenty feet is the requirement but the City Engineer recommended keeping it at twenty two and half feet to accommodate longer vehicles.

Charles Davie, an owner in Rainbow Canyon, encouraged the Commissioners to table this until they can get more information. He stated the description of what they received is very vague. He said he is representing the HOA and they asked for the application to be tabled. He stated the rodeo grounds are also a concern with traffic coming through their developments. Ms. Foran mentioned the Commissioners can include in the recommendation to not allow more units than what was already approved. Mr. Ballard pointed out all the information on PDO zoning is available in the code. Mr. Farthing stated he doesn't think there are other questions. The applicants wouldn't be changing the density they are only changing the setbacks. The subdivision is already approved to be there. Chris Christensen asked Mr. Reber what the City's responsibility is to make sure the site is developable. Mr. Reber stated the City has the responsibility to make sure any development they approve is safe but there can be hidden dangers that the City isn't aware of. If the City is aware of soil issues or anything else it is their responsibility to make sure people are aware of the conditions and then it is the developer's decision if they choose to still develop. The City has struggled with this for many years. People have the right to develop as they see fit and the City is trying to protect them. Mr. Christensen asked if that had been addressed when the plat was approved. Mr. Reber stated yes. Mr. Davie commented that if it was so important for this to be changed the applicant would be here. *Paul Farthing motioned to recommend approval of application 2019-ZC-14 to the City Council based on the staff findings; 1. The proposed amendment is compatible with important goals and objectives of the General Plan. 2. The proposed amendment is harmonious with the overall mixed character of existing development in the vicinity. 3. Public facilities and services are adequate or available to serve the property. 4. The change on adjacent properties is minimal. Approval is subject to no increase in the number of units and twenty two foot setback is required for garages. Ralph Ballard seconded the motion. The vote was as follows; Michelle Cloud-Aye, Chris Christensen-Aye, Dayton Hall-Aye, Shelly Goodfellow-Aye, Paul Farthing-Aye, Ralph Ballard-Aye, Mark Sampson-Aye, and Rebecca Bronemann-Aye. Motion carried.*

2019-ZC-15 Consideration and possible recommendation to the City Council on a Zoning Map amendment from R-1-10, Single Family Residential 10,000 sq. ft. lots, to R-1-8, Single Family Residential 8,000 sq. ft. lots for a .87 acre property located at 620 S. Main street – Jeff & Chris Snodgress applicants

Paul Farthing stated he thinks a lot split is reasonable in this area. He stated the neighbors' concerns are code enforcement and that doesn't change the zone change. Mark Sampson stated it effects it to the point that they need to require enough parking. Mr. Farthing stated he has rentals and the garages are never utilized because they become storage units. He pointed out the problems with the rentals are throughout the City. Dayton Hall stated as a Planning Commission they are not authorized to enforce code enforcement but the underlying issues do effect the application because one of the things the Commissioners look at is if it negatively affects the neighbors. Mr. Snodgress stated the garden area is an eye sore and not harmonious with the neighbors. He mentioned he has talked to all the neighbors and gave them a letter explaining what he is doing. He stated the neighbor's input is important to him. He will definitely be improving the property and it will be harmonious with the neighborhood. He agreed parking is an issue in this neighborhood. Toni Foran asked if selling the entire property was an option. Mr. Snodgress stated he could but he is looking towards retirement and having two lots would help them more. He thinks it would be better used as a beautiful home instead of a garden. Shelley Goodfellow stated what the neighbors are saying is not something they can take into account. She stated the only questionable thing is how it effects the neighbors. Mr. Sampson asked if this application included moving the lot line. Mr. Snodgress explained that will be step two after the zone change. He stated the lot is odd shaped so he needs to make changes to make them all more usable. Chris Christensen asked if it was permissible to restrict how many lots are allowed. City Attorney Fay Reber

stated no, once the zone is approved they can do as many lots as they want as long as they meet the standards. Mr. Farthing mentioned the owner could sell next week and a developer could put more houses on there. He asked if they could do a development agreement. Ms. Foran stated the applicant has to offer an agreement. The City can't require it. Mr. Snodgress stated that is an easy one. They will be staying there and want it nice. He stated he does have someone living in his basement that does mechanical work to pay for rent. If they do move out of his current home and into the new home then they would build a casita for him. He stated he will do whatever the City says and take the neighbors requests into consideration. Mr. Christensen asked if the zone is not changed can he build three units on the property. Ms. Foran stated no, if the zone is not changed then he doesn't have enough frontage to create another lot. She stated he could have an accessory dwelling unit but he couldn't rent it. Ralph Ballard clarified if this is approved, it won't change anything with the existing lot in Idle Time Acres. Mr. Farthing stated his suggestion is to deny the application and give the applicant the option to come back with a development agreement. Darin Larson pointed out they can also make a recommendation to the City Council that a development agreement needs to be included. Mr. Hall stated he thinks one house is too much. The rest of the neighborhood is R-1-10 and there is already parking issues. Kyle Ballard stated three of the neighbors at the meeting are opposed to it. Chairman Cloud agreed it doesn't make sense to have one lot a different zone. Ms. Goodfellow stated the frontage is the only thing that doesn't match the neighborhood. The lot size matches the rest of the neighborhood. Mr. Hall stated parking issues are created from less frontage. Mr. Snodgress stated he is trying to fix that. Mr. Farthing stated Mr. Snodgress claims he is concerned about his neighbors but he isn't doing anything to help the situation now. Mr. Snodgress stated the existing house has plenty of off street parking but they don't use it. They are not the only ones parking on the street but he is looking to improve the problem. He mentioned he can stipulate that the renters have to park on the property. *Chris Christensen motioned to recommend denial of application 2019-ZC-15 to the City Council unless the City Council considers a development agreement with the application. Rebecca Bronemann seconded the motion. Chris Christensen amended his motion to recommend denial of application 2019-ZC-15 to the City Council. Rebecca Bronemann seconded the motion. The vote was as follows; Michelle Cloud-Aye, Chris Christensen-Aye, Dayton Hall-Aye, Shelly Goodfellow-Nay, Paul Farthing-Nay, Ralph Ballard-Aye, Mark Sampson-Aye, and Rebecca Bronemann-Aye. Motion carried.*

2019-ZC-16 Consideration and possible recommendation to the City Council for a Zoning Map amendment from HC, Highway Commercial, to GC, General Commercial, for 6.14 acres located at approximately 3500 W State Street with access north of the 3400 West Street Maverick – Secure Private Fund LLC

Rebecca Bronemann stated one of the residents have a concern with drainage and a wall and if the applicant isn't here they can't get clarification. Toni Foran stated the City requires drainage plans when they develop a site. Mark Sampson asked if there was a development agreement in process for this application. Ms. Foran stated no. Chris Christensen clarified the only access is through the Maverik parking lot. Ms. Bronemann stated she does not like having only one access. Darin Larson mentioned that is the only approved access. *Mark Sampson motioned to table application 2019-ZC-16. Paul Farthing seconded the motion. The vote was as follows; Michelle Cloud-Aye, Chris Christensen-Aye, Dayton Hall-Aye, Shelly Goodfellow-Aye, Paul Farthing-Aye, Ralph Ballard-Aye, Mark Sampson-Aye, and Rebecca Bronemann-Aye. Motion carried.*

2019-PP-05 Consideration and possible recommendation to the City Council on a preliminary plat for the Retreat Phase 4, a 17 lot single family subdivision located along the west extension of 3175 South Street – Hurricane Hills Ranch LLC applicant – Bush & Gudgell Engineering agent

Rick Meyer with Bush and Gudgell was present to represent the application. He stated it is the next phase of the Retreat Subdivision. It will be a seventeen lot extension. He pointed out the zoning is already in place and they are ready to move forward. Shelley Goodfellow asked if they saw JUC and staff comments. Mr. Meyer stated yes. Chris Christensen asked staff if she would like to put anything in motion to address the concerns in staff comment 2. Toni Foran stated they would be addressed with the construction drawings. Paul Farthing asked if this plat was the one that had a walkway through the lots. Ms. Foran mentioned when it was first submitted it was a cul-de-sac and now it is a through street. *Dayton Hall motioned to recommend approval of application 2019-PP-05 to the City Council subject to Staff and JUC comments; 1. Confirmation that the drainage plan will serve these additional lots. 2. Signed construction drawings required before final plat. 3. Sewer District approval required. 4. Lot sizes range from 6974 sq. ft. to 12,577 sq. ft. Frontages are generally 76' with one larger frontage of 139'.5. Potential geotechnical adverse construction conditions on the site wind blown sand and possible shallow groundwater. 6. A 10' public utility easement along all street frontages is required. Shelley Goodfellow seconded the motion. The vote was as follows; Michelle Cloud-Aye, Chris Christensen-Aye, Dayton Hall-Aye, Shelly Goodfellow-Aye, Paul Farthing-Aye, Ralph Ballard-Aye, Mark Sampson-Aye, and Rebecca Bronemann-Aye. Motion carried.*

2019-PSP-07 and 2019-PP-06 Consideration and possible approval of a preliminary site plan for the proposed amendment of Zion Village Townhomes Phase 2 and possible recommendation to the City Council for a new preliminary plat for Zion Village Townhomes Phase 2– Jay Rice, Zion Village Resort applicant – Excell Engineering agent

Charles Timpson with Excell Engineering was present to represent the application. He explained the owner is re-evaluating the size and type of units that are available and in order to meet the market he has requested to change the triplexes to fourplexes. He stated it would add eight units to the project but it will still be at the approved number of units. He mentioned this doesn't change the footprint of the buildings but it does makes a small change in the driveways. He commented they have reviewed staff comments and are ready to respond. Shelley Goodfellow clarified they have to do two votes. Toni Foran explained preliminary site plan is the layout and the preliminary plat is the number of lots. Mark Sampson asked how it changed. Mr. Timpson explained the shaded units have changed from three units to four units. He stated one of the units was very large and it wasn't meeting the market. Dayton Hall stated he will be abstaining from voting on this application because his firm works on this development. *Shelley Goodfellow motioned to approve application 2019-PSP-07. Rebecca Bronemann seconded the motion. The vote was as follows; Michelle Cloud-Aye, Chris Christensen-Aye, Dayton Hall-Abstained, Shelly Goodfellow-Aye, Paul Farthing-Aye, Ralph Ballard-Aye, Mark Sampson-Aye, and Rebecca Bronemann-Aye. Motion carried. Paul Farthing motioned to recommend approve of application 2019-PP-06 to the City Council subject to JUC and staff comments; 1. A final grading report for the improvements already installed is required. 2. Warranty bonding is required. 3. Construction drawings to show new services and to the proposed additional units are required. 4. This project is a continuation of Phase 1, where all buildings have been completed, including the pool complex and clubhouse. 5. The original preliminary plat showed more units than this amendment so the request to add 8 additional units fits within the original approvals and is still a superior design. 6. This phase includes two pickleball courts and a pavilion in the southeast corner. 7. A complete landscape plan was provided with the original approval, including planting in the planter strip along 2170 West. Irrigation is by drip system. This proposed change adds 8 more driveways, cutting some of the landscape areas from the original plan. The grass areas behind each unit are depicted as a shaded area just like the shading on the changed buildings. Because this is a resort and open to the public, ADA parking is required. 8. Additionally, at least 2 units should be ADA accessible. Ralph Ballard seconded the motion. The vote was as follows; Michelle Cloud-Aye, Chris Christensen-Aye, Dayton Hall-Abstained, Shelly Goodfellow-Aye, Paul Farthing-Aye,*

Ralph Ballard-Aye, Mark Sampson-Aye, and Rebecca Bronemann-Aye. Motion carried.

2019-LUCA-04 Consideration and possible approval of Land Use Code Amendments pertaining to site plans in industrial subdivisions, model homes in master planned communities, and parking requirements for commercial uses – Hurricane City applicant

Toni Foran stated these are the changes from the discussion at the last meeting. She added a section in the code to allow for parking arrangements. She read the suggested clause. She read over changes for the development agreement section. *Dayton Hall motioned to recommend approval of application 2019-LUCA-04 as presented. Mark Sampson seconded the motion. The vote was as follows; Michelle Cloud-Aye, Chris Christensen-Aye, Dayton Hall-Aye, Shelly Goodfellow-Aye, Paul Farthing-Aye, Ralph Ballard-Aye, Mark Sampson-Aye, and Rebecca Bronemann-Aye. Motion carried.*

Approval of Minutes: Rebecca Bronemann motioned to approve the June 13 and June 26, 2019 minutes, seconded by Ralph Ballard. Motion passed unanimously.

Work meeting and Planning Commission business:

1. Planning Commission concerns and ideas. Toni stated the next scheduled meeting is a holiday. Commissioners agreed to meet on July 31st instead.
2. Work on definitions and standards for greater heights with living area. Toni mentioned she created some language based on the discussion from last meeting. She stated she made the change to have the setback as eight feet if there is living area since that is the smallest setback in single family zones. Commissioners agreed this was the best solution. Toni pointed out there is a difference if it is living area or just a garage.
3. Work on by-laws. Fay stated there are a number of changes that need to be made. He stated he will go through them and then they make suggestions to what they want and don't want.

Meeting adjourned at 7:50 p.m.