

ON FEBRUARY 13, 2020 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: Chris Christensen, Ralph Ballard, Dayton Hall, Michelle Cloud, Shelley Goodfellow, and Mark Sampson

Members Excused: Paul Farthing and Rebecca Bronemann

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

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

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

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

1. **A General Plan map amendment request on 5 acres located at approximately 1800 West 3000 South to change the General Plan map designation from Agricultural/Rural Residential to Business/Light Industrial**

Dallas Buckner stated he is the engineer for this project. He explained Chums purchased a five acre piece that is currently zoned residential agriculture. They are trying to consolidate their business to one location.

Paul & Jennifer Lester stated they live north of this property. Mr. Lester stated they are representing the neighboring properties and they are all against this change. They purchased there wanting to be surrounded by agriculture. They don't see a need to change it. Isn't there property left that can be used for industrial? There needs to be responsible planning and not just randomly putting industrial in places. He doesn't think it fits the area.

Mac Hall stated he has a farm in that area. He remembers when the General Plan was adopted. It talked about having more than one owner to justify the change. He asked if that is still the way. He is not in favor of this change.

2. **A General Plan map amendment request on 26.7 acres located at approximately 2900 S. Sand Hollow Road from Single Family Residential up to 8 units per acre to Multi-Residential types; 7.196 acres located at approximately 2800 S. Sand Hollow Road from Single Family Residential up to 8 units per acre to Commercial; and 16.8 acres from Single Family Residential up to 4 units per acre to Single Family Residential up to 8 units per acre located at a future west extension of Dixie Springs Drive at approximately 5140 West**

Chairman Cloud stated the Commissioners will be taking comments on this application but they will not take any action on it today. Toni Foran explained the applicant is president of the Southern Utah Home Builders Associations so he was not able to be here tonight. She stated she was able to verify with the agent that the area for multi-types is for resort not residential.

Marine Phelps asked if a plan had been submitted. She asked if anyone had done research on if there was a need for more vacation rentals. She asked what they are doing in the business/commercial area. Chairman Cloud stated that is not determined at this point. She explained the process.

John Peter stated he and his wife are against this change. Something similar was presented before and they are okay with the R-1-8 zoning but not the high density.

Karl Simmer stated he lives in Sand Hollow. He is opposed to commercial and high density. He doesn't think the roads can absorb it. He talked to the City Engineer at the Transportation Expo and he said there are no plans to expand that road at this time.

Ms. Foran explained if they proceed to do zone changes and developments they will have to improve the road in front of the new developments. It wouldn't help all of the area but it would help in front of the development. She said there will be another public hearing on the 26th so the applicant can hear the public's comments and then there will be another hearing at the City Council.

3. **A Zoning Map amendment request on 122 acres located at approximately 2000 West to 1300 West on the north side of 600 North (the Cove) from R-1-10, Single Family Residential 10,000 sq. ft. lots, to PC, Planned Commercial**

Chairman Cloud explained the applicant asked for this item to be tabled but the Commissioners can still hear the comments. City Attorney Fay Reber stated it is up to Commissioners if they want to hear the public comments tonight or wait for a plan to be submitted. He explained without a plan in place people don't know what they are commenting on however some people might want to make general comments tonight and not come to another meeting. He mentioned there will be another hearing when the plan is presented.

Ken Holden stated he lives on 750 North. He thinks it is bad enough that this is slated for residential. All their comments from last time this application was reviewed still stand. There are traffic concerns. He stated commercial will add more traffic, noise pollution, and light pollution. He stated they are developing this property at the pain of the neighboring residents. He is against the change.

Penny Garcia manager of Sky Mountain and resident read a letter voicing her opposition. The letter is attached to these minutes.

Marie Phipps stated she got in an accident in this area. It is very hard to see when pulling out onto 600 North.

Ken Livingston stated he lives in Sky Mountain. He agrees with all the previous comments. He wants to raise a point about safety. He stated this property has to have two roads in and out of the project. The standards state it must be no less than one and half times the depth of the property. The space is .17 miles so it does not come close to meeting that standard. There is a big dip and blind spots. He thinks 2260 West would need a light. He stated if industrial is allowed there then trucks will coming in and out of the project. He has forty five years' experience of driving trucks and they will not move fast on that hill. He commented with the influx of traffic on 600 North this won't work. He stated there can't be commercial or industrial uses because of safety. If they approve this, they are pushing aside the standards. He asked them to please do their due diligence. He said if this is approved 600 North would have to be changed. Who would pay for it?

Ken Stewart stated he lives in Peregrine Pointe. He commented 600 North traffic has increased. The poor chip seal job done a few years ago is causing cars to slide. Cars speed on that road. He thinks something needs to be done before any more development.

4. **A Zoning Map amendment request on 1.14 acres located at approximately 580 N Main Street from MH- Mobile Home RV, to RM-3, Multi-Family Residential up to 15 units per acre**

Bob Marcroft stated he lives on the property. He mentioned when the notice was put out on the property he talked to the owner and the owner said he was not aware of the change. He said the property owner told him that a family member was trying to take over the property. Mr. Marcroft commented his home isn't much to look at but it is very nice on the inside. He said the landlord is giving people a place to live that isn't expensive. He stated he is against the

change because the owner wasn't aware of the request. He doesn't think it benefits the City or the people that live there.

Brant Tuttle stated he is the engineer for this project. He was hired by owner's son in law. He stated it is his understanding that they have been wanting to do something for a while.

Gwen Wadsworth stated she lives on Main near this proposal. She has had concerns about this area for a while, stating the property is an eye sore, a fire hazard, and the land lord has not maintained the exterior. She stated no one bothers to cut weeds or any maintenance on the property. She stated this land is along 600 North and the applicant is showing fifteen units. She commented that would be high density. She asked where all the cars would park. She mentioned there is a blind hill on 600 North going West that if people are pulling into this property it could be dangerous. She would like the property changed but putting that many units would be a lot of people. She asked if they would provide a space for outdoor activities. She stated the owners need to put some thought into the project for safety.

Bob Marcroft stated the dirt road on the west side of this property was put there by the City because of a dispute. The entrance to this property is on Main Street. He asked the application to be tabled until the owner is involved.

Another neighbor stated he lives just below the proposed property. They are against the change. It is a very small property. He asked how they will accommodate the vehicles. He stated he likes the area and wants to keep it the same.

Zolene Jepson stated she lives across the street. She stated she loves the area and neighbors. She agreed this property could use some improvement. She stated if they want to put units there that is fine but don't put too many. She mentioned other apartments in the area that all seem to work but she doesn't think this property could handle more than eight units. She agrees with the comments regarding the traffic concerns and parking. She said if it is something nice and won't create too much traffic she is okay with it.

Pat Jepson agreed with his wife. He commented something needs to go there but he wants to see what is planned.

Gwen Wadsworth stated she has fire concerns for the people that live there. She asked who she would need to talk to about those concerns. Toni Foran stated she would need to talk to the Fire District.

Chairman Cloud closed the Public Hearing at 6:56 p.m. and the Public meeting continued.

New Business:

2020-GPA-01 Consideration and possible recommendation to the City Council on a proposed General Plan Map Amendment for 5 acres located at approximately 1800 West 3000 South from Agricultural/Rural Residential to Business/Light Industrial – Sterling McMurrin/Chums applicant

Logan Hells, CEO of Chums, was present to represent the application. He stated Chums has been a part of the community for forty years. Their business has been growing and they are looking forward to staying in the Hurricane community. He explained they currently have four locations but they want to find a location where they can consolidate and continue to grow. He stated the building will be low impact. He mentioned the current location on Main Street has been there for over thirty years and it is very low impact. He understands it would require a lot of changes to make this work but they want to work with the community to make it happen. He stated the new building would be about two times bigger than the one on Main Street. It would be light manufacturing and some storage. Dallas Buckner with Go Civil Engineering commented he would like to go through the staff comments. He stated the current General Plan is residential but they are only 1400 feet away from another light manufacturing area. They feel that it is a good fit because it is along a major collector road, it is close to an existing similar zone, and it is close to a land owner that is proposing a similar zone. He commented this type of

zone is usually along a minor collector road. He doesn't anticipate any negative impact on the roads. The water and power are there and the sewer is going in now. He mentioned the City is working on the General Plan so he doesn't know where the Commissioners stand. He asked if they are unfavorable what their options are.

Chris Christensen asked why they picked that parcel. Mr. Hells stated they had been looking at a number of buildings but hadn't found anything to fit their needs. This property came up for sale and it is close to the existing business so it would be less impact on their employees. He commented with the roads coming in they felt it was a good place for them. They will have little impact on the neighbors.

Dayton Hall stated he likes this business and wants Chums to stay but the points that have been raised are valid. The City just started working on a new General Plan so this is premature. He doesn't think this is an area for industrial. He doesn't think it is consistent with the General Plan. Mr. Hells stated this property is close to two other parcels that are zoned M-1. He questioned why the Commissioners felt those are okay but this one isn't. Mr. Hall stated the one to the east is a gravel pit that is tucked up against the hill not an irrigated field. It has also been there forever so it is preexisting. The other one is on 1500 west to the north that isn't technically an agriculture area either because it is tucked up against the knoll. He said it is family business not a commercial use like they are asking for.

Mark Sampson asked if the hemp farms that are close to this area zoned industrial. Toni Foran explained by state definition hemp farms are classified as agriculture but they can't process it there. Shelley Goodfellow stated she lives in this area. She agrees with Mr. Hall's comments. She hates to see agriculture land disappear but she also doesn't want to see a long time business have to move from the community. She remembers them providing a lot of jobs for stay at home moms when she was young and it does bring a lot of revenue to the City. She commented it is a low impact business. She asked if they had looked at any industrial areas. Mr. Hells stated yes but there wasn't anything that fit with what they want to accomplish. This area is growing and changing so they felt it was a good fit for their business. He stated they ship millions of dollars from their location and they want to keep the business in Hurricane. Ms. Goodfellow commented she has a lot of pride with having them in the Community but she wishes it wasn't on agricultural land.

Mr. Sampson stated he talked to some of the neighboring property owners and they were upset because it is yet another request to change the General Plan. They moved there because it was agriculture. He stated there has been a lot of tendency to change the zone instead of keeping what is there. He asked what they would do with the old building if they build the new one. Mr. Hells stated they own the building and the two lots next to it so they would look at selling all of it. It commented it is older building but they have made it work.

Chairman Cloud stated she agreed with a lot of the comments the other Commissioners had. She greatly values them in the Community but they are just starting to look at the General Plan so she feels it is a little premature. Mr. Hells asked for the time frame of when the General Plan would be reconstructed. Toni Foran stated the consultants will be on board next month and they anticipate it taking six to eight months. Mr. Christensen mentioned there is a lot of public input that is considered for the update. Mr. Hells asked who the consultants are. Ms. Foran stated it will be on City Council agenda next week to approve the contract but it is Logan Simpson.

Ralph Ballard commented the community is changing. There has been 3000 homes approved right by this parcel. He stated people that own the property have rights to develop it. There are master planned roads right by this property. It is not going to stay a field. He stated he is sympathetic in a way but there are efforts being made to preserve agriculture. He said arterial roads is where industrial needs to go. Hurricane needs to have areas for people to work. He asked for public input on the General Plan as it is reviewed this year. Mr. Buckner stated it would be a spot zone but all the infrastructure is there. Mr. Hells commented he feels like they have been a great neighbor and their goal is to stay a great neighbor. He stated there is development happening there. Things are slowing changing. Mr. Ballard stated the

Commissioners need to decide where industrial needs to be because there are a lot of development. Mr. Sampson asked Mr. Ballard if he is suggesting including Chum's in the discussion of the General Plan changes before they vote on this application. Mr. Ballard stated yes, he thinks it will be better if they all work together. Mr. Hells stated they are bursting at seams. They are wanting to move quickly. He mentioned it would take then eighteen months to two years to move everything. Ms. Goodfellow pointed out the property is very close to other property that is designated as light industrial on the General Plan. Ms. Foran pointed out that is because it is on the hill not farm lands. *Dayton Hall motioned to recommend denial of application 2020-GPA-01 to the City Council based on the following; 1. It would be premature to do a General Plan amendment for this area when they are in the process of updating the General Plan. 2. The current uses and current zoning surrounding this property is agricultural. Mr. Ballard asked the applicant if they would rather have the application tabled. Mr. Buckner asked if they would have to wait until next year for it to be heard. Darin Larson explained they can petition to be heard before the designated time. City Attorney Fay Reber stated a recommendation of denial will go to City Council but if they table nothing will happen. Applicants asked to move forward. Mark Sampson seconded the motion. The vote was as follows: Chris Christensen-Aye, Ralph Ballard-Aye, Dayton Hall-Aye, Michelle Cloud-Aye, Shelley Goodfellow-Aye, and Mark Sampson-Aye. Motion carried.*

2020-ZC-03 Consideration and possible recommendation to the City Council on a proposed Zoning Map amendment request on 1.14 acres located at approximately 580 N Main Street from MH- Mobile Home RV, to RM-3, Multi-Family Residential up to 15 units per acre – Raymond Ebert applicant

Toni Foran asked the Commissioners to table this application because after hearing the comments about the landlord not knowing what is happening during the Public Hearing she looked at application and there isn't a notarized affidavit so she does not have proof that that owner signed the application. *Ralph Ballard motioned to table application 2020-ZC-03 due to an insufficient application. Shelley Goodfellow seconded the motion. The vote was as follows: Chris Christensen-Aye, Ralph Ballard-Aye, Dayton Hall-Aye, Michelle Cloud-Aye, Shelley Goodfellow-Aye, and Mark Sampson-Aye. Motion carried.*

2020-ZC-04 Consideration and possible recommendation to the City Council on a proposed Zoning Map amendment request on 122 acres located at approximately 2000 West to 1300 West on the north side of 600 North (the Cove) from R-1-10, Single Family Residential 10,000 sq. ft. lots, to PC, Planned Commercial – Toquerville Enterprises applicant

Chairman Cloud stated the applicants have requested this application to be tabled. *Mark Sampson motioned to table application 2020-ZC-04. Shelley Goodfellow seconded the motion. The vote was as follows: Chris Christensen-Aye, Ralph Ballard-Aye, Dayton Hall-Aye, Michelle Cloud-Aye, Shelley Goodfellow-Aye, and Mark Sampson-Aye. Motion carried.*

2020-PP-03 Consideration and possible recommendation to the City Council on a preliminary plat for Southern Shores, a 56 lot single family subdivision containing a 28 acre private ski lake and two private 7,000 sq. ft. cable lakes with private roads – Southern Shores Development applicant

Phil Childs and Jason Christensen were present to present the application. Mr. Childs stated they have no objections to the staff and JUC comments. Mark Sampson asked if this was attempted a few years ago. Toni Foran stated yes these applicants tried to develop this a few years ago on a different property. She explained this property previously had a single family subdivision approved on it but the plat expired. Shelley Goodfellow commented it looks like fun development. She asked how it is funded. Mr. Childs stated there are multiple partners involved and all the funding is in place. Two thirds of the water has been secured and the property is under contract. Ms. Goodfellow stated they need to clarify the intent of the lakes. Mr. Childs explained they will be for private and guest use only. Dayton Hall asked where they are getting the water. Mr. Childs stated a well but they will have to develop the well. They have

acquired two thirds of the water rights. Jason Christensen stated the underground water rights are in place. Mr. Hall mentioned one of the staff comments mentioned the subdivision needs to be fenced or the Commissioners need to make a determination that it doesn't need to be. Mr. Childs stated they plan to fence the community and everyone that lives there understands they are by a pond. He clarified it will be a gated community. Ms. Goodfellow commented there isn't a development like this in Southern Utah. Jason Christensen mentioned there are several up North that do well. He stated this development will bring nice homes and they make sporting neighborhoods. They think it will fit in the area. He stated the water usage is comparable to watering the golf course. Mr. Sampson asked if they would allow vacation rentals. Jason Christensen stated no. They are designing a sport lake and too many people accessing it would ruin it. He explained the outer lakes will be cable towed with very quiet electric motors and the middle lake will allow boats. The homes that front the lake will have docks. Mr. Hall asked if there would be CCR's. Mr. Christensen stated yes. One of their partners has done this development before so he knows what to anticipate with this type of development. Ralph Ballard asked what they will do to keep the lakes from leaking. Mr. Childs stated they will add soil amendments to help hold the water. Mr. Ballard asked if their well would be close. Mr. Ballard asked if they anticipate any home damage from water. Jason Christensen stated most of the property is sandstone and the homes will be higher than the lakes. They will not have any basements. Chris Christensen stated there is a lot of sand in that area. He asked if that was a concern. Mr. Childs stated the geotechnical report recommends them to remove the sand so when they grade they are hoping it will mix. Toni Foran asked if they saw the comment regarding moving the project thirty five feet. Mr. Childs stated yes, they have two options to accommodate that 1. Purchase more property for the adjacent property owner or 2. Adjust the lot sizes. *Shelley Goodfellow motioned to recommend approval of application 2020-PP-03 to the City Council subject to staff and JUC comments; 1. Entire project needs to move 35' east to accommodate planned 70' collector road on east boundary. 2. Signed construction drawings for both onsite and offsite improvements are required before final plat application. 3. Solutions to off-site issues resolved. 4. Water study required. 5. Sewer to be completed, including pump station before building permits issued. 6. Applicant must coordinate with Postal Service for postal boxes to serve the subdivision. 7. Phase 1 includes 29 lots. This is due to fire code requirements to have two distinct ways in and out of the project for safety reasons if the project has 30 or more single family residences. Therefore, Phase 2 would not be approved until the second access is included on plans. Approval is based on the understanding the road accommodations mentioned in comment 1 will be addressed on the west side. Mark Sampson seconded the motion. The vote was as follows: Chris Christensen-Aye, Ralph Ballard-Aye, Dayton Hall-Aye, Michelle Cloud-Aye, Shelley Goodfellow-Aye, and Mark Sampson-Aye. Motion carried.*

Approval of minutes: Dayton Hall stated on page 6, line 14 "if" needs to be added after "asked". Ralph Ballard motioned to approve the December 12, 2019 with the correction, seconded by Shelley Goodfellow. Motion passed unanimously.

Planning Commission business:

1. Continued discussion and work on proposed Cottage Housing Overlay zone. Toni stated this has come up a lot. She handed out additional information to review.
2. Updates on City Council actions Toni stated the A-1 zone did pass. Shelley asked if they can work on country road sections. Toni stated the Mayor is asking for that on the City Council agenda so Commissioners don't have to get involved. She commented the hard part is going to be determining where it is needed.
3. Cindy mentioned they need to vote for a new vice chair. Commissioners decided to wait until all Commissioners were present to vote.

Meeting adjourned at 8:07 p.m.