Washington City
An Oasis of Opportunity

Community Development Department
111 North 100 East
Washington City, UT 84780
Phone (435) 656-6325
Fax (435) 656-6371
www.washingtoncity.org

Minutes
WASHINGTON CITY PLANNING COMMISSION
November 5, 2014

Present: Commissioner Smith, Commissioner Williams, Commissioner Shepherd, Commissioner Henrie, Commissioner Papa, Attorney Jeff Starkey, Councilman Nisson, Drew Ellerman, Lester Dalton, Glenn Murphey, Brandee Walker, Don Wiley, Patrick Jackman, Susan Kimball, Don Kimball, Jim Guynn, Rhaldo Turner, Cindy Turner.

Meeting called to order: 5:35 PM
Invocation: Commissioner Williams
Pledge of Allegiance: Commissioner Smith
Commissioner Smith excused Commissioner Martinsen

1. APPROVAL OF AGENDA
   A. Approval of the agenda for November 5, 2014.
   Commissioner Henrie motioned to approve the agenda for November 5, 2014.
   Commissioner Papa seconded the motion.
   Motion passed unanimously.

2. APPROVAL OF MINUTES
   A. Approval of the minutes from October 15, 2014.
   Commissioner Papa motioned to approve the minutes from October 15, 2014.
   Commissioner Henrie seconded the motion.
   Motion passed unanimously.

3. DECLARATION OF ABSTENTIONS & CONFLICTS
   None

4. PRELIMINARY PLAT
   A. Public Hearing for consideration and recommendation to City Council for the Vincent Lane Townhomes Preliminary Plat located at approximately 500 West Vincent Lane. Applicant: New Trend Construction, Tim Kenny

Background
The applicant is requesting approval of a Preliminary plat for the Vincent Lane Townhomes subdivision, located at approximately 500 West Vincent Lane. The applicant is wishing to develop 10 townhome units on an area covering 0.61 acres (26,615 sq. ft.). The location of this particular project is zoned Multiple-Family Residential (R-3).

The designated density for this particular area (as found in the General Plan) is 13 to 16 dwelling units per acre, which falls under the High Density Residential land use category. This project is proposing 16 d.u./ac.

The proposed subdivision conforms to the subdivision requirements and other city ordinances as it relates to this location. Staff has reviewed the request and recommends approval, with conditions, of the preliminary plat as outlined.

Recommendation
Staff recommends that the Planning Commission recommend approval of the Preliminary plat for the Vincent Lane Townhomes subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings
1. The preliminary plat meets the land use designation as outlined in the General Plan for the proposed area.

2. That the preliminary plat conforms to the Zoning and the Subdivision Ordinances as conditioned.

Conditions
1. A final drainage study and grading and drainage plan shall be submitted for review and approval prior to moving dirt. Development of the site shall comply with the recommendations of the geotechnical study and drainage study, and improvements for drainage and detention shall be approved by the Public Works Department.

2. A final geotechnical study shall be submitted to the City for review and approval prior to submitting the final plat. All recommendations of the geotechnical study shall be adhered to.

3. Construction drawings for the subdivision and its infrastructure shall be submitted to the City for review and approval prior to the submittal for final plat.

4. The construction drawings shall adequately address prevention of nuisance storm water drainage across lots. If retaining walls are utilized to prevent cross-lot drainage, the developer shall be responsible for installing said retaining walls.

5. At the time of final plat submittal, the following documents shall also be submitted:
    A. A title report.
    B. A copy of any deed restrictions, other restrictions, restrictive covenants, architectural controls, or other requirements that may apply to the development (CC&Rs).

6. All detention areas shall be landscaped and all detention and landscaped areas shall be maintained by the property owners and/or homeowners association. A note shall be placed on the plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain the detention and landscaped areas.

7. A final landscaped plan and fencing plan shall be submitted for review and approval prior to the submittal of the final plat. Landscaping and fencing shall be installed prior to the occupancy of the buildings that will be constructed along the landscaped and fenced areas.

8. All landscaping, walls and other structures shall meet sight distance requirements. A note shall be placed on the final plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain sight distance requirements.

9. Driveway locations are to be approved by the Public Works Department.

10. Any proposed blasting for the development of the subdivision requires the submittal of a blasting plan with the construction drawings and issuance of a blasting permit.

11. Legal access will need to be verified and/or obtained from 500 West Street to the project across the street referred to as "Vincent Lane".

12. The Final Plat shall have added to it, that there will be no parking along the north side of Vincent Lane and that there will be "No Parking" signs put in place on said north side of Vincent Lane.

13. Post Construction Maintenance Agreement will need to be recorded prior to Final Plat recordation.

Commissioner Henrie asked if the curb should be colored red.

Mr. Ellerman stated he would prefer signage because paint fades.

Commissioner Smith clarified that Vincent Lane is a private egress/ingress.

Mr. Ellerman stated that is correct the city abandoned the road. He stated that Lester informed him that all property owners were required to give an easement that was to be recorded for access to all properties involved.

Commissioner Williams asked if this is a continuation of the Pearl Condos.

Mr. Ellerman stated no this property would be a different design with single car garages. He stated it does meet the parking required plus 10 visitors parking.

Commissioner Williams asked how wide is Vincent Lane.

Mr. Ellerman answered it is 31 feet. There is parking for the Mini Storage next to the Vincent Lane. When Telegraph was reconstructed the Kimball property had to access onto Vincent Lane instead of Telegraph. It is paved to their building even with the drain grade.

Commissioner Smith opened the public hearing.

Don Kimball stated there are some discrepancies with this project. Vincent Lane ends at his property line. When they put in curb and gutter and that he widened the road, there is a storm drain that he had to install while he was putting in asphalt. He went to the title company and there isn't a recordation of the project having access. From his property line to the Pearl condo is 75 feet and to the Mini Storage is 15 feet. His understanding is that if the project came in they would have to use the 75 feet. He stated he wants to put in a chain link fence but the storm drain is in the way and Lester told him probably not because of the easement that goes through there. He stated he objects to the project because they come onto his property. He stated because of what they do at the Kimball house they need privacy. There is 75 feet that they could use as access.

Commissioner Shepherd asked for clarification of the where the property line is.

Mr. Kimball indicated on the overhead where is property line is and stated there is a block wall that had to be setback 5 feet or he would have had to put in a retaining wall because it is so steep.

Sue Kimball stated she has talked to the previous owner and they wanted to have the property provide some of the apartments for their woman and children. She stated the previous owner stated they would not use their property and would use the 75 feet. She stated they have paid a lot of money for the asphalt and storm drain. She stated in purchasing the property it was to be for a secure piece of property for their families that they serve. She stated she would prefer the access not go onto their property.

Don Wiley asked about the setbacks of the gutter. He stated they applied for the vacation of Vincent Lane they vacated the property half going to them and half going to Pearl Condos and not prevent access to that property. The agreement was that each property would have access including the Brackens and the Air Museum. When Pearl Subdivision went bankrupt he was contacted about the road and asked for access. He stated they do have access to the property. He stated he would prefer a 20-foot setback for the townhomes. He asked about fire access and the landscape off of 500 West and if they would maintain it.

Brandee Walker stated the development would maintain the landscape.

Cindy Turner stated her family has Millcreek Terrace. She stated there doesn't appear to be a play area and the traffic off of 500 East is already dangerous to get out of.

Brandee Walker from B&G stated the setback from curb to building is 8 feet. This does meet setbacks from property line. This is R-3 zone with 300-foot outdoor living space per unit.

She stated she realizes it is a tight design and this is the same plat of the original final plat that was previously approved in 2007. She stated there is an easement for access.

Commissioner Smith stated Mini Storage and the condos have access. He stated the Bracken agreement might not have covered the access and would like to see the document.

Glen Murphey with New Trend stated the only thing they have is the prior plan that was approved. There were some changes to the Telegraph access to the Kimball property and all three properties should work together to have adequate access.

Commissioner Williams asked if there would be patios.

Mr. Murrphey stated yes. Each unit has a separate patio with planters. He wants this to be owned and operated by one individual. They do have a potential buyer waiting for approval.

Commissioner Williams asked if there is adequate room that would not bother the Kimball Foundation.

Mr. Murphey stated there is adequate room if they work together. There intent is not to harm the Kimball property.

Don Wiley asked how many sq feet are each in unit and where is the drainage going to go.

Ms. Walker stated the units are 22 by 40 sq feet. They are going to do underground detention then drain to the wash. She stated the north end of Vincent Lane was installed by them and the Kimball's are using what they installed and they would not be using any of the drainage that the Kimball's installed. The underground utilities were previously installed for this project.

Randolf Turner stated he has owned property for about 60 years and on the north drops to the east it drops off about 20 feet what will be done to prevent cars from dropping off the edge of the road. There is a lot of traffic going onto 500 West then onto Telegraph it is dangerous.

Don Kimball stated he wants to clarify that the State took 15 feet of the property and they indicated they would put a driveway but the fire department didn't want that because it was too steep. He stated he was told by the State to install stairs at the back of their building and that is why they have the access off of Vincent Lane. He stated they had to put in a manhole and would rather they redesign their project.

Commissioner Henrie asked if it would be okay to table this item so the access easement could be verified.

Commissioner Henrie motioned to close the public hearing
Commissioner Shepherd seconded the motion.
Motion passed unanimously.

Commissioner Smith asked Lester Dalton about drainage; is public or private?

Lester Dalton stated the pipe serves dual purpose it carries the Green Spring water during a situation. One water user to the south of this property on the other side of Telegraph and head box to the west that gives ability to dump Green Spring water to Millcreek because St George has rights down stream or the one user. The pipe is running 1/3 to 1/2 full, it is an 18-inch storm drain line and very little storm drainage enters the pipe. Up stream is the Kohl's have a large detention basin with 4-inch discharge then a drop inlet to Mini Storage to the west and the Kimball's have a 4-inch discharge. He stated he has spoken with the developer's engineer and has consented to a 4-inch discharge as well and no more. He stated they are trying to avoid another retention basin. They will have a significant underground detention with their current plan and they are aware of it. They will be able to use the parking lot.

Commissioner Smith asked Mr. Dalton about the access easement.

Mr. Dalton stated with the Kimball property there was an easement and every property on the old Vincent Lane. When it was abandoned all property owners were required to provide access to all property owners along Vincent Lane.

Commissioner Shepherd asked for clarification of the length of the previous Vincent Lane.

Mr. Dalton stated it ran from 300 West to I-15 before I-15 was constructed. It has been abandoned from I-15 to 300 West piece by piece.

Commissioner Shepherd asked if the understanding is that there is an easement for all the property owners.

Mr. Dalton stated that one of the conditions is they have to proof that there is an easement.

Commissioner Smith asked Jim Guynn the Fire Marshall about any fire concerns.

Mr. Guynn stated this was approval prior to his time and the challenge is about 410 feet before it drops into the project and 240 to the back of the project. The code requires 150 feet fire access from end to fire lane. They recognize it as a driveway. Their concern is the hydrant is moved back to the street and no provision for a turn around. If sprinkled they would allow 600 feet rather than the 150 feet. He stated they could position on the south end and the parking lot so they could cover the project. They could use a product that would allow for them to access the back of the project. He stated he wants to address these issues before construction drawings are submitted.

Commissioner Smith asked if Mr. Guynn would feel the same if this was not approved previously.

Mr. Guynn stated no he is not opposed to the project. There are just the two concerns; the hydrant is an easy fix. He stated he realized that sprinkling is expensive and would prefer that

but feels they can work through the access issue. He stated he feels they can use the code to make this a safe project.

Commissioner Smith asked about setback from property but using it as a road/access, he asked for clarification on how to interpret what the reference should be.

Mr. Ellerman stated it doesn't even meet the definition of a private street. He stated that is why it fits a legal access because of egress/ingress easements.

Commissioner Shepherd asked for clarification on setback.

Mr. Ellerman stated it is property line.

Commissioner Smith stated if the Kimball property has access what happens when someone comes in and says they have legal access even to the creek?

Mr. Ellerman stated he needs to look at the abandonment and the recorded easement. There shouldn't be a building in an easement but you can use it in the easement. He stated at this point he would need to see the documents.

Commissioner Smith stated he is not opposed to the project he just wants to make sure it meets code and or the easement agreement.

Attorney Starkey stated based on potential people being in there the city just need to review the documents.

Mr. Ellerman stated they just call it Vincent Lane but it isn't a lane, not a private road it is legal access, ingress/egress.

Commissioner Shepherd asked about the Fire Marshalls comments.

Mr. Guynn stated when they first looked at this with the Kimball Foundation they were concerned with the approach for an ambulance access. That is how their driveway was designed. The fire department comes in 150 feet then 250 pre connects so if they put in a turn around in the back and another on the street there would be enough coverage. The intent is to find a way to help and not say no. He would rather they sprinkle but there are only two ways the code could help them, the hammerhead or sprinkling. The Kimball Foundation is sprinkled.

Commissioner Henrie asked if there is an easement in the past that is recorded.

Mr. Ellerman stated there is a signed document but not sure it got recorded. He stated Lester looked at this when they did the Telegraph research. He doesn't have the copies. There needs to be research to provide the documents.

Commissioner Henrie would like to motion to table this item.

Ms. Walker stated she would like to have specific reasons for the tabling.

Attorney Starkey stated if the original plat was not a recorded everything needs to be reviewed because things change since the 2007 approval. There is a condition that addresses the easement.

Commissioner Henrie motioned to table this item to clarify the easements and setback easements to November 19, 2014.
Commissioner Shepherd seconded the motion.
Motion passed unanimously.

5. MINOR SUBDIVISION
   A. Consideration of approval for the Autumn Park Minor Subdivision located at approximately 500 North 1100 East. Applicant: Autumn Park Properties, LLC , Patrick Jackman

Background
The applicant is requesting approval for the Autumn Park Minor Subdivision, located at approximately 500 North 1100 East. The applicant is wishing to split a small parcel consisting of 1.025 acres of land, from a very large piece of property. The newly created lot will be to house a Veterans Home facility at this location. The property is zoned Multiple-Family Residential (R-3).

Staff has reviewed the requested proposal, and the proposed Autumn Park Minor Subdivision, conforms to the intent of the General Plan and meets the standards as set forth in the subdivision ordinance of the city.

Recommendation
Staff recommends that the Planning Commission recommend approval of the Autumn Park Minor Subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings
1. The minor subdivision conforms to the land use designation as outlined in the General Plan for the proposed area.

2. That the minor subdivision conforms to the Washington City Subdivision Ordinance as outlined.

Conditions
1. All improvements shall be completed or bonded for prior to recording the final plat.

2. A current title report policy shall be submitted prior to recording the final plat.

3. Any referenced control monuments related to this subdivision shall be in place prior to recordation of the final plat. A stamped and signed letter from a professional land surveyor

licensed in the state of Utah that verifies that the referenced control monuments are in place shall be submitted to the Community Development Department for filing prior to plat recordation.

4. That a post maintenance agreement be recorded prior to the recording of the final plat.

5. The access (ingress and egress) to and from the properties shall be reviewed and approved by the Public Works Department before the recording of the plat.

6. A final drainage study and grading and drainage plan shall be submitted for review and approval prior to moving dirt. Development of the site shall comply with the recommendations of the geotechnical study and drainage study, and improvements for drainage and detention shall be approved by the Public Works Department.

7. A final geotechnical study shall be submitted to the City for review and approval. All recommendations of the geotechnical study shall be adhered to.

8. Construction drawings shall adequately address prevention of nuisance storm water drainage across the lots. If retaining walls are utilized to prevent cross-lot drainage, the developer shall be responsible for installing said retaining walls.

9. Any required landscaping and fencing shall be installed prior to the occupancy of the buildings that will be constructed along the landscaped and fenced areas.

10. Any proposed blasting for the development of the subdivision requires the submittal of a blasting plan with the construction drawings and issuance of a blasting permit.

11. If a traffic study is deemed to be necessary by the Public Works Department, one shall be submitted for review and approval, prior to any site work or any building permits approved and issued.

12. Area for a deceleration lane needs to be dedicated with a separate document or included with this plat.

13. Deferral request needs to be submitted and approved by the City Council prior to submittal of final plat.

14. Area for proposed access needs to be shown.

15. Post Construction Maintenance Agreement will need to be recorded prior to Final Plat recordation.

Drew Ellerman clarified that his report stated the east side of the Parkway is dedicated to the city so it doesn't need to go to City Council for approval so the correction isn't a recommendation it is approval on Minor Subdivisions. They will put in curb and gutter. He stated Brandee and Lester are working out the deceleration lane on a minor arterial.

Commissioner Smith asked how many acres.

Mr. Ellerman stated 1.025 acres.

Commissioner Williams asked how many acres for the Ivin's Veterans parcel.

Mr. Ellerman stated he thinks it is about 5 acres but there are about 106 beds.

Commissioner Williams stated it is a good use of for land.

Commissioner Shepherd motioned to approve the Minor Subdivision with the findings and conditions of staff.
Commissioner Williams seconded the motion.
Motion passed unanimously.

6. DISCUSSION ITEMS

A. Discussion and review of the Planning Commission Meeting Schedule for 2015. To be approved at a later meeting.

Discussion on the up coming Open House with the public and Planning Commissioners scheduled for January 8 and 29th at the Riverside Elementary School to discuss potential areas for commercial.

Commissioner Henrie motioned to adjourn the Planning Commissioner meeting.
Commissioner Papa seconded the motion.
Motion passed unanimously.

Meeting adjourned: 7:10 PM

Washington City

Signed by: Jason S Smith
Jason Smith, Chairman

Attested to: Kathy Spring
Kathy Spring, Zoning Technician