



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
June 3, 2015

Present: Commissioner Smith, Commissioner Williams, Commissioner Papa, Commissioner Henrie, Commissioner Martinsen, Attorney Jeff Starkey, Drew Ellerman, Lester Dalton, Kathy Spring, Karl Rasmussen, Roger Bundy, Brandee Walker, Ben Willits, Doug Dennett, Matt Ence, Dan Drown, Leanne Hoopes, Dan Hoopes.

Meeting Called to Order: 5:30 P.M. Commissioner Smith excuses Commissioner Shepherd.
Invocation: Commissioner Henrie
Pledge of Allegiance: Commissioner Williams

1. APPROVAL OF AGENDA

A. Approval of the agenda for June 3, 2015.
Commissioner Henrie motioned to approve the agenda for June 3, 2015.
Commissioner Williams seconded the motion.
Motion passed unanimously.

2. APPROVAL OF MINUTES

A. Approval of the minutes from May 20, 2015.
Commissioner Papa motioned to approve the minutes from May 20, 2015.
Commissioner Martinsen seconded the motion.
Motion passed unanimously.

3. DECLARATION OF ABSTENTIONS & CONFLICTS

None

4. FINAL PLAT

A. Consideration and recommendation to City Council for the Sugar Plum in The Fields Phase 1 Final Plat located at approximately 3650 South Camino Real. Applicant: Walter Plumb

Background

The applicant is requesting approval of a final plat for the Sugar Plum in The Fields, Phase 1 subdivision, located at approximately 3650 South Camino Real.

This particular subdivision is proposing 38 lots on an area covering 12.386 acres. The specific location of this subdivision is zoned Single-Family Residential - 8,000 Sq. Ft. Min. (R-1-8). The Amended Preliminary Plat was approved back on January 8, 2014.

Staff has reviewed the requested proposal, and the proposed final plat, conforms to the approved amended preliminary plat.

Recommendation

Staff recommends that the Planning Commission recommend approval of the Final plat for the Sugar Plum in The Fields, Phase 1 subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

1. The final plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the final plat conforms to the Washington City Zoning Ordinance and Subdivision Ordinance as outlined.
3. The proposed final plat conforms to the approved amended preliminary plat.

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. When applicable, in the General Notes where the terms “Home Owners Association”, or “Property Owners” are used, they shall be changed to read as “Property Owners and/or Home Owners Association”.
5. That a Post Construction Maintenance Agreement be recorded prior to the recording of the final plat.
6. There is a portion of the “Common Area” on the northwest corner of the subdivision that is also being used as a Detention area, this needs to be called out on the plat and referenced in Note #1 as a blanket “P.U.E. and Drainage easement”.
7. The “Detention” area needs to be labeled on the plat.

Commissioner Williams motioned to recommend approval to City with the findings and conditions of staff.

Commissioner Martinsen seconded the motion.

Motion passed unanimously.

- B. Consideration and recommendation to City Council for the Rusted Hills Phase 3 Final Plat located at approximately Camino Real and Galilee Way. Applicant: Doug Dennett

Background

The applicant is requesting approval of a final plat for the Rusted Hills, Phase 3 subdivision, located at approximately Camino Real and Galilee Way. This particular subdivision is proposing 28 lots on an area covering 12.39 acres. The specific location of this subdivision is zoned Residential/Agricultural - 1 Acre Min. (RA-1), using the Bonus Density credits. The Preliminary Plat was approved back on October 23, 2013.

Staff has reviewed the requested proposal, and the proposed final plat, conforms to the approved preliminary plat.

Recommendation

Staff recommends that the Planning Commission recommend approval of the Final plat for the Rusted Hills, Phase 3 subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

1. The final plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the final plat conforms to the Washington City Zoning Ordinance and Subdivision Ordinance as outlined.
3. The proposed final plat conforms to the approved preliminary plat.

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. When applicable, in the General Notes where the terms "Home Owners Association", or "Property Owners" are used, they shall be changed to read as "Property Owners and/or Home Owners Association".

5. That a Post Construction Maintenance Agreement be recorded prior to the recording of the final plat.

6. There is an area denoted on the plat as “City Trail”, stating it be conveyed to the city. This needs to be changed to read “Common Area” but showing a meandering trail through the common area labeled as “joining to city trail system”, this common area and trail are to be noted in the General Notes with standard maintenance language by the HOA/Property Owners of the development.

7. The street named Fremont Street needs to join to Camino Real with standard radius’ etc.. (should not have common area continuation down east side of Camino Real as currently on plat)

Commissioner Williams asked if #6 and 7 is the way Mr. Ellerman wants it to read.

Mr. Ellerman answered yes.

Commissioner Papa motioned to recommend approval to City Council with the findings and conditions of staff.

Commissioner Williams seconded the motion.

Motion passed unanimously.

- C. Consideration and recommendation to City Council for the Brio Phase 1 A Subdivision located at approximately Buena Vista Blvd and Main Street. Applicant: Jack Fisher Homes

Background

The applicant is requesting approval of a final plat for the Brio, Phase 1A subdivision, located at approximately the northwest corner of Buena Vista Blvd. and Main Street. This particular subdivision is proposing 72 lots on an area covering 51.88 acres. The specific location of this subdivision is zoned Planned Community Development (PCD). The Preliminary Plat was approved back on August 13, 2014.

Staff has reviewed the requested proposal, and the proposed final plat, conforms to the approved preliminary plat.

Recommendation

Staff recommends that the Planning Commission recommend approval of the Final plat for the Brio, Phase 1A subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

1. The final plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the final plat conforms to the Washington City Zoning Ordinance and Subdivision Ordinance as outlined.

3. The proposed final plat conforms to the approved preliminary plat.

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. When applicable, in the General Notes where the terms “Home Owners Association”, or “Property Owners” are used, they shall be changed to read as “Property Owners and/or Home Owners Association”.
5. That a Post Construction Maintenance Agreement be recorded prior to the recording of the final plat.
6. General Note #1 needs to be called out as a blanket PUE and Drainage easement over all open space/common areas.
7. Existing easements in platted areas need to be shown, and references made to the areas to be abandoned with the recording of this plat.
8. Sewer easements in non-common areas need to be widened to accommodate depth and facilitate maintenance. If they are to be in future roadways, the entire roadway could be an easement.
9. Open Space areas need to be clearly shown and all detention areas need to be labeled in their respective locations.
10. Parcel for Community Center needs to have its own lot number given, would/should be lot #105.

Commissioner Smith asked the developer if they are okay with the conditions.

Ben Willits from Jack Fisher stated they are okay with the conditions.

Commissioner Henrie stated they are excited to have this happen.

Ben Willits stated they have models homes and will start next week. They hope to have them done in August and the Community Center will be done by about Thanksgiving. They want to have these ready for the Parade of Homes.

Commissioner Williams stated he is glad to have this come in the area.

Attorney Jeff Starkey asked if the trails would be dedicated with the plat.

Mr. Ellerman stated the park and the trail would be dedicated.

Attorney Jeff Starkey asked if the trails would meander.

Roger Bundy answered they will. He stated there is a 50 foot water easements and there needs to be a way that it will vacated. He stated he is okay if they show as temporary.

Lester Dalton stated they could spontaneously. The plat will have the new easements.

Attorney Jeff Starkey stated it could be on the same agenda. He stated they would need to work with Public Works and Drew.

Mr. Ellerman stated they will move forward with the final plat and Ben will meet with Danice to check on noticing and putting it on the City Council agenda. He stated as long as the plat and vacation are recorded together.

Commissioner Henrie asked if there would be a need for added conditions.

Mr. Ellerman answered no.

Commissioner Henrie motioned to recommend approval to City Council with the findings and conditions of staff.

Commissioner Williams seconded the motion.

Motion passed unanimously.

5. PRELIMINARY PLAT

- A. Public Hearing for consideration and recommendation to City Council for the Chateau Meadows Preliminary Plat located at approximately 2700 South 300 East. Applicant: Ray Cox

Background

The applicant is requesting approval for a preliminary plat for the Chateau Meadows subdivision, located at approximately 2700 South 300 East. The applicant is wishing to develop 8 lots on an area covering 9.8 acres. The location of this particular project is zoned Residential/Agricultural - Half Acre Min. (RA-1/2).

The proposed subdivision conforms to the approved zoning. The request meets 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 Chateau Meadows 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 preliminary and 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. That a Post Construction Maintenance Agreement be recorded prior to the recording of the final plat.
12. Developer shall provide a letter from the St. George Canal Company, accepting the storm water proposed to discharge into the irrigation canal, prior to any construction drawing approval.

Commissioner Papa asked if condition 12 is a concern.

Mr. Ellerman stated before the commissioner's see a project they come to a staff developers meeting and drainage is discussed. Mr. Dalton usually brings up the concerns and asks the developer how they are going to address the drainage. The North part of the city has some drainage issue. The question is how to get the water out and water use to drain into the canal but the city needs to know if it will go to the canal or how it will drain.

Commissioner Smith asked which canal it will drain to. He stated this property is surrounded by canals.

Brandee Walker stated this would drain to the west. On 300 East is existing and is the low part of the property. It will go down the east edge along lots 4 and 5. The Cox's have met with the Canal Company. The Canal Company is requiring them to have a 25 feet easement.

Commissioner Smith asked if the 25-foot is doubling as common area and the drainage.

Ms. Walker stated yes.

Commissioner Williams asked how they would keep it safe.

Ms. Walker stated they are piping the east boundary.

Commissioner Williams stated some areas are not piped.

Ms. Walker stated this area has storm drain.

Commissioner Henrie asked what size of pipe would be installed.

Ms. Walker stated on the east it would be 18 inch.

Commissioner Smith asked if there is a master plan road to the north of this project.

Ms. Walker stated public works has asked them to design the road according to the master plan. They will have to match up to Lost Ridge.

Commissioner Smith opened the public hearing.

No response.

Commissioner Henrie motioned to close the public hearing.

Commissioner Papa seconded the motion.

Motion passed unanimously.

Commissioner Williams motioned to recommend approval to City Council with the findings and conditions of staff.

Commissioner Papa seconded the motion.

Motion passed unanimously.

6. ZONE CHANGE

- A. Public Hearing for consideration and recommendation to City Council a Zone Change request Z-15-07 to add overlay zone of a Residential Rentals, Short Term to existing Multiple Family Residential (R-3) zoning designation located at approximately 3800 South Washington Fields Road. Applicant: Dan Hoopes

Background

The applicant is requesting approval to add the Overlay Zone of “Residential Rentals, Short Term” to his currently zoned Multiple-Family - Residential (R-3) property. The area requested is approximately 12.08 acres in size and located at approximately 3800 South Washington Fields Road.

The proposed change is for possible future development of a project that could/would allow for a short term rental (vacation rental) subdivision. Recently, the Planning Commission and City Council passed two ordinance amendments for such uses to be applied for throughout the city.

Staff has reviewed the proposed overlay zone request, finding that it meets the minimum criteria in parcel size and would be a good fit for the area. The property is designated in the General Plan as Medium High Density which is intended for acting as a transition area between commercial mixed use and medium density residential locations.

Recommendation

Staff recommends that the Planning Commission recommend approval of Z-15-07, for the overlay-zone request, adding the “Residential Rentals, Short Term Overlay Zone to the current/existing Multiple-Family Residential (R-3) zoning designation, to the City Council, based on the following findings:

Findings

1. That the requested overlay zoning conforms to the intent of the land use designation of the General Plan.

2. That the requested overlay zoning will be compatible with surrounding developments.
3. That the request meets the minimum parcel size of five (5) acres as required in the Zoning Regulations.

Commissioner Smith asked in the previous zone change was for R-3 why the Conditional Use Permit.

Mr. Ellerman stated because there are more than 4 units.

Commissioner Smith stated they looked at the overlay and if there will be amenities.

Mr. Ellerman stated the requirement is 5 acres and they wanted to provide an area for family to visit people in the senior living development. He stated this request just gives potential of the use.

Commissioner Smith stated his concern is that there are not amenities.

Mr. Ellerman stated when the overlay zone was being discussed the amenity requirement was eliminated.

Commissioner Smith opened the public hearing.

No response

Commissioner Papa motioned to close the public hearing.

Commissioner Henrie seconded the motion.

Motion passed unanimously.

Commissioner Smith asked the developer about the amenities.

LeAnn Hoopes stated they looked at what to do with the whole project. She stated they don't know exactly what they are doing with the commercial portion. She stated she didn't think there is a need for a pool because of the senior living.

Commissioner Smith stated he understands that the short-term rental is to accommodate family members that are visiting their loved ones but his concern is that a short-term rental on 12 acres and nothing to do.

Ms. Hoopes stated when she is on a vacation she likes to rent houses and some don't have pools. She stated the main investment for the Bedford is senior living.

Commissioner Williams asked if it is assisted living.

Ms. Hoopes stated it is independent living. She stated they would provide meals so the seniors are eating properly. There is going to be a clubhouse.

Commissioner Henrie motioned to recommend approval to City Council with the recommendation and findings of staff.

Commissioner Williams seconded the motion.

Motion passed unanimously.

7. CITY CODE AMENDMENT

- A. Public Hearing for consideration and recommendation to City Council for a City Code Amendment to allow Mobile Food Vendors in the Commercial and Industrial Zones. Title 9 Zoning Regulations, Chapters: 9-1-6, 9-9-2-(A), 9-10A-2 (A), 9-10B-2-(2), 9-10C-2(A0, 9-10D-2(A0 and 9-11-2(D). Applicant: Washington City, Drew Ellerman

Background

The City is wishing to amend the City Code for the purpose of considering the allowance of mobile food vendors in commercial and industrial designated zoning districts. Staff has prepared the following proposed changes to the Administrative And Professional (AP), Community Commercial (C-1), Service Commercial (C-2), General Commercial (C-3), Downtown Mixed Use (DM) and Industrial/Business Park (I-1, I-2 & BP) zoning chapters.

The Chapter containing the “Definitions” (9-1-6) in the Zoning Regulations, will be amended to add the term “MOBILE FOOD VENDOR”

The (AP), (C-1), (C-2), (C-3) and (DM) zoning chapters will simply add the permitted use of “Mobile food vendor” in Section 2(A) “Permitted Uses”.

The (I-1), (I-2) and (BP) zoning chapter will also, simply add the permitted use of “Mobile food vendor” in Section 2(D) “List Of Use” chart.

Recommendation

Staff recommends that the Planning Commission recommend approval of the Amendment to the Washington City Code, Title 9: Chapter 1-6 “Definitions”; Chapters 9-2A, 10A-2(A), 10B-2(A), 10C-2(A), 10D-2(A) “Permitted Uses”; and Chapter 11-2(D) “List Of Uses”, allowing for mobile food vendors in commercial and industrial zones, to the City Council.

9-1-6: DEFINITIONS:

MOBILE FOOD VENDOR:

A. Any business that serves food or beverages from a self-contained unit either motorized or in a trailer on wheels, and conducts all or part of its operations on premises other than its own and is readily movable, without disassembling, for transport to another location. The term “mobile food vendor” does not include vending carts or mobile ice cream vendors.

B. No person shall operate a mobile food vendor business without first obtaining a business license and site plan approval from the city. Mobile food vendor's vehicles shall be designed to meet all applicable State and Washington County Health Department requirements relating to the handling and distribution of food. Mobile food vendors shall: not have a drive through; be kept in good operating condition; only operate on private property with written permission from the owner of the property; provide for proper methods of trash disposal and keep the area maintained and in a

clean condition; not operate within a one hundred foot (100') radius of any public restaurant entrance or city sponsored event selling food; adhere to the city sign and other applicable ordinances.

Commissioner Williams asked about the ice cream vendors.

Mr. Ellerman stated there is already an ordinance for ice cream vendors. He stated this isn't for ice cream vendors. He stated as an example, Waffle Love comes on weeknights and weekends and has been a frustration for him in how to deal with it, he just wants to provide a way for the food vendors to come in legally.

Commissioner Henrie asked if this affects the mobile catering business for construction sites.

Mr. Ellerman stated no they are still to come.

Commissioner Henrie stated he appreciates Mr. Ellerman and the things he has to deal with. He asked if legal has any problem with this.

Attorney Jeff Starkey stated this is a good way to allow someone to do business legally. Some businesses don't qualify for a Conditional Use Permit and to be fair to the existing businesses.

Mr. Ellerman stated his biggest fear was the existing businesses paid impact fees and then the food vendors come in that do not pay the fees.

Commissioner Henrie stated he didn't want the city to get involved with something not so pleasant.

Mr. Ellerman stated there is a way to revoke this.

Commissioner Papa stated there is a process to allow for the use. He asked if a business like Red Robin wanted to go around and sell hamburgers could they do that.

Mr. Ellerman stated there would be specific things they have to follow when they come in for a business license. He stated Red Robin would not be allowed to do that.

Commissioner Smith opened the public hearing.

Dan Drown stated he represent the Chamber of Commerce and manager of Red Robin. He stated this was happening anyway and this is one of those things that is a big trend. He stated he likes the simplicity of this ordinance. He also stated that he represents about 15 to 16 restaurant in the area. He felt they needed to be legally before they joined the commerce. He stated there are about a dozen vendors and that number is increasing. This provides a small business to grow. He stated there is a lot in Hurricane that the vendors go and they keep it clean. He stated he isn't concerned with a threat of the vendors because of the quality of his produce.

Commissioner Smith stated he appreciates Mr. Drown comments because he was concerned with the existing businesses.

Commissioner Henrie stated he appreciate the Mr. Drown's business and the work he does for the commerce.

Commissioner Papa motioned to close the public hearing.
Commissioner Martinsen seconded the motion.
Motion passed unanimously.

Commissioner Papa motioned to recommend approval to City Council with the recommendation and findings of staff.

Commissioner Martinsen seconded the motion.

Motion passed unanimously.

8. DISCUSSION ITEMS

A. Discussion of project status and general information for the Planning Commission.

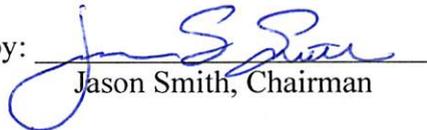
Mr. Ellerman stated as of today it appears there will not be a meeting July 1st.

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

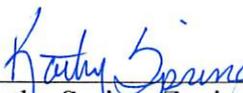
Meeting adjourned: 7:10 PM

Washington City

Signed by: _____


Jason Smith, Chairman

Attested to: _____


Kathy Spring, Zoning Technician