



Community Development Department
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Minutes
WASHINGTON CITY PLANNING COMMISSION
June 17, 2015

Present: Commissioner Smith, Commissioner Shepherd, Commissioner Williams, Commissioner Martinsen, Drew Ellerman, Lester Dalton, Ben Willits, Jared Madsen, Jan Hill, Lynn Eldredge, Lanna Eldredge, Ed Budge, Cheryl Harper, Hawk Harper, Derek Wright, Douglas Hardy, Jeanne Hardy, Darrell Moench, Nancy Moench, Janice Moreland, Jamie Wright. Derek Wright.

Meeting called to order: 5:35 PM

Commissioner Smith excused Commissioner Henrie and Commissioner Papa.

Invocation: Commissioner Smith

Pledge of Allegiance: Commissioner Martinsen

1. APPROVAL OF AGENDA

A. Approval of the agenda for June 17, 2015.

Commissioner Shepherd motioned to approve the agenda for June 17, 2015.

Commissioner Williams seconded the motion.

Motion passed unanimously.

2. APPROVAL OF MINUTES

A. Approval of the minutes from June 3, 2015.

Commissioner Martinsen motioned to approve the minutes from June 3, 2015.

Commissioner Shepherd 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 Harmon Farms Preliminary Plat located at approximately Washington Fields Road and Majestic Drive. Applicant: Darwin Russon

Background

The applicant is requesting approval for a preliminary plat for the Harmon Farms subdivision, located at the northeast corner of Washington Fields Road and Majestic Drive. The applicant is wishing to develop 5 lots on an area covering 2.7 acres. The location of this particular project is zoned Residential/Agricultural - 1/2 Acre Min. (RA-1/2).

The proposed preliminary plat 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 Harmon Farms 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. The preliminary plat conforms to the Zoning and 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.

Drew Ellerman stated there is a 15-foot landscape common area to the west and south per the revised plat.

Commissioner Smith asked if the landscape setback from the right of way or from the landscape strip.

Mr. Ellerman answered the landscape strip in the common area maintained by the HOA. He stated there would be a specific hash is on the legend.

Commissioner Smith asked if that would change the lot sizes for the zone.

Mr. Ellerman stated the zone is R-1-15.

Commissioner Smith asked if the detention area is on the school property.

Mr. Ellerman stated this project is owned by the school property the applicant is who submitted the application.

Commissioner Shepherd asked when Washington Fields Road is widened where will it affect this project.

Mr. Ellerman stated they would saw cut the road and the trees would go. It would be a 106-foot wide right of way. He stated it would be a dedicated road to the city.

Commissioner Smith opened the public hearing.

No response.

Commissioner Martinsen motioned to close the public hearing.

Commissioner Shepherd seconded the motion.
Motion passed unanimously.

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

Commissioner Martinsen seconded the motion.

Motion passed unanimously.

5. PCD ZONE CHANGE AMENDMENT

- A. Public Hearing for consideration and recommendation to City Council a Zone Change Z-15-09 to Amend the PCD (Planned Community Development) for Sienna Hills specifically Parcel 12 The Villas at Sienna Hills adding proposed Residential Rental, Short Term use located at approximately 325 North Red Stone Road.
Applicant: Jack Fisher Homes, LLC

Background

The applicant is requesting approval to Amend portions of the Sienna Hills PCD project, as found in the Site Plan Map, PCD Project Plan and, if necessary, the Development Agreement.

More specifically:

- An amendment to the text of the PCD Project Plan, proposing that Section 3.3.1(B) be changed to allow Parcel #12B to added to the verbiage for short term / vacation rental use.

- The text amendment will also require an update to the Sienna Hills PCD “Site Plan Map”. Parcel 12B will be highlighted with a new legend color to reflect the change in the Project Plan book.

Recently, the City Council passed the amendment adding the language within the Sienna Hills Project Plan Book allowing for use of short term / vacation rentals in certain (specific) parcels throughout the development (upon map amendment(s) per individual parcel location).

[SEE ATTACHED SAMPLE MAP]

Staff has reviewed the proposed amendment to the Sienna Hills PCD. Staff is supportive with the proposed amendment allowing for short term / vacation rentals (if a majority of the current residents approve,) as outlined.

Recommendation

Staff recommends that the Planning Commission recommend approval of Z-15-09, for the zone change request, Amending the Sienna Hills PCD Project Maps, specifically Parcel 12B, to the City Council, based on the following findings:

Findings

1. That the requested zoning amendment conforms to the intent of the land use designation of the General Plan.
2. That the requested zoning amendment will be compatible with surrounding developments.
3. That no other changes (only those as outlined above) are implied to the remaining Sienna Hills PCD.

Mr. Ellerman reviewed the parcel 3 approved by City Council for Sienna Hills.

Commissioner Smith asked how do they deem consent because people already live there.

Mr. Ellerman stated the city knew this would come in after the Villas project. The commissioners could go with the 70% of the residents have to approve.

Commissioner Smith asked how many are currently occupied.

Mr. Ellerman stated there are 18 units in the Villas that are pre sold.

Ben Willits stated he understands this isn't a popular option and have tried to address the concerns of the citizens. He stated he would like to have this regulated instead of the use being done and not regulated. He stated units are used as second homes and rented out without regulations this would give teeth to control the use through the HOA. He stated there is adequate parking with the driveway and additional parking area.

Commissioner Shepherd asked if the garages are single car.

Mr. Willits stated yes they are single and there are additional parking stalls.

Commissioner Shepherd asked if there is a possibility of additional visitor parking.

Mr. Willits reviewed the plan, and that there isn't an area to add additional parking.

Commissioner Williams stated with 20 units with 5 vehicles and toys there will be a need to have additional parking. He asked if they would be willing to give up a couple of units.

Mr. Willits stated they could consider that but there comes a point when they need to know when they have enough parking per unit.

Commissioner Williams stated he would suggest at least 3 parking spaces per unit.

Mr. Willits stated there needs to be a good working compromise.

Commissioner Smith opened the public hearing. He stated there is a letter in favor of this with some stipulations.

Darrel Moench stated he lives in unit 163 and has concerns with parking. He stated the CC&Rs don't allow for RV parking on the street. He stated there is order with the HOA and CC&Rs and a 67% vote is required to make a change to the CC&Rs. He stated he would not have bought into the project if there were going to be nightly rentals. He stated Jack Fisher would need to hire a security person 24 7 or is he going to leave and leave them with the problems. He stated the CC&Rs also stated there is no smoking in their area. He stated he is opposed the nightly rental. He stated if the nightly rental comes in it would devalue the property value.

Derek Wright stated he lives in unit 33 and the original parking was for the whole development and his unit would be surrounded by the nightly rentals. He stated when it came to figuring out the majority in regards to a letter sent by Jack Fisher homes no one has said what the result is from the letter.

Commissioner Smith explained that the stipulations are because of the Sienna Hills PCD.

Ed Budge stated he lives in unit 31 and is against the nightly rental. He stated it would have been better to have an HOA meeting and have a majority vote. There are 6 units built so they should have addressed it prior to people buying them. They started building before they wanted nightly rentals.

Commissioner Williams asked how many are sold.

Mr. Budge stated he thought 3 were sold. He stated part of being a good neighbor is informing people that there is a change being considered. He asked the commissioner to read the letters.

Lana Eldredge stated she lives in unit 1631 and has only been here for 6 weeks. She stated when they purchased their home they asked questions and read the CC&Rs and there are leasing restrictions for 6 month or more. She stated when they have rented there were numerous people coming and going and this is not what they bought into. She stated she contacted Jack Fisher and they said that someone from Jack Fisher was on the board. She stated when people rent out homes they should get a business license but she doesn't want to live in an area where she doesn't know her neighbors. She stated parking is an issue, her husband's truck doesn't fit in the garage and so restricting people to park in the garage isn't going to work.

Hawk Harper stated he lives in unit 32 and doesn't want nightly rental. He stated he wants to know his neighbors and the garages are small. He stated he gets the feeling the units were built to fail so Jack Fisher could come in and then leave.

Derek Wright asked if the 3 units were sold with the assumption that these would become nightly rentals.

Jamie Wright stated she lives in unit 33 and wants to request that the Jack Fisher letter indicating the \$20,000 would be put into the development be noted and the other thing is who is going to maintain the security and clean up. She stated she believes that Jack Fisher bought this and the price has changed from \$226,000 and is now \$179,000. She also wants to know why Jack Fisher didn't come to the HOA for the design approval because now it looks chopped up.

Nancy Moench stated she lives in unit 163 and want to know why the design has changed from the original design. She stated she doesn't know how they can get that many units and parking. She stated they have double garages.

Douglas Hardy stated he lives in unit 231 and enjoys his neighbors. He stated things haven't changed in a year and a half and so he felt this was a good change. He stated he lives by the pool and there are people there as late as midnight. He stated he would like to see property values go up and has looked at Coral Canyon as a success and would like this project to be as good. He stated the only contact was is a letter.

Commissioner Williams asked Mr. Hardy if he was the one that wrote the letter and how long he has been a realtor.

Mr. Hardy stated about 15 years.

Commissioner Williams asked Mr. Hardy to look at the plat. He stated he has been doing real estate for 25 years in St George and total of 29 years. He stated he has seen this type of project a number of years and knows the frustration of the development. He asked if the price change could have been because of the small size and how to market them.

Mr. Hardy stated that could be a reason. He stated he just doesn't want a project that is so convoluted.

Commissioner Williams stated he felt that the price change was probably necessary and that vacation rentals are needed but should come prior to being developed so people know what they are buying into. He stated parking is a problem and that is why he suggested limiting the number of units for the extra parking.

Mr. Hardy stated he wouldn't want to see a big parking lot. He stated he just wants the project to be successful. He stated he wants the project to have vibrancy and energy and be cleaned up.

Darrell Moinch stated the pool and clubhouse are very small and the plan that Jack Fisher is proposing will over run the pool and clubhouse. He stated when this was approved it was before the recession.

Cheryl Harper stated she lives in 32 and this is their second home and bought with the understanding that they could rent. She stated they have rented when on vacation and the rentals are monitored. She stated the owners have already purchased some of the things and no renters will do that. She stated this is the first time she has seen this plan.

She stated the parking was already there when they bought their unit. She stated that there was a time when there was a vote that all of Sienna Hills could use their pool and they voted against that. She stated when her kids come they park at the clubhouse and they have a double garage. She stated there are 6 units that voted for this and she doesn't know who they would be because everyone she has spoken to is against this.

Nancy Moinch stated the pool is too small. She stated the pool is not safe for a vacation rental.

Lynn Eldredge stated he lives in 131 and looked for a good place to live when they choose to live where he lives. He stated his wife called Jack Fisher because they didn't receive his letter and was told that people want to buy if this passes. He stated he doesn't want strangers living next to him.

Jeanne Hardy stated she lives in 231 and is concerned with parking. She stated she believes the units would have sold if the garages had been double garages. She stated they live next to the pool area and is concerned with people hopping the fence, which is a problem now. She stated she is concerned with the noise and they hear people in the hot tub. She said that they were told this would help monitor the problems.

Ed Budge stated the HOA has rules for the pool and traffic. He stated Dry Color Country did a good job and the HOA is being taken care of now. He stated he would like for the development to stay as it is with red dirt than to have nightly rentals and nightly rentals was not what they bought into.

Jan Hill stated her daughter is Jamie Goodwin who lives in 162 and she is opposed to this.

Lynn Elredge read a letter from Allen Karen who lives in 133 and is in opposition to this. Larry Gardner who lives in 132 is also against this.

Janice Moreland stated she is here with her sister and the units are too small.

Commissioner Williams motioned to close the public hearing.

Commissioner Martinsen seconded the motion.

Motion passed unanimously.

Commissioner Smith asked if Jack Fisher is the current declarant of the CC&Rs.

Ben Willits stated that when Jack Fisher bought the property they became a declarant of the CC&Rs. He stated Jack Fisher is the controlling entity of the CC&Rs.

Commissioner Smith stated there are 8 units represented tonight with 2 letters for a total of 10, which is just fewer than 50%. He stated the reason is the CC&Rs and an HOA are formed prior to Jack Fisher and they would not be the declarants because the original HOA went defunct. He asked what the width of the garage is.

Mr. Willits stated there are some vehicles that won't fit in the garages. They are approximately 20 X 13 feet. The typical parking stall is 9 x 19. He stated the majority doesn't fit the city standard.

Commissioner Smith stated driveway setbacks are less than 20 feet.

Mr. Willits stated correct that some are 17, 18 feet and some are in the 20-foot range.

Commissioner Smith asked if the intent is to have a rental property management or if they are going to leave it to the HOA.

Mr. Willits stated they would have a property management but most people don't want to have one.

Commissioner Williams stated if when built out there will be a mix of property management and property owners.

Mr. Willits stated it doesn't work well.

Commissioner Williams asked if it is due to sells or for the units.

Mr. Willits stated the units. If it is a commercial unit it works better. Coral Ridge is run as per units.

Commissioner Smith asked if there are leasing restriction, and if they are going to change the CC&Rs and how will the maintenance be managed.

Mr. Willits stated they pay HOA fee per unit as they come online.

Commissioner Smith stated with the existing units Jack Fisher would have to stipulate the conditions. He stated one is that one owner can only own one unit in the development.

Mr. Willits stated the density is exactly the same number of units as what was approved.

Commissioner Smith stated this is difficult because as a Planning Commissioner he see's concerned citizens that bought into something that is different than what is being proposed, that is to have nightly rentals. He stated this is built out and so it is unfair to those that have invested in this development. He stated he also knows that the developer wants to do something that they feel works. He is concerned with the fact that the people here tonight don't want this use and what the CC&Rs would read.

Commissioner Williams stated in looking at the plat with the parking there are a lot of units and with nightly rental sales will increase but that isn't a saving grace because people have bought into something that isn't for nightly rentals. He stated he understands the developer's intent and there isn't enough parking for the use.

He stated with 200 people, accommodating a pool and no one there to monitor the units is problematic. He stated parking, pool and no property management is why he is having a problem with this.

Commissioner Shepherd stated they go by percentage of the subdivision needed to approve a change. She stated Jack Fisher wouldn't meet the 67 percentage required to make a change. She stated the requirement for overlay zone is 70% they don't meet that and in the report it states the majority of the owners approve and it would appear they don't approve. She stated she feel she can't approve it based on people have bought and live there and don't want the use.

Commissioner Williams motioned to recommended denial to City Council based on lack of parking, lack of management in the future and lack of the current resident's approval. Commissioner Martinsen seconded the motion.
Motion passed unanimously.

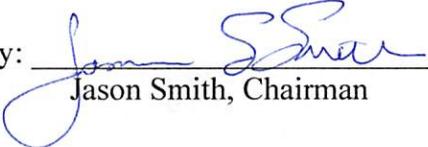
6. DISCUSSION ITEMS

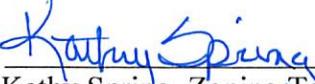
- A. Discussion of general information for the Planning Commission and project updates.
No discussion.

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

Meeting adjourned: 7:21 PM

Washington City

Signed by: 
Jason Smith, Chairman

Attested to: 
Kathy Spring, Zoning Technician