



Community Development Department
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Minutes
WASHINGTON CITY Planning Commission
October 19, 2016

Present: Commissioner Papa, Commissioner Henrie, Commissioner Martinsen, Commissioner Hardman, Commissioner Phetsomphou, Attorney Jeff Starkey, Councilmember Granger, Councilmember Belliston, Drew Ellerman, Lester Dalton, Jim Guynn, Kathy Spring, Bryan Washburn, Tracey Washburn, Fred Jackson, Jeanette Jackson, Patricia Johnson, G. Ross Johnson, Allen Todd, Tamyra Todd, Karen Westover, Larry Westover, Gary Rogers, Allen Hollawd, JulieAnn Hollawd, Shaun Sullivan, Kim Hansen, Jim Raines, David Hilton, John Cherry, Dana Bodden, John Bodden, Karl Hutchinson, Pam Huchinson, Larry Cover, Pam Cover, Wes Richardson, Janet Richardson, Lynann Adams, Patty Gordon, Robert Judd.

Called to order: 5:34 P.M.

Commissioner Papa excused Commissioner Smith.

Invocation: Commissioner Henrie

Pledge of Allegiance: Commissioner Martinsen

1. APPROVAL OF AGENDA

A. Approval of the agenda for October 19, 2016.

Commissioner Hardman motioned to approve the agenda for October 19, 2016.

Commissioner Henrie seconded the motion.

Motion passed unanimously.

2. APPROVAL OF MINUTES

A. Approval of the minutes from October 5, 2016.

Commissioner Henrie motioned to approve the minutes from October 5, 2016.

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 2 Subdivision. Located at approximately 900 East 3760 South. Applicant: Faction LLC, Ence Homes

Background

Drew Ellerman reviewed report: The applicant is requesting approval of a final plat for the Sugar Plum in the Fields, Phase 2 subdivision, located at approximately 900 East 3760 South. This particular subdivision is proposing 39 lots on an area covering 12.39 acres. The specific location of this subdivision is zoned Single-Family Residential - 8,000 Sq, Ft, Min. (R-1-8). The Preliminary Plat was approved back on January 8, 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 Sugar Plum in the Fields, Phase 2 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.

Commissioner Henrie asked about the south street name.

Mr. Ellerman stated that would be taken care of before recording.

Commissioner Henrie asked if there is anything else being worked on.

Mr. Ellerman stated there is a land exchange with the canal company but it doesn't interfere with approving the project.

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

Commissioner Martinsen seconded the motion.

Motion passed unanimously.

5. CONDITIONAL USE PERMIT

- A. Public Hearing to consider approval of a Conditional Use Permit C-16-12 for an Auto Used Car Sales located at approximately 140 West Telegraph. Applicant: Robert Judd

Background

Drew Ellerman reviewed report: The applicant is requesting approval of a Conditional Use Permit for a Used Car Lot (extension of property and use) at the current 115 and 140 West Telegraph Road location.

The applicant currently has a used car lot at the 140 West Telegraph address, and has acquired the property (parcel) at the 115 West address (the old burger shop location). He is wishing to extend the used car lot to this new property as well.

The zoning regulations allow for used car businesses in C-2 zoned properties (of which this location is), but only through the Conditional Use Permit process. Due to the existing car lot, staff has no problem with the extension to the east for this current use and/or business.

Staff has reviewed the proposed project and finds that it meets the standards as outlined in the General Plan and Zoning Ordinance.

Recommendation

Staff recommends that the Planning Commission approve C-16-12, allowing for a used car lot business at the addresses of 115 and 140 West Telegraph Road, based on the following findings and subject to the following conditions:

Findings

1. The proposed use, at the particular location, is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood and community; and.

2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of the persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and
3. The proposed use will comply with the regulations and conditions specified in this title and associating state and federal titles, for such use; and
4. The proposed use will conform to the intent of the general plan.

Conditions

1. Any site improvements shall meet the requirements of City and State adopted codes, and need to be approved by the City before any improvements take place.
2. The development of the site shall comply with the development standards of the C-2 Zone.
3. The applicant will submit a traffic impact study for review and approval if requested by the Public Works Department.
4. A detailed landscaping plan will be submitted for review and approval prior to any landscaping being installed within the project.
5. All lighting within the project development will be directed inward to the site.
6. All signage will be in accordance with the adopted sign regulations of the city.
7. The site plan exhibit will be strictly followed.
8. The area shown on the site plan exhibit labeled “future structure” will need to be approved by the city before any work is started.

Commissioner Hardman asked for clarification of the new conditional use permit from the old one.

Mr. Ellerman answered that one side of the lot was for car sales and the other side was for trailer sales. This will clean up the requirements from the old CUP. There weren't a lot of conditions placed on the old CUP.

Commissioner Hardman asked about the future structure shown on the exhibit.

Mr. Ellerman replied that they are showing it so they don't have to come back for another CUP hearing.

Commissioner Papa opened the public hearing.

No response.

Commissioner Hardman motioned to close the public hearing.

Commissioner Martinsen seconded the motion.

Motion passed unanimously.

Commissioner Henrie motioned to approve the conditional use permit C-16-12 with the findings and conditions of staff.

Commissioner Hardman seconded the motion.

Motion passed unanimously.

6. PRELIMINARY PLAT

- A. Tabled from September 7, 2016 a Public Hearing for consideration and recommendation to City Council for the Brio Phase 3 Subdivision located at approximately 800 North 200 West. Applicant: Jack Fisher Homes.

Background

Drew Ellerman reviewed report: The applicant is requesting approval of a Preliminary plat for the Brio, Phase 3 subdivision, located at approximately 800 North 200 West. The applicant is proposing 76 lots on an area of coverage of 15.5 acres. This portion of the Brio (Planned Community Development) just received approval of an amendment to allow this new “patio” style lots/homes at this specific location.

The applicant will be utilizing private streets in this area as already approved through the Brio Project/Development Plan (PCD approval). Staff is requesting that the road proposed on the east side of this plat (the one running north and south) be expanded to meet the requirements of the standard 50 foot residential width, to handle traffic movement in this particular area. Staff has reviewed the proposed preliminary plat and recommends approval of the plat with the one exception as stated in the previous paragraph (that the one road be widened to 50 feet).

Recommendation

Staff recommends that the Planning Commission recommend approval of the Preliminary plat for the Brio, Phase 3 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. The proposed north/south road on the east side of the proposed subdivision be widened to meet the standard 50 foot residential road design of the City. Allowing for better circulation within the Brio master planned development.

Commissioner Martinsen asked if the road would be private.

Mr. Ellerman replied it would be a public residential road.

Commissioner Henrie stated it should be labeled private or public.

Mr. Ellerman stated it would be before it goes to City Council.

Commissioner Hardman asked if they approve it would they have to make the change prior to City Council meeting.

Mr. Ellerman answered yes. City Council just approved the PCD amendment last week and they discussed this road.

Commissioner Hardman asked if the city would like to have mixed private and public streets.

Mr. Ellerman replied yes and that an example is Sun River development has this type of mixed streets that does work. After a couple of years, subdivisions want to have their private streets changed into public streets. The private streets are maintained by the HOA. Most of the people living in this area would most likely be the second home clientele.

Commissioner Papa opened the public hearing.

Wes Richardson stated this is patio-homes and asked where it is located. He asked what the size of the homes would be. He stated he is concerned with patio homes.

Commissioner Papa stated it is continuation of Main Street.

Mr. Richardson asked what type and size homes.

Commissioner Hardman stated they would be like types that are in there now.

Tamyra Todd stated she is concerned with the Green Spring interchange area with the traffic and would like to have the Commissioners consider the problem with senior living in the area, how would a fire truck get in there with smaller roads. Seniors come and go often and would add to the traffic. She is concerned with drought in this area and wild fires.

Commissioner Hardman asked Mr. Ellerman to show the location on the exhibit.

Mr. Ellerman showed on the overhead the location of the project.

Commissioner Phetsompou stated it is northeast of the interchange.

Commissioner Hardman motioned to close the public hearing.

Commissioner Martinsen seconded the motion.

Motion passed unanimously.

Commissioner Henrie asked Mr. Dalton from public works to explain ownership of the intersection of Green Spring Drive.

Lester Dalton stated it is dual ownership under the interstate. SR 212 is the old Telegraph which starts at Buena Vista and crosses under I-15. I-15 is control by State and they control the spooling for the signal on Buena Vista and Green Spring Drive and Green Spring Drive and Telegraph. Part of Mall Drive is part of the fix to the traffic problem. 750 North to 850 North in St George and an Additional interchange on Main or 300 East is being studied now. UDOT is anxious to get started.

Commissioner Papa asked about the new under pass connecting to Mall Drive.

Mr. Dalton stated there would be no off ramps. No freeway access to the freeway. It is for traffic to get to the frontage roads.

Commissioner Henrie thanked Mr. Dalton for the information.

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

Commissioner Henrie seconded the motion.

Motion passed unanimously.

7. ZONING ORDINANCE AMENDMENT

- A. Public Hearing for consideration and recommendation to City Council a request for an Zoning Ordinance Amendment, Title 9, Chapter 8-F, Section 6-I. Removing the requirement for 20% around residential units shall not be included in the thirty percent (30%) calculation for open green space or landscaping. Applicant: TB Properties, Barbara Taylor

Background

Drew Ellerman reviewed report: A citizen within the City is wishing to amend the City Code for the purpose of having a certain standard, found in the Planned Unit Development requirements amended as it relates to the open space calculations. More specifically, Section 9-8F-6-I, "Landscaped Requirements" sets forth the standard as to how the required open space is calculated. The applicant is asking to amend this particular portion of the PUD zone.

Currently, this section in question reads as follows:

- I. Landscape Requirements: All planned unit residential developments shall have a minimum of thirty percent (30%) of the developable site area developed and maintained as landscaped or open green space. Floodways and slopes that exceed a specific percentage and/or have unsuitable soil conditions for hillside development, as identified in the hillside protection overlay zone, are not considered developable. The applicant of the requested PUD zone shall show what areas are to be landscaped and what areas are to be left in a natural state will satisfy the thirty percent (30%) landscaped or open green space requirement. In any event, all landscaped and open green space areas shall be kept in a weed free condition.

Common areas within developments are usually set aside to satisfy this requirement.

Private or common yards around residential units, up to a distance of twenty feet (20') from the units, shall not be included in the thirty percent (30%) calculation. Areas that are less than five feet (5') in width or depth outside of the twenty foot (20') yard areas shall not be included in the thirty percent (30%) calculation. (Ord. 2005-11, 2-16-2005)

The portion that is underlined and italicized is what the applicant is wishing to have removed completely from this section, that is the amendment request, eliminate that specific sentence.

Staff has understood for quite some time this has been a huge hurdle for PUD request in the past. Staff also agrees that a change could and maybe should be considered in this portion of the PUD standards. With that said, staff does not feel that we should go from twenty feet down to absolutely nothing (zero). After quite some thought into the matter, staff would be willing to support a decline in the distance from the current twenty feet (20') to a proposal of ten or twelve feet (10' or 12') surrounding the proposed units to not be included in the calculation.

Recommendation

Staff (*will*) recommend that the Planning Commission recommend approval of the Amendment to the Washington City Code, Title 9, Chapter 8F, Section 6 "Residential Development Standards", Subsection I "Landscape Requirements", to the City Council, **but**, only if the standard be dropped from twenty feet (20'), down to nothing less than ten feet (10').

Commissioner Henrie stated he feels 20 feet might be too much that 12 or 14 feet makes sense but 10 feet isn't enough. He asked Mr. Ellerman if that was what he was feeling as well.

Mr. Ellerman stated yes. He stated this has become difficult for smaller projects.

Commissioner Papa asked for clarification that the footage of the 10 feet could be combined with open space.

Mr. Ellerman replied it could be thrown into the 30% open space. The house count could go up. He stated open space that can't be used is a loss. The PUD for Washington Vista could use some of the open space that couldn't be developed in the 30% open space.

Commissioner Hardman asked if this would make it possible for more structures.

Mr. Ellerman replied yes. As land price costs go up this has become a question or decider if a project is viable.

Commissioner Hardman stated with a PUD they need to scrutinize the project. He stated often an applicant that applies for a PUD they want a more condensed project. He is not in favor of the change.

Commissioner Papa stated it would add to the traffic. On the other hand it does help people to develop smaller properties.

Mr. Ellerman stated the General Plan states you have to meet the density and not exceed the density. There is a cap on how many units they can have. PUD's are good because they aren't cookie cutter subdivisions.

Commissioner Hardman commented that open space changes from the General Plan.

Mr. Ellerman stated there are still limits because of the General Plan

Commissioner Hardman asked if now they have to do a General Plan amendment then zone it to higher density.

Mr. Ellerman stated that is correct they would have to do a General Plan Amendment for higher density if the General Plan doesn't allow for it.

Commissioner Phetsomphou asked if the applicant has a piece of property they want to do and this helps them.

Mr. Ellerman stated yes. The property is a tricky piece of property and it is difficult to meet the PUD requirement. It is a great location but it is tricky for a PUD. There are others that have come in and can't come up with the 3 to 4 % short.

Commissioner Phetsomphou asked if they could do a case by case basis.

Mr. Ellerman stated they don't like to do that because everyone needs to be treated equally. We try to stay away from flex ordinance so the city is consistent.

Commissioner Phetsompou stated he would be in favor of 15 foot. He feels they need to accommodate the developers as well.

Commissioner Henrie stated he would like the 14 feet. He isn't in favor of 10 feet.

Commissioner Martinsen is excused.

Brandee Walker stated Washington City is the only city that restricts the open space in their PDs. She stated she is in favor of the 30% open space but the 20% around the structure is difficult. It is the back yard 20% that is difficult to meet. She would like zero but she would like it to be less than 20%. Private backyards are difficult. She showed on the overhead an example of what she meant.

Commissioner Papa opened the public hearing.

Jim Raines stated Green Spring is a PUD and there are a lot of smaller projects. The 20% penalized larger projects. He stated if you take a 1/2 acre lot it is a custom home lot. He stated when you take 20% around the structure it eats up the acreage. He stated you preclude large lots custom PUDs. As the ordinance is today it limits PUDs to smaller density.

Most of Green Springs PUD is prior to the ordinance change but the 20% makes it difficult to do larger lot PUDs. With eliminating the 20% to zero there can be more larger lot PUDS. He stated the reason he couldn't do this in his project is because he couldn't meet the requirements for the PUD.

Wes Richardson stated when they go to meeting it is down zone everything. He stated if he would have been here 10 years ago he would have heard the same type of argument in La Verkin, he doesn't want to live in LaVerkin.

Tamyra Todd stated she use to live in New York, Washington DC, Hawaii and other areas. She stated the higher the density the higher crime and depression. She stated she would like the commissioners to reconsider this and consider the legacy of the land and the people.

Gary Rogers stated he use to live in California. He states in California you can open your window and ask your neighbor if you can borrow a cup of sugar. He stated he would like to have the commissioner consider not having a cookie cutter project. If you can't make money off of the property without changing the zoning then don't do it. He stated he doesn't want to live in an area like California where the homes are too close. He doesn't want to live close to neighbors. He asked what open space is.

Mr. Ellerman stated it means no building.

Mr. Rogers stated a 10-foot back yard is confining. He stated the General Plan reads it is reflection of community values. He asked if this property is in Green Springs.

Mr. Ellerman stated no it isn't.

Kim Hansen asked if the commissioners know what they have in Green Springs. She stated they look every where before deciding to build in Green Spring, it is a jewel.

Brandee Walker stated they are not asking for a reduction in setbacks. They are asking for reduction of landscape and pavement.

John Bodden asked the commissioners before going to City Council is there any oversight time. He asked if there is any follow up on height of the homes or if it blocks views.

Mr. Ellerman stated a zone change PUD goes on the map. Then the setbacks are reviewed by the building department because the building has to meet requirements. They know what zone it is in. Each zone has their own setbacks.

Mr. Bodden stated he lives in Shadow Bluff and next to him a home was built that blocked his view.

Mr. Ellerman replied that Shadow Bluff was an old zone and he can't change what has been done.

Rich Winget stated this was introduced as a citizen's request. The property owner wants this for gain. He stated his point is smaller lots smaller buildings. When does it stop? He stated he knows the commissioners are appointed and so they should consider what the citizens want. The citizens are not in favor of this.

David Hilton stated he is a retired attorney. He stated they need to be careful when you say patio homes, it could be the size of a trailer. Green Spring intersection is a problem area and if there isn't an off and on ramp at the Mall Drive the problem still exists. He stated the city needs to develop Main Street first. He stated he came to Washington City from Las Vegas to escape the development.

Troy Belliston stated normally he doesn't address the planning commission but will do this time because of the topic. He stated that Jim Raines has done straight zoning with PUD style. If there is a bad developer they don't have any control with straight zoning. He stated what this proposal allows for the pad size to increase. Northbridge has large home and if you remove the calculation from the pad size you have smaller homes. It used to be zero and now it is 20%. Every square foot that is taken away from the pad makes for smaller homes. He stated in an R-1-10 you don't get to be in the decision process but with PUD's you do.

Wes Richardson stated he disagrees with what is said. He stated someone in zoning let the problems happen. What they are trying to do is get the 30% open space down and down. He stated if it doesn't stop his address would be La Verkin.

Aaron Olsen stated he works for Sullivan Homes. He stated what is the financial impact of the change. There isn't a lot of commercial and the roof-tops don't bring in a lot of income to the city. He stated with 5 children he would like to live on 1/2 or 1 acre lots but how can he afford it. There is a need for higher density for affordable housing for people that aren't poor but want something they can afford. He stated not all developers are about making maximum money. He stated as the land cost goes up the costs of homes are going up.

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

Commissioner Hardman stated he appreciates the comments and would like to table this until there are other considerations of the effort of the PUD zone. He would like to have the city look at the whole PUD zone.

Commissioner Henrie stated they are always in the situation of you are damned if you do and damned if you don't. He asked if they could table this item for more information.

Commissioner Hardman stated they could deny it and then meet with City Council to have a work meeting and look at the overall PUD.

Commissioner Papa stated they could table it so they can look at the PUD ordinance.

Mr. Ellerman stated you could table it to allow for further information.

Commissioner Hardman stated PUDs are a good zone and straight zoning they can't regulate the style and type. He stated he works for Springdale and they have a strict zoning. He stated Mr. Raines made good comments as well as Mr. Belliston. The citizens have also made good comments. He would like to meet with City Council on what this change entails due to the comprehensiveness of the PUD.

Commissioner Phetsomphou stated he could relate to the gentleman that works for Sullivan Homes. He stated he came here to this area for a good quality of life and a cut in pay so he can't afford a bigger home. He stated he enjoys the areas open space. He would like to table this item for further consideration.

Mr. Ellerman stated the applicant might bring in further information.

Commissioner Hardman stated he would rather recommend denial and get with City Council to work on the PUD ordinance.

Commissioner Henrie asked if there is a time limit.

Mr. Ellerman stated when you table it there is a limit but not on a denial.

Jeff Starkey stated with a denial there needs to be a reason for the denial.

Commissioner Hardman motioned to recommend denial based on the overall impact affect of the PUD and to have a more comprehensive amendments to the PUD zone and that there is a work meeting with City Council.

Mr. Ellerman stated when there is a recommendation for denial there needs to be a specific reason.

Commissioner Hardman amended his motion to state that he is not comfortable with the potential application and what the ramification of this amendment would do to the PUD as a whole and examine the impact on future developments with the change and would like to work with City Council to work out what the city wants for the overall PUD modifications.

Commissioner Henrie seconded the motion.

Motion passed unanimously.

Commissioner Papa calls for a 5 minute recess.

8. ZONE CHANGE

- A. Tabled from October 5, 2016 the Public Hearing for consideration and recommendation to City Council a Zone Change request Z-16-09 to change from OS Open Space to PUD Planned Unit Development located at approximately north end of Green Spring Drive. Applicant: Brennan Holdings, No 100, LLC

Background

Drew Ellerman reviewed report: This item was tabled at the October 5, 2016 Planning Commission meeting, in order for the applicant to adjust the private road sizes and to allow staff to input the “written text” information that was left out of the report on the October 5, 2016 meeting. Those items have been taken care of, and we are now ready to precede forward with the application.

The applicant is requesting approval to change the zoning of approximately 28.665 acres, located at approximately 950 West 2200 North (north of the current end of Green Springs Drive). The requested change is from the current Open Space (OS) zoning designation to a proposed Planned Unit Development (PUD) zoning designation.

The General Plan Land Use Map designation for this location is Low Density Residential (LD) which allows for zoning categories of R-1-10 and R-1-12 and density ratios of 3 to 4 dwelling units per acre. The surrounding General Plan designations are Low Density Residential (LD) to south, west and east, and Open Space (OS) to the north. This PUD proposal is showing a 3.66 d.u./ac. ratio.

The surrounding zoning designations are Open Space (OS) to the north, Single-Family Residential - 8,000 and 10,000 Sq. Ft. Min. (R-1-8 & R-1-10) to the west and south, and Planned Unit Development (PUD) to the east.

The applicant is wishing to rezone this particular area to the PUD zoning designation in conjunction with their other projects in this area. This is all part of a combined development plan which includes R-1-15, R-1-10 and R-1-8 zoned parcels along with this PUD.

The project is in the form of a Single-Family Residential design, each unit having a two car garage, and building pads with common area running throughout each pad and the project as a whole. There will be a total of 93 dwelling units, a recreation facility including a clubhouse and swimming pool for the residents. A few trails are included as well, with an opening (trailhead) to the habitat reserve in the northeast portion of the project. A large hillside / open space falls in the middle of the development, breaking the project up into two halves. The rest of the project falls in line with the PUD zoning requirements as outlined in the Zoning Regulations.

Staff has reviewed the proposal, it does fall within the General Plan Land Use plan for the area, and meets the requirements as outlined in the zoning and subdivision ordinances.

Recommendation

Staff recommends that the Planning Commission recommend approval of Z-16-09, for the zone change request from Open Space (OS) to Planned Unit Development (PUD), to the City Council, based on the following findings and subject to the conditions below:

Findings

1. That the requested zoning conforms to the intent of the land use designation of the General Plan.
2. That the requested zoning will be compatible with surrounding developments.
3. That the utilities that will be necessary for this type of development will be readily accessible to the site.

Conditions

1. The project shall conform to the standards of the PUD Zone.
2. A traffic study shall be submitted for review and approval prior to submitting building permit applications.
3. A final drainage study and grading and drainage plan shall be submitted for review and approval prior to site development. 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.
4. The side and rear elevations of the buildings shall be similar to the front elevation as shown on the submittals.
5. Detailed landscape and irrigation plans shall be submitted for review and approval prior to building permit applications and shall conform to the approved conceptual plan. The developer shall install the landscaping and irrigation infrastructure prior to the occupancy of any unit.
6. Details for the required perimeter block walls shall be submitted for review and approval with the site development plan approvals.
7. All structure and site improvements shall meet the requirements of City-adopted building and fire codes.
8. All landscaping, walls and other structures shall meet sight distance requirements.
9. All detention areas shall be landscaped and all detention, landscape and open space areas shall be maintained by the HOA and/or property owner(s).

Mr. Ellerman stated the written text A thru Z and AA have been given to the commissioners. Also the roof style to reconsider and the builder has said no they don't want to change it.

Staff's recommendation remains the same with the findings of staff. Staff uses the text to determine if it meets the General Plan and Zoning Ordinance.

Commissioner Hardman asked if the applicant met with the citizens.

Jim Raines stated the answered no. That he didn't receive a call from anyone and he gave out business cards at the last meeting. He stated they would change from flat to another option. He stated the other change was the cross sections per public works. He stated he has provided the information and he isn't interested in extra lots. He is proud of the development and is offended when people state it isn't a quality project. He has sold lots and they are high quality people that are buying the homes. This is almost identical to Northbridge. He is allowed to face roads but didn't. He stated this isn't a cheap project and respects the opinions and gets that people don't want any more development but this is the end of Green Springs. He staked the Reserve 22 years ago and the tortoise reserve has not moved and the markings are still there. He knows about the Reserve boundary. The fences come and go not the boundaries.

Commissioner Papa asked why the tortoise fence.

Mr. Raines stated the need is so when there is development they know where they can development. He stated he respects peoples opinions but he has rights too. He doesn't allow two story homes and he was respectful of the views of others. He stated he has also done buffering. This was originally for over a 100 townhomes but they let it expire so they could do another PUD. This meets the General Plan. He stated Drew and Kathy are diligent and competent employees and the staff if recommending approval. He stated the citizens asked for something other than flat roof and they are considering the options. He stated people have stated he is doing this for money, he stated he made the most money on the Estates lots. So the reason he is doing this PUD is because of the terrain. He stated there are 4 lots that are premium lots. He stated he has looked at what is in harmony with what is there but people don't want anything. The problem with Green Spring is the interchange not just Green Spring Drive but they don't exceed a C on the traffic study. He stated they are building a portion of Washington Parkway due to it is a master plan road and the need for another access. It is a negative to him. He isn't the bad guy he wants a good project and he builds quality projects. He has had 20 different proposals but Sullivan Homes brought in a good plan. He respectfully asked that the commission approve this project.

Shaun Sullivan from Sullivan Homes stated he commends the citizens for coming to the meeting. He stated his parents have lived in Green Spring area and wants a good quality project. He wants to build a project in harmony with Northbridge and the rest of Green Springs. He stated he is open to different options.

Commissioner Papa asked what is the cost between flat roof and pitch roofs.

Mr. Sullivan stated it is 20% more for flat roofs so the pitch roofs saves them money. He stated the flat roof was to be considerate of the existing homes and the views. He stated this project sets down in a ravine.

The R-1-10 doesn't carry as many restrictions in fact you can put in a chicken coop in their back yards in that zone. The PUD will have landscaping plan along with all the other requirements. Colors and height restrictions can be controlled with the PUD zone.

Commissioner Hardman asked why the PUD couldn't have larger lots.

Mr. Sullivan stated the topography is an issue.

Commissioner Hardman stated he feels they could meet a quality project with larger lots. He stated the project to the east was a disaster. He stated his home backs up to Green Spring Drive so there is a market for homes along a road.

Mr. Sullivan stated he doesn't know what the calculation difference between the R-1-10 and this PUD ratio.

Commissioner Hardman stated in Silverstone they have landscaping and larger lots.

Jim Raines stated he isn't going to cry crocodile tears if he has to do a R-1-10 but it will scar the hillside. It will look like what is there but will not sale as soon. He stated the R-1-10 wouldn't be as nice. He stated he couldn't sell the R-1-10 lots but it wouldn't have open space because there is a need for smaller lots because of the market. He stated he respects that Mr. Hardman wants R-1-10 and that the citizens don't want anything. He stated he called the traffic engineer and he stated this doesn't impact Green Spring Drive substantially. He asked if their opinion is more valuable than his? He stated that his project would be within his right to have Sullivan Homes build a good development. With a R-1-10 he wouldn't put in a pool. He doesn't exceed the density with this PUD it is about 2.8 density but it is 2.5 with a R-1-10.

Commissioner Papa stated it appears that Mr. Raines is giving the people a future residence a choice.

Mr. Raines stated he doesn't think feathering is good planning. He stated good planning is a mix. This is the end of Green Spring and this use to be 116 Townhomes but they didn't feel that was the best so the approval expired. It has 2 to 3 topography issues and a major road. They are not devaluing property values. This isn't a high-density project that would bring in crime.

Commissioner Phetsomphou stated the Reserve is Federally protected and it would stay as it is. It is a nationally protected.

Mr. Ellerman stated he would not recommend the public hearing be reopened except to address the changes.

Commissioner Papa stated he would not open the public hearing to hear the same as from two weeks just to relate to the roofing.

Commissioner Hardman stated there were some that weren't in attendance.

Commissioner Papa decided to open the public hearing to comment for 3 minutes for those that were not in attendance last meeting. He stated don't bring up Green Spring Drive and the intersection because it has already been addressed. The change is to the design of the home.

Tracy Washburn moved from Salt Lake. She stated she doesn't feel any animosity toward the developer and would like to have the mountain views preserved. She asked about the Washington Parkway and when it will be completed because that will provide diversions off of Green Spring Drive.

Commissioner Papa stated the answer is they don't know. He stated that Mr. Raines is developing his portion of the road per required by Public Works.

David Hilton stated if you want people to maintain the property values zoning needs to be the same. The zone should be the same as Silverstone. He stated don't pretend that Green Spring is someone else problem.

Fred Jackson stated he lives in Silverstone. He stated he use to live in New York City and Salt Lake City and Long Beach and they turned out to be ghettos. This looks like a ghetto in the future.

Rich Winget stated when the public comes to comment and the comment is sought to be curd when a citizen takes the time to come to the meeting it is offensive. He stated it is discouraging to the citizens. He stated he feels the project will be nice but let them speak.

Commissioner Papa stated Wes Richardson could speak for 3 minutes.

Wes Richardson stated he has tried to get copies of the materials but couldn't get them. He stated he was told that if this meets the fire safety and health he would approve a pink elephant. He stated they need bonding and safety and disclosure and adequate time. He feels that there are things done in secret meetings. He stated there needs to be an end to secret meetings. He stated traffic is a problem and has talked to police and nothing has been done. Construction traffic speed and why is nothing being done. He stated there needs to be requirements on the type and style. He stated there needs to be information provided, he was told that he need to get a GRAMA request to get the information.

Pam Cover stated she likes the new design with the roofs. She said that when this goes in they will have to deal with construction traffic along Green Spring Drive. She stated Jim is putting up new homes next to larger homes and how will that make them feel with \$800,000 homes next to smaller homes.

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

Mr. Raines stated again he feels Green Spring area is a special place and needs to be protected. There aren't secret meetings. He had met with city staff one time and submittal an application.

Commissioner Hardman stated there hasn't been secret meetings with the commissioners.

Mr. Raines stated Green Spring Drive isn't the main problem it is the intersection. The current intersection is already a failure but their project will not add to the problem. He respects that one more car adds to traffic. He stated this would not be a ghetto.

Commissioner Hardman stated he doesn't feel this is compatible to the south with clustered homes. He appreciates the traffic issues but this isn't the determining factor for him. He stated there needs to be consideration to the people that are there now.

Commissioner Henrie stated he feels that if they build the same thing everywhere it is not benefiting the city. He stated he likes variety.

Commissioner Phetsomphou stated he is in favor of this project and in his job of landscaping and architecture this looks like a quality project. He disagreed that this would be a ghetto. He lives in a 3-bedroom townhome and would like to live in something like this. He would like to see lower density but this is a good project.

Commissioner Papa stated he would hate to see what happens if they stop building they won't see the benefits to the city. He stated they don't know when the Washington Parkway would be built and is in favor of the project. He looks at the project as a future benefit. There isn't anything sidestepped and plenty of opportunity has been given on this project.

Commissioner Hardman stated the City Council is a legislative decision. The city doesn't have much room to deny. He stated he would recommend denial so the developer could come back with another PUD plan.

Commissioner Hardman motioned to recommend denial based on the development isn't compatible to the surrounding zone.
Motion dies for lack of second.

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

Commissioner Phetsomphou seconded the motion.

Commissioner Hardman nay

Commissioner Henrie aye

Commissioner Phetsomphou aye

Commissioner Papa aye.

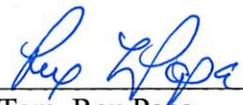
Vote of 3-1 passes.

Mr. Ellerman stated 3 weeks from tonight it would be going to City Council at 6:00 PM. The public hearing will be held then it will rest for two week then the City Council would make their decision.

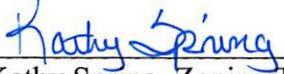
**Commissioner Hardman motioned to adjourn the Planning Commission Meeting.
Commissioner Henrie seconded the motion.
Motion passed unanimously.
Meeting adjourned: 8:38 PM**

Washington City

Signed by: _____


Pro Tem, Rex Papa

Attested to: _____


Kathy Spring, Zoning Technician