
Planning Commission Minutes
November 20, 2019

Present: Commissioner Coats, Commissioner Henrie, Commissioner Phetsomphou, Commissioner Hansen, Commissioner Hollie, Commissioner Musso, Attorney Jeff Starkey, Councilmember Ward, Drew Ellerman, Brandon Wright, Cari Bishop, Troy Belliston, Kathy Spring, Dick Saunders, Laurie Saunders, Steve Kamlowky, Kurt Ivie, Madonna Melton, Lindsey Boyer, Meeja McAllister, Robin Jones, Steve Vaughan, Ben Martinsen.

Meeting called to order: 5:30 PM

Invocation: Commissioner Musso

Pledge of Allegiance: Commissioner Hansen

1. APPROVAL OF AGENDA

- a. Approval of the agenda for November 20, 2019.

Commissioner Henrie motioned to approve the agenda for November 20, 2019.

Commissioner Phetsomphou seconded the motion.

Motion passed unanimously.

2. APPROVAL OF MINUTES

- a. Approval of the minutes from November 6, 2019.

Commissioner Hollie motioned to approve the minutes for November 6, 2019.

Commissioner Henrie seconded the motion.

Motion passed unanimously.

3. DECLARATION OF ABSTENTIONS & CONFLICTS

None

4. FINAL PLAT

- a. Consideration and recommendation to City Council for the Crimson Fields Phase 1 Subdivision Final Plat located at approximately Treasure Valley Road 380 East. Applicant is Development Solutions Group Inc.

Background

Drew Ellerman reviewed report: The applicant is requesting approval of a final plat for the Crimson Fields, Phase 1 subdivision, located at approximately Treasure Valley Road and 380 East. This particular subdivision is proposing 17 lots on an area covering 5.325 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 9, 2019.

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 Crimson 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.

Commissioner Coats stated the basis of bearing need to be added and called out.

Attorney Starkey stated there is a note on the second page regarding the Water Conservancy District that we don't usually have on a plat.

Commissioner Hansen stated the next phase is to the south and he wanted to know if it is to improve 4200 South.

Mr. Ellerman stated that will come in later. The next phase is to the east.

Commissioner Hansen asked if 4200 South has to be worked on now.

Commissioner Coats answered it would be done when that phase comes in not with this one.

Commissioner Musso asked if this is a PUD and asked about the common area.

Mr. Ellerman answered it is straight zoning and detention area.

Commissioner Hollie motioned to recommend approval to City Council with the findings and conditions of staff with additional condition that the basis of bearing and the monument # be placed on the plat.

Commissioner Phetsomphou seconded the motion.

Motion passed unanimously.

- b. Consideration and recommendation to City Council for the Crimson Fields Phase 2 Subdivision Final Plat located at approximately Treasure Valley Road 435 East. Applicant is Development Solutions Group Inc.

Background

Drew Ellerman reviewed report: The applicant is requesting approval of a final plat for the Crimson Fields, Phase 2 subdivision, located at approximately Treasure Valley Road and 435 East. This particular subdivision is proposing 24 lots on an area covering 6.285 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 9, 2019.

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 Crimson 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 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.

Commissioner Coats stated this doesn't have the reference monument # on the plat with the basis of bearing. He asked if there is a temporary turn around.

Brandon Wright indicated that there is a temporary turn around.

Commissioner Phetsomphou motioned to recommend approval to the City Council with the findings and conditions of staff with the additional condition that the basis of bearing and reference monument # be placed on the plat.

Commissioner Henrie seconded the motion.

Motion passed unanimously.

5. BOURGOIN MINOR SUBDIVISION

- a. Consideration to approve a conceptual Plan for the Bourgoin Minor Subdivision located at approximately 2540 East Washington Dam Road. Applicant is Kyle and Tracie Bourgoin.

Background

Drew Ellerman reviewed report: The applicant is requesting approval for the conceptual Bourgoin Minor Subdivision plan, located at approximately 2540 East Washington Dam Road. The applicant is wishing to split the present 5.62 acre parcel into two lots and some roadway dedication to the city. Parcel (1) of the subdivision will be 146,013 sq. ft. (3.35 ac.), Parcel (2) of the subdivision will be 87,118 sq. ft. (2.0 ac.). Both proposed lots meet the minimum two (2) acres required for the zoning at this location.

The proposed minor subdivision is currently zoned Residential / Agricultural - 2 Acre min. (RA-2), with the surrounding zoning of RA-2 to the east, RA-1 to the south and west, PUD and Open Space to the north.

Staff has reviewed the requested proposal, and the proposed conceptual Bourgoin Minor Subdivision plan, conforms to the standards as set forth in the Zoning Regulations and Subdivision Ordinance of the city.

Recommendation

Staff recommends that the Planning Commission approve the conceptual design of the Bourgoin Minor Subdivision, based on the following findings and subject to the following conditions:

Findings

1. The minor subdivision conforms to the land use designation as outlined in the General Plan.
2. That the minor subdivision conforms to the Washington City Subdivision Ordinance as outlined.

Conditions

1. All improvements shall be completed or bonded for prior to recording the final plat.
2. A current title report policy shall be submitted prior to recording the final plat.
3. Any referenced control monuments related to this subdivision shall be in place prior to recordation of the final plat. A stamped and signed letter from a professional land surveyor licensed in the state of Utah that verifies that the referenced control monuments are in place shall be submitted to the Community Development Department for filing prior to plat recordation.
4. That a post maintenance agreement be recorded prior to the recording of the final plat.

Mr. Ellerman explained that the applicant wanted to table this until December 18, 2019 but he feels that the changes wouldn't be that great.

Brandon Wright stated the change is the boundary line to the east of lot 1.

Mr. Ellerman stated there could be a Lot Line Adjustment with the Allens that staff approves if there are additional changes from the exhibit tonight. Or this could be tabled to the December 18th meeting.

Commissioner Hansen asked Mr. Ellerman if he is okay with the change.

Mr. Ellerman stated he is.

Commissioner Coats asked about the area near the river.

Mr. Ellerman stated the Bourgoin piece has a little area in the floodplain.

Commissioner Coats stated he feels that this should be tabled.

Mr. Ellerman stated it could be an additional condition.

Commissioner Henrie motioned to table to December 18, 2019 to include the new property line and the floodplain.

Commissioner Hanssen seconded the motion.

Motion passed unanimously.

6. NON CONFORMING BUILDINGS AND USES

- a. Consideration for approval request for a non conforming buildings and uses request. The request is relief on setbacks for an addition to the home located at 2 West Meadow View Lane. Applicant is HiCaliber.

Background

Drew Ellerman reviewed report: The applicant is requesting an expansion of a non-conforming use and structure as they are trying to do a home addition on a structure that does not currently meet the zoning setback regulations of Washington City.

When the home was originally built, the contractor at that time, placed the home too close to the side property line. City inspections also missed the mistake. Presently, the homeowner and their contractor, applies for a building permit to add onto the home. The permit application was denied due to the non-conforming situation.

The only current opportunity for seeking relief to match the already existing setback (the non-conforming setback), is to petition the Planning Commission and ask for an expansion of said non-conforming status.

The required side yard setback at this property location is fifteen feet (15'), the home currently

sets at thirteen feet, six inches (13'-6") from the side yard property line. The applicant is seeking relief of one foot and six inches (1'-6") to match the already existing non-conforming setback.

Title 9-15-3: Additions, Enlargements and Moving states the following:

"A building or structure occupied by a non-conforming use or a building or structure non-conforming as to height, area or yard requirements may be added to or enlarged, if approved by the planning commission. The planning commission shall not authorize the addition or enlargement of a non-conforming building or structure, or a building or structure occupied by a non-conforming use unless evidence is presented showing:

A. The proposed addition or enlargement, 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;

B. Such addition or enlargement 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;

C. The proposed addition or enlargement will comply with regulations and conditions specified in this title for such use or building or structure;

D. The proposed addition or enlargement does not exceed:

1. More than fifty percent (50%) of the current non-conforming use,

Or

2. More than thirty percent (30%) of the current building or structure area.

[See attached exhibits to this report]

Commissioner Coats asked if this in lieu of a variance.

Attorney Starkey stated you can't self impose a variance.

Commissioner Coats asked about the shed.

Mr. Ellerman stated the shed would have to be moved to meet the setbacks.

Commissioner Hollie asked if the setbacks are correct.

Mr. Ellerman answered, they are not.

Commissioner Hansen asked if the design stops at the back of the home.

Mr. Ellerman answered yes.

Commissioner Hansen asked if the neighbors had any comments.

Mr. Ellerman answered, he doesn't think so.

Steve Vaughan stated the addition is straight back to the end of the house.

Commissioner Henrie asked if the removal of the shed is a problem.

Mr. Vaughan stated no.

Commissioner Hansen stated it looks consistent.

Commissioner Coats stated he isn't concerned because it lines up to the house.

Commissioner Hansen motioned to approve of the non conforming expansion setbacks with the footage of the plan. That the shed be removed or moved and will meet setbacks.

Commissioner Henrie seconded the motion.

Motion passed unanimously.

7. ZONE CHANGE

- a. Public Hearing for consideration and recommendation to City Council a Zone Change request Z-19-16 to change from DM, Downtown Mix Use to PUD-C, Planned Community Development Commercial located at 455 West Vincent Lane. Applicant is Lindsey Boyer, Executive Director of DOVE Center.

Background

Drew Ellerman reviewed report: The applicant is requesting approval to change the zoning of approximately 0.54 acres, located at approximately 455 West Vincent Lane. The requested change is from the current zoning of Downtown Mixed Use (DM) to the proposed Planned Unit Development - Commercial (PUD-C) zoning designation. The (PUD-C) request is for the purpose of seeking a solution to a proposed request. Currently the parcel is being used by the Dove Center, an organization that assists abused women and children, as a counseling center and temporary dwelling units for the needed mothers and children until a more permanent residence can be found. The Dove Center wishes to expand the number of dwelling units and downsize the

office space used in the current layout of the building. The wish to remodel the lower (main) floor adding dwelling units. ALL current zoning districts within the city do not allow for dwelling units on the ground floor in addition to office space utilization on that same ground floor.

The applicant and staff are wishing to utilize the Planning Unit Development - Commercial zoning district in seeking planning commission and city council approval to allow this commercial mixed use zone to accomplish the only alternative to the problem that exists. Staff feels confident that this zoning use could be a solution in meeting the unique circumstance that faces the Dove Centers request and needs at this present time. Do to the organizations use and structure, staff does not feel that this would be a detriment to the surrounding properties. The General Plan Land Use Designations for this location is the Historic Downtown (HD) designation. The (HD) designation allows for the zoning district of Downtown Mixed Use, but do to special circumstances, staff feels this is request of a modified PUD-C, is the only option for the applicant. The surrounding zoning to this parcel is R-3 to the north, R-1-8 to the south, and C-2 to the east and west.

Staff has reviewed the requested zone change and finds it meets the intent of the General Plan and the Zoning Ordinance.

Recommendation

Staff recommends that the Planning Commission recommend approval of Z-19-16, for the zone change request from Downtown Mixed Use (DM) to the proposed Planned Unit Development - Commercial (PUD-C) zoning designation, to the City Council, based on the following findings.

Findings

1. That the requested zoning meets the intent of the land use designation of the General Plan.
2. The utilities that will be necessary for this type of development will be readily accessible to the site.

Commissioner Henrie stated about the reception area and office is the only public area.

Mr. Ellerman answered yes.

Commissioner Coats stated he feels the intent has been met.

Commissioner Coats opened the pubic hearing.

No response.

Commissioner Henrie asked the applicant why the need for expansion.

Lindsey Boyer stated when they took the home over they realized they need units for individuals because there may be a need for their clients to stay longer. They want to make sure the security is in place for the clients. She stated this was better than doing a larger building.

Madonna Melton stated this is a baby step that they pay rent and learn to do their financing. It is about mentoring.

Commissioner Musso asked if it is a look down.

Ms. Boyer stated each apartment has its own external entrance.

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

Commissioner Henrie stated he appreciates Drew for bringing this to the city.

Commissioner Hansen motioned to recommend to the City Council with the recommendation and findings of staff.
Commissioner Henrie seconded the motion.
Motion passed unanimously.

Recess 6:27
Convene 6:33

8. PLANNING COMMISSION TRAINING SESSION

a. Training session on public hearing protocol.

Mr. Ellerman reviewed the Utah City and Leagues handbook for Open and Public Meeting Act. He stated there are two meetings public hearing and public meetings. He explained that items on the agenda are what needs to be addressed in a public hearing. It isn't a time for people to complain about items other than what is on the agenda. He stated the public hearing isn't a public debate. It is information gathering for public input.

He explained the 300 feet radius or at least 30 non duplicate labels for General Plan Amendments and Zone Changes.

He warned to not give too much personal feelings and comments and should be kept to yourself. He encouraged the Commissioner's to come and talk to him if they have questions and he can show them where the criteria is located in the code. He stated if there is something in the code that needs to be amended or changed it can be done. There are times that a question could be part of the discussion item on the agenda.

Commissioner Henrie motioned to adjourn the Planning Commission Meeting.
Commissioner Phetsomphou seconded the motion.
Motion passed unanimously.

Meeting adjourned: 7:37 PM

Washington City

Signed By:



Craig Coats, Chairperson

Attested to:



Kathy Spring, Zoning Technician