

WASHINGTON CITY
CITY COUNCIL MEETING
STAFF REVIEW

HEARING DATE: August 12, 2020

ACTION REQUESTED: G-20-05, A request to amend the General Plan Land Use Map in the area located at approximately 550 West 2100 North, from the current Open Space (OS) designation to a new proposed Low Density Residential (LD) General Plan Land Use designation.

APPLICANT: Matt Lowe - First Nation Investments LLC

OWNER: Same

ENGINEER: Premier Design and Engineering

REVIEWED BY: Drew Ellerman, Community Development Director

RECOMMENDATION: Recommend approval

Background

The applicant is seeking to amend the General Plan Land Use Map in the area located at approximately 550 West 2100 North. The requested area covers approximately 1.26 acres. The current Land Use designation is Open Space (OS). The applicant is seeking approval to have the Land Use designations changed to Low Density Residential (LD), for the possibility to rezone and add the area into the current development known as the Washington Vista Subdivision.

The surrounding General Plan Land Use designations are (OS) & (LD) to the north and east, and (LD) to the west and south. The Low Density Residential designation allows for the R-1-10 and R-1-12 zoning designations,

Staff has reviewed the requested change and finds no problem with the proposed application. The new designation would be in conformity to that which is found in the surrounding area. The Planning Commission reviewed this request at their July 15, 2020 meeting.

Recommendation

The Planning Commission unanimously recommended approval for G-20-05, to amend the General Plan Land Use Map from the current Open Space (OS) designation, to the proposed Low Density Residential (LD) designation, as outlined above and shown on the exhibit attached hereto, onto the City Council.

Commissioner Musso asked about the density along the hillside.

Mr. Hermandsen stated that they will have larger lots along the hill.

Commissioner Hollie motioned to close the public hearing.

Commissioner Hansen seconded the motion.

Motion passed unanimously.

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

Commissioner Phetsomphou seconded the motion.

Motion passed unanimously.

7. GENERAL PLAN AMENDMENT

- a. Public Hearing for consideration and recommendation to City Council a General Plan Amendment G-20-05 to change from OS Open Space to Low Density Residential located at approximately 550 West 2100 North. Applicant is First National Investments LLC, Matt Lowe.

Public comment for this item will be accepted at: washingtoncity.org/meetings, until the close of the public hearing by the commission.

Background

The applicant is seeking to amend the General Plan Land Use Map in the area located at approximately 550 West 2100 North. The requested area covers approximately 1.26 acres. The current Land Use designation is Open Space (OS). The applicant is seeking approval to have the Land Use designations changed to Low Density Residential (LD), for the possibility to rezone and add the area into the current development known as the Washington Vista Subdivision.

The surrounding General Plan Land Use designations are (OS) & (LD) to the north and east, and (LD) to the west and south. The Low Density Residential designation allows for the R-1-10 and R-1-12 zoning designations,

Staff has reviewed the requested change and finds no problem with the proposed application. The new designation would be in conformity to that which is found in the surrounding area.

Recommendation

Staff recommends that the Planning Commission recommend approval for G-20-05, to amend the General Plan Land Use Map from the current Open Space (OS) designation, to the proposed Low Density Residential (LD) designation, as outlined above and shown on the exhibit attached hereto, onto the City Council.

Mr. Ellerman explained that the zone change was denied by the City Council because there wasn't a general plan that was still in the open space so that is why this is back tonight. The dispute was between the current and previous property owner so they have worked that out and that is why it is moving forward.

Commissioner Henrie asked what the intent was.

Mr. Ellerman answered to add more land to the subdivision.

Commissioner Hollie asked what changed between SITLA and the current property owner.

Mr. Ellerman answered that he met with SITLA and was told they worked things out with the piece that is presented on the exhibit.

Danice Bulloch read the public comments: See attached.

Eric McFadden stated that the flood plain has been reviewed by staff and is on the plat.

Commissioner Hansen asked if the developer is aware of the violations.

Mr. McFadden stated that the builder is in surgery and he will discuss the comments with him later.

Commissioner Musso asked if the developer is the one that built the two story addition.

Mr. McFadden answered he isn't the one that built it.

Commissioner Musso stated that they had to do a building permit.

Mr. McFadden stated that there are two ways to resolve this. Through a code compliance or the violation of the CC&Rs

Commissioner Hansen stated he is concerned with the issues that exist so he has a hard time approving something that has problems.

Commissioner Hollie asked if the developer is the one that enforces the CC&Rs. He stated that the home owners can go to the person that built the apartment and enforce penalties. The city can't enforce the CC&Rs.

Commissioner Hansen stated that this appears to be a 5 year problem and so the developer needs to get this taken care of.

Mr. Ellerman stated there are two sides to this. One, the State keeps the city out of CC&Rs. He stated that the city needs to stay out of this. The other is that there is a zone change and subdivision process and things can be dealt with. They converted their RV to a casita and that is

allowed and approved with a building permit. If it was misrepresented the code compliance can cite them. He realizes there are some problems with this because they converted it to an apartment and that isn't allowed.

Commissioner Hansen stated he appreciates Mr. Ellerman's explanation.

Commissioner Hansen motioned to close the public hearing.

Commissioner Hollie seconded the motion.

Motion passed unanimously.

Commissioner Hansen asked Mr. Ellerman if he is going to look into the renting of the apartment.

Mr. Ellerman stated that the property owners can take it to court. The city can cite them for a zoning violation. He stated the city can deny a permit if they have knowledge that the CC&Rs are against something. He stated that this is a General Plan Amendment without a plan so they need to consider what is in front of them.

Commissioner Hansen stated that it is good to know that they need to stay out of the enforcement of CC&Rs.

Attorney Starkey stated that when a developer impacts the city they will take into account the bad behavior. He stated that at this point it is good to bring out issues.

Commissioner Hansen motioned to recommend approval to City Council with the findings and recommendations of staff.

Commissioner Hollie seconded the motion.

Motion passed unanimously.

Commissioner Hansen asked about the property north of Iron Horse is R-1-8.

Mr. Ellerman answered it is R-1-8.

Commissioner Hansen motioned to adjourn the Planning Commission Meeting.

Commissioner Hollie seconded the motion.

Motion passed unanimously.

Meeting adjourned: 7:33 PM

Washington City

Signed By: _____
Rick Henrie, Pro Tem Chairperson

Attested to: _____
Kathy Spring, Zoning Technician