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Public Notice of Electronic Meeting  
Washington City Planning Commission Regular Meeting  
September 2, 2020 MINUTES

Present: Commissioner Smith, Commissioner Hansen, Commissioner Hollie, Commissioner Musso, Commissioner Scheel, Drew Ellerman, Brandon Wright, Danice Bullock, Tara Pentz, Kathy Spring, Jeff Starkey, Drake Howell, Gregg McArthur, Greg Whitehead, Logan Quick.

The meeting will be broadcast via Youtube Live linked online at <https://washingtoncity.org/meetings>

Meeting called to order: 5:36 PM  
Invocation: Commissioner Smith  
Pledge of Allegiance: Commissioner Smith

Commissioner Smith expressed appreciation and thanks to Commissioner Henrie for his years of service as a Planning Commissioner.  
Commissioner Smith welcomed Doug Scheel as the new Commissioner.

1. APPROVAL OF AGENDA

a. Approval of the agenda for September 2, 2020.

Commissioner Hollie Motioned to approve the agenda for September 2, 2020.

Commissioner Hansen seconded the motion.

Motion passed unanimously.

2. APPROVAL OF MINUTES

a. Approval of the minutes from August 5, 2020.

Commissioner Hollie motioned to approve the minutes from August 5, 2020.

Commissioner Hansen seconded the motion.

Motion passed unanimously.

3. DECLARATION OF ABSTENTIONS & CONFLICTS

None

4. FINAL PLAT

a. Consideration and recommendation to City Council for the Brio 3F Final Plat located at approximately 200 W Sunstone Way. Applicant is Cole West.

## **Background**

Drew Ellerman reviewed the report: The applicant is requesting approval of a final plat for the Brio, Phase 3F subdivision, located at approximately 200 West Sunstone Way. This particular subdivision is proposing 12 lots on an area covering 2.81 acres. The specific location of this subdivision is zoned Brio Planned Community Development (PCD). The Amended Preliminary Plat was approved back on August 12, 2020

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 Brio, Phase 3F 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 Hollie motioned to recommend approval to the City Council with the findings and conditions of staff.**

**Commissioner Hansen seconded the motion,  
Motion passed unanimously.**

## 5. CONDITIONAL USE PERMIT

- a. Public Hearing to consider approval of a Conditional Use Permit C-20-06 to expanding existing cell tower located at approximately 550 West Vincent Lane. Applicant is T Mobile, Verizon Wireless.

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

### **Background**

Drew Ellerman reviewed the report: The applicant is requesting approval of a Conditional Use Permit to update their currently approved cell tower site. The upgrade consists of adding two ground control boxes and three new antenna's with associated RRU's for each new antenna. The attached exhibits show the size and location of the new items wishing to be installed at the current site.

Staff, seeing no problems with proposal(s), is recommending approval of the amendment to the current Conditional Use Permit at this particular location. Adding 3 antennas, 3 RRU's and two control ground boxes at the site.

### **Recommendation**

Staff recommends that the Planning Commission approve C-20-06, allowing for upgrades/ additions to a cell tower facility currently located at approximately 550 West Vincent Lane, 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. Only those items as listed and as shown on the attached exhibits are allowed on the site. No other items will be allowed on the premises without additional approval from the city.
2. Building permits will be required for the work performed as part of this amended Conditional Use Permit.

Commissioner Hollie asked when they added are the cross arms the same or larger.

Larson Quick from T Mobile stated they will not be expanding the current antennes.

Commissioner Hansen asked what the reason for the addition was.

Mr. Quick answered because of the Sprint merger.

Commissioner Hansen asked if there is still room for additions.

Larson Quick answered Yes, there is still room for additions. We did the engineering and the three antennas will make up 75% of maximum capacity, so there will be room for one more.

Commissioner Smith opened the public hearing.

Danice stated there is one comment.

Commissioner Hollie motioned to close the public hearing.

Commissioner Hansen seconded the motion.

Motion passed unanimously.

**Commissioner Hansen motioned to approve the conditional use permit to expand to the existing cell tower.**

**Commissioner Hollie seconded the motion.**

**Motion passed unanimously.**

## 6. PLAT AMENDMENT

- a. Public Hearing for consideration and recommendation to City Council for Pine View Estates Phase 1 Plat Amendment located at approximately 1977 West Alondra Drive. The purpose is to split the current lot into 2 lots. Applicants are Michael and Sandra Day.

### **Background**

Drew Ellerman reviewed the report: The applicant is requesting approval of an Amended Final plat for the Pine View Estates, Phase 1 subdivision, located at approximately 1977 West Alondra Drive. The reason for this amendment request is simply to split lot number 1 of the subdivision into lot 1A (0.49 ac. in size) and lot 1B (0.55 ac. in size). The subdivision size and acreage remains the same as the originally approved subdivision.

Staff has reviewed the proposed amended final plat and finds it conforms to the PUD zoning of this development. The subdivision also remains in compliance with the Subdivision Ordinance of the City.

**Recommendation**

Staff recommends that the Planning Commission recommend approval of the Amended Final Plat for the Pine View Estates, Phase 1 subdivision - splitting Lot #1 into lots 1A and 1B, onto the City Council, based on the following original findings and subject to the following original conditions:

**Findings**

1. The amended final plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the amended final plat conforms to the Washington City Zoning Ordinance and 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. Where applicable, in the General Notes where the terms “Home Owners Association”, or “Property Owners”, shall be changed to read as “Property Owners and/or Home Owners Association”.
5. That a post maintenance agreement be recorded prior to the recording of the final plat.

Mr. Ellerman asked that the engineer correct the lot labeling to lot 1A and 1B.

Commissioner Smith asked because this is an amendment do the residents have to sign off on the amended plat?

Mr. Ellerman stated that is why the city holds the public hearing and every property owner in the subdivision gets notice.

Commissioner Hollie asked what the intent for the second lot was.

Mr. Ellerman stated his understanding is that the property owner is using it to build a home for his son.

Commissioner Hansen asked about the setbacks.

Mr. Ellerman answered that both homes would have to meet the setbacks even with the driveway.

Commissioner Hansen stated his concern is that when the next property owner would have to meet the setbacks.

Mr. Ellerman answered that both homes have to meet the setbacks regardless of the driveway or who owns the property.

Commissioner Scheel asked if this opens the door for additional flag lots.

Mr. Ellerman stated there are some concerns with additional requests but the zoning allows it and the CC&Rs don't restrict it.

Commissioner Hansen asked what the comments were from the citizens.

Kathy Spring stated that there are two concerns. One is that this sets a precedent for splitting lots and the other is that people in the subdivision are doing apartments and additional buildings that they rent out.

Commissioner Musso asked if this is setting a precedent for splitting lots.

Mr. Ellerman stated he doesn't have a concern.

Brandon Wright stated public works doesn't have any concerns.

Commissioner Hollie asked if residents are doing additions to do apartments or are splitting the lot.

Mr. Ellerman stated he is aware of people turning additionals to their houses and additional buildings into apartments and they don't have a building permit.

Commissioner Hansen asked what the ramifications of doing this were.

Mr. Ellerman stated that they could be cited for doing it.

Commissioner Hansen asked if the CC&Rs could state that this isn't allowed.

Mr. Ellerman stated the CC&Rs would have to state that this isn't allowed. They could change the zoning to minimum lot sizes or amend the CC&Rs.

Commissioner Hansen stated he is feeling a little uncomfortable with this request because the citizens don't appear to be in favor of subdividing.

Mr. Ellerman stated he has asked the applicant if their CC&Rs restrict it. He researched the zone change and there wasn't any information.

Commissioner Scheel asked about animal rights.

Mr. Ellerman stated that some have animal rights.

Commissioner Hansen asked if the adjacent lot could do this as well.

Mr. Ellerman answered yes.

Tara Pentz stated there are multiple comments.

Commissioner Musso stated the comments address CC&R and what is the size limit of the casita.

Mr. Ellerman answered the casita or detached accessory building would be 650 square feet.

Commissioner Hollie commented that Mr. Christensen stated there is something in their CC&Rs that is prohibited.

Mr. Ellerman explained that there wasn't a specific quote.

Commissioner Hollie asked about lot 3 and how they can have two homes.

Commissioner Scheel stated it could be a large garage.

Mr. Ellerman stated that a garage could have an attached casita.

Commissioner Hansen explained he has just learned through his own experience with CC&Rs. He stated that the Day's seem to have a right to do the request.

Commissioner Hollie stated the citizens should have presented specific restrictions in their CC&Rs,

Mr. Ellerman stated he would like to see it and would bring it to the City Council.

Commissioner Hansen said his CC&Rs state that there is only one main structure and can't be divided.

Jeff Starkey stated that the city doesn't enforce CC&Rs because they are private. If they come to the city with a problem we inform them that the city doesn't enforce CC&Rs. The city doesn't get into private rules of a subdivision. We shouldn't base a decision on CC&Rs but we can take a look at what would be a restriction on a request from an applicant.

Commissioner Hollie stated that Mr. Ellerman has always said that we don't enforce CC&Rs. We are to consider the ordinance set by the city.

Commissioner Hansen stated he would like to see the CC&Rs. He stated that Lot 3 has already set a precedence.

Commissioner Smith asked Mr. Starkey if a plat is amended does the public hearing take place of the signing of the plat.

Mr. Starkey answered that Mr. Ellerman is correct that the public hearing is for the purpose to see if there is opposition to the request and to consider the opposition.

Commissioner Smith stated he agrees with the CC&Rs comments but he is concerned with the citizen in opposition to amending the plat.

Mr. Starkey explained there are people that have stated their opposition. If the zone was 1 acre they would not be able to subdivided. This is an old PUD and didn't have any standard to the lot sizes.

Commissioner Hollie asked Mr. Starkey if the zone was straight zoning they would have been allowed to come with this request.

Mr. Starkey answered that is correct and Mr. Ellerman would have looked at the PUD density to see if it would allow for additional lots. He explained that with this old PUD there isn't much information.

Commissioner Hansen motioned to close the public hearing.

Commissioner Hollie seconded the motion.

Motion passed unanimously.

Commissioner Musso states there are some lots that have large out buildings. He stated his concern is setting a precedent for doing this.

Commissioner Hollie stated he would rather they come in with a request than to do it without a building permit.

Commissioner Musso stated he would like to have some of the residents come up with the specific restrictions of their CC&Rs.

Mr. Ellerman stated that he would recommend tabling this to give people evidence of their CC&Rs or they can move it forward. He stated he wouldn't recommend changing the CC&Rs before this is decided.

Commissioner Hollie asked if they bring in CC&Rs with information how does that influence them when we don't enforce CC&Rs.

Mr. Ellerman stated if they brought something in we could see if they should be asking for this but again we don't enforce CC&Rs. He stated he is just trying to keep this out of court.

Commissioner Hansen asked Mr. Ellerman why he recommended approval.

Mr. Ellerman answered that he asked the applicant to bring in any information they had in the CC&Rs but they couldn't find it.

Commissioner Musso stated he feels that this should be tabled to give time to sort things out.

Commissioner Hansen stated he agrees with tabling because if the CC&Rs don't have it he would agree with the applicant.

**Commissioner Musso motioned to recommend tabling to September 16, 2002 to allow time to research CC&Rs to see if there is language that would restrict or allow the request.**

**Commissioner Hollie seconded the motion.**

**Motion passed unanimously.**

- b. Public Hearing for consideration and recommendation to City Council for Wilbur Acres Plat 3rd Amendment located at 960 South 1900 East. The purpose of this amendment is to amend lot 2 to change the common property in the rear. Applicants are Fred and Mary Buksa.

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

### **Background**

Drew Ellerman reviewed the report: The applicant is requesting approval of an Amended Final plat for the Wilbur Acres Amended No. 3 subdivision, located at approximately 960 South 1900 East. The reason for this amendment request is simply to turn the "limited common area" associated on lot #2, into private ownership for lot #2. This kind of change occurred on other lots within this specific subdivision on previous occasions. Lot #2 was not part of those previous amendments, but is now taking advantage of turning its limited common area into private ownership.

Staff has reviewed the proposed amended final plat and finds it conforms to the Heavy Industrial (I-2) zoning of this development. The subdivision also remains in compliance with the

Subdivision Ordinance of the City.

### **Recommendation**

Staff recommends that the Planning Commission recommend approval of the Amended Final Plat for the Wilbur Acres Amended No. 3 subdivision - changing the “limited common area” of Lot #2, into private ownership, onto the City Council, based on the following original findings and subject to the following original conditions:

### **Findings**

1. The amended final plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the amended final plat conforms to the Washington City Zoning Ordinance and 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. Where applicable, in the General Notes where the terms “Home Owners Association”, or “Property Owners”, shall be changed to read as “Property Owners and/or Home Owners Association”.
5. That a post maintenance agreement be recorded prior to the recording of the final plat.

Commissioner Hollie asked if the other lots were converted to private.

Mr. Ellerman answered that is correct. When the other ones were done this owner wasn't ready and now they are ready. There are still some common areas.

Commissioner Phetsomphou is now present at 7:05.

Commissioner Hollie asked if this changes their tax base.

Mr. Ellerman answered probably not this is industrial.

Commissioner Scheel asked if there are separate parcel numbers.

Mr. Ellerman answered the county would give it a parcel ID number and all the lots have separate parcel ID numbers.

Tara Pentz stated there are no public comments.

Commissioner Hollie motioned to close the public hearing.

Commissioner Hansen seconded the motion

Motion passed unanimously.

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

**Commissioner Hollie seconded the motion.**

**Motion passed unanimously.**

## 7. PRELIMINARY PLAT

- a. Public Hearing for consideration and recommendation to City Council for the Grapevine Crossing at Sienna Hills Preliminary Plat located at approximately Washington Parkway and Grapevine Crossing. Applicant is Belliston Construction, Troy Belliston.

*Public comment for this item will be accepted at: [washingtoncity.org/meetings](http://washingtoncity.org/meetings) until the close of the public hearing by the commission.*

Item removed per the applicants request.

- b. Consideration and recommendation to City Council for The Boulders at Coral Canyon Preliminary Plat located at approximately 3950 East Telegraph. Applicant is Cole West.

*Public comment for this item will be accepted at: [washingtoncity.org/meetings](http://washingtoncity.org/meetings) until the close of the public hearing by the commission.*

### **Background**

Drew Ellerman reviewed the report: The applicant is requesting approval of a Preliminary plat for The Boulders at Coral Canyon subdivision, located at approximately 3950 East Telegraph. The applicant is proposing 93 lots on an area of coverage of 19.851 acres. The zoning designation at this particular location is Planned Community Development (Coral Canyon - PCD). The surrounding zoning is PCD to the north, east, west, and south.

The proposed subdivision conforms to the approved zoning. The request meets the subdivision

requirements and other city ordinances as it relates to this location. Staff has reviewed the request and recommends approval, with conditions, of the preliminary plat as outlined.

### **Recommendation**

Staff recommends that the Planning Commission recommend approval of the Preliminary plat for The Boulders at Coral Canyon 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 preliminary and 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 landscape 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 development shall conform to the State of Utah LID requirements.

13. The developer shall install curb, gutter, sidewalk and asphalt improvements on Telegraph Road, as per page 6, section (i) of the development agreement for Coral Canyon. The city has met their obligations and responsibilities as it relates to the development agreement for this roadway. The preliminary plat does not match the development agreement for Telegraph Road.

14. A traffic study will be needed to determine impacts and if deceleration lanes, acceleration lanes, center turn lanes, and additional asphalt width on the north side of Telegraph Road are needed. Refer to the Washington City Transportation Master Plan page 40 , section 5.5 Traffic Impact Study 5.5.1

15. There is a missing Basis of Bearing Line, this needs to be added to the plat before moving onto the city council's agenda.

Commissioner Hollie asked where on Telegraph this is located.

Mr. Ellerman showed on the google map.

Commissioner Musso asked who will build the other side of Telegraph Road.

Mr. Ellerman answered that there isn't a plan for that road.

Brandon Wright stated there will be a traffic study required to see what would be required and that is why there is a condition to address that.

Commissioner Musso stated that there appears to not be open space between the lots into the wash. He asked if there would be a park or amenity.

Drake Howell stated there are areas of open space and amenity. He explained that in various areas of open space, the letter C is the open space designations. The amenity will be a part of the project as well as the trail system. The intent is that the trail will connect to the existing trail.

Commissioner Musso asked if the houses will be individual homes.

Mr. Howell answered yes.

Commissioner Hollie asked if the homes will be two stories.

Mr. Howell answered they don't have a design yet but could be two stories.

Commissioner Hollie asked about the setbacks.

Mr Howell answered the setbacks will be 5 and 5 but that has to be approved. It is likely that this would be two stories.

Commissioner Musso stated it would appear that on a small lot it would be about 18,000 square foot homes.

Commissioner Phetsomphou stated that the trail system looks very steep.

**Mr. Ellerman stated it appears to be 10 feet of grade**

Mr. Howell stated it isn't as steep as the Hell Hole Trail.

Commissioner Smith asked if he received the modified report.

Mr. Howell answered they received the concerns from Brandon. He stated they don't feel that it is safe to walk along Telegraph. He would rather the citizen in the project use the internal trails and walkways.

Commissioner Smith asked when they will submit a request for setback relief.

Mr. Howell answered before the final plat.

Commissioner Smith opened the public hearing.  
Tara Pentz stated there are no public comments.

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

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

**Commissioner Phetsomphou seconded the motion.**

**Motion passed unanimously.**

## 8. ZONE CHANGE

- a. Public Hearing for consideration and recommendation to City Council a Zone Change request Z-20-14 to Amend the PCD Planned Community Development
- 1) Amend the planned Single Family Attached (SFA) Townhomes to Single Family Detached (SFD) Patio Residential in Phase 3G and 5A.
  - 2) Amend a portion of the planned Single Family detached (SFD) Residential to Single Family Detached (SFD) Patio Residential in Phase 6.
  - 3) Amend language governing commercial use in the Commercial (Clinic) designated are to C-2 Service Commercial.

Applicant is Cole West.

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

### **Background**

Drew Ellerman reviewed the report: The applicant is requesting approval to Amend portions of the Brio PCD project, as found in the Conceptual Site Plan Map (with associated densities table), Circulation Plan, and Land Use Summary (Commercial parcels).

More specifically:

Changes in Section 2, the conceptual site plan map (exhibit 2.1), circulation plan map (exhibit 2.3):

The amendment is to update the Brio PCD Conceptual Site Plan Map (2.1), Circulation Plan Map (2.3). Certain areas have been revised as follows:

- The proposal is requesting to amend the Circulation Plan Map (2.3) by removing the most northern portion of Rialto Parkway where it is proposed to tie into Washington Parkway. Due to the size and traffic volume that will eventually be placed on Washington Parkway, the Brio developer (and city staff) have decided that this particular intersection should be eliminated.
- The proposal is also requesting to re-assign the SFA (single family attached) Townhomes area currently shown in the northeastern portion of the project (southwest corner of Washington Parkway and Main Street), changing it to a SFD (single family detached - Patio Home (3))

designation.

- The proposal request also seeks to reduce the number of SFD (single family detached) units from the current 315 dwelling units to a proposed 289 dwelling units. This will be done by re-assigning the area at the northern end of Rialto Parkway (west side of the street) from the current SFD (single family detached) designation to a SFD (single family detached - patio home) designation.
- The proposal is also requesting to re-assign the SFA (single family attached) Townhomes area currently shown directly east of the Community Center, changing its designation to the SFD (single family detached - patio home).

With the proposed changes as stated above, the acreage and density changes are as follows:

Single Family Detached - Residential current acreage is 91.3, and density is 315 units. Proposed changes would have acreage at 84, and density at 289 units.

Single Family Detached - Patio Home current acreage is 33.5, and density is 203 units. Proposed changes would have acreage at 41.7, and density at 227 units.

Single Family Detached - Patio Home (3) currently does not exist. Proposed addition of this product type would have 9.5 acres with 69 dwelling units.

\*\* just to note, the current stated residential (all types, excluding the apartment complex in the southeast portion) dwelling count is 856 units. With the proposed new changes, the dwelling count is projected at 805.

Change in Section 3.1(A) of the Design Guidelines and Standards section the PCD project plan, is proposing to change the language of the "Land Use Summary - Commercial. The current language states:

The commercial designated parcels at Brio categories: 1) Clinic or other similar use; 2) Assisted living and/or senior apartments or similar use.

The city ordinance in effect at the time the individual parcel development plan is approved will apply and set parking standards for the Brio Project.

The new proposed language states:

The commercial designated parcel at Brio will include such uses as retail sales (in conjunction with the city's C-2 zoning district), administrative / professional, mixed uses (horizontal or vertical, along with hobby caves may be appropriate).

Staff has reviewed the proposed changes and amendment, staff supports most of the proposal. The two items of concern is the new language in the commercial summary proposal as it relates to mixed uses (horizontal or vertical, along with hobby caves may be appropriate). Staff feels that due to the location of this only commercial designated area that certain mixed uses and especially the hobby caves might not be harmonious with the surrounding area(s). Also, the language added to the Conceptual Site Plan directly under the Land Use table which states:

Note: Density may be moved from one land use to another land use as long as the overall density does not exceed 856 units.

Staff is not comfortable with this statement. Staff however, is more willing to accept the other added statement on the same map in the same area that states:

Dwelling land use acreages are approximate and may change depending on market conditions as long as the overall density does not exceed 856 total units.

**Recommendation**

Staff recommends that the Planning Commission recommend approval of Z-20-14, for the zone change request, Amending portions of the Brio PCD project plan, to the City Council, with staff's considerations, based on the following findings and subject to the conditions below:

**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 Brio PCD project plan.

**Conditions**

Only the amendments as outlined above (with associated exhibits/ maps), are made part of this amendment to the Brio PCD project plan.

Commissioner Hollie stated that there are two notes, are they the developers notes. Could they strike a note?

Mr. Ellerman answered yes.

Commissioner Hollie asked if the Hobby Cave is appropriate for this area.

Mr. Howell stated he agreed to stick the Hobby Caves out.

Commissioner Hansen asked if they know what is going there.

Mr. Howell stated that they just wanted to take the clinic out because there isn't an interest in doing a clinic in the area so they want to be able to market it as commercial C-2.

Commissioner Hollie asked what the acreage was.

Mr. Howell answered about 5 acres.

Commissioner Hansen asked what type of C-2 uses could go in there.

Mr. Ellerman answered that it is not a big box store. It also could be professional businesses.

Commissioner Hansen asked if closing the road to the parkway does it create a problem.

Mr. Ellerman stated that there are adequate accesses for emergency service. The fire station is next to the project.

Commissioner Smith opened the public hearing.

Tara Pentz stated there are two comments.

Commissioner Hansen motioned to close the public hearing.

Commissioner Hollie seconded the motion.

Motion passed unanimously.

Commissioner Smith clarified that the northern street that Barry Burnett is speaking of doesn't make sense to change it to a public street.

Mr. Howell stated that the smaller lots should be on private streets. The streets have been designated from the beginning so this isn't a surprise to the residents. He stated they did have an HOA meeting to discuss these changes.

Commissioner Hansen asked about the financial burden on the residents.

Mr. Howell explained that he understands the comment but there has always been within the project to have private streets. He stated that he met with Mr. Burnett to explain the HOA and the changes.

Commissioner Hansen asked Mr. Ellerman about the private streets.

Mr. Ellerman answered that people move in and then want the city to change the private street to public. He stated that in a PCD the people put in money in the HOA fee to maintain the streets. He stated that there are areas that he would rather not make roads private.

Commissioner Smith stated that some streets don't meet the cross section and the developer has to plan that out.

Commissioner Hansen stated he sides with the citizens because they bought into the project then things change.

Commissioner Hollie stated that when the construction is happening the streets take a beating. He stated he would like to see the streets stay public then turn private after the construction.

Mr. Howell stated that they keep the street upgraded and fixed. He stated that the private streets do have a different cross section. The streets that are private are narrower and will slow the traffic. He stated they are open to keeping it public in the northern area that Drew outlined.

Commissioner Musso asked about the patio product.

Mr. Howell stated that the difference is that the new area there is detached single family.

Commissioner Musso asked if they were going to be a single story.

Mr. Howell answered they are going to be a single story.

Commissioner Hansen asked if Mr. Burnett is speaking for himself or the HOA.

Mr. Howell answered he didn't know, Mr. Burnett is a board member so I think he is speaking for himself.

Commissioner Hansen stated he would not like it if something changed after he bought into a project and that change increased the HOA fees.

Mr. Ellemn stated it is a public road and now they are requesting to change it.

Tara Pentz read Mr. Burnett's comments.

Commissioner Hollie asked for clarification that the public roads are paid by the citizens.

Mr. Ellerman stated that the city pays for his road.

Commissioner Hansen stated he is concerned with changes that affect the citizens that bought into the subdivision.

Mr. Howell said he agrees with Drew on the two notes that Drew.

Commissioner Smith stated that they are requesting the change to private roads because it matches the product that will be built.

Mr. Howell stated that they agree that the north west road could stay public.

Commissioner Hollie asked if the speed limit would be 25 mph.

Brandon Wright stated that the private road cross section doesn't meet the public road criteria.

**Commissioner Hollie motioned to recommend approval to City Council with the findings and conditions of staff striking the first note on the exhibit: Density may be moved from one land use to another land use as long as the overall density does not exceed 855 units. And to strike the language Vertical and horizontal and hobby caves from the notes.**

**Commissioner Smith stated that he would rather the street remain private.**

**Mr. Howell stated they didn't ask for the road to be private. They just wanted to change the land use and the request for the road wasn't part of the request. He stated that the Rialto Parkway to the north left corner on the plat be private.**

**Mr. Ellerman stated this is a discussion to have at the preliminary plat stage.**

**Commissioner Hansen seconded the motion.  
Motion passed unanimously.**

## 9. GENERAL PLAN AMENDMENT

- a. Public Hearing for consideration and recommendation to City Council a General Plan Amendment G-20-06 to change from LD (Low Density) to NCOMM (Neighborhood Commercial) located at approximately 2000 South Washington Fields Road. Applicant is Gregg McArthur.

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

### **Background**

Drew Ellerman reviewed the report: The applicant is seeking to amend the General Plan Land Use Map in the area located at approximately the southwest corner of Washington Fields Road and 2000 South. The requested area covers approximately 3.07 acres. The current Land Use designation is Low Density Residential (LD). The applicant is seeking approval to have the Land Use designation changed to Neighborhood Commercial (NCOM), for the possibility to rezone the parcel into a commercial designation.

The surrounding General Plan Land Use designations are (LD) to the north, east, south and west. The Neighborhood Commercial designation allows for the Administrative Professional (AP) and Community Commercial (C-1) zoning designations.

Staff has reviewed the requested change and finds that due to the specific location of the request

(presently two busy streets on the north and east boundary) that the proposal to move it to Neighborhood Commercial should be considered. However, staff would also like to point out that this particular location has been through several proposed commercial changes with no success. It is for that reason that staff does not have a recommendation on this application.

### **Recommendation**

Staff wishes to stay neutral on this proposal and leaves the recommendation with the Planning Commission to either recommend approval or denial for G-20-06, to amend the General Plan Land Use Map from the current Low Density Residential (LD) designation, to the proposed Neighborhood Commercial (NCOM) designation, as outlined above and shown on the exhibit attached hereto, onto the City Council.

Commissioner Hollie asked what uses could be put there.

Mr. Ellerman answered that there are numerous uses with AP and C-1 and yes there could be a gas station.

Commissioner Phetsomphou asked about the project across the street.

Mr. Ellerman answered it is still being considered.

Commissioner Scheel asked where the access could go.

Mr. Ellerman answered it could be the south part of the parcel off Washington Field Road.

Commissioner Hansen stated he doesn't have a problem with commercial use.

Brandon Wright stated that the right in 330 feet away from the light and 660 feet full movement.

Commissioner Smith opened the public hearing.

Tara Pentz read public comments.

Commissioner Musso stated he has concerns with a traffic speed of 45 mph. He stated that the access at the 660 feet on a blind corner and so people will go through the Nichols Peak subdivision. He stated that this isn't suitable for residential so what do you do with it? He stated that people are concerned with a gas station. He stated that there could be professional buildings but they don't know what will come in.

Commissioner Hollie stated he agrees with Commissioner Musso and will probably vote no. This is a dangerous corner.

Commissioner Hansen stated his concern is with both accesses and housing isn't the answer either. He asked why they changed the intersection to be a through street when it used to be right only.

Mr. Wright states he doesn't recall why.

Commissioner Hollie stated the only thing that was proposed that didn't get objected to was the mortuary.

Commissioner Musso stated the problem is not commercial but okaying the general plan doesn't let them see what is coming in.

Commissioner Hansen asked if there could be a medium.

Commissioner Scheel stated he has looked at this property and thought it would be a good vacation rental property. He stated he is confused why the residents would rather see the equipment that is always there. He stated that apartments generate more traffic.

Commissioner Hollie stated he would be okay if it was right in and right out.

Commissioner Scheel stated that a gas station wouldn't go on this parcel but could across the street.

Gregg McArthur stated that he and Greg Whitehead are partners. Greg Whitehead stated that the master plan when they bought it was commercial. He explained that when they did this before a traffic study showed that the access to the south was okay. He stated that they have had interest such as a day care but couldn't get the zoning. Low housing density does not work. He stated that when they looked at a gas station it was a convenient size not a Maverik because it wouldn't support a large gas station. The current zoning doesn't work.

Commissioner Hansen asked the applicant what he thinks of the public comments.

Mr. Whitehead stated he has listened to the citizens. He explained that at one time he went to the citizens door to door and listened to them. He stated that he doesn't feel they would put something that would be detrimental to the neighborhood. He stated that they have had offers for daycare, dance studio and karate business. There is a need but they need the zoning.

Commissioner Musso asked if assisted living and a daycare is permissible.

Mr. Ellerman stated that a daycare can be run out of their homes but a new building would have to be commercial.

Commissioner Hollie motioned to close the public hearing.

Commissioner Hansen seconded the motion.

Motion passed unanimously.

Commissioner Musso asked when the traffic study was done.

Commissioner Phetsomphou asked Commissioner Scheel what he would suggest that goes in there.

Commissioner Scheel stated that it would be the right tenant to go there. An empty office building doesn't do any good.

Commissioner Musso stated that there needs to be highest and best use.

Mr. Whitehead stated that the traffic study was done 3 to 4 years ago. He stated they could do another traffic study but the curve hasn't changed.

Commissioner Hansen asked Commissioner Musso if the traffic study concluded it was okay how he would feel.

Commissioner Musso stated that it is still a problem because of the speeding.

Commissioner Smith stated that this is a general plan amendment.

**Commissioner Hollie motioned to recommend denial to City Council based on the traffic is dangerous on Washington Field Road.**

**Commissioner Musso seconded the motion.**

**Mr. Whitehead stated he would like for them to make it a right in and right out.**

**Commissioner Hollie Aye**

**Commissioner Musso Aye**

**Commissioner Hansen Nay**

**Commissioner Phetsomphou Aye**

**Commissioner Smith Nay**

**Motion passed with a 3-2 vote.**

Commissioner Hansen motioned to adjourn the Planning Commission Meeting.

Commissioner Phetsomphou seconded the motion.

Motion passed unanimously.

Meeting adjourned: 9:25 PM

Washington City

Signed By: Jason S. Smith  
Jason Smith, Chairperson

Attested to: Kathy Spring

Kathy Spring, Zoning Technician

8-5-2020

Timestamp	This Comment is in Regard to:	Full Name:	Neighborhood	Comment
8/5/2020 16:37:45	5a. Public Hearing: Conditional Use Permit: C-20-05, Motor Vehicle Impound Yard, 1385 E Hillcrest Dr. Applicant: Jeremy Johnson	Adam Corley	Outside the City of Washington Limits	I am okay with a Motor Vehicle Impound Yard in this location as long as there is a requirement for a privacy fence all around the yard and that non of the impounded vehicles are allowed to be stored outside of that privacy fence. The concern is with aesthetics of the White Sage Industrial Park.

My family and I moved to this subdivision over 25 years ago. The big lots are a part of what is unique to our subdivision. Although we have great neighbors, we have enjoyed having the distance between us and the next home. We have enjoyed big gardens, big areas for our families to play and spend time on in our own yards. We have enjoyed the views of Pine Valley Mountain. It feels like other areas in the fields are getting over crowded with too many homes and small lots. It is for this reason I would oppose subdividing our big acre lots. It would destroy the integrity of Pine View Estates phase 1. I feel like others would want to divide if this goes through. We consciously made the decision to have big lots when we moved here. Please keep the big lots intact by not subdividing.

As residents of Pine View Estates, we are against the proposed subdivision of PVE phase 1 amended and Lot 1 extended. The reasons we are against the subdividing of Lot 1 into two lots are as follows:

A. Washington City adopted a General plan January 11, 2017. Taken directly from the "Plan" "Fundamental to the concept of a General Plan is the notion that a city can be "planned". "Plan" in this context refers to the process of gathering ideas and input from many sources and creating an overall, general system of development that will bring about orderly growth (that is, development that avoids placing incompatible land uses next to each other, that will not place undue financial burdens on the City or a particular neighborhood, and that still assures that adequate public services and amenities are in place to create a livable community)."

B. The description of the PVE amendment does not stipulate what the lot will be used for. According to the City Code of Washington City, passed December 10th, 2008 the following should be considered:

Under Title 4 chapter 4, 4-4-1 Defined:

"Offensive businesses", within the meaning of this chapter, shall include, but not be limited to, packinghouses, dairies, tanneries, canneries, renderies, junk or salvage yards, bone factories, slaughterhouses, butcher shops, soap factories, foundries, breweries, distilleries, livery stables, blacksmith shops, or any other enterprise or establishment which creates excessive odors, fumes, smoke, gases or noises. (1989 Code § 10-241B)" Anyone of these businesses would negatively impact or neighborhood resulting in a nuisance.

According to the C.C.oW.C. Title 5-3-3 Nuisance defined:

"c. "Nuisance", as defined in Utah Code Annotated section 76-10-803: Unlawfully doing any act or omitting to perform any duty, which act or omission:

(1) Annoys, injures or endangers the comfort, repose, health or safety of three (3) or more persons;" We have more than 3 people annoyed or having our repose endangered by this proposed subdivision.

C. If the plot is subdivided and a residence or business is to be constructed, the only access is a proposed driveway on Alondra Drive.

1. How will heavy equipment access the lot?

2. No access is allowed on Sandia or 2000 south.

3. If the vinyl is removed for temporary access, school children, vehicle and pedestrian traffic will be impacted. Public safety will be an issue and a concern.

4. A school crosswalk is within 50 feet of the proposed lot 2. (Surveyor omitted?)

5. There are 2 flashing school safety lights warning traffic of the school zone and crosswalk within a few hundred feet of proposed lot 2. Safety issue.

D. Surveyor map denotes P.U.E. No utilities are on proposed lot 2.

The additional traffic congestion and public safety concerns will impact the surrounding the neighborhood depriving us the the peaceful "repose" we all enjoy and cherish.

E. Lastly, if the subdivision is approved, precedence will have been established. What is to prevent all the residents of PVE from applying for subdivision of their own properties? Many residents reside in 1 to 2 acre lots.

What environmental, water consumption, population density concerns will occur if all of us begin to construct homes, businesses, apartments, and rehab facilities on our properties?

My wife and I live on 2 acres. 1 acre is zoned agricultural. We could build a Dairy, hog farm or a slaughterhouse with the proper permits. We would never do something that would affect our neighbors quality of life, negatively impacting property values and destroying the quiet solitude and serenity that we all value and cherish.

We appreciate the opportunity to voice our opposition to this proposed subdivision as the facts presented above. We hope the City Council will vote "No" to this amendment.

Respectfully submitted,

Robert & Andrea Gonzalez

I live in Desert Meadows across the street from this property and we are on a blind corner. Please do not add more traffic to this corner by making this property commercial. There is plenty of other places for commercial. We moved to this area because it was low density residential and it had the "country" feel. Making this commercial would bring more lights traffic and noise right to our back yard. Please think of this as if it was your backyard.

I have concerns about commercial being allowed at this intersection. I don't think this is a good location for commercial due to: 1) limited access to space in an already congested intersection with a semi blind corner that has already been the cause of a number of accidents and close calls. 2) traffic speed and congestion. 3) proximity to residential streets for access and safety.

We oppose the division of lot 1 of Pine View Estates Phase 1 into 2 lots and ask the Planning Commission to deny the request to divide this lot.

The reason we purchased our lot (lot 31) and built our home in 1993 was the ability to have an acre of property and to keep two large animals. This makes our neighborhood unique in most of Washington city. We feel that dividing the acre lots in Phase 1 would change the integrity of our open space, create a higher density neighborhood and affect our property values.

We had two neighbors also request a subdivision of their lots in Phase 1 in the 1990s which was opposed by the neighborhood and denied by both the Planning Commission and the City Council. The dividing of just one lot would set precedent for other lots to be divided and change the original intent of Pine View Estates, Phase 1.

We appreciate the opportunity to comment on changes to our neighborhood. Thank you for taking the time to consider our voices in this matter.

This is in addition to the comment I made previously. I have lived at said residence for over 25 years. And as people come and go they have no loyalty to the CC&R that were included with the parcel of land that they bought. Money rules!

Now that is not the case with Mr. Day but it has been and will continue to be with others. Mr. Day says he only wants to divide the property so his son can build a house and I believe that. But there are other implications and they do not necessarily involve Mr. Day.

There have already been others who have expressed, if Mr. Day can do it so if he does I will do it also. They will want to subdivide their lots for the cash. Not caring what happens to the neighborhood. Now if the city council has already made up their minds and allows this change how will they justifiably stop the others from selling their properties and further destroying the neighborhood.

To the Washington City Planning Commission:

We ask the planning commission to deny the request to subdivide Lot 1 of Pine View Estates Phase 1. When we purchased our acre lot (Lot 5), we understood that this was a unique opportunity to own an acre in the Washington Fields.

We were one of the first to build in the Pine View Estates subdivision, completing our home in June 1990. In 1995, two property owners made the same request to subdivide their lots. Neighbors did not support the request. The request was denied by both the planning commission and the city council.

We ask that the request to subdivide Lot 1 be denied this time as well. Allowing one property owner to subdivide would set a precedent that would be difficult to reverse. Others may follow suit which will undermine the original intent, open space, and property values of the one acre parcels in Phase 1.

Thank you for taking time and effort to review our comments. We appreciate all you do for the city.

Sincerely,

Rex W. Wilkey and Susanne (Sue) F. Wilkey  
1863 S Alondra Drive  
Washington, UT 84780

My husband and I purchased Lots 7 & 8 in Pine View Estates Phase 1 in 1990. At that time all of Pine View Estates was planned to be one acre parcels. We bought into a subdivision of acre lots. The developer in later subdivisions kept reducing the size of the lots. We purchased in Phase 1 because

we wanted a more rural neighborhood. We have since built houses on both lots and enjoy the quiet life that acre lots provide. I have lived in my house for 24 years. I do not understand how someone can come along 30 years later and decide to change the way a neighborhood is zoned. I believe that the precedent it would set would be devastating for our neighborhood. Our houses are 5 houses down the street. This zoning change will have a huge effect on our lives.

We are stating that we believe that the zoning change the Day's are requesting should be denied.

As the City Council was made well aware in the past, the residents do not want commercial property on this plot of land! We made it clear that the safety of the intersection of Wash. Fields Rd. and 2000 S. is already a concern. This intersection has been a long time problem with accidents, and even with the stop light now having been there several years, it is still a safety issue. People continually run the red light when they are making a right hand turn from Wash. Fields Rd. onto 2000 S., there have been several times that I have been leaving my home in Desert Meadows and have a green light to cross the road and have very nearly been hit. Earlier this year, my niece who had been at my home, was hit in the intersection! The traffic coming down the hill, North on Wash. Fields Rd. is also a concern for us residents leaving Desert Meadows. People continually speed down the hill, and as the city changed the right lane from a turning only lane to come into Desert Meadows, to a thru lane for the intersection, it is dangerous for residents leaving our neighborhood. This all ties back into a very valid reason we as residents do not want commercial property at this intersection, it would increase traffic and make the intersection worse!

Another major point, that has also been made by many residents in the past, is that we simply do not want commercial buildings next door and out our back windows. We all know and love the charm and feel of the Fields, and we did not build our homes here so we could look out the window at commercial buildings. My husband and I purchased lot #17 in Desert Meadows and built our home with the intent of raising our children here, where it feels great to be in the country and away from busy downtown areas. We have been in our home 12 years now and very much enjoy our backyard, our lot directly looks out to the road and at Nichols Peak, we love seeing the gorgeous sunsets we have a perfect view of, and seeing homes and fields across the road. We do not want to look out our windows or from our back patio to see a gas station (as we made it clear in the past) or any other business buildings! It does not fit the feel and what we love about where we live. Please listen to the home owners, we plead with you not to allow this land to be used for business purposes!

I feel that we all ought to stay with the original agreements we made when we built/moved into Pine View Estates Phase I, including single family dwellings on 1 acre lots. I understand how this would benefit any one of us in the short term, but believe that in the long term our property values are worth our collective care.

I am the property owner of the shopping center located at 568 W. Telegraph Road which includes the former Vincent Lane. I am not opposed to the expansion of additional panels on the existing cell tower. I do ask that a structural engineer certify to the city that the tower is capable of supporting

additional panels. Any underground work necessary in the easement will need to be compacted and repaired to city standards.

I am a resident of Brio, (1210 N Via del Sol) and also a voting member of the Brio HOA Board of Directors. The proposed amendment increases the amount of private roads by an estimated 13% and decreases the number of homes by an estimated 34 units, (\$3,400 per month less income to the Brio HOA). This adversely effects the reserves needed to support/repair the community infrastructure, thereby increasing the financial burden on the residence. I have requested that Cole West change the amended plat to make the northern most road a public road rather than a private road. I request that the Planning Commission support this change to the Conceptual Site Plan thereby reducing the private roads and shifting the added costs of this amendment, if any, to the Developer rather than to the Brio homeowners. Thank you.

This is a concern as it will affect all lots in this area. Splitting lots will ruin the serenity and privacy and add more congestion to a single family dwelling area. There is also the water rights to each property. The acre lots are why we purchased and live in this community and should remain as when purchased.

Hello,

I understand that tonight you will be voting on amending the general plan from LD to NCOMM at approx 2000 S / Washington Fields RD. I would like to address a few concerns as to why I strongly oppose, this amendment to the general plan.

I work for a developer / builder and have done my homework on commercial being developed in the heart of an already established bedroom community. It has been proven by statics, appraisal, home sales, and real estate professionals that commercial is detrimental to surrounding property values. No matter the type of commercial the effects are the same. It is not right for one to benefit at the expense of many. There will be collateral damage, if this approved. And it will be all the homeowners' of Nichols Peak Estates and surrounding neighborhoods.

I have researched surrounding neighborhoods, and towns <http://stgcity.org/maps> ( I am unable to upload the exhibits) and not one subdivision has developed commercial on such a small parcel of property, in an already established bedroom neighborhood.

The best example I can give is the Lin's Shopping Center, The Desert Hills new commercial, Summit / Maverick off River Rd and Dino Crossing development. These developments have been developed with a large enough area to merit positive growth. Not backed up and surrounded by homes.

There is not commercial in the heart of Bloomington, Little Valley, South Gate, Bloomington Hills, Coral Canyon, Brio, or Sun River. Commercial is developed on the outlining areas.

There have been other attempts for commercial to be developed here and the adjacent property. The proposal was denied several time by the council. Deming this an inadequate location for commercial. Nothing has changed to change that. Actually, it is now more of a negative decision due to the traffic increase over the years. Commercial will bring a large volume of traffic to an already congested intersection, which poor access to this parcel. All the homes backing this proposed parcel

of land, do not have a block wall to defer the noise pollution, light pollution, potential accident, and potential crime from our backyards and our homes. Everything that comes with commercial zoning.

Please, as our elected officials please take into consideration the magnitude of people this decision will effect. This will effects our quality of life, safety, homes, and quite enjoyment of our home. We all have the right to live in a space peacefully and free from recurring disruptions or disturbances.

Thank you for your time,  
Marlana James

There is no need for a commercial area in the middle of housing area when over by Lin's And Smith's there is plenty of room for that! Keep housing areas housing and commercial areas commercial! No need for extra traffic!

We live in the Desert Meadows subdivision and our backyard lines up to Washington Fields Road, directly across from the proposed zone change. As much as the idea of having some commercial conveniences very close by is amenable, we believe the safety issues outweigh any benefits. The biggest safety issue is the blind corner right at that intersection. We have witnessed so many people come to a screeching stop, or not stop at all at the light. We are sure the number of accident reports at that intersection will verify it as well. We don't even allow our children to go near the intersection without an adult due to safety concerns. All of this happening at an intersection that is already very busy. Adding commercial services of any type would only compound the problem.

In addition to the increased traffic, congestion, and safety concerns, commercial zoning would bring light and noise pollution that we purposely chose to avoid in moving into a low-density residential zone. Vital services are already accessible and nearby, and changing the zoning will not be conducive to the favorable family living with quiet neighborhoods the low-density zone currently provides us. For all these reasons we do not believe this rezoning is a logical, suitable, or responsible way to grow and develop this piece of land, and we respectfully object to the proposed change to the current general plan.

We are opposed to the zone change. The highest and best use of this property is residential. The surrounding areas that are adjacent to the property are all residential and it makes sense to keep it as it is currently zoned. The ingress and egress to this property does not meet the code as it currently exists for commercial purposes. In addition, it is not safe for traffic on and off Washington Fields road because it is on a blind corner and therefore presents a safety hazard. As previously stated the highest and best use of this property is residential, to create a commercial zone in the middle of a residential neighborhood is not in the best interest of the citizens. There are more than sufficient commercial zones currently existing within a two mile radius.

Have lived 25 years at Our home that has the large lots in Pineview Subdivision. We bought the lot because of it size and for the opportunities for animals, gardens, and having lots of space between us and our neighbors. I am opposed to subdividing any of the large lots in this first phase of this subdivision. To subdivide any of these lots will open it up for others who have these lots to do the same. Finding lots this size in any city is getting harder to do. These lots are unique to the area and breaking them up would be a shame. These lots also share a secondary irrigation system that is tied to the lots. What would happen to it if more lots are split up. The value of these homes could drop if we ruin what we have here. Soon people who have horses won't be allowed to have them if we start splitting these large lots. The protective covenants filed with this subdivision should protect those who bought the homes and lots to stop this kind of thing from happening. Please do not allow any of these large lots that have now been here for 25 plus years be divided.

Just want to confirm. 9/1/20 MTG. Agenda item 8 zone change request from Cole West is for only the Brio development. It does not say Brio in the agenda, only in the meeting packet. Thank you.

I am concerned about the property on the corner of Washington Fields road and 2000 S/Sandia being changed to neighborhood commercial. The accessibility to that property is going to be more and more challenging as the development north of the proposed change progresses. The traffic getting out of our subdivision (Nichol's Peak) already poses safety issues and the homes and neighborhood commercial properties are not developed yet.

The blind curve coming around the hill for north bound traffic and those exiting that corner trying to proceed north will be difficult as that lane quickly becomes a left turn lane for those turning into Sandia.

Nichols drive is too close to the corner to make a left hand turn from that property into Sandia with the traffic that will come with the already approved subdivision. This will force more traffic through Kay's circle which is too narrow for more traffic and also makes those cars exiting at an already difficult corner on Franklin drive as discussed at the beginning of this comment.

More traffic from commercial property on that corner along with developments already approved will increase the danger of accidents due to the congestion caused and roads that were not originally planned to allow amount of traffic generated.

The corner that is being requested reminds me of the corner that exists on 1000 E and Red Hills Parkway in St George. Trying to turn south on that corner when trying to exit the businesses (Tropical Smoothie) from the driveway on 1000 E is not safe as it is and they don't have a subdivision with all of the homes/town homes that we have approved to be built across the street as the corner in question already has. I feel that the future traffic created by approved projects needs to be considered and the negative impact on the current residents considered. I am asking that the change be declined.

Please allow the Day family to make changes as they see fit.

I am opposed to the zone change mentioned. This property borders 2 very busy roads and a subdivision. This subdivision has been here for close to 30 years. When building here the surrounding area was zoned residential or agricultural. We built here for that reason. We did not want to live close to commercial. I think the master plan is put into place so that owners are aware of what they are purchasing. I also feel changing this property to commercial opens the door to many safety issues. The property will only have the means to exit safely right. You will be able to exit right onto 300 East or right onto Washington Fields road. Turning right onto Washington Fields road has you driving right in front of the Ence's home. Traffic will back up in front of their home waiting for the light. If you want to turn left onto 300 East, you will need to cross two lanes of traffic plus the turning lane. Adding to the problem of safety because this would be on a blind corner. If a person want to turn left onto Washington Fields road they would need to cross traffic as well. As it is now, there is not room for cars to exit this way. Most likely they will turn left out of the business and travel West on Kay's Circle to exit on Franklin Way. This has them driving through the subdivision. The traffic through our subdivision will increase substantially. I feel speed will be an issue as well. We have many children that live in this subdivision. The increased traffic and speed will cause many safety issues. I feel the use of this property is residential as it is currently zoned. If you approve neighborhood commercial you open the door to businesses that will not be conducive to the surrounding area. Traffic, noise, loitering, and lack of safety will increase substantially. May I remind you that you are responsible to keep to the development standards that are intended to protect adjacent neighborhood zones and avoid the creation of traffic volumes that cannot be accommodated by existing streets. Please reject the proposal for neighborhood commercial zone change.

Dear Washington City Planning Commission:

This is a letter in regards to a change requested by Michael and Sandy Day wanting to divide their property in two making it a two-home lot instead of a one lot. Mr. Day has not made use of that property for years that he has lived there and I believe it is over 25 years. Only landscaping the front half of his property.

May wife and I, Paul and Linda Christensen are adamantly opposed to any changes to any of the properties located in Phase I of Pineview Estates. We moved here with the idea of living in a rural community far from the city life, the traffic and congestion associated with more condensed housing.

Pineview Estates is unique in Washington City offering one of the few places a person can own a whole acre of land and also in doing so be zoned for horses. There are several phases to the Pineview Estates development but phase one is the only one with those qualifications. The other phases are reduced to 1/2 acre and not zoned for horses. Any change allowed would destroy our rural lifestyle that we sought.

Any change allowed would set a precedent, allowing others to also divide their land because all of a sudden they have deemed it too large for them. I would suggest the Mr. & Mrs. Day solve their dilemma by purchasing a residence somewhere else that is more to their liking. If allowed, all of a sudden we would not be rural anymore. It is an easy solution and only involves one family moving and not affecting the others in residence. Mr. Day, in talking to him, he said that he had an offer from someone to purchase that property and set up a greenhouse. That would mean turning our neighborhood into a commercial enterprise.

Mr. Day and his wife knew of the commitments when they purchased said property and they should honor those commitments.

When doing a search on the internet I came across this article that says that the Commission has not right to supercede the CC&R that were established at the time the housing development was initiated.

Q. Recently, we have had issues with projects and proposed projects that involve city regulations versus CC&R restrictions. Our board seems to think that the requirements in our CC&Rs are unenforceable if the city has already approved the projects. I contend that the CC&Rs must be met as well as city requirements, with the more restrictive (usually) CC&Rs having the greater legal power (for lack of a better word).

Please share any information you have about this.

– J.D., Solana Beach

A. Your CC&Rs and governing documents are private restrictions governing your community. By becoming an owner in the community each member automatically becomes part of an agreement to live by those restrictions. Similarly, by moving into the municipality of Solana Beach, each owner also becomes subject to the laws and ordinances of the city, in addition to other applicable county, state and federal laws. The law of the CC&Rs is based in contract, while the law of the governmental authorities is public law. HOA members must heed both.

If Mr. Day wants to change his property, which will affect the value of my property he needs to get the CC&R's changed.

Sincerely,  
Paul and Linda Christensen.

We are in 100% approval of being able to build a DETACHED Home, Casita or Mother-in-law unit on the property, but we don't really like the idea of splitting a lot because we love the feel of the 1 acre neighborhood.