
Minutes
Washington City Planning Commission
Electronic Regular Meeting
September 16, 2020

Present: Commissioner Smith, Commissioner Hansen, Commissioner Scheel, Commissioner Musso, Commissioner Phetsomphou, Commissioner Hollie, Drew Ellerman, Brandon Wright, Matt Evans, Danice Bulloch, Kathy Spring, Steve Whittekind, Drake Howell, Michael Day.

Meeting called to order: 5:30 PM

Invocation: Commissioner Musso

Pledge of Allegiance: Commissioner Scheel

Commissioner Smith excused Commissioner Holly, he will be late.

1. APPROVAL OF AGENDA

- a. Approval of the agenda for September 16, 2020.

Commissioner Hansen motioned to approve the agenda September 16, 2020.

Commissioner Musso seconded the motion.

Motion passed unanimously.

2. APPROVAL OF MINUTES

- a. Approval of the minutes from September 2, 2020.

Commissioner Hansen motioned to approve the minutes from September 2, 2020.

Commissioner Musso seconded the motion.

Motion passed unanimously.

3. DECLARATION OF ABSTENTIONS & CONFLICTS

Commissioner Phetsomphou disclosed that he lives less than a mile from item 5B.

4. FINAL PLAT

- a. Consideration and recommendation to City Council for the Brio Phase 4D located at approximately 1165 North Rialto Parkway. Applicant is Cole West.

Background

Drew Ellerman reviewed the report: The applicant is requesting approval of a final plat for the Brio, Phase 4D subdivision, located at approximately 1165 North Rialto Parkway. This particular subdivision is proposing 17 lots on an area covering 3.413 acres. The specific location of this subdivision is zoned Brio - Planned Community Development (PCD). The Preliminary Plat was approved back on April 22, 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 4D 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 Musso asked about the public road.

Drake Howell stated it will connect to Gemstone Way.

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

Commissioner Phetsomphou seconded the motion.

Motion passed unanimously.

5. ZONE CHANGE

- a. Public Hearing for consideration and recommendation to City Council a Zone Change request Z-20-15 Zone Change to change from OS (Open Space) to R-1-10 (Single Family Residential minimum 10,000 sq ft lots) located at approximately 600 West 2300 North. Applicant is First Nation Investment LLC.

Background

Drew Ellerman reviewed the report: The applicant is requesting approval to change the zoning of approximately 1.26 acres, located at approximately 600 West and 2300 North. The requested change is from the current zoning of Open Space (OS), to a proposed Single-Family Residential - 10,000 Sq. Ft. Min. (R-1-10) zoning designation. The R-1-10 request is for the purpose of adding the 1.26 acres into an already existing development called Washington Vista.

This particular location has a recently approved General Plan Land Use designation of Low Density Residential (LD). The surrounding zoning to this parcel is R-1-10 to the west, OS to the north, east and south.

Staff has no concerns with the proposed zone change as outlined.

Recommendation

Staff recommends that the Planning Commission recommend approval of Z-20-15, for the zone change request from Open Space (OS), to the proposed Single-Family Residential - 10,000 Sq. Ft. Min. (R-1-10), onto the City Council, based on the following findings and subject to the conditions below.

Findings

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

Commissioner Smith asked if they are following the contour lines.

Mr. Ellerman answered it does follow the contour lines.

Commissioner Schello asked about the elevations.

Mr. Ellerman answered that there is a slope change.

Commissioner Hansen asked why this is coming now.

Mr. Ellerman answered that it was part of a PUD years ago. This was part of a SITLA purchase. The PUD expired so this reverted back to the original PUD and they are asking for R-1-10 now. He stated that Aaron Langston called and said that they are okay with this request.

Commissioner Scheel asked if it is for 4 lots.

Mr. Ellerman answered it is about 4 lots.

Danice Bullock stated there are not any public comments.

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

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

Commissioner Hansen motioned to recommend approval to the City Council with the findings and recommendations of staff as long as the exhibit matches the General Plan exhibit.

Commissioner Scheel seconded the motion.

Motion passed unanimously.

- b. Public Hearing for consideration and recommendation to City Council a Zone Change request Z-20-16 Zone Change from RA-1 (Residential Agricultural minimum 1 acre) to R-1-10 (Single Family Residential minimum 10,000 sq ft lots) located at approximately 400 West Merrill Road. Applicant is Dave Nasal.

Background

Drew Ellerman reviewed the report: The applicant is requesting approval to change the zoning of approximately 14.06 acres, located at approximately 400 West Merrill Road (south side of roadway). The requested change is from the current zoning of Residential / Agricultural - One

Ac. Min. (RA-1) zoning, to a proposed Single-Family Residential - 10,000 Sq. Ft. Min. (R-1-10) zoning designation

The R-1-10 request is for the purpose of developing the 14.06 acres into a future residential development.

This particular location has a General Plan Land Use designation of Low Density Residential (LD). The surrounding zoning to this parcel is R-1-10 and R-1-15 to the south, PUD to the north, St. George City zoning to the west, and Washington County zoning to east.

Staff has no concerns with the proposed zone change as outlined.

Recommendation

Staff recommends that the Planning Commission recommend approval of Z-20-16, for the zone change request from Residential / Agricultural - One Ac. Min. (RA-1), to the proposed Single-Family Residential - 10,000 Sq. Ft. Min. (R-1-10) onto the City Council, based on the following findings and subject to the conditions below.

Findings

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

Commissioner Phetsomphou asked about Merrill Road improvements.

Brandon Wright stated the city is adding a lane of asphalt but it isn't part of this proposal.

Commissioner Smith stated it is a busy road so it makes sense to do some improvements.

Commissioner Phetsomphou asked if they would have to do improvements on their side.

Mr. Ellerman replied yes.

Commissioner Hansen asked if Merrill Road will match up with the adjacent road.

Brandon Wright answered yes.

Commissioner Smith stated there is an open ditch along Merrill Road.

Commissioner Hansen asked if this is adjacent to the R-1-15 that they just approved.

Mr. Ellerman replied yes. He explained that the smaller Washington County parcel showing on the exhibit will be annexed into the city.

Danice Bulloch stated there were not any public comments.

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

Commissioner Hansen motioned to close the public hearing.

Commissioner Phetsomphou seconded the motion.

Motion passed unanimously.

Commissioner Smith asked about the lot sizes of the subdivision to the north.

Mr. Ellerman answered they are about 8,000 to 9,000 square foot lots.

Commissioner Smith asked if there is only one access to the subdivision to the north.

Mr. Ellerman stated that they will probably have to match up with Harvest Lane

Commissioner Scheel asked what the general plan is for the St George property.

Mr. Ellerman answered he didn't know for sure. Probably as high a price as they can get, maybe commercial.

Commissioner Phetsomphou asked what happened to the plan on the corner.

Mr. Ellerman stated that they moved their project.

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

Commissioner Scheel seconded the motion.

Motion passed unanimously.

6. PLAT AMENDMENT

- a. Tabled from September 2, 2020: 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: This item was tabled at the September 2nd, 2020 meeting. The reason for the tabling is to allow for the applicant to provide a copy of the CC&R's in regard to whether or not there are stated minimum lot sizes within the CC&R's and subdivision itself. A copy is provided, and staff has found no stated minimum lot size regulated by the CC&R's.

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.

Commissioner Hansen stated he doesn't have a problem with this request but is concerned with the violations that were found with this request.

Mr. Ellerman stated he goes after violations by complaint or is something that he sees. He stated he has turned in some violations.

Commissioner Hansen stated he has talked to some of the citizens especially the one that has an additional house in the backyard. He stated he appreciates this applicant for coming in to do the right process.

Mr. Ellerman stated after he read the CC&Rs they need 75% of the people in the subdivision to change their CC&Rs or do straight zoning.

Commissioner Hansen stated he would add a condition that there should be something done about the other violations and would like City Council to give a directive to investigate them.

Commissioner Scheel stated the applicant is doing the process the right way and by doing this it makes the property sellable.

Commissioner Smith stated he didn't see a problem in the CC&Rs but amending the final plat would have to agree to it. He stated that the public hearing covers the requirement to sign the plat. He stated his concern is that if the public doesn't agree there would be a problem with consenting.

Mr. Ellerman stated that the violators didn't ask for consent.

Commissioner Hansen stated that they should have changed their CC&Rs.

Mr. Ellerman stated that others have said that years ago someone tried it and it was turned down 20 some years ago and that should have been the time to change the CC&Rs.

Commissioner Hollie joins the meeting.

Commissioner Hansen asked the Day's if there has ever been talk about changing the CC&Rs.

Mr. Day stated that they have lived there for about 20 years. He stated that many years ago there was an architectural committee but they haven't had one for a long time. He stated there are rental units and a lot of illegal uses in the Pine View Estates subdivision.

He stated that his next door neighbors are okay with this. He stated he was alarmed to hear the objections because there are so many violations.

Commissioner Hansen asked if Mr. Day knew of the additional rental property.

Mr. Day stated that it was originally built for a mother in law building.

Commissioner Musso stated that in the CC&Rs there isn't any stipulation for the lot size.

Commissioner Hansen stated he thought he read that the lots have to be ½ acre.

Mr. Day stated he doesn't think there are any restrictions. He stated that there are some lots that are smaller than a half acre.

Commissioner Scheel asked what the plan for the house was.

Mr. Day stated it would be about 1,600 square foot one story and off of Sandia.

Mr. Ellerman stated he can't not use Sandia.

Mr. Day stated that there aren't horse rights.

Commissioner Hollie stated that the CC&Rs allow for horses but the city would not allow it due to the zoning.

Commissioner Hansen asked about the concern of changing a final plat and the approval of the citizens.

Commissioner Smith stated that the only difference is that it only affects this one lot. If it was something larger he would have more concern. He stated he doesn't have too much of a problem with this.

Commissioner Hansen asked if others could do this if they don't change their CC&Rs.

Commissioner Smith answered yes. He said that this is a little different because it is on a corner lot that is creating a flag lot.

Commissioner Hansen stated he is concerned if they approve this one and not others.

Attorney Starkey stated that it is good to be concerned with setting a precedent. He stated that Commissioner's Smith statement that this is a corner lot gives a basis why this isn't a precedent.

Mr. Day stated that at the corner of Sandia and Cimarron has already made the precedence.

Mr. Ellerman stated it is a shop. He restores vehicles with a lift, that is why the roof is so high.

Commissioner Hansen stated he would like the citizens in this subdivision to change their CC&Rs to allow it or not allow it if they don't want this to continue.

Commissioner Scheel stated he agrees with Commissioner Hansen. He stated that the people in the subdivision need to look at the future.

Commissioner Musso stated that when splitting property you have to redo your loans and may change the value of the property.

Commissioner Hansen stated his concern is future property owners and what problems will occur.

Commissioner Smith stated that the reason this item was table was to view the CC&Rs.

Mr. Day stated they own the property and will remain in the house for the rest of his life and he wants to have family nearby.

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

Commissioner Hollie seconded the motion.

Commissioner Musso Aye

Commissioner Hollie Aye

Commissioner Hansen Aye

Commissioner Phetsomphou abstained.

Commissioner Scheel Aye

Commissioner Smith Aye.

Motion passed unanimously.

Mr. Ellerman stated that there will be a meeting September 30, 2020 combined with the Planning Commission and City Council at 6:00 PM at City Hall.

Commissioner Hollie motioned to adjourn the Planning Commission Meeting.

Commissioner Hansen seconded the motion.

Motion passed unanimously.

Meeting adjourned: 6:55 PM

Washington City

Signed By: _____


Jason Smith, Chairperson

Attested to: _____


Kathy Spring, Zoning Technician