



Community Development Department
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Minutes
WASHINGTON CITY PLANNING COMMISSION
September 18, 2013

Present: Commissioner Schofield, Commissioner Smith, Commissioner Shepherd, Commissioner Williams, Commissioner Martinsen, Commissioner Papa, Attorney Jeff Starkey, Councilman Hudson, Drew Ellerman, Mike Shaw, Kathy Spring, Jason Golmarac, Sean Glather, Debbie Depompei, Todd Fuson, Lorraine Kincaid, Jeff Veregge, Larry Gardner, Barbara Gardner, Hal Lehnhof, Kay Lehnhof, Shawn Wiscombe, Susan Hannig, Warren Hannig, Kathy Manwaring, Craig Manwaring, Karl Rasmussen, Heath Snow, Aaron Langston, Mike Helm Garret Bangerter, Roger Bundy, Ken Miller, Doug Dennett, John Manzer, Sam Hasleum, Jan Hill, Scott Wood, Tannie Flammer, Sherrie Reeder.

Meeting called to order: 5:30 PM
Invocation: Commissioner Martinsen
Pledge of Allegiance: Commissioner Williams

1. APPROVAL OF AGENDA

A. Approval of the agenda for September 18, 2013.
Commissioner Smith motioned to approve the agenda for September 18, 2013.
Commissioner Williams seconded the motion.
Motion passed unanimously.

2. APPROVAL OF MINUTES

A. Approval of the minutes from September 4, 2013.
Commissioner Shepherd motioned to approve the minutes from September 4, 2013.
Commissioner Williams seconded the motion.
Motion passed unanimously.

3. DECLARATION OF ABSTENTIONS & CONFLICTS

Commissioner Smith abstains from item 6-A.

4. CONDITIONAL USE SIGN PERMIT

A. Public Hearing to consider approval of a Conditional Use Sign Permit CS-13-01 located at approximately 900 East Buena Vista Blvd. Applicant: YESCO Outdoor Media, Mike Helm

Background

Drew Ellerman stated the applicant is requesting approval of a Conditional Use Permit to install an off premises (billboard) sign, located at approximately 900 East Buena Vista Blvd. The billboard will be located on property owned by SITLA and leased out to YESCO (Young Electric Sign Company). The billboard sign will be 672 square feet in size, and will be two (2) sided to advertise to both directions of traffic along Interstate-15.

The new sign will be subject to the recently adopted sign regulations as it pertains to off premises signage. The parcel that the sign will be located on is currently zoned General Commercial (C-3), which is only one of two (2) zoning districts in which off premises signs (billboards) are allowed, and only through the conditional use permit process.

Staff has reviewed the application and has found the location to meet the standards as set forth in the zoning and sign regulations. The sign appears to be one of the new electronic type of billboards, and if so, will be required to meet the standards as set in the sign regulations pertaining to message change times and variable brightness/dimming, etc.

Recommendation

Staff recommends that the Planning Commission approve CS-13-01, allowing for an Off Premises (billboard) sign to be located at approximately 900 East Buena Vista Blvd., based on the following findings and subject to the following conditions:

Findings

1. The proposed use, at the particular location, is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood and community; and
2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of the persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and
3. The proposed use will comply with the regulations and conditions specified in this title and associating state and federal titles, for such use; and
4. The proposed use will conform to the intent of the general plan.

Conditions

1. Any site improvements shall meet the requirements of City and State adopted codes.
2. A building permit, with associated construction plans, will be obtained through the Building Department before any construction work.
3. The sign will not encroach into the public right-of-way.
4. The sign will meet all the standards as set forth in the Sign Regulations of the city's Zoning Ordinance.

Commissioner Schofield asked if the deeming would be part of the required sign ordinance.

Mr. Ellerman stated the ordinance does cover automated deeming and rotation.

Commissioner Schofield asked if it is going to include both sides.

Mike Helm replied the sign will currently be one still and eventually the other side would be digital on the north side.

Commissioner Schofield asked if Mr. Helm comes back with a proposal to do the digital.

Mr. Ellerman stated he would rather approve it for both.

Commissioner Shepherd asked if this would prevent someone else coming in for a digital if YESCO doesn't do the digital because it is suppose to be so many feet a part.

Mr. Ellerman stated this is on SITLA property so we would have to ask them what future plans they have.

Commissioner Schofield said he would prefer that they come in when they want to come in for digital.

Mr. Helm said the south side wouldn't probably do the digital.

Commissioner Schofield asked if the other commissioners have any issue with approval if the digital is for just the one side.

Commissioner Papa asked if Washington City has any input of what goes on the sign.

Mr. Helm said YESCO places signage that is conducive to the morals of the community. Anything of an adult nature wouldn't go on the sign.

Commissioner Schofield asked Attorney Jeff Starkey if the city could revoke or have any say as to what goes on the sign.

Attorney Jeff Starkey stated that they are protected by the first amendment.

Commissioner Schofield opened the public hearing.

Aaron Langston stated SITLA has no intention of adding other billboards.

Mr. Helm asked if the reference to which side could read the northeast side.

Commissioner Shepherd motioned to close the public hearing.

Commissioner Smith seconded the motion.

Motion passed unanimously.

Commissioner Shepherd motioned to approve the conditional use permit with the findings and conditions of staff with the additional condition #5 that only the northeast side of the sign be electronic.

Commissioner Williams seconded the motion.

Motion passed unanimously.

5. **CONDITIONAL USE PERMIT**

- A. Public Hearing to consider approval of a Conditional Use Permit C-13-16 for construction of a building for Rocky Mountain ATV/MC Business located at approximately 472 West Buena Vista Blvd. Applicant: Rocky Mountain ATV/MC, Shane Burningham

Background

Drew Ellerman stated the applicant is requesting approval of a Conditional Use Permit to develop a new business located at approximately 472 West Buena Vista Blvd.. Rocky Mountain ATV/MC is wishing to move from their current location (approximately one city block to the west) into this new building and site. The property is zoned General Commercial (C-3), but the zoning regulations require any development of commercial properties bordering Buena Vista Blvd., Washington Parkway and Telegraph to obtain a conditional use permit through the planning commission.

The site will be developed with a new 15,000 (approx.) square foot building, including retail floor area, along with office space and storage area. There will also be outside storage on the property at the north and east sides of the new store. Landscaping will be along Buena Vista Blvd. and along Calle Del Sol (street). Outdoor product display areas will also be built on the south end of the new store bordering Buena Vista Blvd.. The site will also have ample parking and delivery area.

Staff has reviewed the request and finds it to be in compliance with the standards of the city and the zoning regulations as outlined. This will be a fine addition to our city in this particular location.

Recommendation

Staff recommends that the Planning Commission approve C-13-16, allowing for the new development of the Rocky Mountain ATV/MC business site located at approximately 472 West Buena Vista Blvd., based on the following findings and subject to the following conditions:

Findings

1. The proposed use, at the particular location, is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood and community; and.
2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of the persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and
3. The proposed use will comply with the regulations and conditions specified in this title and associating state and federal titles, for such use; and
4. The proposed use will conform to the intent of the general plan.

Conditions

1. Any site improvements shall meet the requirements of City and State adopted codes.
2. A building permit, with associated construction plans, will be obtained through the Building Department before any construction work.
3. The necessary utilities will be installed and/or upgraded at the site before a certificate of occupancy will be issued.

Mr. Ellerman stated the applicant has requested that the block wall be waived because there isn't a need for it. According to the ordinance the block wall is for a buffer between residential and commercial. The residential is substantially higher than this project. Mr. Ellerman reviewed the exhibits of the elevations of the building.

Commissioner Schofield asked Mr. Glathar if there was any intent on climbing the rocks or slopes on the property.

Shawn Glathar stated there would not be any climbing on the surrounding rocks.

Commissioner Schofield opened the public hearing.

No response.

Commissioner Smith motioned to close the public hearing.

Commissioner Shepherd seconded the motion.

Motion passed unanimously.

Commissioner Smith motioned to approve the conditional use permit with the findings and conditions of staff.

Commissioner Papa seconded the motion.

Motion passed unanimously.

- B. Public Hearing to consider approval of a Conditional Use Permit C-13-14 for a Funeral Home located at approximately 600 East 2100 South. Applicant: Shawn Wiscombe

Background

Drew Ellerman stated the applicant is requesting approval of a Conditional Use Permit to develop a new funeral home business located at approximately 600 East 2100 South. The site of this particular application has been through several processes recently, from a General Plan Land Use Map amendment to a Zone change, and finally, this request for a conditional use permit. As mentioned, this parcel just received city council approval for a zone change from R-1-12 to Administrative Professional (one of the commercial zoning districts in the city code). That particular zoning district is for such uses as (self-described) administrative and professional offices and related uses.

Within the permitted uses category of the regulations, one of the stated uses is "Administrative, executive, professional, medical and research offices". The applicant is seeking to establish a funeral home, which is not specifically listed in any of our zoning districts. Thus, staff is coming before the planning commission, through the section of the code (9-9-2(C)), which states:

“Other: Other uses, not listed as permitted or conditional uses in other zones, which are determined by the planning commission to be in harmony with the character and intent of this zone.”

Staff has reviewed the request and the zoning regulations as outlined, and has determined that the request for a conditional use permit for this type of use at this particular location, does comply and conform with the intent and would be in harmony with this particular zoning district.

The applicant has also presented a site plan of the property, showing building location, parking, and open areas of the property. Also shown is the location of the required driveway to the site (in reference to the zoning approval condition), keeping it out of the subdivision as much as possible. They have also included a picture of a home that will be the example of design and exterior finishes that will be associated with their particular funeral home, along with preliminary elevations (in black and white).

Recommendation

Staff recommends that the Planning Commission approve C-13-14, allowing for a funeral home to be located at approximately 600 East 2100 South, 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, and
5. The proposed use will be in harmony with the character and intent of the Administrative and Professional Zoning district.

Conditions

1. Any site improvements shall meet the requirements of City and State adopted codes.
2. A building permit, with associated construction plans, will be obtained through the Building Department before any construction work.
3. The necessary utilities will be installed and/or upgraded at the site before a certificate of occupancy is issued.
4. A minor subdivision, breaking this funeral home sited away from the parent parcel, will be recorded before a certificate of occupancy is issued.
5. The site will be developed as per the site plan exhibit.

Commissioner Schofield asked for clarification of the lots that were shown on the exhibit.

Mr. Ellerman stated that it is not a part of the CUP approval that will come later with a minor subdivision. The reason it is shown on the exhibit is to address concerns with the access.

Commissioner Shepherd asked if the block wall would be on the backside where the lots are shown on the exhibit.

Mr. Ellerman replied that is correct.

Commissioner Schofield asked if there could only be two lots.

Mr. Ellerman stated no they could have the three by adjusting the one lot.

Commissioner Schofield asked if they could make any recommendation to City Council regarding the additional lots.

Mr. Ellerman replied no. Because the minimum is 12,000 sq foot lots only the city council can over ride something and they normally don't.

Commissioner Schofield stated there appears to be room enough for the three lots. He asked for clarification of the driveway as the egress ingress.

Mr. Ellerman stated the driveway would be left open.

Commissioner Schofield asked if the chimney was going to be used as a fireplace only.

Mr. Ellerman stated yes. There would not be a crematory.

Commissioner Papa asked about signage and how large the sign would be.

Mr. Ellerman stated it would be a monument sign generally the sign would be about the size of a 4x8 sheet of plywood and 6-foot in height.

Commissioner Papa asked if that would be a visual distraction.

Mr. Ellerman stated he didn't think it would.

Shawn Wiscombe showed the sign on the overhead that they would be using. He stated he isn't going to want to talk too much about the other lots but they are going to have to show them because of the utilities that would be brought in and to show the road.

Commissioner Schofield stated he is confident that this would be a good use for the area and the access that concerned him has been addressed.

Commissioner Schofield opened the public hearing.

No response

Commissioner Papa motioned to close the public hearing.

Commissioner Smith seconded the motion.

Motion passed unanimously.

Commissioner Smith motioned to approve the conditional use permit with the findings and conditions of staff.

Commissioner Williams seconded the motion.

Motion passed unanimously.

- C. Public Hearing to consider approval of a Conditional Use Permit C-13-13 tabled item from August 21, 2013 for a Communication Tower located at approximately 1900 North 500 East (latitude 37 deg. 9'34"N, longitude 113 deg. 30'19"W).
Applicant: Insight Towers LLC, Debbie DePompei

Background

Drew Ellerman stated this item was tabled back on August 21, 2013 during the regularly scheduled planning commission meeting. The applicant was not completely ready to have the item heard by the commissioners due to issues that needed to be ironed out between them and the city's power department for electric service. The applicant is now ready to have their request heard and considered.

The applicant is requesting approval of a Conditional Use Permit to install a 100 foot monopole wireless communications tower and associated facility building located at approximately 1900 North 500 East. The site will house communication service boxes along with the 100 foot high monopole in a fenced area of approximately 60 foot by 60 foot. The new yard will be fully closed in by a 6 foot high chain link fence topped with security barbed wire. This location is being designed for future needs in mind with room for growth to the tower and site.

This request is actually the second time the applicant has applied for this C.U.P.. Back in October of 2011, a conditional use permit was granted by the planning commission. The applicant never did do the onsite work, and thus, due to the time lapse, the use permit expired. They are ready to go again, and seeking approval for the project.

The parcel is currently zoned Open Space (OS), this kind of use is permitted in this zoning district through the conditional use permit process. The location is already home to a city water tank and another communication facility. This particular area is somewhat remote and a good fit for the benefit it will bring in better cell service for the area as a whole. Staff, once again, has no concerns with this proposal.

Recommendation

Staff recommends that the Planning Commission approve C-13-13, allowing for a cell tower facility to be located at approximately 1900 North 500 East, based on the following findings and subject to the following conditions:

Findings

1. The proposed use, at the particular location, is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood and community; and.
2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of the persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and
3. The proposed use will comply with the regulations and conditions specified in this title and associating state and federal titles, for such use; and
4. The proposed use will conform to the intent of the general plan.

Conditions

1. Any site improvements shall meet the requirements of City and State adopted codes.
2. A building permit, with associated construction plans, will be obtained through the Building Department before any construction work.
3. The necessary utilities will be installed and/or upgraded at the site before the tower can be moved into place.
4. All out buildings and poles (current and future), must be painted with the standard color(s) as approved by the Public Works Department.

Commissioner Papa stated the color would be so it blends in, but does the color include the fencing.

Mr. Ellerman stated he would let Mike Shaw address the color.

Commissioner Schofield stated the approval is for one 100-foot pole. Because on the exhibit it shows future references if others were to come in they would need to get approval.

Mr. Ellerman stated yes they would have to come in for approval.

Mike Shaw stated the color is sage green.

Commissioner Schofield asked why green.

Mr. Shaw stated you couldn't get red to match the on red sand color it would turn pink.

Commissioner Papa asked if the road would be maintained by the city.

Mr. Shaw stated it isn't a dedicated road to the city. Once a year it might be graded so the city has access.

Attorney Starkey asked if for security purposes would anyone have access to the water tank. He asked about other requests for future towers and if there is any bonding for tearing down a tower so the city isn't left with a tower that isn't being used.

Mr. Shaw stated there is security.

Mr. Ellerman stated if something is not used or is vacant for 12 months it would loose its use and would be torn down. SITLA owns the land.

Aaron Langston stated SITLA doesn't get involved with tearing it down. With the lease agreement they require the company to be responsible and if they sell it the responsibility would go to the new company. They don't require bonding they just take care of the tower.

Debbie DePompei stated they would only have the one tower. The equipment shelters shown are for the major carriers. They will use prefabricated equipment shelters. The equipment pads are a 10x10 concrete pad. She stated they don't have any problem with the color. The antenna rays are mounted to the tower and will also be painted. She stated condition #3 has been taken care of with Kelly Carlson, she asked if the condition could be removed.

Mr. Ellerman stated he is fine with the upgraded part but this is a standard requirement for any utilities, it means any utilities.

Commissioner Schofield opened the public hearing

No response.

Commissioner Smith motioned to close the public hearing.

Commissioner Shepherd seconded the motion.

Motion passed unanimously.

Commissioner Shepherd motioned to approve the conditional use permit with the findings and conditions of staff for only one tower with the modification to condition #3 to remove the necessary utilities will be installed and/or upgraded at the site before the tower can be moved into place.

Commissioner Williams seconded the motion.

Motion passed unanimously.

6. PRELIMINARY PLAT

- A. Public Hearing for consideration and recommendation to City Council for the Preliminary Plat Roadrunner Ridge located at approximately 800 East 3500 South.
Applicant: Garrett Bangerter

Background

Drew Ellerman stated the applicant is requesting approval of a preliminary plat for the Roadrunner Ridge subdivision, located at approximately 800 East 3500 South. The applicant is wishing to develop 64 lots on an area covering 25.42 acres. The location of this particular project is zoned Residential / Agricultural - One acre min. (RA-1 acre), and utilizing the Bonus Density Program for density increase.

The applicant is proposing to use the criteria options of; interconnectivity of internal streets (25%), interconnectivity of external streets (25%), mixed lot sizes (4 of them)(20%),

preservation of open space (11%), open space at entrance intersections (15%), connection toward the trail system (12%) and tree-lined streets (25%). The total credit of 133% applied to the base 25.42 units (25.42 dwellings) with a possible additional 33.81 units (25.42 times 133%), will allow for a possible 59 dwelling units within this bonus density area. The applicant is proposing to only developing 48 dwelling units in the bonus density portion of the proposed subdivision, along with an additional 16 dwelling units found in the area zoned R-1-15, for the total of 64 dwelling units for the entire subdivision.

The proposed subdivision conforms to the approved zoning designation and also 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 Roadrunner Ridge 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 final drainage study and grading and drainage plan shall be submitted for review and approval prior to moving dirt. Development of the site shall comply with the recommendations of the geotechnical study and drainage study, and improvements for drainage and detention shall be approved by the Public Works Department.
2. A final geotechnical study shall be submitted to the City for review and approval prior to submitting the final plat. All recommendations of the geotechnical study shall be adhered to.
3. Construction drawings for the subdivision and its infrastructure shall be submitted to the City for review and approval prior to the submittal for final plat.
4. The construction drawings shall adequately address prevention of nuisance storm water drainage across lots. If retaining walls are utilized to prevent cross-lot drainage, the developer shall be responsible for installing said retaining walls.
5. At the time of final plat submittal, the following documents shall also be submitted:
 - A. A title report.
 - B. A copy of any deed restrictions, other restrictions, restrictive covenants, architectural controls, or other requirements that may apply to the development (CC&Rs).
6. All detention areas shall be landscaped and all detention and landscaped areas shall be maintained by the property owners and/or homeowners association. A note shall be placed on the plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain the detention and landscaped areas.

7. A final landscaped plan and fencing plan shall be submitted for review and approval prior to the submittal of the final plat. Landscaping and fencing shall be installed prior to the occupancy of the buildings that will be constructed along the landscaped and fenced areas.
8. All landscaping, walls and other structures shall meet sight distance requirements. A note shall be placed on the final plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain sight distance requirements.
9. Driveway locations are to be approved by the Public Works Department.
10. Any proposed blasting for the development of the subdivision requires the submittal of a blasting plan with the construction drawings and issuance of a blasting permit.
11. Provisions must be made for an open space corridor (or roadway) between lots 60 & 61, and through the northeast corner of lot 54 to allow for possible discharge from the emergency spillway of the Gypsum Wash Debris basin to reach the northern roadway.
12. Area shown for easement abandonment in the southeast corner of this development is subject to approval of the Canal Company (which is the owner of the easement).

Commissioner Schofield asked for clarification of the zoning.

Mr. Ellerman stated they have to do the 15,000 sq foot lots with the bonus density. He clarified it on the exhibit.

Jason Smith stated in regards to item 11 and 12 he has been working with Lester Dalton from Public Works. It isn't abandoned yet because it hasn't transferred hands yet. The Flood Control Authority will maintain it through the County. There will be an easement and both parties know about it and are okay with it.

Commissioner Schofield asked about condition #11.

Mr. Smith stated lot 6 and 21 are along the fault, there was a study about 6 years ago and the setbacks are recommended for those lots. There can be a road but no buildable area, no structures.

Commissioner Schofield asked if on the lots 16, 17 and 7 would they be able to be built on.

Mr. Smith stated yes.

Commissioner Shepherd asked what is between lot 60 and 61.

Mr. Smith stated there is a debris basin and is a million year flood channel. If that should happen Washington City would have to be evacuated. He would prefer to change it to 61 and 62 and they are working with public works.

Mike Shaw stated the basin falls under a pmf (probable maximum flood) with no time limit. The spill way is crucial and the dikes are controlled and required by the NRCS.

Commissioner Schofield asked about the subdivision to the east of this project.

Mr. Shaw stated if nothing happened with this project it would flow down.

Commissioner Papa asked for clarification between 61 and 62.

Mr. Smith stated there will be an easement and some of the lots will be adjusted.

Commissioner Schofield asked if they would be within the 15,000 sq lots.

Mr. Ellerman stated yes the final plat would reflect the change. The minimum would be 15,000 sq foot lots.

Jason Smith stated it doesn't have to be an easement it just will be restricted as unbuildable.

Commissioner Papa asked if Mr. Smith has any idea of how deep the open space is.

Mr. Smith stated about 20 to 30 feet and it will be landscaped and maintained.

Commissioner Schofield opened the public hearing.

Craig Manwaring lives in Majestic Drive he asked if the trenches will be left open and will it connect to Noble Drive.

Mr. Smith stated they dug a trench and found the opening of the fault when the original study was done. It became a geological event. The trench needs to be closed up. It will connect to Noble Drive.

Mr. Manwaring asked if there are going to be schools.

Commissioner Schofield stated yes they are working on the proposal for a high school now.

Mr. Ellerman showed on the exhibit where the school property is.

Mr. Manwaring stated his home is built on the fault line.

Commissioner Shepherd motioned to close the public hearing.

Commissioner Papa seconded the motion.

Motion passed unanimously.

Commissioner Schofield stated with the passing of Mr. Andrus the property in this area would most likely to grow into commercial. The only thing that will likely stay as it is would be the Staheli Farms and Sandia Nursery. There is an interest in grocery store chains in that area.

Commissioner Shepherd asked Mr. Smith about condition #11 and how to word that in a motion would wording it as the northeast corner of the property be okay?

Mr. Smith stated referring to it, as drainage access would be fine.

Commissioner Papa asked for clarification of 60 and 61 or is it 61 and 62.

Mr. Ellerman stated disregard lot number and just address it as drainage access to be approved by public works. Just drop lot numbers.

Commissioner Shepherd motioned to recommend approval to City Council with the findings and conditions of staff with the modification of condition #11 provisions must be made for open space corridor for possible discharge for emergency spillway of the Gypsum Wash Debris basin to reach the northern roadway as approved by public works.

Commissioner Williams seconded the motion.

Motion passed unanimously.

- B. Public Hearing for consideration and recommendation to City Council for the Preliminary Plat Rusted Hills Phase 2 located at approximately 900 East Majestic Drive. Applicant: Dennett Brothers Development, Doug Dennett

Background

Drew Ellerman stated the applicant is requesting approval of a Preliminary plat for the Rusted Hills, Phase 2 subdivision, located at approximately 900 East Majestic Drive. The applicant is wishing to develop 13 lots on an area covering 6.57 acres. The location of this particular project is zoned Single-family Residential - 15,000 sq. ft. min. (R-1-15). The surrounding zoning to this requested project is RA-½ to the north, RA-1 to the south and R-1-15 to the east and west.

The proposed subdivision conforms to 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 Rusted Hills, Phase 2 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 final drainage study and grading and drainage plan shall be submitted for review and approval prior to moving dirt. Development of the site shall comply with the recommendations of the geotechnical study and drainage study, and improvements for drainage and detention shall be approved by the Public Works Department.
2. A final geotechnical study shall be submitted to the City for review and approval prior to submitting the final plat. All recommendations of the geotechnical study shall be adhered to.
3. Construction drawings for the subdivision and its infrastructure shall be submitted to the City for review and approval prior to the submittal for final plat.
4. The construction drawings shall adequately address prevention of nuisance storm water drainage across lots. If retaining walls are utilized to prevent cross-lot drainage, the developer shall be responsible for installing said retaining walls.
5. At the time of final plat submittal, the following documents shall also be submitted:
 - A. A title report.
 - B. A copy of any deed restrictions, other restrictions, restrictive covenants, architectural controls, or other requirements that may apply to the development (CC&Rs).
6. All detention areas shall be landscaped and all detention and landscaped areas shall be maintained by the property owners and/or homeowners association. A note shall be placed on the plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain the detention and landscaped areas.
7. A final landscaped plan and fencing plan shall be submitted for review and approval prior to the submittal of the final plat. Landscaping and fencing shall be installed prior to the occupancy of the buildings that will be constructed along the landscaped and fenced areas.
8. All landscaping, walls and other structures shall meet sight distance requirements. A note shall be placed on the final plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain sight distance requirements.
9. Driveway locations are to be approved by the Public Works Department.
10. Any proposed blasting for the development of the subdivision requires the submittal of a blasting plan with the construction drawings and issuance of a blasting permit.
11. The applicant will address any special conditions as it relates to the existing fault line in the vicinity and if any special requirements and/or setbacks will have to be stated on the final plat.
12. Temporary (road base) cul-de-sacs may be required at the east ends of both Dennett Lane and Rusted Hills Drive (until future development takes place). A signed and recorded agreement from that property owner will be required in such case.

Mr. Ellerman stated the plan in the packet has changed a little so the intersections are preferred instead of having just another road go into Majestic Drive.

Commissioner Schofield asked if there would be a stop sign.

Mr. Shaw stated Majestic is a major road and they would improve the road to 60 foot and there would be a stop sign as soon as the road starts to be developed. Kings Court has a stop sign.

Commissioner Shepherd asked if there would be a sign on Camino Real?

Mr. Shaw stated no there isn't a need, you can't control speeding with a stop sign.

Commissioner Smith asked if it changes the number of lots.

Mr. Ellerman stated no and a couple of lots are going to be bigger.

Commissioner Schofield opened the public hearing.

Craig Manwaring stated he lives at 3060 Court Lane and wanted to know if the lots would be 15,000 sq ft. He was glad to see the road expanded.

Commissioner Papa motioned to close the public hearing.

Commissioner Williams seconded the motion.

Motion passed unanimously.

Commissioner Shepherd motioned to recommend approval to City Council with the findings and conditions of staff with the new plat shown.

Commissioner Smith seconded the motion.

Motion passed unanimously.

7. PLAT AMENDMENT

- A. Public Hearing for consideration and recommendation to City Council for a Plat Amendment for The Villas at Sienna Hills 2nd Amendment located at 325 North Red Stone Road. Applicant: Mark Hampton

Background

Drew Ellerman stated the applicant is requesting approval of a second Amended Final plat for The Villas at Sienna Hills subdivision, located at approximately 325 North Red Stone Road.

This particular second amendment request, is to return the project back to the original three-plex units, with a new developer as owner. Almost a year ago, the owner at that time, proposed to reduce the buildings from tri-plexes to twin townhomes. That particular owner never was able to go forward with that development and thus lost the project and it fell back into the banks hands.

So here we are, with this new owner and their proposal to change the project back to what the original approval was. Tri-plexes totally 72 dwelling units within the entire subdivision. The uniqueness of this design is that these units will not be classified as condominiums, rather as townhomes with easements for use of the garage areas by one of the townhome owners who will own all three garages. That owner will (through recorded easements) allow use of one garage each to the adjoining property owners of the other two units within the tri-plex.

Recommendation

Staff recommends that the Planning Commission recommend approval of the Second Amended Final Plat for The Villas at Sienna Hills subdivision to the City Council, based on the following findings and subject to the following 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.
6. The proposed tri-plex units will match the existing condominiums in exterior finish materials and color schemes.
7. There is a sports court (from the original approval) that will still need to be built between units (141, 142, 143) and (131, 132, 133).

Commissioner Schofield asked if the homes there now are condos or townhomes but the garages don't have easements.

Mr. Ellerman stated they are condominiums and these units will be townhomes and built to match what is there.

Commissioner Shepherd asked how it is wired. Are they going to be sold at the same even though one unit owns the garage?

Mr. Ellerman stated they will be wired to the units to the side and would need to be built with separation between the units per the building code.

Heath Snow Attorney for the applicant. He stated there are no changes to the site plan and they know the sport court is going to be done. They are called townhomes but they are condos. He showed the exhibit to clarify the units and how they will be built in relation to the garage. He stated there are difficulties in financing with condo and sprinkling with the building code requirement. It is easier with the townhomes classification.

There will be amended CC&R's with a garage easement and on the plat showing the easement. The deed will also address the easement so the owners are completely aware of the easement.

Commissioner Shepherd asked who pays the insurance of the garages. How is unit 1 and 2 insure their units?

Mr. Snow stated unit 3 would have to pay the insurance for the garages. Unit 1 and 2 would have insurance coverage for their property.

Commissioner Shepherd asked if there is going to be a problem for them to get insurance.

Mr. Snow said no it is done all the time. If the units were owned by the HOA they would have to insure it.

Commissioner Smith asked with the easement as described what if they want to build up.

Mr. Snow stated the actual easement states first floor and the CC&R's cannot be amended or taken away.

Commissioner Smith asked with the amendment what does it mean to the current property owners.

Mr. Snow stated they will be amending CC&R's and describes the new building and current how owners own their garages. It is the same, as a townhome with parking that is provided but is not owned by the property owner of a townhomes it is limited common area property owned by the HOA.

Commissioner Williams stated 1 and 2 would not have a problem to insure their unit but unit 3 is going to have a problem, could the HOA pay for the insurance.

Attorney Jeff Starkey that isn't something the city can regulate.

Commissioner Schofield asked Mr. Snow where this has been done?

Mr. Snow stated Daybreak in northern Utah and in Leeds.

Commissioner Schofield stated it isn't up to the city to regulate insurance, he asked Mr. Starkey if they can require anything in regards to insurance.

Mr. Starkey stated it is good for the Commissioner to look out side the box and they need to look at this as what is met as for as the city requirements. The market some times dictates what comes in. Any place has to have insurance and there are ways to write up insurance.

Commissioner Williams stated before there were promises made and now there is a new developer but his concern is the Washington City citizens that are there now and if this plan cannot be sold they are with empty units on the top 4 because they can't get insurance.

Mr. Snow stated Rimrock Construction is a well-known developer in northern Utah and they have reviewed this with them and with title underwriters. Bank of American Fork has backed the applicant.

Attorney Jeff Starkey asked Mr. Ellerman about drainage on private streets and if the HOA will maintain them.

Mr. Ellerman stated the plat needs to be changed to Washington City instead of the City of Washington. Drainage will be addressed also note #3 needs sewer added to the note.

Attorney Starkey stated the note that reference HOA is important and that it is worded correctly.

Commissioner Schofield opened the public hearing.

Hal Lehnhof asked if the legal status will stay the same with the sprinkling system and the new ones will not have sprinkling system. He stated the problem is with no responsible developer the HOA has been responsible for the financial responsibilities. He wants to know when the other units come in will they be part of the HOA and will the HOA maintain control or does it go to the new developer.

Mr. Snow stated the CC&R need to be referred to and the Board will be partially appointed by the developer. They will still have a board with the older citizens.

Commissioner Schofield asked what is the percentage of the developer.

Mr. Snow stated 67%.

Mr. Lehnhof stated there wasn't any respondent to talk to.

Commissioner Schofield stated he could get with Mr. Snow to get the information from him.

Tannie Flammer is the current HOA president stated one of the units started leaking water and the homeowner asked who takes care of that? The CC&Rs didn't state that the HOA could cover that. With units together there are problems that cause problems for other adjacent units and they would like the CC&R to clarify the responsibility.

Commissioner Williams stated he would recommend the citizens get with Mr. Snow and work things out while he is amending the CC&Rs because there may be things that have been left out.

Ms. Flammer stated there are 3 of the 4 owners that surround the basketball court that would not like to have that because of the noise.

Commissioner Schofield stated that is something that needs to be discussed with Mr. Snow.

Jeff Veregge stated they are labeled as townhomes and is concerned with insurance. Utah State law states with condos the insurance is covered by the HOA. Currently the HOA covers the insurance. Some are condos with sprinkling systems and some are not.

Mr. Snow stated they are called townhomes but they are condo. Insurance will be insured individually. The HOA will be insured under what is there now they may not get individual insurance. Mr. Snow stated the owners there now are the HOA and the HOA owns everything that is a structure.

Commissioner Schofield asked how does that work?

Mr. Snow stated they could get exterior or structure coverage.

Mr. Veregge stated that will be a nightmare for the CC&Rs and for them and the recording is not condos.

Commissioner Smith stated that it appears Mr. Snow is trying to make it uniform.

Attorney Starkey stated HOA's are nightmares in nature. This project isn't built out and insurance companies can make things work that is what they are good at.

Mr. Veregge asked why the builder wants to do this.

Commissioner Schofield stated sprinkling systems are expensive and that financial institutions will finance townhomes.

Attorney Starkey suggested the citizens talk to some insurance companies.

Mr. Veregge stated they don't want a sports court because of the noise they would prefer landscaping. He stated he understands there was a property owner that previously wanted this but he now does not want it because of the noise.

Mr. Snow stated as long as the owners don't want it they are glad to take the sports court out and do landscaping.

Larry Gardner stated he purchased unit 133 and faces the sports court and he doesn't want it. He would like to instruct the new contractor to sign where the new units will be.

Mr. Ellerman stated the city would be handled with addressing.

Larry Gardner stated the units need to be identified.

Commissioner Papa motioned to close the public hearing.
Commissioner Smith seconded the motion.
Motion passed unanimously.

Commissioner Schofield stated he feels this is a good change to the original design and would like to see the project built out. He would like to encourage the developer to meet with the current property owners to address all the issues.

Mr. Ellerman stated there are currently 18 units and if they could get half of the property owners to send a letter to agree to eliminate the sports court.

Attorney Jeff Starkey stated the current owners might not be noticed that the request for the sport court be eliminated. The notice was for amending the Plat but didn't omit the sports court.

Mr. Ellerman stated his concern is the one property owner was adamant that the sports court is put in to the extent of court action.

Mr. Snow stated under the declarent period the can amend the CC&Rs.

Attorney Jeff Starkey stated City Council needs to find it acceptable to make the change.

Commissioner Smith motioned to recommend approval to City Council with the findings and conditions of staff with condition #7 if the City Council finds it acceptable may remove the sports court and accept the landscaping and that all references made as City of Washington be changed the Washington City and note 3 that sewer be added to the note.

Commissioner Shepherd seconded the motion.
Motion passed unanimously.

8. DISCUSSION ITEMS

A. Discussion of legislative updates.

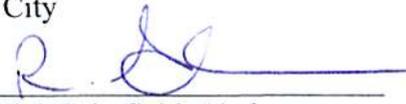
Commissioner Schofield asked that this item be continued to the October 2, 2013 meeting.

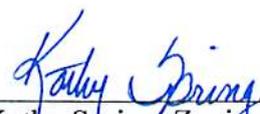
Drew informs the commissioner that all comments regarding the short-term rental proposed ordinance needs to be to him by September 24.

Commissioner Smith motioned to adjourn the Planning Commissioner meeting.
Commissioner Shepherd seconded the motion.
Motion passed unanimously.

Meeting adjourned: 8:40 PM

Washington City

Signed by: 
Rick Schofield, Chairman

Attested to: 
Kathy Spring, Zoning Technician