



Washington City Planning Commission
Regular Meeting Minutes
April 6, 2022

Present: Commissioner Hansen, Commissioner Anderson, Commissioner Bulloch, Commissioner Tupou, Commissioner Mitchell, Melodie Hayes, Drew Ellerman, Thad Seegmiller, Bret Henderson, John Hehnke, David Woodcock, Steve Whitekiend, Michelle Evans, Barbara Davis, Chad Baird, Dick Saunders, Launie Saunders, Tim Jones, Angela Jones, Meeja McAllister, Don Bean, Heath Burchinas

Absent: Commissioner Scheel, Eldon Gibb

Meeting Called To Order. 6:01 P.M.

Invocation: Commissioner Hansen

Pledge of Allegiance: Commissioner Hansen

1. APPROVAL OF AGENDA

Commissioner Bulloch made a motion to approve the agenda.

Commissioner Tupou seconded the motion.

All in favor.

Motion passed unanimously.

2. APPROVAL OF MINUTES

Approval of the minutes from March 16, 2022.

Commissioner Tupou made a motion to the Planning Commission Minutes from March 16, 2022.

Commissioner Anderson seconded the motion.

All in favor.

Motion passed unanimously.

Commissioner Hansen stated he would not vote as he was not present.

3. DECLARATION OF ABSTENTIONS & CONFLICTS

None.

4. PRELIMINARY PLAT

- a. Public Hearing for consideration and recommendation to City Council for the Finley Farms Townhomes, Phases 1 and 2. Preliminary Plat located approximately at 4300 S. Washington Fields Rd. Applicant: MST 150, LLC. Tables from March 16, 2022.

Background

The applicant is requesting approval of a Preliminary plat for the Finley Farms Townhomes, Phase-1 and 2 subdivision, located at approximately 4300 South Washington Fields Road. This particular subdivision is proposing 129 units on an area covering 20.73 acres. The zoning designation at this location was recently rezoned to Planned Unit Development-Residential (PUD-R) on October 27, 2021. In the motion for approval, City Council added three conditions which include: (1) Adding 9 visitor parking stalls throughout the entire project, (2) Completion of the amenity to take place at or prior to 25 percent of the issuance of Certificate of Occupancy for the given phase and (3) Build a solid block wall along Weatherby way. The applicant has incorporated these conditions into the preliminary plat. The original 23 visitor stalls have been increased to 32 and a note detailing the block wall and amenities has been added.

The surrounding zoning is Agricultural-20 to the north, Planned Unit Development-Residential to the east, Planned Unit Development-Residential to the south and Residential 8,000 sq ft minimum (R-1-8) to the west. These phases are in the Hillside overlay zone. The Hillside Review Committee met on site and motioned to approve this project.

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 Finley Farms Townhomes, Phase-1 and 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 Washington City Zoning Ordinance and Subdivision Ordinance as outlined.

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 drawing 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 an/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. An LID Stormwater Quality Report needs to be submitted for review and approval to the Public Works Department before any final plat application can be submitted.

13. A minimum of 32 visitor parking spaces will be included in phases 1 and 2

13. Completion of the amenity will take place at or prior to 25 percent of the issuance of Certificate of Occupancy

14. A solid 6 foot block wall will be built along Weatherby Way

Finley Farm Townhomes Hillside Committee Minutes
Jan 20, 2022

In attendance: Dave Black, James Dotson, Jason Smith, Lynn Syphus, Councilman Ivie, Wayne Roger, Thad Seegmiller, Jeremy Redd, Drew Elleman, Eldon Gibb, Adam Allen, Justin, Todd, Nathan.

Dave Discussed the proposed disturbance level and stated he doesn't have much concern with this area being that the rockfall has been identified and addressed.

Wayne discussed rockfall and that it doesn't run out to the the homes which Adam agreed with

Dave motioned to approve Finley Farm Townhomes with the condition:

- AGEC shall double check the grading plan with the rock fall analysis so that any areas of concern can and will be addressed accordingly.

James second the motion which passes unanimously

The applicant has requested to table this item again until the April 20, 2022 Planning Commission meeting.

No further tabling of this item will be allowed before resubmittal is required.

Commissioner Bulloch motioned to table Finley Farms Townhomes, Phases 1 and 2. Preliminary Plat located approximately at 4300 S. Washington Fields Rd. Applicant: MST 150, LLC. until April 20, 2022 Planning Commission meeting.

Commissioner Anderson seconded the motion.

All in favor.

Motion passed unanimously.

5. ZONE CHANGE

- a. Public Hearing for consideration and recommendation to City Council a Zone Change request Z-22-05 from PUD/C-2 to PUD-C, located approximately at approximately 1250 East Telegraph Street. Applicant: Heath Burchinas and Chad Baird.

Background

The applicant is requesting approval of a zone change of approximately 2.04 acres in size. The property is located at approximately 1250 East Telegraph Street. The requested change is from the current PUD & C-2 zoning designations, to a proposed Planned Unit Development - Commercial zoning designation. The PUD-C requires an approved site design before the property can be used as a commercial development.

This application proposes a twenty-five thousand (25,000) square foot building with one unit having 10,000 square feet (Crossfit business) and the other unit of 15,000 square feet (graphic design business). The proposal has sufficient parking stalls as required by the zoning regulations, the building exterior finishes are well designed from an aesthetic perspective with a mixture of concrete, wood and metal, and the landscaping is very well thought out with low water impact. All in all this is a very good proposal for one of our busiest traveled roads.

Staff is supportive of this project at this location.

Recommendation

Staff recommends that the Planning Commission recommend approval of Z-22-05, for the zone change request from the current PUD & C-2 zoning designations, to the proposed zoning of Planned Unit Development - Commercial (PUD-C) onto the City Council. Base on the following findings and subject to the following conditions:

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.

Conditions

1. The project shall conform to the standards of the PUD - Commercial Zone.
2. A traffic study shall be submitted to the public works department for review and approval, prior to submitting construction drawings.
3. A final drainage study and grading and drainage plan shall be submitted for review and approval prior to site development. 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.
4. Detailed landscape and irrigation plans shall be submitted for review and approval prior to building permit applications and shall conform to the approved zoning plan. The developer shall install the landscaping and irrigation infrastructure prior to the occupancy of any unit.
5. All structure and site improvements shall meet the requirements of City-adopted building and fire codes.
6. A Post Construction Maintenance Agreement must be recorded prior to any plat recordings.
7. All lighting will be directed inward to the project site. No spill-over into the residential developments surrounding the project.
8. Dumpster designs will be block walls with a screen gate(s). Complimentary colors to the main building will be used.
9. All signage will be in accordance with the Sign Regulations of the City.
10. Six foot (6') block walls will be required on the south and west boundaries of the project (if not already in place), as per zoning regulations.

Commissioner Hansen asked why Ridgepointe Drive is not used for access?

Mr. Ellerman stated It is a private drive.

Commissioner Anderson asked about Telegraph Street and if this has been submitted to an architectural committee.

Mr. Ellerman stated that is general for the Washington Fields area and not city wide.

Mr. Seegmiller said it can be recommended to the City Council to define if this is considered downtown Washington City with design guidelines. If the City Council decides, they can include this into that area for design guidelines. The Planning Commission is the recommendation body, so this is the right forum to ask for that requirement.

Mr. Ellerman said that the downtown area currently goes from Millcreek Drive to 300 East for downtown areas.

Commissioner Hansen opened the Public Hearing.

Barbara Davis, a resident of the Ridge Pointe subdivision. She is concerned about the elevations of the proposed building and the views that will be eliminated. Can the building be flipped to look over at the parking lot rather than the building blocking the views?. She also has concerns for height and noise level. She also expressed concerns over her landscape views disappearing. She is also wondering about parking and parking lot lighting.

Seeing no comments, Commissioner Hansen asked for a motion to close the Public Hearing.

Commissioner Bulloch motioned to close the Public Hearing.

Commissioner Mitchell seconded the motion.

All in favor.

Motion passed unanimously.

Mr. Seegmiller said the City has handled noise complaints in the past from other similar types of business. Nuisance and noise ordinances would be followed.

Mr. Ellerman said the building height is 35 feet tall at the peak and then goes down to 27 feet in height. There are roll up doors there and could potentially cause some small noise issues.

Commissioner Bulloch asked if there is an existing block wall between this proposed project and the neighboring residential neighborhood.

Barbara Davis said yes.

Mr. Ellerman said if there is not, then a standard block wall is required.

Chad Baird, applicant, said they are understanding of the noise concerns, however the sound proofing will virtually eliminate it. There is a running route outside that is close to a nearby city trail system. No walk up music will be played outside the building. Classes start at 5am and are done by noon, with the only activity during the day is for the administrative office. There will be evening classes starting at 4:30, 5:30 and 6:30 pm, and the gym will be closed by 8pm.

Commissioner Hansen suggested the applicants become familiar with the city noise and nuisance ordinances to avoid future problems.

Commissioner Anderson said he thinks this to be a good location for this type of business.

Commissioner Anderson motioned to recommend to the City Council of a recommendation to City Council a Zone Change request Z-22-05 from PUD/C-2 to PUD-C, located approximately at approximately 1250 East Telegraph Street. Applicant: Heath Burchinas and Chad Baird.

Recommended approval with all of the findings and conditions from Planning/Zoning met and to include an addition of an 11th item to have City Council review the guideline areas of a downtown architecture design.

Commissioner Bulloch seconded the motion.

All in favor.

Motion passed unanimously.

Commissioner Hansen noted the City Council meeting for this item will be April 27, 2022 at 6pm for those in the public and audience that wish to attend.

6. Discussion Item

a. Discussion of purposed Interior Accessory Dwelling Units Ordinance

Mr. Ellerman stated that there is new state legislation that is allowing interior attached dwelling units within a home. A new ordinance is being drafted.

The following items are being considered to be incorporated within the ordinance that will be created. These are state guidelines, and the City is allowed to tailor an ordinance. This category is commonly known as IADU.

- Is to be within an existing dwelling unit. It has to be an internal dwelling unit and not exterior or detached.
- Within the footprint of the home. No additions.
- Allowed for long term rentals 30 consecutive days or longer.
- A third car garage could be converted to habitable space although the main garage would still need to be retained as a covered parking space.
- In regards to the dwelling, the primary owner needs to live there and not a second home.
- One interior accessory dwelling unit is allowed.

Commissioner Bulloch asked if it cannot be rented out as a second home.

Mr. Ellerman said it can be rented out for the long term, just not short term. Only one rental available within the home will be allowed.

The City cannot restrict lot size or come back and say street frontages can be changed, unless there is maybe a non-conforming unit. Illegally added units would not fall into

non-conforming. The City will be reviewing with the Legal Department as the ordinance creation process continues.

The interior unit will need to comply with all current building, life and safety codes. building permits would need to be obtained for building code work that would need to be done. At this point, current building codes would need to be adhered to for the entire home and the new interior dwelling unit would need to be compliant with the building codes.

Commissioner Anderson asked if it would be new or existing portions of the home.

Mr. Ellerman clarified that is something that will be looked into. A legal non-conforming use allows for things done prior to a requirement, but if there is a change, then typically the rest of the home/project needs to be brought to current standards.

The following are things the City can require -

- The city can limit it to allow an extra power or water meter.
- The current exterior character/appearance from the front can be required not to be changed. A door from a garage, den or office would need to be from the side or the rear.
- An additional onsite parking space can be allowed. This would eliminate street parking.
- Covered parking spacing still needs to be required as per current Washington City code, two total spaces, with one parking space being covered and the other uncovered.
- Setbacks still need to be adhered to.

Mr. Seegmiller said that the City's interpretation is that an interior dwelling unit needs to be properly applied for and permitted.

Commissioner Tupou said she wonders about tax purposes and reporting.

Mr. Seegmiller said the landlord would have to be properly compliant. The definition of a family has become broad. There is no regulation of who can live within a dwelling and who cannot. If a lot is under 6,000 square feet, then the interior unit allowance request can be denied.

Commissioner Anderson stated the ordinance needs to be as clear as possible. Current affordable housing is a big current concern, and renting out basements or the idea of an interior dwelling unit within a home. Intergenerational issues have dynamics currently where a family takes on other family members living in the home.

Mr. Seegmiller said the state law says the city cannot prohibit renting out a portion of a home.

Mr. Ellerman said the following are also requirements-

- Denial can be done if a failing septic system is present.
- A city cannot stop various methods of advertisement but evidence presented to the city of illegal advertisement can be used for a case against the property owner for violations of the short term rental vs. short term rentals.
- It can be citable if the property owner does not live in the residence.
- A lien or notice of violation can be put on the home until the property is in compliance.
- HOA's can restrict interior dwelling unit rentals.

Commissioner Mitchell motioned to adjourn the Planning Commission meeting.

Commissioner Bulloch seconded the motion.

All in favor.

Motion passed unanimously.

Meeting adjourned at 7:25 p.m.

Washington City

Signed By: 
Doug Scheel, Planning Commission Chairperson, Pro Tem

Attested to: 
Melodie Hayes, Zoning Technician