
Agenda
WASHINGTON CITY PLANNING COMMISSION
December 2, 2009

Present: Commissioner Burnette, Commissioner Kinder, Commissioner Gren, Commissioner Hudson, Commissioner Schofield, Commissioner Smith, Attorney Melinda Hill, Drew Ellerman, Kathy Spring, David Westerby, Brandee Walker, Jeff Morby, Ken Graff, Jose Borunda.

Meeting called to order: 5:30 PM

Invocation: Commissioner Hudson
Pledge of Allegiance: Commissioner Gren

1. APPROVAL OF AGENDA

A. Approval of Agenda for December 2, 2009.

Commissioner Gren motioned to approve the agenda for December 2, 2009.
Commissioner Schofield seconded the motion.
Motion passed unanimously.

2. APPROVAL OF MINUTES

A. Approval of minutes from November 4, 2009.

Commissioner Gren motioned to approve the minutes from November 4, 2009.
Commissioner Kinder seconded the motion
Motion passed unanimously.

B. Approval of minutes from November 18, 2009.

Commissioner Smith motioned to approve the minutes from November 18, 2009.
Commissioner Kinder seconded the motion.
Motion passed unanimously.

3. DECLARATION OF ABSTENTIONS & CONFLICTS
NONE

4. 2010 Planning Commission Meeting Schedule

- A. Consideration and approval for the 2010 Planning Commission Schedule.

Commissioner Gren motioned to approve the Planning Commissioner meeting schedule for 2010.

Commissioner Smith seconded the motion.

Motion passed unanimously.

5. PLAT AMENDMENT

- A. Public Hearing and consideration for a plat amendment for Silverstone at Green Springs Phase 4 located at approximately Green Springs Drive 1660 North.
Applicant: Jeff Morby

Background

DREW ELLERMAN STATED:

The applicant is requesting approval of the amended final plat of the Silverstone at Green Springs Phase 4 subdivision, located approximately at Green Springs Drive and 1660 North. This subdivision was originally approved on August 24, 2005, and was in conjunction with a PUD zoning approval.

As the commission is aware, this request is actually the next step in the process to fix a zoning problem that occurred due to the common area of the PUD being closed in through development of the subdivision. A few weeks back, a zone change (Z-09-05) from PUD to R-1-10 zoning was recommended by the Planning Commission and approved by the City Council. Now, this is the final step to amend the plat in eliminating the common areas between the back yards of the interior lots of the subdivision.

Recommendation

Staff recommends that the Planning Commission recommend approval of the amended final plat of the Silverstone at Green Springs Phase 4 subdivision, to the City Council, based on the following findings and subject to the following conditions:

Findings

1. That the amended final plat conforms to the requirements for subdivisions as adopted in the city's subdivision regulations.

Conditions

1. All improvements shall be completed or bonded for prior to recording the final plat.
2. A current title 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 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, the terms "Home Owners Association", or "Property Owners", shall be changed to read as "Property Owners and / or Home Owners Association".

Commissioner Burnette opened the Public Hearing
No response.

Commissioner Burnette closed the Public Hearing.

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

Commissioner Gren seconded the motion.

Motion passed unanimously.

6. CONDITIONAL USE PERMIT

- A. Public Hearing and consideration for C-09-12 requesting Conditional Use Permit for a residential assisted living home located at 228 North Scenic Drive East.
Applicant: Deborah D. Warren

Background

DREW ELLERMAN STATED:

The applicant is requesting approval of a conditional use permit to establish an "elderly residential facility" located at 228 North Scenic Drive East. Mrs. Warren is wishing to open a residential facility for elderly persons in her home. The total number of elderly residents using the facility would be limited to a maximum of four (4). The home has been inspected by the fire department and the building department to make sure that it currently does, or will, comply with all applicable codes.

This particular location meets the criteria as outlined in the Zoning Regulations, pertaining location and to distances apart of any other elderly residential facility and/or a residential facility for persons with a disability. Utah State law allows for these kinds of facilities within residential neighborhoods as long as they are in accordance with locally adopted regulations. Staff has reviewed this request and recommends approval of the conditional use permit application.

Recommendation

Staff recommends that the Planning Commission approve C-09-12, based on the 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 for such use; and
4. The proposed use will conform to the intent of the general plan.

Conditions

1. This residential facility for elderly persons will conform to all applicable health, safety, building and fire codes as adopted by Washington City.
2. The site and business operated therein will maintain compliance with the zoning ordinance and more specifically, the standards found within the "Elderly Residential Facilities", of chapter 14 entitled "Supplementary and Qualifying Regulations, section 19.
3. This residential facility for elderly persons will be required to be licensed by the State of Utah, and a current copy of that license will be required to be on file in the office of the Community Development Department.
4. This particular residential facility for elderly persons will be limited to only four (4) elderly care residents at any time. If more than four (4) elderly care residents is desired, then a new conditional use permit will need to be applied for and granted by Washington City.
5. No person being treated for alcoholism or drug abuse may be placed in this residential facility for elderly persons.
6. Placement in the residential facility for elderly persons shall be on a strictly voluntary basis and not part of, or in lieu of, confinement, rehabilitation or treatment in a correctional facility.
7. The four (4) bedrooms utilized by the elderly residents must have installed, hard-wired smoke detectors and a smoke detector/carbon monoxide detector (all wired together), located in the hallway that joins all the bedrooms together.

Commissioner Burnette asked if the property owners would be living at the residence and if the 1 and $\frac{3}{4}$ restrooms meet the requirements.

Commissioner Kinder asked if the address is correct.

Drew Ellerman stated the number on the home is the one being used but in his opinion the address isn't correct.

Deborah Warren stated they would be living at the residence and would have to comply with all the State requirements.

Commissioner Burnette asked if the 1 and $\frac{3}{4}$ bathrooms are sufficient for the additional 4 residences.

Mr. Warren stated it is.

Commissioner Burnette opened the Public Hearing.

Kathy Moorewood stated she is not opposed to this but would rather they didn't have a sign outside to keep this as residential as possible. She asked if the people they would be caring for

would have dementia and possibly walk away from the residence. She asked where the guidelines come from.

Deborah Warren stated this is a Type N nursing facility; which means a registered nurse would be taking care of the people and will live at the residence. She stated some might have dementia and disabilities. They don't want to take people that will wander and some of the people will be bed bound or will need assistance in daily living. She stated there would be no signage.

Commissioner Gren asked about the back yard.

Mr. Warren stated it is fenced and secured. There will be no signage. The guideline comes from the State of Utah.

Commissioner asked if Medicare is paying for some of the people.

Ms. Warren stated no payments from Medicare but Medicaid could.

Commissioner Burnette asked what the typical cost would be.

Ms. Warren stated it depends on area it could be from \$1,500 to \$3,000 monthly based on the needs of the resident.

Commissioner Hudson asked if Ms. Warren and her husband would be the only caretakers.

Ms. Warren stated some family member will step in for an hour or two and will have to pass a criminal background check and have to be CNA licensed.

Commissioner Schofield stated he is concerned with the addresses because they are not correct.

Commissioner Kinder commented the Warrens address was close to what was being proposed.

Commissioner Schofield stated the addresses are an issue because the addresses were incorrect but the City Council didn't want to make the change. He stated he feels they are still incorrect which places liability. Commissioner Schofield asked if she felt an ambulance could find their residence.

Ms. Warren stated she felt the ambulance could.

Commissioner Burnette closed the public hearing.

Commissioner Schofield asked Mr. Ellerman if he felt the address would be a problem.

Mr. Ellerman stated there is a problem with the addressing not being consistent with the City grid in this subdivision. There have been stories to prove there is a problem with the admission of some of the residence. With the Scenic Drive East North and West there have been

reported incidence where a child had to chase an ambulance and give them directions to her house to help a sibling that was having a problem. He stated there are reports of a Fire Truck going around the Scenic Drive until they stopped to ask someone for help to get where they needed to be.

Mr. Ellerman stated they would be required to have a current Business license with the State and the City. They would have to submit the State license to the City before they could renew the business license with the City.

Commissioner Schofield stated his concern is with the addressing that should have been corrected because of the work that staff did and the Planning Commissioner worked as well to approve the addresses to make them consistence with the city and the potential liability but feels what the applicant is doing is admirable.

Commissioner Gren motioned to approve Conditional Use Permit C-09-12 with the findings and conditions of staff.

Commissioner Smith seconded the motion.

Commissioner Kinder Aye.

Commissioner Hudson Aye.

Commissioner Burnette Aye.

Commissioner Schofield Nay.

Motion passed with a 5-1 vote.

Meeting Adjourned: 5:55 PM

Minutes approved and signed 16 day of December 2009.

Attest by: Kathy Spang
Kathy Spang, Zoning Technician

Signed by: Barry Burnette
Barry Burnette, Chairman