



Community Development Department
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Minutes
WASHINGTON CITY PLANNING COMMISSION
November 18, 2009

Present: Commissioner Burnette, Commissioner Kinder, Commissioner Gren, Commissioner Smith, Commissioner Schofield, Attorney Melinda Hill, Mike Shaw, Drew Ellerman, Councilmember Heaton, Kathy Spring, Sean Glather, Brandee Walker, Troy Miller, Rick Salisbury, Emily Sharp, Tyler Stubbs, Stephenie Stubbs, Brian Stocks, Jeremy Stocks, Jean Woolrich, Mike Latham, Laurie Shepherd.

Meeting called to order: 5:30 PM

Announcements: Commissioner Burnette excuses Commissioner Hudson.

Invocation: Commissioner Smith

Pledge of Allegiance: Commissioner Schofield

1. APPROVAL OF AGENDA

A. Approval of Agenda for November 18, 2009.

Commissioner Gren motioned to approve the agenda for November 18, 2009.

Commissioner Schofield seconded the motion.

Motion passed unanimously.

2. APPROVAL OF MINUTES

A. Approval of minutes from October 21, 2009.

Commissioner Schofield motioned to approve the minutes for October 21, 2009.

Commissioner Smith seconded the motion.

Motion passed unanimously.

B. Approval of minutes from November 4, 2009.

Commissioner Smith motioned to table the minutes to December 2, 2009 to review some of the corrections.

Commissioner Gren seconded the motion.

Motion passed unanimously.

3. DECLARATION OF ABSTENTIONS & CONFLICTS

None

4. AMENDMENT OF ZONING ORDINANCE

- A. Amending the Modifying Regulations in the Agriculture (A), Residential Agriculture (RA) and the Residential Single Family (R-1) zones in the Washington City Codified Ordinances. Applicant: Washington City, Drew Ellerman

Background

Drew Ellerman stated:

Staff is wishing to amend the Zoning Regulations in the City Code, by changing the language as it relates to accessory building requirements and associated setbacks from the primary structure. We wish only to make such changes with the RA (Residential Agricultural) and R-1 (Single Family Residential) zones districts. Thus, those sections known as Title 9-8A-6 B, and 9-8B-6 B, Modifying Regulations, will be amended to allow for structures open on all four sides to be located closer to the primary structure.

Recommendation

Staff recommends that the Planning Commission recommend approval of the Ordinance to amend Title 9-8A-6 B and 9-8B-6 B “Modifying Regulations” of the City Codes to the City Council.

ORDINANCE NO. 2009-__

ORDINANCE AMENDING SECTION 6 OF CHAPTERS 8A & 8B OF TITLE 9, THE WASHINGTON CITY ZONING REGULATIONS

WHEREAS, Title 9 of the Washington City Code, sets forth the provisions for the Zoning Regulations within the City; and

WHEREAS, the City desires to amend a certain section of Title 9, which more specifically is 9-8A-6 and 9-8B-6, for the purpose of providing for the public safety, health and general welfare of the citizens of Washington City; and

WHEREAS, the Planning Commission of Washington City, Utah recommended that the amended section of the Zoning Ordinance be adopted; and

WHEREAS, a public hearing was held by the Washington City Council after appropriate notice to consider the amendment;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WASHINGTON CITY AS FOLLOWS:

- I. Section 9-8A-6 B, and 9-8B-6 B of the Washington City Zoning Ordinance is hereby amended to read as follows:

9-8A-6 B & 9-8B-6 B REAR YARDS: One-story private garages and other accessory buildings, twenty feet (20') or less in height, located at least ten feet (10') behind the main building, or three feet (3') behind the main building if open on all four sides (other than the supporting post), may have a rear yard of three feet (3'). The provisions of subsection C of this section shall be met for encroachment into the rear yard setback.

II. If any provision or clause of this Ordinance or application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses or applications hereof which can be implemented without the invalid provision(s), clause(s) or application(s) hereof, and to this end the provisions and clauses of this Ordinance are declared to be severable.

III. This Ordinance supersedes or repeals the provision(s) of any ordinance(s) or resolution(s) that is (are) inconsistent with the provisions of this Ordinance.

IV. This Ordinance shall take effect immediately upon publication or posting, as required by law.

Drew Ellerman stated some changes to the ordinance from what was in the packet. The changes are to the RA and R-1 In Agriculture zone the minimum lot size is 5 acres and should fit an accessory building. In the RA the smallest is ½ acres. This doesn't include R-2 and R-3 because the density increases and would be to congested. Mr. Ellerman stated Attorney Hill brought to his attention some changes in which he has submitted a new version of the ordinance for consideration. He stated he would like to have the newly submitted ordinance approved tonight.

Commissioner Burnette asked to clarify that this applies to RA and R-1 and why would the Agriculture zone be precluded.

Mr. Ellerman stated even though the agenda stated Agriculture this ordinance would not include it.

Commissioner Burnette asked clarified that this excludes the Agriculture.

Mr. Ellerman stated that in the Agriculture zone the garage is usually attached and accessory buildings have plenty of room for an additional building. Carports are open on all four sides.

Commissioner Gren asked if a property owner had a special circumstance could they apply for a variance.

Mr. Ellerman stated he doesn't like to imply that people can ask for variances. It has to be for particular reasons that are not self-imposed. Some example is that if a neighborhood has a certain thing then the person could ask for a variance to match what the neighborhood has.

Commissioner Schofield asked for clarification on what is being changed in regards to the number reference and if the Agriculture is not included.

Mr. Ellerman stated C verses D and Agriculture is not being included.

Commissioner Schofield asked if a Homeowner brought this about.

Mr. Ellerman stated it was a unique situation and the question is there was an ordinance for an open structure.

Attorney Hill asked if this ordinance makes provision for a corner lots.

Mr. Ellerman stated it was taken out but they still have to meet the 20-foot setbacks for both street sides on corner lots.

Commissioner Smith asked to clarify if there are two rear sides.

Mr. Ellerman stated one has to be frontage and one is side; it is usually how the house is facing to determine what is the rear.

Commissioner Burnette asked if this is a Public Hearing.

Drew Ellerman stated yes it is and will take public input tonight. This was noticed in the paper as a public hearing the agenda just didn't stated it was.

Commissioner Burnette opens the Public Hearing.

No response.

Commissioner Burnette closed the Public Hearing.

Commissioner Gren motioned to recommend approval to City Council with the recommendation of staff.

Commissioner Kinder seconded the motion.

Motioned passed unanimously.

5. PRELIMINARY PLAT

- A. Public Hearing and consideration for the Bluff View Townhomes located at approximately Bluff View Drive and 700 East. Applicant: Salisbury Homes

Background

Drew Ellerman stated:

The applicant is requesting approval of an amended preliminary plat for the Bluff View Townhomes, located approximately at Bluff View Drive and 700 East. This subdivision was originally approved back in February 28, 2007. The applicant has recently received approval of a zone change from PUD to a new PUD which incorporated a new home design from four and six plex units, to detached single family, two story units. With that zone change it is now necessary to amend the subdivision plat. This is the first step in that process. The preliminary plat has to be amended since phase two of the project has not yet been through final plat approval, and due to the fact that a small portion of phase one will also be amended at the far west end.

The proposed amended preliminary plat conforms to the approved PUD design. Staff has reviewed the request and recommends approval of the design.

Recommendation

Staff recommends that the Planning Commission recommend approval of the amended preliminary plat of the Bluff View Townhomes to the City Council, based on the original findings and subject to the original conditions:

Findings

1. That the amended preliminary plat meets the intent of the General Plan.
2. That the amended preliminary plat conforms to the Washington City Zoning Ordinance and Subdivision Ordinance, as outlined.

Conditions

1. At the time of final plat submittal, the following documents shall also be submitted:
 - a. Title Report.
 - b. A copy of any deed restrictions, restrictive covenants, architectural controls, or other requirements that may apply to the development (CC&R's).
2. All detention areas and landscape areas shall be maintained by the homeowners' association. A note shall be placed on the plat stating that the City has the right to assess the association for failing to maintain the detention and landscape areas.
3. All recommendations of the Geotechnical and Drainage studies shall be adhered to.
4. Construction Drawings for the subdivision and its infrastructure shall be submitted to the City for review and approval prior to the submittal of the final plat.
5. Landscaping shall not create any sight distance problems throughout the development and the landscaping plans shall reflect this.
6. The strip of ground north of the frontage road shall be landscaped and maintained.
7. A traffic study shall be submitted for review and approval prior to the submittal of the final plat.
8. Access shall be demonstrated which will extend 1100 East through the turf farm and into the development as illustrated on the preliminary plat.

Commissioner Burnette clarify that this is to reduce the density.

Mr. Ellerman sated there will be 7 less units.

Commissioner Burnette asked when the frontage road for Bluff View Drive would be done.

Mr. Ellerman stated is it uncertain at this time. The frontage road will come in when more of the commercial comes in.

Commissioner Gren asked if the City would build the road or would the developer.

Mr. Ellerman stated the developer would be responsible for their portion.

Commissioner Gren asked if the developer would be doing the block wall.

Sean Glather stated they would do the block wall.

Commissioner Burnette opened the Public Hearing.

Jean Woolrich asked if the 6 ft block wall would be at road grade. She stated she doesn't want the car headlights coming in her window.

Brandee Walker stated the height of the wall will be set off of the property and the block wall will be at the existing grade.

Commissioner Smith stated it appears to be about 2 feet.

Commissioner Burnette asked if the wall at the property for Ms. Woolrich could be 8 feet.

Mr. Ellerman stated this is a City road and can't just put up a wall to keep out lights. The difference in a 6-foot wall and an 8-foot wall is that the 8-foot wall would have to be engineered.

Commissioner Schofield asked if there could be a rise at this grade and would the developer agree to do this. He stated if the property owner is affected or harmed we needed to look at this.

Mr. Ellerman stated City Council only required a 6-foot wall at the property line at that grade when they approved the PUD zone change.

Emily Sharp stated she live in the Bluff View Townhomes and is concerned that 1100 East is the only way in and this is a safety issue. With adding more home is 700 East going to be connected to Bluff View Drive. Is 1100 East to the Washington Parkway, there needs to be another way in and out.

Mr. Ellerman stated 700 East would be extended. 1100 East is in the process of getting recorded one of the owner is not cooperating but the other property owner is willing to put in the road to Maverick.

Commissioner Burnette asked about the time frame.

Mr. Ellerman stated it could be months. The one owner wants the road in and the other isn't in as big of a hurry.

Commissioner Burnette stated 700 would be put in with this development.

Mr. Ellerman stated there is potential for 4 ways but there will be two ways with this development on 700 East and 1100 East.

Mike Latham stated the grade would have to be brought down because there is a water drainage issues. He stated the traffic on 700 East is not a major traffic and dumps onto Bulloch and with people parking on Bulloch it becomes a one lane road, and due to the school it becomes a major traffic issue. Even though the City Council approved a 6-foot wall the issue is getting things done in a timely manner.

Commissioner Burnette asked if the issues in the past have been taken care of.

Mr. Latham stated no the berm is still an issue it is not finished. The wall is up but not done. The plants are dying. There wasn't supposed to have openings in the wall. They weren't suppose to see roof tops because they sit low and the elevations are up to 11 feet different from floor level. The residents that live in Bluff View Townhomes are upset over various issues with Salisbury Homes.

Commissioner Schofield asked about the berm behind his home and what was the reason for berm and what is the reason for the berm not continuing with this portion of the project.

Mr. Latham stated there idea is the home would not be a greater height as the townhomes.

Commissioner Schofield asked about the permit issue with the footings.

Mr. Latham stated he is a contractor and looked at the berm, he said he noticed the footings and rebar were not done right.

Commissioner Schofield asked about the berm and landscape on their side it looks good and the other side isn't done.

Mr. Latham stated on his side it has never been finished. On the other side it is not done because they are still developing. They can back after a City Council meeting and changed the trees. The dying trees are for lack of water and it is not finished.

Commissioner Schofield asked if there was a time line put on it.

Mr. Latham stated no.

Commissioner Burnette stated he is trying to narrow down what the Commissioners need to address. The concern with the new development is drainage and traffic. The elevations are still a concern.

Mr. Latham stated the elevation because they are moving things around. Drainage and traffic are an issue now and will increase.

Commissioner Schofield asked Mr. Latham if he objects to single family instead of townhomes.

Mr. Latham stated no he likes the single family but they are still going to be two stories with high pitch roofs.

Commissioner Burnette asked Mr. Ellerman what action do they need to take.

Mr. Ellerman stated issues were addressed in City Council and Certificate of Occupancy can be held. It will be up to the City staff to determine if things are done. The berm will be done in phases. The developer knows of the requirements. According to the City's policy the berm has been there two year before it needed to be as the requirements of the City. Some of the City Council has been to the location and they felt the berm is okay. City will keep an eye on the berm and landscaping.

Commissioner Burnette asked how the city monitors these items.

Mr. Ellerman stated it is stated on a plat that the Home Owners Association will have to maintain it. Tonight we are talking about the lay out and the design of the Preliminary plat.

Commissioner Burnette asked if the wall is a part of that plan.

Mr. Ellerman stated no just the lay out of the Preliminary plat. City Council on the PUD zone change determined the need and required the 6-foot wall. The leverage is with the Certificate of Occupancy.

Commissioner Kinder stated we are only really looking at Phase 2.

Mr. Ellerman stated as an amended PUD all of the development is on the plat. Councilman Turk stated he wanted the wall to help with the drainage and the water will drain to the natural drainage there will be piped drainage. Public works looks at the construction drawing prior to approval of the final plat. Public Works has inspectors that will look at everything before they approve the construction drawings. Preliminary just give permission to go forth with the final.

Commissioner Burnette stated with a 60-foot road at this time. Was there a traffic study done?

Mr. Ellerman stated there was a traffic study, which included more units with the original plan.

Commissioner Schofield asked about the prior plan.

Mr. Ellerman stated they were 6 plexes.

Commissioner Schofield asked about the height of the townhomes and now the single family home

Mr. Ellerman stated they are fairly close and not all are two story there will be single family the market will determine that.

Jean Woolrich stated 700 East would go to the Community Center and Library. The grade of the road she will have the lights coming in. She said she spoke with Sean and he said he would take care of her but she wasn't willing to do it because this affects the other residents. She said if a 6-foot wall works that is okay with her.

Commissioner Gren asked if there is a detention wall it will be higher and the 6-foot will do. Headlights are only about 3 to 4 feet off the road. They would have to go with the grade of the road the wall looks like 4 levels of gradation.

Commissioner Smith asked what the slope of 700 East.

60-foot right of way is 5% grade.

Commissioner Smith asked if wall would retain.

Brandee Walker stated the wall would not retain anything.

Commissioner Burnette stated there appears to be only one or two feet.

Brandee Walker stated the developer wants as little impact on the residents as possible. There is no way to drop the grade any more.

Commissioner Smith asked if they're an existing retaining wall.

Brandee Walker stated no. The subdivision is lower about 10 feet from the townhomes because they changed to single-family homes. With this new development it is lower grade and the berm was because the townhomes were higher.

Commissioner Burnette closed the Public Hearing.

Commissioner Burnette stated there would be about 4 feet below where the wall will begin in reference to Ms. Woolrich property.

Commissioner Gren stated there appears to be 10 feet—

Commissioner Schofield stated that with traffic and other issues he would admonish the developer to keep being good neighbors as they develop.

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

Commissioner Kinder seconded the motion.

Motion passed unanimously.

Meeting adjourned: 6:37 PM

Minutes approved and signed 4th day of December 2009.

Attested to: Kathy Spring
Kathy Spring, Zoning Technician

Signed by: Barry Burnette
Barry Burnette, Chairman