

ROY CITY PLANNING COMMISSION

April 24, 2007

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on April 24, 2007, at 6:00 p.m.

The meeting was a regularly scheduled meeting designated by resolution. Notice of the meeting was provided to the *Standard Examiner* at least 24 hours in advance. A copy of the agenda was posted.

The following members were in attendance:

Bill Merx, Chairman	Mark Larson, Planner
Doug Allred	Michelle Drago, Secretary
Dave Collins	
Brad Hilton	
Gennie Kirch	
Tom Stonehocker	
Karlene Yeoman	

Others present were: Sherm Bingham; John Gallegos; Benita Gallegos; Brent Jorgensen; Dan Wright; Doug Young; Bert Visser; and Dennis Wilson.

Pledge of Allegiance: Karlene Yeoman

1. APPROVAL OF APRIL 10, 2007, MINUTES

Commissioner Hilton moved to approve the minutes of April 10, 2007, as corrected. Commissioner Yeoman seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.

2. PUBLIC HEARING TO CONSIDER PRELIMINARY APPROVAL OF ANDREWS ACRES SUBDIVISION LOCATED AT APPROXIMATELY 5125 SOUTH 3425 WEST

Commissioner Yeoman moved to open the public hearing at 6:05 p.m. Commissioner Kirch seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.

Mark Larson stated that the 6.81 acres in question were recently annexed into the City. The proposed subdivision consisted of four

separate parcels with two existing homes along 3500 West. The proposed subdivision consisted of 17 lots and connected to two existing stub roads - 5125 South and 3425 West. The developer and the Development staff had considered several different scenarios before settling on the double cul-de-sac layout. The City hoped that 5125 South would extend straight out to 3500 West, but UDOT had denied it access. Another option considered was a stub road to the south. However, the staff felt it wouldn't work due to the location of the adjacent home and the owner's refusal to allow a temporary turn-around on his property.

Mr. Larson said all of the lots in the proposed subdivision met the minimum lot width and size requirements of the R-1-10 Zone. The City Engineer had several concerns that were listed in the staff report. The first one had been resolved. Several years ago, the City acquired an easement for a storm drain to help resolve a local drainage problem. It ran down the Toupin/Trujillo property line to 3500 West from 5125 South. Mr. Larson said there was a historical storm water problem in the vicinity. The City Engineer had been concerned about adding storm water to the existing system. He had determined it would be best to connect the subdivision to the existing storm drain, which drained to the north. There wasn't a need for the developer to provide a detention basin in the subdivision. None of the City Engineer's concerns would change the layout of the streets or lots. The Development staff recommended that the proposed preliminary plan be approved subject to the staff and engineering recommendations.

Chairman Merx asked about zoning. Mark Larson said the property was annexed with an R-1-10 Zone. The subdivision was surrounded by R-1-8 and R-1-6 Zones to the north and east. There was unincorporated Weber County to the west and south.

Commissioner Allred asked about the drainage swales recommended by the City Engineer. Mark Larson said the engineer had recommended drainage swales along the north subdivision boundary and between Lot Nos. 12, 13, and 14.

Commissioner Allred asked how the developer planned to make the drainage swales permanent. Sherm Bingham, West Haven, planned to create the swales with dirt. Most of the lots would sheet flow onto the street. Commissioner Allred asked if the street could handle that. Mr. Bingham said the streets would be designed to drain to inlet boxes that tied to the existing storm drain.

Mark Larson asked if Sherm Bingham planned to have CC&R's. Mr. Bingham said he did. He wanted to upgrade the homes from the surrounding neighborhood. Mr. Larson suggested that the CC&R's include language about maintenance of the swales.

Commissioner Kirch said the preliminary plan showed a building that straddled the property line of Lot No. 15. Sherm Bingham said all of the existing buildings, except for the two homes, would be demolished. Commissioner Kirch asked about the existing trees. Sherm Bingham hoped to save them, especially those on the south side. It would depend on how the interior trees lined up with property lines.

Mark Larson asked if any of the utilities would be located under the sidewalk. Sherm Bingham said they would not. The sanitary sewer and storm drain lines had to be separated so they didn't straddle property lines.

Chairman Merx opened the floor for public comments.

Doug Young, 3404 West 5200 South, asked if the developer would be required to provide a buffer for his agricultural use. Sherm Bingham said the City required a 6-foot chain link fence between a subdivision and an agricultural use. Mr. Young was concerned about who would be liable if someone was injured by his horses. Mark Larson said Sherm Bingham would be required to install a 6-foot chain link fence behind Lot Nos. 3, 4, 5, 8, and 9.

Commissioner Kirch said Doug Young could install a separate fence to keep his horses away from the chain link fence. Mr. Young didn't feel that was his responsibility.

Benita Gallegos, 3381 West 5125 South, was concerned about the traffic impact that connecting 5125 South and 3425 West would have on Ward Estates, a small senior community to the north. All of the surrounding neighborhood would use 5100 South as a short cut once the roads were connected. She asked about blocking off 5125 South and continuing the senior community to the south.

Commissioner Collins said Sherm Bingham had not put forth a proposal for an adult community. The City could not require him to do so. Benita Gallegos said senior communities were a hot item. Commissioner Collins said the City had always planned for 5125 South and 3425 West to connect.

Commissioner Kirch stated that if either 3425 West or 5125 South were blocked, the cul-de-sacs in the proposed subdivision would exceed the maximum cul-de-sac depth.

Chairman Merx asked how wide 5100 South was. Mark Larson said it was a 60-foot right-of-way. Chairman Merx asked if it could handle the additional traffic. Mark Larson said it could. The City would have liked 5125 South to extend west and connect to 3500 West or a stub road to the south that would eventually connect to 5200 South. However, UDOT had denied access onto 3500 West, and the property owner to the south would not give permission to put a temporary turn around on his property. Mr. Larson felt it would be a hazard to have a cul-de-sac that exceeded the maximum depth.

Commissioner Hilton asked if Benita Gallegos was using traffic in the senior community as a cover for concerns about the impact to her own home. Mrs. Gallegos said she had been asked to address the concerns of the senior community.

Mark Larson said the Ward Estates Subdivision to the north was not age restricted. The age of the residents in the neighborhood was not the issue. The issue was the traffic impact. The staff had considered several different scenarios. The City had always planned for the roads to connect.

Commissioner Collins felt the proposed subdivision was the best design possible given the lack of access to 3500 West or 5200 South.

Benita Gallegos was concerned about what would happen to her property during construction. If anything was damaged, who would be liable? There was also a small elevation difference between her property and the proposed subdivision. The Planning Commission indicated that the developer would be responsible for any damage to Mrs. Gallegos' property. Sherm Bingham felt the elevation difference was minor. Mrs. Gallegos was concerned about large trucks blocking her driveway. Commissioner Allred stated that the developer would be required to file a report on how he planned to keep all of the construction activities on site. Mrs. Gallegos asked how she could get a copy of the plan. Mr. Larson said there was a copy on file, and he provided Mrs. Gallegos with a copy of it.

Benita Gallegos asked how soon Sherm Bingham planned to begin work on the subdivision. Mr. Bingham felt it would be about two months.

He planned to run his construction vehicles through 3500 West rather than the residential neighborhood.

Dan Wright, 3384 West 5200 South, was concerned about storm water drainage. During a good spring there was 4 to 5 inches of water on Lot Nos. 3 and 4. Mark Larson said Lot Nos. 3 and 4 would be regraded to drain to the cul-de-sac. Sherm Bingham said the storm water would be drained to the streets and into the storm drain. Mr. Wright asked if the subdivision would have a detention pond. Mr. Bingham said it would not. The City didn't feel maintaining a pond was worth the detention space gained. Mark Larson said Dan Wright was responsible for the storm water generated by his property. Commissioner Allred asked why Mr. Wright's property didn't drain to 5200 South. Mr. Wright said the elevation of his property prevented him from draining to the street.

Chairman Merx asked about restrictions on basement depths. Mark Larson said the City was waiting for the developer's soil report before determining the basement depths.

Commissioner Collins moved to close the public hearing at 6:55 p.m. Commissioner Allred seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.

Commissioner Allred felt the language of the City Engineer's seventh comment should be changed from 'should be submitted' to 'required to be submitted.'

Commissioner Kirch moved to recommend that the City Council grant preliminary approval of Andrews Acres Subdivision located at approximately 5125 South 3425 West subject to the conditions and findings in the staff report; that the City Engineer's seventh comment be changed from 'should be submitted' to 'required to be submitted'; that a 6-foot chain link fence be required behind Lot Nos. 3, 4, 5, 8, and 9 to buffer the adjacent agricultural use; and that the CC&R's include language regarding maintenance of the swales. Commissioner Yeoman seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.

3. OTHER BUSINESS

Mark Larson stated that UTA planned to hold an open house before the next Planning Commission Meeting on May 8th at 4:30 p.m. in the Senior Center. Commissioner Yeoman asked about notification. Mark Larson said UTA would be responsible do provide notification of the open house.

Commissioner Hilton stated that Grounds for Coffee dumped some dirt on the vacant lot on the south side of 5600 South next to Ace Hardware. The dirt needed to be leveled out or removed. It was causing storm water runoff on adjoining properties.

4. ADJOURN

Commissioner Hilton moved to adjourn at 7:10 p.m. Commissioner Kirch seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.

Bill Merx
Chairman

Attest:

Michelle Drago
Secretary

dc:papr2407