

ROY CITY PLANNING COMMISSION

August 28, 2007

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on August 28, 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: Lance Haycock; Ronald Amidan; Bonnie Amidan; Gail Larsen; Diann Larsen; Braxton Strong; Chad Salmon; and Tom Dunlevy.

Pledge of Allegiance: Dave Collins

1. APPROVAL OF JUNE 26, 2007, MINUTES

Commissioner Hilton moved to approve the minutes of June 26, 2007, as corrected. Commissioner Yeoman seconded the motion. Commission members Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.

2. PUBLIC HEARING TO CONSIDER PRELIMINARY APPROVAL OF THE AMIDAN SUBDIVISION LOCATED AT APPROXIMATELY 4700 SOUTH 4300 WEST.

Commissioner Kirch moved to open the public hearing at 6:02 p.m. Commissioner Yeoman seconded the motion. Commission members Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.

Mark Larson stated that the subdivision was located at 4700 South 4300 West. The property was recently rezoned from R-1-7 to R-1-10. All of the lots had at least 10,000 square feet and were 85 feet wide. The subdivision contained 14 lots on about 5 acres. There

were no City utilities in 4300 West in front of the proposed subdivision. The property owner currently had Hooper Water and a septic tank.

Commission Allred arrived at 6:04 p.m.

Mr. Larson said the subdivision was designed with a temporary dead-end. The cul-de-sac that was 500 feet in length, which met the City's ordinance. The road stubbed north into Gail Larsen's property. When Mr. Larsen's property developed, the road would eventually connect with the stub at 4650 South. The proposed subdivision showed detention basins in the frontage areas of Lot Nos. 1 and 14. The subdivision's low spot was the southeast corner. The subdivision was designed with land drains in the back yards of all the lots that directed water down the north and south sides of the subdivision to the detention basins. The overflow would go into the City's storm drain system, which the Amidan's would put in. The Amidan's would have to bring all of the City's utilities from 4800 South - culinary water, sanitary sewer, secondary water, and storm drain. They would also have to annex the subdivision into the secondary water district. A street light was required at the 4700 South 4300 West intersection. The City Engineer was also recommending a street light at the end of the cul-de-sac. In order to buffer the adjacent agricultural uses, a 6-foot chain link fence would be required along the north and south subdivision boundaries, and part of the east as well.

Ron Amidan, 4712 South 4300 West, stated that there was already a 6-foot chain link fence along the east side. There was a 5-foot chain link fence along the south side.

Mark Larson stated that the City Engineer's biggest concern was the design of the storm drain system. The City's standard called for the storm drain to be in the center of the road. Land drains should run down side property lines and tie into the storm drain. That made it easy for the City to maintain them. The subdivision was designed with land drains in the back yards. If they remained that way, they would have to be private, which meant the creation of a homeowners' association. The City Engineer was also concerned about the design of the two detention basins. The profile of the basins was quite deep. There would be quite a drop from the sidewalk and house. The City Engineer felt the two detention basins should be replaced by one on Lot No. 1 that wouldn't be nearly so deep. Further information would be needed to determine whether the detention basin would be temporary or permanent. Placing a detention basin on Lot No. 1 would not change the layout

of the subdivision. There were other comments from the City Engineer that were minor and could be resolved.

Commissioner Collins asked how deep the City would allow dwellings to be placed in the ground. Mark Larson said the City Engineer was waiting for the results of the soils report before determining a maximum depth. Commission Collins said homes in subdivisions to the east had had problems with water in their basements because they had been built too deep. He felt the depth question should be clarified so homes in this subdivision didn't run into the same problems. Mark Larson said that was why the City Engineer was so concerned about storm water.

Commissioner Allred stated that the City Engineer had commented about the amount of fill that would have to be brought in. What impact would that have on the adjacent property owners? Was the existing ground lower than the adjacent homes?

Ron Amidan stated that there was a retention pond on the lot directly behind him. That pond blocked the natural drainage flow to 4800 South. The retention pond was not owned by the City; it was private. He wanted to know why the retention pond was private. The property owner kept it full of water for his ducks. Since the retention pond was put in for the subdivision to the east, the southeast corner of his property flooded. The natural grade of the property was to the east, which was opposite of the way everything was being designed to drain. He felt the developer of the subdivision should have the option of putting in something besides chain link fencing. He asked that Gail Larsen run an electric fence along any fencing to prevent animals from rubbing against it.

Mark Larson stated that the Planning Commission needed to focus on the Amidan Subdivision. If there was a drainage problem, approval of the subdivision should be delayed in order to look into it. Chain link fencing was the minimum requirement to buffer an agricultural use. The Planning Commission could require a vinyl fence.

Commissioner Collins asked if the City Engineer had presented a plan to resolve the drainage problem. Mark Larson said this subdivision needed to drain on its own. Commission Collins suggested waiting on this subdivision until the City Engineer came up with a plan to allow the surrounding area to drain properly. Mark Larson said the City Engineer had recommended individual land that on each lot that would connect to a storm drain in the street.

Commissioner Yeoman asked where the water was now and where was it going. Ron Amidan said water was going out to 4300 West because he dug a ditch on his property to drain the southeast corner.

Commissioner Collins was concerned about storm water coming into this subdivision from the east. He did not feel comfortable proceeding with this subdivision until the City Engineer had a plan to fix the problem. The City was just moving water around until the last person to develop had to solve the problem for everyone.

Mark Larson was confident that the City Engineer could solve the drainage problems in this subdivision with the land drains and detention basin on Lot No. 1.

Ron Amidan stated that they were told that eventually the City would fix eventually the culverts at 4800 South and 4300 West to allow storm water to drain south on 4300 West. He wanted to know when that would happen. Mark Larson said the City had a storm drain master plan. It took time to put all the pieces of that plan into place. Storm water on 4300 West was beyond this subdivision. Until the storm drain on 4300 West was installed, this subdivision would have to drain based on the City Engineer's recommendation.

Commissioner Allred stated that currently storm water had no where to go once it reached 4800 South. That was the reason for the temporary detention basin on Lot No. 1.

Chairman Merx opened the floor for public comments.

Gail Larsen, 4380 South 2350 West, stated that he owned the property immediately north of the subdivision. He asked how much fill would have to be brought in to get Amidan Subdivision to drain to the west. He was concerned about how the fill would impact his property. He had had problems with storm water ever since 4650 South was stubbed into his property. The City finally built up the stub end to help him. He was not planning to develop his property. He didn't feel a vinyl fence would provide an adequate buffer. Amidan's did not put up an electric fence when residential developed next to them. He didn't see why he should have to. Mr. Larsen said the land was pretty level. It was supposed to drain to the east. The City was trying to get it to drain west with underground land drains.

Commissioner Collins moved to close the public hearing at 6:36 p.m. Commissioner Kirch seconded the motion. Commission members Allred,

**Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye."
The motion carried.**

Commissioner Collins felt there was a drainage problem that would affect both the Amidan and Larsen properties. Until there was a plan to solve the drainage problems in this area, he would have to vote against the Amidan Subdivision.

Commissioner Hilton stated that there was a plan in place. Storm water was going into the temporary detention basin. The property to the north would not be affected. Lot No. 1 would act as a temporary detention basin until the City put a storm drain in 4300 West. Mark Larson said some things on the proposed plan would have to be changed to make the drainage work as recommended by the City Engineer.

Commissioner Kirch stated that the City Engineer recommended that the developer grade the subdivision so that lots would not drain onto each other.

Commissioner Allred felt the City Engineer's plan to take the surface water underground would solve the drainage problem.

Chairman Merx asked how much fill would have to be brought in. That could make the water flow a different direction.

Mark Larson stated that from 4300 West, the subdivision dropped about three feet. The soil being brought in was to make the property drain to the west. The lots would drain into land drains that would run down the side lot lines to the storm drain in the street. If the land drains were left along the rear property lines, a homeowners' association would be required to maintain them.

Ron Amidan felt it would take about one foot of fill to make the subdivision drain to the west.

Commissioner Yeoman was concerned about homes to the east being flooded. Commissioner Collins stated that in the subdivision to the east, the City brought in fill to direct storm water to the west away from the homes.

Commissioner Collins asked Ron Amidan if he felt the retention pond east of his property was working. Ron Amidan said it would work if

it was open. The property owner had plugged it off. He didn't want water draining down the side of his property to 4800 South.

Chairman Merx asked Ron Amidan if he was getting storm water from the east. Mr. Amidan said he was not. He didn't get drainage from the north either. He did get drainage from the barn built on the property to the south.

Mark Larson stated that there was a storm water master plan. Eventually storm water would drain down 4300 West.

The Planning Commission discussed whether to table preliminary approval of Amidan Subdivision. Commissioner Allred felt the concept was fine, but the Planning Commission did not have the details. He didn't feel the Planning Commission should pass on a long punch list. Commissioner Hilton felt the public hearing was to gather information that could be passed onto the City staff. Mark Larson suggested that preliminary approval be tabled in order to allow Amidan's engineer to resolve the drainage problems with the City Engineer.

Commissioner Kirch asked if the property could continue to use Weber Basin Secondary Water. Mark Larson said Roy City's ordinance required them to annex into Roy Water Conservancy Subdistrict.

Commissioner Kirch felt the City Engineer was aware of the drainage problem. This was a preliminary. The Planning Commission could direct the staff and City Engineer to resolve the drainage problem before final approval was given.

Commissioner Collins felt the Planning Commission should see the answers. He preferred that preliminary approval be tabled.

Bonnie Amidan stated that tabling approval of the subdivision would prevent them from moving to Idaho this year.

Lance Haycock, 4126 West 4700 South, stated that the only homes to the east that had water in their basements were those who built below the 18 inch maximum depth recommended by the City.

Mark Larson stated that the regional drainage problem was not the developer's responsibility. The City Engineer felt Amidan Subdivision would work with his recommendations.

Chairman Merx felt it would be good to let the City Council know the Planning Commission felt the City should look at storm water for the whole region.

Commissioner Hilton felt there should a light at the 4700 South 4300 West intersection in addition to the one in the cul-de-sac recommended by the City Engineer. Michelle Drago said the street light recommended by the City Engineer was in addition to the one recommended by the DRC at 4700 South 4300 West.

Commissioner Kirch moved to recommend that the City Council grant preliminary approval of the Amidan Subdivision located at approximately 4700 South 4300 West based on the staff's findings and subject to the staff and engineering recommendations; bringing attention to the street light at the cul-de-sac and intersection; that the subdivision follow the region storm water master plan; that comments from the public hearing be forwarded to the proper entities to address the water concerns expressed; that detailed engineering designs be worked out based on studies and reports before the subdivision was forwarded to the City Council for preliminary approval. Commissioner Hilton seconded the motion. Commission members Allred, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." Commissioner Collins voted "nay." The motion carried.

3. FINAL APPROVAL OF STONEYBROOK COTTAGES PRUD SUBDIVISION NO. 2
LOCATED AT APPROXIMATELY 5075 SOUTH 1750 WEST (AIRPORT ROAD)

Mark Larson stated that Stoneybrook Cottages PRUD Subdivision No. 2 was entitled under the old Zoning Ordinance. It received overall preliminary approval in 2004. The old Zoning Ordinance required a preliminary development plan for the PRUD, preliminary subdivision approval, a final development plan, and final subdivision approval. A conditional use permit was also required for the PRUD. The developer received a conditional use permit and overall preliminary approval of both phases. Phase No. 1 received final approval and was under construction. As long as the developer followed the approved overall preliminary plan, he was entitled, and there wasn't much to discuss.

Mr. Larson said the overall plan was for 89 units on 7.8 acres, which was 11.41 units per acres. That complied with the current Zoning Ordinance. The units had about 1250 square feet of living space. A traffic study completed for the overall preliminary indicated that there would be some traffic impact on Airport Road (1750 West). However, the road could handle that impact. Since the subdivision was approved, the City had improved the Airport Road/Riverdale Road access. That wasn't anything in the traffic report to prevent approval of the subdivision. The overall project has 46% open space and 302 parking stalls. There wasn't any parking allowed on the 25-foot or the 20 foot wide one-way road. The traffic moved in a counter clockwise motion. The majority of the subdivision would be fenced with 6-foot vinyl. There were some areas with existing 6-foot chain link fencing that would be slatted.

Commissioner Collins asked when the fence would be installed. He had received calls from adjoining property owners complaining about construction debris and dust. It appeared there would be room to complete the construction if the fence were installed now. Mark Larson said there wasn't any discussion about when the fence was to be installed. The Planning Commission could make that a condition of approval.

Commissioner Kirch asked why the City Engineer made comments about the landscaping and lighting. Mark Larson said the City Engineer was not aware that those issues were covered under the overall preliminary approval. She felt the City Engineer's comments about landscaping and lighting should be included in the Planning Commission's motion.

Mark Larson stated that Phase No. 1 consisted of 3.76 acres with 46 living units and 156 parking stalls. Twenty-five of those units had single-car garages with one parking stall in the driveway. The other 21 units had double car garages with two parking stalls in the driveway. There were 22 guest parking stalls. Mr. Larson reviewed the building elevations and landscaping details.

Commissioner Allred asked about the grading and drainage plan. Mark Larson said the improvements drawings for Phase No. 2 needed to be more specific. All drainage had to connect to Phase No. 1 so that it could drain to Airport Road. Mr. Larson said the overall plan had not changed. The final plat would be recorded with a town home concept. The current Zoning Ordinance did not have provisions for this type of development. The developer would have to comply with State law. Phase No. 2 had 43 units with 20 double-car garages and 23 single-car garages. It had 146 parking stalls. That met even the current Zoning Ordinance. There were 'no parking' signs required overall.

Mr. Larson said the City Engineer was concerned about water pressure for fire flows at the end of the project. He recommended that approval of the final development plan be given, that the developer file an improvement guarantee, and that the subdivision be recorded. However, before any construction began, the developer had to install the water line and test it. If there was a problem with the water pressure it would be easier to put in a larger line or other solutions prior to all of the other improvements going in.

Tom Dunlevy felt there would be more than enough pressure.

Mark Larson stated that the submitted CC&R's had to match those of Phase No. 1. They would be reviewed by the City Engineer and City Attorney.

Chad Salmon, Bountiful, stated there was an existing chain link fence surrounding the perimeter of the subdivision. It was a good fence. Rather than installing an adjacent vinyl fence, they wanted to slat the existing fence. He didn't feel installing a fence along the subdivision to the north now would solve any problems because of the elevation difference. The fence would have to be 30 feet high to prevent dust and debris. Ninety-nine percent of the problem would be solved when the project was finished and the landscaping was in.

Commissioner Kirch stated that the new slats for chain link fences were completely opaque.

Chairman Merx asked a development agreement and improvement guarantee. Mark Larson said the CC&R's acted as a development agreement. The City would require an improvement guarantee to insure completion of the improvements.

Commissioner Allred moved to recommend that the City Council approve the final development plan for Stoneybrook Cottages PRUD Subdivision No. 2 located at approximately 5095 South 1750 West based on the staff's findings and subject to the conditions of the overall preliminary and final development plan; and the staff and engineering recommendations, including landscaping and lighting following the overall preliminary plan and installation of the water line before commencement of construction. Commissioner Kirch seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.

4. DISCUSSION REGARDING A REQUEST TO AMEND ROY CITY TITLE 11 -
SUBDIVISION CODE (SECTION 601)

The Planning Commission indicated that this item was tabled on June 26th. They asked about the status of the request.

Mark Larson stated that the City had been waiting for the developer to provide a proposed amendment. He appeared to have lost interest in pursuing the amendment because he had never submitted the requested information.

Commissioner Kirch moved to recommend that the City Council deny a request to amend Roy City Title 11 - Subdivision Code (Section 601) because the petitioner had not provided the information requested by the City. Commissioner Stonehocker seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.

5. OTHER BUSINESS

Mark Larson updated the Planning Commission on the used car lots in a Community Commercial Zone. The DRC planned to recommend that existing used car lots be allowed in the Community Commercial Zone as a conditional use. New ones would not be permitted. Chairman Merx asked that the DRC have the City Attorney review that proposal.

Commissioner Allred stated that some time ago he suggested including information about fencing and accessory buildings in the City newsletter. A lot of illegal fences and sheds were put up because the citizens did not know better. That could be prevented with some education.

6. ADJOURN

Commissioner Collins moved to adjourn at 7:56 p.m. Commissioner Smith 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:paug2807