

ROY CITY PLANNING COMMISSION

October 12, 2004

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on October 12, 2004, at 6:30 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:

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| Karlene Yeoman, Chairman | Tony Reynolds, Community |
| Brad Hilton | Services Director |
| Blaine Hoopes | Mark Larson, Planner |
| Gennie Kirch | Michelle Drago, Secretary |
| Bill Merx | |
| Michael Stokes | |

Excused: Doug Allred

Others present were: Mayor Roger Burnett; Jenn Mitch Murtag; Blake Heiner; Justin Bingham; Todd Strong; Alissa Yeoman; Robert Fuller; Mike McCormick; Craig Donaldson; Dee Donaldson; and Bruce Parker.

Pledge of Allegiance: Gennie Kirch

1. APPROVAL OF SEPTEMBER 28, 2004, MINUTES

Commissioner Stokes moved to approve the minutes of September 28, 2004, as corrected. Commissioner Hoopes seconded the motion. Commission members Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.

2. CONSIDERATION OF AN EXTENSION FOR A CONDITIONAL USE PERMIT FOR A UNIVERSITY LOCATED AT APPROXIMATELY 5627 SOUTH 3500 WEST

Mark Larson stated Weber State University currently had a conditional use permit for their west campus located at 5627 South 3500 West in the Roy Crossroads Plaza, which was developed by Sky Properties. They currently occupied three classrooms between

Domino's Pizza and the Super Video Store. Weber State was requesting approval to expand. They planned to occupy space being vacated by the video store. The expansion would consist of about 2500 square feet and would allow them to have four classrooms, or 55 additional chairs. Weber State was trying to accommodate their current students. However, they did expect the expansion would result in a 25% increase in student numbers.

Mr. Larson said the staff's main concern about the whole plaza was the parking situation. When the site plan for Roy Crossroads Plaza as approved, 176 parking stalls were required. The amount of parking was based on a retail use. A campus, or school, required more parking than a retail use. When the staff reworked the parking numbers, they determined that 19 additional stalls were needed for a campus use versus a retail use. The plaza currently had 30 more stalls than was required. If the 19 extra spaces for the campus were deducted, there would be a total of 11 extra parking spaces. Domino's conditional use permit required all of their employees to park in the back. The manager of Domino's didn't like his employees parking in the back and walking around to the front. If their conditional use permit were amended, it would free up about three spaces on the west side of the building for Weber State. Weber State's conditional use permit limited visitor parking in front of the building to 20 minutes. The main entrance for Weber State was on the west side of the building.

Mike McCormick, Sky Properties, stated that according to their own calculations there was an excess of 11 parking spaces even if the pad space in front of Ace Hardware was excluded. With the pad area, there was an excess of 30 parking spaces. The only parking issues Sky Properties had heard about were in front and Weber State's female students having to walk in the dark. Sky Properties had installed more lights to brighten up the parking lot behind Ace Hardware. Weber State had been very good about telling their students to park on the west side of the building. Mr. McCormick said that expanding Weber State's conditional use permit did not necessarily bring more direct retail dollars to the City, but it would bring in more people that would shop in the area.

Commissioner Hoopes asked about the pad site in front of Ace Hardware. Mike McCormick said there was a pad site which was included in the overall site plan. Commissioner Hoopes was concerned about how another building would affect the overall parking situation. Mr. McCormick said there would be an excess of 11 stalls even with the pad site developed. He felt the site plan

could accommodate the pad site and Weber State. Ace Hardware did not utilize all of their parking.

Commissioner Hoopes asked what Weber State's hours of operation would be. Mike McCormick said Weber State's evening classes would begin at 6:00 p.m. when other retail businesses were beginning to slow down.

Commissioner Kirch asked if moving Domino's Pizza would require a change in their conditional use permit. Mr. Larson said it would.

Commissioner Merx asked about the formula of one parking space for every 3.5 students. Mark Larson said the formula was in the Zoning Ordinance. It was a pretty normal requirement for a school.

Chairman Yeoman asked if there were any comments from the audience. There were none.

Commissioner Hoopes moved to recommend that the City Council approve the expansion of a conditional use permit for Weber State University West Campus located at approximately 5627 South 3500 West subject to all of the staff's recommendations. Commissioner Kirch seconded the motion. Commission members Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.

3. PRELIMINARY APPROVAL OF APPLE BLOSSOM ESTATES SUBDIVISION
LOCATED AT APPROXIMATELY 3200 WEST 4800 SOUTH

Mark Larson stated that Todd Strong was requesting preliminary approval of the Apple Estates Subdivision located at approximately 3200 West 4800 South on property owner by Betty Walker. There was another subdivision in Roy known by the name of Apple Blossom, but it's official, recorded name was Cozydale, so Mr. Strong was free to use the name Apple Blossom. Mr. Strong's subdivision was located at approximately 3200 West 4800 South between the Brown-Donaldson and Midland Meadows Subdivisions. There was a Utah Power & Light corridor immediately west of the subdivision. Another power corridor ran north and south through the subdivision itself. The subdivision contained 11 lots on 4.4 acres. There was access to the subdivision on 4800 South which ended in a cul-de-sac. Lot Nos. 10 and 11 were zoned R-1-10; the remainder of the subdivision was zoned R-1-8. Lot Nos. 10 and 11 were also part Lot No. 6 of the Brown-Donaldson Subdivision. When the Brown-Donaldson Subdivision was approved in 1997, the City was concerned about land locking the property to the north. In order to resolve that concern, an easement for a future road was recorded on Lot No. 6 of the Brown-Donaldson Subdivision. Years later a divorce decree ordered by a judge divided the property to the north by a metes and bound description. Approval of this subdivision would legalize that property division.

Mr. Larson stated that the Development staff had reviewed the proposed subdivision. Because Lot Nos. 10 and 11 were part of another subdivision, Todd Strong would have to go through the process to vacate Lot No. 6 of the Brown-Donaldson Subdivision as well as the roadway easement. The proposed subdivision layout created a second frontage for Lot Nos. 16 and 17 of the Midland Meadows Subdivision. The City's Subdivision Ordinance prohibited lots with double frontages except where unusual conditions made other design undesirable. The length of the cul-de-sac was also a concern. The maximum cul-de-sac length allowed by the Subdivision Ordinance was 400 feet. The Fire Marshall didn't feel there would be a problem with emergency access because both the knuckle and the cul-de-sac had enough room in which to turn an engine. The staff felt the cul-de-sac length should be measured from the knuckle rather than the intersection of 4800 South. Another issue was the intersection of 4800 South 3200 West. It was slightly offset due to two Utah Power & Light poles. Roy City's Development Standards required all intersections to line up. Because there was a power corridor adjacent to the subdivision, a 6-foot chain link fence

would be required along the entire western perimeter and part of the north side of Lot No. 17. There was a home at 4777 South 3100 West owned by Linda Walker. It was originally part of the Betty Walker property. The sewer line for Linda Walker's home ran west to the existing barn and then south to 4800 South. Todd Strong would be required to relocate the sewer line between Lot Nos. 1 and 2. The existing barn would be demolished, and the current sewer line would be abandoned.

Mr. Larson said the staff felt the overall subdivision solved a lot more problems than it created. The main concern was how to handle the double frontage lots. Todd Strong was proposing a 2-foot retaining wall along the rear property lines of Lot Nos. 16 and 17 of Midland Meadows. The staff felt there should be a more substantial barrier. It suggested a 6-foot block wall.

Commissioner Hoopes asked if the offset intersection was due to the location of the power poles or the existing property line.

Todd Strong, Clearfield, said the location of the intersection was due to the power poles. Utah Power & Light wouldn't move the poles. The intersection was only offset by one or two feet. If Utah Power & Light moved the poles, the aligned road would intrude onto Lot No. 5 of the Brown-Donaldson Subdivision. He felt the best solution for the double frontage was two fences back-to-back. That was why he suggested a retaining wall. It would be located next to the existing chain link fence. He could put in landscaping boulders rather than a retaining wall.

Chairman Yeoman didn't feel a 2-foot retaining wall would be adequate. She felt there needed to be a 6-foot solid wall.

Blake Heiner, 3185 West 4725 South, felt the fence should be brick or block. It needed to be solid, not vinyl. A vinyl fence would get broken. He actually wanted the fence to be 8 feet in height because a lot of teenagers were cutting through his yard and going over his back fence.

Jenn Mitch-Mutag, 3137 West 4725 South, asked if the 6-foot fence would be built behind Lot No. 14 as well. The Planning Commission said the fence would only be behind Lot Nos. 16 and 17. Ms. Mitch-Mutag asked about the price range of the homes. Todd Strong said they would be a step above starter homes. He felt they would start at \$150,000 and go up.

A gentleman asked if there would be modular homes in the subdivision. Todd Strong said there would not. Mark Larson asked if there would be restrictive covenants. Todd Strong said there would be.

Todd Strong stated that he had lined up Linda Walker's sewer line. Robert Fuller, who owned the lot north of Linda Walker, would also be able to take a sewer line out to the cul-de-sac if he needed to.

Justin Bingham, 3145 West 4725 South, stated that he owned Lot No. 15 in Midland Meadows. He was concerned about the appearance of a 6-foot solid wall in the middle of nowhere. It would end right at the corner of his lot. He felt the solid fence should be extended the whole length of the subdivision for aesthetics. He was also concerned that the trees along his fence line that would be lost.

Ms. Mitch-Mutag preferred to have the fence continue as well.

Commissioner Hoopes stated that there wasn't an ordinance the Planning Commission could use to require a fence between two residential properties.

Commissioner Kirch stated that a fence between two residential properties wasn't for the City to decide. There wasn't an ordinance to require a fence between two residential properties. She suggested that Mr. Bingham and Ms. Mitch-Mutag work with Mr. Strong to share the cost of a fence if they wanted it continued. The Planning Commission was concerned about lots backing onto the road. She asked about speed bumps. Mark Larson said the City didn't have any regulations for speed bumps.

There was a discussion about the trees. Todd Strong said the trees were an asset to his subdivision. He would do everything he could to keep them.

Tony Reynolds stated there wouldn't be a property owner to maintain the park and mow strips behind Lot Nos. 16 and 17. The fence should abut the sidewalk so there wouldn't be future maintenance issues.

Commissioner Stokes felt the subdivision was ill-conceived. The length of the cul-de-sac was a safety issue. If the intersection was blocked, those who lived in the cul-de-sac would have no way out. The misalignment of the intersection was bad form. He felt both of those issues were significant enough to require the

subdivision plan to be reworked.

Todd Strong stated that the 100-foot radius at the knuckle eliminated the safety concern. Most cul-de-sacs had 8 to 12 lots. This cul-de-sac only had 5. The misalignment of the intersection was so minor, he didn't feel it would be visible.

Commissioner Hoopes estimated that the intersection was off about six feet. Commissioner Stokes felt six feet was significant. Mark Larson said this was not an intersection for a 'through' street. Michelle Drago stated that south of 4800 South, 3200 West would extend from through to 5200 South.

Blake Heiner suggested that a sign be posted at the intersection of 4800 South 3200 West stating that the road was a dead-end.

Chairman Yeoman stated that the Planning Commission would begin seeing a lot of subdivisions like this one. Most of the large undeveloped properties were gone. All that was left were odd-shaped properties.

Todd Strong felt his proposal was a Picasso compared to the last few designs for this property.

Commissioner Stokes was concerned about how the City's codes should be applied for mix-and-match properties. In order to approve this subdivision, the Planning Commission would have to recommend bending three ordinances - cul-de-sac length, double frontage, and offset intersection. There were also lots in the subdivision without property lines 90 degrees to the street.

Todd Strong did not feel the Planning Commission would be setting precedence by approving his subdivision.

Blake Heiner was concerned about the double frontage. People were already using his property for a short cut. He was concerned about the taking of his back yard. He wasn't sure a 6-foot block wall would solve the problem. If the wall was damaged, who would be responsible to fix it - him or the City?

Tony Reynolds said the fence would be a public improvement. The Planning Commission could require the creation of a home owner's association to maintain the wall and park strip.

In response to a question from Commissioner Kirch, Mark Larson said

Mr. Strong's proposal was the best plan for this property the City had seen thus far.

Todd Strong stated that he could purchase the Robert Fuller property and take the road out to 3100 West. However, that would create more double frontage lots. If the cul-de-sac length was shortened, he could only get two lots instead of five. The loss of three lots would make the subdivision financially infeasible.

Commissioner Hilton had confidence in the Fire Marshall's decision that the Fire Department could provide fire protection to this subdivision.

Commissioner Hilton moved to recommend that the Planning Commission grant preliminary approval of the Apple Blossom Estates Subdivision located at approximately 4800 South 3200 West subject to a 6-foot solid block wall behind Lot Nos. 16 and 17 of the Midland Meadows Subdivision; that the solid wall be tied into the existing fence to make it aesthetically pleasing; that there be colored, stamped concrete between the solid wall and the road to make it maintenance free; that the existing sewer line for Linda Walker's home at 4777 South 3100 West be abandoned, and that a new sewer line be tied into the Apple Blossom cul-de-sac; that a sewer connection be made available for the Robert Fuller property on 3100 West; that a sign be posted at the entrance of 4800 South 3200 West intersection indicating that it was not a through-street; and all of the staff's recommendations. Commissioner Merx seconded the motion. Commission members Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." Commissioner Stokes voted "nay." The motion carried.

Later in the meeting Robert Fuller, 3060 West 4600 South, provided additional comments, which are included in the minutes for information only. He owned vacant property on 3100 West. There was a 16-foot right-of-way on his property for access to the Betty Walker property. He asked that Betty Walker be required to vacate that right-of-way as part of the final approval. He understood that the preliminary approval included requirements to make sewer available for both his property and Linda Walker's. He asked if this subdivision would legalize the division between his property and Betty Walker's.

Mark Larson stated that the Apple Blossom Subdivision would make a legal line between the Linda Walker and Betty Walker properties. Approval of Apple Blossom would not recognize the division of Linda

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Walker's property into two lots. Mr. Fuller would be responsible to vacate the 16-foot easement after receiving Betty Walker's authorization. He would also be responsible to legally divide Linda Walker's property into two lots.

4. PUBLIC HEARING TO CONSIDER A PROPOSED SUBDIVISION ORDINANCE -
RCC TITLE 11

Commissioner Kirch moved to open the public hearing at approximately 8:00 p.m. Commissioner Stokes seconded the motion. Commission members Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.

Chairman Yeoman asked for comments from the audience. There were none.

The Planning Commission reviewed their comments and concerns with Bruce Parker and Tony Reynolds.

There was discussion about the requirements for a public hearing before the City Council for preliminary subdivision approval. The Planning Commission asked about requirements for flag lots. Bruce Parker said requirements for flag lots would be added after the Zoning Ordinance was updated.

Commissioner Stokes asked about the length of blocks. He felt the language was confusing and ambiguous. He felt the last sentence should be deleted. He also discussed the requirements for the maximum cul-de-sac length. Where was the right-of-way line determined? He wondered if there should be language to indicate the measurement should begin at the ingress/egress of the subdivision. There was a lengthy discussion about that issue.

Commissioner Kirch moved to close the public hearing at approximately 8:20 p.m. Commissioner Stokes seconded the motion. Commission members Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.

Commissioner Stokes was comfortable with the overall substance of the ordinance. Commissioner Kirch didn't feel the Planning Commission needed to see the Subdivision Ordinance again.

Commissioner Merx moved to recommend to the City Council that the proposed Subdivision Ordinance, with the changes recommended by the Planning Commission, be approved. Commissioner Stokes seconded the motion. Commission members Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.

5. OTHER BUSINESS

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Mark Larson asked that there was a Citizen Planner certification available if Commissioner Kirch and Hoopes wanted to attend.

Mark Larson reviewed the City Council's actions on October 5th.

6. ADJOURN

Commissioner Hilton moved to adjourn at approximately 8:40. Commissioner Kirch seconded the motion. Commission members Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.

Karlene Yeoman
Chairman

Attest:

Michelle Drago
Secretary

dc:poct1204