

ROY CITY PLANNING COMMISSION

February 8, 2005

Minutes of the Roy City Planning commission Meeting held in the City Council Room of the Roy City Municipal Building on February 8, 2005, at 6:30 p.m.

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

The following members were in attendance:

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

Excused: Blaine Hoopes

Others present were: Kevin Ivins and Kelly Pagano.

Pledge of Allegiance: Michael Stokes

1. APPROVAL OF JANUARY 25, 2005, MINUTES

**Commissioner Merx moved to approve the minutes of January 25, 2005, as written. Commissioner Yeoman seconded the motion. Commission members Allred, Hilton, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.**

2. PRELIMINARY APPROVAL OF KELLY ESTATES SUBDIVISION LOCATED AT APPROXIMATELY 5623 SOUTH 3850 WEST

**Commissioner Yeoman moved to open the public hearing at 6:32 p.m. Commissioner Allred seconded the motion. Commission members Allred, Hilton, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.**

Mark Larson stated the Kelly Estates Subdivision was located in an existing subdivision - Woodmere Estates - at approximately 5623

South 3850 West. Kelly Pagano owned Lot No. 7 of Woodmere Estates. It was a larger lot with a home on the south side. He wanted to split the lot in half. Lot No. 6 was owned by Rick and Lisa Waples. They were requesting approval of a 12-foot lot line adjustment. Together they were requesting preliminary approval of Kelly Estates. Kelly Estates would consist of three lots on the existing Lot Nos. 6 and 7 of Woodmere Estates.

Mr. Larson said there was a claim on the 12-foot adjustment requested by the Waples. The claim needed to be cleared up before the subdivision could proceed further. When the Woodmere Estates Subdivision was approved, there was a 20-foot North Davis Sewer line that ran diagonally through Lot Nos. 6 and 7. The easement for the sewer line influenced where the homes on both plots were placed. The staff originally indicated that the Waples and Mr. Pagano would have to go through a vacation process to have the easement removed from their lots. When the staff checked with the Weber County Recorder, it determined that the easement had already been vacated. North Davis Sewer had abandoned the line and legally vacated the easement. The Weber County Recorder's office had neglected to remove it from the plats. The vacation process was no longer necessary.

Mr. Larson reviewed the conditions recommended by the City Engineer and the DRC. The name of the subdivision shown on the plat needed to be corrected to read:

**KELLY ESTATES SUBDIVISION**

A Subdivision of Lot Nos. 6 and 7 of Woodmere Estates No. 1

Mr. Larson said the proposed subdivision would not create a non-conforming condition. All of the lots and homes complied with the size and setback requirements of the R-1-8 Zone.

Commissioner Merx asked if the existing fence between the two homes was on the proposed lot line. Mark Larson said it was.

Kevin Ivins, West Haven, stated that he was working with Mr. Pagano. He had represented Mike Shultz Construction, who originally owned Lot No. 7. At that time there was a question about the ownership of the 12 feet. Mike Shultz put a claim on it. He didn't know Waples had purchased the 12 feet to make their home conform with the setback requirements. It would be a simple matter to have Mike Shultz release the claim on the 12 feet. The taxes on

the 12 feet had not been paid for several years. The Waples had paid the back taxes.

Commissioner Yeoman asked if there was still a North Davis Sewer pipe in the ground. Kevin Ivins said there was. They would have to pull out a section of the pipe to build a home on the new lot. Mark Larson said the pipeline was vacated in November 2003. However, North Davis Sewer stopped using it several years before it was vacated.

Commissioner Allred asked if the pipeline had been capped somewhere. Mark Larson thought it had because sections of the pipeline were still used, but this area was not. It would have to be capped somewhere, or sewage would still be flowing through these lots. Kevin Ivins said they would have to cap both ends of the pipe when they took out a section.

Kevin Ivins stated that there was an existing chain link fence around Kelly Pagano's lot. It would be moved to the new division between Lot Nos. 2 and 3. He felt the Kelly Estates Subdivision would clear up the Waples' back taxes problem on the 12 feet because it would become all one lot.

**Commissioner Kirch moved to close the public hearing at 6:46 p.m. Commissioner Merx seconded the motion. Commission members Allred, Hilton, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.**

**Commissioner Kirch moved to recommend that the City Council grant preliminary approval of Kelly Estates Subdivision, a subdivision of Lot Nos. 6 and 7 of Woodmere Estates, located at approximately 5623 South 3850 West subject to the engineering comments; the DRC reviewing and approving the final subdivision plans, lot line description changes, and other concerns mentioned in the staff report before the final plat was signed by the City and recorded with the Weber County Recorder; an improvement guarantee for all off site improvements; the abandoned sewer pipe being removed prior to any building permit approval on Lot No. 3 of Kelly Estates; that all unsold lots in the subdivision be maintained in compliance with Roy City's Nuisance Ordinance; and that the claim on the 12 feet be cleared up prior to final approval. Commissioner Yeoman seconded the motion.**

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Commissioner Stokes stated that in the future he would like to see more issues resolved prior to Planning Commission. If issues were not resolved, he felt the Planning Commission should table future items.

**Commission members Allred, Hilton, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.**

3. DISCUSSION REGARDING AMENDING RCC TITLE 11 - SUBDIVISION REGULATIONS (11-902-4(a& b)) PERTAINING TO MINOR TERMINAL STREETS

Mark Larson stated that the DRC was recommending that the Subdivision Regulations regarding cul-de-sacs and minor terminal streets be amended as follows:

Minor Terminal Streets (Cul-De-Sacs):

a. Minor terminal streets (cul-de-sacs) shall be not longer than five hundred feet (500') measured from the center of the intersecting street to the center of the turnaround. ~~Such Each cul-de-sac streets shall must~~ be terminated ~~by~~ with a ~~cul-de-sac~~ turnaround of not less than one hundred feet (100') in diameter. If surface water drainage is into the turnaround, due to the ~~grade slope~~ of the ~~street proposed roadway~~, necessary catch basins, swales, easements and/or other appropriate drainage ~~easements improvements~~ shall be provided.

b. ~~As part of a continuing, phased development, where a~~ terminal street in excess of one hundred fifty feet (150') or the frontage length of one adjoining lot, whichever is less, ~~is~~ designed to remain only temporarily as a dead end street, ~~shall be terminated with an~~ adequate temporary turning area of eighty feet (80') in diameter ~~shall be provided~~ at the dead end thereof to remain and be available for public use so long as the dead end condition exists. In no instance shall a temporary dead end street exceed one-thousand feet (1,000') without secondary access. Temporary dead end streets of one hundred fifty feet (150') or the frontage length of one adjoining lot, whichever is less, shall be permitted without the construction of a temporary turning area.

A discussion ensued. Commissioner Merx asked where the streets would be measured. Commissioner Allred said the measurement would be from the center of the road. There was a discussion about where the termination point would be.

After further discussion, the Planning Commission proposed that 'b' be amended to read:

b. As part of a continuing, phased development, where a street in excess of one hundred fifty feet (150'), measured from the center of the intersecting street to the termination point, ~~is~~ designed to remain only temporarily as a dead end street, shall be terminated with an adequate temporary turning area of eighty feet (80') in diameter shall be provided at the dead end thereof to remain and be available for public use so long as the dead end condition exists. In no instance shall a temporary dead end street exceed one-thousand feet (1,000') without secondary access.

#### 4. DISCUSSION REGARDING GENERAL PLAN

Mark Larson stated that the staff wanted to spend the next few months focusing on getting the new Zoning Ordinance adopted. When the new Zoning Ordinance was adopted, the staff and Planning Commission could really dig into the General Plan. He asked the Planning Commission if there were any big issues regarding the General Plan that needed to be addressed in the next few months.

Commissioners Kirch and Stokes both felt the statistics in the General Plan needed to be updated. Commissioner Stokes felt the staff should be looking at surveys in the meantime. Then the Planning Commission would have fresh statistics in hand with the new Zoning Ordinance.

Commissioner Kirch felt the plume needed to be updated and that the inter city service agreements needed to be added.

Chairman Hilton stated that the Planning Commission was supposed to meet with the City Council at least once a year. He felt the two bodies needed to meet at least twice a year.

The Planning Commission felt it could wait until the new Zoning Ordinance was adopted before they made any changes to the General Plan.

#### 5. OTHER BUSINESS

Chairman Hilton asked the staff to check on the street light requirements for Shady Meadows No. 1. A light had not been installed at the intersection of 5225 South 3500 West.

Commissioner Stokes asked the staff to check on a new sign for the dentist office in Kent's Commercial Center. He wondered if the new sign would require an amendment to the final development plan.

Mark Larson stated that the City Council would be reconsidering the preliminary plan for Apple Blossom Estates on February 15<sup>th</sup>.

Commissioner Kirch asked if TSO Transmissions was limited to a certain number of cars for sale and whether the vehicles could be parked in front. Mark Larson said he would look into it. Commissioner Kirch said the lot was running over.

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6. ADJOURN

**Commissioner Yeoman moved to adjourn at 7:41 p.m. Commissioner Allred seconded the motion. Commission members Allred, Hilton, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.**

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Brad Hilton  
Chairman

Attest:

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Michelle Drago  
Secretary

dc:pfeb805