

ROY CITY PLANNING COMMISSION

October 11, 2005

Minutes of the Roy City Planning commission Meeting held in the City Council Room of the Roy City Municipal Building on October 11, 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         |
| Blaine Hoopes         | Mark Larson, Planner      |
| Gennie Kirch          | Michelle Drago, Secretary |
| Bill Merx             |                           |
| Michael Stokes        |                           |
| Karlene Yeoman        |                           |

Others present were: Mayor Roger Burnett; David Price; Royce Fhan; and Mark Hampton.

Pledge of Allegiance: Blaine Hoopes

1. APPROVAL OF SEPTEMBER 13, 2005, MINUTES

**Commissioner Hoopes moved to approve the minutes of September 13, 2005, as corrected. Commissioner Yeoman seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.**

2. PUBLIC HEARING TO CONSIDER A PRELIMINARY SUBDIVISION PLAN FOR GOLDEN SPIKE TECHNOLOGY PARK LOCATED AT APPROXIMATELY 4000 SOUTH 1900 WEST

**Commissioner Merx moved to open the public hearing at 6:33 p.m. Commissioner Kirch seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.**

Mark Larson stated that Iomega Business Park Funding, LC owned Iomega Business Park East. The existing site consisted of seven buildings on four parcels and was located on the southeast corner of the 4000 South 1900 West intersection. The total acreage was 16.61 acres. IBP Funding wanted to change the name of the development to Golden Spike Technology Park and divide it into seven separate lots. Each building would be on a separate lot. All of the lots had frontage on a public street. There wouldn't be any changes to the on and off site improvements. The subdivision would allow the buildings to be sold or financed separately. The developer had prepared CC&R's that would cover reciprocal access, parking, utilities, landscaping, storm drainage, etc. The staff didn't have any concerns about the subdivision. It did have a few concerns about the CC&R's. All seven buildings were connected by a looped fire sprinkling system. The Fire Marshal felt that needed to be addressed in the CC&R's. The staff's other concern related to parking. On the alta survey 755 parking stalls were shown. The CC&R's referred to 785 stalls. The staff questioned the discrepancy. The developer found that when the alta survey was done, there were mobile units sitting on some of the parking spaces. The CC&R's assigned a certain number of parking stalls to each lot. The assigned number was less than that required by the conditional use permit for NUAMES. If all of the parking was 'in common,' it didn't make sense to assign a certain amount to each lot.

Mr. Larson said the staff had received a letter from Utah Power & Light requesting an easement all of the way around the development. The developer was concerned about that request because all of the improvements were in. Mr. Larson felt UP&L might not have realized this was a built-out development. This was something the staff would have to work with UP&L on.

Ray Bowden, Eden, stated that he was a partner in IBP Funding.

Commissioner Kirch asked about the parking numbers. Ray Bowden said the parking numbers in the CC&R's were put in by IBP Funding. They wanted to have the parking immediately around each building assigned to that lot. They wanted to keep the rest of the parking 'in common.'

Commissioner Allred asked how IBP Funding planned to designate the parking stalls for the buildings. Would they be roped off or signed? Mr. Bowden said the parking next to each building would be for that building. The rest would be 'in common.'

Commissioner Allred asked if the CC&R's covered maintenance of the landscaping. Were the CC&R's worded so that one company did the work and everyone shared in the cost? Mark Larson said it did.

Commissioner Merx asked if there were parking stalls that weren't allocated to buildings. Ray Bowden said there was probably about 100 parking stalls that would be 'in common.'

Commissioner Stokes felt the property owners would be able to determine how to allocate the parking to the tenants.

There was a lengthy discussion among the Planning Commission members about the parking. Commissioner Allred felt the CC&R's needed to reflect the amount of parking already approved for each conditional use, or the conditional use permits needed to be revised. Commissioner Hoopes asked if each lot had the amount of parking required by the Zoning Ordinance. Ray Bowden said they did.

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

Commissioner Kirch moved to close the public hearing at 7:04 p.m. Commissioner Stokes seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.

Commissioner Stokes moved to recommend that the City Council grant preliminary approval of the Golden Spike Technology Park Subdivision located at approximately 4000 South 1900 West subject to the CC&R's being amended to reflect reciprocal parking on all seven lots and the current conditional use permit requirements; that the City Attorney review and approve the amended CC&R's prior to consideration by the City Council; and that the easement required by UP&L be resolved. Commissioner Kirch seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.

3. PUBLIC HEARING TO CONSIDER A PRELIMINARY SUBDIVISION PLAN FOR ROCK RUN SUBDIVISION LOCATED AT APPROXIMATELY 3500 WEST 6000 SOUTH

**Commissioner Yeoman moved to open the public hearing at 7:07 p.m. Commissioner Merx seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.**

Mark Larson stated that the Planning Commission was familiar with the Rock Run development as it had considered the development plans both Phase Nos. 1 and 2. Most of the utilities and off site improvements were done. Mattson, LC was now proposing to divide the development into four lots so that they could be sold or financed separately. All of the lots had frontage on a public street. CC&R's had been prepared to cover reciprocal parking, access, landscaping, storm drainage, architectural theme, etc. The staff didn't feel there were really any issues to be reviewed. There would be a 6-foot vinyl fence along the west side of the site just like on the north.

Commissioner Merx asked if the detention pond spanned two lots. Mark Larson said it did. Commissioner Merx was concerned about that. Mark Larson said all of the storm drainage was in common.

Commissioner Allred was concerned about access. Mark Larson said the CC&R's covered reciprocal access. Commissioner Allred asked if the CC&R's addressed the overall architectural theme. Mr. Larson said they did.

Mark Hampton, Rimrock Construction, stated that the Mattson's had prepared the CC&R's. They wanted the development to have the same look and feel as the original building. The CC&R's covered cross easements, parking, and maintenance. All four lots would hire a single manager to manage the development. Everyone would pay a pro-rata share of the maintenance cost.

Commissioner Stokes was concerned about the installation of on site improvements. Would approval of the subdivision stall the process of completing the improvements? He was concerned that approving the subdivision would take away Rand Mattson's incentive to complete the on site improvements.

There was a discussion about funding for the on site improvements and the time frame for their completion. The Planning Commission

was concerned about the appearance of the property. Commissioner Stokes felt the Mattson's should make every effort to keep the weeds down.

Chairman Hilton opened the floor for public comments.

David Price, 4252 West 6000 South, was upset about the length of time it was taking the City to pave 6000 South. The residents in this area had waited five years for Emma Russell Park to be completed so that 4300 West could be finished. He had a problem with what the City had promised and what it had delivered. He was concerned about the increased traffic this development would bring to the area.

**Commissioner Merx moved to close the public hearing at 7:30 p.m. Commissioner Hoopes seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.**

Commissioner Allred was concerned that approval of the subdivision would extend the two-year time frame for completing the on site improvements. Mark Larson said approval of the subdivision wouldn't change the time frame for the development improvements.

Commissioner Kirch asked if all of 6000 South was in Roy City. Mayor Burnett said that below the canal, the boundary between Roy City and Hooper City jogged back and forth across 6000 South. Above the canal, 6000 South was entirely in Roy City.

**Commissioner Allred moved to recommend that the City Council grant preliminary approval of the Rock Run Subdivision located at approximately 5991 South 3500 West subject to the staff recommendations; that emphasis be placed on the CC&R's; that the developer comply with approval of site plans; and that the guarantee for on site and off site improvements remain on the original time clock. Commissioner Hoopes seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.**

4. DISCUSSION REGARDING AMENDMENT TO IMPROVEMENT DRAWINGS FOR OLYMPIA PARK SUBDIVISION PHASE NO. 1 AND AMENDMENT OF SUBDIVISION PLAT FOR OLYMPIA PARK PHASE NO. 3

Commissioner Stokes stated that he had a pending business transaction with Tim Butler, the developer of Olympia Park. He excused himself from the deliberation on this matter.

Mark Larson stated that the recorded subdivision plat for Phase No. 3 included the following note:

Home construction depth will be limited to a lowest slab elevation of 18" below the existing top back of curb fronting each lot.

That meant the living space had to be 18 inches above the curb. Because of the groundwater in this area, none of the homes could have basements. The City had installed a land drain in Emma Russell Park to resolve a flooding problem. Tim Butler had participated in the cost of that land drain. Mr. Butler had requested permission to connect Lot Nos. 5, 23, 24, 25, 26, and 27 to the land drain and that the 18 inch restriction be lifted on those lots.

Lot No. 5 was located in Phase No. 1. The depth restriction in Phase No. 1 was part of the improvement drawings. It wasn't a restriction recorded on the actual plat.

Mr. Larson stated that Public Works refused to allow Mr. Butler to connect Lot Nos. 23, 24, and 25 to the land drain. Mr. Butler withdrew his request for Lot No. 5. The only two lots left to consider were Lot Nos. 26 and 27. Because the restriction was actually recorded on the plat, it was necessary to amend the plat.

Commissioner Hoopes was concerned that water could back up into the homes on Lot Nos. 26 and 27. Mark Larson said the City Engineer had recommended installation of a back flow prevention device and an emergency by pass pump. Mr. Butler's engineer was working with the City Engineer to determine the exact depth at which homes on Lot Nos. 26 and 27 could be built.

Commissioner Hoopes was concerned about the City's liability. He didn't feel comfortable proceeding without knowing exactly what liability the City might or might not be assuming.

Commissioner Kirch stated that in response to a phone call, she had visited this development. There was a water problem on some of the lots in Phase No. 1. All of the homes in the area were above ground. Homes with basements on Lot Nos. 26 and 27 would have a different look and feel. She wasn't comfortable approving an amendment without knowing the exact depth of the homes on Lot Nos. 26 and 27.

Mike Braunberger, 5834 South 4175 West, stated that his home in Phase No. 1 was 57 inches below the curb, and he had a flooding problem. No one was willing to accept responsibility for how deep his home was placed. When the home behind him was built, fill would have to be brought in. That would make his home lower and aggravate the drainage problem.

The Planning Commission did not feel comfortable proceeding until it knew exactly how deep homes on Lot Nos. 26 and 27 could go and what liability the City would face. Commissioner Hoopes felt a disclosure should be required for the future property owners of Lot Nos. 26 and 27. Commissioner Kirch also asked that the City Engineer look at the impact that Lot No. 26 would have on Mr. Braunberger's home once it was built.

**Commissioner Yeoman moved to table consideration of an amendment to the subdivision plat for Olympia Park Subdivision Phase No. 3 until the next meeting and to direct the City Attorney to determine the City's liability in this matter. Commissioner Hoopes seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." Commissioner Stokes abstained. The motion carried.**

The Planning Commission listened to additional comments from Mike Braunberger.

5. DISCUSSION REGARDING AMENDING TO THE GENERAL PLAN

After discussion, the Planning Commission asked that the first five items of the punch listed created on September 13<sup>th</sup> be placed on the next agenda for discussion and approval.

6. OTHER BUSINESS

Chairman Hilton asked that the staff keep the aesthetics in mind when considering site plans for permitted uses.

Commissioner Stokes for an update on the UTA staging permit. Mark Larson said the staff had reviewed the Zoning Ordinance and determined there was a gap that needed to be taken care of.

7. ADJOURN

Commissioner Yeoman moved to adjourn at 8:48 p.m. Commissioner Kirch seconded the motion. Commission members Allred, Hilton, Hoopes, 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:poct1105