

ROY CITY PLANNING COMMISSION

October 10, 2006

Minutes of the Roy City Planning commission Meeting held in the City Council Room of the Roy City Municipal Building on October 10, 2006, at 6:00 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:

Gennie Kirch, Chairman
Doug Allred
Dave Collins
Brad Hilton
Karlene Yeoman

Mark Larson, Planner
Michelle Drago, Secretary

Excused: Blaine Hoopes and Bill Merx

Others present were: Sherman Bingham; Ray Russell; Ralph Hadley; Jim Quarles; Bonnie Schoenfeld; Verna Bambrough; Cheryl Howe; LaVern Johnson; Elizabeth Anderson; Holly Erickson; Christina Smithers; Joanne Kimber; Wayne Kimber; and Paul Port.

Pledge of Allegiance: Brad Hilton

1. APPROVAL OF SEPTEMBER 26, 2006, MINUTES

Commissioner Allred moved to approve the minutes of September 26, 2006, as corrected. Commissioner Yeoman seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

2. PUBLIC HEARING TO CONSIDER PRELIMINARY APPROVAL OF BINGHAM ESTATES SUBDIVISION LOCATED AT APPROXIMATELY 3000 WEST 6000 SOUTH

Commissioner Allred moved to open the public hearing at 6:04 p.m. Commissioner Collins seconded motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

Mark Larson stated that the Bingham Estates Subdivision was located on the north side of 6000 South at approximately 3000 West. It connected to a stub road in the Arthur Jones Estates Subdivision. It contained 14 lots on 4.81 acres. The existing zone was R-1-10. There were two existing homes on 6000 South. There were no street improvements along this portion of 6000 South. The existing properties on 6000 South extended to the middle of 6000 South. The subdivision would dedicate 6000 South to the City.

Mr. Larson said there was a 4-foot gap between Bingham Estates and Arthur Jones Estates. Sherm Bingham, the developer, had acquired the 4 feet where the road would be located. It would be included in the subdivision's road dedication. The four feet on either side had been absorbed by the adjoining lots in Arthur Jones Estates. Along the west side of the subdivision was a 10-foot right-of-way owned by the LDS Church. It might have been used for irrigation. If the LDS Church didn't need the easement, the developer could work to have it cleared. The easement did not affect the subdivision, or the lot layout.

Mr. Larson stated that Bingham Estates would connect to the stub road in Arthur Jones Estates and continue south to 5975 South where it would stub into Ralph Hadley's property. The intent was for 5975 South to continue east and then north to connect with 2950 West, a stub road in the Carriage Lane Subdivision. The Subdivision Ordinance did not allow a street longer than 1000 feet. The distance from the intersection of 5825 South 3000 West to the end of 5975 South in Bingham Estates was 960 feet.

Commissioner Allred was concerned about how the stub road in Bingham Estates would affect the property to the east. Would it cause a remnant parcel in the future? Sherm Bingham said that in the future, the stub road would continue east along the south side of Lot No. 44 in Carriage Lane to connect with 2950 West.

Mark Larson stated that most of the City Engineer's comments related to requirements for the final improvement drawings.

Vice Chairman Kirch asked about storm drainage and the City Engineer's comments about the piping being over capacity. Mark Larson stated that the subdivision could not be drained to the north as the developer originally planned. A line was being extended to 6000 South.

Mark Larson stated that because there wasn't any curb, gutter, or sidewalk improvements along 6000 South in this vicinity, the staff

suggested that the developer sign a deferral agreement to cover the installation of said improvements at a future date. Property owners on both the east and west sides of the subdivision had animals. Roy City's ordinances required the installation of a 6-foot chain link fence along the west and east subdivision boundaries to buffer the adjacent agricultural use.

Sherm Bingham, West Haven, stated that they originally planned to drain the storm water to the north. However, the City Engineer determined that the system to the north was already over capacity. The City Engineer then directed them to drain the storm water to a catch basin and pipe it to 6000 South. He was prepared to meet the City ordinances. Fencing was not a issue.

Commissioner Allred asked if any of the lots were pre-sold. Mr. Bingham said none of the lots had been sold. Commissioner Allred was concerned about construction vehicles accessing the subdivision via 3000 South because it was a narrow street. He suggested that Mr. Bingham use the two lots on 6000 South for access for construction vehicles.

Vice Chairman Kirch asked what the average home size would be. Mr. Bingham was not sure. The subdivisions to the north and east contained smaller homes. He felt the homes in Bingham Estates would be ramblers or multi-levels. These weren't starter home lots.

Commissioner Hilton stated that it appeared the HAFB plume was on the east edge of the subdivision. He asked if Sherm Bingham had investigated the plume. Sherm Bingham said HAFB had a monitoring well that would be located on the second lot from the north between the sidewalk and the road. HAFB wanted to continue monitoring the soil.

Vice Chairman Kirch asked if a statement about the plume would be included on the subdivision plat. Mark Larson said the plat would include a statement about the existence of physical and environmental hazards.

Commissioner Collins stated that HAFB had installed a filtering unit on the old D&RG right-of-way. At their last meeting, HAFB had indicated they hadn't found hazardous materials filtering into the system.

Vice Chairman Kirch opened the floor for public comments.

Elizabeth Anderson, 5980 South 3100 West, was concerned about how this subdivision would affect her ability to develop her property in the future. She and her neighbors were asking about the possibility of a privacy fence along the west subdivision boundary for the safety of their animals. She was also concerned about whether the existing fence would be damaged during construction.

Vice Chairman Kirch stated that if the properties west of the subdivision developed, they would have to determine how to provide traffic circulation. A privacy fence was beyond the requirements of the Zoning Ordinance. However, there wasn't anything to prevent privacy slats or an immediately adjoining fence. Ms. Anderson was concerned about the liability of barbed wire fencing. Mr. Larson suggested installation of a simple wire fence a few feet from the chain link fence. The horses could still eat the grass while being kept from the chain link fence. Vice Chairman Kirch said the City's legal counsel could answer Ms. Anderson's questions about liability.

Sherm Bingham stated that the chain link fence could be installed at any time. Mr. Bingham said that if Ms. Anderson and the adjoining property joined together, a cul-de-sac could be installed down the middle of the two properties with lots on either side.

Ralph Hadley, 2910 West 6000 South, felt 3000 West was too narrow and should be widened.

Ralph Hadley's son asked if the new chain link fence would replace any existing fencing. Sherm Bingham said they could replace existing fencing or install the new fence adjacent to existing fence. Mark Larson said there was a fence standard in the City's Development Standards. Any existing fencing should be removed so the new fence could be installed on the property line. Sherm Bingham asked about fence height near 6000 South. Mark Larson said a fence could not be higher than four feet in a front yard setback.

Elizabeth Anderson was concerned about new property owners complaining about the existing livestock. Vice Chairman Kirch stated that the City had a Nuisance Ordinance. Unless the livestock was in violation of the City's ordinances, there wouldn't be a problem.

Ralph Hadley stated that the right-of-way owned by the LDS Church was over 50 years old. It was used for access. There was also an old well in the middle of the LDS Church property which had been capped.

Commissioner Collins moved to close the hearing at 6:39 p.m. Commissioner Yeoman seconded the motion. Commission members Allred, Collins, Hilton, Kirch, and Yeoman voted "aye."

Commissioner Allred asked why the staff was recommending a deferral agreement for improvements along 6000 South. Mark Larson said there wasn't any curb, gutter, or sidewalk improvements along 6000 South in this vicinity. Without surveying the entire street, there wasn't a way to determine what elevation to install the improvements at. Without adjoining curb and gutter, the storm water would simply drain onto the adjoining properties. Commissioner Hilton suggested the installation of a collector box at the west end of the curb on 6000 South. Commissioner Allred said there appeared to be a conflict between the recommendations of the City Engineer and Development Services staff regarding the improvements on 6000 South. If the improvements were deferred, who would be responsible for them in the future? Michelle Drago said the deferral agreement was inherited by all successors of interest.

Ralph Hadley stated that there was an irrigation right-of-way along the north side of 6000 South owned by Weber Basin Water.

Commissioner Allred asked if any approval should be subject to a storm drainage not being to the north. Mark Larson said that would be addressed with the final improvement drawings. The staff would check with Weber Basin Water to determine where their line on 6000 South was.

Commissioner Collins moved to recommend that the City Council grant preliminary approval of the Bingham Estates Subdivision located at approximately 3000 West 6000 South subject to the findings of the City Engineer and staff. Commissioner Yeoman seconded the motion. Commission members Allred, Collins, Hilton, Kirch, and Yeoman voted "aye."

3. PUBLIC HEARING TO CONSIDER PRELIMINARY APPROVAL OF RUSSELL ESTATES SUBDIVISION LOCATED AT APPROXIMATELY 2550 WEST 5950 SOUTH

Commissioner Hilton moved to open the public hearing at 6:48 p.m. Commissioner Collins seconded the motion. Commission members Allred, Collins, Hilton, Kirch, and Yeoman voted "aye."

Mark Larson stated that the City had received a request for preliminary approval of the Russell Estates Subdivision located at approximately 2550 West 5950 South. The subdivision was located on the north side of 6000 South at approximately 2550 West. The plan called for eight lots on 2.5 acres. The lots ranged from 8,000 to 36,000 square feet. There was existing curb, gutter, and sidewalk along 6000 South. The portions of 6000 South under private ownership would be dedicated to the City. An existing storm drain ran east and west through the subdivision in the location of the proposed road. The City had acquired the easement for the storm drain with the idea that 5950 South would eventually be extended through this property. There were four existing homes in the subdivision.

Mr. Larson said there were a number of engineering concerns. Most of them had been resolved with a revised plat. Mr. Larson showed the Planning Commission the latest plat, which the City had received that day. A lot line adjustment had done away with the need for the existing home at 2530 West 6000 South to be included in the subdivision. Now there were only two property owners involved. Three feet had been given to Greg Warg, an adjoining property owner, to make sure his garage had the proper clearance. The City was still working with Weber County to resolve the small gap on the northeast corner of the subdivision. That small remnant would be incorporated into Lot No. 30 of the Lemans Subdivision. Mr. Larson said the City was comfortable with the new plan.

Vice Chairman Kirch opened the floor for public comments.

In response to a question from the Planning Commission about secondary water lines shown on the plat Wayne Kimber, 2546 West 6000 South, stated that the lines shown on the plat were stilled to water the pasture. Commission members Allred and Collins felt the lines should be abandoned and removed.

Joanne Kimber, 2546 West 6000 South, asked how the clearance for the garage had been resolved. Mark Larson said the new plat

corrected the non-conforming problem by moving the property line to give the garage the proper setback. Mrs. Kimber stated that the City did not have a record of the exact location of the storm drain or when it was put in. She asked if it was really their responsibility to determine where the line was or how old it was. Mark Larson said the storm drain had been located. That information would be transferred to the Kimber's engineer so that the improvement drawings could be redrawn.

Commissioner Collins moved to close the public hearing at 7:00 p.m. Commissioner Allred seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye."

Commissioner Allred moved to recommend that the City Council grant preliminary approval of the Russell Estates Subdivision located at approximately 2550 West 5950 South subject to the new plat dated 10/6/06, the staff and Development Services comments, and the abandonment and removal of the existing 1½ inch secondary line. Commissioner Collins seconded the motion. Commission members Allred, Collins, Hilton, Kirch, and Yeoman voted "aye."

4. PUBLIC HEARING TO CONSIDER A SITE PLAN FOR A BANK AND A CONDITIONAL USE PERMIT FOR A DRIVE-THROUGH WINDOW LOCATED AT APPROXIMATELY 5774 SOUTH 1900 WEST

Commissioner Yeoman moved to open the public hearing at 7:02 p.m. Commissioner Hilton seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye."

Mark Larson stated that Zions Bank was proposing to construct a 3,737 square foot building at 5774 South 1900 West. They had already received preliminary approval from UDOT for access onto 1900 West. There was an old frame house on the property that had been demolished. Zions was still working to clear the site. The interstate and the HAFB railroad spur were located to the east of the site; two narrow lots and Family Dollar were to the north; and Auto Zone was to the south.

Mr. Larson said the site plan showed one entrance/egress from 1900 West. The traffic would circulate around the site in a counter clockwise movement. The site plan met all of the City's Zoning codes. The site plan incorporated the City's beautification plans for 1900 West. A sidewalk had been added through the landscaping for pedestrian access. There would be a monument sign on 1900 West and a 50-foot pole sign on the east side near the freeway. There was an existing billboard on the north property line that would remain for the time being.

Commissioner Collins asked why the billboard would remain. Mr. Larson said the billboard was a non-conforming use. The current least would end in three years. The staff had recommended that the billboard be removed at that time. Zions had notified Reagan Outdoor Advertising that the billboard would be removed at the end of the current lease period.

Mark Larson stated that the only place for common access to the north on this site was where the billboard was located. The staff had recommended that Zions consider common access with the adjoining property when it developed.

Mark Larson reviewed the building elevations with the Planning Commission.

Mark Larson stated that a bank was a permitted use. The site plan would be approved by the Planning Commission. The Planning

Commission would forward a recommendation about the conditional use for the drive-up window to the City Council.

Vice Chairman Kirch asked why there wasn't more employee parking give the amount of amount of landscaping in the back. Mark Larson said the site plan met the City's minimum parking requirements.

Paul Port, representing Zions Bank, stated that they were willing to consider common access when the property to the north developed. However, they were concerned about common access leading to accidents on their property. The amount of employee parking met their staff needs. Zions Bank was concerned about the height of the 50-foot pole sign in relation to the interstate in this location. Was there a way for them to request a higher sign so they could have freeway exposure. Mark Larson said that question would have to be addressed to the City Council.

Commissioner Yeoman asked about the installation of curb and gutter along the north side if common access was being considered. Mark Larson said the curb would have to be cut if common access was established. Commissioner Yeoman asked if the City's ordinances required common access. Mr. Larson said the City's ordinances required common access where it could be obtained.

Commissioner Collins asked how wide the building was. Mr. Port said it was about 80 feet wide. Mr. Collins said the amount of signage was based on the linear width of the building.

Commissioner Yeoman moved to close the public hearing at 7:28 p.m. Commissioner Hilton seconded the motion. Commission members Allred, Collins, Hilton, Kirch, and Yeoman voted "aye."

Commissioner Allred asked if 50-foot pole signs were allowed. Mr. Larson said they were allowed on properties adjacent to the freeway. Commissioner Allred was concerned about visual pollution along 1900 West.

Commissioner Yeoman moved to approve a site plan for a bank located at approximately 5774 South 1900 West subject to the conditions of the staff, including common access with property to the north and removal of the billboard at the end of the current lease period; and to recommend that the City Council grant approval of a conditional use permit for a drive-through window located at approximately 5774 South 1900 West subject to the conditions of the

staff. Commissioner Collins seconded the motion. Commission members Allred, Collins, Hilton, Kirch, and Yeoman voted "aye."

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5. DISCUSSION REGARDING APPROPRIATE DENSITIES FOR UNDEVELOPED PROPERTIES ZONED SINGLE-FAMILY RESIDENTIAL

Mark Larson stated that based on an initiative of Councilman Stokes, the City Council had directed the Planning Commission to rezone all remaining undeveloped properties currently zoned R-1-6, R-1-7, and R-1-8 to R-1-10.

Vice Chairman Kirch asked how many properties would be involved. Mr. Larson estimated there would be six or seven.

Commissioner Allred thought the consensus was that high density single-family residential was R-1-8. Why was the City now moving to R-1-10?

Commissioner Collins didn't feel the move to an R-1-10 Zone would result in larger homes. Land was very expensive. R-1-10 lots would cost more than R-1-8 lots, and people would have less money to put into a home.

Mark Larson stated that this would be discussed further at the next Planning Commission meeting.

6. OTHER BUSINESS

Vice Chairman Kirch stated that the new fence behind U & I Coop/ Standard Plumbing was very nice. She asked if the condominium project on 6000 South had been approved. Mr. Larson said it had. Vice Chairman Kirch stated that work had started on the Voorhees/Stoney Brook Cottages PRUD. Mr. Larson said it had taken some time to get the funding, but they had now started working on the project.

7. ADJOURN

Commissioner Hilton moved to adjourn at 7:45 p.m. Commissioner Allred seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

Attest:

Gennie Kirch
Vice Chairman

Michelle Drago
Secretary
dc:poct1006