

ROY CITY PLANNING COMMISSION

May 9, 2006

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on May 9, 2006, 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:

Bill Merx, Chairman	Tony Reynolds, Community
Doug Allred	Services Director
Dave Collins	Mark Larson, Planner
Brad Hilton	Michelle Drago, Secretary
Blaine Hoopes	
Gennie Kirch	
Karlene Yeoman	

Others present were: Bob Bentley; Colleen Bentley; Bryan Anderson; Scott Goff; Richard Stewart; Sandy Kelso; Glenn Woods; Jerry Cronquist; Marilyn Parker; Ida Martinez; Art Aragon; Helen Aragon; Tyson Browning; LaRae Peterson; Joan Gourdin; Ralph Allen; Willard Cragun; Darl Field; Bret Field; Kevin Johnson; Howard Terry; Betty Moncur; Beverly Mann; Matthew Deamer; Joe Stokes; Kirt Nalder; Guy Hill; Dale Evans; Chih Evans; Barbara Jensen; Tucker Marriott; Lonnie Adams; Sheila Sewainaea.

Pledge of Allegiance: Dave Collins

1. APPROVAL OF APRIL 25, 2006, MINUTES

Commissioner Hilton moved to approve the minutes of April 25, 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 VACATING A PORTION OF THE RIGHT-OF-WAY IN THE BURMONT PARK SUBDIVISION LOCATED AT APPROXIMATELY 2550 WEST 5600 SOUTH

Commissioner Yeoman moved to open the public hearing at 6:38 p.m. Commissioner Kirch seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

Mark Larson stated that when the 5600 South overpass was constructed the part of 2550 West that extended between 5600 South and 5650 South was abandoned. As part of the overpass, UDOT actually constructed a knuckle at the 2550 West 5650 South intersection. Most of the abandoned right-of-way was part of the overpass slope and was unusable. The adjacent property owners were currently using the abandoned right-of-way as parking and access. The City was proposing to vacate the abandoned right-of-way. After it was vacated, the property would probably dispose of it. There were culinary and secondary water lines running through the right-of-way. The City would maintain an easement for those lines.

There were no questions from the Planning Commission. Chairman Merx opened the floor for public comments. There were none.

Commissioner Allred moved to close the public hearing at 6:42 p.m. Commissioner Kirch seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

Commissioner Collins asked if the right-of-way would be incorporated into the adjoining Pacific Place Subdivision. Mark Larson said the eastern part of the right-of-way would probably conveyed to Kirt Nalder, developer of Pacific Place. The west half would be conveyed to the property owner to the west. Commissioner Collins asked if taxes would be collected on the property once it was vacated. Mark Larson said they would. Commissioner Collins asked if the City would sell the property or just deed it over. Mr. Larson said disposition of the property would occur after the right-of-way was vacated.

Commissioner Hoopes moved to recommend that the City Council vacate the 2550 West right-of-way between 5600 South and 5650 South in the Burmont Park Subdivision. Commissioner Yeoman seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

3. PUBLIC HEARING TO CONSIDER A PRELIMINARY SUBDIVISION PLAN FOR THE SEIFERT ESTATES SUBDIVISION LOCATED AT APPROXIMATELY 5400 SOUTH 2500 WEST

Commissioner Hilton moved to open the public hearing at 6:44 p.m. Commissioner Kirch seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

Mark Larson stated that the Seifert property located at approximately 5400 South 2500 West was currently zoned R-1-8. The property extended from approximately 5200 South to 5600 South on the east side of 2500 West and consisted of approximately 16 acres. There was an R-3 Zone south of the property along 5600 South. There were six existing homes that would be incorporated into the subdivision.

Mr. Larson said the proposed subdivision consisted of 76 lots in two phases. The proposed subdivision would have lots along 2500 West and both sides of a new road that would end in a cul-de-sac in Phase 2. The subdivision would connect to a stud road, 5400 South, in the Great Basin Subdivision to the east. A road in Phase 2 would connect to 2500 West. The first phase would have 45 lots. The Seifert's were proposing to develop the first phase immediately. Mr. Larson said the stub road in the Great Basin Subdivision was only a 50-foot wide right-of-way. The City staff had asked that the extension of 5400 South in Seifert Estates match that width. The other roads in the proposed subdivision would have the standard 60-foot rights-of-way. The north end of Phase 1 would have a temporary cul-de-sac because Phase 2 would not be developed at this time. The City staff still had some technical concerns, but those concerns would not affect the design of the subdivision.

Mr. Larson stated that there was an overhead power pole located on Lot No. 41. From that pole overhead power lines extended west and north to the existing homes. That line would have to be buried. Most of the homes in the Great Basin Subdivision had some type of retaining wall. The staff was concerned about the elevation difference between Seifert Estates and the Great Basin Subdivision and wondered how the developer planned to address it. The City was also concerned about storm water drainage from individual lots and from the Great Basin Subdivision. Property owners were responsible for the storm water generated on their lots.

Commissioner Hoopes asked if the elevations at the back of the lots in Seifert Estates would be higher than the front. Mark Larson said the City required all lots to drain to the road. All of the lots had to drain away from the home.

Mr. Larson said there was an existing ditch that ran along the eastern side of the Seifert property. The ditch in Phase 1 would be removed.

Commissioner Collins asked if the property owners in the Great Basin Subdivision would be responsible to maintain their retaining walls and fences. Mark Larson said they would. Property owners were responsible for the storm water generated on their lots. The drainage problem would be of more concern for the property owners in the Great Basin Subdivision because they could no longer drain onto an open field. Commissioner Collins pointed out that any retaining wall higher than 30 inches was required to have some type of barrier for safety reasons. Mr. Larson said the City did not have any requirements for walls or fences between residential uses. If the developer chose to do something about the elevation differences, he would have to work with the individual property owners. After the homes were built, the drainage and elevation differences would be a civil matter between adjoining property owners.

Commissioner Hilton asked if the developer would be responsible for any existing walls or fences disrupted during construction. Mr. Larson said he would be.

Commissioner Hoopes asked if Phase 1 would come back to the Planning Commission after receiving preliminary approval. Mr. Larson said it would not. Final approval would be handled on a staff level. The subdivision would only come back to the Planning Commission if the subdivision design was changed.

Chairman Merx asked if the lots with the temporary cul-de-sac were buildable. Mr. Larson said they were. The developer would escrow funds to remove the cul-de-sac and straighten out the road when Phase 2 developed.

Commissioner Allred asked about existing structures in Phase 2 that appeared to straddle property lines. Mr. Larson said they were accessory buildings that would be demolished.

Commissioner Collins stated that there were currently animals on this property. Would the animal rights continue? Mark Larson said the current animal use was legal non-conforming. That use could continue on the undeveloped portion of the subdivision. In Phase 1, the animal use would be lost.

Commissioner Allred asked if there were any problems with existing utilities. Mr Larson said there was not.

Commissioner Hilton asked about the General Plan amendment approved by the Planning Commission at its last meeting. Mark Larson said that amendment applied to the triangular parcel owned by the Seifert's west of 2500 West. It consisted of about three acres and was zoned both R-1-8 and R-3. The large parcel on the east side of 2500 West was zoned R-1-8. The amendment changed the future land use from schools/government/churches to very high density multi-family residential.

Commissioner Allred asked about a soils report. Mr. Larson said it had not been submitted yet.

Commissioner Hoopes asked about the time line for the asphalt overlay on 2500 West. Did the Planning Commission need to stipulate that the road be overlaid by a certain date. Mark Larson said the Public Works Department would tell the developer when to overlay the street prior to final acceptance of the subdivision. All of the proposed lots in Phase 1 would have utilities stubbed when Phase 1 developed. The lots in Phase 2 would not have utilities stubbed at this time.

Jerry Cronquist, Hooper, stated that he had a contract to purchase the 42 new lots in Phase 1. He didn't have an answer for the elevation difference. He didn't want to disturb any properties to the east. He suggested that he meet with the City Engineer and review the elevation difference and the grading and drainage. The ditch along the east side of the property in Phase 1 would have to come out. He agreed the lots would have to be graded carefully so storm water didn't pool at the back of lots.

Commissioner Hoopes asked about the structures in Phase 2. Mr Cronquist said he was only purchasing Phase 1. Phase 2 would be retained by part of the Seifert family. He couldn't tell the Planning Commission exactly what would happen in Phase 2. He was required to show a plan for the entire Seifert property as part of

the approval process so the City could see how everything would laid out.

Commissioner Collins asked if the Planning Commission could approve only Phase 1. Mark Larson said it could not. The property was currently one large parcel. The City's ordinances required the Seifert's to lay out a subdivision for the entire piece.

Commissioner Allred asked about the soils report. Jerry Cronquist said it had been completed. There were no problems.

Commissioner Kirch asked what size homes Mr. Cronquist planned to build. Mr. Cronquist said he would be glad to present something to the Planning Commission if they wanted him to, but he hadn't gotten that far yet.

Commissioner Hoopes asked if Mr. Cronquist planned to build on the lots. Mr. Cronquist said he typically sold lots to several builders.

Jerry Cronquist stated that if he buried all of the overhead power lines, the homes would have to be rewired. Utah Power & Light was requiring him to move the overhead power line for the to the north end of Phase 1. Everything else would be buried. Commissioner Hilton asked if an easement would be needed for the buried power line. Mr. Larson said it would.

Chairman Merx opened the floor for public comments.

Bob Bentley, 5316 South 2500 West, stated that his power came from the pole across the development. How would that be handled? Jerry Cronquist said the overhead power would be moved to the north end of Phase 1. Mr. Bentley was concerned about the traffic impact this subdivision would have. He asked where the exact line was between Phases 1 and 2. Mr. Larson said it was approximately 5345 South 2500 West. Mr. Bentley was also concerned about the dust that would be generated during construction. Mr. Larson said there were environmental requirements the developer would be required to follow.

Bryan Anderson, 5397 South 2425 West, stated that he lived on the corner of 5400 South 2425 West. He asked if there were plans to widen 5400 South to 60 feet. Jerry Cronquist said there were not. The City had asked him to match the existing 50-foot right-of-way width on 5400 South. Mr. Anderson asked if about curb, gutter, and

sidewalk. Mr. Cronquist stated that he would construct curb, gutter, and sidewalk to the property line. He wouldn't construct sidewalk to 2425 West. Mr. Anderson asked about the possibility of a 6-foot fence between the subdivisions so he didn't have to look into the backyard of someone's home. Commissioner Hilton said the only fence requirement was to buffer residential from commercial. There wasn't a fencing requirement between two residential developments. Fencing would have to be worked out between individual property owners.

Tucker Marriott didn't feel it was appropriate that a development with 76 homes was being proposed for this property without notifying the surrounding property owners. If the adjoining residents had known about this development sooner, they could have been prepared with better questions, and the meeting could have been more productive. Track house development were notorious for poor safety. How did the City plan to protect the children in the neighborhood? There was a tremendous grade difference between the proposed subdivision and the proposed road. How would it be handled? How would the elevation difference affect the grade of 5400 South and the two lots on either side of the new road? Would they have to have retaining walls? He felt that when the ditch was removed and construction work began, the existing retaining walls would be disturbed. How could the Planning Commission approve Phase 2 if the developer didn't have a title and deed for the property? Jerry Cronquist said the Seifert's owned the overall parcel. They were the proponents. Part of the family would retain ownership of Phase 2. Mr. Marriott asked how soon the entire project would be completed. Mr. Cronquist hoped to have improvements in done Phase 1 within six months. It could be years before Phase 2 was developed. Mr. Marriott was concerned about his property value. He felt Mr. Cronquist should have to tell the City what size homes he planned to build in this subdivision.

Commissioner Hoopes stated that the City had a life safety regulatory body that would address the safety concerns.

Art Aragon, 2495 West 5175 South, stated that the drought relief line ran between his property and the Seifert's. He had an agreement with Roy City and secondary water to use the relief line for a garden area. Would the development of Phase 2 affect his ability to use the relief line? The Planning Commission said that was a question that would have to be answered by the City staff or City Council. Mr. Aragon asked if the new development would affect his property taxes. Commissioner Kirch indicated that the tax rate

was applied to the value of individual homes. The only way for taxes to go up would be for the City to adopt a new tax rate or the value of a home to go up.

Commissioner Allred asked if the preliminary approval for Phase 2 would remain in effect if construction didn't start within a year. Mark Larson stated that after receiving approval, construction had to begin on the first phase of a subdivision within one year. That time restriction didn't apply to subsequent phases.

Lonnie Adams, 2410 West 5500 South, stated that when the overpass was constructed, the elevation of 2425 West was raised to connect to 5600 South. When it rained, storm water drained back from 5600 South into the Seifert's field. He was concerned about how that would affect future homes. He asked about the width of the proposed 2450 West. The Planning Commission said it would be 60 feet wide, the standard street width. Mr. Adams asked if the subdivision would have a homeowners' association. Mr. Cronquist said it would not. Mr. Adams was concerned about the traffic impact. He asked if the City had any plans for the vacant lot at 2425 West 5600 South. The Planning Commission said that lot was owned by UDOT, not the City.

Marilyn Parker, 5237 South 2425 West, asked how the Planning Commission could consider plans for property the developer didn't own. The Planning Commission indicated that the Seifert's were both the property owner and the proponent. Any changes made to the preliminary plan after it was approved, would have to come back to the Planning Commission for consideration. Mrs. Parker asked what would happen to the large cement box behind her house. She thought it had been used for water retention. Commissioner Hilton said it would be removed when Phase 2 was developed. Mrs. Parker said there was a big elevation difference behind her house. She was concerned her property would be undermined.

Matthew Deamer, 5414 South 2500 West, stated that his home was one of the existing homes along 2500 West being incorporated into the subdivision. Would his property lines be changed? Mark Larson said they wouldn't. Mr. Deamer was concerned about the location of the intersection between 2450 West and 2500 West. He didn't feel there was enough site distance in either direction. He asked if a traffic study had been completed. Commissioner Collins said the City Engineer would require a traffic study if he felt it was necessary. Mr. Deamer felt access to 2500 West was needed in Phase 1. Mr. Larson said the staff had asked that the access to 2500

West be moved north to Phase 2 to avoid the 2675 West/2500 West intersection. Someone in the audience suggested that the City install a round-about at the 2575 West/2500 West intersection.

Willard Cragun, 2568 West 5225 South, asked if the 3-acre parcel owned by the Seifert's on the west side of 2500 West was being included in the preliminary plan. Mark Larson said it was not. Mr. Cragun asked if it had been rezoned. Mark Larson said it had not. The Planning Commission did change the future land use in a General Plan amendment at it's last meeting. The future use had been changed from a school/government use to very high multi-family. Mr. Cragun asked why the adjoining residents weren't notified about the General Plan amendment. Michelle Drago said the City was required to notify affected governmental entities about a general plan amendment and publish a notice in the local newspaper. The City was not required to notify adjoining property owners about a general plan amendment. Mr. Cragun was concerned about the intersection of 2450 West with 2500 West. He felt 5400 South needed to extended west to 2500 West. He suggested that the City restrict parking on either side of 5400 South if it was only 50 feet wide.

Commissioner Kirch stated that the General Plan amendment considered by the Planning Commission at its last meeting was only for the small triangular parcel west of 2500 West. At one time, that parcel had been considered as a possible commuter rail site. The commuter rail had been located elsewhere, and the school/government/church use was no longer necessary.

Barton Clapier, 5297 South 2425 West, was concerned about traffic and safety. He was also concerned about his retaining wall. His wall was falling down, and his garage was only a few feet from his rear property line. He was concerned that either his wall or his garage could be disturbed during construction. Commissioner Hoopes said the retaining wall and garage were Mr. Clapier's responsibility unless they were damaged during construction.

Commissioner Collins moved to close the public hearing at 8:35 p.m. Commissioner Hilton seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

Commissioner Allred was concerned about the soils report. The developer would need to work out the relocation of the overhead power lines with Utah Power & Light. It appeared this subdivision

had a grading and drainage problem. He felt a workable grading and drainage plan needed to be completed before the subdivision was given final approval. The grading and drainage plan would address the elevation question about 5400 South.

Commissioner Hilton was concerned about how the drainage from 5600 South would be handled. Mr. Larson said that was something the City Engineer would have to look at.

There was a discussion about whether the Planning Commission should proceed with preliminary approval or table consideration until it received further information. There was a question about how the lots on either side of 5400 South would be graded to handle the elevation difference. Jerry Cronquist said that the grading questions would be answered when the final drawings were done.

Mark Larson stated that the preliminary plan did show how the subdivision as a whole would drain. The preliminary plan did not show what would happen to the existing retaining walls when the ditch was removed. The DRC wouldn't have brought the subdivision to the Planning Commission if it didn't think it would work with the recommended conditions.

Commissioner Hilton wanted to know what would happen when the ditch was taken out.

Commissioner Kirch suggested widening the 2450 West 2500 West intersection because of concerns regarding site distance.

Jerry Cronquist was concerned that the Planning Commission wasn't following the advice of its own engineer.

Commissioner Collins suggested getting legal counsel about who was responsible for the retaining wall and fences.

Commissioner Allred stated that the property owners in the Great Basin Subdivision needed to retain their properties. If something was damaged during construction, that was a construction issue. If the developer undermined existing improvements while removing the ditch, he would be responsible to repair them.

After considerable discussion, **Commissioner Kirch moved to recommend that the City Council grant preliminary approval of the Seifert Estates Subdivision, Phases 1 and 2, located at approximately 5400 South 2500 West subject to the staff's**

recommendations, and that, in light of information gleaned in the public hearing that might not have been foreseen, prior to final approval the City Engineer review the drainage to make sure it would work after removal of the ditch; that the developer and the City Engineer review the survey to make sure the existing fences and retaining walls were not located on the Seifert property; that the drainage from 5600 South be considered; that drainage from the east be considered; that 5400 South have no parking; and that the developer work out the relocation of the overhead power lines with Utah Power & Light. Commissioner Allred seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

4. OTHER BUSINESS

Mark Larson stated that the staff would be proposing some amendments to the Zoning Ordinance regarding fence heights on corner lots and the size of accessory buildings.

Mark Larson stated that he had scheduled Gennie Kirch and Dave Collins to attend the training sponsored by the Utah Local Governments Trust in September.

Commissioner Kirch stated that the parking lot in front of Just A Buck and Frosted Rock had not been striped.

The Planning Commission asked about the Council's decision regarding the right-of-way vacation in Hal Vern.

5. ADJOURN

Commissioner Kirch moved to adjourn at 9:43 p.m. Commissioner Hoopes seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

Bill Merx
Chairman

Attest:

Michelle Drago
Secretary

dc:pmay906