

## ROY CITY PLANNING COMMISSION

January 26, 2010

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on January 26, 2010, at 6:00 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:

Tom Stonehocker, Chairman  
Dave Collins  
Blake Hamilton  
Lee Holt  
Bill Merx

Tony Reynolds, Community and  
Economic Development Director  
Jared Hall, Planner  
Michelle Drago, Secretary

Excused: Roy Watts

Others present were: Kenny Russell; Seth Jensen; Julie Peterson; Bruce Peterson; Rich LaFeber; Jeff Johanson; Bob Beelek; David Mecham; Elden Rink; Lois Burton; Irish Billings; Cory Robinson; Russ Billings; and Councilman Brad Hilton.

Pledge of Allegiance: Dave Collins

### 1. APPROVAL OF JANUARY 12, 2010, MINUTES

**Commissioner Holt moved to approve the minutes of January 12, 2010, as written. Commissioner Merx seconded the motion. Commission members Collins, Holt, Merx, and Stonehocker voted “aye.” The motion carried.**

### 2. PUBLIC HEARING TO CONSIDER A REQUEST FOR PRELIMINARY APPROVAL OF THE RUSSELL FARMS ESTATES SUBDIVISION LOCATED AT APPROXIMATELY 4900 SOUTH 35050 WEST

**Commissioner Collins moved to open the public hearing at 6:01 p.m. Commissioner Merx seconded the motion. Commission members Collins, Holt, Merx, and Stonehocker voted “aye.” The motion carried.**

Jared Hall stated that the City had received a request for preliminary approval of the Russell Farm Estates Subdivision located at approximately 4900 South 3050 West. This

was a fairly conventional subdivision. There were no special ordinances or regulations in play. In this area, 3050 West ended just south of 4850 South. There was a small stub road running north on 5000 South. This subdivision consisted of a new road with lots on either side that would connect the two stubs. The lot widths and sizes met or exceeded the requirements of the R-1-8 Zone. There were a total of 19 lots. Lot No. 19 consisted of the remaining land with a house on 3100 West. It was zoned RE-20. The utility plan for the subdivision showed fire hydrants north and south of the subdivision. A fire hydrant would be needed somewhere along the block to meet the distance requirements. A street light was shown on the plans in the middle of the block. Roy City's Street Light Standards required street lights at intersections. In this case, the developer would be required to install a street light at 3050 West 5000 South intersection, which was slightly beyond the boundaries of the subdivision. The road elevation showed a 60-foot right-of-way, which met Roy City's standards. More information was needed for the storm drainage easement proposed through Lot No. 19.

Commissioner Hamilton arrived at 6:05 p.m.

Mr. Hall stated that the subdivision complied with the General Plan, which called for this area to be medium density residential. It matched the development in the surrounding area. The staff had found that the proposed subdivision met or exceeded the requirements of the R-1-8 Zoning District in which it was located; the proposed subdivision would provide additional surface street and utility connections that would be beneficial for the area and systems on the whole; and that the proposed subdivision met the standards set forth in the subdivision regulations of the City. The staff recommended that the Planning Commission recommend that the City Council grant preliminary approval subject to:

1. The satisfaction of the questions and comments attached in the engineer's memo dated January 21, 2010, and subject to review and approval of any further corrections and revisions or other materials as might be required by the City Engineer.
2. The applicant providing the necessary preliminary documentation of drainage easements across the remainder parcel.
3. All items of the staff report and attachments and further review and approval by the members of the Development Review Committee.

Commissioner Collins stated that the stub roads were built some time ago. Did the stubs meet the current City standards, or did they need to be upgraded? What condition were the improvements in? Mr. Hall said the stub roads were 60 feet in width, which met the City standard. He didn't know what kind of condition they were in. The City Engineer did have some comments about the preliminary improvement plans.

Commissioner Holt asked who would be responsible to repair the stub roads if they were

in poor condition. Mr. Hall said that would be the responsibility of the City, as the City owned the streets.

Commissioner Holt asked about the requirement for the street light outside the subdivision boundary. Jared Hall said it was an improvement needed by the subdivision. It was not an atypical requirement, and the developer was proposing to do some work up to the intersection.

Commissioner Holt asked if the subdivision would have restrictive covenants. Mr. Hall said there weren't any proposed. The subdivision did not contain any common areas. The only potential for restrictions might be the drainage swale along the west side. Commissioner Holt asked about minimum square footage requirements for homes. Mr. Hall said the developer had not proposed anything beyond what was required by the Zoning Ordinance.

Chairman Stonehocker opened the floor for public comments.

Seth Jensen, 4994 South 3100 West, asked about the lot sizes. Jared Hall said the minimum lot size was 8,000 square feet. Most of the lots were between 8,000 and 9,000 square feet. Mr. Jensen asked if there was a plan for home sizes. Most of the homes in the neighborhood were small starter homes. Would the new homes accommodate larger families? Larger homes would mean a more stable neighborhood. Mr. Hall said the subdivision proposal did not include home plans or designs. The Zoning Ordinance required that a home have a minimum of 1250 square feet of living space and at least two bedrooms. The home designs would be up to the builders. Mr. Jensen encouraged the City to communicate to the neighbors' concerns to the builders. He would be interested in learning who the developers and builders were. Jared Hall said he knew several builders were interested in the lots, but he didn't know who they were.

Lois Burton, 4938 South 3000 West, asked how the subdivision would affect property taxes. Would the City reassess property values? Tony Reynolds said the property taxes were assessed by Weber County, not the City. The County would determine the value of the homes. The County Assessor cycled through different areas of the County to make sure values matched current market values. The assessment was done home by home.

Lois Burton stated that children in this subdivision would attend Midland Elementary School. Would that cause overcrowding? Jared Hall said the Weber County School District had its own planners, but regardless, he didn't feel the number of children from this subdivision would make or break Midland Elementary. Commissioner Collins stated that the surrounding subdivision generated a lot of children when it was new. Those children were grown, and the numbers at Midland Elementary had decreased. He didn't feel the children from this subdivision would have an impact. Mr. Hall said neighborhoods were cyclical, and the school district would adjust boundaries if needed.

Dave Mecham, 4980 South 3100 West, asked if pre-fab homes would be built in the subdivision. Jared Hall didn't have any knowledge about plans for pre-fab homes. Commissioner Collins said the Building Code did not restrict pre-fab homes. Mr. Mecham asked if all the homes would be alike. Commissioner Collins said the home styles would be up to the builders. Dave Mecham asked who owned the ground. Jared Hall said the applicant was purchasing the ground and planned to sell the lots to builders. Mr. Mecham said that this area was owned by the Russell family many years ago. Roy City was incorporated in 1937. In 1950, his father-in-law and Kenny Russell's father were on the City police force. He was astounded that Roy City had not set this land aside for a memorial for police officers.

Irish Billings, 4980 South 3100 West, was concerned about the water table. What guarantee did the existing homeowners have that building would not cause flooding in their basements? Jared Hall said the City Engineer had identified the water table. The City Engineer would either not allow basements or only allow them to a certain depth. Drainage was an issue. A drainage swale was planned along the west edge of the subdivision as well as a drainage easement to take water to the systems in 3100 West. Mrs. Billings asked how far the new homes would be from her property line. Mr. Hall said the minimum rear yard requirement was 25 feet.

Irish Billings stated that they had animals. Would they be required to give up their animals? Jared Hall said Mrs. Billings property was zoned RE-20. Tony Reynolds said adjacent uses did not have an impact on animal rights. Jared Hall said complaints about animals were typical, but animal rights were part of the RE-20 Zone and were protected.

Irish Billings asked who would be liable for flooding caused by building. Jared Hall said liability would depend upon the specific circumstances of any incident. Builders would take precautions.

Cory Robinson, 3038 West 5000 South, asked if he would be responsible to backfill eroding caused by the ditch running behind his home. Jared Hall said that would be the responsibility of the developer. When a subdivision was proposed, civil drawings were prepared that showed how utilities would be built and how lots would be graded. The developer was required to post an improvement guarantee to cover problems. Mr. Robinson asked if he would have to come up with money to pay for improvements. Jared Hall said if repairs were needed to the existing public improvements, they would be the responsibility of the City. The only impact Mr. Robinson might have would be temporary restrictions on access to his home. Mr. Robinson asked how the subdivision would affect his home value. Jared Hall said it is impossible to say for certain, but new development usually lifts property values because it creates new home sales in the neighborhood.

Dave Mecham stated that there was a ditch along the south side of the proposed

subdivision that he thought must contain tons of broken cement that had been dumped. Would that have to be taken out? Jared Hall said clean fill was required.

Russ Billings, 4980 South 3100 West, emphasized his wife's concern about the water table. During the summer months, there was several inches of water on his property. Mr. Hall referred to the City Engineer's comments about storm water in his January 21, 2010, memo.

Chairman Stonehocker stated that developers and builders wanted to limit their liability and expenses. They would do what they had to do to limit the problem.

Commissioner Collins stated that there was a difference between surface water and ground water. Ground water was deep and ran continually. Citizens were required to take care of the surface water from their own properties. The developer would have to take care of the ground water.

**Commissioner Merx moved to close the public hearing at 6:34 p.m. Commissioner Hamilton seconded the motion. Commission members Collins, Hamilton, Holt, Merx, and Stonehocker. The motion carried.**

Commissioner Merx asked who the developer was. Jared Hall said Bob Beelek was the owner and applicant. Commissioner Merx asked if Mr. Beelek had any concerns about the issues listed by the staff and City Engineer. Mr. Beelek said he did not.

Commissioner Hamilton said it appeared that the civil engineering report was prepared prior to meeting with the City Engineer. Bob Beelek said his engineer had prepared a report addressing the City Engineer's concerns regarding ground water and submitted it to Jared Hall on January 25<sup>th</sup>.

**Commissioner Merx moved to recommend that the City Council grant preliminary approval of the Russell Farm Estates Subdivision based on the staff's findings and subject to the conditions recommended by the staff and City Engineer. Commissioner Holt seconded the motion. Commission members Collins, Hamilton, Holt, Merx, and Stonehocker. The motion carried.**

3. PUBLIC HEARING TO CONSIDER A REQUEST FOR CONDITIONAL USE APPROVAL OF ELECTRONIC MESSAGE CENTER SIGNS AT KENT'S MARKET LOCATED AT APPROXIMATELY 3536 WEST 5600 SOUTH

**Commissioner Collins moved to open the public hearing at 6:41 p.m. Commissioner Merx seconded the motion. Commission members Collins, Hamilton, Holt, Merx, and Stonehocker. The motion carried.**

Jared Hall stated that Kent's Market had requested approval of a conditional use permit for two electronic message center signs. There were existing poles on 3500 West and 5600 South. Kent's management proposed to modify both signs to allow for electronic message centers in the top portions. The proposed signs met the requirements of the Sign Ordinance. The sign on 5600 South would be moved further to the east so it would be more visible from the 5600 South 3500 West. It would swap places with an existing monument sign. Kent's Market was larger than five acres, which made it eligible for two such signs under the newly adopted rules.

Commissioner Holt asked if the proposed signs met the requirements and specifications of the new ordinance. Mr. Hall said they did.

Jared Hall said the staff had found that the proposed conditional use permit complied with the intent and regulations of the Zoning Ordinance regarding EMC signs in the CC Zone and that it met the standards for granting conditional uses as contained in the Zoning Ordinance. The staff recommended that the Planning Commission recommend that the City Council approve the conditional use permit subject to:

1. The EMC signs shall be programmed to dim to acceptable levels after and before daylight hours. Acceptable levels shall be reviewed and approved by planning staff as a part of the building permit process;
2. The EMC signs shall not flash or shine in any way that would cause confusion for motorists, or emulate public safety or warning lights;
3. The applicant will satisfy all requirements of DRC staff and the Roy City Building Official in seeking and obtaining proper building permits to install the EMC signs, including the relocation of the existing monument sign and shopping center sign on the 5600 South frontage as per the proposal outlined in the application and this report;
4. Approval is subject to all items of the staff report and attachments and to further review and approval by the members of the DRC as might be deemed necessary.

Commissioner Holt asked if the restrictions on dimming and flashing were amenable to the applicant. Jared Hall said signs could be programmed to do just about anything, and that

the applicant had expressed willingness to have the signs dimmed or static when appropriate. The Sign Ordinance did not allow anything that would cause confusion for motorists.

Commissioner Collins asked if the roads in the 5600 South 3500 West area would be widened any further. Jared Hall said that both roads were controlled by the State. After working with UDOT in the summer, he felt the right-of-way on 3500 West was as wide as the State had planned in the near future. He didn't expect further widening of 3500 West or 5600 South.

Chairman Stonehocker opened the floor for public comments. There were none.

**Commissioner Collins moved to close the public hearing at 6:50 p.m. Commissioner Holt seconded the motion. Commission members Collins, Hamilton, Holt, Merx, and Stonehocker. The motion carried.**

Commissioner Holt stated that this was the first requested EMC sign under the new Sign Ordinance. He felt it should move forward.

**Commissioner Holt moved to recommend that the City Council approve a conditional use permit for the placement of two electronic message center signs at Kent's Market located at approximately 5600 South 3500 West based on the staff's findings and subject to the conditions recommended by the staff. Commissioner Merx seconded the motion. Commission members Collins, Hamilton, Holt, Merx, and Stonehocker. The motion carried.**

4. STAFF UPDATE

Jared Hall updated the Planning Commission about future agenda items.

Tony Reynolds stated that the Mayor was working on selecting a new Planning Commission member.

5. ADJOURN

**Commissioner Merx moved to adjourn at 6:53 p.m. Commissioner Hamilton seconded the motion. Commission members Collins, Hamilton, Holt, Merx, and Stonehocker. The motion carried.**

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Tom Stonehocker  
Chairman

Attest:

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Michelle Drago  
Secretary

dc:pjan2610