

1 **ELK RIDGE PLANNING COMMISSION**

2 **January 12, 2017**

3
4 **TIME AND PLACE OF MEETING**

5 A regularly scheduled meeting of the Elk Ridge Planning Commission was held on Thursday, January
6 12th, 2017, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

7
8 **ROLL CALL**

9 *Commissioners:* David Clark, Jim Chase, Bruce Thorpe, Jared Barton, Jared Peterson

10 *Absent:* Stacey Petersen, Lisa Phillips, Colin Logue (Alternate),

11 *Others:* Royce Swensen City Controller

12 Dale Bigler, City Council

13 Laura Oliver, Planning Commission Coordinator

14 *Public:* Curtis Thomas, Nicole Thomas, Jim Rawle, Joann Bigler

15
16 **OPENING ITEMS**

17 David Clark welcomed at 7:00 PM. Opening remarks were said by Jim Chase followed by the pledge
18 of allegiance.

19
20 **JARED PETERSON MOTIONED AND JIM CHASE SECONDED APPROVAL OF**
21 **AGENDA. VOTE: YES - ALL (5), NO - NONE, ABSENT - (3) STACEY**
22 **PETERSEN, LISA PHILLIPS, COLIN LOGUE (ALTERNATE).**

23
24 **PUBLIC HEARING AND ACTION**

25 **1. CONDITIONAL USE PERMIT - ACCESSORY APARTMENT**

26 Jared Peterson – Jared explained that the home is under construction right now. Jared explained that he had
27 asked Stacey if he could meet with the applicants and talk to them about the one concern he had, which
28 was the driveway. Jared met with Jim Rawle, the applicant, earlier. The home is on a corner lot and faces
29 south. The driveway comes in from the south. The home owner would like a driveway from the east so that
30 they could walk straight into the apartment. Jim, the homeowner, had 2 proposals, either a circular
31 driveway or a flat driveway. Jared did not see a problem with either one. The grades and everything are
32 good. Jared suggested that Jim Rawle sketch up what they would like to do so that a plan was locked in.

33 Bruce Thorpe – The application did say something about a possible exception to the code and asked for
34 clarification on what that exception was.

35 Curtis Thomas, the homeowner – Clarified that there is a provision in the code about corner lots and
36 having a driveway off the other street from the one that your main driveway is on. Curtis wanted to point
37 that out to make sure that wasn't a problem. His home is not a corner lot but on a loop.

38 Bruce Thorpe – He did not see a problem just as long as the Planning Commission went over the code issue if
39 there was one.

40 Shay Stark, City Planner – The issue that the Planning Commission needs to address with this, beyond meeting
41 the basic code requirements and the building and safety requirements with egress and such, there needs to
42 be 2 parking spaces available that are off-street. The other driveway provides that. The biggest issue is
43 emergency services being able to know where they need to go to access it, if they get a call from this
44 apartment. There are 2 things that will need to happen 1). Clearly addressing the apartment. Emergency
45 services is going to go to the address which is along the front facing south. There will need to be some way
46 for emergency services to be able to see that address on the house and to know that they will need to go
47 around back. Elk Ridge has other accessory apartments that have the same situation. It is not a big deal but

48 the city needs to make sure that the address is clear. 2). There needs to be a sidewalk between the front and
49 apartment door so that there is a clear hard service route. Shay does not see these as impediments but need
50 to be clearly spelled out on the plans.

51 David Clark – Asked if the Planning Commission had any comments before the matter was opened up for
52 public comment.

53
54 **DAVID CLARK OPENED THE MEETING FOR PUBLIC COMMENT.**

55
56 Curtis Thomas – Asked how the addressing of the apartment will work and who does that.

57 Shay Stark, City Planner – The city will provide that address once you have received the approval on the
58 accessory apartment. It will be the same number as the home, typically a B is added. The address would
59 typically be placed on the corner of the house where the sidewalk is going back to the apartment.

60 Curtis Thomas – We do have a three car garage as part of the house which meets the requirement of the off-
61 street parking.

62 Shay Stark, City Planner – You can use one of the stalls plus the area right in front of the garage as the second
63 stall.

64 Curtis Thomas – The other driveway was just for convenience to access the accessory apartment.

65 Shay Stark, City Planner – Whichever way you would like to do it would work, the Planning Commission just
66 needs to have it designated on the plan so there is no question in the future regarding the street parking
67 being provided.

68 Bruce Thorpe – The address on the application is a Springville address and asked for clarification that the
69 applicant is the homeowner and clarification, for future reference, that the applicant has to be the home-
70 owner and resident.

71 Shay Stark, City Planner – This is a new construction. The homeowner is the applicant. A conditional permit
72 has to be submitted by the owner of the property. In order to maintain an accessory apartment, the
73 homeowner has to be living in the home.

74 David Clark – Asked if there were any other comments.

75
76 **David Clark – The public hearing is now closed.**

77 Shay Stark, City Planner – A vote cannot be taken tonight since the public hearing was not advertised. The
78 notices were sent out but it was not advertised. The comments taken tonight will stay on record and another
79 public hearing will be held January 26, 2017.

80 Jared Peterson – Jared suggested that the applicant define the design of the driveway, sidewalk and address of
81 the apartment number to be on the house, in the meantime. The applicant can draw it on top of the
82 application.

83 Shay Stark, City Planner – Yes. It can just be written on the application and turned in.

84 Jared Barton – Does the applicant need to provide evidence that they are the actual contractors with the
85 builder?

86 Shay Stark, City Planner – We have not done this in the past with new home construction. The only person
87 that is going to come in on a new home is the person that is going to be purchasing that home. On existing
88 properties Shay does actually look at the Utah County Recorder Land Record to see if the applicant is the
89 home owner. If Shay sees that the applicant is not the homeowner then he asks the question.

90 Bruce Thorpe – Asked once the Planning Commission gets the drawing of the plans and if there is an
91 exception that needs to be made for the code what is the process for getting that done.

92 Shay Stark, City Planner – Conditional use is not saying that the Planning Commission is allowing exceptions.
93 The idea of a conditional use is that the city recognizes that there is something out of the ordinary that is
94 going into this zone, so the Planning Commission looks at it a little closer than just the blanket codes that

95 are generalized and if there is any mitigation that needs to occur to be able to make it so that it fits in. Then
96 the Planning Commission determines what that mitigation may be.

97 Bruce Thorpe – Right now, in the current plan, there is no variance that needs to be addressed. Bruce thought
98 in the write up of the application that it said something to that effect.

99 Shay Stark, City Planner – The way it is handle here Shay does not think that the Planning Commission needs
100 to go through and request a variance. If the Planning Commission has to go through that process then it
101 would be going to City Council for approval. That issue is coming from a matter that the Planning
102 Commission will be dealing with shortly regarding a lot that was approved, that should not have been
103 approved. The home is on a cul-de-sac and the angle of the lot does not meet the setbacks. The owner has
104 been trying to build on this lot for years. The revision of the setbacks now may allow the property to be
105 built. An exception will be needed on this lot. The driveway will have to be placed on the road off to the
106 side of the home instead of the front of the home. The issue goes back to emergency services being able to
107 find the correct location.

109 **2. PARKVIEW CORNER PRELIMINARY AND FINAL PLAT APPROVAL.**

110 David Clark turned the time over to Shay Stark, City Planner

111 Shay Stark, City Planner – Park View Corner was on the agenda on October 27, 2016 for preliminary
112 approval. Shay was not present at that meeting. Since there are no dedication of roads or streets and the
113 developer didn't have to put in sewer and water in the streets, just making service connections, the
114 Planning Commission can do a preliminary and final approval together. Typically in preliminary the
115 Planning Commission does not look so much at the engineering issues other than an overall generic look;
116 are the roads going to work, is the sewer going to flow downhill. When the Planning Commission gets to
117 the final, once they are vested with the lots and the configuration at the preliminary, then the Planning
118 Commission looks specifically at the engineering issues; what do the grades have to look like, how is this
119 going to be built. That is where the Planning Commission is with Parkview Corner.

120
121 The Planning Commission had some questions which the city and city engineers looked at quite
122 extensively. The first issue is the street. Apparently, a resident attending the planning commission meeting
123 who lives on Columbus, was on the Planning Commission when the senior housing was previously
124 approved on this property. Many years ago senior housing was originally approved then everything fell
125 apart financially, so the developer never moved on it. That approval expired. If a developer does not act on
126 the development for a year after getting final approval, the application expires. When an application
127 expires the city is on a clean slate again. The terms and conditions of that approval no longer apply to that
128 property. At the time of the original development the Planning Commission was concerned with the
129 configuration of Elk Ridge Drive. Particularly, making the left hand turn onto Park Drive., which is
130 something that the city has discussed for several years now and looked at how to handle that. There is a
131 bend in Elk Ridge Drive (shown on overhead projector). The city would prefer to have the extra road width
132 taken on the east side, so that the city can straighten the road through the intersection. If the city can have a
133 straight 90 degree "T" intersection, where everyone is coming into it, opposing at 90 degrees, that is the
134 safest alignment. That is preferable to cars coming into the intersection at angles. What the city is
135 addressing is the additional width that will be needed for the left hand turn lane will be taken from the
136 other (west) side of the road. Park Side Cove that is on the other side of the street, is set up based on this
137 plan.

138
139 Stacey Petersen joined the meeting at this time.

140
141 Another piece of the puzzle is that there is a trail, on the trail master plan, that comes up through here. The
142 city was taking that trail from the west side and going through the roundabout, and then kicking it to the

143 east side only to turn around further up the road and basically accessing forest land and other areas on the
144 west side. As the city went through the grant process, it was presented to city council with the trail being
145 on that west side. There is a subdivision in review with city staff called Gladstan Estates. It is further south
146 on the west side of the road. As part of this project the city had the developer develop the trail on the west
147 side of the road. The same people have purchased the rest of the land down along the golf course and are
148 coming back with a new proposal extending the development the full length. If everything looks good with
149 the development and it all works out, there will be a long section of that trail constructed and the city will
150 have to figure out how to make the tie in from the homes south of the Brown's house down to the
151 roundabout. If the city can get that figured out then the city will have a trail almost all the way to 11200 in
152 place.

153 Bruce Thorpe – Asked if the developer has allowed for the road modifications.

154 Shay Stark, City Planner – Confirmed that the developer had allowed for the road modification. This has been
155 part of the discussions right up front.

156 Bruce Thorpe – Asked if this is part of the same group or somewhat related, that has proposed the 4 lots in
157 Park View Corner.

158 Shay Stark, City Planner – They are related. There is one person that is representing all the owners. Shay Stark
159 clarified that the parties had entered an agreement to purchase the land down along the golf course and
160 have not yet purchased the property.

161 Jared Barton – Asked for clarification as to if the Planning Commission approves the subdivision as it stands
162 with the jog in the road, and the Gladstan development falls through, when would the road actually get
163 fixed.

164 Shay Stark, City Planner – The city doesn't need the road fixed yet. If the development falls through the street
165 will still go through with in the right of way. (since the meeting the right-of-way width has been checked
166 again and is currently the correct 66 foot width)

167 Bruce Thorpe – Asked for confirmation that if the city did it without the developer would that cost the city
168 money to take advantage of the right way, but if the city does it through a developer the developer pays for
169 it.

170 Shay Stark, City Planner - Yes, if development comes along and can do it for the city, the city should put itself
171 in that position. The other thing that the city has done is these improvements are part of the capital
172 facilities plan, so a portion of that cost is paid for by impact fees if the developer doesn't pay for that
173 upfront. The city has tried to position itself advantageously. If the land along and above the golf course
174 does not get developed for many years and the city gets to a point it has enough traffic up above that, the
175 city will need that left hand turn, However, the other thing that the city is noticing is the people that are
176 coming down the closed portion of Hillside Drive. That is taking pressure off of this intersection, which the
177 city knew it would. When the closed section of Hillside Drive, which almost completed, opens up there is
178 no reason for the traffic to come down past the city office any more. The pressure for the left hand turn will
179 go away and in reality is several years out from really being needed. But if a developer comes in and
180 provides the city the opportunity to get this completed without having to pay for it, then the city needs to
181 do it.

182
183 The other concern the Planning Commission had was the issue of drainage. There was concern about water
184 running down Park Dr. and across Columbus and down through the north side of a drive away and flooding
185 the Park View Corner lots. The city has looked at this and there are a few interesting points. It is not the
186 developer's property that is causing the problem. The city should have required drainage when this area
187 was developed. Curb and Gutter was put in further down the road. There is no major erosion or drainage
188 that has cut through this property that shows flooding.

189 Jim Chase – There is a natural drain through lot 3.

190 David Clark – If you look at Google Earth you can see where the water pools up.

191 Shay Stark, City Planner – There is some drainage that runs through here but Shay does not see evidence of
192 flooding or erosion in the property. There is a natural depression there that catches everything. The
193 question is what is the developer’s responsibility?
194 David Clark – There isn’t any. The developer doesn’t have any responsibility here.
195 Shay Stark, City Planner – Basically the developer is aware of the possibility and he doesn’t want the people
196 that purchase the lots to have any problems with this and has agreed to put stipulations on these lots to
197 build the homes up out of the ground higher than they normally would to make sure that any water would
198 run off and away from the homes, as they would on any lot. Also the developer will put in a berm along the
199 back of the lots, if needed.
200 David Clark – Asked if that will make the water go back into the existing homes.
201 Jared Peterson – Right where that curb is coming around that corner there might be a concentrate of water.
202 Shay Stark, City Planner – Out in the street, where the new curb and gutter is, they will dig across the
203 undeveloped area, and go back towards that lot so it will catch the water that is coming down the street.
204 That addresses the water that stays on the street and runs down. The public concerns and comments in the
205 public records were concerns about flooding on this person’s lot; this person being one of the people that
206 choose not to pay for curb and gutter in the front of their lot.
207 Stacey Petersen – Commented that the city should do a land swap between the developer and the corner lot and
208 have him run the curb and gutter all the way around and meet up with the other one and just be done.
209 Bruce Thorpe – Wondered if you put a berm in the back side of these new lots, is it really going to make water
210 puddle back into that corner lot.
211 Shay Stark, City Planner – Federal law says that if you have a piece of property you cannot allow any more
212 water to run off that property then would naturally run off that property in its predevelopment state.
213 If there is runoff off this property, in civil court, the person up above is the one responsible for it.
214 David Clark – That is what the Planning Commission said in the last planning commission meeting.
215 Shay Stark, City Planner – If someone chooses to put a berm along the back side of their property to protect
216 themselves and that causes water to run down across this other property (which problem it is supposed
217 to be addressing) he should probably have the berm on his side of the fence. From a legal stand point
218 the developer is not required to do anything up above. Another item is that the developer of this
219 property did say that if the city wanted to pay for and or work something out, he would be willing to
220 work something out.
221 Dale Bigler, City Council – That was discussed and one of the options is the city putting in a drain from the
222 storm drain fund. A lot of the water will be eliminated as Parkside Cove comes in.
223 Shay Stark, City Planner – Asked Royce if there was any water run-off from the park, next to the city office.
224 Royce – He is unaware of any run off.
225 Shay Stark, City Planner – With what the developer has shown in the plans, the road and the gutter will all be
226 aligned to work. All the issues have been addressed through the TRC and through city engineer and
227 city staff.
228 Jared Peterson – Asked for confirmation that the city is good with the development plans.
229 Shay Stark, City Planner – Confirmed that the city is good with the Parkview Corner development plans
230 David Clark – Asked if there were any further comments or questions.

**JIM CHASE MOTIONS TO APPROVE THE PARKVIEW CORNER RESIDENTIAL
SUBDIVISION PRELIMINARY AND FINAL PLANS SHOWINGN ON JULY 20, 2016
PRINTOUTS. STACEY PETERSEN SECONDS THE MOTION. VOTE: YES ALL (6), NO -
NONE, ABSENT – (2) LISA PHILLIPS AND COLIN LOGUE,**

3. Approve Minutes of November 17, 2016 Meeting

238 David Clark – Next item Approval of the November 17, 2016 minutes.

239 Bruce Thorpe – He did not see anything of substance that needed to be changed.

240 Stacey Petersen – It looked good.

241 David Clark – Everything looked good.

242 Jared Peterson – He was not at the meeting for the minutes that were approved and confirmed that he
243 abstained from the votes on those approvals.

244 Bruce Thorpe – Clarified that the minutes showed he had abstained.

245

246 **STACEY PETERSEN MOTIONS TO APPROVE MINUTES OF NOVEMBER 17,**
247 **2016 MEETING AS WRITTEN. BRUCE THORPE SECONDED THE MOTION**
248 **YES ALL (6), NO- NONE, ABSENT – (2) LISA PHILLIPS, COLIN LOGUE**
249 **(ALTERNATE).**

250

251 **PLANNING COMMISSION BUSINESS**

252 **CREATE A ONE YEAR PLAN FOR UPDATING THE GENERAL PLAN DISCUSSION**

253 Shay Stark, City Planner – Proposed a plan on updating the General Plan. Shay Stark, City Planner’s proposal
254 is to have a public hearing on February 23 for public input. The Planning Commission will then cover the
255 General Plan one chapter at a time, along with the comments made from the City Council. The chapters
256 would span a 3 meeting schedule, 1st- read chapter, 2nd- comment and proposal, 3rd - review revised
257 chapter. The City Council is scheduling council members to attend Planning Commission meetings so that
258 they can communicate the thoughts of the City Council if asked. Worst case scenario would be to hold a
259 public hearing in a joint work session December 12 or 14th with the Planning Commission and the City
260 Council, January 25, 2018 present final document for Planning Commission approval and February 13,
261 2018 present final document for City Council approval. Best Case scenario City Council approval
262 December 12, 2017.

263

264 Discussion Ensued

265 The Planning Commission expressed that they would like to update the General Plan with a more aggressive
266 time line. The Planning Commission would like to use the city’s general survey and the parks and trails
267 survey data. The Planning Commission members also will look at other similar communities General Plan and
268 will do so on their own.

269

270 **4. CITY COUNCIL UPDATE**

271 Dale Bigler, City Council, - The South Valley Trails is recommending trails be widened to 5 foot to make
272 them wheelchair friendly.

273 Shay Stark, City Planner – The Planning Commission will have this on the next Planning Commission meeting

274 Dale Bigler, City Council, – One the items that will need to be updated on the General Plan is the trail system.

275 Discussion on trails and sidewalks ensued.

276

277 **5. OTHER BUSINESS**

278 Nothing to Report

279

280 **JIM CHASE MOTIONED TO ADJOURN THE MEETING**

281

282 **ADJOURNMENT** – meeting adjourned at 7:50 pm

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Planning Commission Coordinator