

Minutes of the Planning Commission meeting held on Thursday, January 5, 2012 at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Tim Taylor, Chair
Karen Daniels, Vice-Chair
Kurtis Aoki
Sheri Van Bibber
Jim Harland
Ray Black
Jeff Evans
Tim Tingey, Administrative Development Services Director
Chad Wilkinson, Community & Economic Development
Manager
Ray Christensen, Senior Planner
G.L. Critchfield, Deputy City Attorney
Doug Hill, Public Services Director
Citizens

The Staff Review meeting was held from 6:00 to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording of this is available at the Murray City Community and Economic Development Department.

Tim Taylor opened the meeting and welcomed those present. Mr. Taylor recognized Jeff Evans, Sheri Van Bibber and Kurtis Aoki for serving for many years on the Planning Commission and that this will be their last meeting as their terms as expiring. He thanked them for their years of service.

APPROVAL OF MINUTES

Sheri Van Bibber made a motion to approve the minutes of December 15, 2011 as submitted. Seconded by Karen Daniels.

A voice vote was made. Motion passed 7-0.

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

APPROVAL OF FINDINGS OF FACT

Ms. Daniels made a motion to approve the Findings of Fact for a Conditional Use Permit for Dog Central. Seconded by Ms. Van Bibber.

A voice vote was made. Motion passed 7-0.

RIDDLE PLAZA – 6657 South State Street – Project #12-112

Carston McCullough and Craig Riddle were the applicants present to represent this request. Ray Christensen reviewed the location and request for Conditional Use Permit approval to locate an electronic message sign on the existing sign pole for the property addressed 6657 South State Street. The existing sign is a multi-business

sign located above the proposed electronic message sign. The size of sign complies with the sign code requirements. The electronic message sign is 99 inches wide by 41 inches high. There is a residential R-1-8 zone adjoining the east side of this property within 500 feet of the proposed sign which will require compliance to hours of operation standards. Existing parking stalls are provided on the site as approved by the Planning Commission with the original site plan approval. The proposed sign location does not change parking stalls. The proposed sign is required to meet a 2 foot minimum setback from the property line. The landscaping is provided on site as approved by the Planning Commission with the original site plan approval. Access is provided from the driveway connecting to the east side of State Street. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Carston McCullough, 138 East 12300 South #C, Draper, indicated that they will comply with the recommended conditions of approval.

Mr. Evans indicated that the commission had received a letter from Jim & Lori Hamby indicating the sign may be a potential distraction to drivers and their opposition to the proposed electronic message sign.

Mr. Black made a motion to approve a Conditional Use Permit for an electronic message sign for the Riddle Plaza located at 6657 South State Street subject to the following conditions:

1. The sign shall meet all applicable building code standards.
2. The sign shall meet all current fire codes.
3. The sign shall meet the applicable sign code provisions of Sections 17.48.160 and 17.48.200 related to sign setback, hours of operation, brightness of the sign, etc.

Seconded by Ms. Daniels.

Call vote recorded by Ray Christensen.

A _____ Karen Daniels
A _____ Kurtis Aoki
A _____ Sheri Van Bibber
A _____ Jim Harland
A _____ Ray Black
A _____ Jeff Evans
A _____ Tim Taylor

Motion passed, 7-0.

LAND USE ORDINANCE AMENDMENT (Robert & Kristine Watson) – Waste Recycling Amendment – Project #12-02

Robert and Kristine Watson were the applicants present to represent this request. Chad Wilkinson reviewed the request for an ordinance text amendment to add land use #4859, recycling and recycling sorting, as a Conditional Use in the M-G-C zoning district. The zoning ordinance currently does not allow for recycling and recycling sorting in any of the zoning districts in the city. The Murray City Standard Land Use Code does include a category of land uses under the heading of “4850: Solid Waste Disposal” related to the disposal of solid waste disposal, NEC. The applicant has requested to include this category as a Conditional Use in order to provide recycling opportunities in the city of Murray. Since the use is not allowed in any zoning district, the City is unable to issue a business license. It is unclear why recycling and recycling sorting were not included as an allowed use in the M-G-C zone when the code was originally adopted other than the obvious concerns related to health, safety, and welfare of residents located near to a recycling facility. In addition, requiring a Conditional Use permit review by the Planning Commission will provide additional scrutiny of individual business operations. To address concerns related to residential adjacency, staff recommends adoption of a new land use category in the Standard Land Use Code. The new category would be 4859.1 Recycling and Recycling Sorting (No Land Fill). This new category would allow for recycling and sorting of materials without allowing more intensive solid waste uses. With the change to the request recommended by staff, the amendment is consistent with the Goals and Policies of “Chapter 8: Economic Development” of the General Plan. Specific goals and policies contained in Chapter 8 that are addressed by the proposed amendment include:

- Goal: To attract new businesses to Murray City
- Goal: Expand the types of businesses available in Murray City

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested amendment to the zoning ordinance as modified by staff. The amendment would provide for the new land use category 4859.1 Recycling and Recycling Sorting (No Land Fill) and would include the new use category as a Conditional Use in the M-G-C zoning district.

Mr. Aoki suggested having a list of what may be recycled and what is appropriate for recycling. Mr. Wilkinson responded that the Conditional Use Permit process will provide the ability to review the types of recycling and whether they are appropriate or not and conditions that would mitigate potential impacts such as screening wall or fencing.

Robert Watson, 702 West Germana Avenue, stated that they would like to focus on the multi-family dwelling communities. He stated currently there is no viable means for them to participate in the recycling effort. He stated there are two forces that work, one is called the MRF (material recycling facility) and the other is called the SMRF (small material recycling facility). MRF's deal with larger bulk. A SMRF would allow them to bail products. They would have a clean recycling stream that would include cardboard, plastic, paper and metal.

The public hearing was opened for this meeting to receive public comment. No comments were made by the public.

Mr. Evans made a motion to send a positive recommendation to the city council to adopt the new land use category 4859.1 Recycling and Recycling Sorting (No Land Fill) and include the new use category as a Conditional Use in the M-G-C zoning district. Mr. Harland seconded the motion.

Call vote recorded by Ray Christensen.

A _____ Karen Daniels
A _____ Kurtis Aoki
A _____ Sheri Van Bibber
A _____ Jim Harland
A _____ Ray Black
A _____ Jeff Evans
A _____ Tim Taylor

Motion passed, 7-0.

DISCUSSION ITEM – Use of Private Streets in Subdivision Development

Chad Wilkinson presented the information for this discussion item. He indicated that on July 21, 2011 the planning commission reviewed a request for a text amendment allowing for development of private streets in conjunction with subdivisions in certain limited circumstances. The planning commission recommended denial of the proposal to the City Council. On December 6, 2011, the City Council considered the request and directed staff to draft an ordinance for the planning commission's consideration and recommendation that would allow private streets in certain limited situations. After receiving input from the Public Services Department, City Fire, Public Safety, Water and Sewer Division, and Power Department staff has drafted an ordinance to allow private streets for residential infill subdivisions with minimum standards to regulate the development. Several concerns related to private streets were brought up by the task force previously organized to study the issue. These included the following:

- Allowing private streets to count toward minimum lot area which effectively increased density;
- Residents paying the same property tax rates but not receiving the same services;
- Setback issues from private streets to garages;
- Long term maintenance of private streets;
- Lack of consistent standards for construction.

Mr. Wilkinson stated that comparisons were made with other municipalities. West Jordan has 25 foot width of pavement on private streets and the private street right-of-way section includes sidewalk, curb and gutter making a total of 40-43 feet width. He stated that one of the issues of concern is to have private streets as an easement or to have the streets be a separate parcel. Sandy City has two standards: private lane

which serves one or two parcels and a standard for private streets. Their private street is 27 feet width and a 5 foot sidewalk may be required, but did not specify whether it is a right-of-way or a separate parcel. No maximum number of lots specified. Midvale City requires 20 foot width of asphalt with a 37 foot width which includes sidewalk and park strips, curb and gutter. Midvale did not specify whether the street is a right-of-way or a separate parcel. South Salt Lake requires 25 feet width with a sidewalk on one side and be separate and distinct from the lots in the subdivision. Ogden City standard is that private streets to be built to the same standard as a public street. West Valley City requires 24 feet of asphalt curb to curb, sidewalks on one side with curb and gutter required; and that it be separate and distinct from the lots in the subdivision. No maximum number of lots specified. He stated that when he spoke to West Valley City, that their standard is based on how many accesses there are into the subdivision and adequate ingress and egress to serve a certain number of lots. There are a wide range of standards in the valley. He stated there may be situations where a sidewalk and park strip are not necessarily required but there could be situations where it would be an important design element to be included. He stated that staff feels it is important when creating private streets to have the street be a single parcel. This has been a result of experience where property lines are very important to people and people feel they have rights to that property and sometimes those property lines create conflicts between adjoining properties. Mr. Wilkinson showed photos of an existing situation where a fence has recently been constructed down the middle of an access easement (driveway) creating a very difficult situation for the adjacent property owner. There is a home owners association with this development and the city has received complaints regarding this particular situation. It is an awkward situation to inform complainants that there is little to nothing the city can do in these types of situations where it involves private easements.

Mr. Wilkinson stated that setback interpretation has been an issue over the years with regards to private streets. This may seem straight forward, but has been challenged over the years. There have been occasions in the past where a developer wanted to include the easement as part of the setback. Making the road a separate parcel will help in defining setback interpretations. There is concern with potentially creating small parcels that can't be used for development and becoming a zoning enforcement issue.

Density was a big concern with some of the previous developments when the street was included in the lot area it effectively increased the density. Kirsty's Court and On the Greens were two developments where this occurred and without including the area of the street, the lots would not have met the minimum lot size. Concerns from neighboring property owners were increasing the density without going through a zone change. Bridges on Vine subdivision had the street as a separate distinct parcel owned by the homeowners association and is a better situation which helped mitigate some of the concerns associated with other subdivisions. By creating a separate parcel for the street it in essence creates a separate entity that would be part of a subdivision owned by the homeowners association and is not owned by a single individual which is a way to help ensure stability over time. The street would have to have taxes paid on it and it would have to be maintained. Where portions of the road are owned by individuals, one individual may maintain their portion and another

individual may not maintain their portion which ultimately creates problems. Code enforcement issues may be logistically difficult if one individual does not allow officials to access the properties.

Mr. Wilkinson commented that one of staffs' concerns is how to address the issues originally discussed by the Task Force Committee in 2006/2007. In order to address these issues, the draft ordinance provides minimum construction standards and requirements related to long term maintenance. In addition, staff proposes that private streets be located within separate lots or parcels in order to prevent streets from being counted within the minimum lot area and in order to ensure adequate setback to private streets. The draft ordinance is for discussion purposes only and input from the planning commission will be used to create a final draft which will be forwarded to the commission for formal review and recommendation at a future hearing.

Ms. Daniels asked other city averages with a 24-25 foot width and the city has had 20 foot width. Mr. Wilkinson responded that the 20 foot paved width was proposed by the applicant.

Mr. Taylor asked if the fire code requires a 20 foot width clear fire area measured curb to curb and if so, technically there could be a paved width of 16 feet and 2 foot gutter widths to meet the minimum fire code requirement. Mr. Wilkinson responded the standard proposed would be 20 feet of asphalt, adding that a 20 foot width does not allow for parking along the street.

Mr. Black stated that if people park on a private street there is no fire safety access available, and the fire department would not be able to access the fire.

Mr. Aoki expressed concerns over a private street having a security gate and no one has a key to the gate or there is a chain across the street and in the event of an emergency it may become an issue. Mr. Wilkinson responded there are a few of those situations in the city and the fire department has to work out those issues and that those issues will need to be addressed in the proposed ordinance.

Mr. Harland expressed concern with the city having the ability to monitor and enforce ordinances and that in the past there have been problems with home owner associations not able to sustain themselves and are unable to maintain the private roads. He commented that even when there have been C C & R's associated with a home owners or a P.U.D. they have not been enforced and do not have much control over the maintenance of the streets and subdivision and it was because of these types of issues that the change in the ordinance occurred a few years ago eliminating private streets all together.

Mr. Black stated he was on the commission in 2006/2007 when the ordinance was reviewed and changed and street maintenance issues for private streets was one of the big issues at that time. He stated that there have been numerous problems such as maintenance, snow plowing, garbage collection, etc., over the years which is why the ordinance was amended a few years ago in an attempt to prevent such problems. He strongly suggested not going back to the old ordinance allowing private streets

and there is no “teeth” for enforcement issues even with homeowners associations or C C & R’s with regards to private streets/subdivisions. He stated if the ordinance is amended to allow private streets once again, the city will be headed back to problems once again. He suggested posing the question to those wishing to have private streets, “what type of resolution would they have to keep the street maintained over the years”?

Ms. Van Bibber asked about imposing liens on property if the streets are not maintained.

Kurtis Aoki asked about having an assessment bond or fee for repairs and maintenance for the roads since the home owners associations often times does not maintain and repair the roads. He suggested having the City as a party in the C C & R’s in order to help maintain some type of control over the streets and future repair and maintenance. He stated that all roads should be constructed to certain standards that the city is comfortable with. Mr. Wilkinson stated that the city becomes less comfortable with being party to the C C & R’s because of liability issues. He stated any proposal would need to include certain standards such as paving depth and that the road base is inspected and laid down to a certain depth to get the street the best possible start. But, once the street would be installed, it would be out of the city’s control and would revert to the home owners association for the long term maintenance.

Jeff Evans commented about requiring developers to have a 20 year road maintenance plan as part of the requirements for the homeowners association to incorporate maintenance provisions as part of the approval process. Mr. Harland questioned how this would be enforced and would once again be a private issue. Mr. Wilkinson stated most C C & R’s have some provision for maintenance, but could possibly be more detailed. He stated that, in relation to weeds, the city has a policy wherein it inspects the property, sends a violation notice and if necessary has the weeds cut and then liens the property for the value of the costs.

Mr. Harland asked if the city could charge a home owner or homeowners association the cost for repairs of a street and possibly lien their property. Mr. Wilkinson responded that he was unsure if this could be done, but may differ in that the costs could be much greater than weed cutting, and questioned if the city is comfortable doing such a thing for street maintenance.

Ms. Van Bibber expressed concern with having an ordinance that would address all the concerns, but that there were numerous issues with people buying homes in P.U.D.’s and were totally unaware that the homes were even in P.U.D.’s or private subdivisions. She stated that the ordinance was revised a few years ago to help mitigate some of those concerns. She stated that no matter how detailed an ordinance may be, there will always be instances where there are grey areas in the ordinance. She stated that there are remaining parcels of property in the city that are difficult to develop based on the current “black and white” ordinance and does not address the “grey” areas and that the ordinance may need to be revised.

Mr. Black commented that the commission has had numerous experiences with these issues over the years and since the ordinance was amended in 2006/2007 those concerns and issues have significantly been reduced and it has been a significant amount of time to see the results of that revision. He expressed concern with reverting back to the older ordinances that allowed such problems. He stated why fix the ordinance when it isn't broken.

Ms. Daniels suggested that the park strips and sidewalk be required on both sides of the private streets, but allow some discretion by the City Engineer and Planning Commission to possibly not allow the park strips and sidewalk on one side of the streets. She felt strongly about sidewalks being a safety issue. Jim Harland and Ray Black concurred.

Mr. Black commented that a sidewalk on only one side of the street was approved for the Woolley Subdivision and Shawn Bradley subdivision. He stated that on numerous occasions the planning commission has heard concerns from residents where children are forced to walk along the street when there are existing streets that have no sidewalk.

Mr. Taylor asked if the ordinance were to be revised as proposed, do we know how it would affect the 40-50 parcels of property that have been identified as possibly being developed in the future with the revised ordinance. Mr. Wilkinson stated that the proposed ordinance will fundamentally change the analysis done on the 40-50 parcels of property. He stated there are situations where people may assemble small parcels of property to develop a subdivision which was the case of the Woolley Subdivision. He stated for these reasons, staffs' draft ordinance has been drafted on a broader scale in order to potentially address a lot of different circumstances. Not every private street would be along the edge of the property and may be located in the middle of the subdivision where sidewalks would be more of an issue.

Mr. Taylor commented that the staff draft ordinance indicates the private street "shall be located within it" means that the boundaries of that parcel or lot would be the edge of the street. Mr. Wilkinson responded that the boundary would change depending on the ultimate design of the street which could be back of sidewalk or could be back of curb, and possibly the language be more detailed on this issue. Mr. Taylor concurred that the language should be more detailed to spell out where the boundary would align with some portion of the street edge. This would allow an HOA to have the sidewalk and park strip be part of the private street and maintained by the HOA. He stated that the Bradley Subdivision has the private street as its own parcel. He suggested that the boundaries should be specific as the edge of the street. He suggested having a separation between a curb and a wall.

Mr. Black recommended that rolled curb and gutter not be allowed and require a regular curb and gutter. He stated that on 5290 South Street there used to be the rolled curb and recently the city redid the street and installed a regular curb which is a much better situation and the adjacent property owners are much happier with the regular curb. A regular curb and gutter are much better in facilitating drainage issues than is the rolled curb.

Mr. Taylor asked about private lanes (which may be a certain number of lots) verses private streets. Mr. Wilkinson responded that the private lane was differentiated from private streets only in Sandy City that has a private lane of 20 feet width for access for up to 2 homes and more than 2 homes were on a private street which was 27 feet width. He stated that situation is similar to Murray's ordinance for flag lots.

Mr. Taylor asked if curb and gutter are required that there be a minimum street width of 20 feet and if no curb and gutter is required the water would drain down the middle of the street which is adequate in warmer climate areas but not areas such as we live in where there is snow and ice. Mr. Taylor stated that alley ways typically don't have curb and gutter and service a lot of traffic including garbage trucks and are very narrow. Mr. Wilkinson added that the difference between an alley and a street is the street is creating frontage for lots and an alley has frontage in the front of the property with an alley in the back creating a secondary access.

Ms. VanBibber asked if it was mandatory to have a strip of landscape between the sidewalks and gutter. Mr. Wilkinson responded that it wouldn't be mandatory the way it is written right now. Ms. VanBibber noted that more and more people who have a park strip between the sidewalk and gutter are just letting it go and not taking care of the park strip.

Mr. Harland wanted to know if staff has had the opportunity to ask the applicant what type of guarantee they can give the city to keep the street in good condition when it starts to deteriorate. Mr. Wilkinson said the applicant has submitted some ways that they propose to keep up on long term maintenance. Mr. Black noted that at one point the City had a messy problem with this issue and has just finally gotten it cleared up. Before the City goes back to the old program, he would like to hear a really good solution, which he doesn't think has been proposed.

Mr. Tingey stated the proposed draft ordinance can help mitigate those impacts through a home owners association and maintaining that home owners association. From an enforcement standpoint, if the home owners association goes away and the street is not labeled as a separate parcel, then life, health and safety issues related to a road that is not well maintained to allow for fire access will fall on the property owner at that specific location. That is not in the best interest of the other property owners that live down the street as they are all using the private access. Having one do the maintenance while everyone is using the street creates an equity issue. Will having a home owners association solve all the problems of ongoing maintenance? Probably not, but in the opinion of staff it mitigates the issue as much as it can by maintaining the home owners association.

Mr. Black indicated that the idea of having a separate parcel where everyone participates and contributes as a group is a better idea. That way there isn't any confusion as to who pays for what and whose property the maintenance issue is in front of. Mr. Black reiterated that the parcel would be owned by the home owners association. He asked what happens if the home owners association dissolves. Tim Tingey stated that it is still a challenge, but it would still be a separate parcel and not a single individual property owner. Enforcement would fall on everyone that is in that area to get the parcel maintained. That is one of the issues with private streets that in

10, 20, 30 years from now when the parcel needs maintenance. At that point there is nothing the City can do to enforce maintaining that parcel. That is why it is important that there is a home owners association intact.

Doug Hill, Public Services Director, stated that at the recent city council meeting, the city council requested there be further review of potential standards for private streets. The Planning Commission does not have to recommend having private streets, but does need to at least explore options. In his opinion he feels this project works because it is limited to properties under 2 acres and could be viewed as an infill type of development. These smaller parcels of property (under 2 acres) are difficult to develop. From a Public Services standpoint, they are comfortable with the recommendations and he is comfortable with 20 foot wide roads and alternative ways of having sidewalks, curb and gutter. He stated that having private streets does not address the issue of who will be paying for maintenance issues over the years.

Mr. Black stated that the planning commission is comfortable with the infill development regulations and suggested that future infill projects should have public streets simply because of the problems that arise with private streets. Mr. Hill stated that this issue certainly creates a dilemma, but in no way does he want the Planning Commission to feel pressured either way. He stated that the current road standards for infill development are a cumbersome requirement for property owners.

Tim Taylor opened the meeting for public comment.

Marta Nielsen, 5495 S. Walden Meadows Drive, stated her family is wishing to develop their property located on 5300 South. She stated if they are required to have a separate parcel of property for the street it will cut off a section of the lot that is hillside. They need that hillside area to have enough lot area to build their homes. She is proposing that the street be described and recorded with the county so that the boundaries are definite on where the street actually is. This would help in measuring setbacks. She also suggested having a maintenance fund in escrow for the homeowners association for long term maintenance. She stated they prefer not to have curb and gutter and that concrete edging would be adequate for the street. She asked the question of, if the home owners association were to ever dissolve, who actually owns the streets? Does the bank take over the street? Access for code enforcement and non-emergency vehicles should not be a problem as city employees are able to go onto private property to read meters, etc. as it is. This doesn't seem to be any different than that.

Jimmy Nielsen, 41 Paula Circle, Sandy, commented about the issues that have been brought up in the past. He feels that they have done everything that they can to resolve those and have taken those into account with what they would like to see done. If they could be resolved in a different way, such as an easement of ingress and egress versus a separate parcel, could that be a consideration? He wants everyone to keep in mind the size of the lots; maximum of 600 feet/2 acres. After looking at putting in a public road and talking to Doug Hill about narrowing that road, it still put the edge of the public road about 3 feet from an existing house on the property. He does not feel that the road should be any wider than 20 feet. They would be happy to provide concrete edging for drainage and stabilization. They hope there will not be a

requirement to provide a standard curb and gutter on this road as it will add 4-5 feet. He has researched the fire code and it requires 20 feet. If there were unlimited properties that reside on private land then that would need to be reviewed, but as it is, you are keeping it to 600 feet and two acres. He asked if a standard curb, gutter and sidewalk need to be a requirement for a development that serves two lots. They have proposed that the City be allowed to do regular inspections and that an escrow fund be set up that the City can monitor the balance on based on the size of the road. This was all suggested to help reassure the City that the road will be taken care of. Mr. Neilson mentioned that they agree with many points that Mr. Wilkinson has brought up and they appreciate the 20 foot width, but there are a few things that could push this over the edge. The current wording of the proposal could allow for a street or could require a private lane to be over 30 feet, which is what the public requirement is with park strips, sidewalks and curb and gutters. Mr. Neilson asked if after consulting with a land use expert, he could come back with alternate proposals that might resolve issues that Staff has.

The public comment portion of the meeting was closed.

Mr. Wilkinson commented about easement access and having C C & R's in the past didn't work. Staff feels the best solution for that is to have a separate parcel that is jointly owned by the home owners association. At that point the home owners association becomes a party to the subdivision and it isn't individuals with an easement across their lot. He stated that it is very difficult to enforce maintenance and ownership issues for private streets. There have been issues associated with having gates on private streets that prevent other property owners from accessing their property. Mr. Wilkinson stated he has reservations for the ordinance amendment as proposed by the Nielsen family.

Mr. Wilkinson made note of the issues brought up in this meeting:

- The installation of a private gate. Staff needs to look at the issue of gates and how that will be impacted by the ordinance.
- One option was brought up about the City to monitor and enforce maintenance of the private street and how that mechanism is going to occur.
- Another option was brought up that a maintenance plan be submitted as part of the approval.
- Recommended that one side of sidewalk be a requirement on residential infill subdivisions.
- Providing clarity on where to create the lot line and where that would be measured.
- Requiring high back curb and gutters.
- Street width of 20 feet
- Separation between private street and adjacent properties

Mr. Tingey commented that private streets should have a minimum of curb and gutter. The city engineer needs to review required drainage plans for the streets. Mr. Taylor talked about park strips and sidewalks being a requirement, but can be changed based on city engineering and planning commission. Mr. Wilkinson made the comment that the proposed ordinance requires those things with the ability to be

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flexible. If they did not require them, then there is no way for the City to enforce that particular provision. Mr. Taylor commented that if the city engineer looks at the drainage plan and decides that based on the plan they really don't need sidewalks and/or curb and gutter, he should have the discretion to make that decision. Mr. Wilkinson had a conversation with the city engineer where they determined that curb and gutter is a requirement with some flexibility. Mr. Aoki requested that there be some separation between the private street and the adjacent properties.

Mr. Taylor commented that there will be no action on this meeting. Mr. Evans commented that there needs to be caution to not make any decisions on an ordinance that would affect the whole city purely based on one incident.

Meeting adjourned.

Chad Wilkinson, Manager
Community & Economic Development