

ROY CITY PLANNING COMMISSION

May 8, 2007

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on May 8, 2007, 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:

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

Others present were: Preston Miller; Rudell Willey; and Bert Visser.

Pledge of Allegiance:

1. APPROVAL OF APRIL 24, 2007, MINUTES

**Commissioner Yeoman moved to approve the minutes of April 24, 2007, as corrected. Commissioner Allred seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.**

2. A. PUBLIC HEARING TO CONSIDER A PETITION TO ANNEX APPROXIMATELY 7.68 ACRES LOCATED AT APPROXIMATELY 4000 SOUTH MIDLAND DRIVE WITH A COMMUNITY COMMERCIAL ZONE
- B. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE FUTURE LAND USE MAP OF THE ROY CITY GENERAL PLAN
- C. PUBLIC HEARING TO CONSIDER A PETITION TO REZONE APPROXIMATELY 2.40 ACRES LOCATED AT APPROXIMATELY 3964 SOUTH MIDLAND DRIVE FROM AN R-4 DESIGNATION TO A COMMUNITY COMMERCIAL DESIGNATION

Commissioner Kirch moved to open the public hearing at 6:03 p.m. to consider a petition to annex approximately 7.68 acres located at approximately 4000 South Midland Drive with Community Commercial Zone. Commissioner Allred seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.

Commissioner Kirch moved to open the public hearing at 6:03 p.m. to consider an amendment to the Future Land use Map of the Roy City General Plan. Commissioner Yeoman seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.

Commissioner Kirch moved to open the public hearing at 6:03 p.m. to consider a petition to rezone approximately 2.40 acres located at approximately 3964 South Midland Drive. Commissioner Collins seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.

Mark Larson said the annexation consisted of seven separate parcels located on the northeast corner of 4000 South Midland Drive. The proposed annexation was consistent with the land use portion of the General Plan, would lessen the size of the unincorporated island in Roy City, was part of the Master Annexation Declaration Policy, and was in compliance with Roy City and State Code. All of the City utilities were available on 4000 South or Midland Drive. There was a home on each of the seven parcels. UDOT had installed curb and gutter on the corner of 4000 South and Midland Drive. The other properties did not have street improvements.

Commissioner Allred asked if the General Plan included this area. Mark Larson said it did. The Future Land Use Map designated these seven parcels with a commercial use.

Commissioner Kirch asked if any of the homes would have to disconnect from Hooper Water. Mark Larson said every property owner would be responsible to deannex and disconnect from the Hooper Water District. Most of the properties would be bought out by a developer who would take care of the disconnection. However, two property owners on the east side, the Markers and the Kitchens were concerned about the disconnection requirement if the sale fell through. If the developer lost interest in their properties, they would be responsible to deannex and disconnect from Hooper Water.

Any proposals to defer that requirement would have to be made to the City Council.

Chairman Merx asked about the Beck property. Mark Larson said the staff was recommending that the Beck property be included in the annexation even though the Becks did not sign the annexation petition. They were not opposed to being annexed, they just didn't want to sign any papers. No protests to the annexation were filed. The Planning Commission indicated that the Becks were not in attendance at the hearing. Mark Larson said State Code allowed cities to annex properties without petitions under certain conditions. One of those conditions was the prevention of an unincorporated island. If the Beck property was not annexed, it would be completely surrounded by Roy City and West Haven.

Chairman Merx asked about an unincorporated parcel on the south side of 4000 South. Mark Larson said that was actually part of a different annexation that was ready to be recorded. It would not be an unincorporated island.

Mark Larson stated that Roy City had requested that the Future Land Use Map be amended to change the use of property at 3964 South Midland Drive, owned by Vickie Hall, and 3910 South Midland Drive, owned by Roy City, from Very High Density Multi-Family Residential and Utility Uses to a Commercial use. The same developer that had options on the seven parcels involved in the annexation had an option on the Vickie Hall property. The developer had requested that Ms. Hall's property be rezoned from R-3 to Community Commercial. In order for the rezone to be considered, it had to match the Future Land Use Map. The staff recommended that the Future Land Use Map be amended and that the amendment include the City's detention basin at 3910 South Midland Drive.

Chairman Merx stated that the amendment would leave a small triangular parcel at 3880 South Midland Drive with a multi-family residential use. There was currently a fourplex on the property.

Chairman Merx opened the floor for public comments.

Rudell Willey stated that he annexed his property at 3880 South Midland Drive in 1971 and built a fourplex on it. He would like to see his property included in the rezone.

Chairman Merx asked if the Willey property could be included in the rezone. Mark Larson said the Planning Commission could include the Willey property in the Future Land Use Map amendment, but it could

not include him in the rezone because it was not advertised in the required public notices. Mr. Willey would have to file a separate application.

Tony Reynolds stated that the Planning Commission could recommend that the City Council initiate the process to rezone the Willey property.

**Commissioner Hilton moved to close the public hearing to consider the rezone petition at 6:20 p.m. Commissioner Yeoman seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.**

**Commissioner Yeoman moved to close the public hearing to consider amending the Future Land Use map at 6:20 p.m. Commissioner Kirch seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.**

**Commissioner Allred moved to close the hearing to consider the annexation petition at 6:20 p.m. Commissioner Stonehocker seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.**

Commissioner Allred asked if Preston Miller was acting as Vickie Hall's agent. Mark Larson said he was. Commissioner Allred said that when Vickie Hall's property was annexed and rezoned, she was not willing to deannex and disconnect from Hooper Water. Mark Larson said Ms. Hall had finally complied with the requirement to disconnect from Hooper Water.

Tony Reynolds stated that the Planning Commission could direct the staff to work with the Markers and Kitchens to prepare a deferral agreement to present to the City Council.

Commissioner Allred did not feel the Planning Commission could pick and choose which property owners didn't have to disconnect from Hooper Water. The Markers and the Kitchens would have to make their request for a deferral to the City Council.

The Planning Commission felt comfortable including the Willey property in the amendment to the Future Land Use Map.

Commissioner Allred was opposed to City initiated rezones. He felt Mr. Willey should initiate any rezone of his property.

Commissioner Kirch felt the existing mobile home parks were a good buffer from the commercial zone.

Commissioner Collins moved to recommend that the City Council approve the annexation of 7.68 acres located at approximately 4000 South Midland Drive subject to the staff's recommendations and findings and to establish a Community Commercial Zone. Commissioner Kirch seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.

Commissioner Stonehocker moved to recommend that the City Council amend the Future Land Use map by changing the uses for three parcels at 3964 South, 3910 South, and 3880 South Midland Drive from a Very High Density Multi-Family Residential and Utility use to a Commercial Use based on the staff's findings and recommendations. Commissioner Kirch seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.

Commissioner Kirch moved to recommend that the City Council approve the rezone of approximately 3.08 acres located at approximately 3964 and 3910 South Midland Drive from R-3 to a Community Commercial designation subject to the approval and recording of the annexation and based on the staff's findings and recommendations. Commissioner Yeoman seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.

### 3. OTHER BUSINESS

Mark Larson reminded the Planning Commission about their dinner on May 10<sup>th</sup> at 6:00 p.m.

Mark Larson stated that Kapp Auto wanted to expand its used car lot. However, a used car lot was not a use allowed in a Community Commercial Zone. In order to consider an expansion request, the City had to either amend the Zoning Ordinance or rezone the property. The Planning Commission discussed potential options.

Tony Reynolds updated the Planning Commission on the status of the Zoning and Sign Ordinances and several other planning items which the Planning Commission had already reviewed.

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4. ADJOURN

Commissioner Yeoman moved to adjourn at 7:11 p.m. Commissioner Collins seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.

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Bill Merx  
Chairman

Attest:

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Michelle Drago  
Secretary

dc:pmay807