

ROY CITY PLANNING COMMISSION

March 14, 2006

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on March 14, 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:

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

Excused: Bill Merx

Others present were: Michael Stokes; Dave Tafoya; Marge Becraft; Rand Mattson; Cynthia Mattson; Marcell Westergard; Max Westergard; Patsy McMillen; Tommy Smith; Vickie Van der Haye; Charles Robertson; Valerie Robertson; Glen Mills; Elaine Mills; Glen Jenkins; Maurice Blau; Jamie Strain; Darrell Eddington; Jeff Byers; Mike Hath; and Sherm Bingham.

Pledge of Allegiance: Dave Collins

1. APPROVAL OF FEBRUARY 28, 2006, MINUTES

**Councilman Allred moved to approve the minutes of February 28, 2006, as corrected. Councilman Hilton seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, and Kirch voted "aye." The motion carried.**

2. PRESENTATION BY USU EXTENSION OFFICE REGARDING HOUSING CONSTRUCTION AND STORM WATER MANAGEMENT

Darrell Eddington stated that he was the Utah State University Extension agent from Morgan and the Lower Weber River Watershed

Planning Commission Minutes  
March 14, 2006  
Page 2

Coordinator. He was responsible to take care of the waterways in the lower Weber Valley that ended up in the Great Salt Lake. He made a presentation to the Planning Commission addressing the issues of housing construction and storm water management with its associated effects on water quality.

Commissioner Yeoman arrived at 6:37 p.m.

Mr. Eddington responded to questions from the Planning Commission. Commissioner Allred asked if he had looked at Roy City's maps and if Roy had any areas of concern. Mr. Eddington said he had not reviewed any of Roy's maps.

3. PUBLIC HEARING TO CONSIDER APPROVAL OF A FINAL DEVELOPMENT PLAN FOR ROCK RUN PHASE NO. 3 AND APPROVAL OF A CONDITIONAL USE PERMIT FOR A DRIVE THROUGH WINDOW LOCATED AT APPROXIMATELY 5997 SOUTH 3500 WEST

**Commissioner Hoopes moved to open the public hearing at 6:57 p.m. Commissioner Yeoman seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, and Yeoman voted "aye." The motion carried.**

Mark Larson stated that the Planning Commission was familiar with the Rock Run development on the northwest corner of 3500 West 6000 South. Mattson LC was requesting approval of a final development plan for Phase No. 3, and Weber State Credit Union was requesting approval of a conditional use permit for a drive through window. Mr. Larson indicated that the parking and landscaping for the overall development was 'in common.' The overall development was 2.95 acres in size. Phase No. 3 contained 18,526 square feet. The proposed credit union would be 2,575 square feet in size. With the completion of Phase No. 3, there would be a total of 153 parking spaces and 27% landscaping. The only street access for Phase No. 3 was from 6000 South. The credit union was proposing two drive through lanes on the west side of their building. The credit union had bermed the ground and intensified landscaping south of the drive through lanes in order to stop vehicle lights from intruding into the residential development south of 6000 South. Mr. Larson reviewed the building materials with the Planning Commission. The building elevations matched the overall architectural theme. There would be a monument sign on the corner of 3500 West 6000 South. All other signs would be on the building itself. The landscaping plan had been altered to include smaller trees along 3500 West that would not interfere with the power lines. Phase No. 3 would have its own improvement guarantee and time schedule.

Vicky Van der Haye, CEO of Weber State Credit Union, stated that they were delighted to be able to become part of the Roy community. Their research indicated there was a potential for 13,000 customers in the area. The drive through windows would be open from until 6:00 p.m. on week nights and from 9:00 a.m. to 2:00 p.m. on Saturdays.

Vice Chairman Kirch opened the floor for public comments. There were none.

Commissioner Allred asked about lighting. Mark Larson said there were some lights in the parking lot and some of the building itself. The direct light would dissipate before it crossed the street.

Jeff Byers, architect, stated that there would be soffit lights on the corners of the building which would be down lit. On the east side of the building, the Weber State Credit Union sign would be lit.

Commissioner Collins asked if the landscaping would be in prior to occupancy. Mr. Byers said it would. The weather would permit the landscaping to be installed simultaneously with building construction.

**Commissioner Collins moved to close the public hearing at 7:07 p.m. Commissioner Yeoman seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, and Yeoman voted "aye." The motion carried.**

**Commissioner Yeoman moved to recommend that the City Council approve a final development plan for Rock Run Phase No. 3 and a conditional use permit for a drive through window located at approximately 5997 South 3500 West subject to staff and engineering recommendations. Commissioner Collins seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, and Yeoman voted "aye." The motion carried.**

4. PUBLIC HEARING TO CONSIDER A PETITION TO REZONE APPROXIMATELY 3.96 ACRES LOCATED AT APPROXIMATELY 5836 SOUTH 4300 WEST FROM AN R-1-15 ZONE TO AN R-1-10 ZONE

**Commissioner Hilton moved to open the public hearing at 7:08 p.m. Commissioner Allred seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, and Yeoman voted "aye." The motion carried.**

Mark Larson stated that Property Financial Group had requested that approximately 3.96 acres located immediately south of Emma Russell Southwest Park be rezoned from R-1-15 to R-1-10. The property in question used to be owned by Matt Clyde. The property had a narrow frontage of 85 feet. There was an existing R-1-10 zone south and east of the property. The proponents were proposing to subdivide the property. Mr. Larson showed the Planning Commission a conceptual subdivision plan.

Commissioner Kirch asked if there was a ditch running along the park. Mr. Larson said the park in this area was a detention basin and was bermed. There was a ditch along the northwest corner of the property. The developer would have to clear that up when the property was subdivided.

Commissioner Allred asked about wetland issues. Mark Larson said that was an issue that would have to be resolved before the property could be subdivided.

Commissioner Hoopes asked what density was proposed for this property on the Future Land Use Map. Mr. Larson said the Future Land Use Map showed this property with a medium density single family residential use.

Commissioner Allred asked what would be done with the existing home.

Commissioner Collins asked if the existing home was on a well and a septic tank. Mr. Larson thought it was. Commissioner Collins said the well and tank would have to be capped. Mr. Larson said those were development issues.

Vice Chairman Kirch opened the floor for public comments. There were none.

Mike Hath, Property Financial Group, stated that they intended to demolish the house. They planned to take care of the concerns mentioned by the Planning Commission. Most were subdivision-related issues.

**Commissioner Collins moved to close the public hearing at 7:16 p.m. Commissioner Hilton seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, and Yeoman voted "aye." The motion carried.**

**Commissioner Allred moved to recommend that the City Council approve a petition to rezone approximately 3.96 acres located at approximately 5836 South 4300 West from R-1-15 to R-1-10. Commissioner Hoopes seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, and Yeoman voted "aye." The motion carried.**

5. PUBLIC HEARING TO CONSIDER A PETITION TO REZONE APPROXIMATELY 3.81 ACRES LOCATED AT APPROXIMATELY 3115 WEST 5600 SOUTH FROM AN RE-20 ZONE TO AN R-1-8 ZONE AND APPROXIMATELY 11.26 ACRES LOCATED AT APPROXIMATELY 3151 WEST 5600 SOUTH FROM AN R-1-10 ZONE TO AN R-1-8 ZONE

**Commissioner Hilton moved to open the public hearing at 7:17 p.m. Commissioner Yeoman seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, and Yeoman voted "aye." The motion carried.**

Mark Larson stated that Charles and Valerie Robertson had requested that property on the southwest corner of 3100 West 5600 South be rezoned. The rezone consisted of two parcels. The area along 3100 West was currently zoned RE-20. It consisted of approximately 3.81 acres. The Robertson's were requesting that it be rezoned to R-1-8. The remainder of their property consisted of approximately 11.26 acres. It was currently zoned R-1-10. They were asking that it also be rezoned to R-1-8. There was an existing home on the corner, a barn, and some animals. There were three sets of power lines that ran north and south through the property on two different corridors. Utah Power & Light owned property to the west on which there was another large power line. South of the Robertson property was a 66-foot right-of-way owned by Roy City. It was currently zoned RE-20. It was part of the rezone request.

Mr. Larson said there was an existing R-1-8 Zone to the north and east of the Robertson's. There was an RE-20 Zone to the south, and R-1-10 to the west. The City recently amended the Future Land Use Map of the General Plan to allow for a medium density use for the area along 3100 West. Both the R-1-8 and R-1-10 Zones were considered medium density. The requested rezone followed the General Plan. In the past, the Planning Commission, City Council, and staff had discussed the intent to allow for larger lots on the ground in Roy City left for development.

Mr. Larson stated that Sherm Bingham was proposing to develop the property. He had proposed two different conceptual subdivision layouts. The first concept was for an R-1-10 Zone. It contained 33 lots.

Vice Chairman Kirch asked about access from 5600 South. Mark Larson stated that UDOT had indicated it would not allow access onto 5600 South. Both the City and UDOT would require some type of

buffer for the lots along 5600 South that would have double frontages.

Mark Larson stated that Mr. Bingham had submitted a conceptual plan for an R-1-8 Zone. It contained 38 lots. Because the subdivision had to be designed around the existing power corridors, most of the lots would be larger regardless of the zone. The conceptual plan for the R-1-8 Zone showed lots with 10,000 square feet or more around the perimeter of the subdivision. In fact, the average lot size was 11,683 square feet. From the outside of the subdivision, the adjoining property owners would not notice any difference between the R-1-8 and R-1-10 Zones. Regardless of the lot size, Mr. Bingham would be required to provide some buffer along 5600 South and extend 5700 South to 3260 West.

Mark Larson stated that the proponents were hoping that the concept plan for the R-1-8 Zone which showed larger lots would persuade the Planning Commission to consider their request for an R-1-8 Zone. Mr. Larson said the City had considered the possibility of a development agreement that would keep the property to remain R-1-10 but allow for variances on lot sizes and widths to match the developer's preferred concept plan.

Commissioner Collins stated that the subdivision to the north, McCall Fields, was approved several years ago. It was zoned R-1-8. It was required to have a vinyl fence along 5600 South. The fence looked fine, but the trees included with the fence didn't look so good. He felt there needed to be discussion about maintenance outside the fence in a public right-of-way. Mr. Larson said those were details that would be part of the subdivision approval process.

Vice Chairman Kirch opened the floor for public comments.

Max Westergard, 5698 South 3100 West, asked about the difference between the R-1-10 and R-1-8 Zones. Commissioner Hoopes explained that an R-1-10 Zone required 10,000 square foot lots with a minimum lot width of 80 feet. An R-1-8 Zone allowed for 8,000 square foot lots with a minimum lot width of 65 feet. Mr. Westergard felt the concept for an R-1-10 Zone allowed for more elbow room. A lot of families in his neighborhood had moved to bigger lots. The narrow lots with only 65 feet of frontage did not have elbow room. He felt an R-1-10 Zone allowed room for growth. Smaller lots were starter homes. He wanted to attract families to his neighborhood that would stay.

Marcell Westergard, 5698 South 3100 West, stated that she wasn't opposed to the residential development of the Robertson's property. She asked that the Planning Commission recommend that the zoning for the property remain R-1-10. Her concerns had not changed since the property was annexed four years ago. An R-1-8 Zone had a narrow frontage of 65 feet. That did not allow room for growth. Most of the City was zoned R-1-8 or less. If the property were zoned R-1-8, and Mr. Bingham decided not to proceed with the development, the City would be left with the inflexibility of an R-1-8 Zone. With an R-1-10 Zone, the Planning Commission and the City Council had more tools to work with. She suggested that the Planning Commission consider an approval subject to the sale to Sherm Bingham.

Maurice Blau, 5646 South 3100 West, questioned whether his property was zoned R-1-8. Commissioner Allred explained that lots in an R-1-8 Zone could have more than 8,000 square feet they just couldn't have less. Mr. Blau was concerned about an R-1-8 Zone. If the Robertson's property was rezoned, and Mr. Bingham's development fell through, the door would be wide open for the next developer.

Marcell Westergard asked if the power corridors were owned by the Robertson's or Utah Power & Light. Mark Larson said that the power corridors on the Robertson's property were owned by the Robertson's. Utah Power & Light simply had an easement.

Sherm Bingham, West Haven, stated that this property had some hardships - the overhead power lines and improvement costs which the subdivision would have to bear the cost of. In an R-1-10 Zone, the lot yield was only 33 lots. An R-1-8 Zone had 38 lots, which allowed a yield to balance the improvement costs. He understood the neighbors concerns that if his proposal fell through another developer could come in and build 65-foot lots. He felt that concern could be addressed through a development agreement as mentioned by Mr. Larson. The R-1-8 concept seemed the best balance between the lot yield he needed and the City's desire for larger lots.

Commissioner Collins stated that a development agreement was a written contract between the City and a developer. It was binding.

Commissioner Hilton asked what hardships Mr. Bingham faced over the loss of approximately five lots. Sherm Bingham said that five lots meant the difference of about \$250,000. In this subdivision there

wouldn't be much of a price difference between the 8,000 and 10,000 square foot lots because of the power lines.

Vice Chairman Kirch asked what size of home would be placed on an 8,000 square foot lot. Mr. Bingham said it would probably be between 1400 to 1500 square feet.

Glen Jenkins, 5713 South 3100 West, stated that he was torn. He had acreage that could be developed, in which case he would want smaller lots. On the other hand, he liked larger lots. On a narrow lot it was hard to get past the house to take care of the property in the back. It bugged him that 8,000 square foot lots would be backed up to 10,000 square foot lots. He felt there should be consistency. He wanted to see something more uniform.

Charles Robertson, 3111 West 5600 South, stated that with an R-1-10 Zone, the corner lots were really large. They were so large, he didn't feel they would be taken care of. The R-1-8 Zone allowed the lot sizes to be reduced. Even so, the corner lots were still quite large. It would be tough to build a large, expensive home under the power lines. This property would be for starter homes. His biggest concern was how well the back of the larger lots would be maintained. The extra development costs for the property needed to be recouped with a few extra lots. When he laid out the conceptual plans, he tried to place the towers where they would be unintrusive.

Marcell Westergard asked if there was an ordinance allowing larger lots under the power lines to have animals. The Planning Commission said that ordinance was done away with when the new Zoning Ordinance was adopted.

Mark Larson stated that this property was a good example of what a development agreement could do. There were four options for this property: Rezone it R-1-8, rezone it R-1-10, rezone it R-1-10 with a development agreement; or rezone it R-1-8 with a development agreement. He felt whatever zone the Planning Commission considered should have a development agreement.

Commissioner Collins asked what would happen if the property was rezoned R-1-8 with a development agreement and the subdivision fell through? Mark Larson stated that the development agreement would remain with the property, not the developer.

**Commissioner Allred move to close the public hearing at 8:05 p.m. Commissioner Collins seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, and Yeoman voted "aye." The motion carried.**

Commissioner Allred felt the property should remain R-1-10 and that a development agreement for this property was appropriate. He felt it was unfortunate that the Planning Commission wasn't approving a subdivision plan simultaneously with the zoning. He felt the requested rezone should be denied.

Commissioner Allred asked if the Planning Commission could consider something different than what was requested. Tony Reynolds stated that the Planning Commission could take the initiative to recommend something to the City Council that was different than what was requested.

Commissioner Hilton stated that when the General Plan was adopted several years ago this area was discussed at length. The current R-1-10 Zone was there for a reason. The City wanted to provide a place for people to build a home that they would stay in. He didn't feel an 8,000 square foot lot lent stability to a neighborhood. The street 5600 South was a natural buffer between the R-1-8 and R-1-10 Zones as was 3100 West. He felt the zoning should remain R-1-10 and that a development agreement should be created. Then if something happened to the subdivision, the intent of the General Plan would be met.

**Commissioner Hilton moved to recommend that the City Council consider a petition from Charles and Valerie Robertson to rezone approximately 3.81 acres located at approximately 3111 West 5600 South from RE-20 to an R-1-10 Zone, rather than the R-1-8 requested, with a development agreement if needed to work around the power corridors, and that the petition to rezone approximately 11.26 acres located at approximately 3151 West 5600 South from R-1-10 to R-1-8 be denied. Commissioner Hoopes seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, and Yeoman voted "aye." The motion carried.**

6. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT FOR A DAY CARE CENTER LOCATED AT APPROXIMATELY 3588 WEST 4800 SOUTH SUITE C

**Commissioner Hilton moved to open the public hearing at 8:17 p.m. Commissioner Collins seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, and Yeoman voted "aye." The motion carried.**

Mark Larson stated that Jamie Strain had requested approval of a conditional use permit for a day care/preschool to be located at 3588 West 4800 South Suite C. The building was part of the Triple Stop Commercial Center. Ms. Strain's suite was approximately 30'x40'. The parking and landscaping were existing. Her hours of operation would be 8:00 a.m. to 5:00 p.m. with one date night a month from 5:00 to 11:00 p.m. She proposed to have three employees. With three employees she could have up to 30 children. There wouldn't be a need for a drop-off zone because parents were required to escort their children in. Ms. Strain would have to work with the State to obtain the required licensing. The Fire Marshal and Building Official would review the premises yearly and prior to occupancy. Mr. Larson reviewed the proposed floor plan with the Planning Commission. Chairman Merx had expressed concern about the lack of outdoor play area.

Commissioner Allred asked about the rooms shown on the floor plan. Jamie Strain said the rooms would have low walls and would be used for different activities. Because this would be an hourly facility, they were not required to provide outdoor facilities. The State license they had would not allow them to reserve spots for any children, except for the preschool which would for 2½ hours. Other children could be left all day if there was an open slot. Normally the children were there for about 4 hours. Ms. Strain explained how the State calculated the number of children allowed in the day care given the available space and ages of the children.

Vice Chairman Kirch asked if Ms. Strain had plans to take the children outside. Ms. Strain said she would not take the children out unless they were in a stroller because of the proximity to 4800 South. Vice Chairman Kirch asked if there was equipment for large muscle movement. Ms. Strain said there would be.

Vice Chairman Kirch felt this was a very workable facility. She opened the floor for public comments. There were none.

Commissioner Hilton moved to close the public hearing at 8:32 p.m. Commissioner Allred seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, and Yeoman voted "aye." The motion carried.

Commissioner Hoopes moved to recommend that the City Council approve a conditional use permit for a day care/preschool located at approximately 3588 West 4800 South Suite C of the Triple Stop Commercial Center subject to the recommendations of the staff. Commissioner Allred seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, and Yeoman voted "aye." The motion carried.

7. ADJOURN

Commissioner Hilton moved to adjourn at 8:34 p.m. Commissioner Yeoman seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, and Yeoman voted "aye." The motion carried.

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Gennie Kirch  
Vice Chairman

Attest:

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Michelle Drago  
Secretary

dc:pmar1406