

ROY CITY PLANNING COMMISSION

April 25, 2006

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on April 25, 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:

Bill Merx, Chairman	Tony Reynolds, Community
Doug Allred	Services Director
Dave Collins	Michelle Drago, Secretary
Brad Hilton	
Blaine Hoopes	
Gennie Kirch	
Karlene Yeoman	

Others present were: Councilwoman Marge Becraft; Steve Hansen; Richard Reese; Richard Sparrow; Ryan Stander; Alison Stander; Dale Hansen; Charles Richards; Denny Faulkner; P. Wayne Hansen; John Yarbrough; Jerry Cronquist; Cloy Child; Jeweline Child; Micky Martin; Virgil Tuveson; Jerry Wilkins; Cindy Reinhart; Rick Kelley; Kit Johnston; Sandra T. Milley; Mike Fullmer; Weston Rees; Joe Stokes; Steve Alder; Sue Alder; Steve Hansen; James C. Aland; Sterling J. Morris; Vic Arnold; Larry Talbot; Reba Talbot; Rex Judkins; Lee Judkins; Steve Fabiszak; Becky Fabiszake; Lisa Calcut; Bryan Burrell; Dave Cardwell; Becky Cardwell; Gary C. Lewis; Tyson Nogan; Stephanie Nogan; Richard Hadley; Brenda Hadley; Bob Miller; Rebecca Fabiszak; Larry Howden; Chris Teller; Kendall Balls; Ellen Balls; Jan Page; Lori Page; Marie Dunyon; Keith Homer; Laura Homer; Cheryl Howe; Ramona Mann; LaVern Johnson; Joy Harris; Sherman Bingham; Olive Tracy; Jean Edwards; Jim Quarles; and Mavis Quarles.

Pledge of Allegiance: Dave Collins

1. APPROVAL OF APRIL 13, 2006, MINUTES

Commissioner Hilton moved to approve the minutes of April 13, 2006, as written. Commissioner Kirch seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, and Yeoman voted "aye." The motion carried.

2. PUBLIC HEARING TO CONSIDER VACATING A PORTION OF THE RIGHT-OF-WAY IN THE HAL VERN ADDITION SUBDIVISION LOCATED ADJACENT TO THE UNION PACIFIC RAILROAD RIGHT-OF-WAY AND RUNNING FROM APPROXIMATELY 3650 SOUTH 2000 WEST TO APPROXIMATELY 3925 SOUTH 2300 WEST

Commissioner Hoopes arrived at 6:32 p.m.

Commissioner Allred moved to open the public hearing at 6:33 p.m. Commissioner Collins seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

Tony Reynolds stated that the City was vacating a portion of the right-of-way behind the Hal Vern Subdivision based on a request for acquisition by Utah Transportation Authority (UTA). Some of the adjoining property owners had been confused because the City sent two notices. The State statute required both the Planning Commission and City Council to hold public hearings to vacate a right-of-way in a recorded subdivision. The City sent a notice for each hearing. The staff recommended that the Planning Commission continue the public hearing, take public comment, and then make a recommendation to the City Council.

Mr. Reynolds explained that the portion of the right-of-way being vacated was along the northwestern edge of the Hal Vern Addition Subdivision and along the eastern edge of the Union Pacific right-of-way. The 33-foot right-of-way was dedicated to Roy City in 1955 when the Hal Vern Subdivision was recorded. The portion needed by UTA was approximately 2950 feet in length and varied in width from 1 to 8 feet with the average being 6 feet. Commuter rail consisted of one track until it approached a station. As it approached stations, it split into two tracks. UTA needed the extra width in this vicinity to accommodate two tracks. There was a dilapidated fence along the right-of-way that UTA would take out. It would be replaced with a new fence along the new right-of-way line.

Commissioner Collins asked if the right-of-way was deeded to Roy City. Mr. Reynolds said the adjacent property owners only had ownership to their rear property lines. The right-of-way belonged to the City. Commissioner Collins asked about utilities. Tony Reynolds said there were sanitary sewer and storm drain lines in the right-of-way. The Public Works Department had reviewed UTA's proposal and felt comfortable they would be able to maintain access to the utilities. Commissioner Collins asked if the vacation and

purchase would affect any of the property owners' use of the right-of-way. Mr. Reynolds said it would not. The right-of-way would be narrower in a few spots. Commissioner Collins asked if the balance of the right-of-way would be improved. Tony Reynolds said it would not. The improvements that were there now would be the improvements going forward.

Commissioner Allred asked how many property owners had property along the right-of-way. Tony Reynolds said almost all of them had vehicular access. None of the individual properties would be affected.

In response to a question from Gennie Kirch, Tony Reynolds said the remainder of the right-of-way would remain in Roy City's ownership.

Chairman Merx opened the floor for public comments.

Denny Faulkner, 3733 South 2100 West, wanted to make sure the right-of-way acquisition was for the double tracks. Tony Reynolds said the double tracks in the area was due to the proximity of the station.

Cloy Child, 3883 South 2275 West, stated that he used the frontage road 10 to 20 times a day for farm equipment. He was concerned about how the double tracks would affect the intersection of the frontage road with 4000 South. Access to the frontage road was already bad enough. Mr. Reynolds said the commuter rail tracks would be on the existing Union Pacific corridor. The existing frontage road intersection was east of the corridor and would not be affected.

Eric Yarbrough, 3973 South 2275 West, stated that survey stakes had been located against his rear property line. It appeared there would only be about one foot of the right-of-way left. Mr. Faulkner indicated that the survey marks were only to indicate the location of the utilities.

Commissioner Kirch stated that the frontage road would remain intact with the exception of an 8 foot encroachment.

Rebecca Fabiszak, 3909 South 2275 West, stated that she needed the entire 33 feet of the right-of-way to turn her trailer around. She didn't want to lose any of it. It would make her property unusable as horse property.

Steve Alder, 3901 South 2275 West, asked if the fence line would remain the same if all of the property wasn't needed. Mr. Reynolds said UTA would take only what it needed for commuter rail. That could be as little as 1 foot or as much as 8 feet. The property acquisition might be to satisfy federal regulations. Steve Hansen, from UTA, said the new fence would be on the new property line. UTA had tried to be sensitive and take only what property they needed.

Dave Cardwell, 3955 South 2275 West, asked if there was a bill of sale for the right-of-way. He understood the right-of-way was for the property owners only, and that the properties extended to the west side of the right-of-way. The frontage road had never been maintained by the City. It was never graded or plowed. The right-of-way was for the property owners. The City had no right to sell it.

Tony Reynolds stated that the subdivision plat was recorded with the Weber County Recorder in 1955. On the recorded subdivision plat, the frontage road was shown as a right-of-way, and it was dedicated to the City.

Commissioner Kirch asked if lots along the right-of-way had double frontage. Mr Reynolds said they did. Commissioner Kirch said that was a non-conforming use. Mr. Reynolds said it was.

Cloy Child was concerned about storm drainage. Steve Hansen said UTA's engineers had carefully designed the drainage along the corridor.

Commissioner Yeoman asked if it was possible to know exactly how much of the right-of-way was being taken behind the individual lots. Steve Hansen said that based on the plans he had, it would just be an estimate.

Steve Hansen stated that federal regulations required any railroad tracks had to be 12 feet from the nearest property line. The plans had been engineered to take what they need, but no more.

Commissioner Yeoman stated that with the growth in Utah, the commuter rail was needed. It was necessary to give and take what was needed.

Dave Cardwell stated that a 33-foot right-of-way was needed when the subdivision was recorded. Why wasn't 33 feet needed now?

Commissioner Collins suggested that the individual property owners allow use of a few feet of their properties to keep the right-of-way at 33 feet.

Commissioner Kirch stated that the Planning Commission was responsible to determine if requests followed the City's rules and met the required specifications. If the Planning Commission felt a request complied, its recommendation was forwarded to the City Council who made a decision based on the good of the people.

Sterling Morris, 3943 South 2275 West, stated that the frontage road was necessary because of the slope of the hill. The hill made it difficult to get from the front of the properties to the back. Most of these homes had been purchased because people knew they could get to the back of their lots.

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

Commissioner Collins moved to recommend that the City vacate 1 to 8 feet of the right-of-way in the Hal Vern Addition Subdivision located adjacent to the Union Pacific Railroad right-of-way and running approximately 2950 feet in length from approximately 3650 South 2000 West to approximately 3925 South 2300 West for purpose of acquisition by UTA for commuter rail. Commissioner Hilton seconded the motion.

Commissioner Kirch stated that the location of the commuter rail station was consistent with the General Plan.

Denny Faulkner asked if the City would be willing to help the property owners move fences on their properties if they wanted to allow use of their land to make up for the lost right-of-way width. The Planning Commission felt that was a question that could be better answered by the City Council.

Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

3. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT FOR A PLUMBING SUPPLY STORE LOCATED AT APPROXIMATELY 4456 SOUTH 1900 WEST

Commissioner Kirch moved to open the public hearing at 7:27 p.m. Commissioner Collins seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

Tony Reynolds stated that Herefordshire Square was subdivided several years ago. All of the lots had been purchased by Standard Plumbing. Standard Plumbing was planning to occupy the building currently occupied by Sparrow's Furniture. Sparrows would move into the old U&I Coop building. Because a plumbing store was a conditional use in a Community Commercial Zone, Standard Plumbing was requesting approval of a conditional use permit. The City was excited about having an owner-occupied development. Standard Plumbing was proposing several changes to the development. The two accesses on 1900 West had been reduced to one, which had been approved by UDOT. They planned to significantly increase the landscaping, replace the fence along the east side of the development with a 7-foot pre-cast concrete wall, move light poles, reconfigure the parking, and upgrade the parking lot.

Commissioner Collins stated that there was a mailbox between the existing approaches. How would it be affected? Richard Reese, owner of Standard Plumbing, said it would be relocated.

Commissioner Kirch asked about a conditional use for Sparrow's new location. Mr. Reynolds said Sparrow's was a permitted use in a Community Commercial Zone. Sparrow's would only have to receive approval from the Development Review Committee to change buildings.

Commissioner Collins was concerned about noise problems if Standard Plumbing did pipe cutting and fitting. Richard Reese said they would not be doing that at this location.

Commissioner Allred asked about plans for the pole sign. Richard Reese planned to address the sign separately because they were still looking at ideas.

Commissioner Collins asked about the grease trap for Tuscany Gardens. Tony Reynolds said Tuscany Gardens was required to obtain a cross access agreement for the grease trap. The agreement went with the property, not the owner.

Chairman Merx opened the floor for public comments.

Bryan Burrell, 4439 South 1800 West, stated that he lived right behind the loading docks. Because of the height of the loading docks, a 7-foot fence was not sufficient to block the view into his backyard. The fence behind his property was currently 8 feet in height. He asked that the concrete wall be increased to 8 feet behind his property. He asked who was responsible to maintain a fence that was located on a property line? Commissioner Collins indicated that maintenance of a fence on the property line was split between the two adjoining owners.

Commissioner Yeoman asked what type of loading dock Sparrow's would need. Richard Sparrow stated that Sparrow's had regular delivery trucks. About once a month they received a shipment from a semi. All of the deliveries would be between 10:00 a.m. and 4:00 p.m. Most of their sales were delivered. If a customer picked something up, it was usually from the front.

Richard Reese stated that the docks badly needed to be repaired. They would be fixed up. When the parking lot was reasphalted, the area behind the docks would be graded, and both docks would be made level. They could remove the majority of the docks.

Commissioner Collins asked about the possibility of an 8-foot fence behind the Burrell property. Commissioner Hoopes felt the developer had gone above and beyond by proposing a 7-foot pre-cast concrete wall when he could have simply put in a 6-foot vinyl fence.

Bryan Burrell was concerned about lighting behind the building and how it would affect his property. Richard Reese stated that the lights could be positioned and shielded to make the lighting issue go away. Mr. Burrell asked if there would be any outside storage. Mr. Reese said there would not.

Gary Lewis, 4423 South 1800 West, stated that there was a storm drain behind the buildings that did not work. He was also concerned about lighting and delivery trucks idling in the parking lot all night. Something should be done now to make sure those items were not an issue after Mr. Reese and Standard Plumbing moved it. Richard Reese stated that they were proposing to put in another sump. There were light fixtures that would keep the light down at the fence line.

Rex Judkins, 4445 South 1800 West, showed the Planning Commission members pictures of his backyard and the condition of the existing

fence. He also lived behind the docks, and he was concerned about privacy, noise, and criminal activity. He felt an 8-foot fence would give them the privacy he needed. Mr. Judkins asked when the work would start. Mr. Reese said it would start as soon as possible.

J.C. Aland, 4538 South 1725 West, was totally thrilled by this project. He owned the carwash north of Herefordshire Square. He asked who was responsible for the access to the north of Herefordshire. Commissioner Kirch said it was the property owner to the north. Mr. Aland hoped the City would encourage that property owner to upgrade its parking lot.

Commissioner Hilton moved to close the public hearing at 8:11 p.m. Commissioner Kirch seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

Commissioner Kirch moved to recommend that the City Council approve an amended site plan for Herefordshire Square and a conditional use permit for a plumbing store located at approximately 4456 South 1900 West subject to the staff recommendations, that the fence behind the loading docks be increased to 8-feet in height, that the lighting behind the buildings have zero candle foot lighting at the property line, and that the storm drainage in the sump be resolved. Commissioner Hoopes seconded the motion.

Commissioner Collins did not feel it was necessary to require zero candle foot lighting because the City's ordinance required lighting to be down lit.

There was a discussion about the wording in the motion regarding the lighting.

Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

4. PUBLIC TO CONSIDER A CONDITIONAL USE PERMIT FOR A BARBER SHOP LOCATED AT APPROXIMATELY 3588 WEST 5600 SOUTH SUITE C

Commissioner Hilton moved to open the public hearing at 8:18 p.m. Commissioner Yeoman seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

Tony Reynolds stated that Lisa Calcut was requesting approval of a barber shop in Suite C of Pad D in the Kent's Commercial Center. The building was currently occupied by Frosted Rock and Just-A-Buck. The City had sent out notices, but had not received any comments. The DRC recommended that the conditional use permit be approved. It also recommended that the Zoning Ordinance be amended to make personal care services, a permitted use in Community Commercial Zones.

Chairman Merx asked if they would be open on Saturday's. Ms. Calcut said it would.

Chairman Merx asked if there were any comments from the audience. There were none.

Commissioner Collins moved to close the public hearing at 8:20 p.m. Commissioner Allred seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

Commissioner Allred moved to recommend that the City Council approve a conditional use for a barber shop located at approximately 3588 West 5600 South, Suite C of Pad D in Kent's Commercial Center, subject to the staff's recommendations and Findings for Recommendation. Commissioner Kirch seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

5. PUBLIC HEARING TO CONSIDER A PETITION TO REZONE APPROXIMATELY 4.89 ACRES LOCATED AT APPROXIMATELY 2968 WEST 6000 SOUTH FROM AN RE-20 DESIGNATION TO AN R-1-8 DESIGNATION

Commissioner Collins moved to open the public hearing at 8:22 p.m. Commissioner Kirch seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

Tony Reynolds stated that the City had received a petition from LaVern Johnson and Phyllis Austin to rezone approximately 4.89 acres located at approximately 2968 West 6000 South from RE-20 to R-1-8. The Future Land Use Map showed this property with a medium density single-family residential use. Medium density ranged in size from R-1-6 to R-1-10. Property immediately to the south and east was zoned R-1-8. Property to the north was zoned R-1-6. Properties to the east and west were zoned RE-20. There were two existing homes; one on each parcel. The City had checked to make sure that surrounding properties were not landlocked. A conceptual subdivision plan showed four lots on 6000 South with homes to the north along an extension of 3000 West, which ended with a knuckle. He reminded the Planning Commission that only the rezone petition was being considered, not the conceptual subdivision plan.

Commissioner Collins asked if animal rights for the existing homes would become non-conforming if the zoning was changed to R-1-8. Tony Reynolds said it would if the lots had animals and at least 20,000 square feet. If the use was discontinued, it would be lost.

Tony Reynolds stated that the City had received a letter from Elizabeth Anderson. He asked that it be entered into the record (Copy filed for record).

Commissioner Yeoman asked about the possibility of an R-1-10 Zone. Tony Reynolds said the property could be zoned R-1-10. Because of the contiguous R-1-8 Zones, the staff felt this would be a good place for an R-1-8 Zone.

Commissioner Kirch was concerned that an R-1-10 Zone for this property would be spot zoning.

Chairman Merx opened the floor for public comments.

Lori Page, 5970 South 3100 West, asked about the number of homes that could be placed on these properties. The Planning Commission

indicated that it was considering a rezone, not a subdivision plat. Tony Reynolds said the conceptual plan showed 15 lots. Ms. Page said they would like to keep the open land.

Cheryl Howe, 5674 South 3100 West, was speaking for her mother Phyllis Austin. She and her family had not made this decision in haste. They had considered it for over a year. They wanted to have a say in how the property was developed. Sherm Bingham had consented to help them. They felt the proposed development would be positive for the area.

Commissioner Hilton asked if they had considered restrictive covenants for the development. Restrictive covenants might help some of the conflict with adjoining property owners.

Debra Johnson, daughter of LaVern Johnson, said the sale and development of her mother's property would simplify her mother's life.

Mavis Quarles, 3074 West 6000 South, stated that there were people who wanted to purchase these two properties as horse property. She wanted to keep the rural flavor in this neighborhood. She was concerned that Roy was moving away from horses. She was concerned about the future use of her land. Roy City was just waiting for people to leave so it could build lots for little homes.

Commissioner Kirch said it was difficult to look into the future and determine the future use of land.

Ramona Mann, 5998 South 3100 West, was in favor of the rezone.

Keith Homer, 3056 West 6000 South, felt these property owners should have the opportunity to put in a subdivision. Eventually this whole area would be developed.

Jan Page, 5970 South 3100 West, felt that these owners should at least try to sell the property as it was rather than making those who lived in the neighborhood feel crowded. This was a small piece of land. It would retain its value as horse property. He purchase his home because of the open area here.

Jim Quarles, 3074 West 6000 South, asked how having more homes would benefit Roy City. It would be nice if these properties were marketed as horse property. Horse property was at a premium. He was opposed to the rezone.

Commissioner Allred asked about the lot sizes proposed in the conceptual plan. Tony Reynolds said they ranged from 8,000 to 16,000 square feet.

Olive Tracy, 5848 South 3000 West, was in favor of the rezone and development. The proposed conceptual plan did not connect 3000 West to 6000 South. The proposed cul-de-sac would make it easier for emergency vehicles to maneuver on 3000 West. She felt the development would raise property values.

Ralph Hadley, 2946 West 6000 South, felt this was a moral transaction, not a legal one. He was opposed to a subdivision in this middle of this area. The real estate people had not had an opportunity to investigate this property. He felt Cheryl Howe was turning her back on friends that had lived in the area by turning to a friend who wanted to develop the property. He wanted to see Cheryl give the property a chance to sell as horse property so the area could be maintained as is. He felt stubbing a road up to his property line would be taking away some of his rights in the future.

Laura Homer, 3056 West 6000 South, stated that this whole area was originally owned by the LDS Church. After the nearby church was built, the LDS Church sold off the remaining property. Both Lavern and Phyllis were in their eighties, and their children didn't want the responsibility of the land.

Jim Quarles asked how this rezone would benefit Roy City. Commissioner Kirch said neither zone was better than the other. The City was responding to a request from property owners, and trying to determine if it met the City's General Plan.

Jean Edwards, 3008 West 5825 South, stated that when she moved in she took up valuable orchard property, but people in the neighborhood make room for her. This was a valuable neighborhood. It was tight. She understood change was hard. Cheryl Howe had not done this in haste and was not trying to hurt the neighborhood. She was trying to do what was best for her family and the neighborhood. She supported the rezone. She asked about the difference between R-1-8 and R-1-10 Zones. The Planning Commission explained that in an R-1-8 Zone, lots had to be at least 65 feet wide and 8,000 square feet in size. In an R-1-10 Zone lots had to be 80 feet wide and 10,000 square feet in size.

Mavis Quarles asked if her property was being rezoned. The Planning Commission said it was not. Mrs. Quarles felt this rezone would drive people out of the City, not in.

Commissioner Collins moved to close the public hearing at 9:17 p.m. Commissioner Hoopes seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

Commissioner Allred stated that the purpose of a public hearing wasn't for the Planning Commission to argue with the public. The Planning Commission's purpose was to listen. It's responsibility was to protect the rights of individual property owners. It also had the duty to protect the interests of the City as it looked at any development and determined if it met the current laws. The Future Land Use Map was part of the City's current ordinances. It was a document that was adopted by the legislative body after receiving input from both the Planning Commission and the citizens. The Future Land Use Map might change. The Planning Commission wasn't responsible to make a judgement on what a property owner wanted to do. The Planning Commission was trying to judge whether a project was consistent with the current laws of the City. As far as he could see, this rezone petition was consistent with current laws and ordinances.

Commissioner Hilton stated that most of the Planning Commission members wanted to keep open space as much as the citizens. He had looked at this petition long and hard. Because of the surrounding area, he could not justify an R-1-10 Zone. This request was consistent with the General Plan and the Future Land Use Map.

Commissioner Allred moved to recommend that the City Council approve a petition from LaVern Johnson and Phyllis Austin to rezone approximately 4.89 acres located at approximately 2968 West 6000 South from RE-20 to R-1-8. Commissioner Collins seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

6. PUBLIC HEARING TO CONSIDER AN REQUEST TO AMEND THE FUTURE LAND USE MAP OF THE ROY CITY GENERAL PLAN

Commissioner Hilton moved to open the public hearing at 9:26 p.m. Commissioner Kirch seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

Tony Reynolds stated that the City had received a petition from the Seifert family to amend the Future Land Use Map. The parcel in question was about 2.9 acres located on the northwest corner of 2500 West 5600 South. The property was currently zoned both R-1-8 and R-3. When a property had two zones, the most restrictive zone applied. In this case, that was the R-1-8 Zone. The City had received a conceptual plan for the Seifert property across the street. It would be developed under the R-1-8 Zone. On this small parcel, the staff felt it made sense for all of it to be zoned R-3, or multi-family. Before that could happen, the Future Land Use Map had to be changed. The staff recommended that the Future Land Use Map be changed to show this small parcel as Very High Density Multi-Family rather than Schools/Government/Churches.

Chairman Merx asked for comments from the audience. There were none.

Commissioner Collins moved to close the public hearing at 9:31 p.m. Commissioner Hoopes seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

Commissioner Hoopes moved to recommend that the City Council amend the Future Land Use Map by changing the use of approximately 2.9 acres located on the northwest corner of 2500 West 5600 South from Schools/Government/Churches to Very High Density Multi-Family. Commissioner Yeoman seconded the motion.

Commissioner Allred asked if the City really wanted more high density housing. If property remained with a Schools/Government/Churches use, it might become a park. Commissioner Hilton stated that there were natural barriers on almost all sides of this property. By the time a parking lot was added to the site, there wouldn't be much room for a park. He felt high density was probably the best use for the property.

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Commission members Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." Commissioner Allred voted "nay." The motion carried.

DRAFT

7. PUBLIC HEARING TO CONSIDER AMENDING THE ROY CITY ZONING ORDINANCE BY ADDING CHAPTER 18 - DEVELOPMENT AGREEMENTS

Commissioner Hoopes moved to open the public hearing at 9:35 p.m. Commissioner Kirch seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

Tony Reynolds stated that the Planning Commission discussed the proposed amendment at its last meeting. There was concern about Section 1807 regarding periodic reviews. The planning consultant asked the Planning Commission to think in broader terms. The City wanted the ability to have periodic reviews.

Chairman Merx felt the wording in 1807 should be changed to "at least every 12 months." That would allow an opportunity for a review prior 12 months if the City could see problems happening.

Commissioner Collins asked about penalties. Tony Reynolds said the penalty would be the loss of the right to do what a developer wanted to do.

Commissioner Allred felt development agreements were needed.

Tony Reynolds said development agreements would allow the City to address specific parcels and problems without having to create zones that would apply across the board.

Chairman Merx was concerned about 'ad hoc' development. Tony Reynolds stated that the process of approving a development agreement was the same as that for amending the General Plan. The development agreement would have to agree with the General Plan and be based on findings.

Chairman Merx asked for comments from the audience. There were none.

Commissioner Kirch moved to close the public hearing at 9:45 p.m. Commissioner Hoopes seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

Commissioner Kirch moved to recommend that the City Council amend the Zoning Ordinance by adding Chapter 18 - Development Agreement as written, except for the modification to 1807. Commissioner

Collins seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

8. ADJOURN

Commissioner Hoopes moved to adjourn at 9:48 p.m. Commissioner Hilton seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

Bill Merx
Chairman

Attest:

Michelle Drago
Secretary

dc:papr2506