

ROY CITY PLANNING COMMISSION

July 11, 2006

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on July 11, 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	Mark Larson, Planner
Brad Hilton	Michelle Drago, Secretary
Blaine Hoopes	
Gennie Kirch	
Karlene Yeoman	

Others present were: Councilman Larry Peterson; Pidy Linderman; Mike Hansen; Mike Jensen; Richard Howe; and Shaun Odekirk.

Pledge of Allegiance: Karlene Yeoman

1. APPROVAL OF JUNE 27, 2006, MINUTES

Commissioner Collins moved to approve the minutes of June 27, 2006, as corrected. Commissioner Yeoman seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, and Yeoman voted "aye." The motion carried.

2. PUBLIC HEARING TO CONSIDER A RESIDENTIAL INFILL OVERLAY (RIO) DISTRICT AND PRELIMINARY APPROVAL OF HIDDEN COVE SUBDIVISION NO. 2 LOCATED AT APPROXIMATELY 5400 SOUTH 3200 WEST

Commissioner Hilton moved to open the public hearing at 6:04 p.m. Commissioner Kirch seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, and Yeoman voted "aye." The motion carried.

Mark Larson stated that M. J. Land and Livestock was requesting preliminary approval of Hidden Cove Subdivision Phase No. 2. Phase No. 2 was located east of Phase No. 1 between 3200 West and 3100 West. There were two parts to their request: Approval of a Residential Infill Overlay District (RIO) and preliminary subdivision approval.

Mr. Larson explained that a RIO allowed for development of infill properties and gave the City some flexibility in approving developments where streets didn't initially meet the requirements of the Subdivision Ordinance. A RIO and a preliminary subdivision plat had to be approved at the same time.

Mr. Larson stated that there were three sets of overhead power lines on two separate easements that ran north and south through the proposed subdivision. The lots had been designed around the easements. The subdivision included Lot No. 28, which was an existing home on 3100 West. The home had been included to allow the water system to be looped. Most of the lots in the subdivision had an 'R' (restricted) designation because they included portions of the power easements. The restrictions for building under the power lines were also included on the subdivision plat. Lot Nos. 20 and 21 were labeled 'R' because of the temporary cul-de-sac. When the road continued to the north, the temporary cul-de-sac would be eliminated, and the curb, gutter, and sidewalk would be straightened out. Funds would be escrowed to cover the cost of straightening out the cul-de-sac. The property owned by Dee Nelson was not part of the subdivision as he was not interested in selling. Lot No. 17 needed to be restricted as well because of a future road easement to allow for the future development of the Nelson property. The undeveloped Nelson property left a double frontage issue on 5475 South. The developers proposed to solve the double frontage by installing a wall along the north side of the 5475 South cul-de-sac. The staff suggested that the property line for Lot No. 12 be extended west along the north side of the cul-de-sac to allow the wall to be on private property. Fencing would also be required along the power corridor and the north subdivision boundary. The road in front of Lot No. 28 needed to be dedicated to the City. Mr. Larson said the City Engineer's comments centered around storm water. He felt the City Engineer's comments could be resolved. None of them changed the subdivision layout. The Development Review Committee had reviewed the subdivision and recommended that the Planning Commission recommend preliminary approval to the City Council.

Commissioner Collins asked if the staff had met with the developers and discussed the findings in the staff report. Mr. Larson said he had. A few things on the plat had been changed to address the City's concerns.

Commissioner Allred asked about access to Lot Nos. 13 and 16. Mr. Larson Lot No. 13 fronted 5475 South; Lot No. 16 fronted 5450 South. When the Nelson property developed, Lot No. 16 would become a corner lot. Commissioner Allred asked if a home on Lot No. 16 would have to meet corner lot setbacks. Tony Reynolds stated when the Nelson property developed, they would have to make sure adjoining lots were in compliance.

Commissioner Allred asked about the land drain. Mark Larson stated that originally the storm drain was connected to the land drain. That had been taken care of. The storm water now drained to the curb and gutter which drained to a catch basin in Phase No. 1. Commissioner Allred was concerned about the distance storm water would have to travel in the gutter. He felt ponding would occur.

Mike Jensen, Hansen & Associates, stated that there wasn't a storm drain closer for them to hook into. In order to hook into a storm drain, they would have to run approximately 1500 feet of storm drain.

Mark Larson stated that the City Engineer had met with Hansen & Associates and resolved the storm water concerns.

Commissioner Hoopes arrived at 6:21 p.m.

Chairman Merx opened the floor for public comments.

Pidy Linderman, 5388 South 3375 West, asked if 5400 South would continue east to 3100 West. Mark Larson stated that it would not. The stub roads in Hidden Cove No. 2 would continue to the north. Eventually a road would be extended to 3100 West in the vicinity of 5300 South. Ms. Linderman was concerned about the traffic on 5400 South that would be generated by this subdivision. She asked what RIO meant.

Mark Larson stated that a RIO allowed for infill properties to develop by allowing flexibility in street requirements. In this case, future development would eventually resolve the concerns regarding road length and cul-de-sac length.

Ms. Linderman asked if there would be homes under the power lines. Commissioner Hilton said there would be lots under the power lines, but not homes.

Richard Howe, 5339 South 3100 West, stated that there was a 20-foot hole for a field drain along the north property line of Lot No. 28. In the spring, and throughout the summer, water was pumped from the hole into a ditch that eventually ran north. During the spring the field drain flowed 6 to 8 inches a day. He wanted to make sure that was addressed. He didn't feel running storm water down the curb would work.

Commissioner Kirch asked if the hole was on Lot No. 28 or the property adjacent to it. Mr. Howe said it was on Lot No. 28.

Mike Hansen stated that he had not seen the hole.

Mike Jensen, Hansen & Associates, stated that they had considered putting in a land drain so that basements would be allowed.

Richard Howe stated that there was an artesian well on the property immediately to the north of Lot No. 28 that ran 24 hours a day 365 days a year. The drain ditch that handled the water was not on the Adair property, but the pump was.

Commissioner Collins moved to close the public hearing at 6:53 p.m. Commissioner Allred seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

Commissioner Yeoman moved to recommend that the City Council approve a RIO district for Hidden Cove Subdivision No. 2 located at approximately 5400 South 3275 West and grant preliminary approval subject to staff and engineering recommendations; engineering consideration of water issues resulting from ground water, the artesian well, and surface drainage; and that Lot No. 17 be restricted. Commissioner Collins seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

3. PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE FUTURE LAND USE MAP OF THE ROY CITY GENERAL PLAN

Commissioner Allred moved to open the public hearing at 6:37 p.m. Commissioner Kirch seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

Mark Larson stated that the southwest corner of 4800 South 3500 West was zoned Community Commercial. Stephen Smith was requesting that the Future Land Use Map of the General Plan be amended.

Tony Reynolds showed the Planning Commission a conceptual site plan for the southwest corner.

Mark Larson stated that Mr. Smith was requesting two changes to the Future Land Use Map. Parcel 1 actually consisted of two separate properties that Mr. Smith planned to annex into Roy City. The Future Land Use Map showed those properties with a future use of medium density residential. Mr. Smith was asking that the use be changed to commercial. Parcel 2 was a 'tail' located on Midland Drive. Its location made it difficult to incorporate into the commercial site plan. Mr. Smith was asking that its future use be changed from commercial to medium density residential.

Stephen Smith, Sandy, discussed averaging lot sizes in an R-1-10 Zone. The Planning Commission said the minimum lot size in an R-1-10 Zone was 10,000 square feet. Tony Reynolds said the medium density designation allowed for both R-1-8 and R-1-10 Zones. Lot sizes could be discussed when Mr. Smith requested a zone change.

Chairman Merx opened the floor for public comments.

Pidy Linderman asked if Midland Drive would be widened. Tony Reynolds explained that Midland Drive in this location was west of 3500 West.

Commissioner Collins moved to close the public hearing at 6:47 p.m. Commissioner Yeoman seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

Commissioner Yeoman moved to recommend that the City Council amend the Future Land Use Map of the General Plan by changing the use of Parcel 1 located at approximately 4885 South 3500 West from medium

density single family residential to commercial and the use of Parcel 2 located at approximately 4850 South Midland Drive from commercial to medium density single family residential. Commissioner Collins seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

4. CONTINUATION OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO ROY CITY TITLE 10 - ZONING REGULATIONS

At 6:49 p.m. Commissioner Allred moved to continue the public hearing from June 27, 2006. Commissioner Kirch seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

Tony Reynolds stated that there were two separate issues - fencing and the size of accessory buildings. The staff's recommendation regarding accessory buildings was to take the Zoning Ordinance back to what it was prior to June 7, 2005. The previous ordinance stated that accessory buildings were limited in size to 25% of the total rear yard area. The rear yard was the area between the primary dwelling and the rear property line. The restriction did not apply to commercial structures. Accessory buildings could not be built in front yards. They could be built in side yards, but only if there was adequate width to meet setback requirements. In addition to the 25% restriction, the staff also recommended that in R-1-6, R-1-7, R-1-8, R-1-10, and R-1-15 Zones, accessory buildings not exceed 1250 square feet. In RE-20 Zones, accessory building would be limited to only 25% of the rear yard. The staff didn't want to restrict R-2, R-3, or R-4 Zones beyond the 25% because storage was often needed in multiple family situations.

Commissioner Collins asked about multiple accessory buildings. Tony Reynolds said the total square footage of all accessory buildings could not exceed the restriction.

Commissioner Collins asked about a height restriction. Tony Reynolds stated that he had spoken with other cities about height. They all indicated it came down to enforcement of the Zoning Ordinance. It was difficult and frustrating, but it was an enforcement issue.

Mark Larson stated that the staff was proposing that the Zoning Ordinance be amended to allow 6-foot fences in the street side yard setback on corner lots. The staff received numerous calls every summer about fencing on corner lots. It became a matter of aesthetics versus privacy. The Zoning Ordinance prior to June 7, 2005, allowed 6-foot fences on corner lots.

Chairman Merx stated listed his concerns:

1. The proposed amendment would allow the owners of corner lots to do something (build a 6-foot fence to the property line) that the owners of interior lots could not do.
2. A 6-foot fence would obstruct mid-block owner sight line in cases where the corner lot was a side yard. The City does do not allow this obstruction in cases where the corner lot was a front yard.
3. Corner lots had reduced setback requirements. That encouraged larger front and side yards. Fencing the side yard defeated the purpose of the reduced setbacks.
4. While a few corner lot owners had requested the change, he felt the Commission must protect the needs of all property owners.
5. Corner lots were inherently different from mid-block lots. They had both advantages and disadvantages.

Mark Larson indicated that if a driveway on an interior lot was within 12 feet of the corner lot property line, a 6-foot fence would be prohibited because of visual problems. Six-foot fences on corner lots was pretty typical in other cities. The City received complaints about the lack of privacy on corner lots, but it didn't receive complaints about visual impact. He felt more people would be happy with the proposed amendment than would not. Mr. Larson asked if there could some type of compromise, such as a 6-foot fence 5 feet behind the property line.

Commissioner Kirch asked if the City received complaints from interior lot property owners about 6-foot fences on adjoining corner lots. Mark Larson said he hadn't received any.

Tony Reynolds stated that he had conducted research of his own. In cities that allowed smaller lots, the regulations on fencing became more liberal.

Mark Larson stated that because rear yards on corner lots were 15 feet, he felt 6-foot fences should be allowed in street side yard setbacks. If the City required larger back yards on corner lots, he didn't feel 6-foot fences in street side yard setbacks would be necessary.

Commissioner Kirch argued that because the Zoning Ordinance was for the benefit of the citizens, the Planning Commission might want to consider reverting to the prior fencing regulations.

Chairman Merx reiterated that the proposed amendment would allow corner lots to do something interior lots could not do.

Commissioner Collins stated that corner lots were restricted in ways other than fencing. He didn't feel the Planning Commission could resolve all of the problems.

There was a discussion about how the location of a driveway would impact the height of a fence. Mark Larson said a 6-foot fence on a corner lot would not be allowed if there was a driveway located within 12 feet because of visibility concerns. Chairman Merx asked about a driveway located on the street side of a corner lot. Mark Larson said a 6-foot fence would have to be 12 feet away from that driveway as well.

Commissioner Kirch moved to close the public hearing at 7:31 p.m. Commissioner Collins 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 1029 (4) of Title 10 of the Roy City Code regarding accessory buildings to read: The total of all accessory buildings located on a residential lot shall not occupy an area that exceeds 25% of the rear yard area and in R-1-6, R-1-7, R-1-8, R-1-10, and R-1-15 zones shall not exceed 1250 square feet. Commissioner Collins 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 Title 10 of the Roy City Code regarding fence regulations by adding 1036 (1)[e]: On corner lots, fence, walls, hedges, or other screening material greater than four feet (4') in height will be permitted within the street side yard setback up to six feet (6') in height, provided it is not closer than twelve (12') to a driveway on the subject lot or on an abutting lot and all the clear view requirements are met. Commissioner Yeoman seconded the motion. Commission members Hoopes and Yeoman voted "aye." Commission members Collins, Hilton, Kirch, and Merx voted "nay." Commission member Allred abstained. The motion was defeated.

5. ADJOURN

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Commissioner Collins moved to adjourn at 7:39 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:pjul1106