

ROY CITY PLANNING COMMISSION

September 26, 2006

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on September 26, 2006, 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:

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: Howard Kent; Brent Nelson; Glen Mills; Elaine Mills; Mick Hanson; Jim Quarles; and Glen Bryson.

Pledge of Allegiance: Karlene Yeoman

1. APPROVAL OF SEPTEMBER 12, 2006, MINUTES

Commissioner Allred moved to approve the minutes of September 12, 2006, as corrected. Commissioner Yeoman seconded the motion. Commission members Allred, Collins, Hoopes, Kirch, and Yeoman voted "aye." The motion carried.

2. PUBLIC HEARING TO CONSIDER A PETITION TO REZONE APPROXIMATELY 6.71 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 3500 WEST 6000 SOUTH FROM AND RE-20 ZONE TO A COMMUNITY COMMERCIAL ZONE AND 21.25 ACRES FROM AN RE-20 ZONE TO AND RE-15 ZONE

Commissioner Collins moved to open the public hearing at 6:03 p.m. Commissioner Hoopes seconded the motion. Commission members Allred, Collins, Hoopes, Kirch, and Yeoman voted "aye." The motion carried.

Mark Larson stated that H & B Development had requested that an overall 30.71 acres located on the south side of 6000 South between 3100 West and 3500 West be rezoned. The property was currently zoned RE-20, which was a single-family residential zone with a minimum lot size of 20,000 square feet with some agricultural rights. The proponents were requesting that 23.71 acres be rezoned to R-1-15, which was a single-family residential zone with a minimum lot size of 15,000 square feet, and that 7.00 acres be rezoned to Community Commercial. The commercial area would be located on the southeast corner of 6000 South 3500 West. It would extend approximately 500 feet east of 3500 West.

Commissioner Hilton arrived at 6:05 p.m.

Mark Larson stated that the developers were working with Clinton City to develop the adjoining acreage as well. He showed the Planning Commission a conceptual plan that showed a development that overlapped Roy and Clinton. The streets extended through the development to 6000 South and lined up with streets on the north side of 6000 South. The depth of the commercial zone lined up with the depth of the commercial area in Clinton. The developers had provided a conceptual layout for the commercial area. Those developing and purchasing lots around the commercial area would know about it from the beginning. As the commercial area developed, the City would have to deal with how to buffer the residential area. The rezone request complied with the General Plan. The staff recommended that the rezone be approved.

Commissioner Allred asked if the LDS Church previously owned this acreage. Mark Larson said it had. Commissioner Hilton stated that the property was originally owned by the Patterson family who deeded it over to the LDS Church.

Vice Chairman Kirch asked why the petitioners had requested an R-1-15 Zone. Mark Larson stated that the R-1-15 Zone would allow the lot sizes to be consistent with those in Clinton and would give the developers the flexibility to work around the four power lines that ran north and south. The proposed lot sizes ranged from 15,000 square feet to over 33,000 square feet. Vice Chairman Kirch asked how many of the lots were over 20,000 square feet. Mr. Larson did not know.

Commissioner Hilton asked if the property owners and petitioners were the same. Mr. Larson said they were. At this time, the proponents did not have a particular user for the commercial area.

Vice Chairman Kirch how the residential area would be buffered from the commercial area. Mark Larson said that would be discussed when and if the property was subdivided.

Commissioner Hilton was concerned about granting a commercial zone without knowing the user. If the property was zoned commercial, the developer could sell it to someone who might have different plans. The City's intent for a commercial area on this corner was a professional plaza similar to the one on the northwest corner of 6000 South 3500 West. The City didn't want a gas station on this corner. He felt the current developer understood what the City was looking for. Mr. Larson said the developer didn't want to market the property as commercial without a commercial zone. On the other hand, the City wanted to know what use would be in order to feel more comfortable about granting the rezone. It was a catch 22 situation.

Commissioner Allred asked if the City could place conditions on the rezone. Mr. Reynolds said it could.

Commissioner Hilton suggested a development agreement that would limit the uses allowed on this corner.

Commissioner Collins asked if a commercial use would have to come back to the Planning Commission and City Council for approval. Mark Larson said the Planning Commission would have to approve a site plan. Conditional uses would have to be considered by both the Planning Commission and City Council.

Commissioner Collins asked about phasing. Mr. Larson said the developer hadn't submitted plans that showed phasing.

Howard Kent from H & B Development, Salt Lake City, stated that his partner was Brent Nelson. They had entered into an agreement with PRI Reserve to purchase 190 acres. The majority of the acreage was in Clinton. Clinton's general plan called for commercial development along 2000 West (3500 West in Weber County). They felt the commercial area should be extended north into Roy to 6000 South. The rest of the property would have a residential use. Most of the proposed lots would be larger than 15,000 square feet. They were requesting an R-1-15 Zone to give them flexibility to work around the power lines. They were tying their roads into existing streets in Roy. The subdivision layout was very simple. Mr. Kent felt it would be awhile before the commercial area along 3500 West would be absorbed by the market. The conceptual plan for the commercial area was a preliminary possibility. They planned to

keep the ground in the green belt until a use came along. The user would most likely incorporate the commercial areas in both Roy and Clinton.

Vice Chairman Kirch asked if Howard Kent and Brent Nelson would be adverse to a development agreement on the commercial area. Mr. Kent didn't feel a development agreement would be necessary because all of the uses would have to be brought back to the Planning Commission and City Council. He said it was very likely that they would sell the commercial area to someone else.

Commissioner Collins asked if Howard Kent and Brent Nelson planned to develop the residential area themselves. Mr. Kent said they did. Commissioner Collins asked about phasing. Mr. Kent said the entire development would probably consist of eight to nine phases. The location of the first phase would depend on utilities. The Roy portion would probably be about the third phase.

Vice Chairman Kirch asked if a gas station was a permitted use in a Community Commercial Zone. Tony Reynolds said it was a conditional use. A conditional use was described as a use that could work with certain conditions. Vice Chairman Kirch said the only way to prevent a gas station would be to enter into a development agreement.

Vice Chairman Kirch opened the floor for public comments.

Jim Quarles, 3074 West 6000 South, was concerned about a gas station on the corner of 3500 West 6000 South because of access difficulties.

Glen Bryson, 3412 West 6000 South, was concerned about this development. The developers didn't live there and didn't care about the people who did. He suggested that the properties on the north side of 6000 South be rezoned to commercial as well.

The Planning Commission asked about the future land use on the northeast corner of 6000 South 3500 West. The staff indicated it was low density single family residential. The Planning Commission said Mr. Bryson and the other owners could submit a petition to have the Future Land Use Map amended. Mr. Bryson wanted the Commission to make a commitment to consider a commercial zone if a petition was submitted. The Planning Commission indicated that was something it could not do. The Commission suggested that Mr. Bryson speak with the staff about submitting a rezone request.

Glen Bryson was concerned about the traffic increase this development would bring to 6000 South and 3500 West. Tony Reynolds said that was a question that could be answered when and if a development plan for the property was submitted. If there was a concern about traffic, the City could request that a traffic study be done.

Glen Mills, 3446 West 6000 South, stated that he owned several of the parcels on the northeast corner of 6000 South 3500 West. He was also a real estate broker. He had spent the past several months trying to find horse property. He felt there was a need for RE-20 properties with homes. Although if this property stayed RE-20, he recommended a condition to enforce weed control. He objected to the residential down zoning, but he supported the rezone for the commercial area. He didn't want a gas station.

Brent Nelson, Syracuse, Benchmark Homes, stated that when they requested that the General Plan be amended to allow a commercial use on this corner there was discussion about whether 500 feet was too shallow. The Planning Commission decided to keep the commercial depth at 500 feet. If the City was going to limit the use on the commercial property to prevent gas stations, Mr. Nelson felt they might as well put homes on the corner. Many large retailers were including gas stations along with their businesses, such as Albertson's, Walmart, and Smith's. He was concerned about the City limiting the options on the commercial area.

Commissioner Hilton stated that the City was looking for a professional business plaza, not a gas station or a strip mall. He suggested tabling the rezone of the commercial area, until the developers knew what the use would be. Brent Nelson said that they would develop the entire property as residential if that was the case.

Vice Chairman Kirch stated that the City was concerned about the commercial use on this property. The City could not deny a conditional use, it could only apply conditions to it.

Jim Quarles supported restricting the commercial area to a professional use.

Glen Bryson asked if the residential development was going to be a plastic village. Vice Chairman Kirch said the Commission couldn't talk about development standards until it received a development proposal.

Glen Mills stated that a gas station might not work on the corner because of the proximity to the church. He thought alcohol sales were prohibited within a certain distance from churches and schools.

Commissioner Hoopes moved to close the public hearing at 6:55 p.m. Commissioner Collins seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, and Yeoman voted "aye." The motion carried.

Commissioner Allred stated that the letters submitted by the proponents created some confusion about the east boundary line for the commercial rezone. Did it stop at 500 feet or extend to the church? The City could not approve a rezone to the church because the depth of the commercial use on the General Plan was only 500 feet. He was concerned that the City seemed to be losing RE-20 property. Commissioner Allred was not comfortable with the conceptual plan for the commercial area. He had hoped to see something more compatible with the surrounding development, not a sea of asphalt on the corner.

Commissioner Collins was pleased to see the request for an R-1-15 Zone rather than an R-1-8 or R-1-10. This was not a prime residential area because of the power lines. He felt an R-1-15 Zone worked under the power lines.

Vice Chairman Kirch asked if rezoning the property was really necessary. It seemed most of the lots were 20,000 square feet or larger. Mark Larson stated that the frontage requirement between the two zones was different.

Vice Chairman Kirch asked about the marketability of lots with animal rights. Howard Kent stated that if the property remained RE-20, they would prohibit the use of animals with their restrictive covenants. A development with animals was not the type of neighborhood they wanted to create.

In response to Commissioner Allred's concern about the description of the commercial rezone, Mark Larson indicated that the proponent had submitted a legal description specifically identifying the area to be rezoned commercial. The letter submitted by the petitioner was incorrect.

Commissioner Yeoman moved to recommend that the City Council rezone approximately 23.71 acres located at approximately 6000 South 3500

West from RE-20 to R-1-15 and approximately 7.00 acres located at approximately 6000 South 3500 West from RE-20 to Community Commercial subject to the staff's recommendations and that the City Council consider establishing a development agreement for the commercial area to limit what uses would be allowed. Commissioner Hilton seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, and Yeoman voted "aye." The motion carried.

3. OTHER BUSINESS

Commissioner Allred asked about the status of the new Sign Ordinance. Mark Larson said the staff was just finishing up the Zoning and Subdivision Ordinance. The Sign Ordinance would be next.

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4. ADJOURN

Commissioner Hilton moved to adjourn at 7:14 p.m. Commissioner Hoopes seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, and Yeoman voted "aye." The motion carried.

Attest:

Gennie Kirch
Vice Chairman

Michelle Drago
Secretary

dc:psep2606