

ROY CITY PLANNING COMMISSION

August 22, 2006

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on August 22, 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:

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

Excused: Blaine Hoopes

Others present were: Mayor Joe Ritchie; Councilman Larry Peterson; Cheryl Howe; Glen Jenkins; Max Westergard; Marcell Westergard; Michelle Scott; Dan Scott; Annette Kerbs; Stephen Smith; and Vic Arnold.

Pledge of Allegiance:

1. APPROVAL OF AUGUST 8, 2006, MINUTES

Commissioner Yeoman moved to approve the minutes of August 8, 2006, as corrected. Commissioner Collins seconded the motion. Commission members Allred, Collins, Hilton, Merx, and Yeoman voted "aye." The motion carried.

2. PUBLIC HEARING TO CONSIDER A PETITION FROM JMS ROY, LLC AND STEPHEN P. SMITH TO ANNEX APPROXIMATELY 2.48 ACRES LOCATED AT APPROXIMATELY 4885 SOUTH 3500 WEST WITH A ZONE OF COMMUNITY COMMERCIAL

Commissioner Hilton moved to open the public hearing at 6:02 p.m. Commissioner Yeoman seconded the motion. Commission members Allred, Collins, Hilton, Merx, and Yeoman voted "aye." The motion carried.

Mark Larson stated that JMS Roy, LLC and Stephen Smith had requested that 2.48 acres located at approximately 4885 South 3500 West be annexed with a zone of Community Commercial. The acreage made up a small island of unincorporated Weber County. Approving the annexation would resolve that concern. The requested zone was consistent with the General Plan, the acreage was included in the Annexation Policy Declaration, and Roy City could provide services. The City Engineer had some comments about the annexation plat that could be resolved before it was recorded. The Development Review Committee recommended that the annexation be approved.

Chairman Merx asked if there were specific plans for this corner. Stephen Smith, Sandy, stated that he hadn't settled on anything yet.

Commissioner Collins asked if the annexation consisted of the entire unincorporated island. Mr. Smith said it did in this particular location.

Chairman Merx opened the floor for public comments. There were none.

Commissioner Collins moved to close the public hearing at 6:06 p.m. Commissioner Allred seconded the motion. Commission members Allred, Collins, Hilton, Merx, and Yeoman voted "aye." The motion carried.

Commissioner Hilton moved to recommend that the City Council approve the petition from JMS Roy, LLC and Stephen P. Smith to annex approximately 2.48 acres located at approximately 4885 South 3500 West subject to the conditions of the staff and establish a zone of Community Commercial. Commissioner Yeoman seconded the motion. Commission members Allred, Collins, Hilton, Merx, and Yeoman voted "aye." The motion carried.

3. PUBLIC HEARING TO CONSIDER A DEVELOPMENT AGREEMENT AND PRELIMINARY SUBDIVISION PLAN FOR WHISPERING MEADOWS SUBDIVISION LOCATED AT APPROXIMATELY 3100 WEST 5600 SOUTH

Commissioner Yeoman moved to open the public hearing at 6:06 p.m. Commissioner Hilton seconded the motion. Commission members Allred, Collins, Hilton, Merx, and Yeoman voted "aye." The motion carried.

Mark Larson stated that Ivory Homes was requesting preliminary approval of the Whispering Meadows Subdivision along with a development agreement. The Whispering Meadows Subdivision was located on the southwest corner of 5600 South 3100 West. It was currently zoned R-1-10. There was an existing home on the corner with animal rights. The home would be demolished. There were three overhead power lines that ran north and south through the subdivision. A fourth set was located on the Rocky Mountain Power property immediately to the west. There were currently no street improvements along the west side of 3100 West, and 5600 South was a state road. UDOT had denied access onto 5600 South. The subdivision had been designed with 36 lots. Some of the lots backed onto 5600 South and had double frontage. The main access would be from 3100 west via 5700 South. The City owned a 66-foot right-of-way along the south side of the subdivision, which would be incorporated into the subdivision as 5700 South from 3100 West to 3260 West. The right-of-way continued further west. The extension of 5700 South to 3260 West would prevent the subdivision from being a large dead end, and it would loop the utilities. Both UDOT and Roy City were requiring a fence along 5600 South to resolve the double frontage issue. Ivory Homes was also proposing a fence along part of the south side of 5700 South to resolve a double frontage problem there.

Mr. Larson said that Chapter 18 of the Zoning Ordinance regulated development agreements. Development agreements were tools to help with the development of awkward and difficult properties. He felt the big issue with Whispering Meadows was the development agreement. The 36 lots in Whispering Meadows ranged in size from 8,028 to 29,628 square feet. The average lot size was 16,982 square feet. The development agreement listed the lots that did not meet the R-1-10 requirements. Lot Nos. 25 through 30 and 32 through 35 had less than 10,000 square feet and Lot Nos. 25 through 36 were narrower than 80 feet. They were 65 feet wide with 75 feet on the corners. Those lots met the requirements of the R-1-8 Zone. Lot Nos. 20 through 30 had 25 foot front yard setbacks rather than

30. The smaller setback was needed on the west side of the street to allow for a larger building envelope because of the easement for the overhead power lines. The smaller setback was continued on the east side of the road for consistency in appearance. Lot Nos. 13, 14, 18, and 19 had 20 foot front yard setbacks. Lot No. 16 had a 5 foot side yard on the east side. The adjoining side yard on Lot No. 15 was 11 feet in order to maintain 16 feet between the homes like the rest of the subdivision. The adjustments were necessary because the location of the lots was fixed by the overhead power lines. Ivory Homes had created a homeowners' association that would maintain the common landscaping, the entrance, and the landscaping along 5600 South. Mr. Larson briefly summarized the requirements in the restrictive covenants. He also reviewed the drainage plan with the Planning Commission.

Commissioner Allred asked how far the subdivision was from the storm sewer. Mark Larson said there was a regional detention basin on the southeast corner of 5700 South 3260 West.

Commissioner Collins asked if 5700 South would be finished completely. Mr. Larson said it would be finished to 3260 West.

Mark Larson stated that Ivory Homes and the City still needed to work out the landscaping details along the 5600 South right-of-way with UDOT.

Commissioner Kirch arrived at 6:23 p.m.

Mark Larson stated that the Development Review Committee recommended that Whispering Meadows receive preliminary approval.

Vic Arnold, Ivory Homes, stated that the overhead power lines limited the layout for marketable lots on this property. The lots along the west side of the subdivision were large, but had a small buildable area.

Commissioner Hilton asked if the vinyl fence proposed along 5600 South would be extended along the west subdivision boundary as listed in the development agreement. Vic Arnold said it would not. Ivory Homes had no objection to putting in a fence, but he didn't feel a screen fence was necessary along the power corridor. The infrastructure costs for this subdivision were greater than they had anticipated. They were trying to hold costs down.

Mark Larson stated that there was an existing fence along the west side of this property.

Chairman Merx felt the Planning Commission should know what was in the development agreement along with any corrections before it recommended that the agreement be approved by the City Council.

Commissioner Allred asked what was meant by "temporary" in 5(f) of the development agreement. Vic Arnold said Ivory Homes intended that nothing permanent would be built without a building permit. Commissioner Allred pointed out that the development agreement did not allow home businesses, which were allowed by the City. Vic Arnold said the development agreement could be more restrictive than the City's ordinances, but it could not be less restrictive. The most restrictive document would prevail, whether it was the restrictive covenants or the City's ordinances.

Chairman Merx opened the floor for public comments.

Marcell Westergard, 5698 South 3100 West, asked how many lots would be less than 10,000 square feet. The Planning Commission said there were 10 lots with less than 10,000 square feet. They were all located in the middle block. Mrs. Westergard felt the City would want fewer lots under the power lines, not more. Did the City have a standard that required owners to occupy a home for so long before it could be rented? The Planning Commission said it did not. Vic Arnold stated that the two-year ownership requirement in the development agreement was above what was typical in most communities. The intention for that requirement was to add value to the subdivision by encouraging less transient homeowners.

Mrs. Westergard agreed that the Planning Commission should know what was in the development agreement, along with any corrections. The City Council was depending on the Planning Commission to do the legwork. She asked who would be responsible to replace the mailboxes on the west side of 3100 West. The Planning Commission felt that would be Ivory Homes' responsibility. Vic Arnold said they would put back whatever they took out. Mrs. Westergard asked if there was common landscaping along the west side of the subdivision. The Planning Commission said the property on the west side of the subdivision would be privately owned. Mrs. Westergard asked how long it would take to build the subdivision out and what the target market was. Vic Arnold said the build out was market driven. Ivory Homes anticipated that a subdivision this size would take a year to sell out. This subdivision was a mid-level market.

Glen Jenkins, 5713 South 3100 West, asked how wide the lots would be. Mark Larson said they would be 65 to 80 feet. Mr. Jenkins felt changing the frontages was changing about one-third of the

lots to R-1-8. The rezone request for R-1-8 was denied. He felt the 8,000 square foot lots would affect the value of the larger lots.

Commissioner Hilton stated that when the rezone was denied, the City understood that the developer would propose a development agreement for an R-1-10 subdivision with some adjusted lots.

Glen Jenkins asked if the lots under the power lines could have animals. Commissioner Kirch said both the City's Zoning Ordinance and the development agreement prohibited animals. Mr. Jenkins stated that there wasn't a buffer between this subdivision and his lot on the south side of 5700 South, which was zoned RE-20. He had animals. Did Ivory Homes plan to fence his property? Vic Arnold said Ivory Homes wouldn't object to fencing the north side of Mr. Jenkins property.

Commissioner Kirch asked if the footprints of the homes would be consistent throughout the subdivision. Mr. Arnold said the home footprints would be more consistent than the lot sizes.

Chairman Merx asked if homes built on Lot Nos. 25 and 36 would face 5700 South or into the subdivision. Mark Larson said they were corner lots and could face either way unless Ivory Homes determined otherwise.

Max Westergard, 5698 South 3100 West, was concerned about the appearance of the block entrance treatment deteriorating over time due to lack of care and vandalism. The Planning Commission said that was part of the common area and would be maintained by the homeowners' association. Mr. Westergard didn't see the need for a vinyl fence along the west subdivision boundary; a good fence would do. He felt Ivory Homes should work with Glen Jenkins to fence his lot along 5700 South. He wanted to see bigger lots in the middle block of the subdivision. He also felt there should be vehicular access to the back of the large lots along the west side. It didn't appear there was room between the building envelope and the side property lines for vehicular access. Vic Arnold indicated that all of the lots had an eight-foot side yard on each side. Mr. Westergard didn't want his mail box moved. The Planning Commission said mail boxes were under the jurisdiction of the post office. Mr. Westergard asked what the average home size would be. Mr. Arnold said the homes would range from 2,000 to 4,000 square feet. The size would depend upon the market. Mr. Westergard said his biggest concern was the size of the lots in the middle of the subdivision.

Commissioner Collins moved to close the public hearing at 7:12 p.m. Commissioner Kirch seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, and Yeoman voted "aye." The motion carried.

The Planning Commission reviewed the development agreement and recommended the following changes:

- 4) ~~Deviations or adjustments~~ ~~Variances~~ from City setback and square footage requirements in the R-1-10 zoning classification within the Whispering Meadows Subdivision. ~~Deviations to the City's Subdivision or Zoning Ordinances will not be allowed, except for those specifically listed herein.~~
- 4a) ... the Developer finds it necessary to request a ~~deviation or adjustment~~ ~~variance~~ from the minimum square footage requirement on Lots 25 - 30 and Lots 32 - 35.
- 4b) The lots referred to in Section 4.a. ~~and Lots 31 and 36 will~~ all be at least 8,000 square feet...
- 4c) ...the City will allow the Developer to utilize the R-1-8 front yard setback of 25 feet on Lots 20-~~24~~ 30...
- 4d) Lots 13, 14, 18, and 19 are encumbered in the same manner discussed in paragraph ~~3e~~ 4c...
- 4e) ...the City will grant the Developer a five foot side yard setback along the ~~western~~ ~~eastern~~ boundary of Lot 16. Lot 15 will have an 11 foot adjoining side yard setback to maintain 16 foot distance between the homes that there is throughout the remainder of the subdivision.
- 5b) ...~~No~~ Non-conforming projects...
- 5h) Storage and parking of vehicles is regulated so as to eliminate nuisances and hazards ~~and to maximize and~~ aesthetic appeal.
- 5n) ...no chain link fencing is permitted, ~~except along the western boundary of the development.~~
- 6a) The Developer proposes to construct a six foot tall, solid, white vinyl fence along the ~~western and~~ northern boundary of the development; ~~a chain link fence along the western boundary of the development;~~ and required fencing along the south side of 5700 South.

Declarations of Covenants, Conditions, and Restrictions should refer to the Weber County Recorder instead of the Salt Lake County Recorder. The definition of an accessory building should match the City's definition of an accessory building.

Commissioner Allred moved to recommend that the City Council grant preliminary approval of Whispering Meadows Subdivision located at approximately 3100 West 5600 South subject to the conditions set forth by the staff and that the development agreement be approved as corrected and amended by the Planning commission. Commissioner Collins seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, and Yeoman voted "aye." The motion carried.

4. OTHER BUSINESS

Mark Larson reminded the Planning Commission members about the Utah League of Cities and Towns conference on September 14th.

5. ADJOURN

Commissioner Hilton moved to adjourn at 7:36 p.m. Commissioner Allred seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, and Yeoman voted "aye." The motion carried.

Bill Merx
Chairman

Attest:

Michelle Drago
Secretary

dc:paug2206