

ROY CITY PLANNING COMMISSION

August 8, 2006

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on August 8, 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	Mark Larson, Planner
Doug Allred	Michelle Drago, Secretary
Dave Collins	
Brad Hilton	
Blaine Hoopes	
Gennie Kirch	
Karlene Yeoman	

Others present were: David Tracy; Howard Terry; Donald Child; Margaret Child; Dr. Leon White; Leone White; Ken Asay; Julie Asay; Angela Asay; Linda Shendow; Brent Nelson; Joe Trent; Paul Tracy; Rich Bott; Cathy Perry; Elizabeth Brown; Missy Powell; and Lane Fishburn.

Pledge of Allegiance: Dave Collins

1. APPROVAL OF JULY 11, 2006, MINUTES

Commissioner Yeoman moved to approve the minutes of July 11, 2006, as written. Commissioner Collins seconded the motion. Commission members Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

2. PUBLIC HEARING TO CONSIDER AMENDING A CONDITIONAL USE PERMIT AND A SITE PLAN FOR ADDITIONAL WHOLESALE WAREHOUSING LOCATED AT APPROXIMATELY 5135 SOUTH 2700 WEST

Commissioner Collins moved to open the public hearing at 6:01 p.m. Commissioner Hilton seconded the motion. Commission members Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

Mark Larson stated that the Planning Commission had reviewed this project twice before. David Tracy owned a salvage company at 5135 South 2700 West that stored surplus army parts. Most of the stored items were metal and non-flammable. The parts were mailed out so there weren't customers coming and going. There were four existing buildings on the site. David Tracy was requesting that his conditional use permit be amended to allow a 2,516 addition to Building 4 and an 1,800 addition to Building 1. The detention basin had been redesigned and the Fire and Public Works Departments had required a hammer-head turn around. Everything else on the site would remain the same.

Commissioner Allred arrived at 6:04 p.m.

Mark Larson stated that the additions would consist of metal along the bottom, a fiberglass material along the top, and a metal roof. The additions would match the existing buildings. Building 1 faced 2700 West. Mr. Tracy had agreed to put some brick along the front to match the adjacent home. The site contained 37% of landscaping, which was more than required by the Zoning Code.

Commissioner Collins asked if the buildings had utilities. Mark Larson said they only had electricity. Commissioner Collins commended Mr. Tracy for the improvements made to his property over the past several years.

David Tracy, 5135 South 2700 West, stated that the exterior of the additions would match the existing buildings. The language on the plat indicating that the detention basin was larger than needed would be removed as requested by the City Engineer. Mr. Tracy indicated that he wanted to adjust the slopes of the detention basin so he wouldn't have to bring in so much fill and to make maintenance easier.

Commissioner Collins asked if the detention pond would have adequate capacity if the slopes were adjusted. Mr. Tracy said it would.

Commissioner Hilton asked what the existing slope was. Commissioner Collins said it was about a 12/12 pitch, which was about 45 degrees.

Mark Larson stated that the site plan needed to represent what Mr. Tracy planned to do. It would have to be changed prior to being forwarded to the City Council.

Chairman Merx opened the floor for comments from the audience.

Howard Terry, 2509 West 5175 South, stated that he owned property across the street which was zoned R-1-8. He asked if the additions would affect his zoning and if he could change his property to a manufacturing zone. Commissioner Collins said Mr. Terry would have to request a rezone. Mr. Terry asked if the additions would provide job opportunities or add to the City's tax base. He thought the Planning Commission was trying to limit the manufacturing uses in this area. It seemed approving this request went against that policy.

Chairman Merx stated that other than the improvement to the front building, the changes to the site wouldn't be visible from the street.

Commissioner Kirch moved to close the public hearing at 6:18 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 approve an amended conditional use permit and site plan for additional wholesale warehousing located at approximately 5135 South 2700 West subject to the staff recommendations and that the site plan be amended to show any slope changes to the detention basin before it was forwarded to the City Council. Commissioner Yeoman seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

3. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT AND A SITE PLAN FOR MULTI FAMILY STRUCTURE LOCATED AT APPROXIMATELY 1980 WEST 6000 SOUTH AND PRELIMINARY APPROVAL OF A CONDOMINIUM PLAT

Commissioner Hoopes moved to open the public hearing at 6:19 p.m. Commissioner Allred seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

Mark Larson stated that the Lane Fishburn was requesting approval of a multi-family structure located at approximately 1980 West 6000 South. Mr. Fishburn planned to sell the units individually. Roy City didn't have regulations for condominiums, so Mr. Fishburn was proceeding under the requirements listed in the State statute. This property was zoned R-3. Multi-family units were a conditional use in the R-3 Zone. Because a condominium was involved, Mr. Fishburn was also requesting preliminary approval of his plat.

Mr. Larson stated that the site plan showed five units running north and south. There was an existing chain link fence with slats along the west and north property lines. There was a retaining wall along the east side. A screen fence would be added on top of the retaining wall so the site would be fenced on all sides. Mr. Larson said the staff was concerned about how storm water would be detained on site. Originally, all of the storm water was detained in the front. The site plan had been revised to provide detention basins in the front and the back. The storm water would be split between them. Each unit would have three bedrooms and a two-car garage, which allowed for additional landscaping in front of each unit. Mr. Larson showed the Planning Commission the building elevations. The DRC recommended that the conditional use permit, site plan, and preliminary plat be approved.

Commissioner Collins asked about snow removal. Mark Larson said it would be pushed to the back of the site next to the dumpster.

Lane Fishburn, Kaysville, stated that a condominium involved three separate legal documents which had to be recorded with the condominium plat. He showed the Planning Commission samples of the proposed building materials. He planned to make the building and the site as maintenance free as possible. In order to dress up the outside appearance, timbers had been added to the peaks and to match the windows.

Commissioner Kirch asked if the units would be pre-sold. Mr. Fishburn said they would not.

Chairman Merx opened the floor for public comments.

Dr. Leon White, 1995 West 5950 South, stated that his home was immediately to the north. He was concerned that snow would affect his fence and about the proximity of the dumpster to his property. Three bedroom units would attract families. He felt 6000 South would be dangerous to children because it was so busy.

Commissioner Hoopes stated that there was about 20 feet between the driveway and the rear property line. He felt there was adequate distance between to provide room for snow without harming the fence.

Lane Fishburn stated that the dumpster would be enclosed with cinder block. Commissioner Collins indicated that the dumpster would be emptied regularly. If there were problems with the fence, it would be a civil matter.

Linda Shendow, 1968 West 6000 South, asked how much room there would be between the backdoors and the west fence. Lane Fishburn said there was 10½ feet. She asked if the individual units would be able to fence the back area. Mr. Fishburn said an open area had to be maintained for maintenance, but each unit could have a privacy screen. Ms. Shendow asked if all condominiums were required to have dumpsters. The Planning Commission said they were. She asked about mail boxes. Mr. Fishburn said the post office required a community mail box. Ms. Shendow was concerned about the appearance of the site. Mr. Fishburn said the City had a Nuisance Ordinance. She asked about barbeques and pets. The Planning Commission said each unit would be considered an individual home. They could have barbeques and pets. Ms. Shendow asked where the children would play. If there wasn't room on the site, the children would play elsewhere, and 6000 South was busy. She asked about the sales price of the condo's. She didn't want low income housing in the neighborhood.

Elizabeth Brown stated that there wasn't anything in Roy for young adults to do because all Roy was concerned about was condominiums and commercial. The traffic in Roy was bad like it was in California. Commissioner Kirch indicated that the project was not proposed by Roy City. It was the Planning Commission's responsibility to determine if the project met the requirements of the Zoning Code.

Donald Child, 2002 West 6000 South, stated that he lived immediately to the west. He was concerned about how storm water would affect him. Commissioner Hoopes stated that storm water would be detained on site and drained into the City's storm water system. Mr. Child asked how high the condo's would be. The Planning Commission estimated them to be about 25 feet in height. Mr. Child was also concerned about leaves from trees dropping onto his property, which he had to clean up. Lane Fishburn said that all of the existing trees were coming out. Mr. Child pointed out that the site plan showed new trees along the west property line. They would drop leaves on his property.

Missey Powell, 5976 South 2100 West, felt the density proposed for this site was too high. There wasn't any guarantee that the units would not be rented. She also stated that condominium associations were supposed to be registered with the State of Utah and regularly updated. However, after some time the information filed with the State became outdated and associations ceased to function.

Chairman Merx stated that the City did not have regulations governing condominiums. Therefore, condominiums were required to follow the State code.

Cathy Perry, 1975 West 6000 South, stated that due to all of the construction in Roy, traffic on 6000 South was bad. She was concerned about how this development would access 6000 South. Because it was almost directly across from her there could be conflicting traffic movements. She felt five units was too many for this site.

Lane Fishburn was aware that there were problems with condominium associations. That was why the condo's would be managed by a professional management company. He would put as much landscaping around the dumpster as he could to help screen it. There were landscaping areas in front and back of the condo's where children could play. Although those were also detention areas, they weren't that deep.

There was a discussion with the Planning Commission about how the site would drain.

Ken Asay, 2038 West 6000 South, asked if the detention areas would be grassed. Mr. Fishburn said they would be. Mr. Asay was concerned about children playing in the detention areas. It didn't take much water for children to drown in. What if the detention ponds caved in?

Linda Shendow stated that there was a natural drainage ditch along the east property line which drained her lot. She was concerned about what her responsibility was. Mark Larson stated that there was 2-foot retaining wall along the east property line. Ms. Shendow said the wall had gaps in it to allow for drainage. The Planning Commission said she probably needed to fill in the gaps so the storm water directed to the curb. Commissioner Hoopes felt Lane Fishburn was reasonable and would work with the Shendow's.

Commissioner Collins moved to close the public hearing at 7:18 p.m. Commissioner Yeoman seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

Commissioner Allred was concerned about storm drainage, but it appeared to have been addressed. This property was located in a multi-family zone. The density worked out to be about 5,000 square feet per unit. In an R-3, the density could be up to 12 units per acre. He didn't feel this was a big development that would attract a lot of children. The Future Land Use Map indicated that property along 6000 South would move further away from a residential use. He couldn't see anything about the site that wasn't allowed by the zone.

Commissioner Hoopes felt the proponent had a vested interest in the site because he knew the adjacent property owners.

Chairman Merx was concerned about the number of vehicles the development would generate. Commissioner Kirch pointed out that the vehicles leaving this site would enter traffic on 6000 South facing forward.

Commissioner Allred moved to recommend that the City Council approve a conditional use permit and site plan for a multi-family structure located at approximately 1980 West 6000 South and a preliminary condominium plat for Country Meadows Condominiums based on the new site plan showing two-car garages and split detention ponds and subject to the staff's recommendations. Commissioner Kirch seconded the motion.

Commissioner Kirch asked if the motion needed to include the required legal documents. Mark Larson said it didn't.

Planning Commission Minutes
August 8, 2006
Page 8

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

4. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE FUTURE LAND USE
MAP OF THE ROY CITY GENERAL PLAN

Commissioner Kirch moved to open the public hearing at 7:28 p.m. Commissioner Hoopes seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye."

Mark Larson stated that the City had received a request from H & B Development to amend the Future Land Use Map to allow for a commercial use on the southeast corner of 6000 South 3500 West. The Future Land Use Map showed a low density single family residential use along the south side of 6000 South from 3100 West to 3500 West. The depth of the proposed commercial use matched the existing depth of a performance zone in Clinton. Their performance zone allowed business and commercial uses. Mr. Larson showed the Planning Commission an overall conceptual plan that showed how development in Roy would integrate with adjoining streets.

Commissioner Allred asked about the status of the overall plan in Clinton.

Mark Larson stated that the staff had discussed how far east the commercial line should go. Some felt it should remain at the 500 foot depth. Some felt the commercial should go all of the way to the church to allow for more depth.

Howard Kent, H & B Development, stated that they intended to carry the same designs and patterns from Clinton into Roy. The lot sizes were larger because of the power easements. They tried to design a PRUD that would work for Clinton, but the Clinton City Council didn't want it. They had reverted back to a standard subdivision design and had submitted it to Clinton City.

Commissioner Yeoman asked if they were developing the commercial as well. Mr. Kent said they were. She asked if they had any potential tenants. Mr. Kent said they didn't. There was a lot of commercial property along 3500 West. It would take some time to absorb it.

Commissioner Collins argued that a larger commercial area on this corner might draw a larger tenant. Something other than a convenience store or a fast food restaurant.

Mark Larson stated that UDOT planned to widen 3500 West from two lanes to four all of the way from 1900 West south through Syracuse. They planned to begin with the next few years.

Chairman Merx stated that at first he thought the existing church would provide a buffer between a commercial use and the residential. However, he felt the commercial should remain with a 500 foot depth as proposed.

Chairman Merx opened the floor for public comments.

Missy Powell felt the existing residents along 6000 South would be upset if a commercial use went all of the way to the church.

A gentleman asked if there were different types of commercial zoning. The Planning Commission said there were two types of commercial - community and regional.

Commissioner Allred felt the commercial area should be restricted to 500 feet. He didn't feel a big box should be built on this corner.

Commissioner Kirch moved to close the public hearing at 7:52 p.m. Commissioner Yeoman seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Merx, and Yeoman voted "aye." The motion carried.

Commissioner Kirch moved to recommend that the City Council amend the Future Land Use Map by changing the use of 6.70 acres on the southeast corner of 6000 South 3500 West from low density single family residential to commercial. Commissioner Yeoman seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." Commissioner Collins voted "nay." The motion carried.

5. OTHER BUSINESS

Chairman Merx suggested that the Zoning Code be amended to include condominium regulations.

Mark Larson stated that Utah League of Cities and Towns was holding a planning conference on September 14th. He asked the Commission members to let him know by August 22nd if they wanted to attend.

Commissioner Hoopes stated that he would not be able to attend the August 22nd meeting.

6. ADJOURN

Commissioner Allred moved to adjourn at 7:59 p.m. Commissioner Hoopes seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye."

Bill Merx
Chairman

Attest:

Michelle Drago
Secretary

dc:paug806