

ROY CITY PLANNING COMMISSION

June 22, 2010

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on June 22, 2010, 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:

Tom Stonehocker, Chairman
Dave Collins
Lee Holt
Bill Merx
Roy Watts

Jared Hall, Planner
Michelle Drago, Secretary

Excused: Blake Hamilton and Gennie Kirch

Others in attendance were: Darwin Terry; Arlene Terry; Dorene Batement; Trent Bills; Samantha Bills; and Councilman Brad Hilton.

Pledge of Allegiance: Tom Stonehocker

1. APPROVAL OF JUNE 8, 2010, MINUTES

Commissioner Merx moved to approve the June 8, 2010, minutes as corrected. Commissioner Holt seconded the motion. Commission members Collins, Holt, Merx, Stonehocker, and Watts voted "aye". The motion carried.

2. APPROVAL OF RESOLUTION NO. 974 ESTABLISHING PLANNING COMMISSION MEETINGS FOR FY2011

Commissioner Watts moved to approve Resolution No. 974 establishing Planning Commission meetings for FY2011. Commissioner Collins seconded the motion. A roll call vote was taken: Commission members Watts, Stonehocker, Holt, Merx, and Collins voted "aye." The motion carried. (Copy filed for record).

3. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE ALLOWING A SELF-STORAGE FACILITY AND OFFICE ON PROPERTY LOCATED AT APPROXIMATELY 5837 SOUTH 1900 WEST

Jared Hall stated that the development review committee staff was still in the process of reviewing the plans for the self-storage facility at 5837 South 1900 West and was not prepared to make a recommendation. He asked that the Planning Commission continue the hearing to July 13th at 6:00 p.m.

Commissioner Merx moved to open the public hearing at 6:05 p.m. Commissioner Holt seconded the motion. Commission members Collins, Holt, Merx, Stonehocker, and Watts voted "aye." The motion carried.

Jared Hall stated that the property in question is located on the west side of 1900 West at approximately 5837 South. Myers Mortuary was located immediately to the south. The bulk of the site to be developed would not be visible from 1900 West. The proposal included a 1,300 square foot office building along the 1900 West frontage. The office building would contain a real estate office and management offices for the storage units. The storage units would be located on the larger portion of the property, to the west and north, behind the office and other businesses fronting 1900 West. The staff would be prepared to make a recommendation at the July 13th meeting.

Commissioner Merx asked if the only access would be from 1900 West. Mr. Hall said the site would be entirely fenced with a security gate behind the office. All access would be from 1900 West.

Chairman Stonehocker opened the floor for public comments.

Darwin Terry, 5827 South 2000 West, stated that Mr. Hall had answered his question. He wanted to know if the storage facility would have access from 2000 West. It sounded like it would not. He asked about the apartments on 2000 West. The apartments were supposed to have lawn on either side, but it was still dirt. Did the City know when the lawn would be put in? Mr. Hall appreciated knowing that the lawn was not in. The staff would follow up on it.

At 6:08 p.m., Commissioner Merx moved to continue the public hearing to July 13th at 6:00 p.m. Commissioner Holt seconded the motion. Commission members Collins, Holt, Merx, Stonehocker, and Watts voted "aye." The motion carried.

4. PUBLIC HEARING TO CONSIDER A REQUEST TO REZONE PROPERTY LOCATED AT APPROXIMATELY 3127 AND 3199 WEST 4800 SOUTH FROM RE-20 TO R-1-8

Commissioner Collins moved to open the public hearing at 6:09 p.m. Commissioner Watts seconded the motion. Commission members Collins, Holt, Merx, Stonehocker, and Watts voted "aye." The motion carried.

Jared Hall stated that rezone request consisted of two parcels located at 3127 and 3199 West 4800 South. Trevor and Samantha Bills were requesting that the parcels be rezoned from RE-20 to R-1-8. The Bills owned the parcel at 3127 West 4800 South. Samantha Bills jointly owned the parcel at 3199 West 4800 South with her brother. The Bills wanted to adjust their west property line to accommodate an addition to their home. Normally a lot line adjustments were very simple. If a new lot was not being created and if there wasn't a zoning violation, the planning administrator could give the applicant a letter approving the adjustment. The applicant then hired a surveyor, prepared quit claims deeds, and recorded the deed with the County Recorder.

Mr. Hall said the Bills were not creating a new lot. They wanted to take acreage from 3199 West 4800 South and add it to their lot in order for their addition to meet setback requirements. The home on 3199 West 4800 South would continue to meet its setback requirements, but it would no longer meet the minimum lot size requirement of 20,000 square feet. The lot at 3127 West 4800 South did not currently meet the requirements of the RE-20 Zone. The General Plan showed the lot at 3127 West 4800 South with a medium density use. So there wouldn't be a problem rezoning that lot to R-1-8. However, the General Plan showed 3199 West 4800 South with a low density residential use. In order to rezone that lot to R-1-8, the Bills would have to apply for an amendment to the Future Lane Use Map. The surrounding area was predominantly zoned medium density single-family residential. The animal rights at 3199 West 4800 South were currently not being used.

Mr. Hall stated that even if the property line was adjusted and both lots were rezoned R-1-8, a number of factors would complicate the creation of a third lot. The home on one of the lots would have to be razed. If the Planning Commission and City Council were concerned about a future lot, they could require the property owners to sign a development agreement preventing the creation of a third lot.

Mr. Hall said the staff supported the rezone request. It had found that the proposed zone change would bring the property at 3127 West 4800 South into compliance with zoning and the Future Land Use Map. The proposed rezone would allow the residents and owners of 3127 West 4800 South to improve their existing home, further stabilizing housing in the

area. The larger area was a mix of RE-20 and R-1-8 Zones. The rezone would not create a great difference in the overall patterns of housing or development. Mr. Hall said the staff recommended that the Planning Commission recommend that the City Council approve the request to rezone properties at 3127 West and 3199 West 4800 South from RE-20 to R-1-8 based on the following conditions:

1. Subject to all items of the staff report and to further review and approval by City staff as might be deemed necessary.
2. Subject to the processing and approval of a petition to amend the Future Land Use Map to change the land use designation of property at 3199 West 4800 South from low density residential to medium density residential.

Commissioner Collins asked if adjusting the lot line would create a separate tax I.D. number or if the land would be absorbed into 3127 West 4800 South. Jared Hall said the Bills had to meet the setback requirements. If the lot line was adjusted, both lots would meet the overall size requirement for the R-1-8 Zone. The property at 3127 West 4800 South would expand at the expense of property at 3199 West 4800 South, no new lot would be created in that scenario, so no new tax ID number.

Commissioner Holt stated that after the survey was done, a new legal description would be created to blend the existing lot and the addition. The new legal description would be recorded.

Jared Hall stated that if the rezone was approved, the Bills would hire a surveyor to survey the property and prepare quit claim deeds transferring ownership of the property. When the lot line adjustment was recorded, the County would move the property line. There should not be a separate I.D. number.

Commissioner Holt asked why the lot line adjustment had not been referred to the Board of Adjustment. Jared Hall felt the Bills would have a hard time receiving a variance on the setbacks because it didn't pass any of the tests for a hardship. He felt the best way to handle their request was to rezone both parcels.

Chairman Stonehocker opened the floor for public comments.

Councilman Brad Hilton, 5773 South 3700 West, asked how large the lot at 3127 West 4800 South was. Mr. Hall said it contained 13,000 square feet. Councilman Hilton asked if it would be possible to rezone both parcels to R-1-15 rather than R-1-8. Then an amendment to the Future Land Use Map would not be necessary. Jared Hall's only concern was that there wasn't an adjoining R-1-15 Zone. Rezoning both parcels R-1-15

could possibly be considered spot zoning. It would perhaps be more practical to rezone both lots R-1-10 as there was an R-1-10 Zone to the north. An R-1-10 Zone would still require an amendment to the Future Land Use Map.

Councilman Hilton felt there might be members of the Council that would be opposed to the rezone because it would be doing away with low density lots. Mr. Hall said if there was a concern about maintaining low density lots, the City could require a development agreement from both property owners signing away their future right to subdivide their lots, or that R-1-10 could be implemented instead of R-1-8 since both zoning designations could allow the applicants to proceed with a lot line adjustment by making them conform. There was more than enough square footage to accommodate the R-1-10 and the applicants only interest in the rezone was to eventually put an addition on their home.

Commissioner Collins moved to close the public hearing at 6:22 p.m. Commissioner Watts seconded the motion. Commission members Collins, Holt, Merx, Stonehocker, and Watts voted "aye." The motion carried.

Commissioner Watts felt comfortable with the proposal.

Commissioner Watts moved to recommend that the City Council approve a request to rezone properties located at approximately 3127 West and 3199 West 4800 South from an RE-20 Zone to an R-1-8 Zone based on the staff's findings and subject to the conditions recommended by the staff. Commissioner Collins seconded the motion.

Jared Hall stated that the Bills' request to amend the Future Land Use Map would be heard at the July 13th Planning Commission meeting. Then the Planning Commission's recommendations regarding the rezone and General Plan amendment would be presented to the City Council at the same time. The Council would make a decision regarding the land use amendment first.

Commission members Collins, Holt, Merx, Stonehocker, and Watts voted "aye." The motion carried.

5. STAFF UPDATE

Jared Hall stated that the July 13th meeting could contain a conditional use for self-storage units and a General Plan amendment. It could also include two commercial site plans and two subdivision amendments.

Chairman Stonehocker and Commissioner Dave Collins indicated that they would not be able to attend the July 13th meeting.

Commissioner Holt asked when WinCo would open. Jared Hall said it was scheduled to open on June 28th.

6 ADJOURN

Commissioner Merx moved to adjourn at 6:27 p.m. Commissioner Holt seconded the motion. Commission members Collins, Holt, Merx, Stonehocker, and Watts voted "aye." The motion carried.



Tom Stonehocker
Chairman

Attest:



Michelle Drago
Secretary

dc:pjun2210