

## MINUTES OF THE DECEMBER 15, 2009, ROY CITY COUNCIL MEETING

1. Approval of November 17, 2009, minutes
2. Presentation of awards for the 2009 Christmas lighting contest
3. Consideration of a request to amend the Future Land Use Map changing the designation of the property located at 5720 South 2775 West from medium density residential to low density residential
4. Public comments
5. Approval of Settlement Agreement for the Charles E. Poll vs. Roy City Corporation lawsuit
6. City Manager's report
7. Mayor and Council reports
8. Adjourn
9. Summary of actions charged

Minutes of the Roy City Council Meeting held December 15, 2009, at 6:00 p.m. in the City Council Room of the Roy City Municipal Building.

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:

Mayor Joe H. Ritchie	City Manager Chris Davis
Councilwoman Marge Becraft	City Attorney Andy Blackburn
Councilman Willard Cragun	Secretary Michelle Drago
Councilman Larry Peterson	
Councilman Michael Stokes	
Councilman Dave Tafoya	

Also present were: Tony Reynolds, Community and Development Services Director; Cathy Spencer, Management Services Director; Jared Hall, Planner; Greg Whinham, Police Chief; Brad Hilton; Steven Sanchez; Margaret Sanchez; Bryson Jones; Dennis Wells; Linda Wells; Kathy Schuler; Sandra Malone; Dale Quinlan; Rachel Trotter; Noretta Huddleston; Kevin Van Miltenburg; Robert Tracy; Janice Wolsey; and Brian Cooper.

Moment of Silence: Councilwoman Becraft

Pledge of Allegiance: Councilwoman Becraft

1. APPROVAL OF NOVEMBER 17, 2009, MINUTES

**Councilman Tafoya moved to approve the minutes of November 17, 2009, as written. Councilman Peterson seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted "aye." The motion carried.**

2. PRESENTATION OF AWARDS FOR THE 2009 CHRISTMAS LIGHTING CONTEST

Mayor Ritchie congratulated the winners of the Christmas lighting contest. They were:

4<sup>th</sup> place - Bryson Jones, 4181 South 2725 West - \$25.00  
3<sup>rd</sup> place - Noretta Huddleston - 4252 South 2300 West - \$50.00  
2<sup>nd</sup> place - Kevin Van Miltenburg - 3459 West 5700 South - \$75.00  
1<sup>st</sup> place - Dennis Wells - 2679 West 6000 South - \$100.00

Honorable mentions - Robert Tracy, 2660 West 4000 South; Dale Quinlan, 2331 West 4475 south; Dennis Breese, 2963 West 4390 South; Janice Wolsey, 5482 South 4050 West; Brad Christiansen, 3036 West 4375 South; Brian Cooper, 5960 South 3850 West; and Sandra Malone, 4593 South Promenade Drive.

3. CONSIDERATION OF A REQUEST TO AMEND THE FUTURE LAND USE MAP CHANGING THE DESIGNATION OF THE PROPERTY LOCATED AT 5720 SOUTH 2775 WEST FROM MEDIUM DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL

Tony Reynolds stated that Steven and Margaret Sanchez had requested that the Future Land Use Map designation of their property located at 5720 South 2775 West be changed from medium density residential to low density. Their property was a large parcel containing .81 acres or about 35,000 square feet. It was located in an R-1-6 Zone where the minimum lot size was 6,000 square feet. The former D&RG right-of-way ran along the east side of the property. Years ago a spur ran west from the D&RG along the Sanchez's north property line. That had since been abandoned. Mr. Reynolds explained that Steven and Margaret Sanchez requested a building permit for a 5,000 square foot accessory building for their property. Their request was denied because it exceeded the maximum square footage of 1,250 square feet allowed for accessory buildings in an R-1-6 Zone. The only item being considered by the City Council was a proposed amendment to the Future Land Use Map. The City Council was not considering a rezone or a building permit.

Mr. Reynolds stated that prior to June 2005, the Zoning Ordinance only limited accessory buildings to 25% of the rear yard area. In June 2005, the City Council adopted the rewritten Zoning Ordinance. Accessory buildings were capped at 800 square feet. Within a year, an amendment to the Zoning Ordinance was proposed. In July 2006, the Council amended regulations for accessory buildings. The 25% rule was kept for RE-20 Zones, but accessory buildings in other residential zones were capped at 1,250 square feet. Even though the Sanchez property contained over 20,000 square feet, it was zoned R-1-6. The maximum size accessory building allowed was 1,250 square feet. If the Sanchez property was zoned RE-20, the staff could administratively issue a building permit for an accessory building up to 7,200 square feet based on the size of the rear yard. When the Sanchez's were denied a building permit, they asked what their options were. They were told they could build a 1,250 square foot accessory building, apply for a rezone, or apply for a text amendment. The Sanchez's opted to proceed with a rezone.

Mr. Reynolds stated that before a rezone could be considered, it had to comply with the Future Land Use Map. Hence the request to amend the Future Land Use Map. There was an RE-20 Zone east of the D&RG right-of-way. The Future Land Use Map designated this area as medium density residential, even the RE-20 area east of the D&RG right-of-way. Both the Development Review Committee and the Planning Commission recommended that the request to amend the Future Land Use Map be denied. The circumstances regarding the Sanchez property were very different from the down zoning that occurred a few months ago. The staff sent out 18 notices for that rezone; it sent out 45 notices for the Sanchez rezone. The area around the Sanchez property was much more urbanized and dense.

Mr. Reynolds stated that the staff had been working on a compromise. It suggested that the Council direct the staff and Planning Commission to consider a text amendment to Section 1029 and Table 10-3 of the Zoning Ordinance. The text amendment would address large parcels in medium density residential zones. If the City Council chose to approve the amendment to the Future Land Use Map, the staff recommended that the rezone be done under a development agreement that would prohibit animal rights.

Councilman Tafoya asked about the text amendment. Tony Reynolds said the staff was not proposing to change the regulations for accessory buildings in RE-20 Zones. The amendment would apply to large parcels in medium density residential areas. If the parcel contained a certain amount of land over and above the required minimum, a larger accessory building, such as 2,500 square feet, could be allowed. Councilman Tafoya asked if there were a lot of parcels that would fit the text amendment. Tony Reynolds estimated there might be between 60 to 100. Councilman Tafoya asked if the text amendment would allow animals. Mr. Reynolds said the Zoning Ordinance restricted animals in all zones but RE-20.

Councilman Stokes asked what additional amount would be required by the text amendment. Tony Reynolds said the text amendment would only apply to extreme cases, such as when a lot had two-thirds more than the minimum lot size. Councilman Stokes agreed that some flexibility was needed in the ordinance.

Mayor Ritchie stated that this had been a confusing process. The Sanchez's had been wonderful to work with. Steve and Margaret Sanchez had cleaned up the property after they bought it. He was concerned that a text amendment would delay the Sanchez's from getting started on construction. Tony Reynolds stated that if the staff was directed to pursue a text amendment, it would be taken to the Planning Commission for a recommendation and brought back to the City Council.

Steven Sanchez stated that he was willing to build a smaller building.

Councilman Cragun stated that he had looked at the Sanchez property. It was a junkyard in the past. The Sanchez's had done a lot of work. He felt that after the accessory building was done, they would take care of the landscaping and see that the property was kept nice. He felt the accessory building would be a compliment to the neighborhood.

Councilman Stokes felt that the request to amend the Future Land Use Map should be denied and that the staff should be directed to work expeditiously on a text amendment.

Councilman Peterson stated that Roy started out as a farming community. Its growth was hopscotched and patch worked. There would always be exceptions to the rule. The Council had the intent of the ordinance. He felt the text amendment was a better option than a rezone. A rezone

would be spot zoning. A rezone done with a development agreement would be difficult to track in the future.

**Councilman Peterson moved to deny the request to amend the Future Land Use Map by changing the designation of the property located at 5720 South 2775 West from medium density residential to low density residential based on the recommendation of the staff and Planning Commission and to direct the staff to prepare a text amendment for larger accessory buildings for larger lots located in medium density residential zones. Councilman Stokes seconded the motion. Council members Becraft, Cragun, Hilton, Stokes, and Tafoya. The motion carried.**

4. PUBLIC COMMENTS

There were none.

5. APPROVAL OF SETTLEMENT AGREEMENT FOR THE CHARLES E. POLL VS. ROY CITY CORPORATION LAWSUIT

Andy Blackburn asked that the City Council approve the settlement agreement for the Charles E. Poll versus Roy City Corporation lawsuit. The agreement memorialized the discussion the Council held in a prior work session.

**Councilman Tafoya moved to approve the settlement agreement for the Charles E. Poll versus Roy City Corporation lawsuit. Councilwoman Becraft seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya. The motion carried.**

6. CITY MANAGER'S REPORT

Chris Davis stated that Councilman Cragun had asked about stimulus funding. The City had received potential funding from an energy savings grant. It would be used to make some equipment upgrades at the Municipal Building, upgrade lighting at the shop, and other buildings around the City. Nothing could be done to the Complex or Aquatic Center because the grant couldn't be used for anything with a swimming pool.

Chris Davis stated that it was midyear, and the staff needed to discuss a number items with the Council, such as the Weber County Justice Court joining Roy City's and next year's fiscal budget. He asked if the Council would be available for a work session in early January. The Council agreed to hold a work session on January 12<sup>th</sup> at 6:00 p.m. in the Recreation Center.

7. MAYOR AND COUNCIL REPORTS

Mayor Ritchie wished everyone a happy holiday.

Councilwoman Becraft asked if Communities that Care would be discussed in the work session. Chris Davis said Paula wanted to meet with a smaller group initially - the Mayor, the Police Chief, one Council member, and himself. He would let the Council know when that meeting would occur.

Councilman Tafoya stated that the North Davis Sewer District held its Truth in Taxation hearing. The District wanted to wait until August before doing anything because it wanted to see what would happen with the economy.

Councilman Cragun asked what had happened with money RASA had given the City for the crossing guard who was injured in front of Roy Elementary School. Police Chief Greg Whinham stated that Caroline was raising three of her grandchildren. She was hit in January of 2009 and had struggled since. Her injury might require an amputation. The ladies in his office and RASA put money together to help Caroline provide Christmas for her grandchildren.

8. ADJOURN

**Councilwoman Cragun moved to adjourn at 6:43 p.m.**

9. SUMMARY OF ACTIONS CHARGED

1. Staff to prepare a text amendment to the Zoning Ordinance for larger accessory buildings for larger lots located in medium density residential zones.

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Joe H. Ritchie  
Mayor

Attest:

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Michelle Drago  
Secretary

dc:cdec1509