

ROY CITY PLANNING COMMISSION

September 23, 2008

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on September 23, 2008, 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:

Brad Hilton, Vice Chairman	Jared Hall, Planner
Lee Holt	Michelle Drago, Secretary
Bill Merx	
Tom Stonehocker	
Karlene Yeoman	

Excused: Dave Collins and Roy Watts

Others present were: Farley Eskelson; Darwin Terry; Arlene Terry; Cory Watson; Allen Watson; Nancy Black; Jodi Conatser; and Kevin Conatser.

Pledge of Allegiance: Brad Hilton

1. APPROVAL OF SEPTEMBER 9, 2008, MINUTES

Commissioner Yeoman moved to approve the minutes of September 9, 2008, as written. Commissioner Stonehocker seconded the motion. Commission members Hilton, Holt, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.

2. PUBLIC HEARING TO CONSIDER CONDITIONAL USE PERMIT AND SITE PLAN APPROVALS FOR A NEW MCDONALD'S RESTAURANT LOCATED AT APPROXIMATELY 5413 SOUTH 1900 WEST

Commissioner Stonehocker moved to open the public hearing at 6:04 p.m. Commissioner Merx seconded the motion. Commission members Hilton, Holt, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.

Jared Hall stated that the existing McDonald's restaurant located at 5413 South 1900 West would come down and be rebuilt. Allen Watson had requested approval of the site plan and elevations and

a conditional use permit for the drive through facility. The site was zoned Regional Commercial. A restaurant was a permitted use in that zone so the site plan and elevations would be approved by the Commission. The conditional use permit for the drive-through would be forwarded to the City Council. There were minor differences in the way the site would be configured. The two entrances on 1900 West and the one on 5400 South would not change. Any work in 1900 West would have to be approved by UDOT. Any approval given by the Planning Commission should be subject to UDOT's approval if needed. The parking requirement for a restaurant was one space for every 100 square feet of floor area. Based on the size of the proposed building, McDonald's needed 46 parking stalls. Only 44 stalls were shown on the site plan. The Zoning Ordinance allowed the Planning Commission some latitude in adjusting parking requirements. The staff felt that 44 parking stalls would be adequate due to the amount of drive through traffic. The building improvements were simply the latest design from the corporation. Mr. Hall showed the Planning Commission the proposed elevations and color board. The City Engineer recommended that the 6-foot sidewalk along 5400 South remain. The Development Review Committee recommended that the Planning Commission approve the site plan and elevations and recommend approval of the conditional use permit for the drive-through subject to:

1. The applicant must obtain the appropriate permits from UDOT for the work in the 1900 West right-of-way.
2. The applicant must meet all requirements of the City Engineer as contained in the September 18, 2008, report and in future reviews of corrections to the site and other improvement plans.
3. The applicant must continue to work with other DRC staff to correct any remaining deficiencies in the site, landscaping, lighting or other improvement plans as any corrections to the plans are submitted and reviewed.

Vice Chairman Hilton asked if the work in the 1900 West right-of-way was for utilities. Jared Hall said it was for sidewalk and repairing accesses. The entire site would be razed, including concrete and asphalt. UDOT would have to approve the work in the right-of-way to repour the aprons.

Commissioner Holt asked if the site would actually lose parking. Jared Hall was unsure of the number of stalls currently, and was concerned about parking requirements for the new building. Forty-

six parking stalls were required; only 44 were shown on the site plan.

Allen Watson, owner of the Roy franchise, stated that he had a written agreement with Discount Tires which allowed his employees to park behind their store. That left more room for customers. He wanted to make McDonald's a premiere place. The elevations would be the same as the new McDonald's opening in Clinton. They were taking everything out and starting over.

Commissioner Holt asked if McDonald's owned the property. Mr. Watson said the property was owned by Jack Russell. He owned the franchise.

Farley Eskelson, Dominion Engineering, stated that work in 1900 West included increasing the size of the water meter and tying in a fire line.

Vice Chairman Hilton asked if Mr. Eskelson had read the City Engineer's report. Mr. Eskelson said he had. He was having a hard time designing the storm water detention system to meet the 100-year storm requirement. He could only get 2,750 cubic feet, which was capacity for a 50-year storm. He needed 3,752. Did the Planning Commission have latitude with the storm water requirements? Vice Chairman Hilton said the storm water requirements would fall under the City Engineer's jurisdiction.

Vice Chairman Hilton opened the floor for public comments.

Nancy Black asked what would be done about the 5400 South 1950 West corner. A driver couldn't see around the telephone pole on 1950 West. Vice Chairman Hilton said there wouldn't be any change to the corner which was not part of the site or application. The ingress and egress to the site would remain the same.

Commissioner Yeoman asked about the time frame. Farley Eskelson said it would take about 90 days from the time they received a building permit.

Commissioner Yeoman moved to close the public hearing at 6:18 p.m. Commissioner Holt seconded the motion. Commission members Hilton, Holt, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.

Commissioner Holt moved to approve a site plan and building elevations for the redevelopment of the McDonald's restaurant located at approximately 5413 South 1900 West and to recommend that the City Council approve a conditional use permit for a drive-through facility at the same location based on the staff's findings and subject to the recommended conditions. Commissioner Merx seconded the motion. Commission members Hilton, Holt, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.

3. PUBLIC HEARING TO CONSIDER A PETITION TO REZONE PROPERTY LOCATED AT APPROXIMATELY 5756 SOUTH 2000 WEST FROM AND R-3 DESIGNATION TO AN R-4 DESIGNATION

Commissioner Yeoman moved to open the public hearing at 6:20 p.m. Commissioner Merx seconded the motion. Commission members Hilton, Holt, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.

Jared Hall stated that the City had initiated a petition to rezone a parcel located at approximately 5756 South 2000 West from an R-3 designation to an R-4 designation. Both zones were high density. An R-4 Zone allowed a few conditional uses, such as personal care and medical offices. The rezone would allow the current property owner to seek conditional use permits for the businesses to operate legitimately. There were currently two buildings on the site. The front building was a home which had been converted to a doctor's office. There was a smaller building in the back which was used as a salon. There was access to the salon from the street via a small 8-foot drive. The City wanted to move forward and bring everything into compliance. Dr. White had occupied the doctor's office since the 1960's. There was a small pad in front for parking and room for a few parking spaces in the rear. Customers of both businesses also used the church parking lot across the street. The City had asked them to formalize the use of the church parking in a written agreement. That would be part of the applicant's conditional use permit application.

Mr. Hall said the General Plan called for this area to have a high density use. The R-4 Zone complied with the General Plan. There were residential uses across the street to the west and to the south. There were commercial uses to the north and east. The DRC recommended that the Planning Commission recommend approval of the rezone petition subject to:

1. In a timely fashion, the current property owner will successfully seek a conditional use permit from the City to allow for the commercial uses that are currently in operation on this site.
2. The owners will obtain the necessary and appropriate business licenses for their operations and comply with all pertaining requirements.

Commissioner Holt asked if staff intended for the rezone to be subject to the conditions. Jared Hall said yes, and explained that

if Kevin Conatser, the current property owner, would seek a conditional use permit, the City was willing to rezone the property. If the property owner was not willing to make that effort, the City should not rezone. The doctor's office had an established non-conforming use which could be verified. The City could not verify a non-conforming use for the salon. The salon use was sporadic. If a non-conforming use was vacant for a year, it lost its status. The current Zoning Ordinance required the Board of Adjustment to approve a non-conforming use. The City would like to see these businesses legitimized by conditional use and development agreement.

Vice Chairman Hilton stated that a conditional use permit would allow the City to have more control over things like parking. Jared Hall said that was why the uses were conditional in the R-4 Zone. This was not a bad location for these uses. They were low impact uses that helped buffer the neighborhood. Due to the nature of the businesses and the neighborhood orientation, the staff felt comfortable with three or four parking spaces if an agreement could be reached with the church across the street. However, there wasn't any reason to rezone the property if the property owners weren't willing to go through the conditional use process.

Jared Hall stated that a rezone was effective upon passage by the City Council. The last step was to record an ordinance. The staff would wait to record the ordinance until the conditional use permit was approved. If the ordinance was not recorded, the Council's approval would be voided.

Commissioner Holt stated that an R-4 Zone would allow a fourplex on this site. Jared Hall said it would. Vice Chairman Hilton pointed out that an R-3 Zone would also allow a fourplex.

Vice Chairman Hilton asked about structural changes and signage. Jared Hall said Kevin Conatser understood what those issues were and was willing to take care of them. Dr. White had indicated he planned to retire at the end of the year.

Vice Chairman Hilton felt the conditional use permit would be an asset to the City in helping to clean up the area. These businesses had been operating without oversight from the City.

Vice Chairman Hilton opened the floor for public comments.

Darwin Terry, 5827 South 2000 West, stated that none of the neighbors were opposed to the rezone. One concern was parking. There were customers that parked in the Baptist Church across the street. He corrected the statement in the newspaper that indicated the neighboring property owners were opposed to the condominiums at 5840 South 2000 West having access from 1900 West. The neighbors wanted the access on 1900 West rather than 2000 West.

Kevin Conatser stated that Dr. White had an agreement with the Reverend to use four parking stalls. The parking lot at Gold's Gym was also currently vacant. He wanted to keep the site maintained as Dr. White had.

Vice Chairman Hilton felt it would be better to have something in writing regarding use of the church parking.

Commissioner Stonehocker moved to close the public hearing at 6:37 p.m. Commissioner Yeoman seconded the motion. Commission members Hilton, Holt, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.

Commissioner Yeoman moved to recommend that the City Council approve a petition to rezone one parcel located at approximately 5756 South 2000 West from an R-3 designation to an R-4 designation based on the staff's findings and subject to the recommended conditions. Commissioner Holt seconded the motion. Commission members Hilton, Holt, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.

4. OTHER BUSINESS

Jared Hall stated that the first meeting in November was on the 11<sup>th</sup>, Veteran's Day. The second meeting was the Tuesday before Thanksgiving. Staff felt there would be a need for at least one meeting in November. Did the Planning Commission want to schedule a special meeting earlier in the month, or would the Tuesday before Thanksgiving work? The Planning Commission felt comfortable with the meeting scheduled the Tuesday before Thanksgiving.

5. ADJOURN

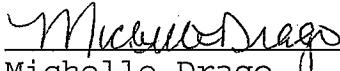
Commissioner Stonehocker moved to adjourn at 6:40 p.m. Commissioner Holt seconded the motion. Commission members Hilton, Holt, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.



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Brad Hilton  
Vice Chairman

Attest:



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Michelle Drago  
Secretary

dc:psep2308