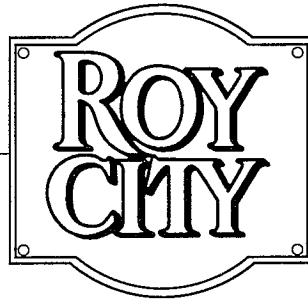


Mayor
City Manager

- Joe H. Ritchie
- Christopher G. Davis



City Council

- Margie B. Becraft, Willard S. Cragun,
Larry Peterson, Michael L. Stokes,
Dave Tafoya

ROY CITY PLANNING COMMISSION AGENDA

October 14, 2008

6:00 PM

City Council Room

1. Approval of September 23, 2008 minutes
2. 6:00 p.m. public hearing to consider Conditional Use and Site Plan approvals for Construction Sales and Service located at approximately 1805 West 5300 South.
3. 6:00 p.m. public hearing to consider a Preliminary Plan approval for a Condominium Plat for Stone Edge Commercial Subdivision at approximately 4655 South 1900 West.
4. 6:00 p.m. public hearing to consider a Text Amendment to the Roy City Zoning Ordinance - regulations and requirements for post-dated check loan and related businesses.
5. Other business
6. Adjourn

If you are planning to attend this public meeting, and due to a disability, need assistance in understanding or participating in the meeting, please notify the City 24 or more hours in advance of the meeting, and we will try to provide whatever assistance may be required. The person to contact is Tammy Nelson at 774-1040.

ROY CITY PLANNING COMMISSION

October 14, 2008

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on October 14, 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:

Dave Collins, Chairman	Jared Hall, Planner
Brad Hilton	Michelle Drago, Secretary
Lee Holt	
Tom Stonehocker	
Roy Watts	
Karlene Yeoman	

Excused: Bill Merx

Others present were: Dave Altop; Aaron Eames; Vance Rhead; Tom Jones; Kathryn Clark; and Chris Cave.

Pledge of Allegiance: Tom Stonehocker

1. APPROVAL OF OCTOBER 14, 2008, MINUTES

Commissioner Yeoman moved to approve the minutes of October 14, 2008, as written. Commissioner Stonehocker seconded the motion. Commission members Collins, Hilton, Holt, Stonehocker, Watts, and Yeoman voted "aye." The motion carried.

2. PUBLIC HEARING TO CONSIDER APPROVAL OF A CONDITIONAL USE PERMIT AND SITE PLAN FOR CONSTRUCTION SALES AND SERVICES LOCATED AT APPROXIMATELY 1805 WEST 5300 SOUTH

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

Jared Hall stated that the City had received a request for approval of a conditional use permit and site plan for construction sales and services located at approximately 1805 West 5300 South. The

location was the former Jade Terrace Restaurant. The site involved an adjacent residential building. A generic site plan for the Jade Terrace property had been approved in the past. All ingress to the site was located west of the residential building. There was no vehicular access to the front of the Jade Terrace building. The back of both buildings was open for parking and cross access. Because both properties used the parking and access, there was a need for a permanent reciprocal access agreement. Vance Rhead was proposing to upgrade the exterior of the building with stacked stone and stucco and change the use of the property from a restaurant to construction sales and services. He was a heating and air conditioning contractor. Construction sales and service was a conditional use in the Regional Commercial Zone. There was adequate parking for this use. The staff's main concern was that there be no outside storage of materials or equipment. Jared Hall said the Development Review Committee had made the following findings:

1. The proposed use was a conditional use in the Regional Commercial Zone.
2. The proposed conditional use could meet the City's standards.
3. The site plan provides a redevelopment of a currently under-utilized property in the commercial district, and provided for landscaping and buffering that was currently needed.

The Development Review Committee recommended that the Planning Commission recommend that the City Council approve the site plan and the conditional use permit based on the following conditions:

1. The applicant must meet all requirements of the City Engineer and DRC staff that might be outstanding.
2. An easement to provide the cross-access agreement between the two parcels must be prepared and recorded. The easement must run with the land and must be recorded prior to any construction activity on the site.
3. The applicant must provide an improvement guarantee per the requirements of the ordinance for the on-site and off-site improvements.
4. Outdoor storage, excluding vehicles, was prohibited.

Vance Rhead, Mountain Heating and Air Conditioning, stated that he looked forward to being a corporate citizen of Roy. He had owned and operated Barlow Heating and Air since 1990. After selling the

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business to Lennox, he had continued to manage the business for several years. He looked forward to being a business owner on his own again. There would be no exterior storage. There was a garage door in the back which would provide access to needed equipment. There would be very little vehicular storage.

Commissioner Hilton asked about the fence required between the building and the duplex next door. Vance Rhead said it was for privacy. All customer access to his business would be from the animal hospital side. He planned to have very non-intrusive signage, which would be approved by Roy City. His business would not have a lot of retail traffic. This was a great area for a this type of business.

Aaron Eames, Riverdale, said he owned both parcels. The staff was concerned about safety between the mixed use of commercial and residential. The fence would provide a buffer. The residential building was a duplex. He currently had two tenants. The fence would be 6 feet in height with slats.

Commissioner Watts asked about the building elevations. Vance Rhead said the exterior would be changed to stacked stone with stucco. It would be very similar to the animal hospital. He planned to use natural colors. The windows had already been changed to bronze.

Commissioner Collins opened the floor for public comments. There were none.

Commissioner Holt asked if the future use of the duplex would be disturbed. Jared Hall said the duplex was a non-conforming structure in the Regional Commercial Zone. Commissioner Holt asked if it could be sold to a different owner. Mr. Hall said it could. Commissioner Holt asked if it could be rebuilt if it burned down. Mr. Hall said it could. Although in that case, the property would probably have more value as a commercial use than a residential use. Commissioner Holt asked if it could be sold separately. Jared Hall said a portion of the building actually crossed over the property line. The two parcels were very intimately tied. That was why the staff was concerned that the loose ends regarding cross access be tied up.

Commissioner Yeoman moved to close the public hearing at 6:15 p.m. Commissioner Holt seconded the motion. Commission members Collins,

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Hilton, Holt, Stonehocker, Watts, and Yeoman voted "aye." The motion carried.

Commissioner Watts moved recommend that the City Council approve a conditional use permit and site plan for a construction sales and service use located at approximately 1805 West 5300 South based on the staff's findings and subject staff and engineering recommendations. Commissioner Holt seconded the motion. Commission members Collins, Hilton, Holt, Stonehocker, Watts, and Yeoman voted "aye." The motion carried.

3. PUBLIC HEARING TO CONSIDER A PRELIMINARY PLAN FOR A CONDOMINIUM PLAN FOR THE STONE EDGE COMMERCIAL SUBDIVISION LOCATED AT APPROXIMATELY 4655 SOUTH 1900 WEST

Commissioner Watts moved to open the public hearing at 6:17 p.m. Commissioner Yeoman seconded the motion. Commission members Hilton, Holt, Stonehocker, Watts, and Yeoman voted "aye." The motion carried.

Jared Hall stated that the Stone Edge Commercial Subdivision was located at approximately 4655 South 1900 West. It consisted of two multi-tenant buildings in the front and storage facilities in the rear. The storage units and two multi-tenant structures had been built, but the site improvements had never been fully installed. Barnes Bank was proposing to divide the front lot into individual units with common areas. The storage units would be involved only because of access. No physical changes to the site were proposed. Mr. Hall said the staff was comfortable with the request. The staff made the following findings:

1. The proposed condominium subdivision did not physically alter the original subdivision in any way and was in keeping with the approved development plans issued for the site.
2. The proposed subdivision was in keeping with the broad intent and purpose of the Zoning Ordinance and General Plan.

The Development Review Committee recommended that the Planning Commission recommend that the Council approve the preliminary condominium plat subject to the following conditions:

1. The applicants shall prepared a final condominium plat and any necessary improvement drawings to be reviewed and approved by staff.
2. The final plat shall adequately depict and address common ownership and individual ownership of property according to standards for condominium ownership.
3. The applicants shall prepare appropriate documents, including a declaration of condominium and owners' association documents, providing for maintenance of all commonly held properties and access.
4. The applicants shall work with the City Engineer to prepare bond estimates for the completion of the improvements required in the original subdivision and

shall provide an appropriate guarantee of those improvements as per the ordinance of Roy City.

5. Approval is subject to the final review and approval of the City Engineer.

Jared Hall stated that some of the original subdivision improvements were not completed. The time period for collecting money from the original improvement guarantee had passed. Because improvements were necessary, an improvement guarantee was being required.

Chairman Collins asked about the original improvement guarantee. Jared Hall said it had expired and the bank had taken back the money.

Jared Hall stated that the bank had only taken ownership of the front lot.

Commissioner Holt asked if the City Engineer would be responsible to approve the condominium declarations. Mr. Hall said they would be reviewed by the City Attorney.

Chris Cave, Reeve & Associates, stated that his firm had been retained by Barnes Bank to prepare the condominium plat. They would present the conditions of approval to Barnes Bank. A client had expressed interest in purchasing this project.

Commissioner Holt asked about separate utilities. Chris Cave did not know if the units had separate utilities. If they didn't, the utilities would have to be changed.

Chairman Collins asked if work could be completed in the project before the units were occupied. Chris Cave said the units could not be sold until the condominium plat was recorded. The City would control the improvement guarantee. Jared Hall stated that right now a Certificate of Occupancy could not be issued because the improvements were not done.

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

Commissioner Stonehocker moved to close the public hearing at 6:28 p.m. Commissioner Holt seconded the motion. Commission members Collins, Hilton, Holt, Stonehocker, Watts, and Yeoman voted "aye." The motion carried.

Commissioner Hilton stated that the original proponent put in items that had not been approved. The City had to make him taken them out. It was very important that the improvements were finished. He asked if there was a way to delay recording the condominium plat until the improvements were done. Jared Hall said completion of the improvements was one of the conditions of approval.

Commissioner Watts asked what improvements were left to be completed. Jared Hall said landscaping was not done. Commissioner Hilton didn't feel the lighting or fencing were finished either.

Commissioner Holt stated that this was no different than a new owner taking over. If a new owner purchased a development that was under construction, he would be required to post a new improvement guarantee. The City was starting from scratch again.

Commissioner Hilton asked that a list of incomplete improvements be forwarded to the City Council. Mr. Hall said he would prepare a list for the Council and email it to the Planning Commission members.

Chairman Collins stated that the original building permit had expired without the buildings receiving a final inspection. New permits would be required.

Commissioner Hilton moved to recommend that the City Council approve a preliminary condominium plat for Lot No. 1 of the Stone Edge Commercial Subdivision located at approximately 4655 South 1900 West based on the staff's findings and subject to the conditions recommended by the staff; that the staff prepare a list of incomplete improvements for the Council; and to recommend that the Council consider requiring those improvements be completed immediately. Commissioner Yeoman seconded the motion. Commission members Collins, Hilton, Holt, Stonehocker, Watts, and Yeoman voted "aye." The motion carried.

4. PUBLIC HEARING TO CONSIDER A TEXT AMENDMENT TO THE ROY CITY ZONING ORDINANCE REGARDING REGULATIONS AND REQUIREMENTS FOR POST-DATED CHECK LOAN AND RELATED BUSINESSES

Commissioner Hilton moved to open the public hearing at 6:38 p.m. Commissioner Watts seconded the motion. Commission members Collins, Hilton, Holt, Stonehocker, Watts, and Yeoman voted "aye." The motion carried.

Jared Hall stated that he had been asked to prepare a text amendment to the Zoning Ordinance that would create a new use category specifically for pay-day loans and related variations and activities. The category would include pay-day loans, post-dated check loans, title loans, and other short-term collateral loans. This was different from a bank or other financial institution.

Chairman Collins asked if the text amendment had been reviewed by the City Attorney. Mr. Hall said it had.

Jared Hall stated that these types of establishments were often located in strip malls. They were quite busy and caused parking problems. They dealt with large sums of cash with no security. They occupied a lot of spaces that could be used for other businesses. Since 1990, these businesses had outnumbered McDonald's and Burger King combined. They also tended to congregate. Eight of the nine businesses located in Roy were on 1900 West.

Jared Hall said the text amendment would make these businesses a conditional use in the Community Commercial and Regional Commercial Zones. They would be excluded from the Business Park and Industrial Zones. If the Council approved the text amendment as written, one of the existing businesses would have to be eliminated before another one could be accommodated in Roy.

Commissioner Holt stated that the proposed regulation was one business per 5,000 residents. Jared Hall said that Roy City's current population would limit the number of such businesses to a maximum of eight. Commissioner Holt said the text amendment would make the ninth business a non-conforming use. Jared Hall said it would. Some of the other such businesses would become non-conforming as well due to where they were located.

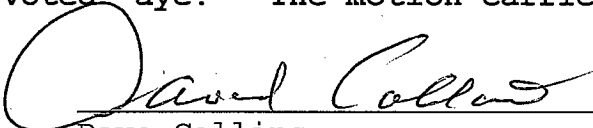
Chairman Collins opened the floor for public comments. There were none.

Commissioner Hilton moved to close the public hearing at 6:43 p.m. Commissioner Stonehocker seconded the motion. Commission members Collins, Hilton, Holt, Stonehocker, Watts, and Yeoman voted "aye." The motion carried.

Commissioner Yeoman moved to recommend that the City Council approve the text amendment to the Zoning Ordinance regarding regulations and requirements for post-dated check loan and other related businesses as written. Commissioner Holt seconded the motion. Commission members Collins, Hilton, Holt, Stonehocker, Watts, and Yeoman voted "aye." The motion carried.

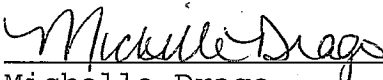
5. ADJOURN

Commissioner Hilton moved to adjourn at 6:46 p.m. Commissioner Stonehocker seconded the motion. Commission members Hilton, Holt, Stonehocker, Watts, and Yeoman voted "aye." The motion carried.



Dave Collins
Chairman

Attest:



Michelle Drago
Secretary

dc:poct1408