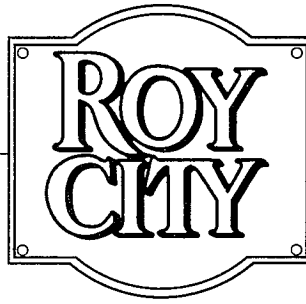


Mayor
City Manager

- 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 28, 2008

6:00 PM

City Council Room

1. Approval of October 14, 2008 minutes
2. 6:00 p.m. Public hearing to consider Conditional Use approval for Personal Care Service and Medical and Dental Clinic in an R-4 zone located at approximately 5756 South 2000 West.
3. Other business
4. 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 28, 2008

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on October 28, 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
Brad Hilton
Lee Holt
Bill Merx
Tom Stonehocker
Roy Watts
Karlene Yeoman

Jared Hall, Planner
Michelle Drago, Secretary

Others present were: Jodi Conatser and Councilman Willard Cragun.

Pledge of Allegiance: Roy Watts

1. APPROVAL OF OCTOBER 14, 2008, MINUTES

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

2. PUBLIC HEARING TO CONSIDER CONDITIONAL USE PERMIT APPROVALS FOR PERSONAL CARE SERVICE AND A MEDICAL OR DENTAL CLINIC IN AN R-4 ZONE LOCATED AT APPROXIMATELY 5756 SOUTH 2000 WEST

Commissioner Watts moved to open the public hearing at 6:02 p.m. Commissioner Holt seconded the motion. Commission members Collins, Hilton, Holt, Merx, Stonehocker, Watts, and Yeoman voted "aye." The motion carried.

Jared Hall stated that the request for conditional use permits for personal care service and a medical or dental clinic was related to the rezone application considered last month. The site was located at approximately 5756 South 2000 West. The site plan tried to address the existing conditions. The staff wasn't asking for a lot

of changes because the use had been in existence for quite some time. The staff had asked that the parking agreement with the church across the street be formalized. The two buildings and two businesses on the site generated the need for eight to nine parking spaces. There wasn't room to park on the property. The area in the back was only accessible through a narrow drive on the south side of the property. It was not really useable. A few cars could be parked on the street in front of the doctor's office. The area north of the site would be landscaped and fenced as part of the Gold's Gym remodel. The back would no longer be accessible from the north. Sixteen percent (16%) of the site was landscaped, which was in line with the requirements of the Zoning Ordinance.

Mr. Hall said the property was currently used as a doctor's office and a beauty salon. A beauty salon fell under the personal care category, which included more than just salons. The staff felt it would be appropriate for the property owners to enter into a development agreement which would accompany the conditional use permit. The development agreement would further limit the uses on this property to medical or dental offices or personal care. Other conditional uses allowed in the R-4 Zone might change the use of this property and might not fit as well in the neighborhood.

Mr. Hall said the staff had made the following findings:

1. The application meets the standards for conditional uses set forth in the ordinance.
2. The proposed uses are low-impact and relate to the residential neighborhood in general.
3. The site is sufficient for low-level business activity in terms of parking, lighting, and other improvements.
4. The property has been used in this fashion historically.

The Development Review Committee recommended that the Planning Commission recommend approval of the conditional use permits for personal care service and a medical or dental clinic located at approximately 5756 South 2000 West subject to the following conditions:

1. The applicants must obtain a formal agreement from the nearby church to allow for eight to nine customer parking spaces, and that the agreement be recorded.
2. The owners will obtain the necessary and appropriate business licenses for their operations and comply with

all requirements pertaining there to, including fire and safety reviews.

3. The applicant must enter into a development agreement with the City limiting the business activities on the property to 'medical or dental clinics' and 'personal care,' i.e. beauty salon, barber shop, and related activities.
4. The applicant shall maintain all landscaping and other improvements (including fencing) on the property in good condition at all times. Areas of the site currently landscaped may not be reduced in area except by modification of the conditional use permit reviewed and approved by the City.
5. The applicant shall provide appropriate lighting (building mounted, residential style) for review by planning staff to assure public safety and maintain the residential integrity of the adjacent areas.
6. Business operation on the site shall be limited to the hours between 7:00 a.m. and 9:00 p.m. No audible outdoor advertising.
7. Signs on the property shall be limited to wall-mounted and directional signs per the ordinance. Temporary signs shall be prohibited except as may be allowed under applicable provisions of the sign ordinances of Roy City.

Mr. Hall said the staff had discussed the signage with the applicant. The current signage would not be allowed. The staff was looking for better signage.

Commissioner Holt asked if the formal parking agreement would be a recorded parking use agreement that would run with the land. Mr. Hall said it would. Mr. Holt felt the agreement should be between the property owner and the church.

Commissioner Holt asked if the lighting would be minimal for safety but not intrusive to the residential neighborhood. Mr. Hall said it would. The lighting would be for security around the site.

Commissioner Holt asked about the interpretation of 'personal care.' Mr. Hall said the Zoning Ordinance included custom tailoring, electrolysis, portrait studios, shoe repair shops, tailors, tanning and nail salons, and weight loss centers in the personal care category. The staff wanted to limit the personal care use to beauty salons, barber shops, and related activities.

Chairman Collins asked what would happen when the church ran out of parking it could dedicate. What about parking to the north by Gold's Gym? Jared Hall felt parking at Gold's Gym was further away than the church. The church parking lot was empty during the day. The parking at Gold's Gym would be used more intensively during the day. Chairman Collins was concerned about customers crossing the street during the day without a crosswalk. Mr. Hall said the staff had asked that the parking agreement with the church be formalized. He didn't think there would be more than two cars at a time in the church parking lot during the day. The development agreement would limit the use of the property and prevent a use with a more intensive parking need. He felt it would be more difficult for Mr. Conatser to obtain a parking agreement with Gold's Gym than with the church.

Chairman Collins asked what would happen if these businesses did really well and there were fifteen cars parked across the street? Mr. Hall felt a use with that kind of parking need would be inappropriate for this location.

Commissioner Holt suggested that the parking agreement limit the number of spaces available to Mr. Conatser to seven or eight. Violations of the agreement would be the responsibility of the church. The City would not police the parking lot.

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

Commissioner Hilton moved to adjourn the public hearing at 6:16 p.m. Commissioner Merx seconded the motion. Commission members Collins, Hilton, Holt, Merx, Stonehocker, Watts, and Yeoman voted "aye." The motion carried.

Commissioner Merx asked if tanning beds would be an activity associated with beauty salons. Jared Hall said tanning beds were an extension of a beauty salon.

Commissioner Merx moved to recommend that the City Council approve conditional use permits for personal care service and a medical or dental clinic at the location of 5756 South 2000 West based on the staff's findings and recommendations, including the changes recommended by the Planning Commission at this meeting. Commissioner Yeoman. Commission members Collins, Hilton, Holt,

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October 28, 2008
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Merx, Stonehocker, Watts, and Yeoman voted "aye." The motion carried.

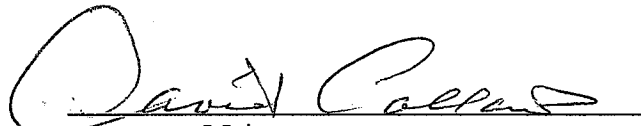
3. OTHER BUSINESS

Jared Hall stated that the staff had put together a list of incomplete improvements for Stone Edge Condominiums. City Council's approval required that some would be completed in six months; some would be done in a year.

Jared Hall asked about the November meeting schedule. Did the Planning Commission want to meet earlier in the month on a night other than Tuesday, November 11th, or did it wanted to keep the regularly scheduled meeting on the 25th? The Planning Commission agreed to meet on November 25th, only, cancelling the meeting of November 11th, due to Veterans Day and no items.

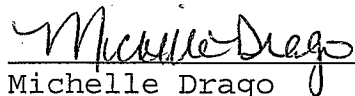
4. ADJOURN

Commissioner Yeoman moved to adjourn at 6:23 p.m. Commissioner Stonehocker seconded the motion. Commission members Collins, Hilton, Holt, Merx, Stonehocker, Watts, and Yeoman voted "aye." The motion carried.



Dave Collins
Chairman

Attest:



Michelle Drago
Secretary

dc:poct2808