

ROY CITY PLANNING COMMISSION

January 14, 2003

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on January 14, 2003, 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:

Larry Peterson, Chairman	Chris Zimmerman, Community
Doug Allred	Services Director
Larry Brown	Mark Larson, Planner
Brad Hilton	Michelle Drago, Secretary
Gennie Kirch	
Karlene Yeoman	

Excused: Roy Watts

Others present were: D. L. Thurman; Kristi Buenviaje; Joe Buenviaje; Cody Willhite; Kay Barker; Buelah Barker; Mary A. Benick; Ivan Benick; James Crookston; Gary Tyler; Brice Wallace; Councilman Dave Tafoya; Councilman John Cordova; City Manager Chris Davis; Mayor Roger Burnett; Dan White; Don Leslie; Leonard Grassli; and Debbie Sullivan.

Pledge of Allegiance: Commissioner Yeoman

1. APPROVAL OF DECEMBER 10, 2002, MINUTES

**Commissioner Kirch moved to approve the minutes of December 10, 2002, as written. Commissioner Brown seconded the motion. Commission members Allred, Brown, Hilton, Kirch, Peterson, and Yeoman voted "aye." The motion carried.**

2. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT AND SITE PLAN FOR KRISTI BUENVIAJE FOR BUENVIAJE'S KENNELS LOCATED AT APPROXIMATELY 2716 WEST 4800

**Commissioner Allred moved to open the public hearing at 6:04 p.m. Commissioner Yeoman seconded the motion. Commission members Allred, Brown, Hilton, Kirch, Peterson, Watts, and Yeoman voted "aye." The motion carried.**

Mark Larson stated that Kristi Buenviaje was requesting approval of a conditional use permit for a dog kennel at 2716 West 4800 South. The site was located just west of the active tracks. A few years ago this area was rezoned from RE-20 to MP-1. A kennel was allowed in a manufacturing zone as a conditional use. There is an existing barn on the site that was once used as a dairy. Mrs. Buenviaje was planning to use the barn office as a kennel. The office area was 540 square feet in size. Mr. Larson said Mrs. Buenviaje planned to keep two male dogs and about 6 female dogs. When the females were ready to have pups, she planned to move them to her home in Syracuse and sell the pups from there. Mrs. Buenviaje's kennel would be for personal use. She would not have customers.

Mr. Larson said the staff was excited to see the proposed site improvements. The site plan showed an asphalt parking area. The area east of the parking would be leveled and landscaped. A solid fence would be installed on the west side of the site to buffer the single-family home. The chain link fence on the east side of the site needed to be repaired.

Mr. Larson stated that the adjacent single-family home and barn were once one parcel. A few years ago, a separate water line for the barn was put in, but the sanitary sewer was still connected to the house. The staff had spoken to D. L. Thurman, the property owner, about the need for a separate sanitary sewer line. The staff had also told Mr. Thurman he had to locate the culinary water line and put in a water meter.

Chairman Peterson asked if there were any comments from the City Engineer. Mr. Larson said the City Engineer didn't have any comments about the site improvements. The sanitary sewer and culinary water lines would have to meet the City's Public Works Standards.

Mark Larson stated that the staff was concerned about the total number of dogs to be housed and felt the size of the kennels should be 4'x6'.

Commissioner Brown asked if the Zoning Ordinance defined a kennel. Mark Larson said a kennel was land or building used to keep three or more dogs at least four months of age. The Zoning Ordinance only allowed kennels in manufacturing zones. The City's ordinances did not have restrictions on the number of dogs or the breed.

Commissioner Brown asked what type of dog Mrs. Buenviaje was planning to breed.

Kristi Buenviaje, Syracuse, stated that they were a type of spaniel. She had imported them from Ireland and England. Her dogs were worth about \$2200 each.

Chairman Peterson asked how many dogs she planned to keep.

Kristi Buenviaje stated that this was a hobby. She planned to start showing her dogs and did not plan to house any dogs but her own, except for breeding. Females being bred would be there a maximum of five days.

Chairman Peterson asked if there would be an outside dog run. Kristi Buenviaje planned to use the area between the building and the railroad tracks as a dog run. That area would be fenced off.

Chairman Peterson asked if a business license was required for a kennel. Michelle Drago said it was.

D. L. Thurman, 4953 South 3100 West, stated that he had spoken to Kenny Russell, the previous Water Superintendent. Mr. Russell said a water line had been ran to the barn, but he could not find the meter.

Commissioner Kirch was concerned about the comfort of the animals. She asked about the size of the individual kennels and whether they would be on the cement floor. Kristi Buenviaje stated that this type of dog did not bark a lot. The kennels would have hammocks for the dogs to sleep in, and there would be a heater. The kennels would not be on the cement because it was bad for the dogs' feet.

Commissioner Allred asked if there was a floor plan for the office. Kristi Buenviaje said it was an empty cement room. Commissioner

Allred asked if the dogs would be groomed and washed on the site. Kristi Buenviaje said she planned to do that at her home.

Commissioner Brown asked about the total number of dogs. Kristi Buenviaje said she currently had two females and one male. She would probably have a maximum of 10 adult dogs.

Chairman Peterson opened the floor for public comments.

Buelah Barker, 4863 South 2700 West, stated that in the 1970's the City issued a kennel license to the Woolsey's, who lived at 4875 South 2700 West. The Woolsey's had five dogs they were going to breed and sell. As time went on, the number of dogs increased, and so did the noise and stench. Mr. Barker asked Mrs. Woolsey what could be done about the noise her dogs made. Mrs. Woolsey responded that her dogs didn't bark. The Woolsey's used their front yard as a dog run. Mrs. Woolsey put the dogs' feces and the paper from their kennels in a barrel and burned it. Mrs. Barker said they called the Police Department, but the Police Department could do nothing. The Animal Control people could do nothing because the Woolsey's had a license. After six years, they finally went to the City Council and played a tape, recorded in their kitchen window, of the noise from the dogs barking. Mrs. Barker played the same tape for the Planning Commission. The City took the Woolsey's to court and told them to either build an enclosed kennel or get rid of the dogs. Six months went by, and then a year. The Woolsey's did nothing. The City took the Woolsey's to district court. After 1½ years, the Woolsey's were told to get rid of their dogs or leave Roy. It took them another six months to leave. Mrs. Barker was concerned that once the Planning Commission gave Mrs. Buenviaje a conditional use permit, the City would lose control of the situation.

Chairman Peterson stated that the Planning Commission could place restrictions on Mrs. Buenviaje's conditional use permit. He wasn't sure that was the case in the 1970's. If Mrs. Buenviaje violated any of those conditions, the City Council could revoke her conditional use permit.

Commissioner Yeoman stated that Mrs. Buenviaje was starting out with an enclosed building.

Buelah Barker stated that dogs barked. If one started barking it spurred the others. She was opposed to Mrs. Buenviaje's kennel.

Who would care for the dogs at night? Kristi Buenviaje lived in Syracuse and would be away from the problem.

Ivan Benick, 2715 West 4800 South, stated that he had been watching the problems across the street for years. He had seen the problems with the sewer lines, fence lines, and selling coal and marking false teeth from the sheds behind the house. The previous property owner had run his sewer into the City's holding pond. Mr. Benick had called the police, but nothing was ever done. He was the one that tried to put the beef back in because the fences were made of string, and then he was accused of letting them out in the first place. He was opposed to the kennel. The City had a beautiful park just to the west where children could play. If the dogs heard the kids playing, they would start barking. That is what would happen. That was what had happened in the past. If the City opened the door to this use, watch out! He had known the Thurman's for a long time, but Mr. Thurman did not live in the barn. Mr. Benick said the barn did not have separate utilities, i.e. water, sewer, gas, etc.

Chairman Peterson asked if the dogs would be inside the building. Kristi Buenviaje said they would. Chairman Peterson asked what provisions Kristi Buenviaje would make to make sure the noise from the dogs didn't bother the neighbors. Kristi Buenviaje said she was a woman of her word. She was willing to sign an agreement to remove the dogs if noise bothered the adjoining property owners. She had five dogs at her home now, and she had not received any complaints from her neighbors.

Commissioner Allred asked how long the dogs would reside in the kennel. Mrs. Buenviaje said they might be there forever.

Commissioner Yeoman asked how long Mrs. Buenviaje had had her dogs. Mrs. Buenviaje said she had had them for 1½ years.

Chairman Peterson asked what provisions would be made inside the building for cleaning up the dog feces. Kristi Buenviaje said there was a drain in the office area. Chairman Peterson asked if that was something that could be washed into the sanitary sewer system.

Mark Larson stated that he had spoken to the Public Works Department. D. L. Thurman would have to put in a sewer line. A sand trap would be required to filter out the solid material.

Commissioner Allred stated that the current Animal Control Ordinance required that an owner clean up after a dog every 48 hours. He felt there was some teeth in the ordinance that could be used to close Mrs. Buenviaje down if her dogs became a nuisance.

Ivan Benick stated that all of the utilities needed to be separated. Commissioner Allred said that could be a condition of approval.

D. L. Thurman said there wasn't any water in the barn.

Mark Larson stated that in the 1970's, the City allowed kennels as a home occupation. Now kennels were only allowed in manufacturing zones. Right now the City didn't have any operating kennels.

James Crookston, 4741 South 2675 West, stated that there had been a lot of discussion about the noise and smell. He felt that the noise and movement from the trains would bother the dogs. He was concerned that the dog food would attract rats. Every year the City held a fireworks display at the nearby park. The fireworks bothered his dog. Would the City stop the fireworks when Mrs. Buenviaje complained about them? He asked if Mrs. Buenviaje owned or leased the barn.

Kristi Buenviaje stated she would remove the dogs during the fireworks.

Chairman Peterson stated that the owner of the barn, D. L. Thurman, was Kristi's father.

James Crookston stated that this area was rezoned to allow the adjacent farmer to sell his fruit, not for dog kennels or body shops.

Councilman John Cordova stated that Brian Hansen's property was included in the rezone. Mr. Hansen had had no plans for his property at the time it was rezoned. Since then, Mr. Hansen had sold the barn and the house.

James Crookston was concerned that the kennel would affect the value of his home. He noticed that Mrs. Buenviaje had been reluctant to give a maximum number of dogs. He hoped that he Planning Commission would consider a limit on the number of dogs.

Commissioner Allred moved to close the public hearing at 7:00 p.m. Commissioner Kirch seconded the motion. Commission members Allred, Brown, Hilton, Kirch, Peterson, and Yeoman voted "aye." The motion carried.

Commissioner Allred moved to recommend that the City Council approve a conditional use permit and site plan for Kristi Buenviaje for a kennel to be located at approximately 2716 West 4800 South based on the following conditions: That the proper utility services for the site be provided (including proper waste removal) in accordance with the engineer's standards; that the maximum number of dogs be 10; that the individual kennel sizes be at least 4'x4'; that Mrs. Buenviaje obtain the necessary building permits and business license; that the outside dog run be identified on the site plan; and that all off site improvements shown on the site plan be completed within 60 days. Commissioner Hilton seconded the motion. Commission members Allred, Brown, Hilton, Kirch, Peterson, and Yeoman voted "aye." The motion carried.

3. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT AND SITE PLAN FOR THE HOOPER WATER IMPROVEMENT DISTRICT FOR A WATER STORAGE RESERVOIR LOCATED AT APPROXIMATELY 2575 WEST 4000 SOUTH

**Commissioner Hilton moved to open the public hearing at 7:06 p.m. Commissioner Kirch seconded the motion. Commission members Allred, Brown, Hilton, Kirch, Peterson, Watts, and Yeoman voted "aye." The motion carried.**

Mark Larson stated that the Hooper Water Improvement District owned property immediately west of the railroad right-of-way on 4000 South. They had purchased a lot in the Summers Pointe Subdivision adjacent to their current site on which they were proposing to construct a new well house. The well house would be used to house a pump for a well. The site plan showed that the curb, gutter, and sidewalk were not being continued to the east side of the new lot. The staff recommended that those improvements be extended to the east side of Lot No. 78. Hooper Water planned to use the existing gravel drive to access the new well house. A 6-foot vinyl fence would be constructed on the south and west sides of the new lot, which would provide a buffer for the adjoining residents. Because of the proposed use, the City would allow Hooper Water to have a 6-foot chain link fence in a front yard. Mr. Larson said there were some engineering issues that needed to be resolved. The Fire Marshall had asked that a Knox box be installed on the gate, and the outdoor lighting needed to be directed away from the residential neighbors. Mr. Larson asked Hooper Water's engineer to explain the amount of noise that would be generated from the pump house. Mr. Larson showed a landscape plan that would help buffer the neighbors.

Dan White, Gardner Engineering, stated that they did not have any concerns about the City Engineer's comments.

Commissioner Kirch asked about noise and landscaping. Mr. White said the pump would generate very little noise, especially inside a cinder block building. The landscaping had been designed for low maintenance. The vegetation being planted would require a sprinkler system for a few years to get established. Then it would be able to maintain itself.

Commissioner Allred asked how many pumps would be in the well house. Mr. White said there would be one motor pump. Commissioner Allred felt an 8-inch block wall would cut down a lot of the sound.

Chairman Peterson asked for comments from the audience. There were none.

Commissioner Kirch moved to close the public hearing at 7:15 p.m. Commissioner Yeoman seconded the motion. Commission members Allred, Brown, Hilton, Kirch, Peterson, and Yeoman voted "aye." The motion carried.

Commissioner Kirch moved to recommend that the City Council approve a conditional use permit and site plan for the Hooper Water Improvement District for a well house located at approximately 2575 West 4000 South subject to the staff and engineering reports. Commissioner Allred seconded the motion. Commission members Allred, Brown, Hilton, Kirch, Peterson, and Yeoman voted "aye." The motion carried.

4. CONSIDERATION OF A SITE PLAN FOR AN ADDITION TO THE L.D.S. SEMINARY LOCATED AT APPROXIMATELY 4595 SOUTH 2075 WEST AND VACATION OF A UTILITY EASEMENT

Mark Larson stated that the L.D.S. seminary located at approximately 4595 South 2075 West had been built on Lot No. 14 of the Hills of Homes Subdivision. The L.D.S. Church was proposing to construct an addition on the west side of the building. In order to have enough room for the addition, the L.D.S. Church had purchased a small parcel from the adjacent property owner, Weber County School District. There was an existing utility easement that ran along the west property line that would have to be vacated. The existing road running along the north side of the seminary building was actually a lot in the Hills of Homes Subdivision and was owned by the school district. It had never been dedicated to the City. Mr. Larson said the staff had four concerns that needed to be resolved:

1. The proposed addition included buying property outside the existing subdivision. The lot line adjustment did not create a new lot. A subdivision plat amendment was not necessary.
2. The proposed addition would be built over an exiting utility easement. The easement vacation process had to be followed. That included preparing a plat amendment showing the relocation of the utility lines and easement.
3. The proposed addition would be built on both Lot Nos. 13 and 14 of the Hills of Homes Subdivision. The description of those lots should be combined into one. That should be included in the plat amendment mentioned above.
4. The street on the north side of the site was actually part of Lot No. 13 of the Hills of Homes Subdivision and was not a dedicated City street. The street was used to access 2100 West Street, which ran along the east side of Sandridge Park. The street that ran along the park was also owned by the Weber County School District and was not a dedicated City street either. Both of the streets were maintained by the City and should be dedicated to the City on the plat amendment mentioned above.

Mark Larson stated that the lot line adjustment did not create a new lot. Therefore, a new subdivision mylar was not required.

Commissioner Allred asked why the streets had never been dedicated to the City. Mark Larson did not know. Commissioner Allred asked if the school district was willing to give up the streets. Mark Larson hoped they would because the City maintained them. There were also City sewer and water lines in both roads.

Gary Tyler, representing the L.D.S. Church, stated that they would work with the school district and the City to resolve the problem. Great Basin Engineering was preparing the necessary plats. He asked that the Planning Commission recommend that the utility easement be vacated so they could re-route it.

Commissioner Allred stated that access to the seminary building was currently from property owned by the school district, and not from a public street.

Michelle Drago stated that the City Engineer had asked that the minutes reflect that the school district property to the west would remain conforming. It was located in an R-1-8 Zone, and the school district's property was over 21 acres in size. Selling a small portion to the L.D.S. Church would not make their property non-conforming.

Chairman Peterson and Commissioner Kirch declared that they were both employees of the Weber County School District and did not have a conflict of interest as they were receiving no benefit from approval of this site plan.

**Commissioner Yeoman moved to approve a site plan for an addition to the L.D.S. Seminary located at approximately 4595 South 2075 West subject to the utility easement on the west side being vacated; the staff and engineering comments being resolved; and approval of the lot line adjustment between the L.D.S. Church and the Weber County School District. Commissioner Kirch seconded the motion. Commission members Allred, Brown, Hilton, Kirch, Peterson, and Yeoman voted "aye." The motion carried.**

5. UPDATE ON THE 1900 WEST BEAUTIFICATION PROJECT FROM MGBA, THE GRASSLI GROUP

Don Leslie, from MGBA, reviewed the landscape design for the 1900 West Beautification Project with the Planning Commission, which included a conceptual design for a roundabout at the 1900 West Riverdale Road intersection.

Chairman Peterson asked how far apart the decorative street lights were. Mr. Leslie said they were about 100' to 120' apart.

Commissioner Kirch suggested that the entire Burger Bar frontage be included in the plans. It would look odd to have only half of their frontage improved.

6. CONSIDERATION OF A SITE PLAN FOR JEANINE HUMPHREY FOR A  
CARWASH LOCATED AT APPROXIMATELY 1992 WEST 5600 SOUTH

Mark Larson stated that Jeanine Humphrey was not in attendance. The Planning Commission approved a conditional use permit and site plan for Jeanine Humphrey's carwash on November 12, 2002. On November 19, 2002, the City Council approved Ms. Humphrey's conditional use permit, but they tabled her site plan due to concerns about access and auto circulation. They asked Ms. Humphrey to consider two accesses for her site. Jeanine Humphrey submitted a site plan that showed two driveways on 2000 West. The new site plan also showed a change in the auto circulation. According to the current Zoning Ordinance, Ms. Humphrey did not have enough frontage on 2000 West to allow two approaches. She asked that the Zoning Ordinance be amended to allow the two approaches. The staff had reviewed the Zoning Ordinance and did not feel it should be changed. Ms. Humphrey was now seeking the Planning Commission's support and recommendation for a variance from the Board of Adjustment to allow the two driveway approaches.

Mr. Larson stated that the City had received a letter from Tom Hulbert, the property owner immediately to the north. He was working to find a site where Ms. Humphrey could relocate. Mr. Hulbert had indicated that Ms. Humphrey had never spoken with him about an easement for an access on the north side of her site. That appeared to be an option Ms. Humphrey should explore. In addition to contacting Mr. Hulbert, Ms. Humphrey needed to work with UDOT. Because 5600 South was a State right-of-way, UDOT had jurisdiction 100 feet north on the 2000 West 5600 South intersection. Ms. Humphrey had not cleared her new site plan with UDOT.

Commissioner Kirch felt the new site plan had traffic issues. Mark Larson said the staff was also concerned about auto circulation on the new site plan.

Chris Zimmerman stated that Jeanine Humphrey wanted to have two entries. The staff did not want to amend the Zoning Ordinance. Ms. Humphrey could only approach the Board of Adjustment for a variance if she had the Planning Commission's recommendation. If the Planning Commission liked the new site plan, it needed to direct the staff to assist Ms. Humphrey in applying to the Board of Adjustment for a variance. If it did not want the new site plan to go the Board of Adjustment it did not need to take any action on the new site plan.

Commissioner Allred stated that the Board of Adjustment could only act on problems that were not caused by the property owner. In this case, Jeanine Humphrey was creating her own problem. He felt it was Ms. Humphrey's responsibility to resolve access to her site within the City's current ordinances. The new plan did not resolve the problems.

The Planning Commission indicated that it did not like the new plan showing two driveways. It preferred the original site plan with one access further to the north.

**Commissioner Brown moved to deny Jeanine Humphrey's request for her new site plan to be forwarded to the Board of Adjustment and recommended that the City Council deny approval of the new site plans with a single access or a double access. Commissioner Kirch seconded the motion. Commission members Allred, Brown, Hilton, Kirch, Peterson, and Yeoman voted "aye." The motion carried.**

7. DISCUSSION REGARDING AN ANNEXATION POLICY DECLARATION FOR ROY CITY

Mark Larson stated that the staff had prepared an Annexation Policy Declaration. He asked that the Planning Commission review it and forward any comments or concerns to him. A public meeting with the affected entities would be held on January 28<sup>th</sup> at 6:00 p.m. A public hearing would be held on February 11<sup>th</sup>.

8. DISCUSSION REGARDING THE TRANSFER FOR LAND AT APPROXIMATELY 4800 SOUTH 3500 WEST FROM ROY CITY TO UDOT

Chairman Peterson stated that UDOT had requested that the City quit claim a portion of the 3500 West right-of-way to them. The total amount of property to be transferred amounted to 0.226 acres. The land was currently being used as a road.

**Commissioner Kirch moved to recommend that the City Council approve the transfer of approximately 0.226 acres located at approximately 4800 South 3500 West from Roy City to UDOT per the documentation provided. Commissioner Yeoman seconded the motion. Commission members Allred, Brown, Hilton, Kirch, Peterson, and Yeoman voted "aye." The motion carried.**

9. OTHER BUSINESS

Chris Zimmerman stated that he had accepted a position with the Weber County Sheriff's office. He would be leaving Roy City effective January 24, 2003. The Planning Commission members bid him farewell.

Chairman Peterson reminded the Commission members to e-mail any corrections on the Zoning Ordinance draft to the staff.

Chris Zimmerman updated the Planning Commission on the meeting with UTA on January 25, 2003, at 6:00 p.m. regarding a light rail stop in Roy.

10. ADJOURN

**Commissioner Yeoman moved to adjourn at 8:26 p.m. Commissioner Allred seconded the motion. Commission members Allred, Brown, Hilton, Kirch, Peterson, and Yeoman voted "aye." The motion carried.**

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Larry Peterson  
Chairman

Attest:

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Michelle Drago  
Secretary

dc:pjan1403