

ROY CITY PLANNING COMMISSION

February 11, 2003

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on February 11, 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	Mark Larson, Planner
Doug Allred	Michelle Drago, Secretary
Brad Hilton	
Gennie Kirch	
Roy Watts	
Karlene Yeoman	

Others present were: Mayor Roger Burnett; Councilman Dave Tafoya; Gloria Svuem; Robert Svuem; Richard Dunlap; Blake Peterson; Kristin Taylor; Kip Cashmore; Brad Larsen; Jerry Cronquist; Gary Martin; Helen Lunceford; Thomas Zito; Helen Parr; Doris Ernsberger; Carl Stegen; Bret Wahlen; Joan Peterson; Ray Alvey; Sylvia Alvey; J. Ron Binffia; Maria Binffia; Don Burkhalter; Mike Fullmer; Ryan Keddington; Lowell Larsen; Shawn Strong; Scott Goodwin; Theron Sargent; Diana McDowell; Judy Mower; Carl Harper; Helen Harper; Bruce Goodwin; David VanEerden; Max Westergard; Marcell Westergard; Robert Fuller; Scott Miller; Jan Thomas; Kathryn Clark; Mike Clark; Jane Simpson; Kevin Ivins; Joe Langeveld; Scott Dixon; Julie Cawley; David Galloway; and K. C. Hall.

Pledge of Allegiance: Roy Watts

1. APPROVAL OF APPROVAL OF JANUARY 14 AND 28, 2003, MINUTES

**Commissioner Kirch moved to approve the minutes of January 14, 2003, as corrected and the minutes of January 28, 2003, as written. Commissioner Yeoman seconded the motion. Commission members Allred, Hilton, Kirch, Peterson, Watts, and Yeoman voted "aye." The motion carried.**

2. PUBLIC HEARING TO CONSIDER A PETITION FROM BRAD C. NEWHEY, TINA MARTIN, SHERRY A. NEWHEY, ROY G. AND HELEN V. BRAEGGER, AND WEBER BASIN WATER CONSERVANCY DISTRICT TO ANNEX APPROXIMATELY 57.09 ACRES LOCATED AT APPROXIMATELY 5225 SOUTH 3500 WEST WITH A ZONE OF R-1-10

**Commissioner Watts moved to open the public hearing at 6:05 p.m. Commissioner Hilton seconded the motion. Commission members Allred, Hilton, Kirch, Peterson, Watts, and Yeoman voted "aye." The motion carried.**

Mark Larson stated that the City had received a petition from Brad C. Newey, Tina Martin, Sherry A. Newey, Roy G. and Helen V. Braegger, and Weber Basin Water Conservancy District to annex approximately 57.09 acres located at approximately 5225 South 3500 West with a zone of R-1-10. The Layton Canal was also included in the annexation. There was an existing home on the property at approximately 5200 South 3500 West. Because there were improvements on the property, the annexation had gone through a 60-day protest period. No written protests had been received by Weber County. Two hundred eight-nine (289) notices were mailed to adjacent property owners. The staff had received a few calls from those with questions, but no one had major concerns or complaints. Mr. Larson stated that the City had received a letter from the Weber Fire District indicating that their tax rates would continue to apply on these properties for the next 10 years.

Mr. Larson said the properties in question were located in areas identified by the City's Annexation Declaration Policy, which would be adopted later in the meeting. The properties were also identified in the City's General Plan with a medium density zone. The staff recommended that the annexation petition be approved with the requested R-1-10 Zone subject to the properties being deannexed and disconnected from the Hooper Water District. Two developers were proposing a 74-lot residential development on the Braegger/Newey properties.

Chairman Peterson corrected Mr. Larsen's statement about the Weber Fire District. The fire district had a taxing interest on the properties in question because of a bond that originated in 1995 and would expire in 2005.

Commissioner Allred asked if the annexation plat had been corrected to show the correct City limits. Mark Larson said it had.

Brad Larsen, J & B Development, stated that they were requesting annexation of the Newey property. Chairman Peterson asked if they were aware of the conditions of the annexation. Mr. Larsen said they were. They had met with the City Engineer and felt comfortable with his conditions.

Chairman Peterson opened the floor for public comments.

Joe Langeveld stated that he lived in the Lakeview Equestrian Park Subdivision immediately to the south. All of the lots in Lakeview Equestrian Park were one-half acre in size. So were all of the lots in the Country Meadows Subdivision immediately to the north. The annexation was located between them. When the property behind Country Meadows was developed, Roy City was concerned about the size of the lots. At that time, the City felt that the lot sizes on the Braegger/Newey properties should compliment the subdivisions on either side. Mr. Langeveld was concerned about the lot size of 10,000 square feet and the size of the homes. He pointed out that Hooper recently established a minimum square footage requirement of 1500 square feet. He encouraged Roy City to consider something similar. He submitted a petition signed by Weber County and Roy City residents opposed to the annexation due to concerns about home size, density, and traffic patterns (copy filed for record). He also asked why the lots in Phase 1 of the proposed development were larger than those planned in Phase 2.

Chairman Peterson stated that the City had adopted a General Plan in the last year that identified the long term growth of Roy City. In the plan it was determined that this area would likely be absorbed into Roy and should have a medium density zone. The lots in the proposed development were 10,000 to 18,000 square feet in size. The City was in the process of updating its Annexation Declaration Policy as required by the State legislature.

Commissioner Kirch stated that the annexation and subdivision approval were two separate issues.

Scott Dixon stated that the Planning Commission could not divorce the zoning from the annexation or the adjoining subdivisions.

A woman from the audience asked what the requirements of an R-1-10 Zone were. Mark Larson stated that an R-1-10 Zone required lots to be at least 10,000 square feet in size and at least 80 feet wide. The woman asked if there would be protective covenants on the

development. Chairman Peterson said that would be up to the developer.

A gentleman from the audience stated that most of the people in attendance were opposed to the proposed annexation. Chairman Peterson polled the audience to determine who were citizens of Roy, who were residents of unincorporated Weber County, and who was opposed to the annexation.

**Commissioner Hilton moved to close the public hearing at 6:27 p.m. Commissioner Watts seconded the motion. Commission members Allred, Hilton, Kirch, Peterson, Watts, and Yeoman voted "aye." The motion carried.**

Commissioner Kirch asked what zones were larger than an R-1-10. Chairman Peterson said the RE-15 and RE-20 Zones were larger. An RE-15 Zone had a minimum lot size of 15,000 square feet. An RE-20 Zone had a minimum lot size of 20,000 square feet.

**Commissioner Allred moved to recommend that the City Council approve annexation of the Brad C. Newey, Tina Martin, Sherry A. Newey, Roy G. and Helen V. Braegger, and Weber Basin Water Conservancy District properties located at approximately 5225 South 3500 West with a zone of R-1-10 subject to the adoption of the Annexation Declaration Policy and the conditions set forth by the City Engineer and staff. Commissioner Watts seconded the motion. Commission members Allred, Hilton, Kirch, Peterson, Watts, and Yeoman voted "aye." The motion carried.**

3. PRELIMINARY APPROVAL OF SHADY MEADOW ESTATES SUBDIVISION  
LOCATED AT APPROXIMATELY 5225 SOUTH 3500 WEST

Mark Larson stated that Brad Larsen and Jerry Cronquist and Kevin Ivins and Rocky Vandersteen were proposing to develop a 74-lot subdivision known as Shady Meadow Estates on the Braegger/Newey properties. The subdivision would be completed in three phases. Phases 1 and 2 would be accessed from 3500 West and would contain 50 lots. It would be developed by Brad Larsen and Jerry Cronquist. The third phase contained 24 lots and would be developed by Kevin Ivins and Rocky Vandersteen. There was a regional detention basin located along the Layton Canal in Phase 3. Mark Larson reviewed the recommendations of the staff listed in the staff report.

Mark Larson asked Commissioner Watts about the ditches on the property that were being abandoned. Commissioner Watts felt the ditches were for old ditch companies and were probably not being used any longer.

Commissioner Allred asked if the detention basin would be fenced and what would happen at the end of the cul-de-sac on 5300 South. Michelle Drago stated that the detention basin needed to be fenced with a 6-foot chain link fence. The agreement between the City and the developers would probably determine who would be responsible to install the fence.

Commissioner Watts asked if the detention basin could be used as a park area. Mark Larson said that would depend on how much water it would hold. Right now the City planned to landscape it with native vegetation and fence it.

Helen Parr, 5393 South 3500 West, stated that she had a spring on her property that drained into the ditch in front of her house. It ran 24 hours a day 7 days a week. If the ditch in front of her house was closed, she didn't know where the water would go. Ms. Parr was concerned about how the subdivision would impact traffic on 3500 West, especially during the commute hours.

Chairman Peterson asked if Brad Larsen was aware of the staff and engineering concerns. Mr. Larsen said he was. He had met with the City Engineer and reviewed the red-lined subdivision plans.

Scott Dixon stated that the lots in Lakeview Equestrian Park were large and zoned for animals. He felt the developers should be

required to install a fence along Lakeview Equestrian Park. Mark Larson agreed.

A gentleman asked if the fences in Lakeview Equestrian Park, which had been there for about 20 years, established the property line. The staff indicated that fences did not establish property lines.

Another gentleman was concerned about access onto 3500 West and asked if the City planned to put in a traffic light. Chairman Peterson said the City could not require a developer to put in street signs outside of the subdivision boundaries. Because 3500 West was a State road, UDOT controlled installation of traffic lights. They had requirements that had to be met before they put in lights.

Jane Simpson stated that those living in the new development would find it difficult to access 3500 West. She was concerned that traffic from Shady Meadows would dump into Lakeview Equestrian Park, which was a Weber County subdivision, in an effort to reach 5500 South.

Richard Dunlap, 5326 South 3750 West, was concerned about the rate of development in Roy City and the lack of green space. He asked that the Planning Commission recommend that green space be set aside in this subdivision. There were a lot of children in the area. There needed to be a place for the community to come together. Green space would help preserve property values.

In response to a question from Judy Mower, 5082 South Vista Drive, Chairman Peterson stated that the region detention basin would be owned and maintained by the City. The detention basin was part of the City's master storm water plan.

Scott Miller, 5357 South 3675 West, asked if there was a way to slow traffic that would come through Lakeview Equestrian Park to reach 5500 South. He suggested speed bumps. Chairman Peterson asked the staff and developers to look into some way to slow down the traffic. The City couldn't install speed bumps because of liability issues.

Joe Langeveld felt that intersection proposed at 5225 South 3500 West too close to the 5200 South 3500 West intersection.

Another gentleman felt that Shady Meadows shouldn't even be considered until 3500 West was widened to four lines.

Mark Larson stated that 3500 West was a State road. All access points were under the jurisdiction of UDOT.

Jane Simpson was concerned that the City was approving a subdivision without a safe access. The only access in Phase 1 was 3500 West.

Commissioner Allred felt the City Engineer had raised some fairly serious issues regarding storm water and the detention basin. Mark Larson said this was a preliminary plan. Those issues would be worked out.

Commissioner Allred felt 5225 South was too long. It needed a break. He also felt there needed to be a deceleration lane on 5225 South for traffic to turn onto 3500 West. Commissioner Allred presented an alternate configuration.

Jerry Cronquist, J & B Development, stated that UDOT would determine where the access on 3500 West would be, how wide it would be, what turn lanes were necessary, etc. They had met with the City Engineer and discussed the subdivision's storm water needs.

**Commissioner Watts moved to recommend that the City Council grant preliminary approval of the Shady Meadows Subdivision subject to the conditions of the City Engineer and staff; the developer looking at the configuration of 5225 South and ways to control traffic movement to the south; a 6-foot chain link fence along the boundary of the Lakeview Equestrian Park and the detention basin; and that the staff work with the developer to facilitate a decision from UDOT about 5225 South before Council approval. Commissioner Kirch seconded the motion. Commission members Allred, Hilton, Kirch, Peterson, Watts, and Yeoman voted "aye." The motion carried.**

4. PUBLIC HEARING TO CONSIDER A PETITION FROM VIRGIL B. ANDERSON, SEI MANAGEMENT, INC, DAVID W. AND DONNA M. ALTOP, TAMRA J. HANNA, AND DAVID AND BONNIE GALLOWAY TO REZONE APPROXIMATELY 3.44 ACRES LOCATED AT APPROXIMATELY 4655 SOUTH 1900 WEST FROM R-4 TO CP-2 AND A PETITION FROM VIRGIL B. ANDERSON TO REZONE APPROXIMATELY 0.74 ACRES LOCATED AT APPROXIMATELY 4651 SOUTH 1900 WEST FROM R-1-8 TO R-4

**Commissioner Kirch moved to open the public hearing at 7:27 p.m. Commissioner Hilton seconded the motion. Commission members Allred, Hilton, Kirch, Peterson, Watts, and Yeoman voted "aye." The motion carried.**

Mark Larson stated that the rezone in question contained two parts. Virgil B. Anderson, SEI Management, Inc., David W. and Donna M. Altop, Tamra J. Hann, and David and Bonnie Galloway had requested that 3.44 acres located at approximately 4655 South 1900 West be rezoned from R-4 to CP-2. The second part of the rezone was a petition from Virgil B. Anderson to rezone approximately 0.74 acres located at approximately 4651 South 1900 West from R-1-8 to R-4. Mr. Larson said the area along 1900 West was connected to a CP-2 Zone on the east side of 1900 West. The back portion of the Hanna, Galloway, and Altop properties would remain R-4 to allow for a cul-de-sac and four residential lots.

Mr. Larson said that most of the staff's concerns related to the property being considered for development. He showed a conceptual plan for the development of Lot No. 6 of the Westridge Subdivision which had been submitted by Shawn Strong. There were power lines running east and west through the property. The only things that could be put under power lines were a nursery, a used car lot, or storage units. Mr. Strong was proposing storage units along the south side of Lot No. 6 under the power lines and a long retail building along 1900 West. He felt the Fire Department would required that the long building be broken up. A small portion of the lot, which would remain R-4, would be used for apartments. The south approach on 1900 West would be used to access the retail space, the storage units, and the apartments.

Mr. Larson stated that notices were mailed to 207 adjacent property owners. Their main concerns were about the small piece being rezoned from R-1-8 to R-4. They felt it could allow a multi-family use. However, the power lines running through the lot would not allow a residential use.

Commissioner Allred asked if the Anderson property was one lot. Mr. Larson said it was. Commissioner Allred asked if Mr. Strong was proposing to subdivide it. Mr. Larson said he was not. He was proposing a mixed use development.

Mark Larson stated that the Zoning Ordinance required a petition for a CP-2 Zone to be accompanied by a plan ready for preliminary approval, a development agreement, building elevations, proposed uses, and a landscaping plan. Mr. Strong's plan was not ready for preliminary approval. The staff recommended that the Planning Commission approve the rezone. However, the staff did not recommend that the Council approve the ordinance rezoning the property until the City had received development plans that complied with the Zoning Ordinance.

Commissioner Allred asked if the rezone should be tabled. Mark Larson said tabling the rezone did not give the developer any guarantee or assurance that money spent on engineering would not be wasted.

Chairman Peterson asked what type of apartments Mr. Strong was planning. Shawn Strong said they would be town homes with staggered fronts.

Commissioner Kirch felt there should be adequate fencing around the entire development to prevent children from cutting through to reach the park.

Commissioner Yeoman was concerned about a residential use between the storage units and the commercial building. Shawn Strong said he could do apartments or more storage units.

Chairman Peterson personally preferred more storage units.

Commissioner Yeoman asked if the Planning Commission could recommend that the entire Anderson parcel be zoned CP-2. Mark Larson said the General Plan showed the Anderson property with a commercial use. If part of the lot was left R-4, the General Plan had to be amended. A CP-2 Zone would not allow the apartments proposed by Mr. Strong.

Chairman Peterson opened the floor for public comments.

Julie Cawley, 2011 West 4600 South, stated that she was also speaking for the Goodwin's who lived at 4660 South 2075 West. They

were in St. George. She asked how storage units could be put in an R-4 Zone, which was a residential zone. Mark Larson said the City's Zoning Ordinance allowed storage units in an R-4 Zone. Mrs. Cawley preferred more storage units rather than apartments. She was concerned about security and some type of buffering between them and the Brownstone apartments on 4700 South. She also felt there was a problem with zoning enforcement in the City. Whatever was approved had to be enforced, or it would end up like the Brownstone apartments. A chain link fence was not adequate. She felt there needed to be a cinder block wall. The Goodwin's just spent \$1200 to repair their fence and trees that were damaged as a result of the illegal activities going on at the Brownstone apartments. They were opposed to apartments.

Chairman Peterson asked what type of fencing Mr. Strong was proposing. Shawn Strong said he originally wanted to put the storage units on the property line. However, the City's Zoning Ordinance required a 10-foot setback when a commercial use was adjacent to a residential use. He was concerned about what would happen to the setback area in future years. It would turn into a weed patch, or a play for kids to hide.

Commissioner Kirch suggested that Mr. Strong place the access road along the outside and have back-to-back storage units. Then there would not be a wasted setback area.

The Planning Commission felt the fence needed to be solid.

David Galloway asked why the area to be zoned commercial was deeper on his property, Hanna's, and Altop's than it was on the Anderson property. He felt it should be an even line. Mark Larson said the depth of the commercial area was determined by their conceptual plan for four residential lots.

A gentleman from Herefordshire was concerned about the commercial aspect of this property. The commercial area was starting to move north on 1900 West. He was also concerned about traffic and that the Herefordshire area was being surrounded by commercial uses.

Chairman Peterson stated that Planning Commission didn't feel a residential use on 1900 West was likely because of the amount of traffic. That left either a commercial use or a multi-family use. The General Plan called for 1900 West to have a mixed commercial/professional use.

Carl Stegen, 4541 South 2075 West, asked if a developer was proposing the lots on the Altop, Hanna, and Galloway properties. Mr. Larson said the lots were being developed by the property owners.

**Commissioner Allred moved to close the public hearing at 8:10 p.m. Commissioner Kirch seconded the motion. Commission members Allred, Hilton, Kirch, Peterson, Watts, and Yeoman voted "aye." The motion carried.**

Commissioner Kirch moved to recommend that the City Council rezone the entire Virgil B. Anderson parcel, SEI Management, Inc., David and Donna M. Altop, Tamra J. Hanna, and David and Bonnie Galloway properties from R-4 to CP-2; that the Council deny Virgil B. Anderson's rezone request from R-1-8 to R-4; that the CP-2 Zone on the Altop, Hanna, and Galloway properties extend 120 feet from their east property lines; that the rezone be subject to the conditions of the staff; that the ordinance changing the zone be held until the City received a preliminary plan that met the requirements of the CP-2 Zone; that the preliminary plan include additional storage units rather than apartments; and that the preliminary plan adequately address the security concerns of the adjoining property owners. Commissioner Allred seconded the motion. Commission members Allred, Hilton, Kirch, Peterson, Watts, and Yeoman voted "aye." The motion carried.

The Planning Commission took a 5-minute recess.

5. PUBLIC HEARING TO CONSIDER A PETITION FROM HAZEL MARTIN AND DALE BARLOW TO REZONE APPROXIMATELY 8.41 ACRES LOCATED AT APPROXIMATELY 5600 SOUTH 3500 WEST FROM RE-20 TO CP-2

**Commissioner Hilton moved to open the public hearing at 8:27 p.m. Commissioner Yeoman seconded the motion. Commission members Allred, Hilton, Kirch, Peterson, Watts, and Yeoman voted "aye." The motion carried.**

Mark Larson stated that the Hazel Martin Trust and Dale Barlow were requesting that their properties on the southeast corner of 5600 South 3500 West be rezoned from RE-20 to CP-2. Three years ago they requested that their properties be rezoned, but their petition was denied. Since then, the General Plan had been updated. In the General Plan, the future land use of their properties was shown as commercial. They had submitted a conceptual site plan with their petition. The CP-2 Zone required that a rezone petition be accompanied by a site plan ready for preliminary approval. The plan they had submitted was not ready for preliminary approval. The staff recommended that the rezone be approved subject to the ordinance changing the property being held until the City received a preliminary plan that met the requirements of the CP-2 Zone.

Commissioner Hilton asked if the development would be divided into separate lots like the Kent's Commercial Subdivision. Mark Larson said he did not have a definite answer.

Commissioner Watts asked what would happen with Roy City's property immediately to the south. Mark Larson said the City would probably be willing to work with the developers for access or landscaping.

Chairman Peterson stated that when the City considered the rezone petition three years ago, many of the residents of the Clover Ridge Subdivision were concerned about how the traffic flow on 3500 West would be impacted. At that time, the City discussed the possibility of a semaphore at the 5700 South 3500 West intersection. He asked about the status of that light.

Mark Larson felt that development of this corner might bring things to a head. UDOT would control whether a light was installed at that intersection. Commissioner Hilton asked if UDOT would consider a light if a developer was willing to pay for it. Mr. Larson said they might. They would never consider one if it wasn't in their long range plan.

Chairman Peterson opened the floor for public comments.

Bret Wahlen, Great Basin Engineering, stated that he was representing the Hazel Martin family. They were involved in the rezone project three years ago when there appeared to be an anchor for the corner. That had passed. Now the Martin family was seeking funds to pay for Hazel's health care. They were ready to market the property, and they were seeking direction from the City. If the City wanted homes on the corner, they would market it that way. The Martin family and Dale Barlow could market the pad sites shown on the conceptual plan. A developer might purchase the entire corner and master plan it.

Gary Martin, Clinton, stated that the Martin family had asked Bret Wahlen for help because they didn't know what they were doing. They felt this corner should be zoned commercial. They were asking that it be rezoned so they could raise money to take care of their mother.

K. C. Hall, Dale Barlow's son-in-law, stated that he was representing Dale Barlow. Mr. Barlow wanted to work with the Martin family to make a nice development. Neither Hazel or Dale had created the traffic problems that existed on the corner. However, that traffic brought in sales tax money to keep the City going.

Ray Alvey, 3459 West 5700 South, stated that he was in favor of the rezone. Hazel Martin and Dale Barlow needed to sell their properties, and this corner needed to be commercial.

Scott Dixon agreed that this corner needed to be zoned commercial. He hoped that would influence UDOT to put in a light at 5700 South 3500 West.

Marcel Westergard, 5698 South 3100 West, asked how the adjoining homes would be buffered. She was concerned that commercial uses were encroaching on the vacant areas left in the City; the lack of specific uses identified on the conceptual plan; and access onto 5600 South.

Chairman Peterson stated that UDOT would determine the location of the approaches on 5600 South and 3500 West.

Marcel Westergard asked how the adjoining homes would be buffered.

Chairman Peterson felt the Planning Commission could try to carry over the landscaping and sidewalk theme from Kent's development.

Max Westergard, 5698 South 3100 West, asked what use the General Plan showed for the block on 5600 South from 3100 West to 3500 West. The Planning Commission said that entire block was shown with a commercial use. Mr. Westergard pointed out that the City recently annexed part of that block and zoned it for a residential use.

David Van Earden, 5796 South 3550 West, felt this corner should have a residential use. There were homes on the northeast corner of 5600 South 3500 West. A residential use would not have the traffic impact that a commercial development would.

**Commissioner Hilton moved to close the public hearing at 9:07 p.m. Commissioner Watts seconded the motion. Commission members Allred, Hilton, Kirch, Peterson, Watts, and Yeoman voted "aye." The motion carried.**

**Commissioner Allred moved to recommend that the Council rezone the Hazel Martin Trust and Dale Barlow properties located at approximately 5600 South 3500 West from RE-20 to CP-2 subject to the ordinance approving the rezone not being enacted until the City received a preliminary plan that met the requirements of the CP-2 Zone, the staff's recommendations, and buffering on the Roy City property. Commissioner Watts seconded the motion. Commission members Allred, Hilton, Kirch, Peterson, Watts, and Yeoman voted "aye." The motion carried.**

6. CONSIDERATION OF A SITE PLAN FOR AN ADDITION TO THE WESTAR BUILDING LOCATED AT APPROXIMATELY 5451 SOUTH 1900 WEST

Mark Larson stated that a developer was proposing to turn the building at 5451 South 1900 West into three separate retail spaces. The building was about 12,000 square feet in size and was previously occupied by one tenant. The only reason the site was being brought before the Planning Commission was a small 1,320 square foot addition proposed on the northwest corner of the building. The developer was proposing to change the existing approaches. The south approach on 1900 West would be closed, the two approaches on 5450 South would be eliminated, and a new approach would be installed in the middle of the site on 5450 South. Mr. Larson said most of the staff's concerns about the site related to parking and storm water. The amount of parking on the existing site was less than what was required by the Zoning Ordinance. The developer had attempted to add more parking on the northeast corner of the site. The additional parking in that area only left 21 feet of backup space. The City preferred to have 24 feet for two-way traffic. The Planning Commission could require the parking on the northeast corner to be parallel, or it could eliminate the landscaping area to make more room for parking. The staff felt that the south approach on 1900 West should be left open, and that the approach near the intersection should be closed. The parking and dumpster area shown on the west side of the site was actually located on adjoining property. The fire hydrant that the Fire Marshall had asked to be moved was also located on the adjoining property. If the developer was going to use that parking, he needed to submit an access/easement agreement with the adjoining property owner. If the developer did not use that area, the site had even less parking.

Commissioner Allred asked how many parking spaces the developer needed to comply with the Zoning Ordinance. Mark Larson said the site was 9 stalls short. If the parking on the west was eliminated, it would be about 20 short.

Commissioner Kirch asked about green space. Mark Larson said the site had about 11% landscaping. The developer had added more green space on the northeast and southwest corners and along the south side of the site. Eliminating the green space on 5450 South would still leave the site with about 10% landscaping.

Mark Larson stated that the City Engineer had a lot of concerns about storm water. This was an existing site. Mr. Larson felt

there needed to be a compromise on the storm water issues. If the developer decided to do away with the addition, he could use the site and building as it was.

Commissioner Allred was concerned about the location of the dumpster along 5450 South.

The Planning Commission discussed the parking on the northeast corner of the site and recommended that the landscaping remain and that the parking spaces be signed for compact cars only.

Kip Cashmore, Ogden, stated that he was proposing to give the building a face lift and change the dock area into square footage. He knew there was a parking shortage, but he wasn't sure what could be done about it because of the existing conditions. He wasn't opposed to relocating the dumpster to the west side of the building. Because of the work in the dock area, he felt the parking lot could be sloped to drain the water into the storm drain on the site. That drain had been there for 20 years. There wasn't any place for him to put on-site retention, and he couldn't afford the cost of ripping up the entire parking lot to up in an underground retention area. He was willing to pay the City's storm water impact fee.

Chairman Peterson asked about the status of the land shown on the west side of the site. Mr. Cashmore said he had asked his title company to determine if there was an easement agreement for that area. He pointed out that the parking and driveway on the west side of the site was also used by the Painter plaza.

Commissioner Allred did not feel the Planning Commission could approve a site plan with improvements on someone else's property. Mr. Cashmore asked that the Planning Commission approve the site plan without the parking on the west side.

Commissioner Kirch asked about tabling the site plan for a month to allow Mr. Cashmore time to research the easement. Mr. Cashmore said delaying the site plan approval would kill the sale of the building.

After further discussion, the Planning Commission agreed that the parking on the west side of the site would be a bonus if Mr. Cashmore could clear up the access agreement.

Mark Larson asked about the storm water issue. The Planning Commission agreed to allow Mr. Cashmore to reslope the parking lot to drain the storm water into the existing drain.

Commissioner Hilton moved to recommend that the City Council approve the site plan for the Westar building at 5451 South 1900 West subject to the staff's recommendations; the developer keeping the south approach on 1900 West open (with UDOT's approval); that the parking on the northeast side of the site be signed for compact cars only; that the dumpster be moved behind the building; the developer resolving the access for parking on the west side of the site; and the developer finding out where the storm water drained, paying the City's impact fee, and making sure the drainage was acceptable to the City's standards. Commissioner Kirch seconded the motion. Commission members Allred, Hilton, Kirch, Peterson, Watts, and Yeoman voted "aye." The motion carried.

7. PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE ROY CITY GENERAL PLAN

**Commissioner Yeoman moved to open the public hearing at 9:54 p.m. Commissioner Allred seconded the motion. Commission members Allred, Hilton, Kirch, Peterson, Watts, and Yeoman voted "aye." The motion carried.**

Mark Larson stated that the future land use map in the General Plan needed to be amended. The preferred location for the UTA commuter rail site needed to be added at 4000 South. The other sites needed to be labeled as alternate sites. The use of properties near 4800 South 4300 West needed to be changed from medium density to low density. The use of property on 5600 South (from 3100 West to approximately 3275 West) needed to be changed from commercial to medium density.

Commissioner Watts felt the staff should determine if Clinton City's master plan called for commercial use on the east side of 2000 West (3500 West in Roy) next to Roy's boundaries. If it called for a commercial use, Roy should consider changing the future use of the southeast corner of 6000 South 3500 West.

Chairman Peterson asked for public comments. There were none.

**Commissioner Allred moved to close the public hearing at 10:00 p.m. Commissioner Hilton seconded the motion. Commission members Allred, Hilton, Kirch, Peterson, Watts, and Yeoman voted "aye." The motion carried.**

**Commissioner Kirch moved to recommend that the General Plan be amend to identify the preferred commuter rail site on 4000 South; to change the use of properties at 4800 South 4300 West from medium density to low density; and to change the use of property on 5600 South from 3100 West to approximately 3275 West from commercial to medium density. Commissioner Yeoman seconded the motion. Commission members Allred, Hilton, Kirch, Peterson, Watts, and Yeoman voted "aye." The motion carried.**

8. PUBLIC HEARING TO CONSIDER ADOPTION OF AN ANNEXATION  
DECLARATION POLICY

**Commissioner Hilton moved to open the public hearing at 10:14 p.m. Commissioner Kirch seconded the motion. Commission members Allred, Hilton, Kirch, Peterson, Watts, and Yeoman voted "aye." The motion carried.**

Mark Larson stated that the Planning Commission reviewed the proposed Policy during the last workshop. The staff had made the minor corrections recommended by the Planning Commission.

The Planning Commission asked why the staff hadn't included the area east of Hinckley Drive that was discussed at the last meeting. Mark Larson said the Policy stated the City would not include areas it could not serve. Roy really had no way to service that area. Riverdale had notified the City that Hill AFB was already located within their city boundaries.

Chairman Peterson asked for public comments. There were none.

**Commissioner Kirch moved to close the public hearing at 10:20 p.m. Commissioner Allred seconded the motion. Commission members Allred, Hilton, Kirch, Peterson, Watts, and Yeoman voted "aye." The motion carried.**

**Commissioner Watts moved to recommend that the City Council adopt the Annexation Declaration Policy as written. Commissioner Yeoman seconded the motion. Commission members Allred, Hilton, Kirch, Peterson, Watts, and Yeoman voted "aye." The motion carried.**

9. OTHER BUSINESS

The Planning Commission scheduled its annual dinner with the City Council and Board of Adjustment on March 14, 2003.

The Planning Commissioner canceled the workshop scheduled for February 22<sup>nd</sup>.

10. ADJOURN

**Commissioner Watts moved to adjourn at 10:28 p.m. Commissioner Allred seconded the motion. Commission members Allred, Hilton, Kirch, Peterson, Watts, and Yeoman voted "aye." The motion carried.**

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Larry Peterson  
Chairman

Attest:

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Michelle Drago  
Secretary

dc:pfeb1103