

ROY CITY PLANNING COMMISSION

June 10, 2003

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on June 10, 2003, at 6:08 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	Tony Reynolds, Community
Brad Hilton	Services Director
Gennie Kirch	Mark Larson, Planner
Bill Merx	Michelle Drago, Secretary
Roy Watts	

Excused: Doug Allred
Karlene Yeoman

Others present were: Councilman Dave Tafoya; Dave Van Dyke; Mike Cederquist; and Matt Flamm.

Pledge of Allegiance: Brad Hilton

1. APPROVAL OF MINUTES OF MAY 13, 2003

Commissioner Watts moved to approve the minutes of May 13, 2003, as written. Commissioner Kirch seconded the motion. Commission members Hilton, Kirch, Merx, Peterson, and Watts voted "aye." The motion carried.

2. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT AND SITE PLAN FOR MATTHEW FLAMM FOR AN ALLSTATE INSURANCE OFFICE LOCATED AT APPROXIMATELY 3519 WEST 5600 SOUTH

Commissioner Hilton moved to open the public hearing at 6:10 p.m. Commissioner Merx seconded the motion. Commission members Hilton, Kirch, Merx, Peterson, and Watts voted "aye." The motion carried.

Mark Larson stated that the City had received a petition for a conditional use permit from Matthew Flamm for an Allstate Insurance

office located at approximately 3519 West 5600 South. The office would be located in the Crossroads Plaza in the same building as Ace Hardware. Mr. Flamm would occupy the suite on the east end. It was the last vacant space in the building and contained 860 square feet. Mr. Flamm planned to have 1 to 3 employees. The staff did not feel Mr. Flamm's use would not impact the tight parking situation created by Weber State University's extension office. The staff didn't have any concerns about Mr. Flamm's use other than applying for a business license and obtaining a sign permit. This business was only a conditional use because it was in a CP-2 Zone.

The Planning Commission didn't have any questions.

Chairman Peterson asked if there were comments from the audience. There were none.

Dave Van Dyke, Sky Property, stated that they were required to give adjacent property owners additional land as part of the site plan requirements. They couldn't convey the property until the project was completely done. The only building left to be done was on Lot No. 1. Mr. Van Dyke asked that the ordinances be changed so they didn't have to keep applying for conditional use permits.

Chairman Peterson said the Planning Commission and staff were aware of the problem. They hoped that during review of the ordinances the process could be expedited.

Commissioner Kirch moved to close the public hearing at 6:15 p.m. Commissioner Watts seconded the motion. Commission members Hilton, Kirch, Merx, Peterson, and Watts voted "aye." The motion carried.

Commissioner Hilton moved to recommend that the City Council approve a conditional use permit and site plan for Matthew Flamm for an Allstate Insurance office located at approximately 3519 West 5600 South subject to the staff's recommendations. Commissioner Merx seconded the motion. Commission members Hilton, Kirch, Merx, Peterson, and Watts voted "aye." The motion carried.

3. 6:10 P.M. PUBLIC HEARING TO CONSIDER:
 - A. VACATING A PUBLIC UTILITY EASEMENT FOR A TEMPORARY TURN AROUND LOCATED AT APPROXIMATELY 5308 SOUTH 3275 WEST
 - B. VACATING A 6-FOOT WALKWAY LOCATED AT APPROXIMATELY 4677 SOUTH 2900 WEST
 - C. VACATING A 5-FOOT WALKWAY LOCATED AT APPROXIMATELY 3917 SOUTH 2675 WEST

Commissioner Watts moved to open the public hearing at 6:16 p.m. Commissioner Kirch seconded the motion. Commission members Hilton, Kirch, Merx, Peterson, and Watts voted "aye." The motion carried.

Mark Larson stated that the Jones Estates Subdivision was originally recorded with a temporary turn around at the south end of 3275 West. The Fire and Public Works Departments decided the turn around was not needed, and it was eliminated when the subdivision was amended in 1998. The turn around was vacated by Ordinance No. 830 on April 30, 1998. The property owner of Lot No. 9 recently contacted the staff and asked why Roy City owned part of his lot. After checking with Weber County, the staff learned that Ordinance No. 830 vacated the turn around, but it did not vacate the public utility easement pertaining to the turn around. The staff recommended that the public utility easement pertaining to the temporary turn around on Lot Nos. 9 and 10 of Jones Estates Subdivision Amended be vacated.

Mr. Larson said that Park Side Estates Subdivision was approved by the City on March 20, 1990, with a 6-foot walkway right-of-way between Lot Nos. 6 and 7. When Park Side Estates was approved, there wasn't any sidewalk on 4800 South, nor was 4600 South completed. The City felt the walkway would allow a safe way for school children to get to Midland Elementary School. However, the walkway was never developed, and the Public Works Director allowed property owners on either side to landscape and fence it. When land west of Park Side Estates developed, the walkway was not continued. Since then the sidewalk on 4800 South and the 4600 South street improvements had been completed for safe school routes.

The property owners of Lot Nos. 6 and 7 had asked that the walkway be eliminated. The development staff and the Public Works Director recommended that the walkway be vacated, divided in half and deeded to the adjoining property owners. In order to prevent a gap in the

utility easements between the lots, a 6-foot public utility and drainage easement would be established in place of the walkway. That would make the easements along the proposed side property line of Lot Nos. 6 and 7 ten feet wide rather than seven.

Mr. Larson said the property owner adjacent to the walkway at 3917 South 2675 West had requested that the City vacate the 5-foot walkway. The City approved Edgewater Estates Subdivision No. 1 in August of 1995. The subdivision was recorded with a 5-foot walkway. The walkway was improved with a concrete walk and fencing. The City had an underground storm drainage easement in the walkway to access the detention basin west of the subdivision. The walkway and detention area were enclosed with a 6-foot chain link fence. The detention area was grassed and maintained by the Parks Department. The neighborhood used the detention area as a park. Mr. Larson said the development staff did not recommend that the walkway in Edgewater Estates be vacated. It was a useful amenity for the neighborhood, and the Public Works Department needed the walkway for existing utilities and drainage lines.

Mr. Larson responded to questions from the Planning Commission.

Chairman Peterson opened the floor for public comments.

Councilman Dave Tafoya stated that the neither Gerald Smith or Wilma Higley, the owners of Lot Nos. 6 and 7, were able to attend the meeting. The City could not continue the walkway because there was a home immediately to the west. Both property owners had landscaped and fenced the walkway, and they asked that it be vacated.

Michael Cederquist, 5308 South 3275 West, stated that he owned Lot No. 9 of Jones Estates Subdivision Amended. He asked that the easement on his lot be vacated.

The Planning Commission felt the walkway in Edgewater Estates served a purpose and should remain.

Commissioner Kirch moved to close the public hearing at 6:31 p.m. Commissioner Hilton seconded the motion. Commission members Hilton, Kirch, Merx, Peterson, and Watts voted "aye." The motion carried.

Commissioner Watts moved to recommend that the City Council vacate the public utility easement pertaining to the temporary turn around on Lot Nos. 9 and 10 of Jones Estates Subdivision Amended with the appropriate ordinance. Commissioner Kirch seconded the motion. Commission members Hilton, Kirch, Merx, Peterson, and Watts voted "aye." The motion carried.

Commissioner Watts moved to recommend that the City Council vacate the 6-foot walkway between Lot Nos. 6 and 7 of Park Side Estates with the appropriate ordinance, that a public utility and drainage easement be established on the vacated walkway, and that the walkway be deeded to the adjoining property owners. Commissioner Hilton seconded the motion. Commission members Hilton, Kirch, Merx, Peterson, and Watts voted "aye." The motion carried.

Commissioner Watts moved to recommend that the City Council not vacate the 5-foot walkway in Edgewater Estates Subdivision No. 1. Commissioner Merx seconded the motion. Commission members Hilton, Kirch, Peterson, Merx, Watts voted "aye." The motion carried.

4. CONSIDERATION OF A PETITION FROM P. WAYNE AND GWEN C. HANSEN, SHAUNNA WASSOM, KEVIN W. HANSEN, SCOTT J. HANSEN, KENNEY C. HANSEN, R. CRAIG HANSEN, AND PAUL K. HANSEN TO REZONE APPROXIMATELY 18 ACRES LOCATED AT APPROXIMATELY 3665 SOUTH 1900 WEST

Chairman Peterson stated that in April the Planning Commission held a public hearing to consider the rezone petition from the Wayne Hansen family. At that time the petition was tabled because the CP-2 Zone required that a preliminary development plan be submitted with the rezone petition. The Hansen family had not submitted such a plan. Since April, the Planning Commission and City Council had reviewed Chapter 21 - Planned Commercial Zone - of the Zoning Ordinance. It had been amended to allow the Planning Commission and City Council to rezone property without a preliminary development plan if property is designated as future commercial in the General Plan. The Hansen property was designated as a future commercial area.

Mark Larson stated that the Hansen's petition did match the General Plan. The Hansen family was asking that 18 acres of property on 1900 West be rezoned from RE-20 to CP-2. The rezone did not include the Hansen home. Comments from adjoining property owners were received during the public hearing in April.

The Planning Commission recognized the concern one property owner had that the dirt right-of-way road not be used to access commercial development on the Hansen property.

Mark Larson stated that the Hansen family had asked that the current agricultural use of the property be grandfathered.

Chairman Peterson did not feel the Hansen property would be developed. Wayne Hansen had asked that his property be rezoned so that he, or his estate, could receive maximum value for the property when UDOT extended Hinckley Drive to the west.

Commissioner Kirch moved to recommend that the City Council rezone 18 acres of property located at approximately 3665 South 1900 West from RE-20 to CP-2, that the requirement for a preliminary development plan be waived according to RCO 34-21-12, and that the current agricultural use be grandfathered. Commissioner Hilton seconded the motion. Commission members Hilton, Kirch, Merx, Peterson, and Watts voted "aye." The motion carried.

5. APPROVAL OF RESOLUTION NO. 801 APPROVING PLANNING COMMISSION MEETING DATES FOR FY2004

Commissioner Watts moved to approve Resolution No. 801 establishing Planning Commission meeting dates for FY2004. Commissioner Hilton seconded the motion. A roll call vote was taken: Commission members Hilton, Merx, Watts, Kirch, and Peterson voted "aye." The motion carried. (Copy filed for record).

6. OTHER BUSINESS

Mark Larson showed the Planning Commission a proposal from DeMont Wiberg for town homes on his property on 4400 South.

Mark Larson asked that the Planning Commission turn in their comments on the proposed Zoning Ordinance.

Chairman Peterson stated that this was Commissioner Watts' last meeting. He thanked him for his years of leadership on the Planning Commission.

7. ADJOURN

Commissioner Merx moved to adjourn at 6:55 p.m. Commissioner Watts seconded the motion. Commission members Hilton, Kirch, Peterson, Merx, and Watts voted "aye." The motion carried.

Larry Peterson
Chairman

Attest:

Michelle Drago
Secretary

dc:pjun1003