

ROY CITY PLANNING COMMISSION

July 8, 2003

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on July 8, 2003, at 6:20 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:

Karlene Yeoman, Vice Chair	Tony Reynolds, Community
Doug Allred	Services Director
Gennie Kirch	Mark Larson, Planner
Bill Merx	Michelle Drago, Secretary

Excused: Brad Hilton  
Larry Peterson

Others present were: Mayor Roger Burnett; Kim Keller; Brad Larson; Dr. David Pearson; Allison Summers; Phil Hancock; Dan Simons; Jan Wheelwright; Robert Fuller; Matt Myer; and Roy Watts.

Pledge of Allegiance: Commissioner Merx

1. APPROVAL OF JUNE 10, 2003, MINUTES

Commissioner Allred asked for a clarification on Item No. 4 of the June 10, 2003, minutes

**Commissioner Kirch moved to approve the minutes of June 10, 2003, as written. Commissioner Merx seconded the motion. Commission members Allred, Kirch, Merx, and Yeoman voted "aye." The motion carried.**

2. CONSIDERATION OF A SITE PLAN FOR AN ADDITION TO THE TRIPLE STOP CONVENIENCE STORE LOCATED AT APPROXIMATELY 4795 SOUTH 3500 WEST

Mark Larson stated that the Zoning Ordinance said that any changes to the exterior of a building or significant interior changes

required site plan approval. Bruce Crouch, owner of the Triple Store Convenience Store located at 4795 South 3500 West, was requesting approval of a site plan for a small addition. The use of the convenience store had already been established. Mr. Crouch was proposing to add 281.7 square feet to the southwest corner of the store for a beverage cooler. The cooler would only be accessible from inside the store. He also planned to enclose the main entrance and an outside eating area on the south side of the store. The proposed addition would allow space for two more parking stalls. The staff recommended that Mr. Crouch's site plan be approved.

Commissioner Allred asked if the cooler would tie into the existing sewer system. Mr. Larson said it would.

Vice Chair Yeoman recognized that the petitioner was not present.

The Planning Commission had no further questions.

**Commissioner Allred moved to recommend that the City Council grant approval of a site plan for an addition to the Triple Stop Convenience Store located at approximately 4795 South 3500 West subject to the staff and engineering reports. Commissioner Merx seconded the motion. Commission members Allred, Kirch, Merx, and Yeoman voted "aye." The motion carried.**

3. CONSIDERATION OF A SECOND AMENDMENT TO THE SILVER CREEK  
SUBDIVISION LOCATED AT APPROXIMATELY 5150 SOUTH 1900 WEST

Mark Larson stated that the Silver Creek Subdivision and commercial development was located on the north side of 5150 South between Big O Tires and Airport Road. The subdivision currently consisted of three lots - Lot No. 1 was the Litz building on Airport Road; Lot No. 2 contained all of the interior buildings; and Lot No. 3 was Ogden Carpet. Kim Keller, the developer, was proposing a second amendment to the subdivision to create three new lots for a total of six lots. Each of the buildings in the development would then be on its own lot. Building 4 on Lot No. 5 was the only building that had not been built. The development with landscaping and parking had already been approved. The subdivision plat contained language addressing common access, drainage, and parking. Mr. Larson said the staff didn't have a problem with the proposed amendment or the building layout. The staff's concerns were related to the unfinished items in the development. Originally the staff report recommended that this item be tabled until Mr. Keller completed the punch list or escrowed money to do so. Now the staff recommended that the Planning Commission grant final approval of the second amendment subject to Mr. Keller meeting with the staff to review the punch list and establishing an escrow. If the subdivision was tabled, the appearance of the subdivision would not change.

Commissioner Allred asked if the punch list was for certain lots. Mark Larson said it was for the entire site and some public improvements.

Vice Chair Yeoman asked if the punch list items were supposed to have been completed earlier. Mark Larson said the original site was one parcel. The development had been subdivided over time.

Commissioner Merx asked if Item Nos. 3 through 7 were new requirements. Mark Larson said they were not; they just hadn't been identified until now.

Vice Chair Yeoman asked why the Planning Commission should grant Mr. Keller additional lots when he had not completed the items required to comply with the City ordinances. Tony Reynolds stated that if Mr. Keller escrowed money for the punch list items, he could complete them, or the City could use the money to complete them if they weren't done by a certain date.

Commissioner Kirch asked why Mr. Keller was proposing three more lots.

Commissioner Allred asked when the improvements should have been completed. Tony Reynolds said that in a CP-2 Zone there was a deadline for completion of improvements. In this case, the City was the seller. It stipulated that the improvements were to be completed, but neither money nor a deadline was identified for their completion.

Kim Keller stated that some of the items on the July 8<sup>th</sup> punch list had been done, and a couple were in dispute. He felt the punch list led the Planning Commission to believe that the development was not done. It was more done than not. The development was functional.

Commissioner Kirch asked about the discrepancy in building architecture. Mr. Keller stated that he built exactly what he had submitted. The construction type between the office and retail space was different. Both had the same brick and color. He questioned that item even being on the punch list.

Kim Keller stated he was proposing to subdivide the development so he could offer the last lot for sale. If he could do that he might be able to complete the entire project. He would only sell the lot if he could build the building. In that way, the integrity of the site would be maintained. Mr. Keller said the project was functional. It was 95% complete.

Commissioner Allred felt the staff and Kim Keller needed to meet and determine exactly which of the punch list items needed to be done based on the actual scope of the work, establish an escrow amount for each punch list item, and establish a deadline for each item.

Commissioner Kirch did not feel tabling the subdivision would change anything regarding the lot or building layout.

Mark Larson felt it would be to Kim Keller's advantage to get the punch list items completed as soon as possible so that he could receive a conditional acceptance from the City and start his warranty period.

Kim Keller stated that the only items not done were those in dispute.

Commissioner Allred felt it was appropriate to have a resolution of all the punch list items. Many of them affected the function of the revised subdivision.

Commissioner Kirch asked if a landscaping plan had been submitted. Mark Larson said the landscaping plan he had seen was not very definitive. It did not address walkways, benches, and lighting, which were all part of Mr. Keller's original requirements.

Commissioner Merx felt the development was a tremendous addition to the City. He felt the City needed to do what it could to expedite it. Would approving the second amendment slow down the process or completion of the punch list items? Mark Larson and Tony Reynolds said it would not.

**Commissioner Kirch moved to recommend that the City Council grant approval of the second amendment of the Silver Creek Subdivision subject to the staff and Kim Keller meeting to determine which punch list items needed to be completed, an escrow amount for each item, and a time line for completion of improvements; and establishing an escrow before the subdivision went to City Council.**

There was discussion about the language of the motion.

**Commissioner Merx seconded the motion. Commission members Allred, Kirch, Merx, and Yeoman voted "aye." The motion carried.**

4. FINAL APPROVAL OF SHADY MEADOW ESTATES SUBDIVISION NO. 3  
LOCATED AT APPROXIMATELY 3575 WEST 5275 SOUTH

Mark Larson stated that the Planning Commission and City Council granted preliminary approval of the Shady Meadow Estates Subdivision in March. The City Council granted final approval of Phases No. 1 and 2 last month. Jerry Cronquist and Brad Larson were requesting final approval of the third and final phase. Phase No. 3 was located west of 3500 West between Phase No. 1 and Lakeview Equestrian Park. Phase No. 3 contained 25 lots on 8.01 acres. Mark Larson felt the City Engineer's comments could be resolved with the developers' engineer.

Commissioner Kirch questioned the staff recommendation for a 6-foot chain link fence behind Lot Nos. 65-77. She thought the City Council did away with the required fence behind those lots. Michelle Drago said that according to the minutes, the only fence waived by the Council was around the detention basin.

Brad Larson stated that the City Council did discuss the fence between Shady Meadows and Lakeview Equestrian Park. Some of the owners in Lakeview did have animals. However, a chain link fence did not hold up to animals. He thought Councilman Cordova had voted to waive the chain link fence because the existing fence was sufficient.

Mark Larson and Commissioner Kirch said that was what they remembered.

Commissioner Merx asked about the lot width of Lot No. 66. Brad Larson said it might be a few inches shy of 80 feet. There was more than enough width on the adjacent lot to make any necessary adjustments.

Commissioner Allred felt the chain link fence should be required between Shady Meadows and Lakeview Equestrian Park to protect people as well as animals.

Commissioner Kirch stated that many of the residents of Lakeview Equestrian Park attending the Council meeting did not push for a chain link fence.

Commissioner Allred was concerned about the elevation difference between Shady Meadows and Lakeview Equestrian Park mentioned by the City Engineer. Brad Larson said the elevation difference started

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about Lot No. 74 and was 1 to 2 feet in height. When they excavated the road, they planned to use the dirt to bring the lots level with Lakeview Equestrian Park.

**Commissioner Allred moved to recommend that the City Council grant final approval of Shady Meadow Estates Subdivision No. 3 located at approximately 3575 West 5275 South subject to the engineering and staff recommendations, except for the chain link fence behind Lot Nos. 65-77. Commissioner Kirch seconded the motion. Commission members Allred, Kirch, Merx, and Yeoman voted "aye." The motion carried.**

5. PRELIMINARY APPROVAL OF WALKER ESTATES SUBDIVISION NO. 5  
LOCATED AT APPROXIMATELY 4500 SOUTH 3100 WEST AND A 6-MONTH  
EXTENSION OF THE PRELIMINARY APPROVAL FOR WALKER ESTATES  
SUBDIVISION NO. 4

Mark Larson stated that different developers had been proposing a subdivision on the property at 4500 South 3100 West since 1999. There were two sets of overhead power lines that ran diagonally through the subdivision. In February of 2002, the Planning Commission and City Council approved a preliminary plan for Phase No. 4 of Walker Estates. Phase No. 5 was tabled. Robert Fuller was asking for preliminary approval of Phase No. 5. The preliminary approval of Phase No. 4 would expire in August, and Mr. Fuller had not submitted final plans. The staff recommended that the Planning Commission grant a 6-month extension for Phase No. 4.

Commissioner Allred asked why the staff was recommending that preliminary approval of Phase No. 4 be extended. Mark Larson stated that Phase No. 4 had not changed. The staff wanted to give Mr. Fuller time to submit final plans.

Mark Larson stated that even though three of the lots in Phase No. 5 looked like flag lots, they had the required 65 feet of frontage on the street. The preliminary plan showed hard-surfacing for Lot Nos. 23 and 24. The staff felt Mr. Fuller should provide hard-surfacing for Lot No. 25 as well. Mr. Fuller would be required to install a water line, hard-surfacing, and a fire hydrant on all three of the 'flag' lots. Those improvements needed to be shown on the plat. All of the lots needed to be labeled "R" because of the overhead power lines. Restrictions needed to be listed on the plat. Mr. Fuller had spoken with the power company to make sure homes could be built under the power lines. Because Lot Nos. 23-25 were located under the power lines and had more than 20,000 square feet, future owners could apply for conditional use permits for animals even though they were located in an R-1-8 Zone. Mr. Larson said the staff recommended preliminary approval of Walker Estates No. 5.

Robert Fuller, 3060 West 4600 South, asked about the status of Phase No. 3. Mark Larson said it had received final approval. Mr. Fuller said Phase Nos. 4 and 5 were located on an unusual piece of land.

Commissioner Allred asked for the reason behind the 6-month extension for Phase No. 4. Mr. Fuller said it was going to expire, and he didn't want to have to start over again.

Vice Chair Yeoman asked if Mr. Fuller planned to develop both phases together. Mr. Fuller said he planned to do Phase No. 4 first. Phase No. 5 would be done later.

Robert Fuller stated that there were some manhole covers missing on 4600 South. He needed to determine if he was responsible for them or the developer of Masami Estates. Tony Reynolds felt that could be resolved with the City Engineer.

Mark Larson stated that Robert Fuller had cleaned up Phase No. 3 as he was required to do.

**Commissioner Allred moved to recommend that the City Council grant preliminary approval of Walker Estates Subdivision No. 5 located at approximately 4500 South 3100 West subject to the staff report and engineering requirements. Commissioner Merx seconded the motion. Commission members Allred, Kirch, Merx, and Yeoman voted "aye." The motion carried.**

**Commissioner Merx moved to recommend that the City Council grant a 6-month extension to the preliminary approval of Walker Estates Subdivision No. 4 located at approximately 4500 South 2950 West subject to the original conditions. Commissioner Kirch seconded the motion. Commission members Allred, Kirch, Merx, and Yeoman voted "aye." The motion carried.**

6. PUBLIC HEARING TO CONSIDER OF A CONDITIONAL USE PERMIT AND SITE PLAN FOR DR. DAVID R. PEARSON FOR A VETERINARY HOSPITAL LOCATED AT APPROXIMATELY 1791 WEST RIVERDALE ROAD

**Commissioner Allred moved to open the public hearing at 7:40 p.m. Commissioner Merx seconded the motion. Commission members Allred, Kirch, Merx, and Yeoman voted "aye." The motion carried.**

Mark Larson stated that Dr. David Pearson owned two parcels on Riverdale Road immediately east of Jade Terrace. Dr. Pearson currently occupied an existing veterinary hospital on the east parcel, which was adjacent to the railroad tracks. Dr. Pearson was proposing to build a new veterinary hospital on the west parcel. He planned to leave the existing building. Mr. Larson said the staff and City Engineer had wrestled with how to make the site work because of its unusual shape.

The overall site was two-acres in size. There were currently two approaches on Riverdale Road. Half of the west approach was on the Jade Terrace property. The staff didn't feel there was a need for two approaches so the west access was taken out to make room for the required parking and landscaping. In order for the new building to work, it had to be right on the west property line. The building code allowed it to be on the property line, but the west wall would have to be fire-rated and could have no doors or windows. There was enough room between the two buildings to access additional parking in the rear. Mr. Larson stated that in order for the new building to work, the two lots had to function together. There needed to be an agreement to address common access, parking, and drainage. He showed the Planning Commission elevations of the new building. The west elevation showed windows, which might not be allowed because of building code requirements.

Dr. David Pearson, 1787 West Riverdale Road, stated that there were some types of windows that could be allowed in fire rated walls. He planned to check on them.

Commissioner Kirch asked if it would be possible for Dr. Pearson to obtain a reciprocal parking agreement with Woodbury Corporation to use parking in Marketplace Plaza. The parking north of the old video store was not used and was right behind Dr. Pearson's. Tony Reynolds said he had spoken with Woodbury Corporation. They were interested in a reciprocal agreement, but the common property line between Dr. Pearson and Marketplace Plaza was only 11.91 feet wide. There needed to be 20 to 25 feet for vehicular access.

Commissioner Kirch was concerned that the parking shown on the site plan would not be adequate. She suggested that a sidewalk be installed between Dr. Pearson's and Marketplace Plaza. That would allow Dr. Pearson's clients somewhere else to park.

Commissioner Kirch stated that the whole site sloped down from Riverdale Road. A discussion ensued about whether the parking stalls shown on the sloped area would actually be usable.

Commissioner Allred felt the landscaping shown on 1900 West would help identify the entrance to the site.

Tony Reynolds stated that the property owner to the east had expressed some interest in providing an area for additional landscaping and parking.

Mark Larson stated that he liked the interior curbing shown on the site plan. It would be used to border the landscaping. He suggested that the curbing be used on the southwest corner of the existing building to help identify the access between the two buildings.

Commissioner Allred asked if Dr. Pearson was required to submit a floor plan. Tony Reynolds said that was not a requirement of the C-2 Zone.

Matt Myer, Dr. Pearson's engineer, stated that he had reviewed the comments from the City Engineer and Planning staff. He didn't have a problem with their comments. Mr. Myer suggested that the parking for the existing building be grand fathered.

Commissioner Allred asked if Dr. Pearson had plans for the existing building. Dr. Pearson said he planned to use it for grooming and boarding.

Matt Myer stated that in the future the buildings might not have similar uses. The old site was short a few spaces; the new site was over a few.

The Planning Commission said there needed to be reciprocal parking, access, and drainage easements.

Mark Larson felt it was to the advantage of both sites to have common parking.

Matt Myer stated that individual drainage of the sites was an issue. There wasn't anywhere for the water to go. The new site had two small retention areas that were about four feet deep. However, they were designed to handle drainage from the new site only. If they had to handle drainage from the old site, they would need to be about eight feet deep.

The Planning Commission asked about sumps. Mr. Myer said the ground did not percolate. Mark Larson stated that the law required storm drainage to be handled by the property owner. In this case, Dr. Pearson owned both sites. There were several options that could be explored. Commissioner Kirch said it didn't matter if there were two parcels or one. The drainage would cause problems if it was not addressed.

Commissioner Allred stated that the west wall of the new building would have to be fire-rated. According to the building elevations, the west wall did not look like a one hour fire-rated wall. Mark Larson said the building would have to meet the building code.

Vice Chair Yeoman asked if there were any public comments. There were none.

**Commissioner Kirch moved to close the public hearing at 8:14 p.m. Commissioner Merx seconded the motion. Commission members Allred, Kirch, Merx, 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 a veterinary hospital located at approximately 1791 West Riverdale Road subject to the conditions of the City Engineer, the staff recommendations, and that the City accept the proposal of a reciprocal parking agreement between the two properties. Commissioner Kirch seconded the motion. Commission members Allred, Kirch, Merx, and Yeoman voted "aye." The motion carried.**

7. PUBLIC HEARING TO CONSIDER OF A CONDITIONAL USE PERMIT AND SITE PLAN FOR DAN C. SIMONS JR. FOR DENTAL, PROFESSIONAL, AND BUSINESS OFFICES LOCATED AT APPROXIMATELY 3626 WEST 5600 SOUTH, KENT'S COMMERCIAL SUBDIVISION PAD C

**Commissioner Merx moved to open the public hearing at 8:15 p.m. Commissioner Kirch seconded the motion. Commission members Allred, Kirch, Merx, and Yeoman voted "aye." The motion carried.**

Mark Larson stated that Dan Simons, representing the K B Family LLC, had requested approval of a conditional use permit and site plan for a dental office on Pad C of Kent's Commercial Subdivision. All of the off site improvements for the development were in, as well as the parking and landscaping. The pad sites had been left in gravel. Pad C was located immediately west of Arctic Circle. There would be four available spaces in the building, but only one space was being leased. The building elevations followed the common theme of the commercial center.

Tony Reynolds stated that when Mr. Simons submitted the application for a conditional use permit for Pad C, he requested approval of all future and possible uses in the entire development. The City Attorney reviewed the application and determined that the City could only consider uses for the building on Pad C because of the way the Zoning Ordinance was written.

Mark Larson stated that the staff proposed that the Planning Commission recommend an overall conditional use permit for Pad C for professional and business offices in which retail goods or merchandise were not commercially created, exchanged, or sold. Tony Reynolds stated that under such a conditional use permit, future tenants of Pad C would be reviewed by staff, but not the Planning Commission or City Council.

Commissioner Allred stated that Pad C could end up with 8 to 12 tenants. Mark Larson said the Planning Commission could stipulate that there be no more than four tenants. Commissioner Allred was concerned that Mr. Simons might not be able to lease all of the spaces for professional uses.

Dan Simons stated that he would take what he could get. When Kent's first started, they tried to reach a development agreement with the City that included a list of approved uses for the entire site to lessen paper work. His original request was an attempt to allow future tenants to come in and obtain building permits and

business licenses without being impeded. He tried to expedite matters with a pre-approved list. He wanted to keep the building on Pad C professional, but it might not be possible. That would be driven by the market. He might be back in the future requesting another type of use. Mr. Simons showed the Planning Commission a rendering of the building elevations. The elevations followed the theme of the center, but had a more residential look.

Commissioner Allred stated that he could find no record of the structural or mechanical engineers being licensed. Mark Larson stated that the building plans would have to be stamped by licensed engineers before a building permit could be issued.

Vice Chair Yeoman asked if there were any comments from the audience. There were none.

**Commissioner Kirch moved to closed the public hearing at 8:41 p.m. Commissioner Merx seconded the motion. Commission members Allred, Kirch, Merx, and Yeoman voted "aye." The motion carried.**

**Commissioner Kirch moved to recommend that the City Council grant a conditional use permit and site plan for dental, professional, and business offices in which goods or merchandise were not commercially created, exchanged, or sold for four spaces at 3626 West 5600 South, Pad C of Kent's Commercial Subdivision, subject to the staff and engineering recommendations and a requirement that any commercial use be required to apply for a separate conditional use permit. Commissioner Merx seconded the motion. Commission members Allred, Kirch, Merx, and Yeoman voted "aye." The motion carried.**

#### 8. OTHER BUSINESS

Commissioner Allred and Vice Chair Yeoman requested copies of the revised Chapter 21.

Mark Larson stated that the City had received an application for a mortuary on 5600 South. He said the staff was considering a text amendment to the Zoning Ordinance to allow mortuaries and cemeteries as a conditional use in single-family residential zones. He asked for the Planning Commission's input.

#### 9. ADJOURN

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**Commissioner Allred moved to adjourn at 9:00 p.m. Commissioner Merx seconded the motion. Commission members Allred, Kirch, Merx, and Yeoman voted "aye." The motion carried.**

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Karlene Yeoman  
Vice Chair

Attest:

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Michelle Drago  
Secretary

dc:pjul803