

ROY CITY PLANNING COMMISSION

August 12, 2003

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on August 12, 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	Tony Reynolds, Community
Doug Allred	Services Director
Brad Hilton	Mark Larson, Planner
Blaine Hoopes	Michelle Drago, Secretary
Gennie Kirch	
Bill Merx	
Karlene Yeoman	

Others present were: Mayor Roger Burnett; Councilman John Cordova; Wallace Hunsaker; Jerry Olsen; Janice Olsen; Max Westergard; Marcell Westergard; Frank Murdock; Dane Searle; Matt Asplittle; and Dennis Whisler.

Pledge of Allegiance: Commissioner Yeoman

1. NEW MEMBER SWORN IN

Mayor Roger Burnett swore in Blain Hoopes.

2. APPROVAL OF JULY 8, 2003, MINUTES

Commissioner Allred moved to approve the minutes of July 8, 2003, as corrected. Commissioner Yeoman seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Peterson, and Yeoman voted "aye." The motion carried.

3. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE FUTURE LAND USE
MAP OF THE ROY CITY GENERAL PLAN

Mark Larson stated that Item Nos. 3 - 7 on the agenda were all tied together by the proposed development of an area on 5600 South at approximately 3300 West. Item No. 3 was consideration of an amendment to the General Plan. The Future Land Use Map of the General Plan showed the project area with two different uses - medium density residential and commercial. The staff proposed that the map be amended so the entire project area would have a medium density residential use. Item No. 4 was consideration of an amendment to RCO 34-15-3 to allow cemeteries and mortuaries in single-family residential zones as a conditional use. Item No. 5 was consideration of an annexation petition from Lynn Wiseman and John and Mary Henry. The annexation consisted of the west half of the proposed project area. The proposed zoning was R-1-10. Item No. 6 was preliminary and final approval of the Lindquist Roy Subdivision. Item No. 7 was consideration of the actual site plan and conditional use permit for Lindquist Mortuary.

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

Mark Larson stated that when the General Plan was adopted the area between 3100 West and 3500 West on the south side of 5600 South was shown with a future commercial use. The Future Land Use Map was later amended to change the east half to a low and medium density residential use. The staff was proposing that the Future Land Use Map be amended to change the Wiseman and Henry properties from a future commercial use to a future medium density residential use. The staff had wrestled with the best way to amend the Land Use Map. A mortuary was a good buffer between the commercial use to the west and the residential use to the east. The Land Use Map could be amended to extend the commercial use further to the east or the residential further to the west. The staff felt pushing the residential further to the west would maintain the integrity of the neighborhood if the mortuary fell through. The City would have more control if the future land use of this area was residential rather than commercial. The staff also felt the neighboring property owners would be more comfortable with a residential use.

Commissioner Hilton asked if there was a proposed use for the second lot of the proposed subdivision. Tony Reynolds said that

Jordan Valley Water would maintain ownership of Lot No. 2 as a future right-of-way for an aqueduct. When Jordan Valley Water determined that Lot No. 2 was surplus property, it would be ready for residential development because it would be zoned R-1-10.

The Planning Commission did not have further questions. Chairman Peterson opened the floor for public comments. There were none.

Commissioner Hoopes moved to close the public hearing at 6:21 p.m. Commissioner Kirch seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Peterson, and Yeoman voted "aye." The motion carried.

Chairman Peterson asked for the Planning Commission's feelings about changing the Wiseman and Henry properties to a future residential use versus a future commercial use. Commissioner Allred agreed with the future residential use and the proposed R-1-10 Zone. The proposed use would be a good buffer. Commissioner Kirch preferred an R-1-10 Zone and a future residential use. There was still enough room for commercial development to the west. The mortuary would be a wonderful buffer.

Commissioner Merx asked how compatible the proposed mortuary use would be with a single-family residential zone. Tony Reynolds said the Zoning Ordinance currently allowed mortuaries in multi-family zones as conditional uses. The City's own cemetery was currently located in an R-1-8 Zone. Mark Larson stated that he had reviewed ordinances from other cities and found that cemeteries were a typical use in residential zones.

Commissioner Merx moved to recommend that the City Council amend the Future Land Use Map (Figure 3) of the General Plan to change three properties owned by Wiseman's and Henry's on 5600 South from a future commercial use to a future medium density residential use. Commissioner Hilton seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Peterson, and Yeoman voted "aye." The motion carried.

4. CONSIDERATION OF AN AMENDMENT TO RCO 34-15-3 - CONDITIONAL USES IN SINGLE-FAMILY RESIDENTIAL ZONES

Mark Larson stated that the staff proposed to add a fifth item to RCO 34-15-3 - Conditional Uses in Single-Family Residential Zones:

5. Cemetery with customary incidental uses including but not limited to mortuary, mausoleum, crematory, staff housing, service shops, and chapel.

The wording was the same as that in RCO 34-18-3(1). Cemeteries and mortuaries would be allowed in all single-family residential zones as a conditional use. Mr. Larson said he had reviewed ordinances of other cities and found that cemeteries were commonly allowed in residential zones.

Commissioner Allred felt cemeteries should be conditional uses so the Planning Commission could review landscaping and roadway improvements.

Chairman Peterson asked if the proposed mortuary would have a cemetery. Mr. Larson said it would not.

Commissioner Kirch moved to recommend that the City Council amend RCO 34-15-3 by adding Item No. 5 to allow cemeteries as a conditional use in single-family residential zones. Commissioner Merx seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Peterson, and Yeoman voted "aye." The motion carried.

5. PUBLIC HEARING TO CONSIDER A PETITION FROM LYNN G. WISEMAN AND JOHN AND MARY HENRY TO ANNEX APPROXIMATELY 3.00 ACRES LOCATED AT APPROXIMATELY 3301 WEST 5600 SOUTH AND ESTABLISH A ZONE OF R-1-10

Commissioner Yeoman moved to open the public hearing at 6:32 p.m. Commissioner Hoopes seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Peterson, and Yeoman voted "aye." The motion carried.

Mark Larson stated that Lynn M. Wiseman and John L. and Mary G. Henry had submitted a petition to annex approximately 3.00 acres located at approximately 3300 West 5600 South with a zone of R-1-10. The annexation consisted of three separate parcels. There were three homes on the parcels.

Commissioner Allred asked if the Annexation Declaration Policy included this area. Mark Larson said it did.

Chairman Peterson asked if the petitioners had any comments. They did not. Chairman Peterson opened the floor for public comments.

Marcell Westergard, 5698 South 3100 West, asked if there were any homes east of the annexation. Mark Larson said there was one. There was a total of four homes in the proposed project area.

Commissioner Allred moved to close the public hearing at 6:40 p.m. Commissioner Kirch seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Peterson, and Yeoman voted "aye." The motion carried.

Commissioner Hilton moved to recommend that the City Council approve the annexation of approximately 3.00 acres owned by Lynn H. Wiseman and John L. and Mary G. Henry located at approximately 3300 West 5600 South with a zone of R-1-10 subject to the staff recommendations. Commissioner Yeoman seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Peterson, and Yeoman voted "aye." The motion carried.

6. PRELIMINARY AND FINAL APPROVAL OF LINDQUIST ROY SUBDIVISION
LOCATED AT APPROXIMATELY 3275 WEST 5600 SOUTH

Mark Larson stated that Lindquist's were requesting preliminary and final approval of a two-lot subdivision located at approximately 3275 West 5600 South. There were currently four homes located on the property. The entire subdivision consisted of 6.41 acres. Lot No. 1 was the proposed mortuary site. It had 2.37 acres. Lot No. 2 would have 3.483 acres and would be owned by the Jordan Valley Water District. On the east side of Lot No. 1, 0.563 acres would be dedicated to Roy City for a public road and utility right-of-way. The dedicated property was 90 feet wide. Lindquist's would construct the road along with the mortuary. The road would eventually connect to 3260 West on the south side of Lot No. 2 when the Jordan Valley Water property developed.

Commissioner Hoopes asked if the future road would be located on part of the Utah Power & Light property to the east. Mark Larson said a small portion might be located on the UP&L property. A road could be located on their right-of-way, but a building could not.

Mark Larson stated that the Jordan Valley Water District had required specific wording on road dedication. The Dedication Easement would be included and recorded with the subdivision plat.

Chairman Peterson asked if the staff knew when the second half of the road would be built. Mayor Burnett said that Jordan Valley Water wanted to use Lot No. 2 as a staging area when they installed their aqueduct. Tony Reynolds said the City could build the road on Lot No. 2 at its expense. Chairman Peterson asked how much the road would cost. Tony Reynolds said there would be a little over 300 feet of road at a cost of \$150.00 per lineal foot. Chairman Peterson felt it made sense to complete the road and open up the traffic flow in this area.

The Planning Commission discussed fencing. Tony Reynolds said a fence was to separate uses. Commissioner Kirch asked what type of fencing Lindquist's wanted. Mark Larson said it was shown on the site plan and would be discussed when the site plan was considered.

Mark Larson stated that there were some engineering details that needed to be worked out before the subdivision plat was recorded.

Commissioner Merx moved to recommend that the City Council grant preliminary and final approval of the Lindquist Roy Subdivision

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located at approximately 3300 West 5600 South subject to the staff and engineering recommendations. Commissioner Allred seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Peterson, and Yeoman voted "aye." The motion carried.

7. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT AND SITE PLAN FOR LINDQUIST MORTUARY FOR A MORTUARY LOCATED AT APPROXIMATELY 3313 WEST 5600 SOUTH

Commissioner Kirch moved to open the public hearing at 6:56 p.m. Commissioner Yeoman seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Peterson, and Yeoman voted "aye." The motion carried.

Mark Larson stated that Lindquist's had requested approval of a conditional use permit and site plan for a 14,000 square foot mortuary, which would be located on Lot No. 1 of the Lindquist Roy Subdivision at approximately 3313 West 5600 South. There were currently four homes on the site that would be torn down. The site plan showed a large landscaped area, which was typical of a mortuary site. The frontage on 5600 South was much larger than that required by the R-1-10 Zone. The mortuary was designed to handle two viewings at once. The chapel would seat 200 people. The City's parking requirement was one space for every 2.5 seats. The site plan showed twice the amount of parking required by the Zoning Ordinance. The entire perimeter of the property would be lined with trees. The main access on 5600 South consisted of right and left turn lanes as well as an entrance lane. There was also an entrance on 3275 West. It would be left turn only until the road was finished. Lindquist's planned to have two full-time employees and one part-time employee at the mortuary. The first year of operation they planned to have two funerals per week. By the fourth year, they planned to have four funerals per week. The funerals would be held at 11:00 a.m. and 2:00 p.m. Mr. Larson did not feel there were any engineering conditions that could not be resolved.

Commissioner Kirch asked where the dumpster would be located. Frank Murdock, Lindquist's architect, said there would not be a dumpster because Lindquist's didn't need one.

Commissioner Yeoman asked if Lindquist's was aware of the fire hydrant requirements. Mark Larson said fire hydrants were usually located in rights-of-way, but Jordan Valley Water would not allow a fire hydrant in their easement. In this case, the fire hydrant would be located on private property on 3275 West. The Fire Department had requested Knox boxes on all of Lindquist's gates.

Mark Larson showed the Planning Commission the proposed building layout and building elevations.

Frank Murdock stated that the exterior of the building would be brick with a colonial look. The site had 30% landscaping, which would be immaculate. Lindquist's really did not want to put a 6-foot solid vinyl fence around the site. They preferred a white rail fence that would have a more residential flavor. However, they realized the Zoning Ordinance required a buffer for the adjacent residential use.

Chairman Peterson opened the floor for public comments.

Wallace Hunsaker, 3111 West 5600 South, asked if the entire 90-foot right-of-way would be road. Chairman Peterson said the actual road width would be 65 feet.

Commissioner Allred was concerned that the 2:00 p.m. funerals and the 6:00 p.m. viewings would overlap with rush hour traffic on 5600 South.

Mayor Burnett asked how many parking stalls were shown on the site plan. Frank Murdock said there were 121 stalls.

Commissioner Merx was concerned about maintenance and appearance of the extra land on the east side of the road.

Jerry Olsen, 3337 West 5600 South, asked why the City was deviating from the master plan that called for a road at 3375 West to connect 5600 South to the City-owned railroad right-of-way at about 5700 South. Mark Larson was not aware of a plan that called for a road at 3375 West. The current General Plan called for a road at 3275 West. Mr. Olsen was very concerned about traffic on 5600 South.

Janice Olsen, 3337 West 5600 South, said the old master plan called for a road at 3375 West. They had been waiting for the road so they could subdivide the rear of their property. Now they were landlocked. Their property was only 100 feet wide. That wasn't wide enough for a commercial development.

Chairman Peterson stated that it was possible the Olsen property would be included with other lots for a larger commercial development, similar to the Lindquist's proposal.

Marcell Westergard, 5698 South 3100 West, asked if all of the existing homes shown on the site plan would be torn down. Frank Murdock said they would be. Mrs. Westergard was concerned about traffic. Funerals at 2:00 p.m. would end at the same time that Roy

Elementary would be letting children out. Several hundred children crossed 5600 South. Although she understood why the agenda was compiled the way it was, the perception of others ranged from confusion to thinking the Lindquist project was being railroaded through. One of the neighbors in the area had been told to keep quiet about this project. She didn't think that had come from the City, but she felt that was bad business. Mrs. Westergard felt a mortuary would be a very controlled and dignified business. She urged the Planning Commission to remember that it was a conditional use. She felt Lindquist's would be an asset to the community.

There was discussion about the traffic situation on 5600 South.

Commissioner Kirch stated that the school session at Roy Elementary ended at 3:00 p.m. About half of the students crossed 5600 South, walked down 5600 South to 3100 West, and then walked south on 3100 West to the dirt right-of-way to the Pony Acres Subdivision. If the road on 3275 West were completed in its entirety, those children would probably walk down the new road.

Commissioner Hilton felt there should be sidewalk on 3275 West for the safety of the children.

Janice Olsen asked if the parking lot would be open at night. If it was, it might be an attractive place for youth to gather after hours. Frank Murdock said Lindquist's typically chained their parking lots at night.

Wallace Hunsaker felt chaining the parking lot would deter kids from having parties.

Janice Olsen asked if Lindquist's would have problems with their animals. Chairman Peterson said the Olsen's were there before Lindquist's.

Max Westergard, 5698 South 3100 West, asked about the use of the property behind Lindquist's. Chairman Peterson said it would be owned by Jordan Valley Water and would remain R-1-10.

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

The Planning Commission discussed fencing. Jerry Olsen asked for a privacy fence from the road to the end of their backyard. Frank Murdock said that Jordan Valley had required the south end of the 90-foot right-of-way to be fenced with a gate to protect their property. That fence would probably be chain link. Lindquist's could put a privacy fence along the Olsen property.

Mark Larson said that all fencing in the front yard set back would be 4-foot in height.

Marcell Westergard asked if there would be curb and gutter on 3275 West. Chairman Peterson said there would be. The Planning Commission wanted sidewalk as well.

Chairman Peterson said the consensus of the Planning Commission was that there be a vinyl rail fence along the south side of the site and a 6-foot solid vinyl fence along the Olsen's backyard to the front setback where it would drop to four feet.

Commissioner Kirch encouraged Frank Murdock to meet with the Olsen's to determine the end of their backyard.

Commissioner Kirch moved to recommend that the City Council approve a conditional use permit and site plan for Lindquist's Mortuary for a mortuary located at approximately 3313 West 5600 South subject to the staff and engineering comments; gates or chains across the entrances for security; that the site be fenced with a 6-foot solid vinyl fence from the front set back line to the end of Olsen's backyard, a vinyl rail fence along the south side to the front set back line; and that there be sidewalk on the west side of 3275 West. Commissioner Merx seconded the motion.

Commissioner Allred moved to amend the motion that there be swinging gates on the entrances compatible with the rail fence; that the sidewalk on the west side of 3275 West be deferred until the remainder of the road was completed; and that Lindquist's would be responsible to install sidewalk on their portion of 3275 West. Commissioner Yeoman seconded the amendment.

After a brief discussion, Commission members Allred, Hilton, Hoopes, Kirch, Merx, Peterson, and Yeoman voted "aye." The amendment carried.

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Commission members Allred, Hilton, Hoopes, Kirch, Merx, Peterson, and Yeoman voted "aye." The amended motion carried.

8. PUBLIC HEARING TO CONSIDER OF A CONDITIONAL USE PERMIT AND SITE PLAN FOR DANE SEARLE AND MATT ASPITTLE/VALPAK OF NORTHERN UTAH FOR AN ADVERTISING OFFICE LOCATED AT APPROXIMATELY 4729 SOUTH 1900 WEST

Commissioner Hilton moved to open the public hearing at 7:52 p.m. Commissioner Merx seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Peterson, and Yeoman voted "aye." The motion carried.

Mark Larson stated that Dane Searle and Matt Aspittle had requested approval of a conditional use permit and site plan for an advertising office known as Valpak located at approximately 4729 South 1900 West. The site was located in an R-4 Zone. They were proposing to convert an existing brick home. There would be very little changes to the interior or the exterior. They would be required to extend the concrete driveway to include three more parking spaces and to allow room for vehicles to back up in so they would enter the street moving forward. They would have no customers. That meant the building code requirements would be much simpler.

Commissioner Yeoman asked about signage. Dane Searle said they wouldn't have any customers, so they didn't see the value of having one.

Mark Larson stated that the backyard of the site was already fenced with a 6-foot fence. The Planning Commission needed to determine if that would be sufficient to comply with the requirement to separate commercial and residential uses or if the fence needed to be continued in the front yard set backs.

Mark Larson stated that the City Engineer had accepted the site 'as is' for drainage. Mr. Searle and Mr. Aspittle would be required to complete the sidewalk on 4700 South from 1900 West to the west end of their property. They had talked with UDOT about a way to wrap the sidewalk and handicap ramp around an existing telephone pole. They would have to work with UDOT and Qwest to move or remove the telephone pole if needed.

Commissioner Allred asked about handicap access. Dane Searle said they wouldn't be required to have handicap access because they wouldn't have any customers. Commissioner Allred said they would have employees. Mr. Searle said the door from the patio was at grade. The entire main floor was accessible from the back door.

Commissioner Hoopes asked what would happen if their business grew. Mr. Searle said they would have to change the parking lot configuration.

Dennis Whisler, 1931 West 4700 South, stated that he lived immediately to the west. He had no objection to the use. He did ask that they be required to put in a permanent fence structure of cinder block or vinyl from the sidewalk to the back to separate their properties.

The Planning Commission said Mr. Searle and Mr. Aspittle were required to have a 6-foot solid fence. There was already an existing fence. Mr. Whisler was aware of that. However, this was a conditional use, and the Planning Commission could require a new fence. This would be a business. He was asking for a buffer. The Planning Commission asked if the existing fence was in need of repair. Mr. Whisler said the fence was in constant need of repair. He would like a fence for his own privacy.

Commissioner Allred asked if there would be shipping from this address. Mr. Searle said the office was only for paperwork.

Commissioner Allred moved to close the public hearing at 8:08 p.m. Commissioner Hoopes seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Peterson, and Yeoman voted "aye." The motion carried.

Commissioner Kirch asked about the property use to the south. Mark Larson said it was a fourplex.

Commissioner Allred felt a buffer would be appropriate. He was also concerned about the accessibility issue. Even though there would not be customers, this was a commercial office. The site plan did not show any handicap parking.

Dane Searle said their employees were not required to come into the office.

Commissioner Allred said this was a commercial business. They needed a handicap stall to comply with handicap requirements.

Commissioner Allred moved to recommend that the City Council approve a conditional use permit and site plan for Dane Searle and Matt Aspittle for an advertising office located at approximately

4729 South 1900 West subject to the staff and engineer recommendations; that there be a vinyl or solid fence along the west and south property lines in compliance with the City's ordinances; and that the staff review the accessibility of parking for this site; and that parking comply with accessibility standards. Commissioner Hoopes seconded the motion.

Commissioner Kirch felt the proponents should speak with the property owner to the south to determine what type of fencing he preferred.

Tony Reynolds stated that a commercial use was responsible to provide a buffer. The idea of a shared fence was now moot.

Dane Searle said the existing fence was solid. A new fence would be a considerable expense for a small business.

The Planning Commission felt that the fence should comply with the City's ordinance for a 6-foot solid fence in the backyard and a 4-foot fence in the front set back.

Commissioner Kirch moved to amend the motion to place the responsibility of installation and maintenance of a 6-foot solid buffer, in compliance with Roy City Ordinances, along the west and south property lines upon the petitioners. Commissioner Merx seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Peterson, and Yeoman voted "aye." The amendment carried.

Commission members Allred, Hilton, Hoopes, Kirch, Merx, Peterson, and Yeoman voted "aye." The amended motion carried.

9. OTHER BUSINESS

Tony Reynolds stated that Envision Utah had offered their services to help the City learn about transit-oriented business. A couple of City Council members had been appointed to the T.O.D. (transportation-oriented development) Steering Committee. A few members of the Planning Commission were needed. Commission members Yeoman, Allred, and Kirch expressed interest. Chairman Peterson appointed them to represent the Planning Commission.

Mark Larson stated that Utah League of Cities and Towns had offered their training services to the Planning Commission. The Planning Commission agreed to schedule training during a workshop in September or October.

Chairman Peterson asked about progress on a consultant to help re-write the Zoning Ordinance. Mark Larson stated that he was in the process of writing a RFP (request for proposal).

10. ADJOURN

Commissioner Kirch moved to adjourn at 8:30 p.m. Commissioner Hilton seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Peterson, and Yeoman voted "aye." The motion carried.

Larry Peterson
Chairman

Attest:

Michelle Drago
Secretary

dc:paug1203