

ROY CITY PLANNING COMMISSION

September 9, 2003

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on September 9, 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 Dan Tanner; Bruce Nilson; Richard Jarman; Neva Jarman; Billie Griffin; Dr. John R. Anderson; Christian Forsyth; Dean Stimpson; Brad Lasater; Brad Nelson; Lily Jackson; and Peggy A. Bowman.

Pledge of Allegiance: Commissioner Hoopes

The public hearing scheduled at 6:30 p.m. to consider a conditional use permit and site plan for Maverik Country Store located at approximately 3495 West 5600 South was removed from the agenda prior to the meeting.

1. APPROVAL OF AUGUST 12, 2003, MINUTES

**Commissioner Hilton moved to approve the minutes of August 12, 2003, as corrected. Commissioner Yeoman seconded the motion. Commission members Hilton, Hoopes, Merx, Peterson, and Yeoman voted "aye." The motion carried.**

2. PUBLIC HEARING TO CONSIDER A PETITION FROM THE G. H. JACKSON FAMILY, LLC TO ANNEX APPROXIMATELY 26.15 ACRES LOCATED AT APPROXIMATELY 2750 WEST 4000 SOUTH WITH A ZONE OF R-1-8 AND CP-2

Commissioner Kirch arrived at 6:04 p.m.

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

Mark Larson stated that the G. H. Jackson Family, LLC had requested that 26.15 acres located at approximately 2750 West 4000 South be annexed into Roy City. The Jackson property was located on the south side of 4000 South between Midland Drive and Summers Pointe Subdivision No. 1. The Jackson family had asked that the east one-third (9.46 acres) of the property be zoned R-1-8, and that the west two-thirds (16.69 acres) be zoned CP-2.

Mr. Larson said that because there weren't any homes on the property, the protest period was only 40 days. No protests to the annexation had been filed during the protest period. Mr. Larson said the Jackson property was located in the City's Master Annexation Policy Declaration. The petitioners would be responsible to de-annex the property from the Hooper Water District. Nilson Homes was proposing a fifth phase of the Summers Pointe Subdivision on the east portion of the annexation. The Jackson family did not have any current development plans for the area to be zoned CP-2. Based on RCO 34-21-12 the Planning Commission and City Council could consider a CP-2 Zone designation without a preliminary development plan.

Mr. Larson said the staff had received comments from the City Engineer and the Weber County Surveyor. Mr. Larson felt their comments could be resolved. The Jackson annexation did not include the Jarman home on 4000 South or three homes on Midland Drive. Annexing the Jackson property would reduce the size of an existing unincorporated island. Mr. Larson said Richard Jarman had expressed interest in being included in the annexation after the public notices had been mailed. However, after speaking with the staff, Mr. Jarman felt it would be better for him to wait until a developer was ready to buy him out and develop the entire corner. Mr. Jarman did have concerns about some flooding that occurred on 4000 South. He wasn't sure if the water was coming from the ditch

on 4000 South or secondary water on the southeast corner of the property.

Bruce Nilson, Nilson Homes of Ogden, stated that he was representing the Jackson family. Mr. Nilson said he had reviewed the staff and engineering comments. Chairman Peterson asked if Mr. Nilson would be involved in future commercial development. Bruce Nilson said he might have 4 to 5 acres.

Chairman Peterson stated that the purpose of the public hearing was to gather public information for the City Council. The Planning Commission reviewed the annexation petition to see if it met the City, County, and State requirements. He opened the floor for public comments.

Billie Griffin, 4090 South Midland Drive, stated that they did not want to live next to a commercial entity or to be left in the middle of one. They would rather sell out to a commercial concern than live next to one.

Commissioner Allred arrived at 6:20 p.m.

Richard Jarman, 2805 West 4000 South, stated that when Nilson Homes developed Summers Pointe Subdivision they covered the ditch on 4000 South. Then UDOT improved the 4000 South Midland Drive intersection and put curb and gutter in front of his house. Since Nilson Homes covered the ditch, there was a 12-inch culvert dumping water into the remaining open ditch. It ran down to a 6-inch culvert under the access road to the Jackson property. When it rained, the water would back up and flood his property.

Commissioner Yeoman asked if this was the water problem Mark Larson had spoken about. Mr. Larson said it was.

Richard Jarman asked if the City was going to pipe the ditch. There was an artesian well on his property that also drained into the ditch.

Billie Griffin stated that she had a well on her property as well.

Chairman Peterson asked if the water was Roy City's or UDOT's. Mark Larson said 4000 South was a City road. The intersection was UDOT's.

Commissioner Yeoman asked if there was a detention pond in Summers Pointe. Bruce Nilson said there was. He planned to put in a regional detention basin in Phase No. 5. That would eliminate the need for the basins in Phase Nos. 1 and 3. The detention basin would meter the water back into the ditch.

Richard Jarman asked how far the subdivision was from his property. The Planning Commission said it was about 238 feet.

Bruce Nilson stated that he intended to install a 6-foot screen fence on the west boundary of Summers Pointe No. 5.

**Commission Hoopes moved to close the public hearing at 6:30 p.m. Commissioner Merx seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Peterson, and Yeoman voted "aye." The motion carried.**

Commissioner Allred asked what the current use of the property was. Tony Reynolds said it had an agricultural use. There were no homes on it. Commissioner Allred asked if the agricultural use would continue. Tony Reynolds said the agricultural use on the undeveloped portion would continue as a non-conforming use. The use of property was separate from ownership. Commissioner Allred asked when the agricultural use would end. Mr. Reynolds said it would end when someone elected to discontinue the use. Commissioner Allred asked if the property would be taxed as commercial or agricultural. Mr. Reynolds said that would be up to the Weber County Assessor's office.

Commissioner Kirch stated that the commercial use of this property was in the General Plan.

Commissioner Hoopes asked what zone the east portion would have. Bruce Nilson said it would be R-1-8.

Commissioner Kirch asked about an R-1-10 Zone. Chairman Peterson said the Jackson property was next to an existing R-1-8 Zone, and it would be adjacent to a future commercial use. He felt an R-1-8 Zone would be appropriate in this case.

**Commissioner Kirch moved to recommend that the City Council approve the annexation of 26.15 acres owned by the G. H. Jackson Family, LLC located at approximately 2750 West 4000 South with zones of R-1-8 and CP-2 subject to the staff and engineering reports.**

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

3. PRELIMINARY APPROVAL OF SUMMERS POINTE SUBDIVISION NO. 5  
LOCATED AT APPROXIMATELY 2725 WEST 4000 SOUTH

Mark Larson stated that Nilson Homes had requested preliminary approval of Summers Pointe Subdivision No. 5. Any approval should be subject to approval of the G. H. Jackson Family, LLC annexation. Nilson Homes was proposing a 34-lot subdivision on the east 9.46 acres of the Jackson family property. It would be the last phase of Summers Pointe and would connect to stub streets in Westlake Village and Summers Pointe No. 1. The street in Phase No. 5 followed an existing culinary water line that was installed by Allan Karras and Harold Eborn from the Westlake Village Subdivision to 4000 South. In order to separate the agricultural use to the west from the subdivision, Nilson Homes would be required to install a 6-foot chain link fence. The fence needed to be shown on the subdivision plat. Nilson Homes would have to negotiate the purchase of a small strip of property located between the Jackson property and Westlake Village. The strip was owned by Allan Karras and Harold Eborn. A regional detention basin would be located on Lot Nos. 128 and 129. It would eliminate the need for the basins in Phase Nos. 1 and 3.

Commissioner Allred asked if the proposed detention basin would be big enough to handle storm water from Phase Nos. 1, 3, and 5. Mark Larson said it would have to be engineered to handle that amount of water.

Mark Larson stated that the ditch on 4000 South had been covered to the west end of Summers Pointe No. 1. Nilson Homes would be required to pipe the ditch to the west end of Phase No. 5. The City Engineer was checking to see if the Jackson family had rights to the water in the ditch. The City Engineer needed to determine what needed to be done to prevent water from flooding the Jarman property.

Mark Larson stated that the staff report mentioned that Lot No. 105 had less than 65 feet of frontage. That had been corrected. The lot now had 65.05 feet at the 25-foot set back line. The City Engineer mentioned that the subdivision was being platted over five existing parcels. He was checking with the County Recorder to determine whether the remaining Jackson property would have to be included as a lot in the Summers Pointe Subdivision.

Commissioner Merx asked about the requirement for a chain link fence. He thought Nilson Homes was going to put in a vinyl fence.

Bruce Nilson said he planned to install a 6-foot vinyl fence. Commissioner Merx asked if the existing vinyl fence in Summers Pointe No. 1 would remain. Mr. Nilson said it would.

Commissioner Allred asked about the requirement for Nilson Homes to acquire additional property. Mark Larson said there was a 15 to 17-foot strip of land between the Jackson property and the subdivision to the south. Nilson Homes was showing that small strip of land as part of Summers Pointe No. 5. Bruce Nilson had been working with Allan Karras and Harold Eborn to acquire that small parcel.

Chairman Peterson asked if Bruce Nilson had reviewed the staff and engineering comments. Bruce Nilson said he had. He was comfortable with them.

Commissioner Kirch asked what size of pipe would be used to pipe the ditch on 4000 South. Bruce Nilson thought it would be 18 to 24 inches. He had no control over the water on 4000 South. Extra storm water from his subdivision flowed into the detention basins and was metered out.

Commissioner Yeoman asked if the detention pond proposed in Phase No. 5 would be large enough to replace the ones in Phase Nos. 1 and 3. Bruce Nilson said his engineer had said it would work.

Commissioner Kirch asked about the possibility of Nilson Homes doing another phase or extending a road to the commercial area to the west. Bruce Nilson said another residential phase or a road to the west did not fit with the plans of the Jackson family.

Chairman Peterson stated that even though this subdivision was zoned R-1-8, the lots were a little larger in size. Larger lots fit the City's future plans better.

**Commissioner Hilton moved to recommend that the City Council grant preliminary approval of Summers Pointe Subdivision No. 5 located at approximately 2575 West 4000 South subject to the G. H. Jackson Family, LLC annexation being approved and the staff and City Engineer's recommendations. Commissioner Allred seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Peterson, and Yeoman voted "aye." The motion carried.**

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Chairman Peterson directed the staff to look into the water on 4000 South flooding the Jarman property.

4. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR ROYAL PROFESSIONAL PLAZA FOR A PROFESSIONAL OFFICE USE LOCATED AT APPROXIMATELY 3495 WEST 4800 SOUTH

Mark Larson stated that Dr. John Anderson received a conditional use permit for Royal Professional Plaza, located at approximately 3495 West 4800 South, on April 15, 2003. The conditional use permit was for dental offices. Dr. Anderson was requesting that the conditional use permit be amended to allow 'professional and business offices in which goods or merchandise were not commercially created, exchanged, or sold.' Mr. Larson said that according to RCO 34-7-3(4), the Planning Commission could determine if a public hearing for a conditional use permit was necessary. The staff didn't feel a public hearing was necessary.

Commissioner Allred asked why the Planning Commission was considering an amendment. Mr. Larson said the amendment would allow Dr. Anderson to occupy the building without having each tenant apply for separate conditional use permits. Commissioner Allred asked if the original conditions regarding office hours, etc. would remain intact. Mr. Larson said they would.

**Commissioner Allred moved to recommend that the City Council amend the conditional use permit for Royal Professional Plaza located at approximately 3495 West 4800 South to allow any professional or business office in which goods or merchandise were not commercially created, exchanged, or sold subject to all of the original conditions. Commissioner Kirch seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Peterson, and Yeoman voted "aye." The motion carried.**

5. CONSIDERATION OF AN AMENDMENT TO THE LANDSCAPING ELEMENT OF THE FINAL DEVELOPMENT PLAN FOR ROYAL PLAZA LOCATED AT APPROXIMATELY 3495 WEST 4800 SOUTH

Mark Larson stated that a final development plan for the Royal Professional Plaza was approved on April 25, 2003, along with the conditional use permit. Dr. John Anderson was asking that the landscaping element of the final development plan be amended. Mr. Larson reviewed the original landscaping plan and the proposed amendment with the Planning Commission. The original plan showed street trees on 4800 South. There were overhead power lines in that area, which were fairly low. So those trees had been placed in another area. Dr. Anderson had added a concrete border along the building and planted about 105 shrubs around the perimeter of the building. He also planted nine flats of Vinca Major in the detention area. There was river rock in the bottom of the detention area. The trees were spaced out rather than being grouped, as was shown on the original plan. There were actually more plants on the revised plan than on the original.

The Planning Commission questioned why it was necessary for them to review this. Wasn't it something the staff could work out?

Tony Reynolds stated that when the Building Inspector was conducting a final inspection, he noted that the landscaping was different than the one approved on the final development plan. Because this was a planned commercial zone, any change to the final development plan had to be made by the body that approved it.

Chairman Peterson thanked Dr. Anderson for his patience.

**Commissioner Merx moved to recommend that the City Council amend the landscaping element of the final development plan for Royal Professional Plaza located at approximately 3495 West 4800 South as revised. Commission Hoopes seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Peterson, and Yeoman voted "aye." The motion carried.**

6. APPROVAL OF A SITE PLAN FOR FAMILY DOLLAR LOCATED AT APPROXIMATELY 5740 SOUTH 1900 WEST

Mark Larson stated that Family Dollar was proposing to redevelop a site at approximately 5740 South 1900 West. The site currently contained A-1 Appliance and six mobile homes. Family Dollar was a retail store, which was a permitted use in a C-2 Zone. The total site was 42,832 square feet in size. Family Dollar was proposing to construct a 9,200 square foot building. The site plan showed 42 parking stalls. Most of the parking was located in front of the building. There was a 32-foot access on 1900 West, which would have to be approved by UDOT. Overhead lighting was shown on the site plan. There was one pole in front and one in back. All of the signs for the proposed project would be located on the building. They were not proposing a free-standing sign. The dumpster was located behind the building. Mr. Larson said there was quite a list of concerns from the City Engineer. Family Dollar would be required to install a 6-foot chain link fence along the railroad right-of-way east of the site. That needed to be shown on the site plan. He reviewed the building elevations with the Planning Commission. There was some concern about the proposed building material. Family Dollar was proposing to build a metal building with stucco on the outside. There would be a lot of demolition on this property before construction could begin. The proponents needed to submit a demolition plan before the City could issue a building permit.

Commissioner Yeoman asked if the Planning Commission would receive another site plan showing that all of the staff and engineering concerns had been addressed. Mark Larson said that would depend on whether the site plan was tabled.

Chris Forsythe stated that this was a difficult site. There were six families that would have to be relocated and all of the demolition issues. Family Dollar had almost 5,000 stores. The proposed building would be similar to the one in Clearfield. It would be a very attractive addition to the street. He was aware that there were things missing from the site plan. The site plan would be amended and brought back.

Chairman Peterson asked where A-1 Appliance would go. Brad Lasater said they planned to move to Clinton or West Point.

Commissioner Allred asked where the overhead lighting fixtures would shine. Tony Reynolds said they were shielded to the west.

Commissioner Allred said the building elevations showed all of the windows on the north side. Tony Reynolds said the south side had no windows to allow for possible expansion. Commissioner Allred felt the south side was pretty stark. He suggested it have windows to add interest to that side of the building. No handicap parking was shown in the back for the employees. A lot of the landscaping was shown in the back. He would personally like to see more of the landscaping in the front to act as a buffer to the street. Landscaping was supposed to visually enhance a building from the street. Family Dollar was showing the most landscaping in the back. The City was receiving no appreciable value from the landscaping other than Family Dollar meeting a percentage.

Chairman Peterson asked if it would be possible for Family Dollar to move some the landscaping to the front. Mark Larson said the only set back Family Dollar had to worry about was the front set back of 20 feet. The landscaping would have to be maintained whether it was in the front or the back.

Commissioner Kirch asked if it would be possible to add more asphalt in the back to allow trucks to turn around so they could enter 1900 West moving forward.

Chairman Peterson asked if the Planning Commission felt comfortable approving the site plan subject to all of the revisions being completed before going on to City Council, or if they wanted to see a revised site plan. Commissioner Allred wanted to see a revised site plan.

**Commissioner Allred moved to table approval of a site plan for Family Dollar pending the addition of the items discussed, such as landscaping; siding; and incorporation of engineering, staff and UDOT comments. Commissioner Kirch seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Peterson, and Yeoman voted "aye." The motion carried.**

7. CONSIDERATION OF AN EXTENSION FOR FINAL APPROVAL OF OLYMPIA PARK SUBDIVISION NOS. 2 AND 3 LOCATED AT APPROXIMATELY 5900 SOUTH 4125 WEST

Mark Larson stated that Tim Butler received final approval of Olympia Park Subdivision No. 2 on August 20, 2002, and final approval of Olympia Park Subdivision No. 3 on October 29, 2002. To date, neither subdivision had been recorded. Tim Butler was asking that the Planning Commission consider an extension of the final approval on both phases. Roy City's Subdivision Ordinance stated, "...Any final plat, not so approved and signed, or which shall not be offered for recording within one (1) year after the date of final approval, unless the time is extended by the Planning Commission, shall not be recorded or received for recording and shall have no validity." RCO 32-1-140(5)(a).

Mr. Larson said that Tim Butler had constructed the improvements in Phase No. 2 without having or establishing an escrow. The staff was asking for a recommendation that he immediately stop all work until the subdivision was recorded.

**Commissioner Kirch moved to grant a 120-day extension to final approval of Olympia Park Phase No. 2 (final would expire 12/20/03); to direct a stop work order to be issued immediately on all construction in Phase No. 2; that work on Phase No. 2 not be allowed to commence until the developer had fulfilled all the requirements of the Subdivision Ordinance (i.e. - establishment of escrow and recording of the subdivision); and to grant a one-year extension to final approval of Olympia Park Phase No. 3 (final would expire on 10/29/04). Commissioner Allred seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Peterson, and Yeoman voted "aye." The motion carried.**

8. OTHER BUSINESS

Tony Reynolds updated the Planning Commission on several planning items:

- 5 Buck Pizza was having a difficult time with North Davis Sewer's requirement for a grease trap.
- A store called The Basement had been looking at Herefordshire Square.

Several pending projects were discussed.

Chairman Peterson asked about status on the Zoning Ordinance. Mark Larson said the staff had asked Bruce Parker to help write the RFP (request for proposal).

9. ADJOURN

**Commissioner Hilton moved to adjourn at 8:14 p.m. Commissioner Hoopes seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Peterson, and Yeoman voted "aye." The motion carried.**

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Larry Peterson  
Chairman

Attest:

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Michelle Drago  
Secretary

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