

ROY CITY PLANNING COMMISSION

December 9, 2003

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

Others present were: Joe Adair; Gerry Adair; Bonnie Adair; Mike Hansen; Dan Simons; Jim Chamberlain; Richard Myers; and Shaun Myers.

Pledge of Allegiance: Commissioner Hoopes

1. APPROVAL OF NOVEMBER 12, 2003, MINUTES

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

2. FINAL APPROVAL OF HIDDEN COVE SUBDIVISION LOCATED AT APPROXIMATELY 5400 SOUTH 3275 WEST

Mark Larson stated that the Hidden Cove Subdivision consisted of 14 lots. The developer was M. J. Land and Livestock. The principles of M. J. Land were Mike Hansen and Joe Adair. The subdivision was located at 5400 South 3275 West. It would tie into stub roads in the McCall Fields Subdivision to the south and the Mirage Estates Subdivision to the west. That should improve the traffic flow for

the immediate neighborhood. Mr. Larson said that 3275 West would eventually continue to the north and connect to 5200 South. The north/south Utah Power & Light corridor was located to the east of Hidden Cove.

Mr. Larson said the Hidden Cove Subdivision was pretty straight forward. There was a small remnant of property that would be left on the north side of 5400 South. The City's Subdivision Ordinance did not allow remnant parcels. The developer would be responsible to quit claim the remnant to the adjoining property owner when the subdivision was recorded. A street light would be required at the intersection of 5400 South 3275 West. A fence would be required along the east subdivision boundary to provide a buffer for the power corridor. Mr. Larson suggested that a fence be required along the north subdivision boundary as well.

Joe Adair, Hooper, stated that there was already a fence along the north property line. It would have to be relocated after the road was built. He asked if it would be okay to install a 5-foot stock mesh fence along the east property line rather than chain link. Mark Larson said that type of fence was different than what was in the Zoning Ordinance. That question would have to be cleared up before the subdivision was forwarded to the City Council.

Mark Larson stated that there had been discussion about storm drainage issues in the past. The property owner to the east would be responsible to make sure his storm water did not drain into the subdivision. The developer would be responsible to make sure that Hidden Cove did not drain onto the subdivision to the west.

Mr. Larson stated that the State was requiring all new construction to have a silt fence. A silt fence was temporary. It would be installed during construction to help prevent water and silt from draining onto adjoining properties.

Commissioner Merx asked if a silt fence would be required while homes were being constructed. Mark Larson felt the silt fence would only be required during construction of the subdivision. Commissioner Allred stated that usually a silt fence came down when grading of a subdivision was finished. Chairman Peterson said the comments on the improvement drawings indicated the fence would be installed during construction of the subdivision, not during construction of homes.

Commissioner Allred asked if the street on the north end of the subdivision would dead end for now. Mark Larson said it would.

Commissioner Hilton asked if the quit claim for the remnant parcel had been filed yet. Mr. Larson did not think that it had. It would probably be recorded with the subdivision.

Joe Adair stated that he had reviewed the comments from the Development staff and did not have a problem with them.

Commissioner Allred asked about Mr. Adair's plans for storm water. Joe Adair said the storm water east of the subdivision would be collected in a series of ditches that ran north to 5200 South. From there it would be piped down to 3500 West. Commissioner Allred asked about storm water generated in the Hidden Cove Subdivision. Chairman Peterson said it would be connected to the City's storm water system.

Commissioner Hilton moved to recommend that the City Council grant final approval of the Hidden Cove Subdivision located at approximately 5400 South 3275 West subject to the staff and engineering recommendations, that a fence be required along the north subdivision boundary, and that the staff address the fence question before the subdivision was forward to the City Council. Commissioner Kirch seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Peterson, and Yeoman voted "aye." The motion carried.

3. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR PROFESSIONAL AND BUSINESS OFFICES IN WHICH GOODS OR MERCHANDISE ARE NOT COMMERCIALY CREATED, EXCHANGED, OR SOLD ON PAD H OF THE KENT'S COMMERCIAL CENTER LOCATED AT APPROXIMATELY 3570 WEST 5600 SOUTH

Mark Larson stated that the Zoning Ordinance allowed the Planning Commission to determine if public hearings for conditional use permits were necessary. Based on the Zoning Ordinance and past direction from the Planning Commission, the staff had not provided a public notice for this particular request. Dan Simons was requesting approval of a conditional use permit for professional and business offices in which goods or merchandise were not commercially created, exchanged, or sold on Pad H of the Kent's Commercial Center, 3570 West 5600 South. Such uses could include insurance offices, attorneys, doctors, dentists, accountants, architects, or financial businesses.

Mr. Larson said Pad H was located immediately west of Kent's Grocery Store. It contained six suites. The shell had already been constructed. Three of the six suites were occupied. Mr. Simons was trying to lease Space F to a financial business.

The Planning Commission did not have any questions for Mark Larson or Dan Simons. There were no comments from the audience.

Commissioner Allred moved to recommend that the City Council approve a conditional use permit for professional and business offices in which goods or merchandise are not commercially created, exchanged, or sold on Pad H of Kent's Commercial Center, 3570 West 5600 South, subject to the staff recommendations and that all future build outs be reviewed by the Building Department. Commissioner Merx seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Peterson, and Yeoman voted "aye." The motion carried.

4. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR PROFESSIONAL AND BUSINESS OFFICES IN WHICH GOODS OR MERCHANDISE ARE NOT COMMERCIALY CREATED, EXCHANGED, OR SOLD AT APPROXIMATELY 1798 WEST 5150 SOUTH

Mark Larson stated that based on the Zoning Ordinance, the staff had not provided public notice for this conditional use permit. If the Planning Commission felt a public hearing was necessary it could direct the staff to schedule one. Kim Keller was requesting approval of a conditional use permit for professional and business offices in which goods or merchandise were not commercially created, exchanged, or sold in Building 2 of the Silver Creek Center. Building 2 was located along the frontage of 5150 South at 1798 West. It contained four suites. One suite was currently occupied. Mr. Keller was attempting to lease one of the spaces to a mortgage-type company.

Mr. Larson said the biggest issue in Silver Creek had been incomplete improvements. The City Engineer had worked with Kim Keller to establish bond money for completion of the remaining items. The bond had been established. Mr. Keller's warranty period would not start until the remaining improvements were finished.

Commissioner Allred asked how many spaces were in Building 2. A gentleman representing Kim Keller said there were four. All four units were of equal size. One was occupied by an insurance office. A company called Aspen Homes was considering leasing the two east spaces. If they did, there would be one vacant space left.

There were no comments from the audience.

Commissioner Hoopes moved to recommend that the City Council approve a conditional use permit for professional and business offices in which goods or merchandise are not commercially created, exchanged, or sold for Building 2 of the Silver Creek Center, 1798 West 5150 South, subject to the staff recommendations and the engineering report. Commissioner Kirch seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Peterson, and Yeoman voted "aye." The motion carried.

5. PUBLIC HEARING TO CONSIDER AN EXTENSION OF A CONDITIONAL USE PERMIT AND A REVISED SITE PLAN FOR MYERS MORTUARY LOCATED AT APPROXIMATELY 5865 SOUTH 1900 WEST

Commissioner Hilton moved to open the public hearing at 6:31 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 Myers Mortuary was located at 5865 South 1900 West. They were asking the City for an extension of their current conditional use permit and approval of a revised site plan to allow for an addition to their building and an expanded parking lot. The current site consisted of 2.4 acres. The existing mortuary was 6,000 square feet in size. Myers Mortuary also owned a caretaker's home on a separate parcel immediately to the north. Mr. Larson said that the landscaping along 1900 West, the front of the building, and access from 1900 West would remain the same. Myers was proposing a 4,781 square foot addition. The parking stalls would be increased from 47 to 114. Some of the new parking would be behind the caretaker's home. The number of parking stalls met requirements of the Zoning Ordinance. The site plan showed twice the amount of required landscaping. Mr. Larson said the addition would include a larger chapel area, 100 additional seats, a new viewing room, two new offices, a flower room, and a garage. The plans showed a new 4,000 square foot basement which would be used for preparation and storage. The addition would be designed to become the main entrance because all of the parking was on the west side.

Mr. Larson said that the proposed site plan showed 32 parking stalls behind the caretaker's home. Because the proposed parking stalls and caretaker's home were an accessory use to the principle use, the City Engineer and Development staff felt the parcels should be combined. This could be corrected by filing a warranty deed or quit claim deed at the Weber County Recorder's Office to change the record of ownership to the title that would remain. A combination request could then be filed to merge the two parcels into one parcel.

Mr. Larson said Myer's original site plan showed a detention basin on the northwest corner of the property. The site plan had been revised, and the detention basin had been moved to the vacant southwest corner of the property. Moving the detention basin gave Myers the option to subdivide an unused area with frontage on 2000

West for a residential building lot. The sale of the building lot could help finance part of the construction. The frontage on 2000 West was zoned R-3; the mortuary was zoned C-2. Mr. Larson stated that there needed to be a 6-foot screen fence between the mortuary and the residential uses to the west.

Mark Larson stated that the major problem for Myers was that the storm drainage plan was not complete. The site naturally drained to the northwest corner. It would take some engineering to make the site drain to the detention basin on the southwest corner.

Chairman Peterson suggested that the detention basin be moved to a different spot on the northwest corner, leaving the lot on 2000 West, and that parking be placed behind the storage shed on the southwest corner.

Shawn Myers stated that he was representing Myers Mortuary. They liked the new location of the detention basin behind the garage. They felt it would help the aesthetics of the parking area. He felt their engineer would be able to get the site to drain to the detention basin. Myers did not have a problem with joining the two parcels.

Chairman Peterson asked about Myers plans for the frontage on 2000 West. Shawn Myers said they currently didn't have any plans. Chairman Peterson asked if they planned to consider an access from 2000 West. Shawn Myers said it was their understanding that the surrounding neighborhood would not like access onto 2000 West. Chairman Peterson said the City did not like to have access to commercial sites from residential areas. Mr. Myers said there was an existing 6-foot fence along the west side of the site. It consisted of wood, slatted chain link, and open chain link. They planned to slat the chain link that was open and to install a privacy fence along the north side of the new parking lot and behind the caretaker's home.

Commissioner Allred liked the proposal to move the main entrance to the west side of the building. He asked if there would be a selection room in the basement. Shawn Myers said they planned to use the basement for storage right now. Eventually they planned to eventually move the selection room to the basement. Commissioner Allred was concerned that the elevator shown on the floor plan was a passenger elevator. Shawn Myers said it would be. It would also be used to move equipment between the floors.

Commissioner Allred asked what would happen to the storm water. Mark Larson said there wasn't a storm sewer line in 2000 West. The detention basin would be used to retain water not to detain it.

Chairman Peterson opened the floor for public comments. There were none.

Commissioner Kirch moved to close the public hearing at 6:55 p.m. Commissioner Merx seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Peterson, and Yeoman voted "aye." The motion carried.

Commissioner Yeoman moved to recommend that the City Council approve an extension of the conditional use permit for Myers Mortuary located at approximately 5865 South 1900 West and a revised site plan subject to the staff recommendations and completion of the storm drainage plan and engineering before being forwarded to the City Council. Commissioner Hilton seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Peterson, and Yeoman voted "aye." The motion carried.

6. PUBLIC HEARING TO CONSIDER REVISIONS TO RCO TITLE 32 - SUBDIVISION REGULATIONS REGARDING THE DEFINITION OF A SUBDIVISION AND CHANGES TO DEVELOPMENT STANDARDS AND RCO TITLE 34 - ZONING REGULATIONS REGARDING DEFINITIONS OF A TAVERN AND KENNEL AND SITE PLAN REVIEW REQUIREMENTS

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

Michelle Drago stated that the City Council had directed the City Attorney to recodify the City ordinances to make sure they were up-to-date and consistent with State law and that there were no conflicts. Due to the codification, three changes were being proposed in the Zoning Ordinance. Before the recodified ordinances could be adopted a recommendation was needed from the Planning Commission. The definition of a kennel in the Zoning Ordinance had been changed to make it consistent with what was in the Animal Control Ordinance. The definition of a tavern in the Zoning Ordinance had been changed to make it consistent with State law. The site plan review requirements in the Zoning Ordinance had been updated based on input from the City Engineer to make sure they were consistent with current procedure. The definition of a subdivision in the Subdivision Ordinance had been changed to make sure it was current and consistent with the State law.

The Planning Commission was concerned about the new definition of a kennel. They felt the proposed wording would require those residents with more than two cats to have a kennel license. They also felt the definition should include an exception for service animals.

The Planning Commission did not have any questions about the proposed definitions for a tavern or subdivision.

Mark Larson expressed concern about the proposed change to Item B(1) of the Site Plan Review requirements. The proposed change would require all site plans to be stamped by an engineer or surveyor.

Commissioner Allred stated that the State law allowed an architect to stamp a site plan.

After discussion, the Planning Commission felt the wording of B(1) should be changed to allow site plans to be submitted with a stamp from a licensed professional, i.e. engineer, surveyor, architect, or landscape architect.

Chairman Peterson opened the floor for public comments. There were none.

The Planning Commission was not ready to make a recommendation regarding the definition of a kennel or the site plan review requirements until areas of specific concern were addressed.

Commissioner Kirch moved to close the public hearing at 7:20 p.m. Commissioner Hoopes seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Peterson, and Yeoman voted "aye." The motion carried.

Commissioner Kirch moved to recommend that the proposed definition of a kennel and the site plan review requirements be reworded and brought back to the Planning Commission and to recommend that the proposed definitions for a tavern and subdivision be approved by the City Council. Commissioner Merx seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Peterson, and Yeoman voted "aye." The motion carried.

7. OTHER BUSINESS

Mark Larson reminded the Planning Commission that the January 27, 2004, workshop would be a training meeting with URMMA.

Mark Larson stated that RFP's for the Zoning Ordinance rewrite were due by December 19th.

Commissioner Yeoman stated she and Commissioner Merx attended a recent training seminar. There were several items that she wanted to discuss with the Planning Commission in a workshop. Chairman Peterson directed Commissioners Yeoman and Merx to prepare presentation for the Planning Commission for the February 24th workshop.

8. ADJOURN

Commissioner Allred moved to adjourn at 7:30 p.m. Commissioner Merx 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:pdec903