

ROY CITY PLANNING COMMISSION

November 12, 2003

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on November 12, 2003, at 6:25 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
Bill Merx	Mark Larson, Planner
Karlene Yeoman	Michelle Drago, Secretary

Excused: Brad Hilton
Blain Hoopes
Gennie Kirch

Others present were: Mayor Roger Burnett; Councilman Dave Tafoya; R. B. Willey; Gary Wright; Vickie Hall; and Andy McCrady.

Pledge of Allegiance: Chairman Peterson

1. APPROVAL OF OCTOBER 14, 2003, MINUTES

Commissioner Allred moved to approve the minutes of October 14, 2003, as corrected. Commissioner Merx seconded the motion. Commission members Allred, Merx, Peterson, and Yeoman voted "aye." The motion carried.

2. FINAL APPROVAL OF WALKER ESTATES SUBDIVISION NO. 4 LOCATED AT APPROXIMATELY 2950 WEST 4600 SOUTH

Mark Larson stated that Robert Fuller was requesting final approval of Walker Estates No. 4. The subdivision contained seven lots on 2.06 acres at approximately 2950 West 4600 South. Two sets of overhead power lines ran through the subdivision on two 50-foot rights-of-way. All of the lots under the power lines were labeled with an "R" for restricted. The restrictions were listed on the

plat. The final plat showed an easement on the south side of Lot No. 17 and the north sides of Lot Nos. 15 and 16. The total width of the easement was only 10 feet; there was only five feet on each side of the property line. There should be 10 feet on each side of the property line. The staff had not heard from the developer or his engineer about why the easement was only 10 feet wide.

Mr. Larson stated that Robert Fuller would be constructing street improvements on 2950 West in front of Lot Nos. 22 and 14. Lot No. 22 was located in Phase No. 5; Lot No. 14 was located in Phase No. 3. Neither of those lots could be sold nor building permits issued without the respective phases being approved and recorded. The staff recommended that Mr. Fuller be required to record deed restrictions on Phase Nos. 3 and 5 when Phase No. 4 was recorded. The parcel on which Phase No. 5 was proposed had frontage on two streets. The City had granted preliminary approval of Phase No. 5 showing that the large parcel would be divided into lots that would resolve the double frontage problem. The deed restrictions would insure that the property was not developed until the double frontage problem was resolved. Mr. Larson stated that property on which Phase No. 3 was platted consisted of two separate parcels. There was a possibility that when Phase No. 4 was developed, Robert Fuller could build homes on the two remaining parcels, even with the deed restriction.

Commissioner Merx asked if there were any restrictions on the lots in Phase No. 3 for the overhead power lines. Mark Larson stated that preliminary and final approval of Phase No. 3 had expired. Commissioner Yeoman asked if it had been recorded. Tony Reynolds said Phase No. 3 had received preliminary and final approval, but it had not been recorded. Mr. Fuller had incorporated some of the lots in Phase No. 3 into Phase No. 4. Because of that change, the Planning Commission could not extend the preliminary and final approvals of Phase No. 3. Mr. Fuller would have to start over.

The Planning Commission noted that Robert Fuller was not in attendance.

Commissioner Merx moved to recommend that the City Council grant final approval of Walker Estates Subdivision No. 4 located at approximately 2950 West 4600 South subject to the staff and engineering recommendations as outlined, including the requirement that deed restrictions on Phase Nos. 3 and 5 be recorded with Phase No. 4. Commissioner Yeoman seconded the motion. Commission

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members Allred, Merx, Peterson, and Yeoman voted "aye." The motion carried.

3. FINAL APPROVAL OF SOUTHFORK MEADOWS SUBDIVISION NO. 5 LOCATED
AT APPROXIMATELY 3950 WEST 6050 SOUTH

Mark Larson stated that Ivory Homes was requesting final approval of the fifth and last phase of Southfork Meadows. Phase No. 5 would contain 12 lots on just under 10 acres. It was zoned RE-15, which meant the minimum lot size was 15,000 square feet. The lots in Phase No. 5 ranged from 15,000 square feet to about 22,600 square feet in size. The Layton Canal and 6000 South ran along the north side of Phase No. 5. The Layton Canal also ran along the west side of the subdivision along with Parcel A, which was a regional detention basin. Phase No. 5 was accessed from Phase No. 4 and connected to a stub street in Southfork Farms, a subdivision Ivory Homes was developing in Clinton City. Mr. Larson said Ivory Homes' participation in the detention basin was 39%. The other 61% was City storm water. The City Engineer had drafted plans for the detention basin. The staff recommended that Ivory Homes be required to submit documentation from the Army Corps of Engineers indicating that the wetland issue had been resolved. Ivory Homes would be required to install a 6-foot chain link fence behind Lot Nos. 83 through 86 to buffer the canal; behind Lot Nos. 87 through 89 to buffer the detention basin; the south side of the detention basin (unless a fence was being done as part of Southfork Farms); and along both sides of the right-of-way. Ivory Homes would also be required to put road base on the right-of-way. The City would then pave the right-of-way when it completed the detention basin.

Mr. Larson stated that in the past there had been discussion about using the detention basin as a park. At this time, the City did not have plans or funding for a park.

Commissioner Allred asked if Phase No. 5 was tied up in wetlands. Mark Larson said there had been wetlands on the subdivision in the past. Chairman Peterson stated that Ivory Homes had purchased wetland credits from the Army Corps of Engineer to clear up the wetlands. The City just needed the appropriate documentation from Ivory Homes.

Gary Wright stated that he was representing Ivory Homes. They had resolved the wetland issue several years ago. The wetland issue had to be cleared up before they could build Phase No. 4. They would provide Roy City complete documentation. Mr. Wright said he had reviewed the staff report and was in full acceptance and agreement of the recommended conditions.

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Commissioner Yeoman moved to recommend that the City Council grant final approval of Southfork Meadows Phase No. 5 located at approximately 3950 West 6050 South subject to the staff and engineering recommendations. Commissioner Merx seconded the motion. Commission members Allred, Merx, Peterson, and Yeoman voted "aye." The motion carried.

4. CONSIDERATION OF A REQUEST TO EXTEND THE FINAL APPROVAL OF THE ROY DENTAL ASSOCIATION CONDOMINIUM PLAT LOCATED AT APPROXIMATELY 4902 SOUTH 1900 WEST

Mark Larson stated that on December 11, 2001, the Planning Commission approved the Roy Dental Condominium plat for the Roy Dental Association located at 4902 South 1900 West. Because of difficulties with their attorney, the plat was not recorded before the final approval expired. The Condominium Declaration had been corrected to represent the needs of the owners. Those changes did not affect the plat approved by the City. The Development staff recommended that the Planning Commission extend the final approval of the Roy Dental Association Condominium Plat for a two-month period of time subject to all of the original comments and conditions. The City Engineer and City Attorney would review the plan and declaration once again before they were recorded.

Commissioner Allred moved to extend the final approval of the Roy Dental Association Condominium plat located at approximately 4902 South 1900 West to January 12, 2004 subject to all of the original conditions. Commissioner Merx seconded the motion. Commission members Allred, Merx, Peterson, and Yeoman voted "aye." The motion carried.

5. PUBLIC HEARING TO CONSIDER A PETITION FROM VICKIE HALL AND R. B. WILLEY TO REZONE APPROXIMATELY 4.26 ACRES LOCATED AT APPROXIMATELY 3964 SOUTH MIDLAND DRIVE FROM AN R-3 ZONE TO AN R-4 ZONE AND A CONDITIONAL USE PERMIT AND SITE PLAN FOR VICKIE HALL FOR A BEAUTY SALON LOCATED AT APPROXIMATELY 3964 SOUTH MIDLAND DRIVE

Commissioner Yeoman moved to open the public hearing at 6:45 p.m. Commissioner Merx seconded the motion. Commission members Allred, Merx, Peterson, and Yeoman voted "aye." The motion carried.

Mark Larson stated that Vickie Hall was requesting that her property located at approximately 3964 South Midland Drive be rezoned from R-3 to R-4. The rezone also included a parcel owned by Roy City (which was used as a regional detention basin) and a parcel owned by R. B. Willey on which there was an existing fourplex. The total acreage involved was 4.26 acres. In August 2001, Vickie Hall requested that her property be annexed with a zone of CP-2. The staff and Planning Commission recommended a zone of R-1-8. The City Council approved the annexation with an R-3 Zone to match the R. B. Willey property. One of the conditions for annexation was that Vickie Hall deannex and disconnect from the Hooper Water District and connect to Roy City water. She had not completed that requirement.

Mr. Larson stated that the City's General Plan currently showed the proposed rezone area as very high density, or multi-family residential, which included both R-3 and R-4 Zones. The R-3 and R-4 Zones both allowed single family up to multi-family residential. However, the R-4 Zone allowed as a conditional use, "Professional and business offices in which goods or merchandise were not commercially created, exchanged, or sold." The General Plan showed plans for a future commercial land use from the 4000 South intersection north to Vickie Hall's property. The West Haven City Council had updated their General Plan to allow for future commercial and high density mixed use development on the west side of Midland Drive across from the proposed rezone area.

Mr. Larson said Vickie Hall currently had an approved home occupation license to operate a beauty salon in her home. The home occupation license allowed for one customer at a time; no employees; and one two-square-foot advertising sign on the front of her home. Since Vickie Hall was denied her request for a commercial zone in August 2001, she had continued to search for ways for her beauty salon to expand. Along with the proposed

rezone she was requesting approval of a conditional use permit to expand her salon to two chairs and one employee.

Mr. Larson said Vickie Hall's property had 201.3 feet of frontage on Midland Drive. It extended over 330 feet to the east. The site plan submitted by Vickie Hall only showed the front portion of her property where her home was located. The only change proposed to her property was three additional parking spaces on the south side of the driveway to meet the parking requirements. The beauty salon was located on the south side of her home. It would have to be separated from the home with a fire rated wall.

Mr. Larson stated that if the Planning Commission granted Ms. Hall's request for a conditional use permit, the following items should be required:

1. The improvements would include adding three more parking stalls for one employee and two customers. The stalls would be in addition to the two stalls required for the residence.
2. The City Building Inspector and Fire Marshall would require the building to come up to all applicable codes, including a firewall separation of the residential use on the north end of the home from the proposed commercial use on the south end.
3. UDOT would require street improvements along Midland Drive because of the change of use from residential to commercial. That would include new curb, gutter, and sidewalk, and possibly a wider driveway approach.
4. As part of the annexation approval, the City required Vickie Hall to deannex and disconnect from the Hooper Water District and connect to Roy City water. That still had not been completed. Ms. Hall would have to hook up to Roy City water and sewer and initiate payment of storm water assessment fees.

Mr. Larson stated that the Development staff recommended that the Planning Commission not approve the rezone requested by Vickie Hall and R. B. Willey at approximately 3964 South Midland Drive based on the following findings:

1. The proposed commercial/residential zone would be surrounded by residential zones and seemed to be out of place.

2. Any transition from residential-only zones to zones that allowed commercial and any commercial development in this area should be coordinated with adjoining properties to form a physically-unified commercial development, which would be compatible with the surrounding land uses.

Mr. Larson stated that the Development staff recommended that the Planning Commission not approve Vickie Hall's request for a conditional use permit and site plan for Hall's Commercial Beauty Salon located at approximately 3964 South Midland Drive based on the following findings:

1. The proposed commercial use would be surrounded by residential uses and seemed to be out of place.
2. The timing was wrong for a commercial use on this site. If the proposed salon was tied into a potential commercial use on the 4000 South corner, as shown in the City's General Plan, the proposal might work, but not a commercial use in the middle of the block as presented.
3. Any commercial development in the area should be coordinated with adjoining properties to form a physically-unified commercial development which would be compatible with the surrounding land uses.
4. It was not the City's intention to have single-family homes and apartment units in R-4 Zones converted to commercial uses when the residential use was still part of the same building. This only worked as a home occupation.

Commissioner Allred felt that a beauty salon was a service. He didn't feel it fit the definition of a 'professional or business office in which goods or merchandise were not commercially created, exchanged, or sold.' Chairman Peterson felt a service could be allowed, but not retail sales.

Commissioner Yeoman asked why the City Council originally zoned Ms. Hall's property R-3 rather than R-1-8. Mark Larson said the R-3 Zone was to allow Vickie Hall's property to match the existing zone of the Willey property to the north.

Chairman Peterson asked if an R-4 Zone would be spot zoning. Mark Larson didn't feel it would be spot zoning because the rezone included three parcels.

Commissioner Merx asked about West Haven's plans. Mark Larson said West Haven's General Plan showed commercial along the west side of Midland Drive. West Haven had already approved a multi-family use on the corner of 4000 South. They planned on a mixed use along 4000 South and Midland Drive.

Tony Reynolds stated that the staff's concern was not about the transition from residential to commercial, but about how it would occur. When a planned commercial development was proposed in this area it would address all of the surrounding properties. The staff could support plans for commercial development if the entire area was involved.

Chairman Peterson stated that Vickie Hall's commercial plans were premature.

Andy McCrady, 2803 Wallace Circle, stated that he was representing Vickie Hall. Vickie had been cutting hair for about 30 years. Her salon was part time. She was employed full time at Hill AFB. When she decided to move to Midland Drive four years ago, she had no idea how many people would want \$5 haircuts. Mr. McCrady said other cities considered salons professional uses, not commercial. Vickie would like to see everything south of her zoned commercial. However, she did not own those properties, and they were in unincorporated Weber County. Vickie Hall had contacted Tommy Vigil at UDOT. Mr. Vigil did not feel UDOT would require the entire frontage of her property to be developed if she was making such a minor change. Mr. McCrady felt this would be a happy medium between what was there now and what was planned for the future. West Haven had plans for commercial across the street. The number of people wanting Vickie's services did not feel her request was premature. She was willing to comply with Roy City's requirements.

Chairman Peterson asked why Vickie Hall had not deannexed and disconnected from Hooper Water. Vickie Hall said it was mainly an issue of money. It would cost over \$2,000 in fees just to disconnect and connect to Roy City. Then she had to pay the digging fees. She said she would get it done. Chairman Peterson said the fact that she had not completed the annexation requirement was a concern to the Planning Commission.

Chairman Peterson opened the floor for public comments.

R. B. Willey stated that he owned the fourplex north of Vickie Hall. His property had about 450 feet of frontage. He had been

approached several times by potential developers, and he had just about reached the age that he was ready to sell. He had a great interest in the rezone taking place. Usually there was opposition from neighbors when a rezone with commercial was proposed. In this case, there wasn't much opposition. If the rezone was not approved, he could be back at any time requesting another one. He did not feel this would be a spot zone, but occasionally cities had to spot zone to have progress and development. There would eventually be commercial uses in this area. He didn't feel it was fair to punish Vickie Hall by requiring her to connect to Roy City water just because there was an overlap of boundaries between Roy City and Hooper Water.

Commissioner Merx asked if an R-4 Zone would be appropriate zone for what Mr. Willey had in mind for his property. Mr. Willey said it would. The Planning Commission asked if he would be willing to divulge his plans. Mr. Willey said he had been approached about an assisted living center.

Tony Reynolds stated that if this was zoned as a planned commercial area, preliminary and final development plans would be needed.

Commissioner Yeoman asked about West Haven's plans. Mark Larson said their General Plan called for a commercial use along Midland Drive, but they had already approved a multi-family use on the 4000 South corner.

Commissioner Merx moved to close the public hearing at 7:13 p.m. Commissioner Allred seconded the motion. Commission members Allred, Merx, Peterson, and Yeoman voted "aye." The motion carried.

There was discussion among the Planning Commission members. Commissioner Allred did not feel the best long term use for this area was an R-4 Zone. Chairman Peterson was concerned about premature development. Commissioner Merx was struggling with what Vickie Hall wanted to do and what was best for the area.

Chairman Peterson stated that the Planning Commission was not allowed to make recommendations that were not in compliance with the City's Zoning Ordinance and General Plan. Vickie Hall's request was bumping up against the City's requirements. He did not want to see a mixed residential and general business use. It was City policy that when new development occurred it was required to put in appropriate improvements.

Mayor Burnett stated that Midland Drive was a State road. UDOT would determine what improvements it wanted.

Commissioner Allred felt that Vickie Hall was between a rock and a hard place. She either needed to become a general business and make the necessary capital commitments or remain a home occupation. Vickie Hall was asking the City to allow her to have it both ways.

Commissioned Allred moved to recommend that the City Council not approve the rezone requested by Vickie Hall and R. B. Willey for an R-4 Zone located at approximately 3964 South Midland Drive. Commissioner Yeoman seconded the motion. Commission members Allred, Merx, Peterson, and Yeoman voted "aye." The motion carried.

Commissioner Allred stated that the site plan submitted by Vickie Hall did not address what the salon would look like, restrooms, or handicap accessibility. This was not just an expanded home occupation; it was a commercial use. He felt those items should be addressed and brought back to the Planning Commission.

Mayor Burnett asked about UDOT's requirements. Tony Reynolds said the staff anticipated that UDOT would defer requirements for Vickie Hall because of the size of her property. The staff felt the width of her driveway would be the biggest requirement.

Commissioner Allred moved to table consideration of a site plan and conditional use permit for Vickie Hall for a beauty salon located at approximately 3964 South Midland Drive subject to resubmittal of her site plan addressing accessibility issues. Commissioner Merx seconded the motion. Commission members Allred, Merx, Peterson, and Yeoman voted "aye." The motion carried.

3. OTHER BUSINESS

Mark Larson stated that URMMA (Utah Risk Management Association) would be holding land use training sessions for Board of Adjustment and Planning Commission members in November, December, and January. The Board of Adjustment training was scheduled for November 19th from 7:00 to 8:30 p.m. at the Clearfield City offices. Lance Hislop, Jennifer Russett, and Karlene Yeoman had registered to attend. Bill Merx and Karlene Yeoman were registered to attend a two-day training session on December 4th and 5th. There was another training session scheduled for January 27th from 6:00 to 7:30 p.m.

It would be held at Roy City. It would take the place of the January workshop. Karlene Yeoman, Blaine Hoopes, Bill Merx, Gennie Kirch, Doug Allred, and Larry Peterson were registered to attend the January meeting.

Mark Larson stated that the staff had reviewed the RFQ's on the Zoning Ordinance rewrite and sent out Requests for Proposals to four companies. The RFP's were due by December 19th.

Tony Reynolds stated that the City ordinances had been recodified. Before the codified ordinances could be adopted by the City Council, a recommendation was needed from the Planning Commission regarding sections of the Zoning Ordinance. A public hearing would be scheduled at the December 9th meeting to consider those changes.

Tony Reynolds stated that Golden West Credit Union had purchased the home west of their site. They planned to demolish it and put in additional parking and an access on 5600 South. Because the property was already zoned CP-2 and because Golden West Credit Union was an existing site, the new parking lot layout would be handled administratively.

Chairman Peterson asked that the staff schedule a public hearing in January or February to update the General Plan.

4. ADJOURN

Commissioner Yeoman moved to adjourn at 7:43 p.m. Commissioner Merx seconded the motion. Commission members Allred, Merx, Peterson, and Yeoman voted "aye." The motion carried.

Larry Peterson
Chairman

Attest:

Michelle Drago
Secretary

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