

ROY CITY PLANNING COMMISSION

April 13, 2004

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on April 13, 2004, 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:

Karlene Yeoman, Chairman	Tony Reynolds, Community
Doug Allred	Services Director
Brad Hilton	Mark Larson, Planner
Blaine Hoopes	Michelle Drago, Secretary
Gennie Kirch	
Bill Merx	
Michael Stokes	

Others present were: John Drandakis; Kip Cashmore; Charles Olsen; Shaun Harrison; Jeff Byers; Mark Hampton; Ryan Bryson; Lori Bryson; Kent Esplin; Rand Mattson; Cynthia Mattson; Jeff Titensor; Scott Miller; My Nguyen; and Lee Watts.

Pledge of Allegiance: Brad Hilton

1. APPROVAL OF FEBRUARY 10, 2004, MINUTES

Commissioner Hilton moved to approve the minutes of February 10, 2004, as written. Commissioner Merx seconded the motion. Commission members Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.

2. CONSIDERATION OF A FINAL DEVELOPMENT PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT AND A CONDITIONAL USE PERMIT FOR A DENTAL OFFICE LOCATED AT APPROXIMATELY 5985 SOUTH 3500 WEST

Commissioner Allred arrived at 6:07 p.m.

Mark Larson stated that the Planning Commission and City Council received and considered a rezone petition and a preliminary development plan for 2.92 acres located at approximately 3500 West

6000 South in January of 2003. In February, the Planning Commission considered a revised preliminary development plan for the same property. The petitioner, Mattson LC, was requesting approval of a final development plan for Phase No. 1 and a conditional use permit for a dental office to be located at approximately 5985 South 3500 West. Mr. Larson showed the Planning Commission the revised plan for the entire 2.92 acres, and the final plans for Phase No. 1.

Mr. Larson said that Phase No. 1 would include curb, gutter, and sidewalk along the entire east and south perimeters and all of the utilities. UDOT had installed some curb and gutter on 3500 West as part of a new semaphore installation. In order for the dental office in Phase No. 1 to work, all of the utilities would have to be installed and stubbed to each pad. A 6-foot, non-see-through fence would be installed along the north and west perimeters adjacent to the residential uses. Phase No. 1 would have one access onto 3500 West. It would be 24 feet wide. The parking lot would have 41 parking stalls and interior curbing. Decorative lighting was planned for the parking lot and around the building. The landscaping for Phase No. 1 would be completed, and there would be two dumpsters. There were a total of three low profile signs planned for the overall development. One would be located in the first phase, a second would be located on the corner of 3500 West 6000 South, and a third would be located on 6000 South. Mr. Larson said the first phase would include a temporary detention area west of the asphalt. The overall development would include two detention basins along 6000 South. The west side of the parking lot in Phase No. 1 would not have curbing. There needed to be landscaping boulders along that side to block traffic but not storm drainage. The building elevations submitted by the proponent showed a combination of stone, stucco, and a metal roof. The architectural theme and color would be carried throughout the overall development. Mr. Larson said the City Engineer did have some concerns but felt they would be resolved without having to amend the site plan. The Fire Marshall had reviewed and approved the location of the proposed fire hydrants.

Commissioner Allred asked if all of the engineering problems had been resolved. Mark Larson said they had not. However, the City Engineer felt the remaining items could be resolved without having to change the site plan.

Commissioner Hilton asked what would happen to the natural spring on the southeast corner of the property. Mark Larson said it would have to be capped if the proponent did not plan to use it.

Commissioner Stokes asked if the permanent detention basins would be built-to-form initially. Mark Larson said they would be excavated, but they would not be landscaped until the phase they were located in was completed.

Commissioner Hilton asked if the detention basin was adequate for the size of the parking lot in Phase No. 1. Mark Larson said the detention basin on the southwest corner of the site was adequate for the first phase only. As the development progressed, both detention basins would be needed.

Jeff Byers, Carpenter Stringham Architects, stated that there was a well on the site. It was not an artesian well. It would be capped. The well did not cause any water table problems.

Charles Olsen, Gardner Engineering, stated that they had been working with the City Engineer. The smaller detention basin would be built along with Phase No. 1. It would not be landscaped, but it would be connected to the City's storm drain on 6000 South.

Commissioner Hilton was concerned about vehicles making a left hand turn onto 3500 West from the parking lot due to the proximity of the 6000 South 3500 West intersection. He felt left hand turns would lead to accidents. Charles Olsen stated that UDOT did not want the access limited to be right turns.

Commissioner Kirch asked how soon the corner pad would be developed so that an access to 6000 South could be opened up. Jeff Byers said they had interested parties and hoped it would be as soon as possible. Commissioner Kirch asked about laying asphalt to 6000 South along with Phase No. 1. Charles Olsen felt that would be premature because the engineering for that area had not been completed.

Lee Watts, Roy City Fire Department, asked how many dentists would be located in the office and if there would be any oral surgeons. Mr. Watts was concerned about drivers exiting the site who might have had anesthesia. Jeff Byers said there would be two dentists in the building. There would be no oral surgeons.

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

Commissioner Kirch moved to recommend that the City Council approve a final development plan for Phase No. 1 of a planned commercial development located at approximately 5985 South 3500 West and a conditional use permit for a dental office located at approximately 5985 South 3500 West subject to the staff and engineering comments. Commissioner Hoopes seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.

3. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR ANIMALS IN AN
R-1-7 ZONE LOCATED AT APPROXIMATELY 5995 SOUTH 3260 WEST

Mark Larson stated that a Utah Power & Light corridor ran north and south through the entire City. In some spots it was wider than others. In the 6000 South area there was quite a bit of open space under the power lines. Ryan Bryson was requesting approval of a conditional use permit to use 8.82 acres adjacent to his home to keep large animals, specifically cows. This area was zoned R-1-7, which was a single family residential zone. The Zoning Ordinance allowed animals as a conditional use in single family residential zones under certain conditions. Animals were only allowed if there was a geographical impediment. The power corridor met the definition of a geographical impediment. Mr. Bryson could apply for the conditional use permit because he was a property owner adjacent to the power corridor. There was a limit to the number of animals that could be put on the property. The maximum number of animals was 5 times the original number. In this case, that amounted to 10 large animals. The ordinance also required that the Planning Commission approve a master site plan for the animal use in the area. Mr. Larson said Ryan Bryson was proposing to install a fence around the 8.82 acres so that the animals would not bump up against the residential fences.

Commissioner Stokes asked about the type of fencing. Mark Larson said Mr. Bryson had suggested a wire fence. The fence would not be barbed or electric. There were gates to the property on 6000 South and 3260 West. The property would be divided in two so that Mr. Bryson could alternate which half the animals were on.

Ryan Bryson, 5994 South 3260 West, stated that someone had started to install a 5-foot sheep fence around the corridor. He planned to continue that fence one foot inside the property line. He planned to put cows on the property. They were all females, which were more docile than bulls.

Commissioner Stokes asked if the sheep fence would be adequate if there was a feed problem. Mr. Bryson did not believe there would be a problem.

Commissioner Hilton asked where Mr. Bryson planned to store feed for the animals. Mr. Bryson said the cows would only be on the property in the spring, summer, and fall. In the winter they would be moved to a barn. There was secondary water on three of the five

parcels involved. He planned to put in watering troughs near his home.

The Planning Commission expressed concern about breeding. They didn't want to bulls to be brought in.

Mark Larson stated that calves were not counted or considered adults until they were weaned.

Ryan Bryson stated that he planned to put seven cows on the site. Six of the seven had calves.

Commissioner Allred moved to recommend that the City Council approve a conditional use permit for animals in an R-1-7 Zone located at approximately 5994 South 3260 West subject to there being no more than 10 large cattle with no mature males, completion of a wire fence around the power corridor; that the City receive a copy of Mr. Bryson's lease agreement; and that the conditional use permit be valid for Mr. Bryson only. Commissioner Hilton seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.

4. APPROVAL OF AN AMENDED SITE PLAN FOR GREEK ISLAND RESTAURANT
LOCATED AT APPROXIMATELY 1871 WEST 5300 SOUTH

Mark Larson stated that a restaurant was a permitted use in a C-2 Zone. Because a restaurant was a permitted use, John Drandakis, the proponent, had already opened the Greek Island Broiler at 1871 West 5300 South. Mr. Drandakis was proposing an addition on the north side of the building. The change to the building facade required approval from the Planning Commission. Mr. Larson said Mr. Drandakis was proposing to expand the 5-foot walkway on the north side of the building into a 13 foot by 32 foot patio. The patio would be surrounded by a 3-foot iron railing. There was a gate on the east side of the patio for access. The front entrance of the restaurant was on the west side, so the gate was only to meet fire code.

Chairman Yeoman asked if the patio would be cement. Mark Larson said it would be elevated cement. It would have to meet building code standards.

Mark Larson stated that the patio would take out three parking stalls on the north side of the building. This site was part of the Market Place Plaza, which had parking and drainage in common. The loss of three parking stalls would not affect the overall parking requirements. The patio would not affect storm drainage either.

Commissioner Kirch asked why the gate access to the patio was on the east side rather than the west side where all of the parking was. The gate on the east side emptied into the drive-through lane, which created a traffic hazard.

John Drandakis, Washington Terrace, stated that the gate was only for fire purposes. Hopefully it would never be used. He encourage people to exit the patio through the restaurant.

Mark Larson stated that the patio would be partially covered by an 8-foot overhead retractable awning.

Commissioner Allred did not feel the Planning Commission had enough detail on the fence to approve the site plan. Tony Reynolds stated that in a C-2 Zone, the Planning Commission did not approve elevations other than height restrictions or building code issues.

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Commissioner Hoopes moved to approve an amended site plan for the Greek Island Broiler at approximately 1871 West 5300 South subject to the staff comments and engineering review. Commissioner Stokes seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.

5. PUBLIC HEARING TO CONSIDER REVISIONS TO RCO TITLE 10-6
COMMERCIAL ZONES; 10-14 NONCONFORMING BUILDINGS AND USES; AND
10-10 SUPPLEMENTARY REGULATIONS

Commissioner Kirch moved to open the public hearing at 7:03 p.m. Commissioner Allred seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.

Tony Reynolds stated that the Planning Commission approved a site plan for the Westar building at 5451 South 1900 West in February of 2003. The next two items on the agenda were site plan approvals for changes to the interior of the Westar building. The current Zoning Ordinance required the Planning Commission to approve site plans for all permitted uses in a C-2 Zone before building permits could be issued. Neither USA Cash Services or Van Loi proposed any changes to the approved site plan. Based on a ruling from the City Attorney in 1996, the staff proposed that 10-6A-5 be amended as follows:

10-6A-5: SITE PLAN REVIEW

- A. Required: Permitted uses specified in this article shall require site plan review and planning commission approval before any building permit is issued for a respective use. A copy of the approved site plan shall be forwarded to the city council for information.

Permitted uses proposing to occupy an existing building which has received a site plan approval shall not be required to have a site plan review unless structural changes to the exterior of the building are proposed. If no changes to the exterior of the building are proposed, the staff may receive and review the building and site plans and issue building permits. If changes to the exterior of the building are proposed, the planning commission must review and approve a site plan before a building permit can be issued.

Mr. Reynolds stated that the staff recommended that the site plans for USA Cash Services and Van Loi be approved.

Commissioner Hilton moved to suspend the public hearing at 7:12 p.m. Commissioner Kirch seconded the motion. Commission members

Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.

6. REVIEW OF A SITE PLAN AND PROPOSED USE FOR USA CASH SERVICES (A FINANCIAL SERVICES OFFICE) LOCATED AT APPROXIMATELY 5451 SOUTH 1900 WEST

Commissioner Kirch asked if the right-of-way issue on the west side of the Westar building had been resolved. Kip Cashmore, Westar, stated that they had moved the dumpsters onto their property immediately west of the building and connected the storm drain into the City's storm sewer system. He understood that the property owner to the west and the property owner to the south were involved in a legal dispute over the right-of-way west of their property. Westar was not involved in that legal dispute.

Commissioner Stokes moved to approve a site plan for USA Cash Services (a financial services office) located at approximately 5451 South 1900 West subject to the staff report. Commissioner Kirch seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.

7. REVIEW OF A SITE PLAN AND PROPOSED USE FOR VAN LOI (A VIETNAMESE RESTAURANT) LOCATED AT APPROXIMATELY 5451 SOUTH 1900 WEST

Commissioner Hilton moved to approve a site plan for Van Loi (a Vietnamese restaurant) located at approximately 5451 South 1900 West subject to the staff's report and installation of a grease trap. Commissioner Allred seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.

8. PUBLIC HEARING TO CONSIDER REVISIONS TO RCO TITLE 10-6
COMMERCIAL ZONES; 10-14 NONCONFORMING BUILDINGS AND USES; AND
10-10 SUPPLEMENTARY REGULATIONS

Commissioner Merx moved to reconvene the public hearing at 7:19 p.m. Commissioner Hoopes seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.

Tony Reynolds stated that in addition to the site plan revisions for commercial zones, the staff was proposing the following amendment to 10-10, which would make commuter and light rail a conditional use in all zones:

10-10 Supplementary Regulations

10-10-17: PUBLIC PARK-AND-RIDE LOTS AND PUBLIC COMMUTER OR LIGHT RAIL FACILITIES AND STATIONS: Public park-and-ride lots and public commuter or light rail facilities and stations shall be permitted in all zones as a conditional use.

1. Public Park and Ride Lots: Parking lots associated with a transit station, where people drive from their homes, park, and transfer to transit lines.
2. Public Commuter Rail Facilities and Station: A rail transit system that covers long distances, usually with less frequent station spacing and train times than light rail, that runs on a separate right-of-way from cars, and often sharing an existing freight corridor. A station area links park and ride lots with the transit system.
3. Public Light Rail Facilities and Station: A rail transit technology that can run along city streets or in a separate right-of-way. A station area links park and ride lots with the transit system.

Mr. Reynolds recommended that the 'shall' in the header of 10-10-17 be changed to 'may'. The staff was not proposing to amend 10-14 at this time.

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

Commissioner Allred moved to close the public hearing at 7:23 p.m. Commissioner Hilton seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.

Commissioner Allred moved to recommend that the City Council amend RCO Title 10-6 Commercial Zones and 10-10 Supplementary Regulations as proposed by the staff subject to the 'shall' in the header of 10-10-17 being changed to 'may.' Commissioner Kirch seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.

9. OTHER DISCUSSION

Tony Reynolds stated that the Planning Commission could access the City's most current ordinances through a link on the City's web site at royutah.org or sterlingcodifiers.com. The text of the General Plan was also available on the web site.

The Planning Commission scheduled its annual dinner with the City Council for May 7th at 6:00 p.m.

Tony Reynolds stated that the Utah Local Governments Trust was offering a Certified Citizen Planning Seminar. Commissioners Hilton and Hoopes asked to be registered for the June session.

Tony Reynolds stated that the first meeting of the ZOSO Committee (Zoning Ordinance and Subdivision Ordinance) would be held on May 6th at 6:00 p.m. The Subdivision Ordinance would be done first. The Zoning Ordinance would probably be done in three sections.

Tony Reynolds and Chairman Yeoman recommended that the Planning Commission meeting schedule be changed from one meeting a month plus a work session to two meetings a month. Each meeting would include a work session from 6:00 to 6:30 p.m. The regular meeting would begin at 6:30 p.m. The Commission members felt the change would be beneficial and allow them time to table items for a more thorough review.

10. ADJOURN

Commissioner Hilton moved to adjourn at 7:50 p.m. Commissioner Kirch seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.

Attest:

Karlene Yeoman
Chairman

Michelle Drago
Secretary
dc:papr1304