

ROY CITY PLANNING COMMISSION

May 11, 2004

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on May 11, 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:

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

Excused: Karlene Yeoman, Chairman
Doug Allred

Others present were: Dee Chamberes; Bob Ekstrom; Sally Dana; Lee Holt; Harold Wolcott; Bruce Crouch; Jon West; Christian Woodall; Rockie Kay; Larry Bennett; and Mayor Roger Burnett.

Pledge of Allegiance: Bill Merx

1. WORK SESSION

A work session was held in the Conference Room from 6:00 to 6:30 p.m. The Planning Commission was briefed on and asked questions about the agenda items. There was no discussion about the merits of any of the agenda items.

2. APRIL 13, 2004, MINUTES

Commissioner Kirch moved to approve the minutes of April 13, 2004, as written. Commissioner Merx seconded the motion. Commission members Hilton, Hoopes, Kirch, Merx, and Stokes voted "aye." The motion carried.

3. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR A U.P.S. STORE
LOCATED AT APPROXIMATELY 3479 WEST 4800 SOUTH, ROYAL
PROFESSIONAL PLAZA

Mark Larson stated that Lee Holt was requesting approval of a United Parcel Service Store at 3479 West 4800 South, which was in the Royal Professional Plaza built by Dr. John Anderson. Notices were mailed to 162 adjacent property owners. The U.P.S. Store would be located in Tenant Space 1. Space 1 had approximately 1400 square feet and was located immediately east of Dr. Anderson's office. The U.P.S. Store would use the common entry foyer. There was a fourth and final space remaining on the very east end of the building that contained approximately 1000 square feet. The overall site had received a conditional use permit for professional offices. Because the use proposed by Mr. Holt was a retail use, it required a separate conditional use permit. Mr. Holt was proposing to provide the following services: Copy center; postal services; overnight delivery; FAX service; UPS; expert packaging; and notary services. The business would also provide key mail boxes. The proposed hours of operation were either 8:00 a.m. to 6:00 p.m. Monday through Friday or 9:00 a.m. to 7:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturdays.

Mr. Larson stated that the site plan for the Royal Professional Plaza had been approved. The use proposed by Mr. Holt would not change the approved site plan. Mr. Larson said the Development staff recommended approval of the conditional use permit requested by Lee Holt. The staff did have questions about signage, pick up and delivery, and the hours the mail boxes would be available. Mr. Holt's business would be retail while the other uses on the site were professional offices. Retail uses generally had more signage than professional offices.

Lee Holt, 4643 South 3900 West, stated that this was a great area for his business. U.P.S. Stores nation-wide were usually about this size. Packaging and shipping would be the main function. He would also offer faxing and copying services. Trucks were the same size as those delivering to homes. Two trucks would drop off in the morning and pick up in the evening - one Fed Ex and one U.P.S. They would be there approximately 10 to 15 minutes each. The dental offices were usually done by 4:00 p.m. He would offer a mail box service. His hours of operation would either be 8:00 a.m. to 6:00 p.m. or 9:00 a.m. to 7:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. Saturday. He had to be open to accommodate the two pick up and delivery times. He planned to open during

September. Dr. Anderson would be a partner in the operation. Mr. Holt said U.P.S. was very restrictive on signage.

Commissioner Hoopes asked Mr. Holt to be very specific about signage. Lee Holt said he would have a sign under the gable on 4800 South. There would probably be a sign above the entrance/door on the south side.

Vice Chairman Hilton asked if the sign above the door would be lit. The Planning Commission was concerned about light shining into the adjoining homes. Lee Holt said U.P.S. would want the sign on 4800 South lit, but the sign above the door did not have to be lit.

Commissioner Kirch asked about the number of customers per day. Lee Holt said there would be a push first thing in the morning and toward the end of the day. There would be a consistent flow throughout the day.

Commissioner Hoopes asked about the mail box service and what type of access customers would have to the mail boxes. Lee Holt said U.P.S. had stores where the mail boxes were available only during hours of operation. Other stores allowed 24-hour access to the mail boxes. He did not know what type of access his business would have.

Vice Chairman Hilton asked if there were any comments from the audience.

Sally Dana, 3464 West 4825 South, stated that when Dr. Anderson received approval for Royal Professional Plaza, the adjoining residents were assured the building would have normal, daytime business hours. She was concerned about the hours of operation proposed by Mr. Holt, especially the potential of people coming and going 24 hours a day. The parking lot for the plaza was a closed off area. The bedrooms of the adjoining homes faced the parking lot. She felt better about the signage being on 4800 South. She didn't want lights shining into her bedroom. Ms. Dana said she was really concerned about hours and people coming and going at nights. She asked if the store would have extended hours during the holidays.

Lee Holt didn't know if there would be extended hours during the holidays. Commissioner Kirch said the Riverdale store did not have extended hours during the holidays.

Commissioner Kirch asked how many mail boxes Mr. Holt would have. Lee Holt said it would be market based. He might have about 25 boxes.

Commissioner Stokes asked if a restriction on the hours of operation would cause a problem. Lee Holt felt U.P.S. would withdraw its support for the store if the City placed any restrictions on the hours of operation. Commissioner Stokes said he was struggling to find a balance between the hours of operation and intrusion on the adjoining residents.

Vice Chairman Hilton did not feel the City could make a final decision about the conditional use permit without information about when the mail boxes would be available. Lee Holt said he preferred the hours of 8:00 a.m. to 6:00 p.m. Vice Chairman Hilton asked if Mr. Holt could have an answer about the mail boxes before the City Council meeting. Mr. Holt said he could.

Commissioner Kirch moved to recommend that the City Council approve a conditional use permit for a U.P.S. Store located at approximately 3479 West 4800 South subject to the staff's recommendations and the following stipulations: That the signs on the south side of the building not be lit; that the hours of operation be either 8:00 a.m. to 6:00 p.m. or 9:00 a.m. to 7:00 p.m. Monday through Friday (preferably 8:00 a.m. to 6:00 p.m. and 9:00 a.m. to 5:00 p.m. Saturday); and that the mail box service only be available during hours of operation to limit the intrusion on the adjoining residential area. Commissioner Stokes seconded the motion. Commission members Hilton, Hoopes, Kirch, Merx, and Stokes voted "aye." The motion carried.

4. CONSIDERATION OF AN AMENDMENT TO A FINAL DEVELOPMENT PLAN FOR THE MIDLAND COMMERCIAL DEVELOPMENT AND EXTENSION OF AN EXISTING CONDITIONAL USE PERMIT FOR USED VEHICLE SALES LOCATED AT APPROXIMATELY 4763 SOUTH 3500 WEST

Mark Larson stated that Bruce Crouch was proposing to amend the final development plan for the Midland Commercial Center located on the northwest corner of 4800 South 3500 West. He was also requesting approval of an extension of a conditional use permit for used vehicle sales located at approximately 4763 South 3500 West. The City approved a conditional use permit for used vehicle sales in October of 2003. In order to allow for the extension of the used vehicle sales, Mr. Crouch was asking that the site plan approved for Lot No. 5 of Midland Commercial Center be phased. A site plan for a McDonald's-type of use was approved for Lot No. 5 in December of 2002. The curb, gutter, and sidewalk improvements for Lot No. 5 had been completed. Mr. Crouch was seeking approval to extend the used vehicle sales onto the eastern portion of Lot No. 5. The extension would be approximately 20,000 square feet in size and would be the first phase. It would include asphalt improvements, but no permanent structures. The second phase of Lot No. 5 would be delayed until the preferred use for the site came in later.

The new parking lot for used vehicle sales would include three parking stalls for customers and a new cable-type fence. Mr. Crouch would use the existing sales office in the adjacent car wash building. There would be landscape rocks along the west edge of the asphalt to prevent vehicles from accessing the open dirt area. The new parking lot has access to 3500 West and the adjacent lots. No additional signage was planned. Lights would be added to the top of two existing signs to provide light for the sales area. The ballards had lights on them as well. There would be a 6-foot landscaping area between the sidewalk and the used vehicle sales area. Mr. Larson said the City Engineer had reviewed the overall drainage. The site naturally drained to the northwest. The City Engineer felt that the storm drainage from the new asphalt area could be temporarily detained in the open gravel area.

Commissioner Stokes was concerned that the original site plan had not been completed as approved. When Bruce Crouch's conditional use permit for used vehicle sales was approved in December of 2003, there was discussion about a ballard and cable fence. The site currently had a yellow chain, not a cable. Some of the ballards did not have lights, as was proposed. Commissioner Stokes was also

concerned that Mr. Crouch was not displaying vehicles in accordance with the original conditional use permit. Vehicles were currently being displayed beyond the sales area throughout the overall development and obstructing traffic views. He felt those issues should be addressed before the Planning Commission considered extending Mr. Crouch's conditional use permit.

Bruce Crouch, 4795 South 3500 West, stated that he needed the extra room. If he received an extension, he could move all of the vehicles onto the sales area. His electrician had not been able to finish the lights in the ballards before winter and had not been able to get back to them. Mr. Crouch felt the yellow chain was just as good as a cable.

Commissioner Stokes referred to minutes from the original approval which indicated the cable was Bruce Crouch's proposal. Mr. Crouch said he took the latitude to put in the yellow chain. Commissioner Stokes felt the site should be completed as approved before Mr. Crouch moved to a new phase. Mr. Crouch said this was his business. He would not make something half-hearted. He had been in business for a number of years.

Commissioner Kirch asked how many cars were on the approved site. Mr. Crouch said there were about 12 cars. Commissioner Kirch said there were to be less than 15 cars. She asked how many cars would be placed on the new site. Mr. Crouch felt he could get 30 cars on it. Commissioner Kirch asked if Mr. Crouch had a back up plan for extra cars if the new area became full. Mr. Crouch said he didn't have a back up plan. If he needed more space, he would have to come back to the City. Commissioner Kirch asked if Mr. Crouch had thought about a need for a cap on the number of cars. Mr. Crouch said he had not.

Commissioner Hoopes did not feel the Planning Commission was concerned about the number of cars as long as the cars remained in the approved sales area. Bruce Crouch said he would have to face the need for additional space when the time came. He felt the extension would serve his needs for awhile.

Bruce Crouch pointed out that the community received a portion of the sales tax from used vehicle sales.

Mark Larson asked if the vehicle sales would be new cars. Bruce Crouch said he could not sell new cars because of licensing restrictions.

Commissioner Merx asked if the Planning Commission would be precluding development of the remainder of Lot No. 5 by allowing Bruce Crouch to use part of it. Tony Reynolds said it would not.

Commissioner Kirch supported Commissioner Stokes' concerns. She did not feel a chain was as secure as a cable. Commissioner Stokes said the original approval included conditions to make the site aesthetically pleasing. He was concerned that what Mr. Crouch put in was not what was envisioned. Bruce Crouch said he would take down the yellow chain and put the cable in.

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

Commissioner Hoopes moved to recommend that the City Council approve a phased final development plan for the Midland Commercial Center located at approximately 4800 South 3500 West and extension of a conditional use permit for used vehicle sales located at approximately 4763 South 3500 West subject to the engineering and staff recommendations; that the used vehicles remain in the approved sales area; and that language from the original permit extend to the extended area as well. Commissioner Stokes seconded the motion. Commission members Hilton, Hoopes, Kirch, Merx, and Stokes voted "aye." The motion carried.

5. APPROVAL OF A 6-MONTH EXTENSION FOR FINAL APPROVAL OF MIDLAND COMMERCIAL SUBDIVISION LOCATED AT APPROXIMATELY 4800 SOUTH 3500 WEST

Mark Larson stated that the Planning Commission had the power to grant a one-time 6-month extension for a final subdivision approval. Bruce Crouch received final approval of the Midland Commercial Subdivision in December of 2002. The Development staff recommended that the Planning Commission extend the final approval of the Midland Commercial Subdivision for six months from today's date.

Commissioner Kirch moved to grant a one-time 6-month extension of the final approval of Midland Commercial Subdivision from today's date. Commissioner Merx seconded the motion. Commission members Hilton, Hoopes, Kirch, Merx, and Stokes voted "aye." The motion carried.

6. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR A COPY CENTER LOCATED AT APPROXIMATELY 3526 WEST 5600 SOUTH, PAD C OF KENT'S COMMERCIAL CENTER

Mark Larson stated that Christian Woodall was requesting approval of a conditional use permit to open a copy center in Space B of Pad C of the Kent's Shopping Center. The building on Pad C had been completed with all of the required landscaping and parking. The building had received a conditional use permit for professional offices. Mr. Woodall's store would include retail sales. Mr. Larson said the staff did not have a concern about the proposed site or the proposed use.

Commissioner Kirch asked what portion of Mr. Woodall's business would come from book and music sales. Christian Woodall said he would have LDS books, music, and art. He felt that would amount to about 1/4 of his store. Commissioner Kirch felt the conditional use permit needed to be expanded to include book sales.

There was a discussion about the types of services Mr. Woodall planned to offer, including the internet.

Commissioner Hoopes asked about signage. Christian Woodall said he would have a sign under the gable on both sides of the building. He proposing to be open from 9:00 a.m. to 9:00 p.m.

Commissioner Hoopes asked how large Mr. Woodall's staff would be. Mr. Woodall said he would have about 3 employees.

Commissioner Merx moved to recommend that the City Council approve a conditional use permit for a copy center and retail book store located at approximately 3526 West 5600 South, Pad C of Kent's Commercial Center, subject to the staff's recommendations. Commissioner Kirch seconded the motion. Commission members Hilton, Hoopes, Kirch, Merx, and Stokes voted "aye." The motion carried.

7. CONSIDERATION OF A PETITION TO VACATE MEADOW CREEK VILLAGE PHASE NO. 1 LOT NO. 62 ALONG WITH ALL EASEMENTS AND RIGHTS-OF-WAY

Mark Larson stated that the City had received a request from Jon West to vacate Lot NO. 62 of Meadow Creek Village Subdivision Phase No. 1 along with all easements and rights-of-way. Mr. Larson explained that Jon West had purchased property west of Lot No. 62, which he was proposing to divide into two lots. Mr. West was requesting that Lot No. 62 be vacated and included in his subdivision in order for his lots to have the depth they needed.

Commissioner Kirch moved to recommend that the City Council vacate Lot No. 62 of Meadow Creek Village Subdivision Phase No. 1 along with all easements and rights-of-way. Commissioner Hoopes seconded the motion. Commission members Hilton, Hoopes, Kirch, Merx, and Stokes voted "aye." The motion carried.

8. FINAL APPROVAL OF MASAMI ESTATES SUBDIVISION NO. 4 LOCATED AT
APPROXIMATELY 2950 WEST 4600 SOUTH

Mark Larson stated that Rockie Kay was requesting approval of the fourth and final phase of Masami Estates Subdivision. The subdivision included eight lots. The eighth lot contained Mr. Miya's home and accessory buildings. The subdivision was relatively simple, but it had included the resolution of several liens. All of the liens had been taken care of with the exception of a last payment from Mr. Kay, which would be made after the subdivision was approved. Mr. Larson said that the developer had completed all of the engineering requirements. The subdivision was ready for Council approval.

Commissioner Stokes moved to recommend that the City Council grant final approval of Masami Estates Subdivision No. 4 subject to the staff and engineering recommendations and conditions. Commissioner Kirch seconded the motion. Commission members Hilton, Hoopes, Kirch, Merx, and Stokes voted "aye." The motion carried.

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9. APPROVAL OF RESOLUTION NO. 822 AMENDING PLANNING COMMISSION MEETING DATES FOR THE REMAINDER OF FY2004
10. APPROVAL OF RESOLUTION NO. 823 ESTABLISHING PLANNING COMMISSION MEETING DATES FOR FY2005
11. OTHER DISCUSSION
12. ADJOURN

Karlene Yeoman
Chairman

Attest:

Michelle Drago
Secretary

dc:pmay1104