

ROY CITY PLANNING COMMISSION

July 13, 2004

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

Others present were: David Shaw and Scott Moor.

Pledge of Allegiance: Blaine Hoopes

1. WORK SESSION IN THE CONFERENCE ROOM

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. APPROVAL OF JUNE 22, 2004, MINUTES

**Commissioner Allred moved to approve the minutes of June 22, 2004, as corrected. Commissioner Hoopes seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.**

3. CONSIDERATION OF PHASE NO. 1 OF A FINAL DEVELOPMENT PLAN FOR BATTISTONE PROPERTY LOCATED AT APPROXIMATELY 2732 WEST 4800 SOUTH

Mark Larson stated that Frank Battistone had a total of 12.57 acres located at approximately 2732 West 4800 South. The City's detention basin and Hooper Water tanks were located west of the Battistone property. There was a residential home and a barn on the east side. Frank Battistone had submitted a final development plan for Phase No. 1 of his property. It was 0.43 acres in size. Phase No. 1 proposed the continuation of produce sales; a use that had been established on the property over 10 years ago. Phase No. 1 included the construction of a produce stand/sun canopy in front of an existing block building, six parking stalls on a temporary surface of crushed gravel, and a sign along 4800 South. When Mr. Battistone received a building permit for the canopy, the City would inspect the block building as well to make sure it conformed with current building codes. The crushed gravel would have to be packed solid enough for fire equipment. The Fire Marshall did not have a problem with a temporary surface of crushed rock.

Commissioner Allred asked when the parking lot would be asphalted. Mark Larson stated that if Phase No. 1 was developed beyond what was currently proposed, Mr. Battistone would have to asphalt the parking lot.

Mark Larson stated that there was a water meter and line to serve a hose bib for the block building and there was a fire hydrant on the southwest corner of the site. There wasn't additional hard surfacing proposed, so the City Engineer didn't have requirements for storm drainage retention. Mr. Battistone would be responsible to contain storm water on his property. Mr. Larson said a 6-foot screen fence was required along the east property line to buffer the adjacent residential use. The development plan showed a sign that would be located along 4800 South. Mr. Larson reviewed the site's history with the Planning Commission. The staff recommended approval of Phase No. 1 of Frank Battistone's development plan subject to the following conditions:

1. A development agreement must be approved and signed before any development activity. The development agreement restricts the property owner to use the property for agricultural uses only, including the sale of produce in an approved commercial produce stand and a

- six stall customer parking lot. If this agreement or site plan was changed or altered in any way the property owner will be required to submit the proposal to the City for approval.
2. The proponent would be required to secure a business license with the City Business License Administrator for the proposed produce sales.
  3. A building permit would be required for the proposed produce stand and any related adjacent buildings prior to construction.
  4. A sign permit would be required for the proposed sign along 4800 South. All of the illegal signs on Mr. Battistone's property and those along 4800 South needed to be removed.
  5. The proponent would be required to construct a 6-foot screen fence along the east property line to buffer the residential neighbor.
  6. The proponent would be required to keep the weeds and debris on the property in compliance with the City's Nuisance Code.

Mr. Larson said the development agreement outlined the same issues that were addressed in the staff's recommendations. The agreement needed to be reviewed by the City Attorney.

Chairman Yeoman asked Frank Battistone if he had reviewed the staff's recommendations. Frank Battistone, 3613 South 3500 West, West Haven, said he had spoken with Mark Larson about them. He didn't want to develop the entire property. He just wanted a fruit stand to sell his own produce.

Chairman Yeoman asked about a business license. Frank Battistone said that as long as he sold his own produce he didn't need a business license. The Planning Commission asked if he sold produce other than his own. Mr. Battistone said he did if he was asked to do so. Chairman Yeoman asked if he would be willing to get a business license as required. Mr. Battistone said he would.

Chairman Yeoman asked about the screen fence required along the east property line. Frank Battistone said the previous home owner had agreed to put up the fence if he provided the materials. He had purchased the materials and put in the posts, but the home owner lost the home. Commissioner Hilton asked what type of fence it would be. Mr. Battistone said it would be chain link.

Commissioner Hilton said the fence had to be a screen fence. The chain link would have to have slats.

Chairman Yeoman stated that Mr. Battistone would be required to comply with the City's Nuisance Code and keep the property free of weeds and debris.

Commissioner Allred stated that the site plan indicated the parking would be paved with compressed gravel. He asked if it would be marked. The site plan did not indicate accessible parking for the handicap. How would they be accommodated? Frank Battistone stated that they waited on those with disabilities. Commissioner Allred suggested that Mr. Battistone have a sign about curbside service for those with disabilities.

David Shaw, 4421 South 2675 West, stated that Mr. Battistone's property was located in an MP-1 Zone. He had not received a notice about the development plan. He thought that was part of the conditional use process. Mark Larson stated that the City provided notices to the adjoining property owners when the property was rezoned and when the preliminary development plan was considered. The final development plan did not propose any changes from the preliminary. Because no changes were proposed, the City was not required to notify adjoining property owners. David Shaw did not have a problem with Mr. Battistone's fruit stand and felt it provided a service to the community.

Mark Larson stated that Phase No. 1 was the only part of Mr. Battistone's property under consideration. The remaining property would be used for agricultural purposes. If the agricultural use changed, the final development plan would have to be amended.

Commissioner Stokes asked if the sign would be brought back to the Planning Commission for review. Mark Larson said the Planning Commission could require Mr. Battistone to bring the sign plans back, or it could require that he provide those to the staff prior to Council approval. Frank Battistone was proposing a V-shaped monument sign that would be five feet in height.

It was brought up that Mr. Battistone had signs advertising his produce up and down 4800 South. They needed to be removed. Commissioner Kirch asked if an A-frame sign on Mr. Battistone's own property would be legal. Mark Larson said it would not. Chairman Yeoman suggested that Frank Battistone be allowed to place one

A-frame sign on his own property until his permanent sign was in place.

Commissioner Allred stated that the use of the property had been going on for some time. The rezone was approved in 1999, and the preliminary development plan was considered in 2000. It seemed that things were not being completed, such as the development agreement and details on the sign, the location of the fence, the parking, and the accessibility. He felt the final development plan should be tabled until the items in question were shown on the site plan and resolved.

**Commissioner Allred moved to table final approval of Phase No. 1 of a final development plan for the Battistone property located at approximately 2732 West 4800 South.**

There was discussion on the motion. Commissioner Kirch didn't feel tabling the development plan would change anything. Commissioner Hoopes was concerned about the length of time it had taken for Mr. Battistone to submit a final development plan. He had some reservations. Commissioner Allred felt the details should be resolved by the Planning Commission and not put off to the City Council. Mark Larson said tabling the development plan would not stop the current use of the property; it would only delay Mr. Battistone's ability to receive a building permit. Commissioner Stokes asked what the City's recourse was if the use could continue without a final development plan. Commissioner Merx wasn't sure what tabling the development plan would accomplish.

**The motion died for lack of a second.**

**Commissioner Hilton moved to recommend that the City Council grant final approval of Phase No. 1 of a final development plan for the Battistone property located at approximately 2732 West 4800 South subject to the staff's recommendations, that installation of the 6-foot screen fence be Mr. Battistone's responsibility and that it be slatted; that Mr. Battistone work with the staff to meet the detail requirements on the gravel parking and accessibility, the fence, and the sign prior to Council approval. Commissioner Merx seconded the motion. Commission members Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." Commissioner Allred voted "nay." The motion carried.**

4. REAPPOINTMENT OF PLANNING COMMISSION MEMBERS

Chairman Yeoman stated that the terms of Brad Hilton and Michael Stokes had ended. Both had agreed to be reappointed. The Mayor would have the Council reappoint them for another 3-year term.

5. OTHER DISCUSSION

Mark Larson stated that the ZOSO Committee was working on new Subdivision and Zoning Codes. He felt those new codes would make enforcement issues much easier.

Mayor Burnett expressed his appreciation to the Planning Commission for all of their work.

6. ADJOURN

**Commissioner Kirch moved to adjourn at 7:38 p.m. Commissioner Hoopes seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.**

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Karlene Yeoman  
Chairman

Attest:

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Michelle Drago  
Secretary

dc:pjul1304