

ROY CITY PLANNING COMMISSION

January 25, 2005

Minutes of the Roy City Planning commission Meeting held in the City Council Room of the Roy City Municipal Building on January 25, 2005, at 6:30 p.m.

The meeting was a regularly scheduled meeting designated by resolution. Notice of the meeting as provided to the *Standard Examiner* at least 24 hours in advance. A copy of the agenda was posted.

The following members were in attendance:

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

Excused: Doug Allred
Brad Hilton

Others present were: Jeff Jensen; Chris George; Cory Johnson; and Nancy Butler.

Pledge of Allegiance: Gennie Kirch

Mark Larson stated that the Council had accepted the Planning Commission's nominations for Chair and Vice Chair for 2005. Brad Hilton had been appointed as the Chair, and Bill Merx had been appointed as the Vice Chair.

1. APPROVAL OF JANUARY 11, 2005, MINUTES

Commissioner Kirch moved to approve the minutes of January 11, 2005, as written. Commissioner Yeoman seconded the motion. Commission members Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.

2. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR A VIDEO ARCADE
LOCATED AT APPROXIMATELY 5420 SOUTH 1900 WEST #F1

Mark Larson stated that the City had received a request for a conditional use permit for a video arcade to be known as Slackerz Arcade. The arcade would be located in space F1 of Marketplace Plaza at 5420 South 1900 West. Space F1 was immediately north of Dilly Dally's. All of the parking, access, and drainage for Marketplace Plaza was 'in common'. The proponents did not need a grease trap because they were planning to sell only pre-packaged foods. The proponents' concept was to provide a better gaming experience than customers were accustomed to at home by using the latest audio, visual and gaming technology. They planned to focus on tournaments, special events, and corporate events. Their hours of operation would be Monday through Thursday from 10:00 a.m. to 11:00 p.m., Friday and Saturday from 10:00 a.m. to 1:00 a.m., and closed on Sunday. Mr. Larson said the DRC didn't have any concerns about the existing site or the proposed use.

Commissioner Kirch asked about the road proposed behind Marketplace Plaza. Mark Larson said there was a plan to complete a road behind this site from 5600 South to 5400 South. It was still in the planning stage. The staff didn't know when the road would go in. It would be a one-way road.

Mark Larson stated that some of the staff had questions regarding gambling versus the arcade, how truancy would be monitored during the day, and parking. John May, owner of U Store It located at 5470 South 1900 West called the City. He was concerned about security on the east side of the building and felt it might need some lighting.

Commissioner Hoopes stated that Space F1 was 2250 square feet. He asked what the maximum occupancy load would be. Mark Larson didn't know. That would be determined by the Fire Marshal.

Cory Johnson, Herriman, stated that they had spoken with the property management company about occupancy. They were told the maximum occupancy load was about 115. He didn't know if that number was from the Fire Marshal. When they received their building permit, they would receive an official occupancy load. It would be a sensitive balance. They only had so much equipment to serve so many at a time.

Commissioner Yeoman asked if a video arcade was the same as a nickel cade. Cory Johnson said it wasn't. Their business was based on X box games and Play Station.

Commissioner Kirch asked about their business plans. Cory Johnson said when customers came to their store, they would be asked for a picture ID and what type of game they would be playing. They could bring games from home. If a customer was underage, they would have to have parental permission. Customers would pay a fee to play for as long as they wanted. They didn't plan to have arcade or coin-operated machines. They would only have X boxes and play stations.

Commissioner Yeoman asked why they picked this specific location. Jeff Jensen, Syracuse, said they picked this particular space in Marketplace Plaza because of visibility. They wanted to be near Weber State. They liked this location in Roy because it was just off Riverdale Road. The lease rates in Roy were lower.

Commissioner Kirch asked if students would be allowed in during the day. Cory Johnson said they would not. Commissioner Kirch asked how they planned to protect kids from screen content. She thought there was a law to prevent underage children from viewing certain things. Cory Johnson showed the Planning Commission a layout of the building interior. If someone was playing a game with a mature rating, they would be placed at a station facing away from the general area.

Commissioner Kirch stated that Roy City had curfews. She asked when they planned to have young children leave. Mr. Johnson said they would have children leave at whatever time the curfew was. Commissioner Kirch thought the curfew was at 10:00 p.m. on week nights for those from 10 to 17 and 11:00 p.m. on weekends.

Commissioner Kirch asked if they planned to provide sound buffering for Dilly Dally's. Cory Johnson said they planned to provide headphones for customers who wanted them. Jeff Jensen said a lot of their business would be at night. Customers during the day could be positioned away from Dilly Dally's. Commissioner Kirch said there were inexpensive ways to provide sound buffering. She encouraged them to look into those options.

Commissioner Kirch stated that there had been a problem with parking in this area, and she was concerned there might be a conflict with parking that could affect other businesses. She asked if there had been any discussion with Woodbury about parking

identification. Jeff Jensen said that was something they would have to discuss with the other business owners. A lot of their business would be at night when other businesses were closed.

Commissioner Yeoman stated that all of the parking was 'in common', including the parking in front of Harmon's.

Commissioner Kirch asked if they would be using band width. Jeff Jensen said they would start with cable modem. Eventually they wanted to have a satellite dish. He asked if the City had any restrictions about having a satellite dish. Mr. Larson said the only restriction would be height.

Commissioner Kirch asked if they would have any card games. Mr. Johnson said they would not. They would only have electronic games.

In response to a question from Commissioner Kirch, Mr. Johnson showed the Planning Commission their parental consent form. Commissioner Kirch suggested that they periodically update their records.

Commissioner Kirch was concerned about granting a conditional use permit for this use when there was a possibility that children under 17 could view mature material. Would that be a violation of the law?

Vice Chair Merx advised the proponents to review their business plans with legal counsel.

Commissioner Stokes stated that every business in the City had the potential to break the law. Business owners were expected to follow applicable laws. He felt it was the responsibility and obligation of the proponents to know the law and follow it.

Commissioner Kirch asked if the conditional use permit was for the site or the use. Mr. Larson said it was for the use.

Commissioner Kirch asked if the Planning Commission was responsible to cover all of the checks and balances. Commissioner Stokes felt the Planning Commission needed to focus on planning issues such as parking, signage, occupancy, etc.

Mark Larson asked about lighting behind the building. Cory Johnson said there were two cemented light poles behind the building. Mr.

Larson asked if there was a back door. Mr. Johnson said there was, but it didn't have a door knob. It could be used as an exit, but not an entrance.

Commissioner Hoopes moved to recommend that the City Council approve a conditional use permit for Slackerz Arcade located at approximately 5420 South 1900 West #F1 subject to all of the staff's recommendations; that the proponents research Utah law about viewing materials; that they abide by Roy City's curfew; and that the occupancy load be determined by the Fire Marshal when the building permit was issued. Commissioner Kirch seconded the motion. Commission members Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.

3. FINAL APPROVAL OF OLYMPIA PARK SUBDIVISION NO. 3 LOCATED AT APPROXIMATELY 5850 SOUTH 4150 WEST

Mark Larson stated that final approval of this subdivision was tabled at the previous Planning Commission meeting. The Commission was aware of the issues. Mr. Larson said the developer had provided amended improvements drawings showing how the walkway had been updated. The walkway would be 10 feet wide, but all of the improvements would be included within the easement. Between the two mow strips, there would be approximately 8 feet of concrete with a bollard in the middle.

The Planning Commission's other issue of concern was the length of the temporary dead-end street. Mr. Larson said he had spoken with both the Public Works and Fire Departments about this street. Both departments were comfortable with Olympia Park Phase No. 3 as it was approved in the overall preliminary plan. The end of the cul-de-sac in Phase No. 3 was 970 feet from the nearest intersection. The temporary dead-end was only acceptable because the next phase of Olympia Park would be completed in approximately one year. Tim Butler, the developer, had given the City a letter of intent to seek final approval of Phase No. 4 in the spring of 2006.

Mr. Larson said there was nothing in the City's Subdivision Ordinance to address this issue. Therefore, the staff was recommending that the Subdivision Ordinance be amended to read (underlined portion represents new wording):

11-4-2(D) Minor Terminal Streets (Cul-De-Sacs):

1. Minor terminal streets (cul-de-sacs) shall be not longer than five hundred feet (500') measured from the center of the intersecting street to the center of the turnaround. Each cul-de-sac must be terminated by a turnaround of not less than one hundred feet (100') in diameter. If surface water drainage is into the turnaround, due to the grade of the street, necessary catch basins and drainage easements shall be provided.

2. Where a street in excess of 150' is designed to remain only temporarily as a dead end street, an adequate temporary turning area shall be provided at the dead end thereof to remain and be available for public use so long as the dead end condition exists. In no instance shall a temporary dead end street exceed 1000'.

After a brief discussion, Commissioner Kirch moved to recommend that the City Council grant final approval of Olympia Park Phase No. 3 located at approximately 5850 South 4150 West subject to the conditions recommended by the staff, the Fire Marshal's report, and a letter from Tim Butler indicating he would seek final approval of Phase No. 4 in 2006 to solve concerns about the length of the temporary dead-end road. Commissioner Yeoman seconded the motion. Commission members Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.

4. DISCUSSION REGARDING GENERAL PLAN

Mark Larson stated that because Chairman Hilton was unable to attend the meeting, he had submitted several pages of comments regarding the General Plan. After discussion, the Planning Commission decided to dedicate the majority of the meeting on February 8th to reviewing the General Plan. Mr. Larson asked the Commission members to identify issues that needed to be resolved quickly. Once the new Zoning Ordinance was adopted, the Commission would have to spend time reviewing the General Plan in depth.

Vice Chair Merx felt the General Plan should correctly identify the location of the commuter rail station. He also felt the Commission needed to discuss whether to expand the commercial zones around the station.

Commissioner Yeoman was concerned about getting the Zoning Ordinance updated.

Commissioner Kirch asked how often the City needed to conduct surveys. Commissioner Stokes didn't feel the General Plan was relevant if the statistics weren't up-to-date. In the few years since the plan was approved, signal lights had been installed on 4800 South and a new aquatic center had been built. He felt new traffic and recreation studies were needed.

5. OTHER BUSINESS

Commissioners Stokes and Yeoman stated that Bruce Crouch was violating the conditions of his conditional use permit for the electronic sign in his commercial development located at approximately 4795 South 3500 West. They asked the staff to look into it. Commissioner Kirch suggested that a digital camera be used to gather evidence.

Commissioner Kirch asked for an update on the 4000 South commercial site and Lexington Square developments.

Mark Larson stated that Wasatch Choices 2040 would be holding a public workshop on Wednesday, February 2nd, at the Roy High School cafeteria. He encouraged the Commission members to attend to voice their opinion about transportation and the future of the region.

There was a discussion about how much review the Planning Commission was responsible for. Mark Larson said the Planning

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Commission needed to consider health, safety, welfare, and aesthetics.

6. ADJOURN

Commissioner Kirch moved to adjourn at 8:00 p.m. Commissioner Stokes seconded the motion. Commission members Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.

Bill Merx
Vice Chairman

Attest:

Michelle Drago
Secretary

dc:pjan2505