

ROY CITY PLANNING COMMISSION

March 8, 2005

Minutes of the Roy City Planning commission Meeting held in the City Council Room of the Roy City Municipal Building on March 8, 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:

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

Others present were: Shaun Strong; Craig Boyer; Dean Stimpson, Dan Murray; Tina Martin; Rick Martin; Patrick A. Dean; Stephen Bott; Dawna Loderhose; and Ben Brown.

Pledge of Allegiance: Blaine Hoopes

1. APPROVAL OF FEBRUARY 8, 2005, MINUTES

**Commissioner Merx moved to approve the minutes of February 8, 2005, as corrected. Commissioner Yeoman seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.**

2. CONSIDERATION OF A FINAL DEVELOPMENT PLAN FOR LEXINGTON SQUARE PHASE NO. 1 LOCATED AT APPROXIMATELY 3495 WEST 5600 SOUTH AND APPROVAL OF A CONDITIONAL USE PERMIT FOR A CONVENIENCE STORE LOCATED AT APPROXIMATELY 3495 WEST 5600 SOUTH

Mark Larson stated that City notified 96 property owners within 500 feet of this site about the requested conditional use. However, this was not a public hearing. Maverik Country Stores was requesting approval of a final development plan for Lexington Square Phase No. 1 and approval of a conditional use permit for a convenience store. Both Phase No. 1 and the convenience store were located at 3495 West 5600 South, the southeast corner of 5600 South

3500 West. Stanger's Nursery is located to the east of the overall development; to the north is a residential development in unincorporated Weber County; Old Farm Market and Roy Crossroads Plaza is located to the west; and a residential subdivision is located to the south. Mr. Larson said Lexington Square consisted of 6.8 acres. It does not include the Barlow property. The preliminary development plan shows how adjacent properties, including the Barlow property, could be integrated. UDOT has jurisdiction over both 3500 West and 5600 South.

Mr. Larson said that Dan Murray from Maverik Country Stores has been working with the Development Services staff for almost 1½ years. Maverik initially wanted to put in just the convenience store. The City asked for a preliminary development to show how neighboring properties could be integrated. Mr. Murray had dealt with several challenges. He had worked with UDOT to receive approval for access to Phase No. 1. The Planning Commission asked Mr. Murray to make sure the access on 3500 West lined up with the access in Roy Crossroads Plaza across the street. A power pole was located in the middle of the access. Mr. Murray had decided to work with Utah Power & Light to move the pole.

Mr. Larson said Phase No. 1 would include a 4,000 square foot Maverik Store with 34 parking stalls, 20% landscaping, a corner monument sign for Maverik, a future pad, and a monument sign by the 3500 West access for the future pad. There would be a 26½-foot pole sign on 5600 South in future phases. The Water Department required that the water system be looped. Maverik would hook into the water on 3500 West. The water line would run throughout the development and hook into 5600 South near the far east corner. The elevations for the Maverik Store matched the architectural theme for the overall development. The proponent planned to buffer the Barlow property to the south of Phase No. 1 with a 6-foot solid vinyl fence. There would be interior curb and gutter around all of Phase No. 1, except for a small area on the east side where redwood would be used to keep the asphalt from sluffing. The developer had plans to demolish or move the home east of Phase No. 1 and to cap or divert the natural spring.

Mr. Larson reviewed the DRC (Development Review Committee) comments with the Planning Commission. The DRC recommended that Maverik be required to complete the landscaping improvements along the entire length of 5600 South and the second access on 5600 South as part of Phase No. 1. If the access were installed now, UDOT couldn't change its mind later. The second access was critical for the

overall development. The DRC also recommended that Phase No. 1 include the demolition of the home and capping of the well. Mr. Murray would have to work with Utah Power & Light to move the power pole in the 3500 West access. The DRC recommended that there be a landscaping strip along the vinyl fence on the south side of Phase No. 1. Mr. Murray also needs to deannex and disconnect from the Hooper Water District. Mr. Larson felt the engineering comments could be easily resolved and would not change the site design.

Chairman Hilton questioned whether there was room to put landscaping along the vinyl fence on the south side of the site. Mr. Larson there would be about three feet between the fence and the interior curb.

Commissioner Merx asked where the pole sign would be. Mark Larson said it would be located on 5600 South in future phases. It would be for the overall development.

Commissioner Allred asked if the property south of Maverik labeled as 'future development' was part of the overall development. Mark Larson said that was the Barlow property. The developer was required to show how it could be integrated. It was not part of Lexington Square.

Tony Reynolds stated that the overall development of this corner would include the Martin, Barlow, and Roy City properties. Mark Larson said the preliminary development plan also provided access to the Stanger property to the east.

Dan Murray, Maverik, stated that the Barlow property was shown on the development plan so the City could see how it could develop in conjunction with Lexington Square. He had met with Casey Hall, Mr. Barlow's son-in-law, and reviewed the conceptual plan. The Barlow's didn't have plans to develop their property at this time. Mr. Murray didn't feel the changes recommended by the staff posed any challenges. He didn't have an issue about putting in three feet of landscaping along the vinyl fence. However, he didn't want to put in anything really permanent. He didn't have a problem landscaping the entire frontage of 5600 South. He had not received approval from UDOT for the east access on 5600 South. He was willing to solicit approval from UDOT for that access. If he received approval he would put it in.

Chairman Hilton stated that the City would like to see the additional access on 5600 South put in now so that UDOT couldn't

take it away in the future. If there wasn't a second access on 5600 South, it could hinder the overall development. Mr. Murray said he would be happy to approach UDOT.

Commissioner Yeoman asked about making Phase No. 1 rectangular in shape and including access all of the way around Pad D. Dan Murray wanted to avoid putting in improvements that could be torn out in a few months. He didn't feel the traffic counts for the Maverik store would be substantial enough to warrant additional access around Pad D.

Commissioner Hoopes was concerned that it would be difficult to maneuver through the 3500 West access. Dan Murray felt the site plan was deceiving. There was more room than there appeared to be. Maverik's petroleum department had looked at the site plan and didn't feel they would have a problem getting large trucks in and out. He would be willing to install gravel around Pad D, but he didn't think people would use it.

Commissioner Allred didn't recommend gravel because it gets torn up and becomes a mud hole.

Dan Murray stated that he had not started to market the property. He wanted to get the store in first. This was a great site. He felt it would fill in quickly.

Commissioner Allred questioned the position of the large retail space shown in future phases. Tony Reynolds responded that if the Barlow property didn't develop in conjunction with the large retail space, that building would have to be moved away from the property line.

Commissioner Kirch suggested that chain be installed to prevent access around the east side of Pad D. It would also lend a finished air to that area.

Commissioner Yeoman asked about why the vinyl fence wasn't being extended all around the Barlow property. Dan Murray said the Barlow property was actually two parcels - a pasture and the home. The vinyl fence was an attempt to provide screening from lights and traffic movement. He would be willing to extend the fence further to the east when Pad D developed. There would be interior curb around the entire site, except for the east side. On the east side there would be redwood simply to keep the asphalt from sloughing off.

Mark Larson said the Zoning Ordinance required screen fencing between zone boundaries.

Chairman Hilton opened the floor for public comments.

Dean Stimpson, 5511 South 3450 West, felt a convenience store was simply a gas transfer station. There was already another convenience store and a substation on two of the other corners of this intersection. There were major power lines along 3500 West. He didn't feel there should be another gas station close to the substation. With two convenience stores, someone could take out the substation and the residential neighborhood in one shot. He felt the lights from Old Farm Market were too bright. He didn't need more. Traffic was already horrendous. He felt the Planning Commission should think about the impact on the people who lived in the neighborhood and protecting the people.

Commissioner Merx asked if public safety had any concerns about the proposed use. Tony Reynolds said copies of the site plan had been circulated to Police, Fire, and all of the utility companies. Neither Police, Fire, nor the power company had expressed any concerns.

Dan Murray stated that Mr. Larson had been very thorough about the lighting. All of the lighting would be flat lense. There was a discussion about the height of the light poles. Mr. Murray said the parking lot lights would be 20 feet tall.

Craig Boyer, Old Farm Market, was concerned about the requirements for fencing, structures, and landscaping. When Roy Crossroads Plaza and Kent's Market were developed they had to have all improvements for the entire development done within a year. He felt Maverik should be treated the same way. He felt this developer was being allowed to skip over those requirements. This developer should have to play by the same rules.

Commissioner Stokes responded to Mr. Boyer's concerns. Each development was different. He felt the improvements required for each particular development were those needed to provide buffering for adjacent residential uses, adequate access and parking, and needed offsite and onsite improvements.

Commissioner Allred felt the required improvements for Phase No. 1 needed to be delineated. He felt Phase No. 1 needed to include landscaping along the entire frontage of 5600 South; demolition of

the Martin home; capping the well; chain wasn't necessary, but there needed to be curb stop traffic from circulating around the east side of Pad D; and the second access on 5600 South needed to be put in.

Commissioner Hoopes also felt the second access on 5600 South was needed.

Chairman Hilton stated that Mr. Murray needed to take care of de-annexing and disconnecting from Hooper Water.

Commissioner Stokes felt the second access on 5600 South should be an absolute requirement for Phase No. 1. Mr. Murray was concerned about an absolute requirement. Because a use had not been established for the future phase, there was a chance UDOT might deny the second access. He agreed it wasn't to soon to ask.

Commissioner Stokes asked how long it would take to receive an answer from UDOT. Mr. Murray said it would take 45 working days from the date of application.

**Commissioner Kirch moved to recommend that the City Council approve a final development plan for Phase No. 1 of Lexington Square located at approximately 3495 West 5600 South and a conditional use permit for a convenience store located at approximately 3495 West 5600 South subject to the staff and engineering recommendations; that the developer work with Utah Power & Light to move the pole in the 3500 West access; that Phase No. 1 include landscaping the entire frontage of 5600 South; that Phase No. 1 include installation of the second access on 5600 South if approved by UDOT; that there be three feet of landscaping next to the vinyl fence on the south side of the site; that Phase No. 1 include demolition of the Martin home and capping of the flowing spring. Commissioner Merx seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.**

3. RECOMMENDATION TO VACATE LOT NOS. 5 AND 6 OF THE BROWN-DONALDSON SUBDIVISION AND A PUBLIC EASEMENTS LOCATED AT APPROXIMATELY 3200 WEST 4800 SOUTH

Mark Larson stated that Todd Strong, in conjunction with the property owners, Marvin and Melissa Perry and Craig Donaldson, was requesting that Lot Nos. 5 and 6 of the Brown-Donaldson Subdivision be vacated in order to allow for final approval of Apple Blossom Estates. The City had received written vacation requests from the property owners. The vacation included all public easements and rights-of-way recorded with the subdivision. Utah State Code required the City to provide notification to all property owners within 300 feet and allow them 10 days in which to file a written protest. The protest period ended on February 28<sup>th</sup>. No protests were filed. The City Council could not adopt an ordinance vacating the lots without a recommendation from the Planning Commission. The DRC recommended that the lots be vacated.

**Commissioner Stokes moved to recommend that Lot Nos. 5 and 6 of the Brown-Donaldson Subdivision located at approximately 3200 West 4800 South be vacated along with all public easements and rights-of-way created by the subdivision. Commission Kirch seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.**

4. FINAL APPROVAL OF APPLE BLOSSOM ESTATES SUBDIVISION LOCATED AT APPROXIMATELY 3200 WEST 4800 SOUTH

Mark Larson stated that the Planning Commission was very familiar with the Apple Blossom Estates Subdivision. On February 15<sup>th</sup>, the City Council re-considered preliminary approval. The only change the Council made was to require a fence behind Lot Nos. 16 and 17 of the Midland Meadows Subdivision. The fence would consist of a 2-foot high concrete retaining wall with a 4-foot high solid white vinyl fence. The fence would straddle the property line, and would be maintained by the property owners. The DRC recommended final approval of Apple Blossom Estates subject to the fence and other conditions outlined in the staff report.

Commissioner Hoopes asked if the new fence would continue west along the joint property line between Lot No. 17 and Lot No. 6 of Apple Blossom. Mark Larson said it would not.

**Commissioner Hoopes moved to recommend final approval of Apple Blossom Estates Subdivision located at approximately 3200 West 4800 South subject to fence required by the City Council and the staff, agency, and DRC comments as noted. Commissioner Yeoman seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.**

5. 7:00 P.M. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO RCC TITLE  
11 - SUBDIVISION REGULATIONS (11-902-4(a & b)) PERTAINING TO  
MINOR TERMINAL STREETS

**Commissioner Allred moved to open the public hearing at 7:47 p.m. Commissioner Merx seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.**

Mark Larson reviewed the proposed language for RCC Title 11-902-4(a & b)):

11-902-4 Minor Terminal Streets (~~Cul-de-sacs~~):

a. Minor terminal streets (~~cul-de-sacs~~) shall be not longer than ~~exceed~~ five hundred feet (500') measured from the center of the intersecting street to the center of the ~~turnaround~~ ~~cul-de-sac~~. ~~Such~~ ~~Each~~ ~~cul-de-sac~~ ~~streets~~ shall ~~must~~ be terminated by ~~with~~ a ~~cul-de-sac~~ turnaround of not less than one hundred feet (100') in diameter. If surface water ~~drainage is~~ ~~drains~~ into the ~~turnaround~~ ~~cul-de-sac~~, due to the ~~grade~~ ~~slope~~ of the ~~street~~ ~~proposed~~ ~~roadway~~, necessary catch basins, swales, easements and/or other appropriate drainage ~~easements~~ ~~improvements~~ shall be provided.

b. ~~As part of a continuing, phased development, where a street in excess of one hundred seventy-five feet (175'), measured from the center of the nearest intersecting street to the termination point, is designed to remain only temporarily as a dead end street, shall be terminated with an adequate temporary turning area of one hundred feet (100') in diameter 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 one-thousand feet (1,000') without secondary access as measured from the center of the nearest intersecting street to the center of the temporary turnaround.~~

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

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Commissioner Kirch moved to close the public hearing at 7:52 p.m. Commissioner Hoopes seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.

Commissioner Merx moved to recommend that the City Council adopt Ordinance No. 937 amending RCC Title 11 - Subdivision Regulations (11-902-4(a & b)) pertaining to minor terminal streets as recommended by staff. Commissioner Kirch seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.

6. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR A PET GROOMING BUSINESS LOCATED AT APPROXIMATELY 3570 WEST 5600 SOUTH, SUITE A2, KENT'S COMMERCIAL CENTER

Mark Larson stated that Suite A2 was located in the retail shops immediately west of Kent's Grocery Store. It was a shell space. Suite A had been divided in half. Tina Martin was seeking approval to occupy the east half with a pet grooming shop.

Commissioner Yeoman asked what would happen to the door. Rick Martin said another door would be added for the other half of Suite A.

Mark Larson stated that Tina Martin didn't plan to keep any pets overnight.

Commissioner Kirch asked about the hours of operation. Tina Martin, West Haven, stated that she would be open from 9:00 a.m. to 4:00 p.m. One day a week she would be open from 12:00 p.m. to 7:00 p.m. Commissioner Kirch asked about foot traffic. Tina Martin anticipated 8 to 10 dogs on weekdays. On weekends she anticipated up to 18. Commissioner Kirch asked how she would prevent fights between the animals. Ms. Martin said she would have individual kennels. There would be anchor bolts in the floor for dogs to big for the table.

Mark Larson asked how waste from the animals would be disposed of. Tina Martin said it would go in the garbage. The area would be sanitized between animals.

**Commissioner Allred moved to recommend that the City Council approve a conditional use permit for a pet grooming business located at approximately 3570 West 5600 South, Suite A2, Kent's Commercial Center, subject to the conditions set forth in the staff report. Commissioner Hoopes seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.**

7. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR A COLLEGE LOCATED AT APPROXIMATELY 1843 WEST 4000 SOUTH, IOMEGA BUSINESS PARK

Mark Larson stated that the Planning Commission was familiar with the Iomega Business Park because it recently considered a conditional use permit for NUAMES. The Ogden Weber Applied Technology College (OWATC) was requesting approval of a conditional use permit to operate a campus in Building 2 of the Iomega Business Park at 1843 West 4000 South. It was 24,000 square feet in size. OWATC was planning to use the west 15,000 square feet for a satellite campus. They planned to have 150 students and up to 10 faculty and staff. The parking requirement for schools was based on a different ratio than manufacturing. Based on the number of students and staff, OWATC needed 50 parking stalls. Mr. Larson said there were 50 parking stalls available in Iomega Business Park for this use. The City would need a copy of the common parking agreement between IBP and OWATC.

Commissioner Kirch asked if there would be special requirements to vent the building based on the proposed beauty school use. Tony Reynolds stated that because the use of the building was changing, the building would have to meet all current Fire and Building Codes.

Patrick Dean, OWATC, said there would be four classrooms. One would be a PC lab. The students would be required to park in the back so parking in the front would be available for faculty and visitors. The beauty school would be during the day. The classrooms would be used at night.

Commissioner Kirch asked who was occupying Building One. Patrick Dean said it was occupied by Stock One.

**Commissioner Hoopes moved to recommend that the City Council approve a conditional use permit for the Ogden Weber Applied Technology College located at approximately 1843 West 4000 South, Building 2 of the Iomega Business Park, subject to the staff and engineering recommendations. Commissioner Kirch seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.**

8. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR A RESTAURANT  
LOCATED AT APPROXIMATELY 1912 WEST 5600 SOUTH

Mark Larson stated that Dawna Loderhose was requesting approval of a conditional use permit for a Taco Del Mar Restaurant at 1912 West 5600 South, which was in the Roy Retail Commercial Center. The restaurant would be located between Panda Express and the beauty salon. Panda Express did not use all of the room in the corner space. Taco Del Mar would use what was left. The staff's main concern was whether Taco Del Mar would need a grease trap. Taco Del Mar was similar to Subway Sandwiches. It wouldn't be doing much food preparation. It would be a build-your-own taco place. Because there wouldn't be much food preparation, North Davis Sewer felt they would get away with an under-the-sink grease trap.

Ben Brown, Taco Del Mar, stated that Dawna Loderhose would be the franchise owner in Roy. He asked if the Planning Commission could allow them to begin rough-in work. Commissioner Hoopes said the Planning Commission could not do that. Ms. Loderhose could not begin any type of construction until a building permit was issued. The building permit could be issued after the Council approved the conditional use permit next week.

Ben Brown stated that he had spoken with North Davis Sewer. North Davis Sewer felt all they needed was an under-the-sink grease trap. Commissioner Hilton stated that they would need to have something from North Davis Sewer in writing before the Council meeting next week.

Commissioner Kirch stated that parking was starting to become an issue in this development. Ben Brown stated that their demographics indicated that they would have a less intensive parking need than a sit-down restaurant.

Mark Larson stated that Ms. Loderhose had submitted her building plans, and the City Building Official was reviewing them. The staff was working with Ms. Loderhose to help her get a building permit as quickly as possible.

**Commissioner Yeoman moved to recommend that the City Council approve a conditional use permit for a restaurant located at approximately 1912 West 5600 South subject to the staff and engineering recommendations and the appropriate grease trap. Commissioner Merx seconded the motion. Commission members Allred,**

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

9. OTHER BUSINESS

Mark Larson reminded the Planning Commission about the City Council/Planning Commission dinner on March 29<sup>th</sup>.

Mark Larson stated that he would not be able to attend the March 22<sup>nd</sup> meeting. Tony Reynolds would be making the presentations.

10. ADJOURN

**Commissioner Allred moved to adjourn at 8:38 p.m. Commissioner Kirch seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.**

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Brad Hilton  
Chairman

Attest:

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Michelle Drago  
Secretary

dc:pmar805