

ROY CITY PLANNING COMMISSION

August 23, 2005

Minutes of the Roy City Planning commission Meeting held in the City Council Room of the Roy City Municipal Building on August 23, 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	Mark Larson, Planner
Doug Allred	Michelle Drago, Secretary
Blaine Hoopes	
Gennie Kirch	
Bill Merx	
Michael Stokes	
Karlene Yeoman	

Others present were: Mayor Roger Burnett; Dave Whitaker; Robert Fuller; Kurt Nalder; Guy Hill; and Carla Stokes.

Pledge of Allegiance: Bill Merx

1. APPROVAL OF AUGUST 9, 2005, MINUTES

**Commissioner Yeoman moved to approve the minutes of August 9, 2005, as corrected. Commissioner Kirch seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.**

2. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT FOR A DRIVE UP WINDOW ON PAD D OF KENT'S COMMERCIAL SUBDIVISION LOCATED AT APPROXIMATELY 3588 WEST 5600 SOUTH

**Commissioner Yeoman moved to open the public hearing at 6:33 p.m. Commissioner Allred seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.**

Mark Larson stated that Frosted Rock had requested approval of a conditional use permit for a drive-through on Pad D of Kent's Commercial Center located at approximately 3588 West 5600 South. A drive-through was a conditional use in the Community Commercial Zone. Pad D was located between Arctic Circle and the dentist office/copy shop. When the Planning Commission approved the site plan for Pad D at its last meeting, it reviewed the building elevations and the interior floor plans. Frosted Rock would be located on the east side of the building. The Planning Commission needed to approve the conditional use permit and site plan for the drive-through.

Mr. Larson said the proposed drive-through did not affect the existing parking or access around the building. The City Engineer had looked at the details of the drive-through and did not have any problems with it. The site plan showed a menu board on the southeast corner of the drive-through. The staff didn't know if the menu board included audio.

Commissioner Allred asked where patrons would place orders. Mark Larson said orders would be taken at the window.

Mark Larson said the drive-through was 180 feet in length. That allowed stacking for approximately seven cars. The new Zoning Ordinance required stacking room for three cars. The staff was concerned about vehicle lights shining into 5600 South and residential homes on the south side of 5600 South.

Commissioner Kirch asked if the homes on the south side of 5600 South had a 6-foot fence. Mark Larson said there was one home that did not have a fence.

Mark Larson stated that the site plan showed the landscaping had been beefed up around the dumpster. The Planning Commission needed to discuss what could be done to buffer vehicle lights from the street.

Commissioner Allred suggested a landscaping berm around the south side of the drive-through. Mark Larson stated that the landscaping and sidewalk south of the drive-through were existing. In order to put in a berm, the existing sidewalk would have to be re-routed.

Commissioner Kirch was concerned about the safety of having foot traffic so close to the drive-through. Mark Larson said there was three feet between the existing sidewalk and the drive-through.

The drive-through would have curb and gutter. Ms. Kirch suggested putting a chain link fence around the bottom of the drive-through. Commissioner Stokes felt people would have to be sensible. There was an inherent risk in this type of development. He didn't feel a chain link fence was realistic. Landscaping, such as a hedge, would be much better.

Dave Whitaker, Kent Beckstrom's contractor, stated that the existing sidewalk around Kent's Commercial Center would be about 1½ feet higher than the pavement in the drive-through. If they planted a hedge or shrubs around the drive-through it would slow down the foot traffic and block light from headlights. The owner of Frosted Rock would like to have an audio system for the menu board in the future. He was fine with whatever the Planning Commission decided. Mark Larson suggested that the menu board be moved to the bottom of the drive-through. That would allow stacking room for more cars.

Commissioner Allred asked how the menu board would be lit. Dave Whitaker said the menu board would be self lit. There would not be lighting from the ground.

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

**Commission Merx moved to close the public hearing at 6:57 p.m. Commissioner Yeoman 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 approve a conditional use permit and site plan for a drive-through on Pad D of Kent's commercial Subdivision located at approximately 3588 West 5600 South subject to the staff's recommendations, that the menu board be moved closer to the building, that the proponent provide screening from headlights with a berm or landscaping around the radius of the drive-through, and that the new location of the menu board and the landscaping be detailed on the site plan before City Council approval.**

There was a discussion about approving the audio system for the menu board. The Planning Commission felt the owner of Frosted Rock should come back when he wanted audio because the menu board would be different.

Planning Commission Minutes  
August 23, 2005  
Page 4

**Commissioner Kirch seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.**

3. PUBLIC HEARING TO CONSIDER A PRELIMINARY SUBDIVISION PLAN FOR LINDA ROBERTS SUBDIVISION LOCATED AT APPROXIMATELY 4777 SOUTH 3100 WEST

**Commissioner Hoopes moved to open the public hearing at 6:54 p.m. Commissioner Kirch seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.**

Mark Larson stated that Robert Fuller had been working with the City on this subdivision for many years. The Linda Roberts Subdivision was located west of Midland Elementary just north of 4800 South. The Apple Blossom Subdivision was located just to the west. The Linda Roberts Subdivision was a lot split. Linda Walker owned the existing home. Robert Fuller was proposing create a new building lot on the north half of the property. Linda Walker had an existing hedge along the proposed property line. There had been several problems in the past with this subdivision, which the Apple Blossom Subdivision had solved. One of the problems was the lack of sewer access in 3100 West. Another was a 16-foot right-of-way access owned by Betty Jo Walker through the new lot. The developer of Apple Blossom had been required to re-route Linda Walker's sewer to the cul-de-sac behind her home. The developer had provided a 4-inch stub for Robert Fuller's lot. The creation of the Apple Blossom Subdivision had done away with Betty Jo Walker's need for the 16-foot easement. She had agreed to release the easement.

Mr. Larson said the subdivision met the R-1-8 Zoning requirements and did not create any non-conforming situations. The City Engineer had a few comments which could be resolved before the subdivision was recorded.

Commissioner Hoopes asked about the 16-foot easement on Lot No. 2. Mark Larson said Betty Jo Walker had agreed to vacate the easement. Commissioner Hoopes asked if there would be utility easements on Lot No. 2. Mark Larson said there would be utility easements along the front and sides.

Commissioner Allred asked how soon Robert Fuller planned to build on the new lot. Mr. Fuller wasn't sure. Commission Allred said the longer the lot was vacant, the more weeds became an issue. Commissioner Stokes asked if there was sidewalk in front of both lots. Robert Fuller said there was. Betty Walker had agreed to convey the easement once Apple Blossom was developed. He just needed to prepare a quit claim deed for her to sign.

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

**Commissioner Kirch moved to close the public hearing at 7:04 p.m. Commissioner Merx seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.**

Commissioner Stokes suggested that Robert Fuller be required to vacate the easement prior to the Mayor's final approval of the subdivision.

**Commissioner Stokes moved to recommend that the City Council grant preliminary approval of the Linda Roberts Subdivision located at approximately 4777 South 3100 West subject to the staff's recommendations and that the 16-foot easement on Lot No. 2 be vacated prior to the subdivision being presented to the Mayor for his signature. Commissioner Kirch seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.**

4. PUBLIC HEARING TO CONSIDER A PRELIMINARY SUBDIVISION PLAN FOR PACIFIC PLACE SUBDIVISION LOCATED AT APPROXIMATELY 5650 SOUTH 2550 WEST

**Commissioner Yeoman moved to open the public hearing at 7:10 p.m. Commissioner Hoopes seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.**

Mark Larson stated that Kurt Nalder was requesting preliminary approval of the Pacific Place Subdivision located at approximately 5650 South 2550 West. The history of this property went back to 1959 when the Burmont Park Subdivision was developed. This property wasn't included in the subdivision, and the City put curb and gutter along 2550 West to 5600 South. In order to recoup the cost of the curb and gutter, the City placed a 1-foot holding strip along the east side of 2550 West. Before the overpass was constructed, 2550 West continued north and connected to 5600 South. With the installation of the overpass over the railroad right-of-way, the connection to 5600 South was eliminated. UDOT constructed a cul-de-sac/elbow at 5650 South 2550 West. However, the City still owned a right-of-way for 2550 West that continued north from the cul-de-sac to the overpass. The subdivision proposed by Kurt Nalder did not include the 2550 West right-of-way. It was surplus property. At some point, the City would have to do something with the right-of-way. Mr. Larson said there was a zone boundary that ran down the center of 5650 South and divided the property. Lot No. 1 was zoned R-3. It was large enough for a threeplex or a fourplex. On Lot No. 2, the zone was split between R-3 and R-1-8. The new Zoning Ordinance stated that when zoning was split, the most restrictive zone applied. That meant Lot No. 2 could only be used as a single-family lot. The remainder of the subdivision was zoned R-1-8. The City Engineer felt the utilities on Lot No. 1 should be sized for a fourplex.

Chairman Hilton asked if there were any other multi-family buildings to the west. Mark Larson said there was a fourplex immediately to the west.

Mark Larson stated that a portion of the cul-de-sac was still owned by UDOT. It should be dedicated to the City. Kurt Nalder said that part of his closing agreement was that UDOT give the property in the cul-de-sac to the City. Mr. Larson said the holding strip recorded in 1959 was only good for 15 years and could be released.

As the City actually owned one foot of ground, it would have to prepare a quit claim deed.

Mark Larson stated that the only other staff requirement was installation of a chain link fence along the railroad right-of-way.

Commissioner Merx asked if the 2550 West right-of-way would be a buildable lot if it was vacated. Mark Larson said it would not. A water line ran through the middle of it, and the property owner to the west used it to access the cul-de-sac.

Commissioner Allred asked about the condition of the chain link fence along the north property line. Mark Larson said it was put in by UDOT when the overpass was constructed.

Kurt Nalder stated that he would like to keep Lot No. 1 for a multi-family structure. He would size the utilities appropriately. He asked if fixing the existing fence would be adequate. Chairman Hilton felt the existing fence could be repaired if it was in good condition. Mark Larson said the Zoning Ordinance required a 6-foot chain link fence. Commissioner Allred agreed the existing fence could be repaired if it met the requirements of the Zoning Ordinance. If it didn't, the fence needed to be replaced.

Commissioner Stokes asked about the monitoring well shown in the cul-de-sac. Kurt Nalder said it was installed by Hill AFB to monitor the underground plume. It was flat in the asphalt.

Chairman Hilton asked if the multi-family structure on Lot No. 1 would have access through the 2550 West right-of-way. Kurt Nalder stated that whoever purchased Lot No. 1 might want to talk to the City about additional access. Lot No. 1 had it's own access from the cul-de-sac. Because of the water line in the 2550 West right-of-way, he had decided not to try and incorporate it into his subdivision.

Mark Larson stated that UP&L had reviewed the preliminary subdivision plan and indicated they needed an easement on Lot No. 6 along the south subdivision boundary. Commissioner Hoopes asked if that was part of the City Engineer's comments. Mark Larson said it wasn't. Commissioner asked how large the easement needed to be. Mark Larson said it would be 10 feet wide.

Mary Harbertson, 5704 South 2550 West, was concerned about the fourplex on Lot No. 1. Who would take care of it? It if wasn't

owner-occupied, it would be a slum within six months. She didn't want to see rentals. The single-family homes were fine.

Mayor Roger Burnett, 2586 West 5750 South, stated that there was a gate on the northeast corner of Lot No. 1 which accessed the railroad right-of-way. He suggested that it be removed so that kids didn't try to access the right-of-way through Lot No. 1. There was a discussion about moving the gate to the 2550 West right-of-way. It was decided that because of liability issues, the City didn't want to put in an opening to the either the railroad or overpass rights-of-way.

**Commissioner Kirch moved to close the public hearing at 7:44 p.m. Commissioner Merx seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.**

**Commissioner Yeoman moved to recommend that the City Council grant preliminary approval of the Pacific Place Subdivision located at approximately 2550 West 5650 South subject to the recommendations of the staff; that UDOT deed the portion of the cul-de-sac to Roy City; that there be a 10-foot public utility easement on the south side of Lot No. 6; that the holding strip along 2550 West be quit claimed to the developer; and that all conditions be met prior to the Mayor's final approval of the subdivision. Commissioner Kirch seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.**

5. PUBLIC HEARING TO CONSIDER REZONING:
  - A. APPROXIMATELY 2.77 ACRES LOCATED AT APPROXIMATELY 1780 WEST 5600 SOUTH FROM COMMUNITY COMMERCIAL TO REGIONAL COMMERCIAL
  - B. APPROXIMATELY 1.25 ACRES LOCATED AT APPROXIMATELY 1781 WEST 5600 SOUTH FROM MANUFACTURING TO REGIONAL COMMERCIAL
  - C. APPROXIMATELY 5.72 ACRES LOCATED AT APPROXIMATELY 1677 WEST RIVERDALE ROAD (5300 SOUTH) FROM MANUFACTURING TO REGIONAL COMMERCIAL
  - D. APPROXIMATELY 7.01 ACRES LOCATED AT APPROXIMATELY 1876 WEST 5150 SOUTH FROM COMMUNITY COMMERCIAL TO REGIONAL COMMERCIAL
  - E. APPROXIMATELY 0.23 ACRES LOCATED AT APPROXIMATELY 1920 WEST 5200 SOUTH FROM COMMUNITY COMMERCIAL TO REGIONAL COMMERCIAL

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

Mark Larson stated that the City had initiated petitions for several rezones in order to comply with the new Zoning Ordinance. The first rezone was two parcels consisting of 2.77 acres located at approximately 1780 West 5600 South. The parcels were occupied by a restaurant and a fence company. The staff recommended that the parcels be rezoned from Community Commercial to Regional Commercial. The second rezone was the Cache Valley Electric property at 1781 West 5600 South. The staff recommended that 1.25 acres be rezoned from Manufacturing to Regional Commercial. The third rezone was the Ray Citte Auto property at 1677 West Riverdale Road. The rezone consisted of 5.72 acres. The staff recommended that it be rezoned from Manufacturing to Regional Commercial. The fourth rezone was the Silver Creek Subdivision located at approximately 1876 West 5150 South. The total acreage was 7.01 acres. The staff recommended that it be rezoned from Community Commercial to Regional Commercial. The fifth rezone was 0.23 acres located at approximately 1920 West 5200 South. The staff recommended that it be rezoned from Community Commercial to Regional Commercial.

Mark Larson stated that the City had received a letter from the Davis and Weber Counties Canal Company about the Ray Citte and Silver Creek rezones. They had a canal easement in both areas and wanted to make sure it was protected. The proposed rezones wouldn't affect the easements. All of the proposed rezones complied with the General Plan.

Commissioner Kirch was concerned about the proposed rezone at 1920 West 5200 South. This small parcel was adjacent to residential areas on two sides. She felt the Community Commercial Zone would provide better protection and a buffer for those areas than the Regional Commercial. Mark Larson stated that the intent was for the Regional Commercial Zone to move north along 1900 West. If this parcel was left as a Community Commercial Zone it could be spot zoning. However, the zoning of this particular parcel could go either way. Commissioner Kirch felt this parcel should remain Community Commercial. If it were rezoned to Regional Commercial, a gas station could be located on it.

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

**Commissioner Merx moved to close the public hearing at 8:00 p.m. Commissioner Kirch seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.**

**Commissioner Hoopes moved to recommend that the City Council rezone approximately 2.77 acres located at approximately 1780 West 5600 South from a Community Commercial Zone to a Regional Commercial Zone. Commissioner Kirch 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 rezone approximately 1.25 acres located at approximately 1781 West 5600 South from a Manufacturing Zone to a Regional Commercial Zone. Commissioner Kirch seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.**

**Commissioner Yeoman moved to recommend that the City Council rezone approximately 5.27 acres located at approximately 1677 West Riverdale Road (5300 South) from a Manufacturing Zone to a Regional**

**Commercial Zone.** Commissioner Kirch seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.

Commissioner Stokes moved to recommend that the City Council rezone approximately 7.01 acres located at approximately 1876 West 5150 South from a Community Commercial Zone to a Regional Commercial Zone. Commissioner Kirch 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 rezone approximately 0.23 acres located at approximately 1920 West 5200 South from a Community Commercial Zone to a Regional Commercial Zone. Commissioner Kirch seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.

6. OTHER BUSINESS

Chairman Hilton asked about Ray Citte's sign. Mark Larson said the City had approved a time and temperature sign, which was allowed by the Sign Ordinance. The staff was working on new sign regulations for the Zoning Ordinance.

Mark Larson stated that the Mayor had extended the terms of Commissioners Allred and Kirch for another three years.

Commissioner Stokes suggested that the General Plan be added to the City's website.

7. ADJOURN

**Commissioner Kirch moved to adjourn at 8:08 p.m. Commissioner Allred seconded the motion. Commission members Allred, Hilton, Hoopes, Kirch, Merx, Stokes, and Yeoman voted "aye." The motion carried.**

---

Brad Hilton  
Chairman

Attest:

---

Michelle Drago  
Secretary

dc:paug2305