

ROY CITY PLANNING COMMISSION

October 24, 2006

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on October 24, 2006, 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:

Bill Merx, Chairman	Mark Larson, Planner
Doug Allred	Michelle Drago, Secretary
Dave Collins	
Brad Hilton	
Gennie Kirch	
Karlene Yeoman	

Excused: Blaine Hoopes

Others present were: Dan Murray; Kim Dunn; Greg Larsen; Doug Painter; Kevin Schubacker; Tracie Jackson; Julie Phillips; James Neal; Brady Erickson; Robert Fuller; Mr. Hansen; David Kay; and Brenda Kay.

Pledge of Allegiance: Karlene Yeoman

1. APPROVAL OF OCTOBER 10, 2006, MINUTES

**Commissioner Hilton moved to approve the minutes of October 10, 2006, as corrected. Commissioner Yeoman seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, and Yeoman voted "aye." The motion carried.**

2. PUBLIC HEARING TO CONSIDER PRELIMINARY APPROVAL OF MAVERIK SUBDIVISION LOCATED AT APPROXIMATELY 3500 WEST 5600 SOUTH AND APPROVAL OF A SITE PLAN FOR MAVERIK SUBDIVISION LOT NO. 2 LOCATED AT APPROXIMATELY 5640 SOUTH 3500 WEST

**Commissioner Yeoman moved to open the public hearing at 6:07 p.m. Commissioner Allred seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, and Yeoman voted "aye." The motion carried.**

Mark Larson stated that the overall Maverik property (known as Lexington Square) was 6.16 acres in size. There were two parts to Maverik's request: Preliminary approval of a three-lot subdivision and approval of a site plan for Pad D, or Lot No. 2.

Chairman Merx asked if the Planning Commission could act on a site plan for Lot No. 2 before the subdivision was approved. Mark Larson said it could because the site plan was for an existing site.

Mark Larson stated that in December of 2004, the City rezoned this corner from residential to commercial and approved a preliminary development plan. The preliminary development plan covered the building layout, parking, access, and utility plans. In April of 2005, Phase 1 was given final approval, which included the Maverik Country Store and installation of all of the offsite improvements for the entire commercial center. Now Maverik was requesting approval of a three-lot subdivision. The Maverik Country Store would be located on Lot No. 1, which contained 1.26 acres. Lot No. 2 would contain a shell building with three spaces on 0.60 acres. Lot No. 3 was the undeveloped portion of the center and was 4.29 acres in size. Mr. Larson said the subdivision was relatively straight forward. The City reviewed the utilities and offsite improvements when the preliminary development and site plans were approved. The City Engineer was comparing the proposed subdivision with what was previously approved. Most of the City Engineer's comments related to the final improvement drawings. The City Engineer's comments about secondary water had been resolved in the latest site plan revision.

Mr. Larson stated that the building on Lot No. 2 was 4,567 square feet in size. At this point, it was a shell building with three spaces. No uses had been proposed. The exterior design of the building matched the overall architectural theme. The site plan met the City's parking and landscaping requirements. Maverik Country Store had 26 parking stalls and Lot No. 2 would have 23. The site plan allowed for two-way traffic to circulate around both buildings. Although each lot was intended to meet its own parking needs, everything was pretty much in common. There were restrictive covenants for the overall center.

Mr. Larson stated that the existing accesses on 5600 South and 3500 West had been approved by UDOT. The subdivision plan showed the concept of moving the access on 5600 South to the east to allow Maverik Country Store to install an additional pump. Dan Murray

was not proposing to change the location of the access at this time. That would probably be proposed in a couple of months.

Mr. Larson said the site plan showed an additional monument sign on 3500 West. All other signs would be located on the building. Lighting would consist of wall pac lights and a new light pole between the two buildings. The building on Lot No. 2 would be seen from three sides. The staff had asked the proponents to move all utilities and ladders for roof access to the north elevation, which improved the appearance of the other elevations. The building on Lot No. 2 would share the dumpsters with Maverik.

Commissioner Allred asked about future signs and the location of the central pole for the center on 5600 South. Mr. Larson said the staff didn't have a site plan for the undeveloped portion of the center. However, he pointed out a possible location for a main sign on 5600 South. Commissioner Allred asked if the pole sign on 5600 South was part of this approval. Mr. Larson said it was not.

Commissioner Collins asked if this development was classified as a shopping center under five acres. Mr. Larson said the development had more than five acres.

Dan Murray, North Salt Lake, apologized for confusing the issue with the access on 5600 South. They had had preliminary discussions with UDOT about moving the access, but he did not anticipate making a request to change the access location and add another pump to the Maverik Store for at least three months. The subdivision plan included the easement for the future realignment. Mr. Larson suggested that the access change be removed from the plan, and that just the easement be shown. Then the City Engineer would not be concerned about curb changes until the City received a formal request for the access relocation.

Commissioner Collins asked if all of the improvements on the existing site had been completed prior to tenant occupancy. Mr. Murray said they were. Eighty percent (80%) of the improvements were already in. He intended for all of the offsite improvements to go in, and then complete the interior of the building as he acquired tenants. He might have to come back for conditional use permits for future tenants depending upon what they were.

Chairman Merx opened the floor for public comments.

James Neal, 3458 West 5700 South, asked if the new building would be between the Maverik Country Store and Barlow's home. Mark

Larson said it would. Mr. Neal asked if a fence would be installed like the one around the Sky Property development on the southwest corner of 5600 South 3500 West. Dan Murray said they were required to put up a fence along the property line between them and Barlow's. They planned to extend the 6-foot white vinyl fence to the east side of Lot No. 2. The Planning Commission indicated that a 6-foot fence was required between residential and commercial.

**Commissioner Kirch moved to close the public hearing at 6:29 p.m. Commissioner Hilton seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, and Yeoman voted "aye." The motion carried.**

**Commissioner Kirch moved to recommend that the City Council grant preliminary approval of the Maverik Subdivision located at approximately 3500 West 5600 South subject to the staff and engineering requirements and to grant final approval of a site plan for Pad D located at approximately 5640 South 3500 West subject to staff and engineering requirements. Commissioner Yeoman seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, and Yeoman voted "aye." The motion carried.**

3. PUBLIC HEARING TO CONSIDER PRELIMINARY APPROVAL OF TIGARD  
SUBDIVISION LOCATED AT APPROXIMATELY 2950 WEST 4600 SOUTH

**Commissioner Allred moved to open the public hearing at 6:31 p.m. Commissioner Hilton seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, and Yeoman voted "aye." The motion carried.**

Mark Larson stated that the Planning Commission had seen this property a number of times. Robert Fuller was requesting preliminary approval of Tigard Subdivision, a 12-lot subdivision located at approximately 2950 West 4600 South. The subdivision contained 12.34 acres. All previous preliminary approvals on this property had lapsed. The subdivision was located on the north side of 4600 South between 3100 West and West Park. There were two sets of overhead power lines that ran east and west through the property. The easement corridors were each 50 feet wide. The buildable areas for Lot Nos. 10R and 11R were located off of the street. The subdivision extended 2950 West south to 4600 South. Mr. Larson indicated that any of the lots which had any part of the power line easements had to be labeled with an "R" for restricted. The restrictions were listed on the subdivision plat. None of the lots in the subdivision were considered flag lots because they all had at least 65 feet of frontage as was required in the R-1-8 Zone. A portion of the property along 4600 South between 2950 West and Lot No. 9R would remain undeveloped.

Mr. Larson said the lots ranged in size from 8,000 square feet to 1.69 acres. The staff was not sure whether installation of the hammer-head driveways shown on Lot Nos. 10R and 11R would be the responsibility of the developer or the homeowner. The driveways were necessary for fire protection. The Subdivision Ordinance required 10-foot utility easements. Some of the easements shown were ten feet wide, but they straddled property lines, which only left five feet on each side. An agricultural fence would be required for the first 333 feet on the north side of Lot No. 10R because of an adjacent agricultural use.

Commissioner Collins asked if the power company had submitted any comments regarding the subdivision. Mr. Larson said the staff sent a copy of the preliminary plat to the power company but had not received any comments in return.

Mark Larson stated that Robert Fuller had agreed to install sidewalk along the undeveloped portion of 4600 South for pedestrian safety.

Robert Fuller, 3060 West 4600 South, stated that there was about a 90-foot gap between the power lines on 3100 West. The power company said all structures had to be 18 feet from the power lines. He felt the requirements for storm drainage were excessive. He hoped the City Engineer would consider them redundant. He had agreed to run the sidewalk the entire length of 4600 South even though part of the property would not be part of the project.

Chairman Merx opened the floor for public comments.

Tracie Jackson, 4480 South 2950 West, asked how many lots would be on 2950 West. Robert Fuller said there would be five lots on the east side and three on the west.

Mark Larson asked if Robert Fuller had considered using part of Lot No. 9R to extend the lot lines for Lot Nos. 6 and 7 in Walker Estates No. 2 to the north. Mr. Fuller said that might happen someday.

Brenda Kay, 3072 West 4600 South, asked about plans for the L-shaped lots on 3100 West. Robert Fuller said Lot No. 10R might be sold to Richard Frandsen, the property owner immediately to the north. Homes on either lot would be located away from the road between the power lines. The driveways for both lots would be 20 feet wide. Mrs. Kay was concerned about having a home immediately behind her lot. Headlights could shine directly into her home. Mark Larson said the developer was required to show the buildable area, not how a home would be situated on the lot. Mrs. Kay was concerned about how this subdivision could affect her property value. She understood the City couldn't control how a home was located on a lot, but it could control how the subdivision was designed. She asked about a screen fence behind her lot.

Commissioner Yeoman stated that the City had seen many plans for this particular piece of property. It was narrow and had overhead power lines. Mr. Fuller had done the best he could.

Brenda Kay asked if the Planning Commission was concerned about what was best for the community, or if it just was making sure Robert Fuller got his money out of the property.

Commissioner Collins stated that Robert Fuller had the right to ask that the City consider his proposal. The Planning Commission's job was to make sure his proposal complied with the City's ordinances.

Mark Larson stated that a chain link fence was required along the north side of the subdivision for approximately 333 feet because of the adjacent agricultural use. A fence was not required between two residential uses. The plan submitted by Mr. Fuller met the requirements for lot width and sizes in the Zoning Ordinance.

Brenda Kay asked about animal rights. The Planning Commission said this subdivision was zoned R-1-8. Only household pets were allowed in an R-1-8 Zone.

Commissioner Kirch felt there were fencing options the Kay's could pursue to prevent problems with headlights.

Brenda Kay asked who would be responsible for snow removal on the driveways for Lot Nos. 10R and 11R. Robert Fuller stated that the lot owners would be responsible to install the driveways and maintain them. Maintenance included snow removal.

Brandy Erickson, 2953 West 4650 South, felt this was a good plan. It didn't have the flag lots on 2950 West that previous plans had had. She asked if the speed limit on 2950 West would remain 25 mph. The Planning Commission said it would.

David Kay, 3072 West 4600 South, asked about the definition of a flag lot. Mark Larson said a flag lot had less than the required frontage. It was shaped like a flag, with a small street frontage and the acreage located behind. The L-shaped lots in this subdivision on 3100 West were not flag lots. They had the required 65 feet of frontage. David Kay asked if the L-shaped lots would drive property values down. Robert Fuller hoped they would not.

**Commissioner Collins moved to close the public hearing at 7:13 p.m. Commissioner Hilton seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, and Yeoman voted "aye." The motion carried.**

**Commissioner Hilton moved to recommend that the City Council grant preliminary approval of Tigard Subdivision located at approximately 2950 West 4600 South subject to the comments from the Development staff. Commissioner Allred seconded the motion. Commission**

Planning Commission Minutes  
October 24, 2006  
Page 8

**members Allred, Collins, Hilton, Kirch, Merx, and Yeoman voted "aye." The motion carried.**

4. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE FUTURE LAND USE  
MAP OF THE ROY CITY GENERAL PLAN

**Commissioner Kirch moved to open the public hearing at 7:14 p.m. Commissioner Hilton seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, and Yeoman voted "aye." The motion carried.**

Mark Larson stated that the Clarence Painter family owned three existing fourplexes at approximately 5840 South 2000 West. There was approximately 1.28 acres of undeveloped property behind the fourplexes. The proponents were planning to develop the 1.28 acres by building additional fourplexes condominiums. The property was currently zoned Commercial and needed to be rezoned. The City could not consider a rezone request unless the Future Land Use Map was amended. Kim Dunn and the Painter family were requesting that the Future Land Use Map of the General Plan be amended by changing the future use of the 1.28 acres from Commercial to Very High Density Multiple Family Residential.

Commissioner Collins asked if the City had looked at development plans for this property before. Mark Larson said it had, but all approvals had lapsed.

Doug Painter, Roy, stated that over the years they had submitted several different plans to try and make this property work. He felt this was the best proposal yet and that it would help property values in the area.

Mark Larson stated that the Development staff recommended that the Future Land Use Map be amended as requested. The staff also recommended that the backs of properties located at 5810 and 5856 South 2000 West be included to square up the boundaries of the Very High Density Multiple Family Residential use.

Chairman Merx asked for comments from the audience. There were none.

Commissioner Kirch asked if a Very High Density Multiple Family Residential use was the best use for this property.

Commissioner Allred didn't feel this land would develop commercially as it didn't have commercial frontage on 1900 West.

Commissioner Collins moved to close the public hearing at 7:35 p.m. Commissioner Yeoman seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, and Yeoman voted "aye." The motion carried.

Commissioner Kirch moved to recommend that the City Council amend the Future Land Use Map of the General Plan by changing the use of approximately 1.28 acres located at approximately 5840 South 2000 West from Commercial to Very High Density Multiple Family Residential and that the amendment include the backs of property located at 5810 and 5856 South 2000 West to square up the boundaries. Commissioner Yeoman seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, and Yeoman voted "aye." The motion carried.

5. DISCUSSION REGARDING APPROPRIATE DENSITIES FOR UNDEVELOPED PROPERTIES ZONED SINGLE-FAMILY RESIDENTIAL

Mark Larson stated that based on a directive from the City Council, the Planning Commission needed to consider the appropriate zones for undeveloped residential properties in Roy. The Planning Commission only needed to consider undeveloped properties that were zoned R-1-6, R-1-7, or R-1-8. The City Council asked that the Planning Commission determine if any of those undeveloped properties should be rezoned R-1-10. Mark Larson felt zoning should not be changed for those undeveloped properties that were entitled (property on which a preliminary subdivision plan had been approved).

1. Amidan/Larsen property, 4650 South 4300 West. Currently R-1-7. Planning Commission felt an R-1-10 Zone might work on this property with some consideration for lot sizes along north side because of lot depths.
2. 4850 South 3925 West. Currently zoned R-1-7. The Planning Commission didn't feel an R-1-10 Zone would work because of size and road configuration. It did feel an R-1-8 Zone would work.
3. 3925 West 5600 South. Currently zoned R-1-8.
4. North side of 5600 South at 3850 West. Currently zoned R-1-8.
5. South side of 5600 South at 3850 West. Currently zoned R-1-8.
6. Adair property, 4965 South 3100 West. Currently zoned R-1-8.
7. 4850 South 3200 West. Currently zoned R-1-8.
8. Miya Phase No. 3, 2950 West 4800 South. Currently zoned R-1-8. Entitled.
9. Three Amigos Church, 4550 South 3500 West. Currently zoned R-1-8. General Plan shows future use and Commercial.
10. 4900 South 3050 West. Currently zoned R-1-8. R-1-10 Zone might work with a development agreement.
11. Miya home, 2940 West 5600 South. Currently zoned R-1-8. Should remain R-1-8.
12. 2775 West 6000 South. Currently zoned R-1-6. It was the location of a future detention basin and owned by the City. General Plan should be amended to list this property with a government use.
13. 5650 South 2450 West. Currently zoned R-1-8. Because of the property configuration and R-1-10 Zone would be complicated.

14. Wilson/UTA properties, 4250 South 2675 West. Currently zoned R-1-8.
15. Terry properties, 5110 and 5150 South. Currently zoned R-1-8. An R-1-10 Zone might work on the southern portion, but not the north.
16. Seifert Phase No. 2, 5250 South 2500 West. Currently zoned R-1-8. Entitled.

Commissioner Kirch felt the Planning Commission should discuss Properties 1, 2, and 15 at the next meeting. She wasn't sure changing the zoning on the rest would make a difference.

6. ADJOURN

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

---

Bill Merx  
Chairman

Attest:

---

Michelle Drago  
Secretary

dc:poct2406