

ROY CITY PLANNING COMMISSION

December 12, 2006

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on December 12, 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 Yeoman, Chairman	Tony Reynolds, Community
Doug Allred	Services Director
Dave Collins	Mark Larson, Planner
Brad Hilton	Michelle Drago, Secretary
Blaine Hoopes	
Gennie Kirch	
Karlene Yeoman	

Others present were: Tim Butler; Ron Yeoman; Keith Blazer; and David Porter.

Pledge of Allegiance: Blaine Hoopes

1. APPROVAL OF NOVEMBER 14, 2006, MINUTES

Commissioner Hilton moved to approve the minutes of November 14, 2006, as corrected. Commissioner Yeoman seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

2. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT FOR A COMMERCIAL DAY CARE LOCATED AT APPROXIMATELY 5369 SOUTH 1950 WEST

Commissioner Yeoman stated that her second cousin owned the property in question. However, she felt she could make a fair and impartial judgement on the matter.

Commissioner Yeoman moved to open the public hearing at 6:04 p.m. Commissioner Kirch seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

Mark Larson stated that the property in question was located at approximately 5369 South 1950 West, which was across the street from Warren's Restaurant. There was an existing building on the site that had 2100 square feet on the main floor. The upper level was currently a residential living unit occupied by Keith Blazer. Mr. Blazer operated a 24-hour towing dispatch from his home. Both the home and Mr. Blazer's business would continue. David Porter from Kiddie Academy had requested approval of a conditional use permit to operate a kindergarten in the main level. Kiddie Academy Day Care was currently occupying the building immediately north of 5369 South 1950 West. They saw the opportunity to use the floor space of the building next to them. Mr. Porter didn't have any plans to change the existing site or the building. Parents would continue to drop off students at the main day care. The teacher would then walk the students to the adjacent building for kindergarten. The all-day kindergarten would be limited to 20 students or less with one teacher. The hours would be 8:00 a.m. to 5:00 p.m. Monday through Friday. Mr. Larson said the kindergarten was a conditional use in the Regional Commercial Zone.

Commissioner Allred asked if the kindergarten was a school or a day care. Mr. Larson said it was an all-day kindergarten. Commissioner Allred asked if the Regional Commercial Zone allowed schools. Mr. Larson said it did. Schools were allowed in just about any zone.

David Porter, 4648 South 3900 West, stated that the kindergarten was currently located in their day care center at 5353 South 1950 West. They only had plans for a kindergarten. Any other grades required more certification than they wanted to deal with.

Mark Larson stated that David Porter would have to work with the State Health Department because of food service. The State's child care division would also regulate the day care and kindergarten. Mr. Porter would also have to have a business license. The Fire Marshall had looked at the building and determined that the occupancy change would not require a sprinkling system. The Fire Marshall would continue to monitor the building yearly. Because the site and building were existing, the staff didn't have any others concerns.

Commissioner Collins asked about the compressor located on the north side of the building. Keith Blazer stated that he lived on the upper level. The compressor would be removed. Commissioner Collins was concerned that the radio tower would be a danger to the children. Mr. Blazer said the children would not have access to the tower. Commissioner Collins said there were electrical wires hanging on the outside of the building that should be secured. He asked if the children would have accessibility to the basement. The stairs were steep, and there was an old shooting range in the basement. Keith Blazer said the stairwell would be locked.

David Porter stated that the kindergarten would use the playground area at the Kiddie Academy. The hours of operation would be 8:00 a.m. to 5:00 p.m. Children would be dropped off at the day care for breakfast before school. The kindergarten would be all day.

Chairman Merx asked about the age differentials. David Porter said children started when they were 18 months old. They went to kindergarten when they were five.

Commissioner Hoopes asked if the State had inspected the building. Mr. Porter said they had. The State had had very few requirements. They did request that there be a safe passage between the two buildings. A chain link fence would be installed in front of the buildings so the children could walk to the school without exposure to the parking lot.

Commissioner Kirch stated that kindergartens in public schools had to meet stringent specifications because they were part of public education. It was suggested that private schools follow the State core, but they could do what they wanted. They didn't even have to have a certified teacher. The ratio of one teacher to 20 students was less than the standard for public education of one to 21.

Commissioner Collins asked if the outside door would have a keypad so that someone couldn't just walk in and take the children. Mr. Porter said it would.

Commissioner Hilton was concerned about the mixed use of the building: A commercial use on the main floor with a living unit upstairs. Tony Reynolds stated that the residential unit was a legal non-conforming use. Keith Blazer thought the building was originally approved with a caretaker unit.

Mark Larson stated that parking and access for the living unit was in the back and separate from the parking in the front.

Commissioner Kirch asked about access for handicap children. Keith Blazer said there was a ramp that could be used.

Chairman Merx opened the floor for public comments. There were none.

Commissioner Hoopes moved to close the public hearing at 6:24 p.m. Commissioner Kirch seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

Commissioner Allred felt the site plan should be revised to show safe circulation and passage for the children and handicap parking.

Commissioner Allred moved to recommend that the City Council approve a site plan and grant a conditional use permit for a commercial day care located at approximately 5369 South 1950 West incorporating the Development Services comments and findings, the recommendations listed in the staff report, and inclusion of a revised site plan showing accessible handicap parking and safe passage for the children from one building to the other. Commissioner Kirch seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

3. CONSIDERATION OF A ONE-YEAR EXTENSION OF FINAL APPROVAL OF OLYMPIA PARK SUBDIVISION NO. 4

Mark Larson stated that Olympia Park Subdivision No. 4 was located north of 6000 South at 5900 South 4150 West. Under the old Subdivision Ordinance, the City Council granted final approval of Phase No. 4 on June 21, 2005, which expired on June 21, 2006. The developer, Tim Butler, had asked that the final approval be extended. The old Subdivision Ordinance allowed the Planning Commission to grant one extension. The staff recommended that the final approval be extended for one year retroactive to June 21, 2006. That would give Mr. Butler until June 21, 2007, to have the subdivision recorded. The City Engineer had indicated that all of the engineering issues had been solved. The City was just waiting for Mr. Butler to submit an escrow.

Commissioner Hoopes asked what had happened during the past year to prevent the subdivision from being recorded. Mark Larson said the developer was just waiting until the other phases were finished.

Commissioner Collins asked if the extension of the final would be forwarded to the City Council. Mark Larson said it would not.

Tim Butler, Ogden, stated that the City Engineer felt it would be better for him to resubmit the cost analysis to make sure it reflected current pricing. He felt he would get to the subdivision in the spring.

Commissioner Hoopes asked when Mr. Butler felt Phase No. 4 would be completed. Tim Butler said he would have it recorded before June 21, 2007.

There was a discussion about whether Tim Butler would need more time to get Phase No. 4 recorded.

Commission Collins moved to extend the final approval for Olympia Park Subdivision No. 4 for one year retroactive to June 21, 2006, subject to all of the original conditions. Commissioner Allred seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye." The motion carried.

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

On October 3rd, the City Council directed the staff and Planning Commission to review the appropriate densities for undeveloped properties in Roy. The City Council anticipated that larger lots would lead to larger homes and long term residents. Mr. Reynolds asked the Planning Commission how they wanted their findings reported to the City Council. He submitted a draft letter prepared by Mark Larson (copy filed for record) and asked if it met the Commission's approval.

Commissioner Collins asked when the owners of the properties in question would become involved. Tony Reynolds said that if the City initiated a rezone, the property owners would be notified just like all of the surrounding property owners.

Mark Larson stated that R-1-6, R-1-7, R-1-8, and R-1-10 Zones were medium density residential zones. All of the changes considered by the Planning Commission were in compliance with the General Plan.

Chairman Merx felt that the Commission's concerns needed to go on record.

Commissioner Collins was concerned that the City Council was so focused on this that they would not hear the Planning Commission's concerns.

Commissioner Kirch said the difference was about 10 lots. She wasn't sure 10 lots was worth upsetting property owners for.

Tony Reynolds didn't feel the City Council was primarily concerned about reducing the number of available lots. They are interested in an increase in the availability of R-1-10 lots.

Commissioner Allred stated that a few years ago, the political decision was made that the smallest lots would be 8,000 square feet. Now the direction seems to be moving towards 10,000 square feet.

Commissioner Collins stated that a 10,000 square foot lot did not guarantee a larger home. A 10,000 square foot lot could end up with a pre-manufactured home on it.

Commissioner Allred stated that based on the Council's direction, the staff had listed the undeveloped properties in Roy. The Planning Commission looked at that list and determined where R-1-10 Zones would be technically feasible. The Planning Commission looked at lot size, continuity of streets, net yield, and traffic flow. For some of the smaller areas, the Planning Commission did not feel an R-1-10 Zone would spur economic growth or make a significant change in the community. However, the City Council had not asked the Planning Commission if it made sense or if it was too late to make a difference.

Tony Reynolds stated that the information requested from the Council could be presented by staff, by someone from the Planning Commission, in a written summary, or any combination.

Commissioner Collins stated that the City Council would know how the Planning Commission felt if it read the Planning Commission minutes.

Commissioner Kirch stated that the entire list was really narrowed down to five properties. Even though it was technically feasible, was it worth it?

Commissioner Hoopes stated that the City was no longer going to see large developers coming in. The remaining, smaller undeveloped pieces would be developed by single owners.

Tony Reynolds stated that the staff had prepared a table listing the properties discussed by the Planning Commission and their findings.

Commissioner Kirch was not comfortable with just giving the City Council the table. It did not express the Planning Commission's sentiments. She wanted to stand before the City Council in order to make her feelings known.

Commissioner Allred didn't feel the size of the lots would make a difference in Roy. The things that would make the difference were getting rid of visual pollution, beautification, and development standards, specifically along some of the major corridors in the City.

Commissioner Hilton stated that the Planning Commission had been asked which undeveloped properties in Roy could be zoned R-1-10. The City Council was not interested in the Planning Commissions'

sentiment. The Planning Commission had answered the City Council's question. Why give the Council more than what they asked for?

Chairman Merx suggested that in addition to the criteria used by the Planning Commission, the report should include a statement that the Planning Commission felt there were more pressing issues to be dealt with than lot sizes, and that the Planning Commission was willing to discuss those issues with the City Council.

Commissioner Allred stated that the Planning Commission was most concerned about the real effectiveness of rezoning some of the areas to R-1-10, even though an R-1-10 zone may be technically feasible.

Tony Reynolds was concerned about getting the Planning Commission's overall sentiments to the City Council. The Planning Commission concluded that Chairman Merx would make a brief report to the City Council in addition to a written report to be presented by staff.

5. OTHER BUSINESS

Mark Larson stated that there would not be a meeting on December 26th.

He asked the Planning Commission to be thinking about a new chair and vice chair.

6. ADJOURN

Commissioner Hilton moved to adjourn at 7:28 p.m. Commissioner Kirch seconded the motion. Commission members Allred, Collins, Hilton, Hoopes, Kirch, Merx, and Yeoman voted "aye."

Bill Merx
Chairman

Attest:

Michelle Drago
Secretary

dc:pdec1206