

ROY CITY PLANNING COMMISSION

October 23, 2012

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on October 23, 2012, 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:

Lee Holt, Chairman
Blake Hamilton
Gennie Kirch
Tom Stonehocker

Jared Hall, Planner
Michelle Drago, Secretary

Excused: David Dickson and Rhett Zito

Others present were: Cary Roane; and Maria Guerrero.

Pledge of Allegiance: Gennie Kirch

1. APPROVAL OF OCTOBER 9, 2012, MINUTES

Commissioner Kirch moved to approve the minutes of October 9, 2012 as written. Commissioner Stonehocker seconded the motion. Commission members Hamilton, Holt, Kirch, and Stonehocker voted “aye.” The motion carried.

2. PUBLIC HEARING TO CONSIDER A REQUEST FOR PRELIMINARY SUBDIVISION APPROVAL ON PROPERTY LOCATED AT APPROXIMATELY 5160 SOUTH 1900 WEST

Commissioner Hamilton moved to open the public hearing at 6:01 p.m. Commissioner Stonehocker seconded the motion. Commission members Hamilton, Holt, Kirch, and Stonehocker voted “aye.” The motion carried.

Jared Hall stated that the City had received a request for approval of a subdivision on property located at approximately 5160 South 1900 West. The property in question was the Spare Time Bowling Alley. It was owned by the Vorwaller family.

Mr. Hall said the City Council recently approved a petition to vacate the east portion of the 5200 South right-of-way which was located immediately south of the Spare Time

property. The staff was preparing the vacation ordinance. When the right-of-way was vacated, it would be divided between the property owners on either side. The property from the vacated right-of-way made it viable to create a new lot on the east, undeveloped portion of the Spare Time site

Chairman Holt asked how the right-of-way vacation would affect access to the Elks Lodge. Mr. Hall said only the eastern portion of the 5200 South right-of-way was being vacated. It was a dead end. There were several businesses near 5200 South 1900 West that used the western portion of 5200 South, including the Elks. The Elks would still have access from a public right-of-way.

Commissioner Kirch asked if property owners adjacent to the vacated right-of-way would still be able to access the back of their buildings. Mr. Hall said they would.

Jared Hall stated that the three main property owners along the vacated right-of-way were Vorwallers, the Elks Lodge, and Long Song Lee, the owner of Lee's Fish and Rice. The City Council asked him to meet with the three owners to see if a cross access agreement could be worked out. When the Davis Canal Company sold their property to Mr. Lee, some property owned by the Elks Lodge was landlocked. The Elks Lodge filed a lawsuit to regain access. If a cross access agreement could not be worked out between the three property owners, the vacation line would be moved to the east

Jared Hall said the existing bowling alley would be located on Lot No. 1 of the Vorwaller Commercial Subdivision; the new lot, Lot No. 2, would be .59 acres in size. The new lot would have access from 5150 South and Airport Road. It would have a cross access agreement with the bowling alley.

Commissioner Hamilton asked about access from 5150 South or Airport Road. Jared Hall said both 5150 South and Airport Road were improved roads. It was likely that any building on Lot No. 2 would face 5150 South.

Chairman Holt asked if the Elks Lodge had been notified about this hearing. Mr. Hall said they had. They were located less than 300 feet from the proposed subdivision. The Elks Lodge was also notified about the right-of-way vacation. The proposed subdivision was discussed when the City Council approved the right-of-way vacation.

Jared Hall stated that there were utilities located in 5150 South. The Development Review Committee didn't have any major concerns about the subdivision. The City Council would review the preliminary plat. The final plat would be approved administratively.

Commissioner Hamilton was concerned about access. He had seen issues arise when traffic flowed through a parking lot. Mr. Hall said Lot No. 2 would have street access from 5150 South and Airport Road. It would also have a cross access agreement with Lot No. 1.

Jared Hall stated that the properties along the west end of the 5200 South right-of-way would retain their current access. The proposed subdivision would not affect the Elks Lodge; the right-of-way vacation might. The City Council had committed to vacating the east portion of the 5200 South right-of-way. The staff was preparing the ordinance which would complete the vacation. Until the ordinance was vacated, the eastern portion of 5200 South was a roadway, and the City would continue to maintain it. The City Council had asked him to meet with Vorwaller's, Mr. Lee, and the Elks Lodge to try and work out an access agreement. If an agreement could not be reached, the vacation line would be moved further to the east. Unfortunately, the Davis Canal Company did not take access into consideration when it sold its property to Mr. Lee. The Elks Lodge had to sue Mr. Lee for a prescriptive easement to their property.

Commission Hamilton asked if properties along the south side of the 5200 South right-of-way had access to Riverdale Road, particularly Mr. Lee. Mr. Hall said they did.

Chairman Holt asked if the City Council would hold a public hearing for the preliminary plat. Mr. Hall said it would not. The only public hearing for preliminary approval of a subdivision was held by the Planning Commission. The City Council was the only political body in Roy City that considered a vacation.

Chairman Holt's only concern was that the Elks Lodge would be able to retain access to its property, including the back lot. Mr. Hall said the access for the Elks Lodge would not get worse. If the City could not make it better, the access would remain as it was.

Jared Hall said the staff had found that the proposed subdivision was in keeping with the goals and policies of the General Plan; the proposed subdivision was in keeping with the goals and requirements of the Roy City zoning district; the proposed lots met the standards of the zone; and the proposed subdivision would help to foster re-investment in existing property at the same time it created opportunities for new development in the 1900 West corridor. The staff recommended that the Planning Commission recommend approval of the preliminary subdivision plat for the Vorwaller Commercial Subdivision subject to the following conditions:

1. Subject to review and approval of any further corrections or other materials as might be required by the City Engineer or other DRC staff; and

2. Subject to all items of the staff report and attachments and further review and approval by the members of the Development Review Committee as might be necessary.

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

Commissioner Kirch moved to close the public hearing at 6:20 p.m. Commissioner Stonehocker seconded the motion. Commission members Hamilton, Holt, Kirch, and Stonehocker voted “aye.” The motion carried.

Commissioner Kirch moved to recommend that the City Council grant preliminary approval for the subdivision of property located at approximately 5160 South 1900 West based on the staff’s findings and subject to the recommendations of the staff and that the vacation of the 5200 South right-of-way be amicable to all parties. Commissioner Stonehocker seconded the motion. Commission members Hamilton, Holt, Kirch, and Stonehocker voted “aye.” The motion carried.

3. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE APPROVAL ALLOW CLASS B BEER AND LIQUOR LICENSES ON PROPERTY LOCATED AT APPROXIMATELY 5390 SOUTH 1900 WEST

Commissioner Hamilton moved to open the public hearing at 6:21 p.m. Commissioner Stonehocker seconded the motion. Commission members Hamilton, Holt, Kirch, and Stonehocker voted “aye.” The motion carried.

Jared Hall stated that the City had received a request for conditional use approval for Class B Beer and Class B Liquor licenses for a restaurant known as La Frontera located at 5390 South 1900 West. The property was formerly known as Jake’s Over the Top and was located in front of Harmons. Both licenses were restaurant licenses. The alcohol would be served with food. There were other restaurants in Roy that had Class B licenses. The Planning Commission was only considering the conditional use permit for the alcoholic licenses. The City Council would consider both the conditional use permit and the license applications.

Mr. Hall said the staff had found that the proposed use did not impact the site design or function and would not impact the surrounding properties; the application conformed to the standards of the Zoning Ordinance and the General Plan; and the proposed use could meet requirements to be granted a conditional use permit enabling the City to grant Class B Beer and Class B Liquor licenses. The staff recommended that the Planning Commission recommend that the City Council approve the conditional use subject to:

1. Subject to the applicants applying for and being granted all necessary license applications of the City and the State of Utah for the serving of alcohol on the premises;
2. Subject to the applicants adhering to all the rules and regulations of Roy City and the State of Utah that govern the serving of alcohol on the premises; and
3. Subject to further review by the Development Review Committee as might be deemed necessary.

Mr. Hall said that copies of the license application had been forwarded to the Police and Fire Departments. The Development Review Committee’s only concern was that the applicant maintain their City and State licenses.

Commissioner Kirch asked if there was anything in the ordinance that required beer and liquor licenses to be a certain distance from children. Mr. Hall said there were requirements about proximity to certain other uses within the State code. Commissioner Kirch pointed out that a building just east of this location had been occupied by a day care facility. It could be opened again. Jared Hall said the applications must be considered under the current conditions.

Commissioner Kirch stated that quite a bit of traffic moved through Harmon's parking lot. Did the staff have any concerns about traffic? Mr. Hall said the Police Department had not raised any concerns about this location.

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

Commissioner Stonehocker moved to close the public hearing at 6:21 p.m. Commissioner Kirch seconded the motion. Commission members Hamilton, Holt, Kirch, and Stonehocker voted "aye." The motion carried.

Commissioner Stonehocker moved to recommend that the City Council approval a conditional use for Class B Beer and Class B Liquor licenses for a restaurant located at 5390 South 1900 West based on the findings of the staff and the staff's recommendations. Commissioner Kirch seconded the motion. Commission members Hamilton, Holt, Kirch, and Stonehocker voted "aye." The motion carried.

4. STAFF UPDATE

Jared Hall stated that the subdivision would be forward to the City Council on November 7th. The text amendment for proposed Section 1111 for domestic would not be considered by the Council until the end of November.

5. ADJOURN

Commissioner Stonehocker moved to adjourn at 6:30 p.m. Commissioner Hamilton seconded the motion. Commission members Hamilton, Holt, Kirch, and Stonehocker voted “aye.” The motion carried.

Lee Holt
Chairman

Attest:

Michelle Drago
Secretary

dc:poct2312