

ROY CITY PLANNING COMMISSION

February 13, 2007

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on February 13, 2007, 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	Tony Reynolds, Community
Doug Allred	Services Director
Dave Collins	Mark Larson, Planner
Brad Hilton	Michelle Drago, Secretary
Gennie Kirch	

Excused: Blaine Hoopes and Karlene Yeoman

Others present were: Darwin Terry; Ralph Bateman; Melody Guerrero; R. Rhett Bonham; Marcus Thompson; Jacob Hoopes; Arlene Jarvis; Kirk Dye; Greg Larsen; Kirt Nalder; Doug Painter; and Danny Cifuentes.

Pledge of Allegiance: Gennie Kirch

1. APPROVAL OF JANUARY 23, 2007, MINUTES

Commissioner Collins moved to approve the minutes of January 23, 2007, as corrected. Commissioner Hilton seconded the motion. Commission members Collins, Hilton, Kirch, and Merx voted "aye." The motion carried.

2. A. PUBLIC HEARING TO CONSIDER A PETITION FROM DOUG PAINTER AND KIM DUNN CONSTRUCTION TO REZONE APPROXIMATELY 1.78 ACRES LOCATED AT APPROXIMATELY 5840 SOUTH 2000 WEST FROM REGIONAL COMMERCIAL TO R-3
- B. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT AND SITE PLAN FOR MULTI-FAMILY DWELLINGS LOCATED AT APPROXIMATELY 5840 SOUTH 2000 WEST
- C. PUBLIC HEARING TO CONSIDER A PRELIMINARY SUBDIVISION FOR PAINTER PARK PLACE CONDOMINIUMS LOCATED AT APPROXIMATELY 5840 SOUTH 2000 WEST

Commissioner Kirch moved to open the public hearing to consider a petition from Doug Painter and Kim Dunn Construction to rezone approximately 1.78 acres located at approximately 5840 South 2000 West from Regional Commercial to R-3 at 6:04 p.m. Commissioner Hilton seconded the motion. Commission members Collins, Hilton, Kirch, and Merx voted "aye." The motion carried.

Commissioner Kirch moved to open the public hearing to consider a conditional use permit and site plan for multi-family dwellings located at approximately 5840 South 2000 West at 6:04 p.m. Commissioner Hilton seconded the motion. Commission members Collins, Hilton, Kirch, and Merx voted "aye." The motion carried.

Commissioner Kirch moved to open the public hearing to consider a preliminary subdivision for Painter Park Place Condominiums located at approximately 5840 South 2000 West at 6:04 p.m. Commissioner Hilton seconded the motion. Commission members Collins, Hilton, Kirch, and Merx voted "aye." The motion carried.

Mark Larson stated that Kim Dunn and Doug Painter were proposing to develop approximately 1.78 acres located at approximately 5840 South 2000 West. Their development proposal included three separate actions: 1. Rezone the acreage from Regional Commercial to R-3; 2. Approval of a conditional use permit and site plan; and 3. Approval of a preliminary subdivision plan/condominium plat. The public hearings for the three separate actions were being held concurrently.

Mr. Larson said the first item to be considered was a petition from Kim Dunn and Doug Painter to rezone approximately 1.78 acres located at approximately 5840 South 2000 West. The acreage was located between 2000 West and 1900 West behind three existing fourplexes.

Commissioner Allred arrived at 6:06 p.m.

Mr. Larson said the acreage under consideration consisted of two separate parcels. Only part of the smaller parcel was included in the rezone. Nine thousand seven hundred fifty (9,750) square feet of the smaller parcel along 1900 West would remain Regional Commercial. The Planning Commission and City Council recently amended the Future Land Use Map to change the future use of this property to Very High Density Multi Family. The petition filed by Kim Dunn and Doug Painter was in compliance with the General Plan.

Mark Larson stated that the second item to be considered was the conditional use permit and site plan. Kim Dunn was proposing to construct condominium units behind three existing fourplexes at 5840 South 2000 West. The existing fourplexes would also be converted to condominiums. A two-car covered carport was attached to each end of the existing fourplexes. There were currently three access points to the fourplexes along 2000 West; one on each side and one in the middle. There was an existing chain link fence around the undeveloped property in the back. Some of it was slatted.

Mr. Larson said Mr. Dunn proposed to construct 20 new dwelling units. The new units would consist of six duplexes and two fourplexes. The middle access point on 2000 West would be eliminated. The two remaining approaches would be widened to 25 feet each. The traffic flow would be one way. Entrance would be on the south side. Traffic would exit on the north. The streets would be private. The current parking area between the existing fourplexes would be replaced with landscaping, which would include a detention area. Mr. Dunn planned to update the exterior of the existing fourplexes to match the new units in the back.

Mr. Larson said the overall parking was 2.5 spaces per unit. The existing two-car carports would remain. Each of the new units would have a double-car garage with guest parking in the driveway. There was also additional guest parking. No street lighting was proposed. All lighting would be on the buildings. Mr. Dunn planned to have separate trash containers for each unit. The City would not pick up on a private street. He would have to contract with a private waste removal service. All of the utilities and improvements would be privately owned. The overall development would have 38.7% landscaping. Each of the new units would have an 8'x10' concrete pad with privacy screening. The exterior elevations would be a combination of stucco and stone. The stairways for the existing fourplexes would be altered as well. There were overhead power lines that needed to be placed underground. A 6-foot vinyl fence was proposed around the perimeter of the development. There was a newer fence along the Myer's site. The property owners might want to work something out.

Mr. Larson said the third item was approval of the preliminary subdivision plan. There were engineering issues that would have to be resolved prior to final approval. None of those concerns affected the site plan. The City Engineer's biggest concern was storm drainage. The condominium project would include a condominium declaration and CC&R's.

Commissioner Collins asked if the property to the south was included in the project. Mark Larson said there were two parcels involved. The proponent would be responsible to do a lot line adjustment prior to final approval. The 9,750 square feet adjacent to 1900 West would remain Regional Commercial. It was not part of the proposed development and would not be entitled.

Commissioner Collins suggested that the CC&R's include regulations on where garbage cans could be stored.

Chairman Merx asked about the zoning on adjacent properties. Mark Larson said properties along 2000 West to the north and south were zoned R-3.

Greg Larsen, Kim Dunn's architect, stated that the exterior of the units would be stucco, brick, and stone. Exteriors of the existing fourplexes would be updated. Four of the new units would have master bedrooms on the main level. The rest were townhouse structures with all of the bedrooms on the upper level.

Commissioner Allred asked if the units would be handicap accessible. Mr. Larsen said they would be.

Commissioner Kirch asked how the stairs for the existing units would be changed. Greg Larsen said the existing units were two up and two down. The interiors would be updated, but not gutted. The floor plans would remain the same.

Chairman Merx asked if the existing units were two bedroom. Doug Painter said they were.

Greg Larsen said the site plan showed a sport court in one corner of the development and a playground in the other one.

Commissioner Kirch asked how deep the detention area would be. Greg Larsen said it wouldn't be very deep.

Commissioner Collins asked where the overflow for recreation vehicles would be. Greg Larsen said there wasn't an area for recreation vehicles planned. He felt the CC&R's would restrict parking recreation vehicles on site. Parking would not be allowed on the street because of emergency access requirements.

Commissioner Hilton asked if there were plans to enclose the existing carports. Greg Larsen said that was under consideration. Commissioner Hilton felt enclosing the carports would help the

project to look more uniform. Mr. Larsen said enclosing the carports would also give them more areas to stucco. Commissioner Hilton encouraged them to consider enclosing the carports.

Commissioner Collins asked about signage. Greg Larsen said there would be a monument sign by each access.

Commissioner Hilton asked if the access would be signed for one-way traffic. Greg Larsen said there would be small signs to indicate one-way traffic.

Mark Larson asked what Kim Dunn proposed to do with fencing along Myers Mortuary. Commissioner Hilton felt the vinyl fencing should extend around the entire perimeter for uniformity. It would also provide more privacy.

Greg Larsen said the vinyl fencing would be beige in color.

Chairman Merx opened the floor for public comments.

Kirk Dye, 5775 South 1900 West, Kirk's Car Care, asked if barbed wire could be placed on top of the vinyl fencing along the commercial properties to provide more security. Mark Larson said it could not. Commissioner Kirch indicated that the commercial site could put up their own fencing adjacent to the vinyl fence.

Ralph Bateman, 5815 South 2000 West, asked if the development would be accessed from 2000 West. Chairman Merx said both the entrance and exit would be on 2000 West. Ralph Bateman said that his home was directly across the street from the north access. He was concerned about the additional traffic on 2000 West. He felt the site should be accessed from 1900 West.

Commissioner Collins said the City discussed additional access onto 1900 West. The staff determined that all access should be from 2000 West to prevent a defacto road, which would have actually increased traffic flow.

Darwin Terry, 5827 South 2000 West, stated that after he purchased his home, the developer changed his mind and rezoned the property across the street for apartments. There wasn't room for children in this area to play. He was concerned about the number of units proposed in this project. This would really impact the neighborhood. Commissioner Hilton said the units would be individually owned. Hopefully, that mean they would be better maintained. Additional landscaping was proposed with the project.

Chairman Merx hoped this project would improve the neighborhood.

Kirk Dye was concerned about the affect this development would have on the ability of adjoining commercial sites to develop. The Planning Commission suggested that Mr. Dye meet with the staff to discuss how a particular property would be impacted.

Melody Guerrero, 5788 South 2000 West, was concerned that part of the development was on her property. The Planning Commission and staff assured her it was not. Ms. Guerrero was also concerned about traffic. It was nice living in a quiet neighborhood. She hoped this would be a good improvement. She felt the CC&R's needed to be worded carefully so that existing homeowners wouldn't be hurt. She suggested the CC&R's cover satellite dishes.

Ralph Bateman was concerned about the lack of access from 1900 West. The Painter home on 1900 West should be demolished for another access. Greg Larsen said the City didn't want an access onto 1900 West.

Commissioner Hilton moved to close all three public hearings at 6:57 p.m. Commissioner Kirch seconded the motion. Commission members Allred, Collins, Hilton, Kirch, and Merx voted "aye." The motion carried.

Commissioner Kirch asked if the Planning Commission could stipulate what went into the CC&R's. Tony Reynolds said the Planning Commission could make recommendations.

Commissioner Collins moved to recommend that the City Council approve a petition to rezone approximately 1.68 acres located at approximately 5840 South 2000 West from Regional Commercial to R-3 based on the staff's Findings for Recommendation. Commissioner Kirch seconded the motion. Commission members Allred, Collins, Hilton, Kirch, and Merx voted "aye." The motion carried.

Commissioner Collins moved to recommend that the City Council approve a conditional use permit and site plan for multi-family dwellings located at approximately 5840 South 2000 West based on the staff's Findings for Recommendation and the conditions recommended by the staff. Commissioner Kirch seconded the motion. Commission members Allred, Collins, Hilton, Kirch, and Merx voted "aye." The motion carried.

Commissioner Allred stated that the Zoning Ordinance required plans to be prepared by licensed professionals. It didn't appear that Mr. Dunn's plan met that requirement. Documentation of licensed professionals appeared to be lacking.

Commissioner Kirch moved to recommend that the City Council approve a preliminary subdivision plan/condominium plat for Painter Park Place Condominiums located at approximately 5840 South 2000 West based on the staff's Findings for Recommendation and subject to the conditions recommended by the staff; that the CC&R's address storage of recreation vehicles on site, location of garbage cans, no on-street parking day or night, that the 6-foot vinyl fence extend around the entire perimeter, directional signage to indicate one-way traffic, and location of telecommunication equipment; and that the final documents be prepared and stamped by licensed professionals. Commissioner Collins seconded the motion.

Commissioner Allred was concerned about the number of items that still needed to be resolved. Mark Larson said most of the unresolved items would be covered by the final plans.

Tony Reynolds explained that this was an unusual situation; a rezone, a conditional use permit, and a preliminary subdivision are being considered at the same time. When the proponent has a recommendation for conditional approval of the concept from the planning Commission, more detailed information about the subdivision will be required before the matter is presented to the City Council.

Commissioner Allred wasn't concerned about the overall building placement. However, there was still a lot of work to do. He strongly encouraged the proponent to clear up the licensing and engineering issues before proceeding further.

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

3. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT AND SITE PLAN FOR A FOURPLEX LOCATED AT APPROXIMATELY 5654 SOUTH 2550 WEST

Chairman Merx stated that he had a potential conflict with this item because he knew one of the petitioners.

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

Mark Larson stated that the City had received a request for a conditional use permit for a fourplex to be located on Lot No. 1 of the Pacific Place Subdivision at 5654 South 2550 West. This was the only lot in the subdivision that was zoned for multi-family dwellings. Mr. Larson reviewed the proposed site plan with the Planning Commission. A detention area was included in the landscaping. The City had vacated an unused portion of 2550 West and deeded it to the adjoining property owners. That area had been included in the site plan. The site plan showed 58% landscaping. The fourplex would have stucco with rock columns. A carport provided covered parking for five parking stalls. The units would have 460 square on the main level and 540 square feet on the second. The City Engineer recommended that the conditional use permit and site plan be approved subject to his comments being resolved prior to the issuance of a building permit.

Commissioner Collins asked if the canopy would be a two-pole design or a single-pole. Jacob Hoopes, Farr West, said the canopy would be a two-pole design. Commissioner Collins was concerned about the snow load. Jacob Hoopes said the canopy had been engineered to meet the snow load. The City had a copy of the complete engineering specifications. Commissioner Collins said the engineer's stamp on those specification had expired and needed to be renewed.

Commissioner Kirch asked what was located north of the site. Jacob Hoopes said there was about 20 feet between the fence and where the slope for the overpass began.

Commissioner Kirch asked about fencing. Jacob Hoopes said there was an existing chain link fence along the north side with a gate. The gate would be locked.

Commissioner Allred asked who owned the gate and fence. Kirt Nalder said the City put the gate in. Commissioner Allred asked who was responsible to repair the fence along the east side - the railroad or the petitioners. Kirt Nalder said the fence had been repaired. Mark Larson said the fence was on the property line and was the responsibility of both property owners.

Mark Larson stated that the proponents planned to install a 6-foot vinyl fence along the south property line to help buffer the adjoining single-family home. The City required a 6-foot fence along the railroad.

Chairman Merx asked if there would be a 6-foot vinyl fence along the west property line. Mark Larson said there wouldn't because the use to the west was another multi-family structure.

Commissioner Kirch asked if the proponents would allow satellites. Jacob Hoopes said the units would have individual cable hook-ups. The rental agreement would prohibit satellites. They didn't want renters drilling holes in a building they didn't own.

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

Commissioner Kirch moved to close the public hearing at 7:03 p.m. Commissioner Hilton seconded the motion. Commission members Allred, Collins, Hilton, Kirch, and Merx voted "aye." The motion carried.

Commissioner Kirch moved to recommend that the City Council approve a conditional use permit and site plan for a fourplex located at approximately 5654 South 2550 West based on the staff's Findings for Recommendation and subject to the conditions recommended by the staff including a 6-foot fence along the east side of the property. Commissioner Hilton seconded the motion. Commission members Allred, Collins, Hilton, Kirch, and Merx voted "aye." The motion carried.

4. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT AND SITE PLAN FOR A MANUFACTURING USE LOCATED AT APPROXIMATELY 1815 WEST 4000 SOUTH, GOLDEN SPIKE TECHNOLOGY PARK BUILDING 4

Commissioner Kirch moved to open the public hearing at 7:31 p.m. Commissioner Hilton seconded the motion. Commission members Allred, Collins, Hilton, Kirch, and Merx voted "aye." The motion carried.

Mark Larson stated that the City had received a request for a conditional use permit for a manufacturing use in the Golden Spike Technology Park, which was a Business Park Zone. Clarcon Labs created skin care products. They planned to occupy Building 4 of Golden Spike Technology Park located at 1815 West 4000 South. They planned to use the building pretty much 'as is.' In the last year Golden Spike Technology Park had added more parking. Clarcon Labs would have 20 employees. The DRC felt there was plenty of parking. The proponents had submitted a list of the chemicals they planned to use. That list had been reviewed by both the Building Official and the Fire Marshal. Neither found anything that would be hazardous to the public. The City Engineer didn't have any comments as no changes to the site were proposed.

Commissioner Collins asked if the chemical list had been reviewed by the sewer district. Mark Larson said it had not. The proponents would be responsible to do that.

Danny Cifuentes, Layton, asked which sewer district they needed to clear the chemical list with. Mark Larson said it would be either the North Davis Sewer District or the Central Weber Sewer District.

Commissioner Collins asked if Clarcon Labs planned to expand beyond dermatology products.

Danny Sueventez said their business was dermatology-care oriented. Clarcon Labs was currently located in Layton and was a family-owned business.

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

Commissioner Hilton moved to close the public hearing at 7:41 p.m. Commissioner Kirch seconded the motion. Commission members Allred, Collins, Hilton, Kirch, and Merx voted "aye." The motion carried.

Commissioner Allred moved to recommend that the City Council approve a conditional use permit for a manufacturing use located at 1815 West 4000 South based on the staff's Findings for Recommendation and subject to the conditions recommended by the staff and clearance of the chemical list by the sewer district. Commissioner Collins seconded the motion. Commission members Allred, Collins, Hilton, Kirch, and Merx voted "aye." The motion carried.

5. OTHER BUSINESS

Commissioner Kirch updated the Planning Commission on the City Council's action on February 6th regarding the four rezone petitions considered by the Planning Commission at its last meeting.

Commissioner Kirch said the City's legal counsel advised the City Council to include findings in their motions. She felt the Planning Commission should do the same.

Mark Larson stated that Blaine Hoopes was moving and would no longer be serving on the Planning Commission.

6. ADJOURN

Commissioner Kirch moved to adjourn at 8:15 p.m. Commissioner Hilton seconded the motion. Commission members Allred, Collins, Hilton, Kirch, and Merx voted "aye."

Bill Merx
Chairman

Attest:

Michelle Drago
Secretary

dc:pfeb1307