

ROY CITY PLANNING COMMISSION

September 11, 2012

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on September 11, 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: Ed Sorensen, Street Superintendent; Kathleen Fladie; Randy Brown; James Neal; Jerry Becraft; and Dennis Yates.

Pledge of Allegiance: Blake Hamilton

1. APPROVAL OF AUGUST 28, 2012, MINUTES

Commissioner Kirch moved to approve the minutes of August 28, 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 APPROVAL OF A LOT SPLIT ON PROPERTY LOCATED AT 5050 SOUTH 3500 WEST (WARD ESTATES PHASE 3, LOT 26 AMENDED)

Commissioner Kirch moved to open the public hearing at 6:05 p.m. Commissioner Stonehocker seconded the motion. Commission members Hamilton, Holt, Kirch, and Stonehocker voted "aye." The motion carried.

Jared Hall stated that Kathleen Fladie was proposing to split her property at 5050 South 3500 West into two lots. Her property was known as Lot No. 26 of the Ward Estates Subdivision. It contained 36,561 square feet. There was an existing home located on the

back of the property. Ms. Fladie wanted to carve off a portion of her property for a new lot in front of the existing home, utilizing Section 1102 - Shared Driveways in the Zoning Ordinance. This section of the Zoning Ordinance allowed two lots to share the same driveway under certain circumstances. Ms. Fladie's home would be located on Lot No. 26A, which would have 26,836 square feet. The new lot, 26B, would have 9,725 square feet and would have frontage on 3500 West. The existing home would still meet the set back requirements. The DRC found that the application met the requirements for a shared driveway lot split. A large part of the square footage of her property was irregular in shape and isolated, which offset the usefulness of the frontage on 3500 West. The lot was further isolated by surrounding, already developed lots. .

Mr. Hall said the staff had found that the proposed subdivision was in keeping with the goals and policies of the General Plan. It was in keeping with the goals and requirements of the R-1-8 Zoning District and met the standards of the R-1-8 Zone. The proposed subdivision met the requirements of Section 1102, which allowed access to Lot 26A by way of a shared 25-foot driveway to the public right-of-way. The staff recommended that the Planning Commission recommend that the City Council grant preliminary approval of Ward Estates Subdivision Lot 26 Amended subject to the following conditions:

1. Subject to the satisfaction of the questions and comments from the City Engineering in his September 6, 2012, memo, and subject to review and approval of any further corrections of other materials as might be required by the City Engineer;
2. Subject to the recording of an easement granting permanent right-of-way access to proposed Lot 26A over the 25-foot driveway. A note needs to be added to the plat about the shared access agreement, and that the shared access ran with the land;
3. Subject to the recording of a maintenance agreement for the 25-foot driveway between the owners, successors and assigns of proposed Lot 26A and 26B;
4. Subject to all items of the staff report and attachments and to further review and approval by the members of the Development Review Committee as might be necessary.

Commissioner Kirch asked how the front lot would access the shared driveway. Jared Hall said it would depend upon the footprint of the home and where it was located on the proposed lot. The only stipulation in the Zoning Ordinance was that Lot 26B had to

use the shared driveway. There could be only the one driveway for the front and back lot. Commissioner Stonehocker stated that in the staff report the lots were referred to as Lot 26A and Lot 26B, but that the City Engineer recommended that the new lot be identified as Lot 35. Mr. Hall said the report referred to the lots as shown on the preliminary plat. On the final plat the lots would be numbered appropriately. The City Engineer felt the new lot should be numbered consecutively with the other lots in Ward Estates Phase 3.

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

Commissioner Kirch moved to close the public hearing at 6:13 p.m. Commissioner Stonehocker seconded the motion. Commission members Hamilton, Holt, Kirch, and Stonehocker voted "aye." The motion carried.

Commissioner Hamilton asked if any consideration had been given to the future widening of 3500 West by UDOT. If UDOT needed more right-of-way in the future, the new home on Lot 26B could end up with a very small front set back. Jared Hall said UDOT had indicated that it had all of the right-of-way it needed to widen 3500 West so a taking of any of that property square footage was not likely.

Commissioner Stonehocker moved to recommend that the City Council grant preliminary approval of Ward Estates Phase 3, Lot 26 Amended, based on the staff's findings and recommendations. Commissioner Kirch seconded the motion. Commission members Hamilton, Holt, Kirch, and Stonehocker voted "aye." The motion carried.

3. PUBLIC HEARING TO CONSIDER A REQUEST FOR CONDITIONAL USE AND SITE PLAN APPROVAL FOR A MEDICAL BUILDING ON PROPERTY LOCATED AT APPROXIMATELY 3451 WEST 5600 SOUTH

Commissioner Stonehocker moved to open the public hearing at 6:16 p.m. Commissioner Hamilton seconded the motion. Commission members Hamilton, Holt, Kirch, and Stonehocker voted "aye." The motion carried.

Jared Hall stated that Davis Hospital had requested that a conditional use permit and site plan be approved for a free standing emergency room located at approximately 3451 West 5600 South. The emergency room would be located just east of the existing Maverik Convenience Store at 5600 South and 3500 West. Davis Hospital had purchased Lots 2 and 3 of the Maverik Subdivision from Home Depot.

Mr. Hall said a 15,000 square foot medical building would be built on the site. Access from 5600 South would be through an approach located on the lot owned by Maverik. A cross access agreement had been recorded with the Maverik Subdivision. A long private access road would provide vehicular access from 3500 West. It would be used mostly by ambulances as the ambulance entrance would be located on the south side of the building. When the property to the east developed, the access road might be continued to the east. There was a detention pond located on the south side of the site as well.

Mr. Hall said that 75 parking stalls were required, and 120 were shown on the site plan. The City Engineer noted that some of the parking stalls did not meet the City's size requirement of 9'x20'. Stalls abutting landscaping could be shortened to 18'. Due to the number of parking stalls, interior landscaping was required. The interior landscaping shown on the site plan exceeded the 5% requirement. The area south of this site was a residential. The site plan proposed a 20 foot landscape buffer and a fence adjacent to the private road. A fence was shown on the site plan, but there weren't any details. The fence had to be a 6-foot solid or masonry wall. The Planning Commission felt the wall should be masonry. The site plan indicated that the landscaping south of the detention area would be natural. The staff recommended that it be landscaped and that the wall be continued to the east side of Lot No. 3.

Chairman Holt stated that this would be an emergency facility, which would generate lights, sound, and high traffic. He didn't feel the 6-foot fence would block anything. Ambulances could pull up to this facility at 3 a.m. with lights and sirens. Had a traffic study had been done of this area? Jared Hall said a traffic study was done for Home Depot. Traffic was the reason for the 20-foot buffer and the wall.

Chairman Holt asked if there was a way to get a copy of the policy regarding emergency vehicles accessing the facility via the private road.

Commissioner Kirch felt the facility was located quite a distance from the lots to the south. Jared Hall said the lots in Pony Acres were half an acre in size and were deeper than they were wide. They also faced 5750 South, so there was some natural buffer. When Home Depot was considered, there was a concern about truck deliveries next to these lots. Those concerns led to the requirement of the buffer and fence.

Commissioner Kirch asked if the facility would be open 24 hours a day seven days a week. Mr. Hall said it would.

Jared Hall reviewed the proposed building materials. The proposed building elevations met the requirements of the Zoning Ordinance. Sign plans had been submitted but would become more specific as the project moved forward. The City Engineer's review was attached to the staff report. The staff found that the proposed development was an acceptable use in the Community Commercial Zone and met the standards for review and approval of a conditional use. The proposed development met or could meet standards for design and development in the Zoning Ordinance. The proposed conditional use and site plan were in harmony with the goals and intents of the City's General Plan. The staff recommended that the Planning Commission recommend approval of the site plan and conditional use permit for a free standing emergency room at 3451 West 5600 South subject to:

1. Subject to the satisfaction of the questions and comments from the City Engineer in his September 6, 2012, memo, and subject to review and approval of any further corrections and revisions or other materials as might be required by the City Engineer;
2. Subject to all items of the staff report and attachments and to further review and approval by members of the Development Review Committee as might be deemed necessary prior to review by the City Council.

Mr. Hall said Chairman Holt's request for the policy regarding ambulances would be added to the conditions.

Chairman Holt opened the floor for public comments.

James Neal, 3458 West 5700 South, asked if this development would affect his animal rights. How high was the proposed building? Mr. Hall said the building would be single story. The front portion was higher than the remainder of the building. Mr. Neal said there were at least two traffic accidents a week at the 5600 South 3500 West

intersection. He felt there were already enough dentist and doctors offices in this area. Chairman Holt stated that this use would not affect Mr. Neal's animal rights.

Jerry Becraft, 3386 West 5700 South, stated that he had been a fireman for 35 years. When an ambulance was dispatched, it was given a code. Some called for lights and sirens. When lights were going, the siren was too. At 3:00 a.m. they did turn off the sirens in residential areas if there wasn't any traffic. There was traffic at this intersection at 3:00 a.m. He felt there would be a traffic problem if people were trying to turn when an ambulance was coming. Mr. Becraft said his property bordered this site on the back. How much of the land did Home Depot sell? There was hazardous material on the site, as well as a spring. The site contained an abandoned house and an open basement. No one was taking care of this area. What would be done with the remainder of the property? The City had a 4-foot storm drain running east and west the entire length of this property in the old railroad spur, which used to be owned by the City. How would construction of the private road affect the storm drain?

Commissioner Hamilton moved to close the public hearing at 6:35 p.m. Commissioner Kirch seconded the motion. Commission members Hamilton, Holt, Kirch, and Stonehocker voted "aye." The motion carried.

Commissioner Hamilton asked if there would be a light at the entrance to the private road on 3500 West or would there be a turn lane? Jared Hall said there wouldn't be a light or a turn lane. The traffic study for Home Depot determined that neither one would be necessary. The City didn't feel the traffic numbers for the emergency room would be more than those for Home Depot. The dentist and doctors offices in this area were the result of the population growth. This use was also the result of growth. Traffic was a concern. Davis Hospital anticipated that most of their patients would be walk ins.

Commissioner Hamilton was concerned about the shared access with Maverik. Mr. Hall said it was the same access planned for Home Depot. If it could handle the traffic planned for Home Depot, it should be able to handle the traffic for this use.

Commissioner Kirch asked if the Planning Commission could make a condition that the area south of the detention pond be landscaped and fenced. Mr. Hall said it could.

Commissioner Kirch asked about the City's storm drain. Mr. Hall said it was not shown on the site plan. It would be preserved when the access was built.

Commissioner Kirch moved to recommend that the City Council approve a conditional use and site plan for a free standing emergency room located at approximately 3451 West 5600 South based on the staff's findings and subject to

the conditions recommended by the staff; that the area south of the detention pond being landscaped and fenced; and that the policy for lights and sirens be submitted to the City. Commissioner Stonehocker seconded the motion. Commission members Hamilton, Holt, Kirch, and Stonehocker voted "aye." The motion carried.

4. CONSIDERATION OF A REQUEST TO AMEND THE TEXT OF THE ZONING ORDINANCE REGARDING THE KEEPING OF DOMESTIC LIVESTOCK AND FOWL IN RESIDENTIAL ZONES (CONTINUED FROM 7/25/12, 8/14/12, AND 8/28/12)

Jared Hall submitted the revised draft of Section 1111 - Domestic Livestock and Fowl on Lots in Single-Family Residential Zones (see attached copy). Revisions were made based on the Planning Commission's discussion on August 28th. He planned to add language about 'non crowing, egg laying hens' to the table in 1(b). Language also needed to be added to 4(d) prohibiting beehives in front and side yards.

Commissioner Hamilton was still concerned about allowing this type of use in residential areas.

Jared Hall agreed. He wasn't sure this was the best thing for the City. If the public officials wanted it, he felt that a proposed draft should mitigate the impacts.

Commissioner Kirch suggested that the words 'or residents' should be stricken from 2(e). Permits should only be issued to property owners. She asked about the price of the permits. Mr. Hall said the City's fee structure would have to be amended to include the permit prices. Commissioner Kirch suggested that the initial permit be \$75, and that the annual renewal be \$35. She felt those willing to pay those fees would be willing to abide by the ordinance. She wasn't sure that this type of use belonged on 6,000 and 7,000 square foot lots.

Jared Hall said the benchmark could be set at 8,000 square feet. There was very little data to indicate one lot size was better than another. When he wrote the draft he set the benchmark at the smallest legal single-family residential lot size.

Commissioner Kirch felt the proposed draft was an excellent composite of all of the ordinances around. Jared Hall felt it would function, but he had misgivings about the entire use.

Jared Hall said that the draft indicated that enforcement would be done by the Zoning Administrator. This was in order to lessen any new burdens on Code Compliance.

Commissioner Stonehocker asked if the benchmark could be lowered from 8,000 square feet in the future. Mr. Hall said it could. The benchmark could be set by raising the point values or by eliminating the 6,000 and 7,000 square foot lots.

Chairman Holt felt the benchmark should start at 8,000 square feet.

Commissioner Hamilton asked if Mr. Hall had looked at the benchmark in the other ordinances. Mr. Hall said he had not looked at them in that way. Commissioner Hamilton asked that he look specifically at the benchmark for other cities.

Commissioner Kirch asked that Mr. Hall provide the Commission with a zoning map so they could see where the R-1-8, R-1-7, and R-1-6 Zones were.

Commissioner Hamilton felt it would be easier to add 6,000 and 7,000 square foot lots later rather than eliminate them.

Commissioner Kirch asked if there were other cities comparable to Roy. Salt Lake allowed domestic livestock, but its demographics were not similar to Roy's.

Commissioner Kirch moved to table this item until the next meeting pending further research by the staff. Commissioner Stonehocker seconded the motion. Commission members Hamilton, Holt, Kirch, and Stonehocker voted "aye." The motion carried.

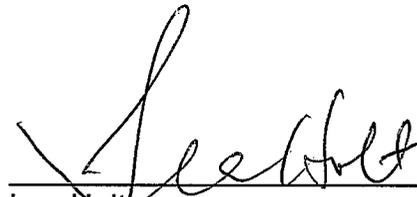
5. STAFF UPDATE

Jared Hall stated that there would be a subdivision on the September 25th agenda, as well as additional information on the proposed draft. In October and November, the Planning Commission would see a site plan for a gun club and range and some LED signs. The Commission would be meeting steadily throughout the fall.

Mr. Hall said Rhett Zito had moved from the City. He hoped to have all three vacancies on the Commission filled within the month.

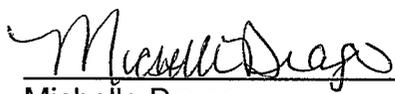
6. ADJOURN

Commissioner Hamilton moved to adjourn at 7:05 p.m. Commissioner Stonehocker seconded the motion. Commission members Hamilton, Holt, Kirch, and Stonehocker voted "aye." The motion carried.



Lee Holt
Chairman

Attest:



Michelle Drago
Secretary

dc:psep1112