

## ROY CITY PLANNING COMMISSION

July 23, 2013

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on July 23, 2013, 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  
Gennie Kirch  
Joe Paul  
Tom Stonehocker  
Karlene Yeoman

Jared Hall, Planner  
Michelle Drago, Secretary

Excused: Blake Hamilton

Others present were: D. L. Thurman; K. C. Halls; Ryan Hales; Mitt Lepine; Todd Turley; Colton Jaco; Lance Hislop; Teresa Hislop; Joe Drago; Brandon Smith; and Nancy Cervantez.

Pledge of Allegiance: Gennie Kirch

### 1. APPROVAL OF JULY 9, 2013, MINUTES

**Commissioner Kirch moved to approve the July 9, 2013, minutes as corrected. Commissioner Stonehocker seconded the motion. Commission members, Holt, Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.**

### 2. CONTINUATION OF PUBLIC HEARING FROM JUNE 25, 2013, TO CONSIDER A REQUEST FOR PRELIMINARY SUBDIVISION APPROVAL ON PROPERTY LOCATED AT APPROXIMATELY 3449 WEST 5600 SOUTH (ROY MEDICAL OFFICE SUBDIVISION)

**At 6:05 p.m., Commissioner Kirch moved to continue the public hearing from June 25, 2013. Commissioner Paul seconded the motion. Commission members, Holt, Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.**

Jared Hall stated that the Planning Commission continued the hearing for the Roy Medical Office Subdivision to allow time for an access agreement to be reached between K.C. Halls and Iasis. Mr. Hall said that the staff had not been able to facilitate

an agreement in the intervening weeks. He suggested that the Planning Commission close the public hearing and table a decision regarding the subdivision pending the resolution of an access agreement. There wasn't a reason to keep the hearing open. The staff would bring the subdivision back to the Planning Commission when the access was resolved.

Chairman Holt wanted to have a time frame. Hr. Hall said the staff would bring the subdivision back in 30 days.

Chairman Holt opened the floor for public comments.

K.C. Halls, Layton, stated that he owned the Barlow Square property. He asked that the City Council minutes of October 16, 2007, be entered into the record (see attached copy). During that City Council meeting, Tony Reynolds and Andy Blackburn assured the City Council that he would have access for his property. Based on those assurances, the Council adopted Ordinance Nos. 994 and 995 subject to him having access. Mr. Halls referred to the March 12, 2013, Planning Commission meeting during which Iasis agreed three separate times to grant him access. After receiving their approval, they would not return his calls. He also referred to the letter containing his attorney's opinion, which the Planning Commission received on June 25<sup>th</sup>. Iasis was trying to dictate what he could develop on his property. They wanted him to have to receive their approval before he could sign any tenants. He didn't feel one property owner should be able to dictate to another property owner. Roy City's attorney had not rendered an opinion. Mr. Halls felt the City attorney needed to render an opinion before this went any further.

**Commissioner Stonehocker moved to close the public hearing at 6:10 p.m. Commissioner Kirch seconded the motion. Commission members Holt, Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.**

**Commissioner Kirch moved to table consideration of a request for preliminary approval of a subdivision located at approximately 3449 South 5600 South (Roy Medical Office Subdivision) for 30 days to allow time for an access agreement between K.C. Halls and Iasis to be put in place. Commissioner Yeoman seconded the motion. Commission members Holt, Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.**

3. PUBLIC HEARING TO CONSIDER A REQUEST TO AMEND THE FUTURE LAND USE MAP OF THE GENERAL PLAN FOR PROPERTY LOCATED AT APPROXIMATELY 2750 WEST 4800 SOUTH (CONTINUED FROM 5/28, 6/11, 6/25/13, AND 7/9/13 MEETING)
4. PUBLIC HEARING TO CONSIDER A REQUEST TO AMEND THE ZONING MAP FOR PROPERTY LOCATED AT APPROXIMATELY 2750 WEST 4800 SOUTH (CONTINUED FROM 5/28, 6/11, 6/25/13, AND 7/9/13 MEETING)
5. PUBLIC HEARING TO CONSIDER A REQUEST FOR PRELIMINARY SUBDIVISION APPROVAL FOR WEST PARK CROSSING TO BE LOCATED AT APPROXIMATELY 2750 WEST 4800 SOUTH (CONTINUED FROM 5/28, 6/11, 6/25/13, AND 7/9/13 MEETING)
6. PUBLIC HEARING TO CONSIDER A REQUEST FOR APPROVAL OF A CONDITIONAL USE ALLOWING MULTI-FAMILY HOUSING ON PROPERTY LOCATED AT APPROXIMATELY 2750 WEST 4800 SOUTH (CONTINUED FROM 5/28, 6/11, 6/25/13 AND 7/9/13 MEETING)

Jared Hall stated that all four applications were related to the same project – a Future Land Use Map amendment, a rezone petition, a preliminary subdivision, and a conditional use permit for a multi-family housing development. The two issues that raised the greatest concern and which the Planning Commission wanted to have addressed were the length of the terminal street without secondary access and the sight distance. The City Attorney had not rendered a decision on the interpretation of RSO 11-902-4(b). The Fire Marshal sent an email stating:

My concerns are access in and out for EMS and Fire response. The International Fire Code (IFC) requires that any single family or two family developments greater than 30 have two fire access roads. Reference (D107 IFC). This project only has one. This should be ok in my opinion if the road remains wide on the main access with the dead end being ready for possible future development and is marked no parking. The side street is narrow and needs to be marked for no parking on one side of the street. I do have a concern with snow removal that has the possibility to cause access problems in the winter. Snow removal will need to be addressed. Lastly, the IFC also requires a fire flow of 1000 GPM for one and two family dwellings that do not exceed 3600 square feet. This should not be a problem in this area but will need to be proven capable by the contractor.

Commissioner Paul asked how the City Attorney felt about the requirement for two access roads in the International Fire Code. Jared Hall said the Fire Marshal had the authority to approve a variance to the IFC if he felt the project design could overcome the problem. Variances to the Zoning Ordinance could be granted if conditions were met. He felt this particular development could be a good candidate for a variance from

the Board of Adjustment. He felt it could meet all five of the requirements for a variance. This project could not overcome the ordinance as written. Substantial property rights could be affected if the ordinances were strictly enforced.

Chairman Holt asked if there was a clear answer from the City Engineer. Jared Hall said the City Engineer's comments were provided to the Planning Commission prior to the June 25<sup>th</sup> meeting. The City Engineer raised the concern about the length of the temporary terminal street.

Ryan Hales, Hales Engineering, stated that the site distance to the west was short of the required 300 feet by inches. The site distance could be overcome by shaving the trail crossing or raising the profile of Street A. Either option would resolve the site distance problem. The trail crossing could be rotomilled and overlaid. Raising the profile of Street A would give enough elevation for drivers to see across the hump caused by the trail crossing. Joe Perrin from A Trans felt either option would work. It was just a matter of what the City wanted.

Commissioner Kirch asked about how short the site distance was. Mr. Hales did not have the exact number. It was a matter of inches; around six inches.

Commissioner Paul asked how big of a dip would be created by raising the profile of Street A. Mr. Hales said it would be a 5% grade. It would act as a traffic calming device.

Jared Hall said the City's transportation engineer, Joe Perrin, had stated:

There are options for resolving the sight distance concern of the proposed access on 4800 South and 2730 West in Roy, UTA. It is recommended that a change be made to allow for the proper sight distance to be available. Without this change, the City may open itself to liability. The options appear to be the raising of the access or the shaving of the trail crossing on 4800 South. While the shaving of the trail crossing provides the most benefit to the traveling vehicles, the raising of the access should serve the same purpose of providing proper sight distance.

Mr. Hall said raising the grade at the project would be the easiest solution. It was within the developer's control. Shaving the hump caused by the trail crossing had the most benefit for traveling vehicles.

Commissioner Kirch asked how shaving the trail crossing would help the overall traffic. Mr. Hall said shaving the crossing would level out the hump. Commissioner Kirch asked if shaving the trail crossing would slow traffic. Mr. Hall couldn't say.

Commissioner Paul asked how soon the City Attorney could give his opinion. Mr. Hall felt the City Attorney would be careful because his decision would have a big impact on this project and set a precedence moving forward. It could take another three weeks before the Planning Commission received something in writing.

Commissioner Paul was hesitant to make a recommendation without the City Attorney's opinion, especially if it set precedence.

Chairman Holt stated that this development was a nightmare for him. He was concerned about traffic during the nine months of the year when school was in session. He was concerned about traffic being stalled by buses, which could lead to vehicles sitting on the tracks. He had lost sleep over this decision. He felt this development was illogical.

Commissioner Yeoman asked about restriping 4800 South. Jared Hall said striping 4800 South was a mitigation proposed by Hales Engineering. They proposed that 4800 South would be striped with four lanes in this area.

Ryan Hales stated that the striping plan had been reviewed by A Trans. Joe Perrin felt it was an acceptable solution. There was 350 feet between the tracks and Street A. At 20 feet per vehicle, there was room for about seventeen vehicles between Street A and the tracks.

Jared Hall stated that Joe Perrin recommended that the City have a plan in place to mitigate traffic if it felt the access from the development wasn't working.

Commissioner Kirch stated that some of the elementary schools in Roy prohibited left turns from their parking lots during certain hours of the day. Who restricted the left turns – Roy City or the school district? Mr. Hall did not know. Commissioner Kirch asked if the Planning Commission could recommend a left turn restriction during certain hours. Mr. Hall said it could.

Commissioner Paul asked if the City would be financially responsible for the cost to fix the access if it became a problem. Mr. Hall said Street A and 4800 South would both be public streets and would be the City's responsibility unless the developer was mandated by a development agreement to participate in the cost to mitigate an access problem. Development agreements were not out of the ordinary.

Commissioner Kirch stated that raising the profile of Street A should slow the speed of the traffic coming from the development.

Jared Hall said the Planning Commission could approve the development the way it was designed with full access subject to a development agreement that would require the developer to participate in the mitigation of traffic if it became an issue; or it could rule that the development wouldn't function with a left turn movement.

Commissioner Paul asked how the developer felt about traffic restrictions. Jared Hall said the developer would like a fully functioning access. He didn't know if the developer would be willing to participate in the cost of a round-a-bout.

Commissioner Paul felt the lack of information from the City Attorney left the Planning Commission hanging.

Commissioner Kirch said the Planning Commission could table consideration of this project until it received information from the City Attorney, it could recommend denial, or it could approve forward a recommendation of approval subject to a favorable opinion from the City Attorney.

**Commissioner Paul move to table consideration of this project for 30 days in order to allow time for the City Attorney to prepare a legal opinion regarding RSO 11-902-4(b). The motion died for lack of a second.**

Commissioner Kirch asked if waiting for an opinion from the City Attorney would change anything. The Planning Commission could forward this project to the Council subject to a favorable interpretation of RSO 11-902-4(b). If the attorney's opinion was not favorable, the Commission's recommendation would be void.

Commissioner Yeoman felt the Planning Commission liked the project but was concerned about the traffic.

Jared Hall stated that the staff felt the project would be good community development, but it had always been aware that traffic was a potential problem.

Commissioner Kirch asked how this development was different from the multi-family developments on Airport Road. Jared Hall said the length of the road in Stoneybrook Cottages was similar to this development, but it was a private road. The amount of traffic on Airport Road was much lighter than the traffic on 4800 South. He didn't feel Stoneybrook Cottages was that similar to West Park Crossing.

Commissioner Kirch understood that the Commission was hesitant to approve this development and hesitant to deny it. She didn't feel it would help to hold the project any further. She knew the City Council would take into consideration how the Planning Commission felt.

**Commissioner Paul moved to recommend that the City Council deny approval of the project based on concerns about traffic, lack of information, and inconsistencies. The motion died for lack of second.**

Commissioner Kirch stated that if the zone in this area was changed it would affect all of the area between the tracks. The area between 4000 South and 3300 West was agricultural, and she didn't see that use changing. If it did, it would have access problems as well. If the zone was changed there would be potential for property on the south side of 4800 South to change to high density housing, which would add to the traffic problem in this area.

Chairman Holt felt funneling all of the traffic from this area to 4000 South would be worse.

Commissioner Kirch stated that the City could not control all of the traffic. It was not even all Roy City's traffic. No matter what use developed on this property, the traffic on 4800 South would not change.

Commissioner Paul felt the volume of traffic from a high density use would be much higher than traffic from single-family homes or manufacturing.

Jared Hall stated that national standards existed for a reason. The trend was for families to move from attached housing to single family for more space and then back to attached housing when the need for space was no longer there. Single family homes could have three to four cars and typically generated more vehicle trips than multi-family. This development was close to Front Runner. Some residents could use it via the trail. Storage units would generate little traffic, but what it did generate would consist of trucks.

Commissioner Paul felt it would be easier to restrict left turns for storage units.

Jared Hall stated that if the Planning Commission recommended that the project be denied, it would be forwarded to the City Council. The Council could approve the project in spite of the Planning Commission's recommendation. If the Planning Commission made a recommendation for denial it would be because of traffic concerns and a lack of information from the City regarding the interpretation of RSO 11-902-4(b). The Planning Commission could recommend

approval subject to the City Attorney rendering a favorable interpretation; that a resolution for the sight distance be properly designed and approved; and that there be a contingency plan in place, along with a development agreement, to mitigate traffic from this development if the City felt it was necessary.

Commissioner Paul asked if widening of 4800 South was realistic. Mr. Hall said it would not be easy to widen 4800 South. The width of 4800 South in this area could accommodate four lanes.

Commissioner Kirch felt this project should be forwarded to the body that could make a decision based on the City Attorney's opinion. A recommendation of approval or denial would be based on the same facts.

**Commissioner Stonehocker moved to recommend that the City Council approve a request to amend the Future Land Use Map for property located at approximately 2730 West 4800 South from an industrial use to a very high density use based on the staff's findings and subject to the recommendations of the staff; that 4800 South be striped to mitigate traffic concerns; that a resolution to the sight distance be designed properly; and that the City Attorney render a favorable opinion on the length of the temporary terminal street. Commissioner Kirch seconded the motion. Commissioners Kirch, Stonehocker, and Yeoman voted "aye." Commissioners Holt and Paul voted "nay." The motion carried.**

**Commissioner Kirch moved to recommend that the City Council approve a request to amend the Zoning Map by changing the zone of property located at approximately 2730 West 4800 South from MP-1 to R-3 based on the staff's findings and subject to the staff's recommendations; that 4800 South be striped to mitigate traffic concerns; that a resolution to the sight distance be designed properly; and that the City Attorney render a favorable opinion on the length of the temporary terminal street. Commissioner Yeoman seconded the motion. Commissioners Kirch, Stonehocker, and Yeoman voted "aye." Commissioners Holt and Paul voted "nay." The motion carried.**

**Commissioner Kirch moved to tentatively recommend that the City Council grant preliminary approval of a subdivision located at approximately 2730 West 4800 South based on the staff's findings and subject to the recommendations of the staff; that the City Attorney render a favorable interpretation of RSO 11-902-4(b); and that the City reserve the right through a development agreement to mitigate traffic from this development if traffic become a problem, such mitigation being right turns only and the**

**installation of a round-a-bout on the next street. Commissioner Yeoman seconded the motion. Commissioners Kirch, Stonehocker, and Yeoman voted “aye.” Commissioners Holt and Paul voted “nay.” The motion carried.**

**Commissioner Kirch moved to tentatively recommend that the City Council approve a conditional use to allow multi-family housing on property located at approximately 2730 West 4800 South based on the staff’s findings; subject to the conditions recommended by the staff; and that the Council take into consideration the Planning Commission’s difficult decision and that if Commissioner Hamilton had been in attendance the vote would have been split and the motion defeated. Commissioner Stonehocker seconded the motion. Commissioners Kirch, Stonehocker, and Yeoman voted “aye.” Commissioners Holt and Paul voted “nay.” The motion carried.**

Jared Hall stated that he would not take this project to the City Council until he had a written opinion from the City Attorney, a development agreement for the possible mitigation of traffic concerns, and an approved plan to resolve the sight distance problem for Street A. He would let the Commissioners know when it would be on the Council agenda.

Commissioner Kirch stated that the Planning Commission was moving the project forward because it was at an impasse. This property would develop at some point. She felt it would be better to bring families into the City rather than storage units.

7. STAFF UPDATE

Jared Hall wasn't sure if there would be a meeting on August 13<sup>th</sup>. There would be a meeting on August 27<sup>th</sup>.

8. ADJOURN

**Commissioner Kirch moved to adjourn at 6:55 p.m. Commissioner Paul seconded the motion. Commission members, Holt, Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.**

Attest:

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Lee Holt  
Chairman

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Michelle Drago  
Secretary

dc:pjul2313