ROY CITY PLANNING COMMISSION

July 9, 2013

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on July 9, 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
Blake Hamilton
Gennie Kirch
Joe Paul
Tom Stonehocker
Karlene Yeoman

Jared Hall, Planner
Michelle Drago, Secretary

Others present were: D.R. Horton; Glen Lent; Matt Lepierre; Jeremy Searle; D. L. Thurman; Pete Peterman; Lance Hislop; Teresa Hislop; Bill Underwood; Sandy Underwood; Holly King; Madison King; Bruce Mendenhall; Tamra Mendenhall; Linda Sellers; Eartha L. Braxton (White); Eric Nelson, AYSO; Charles Alvey; Erica Alvey; Joe Drago; and David L. Tracy.

Pledge of Allegiance: Karlene Yeoman

1. APPROVAL OF JUNE 25, 2013, MINUTES

Commissioner Kirch moved to approve the June 25, 2013, minutes as corrected. Commissioner Stonehocker seconded the motion. Commission members Hamilton, Holt, Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.

2. PUBLIC HEARING TO CONSIDER A REQUEST FOR PRELIMINARY SUBDIVISION APPROVAL ON PROPERTY LOCATED AT APPROXIMATELY 5305 SOUTH 1900 WEST (CVS PLAZA SUBDIVISION)

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

Jared Hall stated that usually subdivisions created lots. In this case, a subdivision was being used to eliminate property lines. A site plan and conditional use permit for the

CVS Pharmacy was recently approved on the corner of Riverdale Road and 1900 West. The site consisted of four separate parcels. One of the conditions of approval was the combination of the parcels. Lot combinations were usually done with quit claim deeds and a letter of approval from the City. However, the applicant was required to share a driveway access with Warren's Drive in and dedicate frontage along 1900 West and 5300 South to UDOT and Roy City. The applicant found it easier to record a one lot subdivision rather than do a lot combination. The staff found that the proposed subdivision was in keeping with the goals and policies of the General Plan and the goals and requirements of the Zoning Ordinance. The proposed subdivision and lot met the standards of the zone. Mr. Hall said the staff recommended that the Planning Commission recommend that the City Council grant preliminary approval of the CVS Plaza Subdivision subject to the following conditions:

1. Subject to review and approval of any further corrections or other materials that might be required by the Engineer and other DRC staff.
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 Stonehocker moved to close the public hearing at 6:04 p.m. Commissioner Paul seconded the motion. Commission members Hamilton, Holt, Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.

Commissioner Kirch moved to recommend that the City Council grant preliminary approval of the CVS Plaza Subdivision located at approximately 5305 South 1900 West based on the staff's findings and subject to the conditions recommended by the staff. Commissioner Yeoman seconded the motion. Commission members Hamilton, 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, AND 6/25/13 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, AND 6/25/13 MEETING)
5. PUBLIC HEARING TO CONSIDER A REQUEST FOR PRELIMINARY SUBDIVISION APPROVAL FOR WEST PARK CROSSING TO BE LOCATED AT APPROXIMATLEY 2750 WEST 4800 SOUTH (CONTINUED FROM 5/28, 6/11, AND 6/25/13 MEETING)
6. PUBLIC HEARING TO CONSIDER A REQUEST FOR APPROVAL OF A CONDITIONAL USE ALLOWING MULTI-FAMILH HOUSING ON PROPERTY LOCATED AT APPROXIMATELY 2750 WEST 4800 SOUTH (CONTINUED FROM 5/28, 6/11, AND 6/25/13 MEETING)

At 6:09 p.m., Commissioner Yeoman moved to continue the public hearing consider a request to amend the Future Land Use Map of the General Plan for property located at approximately 2750 West 4800 South. Commissioner Stonehocker seconded the motion. Commission members Hamilton, Holt, Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.

At 6:09 p.m. Commissioner Kirch moved to continue the public hearing to consider a request to amend the Zoning Map for property located at approximately 2750 West 4800 South. Commissioner Hamilton seconded the motion. Commission members Hamilton, Holt, Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.

At 6:09 p.m. Commissioner Stonehocker moved to continue the public hearing from to consider preliminary subdivision approval for West Park Crossing to be located at approximately 2750 West 4800 South. Commissioner Paul seconded the motion. Commissioner members Hamilton, Holt, Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.

At 6:09 p.m. Commissioner Hamilton moved to continue the public hearing to consider approval of a conditional use for multi-family housing on property located at approximately 2750 West 4800 South. Commissioner Kirch seconded the motion. Commission members Hamilton, Holt, Kirch, Paul, and Stonehocker voted "aye." The motion carried.

Jared Hall stated that the separate actions for the West Park Crossing development had been continued from May 28, June 11, and June 25 to allow time for the City Engineer

to review the traffic study submitted by the applicant. After reviewing the study prepared by Hales Engineering, the City Engineer asked that it be reviewed by Dr. Joe Perrin, who often did consulting work for the City. The comments from the City Engineer and Dr. Perrin were included in the Commissioner's packets.

Jeremy Searle, Hales Engineering, stated that this was a difficult piece of property to develop because of its proximity to the Union Pacific railroad tracks, the 2700 West 4800 South intersection, the D&RG trail, and the slope of the hill on 4800 South. They initially found that there was obviously a lot of traffic on 4800 South. The intersections of 2700 West 4800 South and 2675 West 4800 South experienced acceptable levels of service during the p.m. peak hours. It was difficult for vehicles to make left turns at either intersection unless provided a courtesy gap. The intersection of 2675 West 4800 South had a Level of Service of E. It was not anticipated that traffic from the proposed development would change the level of service of either intersection. It was anticipated that Street A from West Park Crossing would operate at LOS F during the p.m. peak hour. Mr. Searle said developments were typically designed to LOS E and F. In this case, not much could be done to mitigate the traffic. The proposed development did not warrant a traffic signal. A left turn from this development in the p.m. peak would be difficult. They found that the average wait for a left had turn would be 45 seconds during the off peak. It would be 60 seconds during the peak p.m. Street A would operate with similar levels of service for other streets in this area. They were concerned about vehicles turning left from the project. In order to avoid a conflict between vehicles turning left on 2700 West and vehicles turning left from the project, they proposed that 4800 South be restriped with four lanes through this section of roadway. The lanes would include a westbound through lane; another westbound lane that began at 2700 West and eventually merged with the other through lane; a left turn lane into Street A; and an eastbound through lane. 4800 South was approximately 55 feet wide so no widening would be necessary to accommodate four lanes through this section. The striping would provide vehicles turning left from 4800 South adequate space to merge, while eliminating any direct conflict with vehicles turning left at Street A. Mr. Searle said the other area of concern was site distance. When looking to the west, there was a hump in the road due to the D & RG Trail. He had visually checked the sight distance by parking his car on 4800 South 390 feet west of where Street A would be located. Then he walked to the Street A location. From Street A he could see the top half of his vehicle. He felt there was adequate sight distance in both directions.

Commissioner Hamilton asked what the sight distance was supposed to indicate. Jeremy Searle said the guidelines were that a driver should be able to see a vehicle 390 feet away. The measurement was made 3 ½ feet above the ground as that was about the height of a driver. He acknowledged that the sight distance for Street A was close. Commissioner Hamilton asked if there was a more scientific way to measure the sight

distance. Mr. Searle said a survey could be done to make sure the sight distance was there.

Chairman Holt stated that he drove up and down 4800 South several times a day. He conducted his own experiment by simulating stops for courtesy gaps. When he stopped in either direction, traffic quickly backed up. When he was headed west and stopped, vehicles actually ended up sitting on the tracks. He was concerned about adding 300 cars (155 units times two vehicles) to the existing traffic on 4800 South. It would be difficult for vehicles to get out of this development. Trains, pedestrians on the trail, and vehicles from this development would make this area a nightmare.

Commissioner Hamilton stated that the a.m. traffic counts were conducted during the last week of school when traffic on 4800 South was usually lighter. Jeremy Searle said they compared their traffic counts with UDOT's numbers for the area and made adjustments for the time of year. UDOT's numbers were based on 12 month averages. Commissioner Hamilton asked what the adjusted numbers were. Mr. Searle said they were found in the traffic study.

Chairman Holt questioned the number of projected a.m. peak trips. He was concerned about adding 300 cars to 4800 South in this location. Jeremy Searle said trip generation was calculated using trip generations rates published in the Institute of Transportation Engineers (ITE) *Trip Generations*. Dr. Joe Perrin agreed they had followed the standard procedure for projecting trip generations.

Commissioner Kirch asked what the level of service (LOS) would be for Street A with the striping plan. Jeremy Searle said it would be F, which was very similar to the other streets along 4800 South. Commissioner Kirch asked what level of service 3100 West 4800 South had. Mr. Searle did not know.

Jeremy Searle stated that vehicles turning left from this development would have to wait for a gap to cross both westbound lanes. Commissioner Hamilton didn't feel that would be a selling point for this development. Mr. Searle agreed that property owners in this development would have to deal with the traffic.

Chairman Holt suggested that Hales Engineering view the traffic pattern on 4800 South during a train delay. Mr. Searle said that had been part of their review. Chairman Holt said he was just trying to point out reality. Mr. Searle felt that restriping 4800 South was the best mitigation that could be done for this site.

Dr. Joe Perrin, A-Trans Engineering, stated that this was a very tough site. It didn't matter what type of development occurred on this property, access would be difficult due to the hill, railroad tracks, and the trail crossing. He felt the City needed to make

sure the sight distance to the west was verified. If the project moved forward, he suggested that the City have an appropriate mitigation plan in place. The number of accidents should be monitored. If the City felt there was a problem, the mitigation plan could be implemented. He felt this would be an accident hot spot. There would be more accidents than typical because of everything that was going on in this location.

Commissioner Kirch stated that in his June 25th letter, Dr. Perrin talked about the option of a round-a-bout at the 2900 West 4800 South intersection.

Joe Perrin said the City had discussed a round-a-bout at 2900 West 4800 South some time ago. If the City determined the number of accidents was caused by left turn movements and restricted the access from Street A to right turns only, a round-a-bout at 2900 West would allow U turns to be made safely.

Commissioner Hamilton stated that Dr. Perrin's June 25th memo posed several questions. Had those questions been answered? Dr. Perrin said his questions had been answered during a meeting between the City Engineer, the applicant, and the applicant's traffic engineer.

Commission Hamilton said Dr. Perrin had asked if the crossing for the D & RG Trail had been considered. Joe Perrin said the official crossing for bike and pedestrian traffic from the D & RG Trail was at 2900 West 4800 South where there was a striped cross walk. Jared Hall said a sign had been posted on 4800 South to warn vehicle traffic about the trail. Joe Perrin didn't feel the trail crossing was an issue for this development.

Chairman Holt stated that development on 5600 South had shifted traffic to 4800 South. Now this development could shift traffic to 4000 South. Shifting traffic was simply moving the problem to another area and maybe creating more problems. Dr. Perrin agreed, but the City could not stop development. Chairman Holt didn't feel additional traffic at this intersection was right. Dr. Perrin said any time there was access on a hill, the situation was less than ideal.

Commissioner Hamilton asked if the applicant had done everything they could to alleviate this accident hot spot. Dr. Perrin said the only other option was to restrict traffic movement on Street A to right out only. He felt it was the left turns out that would increase the number of accidents. Commissioner Hamilton asked how traffic could be restricted to right turns only. Dr. Perrin said islands would have to be put in on 4800 South to channel the traffic.

Commissioner Kirch stated that there was already a traffic problem at 2900 West 4800 South. If this development was restricted to right turns only could traffic safely turn at 2900 West? If a round-a-bout was put in, would the striping still be needed? Was there

a possibility of a traffic light at 2900 West? Dr. Perrin said the City prioritized the lights on 4800 South. The first one was put in at the high school. The second light was installed at 3100 West because of the elementary school. Commissioner Kirch asked how a round-a-bout would affect the traffic flow. Dr. Perrin said a round-a-bout would slow the traffic flow. A round-a-bout functioned well throughout 95% of the day. A round-a-bout facilitated traffic from the side streets better than traffic signals.

Commissioner Hamilton felt restricting Street A to right turns only and putting in a round-a-bout would mitigate the traffic movement the City was concerned about.

Commissioner Kirch asked if it would be possible to swap the City's detention basin. Mr. Hall said it was possible but not probable. Dr. Perrin didn't feel the extra 75 feet gained from moving the detention basin would make much of a difference.

Joe Perrin stated that one of his questions was whether Street A would continue to the north and eventually connect to 4000 South. Jared Hall said the staff hoped that Street A would eventually extend from 4000 South to 4800 South. However, there were several properties to the north that would have to develop.

Commissioner Kirch stated that the City Engineer had noted that Street A did not comply with RSO 11-902-4(b) because it exceeded the maximum length of a terminal street without secondary access. Jared Hall felt the looped road in the development provided the secondary access needed. There would be a turnaround provided at the north end for fire apparatus. In this case, there wasn't another way to get another access to the property from the east or the west because of the two rail grades. The Fire Marshal was comfortable with the turn around and widening of the intersections with the loop road.

Commissioner Kirch asked if the parking stalls had been changed from 9'x18' to 9'x20'. Mr. Hall said 9'x18' stalls were acceptable if parking stalls were not abutting each other. The parking stalls in this development were adjacent to sidewalk and landscaping. Vehicles could hang over the sidewalk if needed. It was the DRC's accepted practice to allow stalls at 9'x18' in those cases.

Chairman Holt opened the floor for public comments.

Lance Hislop, 4875 South 2700 West, wanted to discuss the traffic study. The representative from Hales Engineering mentioned that the proposed development would generate 66 trips in the a.m. peak hour and 77 in the p.m. Chairman Holt expressed concern that 155 homes with two car garages would generate more than the 66 trips projected. By comparison, there were 24 homes on 2700 West between 5200 South and 4800 South. According to the traffic study, they generated 270 a.m. trips and 290 in

the p.m. How could 155 homes only generate 66 trips when 24 generated 270? Granted there was a light at 4800 South, but there was a light at 5600 South that pulled traffic that direction as well. He felt the project numbers of 66 and 77 were grossly inaccurate. If 66 and 77 trips were generated in the peak hours, only 53 trips were left for the remainder of the day. The national standards did not work here. He didn't feel the study had taken into account Front Runner (commuter rail). It mentioned there were two Front Runner trains in the peak hours, but it didn't mention the number of Union Pacific trains. The study said traffic waiting for trains cleared up in a few minutes. Everyone who drove on 4800 South knew it took more than a few minutes for traffic to clear after a train. A vehicle turning left from 2700 West had 335 feet to get up to speed and merge with the through westbound lane. If this development went in, a vehicle could be accelerating and merging at the same time a vehicle could be making a left turn from Street A. He felt someone would die.

Mr. Hislop said RSO 11-902-4(b) states, *"In no instance shall a temporary dead end street exceed one thousand fee (1,000') without secondary access as measured from the center of the nearest intersecting street to the center of the temporary turn around."* RSO 11-902-4(a) states, *"Minor terminal streets shall not exceed five hundred feet (500') measured from the center of the intersecting street to the center of the cul-de-sac."* The length of Street A from 4800 South to the turnaround was about 1800 feet. The City's Municipal Code uses the wording *'shall not.'* He didn't feel the wording left much leeway. The City Council could change the wording, but as long as the code read *'shall not'* he didn't feel the Planning Commission could recommend approval of something that was in violation of the code.

Mr. Hislop said the applicants were asking that the zoning of this property be changed. The City didn't have to change anything. What could be developed on the property under the current zoning would limit the amount of traffic on 4800 South?

Teresa Hislop, 4875 South 2700 West, referenced a community preference study done by the National Association of Realtors done by Belden Russonello and Steward LLC. It was published in the *Standard Examiner* on June 25th. The study indicated that people wanted to live in walkable communities in detached single family homes. She didn't feel multi-family housing was what the City wanted to attract. The City wanted to draw people with a sense of community. She felt the Planning Commission should consider what the City would be.

D.L. Thurman, 4953 South 3100 West, stated that he owned the house and barn on 4800 South. It was tough to get onto 4800 South. He wasn't opposed to the development one way or the other, but the traffic was bad. He had lost four mail boxes because of traffic.

Joe Drago, 5281 South 2700 West, asked if there were other roads in Utah that had a similar traffic pattern. If there were similar roads, had their traffic been studied? Had Hale Engineering looked at those comparables? He asked if the Planning Commission had considered what would happen to the south side of 4800 South if this property was rezoned. Property owners on that side could petition to rezone their property as well. What impact would a multi-family use on the south side of the street have on the 4800 South traffic?

Sandy Underwood, 5118 South 2700 West, stated that her family had owned property in Roy City for almost a century. The City kept encroaching. She had driven her children to and from school and was now driving her grandchildren. She couldn't understand why the City would consider this and put that kind of risk out there. She hoped and prayed the Planning Commission and City Council would consider what they wanted Roy to be.

Chairman Holt stated that the Planning Commission was the in the position of listening and making recommendations. It did not make the final decision.

Bruce Mendenhall, 2765 West 4450 South, stated that on the average nine months of the year was most of the year. Nine months of the year, people traveled up and down 4800 South to the schools. During the summer, West Park was always busy. He had never seen a police officer at 2900 West 4800 South directing traffic. There wasn't anything like a 45 second wait. Sometimes, you waited at 2900 West 4800 South for four minutes. If this property was going to develop, he felt single family homes would be better. The number of units would be reduced so the amount of traffic would be less. Maybe the developer should be required to build a road to 4000 South. A road to 4000 South would help alleviate some of the traffic problem.

Charles Alvey, 5671 South 2550 West, stated that there would be accidents here and someone would be killed. If turning this project down meant saving one life it would be worth it.

David L. Tracy, 5125 South 2700 West, stated that this sounded like a problem waiting to happen. There was already too much traffic on 4800 South. If this property was going to develop, it should be done at a lower density, such as half acre lots.

Eric Nelson, AYSO, asked what impact this development would have on West Park. He understood utilities would come through the park. Jared Hall said the sanitary sewer would run west to 4600 South through the park. Mr. Nelson asked what impact that would have on the use of the park. How long would the park be unusable? Mr. Hall said that portion of the park would be unusable only during installation of the sewer. Mr. Nelson asked if the City had considered leaving this property as open space. He could

understand the traffic concerns. This was one of the worst intersections he had seen during his years in construction.

Matt Lepierre, Draper, stated that he was representing the developer. He thanked the Planning Commission for their time. He felt they could extend the sewer through the park within one to two months during the off season. They wanted to create a sense of community by building a link between this development and the park and trail. The proposed development contained 41% open space. They hired a traffic engineer and met with the City's engineer, Mark Miller, and Joe Perrin. They wanted to mitigate the traffic issues. They didn't want to create a burden on the roads. By hiring a professional, they were attempting to mitigate the traffic.

Commissioner Paul moved to close the public hearing to consider an amendment to the Future Land Use Map at 7:20 p.m. Commissioner Kirch seconded the motion. Commission members Hamilton, Holt, Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.

Commissioner Hamilton moved to close the public hearing to consider an amendment to the Zoning Map at 7:21 p.m. Commissioner Paul seconded the motion. Commission members Hamilton, Holt, Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.

Commissioner Stonehocker moved to close the public hearing to consider a preliminary subdivision approval at 7:21 p.m. Commissioner Kirch seconded the motion. Commission members Hamilton, Holt, Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.

Commissioner Yeoman moved to close the public hearing to consider a conditional use permit at 7:21 p.m. Commissioner Stonehocker seconded the motion. Commission members Hamilton, Holt, Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.

Chairman Holt stated that during the winter school buses traveled up and down 4800 South and weather conditions affected traffic. During the summer, there was the Roy Days fireworks display at West Park. He couldn't even imagine how that much traffic would impact this development.

Commissioner Hamilton asked for clarification of the sections of the Subdivision Ordinance quoted by Mr. Hislop. Jared Hall said 11-902-4(b) was included in the City Engineer's comments. He read 11-902-4(a), *"Minor terminal streets shall not exceed five hundred feet (500') measured from the center of the intersecting street to the center of the cul-de-sac."*

Commissioner Hamilton asked how the length of the temporary terminal street would be solved. Mr. Hall didn't feel the proposed development was in violation of 11-902-4(b) because of the looped street. He felt it provided the "secondary access" mentioned in the ordinance. There was a turnaround at the north end for fire apparatus, and the Fire Marshall had reviewed and approved of the street layout.

Commissioner Paul asked how the loop street resolved anything. Mr. Hall felt the looped street fulfilled the secondary access requirement. There were many roads in the City that didn't have secondary access. Commissioner Hamilton said they had been built in the past. The Planning Commission was trying to make a recommendation about this development.

Commissioner Paul stated this development was not as appealing to him without the knowing how long it would be before Street A continued to the north.

Commissioner Hamilton asked if the City Attorney had reviewed the language in the Subdivision Ordinance for potential liability. He felt there were still items that needed to be cleared up, such as a survey of the site distance. He didn't feel parking a car and taking a picture met the regulatory requirements of engineering. He felt the sight distance should have been measured prior to this meeting.

Joe Perrin felt the only official item that was not done was the calculation of the sight distance. He felt a licensed engineer should identify the sight distances and the sight triangles.

Commissioner Kirch asked what would happen if the sight distance was short. Dr. Perrin said the City would have to decide whether to grant a variance or to allow Street A with restricted movements. The City's legal counsel would determine whether either action would open the City up to liability. If the minimum sight distance could not be met, the City's engineering staff would recommend ways to mitigate the problem.

Commissioner Hamilton asked about the possibility of this development setting a precedent for development on the south side of 4800 South. Mr. Hall said the possibility of development did exist, but there wasn't as much available land on the south side of 4800 South.

Chairman Holt felt that one town house development begat another.

Commissioner Kirch asked how common this type of situation was. Jared Hall felt this property was completely unique. He had never seen another intersection like 2700 West 4800 South. This property was located on a hill between two railroad grades. The

property had a lot of acreage with very little frontage. Commissioner Kirch said there were also overhead power lines running west to east through the property.

Commissioner Kirch reminded the Commission members that the same traffic situation would exist no matter how this property developed.

Jared Hall stated that the properties to the north could not develop if Street A didn't go in. Because of the two railroad grades, there wasn't access from the east or west. Without access the properties to the north were not developable.

Commissioner Hamilton asked if the City would be at risk of performing a regulatory taking of the properties to the north if this development were denied.

Commissioner Paul felt a park would generate less traffic than a high density use. Mr. Hall disagreed. There was a lot of traffic associated with a park at certain times, and an intersection would still be necessary.

Chairman Holt stated that the 'development bible' said the least traffic that could be created. In this case, that was storage sheds.

Commissioner Hamilton asked if there was any way to get around the land lock situation that existed for the properties to the north.

Commissioner Yeoman asked how many parcels were located to the north. Mr. Hall said there were three separate parcels.

Chairman Holt reminded the Planning Commission that things did not have to change. This property and the properties to the north could be left as they were.

Commissioner Hamilton said there were three issues he was not comfortable with. Unless they were resolved, he didn't feel the Commission could make a decision. The sight distance needed to be calculated by a licensed engineer, the City's legal counsel needed to look make sure a denial wouldn't be land locking the three parcels to the north, and legal counsel needed to determine whether this proposed development complied with RSO 11-902-4(b). Until those questions were answered, he wasn't comfortable moving forward. He was concerned about potential liability for the City.

Chairman Holt stated that the three properties to the north currently didn't have frontage. If there wasn't a zoning change, the situation remained status quo.

Commissioner Kirch stated that if the property was rezoned and this development was approved, the properties to the north would no longer be land locked. If the zoning wasn't changed, it didn't change anything for the north parcels.

Commissioner Hamilton was concerned about the properties to the north being permanently land locked if this development was approved. Jared Hall said they would only be land locked if the City approved the zone and then turned down Street A because of 11-902-4(b).

Jared Hall said the Planning Commission could recommend approval with or without conditions, it could forward a recommendation of denial for various reasons, or it could table the matter until it received further information. He would check his interpretation of 11-902-4(b) with the City Attorney. If this development were a large scale multi-family rental development, the length of the street would not apply. That was only a part of the subdivision ordinance.

Commissioner Kirch didn't feel this should be tabled. She felt it should be forwarded to the City Council with stipulations.

Commissioner Paul moved to recommend that the request to amend the Future Land Use Map for property located at approximately 2730 West 4800 South from manufacturing to high density residential be denied due to excessive traffic, unresolved sight distance questions, and violation of RSO 11-902-4(b). Commissioner Hamilton seconded the motion. Commission members Hamilton, Holt, and Paul voted "aye." Commission members Kirch, Stonehocker, and Yeoman voted "nay." The motion was defeated.

Commissioner Kirch moved to recommend tentative approval of an amendment to the Future Land Use Map for property located at approximately 2730 West 4800 South from manufacturing to high density residential based on the staff's findings and subject to the conditions recommended by the staff, resolution of the sight distance, and clarification of the legal interpretation of RSO 11-902-4(b). Commissioner Yeoman seconded the motion. Commission members Kirch, Stonehocker and Yeoman voted "aye." Commission members Hamilton, Holt, and Paul voted "nay." The motion was defeated.

Jared Hall stated that without a tie breaker, the motions were defeated. The only option left was to table the matter until the Planning Commission received further information. He clarified that the Planning Commission was asking the staff to verify that the sight distance was workable and to have legal counsel provide an appropriate interpretation of RSO 11-902-4(b).

Commissioner Hamilton stated that if the sight distance requirement was met, then the City had done the best it could.

Commissioner Paul did not feel a potential high accident use was the least amount of traffic that could be put in here.

Jared Hall stated that this proposed development was not the worst thing that could be done. Even if the City were able to purchase this property for open space, it would not solve the traffic problems on 4800 South. This property was a drop in the bucket where 4800 South was concerned. 4800 South was slated to be widened. The entire area needed better east/west traffic corridors.

Commissioner Hamilton asked why the applicant had not measured the sight distance. Why hadn't the applicant provided all of the information that the Planning Commission could possibly need? As an attorney he thought a lot about liability. He wasn't willing to pass a on a recommendation he wasn't 100% comfortable with. He was fine tabling this until further information could be brought back.

Commissioner Kirch didn't feel there any findings strong enough to be able to say 'no' to the development just because it was uncomfortable. This was an atypical situation, and she didn't feel there was a clear solution to the problem.

Commissioner Paul wasn't comfortable creating a potential high accident area.

Commissioner Hamilton moved to table consideration of an amendment to the Future Land Use Map until the next Planning Commission meeting in order to allow time for the sight distance to be calculated by a licensed engineer, time for legal counsel to provide direction on how the Planning Commission should proceed if the minimum sight distance was not met, and time for legal counsel to provide an interpretation of RSO 11-902-4(b). Commissioner Paul seconded the motion. Commission members Hamilton, Holt, Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.

Commissioner Hamilton moved to table consideration of Items 4, 5, and 6 until the next meeting for the reasons stated in the previous motion. Commissioner Paul seconded the motion. Commission members Hamilton, Holt, Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.

7. STAFF UPDATE

Jared Hall stated that the next agenda would contain the Iasis Subdivision. He felt the access for K.C. Halls could be resolved by then.

Commissioners Hamilton and Paul stated that they would be out of town on July 23rd. They asked to participate in the meeting electronically.

Commissioner Kirch asked the City Attorney to determine if the City would be liable if the West Park Crossing project was turned down. There was a lengthy discussion about future development in Roy City.

8. ADJOURN

Commissioner Paul moved to adjourn at 8:23 p.m. Commissioner Stonehocker seconded the motion. Commission members Hamilton, Holt, Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.

Lee Holt
Chairman

Attest:

Michelle Drago
Secretary

dc:pjul913