



Agenda Roy City Planning Commission Meeting

6:00 p.m.
October 22, 2013

City Council/Court Room
Municipal Building
5051 South 1900 West

1. Approval of October 8, 2013 minutes
2. 6:00 p.m. Public hearing to consider a request for preliminary approval for a residential subdivision on property located at approximately 2950 W 4700 S.
3. 6:00 p.m. Public hearing to consider a request to amend the Future Land Use designation of property located at approximately 4600 S 3500 W.
4. 6:00 p.m. Public hearing to consider a request to amend the Zoning designation of property located at approximately 4600 S 3500 W.
5. 6:00 p.m. Public hearing to consider a request for Conditional Use approval allowing a multi-family residential development on property located at approximately 4600 S 3500 W.
6. 6:00 p.m. Public hearing (continued from 10-8-13) to consider a request to amend the table 17-2 of the Roy City Zoning Ordinance by adding a use category for Tattoo and Body Art.
7. Staff update
8. Adjourn

If you are planning to attend this public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City 24 or more hours in advance of the meeting and we will try to provide whatever assistance may be required. The person to contact is Tammy Nelson at (801)-774-1040.

ROY CITY PLANNING COMMISSION

October 22, 2013

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on October 22, 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: Vicki Stevenson; Jerri Lynn Corless; Edith Tueller; Michael Tueller; Tina Burns; Gardner Crane; Yvonne Valdez; Jared Flanders; JoLynn Flanders; Nisha R. Patel; and Rachel Wilcox.

Pledge of Allegiance: Blake Hamilton

1. APPROVAL OF OCTOBER 8, 2013, MINUTES

Commissioner Kirch moved to approve the October 8, 2013, minutes as corrected. Commissioner Stonehocker seconded the motion. Commission members Hamilton, Holt Kirch, Stonehocker, and Yeoman voted "aye." The motion carried.

2. PUBLIC HEARING TO CONSIDER A REQUEST FOR PRELIMINARY APPROVAL OF A RESIDENTIAL SUBDIVISION ON PROPERTY LOCATED AT APPROXIMATELY 2950 WEST 4700 SOUTH (MIYA ESTATES PHASE NO. 3)

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

Jared Hall stated that the City had received a request for preliminary approval of Miya Estates Phase No. 3. The first two phases of Miya Estates were approved in 1997 and 2006. The property owners wanted to finish the subdivision by putting in the remaining 20 lots. The subdivision would connect to 4700 South and come out to 4800 South. All 20 lots complied with the size and width requirements of the R-1-8 Zone. All of the lots

faced a dedicated right-of-way. The staff had found that the proposed subdivision was in harmony with the goals and intents of the General Plan, and it complied with the standards of the Zoning Ordinance. The City had not received comments from the City Engineer. The DRC recommended that the Planning Commission recommend that the City Council grant preliminary approval subject to: The applicant satisfying any questions or comments raised by further review of the City Engineer's office; and subject to further review and approval by the Development Review Committee in preparation of presentation to the City Council. The subdivision would not be forwarded to the City Council until the City Engineer had reviewed the subdivision.

Commissioner Hamilton asked why the engineering review was not complete. Mr. Hall said there had been a need for new plan sets to be submitted, and the City Engineer only just received them. He did not anticipate that the City Engineer would find any insurmountable problems.

Commissioner Kirch did not recall any significant engineering problems when the earlier phases were considered.

Chairman Holt opened the floor for public comments.

Edith Tueller, 2980 West 4800 South, was concerned about the additional traffic this subdivision would create. There was a traffic light at 3100 West and a 20 m.p.h. school zone which backed traffic up east of West Park. It was difficult to get out of her driveway. Another access would make it worse.

Chairman Holt said the reality was that all open space was subject to possible development.

Edith Tueller asked if the developer had considered a cul-de-sac rather than an access. Chairman Holt felt a cul-de-sac might exceed the maximum length of a terminal street without a secondary access.

Jared Hall did not feel a cul-de-sac at the end of 2950 West would work because it would be difficult for fire apparatus to maneuver.

Commissioner Kirch moved to close the public hearing at 6:08 p.m. Commissioner Stonehocker seconded the motion. Commission members Hamilton, Holt, Kirch, Stonehocker, and Yeoman voted "aye." The motion carried.

Commissioner Hamilton asked where the roundabout would be located. Mr. Hall said it would be approximately 250 feet east of 2950 West.

Jared Hall didn't feel traffic from 20 homes would tip the traffic scale. Commissioner Hamilton asked if there would be sight distances issues from 2950 West. Mr. Hall said there wouldn't because the terrain along this stretch of 4800 South was fairly flat. Commissioner Hamilton asked if the roundabout would cause sight issues. Mr. Hall said it wouldn't because the roundabout would actually slow the traffic down. The topography at this location would not interfere with the sight distance.

Commissioner Kirch asked if the City needed to consider restricting turning movements on this access. Mr. Hall said if there was a need for traffic restrictions, the City Engineer could recommend them in his review. There were other roads leading from this subdivision. The majority of the traffic at 2950 West out onto 4800 South would be from only the homes in Phase 3.

Commissioner Kirch moved to recommend that the City Council grant preliminary approval of Miya Estates Phase 3 located at approximately 2950 West 4800 South based on the staff's findings and subject to the recommendations of the staff, the City Engineer's review, and that the City Engineer be sensitive to traffic needs. Commissioner Yeoman seconded the motion. Commission members Hamilton, Holt, Kirch, Stonehocker, and Yeoman voted "aye." The motion carried.

3. PUBLIC HEARING TO CONSIDER A REQUEST TO AMEND THE FUTURE LAND USE MAP DESIGNATION FOR PROPERTY LOCATED AT APPROXIMATELY 4600 SOUTH 3500 WEST
4. PUBLIC HEARING TO CONSIDER A REQUEST TO AMEND THE ZONING DESIGNATION FOR PROPERTY LOCATED AT APPROXIMATELY 4600 SOUTH 3500 WEST
5. PUBLIC HEARING TO CONSIDER A REQUEST FOR CONDITIONAL USE APPROVAL ALLOWING A MULTI-FAMILY RESIDENTIAL DEVELOPMENT ON PROPERTY LOCATED AT APPROXIMATELY 4600 SOUTH 3500 West (ADERRA LUXURY APARTMENTS)

At 6:12 p.m., Commissioner Kirch moved to open a public hearing to consider a request to amend the Future Land Use Map designation for property located at approximately 4600 South 3500 West from Community Commercial to High Density Residential. Commissioner Stonehocker seconded the motion. Commission members Hamilton, Holt, Kirch, Stonehocker, and Yeoman voted "aye." The motion carried.

At 6:14 p.m. Commissioner Stonehocker moved to open a public hearing to consider a request to amend the zoning designation for property located at approximately 4600 South 3500 West from Community Commercial to R-3. Commissioner Kirch seconded the motion. The motion carried.

Commissioner Hamilton moved to open a public hearing to consider a request for conditional use approval for a multi-family residential development on property located at approximately 4600 South 3500 West (Aderra Luxury Apartments). Commissioner Kirch seconded the motion. Commission members Hamilton, Holt, Kirch, Stonehocker, and Yeoman voted "aye." The motion carried.

Jared Hall stated the City had received a development proposal for a multi-family housing project on 7.59 acres located at approximately 4600 South 3500 West. The project would consist of 114 apartments in five three-story buildings. Four of the buildings would contain 24 units; one would have 18. The proposal contained three separate applications. The first was a request to amend the Future Land Use Map designation for this property from Community Commercial to High Density Residential. The second application requested that the Zoning Map be amended to change the zoning designation from Community Commercial to R-3. The last application was a request for conditional use and site plan approval for multi-family housing.

Mr. Hall said the Planning Commission had discussed the concept of this development in a work session. The density of the project was 14 units per acre. The R-3 Zone only allowed a density of 12 units per acre. However, the Multi-Family Housing Standards in the Zoning Ordinance allowed a bonus density for exceptional open space. The staff felt the open space proposed by the developer warranted the density bonus. The development would include a club house, swimming pool, basketball court, and a playground. Mr. Hall said the exterior of the buildings contained a lot of stone work, architectural details, and structural relief.

Commissioner Paul arrived at 6:18 p.m.

Mr. Hall stated that this land had been available for sale for some time. No one seemed interested in developing it for a commercial use. He advised that UDOT planned to modify the intersection of 4800 South 3500 West. When that occurred, staff felt that any interest in this property for a commercial purpose would dry up completely. The staff was pleased with the way this project would look from the street. The access was good. The entrances were 36 feet in width and the driving aisles were 28 feet wide. Garages were located along the west property line. A 6-foot vinyl fence would be provided along the north, west, and south property lines. A decorative split rail fence would be located along the frontage.

Mr. Hall stated that the engineering review for this project was not finished because the full engineering work had not been completed and submitted. The staff scheduled the hearings and did not want to re-notice them. Without the engineering review, staff was not prepared to make a recommendation to the Planning Commission. He suggested that the Planning Commission allow for public comments and then continue the hearing to November 12th, tabling any decision.

Gardner Crane, Uintah Land Company, stated that there was a lot of demand for apartments right now. They spent extra money for things like 9 ½ foot ceilings, granite countertops, and a nicer exterior. They were then able to market the apartments toward those who wanted a nicer place to live. They had figured out how to get utilities to the site. They did plan to shift the location of the club house and swimming pool closer to the playground.

Commissioner Kirch asked why they wanted to shift the club house. Mr. Crane said they wanted to have a nicer appearance as people entered the development. They had been hesitant to spend the money to have the development engineered without some assurance they would receive approval.

Chairman Holt stated that the key to successful multi-family housing developments was the property management. Would this development have an on-site manager? Gardner

Crane introduced Tina Burns from Cornerstone. Cornerstone managed all of their multi-family housing projects.

Tina Burns stated that Cornerstone was a professional management company. They had been in business for 30 years. With a community of this size there would be on-site staff, which would consist of an on-site manager, maintenance, and a leasing agent. The manager would live on site.

In response to Chairman Holt's concern about management of the swimming pool, Ms. Burns said a community was about standards. The pool area would be accessible with a key fob. The pool would be locked at night. If there was a problem with a tenant, their key fob could be deactivated.

Chairman Holt asked about the eviction policy for violation of standards or a crime. Tina Burns said crime meant an immediate eviction. For nuisance violations, tenants had to be given three days' eviction notice.

Chairman Holt asked about security. Tina Burns said they did not have someone patrol the grounds, but staff did periodic inspections to insure the interior and exteriors were kept to the highest standards.

Chairman Holt asked how much the units would lease for. Tina Burns said a two bedroom unit would be in the low \$700's; three bedrooms would be in the middle \$900's.

Commissioner Yeoman asked about lighting and how it would affect residents who lived west of the Layton Canal. Mr. Crane said light pollution would affect their tenants as well as adjacent property owners. The lights in the parking lots could be down lit. Lights on the buildings were for security. Their lighting would not be a nuisance.

Commissioner Yeoman asked about on-site retention. Gardner Crane said it would be located on the northwest corner of the development.

Chairman Holt opened the floor for public comments.

Vicki Stevenson, 4614 South 3600 West, stated that the 4800 South 3500 West intersection was scary. There was a lot of traffic coming from five different directions. There were already condominiums further north. If Walmart developed at 4000 South and Midland Drive, there would be even more traffic at that intersection. Adding these apartments was a scary situation.

Jared Flanders, 4587 South 3600 West, was concerned about the traffic demand on this street. The City did not know what changes UDOT would make to the roads. West Haven approved a multi-family project called Stone Creek. Building had stopped in Stone Creek because the demand was so low. Maybe the demand for commercial development on this property was because the price was too high. Had the City looked at the demand for apartments in Roy? Mr. Flanders didn't feel the developer should compare Roy to Kaysville. The demand for apartments in Weber County was different than the demand in Davis County. There was a ton of twin homes for sale and for rent just across the canal. The value of the twin homes impacted the value of his home. These apartments would impact its value as well. Most of the homes in the area did not have secondary water. He felt the Planning Commission would feel guilty if it turned Gardner Crane down because he had invested money in the project. Why hadn't Mr. Crane asked for approval before spending a lot of money? Mr. Flanders didn't feel these apartments should go in.

JoLynn Flanders, 4587 South 3500 West, stated that they had lived in their home for 19 years. For a while growth around them had boomed. In the last five years they had seen a decline in their neighborhood and throughout Roy. There were empty houses, and homes that weren't taken care of. There were 'for rent' signs everywhere. Crime had increased in her neighborhood. She felt these apartments would make the neighborhood decline more. She didn't feel they were a good fit for an older neighborhood. After a while, the apartments would be leased to those with lower incomes. She didn't want to see more crime in her neighborhood.

Tina Burns, Cornerstone, stated that at some point everyone had rented. Renters were not second class citizens. People did want to live in professionally managed apartment communities with amenities. People who owned homes as investments often did not know how to screen renters or to do background checks. If people did not enjoy where they lived and felt safe, they would not renew their lease and would not stay. Renters would spend money in the community and would contribute to it. Renters cared just as much about where they lived as homeowners. People who leased apartments eventually purchased a home, and it was usually nearby.

Yvonne Valdez, Hyrum, stated that she owned the property in question. It had been for sale for over ten years. There had been no interest in it. She had to sell it because the taxes were too high. She felt apartments would be a good investment for Roy. The apartments built by the Uintah Land Company were very professionally done.

Commissioner Hamilton asked how the City could address the traffic concerns. Mr. Hall said the City did not know exactly what UDOT would do, however, it was likely that 3500 West would be closed completely at Midland Drive, and that a second intersection to the north would be realigned instead. He felt that whatever happened, it would be adequate

to handle the proposed 114 units. Residential development did not require the visibility that commercial development did.

Commissioner Kirch said the water table in this area was high. Would it impact this development? Mr. Hall said the buildings would be slab on grade.

Gardner Crane asked if the Planning Commission would be willing to forward a recommendation to the City Council subject to further staff and engineering review. Jared Hall said it would be possible but it would not be appropriate.

Commissioner Hamilton said the Planning Commission was the land use body for the City. He did not feel this project should be forwarded without the engineering review.

At 6:56 p.m., Commissioner Hamilton moved to continue all three hearings to November 12th in order to allow time for an engineering review. Commissioner Paul seconded the motion. Commission members Hamilton, Holt, Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.

6. CONTINUATION OF PUBLIC HEARING TO CONSIDER A REQUEST TO AMEND TABLE 17-2 OF THE ROY CITY ZONING ORDINANCE BY ADDING A CATEGORY FOR TATTOO AND BODY ART

At 6:58 p.m., Commissioner Kirch moved to continue the public hearing from October 8, 2013. Commissioner Yeoman seconded the motion. Commission members Hamilton, Holt, Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.

Jared Hall stated that the City had received an application to amend the text of the Zoning Ordinance to create a use category for Tattoo and Body Art. There was currently not a use category for Tattoo and Body Art in Table 17-2 of the Zoning Ordinance. It was the staff's opinion that they should not be excluded. The staff proposed that a use category be created with the following restrictions:

1. Tattoo and Body art businesses should be allowed by conditional use in the Regional Commercial Zone.
2. All Tattoo and Body Art businesses should be required to obtain and maintain an operating permit from the Weber-Morgan Health Department. Maintaining a permit meant their businesses would be regularly and randomly inspected for health code violations and ensures these establishments were clean and safe.
3. No minors should be allowed on the premises who are not accompanied by an adult. State law prohibits these establishments from performing work on minors without approval of their guardians.
4. No Tattoo and Body Art business should be located closer than 600 feet to another such use.
5. No Tattoo and Body Art business should be located closer than 600 feet to a church, school, park or other public gathering places.
6. Hours of operation – limited to between 9:00 a.m. and 12:00 a.m.
7. Per population restriction – allowed at one such business per 10,000 population, or portion thereof, of Roy City at the time of application. This would allow four such businesses in the City.

Commissioner Hamilton noted that Clearfield City's ordinance included pay day lending businesses, smoke shops, and sexually oriented businesses in their spacing requirements. Mr. Hall said that Roy City's commercial corridor was half the length of Clearfield's. He felt the restrictions in Roy would limit the number sufficiently.

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

Commissioner Kirch stated that the Planning Commission wanted the businesses to close at 10:00 p.m. Mr. Hall said he would make that change.

Commissioner Kirch asked how the location of the day cares on 1900 West affected the number dynamics. Mr. Hall didn't feel there was a way to quantify a number.

There was discussion about restrictions regarding population, spacing requirements, zoning, and hours of operation.

Commissioner Hamilton asked if there was any case law from the 10th Circuit Court. Mr. Hall said he would check.

Commissioner Stonehocker moved to close the public hearing at 7:11 p.m. Commissioner Paul seconded the motion. Commission members Hamilton, Holt, Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.

Commissioner Paul asked about display of artwork. Mr. Hall wasn't sure how to limit it. These businesses would be held to the same decency standards as any other business.

Commissioner Stonehocker moved to table a decision regarding an amendment to the Zoning Ordinance to add a use category to Table 17-2 for Tattoo and Body Art until November 12th in order to allow staff time to put the proposed restrictions in ordinance form. Commissioner Kirch seconded the motion. Commission members Hamilton, Holt, Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.

7. STAFF UPDATE

Jared Hall updated the staff on the City Council's decision regarding the West Park Crossing development.

8. ADJOURN

Commissioner Kirch moved to adjourn at 7:21 p.m. Commissioner Hamilton seconded the motion. Commission members Hamilton, Holt, Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.

Attest:

Lee Holt
Chairman

Michelle Drago
Secretary

dc:poct2213