

## AGENDA

### September 8, 2015

6:00 p.m.

The Roy City Planning Commission regular meeting will be held in the City Council Chamber / Court Room in the Roy City Municipal Building located at 5051 South 1900 West. The meeting will commence with the Pledge of Allegiance, which will be appointed by the Chair.

#### Agenda Items

1. Declaration of Conflicts
2. Approval of August 25, 2015 regular meeting minutes
3. Continued – Request for approval for a Site Plan to allow accessory buildings for Southern Comfort, located at 5357 S. 1900 W.
4. Consider a request for Site Plan and Building elevation approval for the modification of an existing building at the Roy Christian Church located at 4347 S. 1900 W.
5. 6:00 p.m. – PUBLIC HEARING – Consider a request for Conditional Use approval for a Commercial (Indoor) Recreational facility located at 3626 W. 5600 S.
6. 6:00 p.m. – PUBLIC HEARING – Consider a request for Preliminary Subdivision approval for Jamestown subdivision, a two (2) lot residential subdivision located at 5000 S. 1750 W.
7. 6:00 p.m. – PUBLIC HEARING – Consider a request for Conditional Use approval for Jamestown a multi-family residential development located at 5000 S. 1750 W.
8. 6:00 p.m. – PUBLIC HEARING – Consider a request for Preliminary Subdivision approval for Spencer subdivision, a three (3) lot residential subdivision located at 2343 W. 5200 S.
9. 6:00 p.m. – PUBLIC HEARING – Consider a request for Preliminary Subdivision approval for Ward Estates subdivision phase 3 Amended, a two (2) lot residential subdivision located at 5050 S. 3500 W.
10. 6:00 p.m. – PUBLIC HEARING – Consider a request for Conditional Use approval for Builders Alliance a multi-family residential development located at 5629 S. 2700 W.
11. Commissioners Comments
12. Staff Update
13. Adjourn



## ROY CITY PLANNING COMMISSION

September 8, 2015

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on September 8, 2015, 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:

Gennie Kirch, Chairman  
Bob Dandoy  
Leland Karras  
Doug Nandell  
Lindsey Ohlin  
Joe Paul  
Claude Payne

Steve Parkinson, Planner  
Michelle Drago, Secretary

Others present were: Frank Weymouth; Cheryl Weymouth; Ellen Romero; Terry R. Spencer; Deloy Page; Denise Scott; Loren O. Kay; Chad Hansen; Betty Hofer; Alicia Anderson; Clip Holverson; Joelle Holverson; Henry Murray; Richard Moore; Michelle Moore; Curtis Tubbs; Elise Tubbs; Kathleen Fladie; Richard Anway; Gwen Anway; Jim Arrant; Lorin Parks; Kent Hill; and Bert Visser.

Pledge of Allegiance: Leland Karras

### 1. DECLARATIONS OF CONFLICT

There were none.

### 2. APPROVAL OF AUGUST 25, 2015, MINUTES

**Commissioner Ohlin moved to approve the August 25, 2015, minutes as corrected. Commissioner Karras seconded the motion. Commission members Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and Payne voted "aye." The motion carried.**

### 3. CONTINUED – CONSIDERATION OF A SITE PLAN TO ALLOW ACCESSORY BUILDINGS FOR THE SOUTHERN COMFORT RESAURANT LOCATED AT 5357 SOUTH 1900 WEST

Steve Parkinson stated that the applicant was not present. On August 11, 2015, the Planning Commission asked that the City's legal counsel determine what would happen if the Planning Commission approved the amended site plan with the accessory buildings and conditions outlined in the staff report and the owner did not comply. The Planning Commission also asked if the property owner would be responsible to comply with the approved landscaping plan. Clint Drake, the City Attorney, said the property owner signed the conditional use application submitted by the applicant. The property owner was responsible to comply with the requirements of the Planning Commission and City Council. The City Attorney also said this site was just like a brand new

building and business. If the owner and applicant did not comply with the requirements of approval, their conditional use could be revoked.

Mr. Parkinson said the building was an existing building, but it had been vacant for over five years. It lost any non-conforming status it might have had. The staff did as much as it could to bring the site into compliance with the current code. It tried to get as much landscaping as it could along 1900 West, given the constraints of the lot.

Mr. Parkinson recommended that consideration of the site plan be tabled until the applicant could be in attendance.

**Commissioner Dandoy moved to table consideration of a site plan to allow accessory buildings for the Southern Comfort Restaurant located at 5357 South 1900 West based on the staff's findings. Commissioner Paul seconded the motion. Commission members Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and Payne voted "aye." The motion carried.**

#### 4. CONSIDERATION OF A SITE PLAN AND MODIFICATION OF AN EXISTING FOR THE ROY CHRISTIAN CHURCH LOCATED AT 4347 SOUTH 1900 WEST

Steve Parkinson stated that the City had received a request for approval of a site plan to modify the existing Roy Christian Church located at 4347 South 1900 West. The church was built before the City adopted architectural standards. The current exterior was very bland brick walls. The occupants wanted to dress up the church with materials and coloring, porticos on the north and south ends, and gables on the north and south sides of the building. A detached canopy would be added on the west side of the building. The size of the playground would be increased and fenced in. The applicant originally wanted to put a six-foot fence around the playground, but the maximum fence height allowed in a front yard was four feet. The landscaping would also be upgraded, and the parking lot would be repaved. A future storage shed would match the church in color. He felt the proposed changes were fantastic. The building would be more cohesive.

Chairman Kirch asked if the handicap parking would be affected. Mr. Parkinson there would be two angled, handicap parking stalls in front of the church.

Mr. Parkinson stated that the DRC had a few comments, but nothing that would hold up the project. The staff had found that the proposed building met the minimum building standards as established in the Zoning Ordinance. The proposed site plan improvements could meet the site design standards in the Zoning Ordinance with the conditions outlined in the DRC's September 3, 2015 memo. The staff recommended that the Planning Commission approve the site plan and building elevations for the Roy Christian Church subject to the DRC's recommendations.

Chairman Kirch invited the proponent to speak.

Chad Hansen, Mountain West Architects, Ogden, felt Mr. Parkinson had covered the project well.

Chairman Kirch stated that this was a highly used building. Her home was located next to the parking lot. She asked if the drainage problem in the parking lot would be addressed. Mr. Hansen thought it was a French drain. Chairman Kirch said her neighbor knew about the drain's history

as he lived there when it was installed. She would send her neighbor's contact information to Mr. Hansen.

Commissioner Dandoy was concerned about the proximity of the playground to 1900 West, which was a highly traveled road with a speed limit of 45 MPH. There was a possibility a car could veer off into the playground. He asked if there was any strength in the protection along 1900 West.

Chad Hansen said the fence would be constructed of stone pillars and wrought iron.

Chairman Kirch stated that a car had gone off the road here, but it didn't get close to the playground.

Commissioner Dandoy felt the fence and landscaping would provide some protection. He just wanted to make sure there was a conscious effort to understand that the children were vulnerable to the traffic traveling along 1900 West.

Chad Hansen said they had wanted a six-foot fence around the playground for security, but the City only allowed a four-foot fence in the front yard setback. The church planned to add another buffer along the fence in the form of bushes. Then children would not be able to get to the fence.

Chairman Kirch asked if the dumpster would be relocated. Mr. Hansen said it would not. Chairman Kirch asked if it would be screened. Mr. Hansen said it would not. Steve Parkinson said the dumpster had to be screened from public view. The dumpster's location was not readily visible.

**Commissioner Paul moved to approve site plan and building elevations for the modification of the Roy Christian Church located at 4347 South 1900 West based on the staff's findings and subject to the recommendations of the DRC. Commissioner Payne seconded the motion. Commission members Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and Payne voted "aye." The motion carried.**

5. CONSIDERATION OF A REQUEST FOR APPROVAL OF A CONDITIONAL USE FOR A COMMERCIAL (INDOOR) RECREATIONAL FACILITY LOCATED AT 3626 WEST 5600 SOUTH

Steve Parkinson stated that the City had received a request for approval of a conditional use for a commercial (indoor) recreational facility to be located at 3626 West 5600 South, which was located in the Kent's Shopping Center. An existing dentist wanted to use the adjacent space as a video arcade. He planned to use the existing parking lot where there was plenty of parking. Mr. Parkinson felt the use would be cohesive with the surrounding uses.

Mr. Parkinson said the staff had found that the proposed conditional use was in keeping with the goals and intent of the General Plan and met the requirements of the Zoning Ordinance. The staff recommended that the Planning Commission recommend that the City Council approve a conditional use for a commercial (indoor) recreational facility subject to the applicant receiving a building permit to remodel the existing space and a business license.

Chairman Kirch asked about the hours of operation. Mr. Parkinson did not know what the specific hours would be. The Zoning Ordinance allowed commercial businesses to be open until 11:00 p.m.

**Commissioner Karras moved to open the public hearing at 6:20 p.m. Commissioner Ohlin seconded the motion. Commission members Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and Payne voted "aye." The motion carried.**

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

**Commissioner Nandell moved to close the public hearing at 6:21 p.m. Commissioner Paul seconded the motion. Commission members Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and Payne voted "aye." The motion carried.**

**Commissioner Dandoy moved to recommend that the City Council approve a conditional use for an commercial (indoor) recreational facility located at 3626 West 5600 South based on the staff's findings and subject to the conditions recommended by the DRC. Commissioner Ohlin seconded the motion. Commission members Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and Payne voted "aye." The motion carried**

6. CONSIDERATION OF A REQUEST FOR PRELIMINARY SUBDIVISION APPROVAL FOR JAMESTOWN SUBDIVISION, A TWO-LOT SUBDIVISION LOCATED AT 5000 SOUTH 1750 WEST

Steve Parkinson stated that the City had received a request for preliminary approval of a two-lot subdivision located at 5000 South 1750 West (Airport Road). There was an existing home located on the northeast corner of the property. The applicant wanted to divide the home from the remaining 29,732 square feet. Both lots would have access from 1750 West and complied with the requirements of the R-4 Zone. The staff noted that the rear property line for Lot No. 1 needed to be moved to the west to allow for the existing home to have the proper rear yard setback. If the rear property line was not moved, the awning on the back of the existing home would have to be removed.

Mr. Parkinson said the staff had found that the proposed subdivision met all of the requirements of the Zoning and Subdivision Ordinances. The staff recommended that the Planning Commission recommend preliminary approval of the Jamestown Subdivision subject to the compliance with the DRC's comments.

**Commissioner Dandoy moved to open the public hearing at 6:25 p.m. Commissioner Paul seconded the motion. Commission members Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and Payne voted "aye." The motion carried.**

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

**Commissioner Karras moved to close the public hearing at 6:26 p.m. Commissioner Nandell seconded the motion. Commission members Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and Payne voted "aye." The motion carried.**

Commissioner Dandoy did not see any issues about subdividing the property. The lots were large enough, and the frontage looked good.

**Commissioner Nandell moved to recommend that the City Council grant preliminary approval of the Jamestown Subdivision located at 5000 South 1750 West based on the staff's findings and the conditions recommended by the staff and DRC. Commissioner Payne seconded the motion. Commission members Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and Payne voted "aye." The motion carried.**

7. PUBLIC HEARING TO CONSIDER A REQUEST FOR APPROVAL OF A CONDITIONAL USE FOR JAMESTOWN, A MULTI-FAMILY DEVELOPMENT LOCATED AT 5000 SOUTH 1750 WEST

Steve Parkinson stated that the City had received a request for approval of a conditional use for a six-unit multi-family development on Lot 2 of the proposed Jamestown Subdivision located at 5000 South 1750 West. After the public hearing for the project was sent, the City Engineer determined there could be an issue with sanitary sewer. The City discharged sewer on Airport Road into Ogden City's line, which eventually emptied into North Davis Sewer District. The City was currently in violation of its agreement with Ogden City. The actual agreement had expired and needed to be renewed. The City was also discharging twice the amount of sewage it should. The proposed project only contained six units, but the City wanted to make sure Ogden City was okay with it. The City Engineer was contacting Ogden City's engineer to see what needed to be done. Mr. Parkinson suggested that the Planning Commission hold the public hearing and allow public comment. The Commission could then table the hearing without closing it, or it could close the hearing and table consideration.

Chairman Kirch asked if the project would be stopped if Ogden City did not grant permission. Mr. Parkinson said the City had other options, but it could not proceed without Ogden City's comments.

Chairman Kirch asked Mr. Parkinson to summarize the proposed project for the audience. Mr. Parkinson said the project consisted of a total of six units in one fourplex and a duplex. Each unit would be two stories with a two-car garage. Each unit would have three bedrooms, two baths, and a storage shed. There were some issues with the site plan, but overall the proposed project complied with the Zoning Ordinance.

Chairman Kirch stated that the proposed project backed up to a patio home development. How did the applicant plan to buffer the homes? Jim Arrant, Hooper, stated that the units were laid out in a horseshoe pattern. The exterior would be stucco and rock. The buildings would be about 25 feet in height. Chairman Kirch stated that the maximum building height was 35 feet, no matter what type of structure was proposed.

Jim Arrant said he could have put eight smaller units on the property. He chose to fewer but nicer units.

**Commissioner Dandoy moved to open the public hearing at 6:35 p.m. Commissioner Nandell seconded the motion. Commission members Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and Payne voted "aye." The motion carried.**

Frank Weymouth, 1768 West 5000 South, stated that he lived in one of the patio homes. He asked that the City provide him with a copy of the proposed site plan. He was concerned that the units would look down on the patio homes. If the agreement between Roy City and Ogden had expired, how did the developments just to the south of him get approved? Chairman Kirch said they connected directly onto North Davis Sewer's lines.

Commissioner Dandoy was more concerned about the capacity issue than an expired document. Steve Parkinson said there was capacity. The City was just discharging more sewer than was outlined in the agreement. He had never seen another interlocal agreement with an expiration date; most did not expire. This one was decades old. Ogden City approached Roy City about 1½ years ago about these issues. Both cities had dropped the ball. This time the City needed to determine how to solve the problem.

Mr. Weymouth stated that every year Roy Days used 1750 West as a staging area for the parade. He felt the City had not considered the convenience or safety of those who lived in his subdivision. Their access was blocked for two to three hours. Now this development was talking about adding more people on the same road. Airport Road was a major thoroughfare. There wasn't any sidewalk in this area. He was almost hit while turning into his subdivision. How far would the buildings be from the property line? Steve Parkinson said they would be a minimum of 20 feet from the property line.

Chairman Kirch asked if UDOT had looked at the intersection of 1750 West and Riverdale Road. Steve Parkinson said it had. UDOT put in an extended turning lane for safety.

Bert Visser, 4833 South 2500 West, asked why the City kept trying to put in multi-family housing instead of single-family homes. The traffic was terrible, but the City still kept pushing and pushing. This wouldn't be a duplex; it would be eight to ten families. At the last meeting, the City wanted to put 120 families on ten acres. Mr. Parkinson asked him to restrict his comments to the item under consideration.

Mr. Visser felt the issue with the sewer was a major problem. Would Roy have to put in a new sewer when the rest of the land on the street developed? It was silly to even be talking about this project without answers.

Chairman Kirch stated that the City did not solicit development. It simply reviewed projects that were submitted.

**At approximately 6:45 p.m., Commissioner Nandell moved to table the public hearing until the City received answers from Ogden City. Commission Ohlin seconded the motion. Commission members Dandoy, Karras, Kirch, Nandell, Paul, and Payne voted "aye." The motion carried.**

Steve Parkinson stated that this property was currently zoned R-4. The landowner wanted to develop his property. He had the right to submit an application for a conditional use permit. The City was not proposing to change anything. The zone was already there. It allowed multi-family housing. The traffic concern could warrant a traffic study. As this wasn't a rezone, he wasn't sure the City could require one. All of the proposed buildings complied with the setback requirements. Roy Days was a Council problem, not the Planning Commission's. He would pass the concerns about Roy Days on to the Council.

Chairman Kirch asked what the maximum density was in the R-4 Zone. Steve Parkinson said it was 12 units per acre. The site contained a little over half an acre so the proposed six units complied with the density requirement.

8. PUBLIC HEARING TO CONSIDER A REQUEST FOR PRELIMINARY SUBDIVISION APPROVAL FOR SPENCER SUBDIVISION, A THREE LOT SUBDIVISION, LOCATED AT 2243 WEST 5200 SOUTH

Steve Parkinson stated that the City had received a request for preliminary approval of the Spencer Subdivision located at 2243 West 5200 South. The proposed subdivision was located on the southeast corner of the 5200 South 2300 West intersection. The applicant was proposing to split two existing lots into three. Both lots were zoned R-1-8 and currently complied with the zoning requirements.

Mr. Parkinson explained that 5200 South had a wider right-of-way than most City streets. Usually streets were 66 feet wide, but 5200 South had an 82.5 right-of-way. The width of the asphalt pavement was the same as other City streets. The extra 16.5 feet on the south side of 5200 South was for a drought relief line which was installed in 1984. In 1984, the City Council adopted Resolution No. 198 which stated that, "...residents with property adjoining the drought line..shall be allowed to use the area occupied by the drought light as 'yard' area required by setback requirements.." Using the extra right-of-way width allowed homes along the south side of 5200 South to have the same front yard setback as homes on other City streets.

Mr. Parkinson said the landowner wanted to use the extra right-of-way as part of the actual lot area. The resolution said the owner could use the right-of-way for a setback, but not as part of the lot area. When the right-of-way was subtracted, two of the three proposed lots did not have enough square footage to meet the minimum requirements of the R-1-8 Zone. What the applicant was proposing to do was beyond what the Planning Commission could approve. The City Council would have to determine if the applicant could use the public right-of-way as part of his lot area. The City's staff and legal counsel did not feel the applicant could use the right-of-way in the manner he was proposing.

Commissioner Dandoy stated that the City was dealing with a decision made by the City Council in 1984. Steve Parkinson said the Planning Commission needed to look at the property itself, not the right-of-way. Commissioner Dandoy said there wasn't enough square footage to meet the minimum lot size. Mr. Parkinson said the landowner wanted to subdivide his property.

Commissioner Paul asked why the subdivision was being presented to the Planning Commission if the staff was recommending that it be denied.

Steve Parkinson stated that the staff had found that Lots 1 and 2 did not meet the requirements of the Zoning and Subdivision Ordinances. The Planning Commission could recommend approval of the proposed subdivision; recommend approval with conditions; recommend denial; or table consideration. The staff recommended that any approval be subject to compliance with the DRC's August 27, 2015, memorandum. The City had to determine if the landowner should be allowed to use the public right-of-way as lot area. Something none of the other property owners on 5200 South had been allowed to do.

Chairman Kirch asked if this was something for the Board of Adjustment to consider. Mr. Parkinson felt the landowner's hardship was self-inflicted.

**Commission Karras moved to open the public hearing at 7:01 p.m. Commissioner Payne seconded the motion. Commission members Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and Payne voted "aye." The motion carried.**

Chairman Kirch opened the floor for public comments.

Terry Spencer, Syracuse, stated that he was the landowner. He disagreed with Mr. Parkinson. He owned to middle of 5200 South. He had enough land to make Lot 2 8,000 square feet, but he didn't want it to be an odd shaped lot. There were lots on 5200 South with 6,500 square feet that had duplexes. He didn't want to put a duplex on this lot. He wasn't asking to do anything different than what other properties on 5200 South had done. The setback matched the other homes on 5200 South. The home he planned to build would match the neighborhood. He wasn't asking anything out of the ordinary. He felt the Planning Commission should recommend that the Council approve the subdivision. He didn't want to take this to court. He just wanted to build a house. This was the last piece of land left on 5200 South between 1900 West and 2300 West.

Commissioner Dandoy said there seemed to be a difference between what the staff had presented and what the owner was representing. If Mr. Spencer was correct, the City was doing him a disservice.

Chairman Kirch stated that the duplexes to the east were in a different zone. The lot size requirements were different. Mr. Spencer's property was zoned R-1-8. She asked about the utility pole in front of Lot 2. Mr. Spencer said he met with the utility company. Placement of the home took the power pole into consideration.

Terry Spencer said he would like to proceed to the City Council with a yes versus a no.

Clip Holverson, 5242 South 2300 West, did not feel the new lot would match the neighborhood. The lots to the south were large lots. The new lots would not be the same size. The house owned by Mr. Spencer did not look that nice. He was hesitant to have Mr. Spencer build another house and have it kept the same way.

Curtis Tubbs, 5256 South 2300 West, agreed with Mr. Holverson. Most of the homes on 2300 West had half an acre. There might be smaller lots on 5200 South, but there weren't on 2300 West. Mr. Spencer's home had not been maintained. It just didn't seem there was enough room. He was concerned about the type of person a new home directly under the power line would attract. He didn't feel it would be someone he would want in the neighborhood.

Henry Murray, 5213 South 2200 West, stated that this was his neighborhood. He felt there were sufficient residents in the area. They didn't need to construct more. He felt the proposed subdivision was unnecessary.

Chairman Kirch stated that Legal, Engineering, and Planning all felt the proposed lots were too small to meet the minimum size requirement of the R-1-8 Zone.

**Commissioner Ohlin moved to close the public hearing at 7:12 p.m. Commissioner Dandoy seconded the motion. Commissioners Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and Payne voted "aye." The motion carried.**

Steve Parkinson stated that Terry Spencer did own to the middle of the road on 2300 West, but not 5200 South. All of the property lines on 5200 South were even along the right-of-way. They lined up because they had been allowed to use the right-of-way as part of their setback. The Zoning Ordinance had changed since 1984, and lot sizes might be different. There might be some non-conforming lots. The subdivision proposed by Mr. Spencer had to be considered under the current Zoning Ordinance.

Chairman Kirch did not feel Lots 1 and 2 met the lot size requirement of the R-1-8 Zone. Mr. Parkinson stated that when the public right-of-way was subtracted, Lot 2 was only 6,948 square feet.

Commissioner Dandoy felt there might be a discrepancy in the information. Why was the landowner drawing a different conclusion than the staff? The landowner felt he had enough room. Mr. Parkinson said Resolution No. 198 allowed property owners along 5200 South to use the extra right-of-way to meet their setback requirements. It did not say the right-of-way could be used as part of the lot area. The City Council could allow the use of the public right-of-way, but it had not been done elsewhere on 5200 South.

Chairman Kirch felt the Planning Commission needed to make a decision based on the ordinance and forward it on to the City Council. The City Council could look at the discrepancy.

Commissioner Dandoy felt the City Council needed information about the discrepancy. Steve Parkinson felt the discrepancy came from Resolution No. 198. Commissioner Dandoy was hard pressed to tell a property owner that he could not use his own property. Mr. Parkinson said the landowner did not have enough lot area.

Commissioner Paul stated that based on the information presented, the proposed subdivision did not comply with the Zoning Ordinance.

After further discussion, **Commissioner Paul moved to recommend that the City Council deny preliminary approval of the Spencer Subdivision located at 2243 West 5200 South based on the findings of the staff. Commissioner Payne seconded the motion. Commissioners Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and Payne voted "aye." The motion carried.**

**9. PUBLIC HEARING TO CONSIDER A REQUEST FOR PRELIMINARY SUBDIVISION APPROVAL OF WARD ESTATES PHASE 3 LOT 26 AMENDED, A TWO LOT SUBDIVISION, LOCATED AT 5050 SOUTH 3500 WEST**

Steve Parkinson stated that the City had received a request for preliminary approval of a two lots subdivision located at 5050 South 3500 West. The Planning Commission and City Council reviewed the proposed subdivision several years ago, but any approval given had expired. The property in question was .84 acres in size with 141.67 feet of frontage on 3500 West. The existing home was located toward the back of the lot. The property owner wanted to divide the property

and create a lot in front of the existing home. She was proposing that a shared driveway be used to access both lots.

Mr. Parkinson said the applicant currently did not meet the criteria for a shared driveway because both lots had frontage on a public street. However, if UDOT denied access for the new lot there might be enough reason to allow a shared driveway. He recommended that the Planning Commission table consideration of the subdivision until the City received an answer from UDOT.

Mr. Parkinson said the staff had found that the proposed subdivision did not meet the shared driveway section of the Zoning Ordinance. The staff recommended denial of the preliminary subdivision.

Commissioner Karras asked who would approach UDOT. Mr. Parkinson felt the applicant's engineer should submit a subdivision plan to UDOT.

Commissioner Nandell asked if UDOT would rule on the shared driveway. Mr. Parkinson said it would not. UDOT would simply determine whether it would allow the new lot to have access onto 3500 West.

**Commissioner Nandell moved to open the public hearing at 7:28 p.m. Commissioner Karras seconded the motion. Commissioners Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and Payne voted "aye." The motion carried.**

Chairman Kirch opened the floor for public comments.

Kathleen Fladie, 5050 South 3500 West, stated that three years ago she received preliminary approval of this subdivision, but she never recorded it. She thought her engineer had talked to UDOT, and UDOT said no. She wanted to keep the home on the new lot one level so people did not look down on her. The lot to the north was allowed to build over her culinary water line. She now had to get an easement for it.

**Commissioner Paul moved to close the public hearing at 7:31 p.m. Commissioner Karras seconded the motion. Commissioners Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and Payne voted "aye."**

Commissioner Dandoy asked if the City had already approved this subdivision. Mr. Parkinson said this subdivision received preliminary approval in 2012. It was never recorded, and the approval expired. There wasn't any correspondence from UDOT in the subdivision file. The new plat was slightly different from the plan approved in 2012. He wasn't sure how the City's previous planner made the subdivision work under the City's current ordinance.

**Commissioner Dandoy moved to table consideration of Ward Estates Phase 3 Lot 26 Amended pending a response from UDOT regarding access for Lot 35. Commissioner Ohlin seconded the motion. Commissioners Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and Payne voted "aye." The motion carried.**

10. PUBLIC HEARING TO CONSIDER A REQUEST FOR APPROVAL OF A CONDITIONAL USE FOR A MULTI-FAMILY DEVELOPMENT LOCATED AT 5629 SOUTH 2700 WEST

Chairman Kirch stated that the Planning Commission had reviewed this site before. Mr. Parkinson said it had.

Steve Parkinson stated that the City had received a request for approval of a site plan and conditional use for a multi-family development located at 5629 South 2700 West. The property was currently zoned R-3. A multi-family development with three or more units was required to have a conditional use. The property to the south was zoned RE-20. The property to the north was zoned R-3 and RE-20. To the east was R-3 and R-1-8. The rail trail and an R-3 Zone were located to the west. The site did not have direct access to the trail. The site contained 0.945 acres. The applicant was proposing to building three fourplexes on the site. Each fourplex looked like a home from the front. The slope of the site allowed access for two units in each building to be from the rear. The buildings had to have some type of surface relief every 30 feet. The City Engineer had already reviewed this site three times. When he started to review the latest plan, he noted that the entrance did not have the required width and stopped his review. He felt the applicant and his engineer needed to review and comply with his previous comments before he conducted another review. Mr. Parkinson said the staff felt there were too many issues that had to be resolved. In order to resolve those issues, the site plan would have to be modified. The staff recommended that the Planning Commission hold the public hearing to take public comments then table further consideration until a site plan had been submitted that addressed the DRC requirements.

Chairman Kirch stated that the site had grading issues. Mr. Parkinson said it did. He felt the proposed buildings helped solve the slope issue. The grading allowed access for the lower units in each building.

Commissioner Paul asked about the property between the site and the trail. Mr. Parkinson said it was owned by UTA. The City had plans to develop it as a trail head.

Commissioner Dandoy asked if access to the site would impact the 5600 South 2700 West intersection. Mr. Parkinson said the access would be onto 2700 West and would be located 170 feet from the intersection.

Commissioner Ohlin asked about sidewalk. There currently wasn't sidewalk along 2700 West. Mr. Parkinson said the developer would be required to put in sidewalk.

Chairman Kirch stated that a fence would be required along the south side to buffer the adjacent use. There was a large tree along the south property line that could cause problems with the fencing.

Commissioner Nandell felt the location of the dumpster would have to be moved to make it more accessible.

**Commissioner Dandoy moved to open the public hearing at 7:43 p.m. Commissioner Paul seconded the motion. Commissioners Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and Payne voted "aye." The motion carried.**

Chairman Kirch opened the floor for public comments.

Denise Scott and Deloy Page, 5634 South 2700 West, stated that they lived directly across from this site. They were concerned about how access to their driveway would be affected, the increased crime rate, and that their property value would go down. They were already picking up trash that resulted from the traffic on 2700 West. They felt a multi-family development would increase the number of vehicle break ins.

**Commissioner Dandoy moved to close the public hearing at 7:46 p.m. Commissioner Ohlin seconded the motion. Commissioners Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and Payne voted "aye." The motion carried.**

Commissioner Dandoy asked if the Council had ever approved a site plan for this property. Chairman Kirch stated that a site plan was approved by the City in 2007, but was never constructed. The approval expired. Commissioner Dandoy wanted to make sure the City was consistent in its logic.

Chairman Kirch asked about the history of this site. Michelle Drago stated that before the overpass was constructed, there were three single-family homes on three separate parcels. UDOT purchased and demolished the homes due the construction of the overpass. When the overpass was finished, UDOT sold the site.

Commissioner Dandoy wanted to make sure there was consistency. Aesthetically, the proposed buildings were very attractive, but there were a lot of issues to be considered. Traffic was one.

Commissioner Paul asked if a traffic study had been done. Mr. Parkinson said there wasn't a traffic study. He didn't feel one was needed. The property was zoned R-3, and the City knew the maximum number of units.

Chairman Kirch said that in 2007, there had been concern about the safety of children walking to school.

**Commissioner Dandoy moved to table consideration of a site plan for a multi-family development located at 5629 South 2700 West based on the staff's findings and the recommendations of the DRC. Commissioner Paul seconded the motion. Commissioners Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and Payne voted "aye." The motion carried.**

#### 11. COMMISSIONER'S COMMENTS

Chairman Kirch reported that the City Council had approved a contract to begin demolition at North Park. It would begin to construct Phase 2 in the spring. Commissioner Dandoy asked what would happen to the park along 1900 West. Chairman Kirch said it would remain a park until the new park area was finished.

Chairman Kirch asked if Lee's planned to rebuild the structure that burned down. Mr. Parkinson said they did.

Commissioner Dandoy asked about the status of Midland Drive. Michelle Drago said the City Manager informed the Council that the project was about 80 days behind schedule and would not be done until the end of the year.

Commissioner Paul asked who had installed the crosswalk lights on 5600 South. Mr. Parkinson said they had been installed by UDOT.

#### 12. STAFF UPDATE

Steve Parkinson reported that Hooper and Clinton were opening up a road at 6000 South 4300 West.

Commissioner Dandoy asked if the City planned to incorporate the vacant land on the south side of 6000 South. Mr. Parkinson said the property had been incorporated into Hooper. A developer wanted to develop the property and use Roy's sewer. Due to issues with the lift station, the City told him he had to incorporate before he could connect to the City's sewer system.

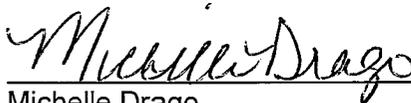
There was discussion about a mixed use development around the Front Runner Station.

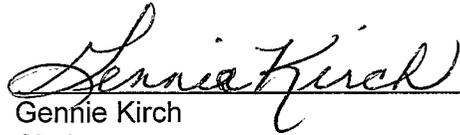
Steve Parkinson updated the Commission on the Aderra Apartments and Station Square (the senior housing proposed on 4000 South).

#### 13. ADJOURN

**Commissioner Nandell moved to adjourn at 8:10 p.m. Commissioner Ohlin seconded the motion. Commission members Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and Payne voted "aye." The motion carried.**

Attest:

  
\_\_\_\_\_  
Michelle Drago  
Secretary

  
\_\_\_\_\_  
Gennie Kirch  
Chairman

dc:psep815