

**AGENDA**  
**October 13, 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 September 8, 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. 6:00 p.m. – PUBLIC HEARING - Consider a request for Conditional Use, including Site Plan and Building elevation approval for a 31 unit multi-family senior housing complex located approximately at 2350 W. 4000 S.
5. Commissioners Comments
6. Staff Update
7. Adjourn



## ROY CITY PLANNING COMMISSION

October 13, 2015

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on October 13, 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: Cathy Spencer, Management Services Director; Scott Berry; Bert Visser; Marlene Eastman; Daryn Murphy; Don Higgs; Orlene Higgs; Greg Sagen; and Mike Slater.

Pledge of Allegiance: Joe Paul

### 1. DECLARATIONS OF CONFLICT

There were none.

### 2. APPROVAL OF SEPTEMBER 8, 2015, MINUTES

**Commissioner Paul moved to approve the September 8, 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 – REQUEST TO CONSIDER A SITE PLAN TO ALLOW ACCESSORY BUILDINGS FOR THE SOUTHERN COMFORT RESAURANT LOCATED AT 5357 SOUTH 1900 WEST

Steve Parkinson stated that this item was being continued from the August 11, 2015, meeting. Since the August 11<sup>th</sup> meeting, the applicant, Scott Berry, met with the City Manager, the City Attorney, and himself, the City Planner, regarding landscaping and other issues. He believed Mr. Berry understood the need for landscaping. Mr. Berry subsequently submitted a new site plan. Because the site was vacant so long, it lost any non-conforming rights. Mr. Berry's restaurant was being treated like any other new use. The site needed to come into compliance as much as possible. The staff originally looked at landscaping along 1900 West to coincide with the City's beautification efforts. The new site plan submitted by Mr. Berry was proposing landscaping on 1950 West, the west side of the site, as well. Mr. Parkinson felt it would be great to get the additional landscaping, but he was most concerned about the frontage on 1900 West. There were already areas along 1950 West that could be landscaped. The new site plan changed the

configuration of the parking in the front so only one to two parking spaces would be lost rather than five. Mr. Berry had agreements in place to use parking on adjacent properties. Mr. Parkinson felt the site had enough parking. The staff had found that the proposed site plan could meet the design standards established in the Zoning Ordinance. The staff recommended that the Planning Commission approve the proposed site plan for accessory buildings for the Southern Comfort Restaurant located at 5357 South 1900 West subject to the requirements of the Building Official; the recommendations of the DRC outlined in its July 27, 2015, memo; the applicant providing a financial guarantee for all of the required landscaping, including removal of any concrete or asphalt; that the area west of the building be hard surfaced or posted with 'no parking' signs and posts and chains; and that violations to Building, Fire, Health and/or Planning Codes cease. Failure to comply with this approval or further violations would result in the revocation of the applicant's business license.

Scott Berry, West Haven, stated that after meeting with Mr. Parkinson he decided to include landscaping along 1950 West. They had determined that the landscaping along 1900 West, as originally shown, was the way it needed to be. The property owner had not been cooperative about the landscaping in the past, but with the City's help he was participating in the landscaping along 1900 West. Mr. Berry wanted to do the landscaping along 1950 West to stop problems with parking. He put the storage box on the back of the building rather than along the property line. His staff liked the location better. He felt everybody was now happy.

Commissioner Nandell asked when the landscaping would be installed. Mr. Berry planned to start getting estimates immediately. He wanted to get the landscaping in and the parking lot restriped before the winter weather arrived.

Commissioner Paul asked about the resident living in the motor home. Mr. Berry said the motor home was not on his lot, and it was next door and was a temporary situation.

Chairman Kirch asked if Mr. Berry was aware of the conditions of approval. Mr. Parkinson said Mr. Berry had received a copy of the staff report.

Steve Parkinson felt it would be good to get the asphalt cut, and the ground prepared for the landscaping this fall. Secondary water had been shut off for the season. The staff did not have an issue if the landscaping was delayed until spring if the parking lot was prepared.

**Commissioner Dandoy moved to approve a revised site plan to allow accessory buildings and landscaping for the Southern Comfort Restaurant located at 5357 South 1900 West based on the staff's findings and subject the conditions recommended by the DRC in its July 2015 memo, the removal of asphalt, and sequential installation of landscaping. Commissioner Paul seconded the motion. Commission members Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and Payne seconded the motion. The motion carried.**

4. PUBLIC HEARING TO CONSIDER A REQUEST FOR A CONDITIONAL USE, SITE PLAN, AND BUILDING ELEVATIONS FOR A 31-UNIT MULTI-FAMILY SENIOR HOUSING COMPLEX LOCATED AT 2350 WEST 4000 SOUTH

Steve Parkinson stated that the property located at 2350 West 4000 South was rezoned from Manufacturing to R-4 in August of 2014. Because the property was already zoned R-4, the proposed senior housing complex just needed approval of a conditional use, site plan, and

building elevations. The conceptual plans submitted by the applicant originally showed an L-shaped building. When the geotechnical reports came back, the building had to be realigned and became rectangular.

Mr. Parkinson stated that the number of units proposed by the developer was questionable. The County records showed that the property was 2.6 acres in size, but the survey indicated it was only 2.1 acres. He felt the applicant was proposing enough amenities to warrant approval of the density bonus allowed in the Multi-Family Standards in Section 1110 of the Zoning Ordinance. The staff had asked that the garden size be increased to accommodate all of the residents and that the outdoor seating be increased. There were indoor fitness amenities, and the building was energy star rated. The architectural features of the building met the requirements of the Zoning Ordinance. There wasn't a 30-foot section without an undulation in the façade. The exterior materials would be stone, brick, and siding. The site contained 36 underground parking spaces, fourteen covered spaces in the parking lot, and 38 uncovered parking spaces. He felt the overall site satisfied the requirements of the City. Most of the DRC comments related to site details that would not change the configuration of the building or parking. The staff had found that all of the conditional use standards had been met; the building elevations and proposed materials met the Zoning standards; and the site plan could meet all of the requirements of the ordinance. The staff recommended that the Planning Commission recommend that the City Council approve the conditional use, site plan, and building elevations subject to the compliance with the DRC requirements in its October 9, 2015, memo.

Commissioner Paul asked how the proposed site plan would be affected if the City widened 4000 South. Mr. Parkinson felt it would be affected just like all of the other homes on 4000 South. The proposed building would be located 30 feet from the sidewalk. Most of the homes were only 25 feet. The property located on the south side of 4000 South was vacant so any widening could be shifted to the south. Commissioner Paul asked if the building could be shifted five feet further north. Mr. Parkinson said that if the City had current plans to widen 4000 South, the staff could warn the applicant. The City did not have current plans to widen 4000 South.

Commissioner Dandoy asked about the height of the building. Steve Parkinson said it depended on which direction one was looking. The property sloped drastically. There would be a total of three levels, plus underground parking. Commissioner Dandoy asked if privacy of the homes to the east would be impacted. Mr. Parkinson said that homes to the east were located uphill for the property. He didn't feel there would be a sight view issue.

Commissioner Nandell asked about fire access and the dumpster location. Steve Parkinson said the Fire Department reviewed the site plan for access. Their concerns were listed in the DRC memo. The applicant would have to satisfy the Fire Department and identify a dumpster location on the site plan.

Commissioner Dandoy asked if a senior complex would be compatible with plans the City might develop for the area around the Front Runner Station. Mr. Parkinson said the commercial uses around other stations weren't high demand. It might be something like a coffee shop. The staff had been considering a work session between the Planning Commission and City Council to discuss a master plan for the area around the Front Runner Station. UTA and Weber County would like to see a mixed with multi-family and small commercial uses. Roy City needed to determine what it wanted. The current General Plan did not even identify the Front Runner Station. He felt the proposed senior complex would be compatible with what UTA and Weber County wanted.

Chairman Kirch asked if the complex would have on-site management. Mr. Parkinson suggested that question be answered by the developer.

Chairman Kirch asked about if the elevator would be large enough to accommodate furniture. Mr. Parkinson said the elevator was not a planning issue. It would be covered by the building code.

Daryn Murphy, Commonwealth Development, Portland, Oregon, stated that in August 2014 they requested that the property be rezoned from Manufacturing to R-4. Their rezone petition was approved. Since then they had had a few surprises about the property. The County records showed that the property was 2.6 acres in size, but the actual survey showed it was only 2.1 acres. The actual property size was a surprise to the brokers and former owners. Their funding from the State was approved for 31 units. If they didn't have 31 units, they wouldn't receive the funding. It was all or nothing. The results of the geotech report caused them to abandon plans for an L-shaped building. The proposed building was now rectangular in shape and four stories instead of three. The west side of the building was 45 in height. It was 35 feet on the east side.

Commissioner Paul asked how the building height would affect the property owners to the east. Mr. Murphy felt the adjoining property owners would be looking down on to roof of the senior complex.

Daryn Murphy stated that they were requesting approval of the density bonus in order to receive State grant money. The development proposal was transit oriented. He felt the senior occupants would use Front Runner. The building would be energy rated and would have indoor fitness facilities. There would be an outdoor gardening area, and there would be on-site management.

Chairman Kirch stated the sidewalk would lead residents to the bottom of 4000 South. The crosswalk to access the Front Runner Station was located at the top of the hill. Would there be a crosswalk at the bottom of the hill too? Mr. Murphy said the interior sidewalk would connect with the sidewalk on 4000 South. Chairman Kirch felt it would be better for seniors to cross 4000 South at the top of the hill.

Daryn Murphy stated that the sidewalk along the north side of 4000 South ended at their west property line. The City needed to convince UTA to build another 20 feet of sidewalk. Sidewalk also needed to be built across the tracks to connect with sidewalk on the west side of the right-of-way.

Michelle Drago stated that there was a sidewalk on the south side of 4000 South on the bottom of the hill that led into the Front Runner Station.

Chairman Kirch asked if they had received written permission from UTA to use their right-of-way to access the site. Mr. Murphy said the last they had heard from UTA was in April. UTA was going to dedicate the right-of-way to Roy City. They would then have to work with the City to receive permission to use the right-of-way and a maintenance agreement.

Chairman Kirch confirmed that the right-of-way would be paved to the north end of their site.

Steve Parkinson stated that the right-of-way was an easement. He wasn't sure who would be responsible to maintain it. Commissioner Dandoy stated that the right-of-way would have to be maintained. He felt it needed to be addressed. Mr. Murphy said they anticipated maintaining the

right-of-way to the north end of their site. They just weren't sure whether they needed to work with the City or UTA.

There was a discussion regarding sidewalk access to the Front Runner

Commissioner Paul stated that the sidewalk on the north side would end at the trail. There wouldn't be any sidewalk across the tracks.

Commissioner Dandoy asked if there would be fencing along the west side of the site. Mr. Murphy said UTA had already installed a chain link fence along the west property line. There was also a small retaining wall between their property and the tracks.

**Commissioner Nandell moved to open the public hearing at 6:40 p.m. Commissioner Ohlin seconded the motion. Commissioners Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and Payne voted "aye." The motion carried.**

Bert Visser, 2533 West 4800 South, stated that he used to haul fill off of this site. There was an easement for a sanitary sewer the proposed building would be located right on top of sanitary sewer and culinary water lines that ran through this property to the Karol's Mobile Home Park. Chairman Kirch stated that a sanitary sewer easement was shown on the site plan.

Commissioner Nandell said the proposed building was located to the side of the easement.

Bert Visser stated that the dirt right-of-way was put in by the railroad. The property owners along the west side of the bottom road in Hal Vern used the right-of-way to access the back of their lots. He said there was a concrete island in the middle of 4000 South that would prohibit wheelchairs. There had been discussions about putting businesses on the south side of 4000 South, which was completely different than what was originally planned. UTA owned the vacant property on the south side of 4000 South. They were reserving it for future parking. UTA also owned some building lots on the east side of the station. UTA gave the City two of those lots in exchange of a storm drain connection. His only other concern was access onto 4000 South. He didn't feel it was legal for a site with 31 units to have only one access. It was similar to the subdivision the City allowed on 4800 South. The International Building Code said the maximum number of units for a single access was fourteen. Accessing the site would be difficult with just one ingress. He didn't feel the right-of-way was wide enough for this site plus the property owners to the east. The properties left to develop in Roy had problems. This piece of property had always had problems. He felt the developer would have to go deep before they hit solid ground. He used to haul fill dirt off this site.

Greg Sagen, 4027 West 4900 South, didn't feel this was the best location for this type of use if the City was really considering a mixed use around the Front Runner Station and making the area a destination place.

Commissioner Paul stated that this was a unique piece of property. It would not be a good location for a restaurant due to the slope.

Steve Parkinson stated that property use was a landowner decision.

Daryn Murphy encouraged the City to work with UTA and Weber County to make the land across the street a destination.

Chairman Kirch stated that UTA was holding the vacant land for future parking. The lots they owned to the east were reserved for small townhomes. She felt the vacant property between the railroad and the trail was pivotal if the City was looking for a mixed use area.

**Commissioner Karras moved to close the public hearing at 7:00 p.m. Commissioner Payne seconded the motion. Commissioner Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and Payne voted "aye." The motion carried.**

Chairman Kirch asked if the 45 height would violate the maximum height regulation of 35 feet. Steve Parkinson said the maximum height would be based on what the building code would qualify. He wasn't sure about the maximum height until the City received the actual elevations. He didn't feel 45 feet would be a problem because of the underground parking level.

Commissioner Ohlin asked the single access restriction from the building code. Mr. Parkinson said he was not familiar with the International Building Code. Neither the Building Official or Fire Department raised any concerns about a single access during the DRC review. The Fire Department had been concerned being able to get their equipment onto the site. The Planning Commission was a land use authority. The International Building Code was not part of the land use regulations.

Chairman Kirch stated that a cul-de-sac could not be longer than 1,000 feet without secondary access. This site was not a cul-de-sac.

Commissioner Dandoy stated that the Planning Commission was forwarding a recommendation to the City Council. The Planning Commission did not know if the building height would exceed the maximum height of 35 feet. He wanted to make sure the staff would address it. Mr. Parkinson said the staff would address the building height with the developer.

Commissioner Dandoy felt that the City needed to recognize that its streets were congested. There needed to be a discussion at the City level about how to deal with the congestion. Last week the City Council held quite a discussion about roundabouts. This use would add to the traffic on 4000 South. It was time the Planning Commission and City Council decided where they were taking the City in the future. When the Planning Commission was reviewing a site, traffic shouldn't be an issue. The City should have a plan.

Commissioner Paul felt the City would have to address widening 4000 South at some point.

Steve Parkinson stated that if the City asked the developer to push its building back, the City would be required to purchase the extra frontage. As long as the site met the current ordinance the City would have to live with the consequences.

Chairman Kirch stated that when the UTA site plan was reviewed there was discussion about a semaphore at the entrance on 4000 South. During a similar discussion about Midland Drive, the Planning Commission was told that it needed to plan for the future but it needed to live today.

Commissioner Dandoy said the City would have to deal with a lot more traffic in the City, and the City would have to accommodate it. He felt the City needed to look at the big picture.

Steve Parkinson stated that this project itself would not cause congestion. The developments in West Haven and Hooper were the biggest problems. The City had no control over them.

Chairman Kirch asked if there was any concern about the left turn movement from this site. Mr. Parkinson said the City Engineer had not made any comments of concern.

**Commissioner Karras moved to recommend that the City Council approve a conditional use, site plan, and building elevations for a multi-family senior housing complex located at approximately 2350 West 4000 South based on the staff's findings and subject to the conditions recommended by the October 9, 2015, DRC comments. Commissioner Payne seconded the motion. Commission members Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and Payne voted "aye." The motion carried.**

#### 5. COMMISSIONER'S COMMENTS

Chairman Kirch asked that the Weber County Library turn its lights off. She also asked that reflective tape be added to a piece of cement that stuck out into the northbound traffic on 4000 South. The cement could not be seen at night.

There was a discussion about the 4000 South roundabout.

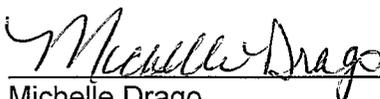
#### 6. STAFF UPDATE

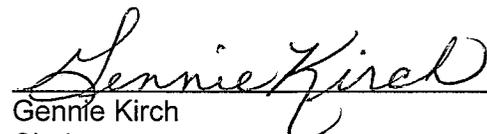
Steve Parkinson stated that the Planning Commission members were invited to attend a seminar regarding the Land Use Development Management Act at the Utah League of Cities and Towns on Tuesday, October 27<sup>th</sup> at 1:00 p.m.

#### 7. ADJOURN

**Commissioner Paul moved to adjourn at 7:21 p.m. Commissioner Nandell seconded the motion. Commission members Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and Payne voted "aye." The motion carried.**

Attest:

  
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Michelle Drago  
Secretary

  
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Gennie Kirch  
Chairman