



established 1937

PLANNING COMMISSION
5051 South 1900 West; Roy, Utah 84067
(801) 774-1040 | Fax: (801) 774-1030
Web-site: www.royutah.org

AMENDED AGENDA

October 14, 2014

6:00 p.m.

The Roy City Planning Commission 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 Alliance, which will be appointed by the Chair.

Declaration of Conflicts

Agenda Items

1. Approval of September 23, 2014 minutes

Administrative Actions

2. a. **6:00 p.m.** – Public Hearing – To consider a request by Arby's for Exterior Remodel approval of the building, located at approximately 5424 S. 1900 W.
- b. **6:00 p.m.** – Public Hearing – To consider a request by Southern Comfort for a Conditional Use approval allowing an Alcohol Beverage license on property located at approximately 5357 S. 1900 W.
- c. **6:00 p.m.** – Public Hearing – To consider a request for Preliminary Subdivision Approval of Walton Subdivision, a residential subdivision located at approximately 5975 S 3500 W.
- d. **6:00 p.m.** – Public Hearing – To consider a request for Preliminary Subdivision Approval of West Park Subdivision, a residential subdivision located at approximately 2750 W. 4800 S.

Legislative Actions

3. a. **Continuation** – Public Hearing – To consider a request for a text amendment to the Roy City Zoning Ordinance requiring all business generally to be conducted within a wholly enclosed building. (Continued from the public hearing on June 24, July 8, August 12, August 26 and September 9, 2014)
4. Staff Update
5. Commissioners Minute
6. Adjourn

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY MEETINGS

If you need special accommodation to participate in this meeting, please contact Roy City Community Development Department at 24 or more hours in advance of the meeting and we will try to provide whatever assistance may be required. The phone number is (801)-774-1040.

ROY CITY PLANNING COMMISSION

October 14, 2014

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on October 14, 2014, 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:

Tom Stonehocker, Acting Chairman
Bob Dandoy
Leland Karras
Lindsey Ohlin
Joe Paul

Steve Parkinson, Planner
Michelle Drago, Secretary

Excused: Blake Hamilton and Gennie Kirch

Others present were: Tom Huch; Brennon Davies; Pieder Beeley; Emily Beeley; Mike Blackburn; Molly Blackburn; Greg Sagen; Jim William; Bruce Mendenhall; Shawna Nicholls; Andrea Sargent; Scott Berry; Colby Bond; Skip Waugh; Roberta Waugh; Duane Roy ?; Tanner Smith; Joshua Eskelson; and Aron S.

Pledge of Allegiance: Lindsey Ohlin

1. APPROVAL OF SEPTEMBER 23, 2014, MINUTES

Commissioner Karras moved to approve the September 23, 2014, minutes as written. Commissioner Dandoy seconded the motion. Commission members Dandoy, Karras, Ohlin, Paul, and Stonehocker voted "aye." The motion carried.

2. PUBLIC HEARING TO CONSIDER AN EXTERIOR REMODEL FOR ARBY'S LOCATED AT APPROXIMATELY 5424 SOUTH 1900 WEST

Commissioner Karras moved to open the public hearing at 6:01 p.m. Commissioner Ohlin seconded the motion. Commission members Dandoy, Karras, Ohlin, Paul, and Stonehocker seconded the motion. The motion carried.

Steve Parkinson stated that Arby's had submitted a proposal to remodel the exterior of their building located at 5424 South 1900 West. The remodel would include site improvements. The exterior finish should be stucco. The proposed materials met the requirements of the Zoning Ordinance. The site improvements included a pedestrian

walkway from the existing sidewalk on 1900 West to the building. Some parking stalls would be eliminated, but the site still had enough parking to comply with the parking requirements. Concrete would be added to deteriorating areas. The overall site would be similar to what it was now, but it would have an updated appearance.

Mr. Parkinson stated that the staff had found that the exterior remodel met the minimum building standards established in the Zoning Ordinance. The proposed site plan improvements could meet the site design standards established in the Zoning Ordinance. The staff recommended that the Planning Commission approve the exterior remodel and site improvements for the Arby's Restaurant located at approximately 5424 South 1900 West subject to compliance with the requirements and recommendations of the Building Official.

Commissioner Dandoy asked if the staff's concerns regarding the dumpster had been resolved. Mr. Parkinson said they had. The applicant planned for the dumpster to match the exterior building colors. It would probably be constructed of different materials, but the colors would match.

Commissioner Dandoy asked about the staff's landscaping concerns. Mr. Parkinson stated that the landscaping near the door was being removed. It needed to be replaced elsewhere on the site. The City could not require Arby's to comply with the current landscaping requirements because the original site plan was approved under a different ordinance. The staff didn't want the site to lose what landscaping it had.

Acting Chairman Stonehocker opened the floor for public comments.

Tom Huch, Director of Construction for Arby's, Texas, stated that Arby's was upgrading all of their sites in the Salt Lake metro area. He felt the remodel would be good because of the age of the building. The dumpster was being moved from behind the building to the property line and would match the new exterior color scheme. The landscaping would consist of arid, native plants that would be sensitive to the water issue. They planned to begin the project on October 20th and finish before Thanksgiving.

Commissioner Dandoy moved to close the public hearing at 6:07 p.m. Commissioner Paul seconded the motion. Commission members Dandoy, Karras, Ohlin, Paul, and Stonehocker voted "aye." The motion carried.

Commissioner Dandoy felt this project was pretty straight forward and would add value to this part of the City's commercial neighborhood.

Commissioner Dandoy moved to approve the exterior remodel and site improvements for Arby's located at approximately 5424 South 1900 West based on the staff's findings and subject to the staff's recommendations. Commissioner

Paul seconded the motion. Commission members Dandoy, Karras, Ohlin, Paul, and Stonehocker voted "aye." The motion carried.

3. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE FOR AL ALCOHOL BEVERAGE LICENSE FOR SOUTHERN COMFORT ON PROPERTY LOCATED AT APPROXIMATELY 5357 SOUTH 1900 WEST

Commissioner Paul moved to open the public hearing at 6:09 p.m. Commissioner Ohlin seconded the motion. Commission members Dandoy, Karras, Ohlin, Paul, and Stonehocker voted "aye." The motion carried.

Steve Parkinson stated that the applicant had submitted a request for approval of a conditional use for an alcoholic beverage license for the Southern Comfort Restaurant located at approximately 5357 South 1900 West. The site was located on the west side of 1900 West between Master Muffler and Discount Tires. The building was previously occupied by Subway. Because the building had been vacant for so long and now had a different use, the staff had tried to get the applicant to upgrade the property as much as possible. The main improvements needed were landscaping and additional parking. The site's improved appearance would benefit the business and the surrounding community.

Mr. Parkinson stated the Zoning Ordinance required 40 parking spaces; there were only 30 spaces on the site. The Zoning Ordinance allowed parking to be on a separate property as long as it was within 500 feet. The Planning Commission did have the ability to reduce the amount of required parking if the applicants weren't able to get permission to use parking on adjoining properties. The proposed use was a sit down restaurant, which would need more parking than a fast food restaurant with a drive-thru. There would be live bands on Friday and Saturday nights, but no dancing.

Mr. Parkinson stated that in order to upgrade the landscaping the applicant would have to use parking spaces in front of the building that couldn't be counted as parking anyway. He felt the loss of parking spaces was worth the improved appearance.

Mr. Parkinson stated that the staff had found that the proposed use could meet the landscaping and parking requirements and the site design standards established in the Zoning Ordinance with the conditions outlined in the staff report. The staff recommended that the Planning Commission recommend that the Council approve the conditional use for the alcoholic beverage license for Southern Comfort subject to:

1. Requirements and recommendations of the Building Official;
2. Requirements and recommendations as outlined in the September 30, 2014, DRC memorandum;
3. Obtaining and maintaining a Roy City business license; and
4. Complying with all State and County licensing requirements.

Commissioner Dandoy asked if the Planning Commission would be forwarding a recommendation about the alcoholic beverage license only, or would it also be making a recommendation about the landscaping and parking. Mr. Parkinson said the Commission would be making a recommendation about all three.

Commissioner Dandoy asked how the City would know whether the applicant had done due diligence to the City's request to obtain permission to use adjoining parking spaces. Steve Parkinson said the applicant would have to obtain written permission to use adjoining parking. The adjoining businesses could not allow use of parking that would reduce their amount of required parking. This request would not be taken to the City Council until the applicant had shown that he had attempted to get more parking.

Commissioner Dandoy felt the restaurant would be a busy place and would need to use adjoining parking. Mr. Parkinson said the applicant could reduce the number of tables in the restaurant, which would reduce the amount of required parking. Commissioner Dandoy wanted to make sure the City wouldn't receive phone calls from adjoining businesses complaining about the use of their parking lots.

Acting Chairman Stonehocker opened the floor for public comments.

Scott Berry, West Haven, stated that he was the applicant. He introduced his managers Shawna Nicholls and Andrea Sargent. He knew parking would be an issue. He hoped the restaurant would be a popular place. It would not have a tavern. It would be a family restaurant. He had asked his manager to look into additional parking.

Shawna Nicholls, 5357 South 1900 West, stated that she had spoken with Master Muffler and Discount Tires about using their parking lots. She also spoke with Kiddie Academy, which was located across the street from the back parking lot. She didn't think parking would be a problem during the day. On Thursday, Friday, and Saturday nights, more parking would probably be needed. Discount Tire and Master Muffler said it would be fine to use their parking lots in the evening. Southern Comfort had agreed to keep their parking lots clean and incur the cost of snow removal.

Scott Berry stated that UDOT had upgraded the improvements along their frontage. The contractor put in zeroscaping. In order to make the landscaping energy efficient, and consistent with neighboring properties, they were proposing zeroscaping as well.

Commissioner Dandoy asked how the parking lot would be lit. Scott Berry stated that the parking lot was not well lit, but there were soffit lights on three sides of the building. He planned to add additional lighting to the west side of the site for employee security.

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

Steve Parkinson stated that it was xeriscaping, not zeroscaping, and it still had to be planned. The applicant would have to submit a landscaping plan.

Commissioner Paul asked if the parking agreements were written or verbal. Shawna Nicholls said they were verbal, but Master Muffler and Discount Tires had agreed to give her something in writing.

Commissioner Dandoy felt the applicant had researched the parking issue. He wasn't opposed to the alcoholic beverage license as long as the applicant met the requirements.

Commissioner Paul stated that an alcoholic beverage license had to be so far from a school. Kiddie Academy was a day care. Did it qualify as a school? Mr. Parkinson said he would check.

Commissioner Paul moved to recommend that the City Council approve a conditional use for an alcoholic beverage license for a full service restaurant located at approximately 5357 South 1900 West based on the staff's findings and subject to the recommendations of the staff; submission of a landscaping plan; submission of written agreements for use of additional parking; and clarification about whether Kiddie Academy was considered a school. Commissioner Dandoy seconded the motion. Commission members Dandoy, Karras, Ohlin, Paul, and Stonehocker voted "aye." The motion carried.

4. PUBLIC HEARING TO CONSIDER A REQUEST FOR PRELIMINARY APPROVAL OF THE WALTON SUBDIVISION LOCATED AT APPROXIMATELY 5975 SOUTH 3500 WEST

Commissioner Ohlin moved to open the public hearing at 6:31 p.m. Commissioner Karras seconded the motion. Commission members Dandoy, Karras, Ohlin, Paul, and Stonehocker voted "aye." The motion carried.

Steve Parkinson stated that the City had received a request for preliminary approval of the Walton Subdivision located at approximately 5975 South 3500 West. The applicant was proposing to divide 3.21 acres into two single-family lots. The property was zoned RE-20. The proposed lots would each be 1.495 acres in size. Each lot was required to have 100 feet of frontage. Only Lot No. 1 would have actual frontage on a public street. The Zoning Ordinance did not allow flag lots, but Chapter 11 allowed the use of shared driveways.

Mr. Parkinson said the staff was concerned about the existing driveways on the property. There was a driveway on the south side for the existing residence. An existing driveway on the north led to the rear of the property and ultimately to the proposed lot.

The staff had explained to the applicant that a shared driveway had to be shared. Both driveways could not be used.

Mr. Parkinson stated that there were about eight properties in this area that had deep lots containing a total of about ten acres that could be developed. It would be necessary to take down a home, but a cul-de-sac could be put in that would allow the ten acres to be developed.

Mr. Parkinson stated that since the staff report had been written, the applicant had submitted a new plan which eliminated the southern driveway. The staff had not had time to review the new drawings. He recommended that the Planning Commission table this item to allow the staff time to review the new plan. He suggested that the Planning Commission open the floor for public comments as the hearing had been advertised.

Acting Chairman Stonehocker opened the floor for public comments.

Skip Waugh 5948 South 3650 West, stated that he lived behind the property in question. If the City allowed this subdivision, someone on his side could purchase property behind them and put in a shared driveway. The City could end up with a checkerboard of properties, and he could have three houses behind him. UDOT would be widening 3500 West. How would that affect access to this property? He felt the property should be left alone.

Mike Blackburn, 5938 South 3500 West, stated that he lived immediately north of the property in question. Mrs. Walton had inadvertently ended up with a circular driveway because of the two accesses. He kept horses on the back of his property. He was concerned that about a new lot in close proximity to his horses.

Jim William, 5867 South 3500 West, was concerned that the second lot could be used for a multi-family dwelling. He was opposed to multi-family.

Acting Chairman Stonehocker stated that the property was zoned RE-20, which was a single-family residential zone. The new lot could only be used for a single-family home. Jim William asked if more than one family could live in either home. Commissioner Dandoy stated that this was a single-family residential area. The RE-20 Zone required lots to be at least 20,000 square feet in size. A family could allow other family members to live in a basement, but part of the home could not be leased. The only way to build a second home on this property was to subdivide it.

Roberta Waugh, 5948 South 3650 West, stated that their property was 100 feet by 200 feet. The property in question was only 175 feet. Wouldn't the property have to receive a variance to have a shared driveway? If the property received a variance, all of the properties along 3500 West could eventually do the same thing. If this property was subdivided, could it be turned into a commercial property?

Steve Parkinson stated the property immediately to the south was zoned for a commercial use. A property owner could submit a rezone request, which would require a General Plan amendment as well. He felt the shared driveway would make it difficult consider a petition to rezone the property commercial. A home occupation could be conducted in a single-family dwelling. Mr. Parkinson stated that a variance was not needed to allow a shared driveway. Right now the requested approval did not meet all of the requirements for a shared driveway, but the applicant had submitted a new plan.

Roberta Waugh asked if properties in the area could have a shared driveway. Mr. Parkinson said they could if they complied with the conditions in the Zoning Ordinance. There was a lot of vacant land in the middle of this block that could be developed. A home would have to be sacrificed for a road, but he felt that would be better than having the land piece-mealed.

Roberta Waugh asked if other properties on the block would have the right to subdivide if this subdivision was approved. Mr. Parkinson said other properties would have to apply for subdivision approval just like this property had.

Mike Blackburn stated that he had spoken with Kim Walton, the property owner. She had already started to put in landscaping for the second home. She wanted to put in a Korean food establishment on the front lot.

Commissioner Paul asked if a food establishment would work on the front lot. Steve Parkinson wasn't sure a driveway could be shared with a commercial use. He would speak with the applicant about her future plans.

Commissioner Dandoy stated that this would be a driveway shared between two property owners. Who would actually own the driveway? Steve Parkinson stated that the driveway would be recorded as a right-of-way easement. Neither property owner would have the right to block it off.

At 6:53 p.m., Commissioner Karras moved to continue the public hearing to the next available meeting. Commissioner Paul seconded the motion. Commission members Dandoy, Karras, Ohlin, Paul, and Stonehocker voted "aye." The motion carried.

5. PUBLIC HEARING TO CONSIDER A REQUEST FOR PRELIMINARY APPROVAL OF THE WEST PARK SUBDIVISION LOCATED AT APPROXIMATELY 2750 WEST 4800 SOUTH

Commissioner Ohlin moved to open the public hearing at 6:55 p.m. Commissioner Karras seconded the motion. Commission members Dandoy, Karras, Ohlin, Paul, and Stonehocker voted "aye." The motion carried.

Steve Parkinson stated that the City received a development proposal for 155 townhomes on property located at 2730 West 4800 South about a year ago. The development plan was approved, but the rezone accompanying the plan was not. The City Council recently approved the rezone from Light Manufacturing to R-3. A new developer was requesting approval of a 72-lot single-family subdivision. The subdivision would follow the same road pattern as the townhome development. There would be a north/south road from 4800 South with an attached loop. This property was located between the Union Pacific Railroad and the D & RG Trail. Until the north/south road was extended all of the way to 4000 South, there would only be one access point for this property. When the City approved the development in October of 2013, the stub street was required to allow for future development, left hand turns were restricted in and out of the subdivision, and the developer was required to participate in the construction of a round-about at 2900 West 4800 south to allow traffic from the subdivision to head east without turning left or making a U-turn.

Mr. Parkinson stated that in Chapter 9 of the Zoning Ordinance, it stated, *"In so instance shall a temporary dead end street exceed 1,000 feet without a secondary access."* The length of the road in the proposed subdivision was 1,800 feet. Section 803-6 of the Zoning Ordinance contained an exception to the length of a terminal street: *"Any proposed terminal street with a length greater than allowed by the Subdivision Standards of the City may be allowed if it can be shown that no other alternatives exist and the proposed terminal street is recommended by the City Engineer and City Fire Marshal, as conditions of approval, including, but not limited to access and turn around locations, turn around configuration, minimum pavement width, and additional fire hydrants and fire hydrant locations."* In order for the exception regarding the street length to occur, the property had to be part of a Residential In-Fill Overlay (RIO) District. Both the City Engineer and Fire Marshal recommended that an exception to the road length be considered. Mr. Parkinson felt all of the area between the Union Pacific Railroad and the D & RG Trail would have the same restrictions and should be part of a RIO. The staff recommended that preliminary approval of the West Park Subdivision be tabled to allow the City time to advertise and hold the public hearings to establish a RIO.

Commissioner Paul asked about the round-about at 2900 West 4800 South.

Steve Parkinson stated that the City Council indicated that any development on this property would be subject to the right-in, right out turn restrictions and would be required to participate in construction of the round-about.

Commissioner Dandoy asked about the existing house and barn on 4800 South. Mr. Parkinson said they were not part of the subdivision and would remain as they were.

Commissioner Paul stated that when this development was considered a year ago, there was discussion about approaching Union Pacific to see if they would be willing to sell the vacant lot they owed on the north side of 4800 South east of the barn. If that

property could be acquired, the intersection at 2700 West 4800 South could become a full intersection, and the confusion about turning movements and lights could be eliminated. This subdivision would add to the confusion. A full intersection would eliminate the 1,000 foot problem and make access for the entire area safer. Did the City approach UDOT? Mr. Parkinson did not know. He would look into it.

Acting Chairman Stonehocker opened the floor for public comments.

Colby Bond, Syracuse, stated that when they began evaluating this property they felt that a single-family subdivision would reduce the density and traffic impact. A single-family development would make a good project and would add to the community better than a light industrial or townhouse development would. They were happy to participate in the round-about. They had updated the traffic study. A single-family development would reduce the traffic impact by 30%.

Pieder Beeley, 2730 West 4800 South, was concerned about safety. He felt the development should be required to provide a right-turn lane. When traveling down the hill toward the west, visibility was poor. He felt there would be consequences if there wasn't a dedicated right-turn lane.

D.L. Thurman stated that he owned the house and barn on 4800 South. In the past ten years, he had replaced five mail boxes. Would this development eliminate Roy's fireworks? There was about half an acre of concrete behind his property which the developer would have to take out. He was concerned about the dust that would be generated when the subdivision was built. If the developer was required to put up a solid fence, it would help with the dust and would keep kids from short-cutting through his property. His property was zoned for manufacturing.

Acting Chairman Stonehocker stated that the developer would have to submit a Storm Water Pollution Prevention Plan which would address plans to reduce erosion.

Greg Day, Project Manager, stated that they were aware of the traffic situation. They wanted to make this development as safe as possible.

Acting Chairman Stonehocker stated that in 2013, the City's traffic consultant recommended restriping 4800 South in this area. Mr. Parkinson said that might address the right turn lane.

Commissioner Dandoy was concerned about vehicles exiting this subdivision making illegal left hand turns. Acting Chairman Stonehocker said the City's traffic consultant recommended that concrete barriers be installed on 4800 South from 2700 West to the round-about.

At 7:17 p.m., Commissioner Dandoy moved to continue the public hearing to the next available meeting. Commissioner Karras seconded the motion. Commission

members Dandoy, Karras, Ohlin, Paul, and Stonehocker voted "aye." The motion carried.

6. CONTINUATION OF A PUBLIC HEARING TO CONSIDER A REQUEST FOR A TEXT AMENDMENT TO THE ROY CITY ZONING ORDINANCE REQUIRING ALL BUSINESS GENERALLY TO BE CONDUCTED WITHIN A WHOLLY ENCLOSED BUILDING (CONTINUED FROM JUNE 24, JULY 8, AUGUST 12, AUGUST 26, AND SEPTEMBER 9)

At 7:19 p.m., the Planning Commission continued the public hearing from June 24, July 8, August 12, August 26, and September 9, 2014.

Steve Parkinson stated that while he was making the changes to the Table of Uses recommended by the Planning Commission, it occurred to him there might be other uses in the Table that might want to have outdoor display. He proposed that Section 1702 be added to Chapter 17. Section 1702 would cover exceptions for outdoor display and outdoor storage and the conditions under which they would be considered. Table 17-3 would be added as well. It would list types of allowed screening.

Mr. Parkinson stated that the staff recommended that the Planning Commission recommend that the City Council approve the proposed text amendment to Chapter 17 of the Zoning Ordinance. The proposed text amendment was consistent with the goals and intent of the General Plan and the discussions held by the Planning Commission.

Acting Chairman Stonehocker opened the floor for public comments. There were none. Commissioner Dandoy liked the proposed text amendment. He felt it helped clarify and resolve concerns of the Code Enforcement Officer and the Planning Commission. He asked about vehicles for sale. Mr. Parkinson said Section 1109 already addressed vehicle sales.

Commissioner Dandoy discussed application of the text amendment for a lumber yard. Mr. Parkinson said that if outdoor storage was located behind a building it would be screened from public view. Commissioner Paul said such a use could put in a half building with an overhang.

Commissioner Dandoy asked if the staff planned to recommend that the Council approve an implementation period. Mr. Parkinson said it did. The Planning Commission could include an implementation period in its recommendation.

Commissioner Dandoy stated that the City didn't want to drive businesses away, when it was actually trying to help them.

Commissioner Paul moved to close the public hearing at 7:27 p.m. Commissioner Karras seconded the motion. Commission members Dandoy, Karras, Ohlin, Paul, and Stonehocker voted "aye." The motion carried.

Commissioner Karras moved to recommend that the City Council approve a text amendment to Chapter 17 of the Zoning Ordinance addressing outdoor display and outdoor storage; that the City Council allow exiting businesses 18 months to come into compliance with the new regulations; and that the filing fee for existing businesses be waived. Commissioner Paul seconded the motion. Commission members Dandoy, Karras, Ohlin, Paul, and Stonehocker voted "aye." The motion carried.

7. STAFF UPDATE

Steve Parkinson provided the Planning Commission members with conceptual plans for George Wahlen North Park.

Steve Parkinson stated that the Utah Planning Association had recorded training sessions which the Planning Commission could view.

8. COMMISSIONERS' MINUTE

Commissioner Dandoy asked that the staff report back to the Planning Commission on the Council's actions on planning items.

9. ADJOURN

Commissioner Karras moved to adjourn at 7:36 p.m. Commissioner Ohlin seconded the motion. Commission members Dandoy, Karras, Ohlin, Paul, and Stonehocker voted "aye." The motion carried.



Tom Stonehocker
Acting Chairman

Attest:



Michelle Drago
Secretary