



Agenda Roy City Planning Commission Meeting

6:00 p.m.
November 12, 2013

City Council/Court Room
Municipal Building
5051 South 1900 West

1. Approval of October 22, 2013 minutes
2. 6:00 p.m. Public hearing to consider a request (continued from 10/22/13) to amend the Future Land Use designation of property located at approximately 4600 S 3500 W.
3. 6:00 p.m. Public hearing to consider a request (continued from 10/22/13) to amend the Zoning designation of property located at approximately 4600 S 3500 W.
4. 6:00 p.m. Public hearing to consider a request (continued from 10/22/13) for Conditional Use approval allowing a multi-family residential development on property located at approximately 4600 S 3500 W.
5. Consideration of a request (continued from 10-8-13 & 10/22) to amend the table 17-2 of the Roy City Zoning Ordinance by adding a use category for Tattoo and Body Art.
6. Staff update
7. 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

November 12, 2013

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on November 12, 2013, at 6:02 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
Tom Stonehocker
Karlene Yeoman

Jared Hall, Planner
Michelle Drago, Secretary

Excused: Joe Paul

Others present were: Mayor Elect Willard Cragun; Councilman John Cordova; Vicki Stevenson; Gardner Crane; Kent Howard; Jared Flanders; JoLynn Flanders; Mel Suet; Gary Haws; Wendy Haws; Don Spencer; Mark Blakely; Eileen Frey; Jennifer George; Sean George; Joni Jones; Tamera Swilla; Yvonne Valdez; Tatiana Hunter; Lynda Benavides; Greg Holt; Mitchell Cordova; Susan H. Cordova; Anna M. Robinson; Jason Lewis; Maria Robinson; Kirk F. Smith; Annalesia Smith; Linda Fawson; Jeff Poulsen; Christine Hunsaker; and Nick Forjacks.

Pledge of Allegiance: Lee Holt

Chairman Holt welcomed Mayor Elect Willard Cragun.

1. APPROVAL OF OCTOBER 22, 2013, MINUTES

Commissioner Kirch moved to approve the October 22, 2013, minutes as written. 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 TO AMEND THE FUTURE LAND USE MAP DESIGNATION FOR PROPERTY LOCATED AT APPROXIMATELY 4600 SOUTH 3500 WEST (CONTINUED FROM 10/22/13)
3. PUBLIC HEARING TO CONSIDER A REQUEST TO AMEND THE ZONING DESIGNATION FOR PROPERTY LOCATED AT APPROXIMATELY 4600 SOUTH 3500 WEST (CONTINUED FROM 10/22/13)
4. 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) (CONTINUED FROM 10/22/13)

At 6:04 p.m., Commissioner Stonehocker moved to continue 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; to consider a request to amend the zoning designation for property located at approximately 4600 South 3500 West from Community Commercial to R-3; and 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 hearings regarding the proposed multi-family development on property located at approximately 4600 South 3500 West had been continued from October 22, 2013, in order to allow time for the developers to submit engineered improvement plans. The original site plan had been modified by changing the locations of the clubhouse, swimming pool, and playground. Improvement plans had been submitted, but the City Engineer had not had the information long enough to fully review them and make recommendations to the Planning Commission. The DRC recommended that the Planning Commission take further public comments, close the hearing, and table a decision until the next regular meeting on November 26th.

Chairman Holt asked that letters the City had received about this development be entered into the record (see attached copies).

Gardner Crane, Uintah Land Company, stated that their engineer had completed the preliminary engineering for the site. They would be able to tie into the sanitary sewer on 3500 West. The storm drain would be connected to a culvert on the other side of the Layton Canal. This project would be known as the Aderra Luxury Apartments. Their

company was known as the Uintah Land Company. They focused on single family and multi-family projects. They had worked in 40 cities throughout the United States. They had worked primarily in Utah, Arizona, and North Carolina. The proposed project would contain 114 units with one, two, or three bedrooms. The project was located at approximately 4600 South 3500 West. Amenities would include covered parking, a club house with a fitness center, a heated swimming pool, 24-hour emergency maintenance staff, high speed internet and TV. Each unit would have 9-foot ceilings, granite countertops, and a washer and dryer.

Commissioner Yeoman asked about property management. Gardner Crane stated that they employed a professional management company. The management company screened tenants and conducted background and credit checks, which led to top notch tenants. It was in their financial interest to have upstanding tenants that would contribute to the community and who were strong financially. They had not had crime at any of their other properties.

Chairman Holt opened the floor for public comments.

Tatiana Hunter, 2573 West 3950 South, was really concerned about the proposed development. She could see how the project would be a benefit for those who lived there, but she could not see how it would address Roy's need for additional revenue. It made better sense for the property to remain commercial. Orchard Cove was an apartment complex on 1900 West that was similar to the proposed project. Orchard Cove continually had vacancies. In her opinion it would be better to leave this property commercial so it could piggy back onto the Walmart development in West Haven. There wasn't much open land left that could cater to business development. She didn't feel a residential use was the best idea. The intersection of 4800 South, Midland Drive, and 3500 West was the biggest pain in Roy. It was the biggest bottleneck in this part of the City. The proposed project was less than a block from this intersection.

Commissioner Hamilton asked Ms. Hunter if she thought that putting apartments next to a supermarket that was struggling would help. Ms. Hunter said it would not help. People who lived in luxury apartments would not shop at a small grocery store. They wouldn't be as concerned about price. They would not shop in Roy. Commissioner Hamilton asked what type of commercial development she suggested the City pursue. Ms. Hunter said a Payless Shoes or IKEA. Clinton was a good example of a City that created a commercial center where there had been nothing. It would be nice to see some competitive development in Roy. All of the commercial uses in Roy were gas stations, Chinese food, and pharmacies. All the new pharmacy at 5300 South 1900 West would do was split the current market between four pharmacies instead of three. She felt Rite Aid would go out of business.

Commissioner Hamilton asked if Ms. Hunter had attended any of the General Plan open houses. Ms. Hunter said she had not. Commissioner Hamilton asked how this development would affect her the most. Ms. Hunter said she traveled this road every day. She could not turn onto Midland Drive from the road she lived on. She was also concerned about the safety of school children walking in this area.

Jared Flanders, 4587 South 3600 West, stated that he had sent an email to the City Council. He didn't feel the Planning Commission had given any consideration to the public comments made two weeks ago.

Commissioner Hamilton didn't feel that statement was fair. The Planning Commission had indicated that it could not make a decision because it did not have all of the information. The Planning Commission had received copies of emails and letters sent to the City about this project. The Planning Commission was taking all of that into consideration. The Commission was trying to understand everyone's issues.

Mr. Flanders asked if there was a way to stop the rezone. He felt the project was going to happen anyway.

Chairman Holt stated the Planning Commission was holding a public hearing to receive public input. The Commission would review the staff and engineering recommendations. Then it would make a decision which would be forwarded to the City Council.

Commissioner Hamilton said the Planning Commission's job was to gather all of the information from the public and review the recommendations from the staff. After analyzing all of the information, the Planning Commission then made its best recommendation to the City Council.

Mr. Flanders asked about the General Plan meetings mentioned by Commissioner Hamilton. Commissioner Hamilton said the City was in the process of updating the General Plan. The City had sought input from the citizens about what they wanted to see happen in Roy. The Planning Commission went through an extensive process of holding open houses to gather input from the citizens.

Commissioner Kirch stated that the Planning Commission's job was not to invite businesses to the community. The Planning Commission reviewed development proposals to see if they complied with the City's rules and regulations. The City Council promoted Roy. The City did not own the property in question. The owner had the right to sell it to whomever they liked. Everyone was concerned about the traffic. The intersection of 4800 South and Midland Drive was difficult. A key component was UDOT, which the City had no control over.

Mr. Flanders felt this property should remain commercial. It was right next to West Haven's commercial area. It could piggy back onto West Haven's commercial development.

Vicki Stevenson, 4614 South 3600 West, stated that she had not changed her opinion since the last meeting. She would like the property to remain commercial. If Midland Drive was widened, it might help this property. No one in her neighborhood wanted to see apartments. Why did the City want to let West Haven and Clinton get all of the revenue from sales tax? Fifteen to twenty years ago, another developer proposed apartments on the same property. Her neighborhood signed a petition and appointed a spokesperson. The City Council turned the project down due to safety concerns.

Tamera Swilla, North Ogden, stated that she co-owned the property in question. She understood the citizens' concerns, but at the same time this property had been for sale for over ten years. They kept lowering the price until they couldn't lower it any more. They didn't want to lose the property because they couldn't pay the property taxes. She felt this development would be awesome for Roy. It was high-end residential. It would bring help bring revenue to the City. There had been no interest in commercial development of this property.

Joni Jones, 4737 South 3600 West, stated that she didn't want to see apartments. She didn't want to see the City give up revenue. She would rather see commercial development that would bring sales tax to the community. It was a nice proposal. She would live in it. However, she felt tenants in the third floor units would look right into the back yards of the homes along 3600 West.

Jeff Poulsen, 4595 South 3600 West, stated that this development would be in his back yard. He didn't want his privacy invaded by third story tenants. If the tenants were noisy, they would disrupt him. He could not fathom that the property owners hadn't had other offers to purchase this property. He asked that the zoning remain commercial.

Commissioner Hamilton asked if Mr. Poulsen would rather have a supermarket than apartments. Mr. Poulsen said he would. A supermarket closed at about 10:00 p.m. Apartments were twenty-four hours a day seven days a week.

Mark Blakely, 4602 South 3600 West, said his main concern was safety and traffic. If this property was going to be residential then it should be single-family homes. A home was about 14 feet in height, not 35 feet. With 114 units and two vehicles each, 228 vehicles would be added to the 4800 South Midland Drive intersection. He asked if a traffic study of the intersection had been done.

JoLynn Flanders, 4587 South 3600 West, asked how much the units would lease for. Gardner Crane said the rent would be \$800 to \$1,100 per month. Mrs. Flanders asked that the property be developed with homes if it was going to go residential. She was concerned about safety of school children walking along 3500 West. She didn't feel it was safe to put more people on the road. What about the privacy of the homeowners along 3600 West?

Kirk Smith, 3922 West 4750 South, was concerned about many of the same issues that had been mentioned. He was also concerned about a sense of community. He had lived in his home for 17 years and had worked hard to foster a sense of community. He knew most of his neighbors on either side of 4800 South. These apartments would be within the geographic boundaries of his church, but it would be an island with more transient residents. He felt it would be difficult to promote a sense of community. There were homes throughout his neighborhood for sale and for rent that were more established than this development would be. Even if single family homes were developed, they would be isolated. He felt it would be better to keep this property zoned commercial.

Gary Haws, 4385 South 3500 West, was concerned about safety. A multi-family development would mean increased crime, which would tax Roy City's law enforcement. This development would be an opportunity for crime to come. He also hated to see more cars at this intersection.

Christine Hunsaker, 3569 West 4300 South, West Haven, said the residents of Stone Creek in West Haven had tried to get a school bus for their children, but it wasn't feasible. Any children living in the proposed development would have to walk to school to West Haven Elementary. This was a difficult intersection. She moved to this area for the rural nature. She didn't build her home to look at a three-story building. Traffic, safety, and schools would have a big impact on the community.

Mitch Cordova, 4852 South 3600 West, was concerned about traffic, infrastructure, and the canal. He did not feel there was a way to put 114 apartments on this property. This area was already clustered. With Walmart coming, there would be a better chance that this property could be developed commercially. The people who would suffer were those in the local community.

Nick Forjacks, 4760 South 3900 West, stated that he and his wife tried to give some business to Winegar's. They never really drove up to 1900 West because it was inconvenient. Most of their sales tax was not spent in Roy. That might change with the development of Walmart in West Haven. Traffic was an issue. They would like to patronize businesses in Roy, but the places they shopped were not in Roy.

Linda Fawson, 3814 West 4650 South, stated that she had lived in Roy for 30 years. She had seen a lot changes in the traffic. She saw many drivers cut through Triple Stop to avoid the intersection at 4800 South 3500 West. She was concerned that this development would not have enough parking. Due to the economy many singles were choosing to room together. There would not be enough parking for four drivers per unit. The City didn't need apartments and all of the traffic they would generate. She was 100% behind keeping this property commercial.

Anna Robinson, 3633 West 4650 South, stated that she had emailed the Mayor and Council members. She was concerned about traffic and safety.

Greg Holt, 4563 South 3600 West, wanted lend his support to stopping the rezone. He was concerned about artificial mountains being erected in Roy in the form of apartment buildings. He didn't like the idea of having a three-story building in the area. He was concerned about safety issues. He saw the police often because of the number of accidents at 4800 South 3500 West. The traffic was horrendous. It wasn't safe for pedestrians or school children. The City needed a safety assessment from UDOT and the City Engineer. He wanted to know what the plans were to address the safety issues.

Lydia Benavides, 4321 South 3500 West, was concerned about traffic. It was horrible living on this road and trying to get out of her driveway. She was concerned about the parking garages proposed next to the canal and oil from vehicles getting into the waterway. Oil in the Layton Canal would impact the whole community. She was also concerned about the children that walked up and down 3500 West. She didn't want her yard littered because there were twice as many people walking up and down the street. If this property was developed commercially, the traffic would not be as severe.

Gardner Crane, Uintah Land Company, stated that they had taken into account the height of the buildings and the proximity of the homes along 3600 West. All of the buildings were located on the east side of the site. Garages would be constructed along the west boundary. The buildings were several hundred feet from the homes on 3500 West. The site would be graded so that all storm water would drain into a storm drain not the canal. They were always concerned about the environmental impact. The City was requiring them to put in much more parking than they had been required to have in other cities. Their other multi-family developments always had plenty of parking.

Commissioner Stonehocker moved to close the public hearing at 7:01 p.m. Commissioner Hamilton seconded the motion. Commission members Hamilton, Holt, Kirch, Stonehocker, and Yeoman voted "aye." The motion carried.

Commissioner Yeoman asked if a traffic study would part of the engineering review. Mr. Hall said a traffic study had not been submitted. This project would drop traffic onto

3500 West just north of the 4800 South Midland Drive intersection. Midland Drive was a State road. UDOT was considering methods to control access. It was possible that 3500 West would be closed at Midland Drive, and that traffic would be re-routed to the north.

Commissioner Kirch asked about a time frame for improvements to the 4800 South Midland Drive intersection. Mr. Hall said he did not have access to that information. The staff was trying to get information from UDOT.

Commissioner Kirch asked if the accesses in the proposed development still lined up with streets on the east side of 3500 West. Mr. Hall said they did.

Commissioner Kirch asked if there would be a fence along the canal. Mr. Hall said there would be a privacy fence or garage walls along the south and west boundaries.

Commissioner asked what the height of a normal house would be. Mr. Hall said homes usually ranged from 14 to 30 feet. Mr. Hall said there would be several hundred feet between the apartment structures and the west property line. The width of the canal would also be between this project and homes along 3600 West.

Commissioner Yeoman asked how many parking spaces were being proposed. Mr. Hall said the site plan showed 2.5 parking spaces per unit.

Commissioner Kirch asked how this property would be impacted if 3500 West was closed. Mr. Hall felt that closing the intersection would have a positive impact on the property if it was developed with a residential use, which was one of the reasons the staff supported the proposed rezone. Mr. Hall pointed out several available, undeveloped commercial areas with very good visibility and access. The development of Walmart in West Haven would bring additional traffic. However, it was his professional opinion that this particular 8.13 acres did not have the visibility to attract the interest of a commercial development, even with the Walmart further north. The fact that a residential developer was now interested in this property told him the asking price had been cut severely.

Commissioner Kirch stated that a business could not survive on its own without a strong anchor. Was this site large enough to support a commercial development? Mr. Hall said eight acres was big enough for a grocery store or other mid-size retailer. What the site lacked was access and visibility. Both of those issues would only get worse if 3500 West was closed. Regardless of the current applications, he felt that the planning department would be suggesting a change to the land use designation of the property as a part of updating the General Plan and Future Land Use Map.

Commissioner Kirch moved to table consideration of requests to amend the Future Land Use Map, Zoning Map, and Conditional Use until the next scheduled meeting. Commissioner Yeoman seconded the motion. Commission members Hamilton, Holt, Kirch, Stonehocker, and Yeoman voted "aye." The motion carried.

In subsequent discussion, Commissioner Kirch asked if the City could close 3500 West without UDOT. Mr. Hall said it probably could.

5. CONSIDERATION OF A REQUEST TO AMEND TABLE 17-2 OF THE ROY CITY ZONING ORDINANCE BY ADDING A CATEGORY FOR TATTOO AND BODY ART (CONTINUED FROM 10/8 AND 10/22/13)

Jared Hall stated that the Planning Commission held a public hearing regarding a request to amend Table 17-2 of the Zoning Ordinance to create a use category for Tattoo and Body Art. He took the points discussed by the Planning Commission and put them into ordinance format in anticipation that the Commission would forward a recommendation to the City Council. He checked the cases considered by 10th Circuit Court. None of the cases regarding tattoo parlors were applicable to regulating the use.

Commissioner Kirch suggested that the use category be amended to read:

Tattoo & Body Art. Establishments engaged primarily in the practice of physical body adornment or modification, including but not limited to body piercing, tattooing, branding or scarification. All Tattoo & Body Art establishments shall obtain and maintain in good standing a proper license from the Weber-Morgan Health Departments. ~~No~~ Tattoo & Body Art establishments may not be located closer than six hundred (600) feet to any other such establishment as defined, or to any church, school or other community gathering place. The number of such facilities licensed within the city limits may not exceed one per every ten thousand (10,000) or portion thereof of the most recent United States Census Bureau estimated population of Roy City. The hours of operation are limited to between 10:00 a.m. and 10:00 p.m. ~~and~~ No minors shall be allowed on the premises without an accompanying adult guardian.

Commissioner Kirch moved to recommend that the City Council amend Table 17-2 of the Roy City Zoning Ordinance to create a use category for Tattoo and Body art as drafted. Commissioner Yeoman seconded the motion. Commission members Hamilton, Holt, Kirch, Stonehocker, and Yeoman voted "aye." The motion carried.

6. STAFF UPDATE

Jared Hall stated that the City had received plans for a gun shop and indoor shooting range which the Commission would probably consider in December.

Mr. Hall answered questions from the Planning Commission about UDOT's plan to wide Riverdale Road and about work on 4400 South.

Chairman Holt stated that he submitted his resignation from the Planning Commission effective immediately.

Jared Hall stated that the Vice Chairman would conduct the remaining three meetings of the year. The Planning Commission would select a new chairman in January.

7. ADJOURN

Commissioner Stonehocker moved to adjourn at 7:26 p.m.

Attest:

Lee Holt
Chairman

Michelle Drago
Secretary

dc:pnov1213