



PLANNING COMMISSION

5051 South 1900 West; Roy, Utah 84067

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Web-site: www.royutah.org

AGENDA

November 12, 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.

Agenda Items

1. Declaration of Conflicts
2. Approval of October 28, 2014 minutes

Legislative Actions

3. a. **6:00 p.m.** – Public Hearing – To consider an amendment to the Master Land Use Map from Medium Density Single-Family to Very High Density, Multi-Family and amend the Zoning Map from R-1-8 (Single-Family Residential to R-4 (Multi-Family Residential) on the property located at approximately 2654 West 6000 South.
- b. Continuation of Public Hearing – Public Hearing – To consider a request for Preliminary Subdivision Approval of Walton Subdivision, a residential subdivision located at approximately 5975 S 3500 W.
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

November 12, 2014

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on November 12, 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:

Gennie Kirch, Chairman
Bob Dandoy
Leland Karras
Lindsey Ohlin
Tom Stonehocker

Steve Parkinson, Planner
Michelle Drago, Secretary

Excused: Blake Hamilton and Joe Paul.

Others present were: Cathy Spencer, Management Services Director; Tracey Stevens; Larry Stevens; Kim Walton; Mike Blackburn; and Molly Blackburn.

Pledge of Allegiance: Tom Stonehocker

1. APPROVAL OF OCTOBER 28, 2014, MINUTES

Commissioner Stonehocker moved to approve the October 28, 2014, minutes as written. Commissioner Dandoy seconded the motion. Commission members Dandoy, Karras, Kirch, Ohlin, and Stonehocker voted "aye." The motion carried.

2. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE MASTER LAND USE MAP FROM MEDIUM DENSITY SINGLE-FAMILY TO VERY HIGH DENSITY, MULTI-FAMILY AND AN AMENDMENT TO THE ZONING MAP FROM R-1-8 (SINGLE-FAMILY RESIDENTIAL) TO R-4 (MULTI-FAMILY RESIDENTIAL) FOR PROPERTY LOCATED AT APPROXIMATELY 2654 WEST 6000 SOUTH

Commissioner Karras moved to open a public hearing at 6:01 p.m. to consider an amendment to the Master Land Use Map for property located at approximately 2654 West 6000 South from Medium Density Single-Family Residential to Very High Density, Multi-Family Residential. Commissioner Ohlin seconded the motion. Commission members Dandoy, Karras, Kirch, Ohlin, and Stonehocker voted "aye." The motion carried.

Commissioner Stonehocker moved to open a public hearing at 6:01 p.m. to consider an amendment to the Zoning Map for property located at approximately 2654 West 6000 South from R-1-8 (Single-Family Residential) to R-4 (Multi-Family Residential). Commissioner Karras seconded the motion. Commission members Dandoy, Karras, Kirch, Ohlin, and Stonehocker voted "aye." The motion carried.

Steve Parkinson stated that there was an existing commercial building located at approximately 2654 West 6000 South that was built in 1946. Although it was located in an R-1-8 Zone, it appeared the building was used commercially until 2007 when the business license lapsed. The building had been vacant since.

Mr. Parkinson said the applicant was requesting that the Master Land Use Map for this property be amended from Medium Density Single-Family Residential to Very High Density, Multi-Family Residential. Amending the Master Land Use Map would allow the Zoning Map to be amended from R-1-8 (Single-Family Residential) to R-4 (Multi-Family Residential). The applicant wanted to use the building as a portrait studio by appointment only. A portrait studio would be considered a 'personal care' business, which was a permitted use in the R-4 Zone. In addition to multi-family residential, the R-4 Zone allowed office type businesses, such as doctors, dentists, and personal care. Having small commercial buildings in residential neighborhoods was typical for older communities. Rezoning the property R-4 would allow the building to be used as it was intended to be. The property would be upgraded and cared for. It would be cheaper to demolish the building and rebuilt than to retrofit the existing building for a residential use.

Chairman Kirch asked if the R-1-8 Zone allowed any type of commercial use. Mr. Parkinson said it did not. An R-4 Zone did allow a limited amount of commercial use. The proposed use would not change anything in the neighborhood, except some new landscaping.

Chairman Kirch asked if the property could be sold and used for multi-family housing in the future. Mr. Parkinson said the width of the property was non-conforming. He wasn't sure how much multi-family could actually be built on the lot. The Planning Commission could recommend that the applicant enter into a development agreement with the City to limit the current and future use of the property to commercial only.

Mr. Parkinson stated that the staff had found that the building and property had been used as a small commercial business for more than 61 years. The building had been a staple in the neighborhood. The proposed zoning would allow the building and property to continue as it was originally built. The staff recommended that the Planning Commission recommend that the City Council amend the Master Land Use Map from Medium Density Residential to Very High Density, Multi-Family Residential and amend the Zoning Map from R-1-8 (Single-Family Residential) to R-4 (Multi-Family Residential). Both amendments would be subject to the applicant applying for and receiving site plan approval and a building permit for all remodeling.

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

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

Commissioner Ohlin asked what the correct address of the property was. On one map it appeared the address was 2566; on another it was 2564. Mr. Parkinson said the address was 2564 West 6000 South.

Commissioner Dandoy asked if there were any other properties like this one in the area. Mr. Parkinson said there weren't. There was a small manufacturing zone to the south for storage units. He felt the lapse in the use of the property had created the problem. The proposed use was a reasonable fit for the neighborhood. A development agreement could limit the use of the property to only those types of businesses allowed in the R-4 Zone – small, office-type businesses.

Commissioner Stonehocker moved to recommend that the City Council amend the Master Land Use Map for property located at approximately 2564 West 6000 South from Medium Density Residential to Very High Density, Multi-Family Residential. Commissioner Ohlin seconded the motion. Commission members Dandoy, Karras, Kirch, Ohlin, and Stonehocker voted "aye." The motion carried.

Commissioner Stonehocker moved to recommend that the City Council amend the Zoning Map for property located at approximately 2564 West 6000 South from R-1-8 (Single-Family Residential) to R-4 (Multi-Family Residential) based on the staff's findings and subject to the conditions recommended by the staff and that the applicant enter into a development agreement with the City limiting the existing and future use of the property to the types of commercial businesses allowed in the R-4 Zone, such as doctors, dentists, and personal care. Commissioner Karras seconded the motion. Commission members Dandoy, Karras, Kirch, Ohlin, and Stonehocker voted "aye." The motion carried.

3. CONTINUATION OF PUBLIC HEARING FROM OCTOBER 14, 2014, TO CONSIDER A REQUEST FOR PRELIMINARY SUBDIVISION APPROVAL OF WALTON SUBDIVISION LOCATED AT APPROXIMATELY 5975 SOUTH 3100 WEST

At 6:15 p.m. Commissioner Ohlin moved to continue the public hearing from October 14, 2014. Commissioner Stonehocker seconded the motion. Commission members Dandoy, Karras, Kirch, Ohlin, and Stonehocker voted "aye." The motion carried.

Steve Parkinson stated that on October 14, 2014, the staff recommended that consideration of the Walton Subdivision be tabled in order to allow staff to review the

latest subdivision plan, which the City had just received. The applicant was proposing to divide 3.21 acres she owned at 5975 South 3100 West into two single-family lots. Lot No. 2 did not have access on a public street. She was proposing to access the second lot via a shared driveway under the provisions for shared driveways in Section 1102 (2) of the Zoning Ordinance.

Mr. Parkinson stated that the biggest issue regarding this subdivision was planning and whether the subdivision met the requirements for a shared driveway. Section 1102 required the property to have unique circumstances that isolated the lots from an existing or future public street. He did not feel there were any physical barriers isolating this property. There was almost nine acres of undeveloped land in the middle of this block. It was possible for a street to be constructed that would allow that acreage to be developed. He did not feel the proposed subdivision met the first two criteria for a shared driveway.

Mr. Parkinson said the staff had found that the proposed subdivision did not meet all of the requirements of the Zoning and Subdivision Ordinances. The staff recommended that the Planning Commission recommend that the City Council deny preliminary approval of the Walton Subdivision.

Chairman Kirch opened the floor for public comments.

Kim Walton, 5975 South 3100 West, said she just wanted to build a second home on the back of her property for herself.

Commissioner Dandoy asked what she planned to do with the existing home. Kim Walton said her grand-daughter would live there. She would close the driveway on the south side so there would only be one access.

Chairman Kirch asked if the Residential In-fill Overlay would work in this circumstance. Mr. Parkinson said that the subdivision would still have to have access from a public street.

Chairman Kirch if there was any other way for the applicant to build a second home on her property with a single access. Mr. Parkinson said the property was only 175 feet wide, which was not wide enough to get two side-by-side lots. The property was wide enough to put a 60-foot public right-of-way, which would allow for the future development of properties to the north. UDOT might have an issue with a public right-of-way because of its proximity to the intersection of 5900 South 3500 West.

Commissioner Dandoy didn't see how this subdivision would work unless the ordinance was changed. Changing the ordinance would impact other properties in Roy as well.

Chairman Kirch asked if there was an appeal avenue for the applicant. Mr. Parkinson said the subdivision would be forwarded to the City Council. The Council could approve the

subdivision in spite of the staff and the Planning Commission recommendations, but the Council would have to show compelling reasons to so.

Chairman Kirch understood where the City was with the ordinance, but she did not like telling someone they couldn't use their property as they wanted. She asked if the property would qualify for a unique circumstance if UDOT turned down a public right-of-way due to the proximity of 5900 South. Mr. Parkinson said it would not. A public road could be put in elsewhere along the block that would allow access.

Chairman Kirch felt it was hard to hold someone back for something that might not come to pass for another 40 years.

Commissioner Dandoy stated that if the City approved this subdivision, other properties in the area might want to do the same thing. He wasn't sure the City wanted a lot of homes sitting back from the public right-of-way via small dirt roads. He wanted to see the vacant land in the middle of this block developed smartly.

Commissioner Karras moved to close the public hearing at 6:33 p.m. Commissioner Dandoy seconded the motion. Commission members Dandoy, Karras, Kirch, Ohlin, and Stonehocker voted "aye." The motion carried.

Commissioner Karras moved to recommend that the City Council deny preliminary approval of the Walton Subdivision based on the staff's findings. Commissioner Dandoy seconded the motion. Commission members Dandoy, Karras, Ohlin, and Stonehocker voted "aye." Chairman Kirch voted "nay." The motion carried.

4. STAFF UPDATE

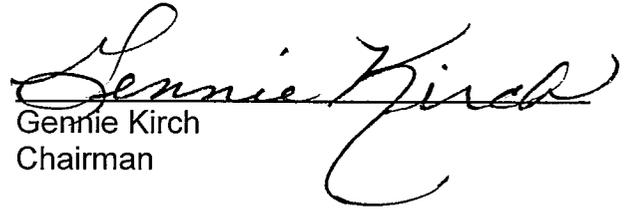
Steve Parkinson updated the Planning Commission on the West Park Subdivision. The City's engineer, Wasatch Civil, had reviewed the traffic study submitted by the applicant and met with their traffic engineer. He hoped to have the subdivision on the next agenda. Commissioner Dandoy wasn't concerned about the subdivision plan itself. He was concerned about the traffic survey. He felt the Planning Commission could make a good decision if it understood the access issues.

5. COMMISSIONERS' MINUTE

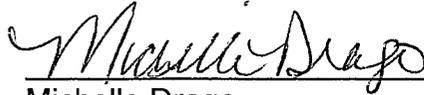
There were none.

6. ADJOURN

Commissioner Karras moved to adjourn at 6:38 p.m. Commissioner Dandoy seconded the motion. Commission members Dandoy, Karras, Kirch, Ohlin, and Stonehocker and Yeoman voted "aye." The motion carried.


Gennie Kirch
Chairman

Attest:



Michelle Drago
Secretary

dc:pnov1214