



PLANNING COMMISSION

• **Chair** – Lindsey Ohlin • **Vice Chair** – Douglas Nandell
Members: • Leland Karras • Gennie Kirch • Joe Paul • Claude Payne • Jason Sphar

AGENDA - Amended

May 10, 2016

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 April 26, 2016 work-session minutes
3. 6:00 p.m. – PUBLIC HEARING – Consider a request to amend the Zoning Code (section 1111 & Table 17-1) regarding the allowance of chickens/Rabbits within the Single-Family Residential Districts
4. Continuation – 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.
5. Continuation – Consider a request for Conditional Use approval for Builders Alliance a multi-family residential development located at 5629 S. 2700 W.
6. Consider a request for Architectural and Site Plan approval for Western States Ventures, for an existing building located at approximately 1952 W 5600 S
7. Commissioners Minute
8. Staff Update
9. Adjourn

In Compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for these meetings should contact the Administration Department at (801) 774-1040 or by email: ced@royutah.org at least 48 hours in advance of the meeting.

Certificate of Posting

The undersigned, does hereby certify that the above notice and agenda was posted in a public place within the Roy City limits on this 9th day of May 2016. A copy was also provided to the Standard Examiner and posted on the Roy City Website on the 9th day of May 2016.

STEVE PARKINSON;
PLANNING & ZONING ADMINISTRATOR



ROY CITY PLANNING COMMISSION

May 10, 2016

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on May 10, 2016, 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:

Lindsey Ohlin, Chairman
Leland Karras
Gennie Kirch
Doug Nandell
Joe Paul
Claude Payne
Jason Sphar

Steve Parkinson, Planner
Michelle Drago, Secretary

Others present were: Greg Sagen; Dustin Kurns; Jason Kunzler; Ethan Webb; Amy Webb; Jeremy Berger; Tim Higgs; Brenna Hay; Dale Davis; Doree Day; Bridget Kay; Nicole Fuhrmeister; Becky Bluemel; Lorin Parks; Kent Hill; Clint Allen; Dax Barney; and Luis Quintana.

Pledge of Allegiance: Joe Paul

1. DECLARATIONS OF CONFLICT

There were none.

2. APPROVAL OF APRIL 26, 2016, MINUTES

Commissioner Kirch moved to approve the April 26, 2016, minutes as written. Commissioner Nandell seconded the motion. Commission members Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted "aye." The motion carried.

3. PUBLIC HEARING TO CONSIDER A REQUEST TO AMEND THE ZONING CODE (SECTION 1111 AND TABLE 17-1) REGARDING THE ALLOWANCE OF CHICKENS/RABBITS WITHIN THE SINGLE-FAMILY RESIDENTIAL DISTRICTS

Steve Parkinson stated that since February the Planning Commission had discussed an amendment to the Zoning Ordinance to allow chickens and rabbits in single-family residential zones as directed by the City Council. The proposed regulations would allow a maximum of six chickens or six rabbits, or a combination of the two, on lots with at least 8,000 square feet in the R-1-6, R-1-7, R-1-8, R-1-10, and R-1-15 Zones. Roosters would not be permitted. Anyone that wanted to have chickens or rabbits in single-family residential zones would be required to obtain a permit. The permit would be renewed annually and could not be transferred from one person to another. A site plan showing the location of the coop or hutch would be required with the permit application. Adjoining property owners would be notified. Chickens or rabbits would only be permitted in fenced back yards. Chickens would be able to roam free in fenced yards; rabbits

would have to remain in hutches. Mr. Parkinson said the proposed amendment would add Section 1111 – Supplementary Regulations allowing for the keeping of chickens/rabbits in the Single-Family Residential Zones – to Chapter 11 and the use - Limited Domestic Livestock and Fowl – to Table 17-1 in Section 1701 of the Zoning Ordinance.

Commissioner Nandell stated that the word *slaughter* needed to be removed from Section 2A.

Commissioner Kirch asked why the Use - Limited Domestic Livestock and Fowl was prohibited in the RE-20 Zone. Mr. Parkinson said the regulations for limited domestic livestock and fowl were different than the regulations for animals that already existed in the RE-20 Zone.

Commissioner Kirch felt the wording of the last sentence in the enclosure regulations for rabbits was a little odd. It said, "*Do not put rabbits together after they are 3 months of age.*" Mr. Parkinson said language could be added explaining that rabbits were old enough to breed at three months. She suggested wording like *rabbits should not be housed in the same cage.*

Commissioner Kirch moved to open the public hearing at 6:10 p.m. Commissioner Paul seconded the motion. Commissioners Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted "aye." The motion carried.

Chairman Ohlin opened the floor for public comments.

Dustin Kurns, 5687 South 2650 West, was pleased that the City was going to allow chickens and rabbits in single-family residential zones. Most rabbits had litters that were larger than six. What did homeowners do with litters that exceeded the maximum number of six? Commissioner Kirch said the Planning Commission had discussed how to handle offspring. The City's Animal Control Ordinance did not count young until they were weaned. At that point, a homeowner would have to make sure to comply with the limit of six.

Greg Sagen, 4027 West 4900 South, thanked and congratulated the Planning Commission. The proposed ordinance looked good. However, he was concerned about the need to obtain a permit and what the permit fee might be. The permit fee for bees was \$10. He felt the permit fee for chickens and rabbits should be \$5.

Becky Bluemel, 3877 South 2225 West, stated that she almost didn't move to Roy because of the chicken issue. She used to live in Vancouver, Washington where chickens were allowed. She was concerned about the amount of government oversight in the proposed ordinance. She did not see the need for site plans or permits. She felt they would be deterrents. Vancouver did not require permits. She asked Vancouver's Animal Control if they received many complaints about chickens. They got some but not many. The complaints were usually about roosters. It would be nice to be able to do whatever she wanted in her own backyard. She hoped Roy City could lessen the oversight.

Jeremy Berger, 3477 West 4975 South, was excited about the new regulations. He asked how the enclosure standards would apply to commercial coops. Commissioner Kirch said the ordinance listed minimum requirements.

Commissioner Kirch moved to close the public hearing at 6:17 p.m. Commissioner Karras seconded the motion. Commissioners Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted "aye." The motion carried.

Commissioner Kirch asked for a clarification about the regulations for young. Steve Parkinson said chicks and litters would be similar to dogs and cats. Young were not included in the Zoning Ordinance. An animal was not considered an adult until it was weaned.

Commissioner Kirch stated that a site plan could be a simple drawing. She asked if the regulations could specify that the site plan could be simple. Mr. Parkinson said the regulations would have to define *simple*. He told people that the site plan did not have to be completed by a professional. It simply needed to show dimensions.

Chairman Ohlin agreed that the proposed ordinance contained too much government oversight. Farmington did not require a site plan or permit. Their ordinance simply stated the maximum number allowed. She felt a permit was unnecessary. If a permit was required, the fee needed to be a minimal as possible.

There was a discussion about permits and fees.

Commissioner Kirch felt the regulations needed some administration or chickens and rabbits would become carte blanche. Chickens and rabbits were being allowed in residential areas where housing was closer together. Permits would provide citizens with guidance.

Commissioner Paul stated that the City was going from nothing to free range chickens in back yards. He felt the Council would have a problem with free range chickens. The ordinance originally proposed by the Council allowed chickens in enclosures only. He agreed with all of the proposed regulations but the free ranging. Some members of the Council supported chickens and rabbits in single-family residential zones, but allowing chickens to roam free was swinging the pendulum too far.

Commissioner Karras was comfortable with the proposed regulations. The City Council could change anything they did not like.

Commissioner Kirch moved to recommend that the City Council amend the Roy City Municipal Code Title 10 by adding Section 1111 and a use category in Table 17-1 allowing chickens and rabbits in single-family residential zones as discussed and based on the staff's findings and recommendations. Commissioner Karras seconded the motion. A roll call vote was taken: Commissioners Nandell, Payne, Paul, Kirch, Sphar, Karras, and Ohlin voted "aye." The motion carried.

4. CONTINUATION (FROM SEPTEMBER 8, 2015) OF A REQUEST FOR PRELIMINARY SUBDIVISION APPROVAL FOR WARD ESTATES SUBDIVISION PHASE 3 AMENDED, A TWO (2) LOT RESIDENTIAL SUBDIVISION LOCATED AT 5050 SOUTH 3500 WEST

Steve Parkinson stated that on September 8, 2015, the Planning Commission held a public hearing to consider a request for preliminary approval of Ward Estates Subdivision Phase 3 Amended. The applicant proposed to divide Lot No. 26 into two lots with a shared driveway on

3500 West. At that time, the proposed subdivision did not meet the requirements for a shared driveway because it had access onto 3500 West. The subdivision was tabled pending receipt of a letter from UDOT either approving access onto 3500 West for the new lot or denying the second access. On April 11, 2016, the City finally received a letter from UDOT stating that they would not allow an additional access onto 3500 West. Due to UDOT's access denial, the new lot now met the requirements for a shared driveway. Both lots met the minimum lot width and size requirements of the R-1-8 Zone. The staff had found that the proposed subdivision complied with the shared driveways requirements in the Zoning Ordinance. The public hearing held on September 8, 2015, was closed.

Commissioner Nandell moved to grant preliminary of Ware Estates Subdivision Phase 3 Amended, a two (2) lot residential subdivision located at 5050 South 3500 West based on the staff's findings and subject to the conditions recommended by the staff. Commissioner Paul seconded the motion. Commissioners Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted "aye." The motion carried.

5. CONTINUATION OF A REQUEST FOR APPROVAL OF A CONDITIONAL USE FOR BUILDERS ALLIANCE FOR A MULTI-FAMILY RESIDENTIAL DEVELOPMENT LOCATED AT 5629 SOUTH 2700 WEST

Steve Parkinson stated that on September 8, 2015, the Planning Commission considered a request for approval of a conditional use and site plan for a multi-family development located at 5629 South 2700 West. The request was tabled as there were too many issues that had to be resolved. The staff had been working with the applicant since September to resolve those issues. The current site plan contained two fourplexes and one triplex. Due to the size of the property, the maximum density was 11 units. Recreational amenities would actually be located inside one of the buildings because there just wasn't room to locate them elsewhere on the site. Vehicular access would be from 2700 West. UDOT would not allow access from 5600 South. The proposed site plan met the requirements for uncovered, covered, and guest parking. There would be one light pole located near the access on 2700 West which would have some light spill, but there was a road between the development and the residential area across the street. The Multi-Family Standards in the Zoning Ordinance required a base open space of 20%. Mr. Parkinson explained that the site was surrounded by a variety of zones – RE-20 to the south; R-1-8 to the west and east; there was an R-3 Zone to the northwest. Mr. Parkinson presented the proposing building materials - brick and lap siding (cement hardy board).

Mr. Parkinson said there were still a few things the Planning Commission needed to consider. The proposed site had 58% of impervious area. The maximum allowed by the Zoning Ordinance was 55%. The Planning Commission needed to determine if the 58% of impervious area was okay or if the site plan should be altered in order to comply with the Zoning Ordinance. The Planning Commission needed to determine if the interior recreational facilities complied with the intent of the ordinance. The City's architectural standards said a building had to provide architectural relief every 30 feet. The front and back facades had bump outs. The sides of the buildings were more than 30 feet in length, and the only architectural relief would be the vertical siding. The Planning Commission needed to determine if the proposed vertical lap siding would provide enough architectural relief.

Mr. Parkinson said the staff had found that the site plan and architectural design could meet all aspects of the Zoning Ordinance. The staff recommended that the Planning Commission recommend that the City Council approve the request conditional use permit and site plan with the subject to compliance with all requirements of the DRC and the applicant receiving preliminary and final subdivision approval.

Commissioner Kirch asked about a snow removal area. Steve Parkinson stated that the site plan showed 6-foot sidewalks throughout the development. The wider sidewalks would provide place to put snow. There was also a place provided at the north end of the parking lot to push snow.

Commissioner Kirch asked if the site contained the 20% of base open space required by the Zoning Ordinance. Mr. Parkinson said if the site had 58% of impervious surface, it would have 42% of pervious area.

Commissioner Kirch stated that during her years on the Planning Commission, this was the fourth site plan she had seen for this property. She liked this design. She asked if the site's grade problem had been addressed. Mr. Parkinson said it had.

Commissioner Kirch stated that she had always been concerned about the safety of school children. Children would choose the fastest and easiest route, which meant they would cut through this site. She liked the sidewalk which would provide access to the trail and 5600 South.

Commissioner Nandell felt the site plan had completely evolved from the one proposed last September. Was it a bait and switch? He was concerned about the interior amenities. Commissioner Kirch felt the interior amenities would work due to the small number of residents the development would have. Steve Parkinson said the site plan proposed last September contained rear access to the units. When the buildings were pushed back to move the parking out of the front yard setback, there was no longer room for the rear access. The building design had to change.

Commissioner Paul asked if the applicant had considered putting the parking in the rear and the buildings in front. Commissioner Kirch said that type of site plan had been proposed but didn't work due to grading issues.

Commissioner Kirch stated that she recently attended a transportation open house held by Wasatch Front Regional Council. She learned that 81% of the housing along the Wasatch Front was single-family residential. There was a need for multi-family developments.

Chairman Ohlin asked how the Planning Commission felt about the amount of impervious surface, interior amenities, and the architectural relief.

Commissioner Sphar felt the water detention area provided on the site made up for the increased impervious area. Mr. Parkinson said all sites were required to provide onsite detention.

Commissioner Kirch felt the impervious area needed to drop to 55% to comply with the ordinance. Mr. Parkinson felt reducing the width of the sidewalks from 6 feet to 4 feet would bring the impervious surface area into compliance.

Commissioner Kirch felt regular architectural bump outs were more attractive on the front and rear than the sides where they wouldn't be seen. She felt the vertical lap siding would provide enough architectural relief on the sides of the buildings. Commissioner Payne agreed.

Commissioner Kirch moved to recommend that the City Council approve a conditional use and site plan for a multi-family development located at 5629 South 2700 West based on the staff's findings and subject to the conditions recommended by the staff; the site complying with the 55% impervious surface requirement; and the proposed vertical lap siding providing the architectural relief needed on the sides of the buildings. Commissioner Sphar seconded the motion. Commissioners Karras, Kirch, Ohlin, Payne, and Sphar voted "aye." Commissioners Nandell and Paul voted "nay." The motion carried.

6. CONSIDERATION FOR ARCHITECTURAL AND SITE PLAN APPROVAL FOR WESTERN STATES VENTURES FOR AN EXISTING BUILDING LOCATED AT APPROXIMATELY 1952 WEST 5600 SOUTH

Steve Parkinson stated that there was an existing building located at 1952 West 5600 South, which was in front of Planet Fitness. The building was used as office space and currently had one tenant. The owner was proposing to change the roof line and add some windows and doors on the east and west facades. Landscaping would be introduced to the site. The DRC had some concerns, but he felt they could be resolved without affecting the proposed site plan. The staff had found that the site plan could meet the Zoning Ordinance and recommended that the Planning Commission approve the site plan subject to meeting the requirements of the DRC and receiving preliminary and final subdivision approval.

Commissioner Paul asked if the vacant property west of the building was part of this site. Mr. Parkinson said it was not. It was a separate parcel.

Commissioner Nandell felt the proposed change would make the building look nicer and more modern.

Commissioner Sphar moved to approve the exterior architectural changes and amended site plan for the building located at 1952 West 5600 South based on the staff's findings and subject to the conditions recommended by the staff. Commissioner Paul seconded the motion. Commission members Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted "aye." The motion carried.

7. COMMISSIONER'S COMMENTS

Commissioner Kirch thanked Steve Parkinson for sending UDOT's diagram for the new configuration of Midland Drive and 3500 West.

Commissioner Nandell asked about the status of the 4800 South roundabout. It looked like the West Park Subdivision was ready for homes. Mr. Parkinson did not know when the project would be bid. Hooper Water was installing a water line on 4800 South right now.

Commissioner Kirch asked when the amendment for agricultural use under the power lines would come back to the Planning Commission. Mr. Parkinson did not know when the applicant would bring it back.

Commissioner Payne reported on the WFRC transportation open house held on April 27th. It was well attended. Roy had been represented by the Mayor, Councilman Dandoy, Commissioner Kirch, and himself. He felt they had all pounded in the problems with 5600 South.

Commissioner Kirch felt the open house had provided information about housing, roads, and the need for senior housing. There was a need for well-paying jobs to be located where people lived so there wasn't a need for so much transit.

8. STAFF UPDATE

Steve Parkinson reported that 5600 South was under construction. UDOT planned to widen 5600 South to 2200 West; 3500 West had been closed at Midland Drive. Commissioner Nandell said that drivers were ignoring the closure. They were driving their vehicles over the curb, gutter, and landscaping to reach the road on the other side. He felt something needed to be done to stop them.

Steve Parkinson stated that the City had received a site plan application from the Bank of Utah. They planned to build a new building on the hard corner of 5700 South and 1900 West then tear down their old one.

ADJOURN

Commissioner Karras moved to adjourn at 7:04 p.m. Commissioner Paul seconded the motion. Commission members Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted "aye." The motion carried.

Attest:

Lindsey Ohlin
Chairman

Michelle Drago
Secretary

dc:05-10-16