

established 1937

## PLANNING COMMISSION

5051 South 1900 West; Roy, Utah 84067

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# AGENDA

## September 9, 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 August 26, 2014 minutes
2. **6:00 p.m.** – Public Hearing – To consider a request to amend Zoning Map from LM (Light Manufacturing) to R-4 (High Density Residential) for the property located at approximately 2350 West 4000 South.
3. 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 the public hearing on June 24, 2014 and July 8, 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

September 9, 2014

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on September 9, 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  
Joe Paul  
Tom Stonehocker

Steve Parkinson, Planner  
Michelle Drago, Secretary

Excused: Blake Hamilton

Others present were: Larry Talbot; Daryn Murphy; Elizabeth Brown; Gregory Sagen; and Cathy Spencer, Management Services Director.

Pledge of Allegiance: Gennie Kirch

### 1. APPROVAL OF AUGUST 26, 2014, MINUTES

**Commissioner Stonehocker moved to approve the August 26, 2014, minutes as corrected. Commissioner Karras seconded the motion. Commission members Dandoy, Karras, Kirch, Ohlin, Paul, and Stonehocker voted "aye." The motion carried.**

### 2. PUBLIC HEARING TO CONSIDER A REQUEST TO AMEND THE ZONING USE MAP FROM LM (LIGHT MANUFACTURING) TO R-4 (HIGH DENSITY RESIDENTIAL) FOR PROPERTY LOCATED AT APPROXIMATELY 2350 WEST 4000 SOUTH

**Commissioner Karras moved to open the public hearing at 6:03 p.m. Commissioner Dandoy seconded the motion. Commission members Dandoy, Karras, Kirch Ohlin, Paul, and Stonehocker seconded the motion. The motion carried.**

Steve Parkinson, Planner, stated that during the last meeting, the Planning Commission considered a request to change the future land use designation of property located at

approximately 2350 West 4000 South to Very High Density, Multi-Family Residential. The Planning Commission recommended that the Council approve the requested change to the Future Land Use Map, which the Council approved on September 2<sup>nd</sup>. The next step in the approval process was consideration of a petition to rezone the property from Light Manufacturing to R-4 (High Density Residential).

Mr. Parkinson stated that the property in question was located on the north side of 4000 South across from the Front Runner Station and east of the Union Pacific tracks. The applicant was proposing to construct 31 apartments for the elderly on 2.6 acres. Forty parking spaces would be located underneath the apartments. There would be another 38 parking spaces provided on the site, as well as a garden area on the north corner. The proposed parking and open space met the requirements of the Zoning Ordinance.

Mr. Parkinson stated that the proposed project satisfied Goal 1, Policy D and Goal 3, Policy 3 of the General Plan. The General Plan encouraged a diverse range of housing types and styles and housing for low to moderate incomes. He said the staff recommended that the Planning Commission recommend approval of the rezone request.

Daryn Murphy, Commonwealth Development, Portland, Oregon, stated that the Planning Commission talked about a lot of site issues at its last meeting. The Council discussed a lot of the same issues; especially access. This was not a perfect site, but it was a good one. They were still working to obtain permission to use UTA's right-of-way to access the site. They were proposing to construct the building on the southeast corner of the property away from the railroad tracks. The outdoor parking would be oriented closer to the tracks. They planned to use insulation and windows to help buffer noise from the tracks.

Mr. Murphy showed the Planning Commission conceptual architectural renderings of the proposed building and site. The building had been limited to two stories so that it wouldn't be completely out of sync with the neighborhood. The slope of the site allowed the building to go from two stories to three at the bottom of the hill.

Commission Dandoy asked about the height of the building. Mr. Murphy said it would be 24 feet high on the east side.

Daryn Murphy stated that the first floor would contain a community center which would have large, open windows on both sides of the building. The complex would contain have an elevator which would be accessible to all of the units.

Commissioner Paul asked if units would be single or double level. Mr. Murphy said they would be single level.

Chairman Kirch stated that there was a crosswalk on 4000 South east of this site. She asked how long it would be before the Planning Commission would consider a site plan and conditional use permit. Mr. Murphy said it would be either later this year or early next year.

Chairman Kirch asked if the UTA right-of-way would be impacted. Mr. Murphy hoped it would not be impacted in a negative way. If UTA granted them access, he felt they would have to improve it – make it wider and put in curb and gutter next to their site.

Chairman Kirch asked if there would be sidewalk along the right-of-way. She was concerned that seniors would try to cross 4000 South just above the crossing arms if there wasn't sidewalk. Mr. Murphy said there would be street improvements to make sure the sidewalks were accessible.

Chairman Kirch stated that traffic flow on 4000 South was a concern.

Commissioner Paul asked if the City still planned to put in a round-about at 2175 West 4000 South. Cathy Spencer, Management Services Director, said it does.

Daryn Murphy felt traffic would move a little slower due to the school traffic zone to the east.

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

**Commission Paul moved to close the public hearing at 6:16 p.m. Commissioner Stonehocker seconded the motion. Commission members Dandoy, Karras, Kirch, Ohlin, Paul, and Stonehocker voted "aye." The motion carried.**

Chairman Kirch stated that if this property was rezoned and the proposed project did not go through, the City would have opened the door for multi-family development in a single-family residential area. She also felt it was important that the City ensure the proposed project did not interfere with the ability of property owners to the east to access the back of their properties. A lot of those property owners had animals.

Steve Parkinson stated that the proponent could not close the access off because it was owned by UTA.

Commissioner Paul asked how the negotiations with UTA regarding use of the right-of-way were going. Mr. Murphy stated that they had not made formal progress. They were still working with UTA's property management people who had conceptually approved the use of the right-of-way.

Commissioner Dandoy felt that whoever developed this property would be faced with the same access questions. He asked who would maintain the right-of-way. If the right-of-way was going to be used as a road, would the City have to plow it?

Steve Parkinson stated that the right-of-way was not dedicated to the City. It was owned by UTA. UTA would be responsible to maintain it. UTA had allowed property owners to the east to use it to access their properties. He felt any agreement between UTA and Commonwealth should address specifics such as who would be responsible to maintain the right-of-way.

Commissioner Dandoy stated that use of the right-of-way by the proposed development would change the neighborhood dynamics. The City might have to step up and agree to plow the right-of-way so that residents could get out of the proposed complex.

Commissioner Paul asked if the City would maintain a road that wasn't a public right-of-way. Mr. Parkinson said it would not. The right-of-way was private property.

Commissioner Dandoy felt maintenance responsibility needed to be part of the equation. If the right-of-way was treated as a public road, someone would have to make sure it was clear. If not, the mayor would be receiving calls.

Daryn Murphy stated that any agreement with UTA would specify who was responsible for maintenance. He felt they would be obligated to maintain the right-of-way so their tenants could get in out. Maintenance of the right-of-way would not be a burden to the City.

Steve Parkinson pointed out that if the proponent did not receive permission to use the UTA right-of-way, they would have to find another way to access the property.

Chairman Kirch stated that it was the proponent's responsibility to make sure the project worked.

**Commissioner Stonehocker moved to recommend that the City Council approve a request to amend the Zoning Map by changing the zone of 2.6 acres located at approximately 2350 West 4000 South from LM (Light Manufacturing) to R-4 (High Density Residential) based on the staff's findings and recommendations. Commissioner Karras seconded the motion. Commission members Dandoy, Karras, Kirch, Ohlin, Paul, and Stonehocker voted "aye." The motion carried.**

3. CONTINUATION OF A PUBLIC HEARING FROM JUNE 24, JULY 8, AND AUGUST 26, 2014, TO CONSIDER A TEXT AMENDMENT TO THE ROY CITY

ZONING ORDINANCE REQUIRING ALL GENERAL BUSINESS TO BE  
CONDUCTED WITHIN A WHOLLY ENCLOSED BUILDING

**Commissioner Karras moved to continue the public hearing at 6:26 p.m. Commissioner Stonehocker seconded the motion. Commission members Dandoy, Karras, Kirch, Ohlin, Paul, and Stonehocker voted "aye." The motion carried.**

Steve Parkinson provided the Commission members with a copy of Table 17 from the Zoning Ordinance and asked them to list uses they felt might have a need for outside storage and display.

After review and discussion, the Planning Commission felt the following uses should have the ability, as a conditional use, to have outdoor display and storage:

- Bank, Credit Union, or other Financial Institution
- Commercial Plant Nursery
- Construction Sales and Service
- Convenience Store
- Pawnshop\*
- Personal Instruction Service
- Recycling Collection Center\* \*
- Restaurant
- Retail Sales and Service
- Vehicle and Equipment Rental or Sale, New or Used, Minor

\*Commissioner Dandoy felt Pawnshops should be not being treated differently than any other business. The Planning Commission felt Pawnshops should be changed to a permitted use in the Regional Commercial Zone. A Pawnshop could then apply for a conditional use to have outdoor storage and display. Chairman Kirch felt the City Council was concerned about Pawnshops having overnight displays.

\*\*There was discussion about whether the Planning Commission asked that the Recycling Collection Center use be removed from the Regional Commercial Zone several months ago when it amended Title 17 to remove Warehouse/Personal Storage from Regional Commercial Zone.

The Planning Commission debated about whether vending machines would be considered outdoor display and storage. Steve Parkinson felt vending machines would be merchandising rather than display. The Planning Commission asked Mr. Parkinson to determine if vending machines should be part of outdoor display. Mr. Parkinson said vending machines might have to be addressed with a separate conditional use.

Vending Machine:

Car Wash  
Commercial Recreation (Outdoor)  
Motel

Vehicle and Equipment Repair, Major\*\*\*  
Vehicle and Equipment Repair, Minor\*\*\*

\*\*\*Chairman Kirch liked the way Ogden City defined screening as a 6 foot solid, opaque fence; a 6 foot chain link fence with inserts in the fence fabric; or a 6-foot fence with evergreens or shrubs. She asked that the screening options be added to Vehicle and Equipment Repair, Major and Minor. Commissioner Dandoy liked Bountiful City's regulations. He felt they would be a good way to keep the sidewalk and public right-of-way clear. Commissioner Karras felt Bountiful's regulations would be easy for business owners to understand. Chairman Kirch felt there needed to be a grace period for businesses with vehicles to repair. The Planning Commission asked that the conditional use be changed to read: "Outdoor storage of vehicles that are being repaired or are in queue for repairs *for more than 72 hours* must be screened from public view."

Commissioner Paul stated that the purpose behind amending the Zoning Ordinance was to clean up the City and allow businesses to do business without driving them away. He didn't feel a reputable business would have a problem with a minor investment to improve the appearance of their property.

Commissioner Karras said businesses needed to feel the City was trying to help them.

Commissioner Paul felt the staff needed to help the Council recognize that this amendment would affect some businesses and ask that the City take steps to mitigate the impact by waiving or reducing fees and implementing a time period for compliance.

Commissioner Dandoy felt the Planning Commission needed to look at this amendment seriously to make sure this was the proper way to address compliance.

Chairman Kirch opened the floor for public comments.

Elizabeth Brown, 4997 South 1950 West, felt the City needed to look behind the Brown Apartments on 4700 South west of 1900 West. There was a lot of trash and recreational vehicles behind the apartments. She didn't feel the apartments were safe.

Larry Talbot, 2290 West 4000 South, suggested that the secondary water be treated with chlorination because it smelled bad.

Chairman Kirch felt outdoor storage and display of goods and proper screening needed to be defined somewhere in the Zoning Ordinance. She suggested in the Definitions chapter. Mr. Parkinson stated that he would determine the best place to insert them.

**At 7:05 p.m., Commissioner Paul moved to continue the to the next Planning Commission meeting. Commissioner Stonehocker seconded the motion. Commission members Dandoy, Karras, Kirch, Ohlin, Paul, and Stonehocker voted "aye." The motion carried.**

4. STAFF UPDATE

Steve Parkinson stated that the City had received a request for a tattoo parlor, which the Planning Commission would consider at its next meeting.

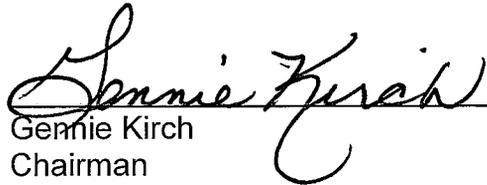
5. PLANNING COMMISSION BUSINESS

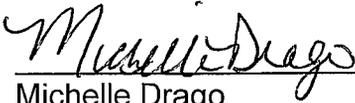
There wasn't any.

6. ADJOURN

**Commissioner Paul moved to adjourn at 7:08 p.m. Commissioner Ohlin seconded the motion. Commission members Dandoy, Karras, Kirch, Ohlin, Paul, and Stonehocker voted "aye." The motion carried.**

Attest:

  
Gennie Kirch  
Chairman

  
Michelle Drago  
Secretary

dc:psep914