

AGENDA

September 8, 2015

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 August 25, 2015 regular meeting minutes
3. Continued – Request for approval for a Site Plan to allow accessory buildings for Southern Comfort, located at 5357 S. 1900 W.
4. Consider a request for Site Plan and Building elevation approval for the modification of an existing building at the Roy Christian Church located at 4347 S. 1900 W.
5. 6:00 p.m. – PUBLIC HEARING – Consider a request for Conditional Use approval for a Commercial (Indoor) Recreational facility located at 3626 W. 5600 S.
6. 6:00 p.m. – PUBLIC HEARING – Consider a request for Preliminary Subdivision approval for Jamestown subdivision, a two (2) lot residential subdivision located at 5000 S. 1750 W.
7. 6:00 p.m. – PUBLIC HEARING – Consider a request for Conditional Use approval for Jamestown a multi-family residential development located at 5000 S. 1750 W.
8. 6:00 p.m. – PUBLIC HEARING – Consider a request for Preliminary Subdivision approval for Spencer subdivision, a three (3) lot residential subdivision located at 2343 W. 5200 S.
9. 6:00 p.m. – PUBLIC HEARING – 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.
10. 6:00 p.m. – PUBLIC HEARING – Consider a request for Conditional Use approval for Builders Alliance a multi-family residential development located at 5629 S. 2700 W.
11. Commissioners Comments
12. Staff Update
13. Adjourn



1 ROY CITY PLANNING COMMISSION

2
3 August 25, 2015

4
5 Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy
6 City Municipal Building on August 25, 2015, at 6:00 p.m.

7
8 The meeting was a regularly scheduled meeting designated by resolution. Notice of the
9 meeting was provided to the *Standard Examiner* at least 24 hours in advance. A copy of the
10 agenda was posted.

11
12 The following members were in attendance:

- | | |
|---------------------------|---------------------------|
| 13 Gennie Kirch, Chairman | Steve Parkinson, Planner |
| 14 Bob Dandoy | Michelle Drago, Secretary |
| 15 Doug Nandell | |
| 16 Lindsey Ohlin | |
| 17 Claude Payne | |

18
19
20 Excused: Leland Karras and Joe Paul

21
22 Others present were: Ryan Anderson; Ed Weakland; Byron Burnett; Ren Warwood; Terry
23 Anderson; Todd Potter; Greg Sagen; Shelly Abbott; Chris Weakland; Cindy Whinham; Bret
24 Arave; Sarah Elliott; Misti Potter; Bert Visser; and Tammy Smith.

25
26 Pledge of Allegiance: Doug Nandell

27
28 1. DECLARATIONS OF CONFLICT

29
30 There were none.

31
32 2. APPROVAL OF AUGUST 11, 2015, MINUTES

33
34 **Commissioner Ohlin moved to approve the August 11, 2015, minutes as corrected.**
35 **Commissioner Dandoy seconded the motion. Commission members Dandoy, Kirch,**
36 **Nandell; Ohlin, and Payne voted "aye." The motion carried.**

37
38 3. PUBLIC HEARING TO CONSIDER A REQUEST TO AMEND THE GENERAL PLAN'S
39 FUTURE LAND USE MAP FROM LIGHT MANUFACTURING TO VERY HIGH
40 DENSITY, MULTI-FAMILY AND THE ZONING MAP FROM RE-20 TO R-3 WITY A
41 RESIDENTIAL INFILL OVERLAY FOR PROPERTY LOCATED AT APPROXIMATELY
42 2449 WEST 4300 SOUTH

43
44 Steve Parkinson stated that the City had received a two-part request regarding property located
45 at approximately 2449 West 4300 South. The address was approximate because there wasn't
46 road access to the property. The first part of the request was an amendment to the General
47 Plan's Future Land Use Map. The applicant was asking that the land use designation be
48 changed from Light Manufacturing to Very High Density, Multi-Family. The second part was a
49 request to change the zoning from RE-20 (Residential Estates) to R-3 (Multi-Family Residential)
50 with a Residential Infill Overlay (RIO). The property in question was located between the D&RG

51 Trail and the Union Pacific right-of-way. It was about ten acres in size, was currently vacant, and
52 the Front Runner station was just on the other side of the Union Pacific right-of-way.
53

54 Mr. Parkinson stated that Section 505 of the Zoning Ordinance contained specific criteria the
55 Planning Commission was to use when considering amendments to the General Plan's Future
56 Land Use Map:
57

- 58 1. The effect of the proposed amendment on the character of the surrounding area.
- 59 2. The effect of the proposed amendment on the public health, welfare, and safety of
60 City residents.
- 61 3. The effect of the proposed amendment on the interests of the City and its residents.
- 62 4. The location of the proposed amendment is determined to be suitable for the uses
63 and activities allowed by the proposed amendment, and the City, and all other
64 service providers, as applicable, are capable of providing all services required by the
65 proposed uses and activities in a cost effective and efficient way.
- 66 5. Compatibility of the proposed uses with nearby and adjoining properties.
- 67 6. The suitability of the properties for the uses requested.
- 68 7. The effect of the proposed amendment on the existing goals, objectives, and policies
69 of the General Plan, and listing any revisions to the City's Land Use Ordinances, the
70 Subdivision Ordinance, and any other Ordinances required to implement the
71 amendment.
- 72 8. The community benefit of the proposed amendment.
73

74 Mr. Parkinson described the character of the surrounding area. Beyond the D&RG Trail and the
75 Union Pacific right-of-way, there were single-family residential homes and an orchard. To the
76 north there was warehousing, storage, and a business on 4000 South. The land immediately to
77 the south was vacant. Further south was the Hooper Water Tank and the West Park
78 Subdivision.
79

80 Mr. Parkinson stated that having a variety of housing types helped citizens stay in the
81 community. Not everyone wanted or could have a detached home with a yard to maintain.
82 Some wanted to downsize, not just in home size, but in the number of vehicles. Living close to
83 an alternative transportation option allowed them to fulfill their desires. The requested General
84 Plan amendment conformed to goals in the General Plan:
85

- 86 1. Residential Development Goal 1; Policy D: The City's policies should encourage the
87 development of a diverse range of housing types, styles, and price levels in all areas
88 of the City.
- 89 2. Residential Development Goal 3; Policy G: The housing needs for low and moderate
90 income families and senior citizens in Roy City shall be determined by the City on a
91 regular basis, or as the need arises.
92

93 The requested Very High Density, Multi-Family designation would complement the Front Runner
94 Station that was not very far away. The rail lines would act as a good buffer between the single-
95 family residential and multi-family uses; very similar to the way arterial roads did. The City would
96 be able to provide all of the services required for any type of development.

97 Mr. Parkinson said that the applicant did not know what type of development would be going in.
98 He was simply requesting that the property be rezoned. The Zoning Ordinance did not require a

99 development plan to accompany a rezone application. The property in question was currently
100 zoned RE-20, which did not match the Future Land Use Map. The rezone would satisfy the
101 previously mentioned goals of the General Plan. There was a variety of zones, lot depths, and
102 densities within 500 feet of the property; R-1-6, R-1-7, R-1-8, and Manufacturing. Rezoning
103 the property to R-3 would be more compatible with the single-family zones than Light
104 Manufacturing.

105
106 The Planning Commission and the City Council needed to consider whether changing or not
107 changing the zoning would provide the best options for development of the property and the
108 area. How could the property best be developed: As single-family dwellings; as multi-family
109 residential, or as manufacturing? What type of zoning and development should be allowed
110 around the Front Runner Station? Manufacturing could be noisy. The staff didn't feel RE-20 was
111 the best use either. This area was very isolated. A multi-family use here would be contained.
112 The R-3 Zone allowed for single-family residential lots of 6,000 square feet, which was how the
113 West Park Subdivision was developing.

114
115 Mr. Parkinson stated that Section 509 of the Zoning Ordinance contained criteria for the
116 Planning Commission and Council to use when considering an amendment to the Zoning Map:

- 117
- 118 1. The effect of the proposed amendment to advance the goals and policies of the Roy
119 City General Plan.
 - 120 2. The effect of the proposed amendment on the character of the surrounding area.
 - 121 3. The compatibility of the proposed uses with nearby and adjoining properties.
 - 122 4. The suitability of the properties for the uses requested.
 - 123 5. The overall community benefits.
- 124

125 Mr. Parkinson felt a manufacturing use would have a greater impact on the surrounding areas
126 than multi-family would. The maximum building height would be 35 feet, no matter what the
127 zoning was. When looking at the overall area, what was the best use for the property, and what
128 would provide the best development opportunities? This area had been vacant and used for
129 farm land. When development occurred, it looked for opportunities.

130
131 Mr. Parkinson said this area was close to the Front Runner Station. He felt it would be good to
132 look at compatible uses that would help the Front Runner succeed. There were five stations
133 between Salt Lake and Ogden. The stations in Layton and Farmington had become community
134 hubs, with a mix of high density multi-family and commercial around them. Clearfield just
135 approved a similar mixed use development. There wasn't vacant land around the Woods Cross
136 Station, but Roy still had a lot of open land around its station. The stops were developing as the
137 market demanded. He felt the demand would shift to Roy when Clearfield was built out. The
138 applicant wanted to start developing a plan.

139
140 Chairman Kirch asked about the occupancy rates of the areas around the other stations. Mr.
141 Parkinson did not know.

142
143 Commissioner Nandell asked if West Park was the subdivision being constructed on 4800
144 South and what it was zoned. Mr. Parkinson said West Park was located on 4800 South and
145 was currently under construction. It was zoned R-3 with a RIO. A RIO did not change the
146 underlying zone. It added some flexibility with lot widths and street lengths.

147 Commissioner Nandell asked how many properties were located between West Park and the
148 property under consideration. Mr. Parkinson said there were two parcels. One was owned by
149 Hooper Water District. The applicant had been in contact with the other property owner.
150

151 Commissioner Dandoy asked about access for the property in question. Mr. Parkinson the
152 property was accessible from 4000 South through a 30-foot private right-of-way. The current
153 property owner had rights to use the private access road. There wasn't right-of-way access
154 through the properties to the south. The developer would be responsible to solve the access
155 issue. Without a development plan, the staff did not know how the access issue would be
156 solved.
157

158 Chairman Kirch asked about the distance between the property in question and 4000 South. Mr.
159 Parkinson said the distance was about three city blocks.
160

161 Steve Parkinson stated that the staff recommended that the Planning Commission recommend
162 approval of the request to amend the General Plan's Future Land Use Map by changing the
163 land use designation for property located at 2449 West 4300 South from Light Manufacturing to
164 Very High Density, Multi-Family; and to rezone the property from RE-20 to R-3 with a RIO.
165

166 Commissioner Dandoy asked if the City would have some responsibility or obligation to help
167 with the access issue if it rezoned the property. Mr. Parkinson said it would not. The developer
168 would be responsible to get access to the property. Commissioner Dandoy felt a lot would have
169 to happen before there could be any roads. Any development would have to have access for
170 emergency services. Mr. Parkinson said the Development Review Committee reviewed each
171 development plan to make sure there was adequate access for utilities, fire, and police and that
172 there weren't building code issues.
173

174 Commissioner Dandoy felt the Planning Commission needed to think about what was next.
175 What was next might be more difficult than a change in land use designation.
176

177 **Commissioner Dandoy moved to open the public hearing at 6:25 p.m. Commissioner**
178 **Nandell seconded the motion. Commission members Dandoy, Kirch, Nandell, Ohlin, and**
179 **Payne voted "aye." The motion carried.**
180

181 Chairman Kirch opened the floor for public comments.
182

183 Byron Burnett, 4375 South 2675 West, felt that Mr. Parkinson made it sound like the property in
184 question was boxed in. It was not. He referred to Council minutes from December when the
185 Council approved a RIO for the whole area.
186

187 Chairman Kirch explained that a Residential Infill Overlay did not change the regulations of the
188 underlying zone. The only RIO approved in the area was for the West Park Subdivision.
189

190 Byron Burnett felt rezoning this property would affect the surrounding neighborhoods. He was
191 concerned a multi-family development would take away his view and his privacy. He didn't want
192 a multi-level multi-family going up behind him to stare down at him. He felt the proposed rezone
193 and RIO disagreed with the City's own code. The criteria for a RIO said that it could not be
194 approved if it created incompatibilities with surrounding neighborhoods or adversely affected

195 adjoining properties. If the City was going to be consistent, the land in question would be single-
196 family because that is what the surrounding area was. Multi-family was not consistent. He had
197 lived in Roy for 42 years. He chose to stay here and over-built for his neighborhood. He had
198 been happy, but he didn't want to lose his privacy or his view. Mr. Parkinson made it sound like
199 the railroad right-of-way created a big gap, but it really didn't. Even though West Park was
200 zoned R-3, it was being developed as a single-family subdivision.

201
202 Bert Visser, 4833 South 2500 West, stated that he had been fighting all of the building between
203 the tracks. It had always been commercial because it was between the tracks. UTA still owned
204 the trail. Someday it would become tracks again. He tried to stop the development of West Park.
205 It did not have good access, and someone was going to get killed. He felt the access to West
206 Park had been falsified so the zoning could be approved. Mr. Visser stated that for the property
207 in question to develop it needed a road. The developer had talked to the adjoining property
208 owner and was quickly thrown out. The adjacent property was not for sale. The owners of the
209 private right-of-way weren't selling. He felt the stupidest thing in the world would be to rezone
210 this property. If the property was rezoned, there would be 500 additional people accessing
211 4000 South. In 10 to 15 years it would be low income housing with more crime. Mr. Visser didn't
212 feel the additional property taxes would cover the cost of additional residents. He felt someone
213 in the City was making money because developers kept pushing this area. The City would be
214 liable if people in West Park could not get out in an emergency. People buying homes there
215 didn't know they could be trapped. He still felt the traffic from West Park was going to cause
216 problems.

217
218 Ed Weakland, 2449 West 4000 South, stated that his property was located between 4000 South
219 and the site under consideration. It looked like the developer was setting up a scenario to allow
220 Roy City to exercise eminent domain to get access. If the City approved this rezone, the
221 developer could then come to the City and ask for land to be condemned. He worked for 55
222 years to be able to purchase his property. He did not want a developer to tell him to get out. He
223 said there were actually two businesses between this site and 4000 South.

224
225 Shelly Abbott, 4373 South Westlake Drive, stated that she lived just west of the D&RG Trail.
226 She purchased her home because of the trail and the absence of neighbors behind her. Since
227 the walking trail was put in, she had experienced property damage. A hole had been torn in her
228 fence so people could access the trail. The trail wasn't even level with the ground, but people
229 still cut through her property on bikes to get to and from the trail. Her car had been broken into.
230 No one at the City cared about her property damage. It didn't do any good to call the police
231 because the perpetrators just disappeared down the trail. If this property was zoned for multi-
232 family housing, it would drive her property value down, and crime would go up. If more people
233 came in, the City would not be able to control the crime. Multi-family housing would be
234 detrimental to people in the immediate area.

235
236 Todd Potter, 5863 South 2950 West, stated that he owned Kwik City Muffler on 4000 South.
237 There was a 30-foot right-of-way that ran south from 4000 South so property owners could have
238 ingress and egress to their properties. If the zoning changed, the 30-foot right-of-way would not
239 be adequate for multiple cars and emergency equipment. Years ago, the City turned down a
240 business south of him because he needed a 60-foot access with curb and gutter. Now someone
241 wanted to put in multi-family housing without any access. It was not a smart thing. Mr. Potter
242 said he was not going anywhere. He planned to work for a few more years then turn the

243 business over to his sons. Neither he nor his sons planned to sell. He had a 70-year contract. It
244 would take a lot of money to buy him out. He felt the City should build more commercial, not
245 houses. Roy City already had no businesses because it was not business friendly. The City
246 needed to stop getting rid of commercial property and allow commercial to build. There would
247 be more tax money from commercial than residential. Mr. Potter was also concerned about the
248 traffic situation on 4000 South. Five to six of his customers had been rear-ended while they
249 were waiting to turn into his business because drivers could not see until they came over the
250 hill. He asked the City to make the applicant prove they had access before they received any
251 approval. If they couldn't get access, why change the zone?
252

253 Chris Weakland stated that he owned property just south of Kwik City Muffler. Even if the
254 applicant was able to get a road to 4000 South, how would the traffic get on and off of 4000
255 South? He didn't feel it was feasible to put a road that close to the tracks. He felt the City was
256 giving the applicant the cookie before they had earned it. They were putting the cart before the
257 horse. A 60-foot right-of-way would run down the center of his building. At what point would the
258 City become involved in helping the applicant acquire access? If the zone was changed, he and
259 the other property owners would be forced out. Was there even enough room in the schools for
260 more children? Did the City have plans for new schools?
261

262 Greg Sagen, 4027 West 4900 South, stated that the West Park Subdivision had caused 4800
263 South to be a fiasco. Now someone was talking about adding to it. He didn't feel this was an
264 area that should have a lot of housing. He felt a park or cemetery would be better uses for the
265 area. A park or cemetery would be quiet and not bring in a lot of people. Right now the future
266 land use designation was light manufacturing. Businesses would be good, especially stores and
267 restaurants; but not doctors. He felt the City really needed to think about this area, and the
268 people who lived in the area. He didn't feel high rises were the answer. There was already
269 enough high density housing in the City.
270

271 Byron Burnett stated that the RIO regulations in Section 8 in the Zoning Ordinance required the
272 development to be consistent with the surrounding neighborhood. The only use around this
273 property was single-family residential. The children that attended Valley View Elementary
274 School were bused from below the tracks, but they had to walk home. They took the shortest
275 route and cut through his neighborhood and across the tracks. If multi-family developed on this
276 property, there could be a safety concern about children. He felt all of the arguments said multi-
277 family did not fit.
278

279 Bret Arave, 4175 Lily Drive, asked many people per acre there would be. Would this be
280 government subsidized housing? He felt only low income people would live between the tracks.
281 If the number of people in the area quadrupled, there would be police and fire calls. Why
282 couldn't they find another place for multi-family? Did they have to stuff people everywhere? He
283 felt the City Council was just a rubber stamp. He felt the City should do a comparable between
284 Ferguson, Missouri and Roy City.
285

286 Chairman Kirch stated that the City had not initiated the rezone. It was simply responding to an
287 application which had been filed.
288

289 Steve Parkinson stated that the R-3 Zone allowed a density of 12 units per acre.
290

291 Tammy Smith, 4280 South Westlake Drive, stated that she had noticed an increase in crime in
292 her neighborhood since the walking trail opened. Eggs had been thrown at her house. Her
293 neighborhood established a Neighborhood Watch. She felt multi-family would decrease the
294 value of her home. She built her home here because of the right-of-way behind her. Traffic on
295 4000 South was a problem. She had almost been hit when she stopped to turn into her
296 neighborhood. Traffic was also a problem on 4800 South. She felt the City should look at the
297 crime and traffic before considering multi-family. She would like to see a cemetery or a single-
298 family subdivision rather than multi-family. Multi-family would bring noise and people who didn't
299 care for their homes or their yards.

300
301 Cindy Whinham, 4152 South Lily Drive, stated that the walking trail was in her backyard. It really
302 did allow vandals to disappear. The right-of-way next to Kwick City Muffler was only wide
303 enough for one car. She had driven it a night during her Neighborhood Watch patrol. There was
304 also a hole in the fence behind the park. If more people were added to this area access would
305 be affected and crime would increase. Her Neighborhood Watch was doing the best it could.

306
307 Misti Potter, 4433 South 2900 West, stated that she owned property on 4000 South. She heard
308 about the hearing only one hour earlier. She didn't feel it was fair that the City only notified
309 property owners within 300 feet. Her property would be affected by the rezone.

310
311 Chairman Kirch invited the proponent to speak.

312
313 Ryan Anderson, Anderson Development, stated that they understood that a rezone did not give
314 them a permit to build, and that they were not anywhere close to development. They wanted to
315 understand the City's goals. When they did understand, they would develop a plan and market
316 it. The Front Runner Station had changed the City's future. They understood that access was a
317 concern. The City's ordinances made the use of eminent domain unlikely. He hoped the City
318 would be proactive and not reactive. The owner of the property in question had rights. The
319 property would be developed one way or another, and not everyone would be happy about it.
320 Mr. Anderson felt development would help solve the vandalism problems because it would light
321 the area up. They would work with the City's staff to put in design guidelines. He wanted to learn
322 about the City's vision.

323
324 Chairman Kirch asked if they would develop the property. Mr. Anderson stated that Anderson
325 Development was a master builder. They would study the City's regulations and policies. Their
326 job was to solve the development problems and market the property.

327
328 Chairman Kirch asked if the property could be developed as manufacturing. Mr. Anderson didn't
329 feel manufacturing was a viable use because of the limited access.

330
331 Chairman Kirch asked about timing. Ryan Anderson stated that they would have to solve the
332 access first. Their goal was to come from the south.

333
334 **Commissioner Ohlin moved to close the public hearing at 7:14 p.m. Commissioner**
335 **Dandoy seconded the motion. Commission members Dandoy, Kirch, Nandell, Ohlin, and**
336 **Payne voted "aye." The motion carried.**

337

338 Commissioner Dandoy stated that even though the property was currently zoned RE-20, the
339 City's long range plan for it was manufacturing, which wasn't necessarily compatible with
340 residential or high density residential. He felt there were compelling arguments on both sides.
341 He was looking for a reason for the land use designation to be different. The owner of the
342 property had rights, but there really was a bigger picture. High density residential did create
343 challenges in itself. He did not feel the Future Land Use Map had to be changed to make the
344 property work.

345
346 Steve Parkinson pointed out that the current RE-20 zoning did not conform with the Future Land
347 Use Map. Commissioner Dandoy felt the Future Land Use Map was created after the area was
348 zoned.

349
350 Chairman Kirch asked how this property was different from the West Park Subdivision on 4800
351 South. Commissioner Dandoy stated that he supported West Park's current development plan
352 only because it reduced the density from 144 to 72. The City had required a traffic study to point
353 out that there was a problem. The subdivision was approved with traffic restrictions of right in
354 and right out. The developer was required to participate in the construction of a roundabout. He
355 did not feel the left hand turn restriction would hold. He felt people would drive over the median
356 rather than use the roundabout.

357
358 Chairman Kirch stated that the property on 4800 South had direct access. The property in
359 question did not. She asked about the private right-of-way. It was currently only 26 feet wide. If
360 the property in question developed, the access would have to be widened to 60 feet. Was there
361 room for a 60-foot right-of-way? Mr. Parkinson did not know.

362
363 Chairman Kirch felt there were many negatives that precluded this site from being R-3.

364
365 Steve Parkinson stated that any use proposed on this property would have the same problem.
366 There would be access issues regardless of the use. Someone would have to deal with it. A
367 developer would have to purchase access, or the proposal would die. The access issue would
368 not change if the zone changed. The applicant understood the access issue.

369 Commissioner Dandoy stated that the Planning Commission had to look at a piece of property
370 and consider the 'what ifs.' If there were 12 units per acre and four people in each unit, the
371 applicant was talking about a significant number of people on ten acres. The RE-20 would allow
372 20 homes on 10 acres. The property owner had the right to do that if he could get access. He
373 felt the Planning Commission needed to think this through before making a recommendation.
374 Without a plan, the Planning Commission had to consider the worst case scenario. He was
375 reluctant to change the land use without seeing the end goal. He did not feel that multi-family fit.
376 A three-story building did not fit with him.

377
378 Commissioner Nandell did not feel multi-family fit with the neighborhood.

379
380 Steve Parkinson stated that the maximum building height was 35 feet. It didn't matter if the
381 structure was commercial, single-family, or multi-family. He didn't feel height was an issue.

382
383 Commissioner Dandoy was concerned about the number of people that could be making left
384 hand turns and impacting the traffic. Steve Parkinson stated that until there was a plan and a
385 traffic study, the City did not know what traffic restrictions there might be. Commissioner Dandoy

386 felt traffic would be restricted to right in and right out. He felt it would be appropriate to ask for a
387 traffic study. An R-3 Zone would give the developer a lot of latitude. A traffic study could point
388 out unique circumstances regarding this property.

389
390 Chairman Kirch felt a traffic study at this point would be inconclusive because the City did not
391 know what the proposed use would be.

392
393 Commissioner Nandell stated that a new roundabout had been constructed on 4000 South to
394 the east of this area. If there was a right in and right out restriction, there was already a
395 roundabout in place.

396
397 Commissioner Dandoy felt the proximity of an intersection on 4000 South with the railroad right-
398 of-way would create a problem. If this property accessed 4800 South, it would change the
399 dynamics there.

400
401 Chairman Kirch asked if the applicant could bring this property back. Mr. Parkinson said he
402 could. He just could not advertise that the property was zoned R-3.

403
404 Chairman Kirch understood that people cut across the tracks and through the neighborhoods
405 adjacent to the trail. People cut through her yard to access 1900 West. She felt this was a
406 difficult matter, and that the Planning Commission was weighing it out. There wasn't a clear cut
407 path. The property was owned by people who wanted to sell it, and they wanted the best value.
408 She asked the Planning Commission to rely on the criteria in the Zoning Ordinance. This
409 property was located between the railroad right-of-way and the D&RG Trail. She didn't feel
410 commercial was a viable use because it was not readily accessible. It was close to the Front
411 Runner Station, and there were people who wanted to live near mass transit.

412
413 Commissioner Nandell felt safety and access were the biggest issues. He felt the RE-20 Zone
414 was the best use.

415 **Commissioner Dandoy moved to recommend that the City Council deny the request to**
416 **amend the land use designation of property located at approximately 2449 West 4300**
417 **South from Light Manufacturing to Very High Density. Commissioner Ohlin seconded the**
418 **motion. A roll call vote was taken: Commission members Nandell, Payne, Ohlin, Kirch,**
419 **and Dandoy voted "aye." The motion carried.**

420
421 **Commissioner Ohlin moved to recommend that the City Council deny the request to**
422 **amend the zone of property located at approximately 2449 West 4300 South from RE-20**
423 **to R-3. Commissioner Nandell seconded the motion. A roll call vote was taken:**
424 **Commission members Payne, Kirch, Ohlin, Dandoy, and Nandell voted "aye." The motion**
425 **carried.**

426
427 **4. COMMISSIONERS' COMMENTS**

428
429 Chairman Kirch asked if the City could amend the Zoning Ordinance to require the submission
430 of a conceptual plan with a rezone request. Mr. Parkinson said it could.

431

432 Chairman Kirch stated that the last two rezones had been submitted without a conceptual plan.
433 She asked Mr. Parkinson to poll the Council members about their feelings regarding a
434 conceptual plan.

435
436 Commissioner Dandoy felt the City was getting to the bottom of its viable properties. Without
437 knowing how a development would fit, the Planning Commission had to rely on the worst case
438 to make a judgement call.

439
440 Chairman Kirch stated that there were developers who wanted to develop along the Front
441 Runner line. People wanted the convenience of mass transit. The Planning Commission had
442 recommended 4000 South for the Front Runner Station because there was land around it. If the
443 City wanted people to come Roy, it had to keep the door open. She felt the Planning
444 Commission's recommendation might have closed that door.

445
446 5. STAFF UPDATE

447
448 Steve Parkinson reported that the City Council denied the request to rezone the property at
449 5600 South 2700 West.

450
451 6. ADJOURN

452
453 **Commissioner Dandoy moved to adjourn at 7:42 p.m. Commissioner Ohlin seconded the**
454 **motion. Commission members Dandoy, Kirch, Nandell, Ohlin, and Payne voted "aye."**
455 **The motion carried.**

456
457
458

459 _____
460 Gennie Kirch
461 Chairman

462
463

464 _____
465 Michelle Drago
466 Secretary

467 dc:paug2515



SYNOPSIS

Application Information

Applicant: B. Scott Berry
Request: Request for approval for a Site Plan to allow accessory buildings for Southern Comfort.
Address: 5357 South 1900 West

Land Use Information

Current Zoning: RC, Regional Commercial
Adjacent Land Use: North: Commercial; RC zoning. South: Commercial; RC zoning.
East: Commercial; RC zoning West: Commercial; RC zoning

Staff

Report By: Steve Parkinson
Recommendation: Recommends approval with conditions

APPLICABLE ORDINANCES

- Roy City Zoning Ordinance Title 10, Chapter 14 (Permitted Uses)
- Roy City Zoning Ordinance Title 10, Chapter 17 (Table of Uses)

ANALYSIS

The Planning Commission asked staff to get the Clint Drake (City Attorney) and ask him regarding the legality of an issue.

According to the August 11, 2015 minutes the question brought up were as follows:

- If the Planning Commission approved the amended site plan with the accessory buildings and the conditions as outlined in the staff report, what happens if Mr. Berry doesn't comply?
 - Mr. Drake's response was, just as if this was a brand new building and business, if they don't comply with the requirements of approval their conditional use can be revoked.

The requirements that were required in October were based on the building and property being vacant for more than one year, and because it was vacant for longer than one year all non-conforming rights were lost. If the property had been used continuously then those rights of non-conformity would still exist.

Background:

This is a request for Site plan approval for the allowance of a concrete pad for a smoker and a shed. Southern comfort is located on 1900 West between Midas and Discount Tires. The property also has access to 1950 West.

This application came about because the applicant continues to add or construct things on this commercial property without submitting appropriate plans, applications, etc. Sometime in between March 30th and April 9th of this year a 16' by 12' (192 sq.-ft.) concrete pad with a six (6) foot chain link fence surrounding a smoker, appeared. After taking a picture of the site plan violation (see exhibit "B") I went into the building and spoke to Shawn one of the Managers regarding the problem and asked for a site plan to get it approved. Nothing occurred from that visit.

On the morning of May 27th it was observed that something was being added onto the property, this time a 12' x 6' (72 sq.-ft.) shed was again being constructed without approval. Again after taking pictures (see exhibit "B"), Ed Pehrson (City Building Official) and myself went in and spoke with Shawn. I again spoke with her regarding the problems that continue to come up and that they again need to make application to get Planning Commission approval for the things already on site. I also informed her that no more of the shed was to be completed prior to approval (see exhibit "B").

That very afternoon someone came by and applied for a building permit for the shed, nothing for the site plan issues, but did provide a site plan. The building permit found itself on my desk about a week later. I conducted a site plan review, even though there was no application for such. On the 16th of June I sent some comments (see exhibit "C") to Mr. Berry regarding the deficiencies. Again that same day Mr. Berry came and made application, but didn't provide a new site plan as requested. It wasn't until July 7th that I received a new site plan. (see Exhibit "D") The new site plan did not take into account any of the comments within the 16th June memo, but I wasn't going to wait another month for a new site plan to be resubmitted, so I accepted the deficient plan.

According to the approved landscaping plan (see exhibit "G") and a letter dated November 20, 2014 from Mr. Berry (see exhibit "F") some of the required landscaping has been installed but much of it has not, and it was all to be completed prior to June 1, 2015. This project is currently in violation of the Conditional Use that was recommended by this body for approval on October 14, 2014 and approved by the City Council on November 18, 2015.

ANALYSIS OF PROPOSED SITE PLAN

In Chapter 14, section 1411 of the Zoning Ordinance it gives standards for New construction

A. Building Design Standards

- All accessory structures shall take on the same character as the primary building, using the same colors, materials, shape, and style.

The applicant has stated that the shed will be painted the same color as the main building (white with green trim), but the exterior material of the shed is a T-111 vertical wood siding, which does not have the same characteristic as cinder block

The location of the proposed smoker (already installed) and shed (90% constructed) does not impact the overall interconnectivity of the property, nor does it have an impact on customer parking. Staff does have a question as to the security of the smoker and shed. Does the applicant intend to install a fence around both as to deter people from having access to the shed?

ANALYSIS OF PROJECT FROM THE OCTOBER 14, 2014 PC REPORT

Conditional Use Standards: *The applicant has applied for a Conditional Use to allow for an Alcohol Beverage License for a full service, sit down restaurant featuring comfort food from the "South". Highlighting Memphis style barbeque and Louisiana style Cajun & Creole food. Hours of operation will be Monday thru Thursday 7:00 am to 10:00 pm and Friday & Saturday from 7:00 am to 11:00 pm. It will feature live entertainment on Friday & Saturday from 7:00 pm til 10:00 pm., there will be no dancing.*

According to table 17-2 of the Zoning Ordinance to serve Alcohol Beverages require Conditional Use approval.

The standards for granting Conditional Uses are summarized by the following:

- 1. The requested use must be listed as a Conditional Use.*
- 2. The use must comply with setbacks and other zoning standards.*
- 3. The use must be conducted in compliance with the ordinance and any other regulations.*
- 4. The property must be of adequate size to allow the use in a manner that is not detrimental to the surrounding uses.*
- 5. Must be consistent with the goals and policies of the City's General Plan.*

The property has been vacate for at least 3 to 4 years, the last business to occupy this building was a Subway Sandwich Shop. According to Section 1902 (1) of the Zoning Ordinance "Off-street parking spaces shall be provided, meeting the requirements of this Chapter, for ... the establishment of any new use,..." Because it has been vacate for many years, the site can be reviewed for compliance to today zoning ordinance. The site currently has many deficiencies that will be discussed in more detail below.

Elevations: There are no proposed changes to the exterior of the building and the building itself demonstrates many aspects of the design standards as mentioned within the Zoning Ordinance.

Parking: The current parking layout and numbers were sufficient for the previous use, a restaurant requires either one (1) stall per four (4) seats OR one (1) stall per 100 sq.-ft. of gross floor area, whichever is less. 40 stalls are needed for this restaurant, however there are only 30 stalls on site. However there are two (2) stalls within the front setback, which needs to be landscaping. (See "Landscaping" below)

Parking stalls need to be 9' X 20' when at a 90° angle with a minimum of 24' back-up distance or 10.4' X 18.5' when at a 60° angle with a minimum of 16' back up distance. Parking stalls are also required to be on hard surface.

Section 1912 of the Zoning Ordinance allows the Planning Commission to reduce this requirement if it can be shown that:

- A unique nature of the existing or proposed land use or due to a unusually large number of pedestrian or transit trips, where below-normal parking spaces will be generated, or
 - A reduced number of off street parking spaces will meet the demands of the proposed use without increasing traffic or on-street parking problems.
- OR
- Section 1906 of the Zoning Ordinance allows parking to be on a separate property as long as its within 500 feet, is not separated by any major street and that a non-revocable written parking agreement is in place prior to approval.

The Planning Commission will need to determine if a reduction in the parking standards is warranted and if the number of existing stalls is adequate for the use.

Landscaping: The site currently has zero (0) existing landscaping. According to Section 1914 "No required off street loading spaces shall be permitted in any front yard or in any street side yard." The applicant shows five (5) parking stalls within the front yard setback, thus this area can be converted to landscaping which will account for a large percentage of the overall sites landscaping requirement.

CONFORMANCE TO THE GENERAL PLAN

- The future land use map shows and supports this area to be developed as Regional Commercial.
- Goal 5; Objective 1; Policy B within the "Urban Growth" section states: "Development should provide adequate on-site and off-site improvements necessary to support the development and mitigate its effects on or beyond the immediate site."
- Goal 1; Objective 1; Policy B within the "Community/Industrial Development" section states: "Enforce high site plan and design standards during development review."
- Goal 1; Objective 2; Policy B within the "Urban Design & Aesthetics" section states: "Make provision for the establishment of landscaping, berming, and increased setback of development to serve as buffers on the City's arterial and other heavily traveled city streets"

CONDITIONS OF APPROVAL

1. Requirements and recommendations of the Building Official.
2. Requirements and recommendations as outline in the DRC memo dated 27 July 2015.
3. Provide a financial guarantee for all of the required landscaping, including removal of any concrete or asphalt, as shown within the November 21, 214 approved landscaping plan.
4. That the area west of the building be hard surfaced OR signs posted with "No Parking" and posts & chains installed.
5. Continuous violations to Building, Fire, Health and/or Planning code will result in revocation of business license.

FINDINGS

1. The proposed site plan can meet the site design standards as established in the Zoning Ordinance with the conditions as outlined within this report.

RECOMMENDATION

Staff recommends that the Planning Commission approves the Conditional Use to serve Alcohol Beverages at Southern Comfort located at 5357 South 1900 West with the conditions as discussed and as listed within this report.

EXHIBITS

- A. Aerial Map
- B. Pictures
- C. DRC Memo dated 16 June 2014
- D. 7 July 2015 - Site Plan
- E. DRC Memo dated 30 September 2014
- F. 20 November 2014 – Letter from Mr. Berry
- G. 21 November 2014 – Approved Landscaping Plan

EXHIBIT "A" – AERIAL MAP

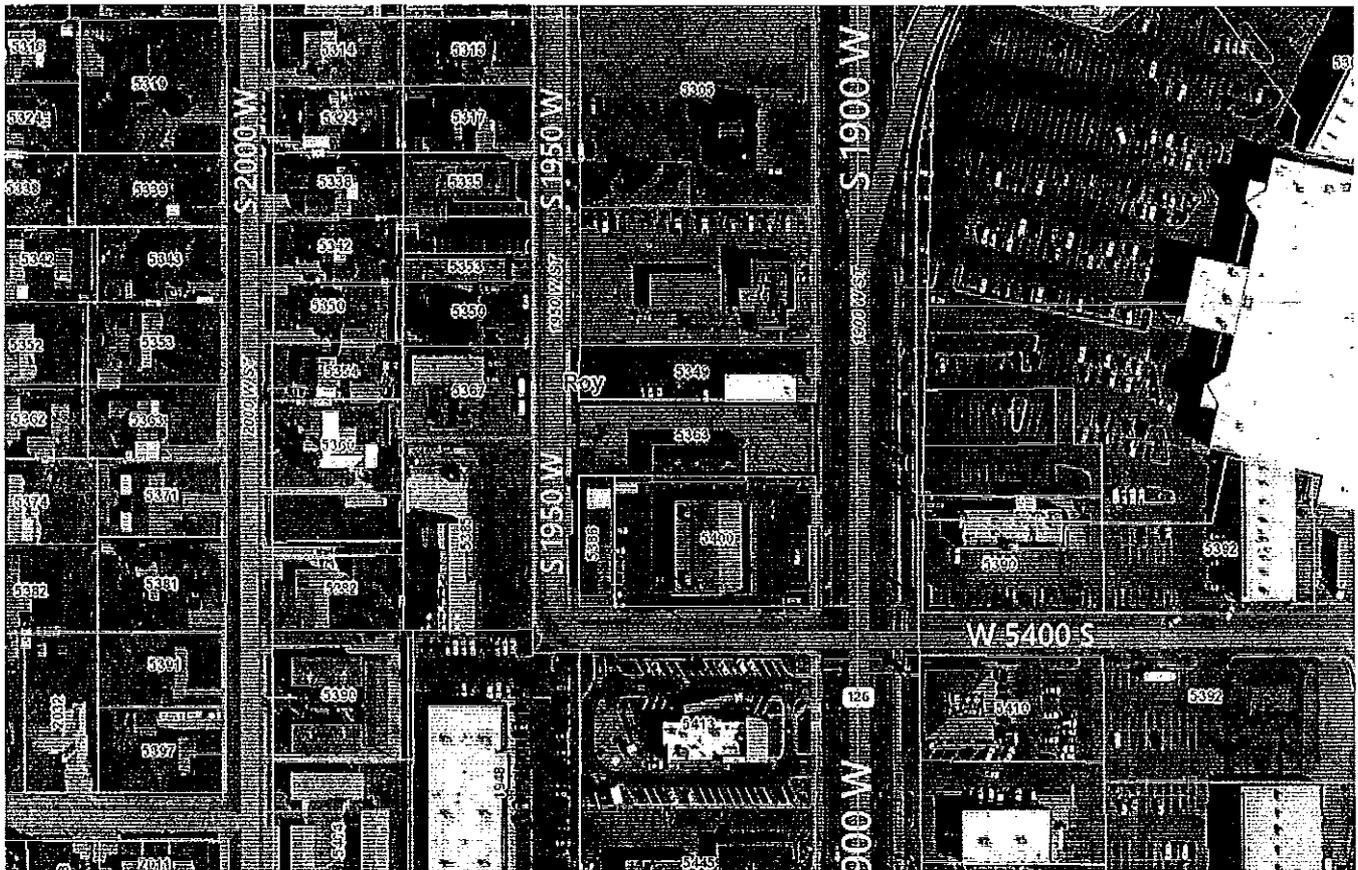
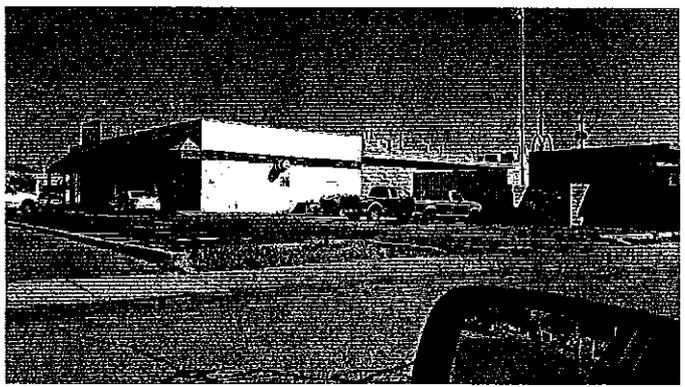
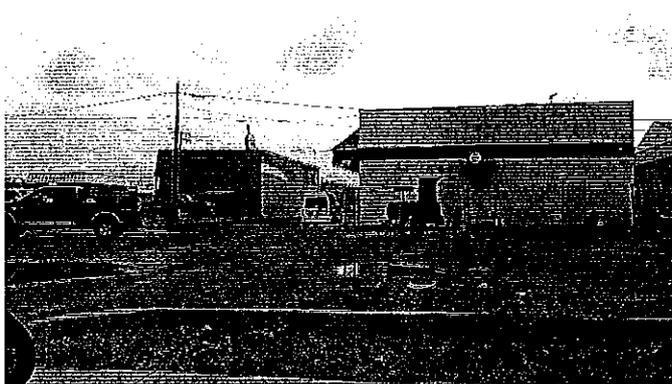


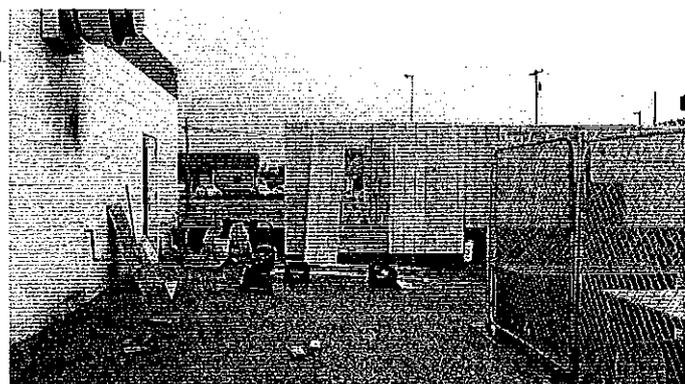
EXHIBIT "B" – PHOTOS



March 30, 2015 – showing 3 vehicles parked in the "No Parking" area



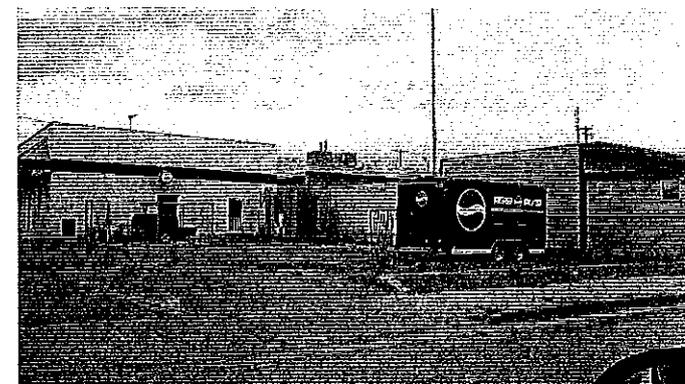
April 9, 2015 – showing the smoker, fence & concrete pad



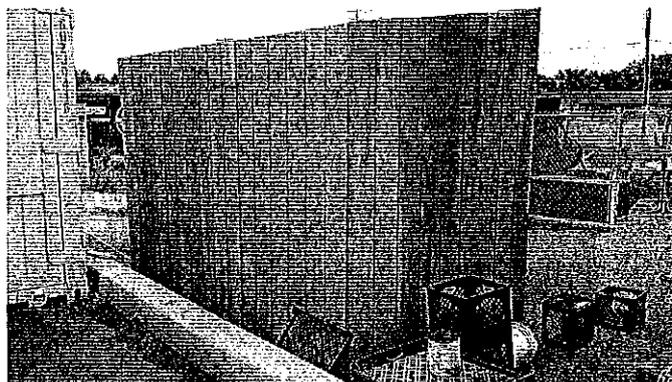
May 27, 2015 – showing the smoker & shed



June 16, 2015 – showing delivery truck in "no Parking" area



August 7, 2015 – showing a trailer parked in "no Parking" area



August 7, 2015 – showing shed has been enclosed.



DEVELOPMENT REVIEW COMMITTEE

REVIEW MEMO

Date: 16 June 2015
To: B. Scott Berry
From: Steve Parkinson – Planning & Zoning Administrator
Mark Miller – City Engineer
Jeff Comeau – Deputy Fire Chief
Ed Pehrson – Building Official
Ross Oliver – Public Works Director
Clint Drake – City Attorney
Subject: Southern Comfort [5357 So. 1900 We.] – Site Plan review

We have tried to address all items of concern with reference to all applicable City codes or for the general Health, Safety and Welfare of the public, however, this review does not forego any other items of concern that may come to our attention during additional reviews.

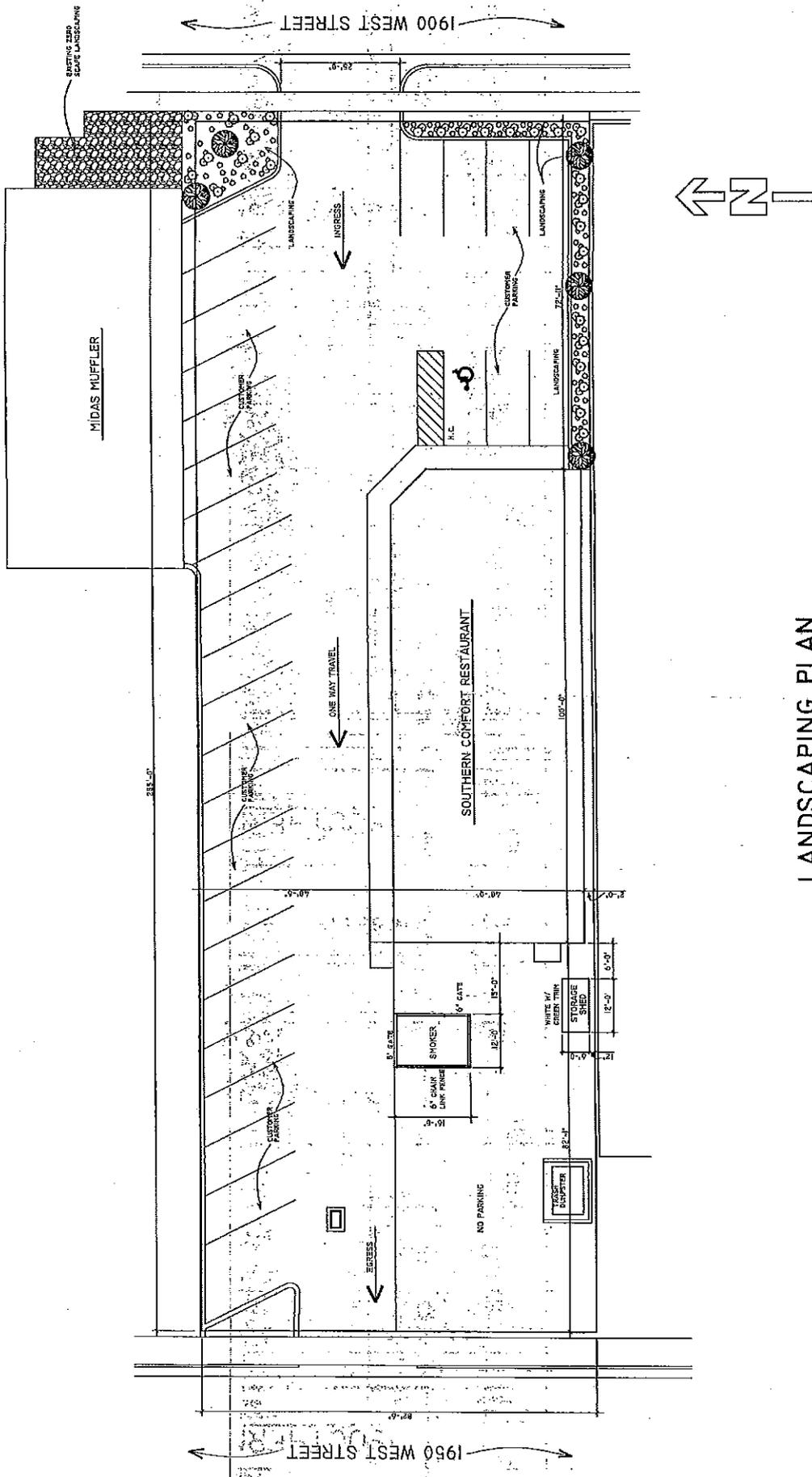
Engineering - Fire - Building - Public Works - Legal -

1. No comment at this time

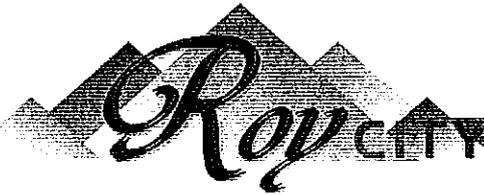
Planning -

1. The application is incomplete, item will not be placed on the Planning Commissions agenda until the following have been submitted:
 - a. Site Plan Review Permitted – PC Application.
 - b. Fees. \$100.00
2. Some drawings were submitted, here are some comments:
 - a. The scale on the drawing is wrong.
 - b. Site plan does not match the approved plan dated November 21, 2014? (attached) Site Plan needs to be re-submitted incorporating both the approved plan as well as the proposed additions (Food smoker area & Storage shed)
 - c. On several occasions it has been observed to have vehicles parked on the dirt to the west of the building. Either this area needs to be paved or posts and chains need to be installed with signs attached stating "No Parking". Even delivery trucks are a violation.

EXHIBIT "D" - SITE PLAN - SUBMITTED 7 JULY 2015



LANDSCAPING PLAN
NOT TO SCALE



DEVELOPMENT REVIEW COMMITTEE

REVIEW MEMO

Date: 28 July 2015
 To: B. Scott Berry
 From: Steve Parkinson – Planning & Zoning Administrator *SP*
 Mark Miller – City Engineer
 Jeff Comeau – Deputy Fire Chief
 Ed Pehrson – Building Official
 Ross Oliver – Public Works Director
 Clint Drake – City Attorney
 Subject: Southern Comfort [5357 So. 1900 We.] – Revised Site Plan review

We have tried to address all items of concern with reference to all applicable City codes or for the general Health, Safety and Welfare of the public, however, this review does not forego any other items of concern that may come to our attention during additional reviews.

Engineering - Fire - Public Works - Legal -

1. No comment at this time

Building -

1. The storage shed is exempt from a permit due to it being less than 120 Sq. Ft. It is however not exempt from following the requirements of the Code as noted below.
2. If the storage shed is placed less than 10Ft. to the property line it will require a 1 hour fire rating as per Table 602, noted below.
3. Any electrical work that is being added to the storage shed will require a Building Permit for the electrical system.
4. [A] 105.2 Work exempt from permit. Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. *Permits* shall not be required for the following:
 - One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 120 square feet (11 m²).

SECTION 602 CONSTRUCTION CLASSIFICATION TABLE 602 FIRE-RESISTANCE RATING REQUIREMENTS FOR EXTERIOR WALLS BASED ON FIRE SEPARATION DISTANCE ^{a, e, h}

FIRE SEPARATION DISTANCE = X (feet)	TYPE OF CONSTRUCTION	OCCUPANCY GROUP Hf	OCCUPANCY GROUP F-1, M, S-1g	OCCUPANCY GROUP A, B, E, F-2, I, R, S-2g, Ub
X < 5c	All	3	2	1
5 ≤ X < 10	IA	3	2	1
	Others	2	1	1
10 ≤ X < 30	IA, IB	2	1	1d
	IIB, VB	1	0	0
	Others	1	1	1d
X ≥ 30	All	0	0	0

For SI: 1 foot = 304.8 mm.

- a. Load-bearing exterior walls shall also comply with the fire-resistance rating requirements of Table 601.
- b. For special requirements for Group U occupancies, see Section 406.3.
- c. See Section 706.1.1 for party walls.
- d. Open parking garages complying with Section 406 shall not be required to have a fire-resistance rating.
- e. The fire-resistance rating of an exterior wall is determined based upon the fire separation distance of the exterior wall and the story in which the wall is located.
- f. For special requirements for Group H occupancies, see Section 415.5.
- g. For special requirements for Group S aircraft hangars, see Section 412.4.1.
- h. Where Table 705.8 permits nonbearing exterior walls with unlimited area of unprotected openings, the required fire-resistance rating for the exterior walls is 0 hours.

Planning -

1. There is no scale on the drawing as required.
2. Site plan does not match the approved plan dated November 21, 2014! That site plan was approved by the Planning Commission on October 14, 2014 as well as by the City Council on November 18, 2014.
3. Installation of the required landscaping has yet to occur. The deadline for installing the approved landscaping was to be no later than June 1, 2015. By not installing the required landscaping you are in violation of your Conditional Use approval and are subject to fines and/or revocation of your Conditional Use, thus revoking of your business license.
4. A new Site Plan needs to be submitted incorporating both the approved plan dated November 21, 2014, as well as the proposed additions (Food smoker area & Storage shed)
5. On several occasions it has been observed that vehicles have been parked on the dirt to the west of the building. Either this area needs to be paved or posts and chains need to be installed with signs attached stating "No Parking". Even delivery trucks are a violation.
6. If the proposed (already built) shed is for a cooler, will that area also be secured with a fence?

Areas still yet to be landscaped as approved

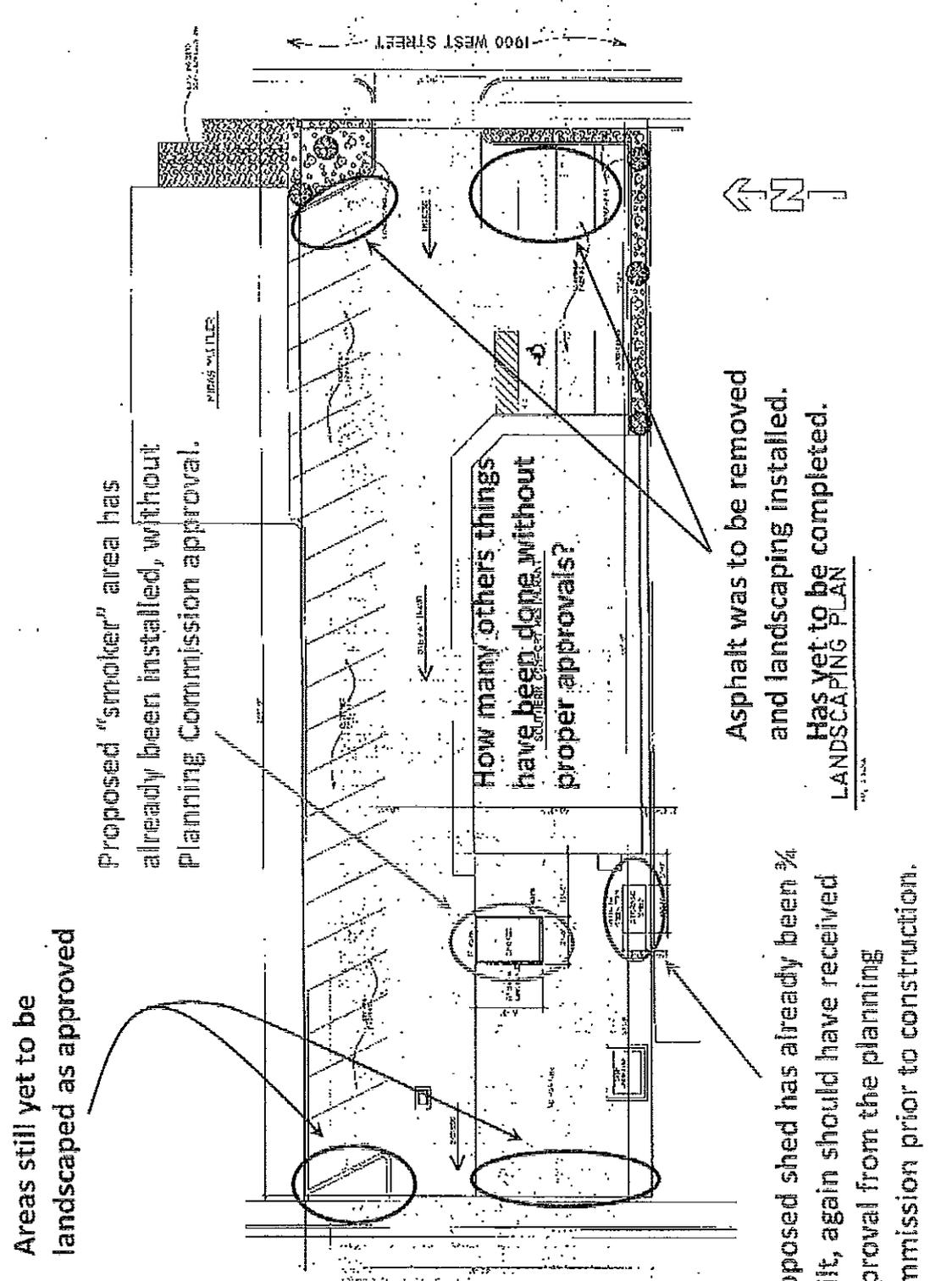
Proposed "smoker" area has already been installed, without Planning Commission approval.

How many other things have been done without proper approvals?

Asphalt was to be removed and landscaping installed. Has yet to be completed.

Proposed shed has already been $\frac{3}{4}$ built, again should have received approval from the planning commission prior to construction.

 LSB ARCHITECTURE 1000 WEST STREET SUITE 100 DENVER, CO 80202 TEL: 303.733.8888 FAX: 303.733.8888	SOUTHERN COMFORT 1000 WEST STREET DENVER, CO 80202 TEL: 303.733.8888
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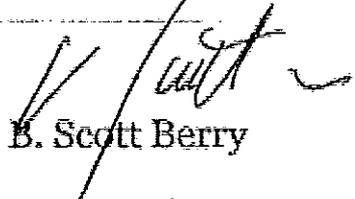


November 20, 2014

To whom it may concern,

Attached are the site plans and the plant list for Southern Comfort Restaurant, located at 5357 S 1900 W, Roy. We are in agreeance with the City of Roy and Steve Parkinson (Roy City Planning Commission) to have all landscaping completed as planned on the attached site plan by June 1, 2015.

Thank you,



B. Scott Berry

Plant List for the site pans for Southern Comfort, 5357 S 1900 W

The corresponding number is associated with the number on the site plans.

#1: Royal Purple Smoke Tree

#2: Prairie Fire Dogwood

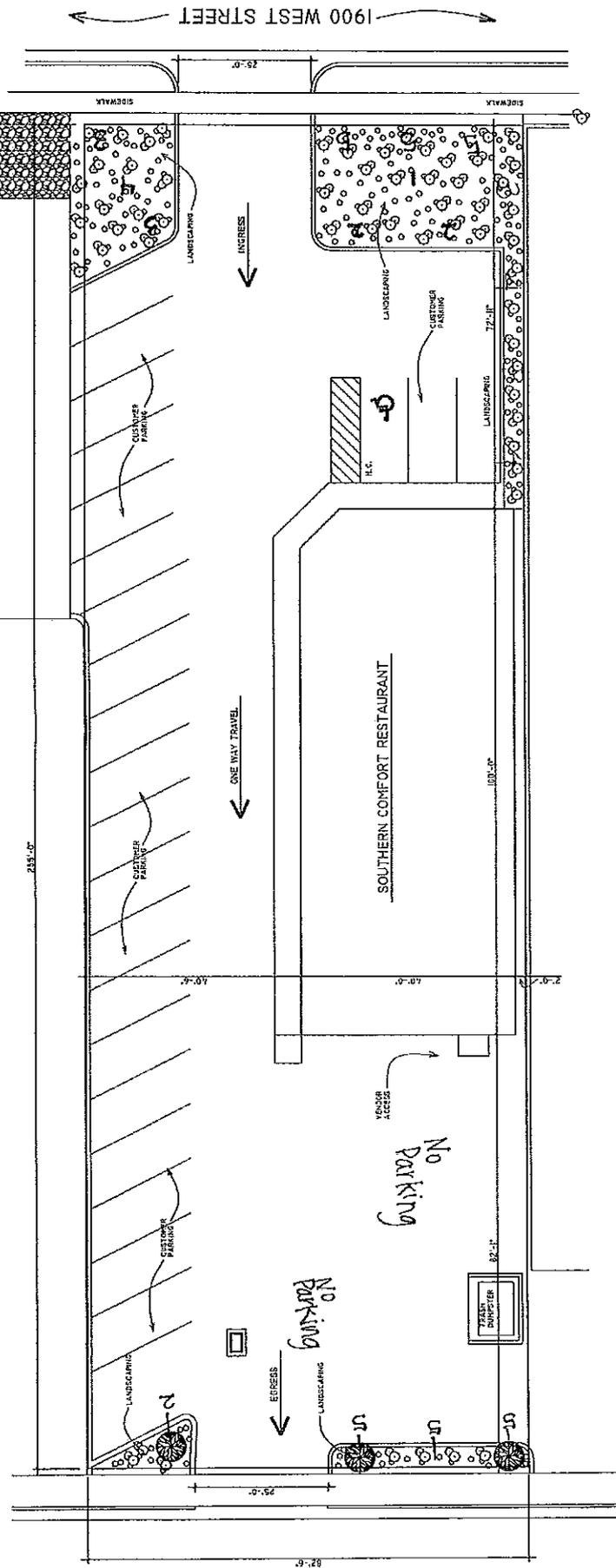
#3 Dogwood Bailey

#4 Physocarpus, Center Glow

#5 Forsythia Show Off

EXHIBIT "G" - 21 NOVEMBER 2014 - APPROVED LANDSCAPING PLAN

Approved by: *[Signature]*
 Comments: *Landscaping Plan*
 Date: 21 Nov 14
 Roy City Planning
 [Signature]
 Date: 21 Nov 14





SYNOPSIS

Application Information

Applicant: Justin Gould; Roy Christian Church
Request: Request for Site Plan & Architectural approval.
Address: 4347 South 1900 West

Land Use Information

Current Zoning: R-1-8; Single-Family Residential
Adjacent Land Use: North: R-1-8; Single-Family Residential South: R-1-8; Single-Family Residential
East: CC; Community Commercial West: R-1-8; Single-Family Residential

Staff

Report By: Steve Parkinson
Recommendation: Recommends approval with conditions

APPLICABLE ORDINANCES

- Roy City Zoning Ordinance Title 10, Chapter 10 (General Property Development Standards)
- Roy City Zoning Ordinance Title 10, Chapter 14 (Permitted Uses)

ANALYSIS

Background:

Currently there are two buildings on the property, the northern is the Churches Office building and the southern is the chapel building. The applicant is looking to make some site and architectural modifications to the chapel building and the areas immediately around it.

The biggest changes are the introduction of entry door canopies. There are two entries on the east side of the building, one on the north and one on the south. These will be gable end type canopies, they are open and will have timber accents. These will only give some protection as people come into and out of the building but will give a significant character boost to the building.

It is also proposed to add some canopy tents, again on the east portion of the building, two on the north and two on the south. It is uncertain what color these will be and how they will be used.

There is enough separation between the office building and the chapel building that changes to either staff feels won't change the overall character of the property. Even today the buildings do not match in materials and colors.

Building Design Standards:

Coherent Building Design: The building will continue to be a brick building, they are looking to add some stone and stucco to give the building a needed face lift. The new color palette for the building will be in the browns and tans, however the stone will also bring in a larger variety of color.

Accessory Structures: All accessory buildings take on the same character as the primary building, this should be done via the use of colors, materials, shapes and style. In this case the primary building is the Chapel and the proposed new shed will need to take on the characteristics as the new modifications.

Continuous building wall surfaces: With the building already existing the reliefs etc.. that a new building would be not required for this building. However the proposed new entry canopies will actually help bring the building into more compliance to today's code than the building does today.

Site Design Standards:

Site Access: For the most part the vehicle accesses will remain the same as it exists today

Landscaping: Little will be done with most of the site in general, however it is being proposed to increase the landscaping along 1900 West.

Again for the most part nothing will change to the existing parking lot, its configuration of parking stalls.

CONDITIONS OF APPROVAL

1. Compliance to all requirements of the DRC.

FINDINGS

1. The proposed building meets the minimum building standards as established in the Zoning Ordinance.
2. The proposed site plan improvements can meet the site design standards as established in the Zoning Ordinance with the conditions as outlined within this report.

ALTERNATIVE ACTIONS

The Planning Commission can Approve, Approve with conditions, Table or Deny.

RECOMMENDATION

Staff recommends that the Planning Commission approve the Site Plan as well as the Building Elevations for the Roy Christian Church located at 4347 South 1900 West with the conditions as listed within this report.

EXHIBITS

- A. Aerial Map
- B. Proposed Site
- C. Proposed Elevations
- D. DRC Memo

EXHIBIT "B" - PROPOSED SITE

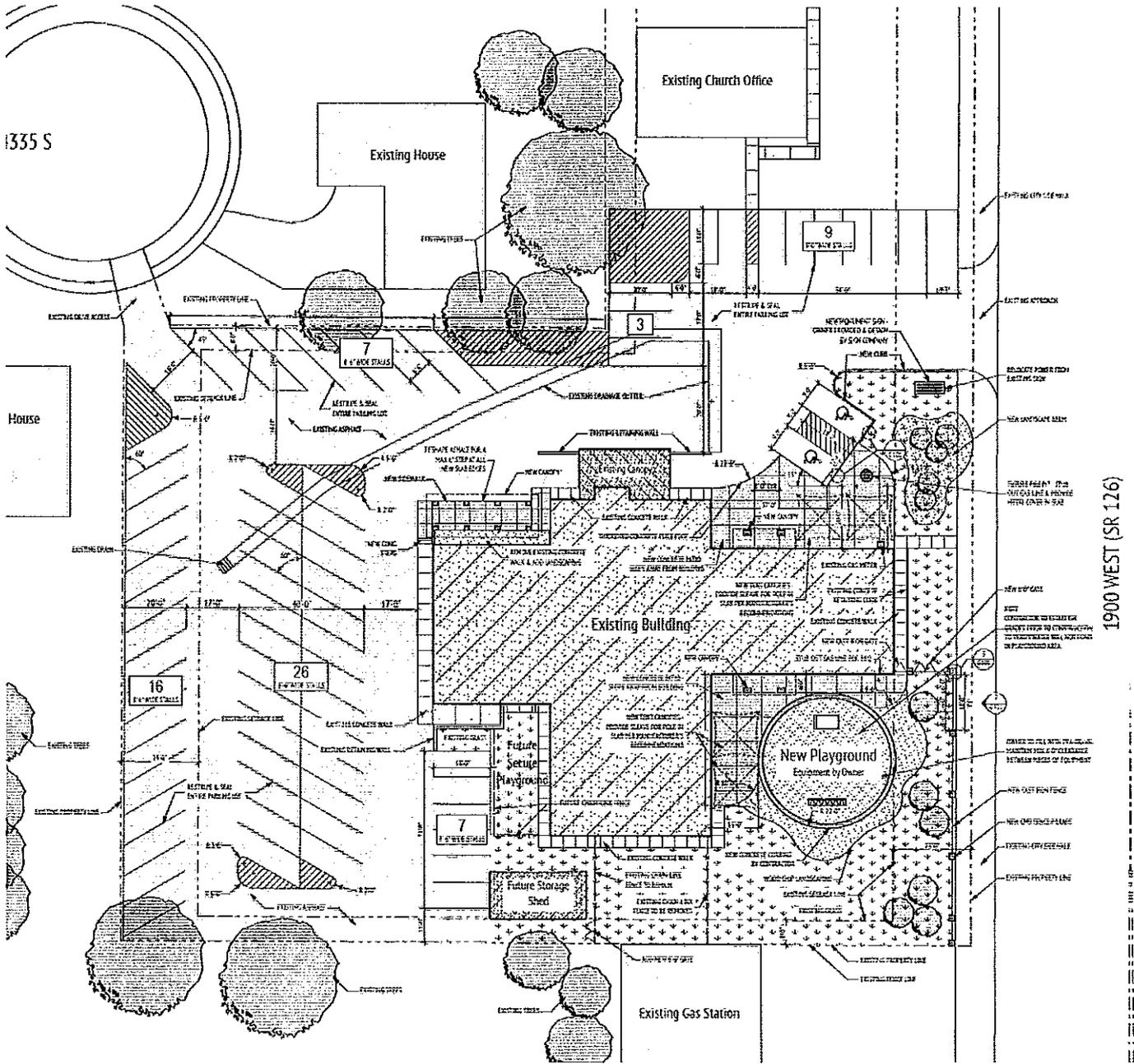
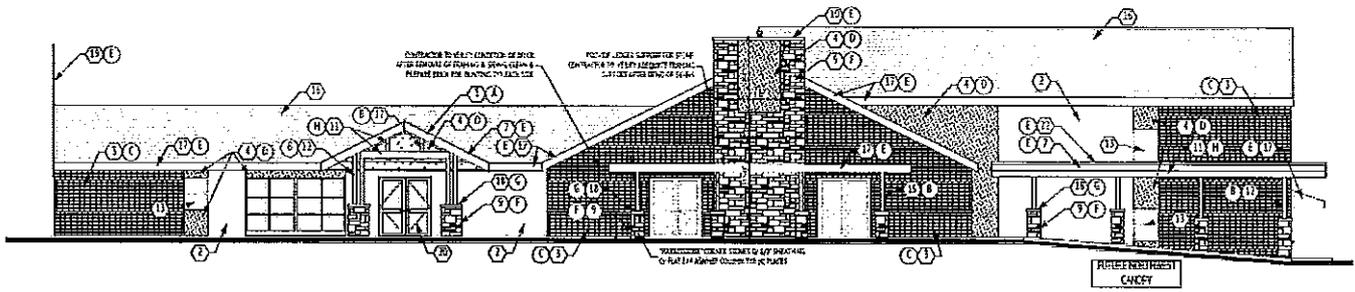
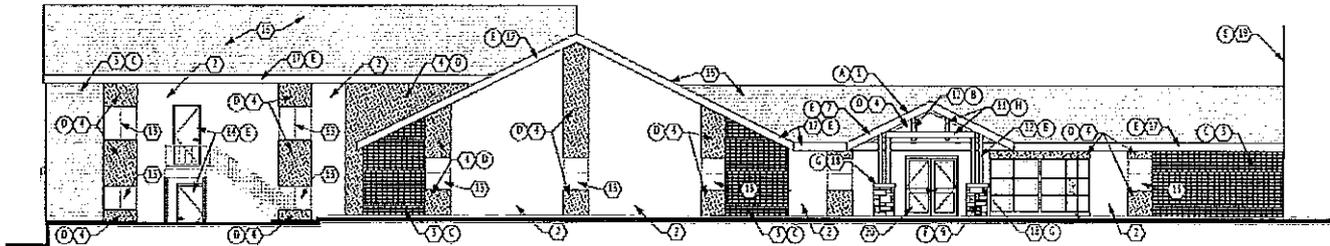


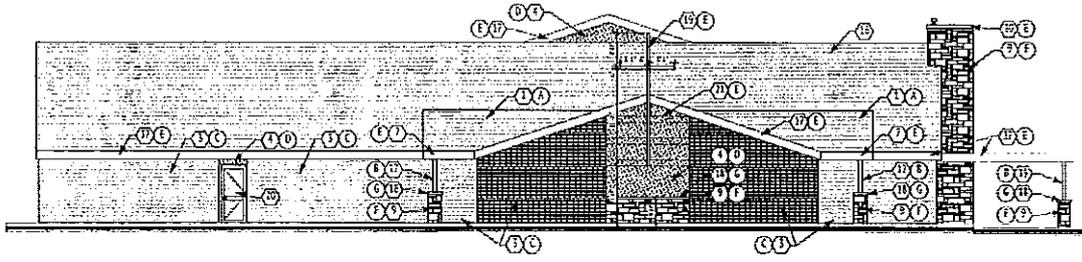
EXHIBIT "C" - PROPOSED ELEVATIONS



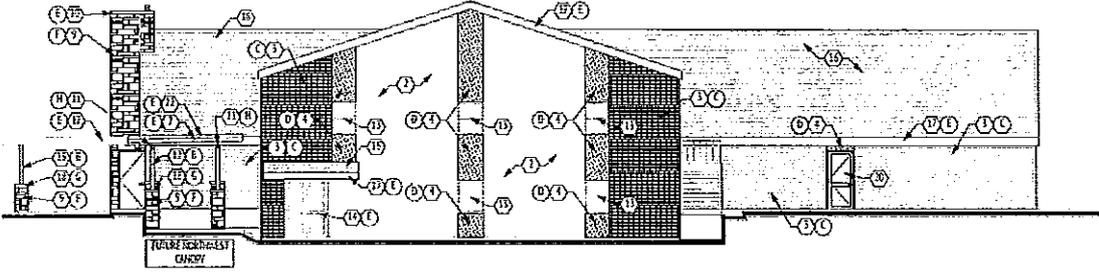
1 NORTH ELEVATION
SCALE 1/8" = 1'-0"



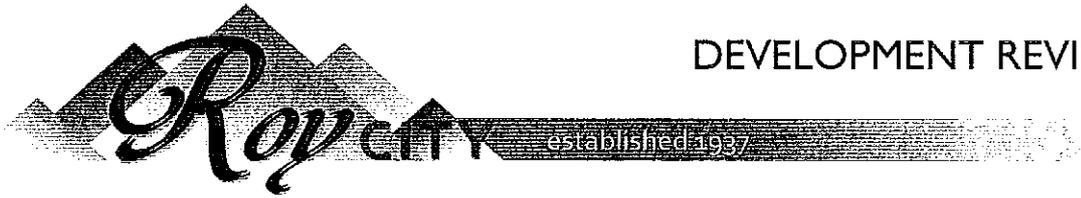
2 SOUTH ELEVATION
SCALE 1/8" = 1'-0"



3 EAST ELEVATION
SCALE 1/8" = 1'-0"



4 WEST ELEVATION
SCALE 1/8" = 1'-0"



DEVELOPMENT REVIEW COMMITTEE

REVIEW MEMO

Date: 3 September 2015

To: Justin Gould; Roy Christian Church
Chad; Mountain West Architects

From: Steve Parkinson – Planning & Zoning Administrator
Mark Miller – City Engineer
Jeff Comeau – Deputy Fire Chief
Ed Pehrson – Building Official
Ross Oliver – Public Works Director
Clint Drake – City Attorney

Subject: Site Plan & architectural Review (4347 South 1900 West)

We have tried to address all items of concern with reference to all applicable City codes or for the general Health, Safety and Welfare of the public, however, this review does not forego any other items of concern that may come to our attention during additional reviews.

Engineering –

- I. The Proposed fence is 6 feet in in the front yard setback area. Maximum fence height in front yard is 48 inches.

Fire / Public Works / Legal / Building -

- I. No comments at this time

Planning -

- A. As per May 11, 1982 site plan approval the two (2) parking stalls nearest 1900 West, up by the existing church office, were never approved and need to be removed and replaced with landscaping.
- B. All fences in the front yard are to be a maximum height of four (4) feet.
- C. Any new signage needs a separate permit, location should be in a location as to not cause any traffic safety concerns.



STAFF REPORT

Planning Commission

September 8, 2015

SYNOPSIS

Application Information

Applicant: James Anderson
Request: Conditional Use allowing a Commercial Recreation (Indoor)
Address: 3626 West 5600 South

Land Use Information

Current Zoning: CC; Community Commercial
Adjacent Land Use: North: Residential; CC zoning South: Residential; R-1-10 zoning.
East: Residential; CC zoning West: Residential; CC zoning

Staff

Report By: Steve Parkinson
Recommendation: Recommends approval

APPLICABLE ORDINANCES

- Roy City Zoning Ordinance Title 10, Chapter 15 (Conditional Uses)

ANALYSIS

Background:

Mr. Anderson has applied for approval of a conditional use for a "Commercial Recreation (Indoor)" business. The use is a classic coin-op video arcade with old machines.

Conditional Use Standards: The standards for granting Conditional Uses as contained in the Zoning Ordinance can be summarized by the following:

1. The requested use must be listed as a Conditional Use.
2. The use must comply with setbacks and other zoning standards.
3. The use must be conducted in compliance with the ordinance and any other regulations.
4. The property must be of adequate size to allow the use in a manner that is not detrimental to the surrounding uses.
5. Must be consistent with the goals and policies of the City's General Plan.

Staffs review of the criteria above:

- The use is listed as a Conditional Use
- The use will be within an existing building
- The use will be conducted in accordance with all regulations
- The use will be within an existing building
- The use is consistent with the goals and policies of the General Plan

Location: The proposed location Lot 3 of the Kent's Market Commercial development. (see Exhibit "A")

Parking & Access: The building on which this use is within was developed with the number of parking stalls required for the size of the building, plus there are several more stalls within 200 feet. Access is from 5600 South and 3500 West.

Zoning: Zoning on the property is CC, Community Commercial. The use of “Commercial Recreation (Indoor)” is a conditional use, and is compatible with surrounding uses within the complex.

CONDITIONS OF APPROVAL

1. The applicant receives a building permit to remodel the existing space, and
2. The applicant receives a business license

FINDINGS

1. The proposed Conditional Use is in keeping with the goals and intent of the General Plan.
2. The proposed Conditional Use meets the requirements as set by the Zoning Ordinance.

ALTERNATIVE ACTIONS

The Planning Commission can Approve, Approve with conditions, Table or Deny.

RECOMMENDATION

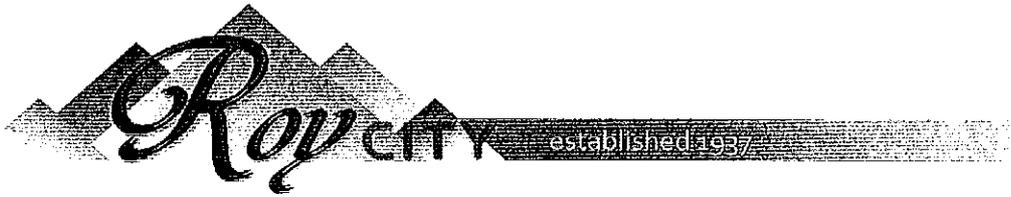
Staff recommends that the Planning Commission **recommend approval** of this request for Conditional Use allowing a “Commercial Recreation (Indoor) [Classic Video game arcade]” type business at the property located at 3626 West 5600 South as outlined in this report and discussed.

EXHIBITS

- A. Aerial Map

EXHIBIT “A” – AERIAL MAP





SYNOPSIS

Application Information

Applicant: Jim Arrant
Request: Request for Preliminary Subdivision approval for Jamestown Subdivision, a two (2) lot single-family residential subdivision.
Address: Approximately 5000 South 1750 West

Land Use Information

Current Zoning: R-4; Multi-Family Residential
Adjacent Land Use: North: R-4; Multi-Family Residential South: R-4; Multi-Family Residential
East: Riverdale City; A-1 West: R-4; Multi-Family Residential

Staff

Report By: Steve Parkinson
Recommendation: Recommends approval with conditions

APPLICABLE ORDINANCES

- Roy City Zoning Ordinance Title 10, Chapter 10 (General Property Development Standards)
- Roy City Subdivision Ordinance Title 11, Chapter 3 (Preliminary Subdivision Application)
- Roy City Subdivision Ordinance Title 11, Chapter 9 (Subdivision Development Standards)

BACKGROUND

The property is located on the east side of Roy City, north of Stoney Brook Cottages and Cozydale retreat subdivision. Just north-west of the I-15 southbound on ramp. There is currently an existing single-family dwelling on the northern portion of the property.

Subdivision: The proposed subdivision is to subdivide 0.865 acres (37,679.4 sq.-ft) of property into two (2) individual parcels. The developer is looking to separate the existing single family home from the rest of the property to ultimately develop the rest as a multi-family development.

Zoning: The property is recently zoned R-4 and according to table 10-1 of the zoning ordinance the R-4 zone allows for single-family lots to be a minimum of 6,000 sq.-ft., currently the lot area for the single family dwelling is 7,923 sq.-ft.

Access: Both parcels have access to a public street.

Improvements / Utilities: Both lots are easily served by all utilities.

DRC Review: The DRC has reviewed the development, s(see Exhibit "C"). There are a few things needing to be re-submitted prior to applying for final plat approval, but nothing that would cause the subdivision not to comply with all applicable codes.

Summary: This small two (2) lot subdivision meets all aspects of the zoning and subdivision requirements for lot width and lot size.

CONFORMANCE TO THE GENERAL PLAN

The future land use map shows and supports this area to be developed as R-4; Multi-Family Density Residential.

CONDITIONS OF APPROVAL

1. Compliance to the requirements and recommendations as outline in the DRC memo dated 3 September 2015 (Attached).

FINDINGS

1. The proposed subdivision meets all of the requirements of the Zoning Ordinance.
2. The proposed subdivision meets all of the requirements of the Subdivision Ordinance

RECOMMENDATION

Staff recommends approving the Preliminary Subdivision of J Jamestown Subdivision located at approximately 5000 South 1750 West with the conditions as discussed and as outlined within the staff report.

EXHIBITS

- A. Aerial Map
- B. Preliminary Subdivision plat
- C. DRC Memo dated 3 September 2015

EXHIBIT "A" – AERIAL MAP





DEVELOPMENT REVIEW COMMITTEE

REVIEW MEMO

Date: 3 September 2015

To: Jim Arrant
Emily Roche; Reeve & Associates

From: Steve Parkinson – Planning & Zoning Administrator *SP*
Mark Miller – City Engineer
Jeff Comeau – Deputy Fire Chief
Ed Pehrson – Building Official
Ross Oliver – Public Works Director
Clint Drake – City Attorney

Subject: Jamestown Subdivision (Preliminary Plat) 5000 South 1750 West

We have tried to address all items of concern with reference to all applicable City codes or for the general Health, Safety and Welfare of the public, however, this review does not forego any other items of concern that may come to our attention during additional reviews.

Engineering –

1. Setbacks for the existing home should be shown.
2. The street cuts will need to be patched with "T" style patches. Permits will be required from the City prior to performing any work within the right-of-way.
3. All work within the right-of-way shall conform to Roy City Standards and must be inspected by a Roy City inspector. Secondary water work will require inspection by Roy Water Conservancy.

Fire - Public Works - Legal -

1. No comments at this time

Building –

Subdivision

1. No comments.

Construction of future dwelling units.

1. The Geotech Engineer shall reference the original soils report for the subdivision. If no original soils report can be found, then there shall be a subsurface investigation completed on the proposed lot and a report provided to the City. All findings shall be noted and all requirements shall be followed. If the original soils report is available there shall be a Geotechnical Engineer inspection conducted once the excavation has been completed and prior to any fill or footings being placed. The Geotechnical Engineer shall provide a report to the contractor, which will then turn it into the City Building Official for review. All conditions present at the time of inspection shall be noted and any recommendations from the Geotechnical Engineer shall be followed. Soil type, ground water, and fill material are a few of the items to be checked for.
2. Section R405.1 Concrete or masonry foundations requires drains to be installed. Drains shall be provided around all concrete or masonry foundations that retain earth and enclose habitable or usable spaces located below grade. Drainage tiles, gravel or crushed stone drains, perforated pipe or other approved systems or materials shall be installed at or below the area to be protected and shall discharge by gravity or mechanical means into an approved drainage system. Gravel or crushed stone drains shall extend at least 1 foot (305 mm) beyond the outside edge of the footing and 6 inches (152

mm) above the top of the footing and be covered with an *approved* filter membrane material. The top of open joints of drain tiles shall be protected with strips of building paper. Perforated drains shall be surrounded with an *approved* filter membrane or the filter membrane shall cover the washed gravel or crushed rock covering the drain. Drainage tiles or perforated pipe shall be placed on a minimum of 2 inches (51 mm) of washed gravel or crushed rock at least one sieve size larger than the tile joint opening

Planning –

Preliminary Plat issues

1. The rear yard setback is twenty (20) feet, the awing is a part of the main building, thus the 20 ft setback needs to be measured from the awing OR the awing needs to be removed.
2. Why are there no P.W.E.'s along the north, west south and east sides of the subdivision?

Final Plat issues

1. Signature blocks for the City Attorney, City Engineer and Roy City Council will need to be amended to reflect the language (below).

ROY CITY ENGINEER

I hereby certify that the requirements of all applicable statues and ordinances prerequisite to approval by the Engineer of the foregoing plat and dedications have been complied with. Signed this ____ day of _____, 20____.

Roy City Engineer

ROY CITY ACCEPTANCE

This is to certify that this subdivision plat was duly accepted by the City Council of Roy City and approved by the Mayor, on the ____ day of _____, 20____.

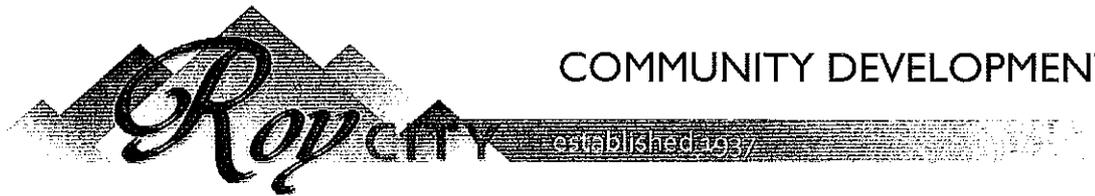
Roy City Mayor

Attest

ROY CITY ATTORNEY

Approved as to form this ____ day of _____, A.D. 20____.

Roy City Attorney



COMMUNITY DEVELOPMENT DEPARTMENT

MEMO

Date: 3 September 2015
To: Planning Commission
From: Steve Parkinson – Planning & Zoning Administrator *SP*
Subject: Jamestown – Conditional Use approval

I am writing you this memo, with regards to the Jamestown Conditional Use – Multi-Family Residential Development.

The project was advertised with notices sent out in accordance to the Zoning Ordinance as a Public Hearing.

However upon receiving the Engineers comment, it was determined that we as a City could not continue with the project, until something was cleared up.

Engineering comment item # 9

9. There may be an issue with sanitary sewer on this project. Ogden City has notified Roy City that they have surpassed the approved amount of sanitary sewer draining into the Ogden City line and that it is beyond capacity. We will need to discuss this issue with the Roy City's attorney and get Ogden City's approval.

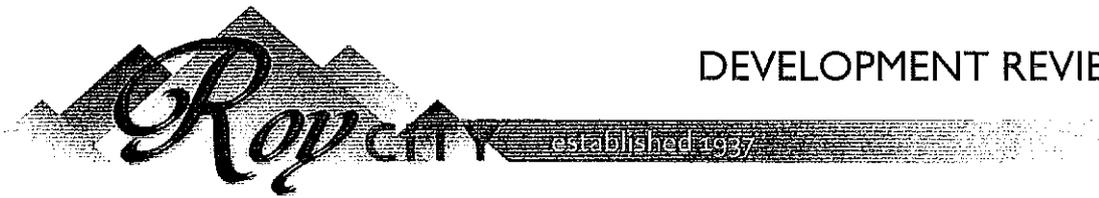
Upon discussion with Clint Drake, Roy City Attorney, he mentioned that we needed Ogden City's approval for this development to contact into this line which leads to Ogden's line.

Mark Miller, with Wasatch Civil will be trying to contact Ogden city's engineer and see what needs to be done.

Staff would recommend opening up the Public Hearing, get any and all comments regarding this project, then close the hearing.

If you have any questions, please do not hesitate to give me a call.





DEVELOPMENT REVIEW COMMITTEE

REVIEW MEMO

Date: 3 September 2015

To: Jim Arrant
Emily Roche; Reeve & Associates

From: Steve Parkinson – Planning & Zoning Administrator
Mark Miller – City Engineer
Jeff Comeau – Deputy Fire Chief
Ed Pehrson – Building Official
Ross Oliver – Public Works Director
Clint Drake – City Attorney

Subject: Jamestown PUD (5000 South 1750 West) Conditional Use

We have tried to address all items of concern with reference to all applicable City codes or for the general Health, Safety and Welfare of the public, however, this review does not forego any other items of concern that may come to our attention during additional reviews.

Engineering –

We have reviewed the Plans for Jamestown Subdivision and the proposed PUD drawings. Inasmuch as Roy City does not have a PUD Ordinance, we cannot review the plans for compliance. We recommend the developer of the proposed project review the Roy City Ordinances and re-submit to get project approval in accordance with an R-4 Conditional Use Permit. Even though the submittal is invalid, we noticed a few items that should be considered on the revised drawings. They are as follows:

1. Setbacks for the existing home should be shown.
2. The water line fronting the project is too small (6" diameter) to serve the development. A 10" water line is located to the south, fronting Stoney Brook Cottages.
3. The setbacks for the buildings proposed on Lot 2 should be shown.
4. The dimensions of the parking area, parking stalls, and ingress/egress should be shown.
5. A screened dumpster should be shown on the plan for Lot 2.
6. It is unclear if each of the units will have a double car garage? If they don't, sufficient parking is not shown.
7. Screened fencing should be shown around Lot 2.
8. A lighting plan should be submitted.
9. There may be an issue with sanitary sewer on this project. Ogden City has notified Roy City that they have surpassed the approved amount of sanitary sewer draining into the Ogden City line and that it is beyond capacity. We will need to discuss this issue with the Roy City's attorney and get Ogden City's approval.
10. Secondary Water should be shown on the utility plan. Developer will have to contact RWCD.

Fire - Public Works - Legal -

1. No comments at this time

Building –

Construction of future dwelling units.

1. The Geotech Engineer shall reference the original soils report for the subdivision. If no original soils report can be found, then there shall be a subsurface investigation completed on the proposed lot and a report provided to the City. All findings shall be noted and all requirements shall be followed. If the original soils report is available there shall be a Geotechnical Engineer inspection conducted once the excavation has been completed and prior to any fill or footings being placed. The Geotechnical



Engineer shall provide a report to the contractor, which will then turn it into the City Building Official for review. All conditions present at the time of inspection shall be noted and any recommendations from the Geotechnical Engineer shall be followed. Soil type, ground water, and fill material are a few of the items to be checked for.

2. Section R405.1 Concrete or masonry foundations requires drains to be installed. Drains shall be provided around all concrete or masonry foundations that retain earth and enclose habitable or usable spaces located below *grade*. Drainage tiles, gravel or crushed stone drains, perforated pipe or other *approved* systems or materials shall be installed at or below the area to be protected and shall discharge by gravity or mechanical means into an *approved* drainage system. Gravel or crushed stone drains shall extend at least 1 foot (305 mm) beyond the outside edge of the footing and 6 inches (152 mm) above the top of the footing and be covered with an *approved* filter membrane material. The top of open joints of drain tiles shall be protected with strips of building paper. Perforated drains shall be surrounded with an *approved* filter membrane or the filter membrane shall cover the washed gravel or crushed rock covering the drain. Drainage tiles or perforated pipe shall be placed on a minimum of 2 inches (51 mm) of washed gravel or crushed rock at least one sieve size larger than the tile joint opening

Planning –

A. *General Comments*

1. Roy City does not have a PUD ordinance.
2. On sheet 4 of 9 the distance from front property line to unit 6, shows as 754.46 feet. The total depth of the project is 191.12. Dimension needs correcting

B. *Building Design Standards*

1. All accessory No building elevations were submitted.
 - a. Will need a Materials & Color board
2. All wall surfaces that are longer than thirty (30) feet shall be relieved.

C. *Site Design Standards*

1. There was no dumpster enclosure, how are home owners to dispose of refuse?
2. Front yard setback is twenty (25) feet, part of unit 6 is within the setback
3. A minimum of twenty (20) feet is required between buildings.
4. There is no pedestrian access
5. The minimum base open space required is 20%, remnant, unused areas within the project may not be included in the calculations of the base open space.
6. No amenities were proposed.
7. Storage units – if access to these is from the east of the buildings perhaps give more room between property line and building in order for better access into each unit.

D. *Site Lighting Standards*

1. Need a photometric drawing if there are any exterior lighting.
 - a. Need to know height of proposed pole & fixture
 - b. Need a photo of all light fixtures





SYNOPSIS

Application Information

Applicant: Sharon Spencer
Loren Kay

Request: Request for Preliminary Subdivision approval for Spencer Subdivision, a three (3) lot single-family residential subdivision.

Address: Approximately 2343 West 5200 South

Land Use Information

Current Zoning: R-1-8; Single-Family Residential

Adjacent Land Use: North: R-1-8; Single-Family Residential South: R-1-8; Single-Family Residential
East: R-1-8; Single-Family Residential West: R-1-8; Single-Family Residential

Staff

Report By: Steve Parkinson

Recommendation: Recommends denial

APPLICABLE ORDINANCES

- Roy City Zoning Ordinance Title 10, Chapter 10 (General Property Development Standards)
- Roy City Subdivision Ordinance Title 11, Chapter 3 (Preliminary Subdivision Application)
- Roy City Subdivision Ordinance Title 11, Chapter 9 (Subdivision Development Standards)

BACKGROUND

The property is located just west of the Roy City cemetery, on the south side of 5200 South. Lots 1 & 3 already exist. 5200 South has a wider R.O.W. than most streets. Typically there is normally 66 feet from property line to property line (sidewalks are usually found within the R.O.W. 5200 South has an 82.5 foot R.O.W. because in 1984 on the south side of 5200 South a drought relief line was installed. The council adopted resolution 198 (exhibit “?”), which states that “residence with property adjoining the drought line ... shall be allowed to use the area occupied by the drought line as “yard” area required by setback requirements”.

Subdivision: The proposed subdivision is to subdivide two (2) existing parcels into three (3) separate parcels. In total there is .72 acres (31,273 square feet) of property to be split into three (3) individual parcels.

Zoning: The property is currently zoned R-1-8 and according to table 10-1 of the zoning ordinance the R-1-8 zone requires that each single-family lots to be a minimum of 8,000 sq.-ft. which each lot exceeds this requirement, the smallest being 26, 2987 sq.-ft. and each lot also meets the lot width requirements.

Access: Lot 1 has access onto 2300 South with lots 2 & 3 having direct access to 5200 South.

Improvements / Utilities: Lot 2 is the only parcel that does not already have utilities, because lots 1 & 3 already exist and already have all utilities.

DRC Review: The DRC has reviewed the proposed subdivision, see attached memo. Two (2) out of the three (3) parcels do not have enough square footage to meet the minimum requirements of the R-1-8 zone.

Summary: This small three (3) lot subdivision has two parcels that do not meet aspects of the zoning requirements for lot size.

CONFORMANCE TO THE GENERAL PLAN

The future land use map shows and supports this area to be developed as R-1-7; Single-Family Density Residential.

CONDITIONS FOR APPROVAL

- I. Compliance to the requirements and recommendations as outline in the DRC memo dated 27 August 2015 (Attached).

FINDINGS

- I. The proposed subdivision does not meet all of the requirements of the Zoning Ordinance.

ALTERNATIVE ACTIONS

The Planning Commission can recommend Approval, Approval with conditions, or Table.

RECOMMENDATION

Staff recommends denial of the Preliminary Subdivision of Spencer Subdivision located at approximately 2243 West 5050 South.

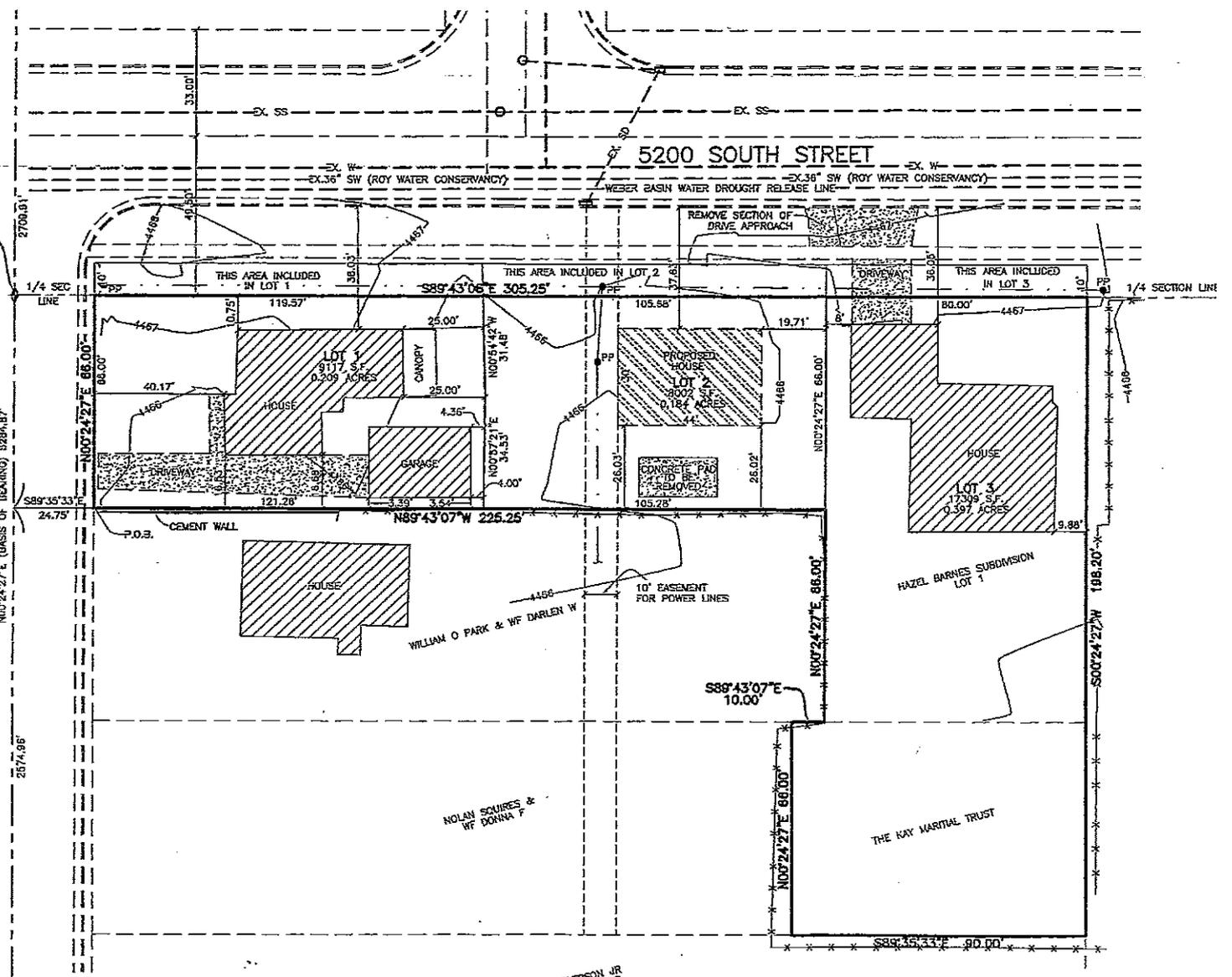
EXHIBITS

- A. Aerial Map
- B. Preliminary Subdivision plat
- C. DRC Memo dated 27 August 2015

EXHIBIT "A" - AERIAL MAP

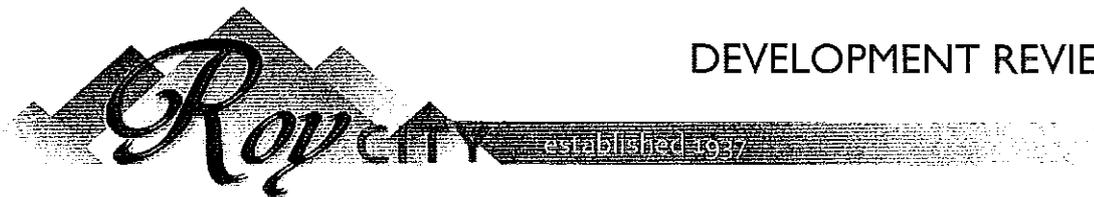


4000 WILSON JINILLI



DON C HOLERSON JR & WF JOELLE MARIE

EXHIBIT "B" - PRELIMINARY SUBDIVISION PLAT



DEVELOPMENT REVIEW COMMITTEE

REVIEW MEMO

Date: 27 August 2015

To: Loren O. Kay
Sharon P. Spencer
E. Roche – Reeve & Associates

From: Steve Parkinson – Planning & Zoning Administrator *SP*
Mark Miller – City Engineer
Ross Oliver – Public Works Director
Jeff Comeau – Deputy Fire Chief
Ed Pehrson – Building Official
Clint Drake – City Attorney

Subject: Spencer Subdivision [2243 We. 5200 So.] – Preliminary Plat

We have tried to address all items of concern with reference to all applicable City codes or for the general Health, Safety and Welfare of the public, however, this review does not forego any other items of concern that may come to our attention during additional reviews.

Engineering

1. The legal description should be corrected to match the plat.
2. The area fronting the lots that is not owned by the applicant can be used in set-back calculations but should not be counted as lot area (see attached City Council minutes of August 1984).
3. Existing and proposed service laterals (sanitary sewer, water, secondary water) should be indicated on the drawings. Secondary irrigation water from Roy Water Conservancy is required for all new lots in Roy City.
4. Lot 2 may have power line restrictions. The applicant will need to detail the restrictions on the plat if Rocky Mountain Power deems it applicable.
5. The location of the nearest existing fire hydrant should be shown.

Fire / Public Works

1. No comments at this time.

Building

1. There shall be a Geotechnical Engineer inspection conducted once the excavation has been completed and prior to any fill or footings being placed. The Geotech Engineer shall provide a report to the contractor, which will then turn it into the City Building Official for review. All conditions present at the time of inspection shall be noted and any recommendations from the Geotechnical Engineer shall be followed. Soil type, ground water, and fill material are a few of the items to be checked for.
2. Section R405.1 Concrete or masonry foundations requires drains to be installed. Drains shall be provided around all concrete or masonry foundations that retain earth and enclose habitable or usable spaces located below *grade*. Drainage tiles, gravel or crushed stone drains, perforated pipe or other *approved* systems or materials shall be installed at or below the area to be protected and shall discharge by gravity or mechanical means into an *approved* drainage

system. Gravel or crushed stone drains shall extend at least 1 foot (305 mm) beyond the outside edge of the footing and 6 inches (152 mm) above the top of the footing and be covered with an *approved* filter membrane material. The top of open joints of drain tiles shall be protected with strips of building paper. Perforated drains shall be surrounded with an *approved* filter membrane or the filter membrane shall cover the washed gravel or crushed rock covering the drain. Drainage tiles or perforated pipe shall be placed on a minimum of 2 inches (51 mm) of washed gravel or crushed rock at least one sieve size larger than the tile joint opening or perforation and covered with not less than 6 inches (152 mm) of the same material.

3. Property lines shall be established so as to maintain the minimum fire separation distances of 5' to detached structures on adjoining properties and to maintain the minimum set back requirements for the zone in which it is located for dwelling units.

Legal

1. The area fronting the lots that is not owned by the applicant can be used in set-back calculations but should not be counted as lot area (see attached City Council minutes of August 1984).

Planning

1. The canopy on Lot 1 needs to be removed.
2. As mentioned by Engineering and Legal, area owned by the City cannot be used to calculate lot area. Lots 1 and 2 do not meet the minimum lot area requirement of 8,000 sq.-ft.
3. Drive approach that is identified to be removed, the curb and gutter will need to be replaced.
4. According to Weber County Lot 1 owns to the middle of 2300 West, that portion of the right of way needs to be dedicated to the city.



SYNOPSIS

Application Information

Applicant: Kathleen Fladie
Request: Request for Preliminary Subdivision approval for Ward Estates Subdivision phase 3 Amended, a two (2) lot single-family residential subdivision.
Address: Approximately 5050 South 3500 West

Land Use Information

Current Zoning: R-1-8; Single-Family Residential
Adjacent Land Use: North: R-1-8; Single-Family Residential South: R-1-8; Single-Family Residential
East: R-1-8; Single-Family Residential West: Unincorporated Weber County

Staff

Report By: Steve Parkinson
Recommendation: Recommends

APPLICABLE ORDINANCES

- Roy City Zoning Ordinance Title 10, Chapter 10 (General Property Development Standards)
- Roy City Subdivision Ordinance Title 11, Chapter 3 (Preliminary Subdivision Application)
- Roy City Subdivision Ordinance Title 11, Chapter 9 (Subdivision Development Standards)

BACKGROUND

The property is located on the east of 3500 West in between 4800 South and 5600 South. There is an existing dwelling unit which has 141.67 feet of street frontage. It is fully surrounded by residential properties but those are on smaller lots. The proposed Lot 35, will be directly in front of the existing home, basically subdividing off the front yard.

Subdivision: The proposed subdivision is to subdivide .84 acres (36,571 square feet) of property into two (2) individual parcels. Lot 35 will house the existing dwelling and comprises 25,416 square-feet. The remaining 11,145 sq.-ft will be Lot 26

Zoning: The property is zoned R-1-8 and according to table 10-1 of the Roy City zoning ordinance the R-1-8 zone requires that for single-family lots to be a minimum of 8,000 sq.-ft. which each lot exceeds this requirement, the smallest being 11,145 sq.-ft. and each lot also meets the lot area requirements. Lot width (which is along a public street) is not being met, but the applicant is looking to use a "shared driveway". If approved then the width of each lot would be measured at setback, which each parcel could meet.

Access: The subdivision as proposed, is requesting to use a shared driveway to be used by both properties. In order to grant a "shared driveway" the Commission will need to review the following ordinance and then determine if it meets it:

Section 1102 – Shared Driveways

- 2) The creation of or the issuance of a building permit for a lot or parcel accessed from a shared driveway may be approved by the DRC under the following circumstances:
 - a) There exists certain unique circumstances that directly impact the lots or parcels to be accessed by the shared driveway as follows:

- i) The lots or parcels are isolated from any presently existing public streets and will be isolated from any future public streets; and
- ii) Certain physical barriers exist that isolate the proposed lots or parcels and preclude future expansion and development and deny through access to public streets bound the property. For purposes of this Section, physical barriers may include: existing canals with recorded easements and rights-of-way that prohibit public access and crossing; railroad rights-of-way; terrain that prevents conventional access by public streets; utility easements which prohibit street access and crossing; existing developments of improved real property contiguous to the subject property that prohibits extension of through public streets to or from the lots or parcels; existing or proposed drainage requirements which include storm drain channels, retention/detention ponds, or natural creek beds which prohibit public street access; or limited access roads which prohibit a public street connection.
- iii) The shared driveway is not necessary to be dedicated as a public street to accomplish needed and logical street connections, to provide access to properties that may otherwise have no access or limited access to the detriment of the property.

Staffs review of the above ordinance is as follows:

- (i) *Parcels are isolated from existing/future public streets* – Each parcel will have direct access to 3500 West, so neither parcel is isolated from existing/future streets.
- (ii) *Existing physical barriers* – There are no physical barriers as listed within the ordinance.
- (iii) *Street connectivity providing access to properties* – The need for a shared driveway is a self-imposed problem, both parcels currently have access to 3500 West.

Staff

Improvements / Utilities: Both lots are easily served by all utilities.

DRC Review: The DRC has reviewed the development, (see attached memo). There are many issues that need to be resolved

Summary: The proposed subdivision does not meet the shared driveway requirements, thus as proposed does not meet the lot width requirements. The R-1-8 zone allows the width of each parcel to be a minimum of 65 feet. With 141.67 feet of street frontage, there is enough room for both parcels to have the required street frontage.

CONFORMANCE TO THE GENERAL PLAN

The future land use map shows and supports this area to be developed as R-1-8; Single-Family Density Residential.

CONDITIONS OF APPROVAL

- I. Compliance to the requirements and recommendations as outline in the DRC memo dated 6 August 2015 (Attached).

FINDINGS

- I. The proposed subdivision does not meet the shared driveway section of the Zoning Ordinance.

ALTERNATIVE ACTIONS

The Planning Commission can recommend Approval, Approval with conditions, or Table.

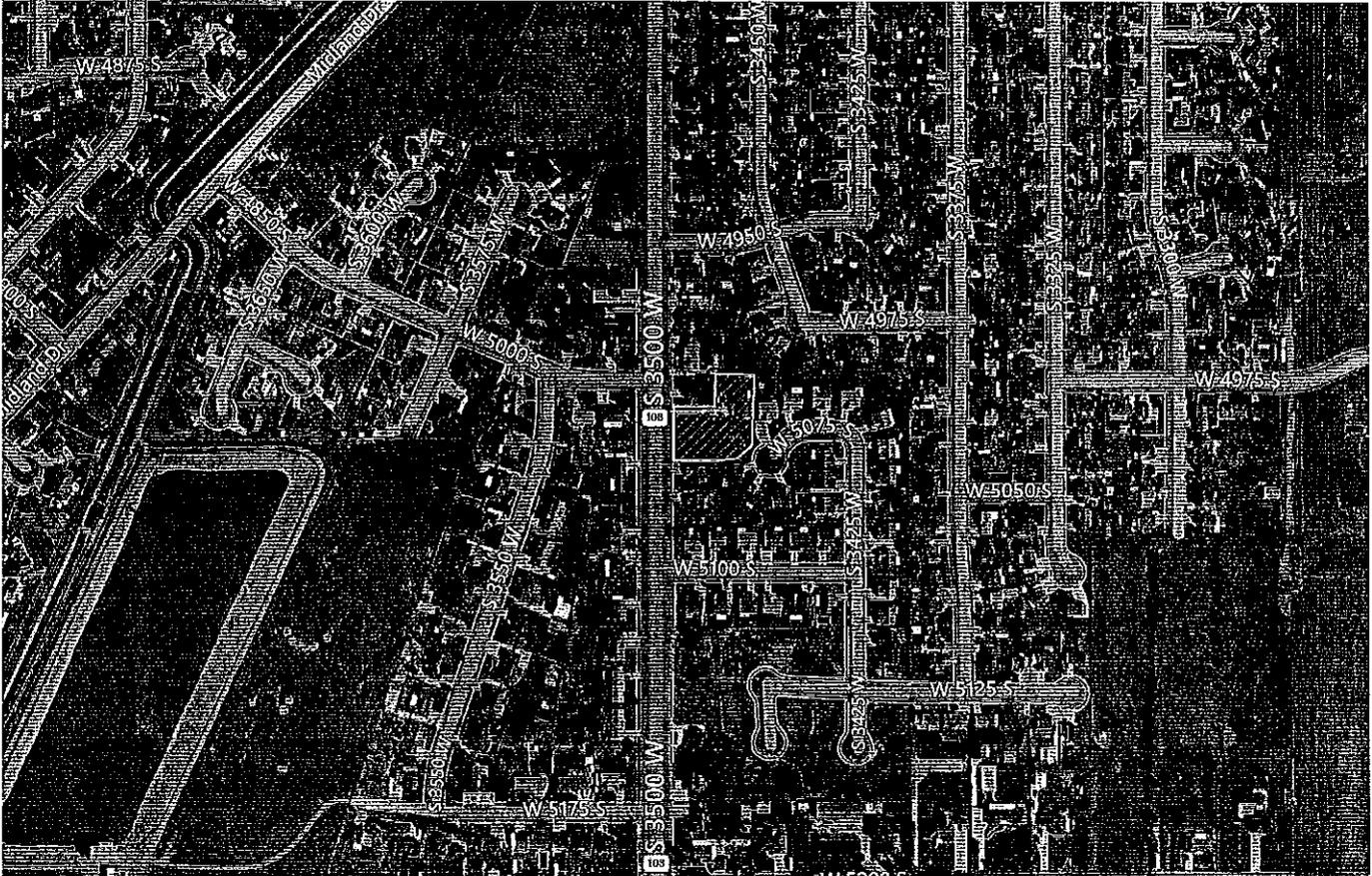
RECOMMENDATION

Staff recommends denial of the Preliminary Subdivision of Ward Estates Subdivision phase 3 Amended located at approximately 5050 South 3500 West with the conditions as discussed and as outlined within the staff report.

EXHIBITS

- A. Aerial Map
- B. Preliminary Subdivision plat
- C. DRC Memo dated 3 September 2015

EXHIBIT "A" – AERIAL MAP





DEVELOPMENT REVIEW COMMITTEE

REVIEW MEMO

Date: 3 September 2015

To: Kathleen Fladie
Andy Hubbard; Great Basin Engineering

From: Steve Parkinson – Planning & Zoning Administrator 
Mark Miller – City Engineer
Jeff Comeau – Deputy Fire Chief
Ed Pehrson – Building Official
Ross Oliver – Public Works Director
Clint Drake – City Attorney

Subject: Ward Estates Subdivision 1st Amendment (5050 S 3500 W) Preliminary Plat

We have tried to address all items of concern with reference to all applicable City codes or for the general Health, Safety and Welfare of the public, however, this review does not forego any other items of concern that may come to our attention during additional reviews.

Engineering –

1. Secondary Water laterals should be shown.
2. UDOT approval should be submitted.
3. This subdivision does not appear to comply with the current city ordinances for a shared driveway.
4. Cross access agreement should be submitted for City Attorney's review.

Building -

Subdivision

1. No comments.

Construction of future dwelling unit (if approved).

1. The Geotech Engineer shall reference the original soils report for the subdivision. If no original soils report can be found, then there shall be a subsurface investigation completed on the proposed lot and a report provided to the City. All findings shall be noted and all requirements shall be followed. If the original soils report is available there shall be a Geotechnical Engineer inspection conducted once the excavation has been completed and prior to any fill or footings being placed. The Geotechnical Engineer shall provide a report to the contractor, which will then turn it into the City Building Official for review. All conditions present at the time of inspection shall be noted and any recommendations from the Geotechnical Engineer shall be followed. Soil type, ground water, and fill material are a few of the items to be checked for.
2. Section R405.1 Concrete or masonry foundations requires drains to be installed. Drains shall be provided around all concrete or masonry foundations that retain earth and enclose habitable or usable spaces located below *grade*. Drainage tiles, gravel or crushed stone drains, perforated pipe or other *approved* systems or materials shall be installed at or below the area to be protected and shall discharge by gravity or mechanical means into an *approved* drainage system. Gravel or crushed stone drains shall extend at least 1 foot (305 mm) beyond the outside edge of the footing and 6 inches (152 mm) above the top of the footing and be covered with an *approved* filter membrane material. The top

of open joints of drain tiles shall be protected with strips of building paper. Perforated drains shall be surrounded with an *approved* filter membrane or the filter membrane shall cover the washed gravel or crushed rock covering the drain. Drainage tiles or perforated pipe shall be placed on a minimum of 2 inches (51 mm) of washed gravel or crushed rock at least one sieve size larger than the tile joint opening

Fire / Public Works / Legal -

1. No comment at this time

Planning -

1. Application is incomplete, missing the following items:
 - a. Title Report,
 - b. Tax Clearance
2. Proposed shared driveway does not meet section 1102 of the Roy City Zoning Ordinance, which outlines criteria needed in order for a shared driveway to be approved.
3. Has UDOT been contacted? Have they denied a request for access onto 3500 West?
4. Need to change the date within every signature block of the city's including those for the surveyor and owner from 2012 to 2015.
5. Need to change the date in the title section from 2012 to 2015.
6. There are two scales on the plat, they are different than each other. (1"=40' and 1"=20')
7. All of the city signature blocks are incorrect (included in this memo). They are not needed on preliminary subdivision drawings only on the Final plat.
8. The following items significantly decrease the allowable building area for a future dwelling unit:
 - a. With the existing P.U.E. to the southern end of the proposed parcel # 35, the easement for the sewer lateral for Lot 26 significantly decreases the allowable building foot-print for a future dwelling unit.
 - b. The proposed property line between lots 26 & 35 heading NW after 94.65'!
9. There needs to be language for the shared access easement.
10. The existing "box garden" on Lot 26 is within the front yard setback.

Signature blocks

PLANNING COMMISSION

This is to certify that this subdivision plat was duly approved by the Roy City Planning Commission on the _____ day of _____, 20____.

ROY CITY ENGINEER

I hereby certify that the requirements of all applicable statues and ordinances prerequisite to approval by the Engineer of the foregoing plat and dedications have been complied with. Signed this ____ day of _____, 20____.

Roy City Engineer

the Mayor, on the ____ day of _____, 20____.

Roy City Mayor

ROY CITY ATTORNEY

Approved as to form this ____ day of _____, A.D. 20____.

Roy City Attorney



SYNOPSIS

Application Information

Applicant: Kent Hill
Request: Conditional use to allow Multi-Family Housing
Address: 5629 South 2700 West

Land Use Information

Current Zoning: R-3; Multi-Family Residential
Adjacent Land Use: North: RE-20; Single-Family Residential and R-3; Multi-Family Residential
South: RE-20; Single-Family Residential
East: R-3; Multi-Family Residential and R-1-8; Single-family Residential
West: R-3; Multi-Family Residential

Staff

Report By: Steve Parkinson
Staff Recommendation: Table

APPLICABLE ORDINANCES

- Roy City Zoning Ordinance Title 10, Chapter 10 – General Property Development Standards
- Roy City Zoning Ordinance Title 10, Chapter 10 – Supplementary Development Standards
- Roy City Zoning Ordinance Title 10, Chapter 15 – Conditional Uses
- Roy City Zoning Ordinance Title 10, Chapter 19 – Off-Street Parking and Loading

CONFORMANCE TO THE GENERAL PLAN

- Residential Development Goal 1; Policy D: *The City's policies should encourage the development of a diverse range of housing types, styles and price levels in all areas of the City.*
- Residential Development Goal 3; Policy G: *The housing needs for low and moderate income families and senior citizens in Roy City shall be determined by the City on a regular basis, or as the need arises.*

ANALYSIS

Background:

The applicant is looking to amend both the Future Land Use Map from Medium Density Single-Family Residential to Very High Multi-Family Residential and the Zoning Map from R-1-8 (Single-Family Residential) to R-4 (Multi-Family Residential).

Description: Property is approximately 0.945 acres (41,167 sq.-ft.), currently vacant. The D&RG trail is goes along the eastern property line.

Conditional Use Standards: The general standards for granting any Conditional Use are summarized by the following:

1. The requested use must be listed as a Conditional Use.
2. The use must comply with setbacks and other zoning standards.
3. The use must be conducted in compliance with the ordinance and any other regulations.
4. The property must be of adequate size to allow the use in a manner that is not detrimental to the surrounding uses.
5. Must be consistent with the goals and policies of the City's General Plan.

Staffs overview of the above mentioned standards are as follows:

- Multi-Family residential is a listed Conditional Use
- The project can eventually comply but currently does not
- Use is in accordance with the zoning ordinance
- The property is sized for around the number of units proposed.
- The proposed is consistent with the goals & policies of the General Plan

Open Space: Multi-family housing projects are required to provide open space including an amenity. The open space of a project should be anywhere between 40% and 55%. This project provides 41% landscaped open space, with only one amenity. However according to grading and drainage plan other than the retention ponds, which aren't allowed in the City, the rest of the open areas are un-useable because of the topography.

Amenities: There is a proposed swing set / Play area within one of the water retention ponds. Nothing was given or proposed on the type, height, etc.

Pedestrian Access: The property has two street frontages with sidewalks on each street. The project does not provide a unique pedestrian access into the project.

Access: The project has a single access onto 2700 West, it is currently proposed to be seventeen (17) smaller than required.

Parking: Parking requirements for multi-family uses are 2.5 spaces per unit, one of which must be covered. The proposal provides the requisite parking of 30 stalls. Of those stalls, 12 are covered, with 6 visitor stalls

Lighting: 10 light posts were identified, but no information as to fixture type and overall height of fixture & pole.

Signs: The project proposes one sign location along 5600 South, but no plans were submitted. All signs must comply with Roy City sign ordinance.

Other Aspects: Other aspects of the site planning worth noting at this time are the locations of four trash enclosures throughout the project, and the addition of two extensions of pavement at the extreme ends of the west property lines for snow removal storage.

CONDITIONS OF APPROVAL

- Compliance to all requirements of the DRC.
- Receive Subdivision approval
- Receive approval from the Roy City Council.

FINDINGS

- I. That there are to many issues with the proposed development, to proceed with recommending approval

ALTERNATIVE ACTIONS

The Planning Commission can Approve, Approve with conditions, Table or Deny.

RECOMMENDATION

Staff recommends that the Planning Commission table the request of a Conditional Use to allow Multi-Family Housing with the conditions as stated in the staff report.

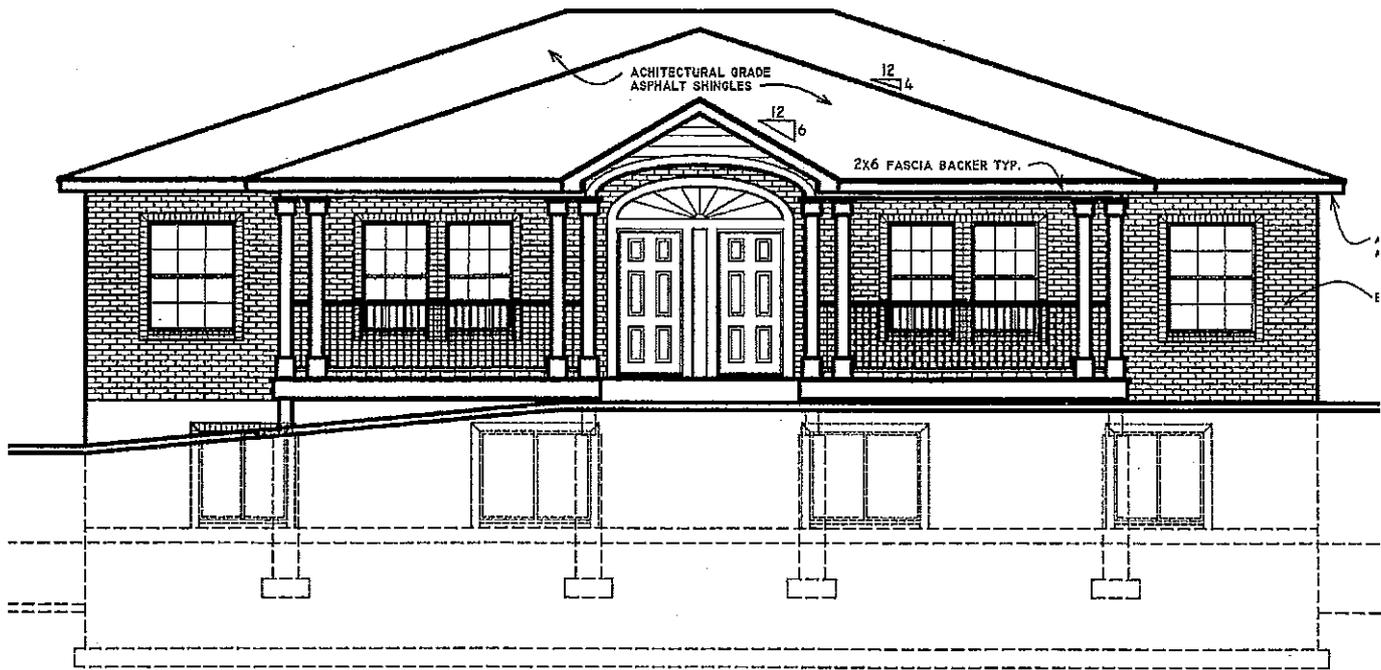
EXHIBITS

- A. Aerial Map

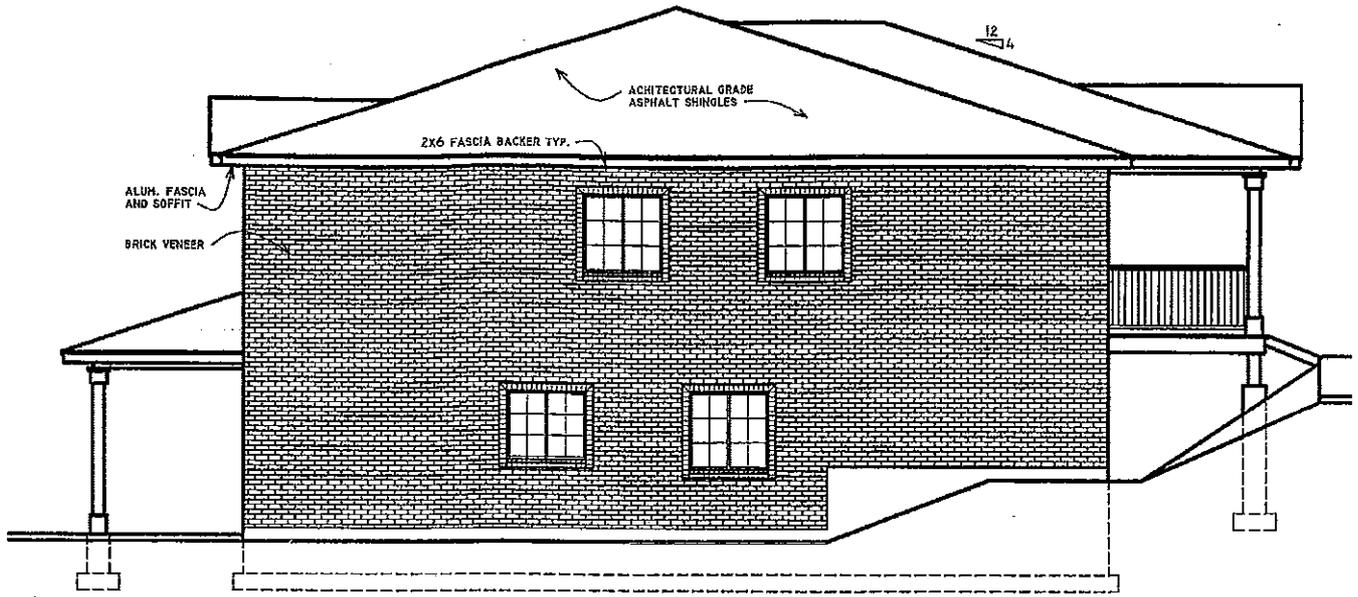
EXHIBIT "B" – PROPOSED BUILDING ELEVATIONS



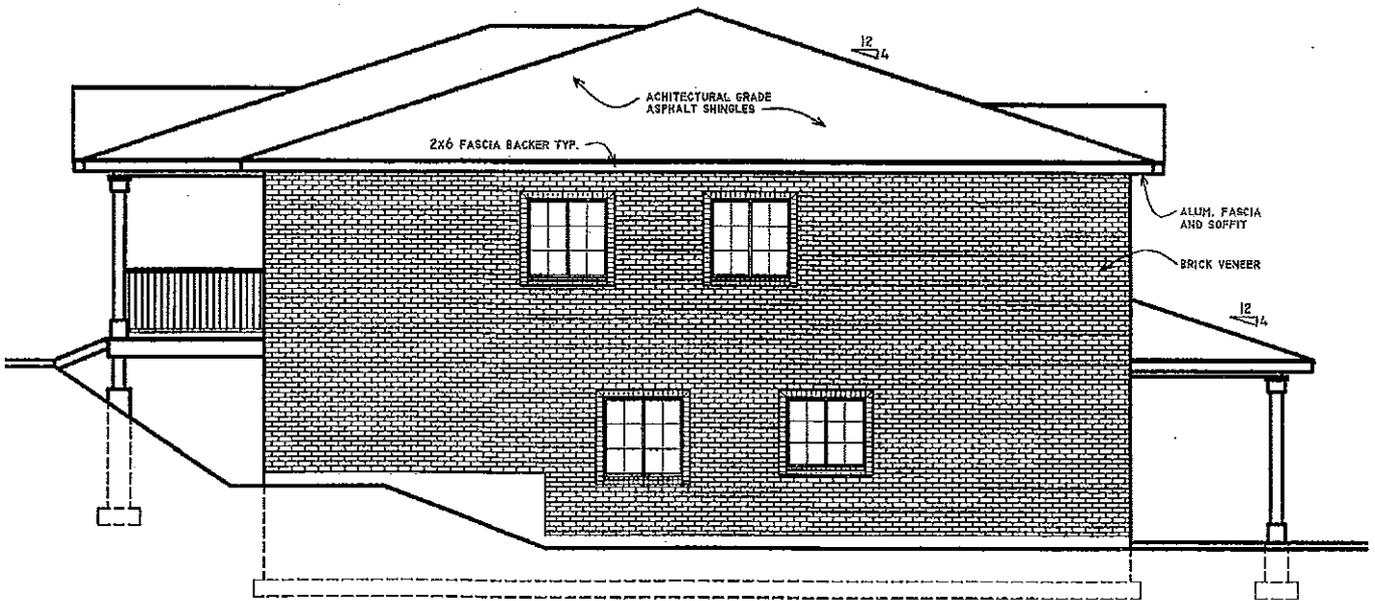
REAR ELEVATION



FRONT ELEVATION



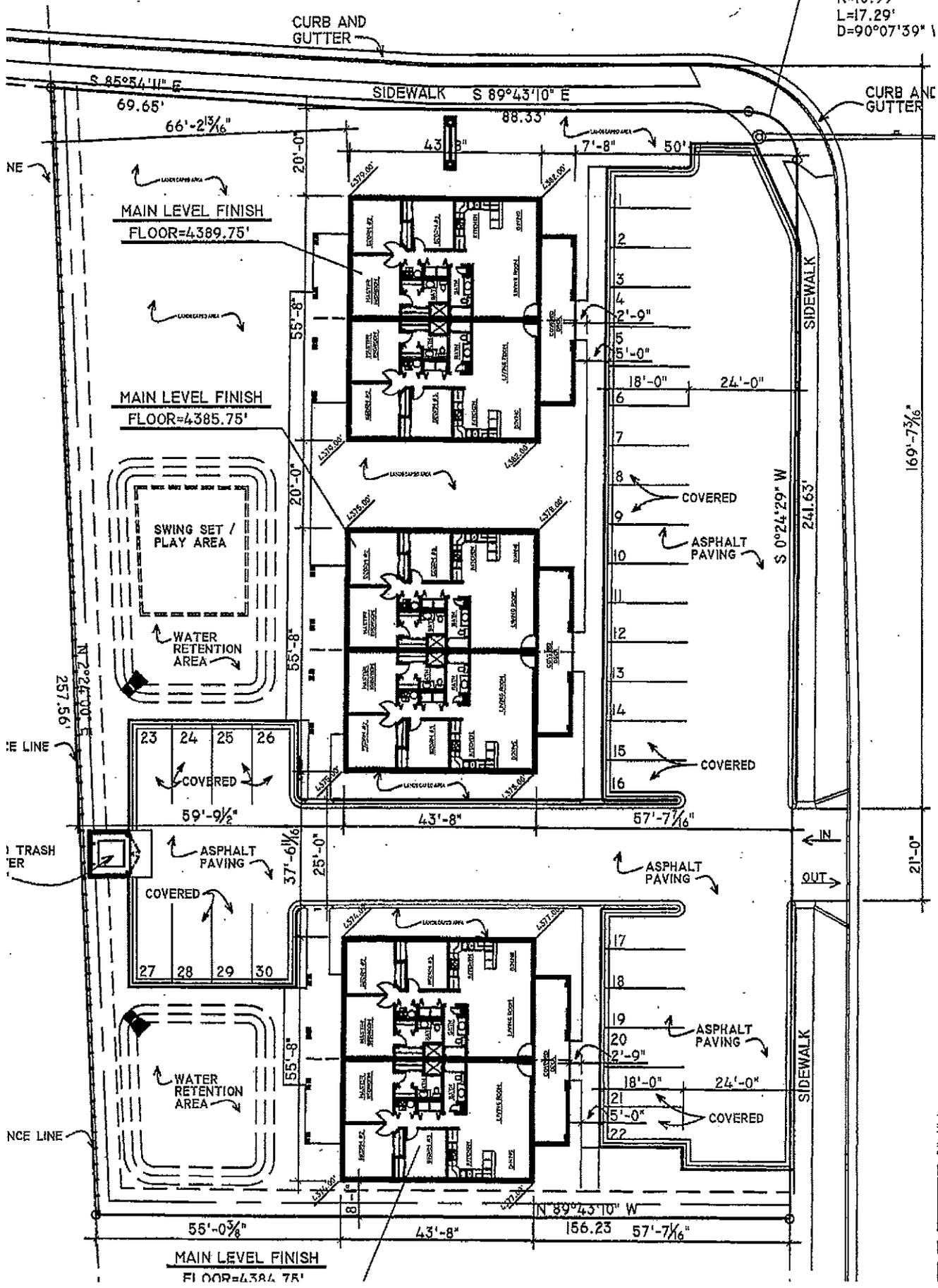
LEFT ELEVATION



RIGHT ELEVATION

EXHIBIT "C" - PROPOSED SITE PLAN

R=10.77
L=17.29'
D=90°07'39"





DEVELOPMENT REVIEW COMMITTEE

REVIEW MEMO

Date: 3 September 2015
To: Kent Hill
From: Steve Parkinson – Planning & Zoning Administrator *SP*
Mark Miller – City Engineer
Jeff Comeau – Deputy Fire Chief
Ed Pehrson – Building Official
Ross Oliver – Public Works Director
Clint Drake – City Attorney
Subject: Builders Alliance Multi-Family Development (5629 S 2700 W)

We have tried to address all items of concern with reference to all applicable City codes or for the general Health, Safety and Welfare of the public, however, this review does not forego any other items of concern that may come to our attention during additional reviews.

Engineering –

1. Upon intimal review, I noticed the entry width and aisle widths do not meet City Standards and will affect the layout of this project in a significant enough manner that any further engineering review would likely be a waste of time. Once the entry and aisle width issues are resolved and the new layout is designed, we can perform a thorough review of the site. I have attached 3 previous memo's (attached) in which we reviewed other iterations of this project. The purpose for the attachments is to let the developer know some of the standards they weren't meeting previously and to reference actual code sections. All of the items mentioned in these previous reviews will apply to this current proposal and should be considered in the re-design with the appropriate aisle and entry widths. Another issue I noticed is that they are proposing retention. Detention will be required, with the likely outlet to the storm drain in 5600 South.

Fire -

1. If building type is listed as R2 per building code official for multifamily, units will need to be sprinkled and alarm per IFC. Unit FDC locations need to be approved per code official.
2. Sprinkler and alarm plans per IFC and NFPA will need to be submitted and approved per code official.
3. Entrance driveway can't be more than 10% grade per IFC. Exceptions to this is allowed but must be approved per code official.
4. Hydrant needs to be located within 100 feet of FDC when required.
5. Parking will only be allowed in designated parking stalls per IFC.
6. No Parking Fire Lane signs need to be posted on both sides of each driveway and no parking will be allowed in front or on either side of building per IFC.

Building -

1. The buildings will be classified as an R-2 Occupancy according to the 2012 IBC.
2. The buildings will be required to be designed and constructed as per the applicable sections of the IBC, IECC, NEC, IPC, IMC, IFGC, ICC A117.1 and all other applicable codes as currently adopted by the State of Utah at the time of application for a Building Permit.
3. There shall be a geotechnical sub surface investigation performed on the site. There shall be a minimum of three borings performed by a Geotechnical Engineer to evaluate conditions below the surface. All

findings shall be submitted to the City and all recommendations made in the Geotechnical Report shall be followed.

4. Each building will be permitted separately.
5. Buildings will be required to have a NFPA 13R fire sprinkler system and fire alarm systems as per code.
6. Egress will be required to be maintained from the lower level bedrooms through the windows located under the deck.
7. Code requirements for accessible parking will apply, chapter 11 of the IBC.
8. Code requirements for type A and B units will apply, chapter 11 of the IBC.

Public Works -

1. Sewer is shallow on 2700 West, need to check depth
2. Three (3) water meters instead of one (1). Will get better flow, better pressure.
3. Sheet C-5 – just west of the northern building it states “4” PVC sewer line” & “C.O.” – needs better sewer drainage.

Legal -

1. No comment at this time

Planning -

A. General Comments

1. The site consists of three (3) separate parcels, which need to be combined into one. The proposed buildings cannot straddle property lines. Subdivision approved is required.
2. Storm Water Retention is not allowed in Roy City, the proposed drainage system will need to be revised.

B. Building Design Standards

1. No building materials or color board was submitted
2. Any wall surface longer than thirty (30) feet in length must have a surface relieve.
3. No elevations were given for the covered parking structures.
4. Dumpster enclosures need to be of similar materials, colors as the main building.

C. Site Design Standards

1. The front yard setback is to be landscaped, proposed site provides zero landscaping in front yard.
2. There was no parking lot screening?
3. 5% of the parking lot is to be landscaped.
4. Can a garbage truck access the dumpster and back out of project safely?
5. The minimum base open space required is 20%, remnant, unused areas within the project may not be included in the calculations of the base open space.
6. Impervious surface cannot exceed 55%, currently it is 59%, and ordinance does allow to look at surrounding properties for reference. To the south and North it is RE-20 which has minimal impervious surface. To the west it is R-1-8, which has more impervious surface than RE-20 but is still pretty landscaped. R-3 is to the north and east, staff is unsure of the exact ratio within those developments on those properties.

D. Site Lighting Standards

1. Need a photometric drawing if there are any exterior lighting.
 - a. Need to know height of proposed pole & fixture
 - b. Need a photo of all light fixtures

E. Site and Building Sign Standards

1. A separate permit is required for all signage.