



AGENDA

October 13, 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 September 8, 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. 6:00 p.m. – PUBLIC HEARING - Consider a request for Conditional Use, including Site Plan and Building elevation approval for a 31 unit multi-family senior housing complex located approximately at 2350 W. 4000 S.
5. Commissioners Comments
6. Staff Update
7. Adjourn



1 ROY CITY PLANNING COMMISSION

2
3 September 8, 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 September 8, 2015, at 6:00 p.m.

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

11
12 The following members were in attendance:

13
14 Gennie Kirch, Chairman Steve Parkinson, Planner
15 Bob Dandoy Michelle Drago, Secretary
16 Leland Karras
17 Doug Nandell
18 Lindsey Ohlin
19 Joe Paul
20 Claude Payne

21
22 Others present were: Frank Weymouth; Cheryl Weymouth; Ellen Romero; Terry R. Spencer;
23 Deloy Page; Denise Scott; Loren O. Kay; Chad Hansen; Betty Hofer; Alicia Anderson; Clip
24 Holverson; Joelle Holverson; Henry Murray; Richard Moore; Michelle Moore; Curtis Tubbs; Elise
25 Tubbs; Kathleen Fladie; Richard Anway; Gwen Anway; Jim Arrant; Lorin Parks; Kent Hill; and
26 Bert Visser.

27
28 Pledge of Allegiance: Leland Karras

29
30 1. DECLARATIONS OF CONFLICT

31
32 There were none.

33
34 2. APPROVAL OF AUGUST 25, 2015, MINUTES

35
36 **Commissioner Ohlin moved to approve the August 25, 2015, minutes as corrected.**
37 **Commissioner Karras seconded the motion. Commission members Dandoy, Karras, Kirch,**
38 **Nandell, Ohlin, Paul, and Payne voted “aye.” The motion carried.**

39
40 3. CONTINUED – CONSIDERATION OF A SITE PLAN TO ALLOW ACCESSORY
41 BUILDINGS FOR THE SOUTHERN COMFORT RESAURANT LOCATED AT 5357
42 SOUTH 1900 WEST

43
44 Steve Parkinson stated that the applicant was not present. On August 11, 2015, the Planning
45 Commission asked that the City’s legal counsel determine what would happen if the Planning
46 Commission approved the amended site plan with the accessory buildings and conditions outlined
47 in the staff report and the owner did not comply. The Planning Commission also asked if the
48 property owner would be responsible to comply with the approved landscaping plan. Clint Drake,
49 the City Attorney, said the property owner signed the conditional use application submitted by the
50 applicant. The property owner was responsible to comply with the requirements of the Planning
51 Commission and City Council. The City Attorney also said this site was just like a brand new

52 building and business. If the owner and applicant did not comply with the requirements of
53 approval, their conditional use could be revoked.

54
55 Mr. Parkinson said the building was an existing building, but it had been vacant for over five years.
56 It lost any non-conforming status it might have had. The staff tried to bring the site up to today's
57 standards as much as possible. The staff didn't try to get all of the required landscaping, but felt
58 landscaping along 1900 West was the best option.

59
60 Mr. Parkinson recommended that consideration of the site plan be tabled until the applicant could
61 be in attendance.

62
63 **Commissioner Dandoy moved to table consideration of a site plan to allow accessory**
64 **buildings for the Southern Comfort Restaurant located at 5357 South 1900 West based on**
65 **the staff's findings. Commissioner Paul seconded the motion. Commission members**
66 **Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and Payne voted "aye." The motion carried.**

67
68 4. CONSIDERATION OF A SITE PLAN AND MODIFICATION OF AN EXISTING FOR THE
69 ROY CHRISTIAN CHURCH LOCATED AT 4347 SOUTH 1900 WEST

70
71 Steve Parkinson stated that the City had received a request for approval of a site plan to modify
72 the existing Roy Christian Church located at 4347 South 1900 West. The church was built before
73 the City adopted architectural standards. The current exterior was very bland brick walls. The
74 occupants wanted to dress up the church with materials and coloring, porticos on the north and
75 south ends, and gables on the north and south sides of the building. A detached canopy would
76 be added on the west side of the building. The size of the playground would be increased and
77 fenced in. The applicant originally wanted to put a six-foot fence around the playground, but the
78 maximum fence height allowed in a front yard was four feet. The landscaping would also be
79 upgraded, and the parking lot would be repaved. A future storage shed would match the church
80 in color. He felt the proposed changes were fantastic. The building would be more cohesive.

81
82 Chairman Kirch asked if the handicap parking would be affected. Mr. Parkinson there would be
83 two angled, handicap parking stalls in front of the church.

84
85 Mr. Parkinson stated that the DRC had a few comments, but nothing that would hold up the
86 project. The staff had found that the proposed building met the minimum building standards as
87 established in the Zoning Ordinance. The proposed site plan improvements could meet the site
88 design standards in the Zoning Ordinance with the conditions outlined in the DRC's September
89 3, 2015 memo. The staff recommended that the Planning Commission approve the site plan and
90 building elevations for the Roy Christian Church subject to the DRC's recommendations.

91
92 Chairman Kirch invited the proponent to speak.

93
94 Chad Hansen, Mountain West Architects, Ogden, felt Mr. Parkinson had covered the project well.

95
96 Chairman Kirch stated that this was a highly used building. Her home was located next to the
97 parking lot. She asked if the drainage problem in the parking lot would be addressed. Mr. Hansen
98 thought it was a French drain. Chairman Kirch said her neighbor knew about the drain's history

99 as he lived there when it was installed. She would send her neighbor's contact information to Mr.
100 Hansen.

101
102 Commissioner Dandoy was concerned about the proximity of the playground to 1900 West, which
103 was a highly traveled road with a speed limit of 45 MPH. There was a possibility a car could veer
104 off into the playground. He asked if there was any strength in the protection along 1900 West.

105
106 Chad Hansen said the fence would be constructed of stone pillars and wrought iron.

107
108 Chairman Kirch stated that a car had gone off the road here, but it didn't get close to the
109 playground.

110
111 Commissioner Dandoy felt the fence and landscaping would provide some protection. He just
112 wanted to make sure there was a conscious effort to understand that the children were vulnerable
113 to the traffic traveling along 1900 West.

114
115 Chad Hansen said they had wanted a six-foot fence around the playground for security, but the
116 City only allowed a four-foot fence in the front yard setback. The church planned to add another
117 buffer along the fence in the form of bushes. Then children would not be able to get to the fence.

118
119 Chairman Kirch asked if the dumpster would be relocated. Mr. Hansen said it would not. Chairman
120 Kirch asked if it would be screened. Mr. Hansen said it would not. Steve Parkinson said the
121 dumpster had to be screened from public view. The dumpster's location was not readily visible.

122
123 **Commissioner Paul moved to approve site plan and building elevations for the**
124 **modification of the Roy Christian Church located at 4347 South 1900 West based on the**
125 **staff's findings and subject to the recommendations of the DRC. Commissioner Payne**
126 **seconded the motion. Commission members Dandoy, Karras, Kirch, Nandell, Ohlin, Paul,**
127 **and Payne voted "aye." The motion carried.**

128
129 5. CONSIDERATION OF A REQUEST FOR APPROVAL OF A CONDITIONAL USE FOR A
130 COMMERCIAL (INDOOR) RECREATIONAL FACILITY LOCATED AT 3626 WEST 5600
131 SOUTH

132
133 Steve Parkinson stated that the City had received a request for approval of a conditional use for
134 a commercial (indoor) recreational facility to be located at 3626 West 5600 South, which was
135 located in the Kent's Shopping Center. An existing dentist wanted to use the adjacent space as a
136 video arcade. He planned to use the existing parking lot where there was plenty of parking. Mr.
137 Parkinson felt the use would be cohesive with the surrounding uses.

138
139 Mr. Parkinson said the staff had found that the proposed conditional use was in keeping with the
140 goals and intent of the General Plan and met the requirements of the Zoning Ordinance. The
141 staff recommended that the Planning Commission recommend that the City Council approve a
142 conditional use for a commercial (indoor) recreational facility subject to the applicant receiving a
143 building permit to remodel the existing space and a business license.

144

145 Chairman Kirch asked about the hours of operation. Mr. Parkinson did not know what the specific
146 hours would be. The Zoning Ordinance allowed commercial businesses to be open until 11:00
147 p.m.

148
149 **Commissioner Karras moved to open the public hearing at 6:20 p.m. Commissioner Ohlin**
150 **seconded the motion. Commission members Dandoy, Karras, Kirch, Nandell, Ohlin, Paul,**
151 **and Payne voted “aye.” The motion carried.**

152
153 Chairman Kirch opened the floor for public comments. There were none.

154
155 **Commissioner Nandell moved to close the public hearing at 6:21 p.m. Commissioner Paul**
156 **seconded the motion. Commission members Dandoy, Karras, Kirch, Nandell, Ohlin, Paul,**
157 **and Payne voted “aye.” The motion carried.**

158
159 **Commissioner Dandoy moved to recommend that the City Council approve a conditional**
160 **use for an commercial (indoor) recreational facility located at 3626 West 5600 South based**
161 **on the staff’s findings and subject to the conditions recommended by the DRC.**
162 **Commissioner Ohlin seconded the motion. Commission members Dandoy, Karras, Kirch,**
163 **Nandell, Ohlin, Paul, and Payne voted “aye.” The motion carried**

164
165 6. CONSIDERATION OF A REQUEST FOR PRELIMINARY SUBDIVISION APPROVAL
166 FOR JAMESTOWN SUBDIVISION, A TWO-LOT SUBDIVISION LOCATED AT 5000
167 SOUTH 1750 WEST

168
169 Steve Parkinson stated that the City had received a request for preliminary approval of a two-lot
170 subdivision located at 5000 South 1750 West (Airport Road). There was an existing home located
171 on the northeast corner of the property. The applicant wanted to divide the home from the
172 remaining 29,732 square feet. Both lots would have access from 1750 West and complied with
173 the requirements of the R-4 Zone. The staff noted that the rear property line for Lot No. 1 needed
174 to be moved to the west to allow for the existing home to have the proper rear yard setback. If the
175 rear property line was not moved, the awning on the back of the existing home would have to be
176 removed.

177
178 Mr. Parkinson said the staff had found that the proposed subdivision met all of the requirements
179 of the Zoning and Subdivision Ordinances. The staff recommended that the Planning Commission
180 recommend preliminary approval of the Jamestown Subdivision subject to the compliance with
181 the DRC’s comments.

182
183 **Commissioner Dandoy moved to open the public hearing at 6:25 p.m. Commissioner Paul**
184 **seconded the motion. Commission members Dandoy, Karras, Kirch, Nandell, Ohlin, Paul,**
185 **and Payne voted “aye.” The motion carried.**

186
187 Chairman Kirch opened the floor for public comments. There were none.

188
189 **Commissioner Karras moved to close the public hearing at 6:26 p.m. Commissioner**
190 **Nandell seconded the motion. Commission members Dandoy, Karras, Kirch, Nandell,**
191 **Ohlin, Paul, and Payne voted “aye.” The motion carried.**

192

193 Commissioner Dandoy did not see any issues about subdividing the property. The lots were large
194 enough, and the frontage looked good.

195
196 **Commissioner Nandell moved to recommend that the City Council grant preliminary**
197 **approval of the Jamestown Subdivision located at 5000 South 1750 West based on the**
198 **staff's findings and the conditions recommended by the staff and DRC. Commissioner**
199 **Payne seconded the motion. Commission members Dandoy, Karras, Kirch, Nandell, Ohlin,**
200 **Paul, and Payne voted "aye." The motion carried.**

201

202 7. PUBLIC HEARING TO CONSIDER A REQUEST FOR APPROVAL OF A CONDITIONAL
203 USE FOR JAMESTOWN, A MULTI-FAMILY DEVELOPMENT LOCATED AT 5000
204 SOUTH 1750 WEST

205

206 Steve Parkinson stated that the City had received a request for approval of a conditional use for
207 a six-unit multi-family development on Lot 2 of the proposed Jamestown Subdivision located at
208 5000 South 1750 West. After the public hearing for the project was sent, the City Engineer
209 determined there could be an issue with sanitary sewer. The City discharged sewer on Airport
210 Road into Ogden City's line, which eventually emptied into North Davis Sewer District. The City
211 was currently in violation of its agreement with Ogden City. The actual agreement had expired
212 and needed to be renewed. The City was also discharging twice the amount of sewage it should.
213 The proposed project only contained six units, but the City wanted to make sure Ogden City was
214 okay with it. The City Engineer was contacting Ogden City's engineer to see what needed to be
215 done. Mr. Parkinson suggested that the Planning Commission hold the public hearing and allow
216 public comment. The Commission could then table the hearing without closing it, or it could close
217 the hearing and table consideration.

218

219 Chairman Kirch asked if the project would be stopped if Ogden City did not grant permission. Mr.
220 Parkinson said the City had other options, but it could not proceed without Ogden City's
221 comments.

222

223 Chairman Kirch asked Mr. Parkinson to summarize the proposed project for the audience. Mr.
224 Parkinson said the project consisted of a total of six units in one fourplex and a duplex. Each unit
225 would be two stories with a two-car garage. Each unit would have three bedrooms, two baths,
226 and a storage shed. There were some issues with the site plan, but overall the proposed project
227 complied with the Zoning Ordinance.

228

229 Chairman Kirch stated that the proposed project backed up to a patio home development. How
230 did the applicant plan to buffer the homes? Jim Arrant, Hooper, stated that the units were laid out
231 in a horseshoe pattern. The exterior would be stucco and rock. The buildings would be about 25
232 feet in height Chairman Kirch stated that the maximum building height was 35 feet, no matter
233 what type of structure was proposed.

234

235 Jim Arrant said he could have put eight smaller units on the property. He chose to fewer but nicer
236 units.

237

238 **Commissioner Dandoy moved to open the public hearing at 6:35 p.m. Commissioner**
239 **Nandell seconded the motion. Commissioner members Dandoy, Karras, Kirch, Nandell,**
240 **Ohlin, Paul, and Payne voted "aye." The motion carried.**

241 Frank Weymouth, 1768 West 5000 South, stated that he lived in one of the patio homes. He
242 asked that the City provide him with a copy of the proposed site plan. He was concerned that the
243 units would look down on the patio homes. If the agreement between Roy City and Ogden had
244 expired, how did the developments just to the south of him get approved? Chairman Kirch said
245 they connected directly onto North Davis Sewer's lines.
246

247 Commissioner Dandoy was more concerned about the capacity issue than an expired document.
248 Steve Parkinson said there was capacity. The City was just discharging more sewer than was
249 outlined in the agreement. He had never seen another interlocal agreement with an expiration
250 date; most did not expire. This one was decades old. Ogden City approached Roy City about 1½
251 years ago about these issues. Both cities had dropped the ball. This time the City needed to
252 determine how to solve the problem.
253

254 Mr. Weymouth stated that every year Roy Days used 1750 West as a staging area for the parade.
255 He felt the City had not considered the convenience or safety of those who lived in his subdivision.
256 Their access was blocked for two to three hours. Now this development was talking about adding
257 more people on the same road. Airport Road was a major thoroughfare. There wasn't any
258 sidewalk in this area. He was almost hit while turning into his subdivision. How far would the
259 buildings be from the property line? Steve Parkinson said they would be a minimum of 20 feet
260 from the property line.
261

262 Chairman Kirch asked if UDOT had looked at the intersection of 1750 West and Riverdale Road.
263 Steve Parkinson said it had. UDOT put in an extended turning lane for safety.
264

265 Bert Visser, 4833 South 2500 West, asked why the City kept trying to put in multi-family housing
266 instead of single-family homes. The traffic was terrible, but the City still kept pushing and pushing.
267 This wouldn't be a duplex; it would be eight to ten families. At the last meeting, the City wanted to
268 put 120 families on ten acres. Mr. Parkinson asked him to restrict his comments to the item under
269 consideration.
270

271 Mr. Visser felt the issue with the sewer was a major problem. Would Roy have to put in a new
272 sewer when the rest of the land on the street developed? It was silly to even be talking about this
273 project without answers.

274 Chairman Kirch stated that the City did not solicit development. It simply reviewed projects that
275 were submitted.
276

277 **At approximately 6:45 p.m., Commissioner Nandell moved to table the public hearing until**
278 **the City received answers from Ogden City. Commission Ohlin seconded the motion.**
279 **Commission members Dandoy, Karras, Kirch, Nandell, Paul, and Payne voted "aye." The**
280 **motion carried.**
281

282 Steve Parkinson stated that this property was currently zoned R-4. The landowner wanted to
283 develop his property. He had the right to submit an application for a conditional use permit. The
284 City was not proposing to change anything. The zone was already there. It allowed multi-family
285 housing. The traffic concern could warrant a traffic study. As this wasn't a rezone, he wasn't sure
286 the City could require one. All of the proposed buildings complied with the setback requirements.
287 Roy Days was a Council problem, not the Planning Commission's. He would pass the concerns
288 about Roy Days on to the Council.

289 Chairman Kirch asked what the maximum density was in the R-4 Zone. Steve Parkinson said it
290 was 12 units per acre. The site contained a little over half an acre so the proposed six units
291 complied with the density requirement.
292

293 8. PUBLIC HEARING TO CONSIDER A REQUEST FOR PRELIMINARY SUBDIVISION
294 APPROVAL FOR SPENCER SUBDIVISION, A THREE LOT SUBDIVISION, LOCATED
295 AT 2243 WEST 5200 SOUTH
296

297 Steve Parkinson stated that the City had received a request for preliminary approval of the
298 Spencer Subdivision located at 2243 West 5200 South. The proposed subdivision was located
299 on the southeast corner of the 5200 South 2300 West intersection. The applicant was proposing
300 to split two existing lots into three. Both lots were zoned R-1-8 and currently complied with the
301 zoning requirements.
302

303 Mr. Parkinson explained that 5200 South had a wider right-of-way than most City streets. Usually
304 streets were 66 feet wide, but 5200 South had an 82.5 right-of-way. The width of the asphalt
305 pavement was the same as other City streets. The extra 16.5 feet on the south side of 5200 South
306 was for a drought relief line which was installed in 1984. In 1984, the City Council adopted
307 Resolution No. 198 which stated that, "...residents with property adjoining the drought line..shall
308 be allowed to use the area occupied by the drought light as 'yard' area required by setback
309 requirements.." Using the extra right-of-way width allowed homes along the south side of 5200
310 South to have the same front yard setback as homes on other City streets.
311

312 Mr. Parkinson said the landowner wanted to use the extra right-of-way as part of the actual lot
313 area. The resolution said the owner could use the right-of-way for a setback, but not as part of
314 the lot area. When the right-of-way was subtracted, two of the three proposed lots did not have
315 enough square footage to meet the minimum requirements of the R-1-8 Zone. What the applicant
316 was proposing to do was beyond what the Planning Commission could approve. The City Council
317 would have to determine if the applicant could use the public right-of-way as part of his lot area.
318 The City's staff and legal counsel did not feel the applicant could use the right-of-way in the
319 manner he was proposing.
320

321 Commissioner Dandoy stated that the City was dealing with a decision made by the City Council
322 in 1984. Steve Parkinson said the Planning Commission needed to look at the property itself, not
323 the right-of-way. Commissioner Dandoy said there wasn't enough square footage to meet the
324 minimum lot size. Mr. Parkinson said the landowner wanted to subdivide his property.
325

326 Commissioner Paul asked why the subdivision was being presented to the Planning Commission
327 if the staff was recommending that it be denied.
328

329 Steve Parkinson stated that the staff had found that Lots 1 and 2 did not meet the requirements
330 of the Zoning and Subdivision Ordinances. The Planning Commission could recommend approval
331 of the proposed subdivision; recommend approval with conditions; recommend denial; or table
332 consideration. The staff recommended that any approval be subject to compliance with the DRC's
333 August 27, 2015, memorandum. The City had to determine if the landowner should be allowed
334 to use the public right-of-way as lot area. Something none of the other property owners on 5200
335 South had been allowed to do.
336

337 Chairman Kirch asked if this was something for the Board of Adjustment to consider. Mr.
338 Parkinson felt the landowner's hardship was self-inflicted.

339
340 **Commission Karras moved to open the public hearing at 7:01 p.m. Commissioner Payne**
341 **seconded the motion. Commission members Dandoy, Karras, Kirch, Nandell, Ohlin, Paul,**
342 **and Payne voted "aye." The motion carried.**

343
344 Chairman Kirch opened the floor for public comments.

345
346 Terry Spencer, Syracuse, stated that he was the landowner. He disagreed with Mr. Parkinson.
347 He owned to middle of 5200 South. He had enough land to make Lot 2 8,000 square feet, but he
348 didn't want it to be an odd shaped lot. There were lots on 5200 South with 6,500 square feet that
349 had duplexes. He didn't want to put a duplex on this lot. He wasn't asking to do anything different
350 than what other properties on 5200 South had done. The setback matched the other homes on
351 5200 South. The home he planned to build would match the neighborhood. He wasn't asking
352 anything out of the ordinary. He felt the Planning Commission should recommend that the Council
353 approve the subdivision. He didn't want to take this to court. He just wanted to build a house. This
354 was the last piece of land left on 5200 South between 1900 West and 2300 West.

355
356 Commissioner Dandoy said there seemed to be a difference between what the staff had
357 presented and what the owner was representing. If Mr. Spencer was correct, the City was doing
358 him a disservice.

359
360 Chairman Kirch stated that the duplexes to the east were in a different zone. The lot size
361 requirements were different. Mr. Spencer's property was zoned R-1-8. She asked about the utility
362 pole in front of Lot 2. Mr. Spencer said he met with the utility company. Placement of the home
363 took the power pole into consideration.

364
365 Terry Spencer said he would like to proceed to the City Council with a yes versus a no.

366
367 Clip Holverson, 5242 South 2300 West, did not feel the new lot would match the neighborhood.
368 The lots to the south were large lots. The new lots would not be the same size. The house owned
369 by Mr. Spencer did not look that nice. He was hesitant to have Mr. Spencer build another house
370 and have it kept the same way.

371
372 Curtis Tubbs, 5256 South 2300 West, agreed with Mr. Holverson. Most of the homes on 2300
373 West had half an acre. There might be smaller lots on 5200 South, but there weren't on 2300
374 West. Mr. Spencer's home had not been maintained. It just didn't seem there was enough room.
375 He was concerned about the type of person a new home directly under the power line would
376 attract. He didn't feel it would be someone he would want in the neighborhood.

377
378 Henry Murray, 5213 South 2200 West, stated that this was his neighborhood. He felt there were
379 sufficient residents in the area. They didn't need to construct more. He felt the proposed
380 subdivision was unnecessary.

381
382 Chairman Kirch stated that Legal, Engineering, and Planning all felt the proposed lots were too
383 small to meet the minimum size requirement of the R-1-8 Zone.

384

385 **Commissioner Ohlin moved to close the public hearing at 7:12 p.m. Commissioner Dandoy**
386 **seconded the motion. Commissioners Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and**
387 **Payne voted “aye.” The motion carried.**
388

389 Steve Parkinson stated that Terry Spencer did own to the middle of the road on 2300 West, but
390 not 5200 South. All of the property lines on 5200 South were even along the right-of-way. They
391 lined up because they had been allowed to use the right-of-way as part of their setback. The
392 Zoning Ordinance had changed since 1984, and lot sizes might be different. There might be some
393 non-conforming lots. The subdivision proposed by Mr. Spencer had to be considered under the
394 current Zoning Ordinance.

395
396 Chairman Kirch did not feel Lots 1 and 2 met the lot size requirement of the R-1-8 Zone. Mr.
397 Parkinson stated that when the public right-of-way was subtracted, Lot 2 was only 6,948 square
398 feet.

399
400 Commissioner Dandoy felt there might be a discrepancy in the information. Why was the
401 landowner drawing a different conclusion than the staff? The landowner felt he had enough room.
402 Mr. Parkinson said Resolution No. 198 allowed property owners along 5200 South to use the
403 extra right-of-way to meet their setback requirements. It did not say the right-of-way could be used
404 as part of the lot area. The City Council could allow the use of the public right-of-way, but it had
405 not been done elsewhere on 5200 South.

406
407 Chairman Kirch felt the Planning Commission needed to make a decision based on the ordinance
408 and forward it on to the City Council. The City Council could look at the discrepancy.

409
410 Commissioner Dandoy felt the City Council needed information about the discrepancy. Steve
411 Parkinson felt the discrepancy came from Resolution No. 198. Commissioner Dandoy was hard
412 pressed to tell a property owner that he could not use his own property. Mr. Parkinson said the
413 landowner did not have enough lot area.

414
415 Commissioner Paul stated that based on the information presented, the proposed subdivision did
416 not comply with the Zoning Ordinance.

417
418 After further discussion, **Commissioner Paul moved to recommend that the City Council**
419 **deny preliminary approval of the Spencer Subdivision located at 2243 West 5200 South**
420 **based on the findings of the staff. Commissioner Payne seconded the motion.**
421 **Commissioners Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and Payne voted “aye.” The**
422 **motion carried.**
423

424 9. PUBLIC HEARING TO CONSIDER A REQUEST FOR PRELIMINARY SUBDIVISION
425 APPROVAL OF WARD ESTATES PHASE 3 LOT 26 AMENDED, A TWO LOT
426 SUBDIVISION, LOCATED AT 5050 SOUTH 3500 WEST
427

428 Steve Parkinson stated that the City had received a request for preliminary approval of a two lots
429 subdivision located at 5050 South 3500 West. The Planning Commission and City Council
430 reviewed the proposed subdivision several years ago, but any approval given had expired. The
431 property in question was .84 acres in size with 141.67 feet of frontage on 3500 West. The existing
432 home was located toward the back of the lot. The property owner wanted to divide the property

433 and create a lot in front of the existing home. She was proposing that a shared driveway be used
434 to access both lots.

435
436 Mr. Parkinson said the applicant currently did not meet the criteria for a shared driveway because
437 both lots had frontage on a public street. However, if UDOT denied access for the new lot there
438 might be enough reason to allow a shared driveway. He recommended that the Planning
439 Commission table consideration of the subdivision until the City received an answer from UDOT.

440
441 Mr. Parkinson said the staff had found that the proposed subdivision did not meet the shared
442 driveway section of the Zoning Ordinance. The staff recommended denial of the preliminary
443 subdivision.

444
445 Commissioner Karras asked who would approach UDOT. Mr. Parkinson felt the applicant's
446 engineer should submit a subdivision plan to UDOT.

447
448 Commissioner Nandell asked if UDOT would rule on the shared driveway. Mr. Parkinson said it
449 would not. UDOT would simply determine whether it would allow the new lot to have access onto
450 3500 West.

451
452 **Commissioner Nandell moved to open the public hearing at 7:28 p.m. Commissioner**
453 **Karras seconded the motion. Commissioners Dandoy, Karras, Kirch, Nandell, Ohlin, Paul,**
454 **and Payne voted "aye." The motion carried.**

455 Chairman Kirch opened the floor for public comments.

456
457 Kathleen Fladie, 5050 South 3500 West, stated that three years ago she received preliminary
458 approval of this subdivision, but she never recorded it. She thought her engineer had talked to
459 UDOT, and UDOT said no. She wanted to keep the home on the new lot one level so people did
460 not look down on her. The lot to the north was allowed to build over her culinary water line. She
461 now had to get an easement for it.

462
463 **Commissioner Paul moved to close the public hearing at 7:31 p.m. Commissioner Karras**
464 **seconded the motion. Commissioners Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and**
465 **Payne voted "aye."**

466
467 Commissioner Dandoy asked if the City had already approved this subdivision. Mr. Parkinson
468 said this subdivision received preliminary approval in 2012. It was never recorded, and the
469 approval expired. There wasn't any correspondence from UDOT in the subdivision file. The new
470 plat was slightly different from the plan approved in 2012. He wasn't sure how the City's previous
471 planner made the subdivision work under the City's current ordinance.

472
473 **Commissioner Dandoy moved to table consideration of Ward Estates Phase 3 Lot 26**
474 **Amended pending a response from UDOT regarding access for Lot 35. Commissioner**
475 **Ohlin seconded the motion. Commissioners Dandoy, Karras, Kirch, Nandell, Ohlin, Paul,**
476 **and Payne voted "aye." The motion carried.**

477
478 10. PUBLIC HEARING TO CONSIDER A REQUEST FOR APPROVAL OF A CONDITIONAL
479 USE FOR A MULTI-FAMILY DEVELOPMENT LOCATED AT 5629 SOUTH 2700 WEST
480

481 Chairman Kirch stated that the Planning Commission had reviewed this site before. Mr. Parkinson
482 said it had.

483
484 Steve Parkinson stated that the City had received a request for approval of a site plan and
485 conditional use for a multi-family development located at 5629 South 2700 West. The property
486 was currently zoned R-3. A multi-family development with three or more units was required to
487 have a conditional use. The property to the south was zoned RE-20. The property to the north
488 was zoned R-3 and RE-20. To the east was R-3 and R-1-8. The rail trail and an R-3 Zone were
489 located to the west. The site did not have direct access to the trail. The site contained 0.945 acres.
490 The applicant was proposing to building three fourplexes on the site. Each fourplex looked like a
491 home from the front. The slope of the site allowed access for two units in each building to be from
492 the rear. The buildings had to have some type of surface relief every 30 feet. The City Engineer
493 had already reviewed this site three times. When he started to review the latest plan, he noted
494 that the entrance did not have the required width and stopped his review. He felt the applicant
495 and his engineer needed to review and comply with his previous comments before he conducted
496 another review. Mr. Parkinson said the staff felt there were too many issues that had to be
497 resolved. In order to resolve those issues, the site plan would have to be modified. The staff
498 recommended that the Planning Commission hold the public hearing to take public comments
499 then table further consideration until a site plan had been submitted that addressed the DRC
500 requirements.

501
502 Chairman Kirch stated that the site had grading issues. Mr. Parkinson said it did. He felt the
503 proposed buildings helped solve the slope issue. The grading allowed access for the lower units
504 in each building.

505
506 Commissioner Paul asked about the property between the site and the trail. Mr. Parkinson said it
507 was owned by UTA. The City had plans to develop it as a trail head.

508
509 Commissioner Dandoy asked if access to the site would impact the 5600 South 2700 West
510 intersection. Mr. Parkinson said the access would be onto 2700 West and would be located 170
511 feet from the intersection.

512
513 Commissioner Ohlin asked about sidewalk. There currently wasn't sidewalk along 2700 West. Mr.
514 Parkinson said the developer would be required to put in sidewalk.

515
516 Chairman Kirch stated that a fence would be required along the south side to buffer the adjacent
517 use. There was a large tree along the south property line that could cause problems with the
518 fencing.

519
520 Commissioner Nandell felt the location of the dumpster would have to be moved to make it more
521 accessible.

522
523 **Commissioner Dandoy moved to open the public hearing at 7:43 p.m. Commissioner Paul**
524 **seconded the motion. Commissioners Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and**
525 **Payne voted "aye." The motion carried.**

526
527 Chairman Kirch opened the floor for public comments.
528

529 Denise Scott and Deloy Page, 5634 South 2700 West, stated that they lived directly across from
530 this site. They were concerned about how access to their driveway would be affected, the
531 increased crime rate, and that their property value would go down. They were already picking up
532 trash that resulted from the traffic on 2700 West. They felt a multi-family development would
533 increase the number of vehicle break ins.

534
535 **Commissioner Dandoy moved to close the public hearing at 7:46 p.m. Commissioner Ohlin**
536 **seconded the motion. Commissioners Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and**
537 **Payne voted “aye.” The motion carried.**

538
539 Commissioner Dandoy asked if the Council had ever approved a site plan for this property.
540 Chairman Kirch stated that a site plan was approved by the City in 2007, but was never
541 constructed. The approval expired. Commissioner Dandoy wanted to make sure the City was
542 consistent in its logic.

543
544 Chairman Kirch asked about the history of this site. Michelle Drago stated that before the overpass
545 was constructed, there were three single-family homes on three separate parcels. UDOT
546 purchased and demolished the homes due the construction of the overpass. When the overpass
547 was finished, UDOT sold the site.

548
549 Commissioner Dandoy wanted to make sure there was consistency. Aesthetically, the proposed
550 buildings were very attractive, but there were a lot of issues to be considered. Traffic was one.

551
552 Commissioner Paul asked if a traffic study had been done. Mr. Parkinson said there wasn't a
553 traffic study. He didn't feel one was needed. The property was zoned R-3, and the City knew the
554 maximum number of units.

555
556 Chairman Kirch said that in 2007, there had been concern about the safety of children walking to
557 school.

558
559 **Commissioner Dandoy moved to table consideration of a site plan for a multi-family**
560 **development located at 5629 South 2700 West based on the staff's findings and the**
561 **recommendations of the DRC. Commissioner Paul seconded the motion. Commissioners**
562 **Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and Payne voted “aye.” The motion carried.**

563
564 11. COMMISSIONER'S COMMENTS

565
566 Chairman Kirch reported that the City Council had approved a contract to begin demolition at
567 North Park. It would begin to construct Phase 2 in the spring. Commissioner Dandoy asked what
568 would happen to the park along 1900 West. Chairman Kirch said it would remain a park until the
569 new park area was finished.

570
571 Chairman Kirch asked if Lee's planned to rebuild the structure that burned down. Mr. Parkinson
572 said they did.

573
574 Commissioner Dandoy asked about the status of Midland Drive. Michelle Drago said the City
575 Manager informed the Council that the project was about 80 days behind schedule and would not
576 be done until the end of the year.

577 Commissioner Paul asked who had installed the crosswalk lights on 5600 South. Mr. Parkinson
578 said they had been installed by UDOT.

579

580 12. STAFF UPDATE

581

582 Steve Parkinson reported that Hooper and Clinton were opening up a road at 6000 South 4300
583 West.

584

585 Commissioner Dandoy asked if the City planned to incorporate the vacant land on the south side
586 of 6000 South. Mr. Parkinson said the property had been incorporated into Hooper. A developer
587 wanted to develop the property and use Roy's sewer. Due to issues with the lift station, the City
588 told him he had to incorporate before he could connect to the City's sewer system.

589

590 There was discussion about a mixed use development around the Front Runner Station.

591

592 Steve Parkinson updated the Commission on the Aderra Apartments and Station Square (the
593 senior housing proposed on 4000 South).

594

595 13. ADJOURN

596

597 **Commissioner Nandell moved to adjourn at 8:10 p.m. Commissioner Ohlin seconded the**
598 **motion. Commission members Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and Payne**
599 **voted "aye." The motion carried.**

600

601

602

603

604

Attest:

Gennie Kirch
Chairman

605

606

607

608

Michelle Drago

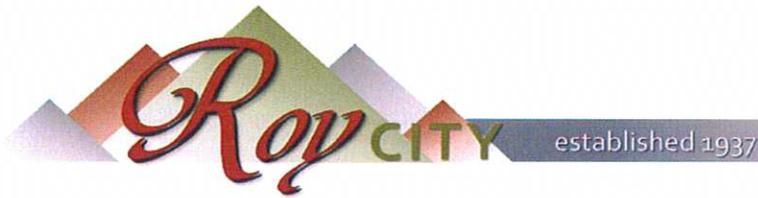
609

Secretary

610

611

dc:psep815



STAFF REPORT

Planning Commission

October 13, 2015

Agenda Item #3

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: 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

Since the last Planning Commission meeting, staff (Andy Blackburn, Clint Drake & myself) met with the applicant with regards to the landscaping plan as it was originally approved by both this body (October 14, 2014) and the City Council (November 18, 2014). It was determined that he would bring in another site plan showing the approved landscaping requirements along 1900 West.

The applicant has since provided a new site plan which encompasses the approved landscaping along 1900 West, but now introduces landscaping along the western property line.

Staff's concerns with is site plan is the additional cost that the applicant is proposing yet gives the same reason as to why nothing has been done as of yet for that which has already been approved.

September 8, 2015 – Staff report additional information:

The Planning Commission asked staff to get with 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 is 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 count 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 OR the failure to comply with this approval, will result in revocation of business license.

FINDINGS

- I. 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 proposed site plan for 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 28 July 2015
- F. 20 November 2014 – Letter from Mr. Berry
- G. 21 November 2014 – Approved Landscaping Plan
- H. 9 October 2015 – Site Plan

EXHIBIT "A" – AERIAL MAP

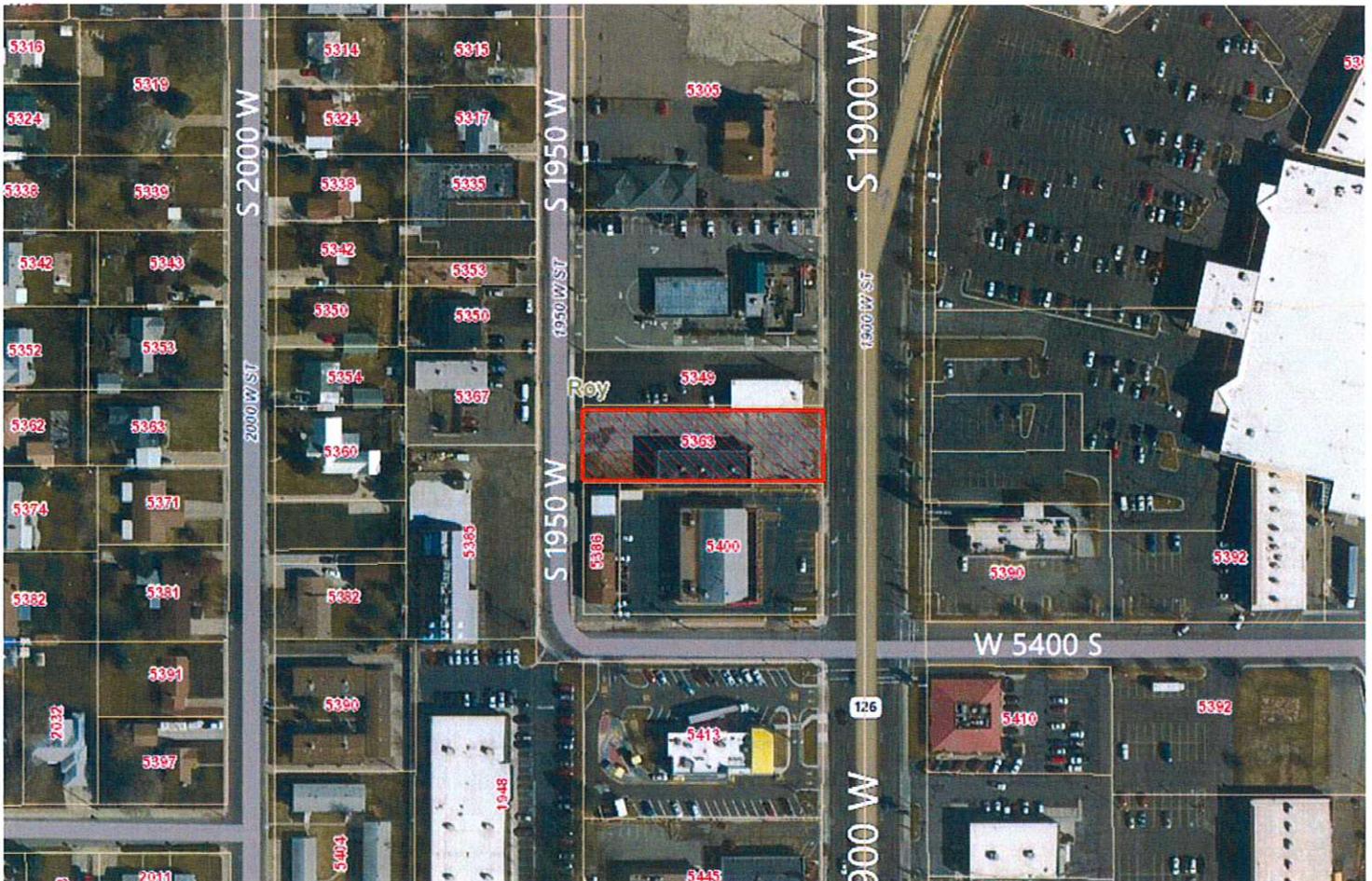


EXHIBIT "B" – PHOTOS



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



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

20.



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.

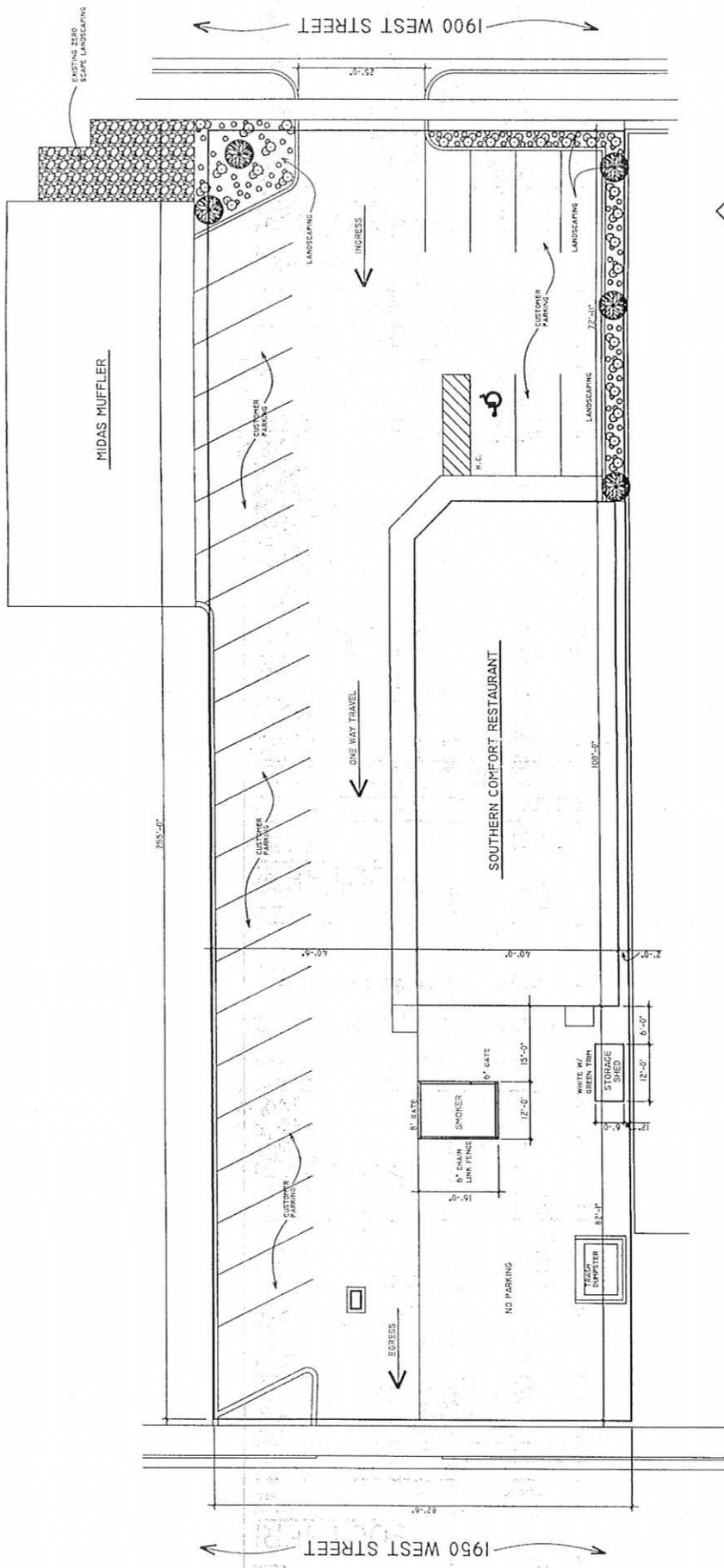
Engineering - Fire - Building - Public Works - Legal -

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 Others	3 2	2 1	1 1
10 ≤ X < 30	IA, IB IIB, VB Others	2 1 1	1 0 1	1d 0 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

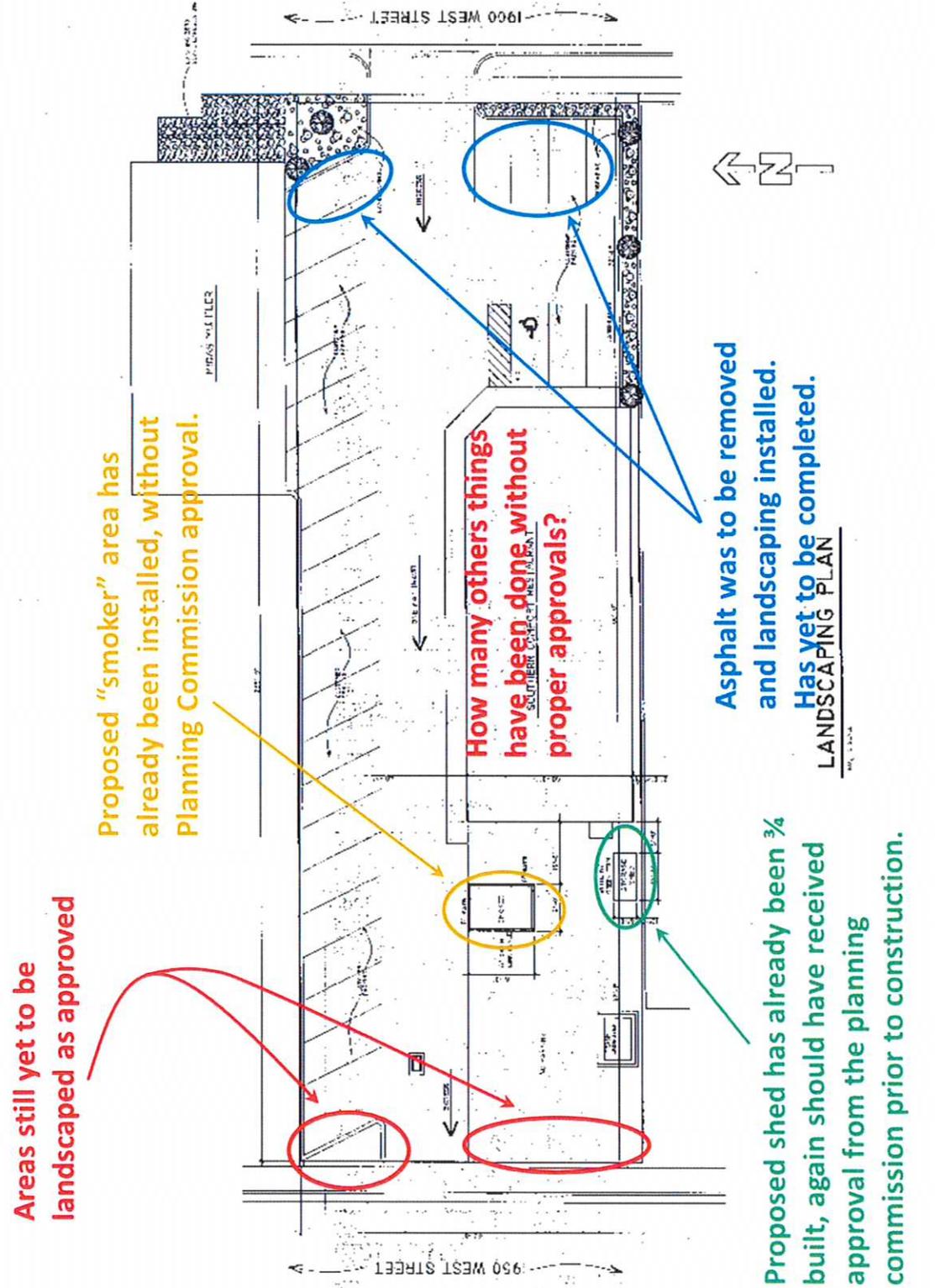
Proposed "smoker" area has already been installed, without Planning Commission approval.

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 3/4 built, again should have received approval from the planning commission prior to construction.

1-1	RSB ENGINEERING 2025 S. W. 10th Ave Miami, FL 33135 Tel: (305) 444-1111 Fax: (305) 444-1112	DATE: 08/14/2018 PROJECT: 18-0000000-0001 SOUTHERN COMFORT
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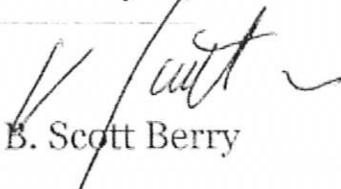


November 20, 2014

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

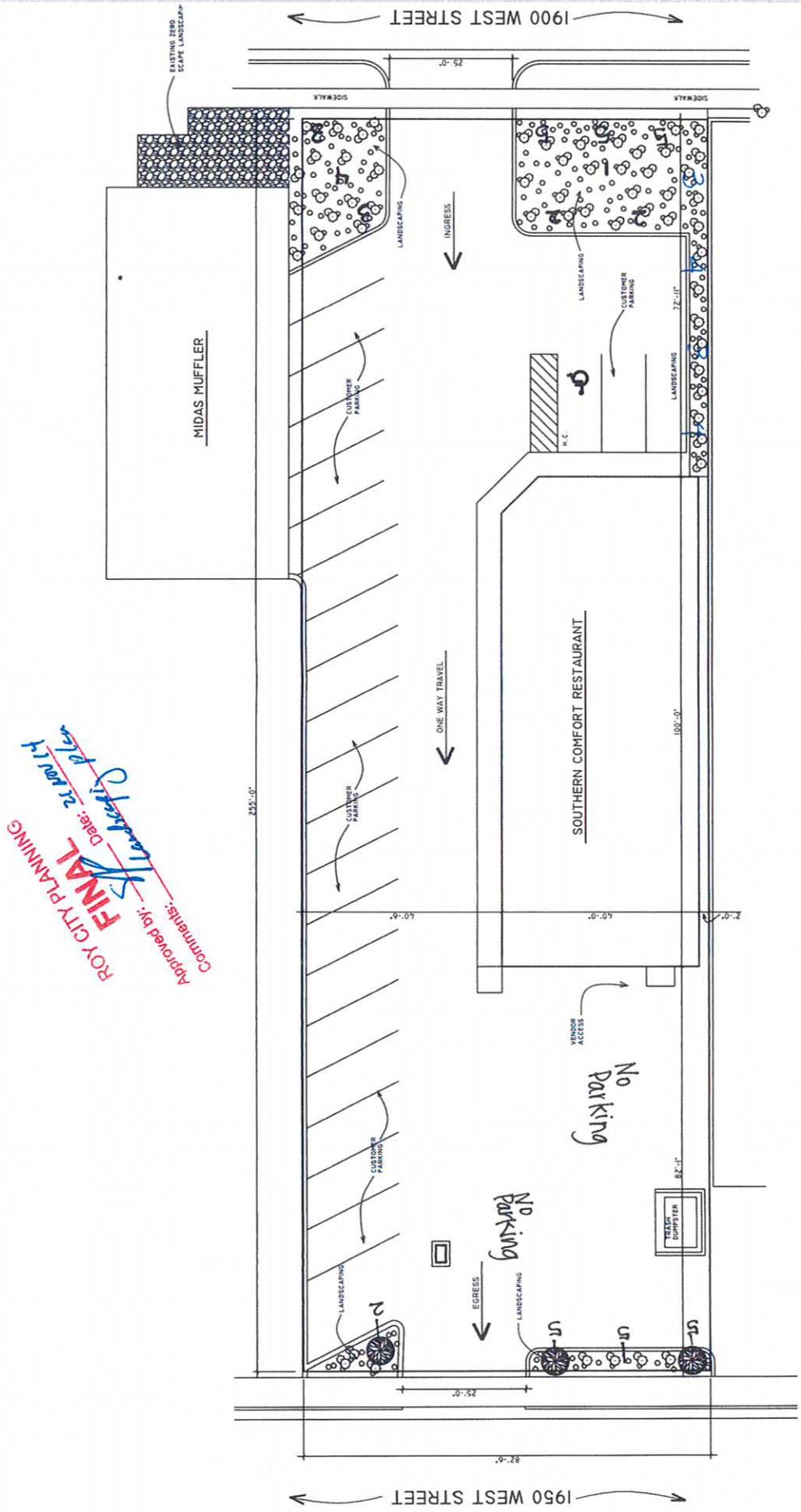
#2: Prairie Fire Dogwood

#3 Dogwood Bailey

#4 Physocarpus, Center Glow

#5 Forsythia Show Off

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

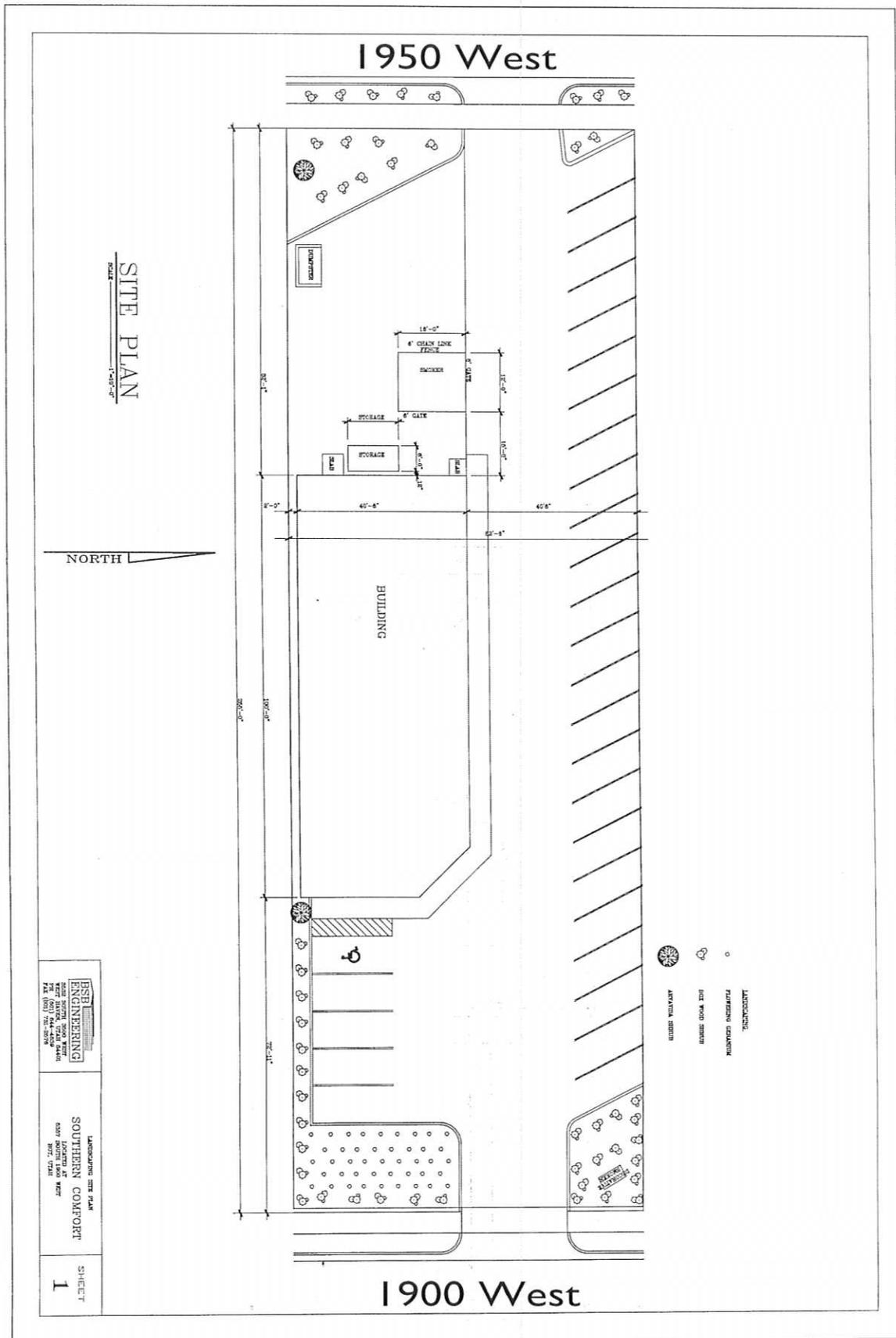


Approved by: *[Signature]*
 Comments: *Landscaping plan*
 Date: 21 Nov 14
FINAL
 ROY CITY PLANNING

No Parking

No Parking

EXHIBIT "H" - 9 OCT. 2015 SITE PLAN



SYNOPSIS

Application Information

Applicant: Daryn Murphy; Commonwealth Development Corp.
Request: Conditional use to allow Multi-Family Housing
Approximate Address: 2350 West 4000 South

Land Use Information

Current Zoning: R-4; Multi-Family Residential
Adjacent Land Use: North: RE-20; Single-Family Residential South: R-1-8; Single-Family Residential
East: RE-20; Single-Family Residential West: RE-20; Single-Family Residential
Description: Property is approximately 2.6 acres, currently vacant. The Union Pacific and Front Runner rail lines run the length of the property to the west.

Staff

Report By: Steve Parkinson
Staff Recommendation: Approval, with conditions

APPLICABLE ORDINANCES

- Roy City Zoning Ordinance Title 10, Chapter 10 – General Property 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 requesting Conditional Use approval for a 31 unit Senior Housing apartment complex. The property was rezoned several months ago from Light Manufacturing to the current zone today.

Overview: All multi-family developments within Roy require a Conditional Use approval and those requirements fare as follows:

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.

Density: The project is currently planned for 31 units, representing 12 units per acre. The R-4 zone allows for up to 12 units per acre. The developers is not requesting additional density beyond what the R-4 zone allows.

Units and Distribution: The projects' 31 units are contained within a single building. These are rental units, with a mixture of one and two bedroom units throughout.

Colors & Materials: The development is required to provide for the use of a variety of colors and materials "to provide visual interest". This is in addition to requirements that the building facades provide features creating shadow and architectural relief and visual interest from the street. The elevations are attached to this report. Staff feels that the planned units meet these requirements.

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 55% landscaping. This is within the approvable limits of the ordinances.

Amenities: In addition to un-programmed, landscaped open space, the project has an area north of the building for residences to plant a garden..

Pedestrian Access: There is a pedestrian access from 4000 South, west of the building. Engineering is also asking for an sidewalk along the access road.

Access: The project is accessed from 4000 South at one point which is directly north of Sandridge drive.

Parking: Parking requirements for multi-family uses are 2.5 spaces per unit, one of which must be covered. The proposed site plan provides 36 stalls within the parking structure, 14 additional covered stalls under a carport. There also 35 non-covered parking stalls. The total number of parking stalls required is 78 and the total number provided is 85.

Lighting: The project plan indicates lights at key points. These interior "parking lot" lights can be up to 18 feet in height. They are in addition to the exterior lights on the building. Street lights may also be required.

Fencing: The project will need to provide fence along the railroad line, but other than that nothing else is required.

Signs: The project proposes one monument type sign on 4000 south.

CONDITIONS OF APPROVAL

- Compliance to all requirements per DRC memo dated 9 October 2015.
- Receive approval from the Roy City Council.

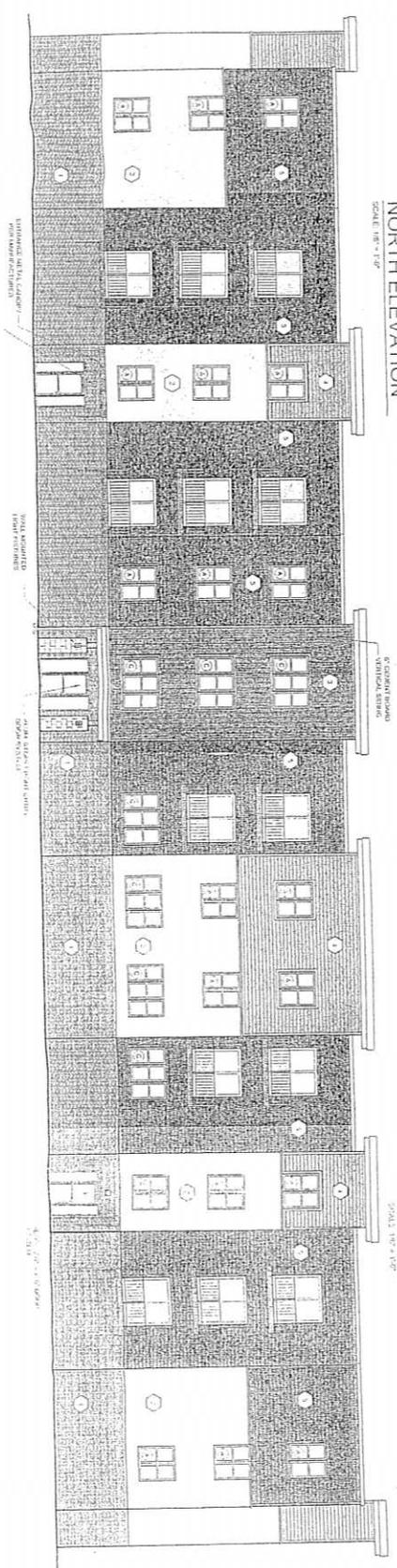
FINDINGS

1. All Conditional Use standards are met.
2. The Building elevations and proposed materials meet the Zoning standards.
3. The site plan can meet all of the requirements of the ordinance.

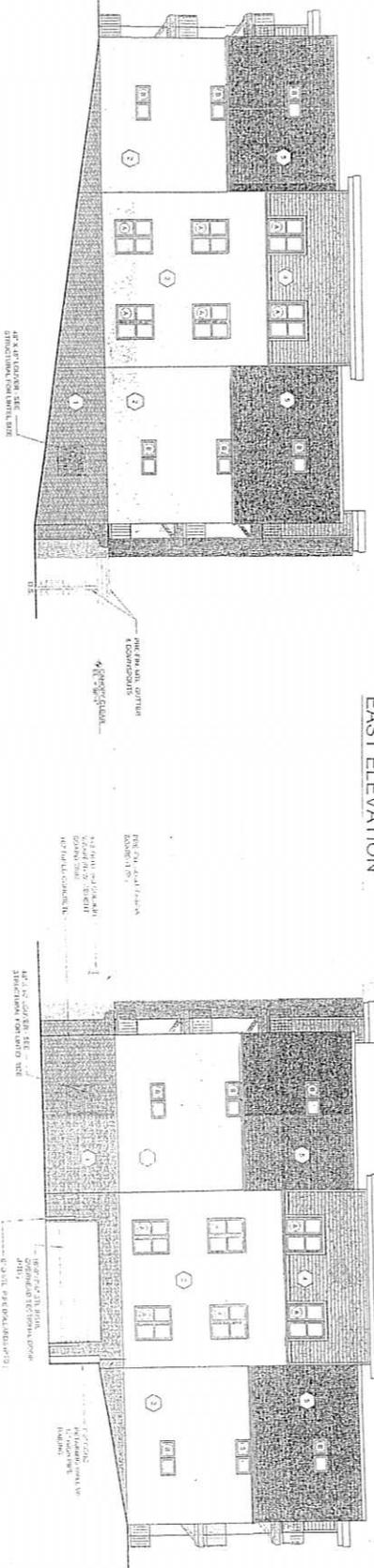
ALTERNATIVE ACTIONS

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

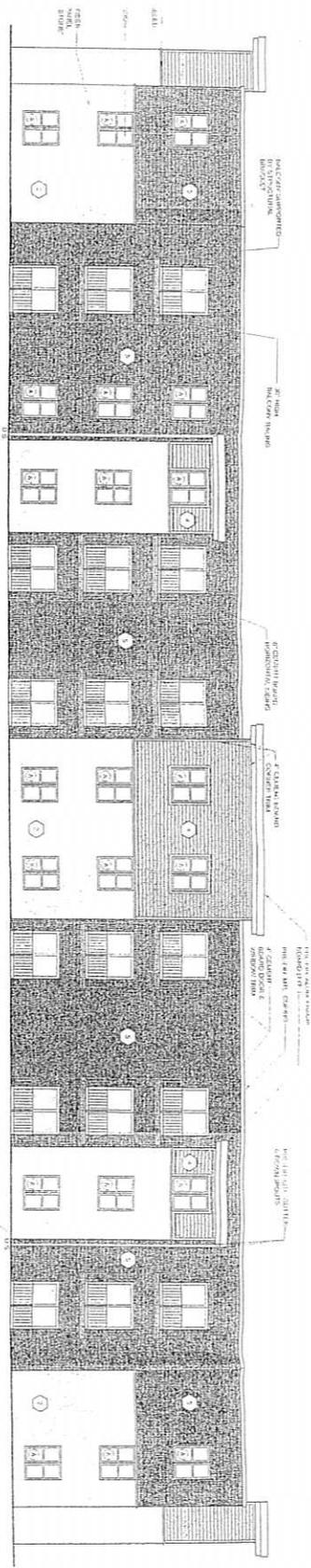
EXHIBIT "B" – PROPOSED BUILDING ELEVATIONS



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



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



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

RENDERING WITH CLADDING FROM MANUFACTURER'S

TOTAL HEIGHTS FROM FINISH FLOOR

2'-0" MAX. HEIGHT OF SIGNAGE

SCALE 1/8" = 1'-0"

2'-0" MAX. HEIGHT OF SIGNAGE FROM FINISH FLOOR

RENDERING WITH CLADDING FROM MANUFACTURER'S

TOTAL HEIGHTS FROM FINISH FLOOR

2'-0" MAX. HEIGHT OF SIGNAGE

SCALE 1/8" = 1'-0"

RENDERING WITH CLADDING FROM MANUFACTURER'S

TOTAL HEIGHTS FROM FINISH FLOOR

2'-0" MAX. HEIGHT OF SIGNAGE

SCALE 1/8" = 1'-0"

2'-0" MAX. HEIGHT OF SIGNAGE

SCALE 1/8" = 1'-0"



established 1937

DEVELOPMENT REVIEW COMMITTEE

REVIEW MEMO

Date: 9 October 2015
To: Daryn Murphy
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: Station Square

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. We previously recommended a paved entry to the site onto the UTA roadway. There is adequate grade differential to install a dip-stone type inlet/outlet to allow for this type of transition in lieu of the proposed cross-gutter. Traffic volumes and speeds on 4000 South Street will be less impeded with this type of design.
2. The site plan does not dimension the proposed modifications to the UTA roadway. Minimum entry width to multi-family developments is 36 feet of "passable asphalt" (Section 1110-4-b). Our memorandums from May 7th, and January 22nd 2015 both referenced these requirements.
3. We would like a letter from a certified traffic engineer that states the roadway is adequately designed (the entry lane appears too narrow for large vehicles (fire trucks, etc.), if a car is exiting the site and eastbound. Adequate sight distance should also be analyzed. The developer should also submit UTA's written permission for use of and improvements to the right-of-way.
4. The site plan still does not show sidewalk on the entry road (See our May 6, 2015, Memo Item #1).
5. The looping water line shows one 2" water meter on the westerly connection. It is unclear how this will work because it appears that water can freely flow from the easterly connection without the usage being metered. Clarification on this issue would be helpful.
6. All secondary water connections must be approved by Roy Water Conservancy District. A written approval should be submitted for our review.
7. A street light should be added to the UTA intersection.
8. The radius into the parking area is 28 feet. We recommend the designer use a digital Fire Department Ladder truck template to see if the radius is large enough and confirm with a note on the drawings.
9. Fencing along the westerly UTA right-of-way should be indicated.
10. We could not find the dumpster location on the drawings.
11. The storm drainage calculations appear acceptable and the detention design volume meets Roy City standards.
12. The orifice design is rectangular and very narrow. We recommend that the width be increased to 2 inches to reduce the potential for plugging. The wider orifice will slightly increase the discharge flow rate, but downstream impacts will be negligible due to the existing, large-diameter downstream storm drain and the short distance to a large regional detention basin.

13. No elevation is given for the existing storm pipe at the proposed discharge point. Although existing ground surface elevations indicate that the existing pipe is low enough to make the connection for the new storm drain, the elevation of the existing pipe should be determined in order to verify depths (especially the bottom of the pond) and to avoid unexpected conditions.
14. The Roy City storm water management plan requires maintenance agreements for private storm drainage systems discharging to the City's facilities. This is a condition of permit compliance with the Utah Division of Water Quality. The maintenance agreement should specify that the property owner is responsible for maintenance of all private storm drainage facilities, so that the facilities and permanent best management practices function properly and minimize negative impacts to water quality. The agreement should specifically address maintenance of catch basins, pipes, the detention basin, outlet structure, and the "snout" oil separator. The agreement should also give Roy City authority to inspect these facilities, enforce maintenance requirements, and perform maintenance at the Owners expense if the Owner fails to correct deficiencies in a timely manner.
15. Plans must identify proposed erosion control measures. A more complete storm water pollution prevention plan (SWPPP) will be required prior to construction. Required elements of the SWPPP are outlined on the attached checklist.
16. The storm drain design calls out pipe sizes down to 8" dia.. We are concerned that pipe sizes this small will be prone to plugging. We recommend 12" diameter minimum for all storm drain pipes.

Inasmuch as significant design elements do not comply with Roy City's ordinances, we recommend that corrected plans be resubmitted before we can recommend approval. As a side note, the proposed site and landscaping plans may not include exceptional open space creation to warrant the density of 31 units (RCC 1110-7).

Fire -

The building per Roy City Building Code Official is presumed to be an R-2 living with an S-2 parking garage. All comments are in relation to those occupancies.

1. Fire flow based on IFC in appendix B. A reduction in fire flow allowed due to building meeting sprinkler requirement of the IFC. This building has a fire flow of 3,000 GPM and 3 hydrants are required. All fire flow required is to be proved per contractor. A 13R sprinkler system is allowed in the R-2 living space and needs to be installed per NFPA standard. A 13 sprinkler system is required in the S-2 parking garage. Sprinklers will be required on decks and balconies per IBC section 903.2.1.2.1. and IFC. We discussed not to use antifreeze for the system.
 - a. Sprinkler and Fire Alarm plans will need to be submitted for approval.
2. Fire alarm system required and installed per NFPA72.
3. 26 foot access roads required per IFC appendix D with radius approved for ladder truck.
4. Fire apparatus access roads shall not exceed 10% in grade.
 - a. The updated plans do not show grade for access driveway. Please submit grade information to AHJ that shows this requirement.
5. Knox key boxes and elevator box will be required.
6. Fire hydrant will need to be located with-in 100 feet of FDC.
7. FDC location will need to be approved per fire code official.
8. Wet stand pipe for south west stairwell because of distance to second floor for firefighting as discussed in meeting.
9. All elevator requirements per ASME A17.1 and IFC and state regulations.
10. No parking fire lane signs in accordance with IFC will be required everywhere except approved parking stalls.

Building -

1. What is the construction type? VB assumed.
2. The building would be classified as an R-2.
3. Parking garage would be classified as an S-2.
4. The building shall be sprinkled with a NFPA 13R system.

5. The allowable building size is 7,000 Sq. Ft, 2 stories per table 503, IBC 2012. Show all increases and total building area.
6. Enclosed parking garage will require ventilation.
7. There shall be an accessible route plan included in the plans.
8. There shall be a copy of the geotechnical study that was performed on this property provided to the City.
9. All current Building Codes shall apply. Roy City is under the 2012 Codes. This also includes the IECC, and the 2011 NEC codes.
10. Four sets of plans will be required to be submitted for plan review at time of application for a building permit.

Public Works / Legal -

1. No comment at this time

Planning -

A. Site Design Standards

1. All parking stalls need to be a minimum of nine (9) feet in width. The two (2) ADA stalls on the exterior of the building are shown as eight (8) feet in width.
2. The three (3) parking stalls on the south side of the building, west of the garage entrance, they seem very problematic, as to vehicles will be backing up into oncoming traffic.
 - a. These stalls are not needed for the overall number of parking stalls required.
3. I didn't see a dumpster. Is one going to be provided or how will garbage collection be handled?
4. The proposed sign will need to be located out of the 40 foot sight triangle.
5. Is the area east of the building useable?
 - a. If so, how can residence access the property?
 - b. If not, why landscape with so much turf?
6. Can the outdoor garden areas be expanded if more than eight (8) residence's want to have a garden
7. Are there any plans for any other outdoor type amenities?
 - a. Passive sitting areas?
 - b. Horse shoe areas?

B. Site and Building Sign Standards

1. All signs require a separate permit.
2. The proposed sign will need to be located out of the 40 foot sight triangle.