



AMENDED AGENDA

August 25, 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 11, 2015 regular meeting minutes
3. 6:00 p.m. – PUBLIC HEARING - Request to amend the General Plan (Master Land Use Map) and the Zoning Map for the property approximately located at 2449 W 4300 S.:
 - a. General Plan (Future Land Use Map) from Light Manufacturing to Very High Density, Multi-Family
 - b. Zoning Map from RE-20 (Residential Estates) to R-3 (Multi-Family Residential) and RIO (Residential Infill Overlay)
4. Commissioners Comments
5. Staff Update
6. Adjourn



ROY CITY PLANNING COMMISSION

August 25, 2015

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

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

The following members were in attendance:

Gennie Kirch, Chairman
Bob Dandoy
Doug Nandell
Lindsey Ohlin
Claude Payne

Steve Parkinson, Planner
Michelle Drago, Secretary

Excused: Leland Karras and Joe Paul

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

Pledge of Allegiance: Doug Nandell

1. DECLARATIONS OF CONFLICT

There were none.

2. APPROVAL OF AUGUST 11, 2015, MINUTES

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

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

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

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

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

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

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

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

1. 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.
2. 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.

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

Mr. Parkinson said that the applicant did not know what type of development would be going in. He was simply requesting that the property be rezoned. The Zoning Ordinance did not require a development plan to accompany a rezone application. The property in question was currently zoned RE-20, which did not match the Future Land Use Map. The rezone would satisfy the previously mentioned goals of the General Plan. There was a variety of zones, lot depths, and densities within 500 feet of the property; R-1-6, R-1-7, R-1-8, and Manufacturing. Rezoning the property to R-3 would be more compatible with the single-family zones than Light Manufacturing.

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

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

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

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

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

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

Commissioner Nandell asked if West Park was the subdivision being constructed on 4800 South and what it was zoned. Mr. Parkinson said West Park was located on 4800 South and

was currently under construction. It was zoned R-3 with a RIO. A RIO did not change the underlying zone. It added some flexibility with lot widths and street lengths.

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

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

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

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

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

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

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

Chairman Kirch opened the floor for public comments.

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

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

Byron Burnett felt rezoning this property would affect the surrounding neighborhoods. He was concerned a multi-family development would take away his view and his privacy. He didn't want a multi-level multi-family going up behind him to stare down at him. He felt the proposed rezone

and RIO disagreed with the City's own code. The criteria for a RIO said that it could not be approved if it created incompatibilities with surrounding neighborhoods or adversely affected adjoining properties. If the City was going to be consistent, the land in question would be single-family because that is what the surrounding area was. Multi-family was not consistent. He had lived in Roy for 42 years. He chose to stay here and over-built for his neighborhood. He had been happy, but he didn't want to lose his privacy or his view. Mr. Parkinson made it sound like the railroad right-of-way created a big gap, but it really didn't. Even though West Park was zoned R-3, it was being developed as a single-family subdivision.

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

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

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

Todd Potter, 5863 South 2950 West, stated that he owned Kwik City Muffler on 4000 South. There was a 30-foot right-of-way that ran south from 4000 South so property owners could have ingress and egress to their properties. If the zoning changed, the 30-foot right-of-way would not be adequate for multiple cars and emergency equipment. Years ago, the City turned down a business south of him because he needed a 60-foot access with curb and gutter. Now someone

wanted to put in multi-family housing without any access. It was not a smart thing. Mr. Potter said he was not going anywhere. He planned to work for a few more years then turn the business over to his sons. Neither he nor his sons planned to sell. He had a 70-year contract. It would take a lot of money to buy him out. He felt the City should build more commercial, not houses. Roy City already had no businesses because it was not business friendly. The City needed to stop getting rid of commercial property and allow commercial to build. There would be more tax money from commercial than residential. Mr. Potter was also concerned about the traffic situation on 4000 South. Five to six of his customers had been rear-ended while they were waiting to turn into his business because drivers could not see until they came over the hill. He asked the City to make the applicant prove they had access before they received any approval. If they couldn't get access, why change the zone?

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

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

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

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

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

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

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

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

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

Chairman Kirch invited the proponent to speak.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Commissioner Dandoy was concerned about the number of people that could be making left hand turns and impacting the traffic. Steve Parkinson stated that until there was a plan and a

traffic study, the City did not know what traffic restrictions there might be. Commissioner Dandoy felt traffic would be restricted to right in and right out. He felt it would be appropriate to ask for a traffic study. An R-3 Zone would give the developer a lot of latitude. A traffic study could point out unique circumstances regarding this property.

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

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

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

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

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

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

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

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

4. COMMISSIONERS' COMMENTS

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

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

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

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

5. STAFF UPDATE

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

6. ADJOURN

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

Attest:



Michelle Drago
Secretary



Gennie Kirch
Chairman

dc:paug2515