



## PLANNING COMMISSION

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

### AGENDA - AMENDED

**June 28, 2016**

**6:00 p.m.**

The Roy City Planning Commission regular meeting will be held in the City Council Chamber / Court Room in the Roy City Municipal Building located at 5051 South 1900 West. The meeting will commence with the Pledge of Allegiance, which will be appointed by the Chair.

#### Agenda Items

1. Declaration of Conflicts
2. Approval of June 14, 2016 regular meeting minutes
3. 6:00 p.m. – RE-PUBLIC HEARING – Consider a request to amend the General Plan (Master Land Use Map) and the Zoning Map for the property approximately located at 4465 S 1900 W:
  - a. General Plan (Future Land Use Map) from Commercial to Very High Density, Multi-Family
  - b. Zoning Map from R-1-8 (Single-Family Residential) and CC (Community Commercial) to R-4 (Multi-Family Residential)
4. 6:00 p.m. – PUBLIC HEARING – Consider a request to amend the Roy City Municipal Code; Title 10 Zoning Regulations comprising of the following chapters: 3 – Administration, 23 – Nonconforming Uses, 25 – Variances and 28 – Appeals. To remove the “Board of Adjustments” from the Title and replace it with “Hearing Officer”.
5. 6:00 p.m. – PUBLIC HEARING – Consider a request to amend the Roy City Municipal Code; Title 13 Sign Regulations; chapter 4 – Regulations of Signs. To remove from 13-4-3 B 3 b 5) & 13-4-3 B 4 a 2) “site or development” and replace it with “business entity”. To add in 13-2-1 a definition of “business entity”.
6. 6:00 p.m. – PUBLIC HEARING – Consider a request to amend the Roy City Municipal Code; Title 10 Zoning Regulations; chapter 17 - Table of Uses. To remove “Grooming” from the use description of “Kennel” and then make it its own category, to include that there is no boarding, breeding or selling of pets.
7. 6:00 p.m. – PUBLIC HEARING – Consider a request to amend the General Plan (Future Land Use Map) from Medium Density, Single-Family Residential to Very High, Multi-Family Residential and the Zoning Map from R-1-8 (Single-family residential) to R-3 or R-4 (Multi-Family Residential), for property located at approximately 5154 South 2700 West.
8. Commissioners Minute
9. Staff Update
10. Adjourn

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

#### Certificate of Posting

The undersigned, does hereby certify that the above notice and agenda was posted in a public place within the Roy City limits on this 27<sup>th</sup> day of June 2016. A copy was also provided to the Standard Examiner and posted on the Roy City Website on the 27<sup>th</sup> day of June 2016.

STEVE PARKINSON;  
PLANNING & ZONING ADMINISTRATOR



## ROY CITY PLANNING COMMISSION

June 28, 2016

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on June 28, 2016, at 6:00 p.m.

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

The following members were in attendance:

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

Steve Parkinson, Planner  
Trent Nelson, Assistant City Attorney  
Michelle Drago, Secretary

Others present were: Mayor Willard Cragun; Cathy Spencer, Management Services Director; Teresa Hislop; Lance Hislop; Grace Hislop; John Wallace; Sharon Wallace; Jay Spraycar; Steven Spraycar; Tom Spencer; Melanie Schwartz; Blake Coates; Karen Coates; Devon Winget; Cindy Winget; Bruce A. Nelson; Tana Jeet; Jonathan Weaver; Alora Duffy; Shane Preece; Casey Wykstra; Colleen Porter; Dixie Reisehauer; James Hurtle; Wendy Morgan; Don Brown; Lois Biddle; Richard Palmer; Hyrum Alatraste; Emily Alatraste; Ann Stoddard; Gary Bingham; Peggy Bingham; Jim Packer; Wendy Packer; Garrett Seely; Doug Terry; Janae Terry; Steven Pollock; Susan Pollock; Dave Greenwell; Anne Greenwell; Jim Duffy; Karen Duffy; Niven Turner; Kevin Mayes; Justin Ropelato; Kay Buckley; Maria Toscaro; Eloise Sanchez; Susan Packard; Bill Packard; Richard Westerfield; Bill Underwood; Sandy Underwood; D.L. Thurman; Michelle Thompson; Gary Davis; and David Tracy.

Pledge of Allegiance: Gennie Kirch

### 1. DECLARATIONS OF CONFLICT

There were none.

### 2. APPROVAL OF JUNE 14, 2016, MINUTES

**Commissioner Kirch moved to approve the June 14, 2016, minutes as corrected. Commissioner Karras seconded the motion. Commission members Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted "aye." The motion carried.**

### 3. RE-PUBLIC HEARING TO CONSIDER A REQUEST TO AMEND THE GENERAL PLAN'S FUTURE LAND USE MAP BY CHANGING THE DESIGNATION OF PROPERTY LOCATED AT APPROXIMATELY 4465 SOUTH 1900 WEST FROM COMMERCIAL TO VERY HIGH DENSITY, MULTI-FAMILY AND A REQUEST TO AMEND THE ZONING MAP BY CHANGING THE ZONE OF PROPERTY LOCATED ROXIMATELY 4465

SOUTH 1900 WEST FROM R-1-8 (SINGLE-FAMILY RESIDENTIAL) AND CC (COMMUNITY COMMERCIAL) TO R-4 (MULTI-FAMILY RESIDENTIAL)

Steve Parkinson stated that this item had been brought back to the Planning Commission because there was a typographical error in the notice published in the newspaper and sent to adjacent property owners. The notice said the petition was to rezone the property to R-3. The actual request was to rezone the property to R-4.

Mr. Parkinson reminded the Planning Commission that the property being considered was located at approximately 4500 South 1900 West. The General Plan's future land use designation of Commercial conflicted with the current R-4 Zone. There was a small strip along the west side of the property which was zoned R-1-8, and two small parcels on 1900 West that were zoned Community Commercial. The City had received a petition to amend the future land use designation from Commercial to Very High Density, Multi-Family Residential. It had also received a petition to rezone the strip along the west side from R-1-8 to R-4 and the two parcels on 1900 West from Community Commercial to R-4. There was currently one fourplex and four homes on the property under consideration. The developer was proposing to construct townhomes on the property. The townhomes would be two stories and have two to three bedrooms. The maximum height would be 35 feet. At the last meeting, Lou Brown's brother read a letter into the record regarding the property's history and the family's reason for requesting the zone changes. Public comments were also received and recorded. The staff recommended approval of the General Plan amendment and the rezone.

**Commissioner Sphar moved to open the public hearing at 6:05 p.m. Commissioner Nandell seconded the motion. Commission members Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted "aye" The motion carried.**

Chairman Ohlin opened the floor for public comments. She indicated that questions would be answered after the public hearing.

Gary Bingham, 4329 South 2000 West, asked if the existing homes would be removed and how many townhomes would be constructed.

Bill Packard, 1975 West 4225 South, asked what would preclude the developer from changing the townhomes to apartments if the rezone was approved.

**Commissioner Kirch moved to close the public hearing at 6:08 p.m. Commissioner Karras seconded the motion. Commission members Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted "aye." The motion carried.**

Steve Parkinson stated that the Planning Commission was considering a rezone at this time. The City did not have a site plan that indicated the number of units planned by the developer. An R-4 Zone allowed a density of 12 units per acre. The developer would determine if the existing buildings would be removed. The Planning Commission and City Council had a vision of what the development should look like. Both parties could specify that the rezone was subject to townhomes. When a site plan for this property was submitted, the City could nail down the site details.

Commissioner Kirch stated that according to the ordinance, an opaque fence would be required around the site to separate the multi-family use from the single family. Steve Parkinson stated that a fence was not required to separate residential from residential, even if it was multi-family from single-family. A fence was required to separate and buffer residential from commercial. He felt the developer would want a fence. Fencing was a detail that could be addressed during the site plan review.

Commissioner Kirch asked why the zoning was being changed from R-1-8 to R-3 or R-4. Mr. Parkinson said the zoning split the parcel. The applicant would like to have the entire parcel zoned the same.

Commissioner Kirch asked about the orientation of the buildings. At the last meeting the developer indicated they would be facing north and south rather than facing 1900 West. How would the buildings adjacent to the homes on the west side be oriented? Mr. Parkinson said the staff did not have those details yet.

Commissioner Kirch asked about traffic access. If UDOT would not allow access onto 1900 West did the developer plan for the development to connect a looped road from 4550 South to 1950 West. Mr. Parkinson said they did. Access onto 1900 West would depend on UDOT.

Garrett Seely, Salt Lake, stated that he was representing the sellers. He had met with UDOT. UDOT would be really happy if there wasn't any access onto 1900 West. UDOT wanted to completely eliminate access onto 1900 West. There would be an internal looped road. The townhomes adjacent to the single-family homes would probably be oriented to the side.

Commissioner Kirch said a statement was made at the last meeting that all of the existing buildings would be torn down. Mr. Seely said that was correct. Commissioner Kirch asked how soon that would happen. Mr. Seely said the buildings would not be taken down until they received final site plan approval and closed on the property. The buildings had tenants that had to be dealt with. Commissioner Kirch stated that the tenants had been long term residents. Was it really necessary to take down the houses? Mr. Seely said it was for both the side plan and for UDOT. UDOT did not want any driveways on 1900 West.

Commissioner Kirch asked if the townhomes would have two to three bedrooms. Mr. Seely they would. Commissioner Kirch asked about the price point. Mr. Seely said the units would sell around the low \$200,000's.

Commissioner Kirch stated the R-4 allowed a maximum density of 12 units per acre. If extra landscaping was added the density could increase to 15 units. Based on the size of the property the density would be 75 to 112 units.

Commissioner Kirch stated that the majority of the property was already zoned R-4. There were just two small areas that had different zoning. The R-4 and R-1-8 Zones had very similar setback requirements. Single-family homes would not create a different buffer for the homeowners to the west. The building height in the two zones was the same. The only difference was the density. There were apartments and townhomes on the east side of 1900 West. She felt it would be better for the adjacent residents if the development could have access onto 1900 West, but that would be UDOT's call. The Leakage Study had indicated that this area did not have a high commercial

viability. She asked if the area would have a higher viability if the use of North Park changed. Mr. Parkinson did not feel it would.

Commissioner Karras stated that this property was not located on a hard corner so there had not been any interest in commercial development.

**Commissioner Kirch moved to recommend that the City Council amend the General Plan's Future Land Use Map by changing the future designation of property located at approximately 4465 South 1900 West from Commercial to Very High Density, Multi-Family Residential based on the staff's findings and recommendations. Commissioner Karras seconded the motion. A roll call vote was taken: Commission members Nandell, Payne, Sphar, Ohlin, Kirch, and Karras voted "aye." Commissioner Paul voted "nay." The motion carried.**

**Commissioner Kirch moved to recommend that the City Council approve the request to amend the Zoning Map by changing the zone of property located at approximately 4465 South 1900 West from R-1-8 and Community Commercial to R-4. Commissioner Payne seconded the motion. A roll call vote was taken: Commissioners Sphar, Karras, Nandell, Payne, Ohlin, and Kirch voted "aye." Commissioner Paul voted "nay." The motion carried.**

**\*Later in the meeting Commissioner Kirch moved to have the Planning Commission reconsider the motion regarding rezoning property located at 4465 South 1900 West to allow for a stipulation to be added. Commissioner Karras seconded the motion. Commissioners Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted "aye." The motion carried.**

**Commissioner Kirch moved to recommend that the City Council approve the request to amend the Zoning Map by changing the zone of property located at approximately 4465 South 1900 West from R-1-8 and Community Commercial to R-4 subject to the construction of townhomes as presented by the applicant. Commissioner Sphar seconded the motion. A roll call vote was taken: Commission members Paul, Ohlin, Kirch, Sphar, Karras, and Nandell voted "aye." Commissioner Paul voted "nay." The motion carried.**

Commissioner Kirch stated that because the majority of the property was already zoned, the developer could build townhomes even if the rezone was denied. Mr. Parkinson said that was correct.

4. PUBLIC HEARING TO CONSIDER A REQUEST TO AMEND THE ROY CITY MUNICIPAL CODE – TITLE 10 ZONING REGULATIONS TO REMOVE THE 'BOARD OF ADJUSTMENTS' FROM THE TITLE AND REPLACE IT WITH A 'HEARING OFFICER. THE CHANGES WOULD COMPRISE CHAPTERS 3 – ADMINISTRATION; CHAPTER 23 – NONCONFORMING USES; CHAPTER 25 – VARIANCES; AND CHAPTER 28 – APPEALS

Steve Parkinson stated that for several months the Planning Commission had been discussing amending the Zoning Ordinance to replace the Board of Adjustment with a Hearing Officer. The State of Utah passed a law that allowed municipalities to replace boards with hearing officers. The benefit was more consistent decisions made by someone trained in land use law. Board of

Adjustments were lay people from the community. They did not always make consistent rulings. The City Council had asked the Planning Commission to consider a text amendment to the Zoning Ordinance. Four Chapters of the Zoning Ordinance would be affected. In those chapters, the words *Board of Adjustment* would be replaced with *Hearing Officer*, except for Sections 305 and 307 in Chapter 3 and Chapter 23. Those section referred to non-complying structures. It would be easier and quicker for the staff to make rulings regarding non-complying buildings. If a resident did not like the staff's ruling, he could file an appeal with the Hearing Officer. Language had been added to Section 305 to allow the Zoning Administrator to render rulings on non-complying structures. In Section 305, 307, and Chapter 23, the words *Board of Adjustment* had been replaced with *Zoning Administrator*.

**Commissioner Nandell moved to open the public hearing at 6:25 p.m. Commissioner Kirch seconded the motion. Commissioners Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted "aye." The motion carried.**

Chairman Ohlin opened the floor for public comments.

Lance Hislop, 4875 South 2700 West, stated that he had served on the Board of Adjustment for eight years. They usually heard about two appeals a year. Mr. Parkinson was right about consistency. The Planning Commission was being asked to decide whether a bureaucrat made a ruling regarding an appeal versus neighbors and people in the community. He agreed that a Board of Adjustment was not as efficient.

**Commissioner Kirch moved to close the public hearing at 6:27 p.m. Commissioner Nandell seconded the motion. Commission members Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted "aye." The motion carried.**

Commissioner Nandell asked about the appeal process. Mr. Parkinson said that in most cases an appeal would be filed and heard by the Hearing Officer. For non-complying buildings an extra step had been added. The Zoning Administrator would make a ruling, which could be appealed to the Hearing Officer.

Commissioner Paul said he usually agreed with government by the people. However, Board of Adjustments made decisions without having any experience or knowledge. He felt the rulings should be made by someone with knowledge.

Chairman Ohlin liked the idea of neighbors making rulings. They lived in the community and cared about it.

Steve Parkinson stated that the majority of decisions made by the Board of Adjustments were illegal because of law restrictions they were not aware of.

Commissioner Paul asked if the clause requiring the Hearing Officer to be a Roy resident had been removed. Mr. Parkinson said it had. He and the City Manager felt it was more important to find a hearing officer with experience versus residency. The actual job description was not included in the Zoning Ordinance itself.

Trent Nelson, Assistant City Attorney, stated that the Planning Commission and City Council were officials either appointed or elected to make decisions about what the City would look like. A Board of Adjustment or a Hearing Officer were simply applying the law that had been put in place,

**Commissioner Paul moved to recommend that the City Council amend the Roy City Municipal Code – Title 10 Zoning Regulations by removing the ‘Board of Adjustment’ from the title and replacing it with a ‘Hearing Officer.’ The change would comprise Chapter 3 – Administration; Chapter 23 – Non-Conforming Uses; Chapter 25 – Variances; and Chapter 28 – Appeals. Commissioner Sphar seconded the motion. A Roll call vote was taken: Commission members Kirch, Sphar, Payne, Nandell, Karras, and Paul voted “aye.” Commissioner Ohlin voted “nay.” The motion carried.**

5. PUBLIC HEARING TO CONSIDER A REQUEST TO AMEND THE ROY CITY MUNICIPAL CODE – TITLE 13 SIGN REGULATIONS, CHAPTER 4 – REGULATION OF SIGNS. THE AMENDMENT WOULD CONSIST OF REMOVING 13-4-3 (B3[b5]) AND 13-4-3 (B4[a2]) “SITE OR DEVELOPMENT;” REPLACING IT WITH “BUSINESS ENTITY;” AND ADDING 13-2-1 A DEFINITION OF ‘BUSINESS ENTITY’

Steve Parkinson stated that the new Sign Regulations had had unforeseen consequences. There had been concern that some of the wording restricted signs which the Commission had intended to allow. The Planning Commission discussed multiple businesses on one site, but it never considered multiple buildings on a site. Both the staff and Councilman Dandoy felt the Commission’s intent could be achieved with a small word change and the introduction of a new definition. It was proposed that Title 13 Chapter 4 – Regulations of Signs be amended by replacing ‘*site or development*’ with ‘*business entity*.’ The definition of a ‘*business entity*’ would be added to Chapter 2 – Definitions. A business entity would be defined as a separate business that is contained in a separate building. The staff recommended approval of the proposed text amendment.

**Commissioner Kirch moved to open the public hearing at 6:35 p.m. Commissioner Nandell seconded the motion. Commissioners Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted “aye.” The motion carried.**

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

**Commissioner Kirch moved to close the public hearing at 6:36 p.m. Commissioner Nandell seconded the motion. Commissioners Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted “aye.” The motion carried.**

**Commissioner Kirch moved to recommend that the City Council approve amend the Roy City Municipal Code – Title 13 Chapter 4 – Regulation of Signs by removing ‘*site or development*’ and replacing it with ‘*business entity*’ in 13-4-3(B3[b5]) and 13-4-3(B4[a2]) and by adding the definition of *business entity* to 13-2-1. Commissioner Karras seconded the motion. A roll call vote was taken: Commission members Paul, Karras, Payne, Ohlin, Sphar, Kirch, and Nandell voted “aye.” The motion carried.**

6. PUBLIC HEARING TO CONSIDER A REQUEST TO AMEND THE ROY CITY MUNICIPAL CODE – TITLE 10 ZONING REGULATIONS, CHAPTER 17 – TABLE OF

USES BY REMOVING 'GROOMING' FROM THE USE DESCRIPTION OF 'KENNEL' AND MAKING IT ITS OWN CATEGORY WITH STIPULATION THAT THERE BE NO BOARDING, BREEDING, OR SELLING OF PETS

Steve Parkinson stated that the City had received a request to amend the Table of Uses in Chapter 17 of the Zoning Regulations to create a new use category for pet grooming. The applicant applied for a business license to open a pet grooming business. The staff discovered that the only grooming mentioned in the use category was in association with a 'kennel,' which was not allowed in either the Community Commercial or Regional Commercial Zones. The applicant then filed a petition to amend the Zoning Ordinance to remove grooming from the use description of a kennel and make it its own category with the stipulation that there be no boarding, breeding, or selling of pets. The staff had found that the request was consistent with other aspects of the Code and recommended that the amendment be approved.

**Commissioner Nandell moved to open the public hearing at 6:38 p.m. Commissioner Sphar seconded the motion. Commissioners Karras, Kirch, Nandell, Ohlin, Paul, and Payne voted "aye." The motion carried.**

Chairman Ohlin opened the floor for public comments.

Niven Turner, 2108 West 5250 South, supported the proposed change. The applicant Karen Duffy had been in business for 20 years. She would be an asset to the community. He felt this was a common sense issue.

James Duffy, Layton, stated that they agreed with the conditions of no boarding, breeding, or selling.

Sharon Wallay, 3800 South 1900 West # 10; Dixie Reishauer, 2489 South 4750 South; Steven Pollock, Layton; Wendy Morgan, Layton; Michelle Thompson, 4627 West 5800 South; and Richard Westfield, 4647 South 3900 West all spoke in support of Karen Duffy. They said she had taken care of their dogs for years. She had a very clean business. She loved their dogs, and the dogs loved her. Karen was a great business woman. They felt she would be an asset to Roy.

**Commissioner Paul moved to close the public hearing at 6:46 p.m. Commissioner Nandell seconded the motion. Commissioners Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted "aye." The motion carried.**

Steve Parkinson reminded the Commission and audience that the hearing was to consider a text amendment, not the use itself.

Commissioner Kirch felt this would be a good change.

**Commissioner Nandell moved to recommend that the City Council amend the Roy City Municipal Code Title 10 Chapter 17 – Table of Uses by removing 'grooming' from the use description of a 'kennel' and then making its own use category with the stipulation that there be no boarding, breeding, or selling of pets. Commissioner Paul seconded the motion. A roll call vote was taken: Commissioners Payne, Ohlin, Paul, Nandell, Karras, Sphar, and Kirch voted "aye." The motion carried.**

7. PUBLIC HEARING TO CONSIDER A REQUEST TO AMEND THE GENERAL PLAN'S FUTURE LAND USE MAP BY CHANGING THE DESIGNATION OF PROPERTY LOCATED AT APPROXIMATELY 5154 SOUTH 2700 WEST FROM MEDIUM DENSITY, SINGLE-FAMILY RESIDENTIAL TO VERY HIGH, MULTI-FAMILY RESIDENTIAL AND A REQUEST TO AMEND THE ZONING MAP BY CHANGING THE ZONE OF PROPERTY LOCATED AT APPROXIMATELY 5154 SOUTH 2700 WEST FROM R-1-8 (SINGLE-FAMILY RESIDENTIAL) TO R-3 OR R-4 (MULTI-FAMILY RESIDENTIAL)

Steve Parkinson stated that the City had received two petitions regarding property located at 5154 South 2700 West. The first petition was to amend the General Plan's Future Land Use Map by changing the future designation from Medium Density, Single-Family Residential to Very High, Multi-Family Residential. The second petition was to change the zoning from R-1-8 (Single-Family Residential) to R-3 or R-4 (Multi-Family Residential). The staff recommended an R-3 Zone versus an R-4.

Mr. Parkinson said the neighborhood was a mix of zones, including Manufacturing, RE-20, R-1-8, and R-3. It was not a homogeneous area. It had a mix of manufacturing businesses interspersed with single-family homes and some apartments. The applicant, Doug Terry, owned the home north of the property under consideration. The home was not included in the rezone petition. The proposed change would not be out of character. He would not recommend a change to a manufacturing use. This area had not been considered in the City's Leakage Study. The applicant was proposing to build townhomes on the property. He directed the Planning Commission to consider whether the proposed use would be out of character. He felt a multi-family use would be a buffer from the railroad tracks. The staff had found that the proposed change would be the highest and best use of the land. The proposed change would support Roy City's economic development. The staff recommend approval of both changes subject to the applicant applying for and receiving approval of a conditional use and site plan.

Commissioner Kirch asked how much acreage was involved. Mr. Parkinson said it was about two acres.

Commissioner Nandell asked about the difference in density between the R-3 and R-4 Zones. Mr. Parkinson said they both had a maximum density of 12 units per acre. An R-4 Zone allowed an office use, which he did not feel made sense in the area.

**Commissioner Karras moved to open the public hearing at 6:52 p.m. Commissioner Sphar seconded the motion. Commission members Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted "aye." The motion carried.**

Chairman Ohlin opened the floor for public comments. She indicated that questions would be answered after the public hearing.

Teresa Hislop, 4875 South 2700 West, wanted to begin with a public apology to Doug Terry. He was an honorable man. She should have called Mr. Terry with her concerns before speaking with her neighbors. He was trying to do what he felt was best for his family. She wanted to do what was best for her family. She was concerned that the proposed rezone would set a precedent for the neighborhood that would not be good for her family. She was opposed to the requested rezone.

Cindy Winget, 5225 South 2700 West, was against the rezone. She felt 2700 West was already busy due to the pool and the existing uses. There were a lot of young children in the neighborhood. More traffic would be too much. She did not feel multi-family homes made sense, but single family homes did.

Gary Davis, 5244 South 2700 West, was strongly opposed to the rezone. He felt the value of his home would take a hit. 2700 West was already a busy street. High density housing would make it busier. He had found those who lived in the high density housing west of him did not make good neighbors. Kids used the southwest corner of his property to cross the railroad tracks. Multi-family housing would make the kids out of control. The train engineers knew about the kids and laid on their horns when passing through the neighborhood. He was in favor of keeping the current zone as it was low density housing.

David Tracy, 5125 South 2700 West, liked Doug Terry, but he really didn't like the idea of high density housing coming into the neighborhood. The majority of the people lived in this neighborhood because they wanted a little bit of space. He didn't feel high density housing would be good for the neighborhood. Apartments did increase the tax base, but not without a cost. There was currently an infrastructure project on 4800 South right now, which the City was paying for. Apartments might increase the tax base, but their services had to come from somewhere. He would much rather see storage units, a warehouse, or a machine shop like what was already in the neighborhood. He had attended City meetings where there was discussion about people being buried on Mr. Terry's property. He asked if that was a fact. If it was, he felt it should be explored before addressing anything on Mr. Terry's property.

Kevin Mayes, 5112 South 2700 West, loved Doug Terry but he was opposed to the rezone. He questioned the City's trend toward apartments. Roy City was the fourth densest city in the state. In the City's General Plan was there a ratio of high density housing to single-family homes? Was there a measurable mark to determine when to draw the line? He suggested that consideration of apartments be tabled until the City had a measurable amount. He did not want to live in and raise his children in the fourth densest city. He did not want to raise his children three houses away from apartments.

Brenda Nelson, Bridgeline Realty, stated that she had been working with Mr. Terry for several years. He did not intend to put in apartments or high density housing. He was proposing affordable townhomes. Right now the area had an inventory of two to three months (which was how long it took to sell a home). It was hard for a buyer to find an affordable home in Roy under \$200,000. She could understand that the neighborhood did not want the townhomes to turn into apartments. The City could stipulate that the townhomes remain owner occupied. She encouraged the Planning Commission to consider affordable housing.

Justin Ropelato, 5302 South 2700 West, did not feel the proposed rezone would improve the neighborhood or community. He seconded everything that had been said. He had put himself in Doug Terry's position. He could not say he wouldn't do the same thing for a financial gain. Although he did not plan to remain in the neighborhood long term, he was opposed to the rezone.

Doug Terry, 2509 West 5175 South, stated that his family had owned this property since the 1930's. There had never been a cemetery on this property. It was on Gary Davis's land. There

were trees all the way around this property. Ninety percent of the residents would not know the townhomes were there. The townhomes he planned to build were similar to the ones on Airport Road. He felt they would be a great asset and would increase the assets in the area. He felt there was a need for more affordable multi-family homes.

Mel Schwartz, 5085 South 2700 West, stated that she had approached the Planning Commission a few years ago and requested that her property be rezoned from Manufacturing to RE-20. At that time the Planning Commission had discussed the future land use designations of the area. She felt there was a good mix of uses in the neighborhood. It was very bucolic. She was concerned about high density housing. She hated to see the farmland go away. She felt multi-family would increase the traffic. It would be a very abrupt transition from the single-family homes to the south. It would change the character of the neighborhood. She wanted to protect her little RE-20 property. She wanted to retain this rural area of Roy, even if the City was incredibly dense.

Gary Davis stated the cemetery was never on Doug Terry's property. It was on his. The cemetery was not an issue.

Lance Hislop, 4875 South 2700 West, was not sure the multi-family would make much of a difference to his property toward the end of the street. His biggest concern was that this rezone would allow the camel's nose in the tent. The area between the two tracks was one area in Roy where there was land and property left. If the City allowed multi-family housing on this property, it opened the door for more properties in the area to do the same. Earlier the staff mentioned that there was a multi-family use kiddie corner to Mr. Terry's property. The corner property kiddie cornered to Mr. Terry was a single-family residence on .17 acres. There wasn't any multi-family uses actually touching this property. There was not a multi-family use on the east side of 2700 West from 4800 South to 5600 South. Rezoning this property would be a big change. He understood that Mr. Terry wanted to do what was best for his family, but he worried about what a rezone could mean to the future for his family.

Devon Winget, 5225 South 2700 West, stated that he was concerned about high density and traffic. He felt the best use for the land was a park. There weren't a lot of places for kids in the area to play. This could be a place where the area could come together. He lived on 2700 West and worked from home. He could hear the traffic all day. He worried about more people and traffic.

Emily Alatraste, 2694 West 5250 South, stated that she and her husband moved to Roy because of the affordable housing. This was their first home. This was a great neighborhood. She was concerned that the development would bring a more transient people. People who rented did not care. She worried that she would not be as secure with her children. She was also concerned about high density and traffic.

Lois Biddle, 5175 South 2700 West, was concerned about traffic. If there was a lot of housing, it would be more difficult to get in and out of her property. She did not even attempt to get out at 8:00 a.m. on a weekday, especially if a train closed 4800 South. Then all of the traffic on 4800 South turned on 2700 West to use the light at 5600 South. The children in the area did need a park. A lot of houses would need more access to 2700 West.

Maria Toscaro, 5161 South 2700 West, had the same concerns that others had – traffic and density. She moved to Roy because she wanted to have space. She didn't want to be right next

to her neighbors. In this neighborhood, there was land between the uses. She was concerned about having a bunch of people across the street from her. She was definitely opposed to it.

Wendy Packer, 5149 South 2700 West, was opposed to multi-family housing. She lived right across the street from Doug Terry's property. The traffic on 2700 West was already horrible. If more people were added, the traffic would be worse. She had horses. She didn't want them tormented by extra people. When her husband tried to back their trailer into their property, drivers got angry because they blocked the road. She would rather see single-family homes.

D.L. Thurman, 4953 South 3100 West, owned the barn on 4800 South. He felt the Planning Commission needed to look at the 4800 South railroad crossing. It was a bad area. The 2700 West 4800 South intersection was a nasty corner.

Doug Terry stated that when he moved to this area, there were ten cars a week. He did not feel the proposed use would change the traffic that much. There was already a lot of traffic.

**Commissioner Kirch moved to close the public hearing at 7:23 p.m. Commissioner Paul seconded the motion. Commissioners Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted "aye." The motion carried.**

Steve Parkinson responded to questions and statements made during the hearing. The construction work currently being done on 4800 South was being done by Hooper Water. It was not funded by Roy City. He did not know anything about burials on the property. The maximum density of two acres was 24 to 30 units.

Commissioner Kirch asked about the density of an R-1-8 Zone. Mr. Parkinson the density of an R-1-8 Zone would be about eight units. Commissioner Kirch said an R-3 Zone would allow four to six more units than an R-1-8 Zone.

Steve Parkinson stated that the City's density rating of fourth was based on the fact that the City had a lot of R-1-6 and R-1-7 lots. The City really didn't have a lot of multi-family designated zones. He did not have a ratio of single-family homes to multi-family. He knew there were more single-family homes in Roy than multi-family.

Commissioner Kirch stated that about 81% of the citizens across the Wasatch Front lived in single-family homes.

Steve Parkinson stated that the home kiddie cornered to Mr. Terry was a single-family residence, but the property was zoned R-3. The R-3 Zone allowed single-family lots, but they were smaller than those in an R-1-8 Zone. Roy City was mostly built out. The difficult parcels were all that was left. It was not always cost effective to build single-family homes. The City would have to look at whether to purchase this property for a park. It was not in the City's long range plan.

Commissioner Kirch stated that the City had a park at 2900 West 4800 South. Its biggest problem was parking.

Steve Parkinson stated that the City could not regulate whether a townhome was owner-occupied. If the economy went down, investors purchased townhomes for investments then

rented them out. He personally lived in a townhome, or multi-family structure, so he had a different view.

**Commissioner Nandell moved to recommend that the City Council deny the request to amend the General Plan's Future Land Use Map by changing the future designation of property located at approximately 5154 South 2700 West from Medium Density, Single-Family Residential to Very High Density, Multi-Family Residential. Commissioner Paul seconded the motion. A roll call vote was taken: Commissioners Sphar, Karras, Ohlin, Nandell, and Paul voted "aye." Commissioners Kirch and Payne voted "nay." The motion carried.**

**Commissioner Nandell moved to recommend that the City Council deny a request to amend the Zoning Map by changing the zone of property located at 5154 South 2700 West from R-1-8 (Single-Family Residential) to R-3 or R-4 (Multi-Family Residential) Commissioner Paul seconded the motion. A roll call vote was taken: Commissioners Ohlin, Sphar, Karras, Nandell, and Paul voted "aye." Commissioners Payne and Kirch voted "nay." The motion carried.**

#### 8. COMMISSIONER'S MINUTE

\*See the end of Item No. 3.

Commissioner Kirch stated that in the past, rezone petitions were accompanied by site plans so the Planning Commission could better understand what was being proposed. She asked if the Zoning Ordinance could be changed to require the submission of at least a conceptual plan. Steve Parkinson said the preparation of a conceptual plan cost an applicant several thousand dollars. It was difficult for an applicant to spend that much money when he wasn't sure his petition would be approved. When reviewing a site plan, the Planning Commission could really nail down the details. Commissioner Kirch felt it was difficult for the Planning Commission to make quantified decisions without seeing a plan. Commissioner Karras agreed that seeing a concept plan or site plan would really help. Mr. Parkinson said there wasn't anything in the State law or City ordinances to require the submission of a site plan with a rezone petition.

Commissioner Kirch asked where the densities were addressed in the Zoning Ordinance. Mr. Parkinson said they were in Chapter 10 Table 10-1.

#### 9. STAFF UPDATE

Steve Parkinson stated that the Planning Commission was invited to attend the City's annual Roy City Employee Party on July 12<sup>th</sup>, which was the next scheduled Planning Commission meeting.

**Commissioner Paul moved to cancel the July 12<sup>th</sup> Planning Commission meeting. Commissioner Sphar seconded the motion. Commission members Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted "aye." The motion carried.**

#### 10. ADJOURN

**Commissioner Nandell moved to adjourn at 8:41 p.m. Commissioner Karras seconded the motion. Commission members Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted "aye." The motion carried.**

Attest:

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Lindsey Ohlin  
Chairman

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Michelle Drago  
Secretary

dc: 06-28-16