



## 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@royutah.org](mailto:ced@royutah.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



1 ROY CITY PLANNING COMMISSION

2  
3 June 14, 2016

4  
5 Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy  
6 City Municipal Building on June 14, 2016, 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 Lindsey Ohlin, Chairman Steve Parkinson, Planner  
15 Leland Karras Trent Nelson, Assistant City Attorney  
16 Joe Paul Michelle Drago, Secretary  
17 Jason Sphar

18  
19 Others present were: Douglas McDowell, Tammy Vandray; Howard Vandray; Richard Arnold;  
20 Jennifer Wiesinger; Garrett Seely; Tracy Charlton; Cindy Charlton; Mike Fullmer; Randy  
21 Galloway; Menah Strong, Bank of Utah; Brian Bott; Dennis Brown; Mrs. Dennis Brown; James C.  
22 Aland; Lorin Parks; Daniel Chavez; and Kent Hill.

23  
24 Pledge of Allegiance: Jason Sphar

25  
26 1. DECLARATIONS OF CONFLICT

27  
28 There were none.

29  
30 2. APPROVAL OF MAY 10, 2016, MINUTES

31  
32 **Commissioner Paul moved to approve the May 10, 2016, minutes as corrected.**  
33 **Commissioner Karras seconded the motion. Commission members Karras, Ohlin, Paul,**  
34 **and Sphar voted "aye." The motion carried.**

35  
36 3. PUBLIC HEARING TO CONSIDER A REQUEST TO AMEND THE GENERAL PLAN'S  
37 FUTURE LAND USE MAP BY CHANGING THE DESIGNATION OF PROPERTY  
38 LOCATED AT APPROXIMATELY 4465 SOUTH 1900 WEST FROM COMMERCIAL TO  
39 VERY HIGH DENSITY, MULTI-FAMILY AND A REQUEST TO AMEND THE ZONING  
40 MAP BY CHANGING THE ZONE OF PROPERTY LOCATED AT APPROXIMATELY  
41 4465 SOUTH 1900 WEST FROM R-1-8 (SINGLE-FAMILY RESIDENTIAL) AND CC  
42 (COMMUNITY COMMERCIAL) TO R-4 (MULTI-FAMILY RESIDENTIAL)

43  
44 Steve Parkinson stated that the City had received two requests regarding land located at  
45 approximately 4465 South 1900 West. The first request was to amend the General Plan's Future  
46 Land Use Map by changing the land use designation from Commercial to Very High Density,  
47 Multi-Family. The second request was to rezone two parcels from R-1-8 and Community  
48 Commercial to R-4.

49  
50 Mr. Parkinson explained that the property located at approximately 4465 South 1900 West was  
51 approximately 7.5 acres in size. The majority of the property was already zoned R-4. A small  
52 sliver along the west side was zoned R-1-8. Two small parcels on 1900 West were zoned  
53 Community Commercial. There were currently five buildings located on the property; four single

54 family homes and one fourplex. Two of the homes were located on the commercially zoned  
55 parcels. The current R-4 Zone was not compatible with the Future Land Use Map, which  
56 designated the future use of this property as commercial. The applicant was seeking to have the  
57 entire site zoned R-4 and to comply with the Future Land Use Map.

58  
59 Mr. Parkinson stated that the when the Planning Commission was considering an amendment to  
60 the General Plan and/or Zoning Map, it needed to consider the following questions:

- 61
- 62 1. The effect of the proposed amendment on the character of the surrounding area.
  - 63 2. The effect of the proposed amendment on the public health, welfare, and safety of City  
64 residents.
  - 65 3. The effect of the proposed amendment on the interests of the City and its residents.
  - 66 4. The location of the proposed amendment is determined to be suitable for the uses and  
67 activities allowed by the proposed amendment, and the City, and all other service  
68 providers, as applicable, are capable of providing all services required by the proposed  
69 uses and activities in a cost effective and efficient way.
  - 70 5. Compatibility of the proposed uses with nearby and adjoining properties.
  - 71 6. The suitability of the properties for the uses requested.
  - 72 7. The effect of the proposed amendment on the existing goals, objectives, and policies  
73 of the General Plan, and listing any revisions to the City's Land Use Ordinances, this  
74 Ordinance, the Subdivision Ordinance, and any other ordinances required to  
75 implement the amendment.
  - 76 8. The community benefits of the proposed amendment.
- 77

78 The current R-4 Zone matched the existing uses and zones to the north and south. There was a  
79 multi-family use to the east, even though the property was zoned R-1-8. There was a commercial  
80 area to the east as well. The area to the west was zoned R-1-8 and used for single-family  
81 residential. The two commercial parcels included in the rezone, were small and currently  
82 contained two homes, which did not comply with the Zoning Ordinance. The Planning  
83 Commission needed to consider what was most compatible with the property – multi-family or  
84 commercial. The General Plan talked about the need for a variety of housing stock. A variety gave  
85 residents options. Eighty-five percent (85%) of the property was already zoned R-4. The applicant  
86 was asking that a small sliver along the west side be rezone from R-1-8 to R-4 and that two small,  
87 commercial parcels on the southeast corner be rezoned from Community Commercial to R-4 as  
88 well. The applicant wanted the zoning to match the General Plan's Future Land Use Map and was  
89 seeking an amendment to do that. There were four single-family homes and one fourplex on the  
90 site. All would be demolished to make way for the new townhomes. The units would have three  
91 bedrooms and two-car garages.

92  
93 **Commissioner Karras moved to open the public hearing at 6:08 p.m. Commissioner Sphar**  
94 **seconded the motion. Commission members Karras, Ohlin, Paul, and Sphar voted "aye."**  
95 **The motion carried.**

96  
97 Chairman Ohlin opened the floor for public comments.

98  
99 Dennis Brown, 2119 West 6000 South, read a letter written by his brother, Lou Brown:  
100 *I am writing this memo based upon my limited ownership in the property and my experience from nearly forty*  
101 *years in the field of market development and real estate acquisition. I worked for nearly 29 years for General*  
102 *Mills/Darden Restaurants. During this time I did market research and site acquisition for Red Lobster, Olive*  
103 *Garden and other restaurants owned by the firm. Thereafter, for 10 plus years, I assisted the LDS Church buy*  
104 *properties for their various needs.*

105  
106 *HISTORY: The subject property has been owned in the Brown family for more than 100 years. My*  
107 *grandparents and parents have owned and farmed this land for many years as an orchard or crop farming.*  
108 *My siblings and I have spent thousands of hours working the land to produce fruits and vegetables. My*  
109 *Grandfather and Grandmother operated a fruit farm on the land west of the subject property, where the*  
110 *Harmony Park Subdivision is now located. Around the year 1954, my uncle built a home on one lot, and in*  
111 *1957, my parents finished a home on another lot where they lived the remainder of their lives. The fourplex*  
112 *was developed by my father around 1969 as I recall.*

113  
114 *In 2007 both Amos and Ethel Brown passed away and the property was bestowed to their children,*  
115 *Barbara Thomas, Louis Brown, Beverly Rasmussen, Dennis Brown and Debbie Hansen.*  
116

117 *MARKET CONDITIONS: When the family members decided to sell the land I conducted extensive research*  
118 *to determine the highest and best use for the property. I was aware the property was zoned residential and*  
119 *master planned for community commercial. Our family has always hoped the land could be developed with*  
120 *a nice commercial project. Unfortunately, commercial development still has not recovered from the recession*  
121 *of 2007-2008. This condition continues to a great degree along most of the Wasatch Front and America as a*  
122 *general statement. In addition, this issue is further impacted because the land is approximately 1 mile north*  
123 *of Roy's central business district. Over the past year I have spoken with numerous real estate agents who*  
124 *have commercial land listed in Roy and adjacent communities. They report that commercial development is*  
125 *extremely slow in Roy and surrounding cities. I have brought many developers and real estate agents to the*  
126 *subject property and requested their opinion on the highest and best use for the property. Without exception,*  
127 *everyone has recommended that the highest and best use, and most feasible, would be town home*  
128 *development. For the record, during the time the property has been listed we have had no offers regarding*  
129 *commercial development.*

130  
131 *Why Town Home Development you may ask? The property fits the recommendations of the Envision Utah*  
132 *Master Planning Commission because of its location and the need to provide a broad range of housing*  
133 *stock into a community. Recent news reports have documented the high demand for more housing where*  
134 *a school teacher, fireman, police officer, young couple, retired couple looking to downsize or a first time*  
135 *buyer can invest in a home and build equity.*

136 *Roy has many apartments but few town home projects. Within the past few years many communities have*  
137 *realized the need to provide this type of housing to meet market demand and broaden the housing stock of a*  
138 *city. The last ten plus years of my career I worked to purchase property for the LDS Church. I can tell you from*  
139 *personal experience that Daybreak in South Jordan, the largest residential development in the state of Utah,*  
140 *has developed a substantial number of town homes. Sizable amounts of town home projects have gone into*  
141 *the cities of Herriman, Riverton and many other cities in Salt Lake County. I have bought sites in these areas*  
142 *for my church. In Davis County, where I live, the communities of Farmington and Kaysville have approved this*  
143 *'type of housing. In some cases these projects have been developed near upscale housing areas.*  
144

145 *The people buying town homes are very responsible citizens looking to invest in a property they can afford. In*  
146 *addition, many people no longer want the responsibility of maintaining a yard.*  
147

148 *Town home projects also offer many of the advantages associated with upscale housing projects*  
149 *such as rules and regulations regarding home maintenance, pets, safety issues, garbage handling,*  
150 *yard maintenance, snow removal, parking restrictions and specifics on prohibited land uses within a*  
151 *project.*  
152

153 *As you know, the above referenced restrictions are associated with these types of projects to protect the*  
154 *individual home owners and also help a city maintain domestic tranquility within the project.*  
155

156 *The subject property is also favorably located near the Fronrunner station and is just a few minutes commute*  
157 *by car or bicycle. This fits the goal of Envision Utah for high density housing being located near mass transit.*  
158 *Residents in the proposed project can conveniently use Fronrunner for travel to Ogden, Layton, Farmington,*  
159 *Bountiful, Salt Lake City and Provo. Less traffic upon the roads leads to less pollution from automobiles.*  
160

161 *In order to make their project work they need your support to change the rear portion of the properties*  
162 *zoning classification. They also need your support to change the master plan to a residential designation.*  
163

164 *In conclusion, the proposed project lends itself to smart, effective and efficient land planning. It meets a*  
165 *demand that has been documented by local press. Housing prices have not spiked as much in Roy as*  
166 *perhaps some other communities. However, with the growing economy along the Wasatch Front, it appears*  
167 *a reasonable conclusion that housing prices in Roy are going to increase and the need for this type of*  
168 *product is obvious.*  
169

170 Richard Arnold, 4484 South 1975 West, was concerned about the rezone. Most of the people in  
171 the neighborhood were older and had lived in their homes since the 1960's. Some had only  
172 received 24 hours' notice about the hearing. He wanted to know what the price point would be.  
173 What type of fence would separate this proposed development from the older neighborhood?  
174 Would there be community-type facilities, such as a pool or a recreation facility? Would the units  
175 have individual backyards, or would it be an open design?  
176

177 Jennifer Wiesinger, 1975 South 4550 South, stated she lived right at the end of the 'T' in the road.  
178 She was concerned about the older residents in the neighborhood. It was a tight-knit community.  
179 One resident remembered that when Mr. and Mrs. Brown were alive the City agreed that 4550  
180 South would not be a through street. Another said that if the street went through, she would move.  
181 She wanted to know if her street would be connected to 1900 West. There were small children in  
182 the neighborhood. Her home had been struck by a drunk driver. She was concerned that the  
183 safety of the children could be compromised by the intoxicated drivers. She asked where the exits  
184 and entrances for the development would be located. She felt the children in the area should be  
185 able to play without having to worry about vehicles. Her research showed that the student to  
186 teacher ratio at North Park Elementary School was 18 to 1, but next year the enrollment was  
187 projected to increase. North Park's rating of 46 was slightly lower than average. Roy residents  
188 were considered to be either middle income with children under 20 or young professionals. The  
189 population was less educated. She moved to Roy so that she could farm on her land and not  
190 worry about her children. She was concerned about the type of people the townhomes would  
191 bring into the neighborhood and losing her view of the mountains. She knew there would be height  
192 restrictions due to the proximity of the Ogden Airport. She asked the developer to consider the  
193 existing community when designing the development. The residents in the neighborhood wanted  
194 a place to call home where they could feel safe and peace.  
195

196 Howard Vandray, Salt Lake City, stated that he had been assisting the Brown Family. They initially  
197 considered some type of commercial use. However, the site was not located on a hard corner  
198 and the main commercial area was located to the south. When they marketed the property, they  
199 received inquiries about residential uses, but not commercial. It became evident that the best use  
200 was residential. He felt it was very unlikely that the property would have a commercial use. He  
201 recommended that the family market the property for a multi-family site. The market had proven  
202 that recommendation. A well-respected developer had put the property under contract.  
203

204 Randy Galloway, Ogden, stated that he owned a large commercial building in Roy. It had been  
205 for sale for three years without an offer. He also owned property at the end of the east end of  
206 4550 South. He did not feel the Brown property was suited for a commercial use. More access  
207 avenues would actually mean fewer cars. He would love to see this property develop.  
208

209 Tracy Charlton, 4506 South 1975 West, stated that his main concern was privacy and traffic. He  
210 had three young children that played around his home. Traffic was pretty light in the neighborhood.  
211 He didn't have to worry about his children. He was also worried about how his property value  
212 would be affected by the proposed development. Would it hurt or help his property value?  
213

214 **Commissioner Sphar moved to close the public hearing at 6:32 p.m. Commissioner Karras**

215 **seconded the motion. Commission members Karras, Ohlin, Paul, and Sphar voted “aye.”**  
216 **The motion carried.**  
217

218 Steve Parkinson stated that because this was a rezone and a General Plan amendment, the  
219 applicant had not submitted a site plan. The applicant was proposing townhomes with three  
220 bedrooms and two-car garages. He did not know if either 4450 or 4550 South would be continued  
221 through to 1900 West. He felt it was unlikely that 4550 South would be punched through due to  
222 its proximity to the intersection of 4500 South and 1900 West. The R-4 Zone allowed a density of  
223 12 units per acre. The multi-family standards allowed a density bonus of 15 units per acre if the  
224 developer provided extra landscaping amenities. The maximum building height allowed by the  
225 Zoning Ordinance was 35 feet. He did not know if the Ogden Airport had any height restrictions  
226 for this area, nor did he know what the price point would be. The front yard setback in the R-1-8  
227 and R-4 Zones was 25 feet. The rear yard setback in the R-4 Zone was 20 feet as opposed to the  
228 30 foot required in the R-1-8 Zone. If the property were zoned commercial, the rear yard setback  
229 would be ten feet. A multi-family use would allow for a larger rear yard buffer. The maximum fence  
230 height allowed by the City was six feet. He did not know what type of fence the developer was  
231 proposing.

232  
233 Chairman Ohlin asked if a commercial building was restricted to 35 feet in height. Mr. Parkinson  
234 said it was.

235  
236 Garrett Seely, DG Investments, Alpine, stated that he was the applicant. UDOT had told them  
237 that 4550 South could not be extended through to 1900 West. There was a possibility for them to  
238 have an access at 4500 South. UDOT's preferred option was to loop a road between 4450 South  
239 and 4550 South with no access onto 1900 West. If that was the site's main access, most traffic  
240 would probably head north to the light at 4400 South 1900 West.

241  
242 Commissioner Paul asked if that type of access would meet the fire code. Mr. Parkinson said the  
243 City Engineer and Fire Department would review all plans to make sure they met the City's codes.

244  
245 Commissioner Paul asked how many units were being proposed. Mr. Seely said the site consisted  
246 of 7.5 acres. A density of 12 units per acre would yield a total of 75 units. If they put in additional  
247 landscaping they could get up to 15 units per acre, which would be a total of 115 units.

248  
249 Commissioner Paul asked if the buildings would be oriented toward 1900 West. Mr. Seely felt the  
250 side of the units would probably face 1900 West so the garages would not be visible. There would  
251 be six units in a building, and there would be a homeowner's association to cover maintenance.

252  
253 Commissioner Paul asked how the development would be separated from 1900 West. Mr. Seely  
254 said it would there would be some type of barrier; probably have a split rail fence. The  
255 development would have a combination of private and semi-private space. A pool was not  
256 planned.

257 Chairman Ohlin was concerned about losing commercial property on 1900 West. Steve Parkinson  
258 quoted the Leakage Study commissioned by the City:

259  
260 “The North Park Business District has about 24 businesses in the area, with room for further expansion.  
261 Currently, this area accounts for less than one percent of the total City-wide retail sales. It is likely that the  
262 sales tax will increase slightly through build out in this area, but because office space is not a significant sales  
263 tax generator, huge growth in sales tax is unlikely for this area.

264  
265 KEY FINDINGS AND RECOMMENDATIONS

- 266 ○ This area accounts for less than one percent of all retail sales city-wide and contains almost two dozen  
267 businesses.
- 268 ○ This oldest segment of the City's population lives in this area, although there is a stark contrast in  
269 incomes within that population. To the north of 4000 South, the median household income is \$30-40k,  
270 while the median income to the south of 4000 South is double at \$70-80k.
- 271 ○ Additional land exists for the future expansion of office and civic space.
- 272 ○ The City may consider the use of development incentives to attract a large employer who will bring new  
273 jobs which pay high salaries. But, because this area provides very little sales tax, incentives should be  
274 carefully considered with an appropriate cost benefits analysis.

275  
276 The Leakage Study already identified that, due to the business park to the north, this area was  
277 not a sales tax mecca. The City would only lose two homes on the small commercially-zoned  
278 parcels. The majority of the site was already zoned R-4. If the City decided not to approve the  
279 rezones, the developer would build townhomes in the R-4 area, single-family homes in the area  
280 zoned R-1-8, and some small commercial. The R-4 Zone did provide the possibility for a mixed  
281 use as it allowed professional offices.

282  
283 Mr. Parkinson said the staff had found that the requested General Plan amendment and the  
284 rezone provided and supported Roy's economic development and was the best use of the land.  
285 The staff recommended that the Planning Commission recommend that the City Council approve  
286 the General Plan amendment and the rezone subject to the development receiving a conditional  
287 use and site plan approval.

288  
289 Chairman Ohlin asked about the status of townhomes in Roy. Mr. Parkinson said there were  
290 about twelve townhomes in Roy on the south side of 5600 South about 2300 West. People  
291 purchased townhomes because they either affordable or because they wanted an easier style of  
292 living.

293  
294 Commissioner Paul stated that Roy was the fourth densest city in the state. Did the City want to  
295 shoehorn in more dwellings units? Mr. Parkinson said the majority of the property was already  
296 zoned R-4. The applicant was requesting that two small areas be rezoned the same. Regardless  
297 of what happened with the rezone, the City was still going to get townhomes.

298  
299 **Commissioner Karras moved to recommend that the City Council amend the General**  
300 **Plan's Future Land Use Map by changing the future land use designation of property**  
301 **located at approximately 4465 South from Commercial to Very High Density, Multi-Family**  
302 **based on the staff's findings and subject to the recommendations of the staff.**  
303 **Commissioner Sphar seconded the motion. Commissioners Karras, Ohlin, and Sphar**  
304 **voted "aye." Commissioner Paul voted "nay." The motion carried.**

305  
306 Michelle Drago questioned whether three 'ayes' constituted a majority of the Planning  
307 Commission. Mr. Parkinson said a motion needed to pass by a majority of Commission members  
308 present.

309  
310 **Commissioner Sphar moved to recommend that the City Council change the Zoning Map**  
311 **by rezoning property located at approximately 4465 South 1900 West from R-1-8 to R-4**  
312 **based on the staff's findings and subject to the staff's recommendations. Commissioner**  
313 **Karras seconded the motion. Commission members Karras, Ohlin, and Sphar voted "aye."**  
314 **Commissioner Paul voted "nay." The motion carried.**

315

316 4. PUBLIC HEARING TO CONSIDER A REQUEST FOR PRELIMINARY APPROVAL OF  
317 THE ROY REGENCY SUBDIVISION LOCATED AT 5600 SOUTH 2700 WEST  
318

319 Steve Parkinson stated that the Planning Commission recently considered a conditional use and  
320 site plan for a multi-family development located on the southwest corner of 5600 South 2700  
321 West. The proposed subdivision combined the three parcels comprising the multi-family  
322 development into one lot, which was one .of the conditions of approval. The staff had found that  
323 the subdivision met all aspects of the Zoning and Subdivision Ordinances. It recommended that  
324 the Planning Commission recommend preliminary approval of the Roy Regency Subdivision  
325 subject to the applicant complying with all the requirements listed in the staff report, the DRC's  
326 June 9, 2016, memo, and any additional comments that might come from future DRC reviews.  
327

328 **Commissioner Paul moved to open the public hearing at 6:57 p.m. Commissioner Karras**  
329 **seconded the motion. Commission members Karras, Ohlin, Paul, and Sphar voted "aye."**  
330 **The motion carried.**  
331

332 Chairman Ohlin opened the floor for public comments. There were none.  
333

334 **Commissioner Karras moved to close the public hearing at 6:58 p.m. Commissioner Paul**  
335 **seconded the motion. Commission members Karras, Ohlin, Paul, and Sphar voted "aye."**  
336 **The motion carried.**  
337

338 Steve Parkinson said the only change resulting from approval of the subdivision would be a  
339 change in Weber County's records.  
340

341 **Commissioner Sphar moved to recommend that the City Council grant preliminary**  
342 **approval of the Roy Regency Subdivision located at approximately 5600 South 2700 West**  
343 **based on the staff's findings and subject to the conditions recommended by the staff.**  
344 **Commissioner Sphar seconded the motion. Commission members Karras, Ohlin, Paul, and**  
345 **Sphar voted "aye." The motion carried.**  
346

347 5. CONSIDERATION OF A SITE PLAN AND ARCHITECTURAL DETAILS FOR BANK OF  
348 UTAH, A COMMERCIAL DEVELOPMENT LOCATED AT 5700 SOUTH 1900 WEST  
349

350 Steve Parkinson stated that Bank of Utah had requested that the City approve a site plan and  
351 architectural details for a new building to be located on the southwest corner of 5700 South 1900  
352 West. Bank of Utah proposed to demolish their existing bank and construct a new building closer  
353 to the corner. The site currently consisted of three separate parcels that would have to be  
354 combined. Bank of Utah had received permission from UDOT to have an access on 1900 West  
355 in exchange for closing one on 5700 South. UDOT also required a deceleration lane for the 1900  
356 West entrance.  
357

358 Mr. Parkinson said the DRC had some concerns the City Engineer and architect were working to  
359 resolve. The architectural details met every aspect of the Zoning Ordinance. The staff had found  
360 that the building elevations and proposed materials met the City's zoning standards, and the site  
361 plan met all of the requirements of the ordinance. The DRC felt the new building would improve  
362 the corner. It recommended that the Planning Commission approve the site plan and architectural  
363 details subject to compliance with all of the DRC requirements listed in the June 10, 2016, memo  
364 and any comments from future reviews.  
365

366 Commissioner Paul asked if the separate drive-thru building had resulted from UDOT's  
367 requirements. Menah Strong, Bank of Utah, said it had taken 18 months for UDOT to approve  
368 their access onto 1900 West. The separate building for drive-up windows was the only way the  
369 site would work. There would not be any personnel on the separate building. All transactions could  
370 be completed via video cameras.

371  
372 **Commissioner Paul moved to approve a site plan for Bank of Utah located at 5700 South**  
373 **1900 West based on the staff's findings and subject to the conditions recommended by**  
374 **the staff. Commissioner Karras seconded the motion. Commissioner members Karras,**  
375 **Ohlin, Paul, and Sphar voted "aye." The motion carried.**

376  
377 **Commissioner Sphar moved to approve the architectural details for Bank of Utah located**  
378 **at 5700 South 1900 West based on the staff's findings and subject to the conditions**  
379 **recommended by the staff. Commissioner Karras seconded the motion. Commission**  
380 **members Karras, Ohlin, Paul, and Sphar voted "aye." The motion carried.**

381  
382 6. CONTINUATION OF A DISCUSSION ON A PROPOSED AMENDMENT TO THE  
383 ZONING ORDINANCE REGARDING THE BOARD OF ADJUSTMENT

384  
385 Steve Parkinson stated that in April the Planning Commission discussed amending the Zoning  
386 Ordinance to replace the Board of Adjustment with a hearing officer. The Planning Commission  
387 asked the staff to bring back a list of qualifications for a hearing officer. After discussing the  
388 qualifications with the City Manager, the administration determined that the qualifications would  
389 be located in the job description rather than in the Zoning Ordinance. The hearing officer would  
390 be appointed by the City Manager. The only change to the Zoning Ordinance would be to replace  
391 the words '*the Board of Adjustment*' with '*a hearing officer*.'

392  
393 Trent Nelson, Assistant City Attorney, stated that a few years ago the State law was amended to  
394 allow this type of change. Most municipalities were replacing boards with hearing officers. The  
395 City would benefit from having a trained professional review appeals. A hearing officer would be  
396 more objective and professional, would provide more protection to the City, and would provide a  
397 written decision that would hold up better in court. A hearing officer was a tighter system than a  
398 board.

399  
400 The Planning Commission agreed with the proposed change.

401  
402 7. DISCUSSION REGARDING A PROPOSED AMENDMENT TO THE SIGN ORDINANCE

403  
404 Steve Parkinson stated that the new Sign Ordinance limited business owner's options for  
405 electronic message center signs because it only allowed one EMC per site. The staff reviewed  
406 the intent of the regulations with Councilman Dandoy and determined that the ordinance should  
407 allow one EMC per business entity. The ordinance was not about property ownership but rather  
408 the placement of EMC signs. The staff recommended that the Sign Ordinance be changed to  
409 read: "*No business entity may have more than one (1) Pole Sign as defined herein.*" The  
410 ordinance would also have to define a business entity as a separate business in a separate  
411 building.

412  
413 The Planning Commission members agreed with the proposed change. Mr. Parkinson said he  
414 would schedule public hearings for both amendments for the next meeting.

415

416 8. COMMISSIONER'S COMMENTS

417

418 Commissioner Sphar asked if the City had a new logo. Mr. Parkinson said it did.

419

420 Commissioner Paul asked about the status of improvements to the Ogden Airport. Mr. Parkinson  
421 said the Ogden Airport did have improvement and expansion plans, but he had not met with them.

422

423 9. STAFF UPDATE

424

425 Steve Parkinson introduced Trent Nelson the City's new Assistant City Attorney. Trent Nelson  
426 stated that he had been the City's prosecutor for over four years. His position was recently  
427 upgraded to fulltime. He would continue to act as the City's prosecutor and also help the City  
428 Attorney.

429

430 Steve Parkinson reported that the 4800 South Roundabout was bid. Construction would begin in  
431 mid-July and would be completed in August.

432

433 Mr. Parkinson also reported that the City Council passed the Chicken Ordinance with a few  
434 changes. They did not allow chickens to free range, and they required runs to be attached to  
435 coops. The Council did express their appreciation for all of the Planning Commission's work.

436

437 Mr. Parkinson stated that the City had received a grant from Wasatch Front Regional Council and  
438 Weber County to conduct a study correlating traffic from 1900 West to the Front Runner Station,  
439 from Front Runner to the airport, and from Front Runner to Hill Field, The City would also be  
440 completing a street plan in order for WFRC to make a recommendation on how the area should  
441 be developed.

442

443 10. ADJOURN

444

445 **Commissioner Paul moved to adjourn at 7:27 p.m. Commissioner Sphar seconded the**  
446 **motion. Commission members Karras, Ohlin, Paul, and Sphar voted "aye." The motion**  
447 **carried.**

448

449

450

451

452

Attest:

453

454

455

456

457

Michelle Drago

458

Secretary

459

460

dc:pjun1416

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Lindsey Ohlin  
Chairman



## SYNOPSIS

### Application Information

Applicant: Lou Brown; A&E Brown Development  
David Altop; Altop Family Trust  
Randy Galloway  
Garrett Sealy; Double G Investments

Request: **6:00 p.m. – RE-PUBLIC HEARING** – Requests to amend the

1. General Plan (Future Land Use Map) from Commercial to Very High Density, Multi-Family
2. Zoning Map from R-1-8 (Single-Family Residential) and CC (Community Commercial) to R-4 (Multi-Family Residential)

Approximate Address: 4465 South 1900 West

### Land Use Information

Current Zoning: RE-20

Adjacent Zoning: North: R-4; Multi-Family Residential  
South: R-4; Multi-Family Residential & CC; Community Commercial  
East: CC; Community Commercial & R-1-8; Single-Family Residential  
West: R-1-8; Single-Family Residential

Current General Plan: Commercial

### Staff

Report By: Steve Parkinson

Staff Recommendation: Approval with conditions as outlined in this report

## APPLICABLE ORDINANCES

- 1) Roy City Zoning Ordinance Title 10, Chapter 5 – Amendments to General Plan and Zoning Ordinance

## CONFORMANCE TO 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.*

## ANALYSIS

Due to a technicality (Typo) within the notice that was published in the Standard Examiner, the Planning Commission must re-hear this request for a General Plan Amendment as well as the request for Rezone. During the last meeting both of these requests received a favorable recommendation to be forwarded to the City Council with a vote of 3 to 1 on both counts.

### **Background:**

These parcels are on the west side of 1900 West, SW of the Ogden Airport and across the street from Sparrow Furniture. Currently the majority of the property is an apple orchard, and belongs to Lou Brown and his family.

## **Amend Future Land Use Map:**

Current Designation: The subject property currently has a land use designation as Commercial (see exhibit “B”).

Requested Land Use Designation: The applicant would like to change the Future Land Use Map from the current Commercial designation to a Very High Density, Multi-family designation

Considerations: When considering a proposed amendment to the general plan the Commission and Council shall consider the following factors, as outlined in section 505 “Criteria for approval of General Plan Amendments” of the Zoning Ordinance:

- 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, this Ordinance, the Subdivision Ordinance, and any other Ordinances required to implement the amendment.
- 8) The community benefit of the proposed amendment.

The above section of the Zoning Ordinance asks some questions mostly looking at the effect the proposed land use designation and compatibility/suitability to the surrounding uses. Staff would like to comment on some these questions

The character of the surrounding areas –

- To the West, there is single-family residential homes.
- To the North, South and East there are Multi-family residential units.

Interests of the City & Residents –

- Having a variety of housing types helps the citizens of every City, stay within the community they have lived in.
- Not everyone wants, or can have a detached home with yard to maintain.
- Some want to downsize not just in home size but in the number of vehicles, thus being close to alternative transportation options gives them their desires.

Location – suitable for uses & activities –

- Transit is active along 1900 West and it is close to businesses and the Ogden Airport.
- The city is able to provide all of the services required for any type of development.

General Plan Goals, Objectives and Policies –

- Within the “Conformance to the General Plan” section of this report it lists two (2) goals and policies that this type of development would satisfy.

## **Amend Zoning Map:**

Current Zoning: Currently majority of the properties are zoned R-4 with small sections zoned R-1-8 and CC. With the exception to two (2) front portions of currently used residential dwellings (non-conforming uses) the rest of the properties at the moment does not match that of the Master Land Use Map.

Requested Zone Change: The applicant would like to have the properties that are not currently zoned R-4 to be changed to R-4 to allow for a multi-family residential development. However the R-4 zone does allow for a mix-use development of allowing office space.

Considerations: When considering a Zoning District Map Amendment, the Commission and the Council shall consider the following factors, as outlined in section 509 “Criteria for Approval of a ... Zoning Map” of the Zoning Ordinance:

- 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.

No amendment to the Zoning Districts Map (rezone) may be recommended by the Commission nor approved by the Council unless such amendment is found to be consistent with the General Plan and Land Use Maps.

The above section of the Zoning Ordinance asks some questions mostly looking at the effect the proposed zone and compatibility/suitability to the surrounding uses. Staff would like to comment on some these questions

General Plan Goals, Objectives and Policies –

- Within the “Conformance to the General Plan” section of this report it lists two (2) goals and policies that this type of development would satisfy.

The character of the surrounding areas –

- To the West, there is single-family residential homes.
- To the North, South and East there are Multi-family residential units.

Compatibility with surrounding area –

- If you look at the current zoning map and look 500 feet in each direction from this property, there are three (3) different residential zones (R-1-6, R-1-7 & R-1-8) and a Manufacturing zone. Rezoning this property to R-4 and the uses allowed are more compatible with the R-1 zones than Light Manufacturing and its allowable uses.

Location – suitable for uses & activities –

- Transit is active along 1900 West and it is close to businesses and the Ogden Airport.
- The city is able to provide all of the services required for any type of development.

Some additional questions that the Commission and Council needs to reflect upon are:

- Does changing or not changing the zoning provide the best options for development of this property or area?
- How can this property best be developed? As single-family dwellings? As multi-family residential? OR as Commercial?

## **CONDITIONS OF APPROVAL**

1. Apply and receive Conditional Use & Site Plan approval

## **FINDINGS**

1. That it's the best use of the land.
2. Provides and supports Roy City Economic Development.

## ALTERNATIVE ACTIONS

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

## RECOMMENDATION

Staff recommends that the Planning Commission recommends approval for the request with the conditions as discussed and as outlined within the staff report to:

1. General Plan (Future Land Use Map) from Commercial to Very High Density, Multi-Family
2. Zoning Map from R-1-8 (Single-Family Residential) and CC (Community Commercial) to R-4 (Multi-Family Residential)

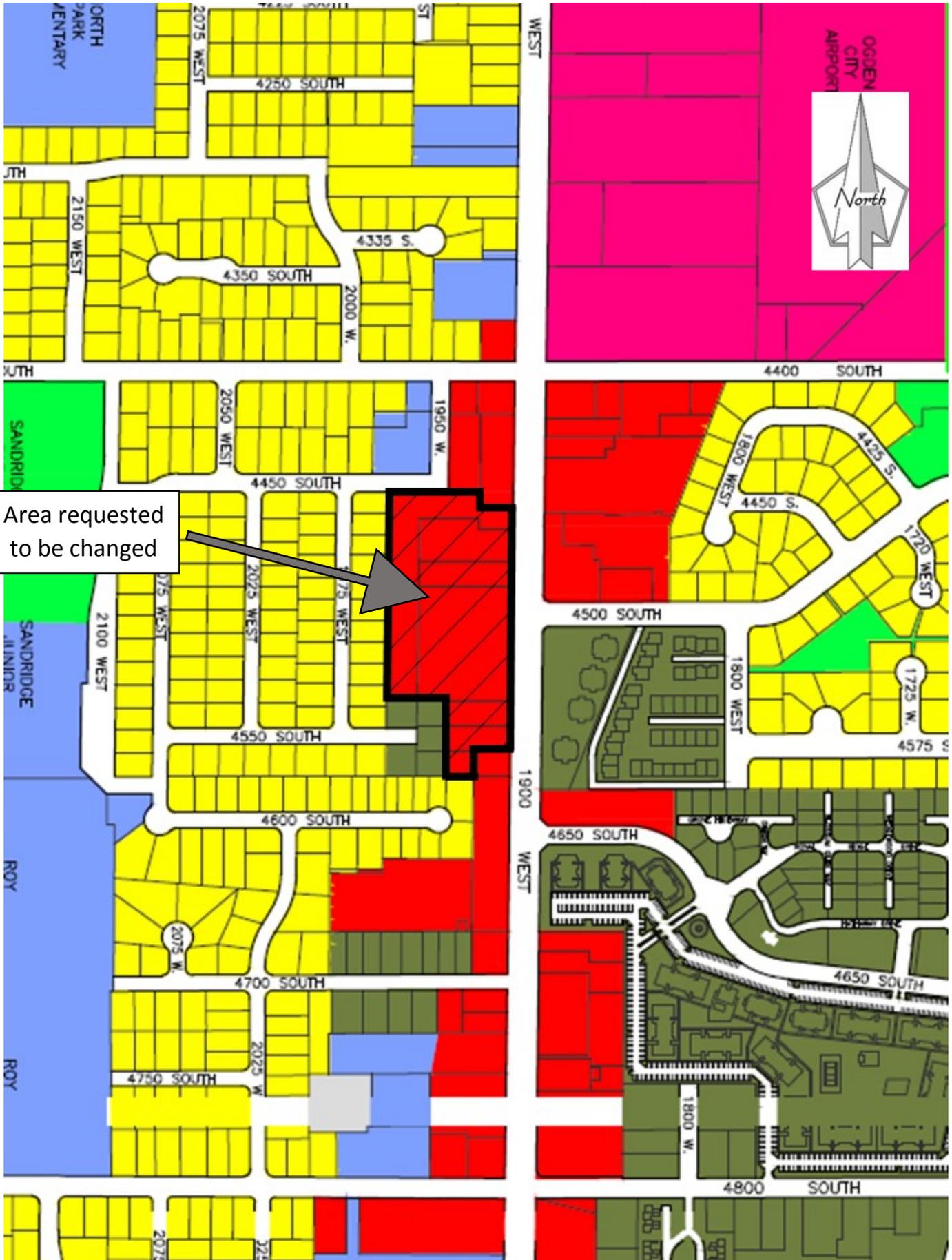
## EXHIBITS

- A. Aerial Map
- B. Future Land Use Map
- C. Zoning Map
- D. Conceptual Building Exterior and floor plans.
- E. Lou Brown's Letter
- F. Draft June 14, 2016 Minutes – Public Comments

## EXHIBIT "A" – AERIAL MAP



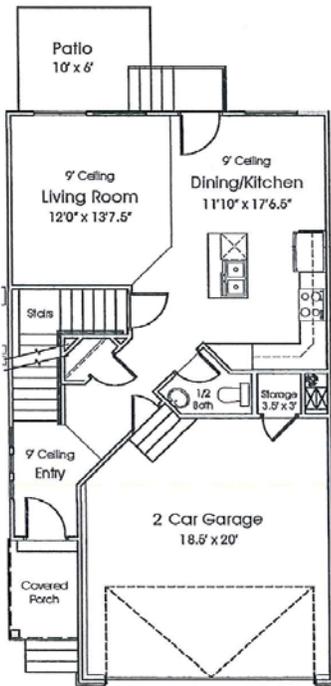
**EXHIBIT "B" – FUTURE LAND USE MAP**



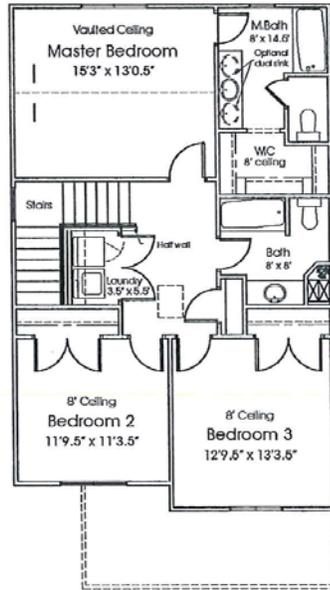


# Type C Townhomes

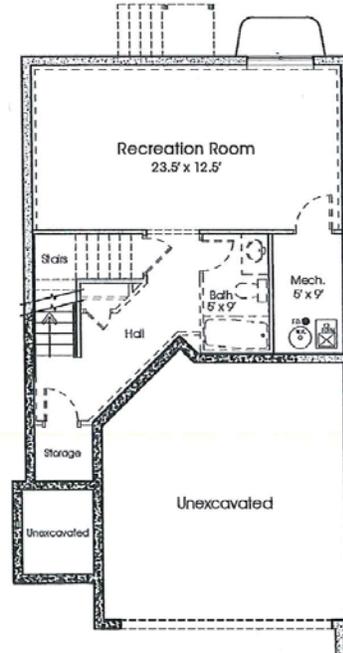
## Outer Unit



MAIN FLOOR



UPPER FLOOR



BASEMENT

Main Floor	641 sq. ft.
Upper Floor	880 sq. ft.
Basement	641 sq. ft.
Total Sq. Ft.	2,162 sq. ft.
Total Finished	1,521 sq. ft.

## EXHIBIT "E" – LOU BROWN'S LETTER

Date: June 13, 2016

To: Planning Commission

From: Lou Brown, A & E Brown LLC

Subject: A&E Brown LLC Property, 6 + Acres located on 5 parcels consisting of two rental homes, a fourplex, and vacant orchard land at approximately 4487 South 1900 West.

I am writing this memo based upon my limited ownership in the property and my experience from nearly 40 years in the field of market development and real estate acquisition. I worked for nearly 29 years for General Mills/Darden Restaurants. During this time I did market research and site acquisition for Red Lobster, Olive Garden and other restaurants owned by the firm. Thereafter, for 10 plus years, I assisted the LDS Church buy properties for their various needs.

**HISTORY:** The subject property has been owned in the Brown family for more than 100 years. My grandparents and parents have owned and farmed this land for many years as an orchard or crop farming. My siblings and I have spent thousands of hours working the land to produce fruits and vegetables. My Grandfather and Grandmother operated a fruit farm on the land west of the subject property, where the Harmony Park Subdivision is now located. Around the year 1954, my uncle built a home on one lot, and in 1957, my parents finished a home on another lot where they lived the remainder of their lives. The fourplex was developed by my father around 1969 as I recall.

In 2007 both Amos and Ethel Brown passed away and the property was bestowed to their children, Barbara Thomas, Louis Brown, Beverly Rasmussen, Dennis Brown and Debbie Hansen.

**MARKET CONDITIONS:** When the family members decided to sell the land I conducted extensive research to determine the highest and best use for the property. I was aware the property was zoned residential and master planned for community commercial. Our family has always hoped the land could be developed with a nice commercial project. Unfortunately, commercial development still has not recovered from the recession of 2007-2008. This condition continues to a great degree along most of the Wasatch Front and America as a general statement. In addition, this issue is further impacted because the land is approximately 1 mile north of Roy's central business district. Over the past year I have spoken with numerous real estate agents who have commercial land listed in Roy and adjacent communities. They report that commercial development is extremely slow in Roy and surrounding cities. I have brought many developers and real estate agents to the subject property and requested their opinion on the highest and best use for the property. Without exception, everyone has recommended that the highest and best use, and most feasible, would be town home development. For the record, during the time the property has been listed we have had no offers regarding commercial development.

Why Town Home Development you may ask? The property fits the recommendations of the Envision Utah Master Planning Commission because of its location and the need to provide a broad range of housing stock into a community. Recent news reports have documented the high demand for more housing where a school teacher, fireman, police officer, young couple, retired couple looking to downsize or a first time buyer can invest in a home and build equity.

Roy has many apartments but few town home projects. Within the past few years many communities have realized the need to provide this type of housing to meet market demand and broaden the housing stock of a city. The last ten plus years of my career I worked to purchase property for the LDS Church. I can tell you from personal experience that Daybreak in South Jordan, the largest residential development in the state of Utah, has developed a substantial number of town homes. Sizable amounts of town home projects have gone into the cities of Herriman, Riverton and many other cities in Salt Lake County. I have

bought sites in these areas for my church. In Davis County, where I live, the communities of Farmington and Kaysville have approved this 'type of housing. In some cases these projects have been developed near upscale housing areas.

The people buying town homes are very responsible citizens looking to invest in a property they can afford. In addition, many people no longer want the responsibility of maintaining a yard.

Town home projects also offer many of the advantages associated with upscale housing projects such as rules and regulations regarding home maintenance, pets, safety issues, garbage handling, yard maintenance, snow removal, parking restrictions and specifics on prohibited land uses within a project.

As you know, the above referenced restrictions are associated with these types of projects to protect the individual home owners and also help a city maintain domestic tranquility within the project.

The subject property is also favorably located near the Frontrunner station and is just a few minutes commute by car or bicycle. This fits the goal of Envision Utah for high density housing being located near mass transit. Residents in the proposed project can conveniently use Frontrunner for travel to Ogden, Layton, Farmington, Bountiful, Salt Lake City and Provo. Less traffic upon the roads leads to less pollution from automobiles.

In order to make their project work they need your support to change the rear portion of the properties zoning classification. They also need your support to change the master plan to a residential designation.

In conclusion, the proposed project lends itself to smart, effective and efficient land planning. It meets a demand that has been documented by local press. Housing prices have not spiked as much in Roy as perhaps some other communities. However, with the growing economy along the Wasatch Front, it appears a reasonable conclusion that housing prices in Roy are going to increase and the need for this type of product is obvious.

I would have preferred to come and speak about the merits of the proposed project in person, unfortunately, I am out of town traveling with my son dealing with an emergency family issue.

Thanks for your consideration on this matter and I hope you will support the proposed development.

Thank You!!!!

## EXHIBIT "F" – DRAFT JUNE 14, 2016 MINUTES – PUBLIC COMMENTS

Chairman Ohlin opened the floor for public comments.

Dennis Brown, 2119 West 6000 South, read a letter written by his brother, Lou Brown (see exhibit "E")

Richard Arnold, 4484 South 1975 West, was concerned about the rezone. Most of the people in the neighborhood were older and had lived in their homes since the 1960's. Some had only received 24 hours' notice about the hearing. He wanted to know what the price point would be. What type of fence would separate this proposed development from the older neighborhood? Would there be community-type facilities, such as a pool or a recreation facility? Would the units have individual backyards, or would it be an open design?

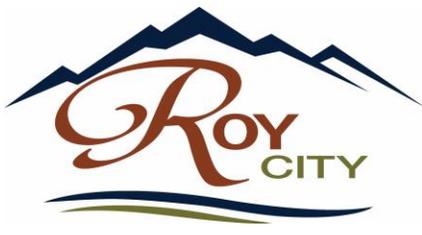
Jennifer Wiesinger, 1975 South 4550 South, stated she lived right at the end of the 'T' in the road. She was concerned about the older residents in the neighborhood. It was a tight-knit community. One resident remembered that when Mr. and Mrs. Brown were alive the City agreed that 4550 South would not be a through street. Another said that if the street went through, she would move. She wanted to know if her street would be connected to 1900 West. There were small children in the neighborhood. Her home had been struck by a drunk driver. She was concerned that the safety of the children could be compromised by the intoxicated drivers. She asked where the exits and entrances for the development would be located. She felt the children in the area should be able to play without having to worry about vehicles. Her research showed that the student to teacher ratio at North Park Elementary School was 18 to 1, but next year the enrollment was projected to increase. North Park's rating of 46 was slightly lower than average. Roy residents were considered to be either middle income with children under 20 or young professionals. The population was less educated. She moved to Roy so that she could farm on her land and not worry about her children. She was concerned about the type of people the townhomes would bring into the neighborhood and losing her view of the mountains. She knew there would be height restrictions due to the proximity of the Ogden Airport. She asked the developer to consider the existing community when designing the development. The residents in the neighborhood wanted a place to call home where they could feel safe and peace.

Howard Vandray, Salt Lake City, stated that he had been assisting the Brown Family. They initially considered some type of commercial use. However, the site was not located on a hard corner and the main commercial area was located to the south. When they marketed the property, they received inquiries about residential uses, but not commercial. It became evident that the best use was residential. He felt it was very unlikely that the property would have a commercial use. He recommended that the family market the property for a multi-family site. The market had proven that recommendation. A well-respected developer had put the property under contract.

Randy Galloway, Ogden, stated that he owned a large commercial building in Roy. It had been for sale for three years without an offer. He also owned property at the end of the east end of 4550 South. He did not feel the Brown property was suited for a commercial use. More access avenues would actually mean fewer cars. He would love to see this property develop.

Tracy Charlton, 4506 South 1975 West, stated that his main concern was privacy and traffic. He had three young children that played around his home. Traffic was pretty light in the neighborhood. He didn't have to worry about his children. He was also worried about how his property value would be affected by the proposed development. Would it hurt or help his property value?

Garrett Seely, DG Investments, Alpine, stated that he was the applicant. UDOT had told them that 4550 South could not be extended through to 1900 West. There was a possibility for them to have an access at 4500 South. UDOT's preferred option was to loop a road between 4450 South and 4550 South with no access onto 1900 West. If that was the site's main access, most traffic would probably head north to the light at 4400 South 1900 West.



## SYNOPSIS

### Application Information

Applicant: Steve Parkinson  
Request: **6:00 p.m. – PUBLIC HEARING** – 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”.

### Staff

Report By: Steve Parkinson; Planning & Zoning Administrator   
Recommendation: Recommends approval

## APPLICABLE ORDINANCES

- Roy City Zoning Code; Title 10 chapter 3 – Administration
- Roy City Zoning Code; Title 10 chapter 23 – Nonconforming Uses, Noncomplying Structures and other Nonconformities
- Roy City Zoning Code; Title 10 chapter 25 – Variances
- Roy City Zoning Code; Title 10 chapter 28 – Appeals

## ANALYSIS

**Background:** This item was originally brought to the Planning Commission on April 22, 2016, as a discussion item, because there hasn't been a Board of Adjustment (BOA) case in over twelve (12) years and it is unknown if the five (5) members that served last still live in Roy or are interested in serving if a case is ever filled. The original discussion revolved around replacing the BOA with a Hearing Officer (HO). A few years back the State of Utah passed a bill allowing City's to have HO's in lieu of a BOA.

There are four (4) chapters of the Zoning Code that mention the BOA, those chapters are:

- Chapter 3 – Administration
- Chapter 23 – Nonconforming Uses, Noncomplying structures and other Nonconformities
- Chapter 25 – Variances
- Chapter 28 - Appeals

By in large the proposed changes to the code is just replacing the wordings Board of Adjustments or BOA, directly to Hearing Officer or HO. However in some cases it was felt that in order to help streamline the process of some aspects of the Zoning Code, some of the responsibilities that were once that of the BOA would be given to the Zoning Administrator (ZA) but not with regards to variances or appeals but that of determination of nonconformities. With the understanding that the ZA's decisions could then be appealed to the HO.

**Process:** Text amendments require public hearing at the Planning Commission. A recommendation will then be forwarded to the City Council for review and a final decision. If the Planning Commission approves language to be added or text to be changed, staff will put those recommended changes into a “Proposed Ordinance” format to be presented to the Council. That ordinance, if approved, can then be adopted, officially amending the text.

**Proposed changes:** It is proposed to add the following language. Typically the language that is to be removed has been struck through and the language to be added is bolded. See exhibit “A” for the proposed changes.



## FINDINGS

- The proposed amendments of 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” are consistent and in accordance to the discussions of the Planning Commission over the past few meetings.

## RECOMMENDATION

Staff recommends approval of the proposed amendments to 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”.

## EXHIBITS

- A. Proposed Ordinance changes

## EXHIBIT “A” – PROPOSED ORDINANCE CHANGES

### Section 304—~~Board of Adjustment:~~ **Hearing Officer**

There is hereby created and established a Roy City ~~Board of Adjustment (BOA):~~ **Hearing Officer (HO)**

- 1) Powers and Duties. The ~~BOA~~ **HO** shall hear and decide:
  - a) Variances from the terms of this Ordinance, with a finding of unreasonable hardship as required by Chapter 10-9a U.C.A., as amended, and as provided by Chapter 25, herein.
  - ~~b) Render decisions on determinations of nonconforming uses and noncomplying structures as provided by Chapter 23, herein.~~
  - ~~c) Requests for the issuance of a building permit authorizing the reconstruction, remodeling, expansion, or enlargement of a noncomplying building or structure, as provided by Chapter 23, herein.~~
  - ~~d) Recommend to the Commission revisions to the Roy City General Plan, this Ordinance, and the Subdivision Ordinance.~~
  - e) To adopt bylaws, policies, and procedures for the conduct of the duties and meetings of the **BOA HO**, for the consideration of applications and for any other purposes deemed necessary by the **BOA HO** provided, that such bylaws, policies, and procedures shall be consistent with all requirements of this Ordinance and the Subdivision Ordinance, which bylaws, policies, and procedures shall first be approved by the Council before taking effect.
- 2) The ~~BOA~~ **HO** shall have no power, jurisdiction, or authority to consider any of the following:
  - a) Any variances or waivers to any of the standards governing the approval of a General Plan Amendment Application, Zoning Ordinance Amendment Application, Zoning Districts Map Amendment Application, Subdivision Ordinance Amendment Application or any other approval, permit or license.
  - b) Amendments to the General Plan, any element or map thereof, or any provision, requirement or map of this Ordinance, or any provision or requirement of the Subdivision Ordinance.
  - c) Make any decisions or determinations that would have the effect of authorizing a use, which is not identified in Table 17-1 and Table 17-2, Table of Uses, herein.
- 3) Qualifications for Membership. ~~The Members of the BOA~~ **HO** shall be appointed by the **City Manager Mayor**, ~~with advice and consent of the Council.~~
- 4) ~~Membership: Appointment, Removal, Terms, and Vacancies.~~
  - ~~a) The BOA shall be composed of five (5) members with two (2) alternates.~~
  - ~~b) The members of the BOA shall be residents of Roy. No member of the BOA shall be an elected or appointed official, or employee of Roy City.~~
  - ~~c) The Mayor, with advice and consent of the Council, may remove any member of the BOA for violation of this Ordinance or any policies or procedures adopted by the BOA following receipt of a written complaint filed against the member.~~

- d) ~~A BOA member shall be automatically removed if three (3) consecutive or twenty-five (25) percent of the BOA meetings in a calendar year are missed. If the absence of a BOA member is due to an extended illness or vacation, the BOA member is responsible to provide written notice to the City Manager prior to the time the absence will occur. If such notice is given, the removal requirements do not apply.~~
  - e) ~~Members of the BOA shall serve with compensation, as adopted by the Council, and the Council shall provide for reimbursement to BOA members for approved actual expenses incurred, upon presentation of proper receipts and vouchers.~~
  - f) ~~All members shall serve a term of five (5) years, provided that the term of one (1) member shall expire each year. No member shall serve more than two (2) consecutive terms.~~
  - g) ~~At an annual organizational meeting, held the first regular meeting of the year, and at other times as required, the members of the BOA shall recommend one (1) of their members as chair and one (1) of their members as vice chair to the Council. The Mayor with advice and consent of the Council shall appoint the BOA chair and vice chair. The chair and vice chair shall serve a term of one (1) year. In the absence of the chair, the vice chair shall act as chair and shall have all powers of the chair.~~
  - h) ~~The chair, or in the chair's absence, the vice chair of the BOA shall be in charge of all proceedings before the BOA, and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the BOA.~~
  - i) ~~BOA vacancies occurring for any reason shall be filled by appointment by the Mayor with advice and consent of the Council. Vacancies of the BOA occurring in ways other than through the expiration of terms shall be filled for the remainder of the unexpired term.~~
- 5) Recording Secretary. The City Manager shall assign the City Recorder or other Staff member to act as the recording secretary to serve the **BOA HO**. The Recording Secretary shall keep the minutes of all proceedings of the **BOA HO**, which minutes shall be the official record of all proceedings before the **BOA HO**, attested to by a majority vote of the members of the **BOA HO**. The minutes of all meetings of the **BOA HO** shall be filed in the office of the City Recorder. All such records shall be available for public review and access in accordance with the Government Records and Access Management Act, §63-2-101 et. seq. U.C.A., as amended. The Recording Secretary shall be compensated as approved by the Council.
- 6) Quorum and Necessary Vote. No meeting of the BOA may be called to order, nor may any business be transacted without a quorum consisting of at least three (3) members of the BOA being present. The chair shall be included for purposes of establishing a quorum and shall act as a voting member of the BOA. All decisions and recommendations by the BOA shall require a minimum of three (3) votes. The BOA shall transmit reports of its decisions and recommendations to the Council. Any member of the BOA may also make a concurring or dissenting report or recommendation to the Council.
- 7) Decisions Final on Meeting Date, Exceptions. All decisions of the **BOA HO** shall be final and shall take effect on the date of the meeting when the decision is made, unless a different date is designated at the time the decision is made.
- 8) Meetings, Hearings, and Procedure.
- a) Regular meetings of the **BOA HO** shall be held as required **needed**.
  - b) Special meetings may be requested by a majority vote of the BOA, or the chair of the BOA.
  - c) When a matter is postponed due to lack of a quorum, the chair of the **BOA HO** shall reschedule the matter to at the next available meeting time. The recording secretary shall notify all interested parties and all members of the **BOA HO** of the date when the rescheduled matter will be heard.

### Section 305—Zoning Administrator:

The Council shall designate a person to carry out the administrative responsibilities of this Ordinance, and the Subdivision Ordinance. The person so designated is referred to herein as the “Zoning Administrator.”

- 1) Powers and Duties. It is the responsibility of the Zoning Administrator to ensure all administrative processes, procedures and other provisions of this Ordinance and the Subdivision Ordinance are

consistently and equitably applied. The Zoning Administrator shall have the following powers and duties:

- f) **Render decisions on determinations of nonconforming uses and noncomplying structures as provided by Chapter 23, herein.**
- g) **Requests for the issuance of a building permit authorizing the reconstruction, remodeling, expansion, or enlargement of a noncomplying building or structure, as provided by Chapter 23, herein.**

#### Section 307—Support:

The officers and staff of the City shall provide support and assistance to the Council, Commission, ~~BOA~~ **HO**, DRC, and Zoning Administrator, as required to effectively implement the General Plan, this Ordinance, and the Subdivision Ordinance.

#### Section 2302 – Approval Authority:

As provided for by the Act, the ~~BOA~~ **Zoning Administrator (ZA)** is authorized by the Council as the Land Use Authority with the responsibility to determine the existence of any legal nonconforming use, a legal noncomplying structure, or other legal nonconformity,

#### Section 2303—Application Initiation and Application Completeness:

- 1) Requests for a determination by the ~~BOA~~ **ZA** of the existence of a legal nonconforming use, legal noncomplying structure, or other legal nonconformity shall be made on the applicable application form.

#### Section 2304—Determination of a Legal Nonconforming Use/Legal Noncomplying Structure/Other Legal Nonconformity Application Review Procedures and Approval Standards:

- 1) The procedures for the approval or denial of the Application for a Determination of a Legal Nonconforming Use/Legal Noncomplying Structure/Other Legal Nonconformity are identified by Figure 23-1, herein.
- 2) The ~~BOA~~ **ZA** shall review the Application for a Determination of a Legal Nonconforming Use/Legal Noncomplying Structure/Other Legal Nonconformity and determine if the application:
- 3) Upon a finding by the ~~BOA~~ **ZA** that the use, structure, lot, sign, or other nonconformity, which is the subject of the application, legally existed on the date of adoption of this Ordinance, and complied with all prior enactments of this Ordinance, the applicant may present any other necessary applications that may be required by this Ordinance, or the Building Codes, as adopted, as provided by Section 2308 below.
- 4) Upon a finding by the ~~BOA~~ **ZA** that the use, structure, lot, sign, or other nonconformity, which is the subject of the application, did not legally exist on the date of adoption of this Ordinance, and did not legally comply with all prior enactments of this Ordinance, the applicant shall present an application to correct the illegality. No other action shall be taken by the City until the use, structure, lot, sign, or other nonconformity complies with the requirements of this Ordinance, as adopted.

#### Section 2305—Terms and Conditions for Nonconforming Uses:

Following a determination by the ~~BOA~~ **ZA** of the existence of a legal nonconforming use, the use shall comply with the following terms and conditions:

#### Section 2306— Terms and Conditions for Noncomplying Structures:

Following a determination by the ~~BOA~~ **ZA** of the existence of a legal noncomplying structure, the structure shall comply with the following terms and conditions:

**Section 2307—Approved Determinations of a Legal Nonconforming Use/Legal Noncomplying Structure/Other Legal Nonconformity Applications to be on File:**

The Zoning Administrator/~~BOA~~ Recording Secretary shall maintain all Determinations of a Legal Nonconforming Use/Legal Noncomplying Structure/Other Legal Nonconformity Application approvals on file.

**Section 2308—Effect of Approval:**

- 1) A finding by the ~~BOA~~ **ZA** of a legal noncomplying use, noncomplying structure, lot, sign, or other nonconformity shall not authorize the establishment, restoration, reconstruction, extension, alteration, expansion, or substitution of any nonconforming use, noncomplying structure, lot, sign, or other nonconformity.
- 2) Following a decision by the ~~BOA~~ **ZA**, the Recording Secretary shall provide the applicant with a written notice of the decision. The written record of all applications shall be maintained on file by the BOA Recording Secretary.
- 3) A finding by the ~~BOA~~ **ZA** of a legal noncomplying use, noncomplying structure, lot, sign, or other nonconformity shall not be deemed an approval of any application, permit, or license.
- 4) A finding by the ~~BOA~~ **ZA** of a legal noncomplying use, noncomplying structure, lot, sign, or other nonconformity shall allow the filing of an application for any necessary approval, permit, or license, as may be required by the City's Land Use Ordinances.

**Section 2309—Termination of a Nonconforming Use due to Abandonment:**

- 3) The property owner may rebut the presumption of abandonment under this Subsection and shall have the burden of establishing that any claimed abandonment under this Subsection has not in fact occurred. The ~~BOA~~ **ZA** shall have authority to review and decide all disputes relating to abandonment of structures associated with a nonconforming use or noncomplying structures.

**Section 2501—General:**

The ~~Board of Adjustment (BOA)~~ **Hearing Officer (HO)**, as provided by §10-9a et. seq. U.C.A., as amended, is hereby authorized to consider applications for variances, as defined. If the ~~BOA~~ **HO** finds that an unreasonable hardship, as defined herein, will result from the strict compliance with the provisions of this Ordinance, the ~~BOA~~ **HO** may approve a variance to the requirements of this Ordinance so that substantial justice may be done and the public interest secured, provided the variance shall not have the effect of nullifying in any way the intent and purpose of this Ordinance.

**Section 2503—Use Variance Prohibited:**

The ~~BOA~~ **HO** may not authorize the establishment of a use other than those uses as identified in the Table of Uses, Chapter 17.

**Section 2504—Standards:**

The ~~BOA~~ **HO** shall not approve a variance application unless, based upon the evidence presented, it finds that all of the following apply (as per UC 10-9a-702);

- 1) Literal enforcement of the ~~provisions of this Ordinance~~ would cause an unreasonable hardship for the applicant with the applicant providing evidence that the hardship is located on, or associated with the subject property, for which the variance is sought, and is peculiar to the property rather than conditions generally existing on other properties in the in same zoning district or immediate area. **that is not necessary to carry out the general purpose of the land use ordinance.**
- 2) ~~The identified hardship is not self-imposed.~~
- 3) ~~The identified hardship is not economic in nature.~~

- 4) ~~2) There exist~~ **are** special circumstances attached to the property that do not **generally** apply to other properties in the same zoning district. ~~The BOA may find an unreasonable hardship exists only if the alleged hardship is located on or associated with the property for which the variance is sought and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.~~
- 5) ~~3) Granting~~ **The variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district. The BOA may find that special circumstances are attached to the property exist only if the special circumstances relate to the hardship complained of and deprive the property of privileges granted to other properties in the same zoning district.**
- 6) ~~4) The granting of the variance will not~~ **substantially affect the general plan and will not be contrary to the public interest;** **and**
- 5) The spirit of the land use ordinance is observed and substantial justice done**

#### Section 2505—Conditions:

In approving any Variance Application, the ~~BOA~~ **HO** may require such conditions that in the judgment of the ~~BOA~~ **HO** are necessary to mitigate any negative effects of granting the variance and to secure the purposes of this Ordinance.

#### Section 2506—Effect of Granting a Variance:

Following a final decision of a Variance Application, the ~~BOA~~ **HO** Recording Secretary shall provide the applicant with a written notice of the decision. The record of all variance applications shall be maintained by the ~~BOA~~ **HO** Recording Secretary and the City Recorder. The granting of a variance shall not authorize the establishment or extension of any use, nor the development, construction, reconstruction, alteration or moving of any building or structure, but is a prerequisite to the preparation, filing, review, and determination of any approval, permit, or license that may be required by this Ordinance.

#### Section 2802—District Court:

- 2) Any person aggrieved by a decision of the ~~Board of Adjustment (BOA)~~ **Hearing Officer (HO)** in administering or interpreting this Ordinance may file a petition with District Court, as provided herein.

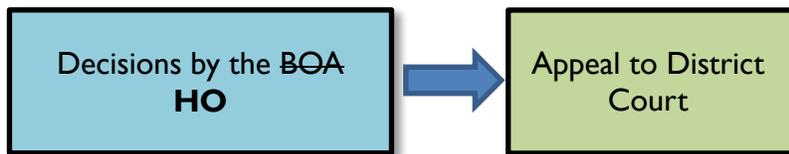
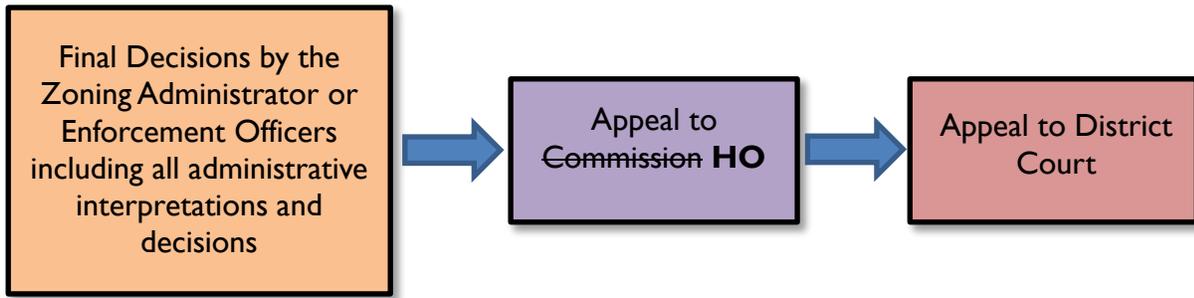
#### Section 2803—Council:

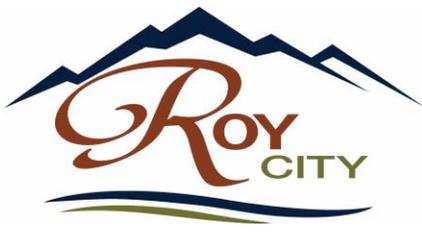
- 1) Any person aggrieved by a decision of the Commission in administering or interpreting this Ordinance may file an appeal with the ~~Council~~ **HO**.

#### Section 2804—Commission:

- 1) Any person aggrieved by a decision of the Zoning Administrator in administering or interpreting this Ordinance may file an appeal with the ~~Commission~~ **HO**.
- 2) Any person aggrieved by an action of the Enforcement Officers, as identified by Chapter 27 herein, may file an appeal with the ~~Commission~~ **HO**.

Figure 28-1 – Appeal Authorities





## STAFF REPORT

Planning Commission

June 28, 2016

Agenda Item # 5

### SYNOPSIS

#### Application Information

Applicant: Steve Parkinson

Request: **6:00 p.m. – PUBLIC HEARING** – 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”.

#### Staff

Report By: Steve Parkinson; Planning & Zoning Administrator 

Recommendation: Recommends approval

### APPLICABLE ORDINANCES

- Roy City Zoning Code; Title 13 chapter 4 – Regulations of Signs

### ANALYSIS

**Background:** After nearly a year of meetings and discussions it was believed that we had written a sign ordinance that would cover all aspect. However, there were some concerns that some wording within the Title restricted signs where the intent of the Commission was to allow them.

It is felt that the Commissions intent can be achieved with a small word change and then introduce a new definition.

**Process:** Text amendments require public hearing at the Planning Commission. A recommendation will then be forwarded to the City Council for review and a final decision. If the Planning Commission approves language to be added or text to be changed, staff will put those recommended changes into a “Proposed Ordinance” format to be presented to the Council. That ordinance, if approved, can then be adopted, officially amending the text.

**Proposed changes:** It is proposed to add the following language. Typically the language that is to be removed has been struck through and the language to be added is bolded. See exhibit “A” for the proposed changes.

### FINDINGS

- The proposed amendments of 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”, are consistent and in accordance to the discussions of the Planning Commission during the last meeting.

### RECOMMENDATION

Staff recommends approval of the proposed amendments to Title 13 of the Roy City Municipal Code; 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”,

### EXHIBITS

- A. Proposed Ordinance changes



## EXHIBIT "A" – PROPOSED ORDINANCE CHANGES

### 13-2-1: DEFINITIONS

**Business Entity: Is a separate Business that is contained within a separate building.**

### 13-4-3: SIGNS THAT REQUIRE A PERMIT:

#### B. Types of signs allowed

#### 3. Pole Signs:

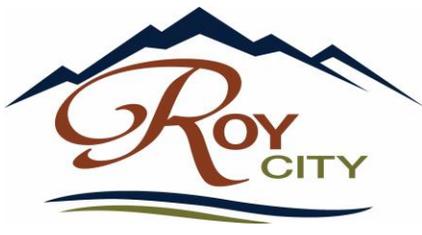
##### b. General Requirements

- 5) Number of Signs. No ~~site or development~~ **business entity** may have more than one (1) Pole Sign as defined herein.

#### 4. Electronic Message Center (EMC) Signs.

##### a. General Requirements

- 2) Number Allowed. No ~~site or development~~ **business entity** shall have more than one (1) Electronic Message Center Sign.



## STAFF REPORT

Planning Commission

June 28, 2016

Agenda Item # 6

### SYNOPSIS

#### Application Information

Applicant: James & Karen Duffy  
Request: **6:00 p.m. – PUBLIC HEARING** – 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.

#### Staff

Report By: Steve Parkinson; Planning & Zoning Administrator   
Recommendation: Recommends approval

### APPLICABLE ORDINANCES

- Roy City Zoning Code; Title 10 chapter 17 – Table of Uses

### ANALYSIS

**Background:** The applicant first applied for a business license to open a pet grooming business. However upon reviewing the Title 10, more specifically chapter 17 – Table 17-2, grooming was mentioned within the “Kennel” use and was not allowed within either a CC or RC zone. Currently the wording reads as such: “Kennel”. *A commercial establishment having three (3) or more dogs for boarding, breeding, buying, grooming, letting for hire, training for profit, or selling.*

Staff and applicant understood the reasoning behind a Kennel use not being allowed, but could not figure out why “grooming” was lumped in with it. Staff informed the applicant that they could petition to amend the ordinance to allow grooming as a separate use within table 17-2.

**Process:** Text amendments require public hearing at the Planning Commission. A recommendation will then be forwarded to the City Council for review and a final decision. If the Planning Commission approves language to be added or text to be changed, staff will put those recommended changes into a “Proposed Ordinance” format to be presented to the Council. That ordinance, if approved, can then be adopted, officially amending the text.

**Proposed changes:** It is proposed to add the following language. Typically the language that is to be removed has been struck through and the language to be added is bolded. See exhibit “A” for the proposed changes.

### FINDINGS

- The proposed amendments of Title 10 of the Roy City Municipal Code ; 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, are consistent with other aspects of the code.

### RECOMMENDATION

Staff recommends approval of the proposed amendments to Title 10 of the Roy City Municipal Code ; 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.

### EXHIBITS

- A. Proposed Ordinance changes

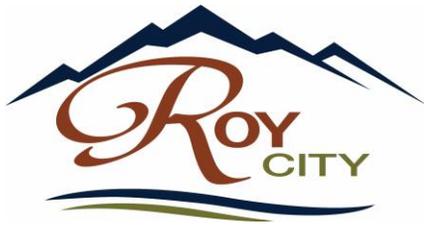


## EXHIBIT “A” – PROPOSED ORDINANCE CHANGES

### Section 1701 – Table of Uses

#### 17-2 – Non-Residential Zoning Districts

USE	CC	RC	LM	M	BP	R
<u>Kennel</u> . A commercial establishment having three (3) or more dogs for boarding, breeding, buying, grooming, letting for hire, training for profit, or selling.	X	X	X	C	X	X
<b>Pet Grooming</b> . A commercial establishment for the grooming of pets. No boarding, breeding, buying, letting for hire, training or selling.	C	P	X	X	X	X



## SYNOPSIS

### Application Information

Applicant: Doug Terry  
Request: **6:00 p.m. – PUBLIC HEARING** – Requests to amend the  
1. General Plan (Future Land Use Map) from Medium Density, Single-Family Residential to Very High Density, Multi-Family  
2. Zoning Map from R-1-8 (Single-Family Residential) and CC (Community Commercial) to R-3 or R-4 (Multi-Family Residential)  
Approximate Address: 5154 South 2700 West

### Land Use Information

Current Zoning: R-1-8  
Adjacent Zoning: North: R-1-8; Single-Family Residential  
South: R-1-8; Single-Family Residential  
East: R-1-8; Single-Family Residential  
West: M; Manufacturing & R-3; Multi-Family Residential  
Current General Plan: Medium Density; Single-Family Residential

### Staff

Report By: Steve Parkinson  
Staff Recommendation: Approval with conditions as outlined in this report

## APPLICABLE ORDINANCES

- 1) Roy City Zoning Ordinance Title 10, Chapter 5 – Amendments to General Plan and Zoning Ordinance

## CONFORMANCE TO 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.*

## ANALYSIS

### **Background:**

These parcels are on the east side of 2700 West, is due east of the Roy City outdoor swimming pool and the Golf Course. The Union Pacific Railroad tracks are East of the property. In fact the railroad tracks abut the eastern property line.

The applicant is the land owner and currently lives in a single-family dwelling just to the north of this property.

### **Amend Future Land Use Map:**

Current Designation: The subject property currently has a land use designation as Medium Density; Single-Family Residential (see exhibit "B").

Requested Land Use Designation: The applicant would like to change the Future Land Use Map from the current Medium Density; Single-Family Residential designation to a Very High Density, Multi-family designation

Considerations: When considering a proposed amendment to the general plan the Commission and Council shall consider the following factors, as outlined in section 505 “Criteria for approval of General Plan Amendments” of the Zoning Ordinance:

- 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, this Ordinance, the Subdivision Ordinance, and any other Ordinances required to implement the amendment.
- 8) The community benefit of the proposed amendment.

The above section of the Zoning Ordinance asks some questions mostly looking at the effect the proposed land use designation and compatibility/suitability to the surrounding uses. Staff would like to comment on some these questions

The character of the surrounding areas (see Exhibit “A”) –

- To the West, there are Storage units, some single-family dwellings and then a Manufacturing Business. The zoning is LM (Light Manufacturing)
- To the North, South and East there are Single-family residential units, however the Union Pacific Railroad is in between this property and the residential units to the East.
- Kiddy-corner to the SW there are three (3) fourplexes.

Interests of the City & Residents –

- Having a variety of housing types helps the citizens of every City stay within the community they have lived in.
- Not everyone wants, or can have a detached home with yard to maintain.
- Some want to downsize not just in home size.

General Plan Goals, Objectives and Policies –

- Within the “Conformance to the General Plan” section of this report it lists two (2) goals and policies that this type of development would satisfy.

### **Amend Zoning Map:**

Current Zoning: Currently the property is zoned R-1-8, the properties to the west are all different. There is LM (Light Manufacturing) R-3 (Multi-Family Residential) and RE-20 (Residential Estates)

Requested Zone Change: The applicant would like to have the property changed to either R-3 or R-4 zoning to allow multi-family residential. However the R-4 zone does allow for a mix-use type development of allowing office space, which may not be appropriate in this area.

Considerations: When considering a Zoning District Map Amendment, the Commission and the Council shall consider the following factors, as outlined in section 509 “Criteria for Approval of a ... Zoning Map” of the Zoning Ordinance:

- 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.

No amendment to the Zoning Districts Map (rezone) may be recommended by the Commission nor approved by the Council unless such amendment is found to be consistent with the General Plan and Land Use Maps.

The above section of the Zoning Ordinance asks some questions mostly looking at the effect the proposed zone and compatibility/suitability to the surrounding uses. Staff would like to comment on some these questions

General Plan Goals, Objectives and Policies –

- Within the “Conformance to the General Plan” section of this report it lists two (2) goals and policies that this type of development would satisfy.

The character of the surrounding areas (see Exhibit “A”) –

- To the West, there are Storage units, some single-family dwellings and then a Manufacturing Business. The zoning is LM (Light Manufacturing)
- To the North, South and East there are Single-family residential units, however the Union Pacific Railroad is in between this property and the residential units to the East.
- Kiddy-corner to the SW there are three (3) fourplexes.

Compatibility with surrounding area –

- If you look at the current zoning map and look 500 feet in each direction from this property, there are three (3) different residential zones (R-1-8 & RE-20) and a Manufacturing zone. Rezoning this property to R-3 and the uses allowed within that zone are more compatible with the R-1 or RE zones than the Light Manufacturing and the allowable uses which again exists in the neighborhood.

Some additional questions that the Commission and Council needs to reflect upon are:

- Does changing are not changing the zoning provide the best options for development of this property or area?
- How can this property best be developed? As single-family dwellings? As multi-family residential? OR as Manufacturing? All three (3) types of uses exist in the area.

## **CONDITIONS OF APPROVAL**

1. Apply and receive Conditional Use & Site Plan approval

## **FINDINGS**

1. It's the best and highest use of the land.
2. Provides and supports Roy City Economic Development.

## **ALTERNATIVE ACTIONS**

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

## **RECOMMENDATION**

Staff recommends that the Planning Commission recommends approval for the request with the conditions as discussed and as outlined within the staff report to:

1. General Plan (Future Land Use Map) from Medium Density, Single-Family Residential to Very High Density, Multi-Family
2. Zoning Map from R-1-8 (Single-Family Residential) and CC (Community Commercial) to R-3 (Multi-Family Residential)

## EXHIBITS

- A. Aerial Map
- B. Future Land Use Map
- C. Zoning Map
- D. Conceptual Building Exterior and floor plans.

## EXHIBIT "A" – AERIAL MAP



EXHIBIT "B" - FUTURE LAND USE MAP

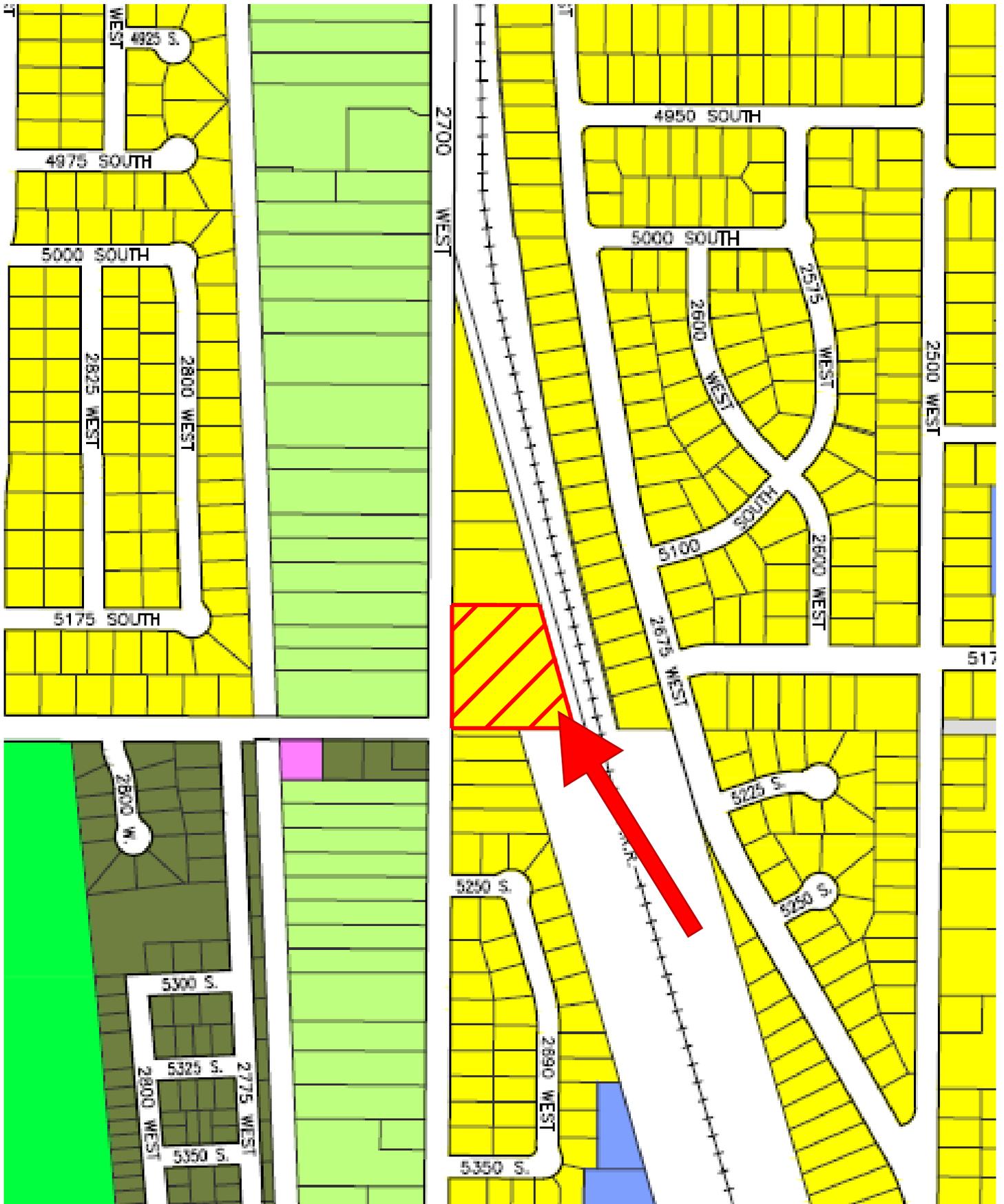
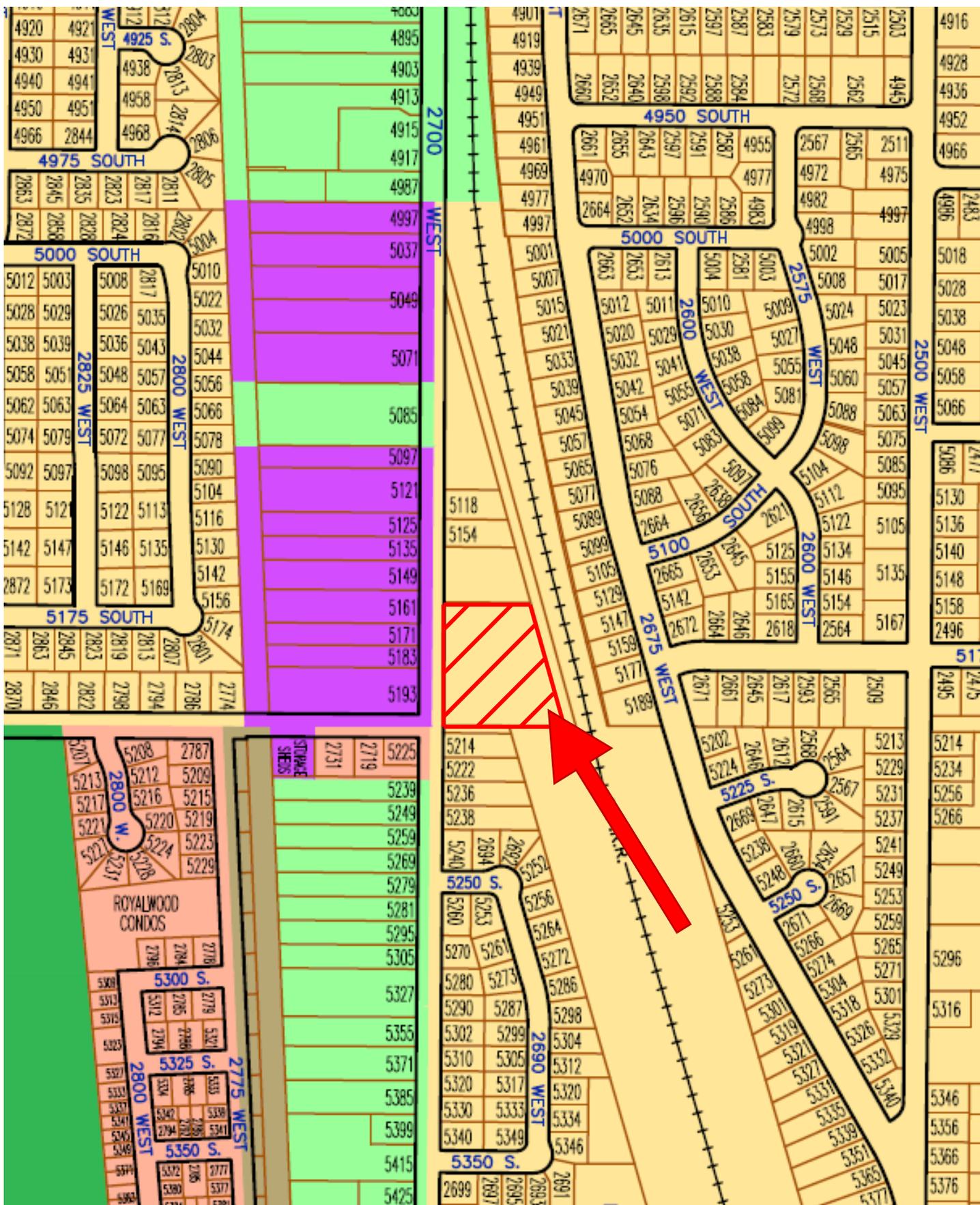


EXHIBIT "C" - ZONING MAP



**EXHIBIT "D" – CONCEPTUAL BUILDING ELEVATIONS**

