



ROY CITY
Planning Commission Regular meeting
January 14, 2020 – 6:00 p.m.
City Council Chambers/Courtroom
5051 South 1900 West

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

The following members were in attendance:

Jason Sphar, Chair
Don Ashby
Samantha Bills
Torriss Brand
Ryan Cowley
Claude Payne

Steve Parkinson, City Planner
Brody Flint, Assistant City Attorney

Excused: Commissioners Chris Collins, and Annette Mifflin

Others in attendance: Wallace Rogers, Cathy Rogers, Claudia Opheikens, Ned Opheikens, Chris Woolsey, Harry Rich, Karen Rich, Ed Weakland, Stan Hoellein, Kaye Hoellein, William Norseth, Gary Newman, Marilyn Newman, Bryon Burnett, George Coleman, Carol Harris, Terry Anderson, JoAnn Anderson, Glenda Moore, Joel Reid, Lindy Reid, Jed Harris, Carol Harris, Bret Arave, Josh Wilson, Clay Combe, Janet Combe, Jared Roper, Kevin Homer, Charles Ivester, Milagro Ivester, David Parker, Christi Parker, Brandon Lundren, Don Manning, Paul Sorensen, William Redden, Matt Peterson, Thayne Fry, Dani Little, Spencer Wade, Kari Williams, Jack Burton, Brayden Buckley, Mike Buckley, Teresa Buckley, Elden Welchman, Kathy Welchman, Keith Jones, Kalie Jones, Patricia Hegland, Julie Little, Kelly Call, Shelly Woffinden, Brandon Woffinden, Fred Bateman, Melanie Bateman, Austin Gonzalez, David Ranjel Constantino, Ilycel Guillen, Kevin Leo, Leo Medina, Daniel Medina, Stephen Sparrow, Larue Sparrow, Jose Tovar, Russell Willoughby, Alex Callantes, Ryan Dahl, Glen Jacobson, Jill Jacobson, Kerri White, Jane Wintle, Zach Colohen, Cindy Whinham, Yisselle Calantes, Wayne Wurth, Maria Collantes, Dax Barney, Toni Thompson, Leon Wilson, Diane Wilson, Lynn Colvin, Ryan Doll, Kelly Call and Lance Tyrell.

Pledge of Allegiance: Commissioner Ashby

1. DECLARATIONS OF CONFLICT

There were none.

2. APPROVAL OF DECEMBER 10, 2019 REGULAR MEETING MINUTES

Commissioner Cowley noted two corrections to the minutes. On line 55, Commissioner Sphar asked the question, and on line 139 Commissioner Payne made the motion.

Commissioner Cowley moved to APPROVE the December 10, 2019 regular meeting minutes, as amended. Commissioner Payne seconded the motion. Commissioners Ashby, Bills, Brand, Cowley, Payne, and Sphar voted “aye”. The motion carried.

Since the majority of the citizens were present to comment on Item 3 and 4, the Commission agreed to discussed Item 5 first.

5. CONSIDER A REQUEST FOR SITE PLAN & ARCHITECTURAL APPROVAL FOR HEAD START LOCATED AT APPROXIMATELY 5400 SOUTH 1900 WEST

Brandon Lundeen, the applicant, gave his address as 6236 South Turpin Street. Head Start wanted to remodel the old Discount Tire building and site into Head Start School. He presented the site plan and the modifications to the building. The access from 1900 West would be closed, per UDOTs request. A playground would be built on the site.

Steve Parkinson, City Planner, reiterated the applicants request. This item was coming before the Planning Commission because they were the land use authority for site plan approval. Regarding the building modifications, Mr. Parkinson said that they would be removing the overhead doors and putting in brick and windows. Staff recommended approval of the site plan and the architecture.

Commissioner Cowley moved to APPROVE the Site Plan for Head Start located at approximately 5400 South 1900 West, with the conditions and facts as stated in the staff report. Commissioner Bills seconded the motion. Commissioners Ashby, Bills, Brand, Cowley, Payne, and Sphar voted “aye”. The motion carried.

Commissioner Brand moved to APPROVE the Architectural for Head Start located at approximately 5400 South 1900 West, with the conditions and facts as stated in the staff report. Commissioner Payne seconded the motion. Commissioners Ashby, Bills, Brand, Cowley, Payne, and Sphar voted “aye”. The motion carried.

3. PUBLIC HEARING – CONSIDER AMENDING TITLE 10 – ZONING REGULATIONS; CH 6 - ESTABLISHMENT OF ZONING DISTRICTS; CH 13 - DOWNTOWN & STATION AREA FBC; CH 17 - TABLE OF USES “TABLE 17-2”; AND CH 19 - REQUIRED OFF-STREET PARKING

NOTE: Items 3 and 4 were discussed simultaneously.

Steve Parkinson, City Planner, explained that the City did a study called Focus Roy in 2017. That study looked the future of the Downtown area and the property around the Front Runner station. There were multiple public meetings about this. The first thing the study addressed were land uses, including where businesses should be located, and where multi-family or single-family residential were appropriate. He presented a map showing these locations. Roy and the General Plan have recommendations, goals, and policies to help the City move toward this plan. One of the recommendations of Focus Roy was to update the General Plan, which was currently in the works. Focus Roy also recommended the creation and adoption of a mixed-use zoning district designation for both the Downtown area and the Front Runner Station. That zoning ordinance was before the Planning Commission for review today. Staff had been working on drafting this ordinance for about a year, and the Planning Commission had discussed this ordinance in more than eight work sessions. In those meetings, they discussed what they wanted the areas to look like, appropriate setbacks, parking requirements, and building heights. They intent was to promote the Front Runner Station as a Transit-Oriented Development, with vertical mixed-use developments. The new mixed-use ordinance would encompass the current regional commercial area, so they wouldn't need that ordinance anymore. The new Form Based Code would become Chapter 13.

Lance Tyrell of IBI Group, said that he had been contracted to work on the Form Based Code and the General Plan Update. He explained that traditional zoning focused on density and uses, while form based zoning focused on building types. The Form Based Code included a regulating plan, public street standards, building standards, administration, architectural standards, parking requirements, open space, and signage. He presented some examples of buildings under traditional zoning and under a form based code. They had created two areas for the Form Based Code: the Downtown Place-Type and the Stationary Place-type. There were smaller districts within each of those place-types that would allow difference development. In the Downtown, they intended to create a more walkable area, with additional streets to increase connectivity. Mr. Tyrell presented a map of the area and showed where additional streets would be located upon redevelopment. Primary streets had been identified, and the Form Based Code addressed how buildings should look along these roadways. Additional restrictions were placed on developments that abut existing residential neighborhoods, including limited heights and setbacks requirements. The Stationary Place-Type was located around the Front Runner station, and it would include the existing Business Park zone. A map was presented, and Mr. Tyrell identified potential street connections within this area. With both of these place-types, more intense uses and heights were allowed near the center, and then became less intense as they extended out toward the existing residential developments. With the Stationary Place-Type, buildings were limited to three stories where adjacent to existing residential, and then limited to five stories closer to the Trax line.

Commissioner Brand said that there were many homeowners near the Stationary Place-Type that were concerned about their views being diminished by these potential developments. Mr. Tyrell said that they were aware of this concern. Because the homes were on a ridge, having three-story buildings down the hill from them shouldn't block too much of their view. This was the reason they decided to limit the height to three stories in this area. The Code also limited uses in this area to be less intense, so as to have a lower impact on the neighbors. Mr. Parkinson noted that the area in question was currently zoned R-1-8, which allowed for homes up to 35 feet tall, which was roughly three stories. Essentially, the proposal wouldn't change the building heights that were currently allowed.

It was noted that building height in the Downtown Place-Type could be up to 12-stories, but building height was limited when near residential.

Mr. Parkinson suggested having the public hearing for Items 3 and 4 simultaneously. He explained that Item 4 would be a recommendation to rezone these areas to the new mixed-use designation. He presented a map and identified the properties that would be rezoned. Staff recommended approval of both applications.

Chair Sphar went over the rules of the public hearing.

Commissioner Ashby moved to open the public hearing for Items 3 and 4. Commissioner Brand seconded the motion. Commissioners Ashby, Bills, Brand, Cowley, Payne, and Sphar voted "aye." The motion carried

Chairman Sphar opened the floor for public comments.

Bryon Burnett, 4375 South 2675 West, said that the proposal would allow three- and five-story buildings to the east and north of his home, essentially putting him and his neighbors in a canyon. He was certain that such high buildings would block his views, even with the hill. In this area, there were five dead-end streets, and pushing those streets through would only increase the traffic and speeds that they already experience. Traffic was already a problem in Roy City, and allowing more residential homes would only increase the problem. Staff said that they needed to meet state requirements for affordable housing, but the plan proposed was more than necessary to meet those requirements. Affordable housing was an issue all over Weber County, and he wondered why Roy had to take on most of the growth. Mr. Burnett talked about the Residential Inlay, which was a protection to the existing residents. This proposal would do away with that inlay and allow much more dense development to happen. He thought that development around transit was a good idea, but not in Roy City.

Ed Weakland, 2449 West 4000 South, said that he was a property owner in the Light Manufacturing zone. He asked how this rezone would impact him, financially. He was concerned that this change would affect the value of his property and/or his property taxes. He also was unclear about what mixed-used development was, and he requested more information about it.

William Norseth, 2525 West 4400 South, commented on the current state of traffic and was concerned that the problem would only increase with this proposal. He was also concerned about the loss of his views.

Charles Ivester, 4299 South 2675 West, said he was the owner of Ivester Transportation. Currently, Roy City didn't allow him to park his business trucks on the street, even though they are for a Roy-based business. On-street parking was a nightmare. He was opposed to the high-density proposal and asked that they reconsider townhomes.

Diane Wilson, 4302 South 2675 West, asked for clarification on the definition of "residential" and "lots", building types, roof pitch, and non-conforming uses. She requested that the peach orchard be excluded from the rezone because of a preexisting ordinance protecting the property. Other property owners should also have the option of keeping their property as it is, and not be included in this rezone. The Council should consider the existing residents.

Mike Buckley, 4297 South 2675 West, said that his home would also be in a "canyon" with this kind of development. By approving this plan, the City would be taking his view and affecting his property value. He felt that the Planning Commission and City Council didn't care about the residents that would be hurt by this kind of development. He opined that Roy City didn't need six story buildings. Apartments would bring in non-permanent residents, who didn't care about their properties. He wanted a community. Mr. Buckley also expressed concerns about safety, increased crime, and parking.

Lynn Colvin, 4325 South 2400 West, said that she purchased her home at the end of a dead-end street for the safety of her kids. If the City approved this plan, it would pave the way for her dead-end to be opened up. The neighborhood didn't need that street to connect.

Cathy Rogers, 4376 South 2675 West, agreed with the comments that had already been made and stated that the increase in traffic would be detrimental to the entire City. The increase in high-density housing would also increase the crime rate. Ms. Rogers purchased her home to live in a

small community where she knew all of her neighbors. She was sure that the City wouldn't listen to their concerns, but she wanted to say that they were against the plan.

Ryan Doll, 1879 West 5075 South, expressed concerns about the setback requirements on 1900 West and 5600 South. Those roads were already congested and probably needed to be widened. If the buildings were pushed up against the street, there would be no room to expand those roads. He was also concerned about property values and increased crime.

Stephen Sparrow, 4412 South 2750 West, said that his back yard abuts the walking trail. He commented that people utilize the trail in all seasons. If six-story buildings were constructed along the trail, the sun wouldn't be able to reach the trail to melt the snow and ice, which would be a hazard to those using the trail. It seemed that the City was making a big shift in planning with this new code, and he hoped that they had a good reason for doing so.

Kelly Call, 4141 South 2300 West, built his home 26 years ago, and he has enjoyed the views. A few years ago, UTA came in with the Trax Station and the property around it looks awful. UTA has not been a good neighbor. Mr. Call recently had his home appraised, and the appraisal was down \$50,000, partially because of the state of the neighboring property.

Leon Wilson, 4302 South 2675 West, commented that being a Planning Commissioner was a tough job. Change was difficult for people to accept, especially when it's at an accelerated pace. Some of the citizens may not have been as involved as they should have during this process. Now the process is coming to an end, and people were alarmed. He strongly suggested that the citizens obtain a copy of the proposed ordinance and review it. There was room for refinement. He requested that the item be tabled.

Dan Little, 5482 South 2000 West, said that his home was located in the area that would potentially have 10-story buildings. He was opposed to the plan.

Josh Wilson, 1572 Woodland Drive (Layton), commented that the City was trying to control the development that would inevitably happen by creating this plan. Getting rid of some of these dead end roads would actually help traffic flows, which would benefit the citizens of Roy City.

Jed Harris, 4410 South 2450 West, said that others had addressed traffic, but no one had mentioned that there were three schools along 4400 South. He was concerned about the safety of the kids if this high density housing went in.

Paul Sorensen, 4176 South 2400 West, thanked the Commission for making hard decisions for the community. He felt that this was being driven by UTA, an entity that hadn't fulfilled their promises before, and they were not the best stewards of taxpayer money. The community didn't have much reason to listen to them now. He was concerned about property values, the loss of views, traffic, and the trains blocking roadways. Mr. Sorensen asked how this related to the CRA that the City Council recently discussed. Regarding density, he said suggesting sending higher density to West Haven. Roy City didn't need to be the champion of Weber County when it comes to affordable housing.

Brandon Woffinden, 4301 South 2675 West, agreed with the comments shared by his neighbors and requested that this proposal be tabled for further consideration.

Stan Hoellein, 4307 South 2675 West, said that he was a former Planning Commissioner for Roy City. The presentation given tonight made it seem like this situation was black and white, but it wasn't like that for the residents who live in these areas. He addressed the loss of views and over-development. He suggested that the small strip of land near the railway be used as a cemetery rather than houses.

Ed Weakland said that he wasn't a resident of Roy, but a resident of Layton. When the city decided to allow high-rise developments around the Layton station, it totally changed the fabric of the City as a whole. The long-time residents of Layton now avoid that part of the city.

Wallace Rogers, 4376 South 2675 West, echoed the comments that had been shared about safety concerns, existing and potential traffic, and noise. He commented that the City could grow, but they also needed to maintain the feel of Roy City.

Zach Colohen, 2401 West 4250 South, said that he enjoyed his view, but he wasn't overly concerned about losing it. However, he was concerned about the children going to the three surrounding school. He worried about the people these developments would attract.

Lacey Socwell, 4298 South 2675 West, agreed with everyone's comments and asked that the item be tabled.

Glen Jacobson, 4170 South 2400 West, stated that UTA hadn't been the best neighbors. He questioned bringing new people into the City with high-density housing. This proposal could be scaled back quite a bit.

Austin Gonzalez, 5382 South 2000 West, moved to the area about six months ago, so he didn't know all of his neighbors yet. Even though the City has been working on this for a year, this was the first time he and many others had heard of it. He asked that the item be tabled so that the citizens had more time to research and understand the proposal.

David Parker, 2484 West 4400 South, said that he had been a resident of Roy for most of his life. No one seemed to care about the residents' views, but the residents certainly did. He asked that they reconsider this plan.

Ann Huskinson, 4164 South 2400 West, said that she moved to Roy from Salt Lake City two years ago. She enjoyed the pleasant atmosphere and the neighbors here. Traffic was already a concern, as well as safety. She commented on the difficulty the schools had of keeping crossing guards at the crosswalks because they were so dangerous.

Brayden Buckley, 4297 South 2675 West, echoed his neighbors comments and concerns. Roy was heading in a direction where he didn't feel comfortable staying and raising a family. Although none of the Commissioners cared about the residents, he wanted to voice his concerns.

Commissioner Brand said that the residents were wrong in assuming that the Planning Commission and City Council didn't care about their opinions. They very much value the input from residents, and they take it very seriously. This was the best meeting they had had for public comments. Commissioner Brand said that he was inclined to vote in favor of this before, but after hearing all of the citizens' concerns he wasn't comfortable with that.

Wayne Wurth, 5065 South 1850 West, was worried about the values of properties downtown.

Milagro Ivester, 4299 South 2675 West, said that she moved to Roy 16 years ago because of the family-centered community, the neighborhood, and the safety she felt here. She was opposed to the high-density proposal.

Joe Tovar, 4309 South 2450 West, had only lived in his current home for two years, but he grew up in Roy. His primary concerns were traffic and views.

No further comments were made

Commissioner Ashby moved to close the public hearing. Commissioner Payne seconded the motion. Commissioners Ashby, Bills, Brand, Cowley, Payne, and Sphar voted “aye”. The motion carried.

Assistant City Attorney Brody Flint briefly went over the legal process of adopting an ordinance and rezone. The Planning Commission could vote to table the item, or they could make a recommendation to the City Council for denial, approval with conditions, or approval as-is. The City Council would also review the proposal, and they could opt to make changes as well.

Mr. Parkinson addressed the concerns and questions raised during the public hearing. He first stated that UTA had nothing to do with this proposal. Although UTA wanted higher density along their stations, they did not participate in this ordinance draft or contact the City regarding this in any way. This process began two years ago with the adoption of Focus Roy, which called for the creation of a mixed-use designation for the Downtown and Front Runner Station areas. Staff and the Planning Commission had heavily discussed building types, architecture, setbacks, open space, and other requirements that they felt were appropriate for these areas. They began drafting the ordinance when the City received a grant from Wasatch Regional. Mr. Parkinson stated that he was the only professional planner in the room. The other Commissioners had other professions, and they were not paid for their service on the Planning Commission. The citizens received notice of this meeting because of the rezone request, but Mr. Parkinson posted all meeting notices and agendas, and the meetings were always open to the public. Staff and the Planning Commission do appreciate public comment.

One concern that was brought up several times was the loss of views. Mr. Parkinson said that this was a matter of property rights. All property owners had the right to develop their properties within the zoning ordinance set by the City. If the residents wanted to retain their views, they could purchase the adjacent properties and never develop them. The current zoning next to these homes allowed for three-story buildings, which was comparable to the proposal. The really tall buildings would be allowed only in the Downtown area. He agreed that Senate Bill 34 didn't require cities to have high-density housing, but they were still required to have affordable housing in the City. They would not be able to push the density to a neighboring city. Affordable housing had to go somewhere in Roy, and Focus Roy had determined that the best locations for affordable housing were downtown and by the Front Runner. The rest of the City would be left alone. There had also been comments about owner-occupied townhomes being preferred over rental apartments. The City had not power to determine whether a developer built rentals or owner-occupied units.

Mr. Parkinson commented that 90% of Roy City was built out. They had not more land to build on, so any growth must be vertical. Regarding property values and taxes, that was difficult to say at this point. Regarding the Infill zone, Mr. Parkinson clarified that its purpose was not to protect the neighbors, but rather to help development occur. There was only one area in the City currently had had that zoning.

Mr. Parkinson said that a copy of this ordinance proposal was available to citizen. The ordinance was not finalized, and the Council still had time to refine the language and determine if it was right for the City. In order for their children to stay in Roy, they needed to provide appropriate housing for them. Luckily, Roy was very affordable compared to the rest of the region. Regarding traffic, Mr. Parkinson said that the City was well aware of the issues. The main problem was that Roy was essentially a pass-through city for those living in Hooper and West Haven. That problem would continue until the West Davis Corridor was built. If the rezone were approved, all existing uses would be grandfathered in. Owners and subsequent owners could continue those uses until they discontinue that use for one year or more. Mr. Parkinson stated that roads like 4000 West and 4800 West couldn't be widening any more than they are today because of the location of the railroad tracks.

Chair Sphar thanked the citizens for participating in the meeting. The Commission truly valued their input.

The Commission discussed the motions and determined to table Items 3 and 4 for further consideration. It was noted that an ordinance could still be modified after it had been adopted.

Commissioner Brand moved to TABLE the request to amend the Title 10 – Zoning Regulations; CH 6 - Establishment of Zoning Districts; CH 13 - Downtown & Station Area FBC; CH 17 - Table of Uses “Table 17-2”; and CH 19 - Required Off-Street Parking. Commissioner Bills seconded the motion. Commissioners Ashby, Bills, Brand, Cowley, Payne, and Sphar voted “aye”. The motion carried.

4. CONSIDER AMENDING THE ZONING MAP FROM RC, R-1-8, R-2, R-3 & R-4 TO DOWNTOWN; BP TO INNOVATION DISTRICT; AND LM, RE-20 & R-1-8 TO STATION AREA.

NOTE: Items 3 and 4 were discussed simultaneously.

Commissioner Brand moved to TABLE the request to amend the Zoning Map from RC, R-1-8, R-2, R-3 & R-4 to Downtown; BP to Innovation District; and LM, RE-20 & R-1-8 to Station Area. Commissioner Bills seconded the motion. Commissioners Ashby, Bills, Brand, Cowley, Payne, and Sphar voted “aye”. The motion carried.

6. COMMISSIONERS MINUTE

Commissioner Brand thanked the citizens for coming to the meeting and sharing their concerns. He explained that the Planning Commission met every second and fourth Tuesday of the month, and all meetings were open to the public. He invited them to return to future meetings and stay involved in the planning process.

7. STAFF UPDATE

Mr. Parkinson explained that the Planning Commission position would have to be put on the website again due to a technical error. This would be done in two or three weeks. He then provided an update on various projects throughout the City.

8. ADJOURN

Commissioner Ashby moved to adjourn at 8:27 p.m. Commissioner Brand seconded the motion. Commissioners Ashby, Bills, Brand, Cowley, Payne, and Sphar voted “aye”. The motion carried.

Jason Sphar
Chair

Attest:

Morgan Langhof
City Recorder

dc: 01-14-20