



ROY CITY
Planning Commission Regular meeting
February 11, 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
Jason Felt
Annette Mifflin
Claude Payne

Steve Parkinson, City Planner
Assistant City Attorney, Brody Flint

Excused: Commissioner Chris Collins

Others in attendance: Doug Terry, D.L. Thurman, Jane Thurman, Don Little, Greg Little, Wendy Packer, Stan Hoellein, Kaye Hoellein, Kay Buckley, Melanie Swartz, Tom Spencer, Byron Burnett, Janice Terry, Carrie McIlrath, Dave McIlrath, James Davis, Lucas Reichow, Matt Peterson, Amy Buckway, Kim Buckway, Bonnie Dawson, Eddie Walter, Glenda Moore, Dan Manning, Don Stevens, Gary Davis, Brenda Nelson, Lisa Schow, David Tracy, Ereita Zimmerman, Nathan Zimmerman, Karl Keyes, Tamara Magruder, Brenda Nelson, Eduardo Robles, and Laurie Jones

Pledge of Allegiance: Commissioner Cowley

1. DECLARATIONS OF CONFLICT

There were none.

2. PUBLIC HEARING – CONSIDER A REQUEST TO AMEND THE FOLLOWING MAPS, FOR THE PROPERTY LOCATED AT APPROXIMATELY 5154 SO. 2700 WE.
- A. GENERAL PLAN (FUTURE LAND USE MAP) FROM MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL TO VERY HIGH DENSITY MULTI-FAMILY RESIDENTIAL
 - B. ZONING MAP FROM R-1-6 & R-1-8 (SINGLE-FAMILY RESIDENTIAL) TO R-3 OR R-4 (MULTI-FAMILY RESIDENTIAL)

Doug Terry, 2509 West 5175 South, applicant, presented a handout with information about his application. He was the owner of the subject property and he was seeking a rezone. The property to the west was storage units, to the northeast was a business, to the south was four-plexes and more storage units, and to the east was the railroad tracks. This was an ideal location for townhomes. He had no intention of building apartments. He had made similar requests on the property before, but they did not pass. The reason he was requesting the change to high density was because medium density only allowed for patio homes, and he

wanted to build two-story townhomes. The zoning would still only allow for twelve units per acre.

The Commissioner discussed the potential value of the townhomes, and they expressed a concern that a subsequent owner could come in and building something more dense than townhomes. Steve Parkinson, City Planner, said that the Commission could include a stipulation that the rezone would only allow townhomes.

Mr. Parkinson presented the staff report. He explained that the property was approximately 2.89 acres in size, and that could yield about 34 units. Although the density was twelve units per acre, the code did allow for density bonuses if certain requirements are met. Only one other development was able to meet those density bonus requirements. A site plan had not been submitted yet. Mr. Parkinson then explained what the property could yield under different zones. There were some inconsistencies between what was allowed under each zoning ordinance, and the definition of different densities in the General Plan.

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

Chairman Sphar opened the floor for public comments.

David McIlrath, 1765 West 5000 South, said that he previously lived in this area. He advocated for the townhomes, stating that this type of housing provided homeownership opportunities for young families. The applicant didn't intend to build low-income dwellings.

Tamara Magruder, 5489 South 2700 West, was panicked about putting more people on 4000 South. When the train stops on the tracks, traffic would back up so far that no one could drive up and down 2700 West. Sometimes she had to wait 15 minutes to pull into her own driveway. She spoke about the need for farmland in the community and asked the Commission to reconsider this proposal.

Brenda Nelson, 1885 North 4400 West, thought that the City was heading in a positive direction with development. She represented Doug Terry and had been working with him for many years on this property. Regarding the traffic concerns, Ms. Nelson said that there would be improvement when the area was developed according to the form-based code the City was considering. That would create a lot of walkable communities, and hopefully this project would fall into that. Ms. Nelson had researched available homes in Roy below \$300,000, and there were only thirteen homes available. The proposed townhomes are just when Roy needs. She encouraged the Commission to restrict apartments here, because she agreed that they wouldn't be appropriate.

Tamara Magruder, 5489 South 2700 West, disagreed with Ms. Nelson's statement that this would be a walkable location. The traffic was too dangerous to allow for a walkable community.

Lucas Reichow, 4919 South 2450 West, advocated for this proposal. The townhomes would beautify the neighborhood, and they would be great for small families. He also felt that Roy was heading in the right direction with development.

Byron Burnett, 4375 South 2675 West, read the code language regarding difference densities and zoning, which he found to be conflicting. He agreed that apartments would be inappropriate and asked that the stipulation be included that this could only be developed as proposed here tonight. Mr. Burnett wondered why the General Plan update was still in the hands of the Planning Commission when they already made a recommendation on it to the City Council.

Melanie Schwartz, 5085 South 2700 West, said that she came before the Planning Commission in 2014 because she wanted to buy a small urban homestead here. She had purchased a little over an acre, but she couldn't do anything with it until the Planning Commission zoned it RE-20. She spoke about the existing developments in the area, and said that the zoning map doesn't always depict what's actually there. This area was quite a distance from the proposed form-based code areas, which would create an isolated pocket of townhomes with little access to anything, especially transit. She was concerned about safety and traffic.

Eduardo Robles, 2697 West 5350 South, stated that accessibility was a problem in this area. Previous rezone requests had been denied, and he encouraged them to deny this application.

Laurie Jones, 2850 North 850 East in North Ogden, said that she was the lender. She provided some information regarding affordable housing, and what was considered affordable to median-income families. She said that the proposed townhomes would be a great addition to Roy City.

David Tracy, 5125 South 2700 West, said that the residents on 2700 West chose to live there because there was more open space. The lots here were between a half acre and two acres in size. He agreed that the owner should be able to develop their property, but he didn't think townhomes would fit in with the surrounding area. He encouraged single-family development.

Kim Buckway, 4863 South 2700 West, echoed the comments of her neighbors. She agreed that traffic was bad, they were not in favor of high density, and they wanted to keep the open feel of the area.

Janae Terry, 2509 West 5175 South, explained that the property had been in their family for a long time. They didn't want to bring in a housing product that didn't fit in, and they felt that the townhomes would be a benefit to the community. Change was difficult to face, but Roy City was growing. They intended to construct a quality product that wouldn't take away from the neighborhood. Ms. Terry stated that developing her property would not take away from other property owners or what they can do with their lots.

Wendy Packer, 5149 South 2700 West, reiterated that traffic in the area was horrendous, and she worried about emergency vehicle access. There were also concerns about inadequate sewer lines.

Gary Davis, 5214 South 2700 West, agreed with the comments made by his neighbors. He expressed additional concerns regarding children crossing the rail tracks and decreasing property values.

Byron Burnett, 4375 South 2675 West, was concerned that the applicant was requesting a rezone before presenting an actual plan.

Stanley Walters, 5261 South 2690 West, staff had received the following email from Mr. Walters: *Concerning the proposal to approve High Density Housing at 5154 South 2700 West I would like to vote NO! I cannot attend the meeting but I would still like for my voice to be heard and my vote to count. Again I vote NO!*

No further comments were made.

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

Staff noted that Mr. Terry was just requesting a rezone at this time. It was a cost to developers to create a site plan. If the rezone were approved, the applicant would come back to staff with a site plan, which would need to be approved by the Planning Commission.

The Planning Commission again discussed the slide showing potential densities of the property under different zoning. Mr. Parkinson stated that there was no zoning in the City Code that would allow more than 12 units per acre at this time. The Commission agreed to include a stipulation prohibiting apartments from being developed.

Commissioner Ashby moved to recommend that the City Council APPROVE the request to amend the General Plan (Future Land Use Map) from Medium Density Single-Family Residential to Very High Density Multi-Family Residential for property located at approximately 5154 South 2700 West, with the conditions and facts as stated in the staff report. Commissioner Bills seconded the motion. Commissioners Ashby, Bills, Brand, Cowley, Mifflin, Payne, and Sphar voted “aye.” The motion carried.

Commissioner Ashby moved to recommend that the City Council APPROVE the request to amend the Zoning Map from R-1-6 & R-1-8 (Single-Family Residential) to R-3 (Multi-Family Residential) for property located at approximately 5154 South 2700 West, with the condition that only Townhomes can be built along with the conditions and facts as stated in the staff report. Commissioner Payne seconded the motion. Commissioners Ashby, Bills, Brand, Cowley, Mifflin, Payne, and Sphar voted “aye.” The motion carried.

3. CONTINUATION – TO 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.

Mr. Parkinson said that Items 3 and 4 were discussed during a work session and the Commission voted on the matter; however, action cannot be taken during a work session. Staff put these items back on today’s agenda for a proper vote.

Commissioner Cowley felt like the Planning Commission had carried these items as far as they could, and it was time to pass them on to the City Council. Commissioner Brand disagreed. After the last public hearing and the City Council meeting he attended, he didn’t feel like the

train station area had been fully vetted. The downtown area was ready to be discussed by the City Council, but the train station area needed more work. After some discussion, the Planning Commission agreed to continue working on the train station area of the form-based code.

Commissioner Ashby moved to recommend that the City Council APPROVE of 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, with the condition they review Wilson property if it should be within the area, or maybe split the property, possibly splitting the Downtown & Innovation Areas from the Station area be better evaluate the area, along with evaluating the height of buildings between the tracks and trail. Commissioner Bills seconded the motion. Commissioners Ashby, Bills, Brand, Cowley, Mifflin, Payne, and Sphar voted “aye.” The motion carried.

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

NOTE: Items 3 and 4 were discussed simultaneously.

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

5. COMMISSIONERS MINUTE

At the Commission's request, Assistant City Attorney Brody Flint spoke about appropriate ex parte communications.

6. STAFF UPDATE

Jason Felt was introduced as a new Planning Commission member.

7. ADJOURN

Commissioner Brand moved to adjourn at 7:33 p.m. Commissioner Cowley seconded the motion. Commissioners Ashby, Bills, Brand, Cowley, Mifflin, Payne, and Sphar voted “aye.” The motion carried.

Jason Sphar
Chair

Attest:

Morgan Langhof
City Recorder

dc: 02-11-20