



ROY CITY
Planning Commission Meeting Minutes
March 13, 2018 – 6:00 p.m.
Roy City Council Chambers
5051 South 1900 West

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

The following members were in attendance:

Torris Brand, Chair
Don Ashby
Samantha Bills
Christopher Collins
Ryan Cowley
Leland Karras
Doug Nandell
Claude Payne
Jason Sphar

Steve Parkinson, City Planner

Excused: Brody Flint; Assistant City Attorney; Commissioner Jason Sphar; and Commissioner Ryan Cowley.

Others in attendance: Doug Terry, Brenda Nelson, Kevin Mayes, Melanie Swartz Tom Spencer, Kay Buckly, Robert Rothwell, Jim Packer, Wendy Packer, Lyle Biddle, Janae Terry, Tim Higgs, Lori Johns, Elaine Hansen, Jared Roper, Ashleigh Roper, Shauna Davis, Gary Davis, Brandy Erickson, Tracie Jackson, David Tracy, H. Hazen, Adam Carver, Marcos Toscano, Gary Davis

The Pledge of Allegiance was led by a local Boy Scout Troop.

1. DECLARATIONS OF CONFLICT

There were none.

2. APPROVAL OF FEBRUARY 27, 2018, MINUTES

Commissioner Karras moved to table the February 27, 2018, minutes. Commissioner Nandell seconded the motion. Commissioners Ashby, Bills, Brand, Collins, Karras, Nandell, and Payne, voted “aye.” The motion carried.

It was noted that Alternate Commissioner Don Ashby would be a voting member during tonight's proceedings.

3. PUBLIC HEARING: CONSIDER A REQUEST TO AMEND THE FOLLOWING MAPS, FOR PROPERTY LOCATED AT APPROXIMATELY 5154 SOUTH 2700 WEST

- A. THE GENERAL PLAN (FUTURE LAND USE MAP) FROM MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL TO VERY HIGH DENSITY MULTI-FAMILY RESIDENTIAL

B. THE ZONING MAP FROM R-1-8 (SINGLE-FAMILY RESIDENTIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL)

Doug Terry, 2509 West 4800 South, explained that the nature of his request was to construct units that catered to an aging population that wanted a smaller home with no yard. He described the surrounding properties and noted that he was located in an industrial area. He would not be building apartments; rather, they would be high-end townhomes. He explained that there was a street light at 4800 and 5600, and there was plenty of traffic flow in and out of the area. The development would be run by an HOA and while it was currently open to all demographics, ideally it would become a 55+ community. Mr. Terry owned three acres but was only proposing to rezone two of them. He also noted there was a water line through the area that he needed to work around.

Mr. Parkinson presented the staff report and explained the City's ordinance allowed for 12 units per acre in R-1-8 zone. However, tonight they were not discussing the site plan; any action taken by the Planning Commission would be with regards to the general plan and rezone. He said Mr. Terry had provided some ideas of what the project could look like, but a formal site plan request had not been submitted to staff. If the Planning Commission chose to approve this application, they could add the condition that townhomes must be developed and not apartments. He then presented an aerial map of the subject property and described the surrounding areas. Presently, the property was being used for manufacturing; however, the general plan indicated low density, single family homes for the area. He noted there was some R-3 zoning kitty corner of the subject property, and the properties to the north, south and east were zoned R-1-8. He also identified some RE-20 and LM zoning in adjacent areas. Staff recommended approval with any conditions the Planning Commission may choose to add.

Commissioner Nandell moved to open the public hearing. Commissioner Payne seconded the motion. Commissioners Ashby, Bills, Brand, Collins, Karras, Nandell, and Payne voted "aye." The motion carried.

Chairman Brand opened the floor for public comments.

Donald Jackson, 5193 South 2925 West, said he was just noticed of this meeting as of today. He discussed how the apartments in his area had become dilapidated and said there were a lot of other apartments going up in the area. He wanted assurances these units would not turn into junk apartments.

Chairman Brand discussed the noticing of this item that took place. Mr. Parkinson added that by ordinance staff was required to notify everyone within 300 feet of the subject property. The noticing letter also included a map.

Eduardo Robles, 2697 West 5350 South, said he opposed high density housing in this area. He had no problems with single family homes.

Melanie Swartz, 5085 South 2700 West, said Mr. Terry had conducted extensive research for this proposal and he had good intentions. She said she understood the property would eventually get developed. However, she would not like to see high density housing in this area.

She suggested alternative development options and expressed concerns with traffic and the residents' quality of life, should this item pass.

Kevin Mayes, 5112 South 2700 West, said a similar proposal came forward in 2016 and a lot of people were against it at that time. Mr. Terry had since taken the time to create a handout depicting his intentions for development. Mr. Mayes supported the idea of HOA-managed townhomes.

David Tracy, 5125 South 2700 West, sought clarification on the term "high density" and what that would entail on two acres. He said it was difficult to be for or against the proposal, if residents were unsure as to what would happen. Mr. Terry said at a maximum there would be 24 units, and he mentioned having distributed an unofficial draft of a site plan which showed this information.

Brenda Nelson, 1578 North 225 West, Harrisville, Utah, stated she was a broker at Better Homes and Gardens, and had worked with Mr. Terry for several years. She explained that realtors had a shortage of affordable housing, and Mr. Terry was trying to bring that type of product into Roy. She read portions of HB 259 into the record, which pertained to moderate income housing requirements in the State of Utah. In researching homes within the price range of \$150,000 to \$200,000 prior to this meeting, there was only one property in Roy that came up. Ms. Nelson said there was a major shortage of moderate income housing in Roy, and she supported Mr. Terry's proposal. She concluded that he would still be required to go through site plan approval, should his requests be approved tonight.

Lori Johns, 2840 North 800 East, North Ogden, Utah, stated she was a local mortgage lender. She explained that there were a lot of borrowers who wanted to be in the Roy community, but it was impossible for them to find homes because of the lack of moderate income housing options. She said she reviewed Mr. Terry's unofficial plans, and she supported his project.

Wendy Packer, 5149 South 2700 West, expressed concerns with traffic and inquired as to how much the townhomes would cost.

Tim Higgs, 5381 South 3400 West, noted that he attended the Planning Commission meeting on August 2, 2016, wherein this request was discussed. At that point in time, the application was approved by the Planning Commission, but denied 6-to-1 by the City Council. He expressed concerns with traffic and the safety of the intersection at 4800 South and 2700 West.

Janae Terry, 2509 West 5175 South, mentioned she was the applicant's wife, and she provided a history of property. She said their intent was for this to be a nice, HOA-managed property.

Lyle Biddle, 5249 South 2700 West, was concerned with the amount of concrete going in the area. He echoed the concerns previously expressed regarding traffic and said he was opposed to high density housing.

Gary Davis, 5214 South 2700 West, expressed concerns with privacy and wondered if there would be a wall constructed or trees planted to address the issue.

Marcus Toscano, 5161 South 2700 West, added his concerns regarding traffic.

Mr. Parkinson read in the following comments:

Mary Anderton, 5136 South 2975 West, was against the "Very High Density" on 2700 West. There was enough traffic already in her neighborhood. She called and left a message on March 13 at 12:06 P.M.

Cord Doman, 2699 West 5350 South, was against apartment complexes because "...they bring in the 'wrong' kind of people, lower income people, which bring crime." He recommended denial of the proposal. Mr. Doman called and left a message on March 13 at 2:14 P.M.

Robin Izatt, 2693 West 5350 South, submitted the following written statement to Mr. Parkinson on March 13 at 12:53 PM:

I'm writting this to let you know as my opinion on this, is we don't need the heavy traffic on 2700 W. There's already HEAVY traffic on this right now, that the people who live on that road (2700 W), that they have trouble trying to get out of their own driveways. To me I'm thinking that you think that you need all that tax money for what ever, but you need to think about the people have lived here for years too. You need to take a look at really needs to be done than giving out BUILDING permits all over the place. So unless you have figure out another way these people are going drive besides 2700 W, NO we don't need NO more apartments, town houses either. But it wouldn't be so bad if you let patio homes be built there than the other. So that's my opinion and my idea for building for the empty field.

In addition, Mr. Parkinson received the following email on March 13 at 3:25 PM:

My husband, Garry White and I would like to make it known that we do not support the New zoning for 5154 S 2700 W into a multi-family residential. Please keep it a single residency.

Commissioner Karras moved to close the public hearing. Commissioner Collins seconded the motion. Commissioners Ashby, Bills, Brand, Collins, Karras, Nandell, and Payne voted "aye." The motion carried.

Mr. Parkinson made mention of a particular document some of the citizens had received regarding this item, and he noted that the document in question did not come from staff. He said anyone living within 300 feet of the application did receive a proper notice. With regards to density, there were still several unknown factors until a site plan was submitted. With regards to water, as per FEMA requirements property owners were mandated to ensure that the water on their property discharged into an underground system and not a street. Residents who moved into an HOA-managed development would pay a fee to maintain roads, landscaping, parking lots, etc., which was a common occurrence in development. He said the cost of townhomes would be determined based on the market value. He referenced the legislation regarding moderate income housing, and noted that while it had been around for a long time, it was recently updated by the Utah Legislature. Next, Mr. Parkinson explained that 60% of the traffic in this area was caused by people who didn't live in adjacent neighborhoods. As commercial developed on 1900 West, more people would be drawn to the area; traffic would always be an issue. Mr. Parkinson explained there was only so much police could monitor at a time. He reviewed the City's requirements pertaining to privacy, and said anytime there was a change in use from multifamily to single family or vice versa, developers were required to provide a privacy fence. He explained that 55+ communities were common, and an HOA could determine age

requirements for the development. UDOT was not in charge of 4800 South; rather, it was managed by UTA, Union Pacific, and Roy City. Mr. Parkinson stated that all of these entities had met and were looking to modify the road, although he was not sure as to how this would take place. He stated that the biggest issue was eliminating the left-hand turn, heading west.

Brenda Nelson was invited back to the podium, and she explained the homes she saw in Roy were priced in the range of \$250,000 to \$275,000. The pricing of Mr. Terry's townhomes would depend upon what was approved by the City Council.

Commissioner Nandell recalled that this item was denied by the Planning Commission in 2016. Mr. Parkinson said that was correct, and noted that it was denied on a vote of 5-to-2 in August 2016. Commissioner Nandell said he understood some of the issues that were raised, but he believed the current proposal was a good idea for the area.

Commissioner Karras said there were no townhomes in the area, and it was part of their responsibility to provide homes for people who wanted to live in Roy.

Commissioner Karras moved to recommend to the City Council that they approval the request to amend the general plan (Future Land Use Map) from Medium Density single-Family residential family to Very High Density Multi-Family residential for property located at approximately 5154 South 2700 West with the caveat that there are Townhomes and not Apartments and the conditions and facts as stated in the staff report. Commissioner Karras seconded the motion. Commissioners Ashby, Bills, Brand, Karras, Nandell, and Payne voted "aye," and Commissioner Collins voted "nay." The motion carried 6-to-1.

Commissioner Karras moved to recommend to the City Council that they approve the request to amend the Zoning Map from R-1-8 (Single-Family Residential) to R-3 (Multi-Family Residential) for property located at approximately 5154 South 2700 West with the caveat that there are Townhomes and not Apartments and the conditions and facts as stated in the staff report. Commissioner Karras seconded the motion. Commissioners Ashby, Bills, Brand, Karras, Nandell, and Payne voted "aye," and Commissioner Collins voted "nay." The motion carried 6-to-1.

4. PUBLIC HEARING: REQUEST TO AMEND THE ZONING MAP FROM RE-20 (RESIDENTIAL ESTATES) TO R-1-8 (SINGLE-FAMILY RESIDENTIAL) FOR PROPERTY LOCATED AT APPROXIMATELY 4550 SOUTH 3100 WEST

Commissioner Nandell moved to open the public hearing. Commissioner Karras seconded the motion. Commissioners Ashby, Bills, Brand, Collins, Karras, Nandell, and Payne voted "aye." The motion carried.

Richard Frandsen, 4514 South 3100 West, proponent, said he purchased his property in 1973 and has had livestock there since 1974. He was approached by someone interested in buying the land in order to build four or five homes. He said the buyer would be a better fit for the neighborhood and he felt it was time to move. This was a good offer and he was ready to sell his property. Mr. Frandsen noted that the buyer was not present at the meeting.

Mr. Parkinson presented the staff report and an aerial map of the subject property. The general land use map indicates R-1-8, or medium density, single family homes for the area. He identified a piece of land across the street that was annexed into the City within the last year. There were some power lines running east and west; staff had received a request to subdivide the annexed property into six parcels. He explained that the applicant would like to rezone the subject property to be consistent with the general plan. Staff recommended approval, and noted there was a church located down the street.

Chairman Brand opened the floor for public comments.

Doug Terry, 2509 West 4800 South, said he had known the Frandsens for a long time and he supported the proposal.

Brandy Erickson, 2953 West 4475 South, expressed concerns with traffic and questioned if the subject property could actually sustain up to five homes.

Tracie Jackson, 4480 South 2950 West, was also concerned with five homes on the property. She questioned where the roads would go, how the property would be accessed, and whether or not any flag lots would be created.

Commissioner Karras moved to close the public hearing. Commissioner Nandell seconded the motion. Commissioners Ashby, Bills, Brand, Collins, Karras, Nandell, and Payne voted "aye." The motion carried.

Mr. Parkinson said at this point it was unknown as to how many parcels would be located on the property in question. He discussed the requirements of both the current and proposed zones. He said if a road was put in connecting 4600 South to the neighborhood, some of the issues mentioned tonight would be alleviated. He said the Planning Commission was the recommending body, but they did not necessarily make the decisions. He said it was a property owner's right to develop their land. With regards to flag lots, there could be no more than two per entry. He concluded that the proposal fit within the area.

Chair Brand asked how many homes could be built in an R-1-8 zone. Mr. Parkinson answered up to five homes with some leftover land, per acre. In the current RE-20 zone, four homes could be built.

Commissioner Bills clarified that this was just a rezone request, and Mr. Parkinson said that was correct. A subdivision plat would come forward to the Planning Commission at a later date.

Commissioner Nandell moved to recommend to the City Council that they approve the request to amend the Zoning Map from RE-20 (Residential Estates) to R-1-8 (Single-Family Residential) for property located at approximately 4550 South 3100 West with the conditions and facts as stated in the staff report. Commissioner Ashby seconded the motion. Commissioners Ashby, Bills, Brand, Collins, Karras, Nandell, and Payne voted "aye." The motion carried.

5. REQUEST FOR APPROVAL OF THE EXTERIOR ENHANCEMENTS OF THE WENDY'S BUILDING LOCATED AT APPROXIMATELY 1923 WEST 5600 SOUTH

Robert Rothwell, 8951 Cypress Waters, Dallas Texas, reviewed the nature of request and said the following updates to the building would be made: the furniture would be modernized, more seating would be added, the gold around the top of buildings would be replaced with dark bronze, all lighting will be upgraded to LED technology, awnings would be added to the pickup and pay windows, miscellaneous parking lot improvements, and the lighting in the kitchen would be updated. He presented several material samples and concept images for the Commission's review. The finishes should take approximately six weeks.

Mr. Parkinson stated that staff recommended approval.

Commissioner Nandell motioned to approve the request to "refresh" the exterior of the Wendy's building located at 1923 West 5600 South. Commissioner Payne seconded the motion. Commissioners Ashby, Bills, Brand, Collins, Karras, Nandell, and Payne voted "aye." The motion carried.

6. COMMISSIONERS MINUTE

There was none.

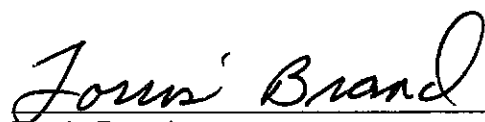
7. STAFF UPDATE

Mr. Parkinson reported the following:

- The City Council unanimously denied the rezone on 4000 South and Midland Drive from Community Commercial to R-4. He anticipated a work session on this item would take place soon.
- Last year the City Council approved \$65,000 to approve the general plan; however this amount was insufficient. Staff applied for a grant from Wasatch Front Regional Council and found out today that they were approved for another \$65,000 to complete this process. Mr. Parkinson would be hiring a consultant after July 1st to assist with this process.
- The assisted living center on 5500 South was underway. There had been some concerns with dust and staff would discuss the matter with the builders.
- Three interns were currently gathering data for an affordable housing plan in Roy.

8. ADJOURN

Commissioner Karras moved to adjourn at 7:21 p.m. Commissioner Nandell seconded the motion. Commissioners Ashby, Bills, Brand, Collins, Karras, Nandell, and Payne voted "aye." The motion carried.



Torris Brand
Chair

Attest:



Morgan Landhof
City Recorder

dc: