



ROY CITY
Planning Commission Regular Meeting
October 8, 2019 – 6:00 p.m.
City Council Chambers/Courtroom
5051 So. 1900 We.

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:

Torris Brand, Chair
Don Ashby
Samantha Bills
Chris Collins
Ryan Cowley
Leland Karras
Annette Mifflin
Claude Payne
Jason Sphar

Steve Parkinson, City Planner

Excused: Assistant City Attorney, Brody Flint

Others in attendance: Traves Clark, Reed Hatch, Michelle Hansen, Tim Roberts, Glenda Moore, Trisha Clark, Robert Clark, Jason McGraw, Bobbi McGraw, Byron Burnett, Brenda Heiner, Alan Heiner, Chad Zito, Wayne Hirsbrunner, David Gremillion, Jeff Carter, Aliha Murphy, Darrelyn Bybee, Michael Bybee, Diane Wilson, Chris McCandless, Stephen Smith, Heather Morse, Michelle Johnson, Sheldon Killpack, Tysen Maugham, Ronni Maugham, Gary Robinson, Maria Robinson, Glenn Olsen, Brian Allred, Tina Allred, Brandy Clydesdale, Jason Clydesdale, Trent Leavitt, Lisa Leavitt, Kaye Jensen, LaLani Williams, Jerome Barrett, Angela Barrett, Scott Lewis, Branden Stander, Jon Grove, Cheryl Grove, Scott Eames, Irene Payne, Jeanne Wiker, Jennifer Lopez, Randell Rich, Joan Peterson, and Roger Peterson

Pledge of Allegiance: Commissioner Karras

1. DECLARATIONS OF CONFLICT

There were none.

2. APPROVAL OF SEPTEMBER 10, 2019 JOINT REGUALR MEETING MINUTES

Commissioner Cowley moved to approve the September 10, 2019 Regular Meeting minutes, as amended. Commissioner Sphar seconded the motion. Commissioners Bills, Brand, Collins, Cowley, Karras, Payne, and Sphar voted “aye.” The motion carried.

3. PUBLIC HEARING – CONSIDER A REQUEST TO AMEND THE FOLLOWING MAPS AT A PROPERTY LOCATED AT APPROXIMATELY 4820 S. MIDLAND DRIVE:
- A. GENERAL PLAN (FUTURE LAND USE MAP) FROM COMMERCIAL AND MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL TO VERY HIGH DENSITY MULTI-FAMILY RESIDENTIAL.
 - B. ZONING MAP FROM CC (COMMUNITY COMMERCIAL) TO R-4 (MULTI-FAMILY RESIDENTIAL).

Stephen Smith, 1549 Shalisam in Sandy, stated that he represented the family that owned the subject property. They began acquiring property in 2005, and it was now an aggregation of eight different properties assembled together. A portion of the property was commercial, and a portion was residential. As they started working on a site plan under the current zoning, they found that there weren't any commercial entities that would develop the entire parcel. Most wanted to develop a portion of the property by the main roadways and leave the southern portion for other development. However, the owners want to develop the whole property at once and leave no orphan parcels. This is why the property has sat vacant for decades. As they looked at other development possibilities, they found that retail was really struggling nationwide and in Utah. It was increasingly difficult to find and keep commercial users. Their current proposal was put together by CW Management Corp., a local developer that had been in business since 1977. Representatives from this company were present tonight to speak about the proposal and answer questions. The concept site plan for the property was a charter school, which was an allowed use in the zone, some townhomes, and a senior living community, which was also an allowed use. Mr. Smith explained that having residential uses here would be a much better buffer for the existing single-family residential homes than a commercial development. They believed this was the best product they could develop on this property.

Chris McCandless, 9071 So. 1300 We. in Sandy, said he represented CW Management Corp. He have a brief history of himself and the company. Regarding the charter school, he explained the plans were being put together by Weber School District Development, and they had constructed a number of charter schools throughout the State. The school as a permitted use within the existing zone. He presented the concept site plan and concept renderings for the school. The proposed senior living facility was also a permitted use with the existing zoning, but they were including this portion of property in the rezone request to be contiguous. They felt that any retail or commercial uses that were allowed under the current zoning were disharmonious to the residential neighbors to the south. They were requesting the rezone to facilitate the development of townhomes between the school and senior living facility. The City Code defines R-4 as Very High Density, but they had no intention of doing a very high density product. The townhomes would be two- and three-bedroom, two-story units, each with a garage. There would also be off-street parking for the entire community. They intended to keep these homes affordable, aiming for the low \$200,000s. They had already researched some options for State and Federal funding. The senior living facility would have 34, single-bedroom units. Mr. McCandless said that they appreciated the public input, and he provided his email address for those that wanted to contact him. He then showed the site plan for the entire development and described each element.

Steve Parkinson, City Planner, explained that the request from the applicant was to amend the General Plan and the Zoning Map for a portion of the subject property. He presented an aerial photograph of the area and identified the property. The proposed charter school would be in the CC Zone, which was already a permitted use there. The General Plan designated this area as commercial and medium density single-family residential. The current zoning did not match the General Plan exactly. Uses that were permitted under the current zoning included a 24 hour gym, muffler shop, car dealership, and a big box retailer. These things weren't considered compatible with single-family residential.

Regarding the General Plan, Mr. Parkinson explained that the descriptions of High Density and Very High Density did not match the permitted density of the zoning ordinances. For example, Very High Density was defined as 20 units per acre, with R-3 and R-4 zoning listed as acceptable zones. However, the R-4 zone limited density to 12 units per acre. There was a disconnect

between the General Plan and the Zoning Ordinance. The City was currently working to update the General Plan and correct these inconsistencies.

Mr. Parkinson emphasized that the applicant was requesting R-4 zoning, which limited density to 12 units per acre. The General Plan designation of Very High Density was misleading. Staff recommended approval of the rezone request because the proposed development would create a good buffer between existing commercial and the single-family homes.

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

Chairman Brand opened the floor for public comments.

Michelle Hansen, 3679 We. 4875 So., asked where the drainage from this development would go. In the past, other developers have run sewer through her property for neighboring projects. She also asked what road improvements would be required of the developer. Ms. Hansen expressed concerns with the current traffic on Midland Drive. The speed limit there is 25 MPH, but no one obeys that limit. Ms. Hansen was ok with the school, but not the townhomes.

Jennifer Lopez, 3615 We. 4875 So., said that a charter school would pose different challenges than a public school, primarily traffic. Dropoff and pickup at the charter school would create a lot of congestion, and parents would attempt to bypass traffic by going through the residential neighborhood. She asked if the traffic study would address those concerns. Ms. Lopez was also concerned about the safety of the kids in the neighborhood that were still being bussed to the public school.

Jon Grove, 5011 So. 3550 We., said that the developer had mentioned some open space, but he couldn't see it on the concept site plan. When the nearby apartments went in, traffic noticeably increased. The proposed townhomes would bring in a similar increase. He did not like the idea of adding to the existing traffic problem. Mr. Grove asked if the developer could do single-family residential houses instead of townhomes.

Reed Hatch, 4990 Midland Drive, said that he purchased his home 20 years ago. At that time, Midland Drive did not go all the way through, and there was essentially no traffic there. Traffic has been steadily increased since then, and it was not safe. If the proposed development goes in, it would increase traffic by 25%. Mr. Hatch asked what the City was planning to do to mitigate those affects. He was concerned that townhomes and apartments attracted transitory people, which increased the crime rate. Roy City didn't enough police officers to handle the existing issues in the City.

Kaye Jensen, 5082 So. 3925 We., asked how this development would affect the City's utilities. She was concerned that the existing infrastructure wouldn't be able to handle the increase. She asked if a utility study would be done as part of the process. Ms. Jensen was also concerned with the proposed access. If UDOT didn't approve the access to 3500 West, then the only access point would be Midland Drive. She was opposed to the rezone.

Byron Burnett, 4375 So. 2675 We., said that he didn't live near the project, but he was concerned about this development because the City was currently working on updating the General Plan. The changes to the General Plan could push a lot of high density behind his home. He asked what 'very high density' would be after the plan was updated. Mr. Burnett noted that if this

developer backs out of the project after the property was rezoned, someone else could come in and build something much more dense than townhomes. This developer seemed to care about the existing residents, but another developer might not.

Randell Rich, 3685 We. 4875 So., asked when the Roy City portion of 3500 We. and Midland Drive was scheduled to be expanded to four lanes.

Trisha Clark, 4839 So. 3600 We., said that her property backs up to this property, so any development here would directly impact her. She wondered how the townhomes would affect her property values. Traffic was a huge issue, and it needed to be mitigated.

Brandy Clydesdale, 4881 So. Midland Dr., was in favor of the school and some safe walking routes for the children. She was concerned about the potential of very high density housing going in if this developer backed out. She asked how the City would protect the area. Ms. Clydesdale also asked if a sidewalk would be constructed across the canal.

Branden Stander, 5544 So. 3750 We., agreed with the concerns that had been stated by the citizens so far. The primary concern was traffic. He stated that people were leaving Roy City because of the existing traffic problems. These problems should be addressed before the City approves any more high density housing.

Travis Clark, 3678 We. 4875 So., said that he was a school bus driver, and traffic around charter schools triples. It was difficult to get through the area because of all the parents coming to pick up or drop off their kids. Mr. Clark also asked about a sidewalk going over the canal.

Trent Leavitt, 4844 So. Midland Dr., echoed the concerns about traffic. The speeding along Midland Drive was hazardous, and congestion was high. He was glad to hear that the developer wanted to build townhomes instead of apartments, but he was worried that the developer may not stick to that plan.

Irene Payne, 5958 So. 3750 We., said that she didn't live near this development, but she drove by it every day. The congestion in the area was awful. The reason they had speeding through residential neighborhoods was because drivers were trying to avoid the congestion on the main streets. The roadways needed to be widened.

Michael Bybee, 5103 So. 3550 We., said that he had lived in his home for 31 years. The concerns expressed by the residents were valid and pertinent to what was going on in the City.

Jerome Barrett, 3530 We. 5175 So., moved into his home six years ago. The neighborhood was great, and there were a lot of families to interact with. He grew up in a transient neighborhood, and he moved to Roy to get away from that. The high density was his primary concern.

David Gremillion, 3515 We. 5000 So., said that he built his home in 1990, and the traffic was minimal at that time. Now the traffic on 3500 West was a nightmare. He asked what could be done to reduce the impact of the proposed development.

No further comments were made.

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

Chris McCandless, the applicant, responded to the concerns and questions that were raised by the citizens. Regarding sewer, he confirmed that there would be no off-site sewer requirements for this development. The sewer line would run through the middle of the subject property. Mr. McCandless said that they had a vested interest in the traffic scenario, and they shared the same concerns as the residents. They intended to fully investigate traffic before they begin any construction with the existing zoning or the rezone. He felt that commercial uses allowed under the existing zoning would create a more hazardous traffic impact than residential. Mr. McCandless offered to go a comparison scenario between the traffic impact of residential and commercial development. A traffic study would be conducted. Regarding open space, Mr. McCandless said that there was an area at the south end of the townhomes that wasn't large enough to accommodate any buildings. It wasn't a large park, but it would be an area without any buildings between the townhomes and the existing single-family residential homes. The developer intended to conduct a utility capacity study. They would not start the project until they knew they could get sewer, water, communications, power, and gas to the site. He noted that they hadn't done a utility or traffic study yet because they didn't know what zoning they would be working with until the rezone request was approved or denied. Mr. McCandless assured the citizens that they would be constructing townhomes, and they would not change the plan for higher density. He encouraged everyone to investigate CW Management Corps to see that they do not back away from a commitment made to the community.

Commissioner Collins asked if the school would be done regardless of whether the rezone was granted or not. Mr. McCandless answered affirmatively. Commissioner Collins felt that the school was a key component to the project. Any other component here would change the dynamic of the property.

Mr. Parkinson also addressed the questions from the citizens. He confirmed that the sewer line would run through the subject property and connect into the line owned by North Davis Sewer District. The developer would be required to install sidewalk along Midland Drive. Regarding the canal, Mr. Parkinson explained that the canal was regulated by the Army Corps of Engineers, and it would be a huge process to get a sidewalk across it. The City was well aware of the safety concerns surrounding the canal. Mr. Parkinson reminded the group that the school was a permitted use. The primary concern with the school seemed to be traffic congestion. Referencing the site plan, he identified three drive isles on the south side of the school that would act as the drop off and pick up area for students. The school would encourage parents to avoid driving through the residential neighborhoods, but they couldn't control where parents choose to drive. He noted that schools aren't bound to obey any City building regulation except for setbacks and parking requirements, but this school was willing to come and work with the City. Mr. Parkinson stated that 3500 West was a UDOT road, and he did not know when it would be widened. Speeding on Midland Drive should continue to be reported to police. Regarding density, Mr. Parkinson said that the City Council, who would be making the final decision on this rezone request, could place a condition on the approval stating that the applicant must do the townhomes as presented. As for an increase in crime, he said that this would occur whether it was townhomes or single-family homes going in. Crime increases whenever cities grow in population. The existing traffic problems in Utah wouldn't see significant change until the community could shift their desires from single-occupancy vehicles to mass transit. Hooper and West Haven were predicted to double in size over the next 15 years, so a lot of the east-west traffic was coming from outside of Roy City. In the case of the proposed development, adding twenty townhomes wouldn't increase the traffic much more than it was today. As the developer went through the process with the City, the site plan would be reviewed by Public Works, Engineering, the Building

Inspector, the Fire Marshal, and the City Planners. They would review the plans to ensure that it met all requirements for utilities and other standards. If a water line needed to be increased in size, the developer would be responsible for doing that. Mr. Parkinson stated that the R-4 zoning only allowed for 12 units per acre, and the developer couldn't not build anything more dense with that zoning. If UDOT denied the connection to 3500 South, the developer would be required to put in a cul-de-sac or other emergency turnaround for the fire department, which would result in the loss of residential units. Regarding property values, he stated that single-family residential homes would be compared to other single-family homes, not townhomes. Having townhomes nearby wouldn't lower their property values.

Mr. Parkinson confirmed that the City was in the process of updating the General Plan, which hadn't been updated since 2002. The City had received a grant from the Wasatch Front Regional Council to update the Plan. Although they were in the process, staff didn't even have a rough draft of the Plan yet. They hoped to have a draft prepared within the next three months. Because that update wasn't prepared or adopted, this application would be subject to the existing General Plan.

Chair Brand thanked the citizens for attending the meeting and providing input. It was important for the City to hear their concerns.

Jon Grove asked to speak again, and Chair Brand allowed it. Mr. Grove said that they understood that their property value wouldn't decrease, but their ability to sell their property with high density residential nearby would decrease. Because of this, they would likely have to lower their asking price to sell their homes. He did not agree with the excuse that the traffic problem wouldn't change until citizens changed their mind frame. Something needed to be done about the traffic problems now. He said that single-family residential would have much less of an impact.

The Commissioners expressed that they had the same concerns as the residents. The City had already turned down several site plans for this property, including plans for high density housing. They were not interested in low-quality housing. They also understood the traffic problems, because they live in Roy and experience them every day. The Commission briefly discussed the motion.

Commissioner Karras moved to recommend that the City Council approve the request to amend the General Plan Zoning Map (Future Land Use Map) from Commercial and Medium Density Single-Family Residential to Very-High Density Multi-Family Residential for property located at approximately 4820 So. Midland Dr., with the conditions and facts as stated in the staff report. Commissioner Payne seconded the motion. Commissioners Bills, Brand, Collins, Cowley, Karras, and Payne voted "aye", with Commissioner Sphar voted "nay". The motion carried.

Commissioner Karras moved to recommend that the City Council approve the request to amend the Zoning Map from CC (Community Commercial) to R-4 (Multi-Family Residential) for property located at approximately 4820 So. Midland Dr., with the conditions and facts as stated in the staff report, conditioned upon the property being developed as "Townhomes". Commissioner Collins seconded the motion. Commissioners Bills, Brand, Collins, Cowley, Karras, and Payne voted "aye", with Commissioner Sphar voted "nay". The motion carried.

4. PUBLIC HEARING – CONSIDER A REQUEST TO AMEND TITLE 10 ZONING REGULATIONS; AMENDING CH 10 - GENERAL PROPERTY DEVELOPMENT STANDARDS; CH 17 - TABLE OF USES; AND CH 31 - DEFINITIONS

Steve Parkinson, City Planner, explained that this item was a continuation of discussions that the Commission has had over the past several work sessions regarding screening between commercial and residential developments. The amendment would change language in Title 10 Chapter 10 Section 24 regarding setbacks from primary building. Currently, the setbacks for the rear yard and both side yards was 20 feet or one foot for every foot of building height, whichever is greater. Based on their research of other cities and much discussion, the Commission recommended providing developers different setback options. Each setback option was accompanied by certain requirements such as fencing type, fencing materials, and landscaping. Other sections of code would be amended to be consistent with this change.

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

Chairman Brand opened the floor for public comments.

There were no public comments.

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

There was no further discussion by the Commission.

Commissioner Sphar moved to recommend that the City Council approve the request to amend Title 10 Zoning Regulations; amending CH 10 - General Property Development Standards; CH 17 - Table of Uses; and CH 31 – Definitions, with the conditions and facts as stated in the staff report. Commissioner Karras seconded the motion. Commissioners Bills, Brand, Collins, Cowley, Karras, Payne, and Sphar voted “aye.” The motion carried.

5. PUBLIC HEARING – CONSIDER A REQUEST TO AMEND TITLE 10 ZONING REGULATIONS; AMENDING CH 17 - TABLES OF USES; TABLE 17-1 - “OUTSIDE STORAGE OF RECREATIONAL VEHICLES (LIMITED)”

Steve Parkinson, City Planner, stated that this item was also something that had been discussed by the Planning Commission at previous works sessions. The current ordinance allows individuals to have two recreational vehicles parked on their property for longer than 48 hours. Several properties that were previously in the County had recently been incorporate into Roy City, and the County’s restriction on recreational vehicles on properties was more lax. This brought up the questions of whether the City cared how many vehicles were parked on a property, as long as they were parked in appropriate places. The proposed amendment would not limit the number of recreational vehicles on a property, but it would require vehicles to be parked on an approved surface, at least five feet from the sidewalk, and they could not be parked to block legally required parking spaces on site. The vehicles would also have to be parked to the side or back of the home, and they must be owned by the current property owner or tenant. Code enforcement would be difficult, but if they found the Code to be problematic, it would be revisited.

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

Chairman Brand opened the floor for public comments.

Reed Hatch, 4990 Midland Drive, asked if it would be illegal for someone to pull a trailer up to the garage and leave it there overnight. Mr. Parkinson said that this would not be illegal because it was temporary. If someone left their trailer in front of the garage for days without moving it, that would be a concern.

Branden Stander, 5544 So. 3750 We., asked if this restriction included boats. Mr. Parkinson confirmed that boats were considered recreational vehicles.

Michelle Johnson, 4163 So. 2175 We., asked why the City was concerned about people blocking their own garages with their recreational vehicles.

No further comments were made.

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

Mr. Parkinson answered Ms. Johnson’s question by explaining that the current ordinance requires each residential home to have two side-by-side parking spaces, inside or outside of a garage. The driveway can be parked on as long as you have two spots side-by-side. The issue in this case was that if a recreational vehicle was continuously parked in front of the garage, the owner couldn’t utilize that spot for a car, and then the cars end up parking on the street.

Branden Stander commented that a lot of homes were built with two-car garages, but they were too small to fit two vehicles. It was difficult for families with a lot of drivers to keep all of the vehicles parked on the property.

Mr. Parkinson noted that older homes were grandfathered in because some of them only provided for one-car parking. The complaints the City had received from the residents was mostly about the number of vehicles parked on a property rather than where they were parked.

Commissioner Cowley moved to recommend that the City Council approve the request to amend Title 10 Zoning Regulations; amending CH 17 - Tables of Uses; table 17-1 - “Outside storage of Recreational Vehicles (Limited)”, with the conditions and facts as stated in the staff report. Commissioner Karras seconded the motion. Commissioners Bills, Brand, Collins, Cowley, Karras, Payne, and Sphar voted “aye.” The motion carried.

6. CONTIUNED DISCUSSION ON THE PROPOSED FORM BASE CODE

Steve Parkinson, City Planner, asked how the Planning Commission wanted to proceed with this discussion. The Commission agreed that they wanted to speak with the consultant that wrote the form base code during the next work session. After that meeting, they would consider scheduling a public hearing.

7. COMMISSIONERS MINUTE

Chair Brand stated that Mr. Parkinson has sent out an email with some instructions for applicant presentations. He requested that they review these instructions and discuss them at the next work session before giving them to applicants.

Commissioner Karras stated that he would be resigning from the Planning Commission at the end of the month.

Commissioner Bills requested that the Planning Commission review public meeting procedures during a work session.

8. STAFF UPDATE

9. ADJOURN

Commissioner Karras moved to adjourn at 8:18 p.m. Commissioner Bills seconded the motion. Commissioners Bills, Brand, Collins, Cowley, Karras, Payne, and Sphar voted "aye." The motion carried.

Torris Brand
Chair

Attest:

Morgan Langholf
City Recorder

dc: 10-8-19