



ROY CITY
Planning Commission Regular meeting
July 13, 2021 – 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:

Ryan Cowley, Chair
Samantha Bills
Torriss Brand
Chris Collins
Claude Payne
Jason Sphar

Steve Parkinson, City Planner
Brody Flint, Assistant City Attorney

Excused: Commissioners Jason Felt and Annette Mifflin

Others in attendance: Kevin Homer, Grant Batcheler, Annette Batcheler, Chase Lutz, Tina Parker, Garrett Seely, Derek Terry, James Adams, Glenda Moore, Randy Scadden, Alicia Scholtec, Karen Devries, Linda Schiffman, Michael Doxey, Bryon Burnett, Roger Skinner, Marge Becraft, CJ Lloyd, and Katrina Bagshaw.

Pledge of Allegiance: Commissioner Brand

1. DECLARATIONS OF CONFLICT

There were none.

2. PUBLIC HEARING – CONSIDER A REQUEST TO AMEND THE FOLLOWING MAPS, FOR THE PROPERTY LOCATED AT APPROXIMATELY 3673 SO. 1900 WE.
- a. GENERAL PLAN (FUTURE LAND USE MAP) FROM COMMERCIAL TO VERY HIGH DENSITY MULTI-FAMILY RESIDENTIAL
 - b. ZONING MAP FROM RE-20 (RESIDENTIAL ESTATES) AND CC (COMMUNITY COMMERCIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL)

Derek Terry, 1263 Sir Barton, Kaysville, applicant, presented his application to rezone the property in question to R-3. He noted that the max number of units would be 12 per acre, and that the existing home on the property would be demolished.

City Planner Steve Parkinson presented a map of the zoning area. He began by noting the differences between the two maps. He noted the “1900 West” would be the point of access. He asked the Commissioners if they felt the area could work as a large residential area and which zone would be best for Roy City. He also noted that “very high density” normally meant 25 units, but the zoning ordinance cuts the units to 12 units was defined as a housing area.

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

Chairman Cowley opened the floor for public comments.

Kevin Homer, 5398 South 4000 West, stated that he is pro-development, but had some questions about the map. He asked if there would be a traffic light for the point of entry, and asked for the specific acreage per unit given the water shortage and expected water use.

It was noted that the traffic light would depend on UDOT. Additionally, reassurance was given that Roy City had plenty of water, and landscaping for irrigation would be the real concern. Some properties had modified landscaping to accommodate the concern.

Marge Becraft, 1992 West 3775 South, asked where the access point would be and if UDOT looked at it yet, she also wondered why there wasn't more information about the building layout and design.

Roger Skinner, 3692 South 2025 West, asked again about the water situation and also expressed concern about Ogden City and the airport and how this would affect the area. She also asked how the roads would change and how people would come in and out.

Mr. Parkinson responded by reiterating that the meeting was meant to determine if the particular zoning was good for the property. He also clarified that most building plans are not determined until after the zoning rules were made concrete. He also noted road access points would go through 1900 West or Hinkley Drive and until they've better determined how the units will affect the roads. He specified the number of acres as seven and using math concluded that technically the property could legally hold 84 units though this is subject to change given parking and building construction. He noted the water situation should be fine given city storage. Regarding the airport, he professionally felt the airport would not give access to the roads which would serve as entry points to the property. He also noted the airport had plans to move the terminal from east to west though he has no idea when. He stated there were a lot of unknowns in this field because of unknowns with airport planning.

Grant Batcheler, 3708 South 2025 West, began by expressing concern over the property slope. He noted the property to the west is lower than the eastern property and felt this slope was not very stable given its sandiness. He asked if there would be provisions to stabilize the properties given the sand. Mr. Parkinson responded noting that geotechnical report would provide additional direction on the matter. Water would also be a big concern with this localized planning.

Karen DeVries, 3700 South 2025 West, asked if these would be for sale, rentable, or a combination of both.

Mr. Parkinson noted they could not specifically dictate this though it would depend on how they're built. He also clarified that if they're built in accordance with the ordinance, it is not up to the city.

Chase Lutz, 1989 West 3725 South, asked about the roofline requirements and what the variances in building height would be. He also asked about the land and drainage. He wanted to know if this was being voted on now and if so, if they could have an idea of what the building designs were. He noted the acreage online showed 6.3 acres. He also asked that if there are separate tax IDs, what the association is with the townhouses (private or public), and reiterated he would like what it will look like and if there's an association charge. Next, he asked again about a point of exit/entry.

Commissioner Brand noted that the height would be 35 feet as this was standard for the zone. He also reiterated that the meeting for tonight was not to determine what would be built in the area; it is purely for zoning. He noted there would be a separate meeting to approve the specific building plans at a later date. Commissioner Brand noted this body is ultimately a recommending body and nothing that happens tonight is finalized, including and especially the building plans.

Mr. Lutz then asked if field dirt affected the 35 feet threshold. Commissioner Collins stated that Commission do not know this information and it will depend on the geotechnical reports. He offered to send Mr. Lutz the general building and zone requirements.

Byron Burnett, 4375 South 2675 West, said he did not see a public hearing for a sight plan. He noted that the Commission itself will review a sight plan, but asked if the public would have input again.

Commissioner Cowley said they would not have more input. Mr. Burnett noted he wished the developer present would be more transparent on what they plan to do with the property.

Commissioner Cowley clarified that there would be opportunities for public comment in the city council should the Commission approve this planning. He also noted that this would have to align with zoning and would go through a further review process before anything became concrete. He did note though that if the plans met all criteria, it would likely be approved.

Alicia Scholtes, 1996 West 3725 South, began by expressing her concern over the infrastructure already in place on 31st and 1900 as this is already a “busy intersection.” She noted the frequency with which she sees accidents and worried about the additional traffic and potential for more accidents. Mr. Parkinson responded by clarifying that UDOT would have to do a traffic study on the area. He gave an example of another part of town that has restrictions on turning because of UDOT traffic studies.

No further comments were made

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

Mr. Parkinson along with Commission Collins asked Mr. Terry if he wanted to directly respond to any of the comments made. Mr. Terry felt Mr. Parkinson and Commissioner Brand responded that he was not prepared to answer additional questions. He did mention, regarding water, they planned to do as much xeriscaping as the city would allow in order to reduce their impact as much as possible. He asked if anyone had any more questions for him.

Commissioner Collins expressed hesitancy in the zoning working for this particular property, but he did note that this is a transitional zone.

Commissioner Collins moved to recommend to the City Council that they approve the request to amend the General Plan (Future Land Use Map) from Commercial to Very High Density Multi-family Residential) for property located at approximately 3673 South 1900 West with the conditions and facts as stated in the staff report and as discussed.

Commissioner Brand seconded the motion. Commissioners Bills, Brand, Collins, Cowley, Payne, and Sphar voted “aye.” The motion carried.

Commissioner Brand moved to recommend to the City Council that they approve the request to amend the Zoning Map from CC (Community Commercial) and RE-20 (Residential Estates) to R-3 (Multi-Family Residential) for property located at approximately 3673 South 1900 West with the conditions and facts as stated in the staff report and as discussed. Commissioner Bills seconded the motion. Commissioners Bills, Brand, Collins, Cowley, Payne, and Sphar voted “aye.” The motion carried.

3. PUBLIC HEARING – CONSIDER A REQUEST TO AMEND TITLE 10 ZONING REGULATIONS, CH 17 – TABLE OF USES, TABLE 17-1 ADDING INTERNAL ACCESSORY DWELLING UNITS (IADU’S); CH 19 – OFF-STREET PARKING AND LOADING ADDING IADU PARKING STANDARDS; AND CH 31 – DEFINITIONS AMENDING “FAMILY”

Steve Parkinson, City Planner, went over the last discussion of House Bill 82 and how cities must allow for accessory dwelling units. He noted if cities do not amend their ordinances by October 1st then by October 2nd anyone can apply for an accessory dwelling unit (ADU). He said that the body went over changes at a previous meeting and hoped this reflected the body’s wants. He went over changes as follows: the body voted to add parking, advised them to look at Table 19-1 for standards, asked the primary residence must occupy the ADU, must be rented for 30 consecutive days or longer to get away from Airbnb requirements, must obtain a rental dwelling license and notify the county, and no additional parking is required though it is not tandem or in the required setbacks.

Mr. Parkinson explained that the Commission also needed to address the definition of “family” for the purposes of this item. He noted on May 5th that this was removed from every ordinance in the state and shifted to exclude the term unrelated people and replace it with a general individual requirement. For example, the Ordinance would say something like “up to four people” instead of specifying family versus unrelated people.

He noted staff would recommend approvals as presented.

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

Chairman Cowley opened the floor for public comments.

Kevin Homer, 5398 South 4000 West, urged the body to distinguish between the code saying they must do something and they may do something. He pushed the Commission to not require a license or permit for these units to exist because the code says they “may” enforce this versus concrete code. He asked the Commission not to do this assuming it’s allowable.

Mr. Parkinson noted they currently require a license for renting a single family home, a duplex, apartment, or multifamily. He explained that the cost is dependent over whether they are a part of the good landlord program or not. He noted if they are not it’s \$145 plus 32 dollars per unit,

while if they are it is 40 dollars plus \$8.50 per unit. Mr. Parkinson noted the program is not run by Roy City, but they have incorporated it. He added a fire inspection is necessary. A Commissioner expressed concern over fire permits because of his safety worries.

Commissioner Cowley responded that this situation was considered separate because of the distinction of "family" in the Ordinance.

Commissioner Samantha Bills asked if rental classification could increase crime and how to use licenses to see how this will affect issues. Mr. Parkinson noted background checks were a good response to this concern.

Randy Scadden, 4433 South 1800 West, echoed Mr. Homer's concerns, and then asked if this change would conflict with parking requirements and if this is determined by "percentage" of family.

The body further clarified the definition of family as anyone related through blood, adoption, guardianship, or court order. They noted people these classifications don't apply to the same parking requirements.

Mr. Scadden acknowledged the intent of this discussion point is to open more affordable housing options, and subsequently asked to strike the housing fee to help people. It was noted that the fee would need to be subsidized as this is a city cost. The Commission agreed there could be fee reduction for duplexes, but the fees were necessary for some degree of city funding on the issue.

No further comments were made.

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

Commissioner Brand moved to recommend to the City Council that they approve the proposed amendments to Title 10 Zoning Regulations; CH 17 – Table of Uses, table 17-1 adding Internal Accessory Dwelling Units (IADU's); CH 19 – Off-Street Parking and Loading adding IADU parking standards; and CH 31 – Definitions amending "Family", as written and with the recommendations with the conditions and facts as stated in the staff report and as discussed. Commissioner Collins seconded the motion. Commissioners Bills, Brand, Collins, Cowley, Payne, and Sphar voted "aye." The motion carried.

4. A REQUEST FOR SITE PLAN AND ARCHITECTURAL APPROVAL FOR JJARCO DEVELOPMENT LOCATED AT APPROXIMATELY 4987 SOUTH 1900 WEST

James Adams, 6396 Willow Creek Road, Morgan, applicant,

Mr. James Adams began by going through his site plan for a duplex he is planning on working on. He noted he has received approval from UDOT for road changes by the building. He noted the units are about 1500 square feet. He then went through the picture of his plans with the council. He stated his main goal was to create something "modern and simple looking." A council

member [1:12:45] asked him to clarify if he lived there. Mr. Adams responded no. Mr. Adams went on to directly address Mr. Parkinson and note the exact points on his physical plan where the setbacks would be. He did acknowledge that he would have to change the parking with the given proposal.

Steve Parkinson, City Planner, noted that the existing property contains two buildings—a duplex and a single family home—just north of the fire department. Mr. Parkinson then went over the proposed site plan. He clarified that UDOT gave Mr. Adams a temporary access. As is, he noted the site plan will need to be drastically changed to meet parking requirements and asked for more time to figure out how to work out all the requirements for approval. Mr. Parkinson added that the ordinance was overall being met, but needed to be changed, nonetheless.

When asked if the driveway behind the garage counted as a space. Mr. Parkinson responded that the garage is the legal parking and the driveway is technically an accessory. Essentially, the multifamily unit requires all required parking be outside the setbacks meaning the driveway could be considered visitor parking.

Commissioner Brand moved to table both the Site Plan and Architectural review with the findings as stated in the staff report and as discussed. Commissioner Collins seconded the motion. Commissioners Bills, Brand, Collins, Cowley, Payne, and Sphar voted “aye.” The motion carried.

5. DISCUSSION ON ORDINANCE CHANGES CONSIDER A REQUEST FOR SITE PLAN AND ARCHITECTURAL APPROVAL FOR TERRY'S TOWNHOMES LOCATED AT APPROXIMATELY 5154 SOUTH 2700 WEST

Ms. Tina Parker spoke about the property listed. She noted they are looking to purchase the property to market their business and put up a billboard. She acknowledged there is currently a large digital sign currently up and wanted to do something similar.

Mr. Parkinson noted that installing 30 foot signs are subject to conditional use. He noted they just need to meet the basic requirements within the Ordinance.

Commissioner Collins moved to approve the Conditional Use request for a 50 foot tall pole sign with the findings as stated in the staff report and as discussed. Commissioner Bills seconded the motion. Commissioners Bills, Brand, Collins, Cowley, Payne, and Sphar voted “aye.” The motion carried.

6. COMMISSIONERS MINUTE

Mr. Parkinson mentioned that they have some open houses for the general plan that they have decided to have on the fourth Tuesday of the month. He stated they have found space at the municipal buildings. He noted the next meeting will be scheduled at Bridge Academy. Besides the open house, he noted there are no more work sessions.

7. STAFF UPDATE

There were no additional staff updates.

8. ADJOURN

Commissioner Bills moved to adjourn at 7:32 p.m. Commissioner Brand seconded the motion. Commissioners Bills, Brand, Cowley, Payne, and Sphar voted “aye.” Commissioner Collins voted “nay.” The motion carried.

Ryan Cowley
Chair

Attest:

Morgan Langholf
City Recorder

dc: 07-13-20