



**ROY CITY**  
**Planning Commission Regular meeting**  
**November 10, 2020 – 6:00 p.m.**  
Digital Regular Meeting

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  
Samantha Bills  
Torriss Brand  
Chris Collins  
Jason Felt  
Annette Mifflin  
Claude Payne

Steve Parkinson, City Planner  
Brody Flint, Assistant City Attorney

Excused: Commissioners Don Ashby and Ryan Cowley

Others in attendance: Matt Peterson, Josh Wilson, Ed Weakland, Stan Hoellein, Clay & Janet Combe, Mr. & Mrs. Reid, Todd Potter, Terry Anderson, Fred Bateman, Blain & Jan McVey, Leon Wilson, Byron Burnett and Lacey Socwell.

Chair Jason Sphar made the following statement:

I, Jason Sphar, Chair of the Roy City Planning Commission and in accordance with Utah Code Section 52-3-207(4) have determined that conducting a meeting in the Roy City Council Chambers presents a substantial risk to the health and safety of those who would be present, the basis for this determination is that due to the infectious nature and potentially dangerous health effect of contracting the COVID-19 virus there is not sufficient space in the Council Chambers to provide appropriate safe physical distancing for the safety individuals who would attend. Accordingly, the November 10<sup>th</sup>, 2020 meeting will be held electronically without an anchor location.

Pledge of Allegiance: Commissioner Cowley

1. DECLARATIONS OF CONFLICT

There were none.

2. APPROVAL OF SEPTEMBER 22, 2020 WORK-SESSION MINUTES

**Commissioner Collins moved to approve the September 22, 2020 work-session minutes as written. Commissioner Mifflin seconded the motion. Commissioners Bills, Brand, Collins, Felt, Mifflin, Payne, and Sphar voted “Aye.” The motion carried.**

3. APPROVAL OF OCTOBER 13, 2020 REGULAR MEETING MINUTES

**Commissioner Payne moved to approve the October 13, 2020 regular meeting minutes as written. Commissioner Cowley seconded the motion. Commissioners Bills, Brand, Collins, Felt, Mifflin, Payne, and Sphar voted “Aye.” The motion carried.**

4. PUBLIC HEARING – CONSIDER A REQUEST TO AMEND THE FOLLOWING MAPS, FOR THE PROPERTY LOCATED AT APPROXIMATELY 2449 WE. 4000 SO.
  - A. GENERAL PLAN (FUTURE LAND USE MAP) FROM MIXED USE TO LIGHT INDUSTRIAL.
  - B. ZONING MAP FROM RE-20 (RESIDENTIAL ESTATES) TO LM (LIGHT MANUFACTURING)

Matt Peterson, 579 West Heritage Park Boulevard; Layton, applicant, explained that the item concerned approval for storage units. He pointed that the land in question was 10 acres. Initially, he explained, there had been attempts to approve townhomes, but pointed that there was not enough access for this to work with the Fire Code. As a result, he concluded, the best use for the land would be a storage facility.

Commissioner Bills inquired about the number of units.

Mr. Peterson explained that there would be five acres of storage and five acres of open storage for campers and similar items. He continued that the number would be based on the size of units and explained that he believed there would be a couple hundred units. He went on and mentioned that the number of units would depend on the site plan that would be submitted, therefore the answer would be known at a later date.

Mr. Peterson stated that there was access from the North of the property. To the south there was a residential development under construction. He also mentioned that there was no access on that side. He added that there were two five-acres parcels between the their piece of land and where the new development was situated. He pointed that one of the properties was owned by a man in North Carolina who had expressed he was not interested in selling. The other piece of land, he added was owned by Hooper Water which was planning on putting water storage tanks on the property. He pointed that there was an easement on the side, stretching from 4800 to 4000, along the walking trail. The Water Company, he added, was currently using the easement.

Chair Sphar explained that up until 2017, the property had a designation of light industrial and that it had been changed to residential. It was pointed out that the General Plan had been changed.

Commissioner Bills asked how the storage units would impact the walking trail. She was told that they would not impact the trail, as the building would be 30 feet away from the edge of the trail.

Mr. Parkinson presented the project with the help of maps he shared with attendees. He pointed the different elements on the surrounding properties. Before the adoption of the Focus Roy plan in 2017, he explained, the area had been zoned for light manufacturing. He added that once the Focus Roy plan had been adopted, the Front Runner station had been studied along with the kinds of developments needed to help contribute ridership. As a result the whole area had been rezoned to mixed use. He described different zones on the zoning map and pointed that because of different trails around the property and other residential property there would need to be a purchase of the right of way. He added that the rezoning would help make sure that the ten acres were accessible from the North as well as the South. He pointed that the Commission's decision should be based on whether the rezoning provided the best options for development. He

continued that Staff had not made a recommendation on this rezoning as Focus Roy wanted the property to be mixed use residential to help with the Front Runner station. However, the lack of second access to the property made it difficult to build any kind of residential units. Storage units, he added, could work because they fell under a different requirement for the fire department: there were no living quarters.

Chair Sphar stated that the vote had to be done separately for each item.

**Commissioner Mifflin moved to open the public hearing. Commissioner Collins seconded the motion. Commissioners Bills, Brand, Collins, Felt, Mifflin, Payne, and Sphar voted "Aye." The motion carried**

Chair Sphar opened the floor for public comments.

Ed Weakland, 99 North 575 West. Layton, stated that there was a misunderstanding about a road to the north of the property. Because of technical difficulties, Mr. Weakland asked to have Terry Anderson speak on his behalf. Mr. Weakland commented that the road was not a public one but rather a private easement. He continued that the buildings there did not need setbacks from a public road: they would be set right at easement line. He added that some of the other concerns were the lawsuit to pave the easement and added that water run-offs and space for gutters and curbs were lacking. He continued that there was a waterline in the middle of the easement which, if paved, would increase the cost of required repairs for residents. He added that given these issues, the PC should table the item.

Mr. Parkinson stated that run-offs and water lines issues would have to be resolved during site plan approval. He mentioned that the Fire Department would be dictating the width of roads etc. He pointed that the water line would be for Hooper Water and continued that the PC was unaware of the lawsuit. He added that the courts would have to decide and that this concerned the access not the zoning.

Mr. Weakland stated that he had informed Mr. Parkinson about the lawsuit. Mr. Parkinson explained that he did remember this conversation but that the City was not listed and, as per Mr. Flint's advice, he would let the PC proceed.

Stan Hoellein, 4307 South 2675 West, asked about the elevation of the storage units. He explained that he objected to elevations of 60-feet as he felt this would present some problems. He mentioned that this posed a problem as it would create a sound wall: the level of the ground would be 30 feet below the railroad tracks. He added there were three sets of railroad tracks on the East of the property between said property and Mr. Hoellein's house. Along the property were two lines with freight trains. Anything built higher than 30 feet was likely to create a sound wall with all the sound from the trains reverberating towards the homes on the East side of the tracks, creating a noise nuisance. He asked that the elevation be kept to 30 feet. He continued that this particular request could be added to the zoning rules to meet the needs of residents. His objection, he reiterated had nothing to do with view but rather to sound issues.

Clay & Janet Combe, 3464 West 2025 South West Haven and Joel & Lindy Reid, 1432 South 1175 East Ogden:

Mrs. Combe stated that her husband and she were sitting next to Joel and Lindy Reid. She mentioned that she was concerned about the legal case the developers had brought against them, the six property owners. She asked how the rezoning would affect the legal case.

Mr. Parkinson stated that according to the County, only one property owner was concerned. He asked whether it would be possible for the residents to subdivide the land in order to list them as separate owners. He pointed that the Planning Commission was unaware of any legal action at the moment as they had not been listed and continued that he did not know how this would be affected by the rezone. He concluded that individuals could be referred to Brody Flint, Assistant City Attorney. A member of the audience (no name given) explained that they had discussed this issue with the City Attorney.

Mr. Flint explained that he was not aware of any litigation. He asked whether the City was a party to any of the aforementioned litigation. Mrs. Combe stated that the City was not a party as the litigation was against the land owners. She asked again how the land zoning would affect the land suit. Mr. Flint reiterated that the City knew nothing of the lawsuit and that the PC would therefore not be prohibited to make a recommendation. He explained that there was no order from the Court to stop the process.

Mrs. Combe pointed that there were issues with all citizens being heard and asked whether it could be possible for the PC to table the item until all the participants could meet. Mr. Parkinson explained that with the pandemic, the City had been holding meetings on Zoom since April and would continue to do so until it was safe to meet in person. Mr. Combe asked whether the PC would push through. Mr. Parkinson explained that this was not the first meeting to take place in this manner. He pointed that the technical difficulties were an unfortunate side effect but continued that the City had to carry on to be able to function.

Todd Potter, 2449 West 4000 South, stated that Dennis Williams had tried to open a business in a light manufacturing zone. He pointed that Roy City had not allowed it with a 60-foot road and urban gutters. He asked what had been changed to make such businesses permissible. Mr. Parkinson stated that the item was merely a rezone request and that specific items were not under review. He continued that access would require a 60-foot right of way as it could be a private road. He continued that regardless of the set-up, the right of way would have to meet the City Code Fire Code requirements so as to allow access to the businesses. Mr. Parkinson provided another such example. He added that there had also been some changes made to the code allowing private roads. He explained that this was merely a rezone request without any specific details.

Mr. Potter asked about the width of the road for a private driveway. Mr. Parkinson stated that this was dictated by the Fire Department and usually was 25-feet of drivable space. He added that pavement would depend on the Fire Department requirement but would be incumbent on the road being able to handle the weight of 75,000 lbs.

Terry Anderson, 8126 South 2225 East, South Weber, stated that the proposal was inappropriate because of the pending lawsuit. He added that one of the applicants knew about the lawsuit. He continued that several such rezoning requests had been denied due to the access situation. He added that while discussing the lawsuit would not be appropriate at the time, it needed to be resolved before the PC could make a decision.

Blain & Jan McVey, 4190 South Lily Drive, explained that he asked about the compelling reasons and the public interest for the rezoning. Mr. Parkinson stated that property owners had the right to request a change of zone of their land. He pointed that the change of zone had been requested by the applicant. The public interest, he added, would be discussed by the PC but pointed that the City would like to see all land be developed. He added that the land between the tracks had been vacant and/or underutilized for some time and pointed that the businesses would be storage units which would not create noise. Mr. McVey pointed that the area had been changed in April 2019 and explained that it had been zoned for low density single-family residences. He asked when this had changed from industrial. Mr. Parkinson explained that this change had taken pale decades prior. He added that slowly the area had been changed to light manufacturing. Mr. McVey reiterated that the area had been rezoned in April 2019. Mr. Parkinson stated that the request was for a change in the general plan and the zoning map. Mr. McVey asked about the benefits to the residents which, Mr. Sphar explained, would have to be discussed as some residents might need the services that would move in.

Mr. McVey asked about the sound issue as the tracks were at a 30-foot level. He also pointed to the potential impact on the view for the residents. He further asked whether any other land had been considered for these uses. Mr. Sphar explained that the two property owners had the right to these uses on their property if the uses were approved.

Leon Wilson, 4302 South 2675 West, explained that that the issue with the height limit was a concern. He continued that a height limit had to be mandated and that the businesses had to be mandated as storage units. He added that the issue with access on 4000 had to be resolved as well. He pointed that storage units would be a good use of the property.

Byron Burnett, 4375 South 2675 West, stated that he opposed high-density housing and had been vocal about this. He continued that he had visited with Mr. Peterson and added that he had agreed that a townhome area would be nice , especially with the new jobs being created: this could attract people to the community which would grow property taxes and add to the percentage of sales tax. He added that he did not wish to see buildings higher than 30-feet as he wanted privacy for his backyard pool and to be able to see the sunsets. He added that this restriction needed to be added to the zone change.

Lacey Socwell, 4298 South 2675 West, stated that she concurred with the prior speakers. She added that the height had to be mandated. She continued that she lived close to the potential development and that she liked the idea of storage units. She mentioned that regardless of who the property was sold to, the mandated height limit must remain. She added that with light manufacturing, there was the potential for a tattoo parlor or a tavern to come in, businesses that she did not want to see in her neighborhood.

**Commissioner Collins moved to close the public hearing. Commissioner Payne seconded the motion. Commissioners Bills, Brand, Collins, Felt, Mifflin, Payne, and Sphar voted “Aye.” The motion carried.**

Mr. Parkinson stated that he had answered questions as they had been presented and asked whether the Commissioners had any questions that needed to be answered.

Commissioner Bills pointed that there could not be houses because of the Fire Code required a double access. She asked whether there would be the same issue in the case of a fire with storage units. Mr. Parkinson stated that storage units were not livable spaces. He added that he, however, did not wish to speak on behalf of the Fire Chief. Commissioner Bills pointed that houses would be nearby as well. Mr. Parkinson stated that to the East the house were 100 feet and that to the West, there was 40-50 foot right of way of the trail.

Commissioner Bills stated that many citizens had concerns about the height along with concerns about property being sold and the zone changing as a result. Mr. Parkinson stated that new owners could request for zones to be changed.

Mr. Parkinson showed the zoning map. He explained that to the South of these properties, the zoning was already light manufacturing. He added that this ordinance allowed for a 60-foot building. He explained that the property to the North was zoned the same way and continued that restrictions could be put on the acreage discussed here but added that the rest of the area would not have the restriction. He added that the applicant had stated the space would be used for storage units and that he would agree to a 30-foot restriction. He pointed, however, that this was the top of the railroad. He added that if Hooper Water wanted to build their water tanks at a height of 60 feet, there was nothing Roy could do.

Mr. Flint stated that the zoning was currently at 60 feet and that short of redoing the whole zone, there was no mechanism to limit height in one specific area. He pointed that it was a zone that was getting approved, not a project and added that the conversation was not about changing the code of the zone.

Commissioner Bills asked whether the City would be named in the lawsuit.

Mr. Flint stated that the commissioners could not be sued personally but the City could, though he was not privy to the details of the lawsuit. Mr. Flint pointed that the PC was merely a recommending body and added that the Commission could recommend without changing anything and let the Council decide.

Mr. Sphar asked whether it would be feasible to create height restriction once the site plan was available. Mr. Parkinson explained that the height verbiage in the zone would need to be amended. He added that this would be for all light manufacturing zones and that the amendment could be done by the Council. He clarified that the PC's role was to decide on what the most appropriate use would be for the area.

Commissioner Mifflin stated that her sticking point was the overall benefit to the community. She pointed that everybody who wished to speak should be given the time to do so. She added that there she was not hearing from the residents that they felt there were any benefits to the community.

Mr. Parkinson stated that the public interest could be many things: use, property tax, height of building, etc. He added that vacant ground did not provide much property tax and continued that building a \$10-15 million storage unit would generate property taxes.

Commissioner Mifflin asked about what the zone change would do to the character of the area. Mr. Parkinson reiterated that surrounding area was light manufacturing. Commissioner Mifflin stated again that she did not see the benefit to residents.

Mr. Parkinson stated that nearby residents were more concerned with height than use.

Commissioner Collins stated that he had heard the residents stating that they would prefer storage units to homes because of privacy issues.

Commissioner Mifflin stated that there were other areas where people could go live, off of the Hill Air Force Base.

Mr. Parkinson stated he saw both sides of the issue. He added that this was why he did not provide a recommendation and left that decision to the Council. He added that while some buildings might obstruct views, no one owned a view unless they owned the land that allowed for the view. He continued by stating that the decision was based on what was allowed and legal in the zone. He mentioned that he personally believed that the best use of the land would be storage sheds and that when it came to the lawsuit, the City was not a part of that. He concluded that he did not know that changing the zoning at this precise moment was necessary.

The comment was made that when people were not in the room to express their views but added that the lawsuit had no bearings on the recommendation at hand. If the lawsuit had been an issue the City attorneys would have had documents ready to advise the Commission. If a development went through a court order, the lawsuit would then be relevant.

Mr. Parkinson explained when it came to access, the zone would not make a difference. He continued that at the site plan level, these issues would have to be resolved, but added that this was not the case at the zone level.

It was stated that if this were to remain a residential property, feasibility might be an issue. There would need to be some provision in place to make sure a public road could stretch from 4000 to 3800 South in order to create a livable space. A 60-foot-wide road would need to be dedicated and that when it came to feasibility and reality, these roads was not likely to happen.

Commissioner Brand stated that he did not believe that this road was possible. He pointed that since 1984, the zone had been industrial with no development and no housing. He added that he did not think it could be developed for this purpose and that changing the zoning and subsequently dealing with height restrictions would be the best course of action. Mr. Parkinson stated that he agreed.

Commissioner Mifflin asked how the community would be benefited by the change in zone, besides with tax incentives. She added she did not think this was the best use for the community.

Mr. Parkinson asked what the best use would be for the area, given its restrictions.

Commissioner Mifflin stated that she did not know what this would be and asked what could be built there besides a storage facility.

Mr. Parkinson explained that with light manufacturing the following businesses could be allowed: commercial daycare (which would also cause access issues), commercial plant nurseries, indoor or outdoor soccer field, construction sales and service, contractor's office and storage yard, convenient store, drive through facility, manufacturing minor, and public utilities. He pointed, again, that access would have to be resolved.

Commissioner Bills asked Mr. Parkinson whether, once the area was approved for light manufacturing, the PC could demand restriction on a site plan. Mr. Parkinson stated that this would need to be done before any applications were made. He added that land owners had rights when they made applications based on what was allowed and what was not allowed.

In response to a question regarding height restrictions, Mr. Parkinson stated Mr. Flint had mentioned this would change the zone for all. Mr. Parkinson emphasized that a work meeting could be had to change the height on the light manufacturing code.

Mr. Flint stated that if the Planning Commission agreed that height should be reduced to 30 feet, the code would need to be changed at a later date. The current vote, he continued, was on approval of the zoning changed.

**Commissioner Brand moved to table the item primarily based on thinking about or considering changing the height restriction because of the sound problem that could be created because of the current zoning. Commissioner Mifflin seconded the motion. Commissioners Brand, Mifflin and Sphar voted "Aye." Commissioners Bills, Collins, Felt, and Payne voted "Nay." The motion died.**

**Commissioner Collins moved to recommend that the City Council that they approve the request to amend the General Plan (Future Land Use Map) from Mixed Use to Light Industrial for property located at approximately 2449 West 4000 South, with the conditions and facts as stated in the staff report. Commissioner Felt seconded the motion. Commissioners Collins, Felt, Payne and Sphar voted "Aye." Commissioners Bills, Brand and Mifflin voted "Nay." The motion carried.**

**Commissioner Collins moved to recommend to the City Council that they approve the request to amend the Zoning Map from RE-20 (Residential Estates) to LM (Light Manufacturing) for property located at approximately 2449 West 4000 South with the conditions and facts as stated in the staff report. Commissioner Karras seconded the motion. Commissioners Bills, Brand, Collins, Felt, Mifflin, Payne, and Sphar voted "Aye." The motion carried.**

#### 5. COMMISSIONERS MINUTE

There was no additional discussion.

#### 6. STAFF UPDATE

Mr. Parkinson explained that new residents were moving in the new townhomes on Midland Drive and 4000 South. He added that the first four buildings were occupied. He added that the nearby 7-11 was nearing completion.



7. ADJOURN

**Commissioner Felt moved to adjourn at 7:32 p.m. Commissioner Collins seconded the motion. Commissioners Bills, Brand, Collins, Felt, Mifflin, Payne, and Sphar voted “Aye.” The motion carried.**

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Jason Sphar  
Chair

Attest:

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Morgan Langholf  
City Recorder

dc: 11-10-20