



ROY CITY
Planning Commission Regular meeting
April 12, 2022 – 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:

Claude Payne, Vice-Chair
Torriss Brand
Chris Collins
Jason Felt
Janel Hulbert
Jason Sphar
Daniel Tanner

Steve Parkinson, City Planner
Brody Flint, Assistant City Attorney

Excused: Commissioners Samantha Bills and Ryan Cowley

Others in attendance: Michael Brodsky, Glenda Moore, and Kevin Homer

Pledge of Allegiance: Commissioner Felt

1. DECLARATIONS OF CONFLICT

There were none.

2. PUBLIC HEARING – TO CONSIDER AMENDMENTS TO TITLE 10 ZONING REGULATIONS, CH 10 - GENERAL PROPERTY DEVELOPMENT STANDARDS, AMENDING TABLE 10-1 "MAXIMUM BUILDING HEIGHT" AND CH 31 - DEFINITIONS AMENDING THE DEFINITION OF "BUILDING, HEIGHT"

Steve Parkinson, City Planner, explained that at the previous work session staff had presented the ordinances of all of the other cities along the Wasatch front for comparison of what Roy would like to change theirs to. The current definition was presented, and the current language read that 'the vertical distance from grade elevation to the highest point of the coping of a flat roof or to a point midway between the lowest part of the eaves or cornice and the ridge of a pitched or hipped roof', and it was modified to add "finished grade." In the previous meeting they had modified the language to "the average maximum vertical height of the enclosed building or structure measured a minimum of three and a maximum of eight equal distance points along the building façade from finished grade to the highest point of the building or structure." They had gone on to define what they meant by the highest point as "the highest point on the top of the roof coping or flat roof or a point midway between the lowest eaves and cornice and the ridge of the peak of the roof for a building with a sloped roof." Mechanical equipment such as elevators needed to be hidden from public view and were being hindered because of the previous definition of highest point. They were no longer including architectural features as mechanical equipment that was screened in the definition of building height. He showed site plans of examples of how height would be measured in different instances. Staff recommended approval of the proposed changes.

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

Vice Chair Payne opened the floor for public comments.

The following email was read

From: Byron Burnett
Sent: Sunday, April 10, 2022 9:36 PM
To: Admin
Cc: Council
Subject: Building heights

Planning Commission

I am unable to attend the Planning Commission Meeting on April 12th.

I want to express my opposition to measuring building heights any way except to the full pitch or building height. NOT halfway between the eave and the peak of the roof, which could raise a 35 ft building to as much (or more) than 40 ft.

Anything taller than 35 ft behind my home, south of 4000 and west of the tracks, will create a sound tunnel with the tracks between our homes and new development.

I see this as a violation with what residents were promised by the Council in discussion concerning the Station South area.

Thanks Byron Burnett
4375 s 2675 w
801-731-2421

Michael Brodsky, 84 We. 4800 So. Murray said that in a walkout condition the way building height was measured became a problem. The rear slope of a roof was measured in a walkout condition to the eaves which made it a little problematic.

Kevin Homer, 5398 So. 4000 We. Roy thought the changes seemed reasonable and workable and he would recommend approval. His only suggestion was using larger font in the presentation next time.

No further comments were made

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

Mr. Parkinson said they could table this item until he clarified the language regarding walkout situations. Mr. Brodsky explain that a walkout condition was when you had a slope from the back of the building to the front of the building with a grade transition of 10 feet from the front door to walkout in the back of the house and measuring from 35 feet made it very difficult for a builder to do a natural walkout. He explained the process of how this was measured. Mr. Parkinson said that it wouldn't hurt this process to table it for now for further clarification.

Commissioner Sphar moved to table the item in order to have additional discussion. Commissioner Felt seconded the motion. Commissioners Brand, Collins, Felt, Hulbert, Payne, Sphar, and Tanner voted “aye.” The motion carried.

3. TO CONSIDER A REQUEST FOR SITE PLAN APPROVAL FOR BURGER BAR LOCATED AT APPROXIMATELY 5291 SOUTH 1900 WEST

Joe Fowlers, applicant, presented. They wanted to add a second outdoor cooler to increase their space. It would be next to the current one and look about the same with a galvanized steel exterior and was 8x10. They were looking to increase production by adding space.

Steve Parkinson, City Planner, presented. He said that with the change in the mixed-use ordinance, metal was now allowed, and this wasn't a very large cooler. His only issue was that when the delivery truck came this new cooler would take over the delivery space but that was an easily solved problem. Staff recommended approval of the site plan.

Commissioner Tanner moved to approve the Site Plan for Burger Bar with the conditions as stated in the staff report. Commissioner Hulbert seconded the motion. Commissioners Brand, Collins, Felt, Hulbert, Payne, Sphar, and Tanner voted “aye.” The motion carried.

It was asked if the dirt lot behind the building would eventually be developed. Mr. Fowlers replied that it had previously been a separate parcel, but yes, there were long term plans for the lot.

4. CONSIDER A REQUEST FOR PRELIMINARY SUBDIVISION APPROVAL FOR HIGHGATE COVE SUBDIVISION LOCATED AT APPROXIMATELY 4840 SO. 3500 WE.

Mike Brodsky, applicant, presented. He said this plan had been presented as a mixture of single and multi-family homes to the Planning Commission and had been approved but once sent to Council, they had decided they wanted to see something different. As a result, they had come back with a plan that included 34 single family residences which had been approved for a rezone by Council along with a development agreement. He presented a packet that included full site plans and the full development agreement that they had had signed as a condition of the rezone.

Steve Parkinson, City Planner, presented. This was just south of Bridge Academy where there had been 9 acres of land. He said that they still had to get through UDOT so things might change a little bit, but it would not exceed 34 lots. They had a meeting with UDOT the week before and they had given them some things to look at but the plan shouldn't change much more than what they saw before them except for maybe a cul-de-sac for fire access. The lot sizes were a lot smaller than the original plan and the setbacks had changed but the homes were still similar.

Commissioner Brand moved to approve the Preliminary Subdivision Plat for Highgate Cove with the conditions as stated in the staff report. Commissioner Collins seconded the motion. Commissioners Brand, Collins, Felt, Hulbert, Payne, Sphar, and Tanner voted “aye.” The motion carried.

5. COMMISSIONERS MINUTE

Mr. Parkinson was asked about his previous comment about wishing he could approve simple requests such as the cooler addition. He replied that there were simple items like this that he could easily approve without Planning Commission approval, and it would take a simple language change, but he didn't know to what extent it could be worded.

6. STAFF UPDATE

Mr. Parkinson said that there was a lot of movement around the City and a lot of demolition, grading, and terracing. He talked about projects going on throughout the City. He had gotten an application for a Dollar Tree just west of Kent's that day on the empty parcel which would be presented at the next Planning Commission meeting. He said that the aspect of posting the packets online had been discussed and that while legally they didn't have to it would be nice to have them there and that would be starting for the first meeting in May. There was discussion about the legality of this.

There was a question about parking along the narrow access road to the Midland Townhomes behind McDonald's. Mr. Parkinson replied that it was a private road, but he would look into what was approved and ask the Fire Chief what he thought.

Mr. Parkinson was asked about resident complaints about speeding in their neighborhoods and what the abilities were to post speed signs and radars. Mr. Parkinson replied that residents could complain and as more complaints came in the Police Department and the transportation department could take steps towards doing something about it, but as a Planning Commission they didn't have anything to do with it.

7. ADJOURN

Commissioner Tanner moved to adjourn at 6:40 p.m. Commissioner Sphar seconded the motion. Commissioners Brand, Felt, Hulbert, Payne, Sphar, and Tanner voted "aye" and Commissioner Collins voted "nay." The motion carried.

Claude Payne
Vice-Chair