



ROY CITY
Planning Commission Regular meeting
December 13, 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
Samantha Bills
Torriss Brand
Chris Collins
Janel Hulbert
Jason Sphar
Daniel Tanner

Steve Parkinson, City Planner

Excused: Commissioners Ryan Cowley and Jason Felt

Others in attendance: Kevin Homer, Cambria Hulbert, Rhett Buttars, Amanda Vernieuw, and Iris Berrett.

Pledge of Allegiance: Commissioner Sphar

1. DECLARATIONS OF CONFLICT

There were none.

2. APPROVAL OF THE OCTOBER 25, 2022 WORK-SESSION MINUTES

Commissioner Collins moved to approve the October 25, 2022, work-session meeting minutes as written. Commissioner Bills seconded the motion. Commissioners Bills, Brand, Collins, Hulbert, Payne, Sphar and Tanner voted “aye.” The motion carried.

3. PUBLIC HEARING – TO CONSIDER UPDATES TO THE PROPOSED 2022 GENERAL PLAN UPDATE TO THE MODERATE-INCOME HOUSING PLAN WITH REGARDS TO THE STATE REQUIRED STRATEGIES AND IMPLEMENTATIONS AS PER HB-462 (2022)

City Planner Steve Parkinson presented this item and stated that Senate Bill 34, which had been passed in 2019, required Cities to adopt a minimum of three strategies to help with moderate income housing, or four strategies if the city also had a rail station. He said since 2019 Roy City had been particularly ambitious and had adopted ten strategies.

Mr. Parkinson stated every year they had to do a report to assess the status of these strategies. He reported this year, five of the individual strategies they had adopted had been consolidated into one. He said a timeline was required for when the strategies would be completed, as well as implementation actions for how they would be accomplished. He noted this was the first time the State required these to be included in the General Plan.

Mr. Parkinson continued to say that the State would also be requiring a water conservation plan within the General Plan. He said the updated General Plan had not been adopted yet, so he wanted to bring it back for discussion based on these new requirements from the State. City Planner Parkinson stated this new timeline would need to be approved by the Department of Workforce Services, and he said he had been working with the department to work on appropriate wording. He said he was about 95% done and he wanted to present his latest draft to the Commission for discussion.

Mr. Parkinson announced strategy 1A was to rezone for densities necessary to facilitate the production of moderate-income housing, and said there would be a couple different zones that would need to be updated and rezoned to accomplish this. He stated it would be difficult to implement a timeline for this because the City did not typically do this and since it was done by application it was difficult to say when the rezones would be completed.

Mr. Parkinson stated the land-use plan would be updated in January of 2023 and it would be revisited every couple of years and updated as necessary. He added implementation measures would be strongly recommended if they aligned with the General Plan and the future land-use map.

Mr. Parkinson elaborated that he was okay with the implementation element, but he was still trying to figure out the timeline. He said language was a lot easier to apply to the future than rezoning and land-use.

Mr. Parkinson continued to go through the strategies. He said he had some issues with F because it was a rezone and similar to A, but noted the time frame would not be up to him. He said G had a language change, but they had already completed this with the Frontrunner Station rezone. He said H had been signed off on but had a minor language change.

Mr. Parkinson explained J, R, S, and T had been eliminated and rolled into O, and U and M had been eliminated. He said what used to be V had become P, and RDAs had become CRA's and the State had modified the requirements for moderate income housing percentages.

Mr. Parkinson stated the Department of Workforce Services was okay with everything that had been mentioned. He continued to explain the process of the stationary plan that was required and said they had received a grant from Wasatch County recreation that they would not have to pay anything for. City Planner Parkinson stated the timeline was to have this done by March and have it approved and adopted by April.

Mr. Parkinson indicated Staff recommended approval subject to the Department of Workforce Services on the exact verbiage.

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

Vice-Chairman Payne opened the floor for public comments.

Kevin Homer of 5398 S. 4000 W. Roy stated he was impressed and happy with the efforts of the City Planner and the Commission in implementing HB-462. He approved of the recommendations for implementing this. He commented this was what happened when State governments accepted Federal funds, and discussed that he did not like that a politician thousands of miles away got to tell them what to do in their little town, and he did not like the element of force.

No additional comments were made.

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

Commissioner Bills asked what the process of re-evaluating every two to three years would entail. City Planner Parkinson replied it would all be up to the Commission, and elaborated that the State was pushing for action because some Cities had a General Plan that they had not done yet anything with.

Commissioner Sphar moved to recommend to the City Council that they approve the proposed updates to the proposed 2022 General Plan Update to the Moderate-Income Housing Plan with regards to the State required Strategies and Implementations as per HB-462 (2022). Commissioner Hulbert seconded the motion. Commissioners Bills, Brand, Collins, Hulbert, Payne, Sphar and Tanner voted “aye,” The motion carried.

4. TO CONSIDER A REQUEST FOR SITE PLAN & ARCHITECTURAL REVIEW APPROVAL FOR STARBUCKS LOCATED AT APPROXIMATELY 5591 SOUTH 1900 WEST

Rhett Buttars presented himself as the applicant and gave his address as 1946 W 5600 S Roy. He presented this item and stated he was happy to address any questions the Commission might have.

City Planner Parkinson showed a map of where the site would be located and indicated it would front 1900 W. He stated they were adjusting the existing parking lot to accommodate the Starbucks requirement to allow for eleven cars in the queue, and noted that architecturally it looked like an average Starbucks. City Planner Parkinson expressed City Staff had a page and a half of issues, mainly in regards to the fact that mixed-use zone had very specific requirements for buildings that faced the street, but this was facing the parking lot. He discussed there were a lot of things that needed to be done because of the shared parking lot, and said Staff recommended tabling this until those items could be addressed.

Mr. Parkinson agreed that since the entrance did not face the street, there were several things that needed to be to addressed and also recommended tabling this until the ordinance could be met.

Commissioner Sphar asked if these concerns had been shared with the developer.

Mr. Parkinson replied that the developer had been giving a report. Mr. Buttars commented they had received it and forwarded it to their engineers so that they could address these issues and they wanted to make it work.

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

5. CONSIDER A REQUEST FOR SITE PLAN APPROVAL FOR BERRETT'S DAYCARE LOCATED AT APPROXIMATELY 5756 SOUTH 2000 WEST

Iris Berrett of 5756 S 2000 W, Roy said she was the applicant and stated she needed to go from eight clients to sixteen, and she wanted to make the site commercial because she understood that if it went to commercial it could go up to sixteen.

City Planner Parkinson stated this property used to be a doctor's office that was commercial in the front with a residential unit in the back and it had since been converted into two residential units. He said it was part of the Gateway rezone so it allowed for commercial. He stated the Planning Commission did not have the authority to change the number of clients from eight to sixteen because that was more of a State statute and business license component.

Mr. Parkinson stated the parking demand was unknown and he was waiting on the fire department before he sent out the DRC comment list. He noted there were several issues and he recommended tabling this item until they could come back with a site plan that worked.

Ms. Berrett stated there was one person currently living in the back. City Planner Parkinson stated parking requirements were based on bedrooms, not occupants. Ms. Berrett clarified there was one person living in the back and this property had already been approved for commercial use. She stated if she was given a conditional plan they would fix the parking; and expressed she just wanted this to be done.

Ms. Berrett stated the occupant would be gone by the end of the month and the housing was listed as studio under HUD housing and the previous owner had it listed as Section 8.

Vice Chair Payne clarified to Ms. Berrett that they did not have the authority to allow her to have sixteen clients and that she could only do eight per State Code. Ms. Berrett stated she had talked to other people with daycares, and she had been told Roy was the only place that only allowed eight and that a Councilwoman or Congresswoman was going to try to get that changed. She stated they only wanted to have more than eight kids and that they wanted the building to go back to commercial from residential.

Mr. Parkinson stated in order for it to go back to commercial standards, it needed to comply with the current commercial requirements, which were different from when it had been commercial 30 years ago.

Ms. Berrett asked if they could get something conditional to allow them time to make all of the appropriate adjustments.

Commissioner Collins stated they could have something for them by next month.

Ms. Berrett stated they needed it before then.

Commissioner Collins stated they did not have a meeting before then and they were bound by the ordinance.

Ms. Berrett asked what they were missing.

Mr. Parkinson stated there were 11 items in the site plan that needed to be addressed. Ms. Berrett asked him to read them all off.

Mr. Parkinson read the 11 items. Ms. Berrett stated she had called Mr. Parkinson over the past six months and he had said nothing to her except to 'hire some guy to do all of this for her,' and she emphasized that this was important to her and felt they were throwing her under the bus because she would have done everything needed, but had not been told anything.

Mr. Parkinson stated he had not had a site plan six months ago in order for him to provide feedback.

Ms. Berrett asked when he received the site plan.

Mr. Parkinson stated he received it on November 18th.

Ms. Berrett commented that he had not said anything about it when he received it.

Mr. Parkinson stated he needed time to review the plan.

Vice Chair Payne opined this was not the time or place to do this and said they were there to decide on the site plan. He explained if it was tabled it would give the applicant time to work with City Planner Parkinson. Ms. Berrett stated she would appreciate if they did that.

Commissioner Collins moved to table the Site Plan for Berrett's Daycare with the conditions as stated in the staff report. Commissioner Hulbert seconded the motion. Commissioners Bills, Brand, Collins, Hulbert, Payne, Sphar, and Tanner voted "aye." The motion carried.

6. TO CONSIDER A REQUEST FOR SITE PLAN APPROVAL FOR HART'S DRY CLEANING LOCATED AT APPROXIMATELY 5543 SOUTH 1900 WEST

It was noted the applicant was not in attendance.

City Planner Steve Parkinson presented the item and stated they just wanted to put a 40 foot by 8 foot shipping container as a storage shed at the rear of the building. He stated they would have plenty of parking even if this container was put in and explained there were no real issues with the site plan; it was more about the architectural requirements for the container itself and it would be hard to use materials to make this compliant.

Commissioner Brand moved to table both the Site Plan and Architectural review for Hart's Dry Cleaners because applicant wasn't in attendance to speak on their behalf and/or answer questions. Commissioner Hulbert seconded the motion. Commissioners Bills, Brand, Collins, Hulbert, Payne, Sphar and Tanner voted "aye." The motion carried.

7. CONSIDER A REQUEST FOR SITE PLAN APPROVAL FOR MIDNIGHT MAGNOLIA LOCATED AT APPROXIMATELY 5210 SOUTH 1900 WEST

The applicant was not in attendance.

City Planner Steve Parkinson said this building used to be Satin Bridle and Tuxedo and it had been vacant for more than a year. He stated a simple site plan had been provided in order to comply with the parking requirements and they were looking to bring in three different businesses.

Mr. Parkinson stated they had done a lot of legwork already with regards to parking and had gotten ten stalls donated by Mandarin, but they still needed to find some more. He stated there were some issues with the site plan including landscaping, but it would not change very much. He stated Staff could go either way on a recommendation but if they could not come up with the parking stalls required, they would have to eliminate a business or two.

Commissioner Hulbert moved to table the Site Plan for Midnight Magnolia because applicant wasn't in attendance to speak on their behalf and/or answer questions. Commissioner Tanner seconded the motion. Commissioners Bills, Brand, Collins, Hulbert, Payne, Sphar and Tanner voted "aye." The motion carried.

8. CONSIDER A REQUEST FOR ARCHITECTURAL APPROVAL FOR KIDSTOPIA LOCATED AT APPROXIMATELY 5673 SOUTH 1900 WEST

The applicant was not in attendance.

City Planner Steve Parkinson indicated this was in the Ocean Mart and City Buffet area and that a Kidstopia would be similar to Chuck-e-Cheese. He stated this would be owned by the same people as the City Buffet and would match the existing materials of the adjoining building.

Mr. Parkinson stated Staff recommended approval with the conditions in the Staff report.

Commissioner Collins moved to approve the Architectural review for Kidstopia with the conditions as stated in the staff report. Commissioner Brand seconded the motion. Commissioners Bills, Brand, Collins, Hulbert, Payne, Sphar, and Tanner voted "aye." The motion carried.

9. COMMISSIONERS MINUTE

Commissioner Tanner commented that City Planner Parkinson was not the advocate for applicants that did not show up and wondered if they should require applicant attendance.

Mr. Parkinson said he sends out emails to all applicants telling them to be prepared to present their projects but does not state that it is mandatory.

Commissioner Bills stated they should discuss this during a Work Session. Commissioner Tanner stated a lot of applicants did not know what they were doing, and it would help them if they attended.

Commissioner Sphar asked if they should consider a code of conduct to prevent outburst and accusations.

Commissioner Bills asked if they were allowed to interject and tell people that it was inappropriate to act in such a way or if that was reserved for the Chair.

There was discussion on the legality of the issue.

10. STAFF UPDATE

City Planner Steve Parkinson apologized for his outburst during the meeting and said the applicant Ms. Berrett should have been addressing the Commission and not him personally. He stated he would talk to her tomorrow and clear things up.

Commissioner Tanner asked if they could clarify the client allowance of 16.

Mr. Parkinson stated it was a State statute related to residential and commercial properties so that allowance was out of their hands and she would need a commercial zoning in order to have 16.

Mr. Parkinson announced Abbeyton Heights was proceeding forward and had four buildings up, and Holiday Oil finished their UDOT requirements and had access on 55. He stated the Royce had been delayed because of inflation and market rates but they still wanted to complete the project and Eschelon had received the final approval and building permit but they were also waiting for interest rates to go down before they proceeded.

Mr. Parkinson stated he was going to do everything he could to get the General Plan approved in January and hoped to be done with it. He stated the Stationary Plan should be done in March and the two bodies that needed to sign off on it were part of the process so they should have that by April.

11. ADJOURN

Commissioner Tanner moved to adjourn at 7:13 p.m. Commissioner Brand seconded the motion. Commissioners Bills, Brand, Hulbert, Payne, Sphar and Tanner voted “aye”, Commissioner Collins voted “nay”. The motion carried.

Claude Payne
Vice- Chair