



ROY CITY
Planning Commission Regular meeting
May 9, 2023 – 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
Torriss Brand
Chris Collins
Jason Felt
Janel Hulbert
Jason Sphar
Daniel Tanner

Steve Parkinson, City Planner
Matt Wilson, City Attorney

Excused: Commissioners Samantha Bills, and Claude Payne

Others in attendance: Kevin Homer, Valerie Claussen, Ashton Dayton, Tim Higgs, Curt Davis, Mark Ohlin, Jeff Buttars, Jason Ohlin and Paul Wilson

Pledge of Allegiance: Commissioner Torriss Brand

1. DECLARATIONS OF CONFLICT

Commissioner Jason Felt stated he was the main consultant for the owner of the property listed under agenda item 3B, so he would not be commenting or voting on that issue. Chair Cowley asked if they wanted him to step outside for that and City Attorney Wilson replied they would like him to do so.

2. APPROVAL OF THE MARCH 14, 2023, REGULAR MEETING MINUTES

Commissioner Collins moved to approve the March 14, 2023, regular meeting minutes as written. Commissioner Sphar seconded the motion. Commissioners Brand, Collins, Cowley, Felt, Hulbert, Sphar and Tanner voted “aye.” The motion carried.

3A. PUBLIC HEARING – TO CONSIDER UPDATES TO THE 2023 ROY CITY GENERAL PLAN, APPENDIX A, ADDING STATION AREA PLAN, AS PER HB 462 (2022).

City Planner Steve Parkinson turned the presentation over to Valerie Claussen of Outpost Planning.

Ms. Claussen indicated she was part of the Consultant team and presented the item. She stated the State legislature that passed this bill and even though Roy had already been at the forefront of having their planning documents in place there had been changes in the State the legislature and to comply with that they had created a matrix to demonstrate what needed to be updated including some moderate-income housing components and the implementation of these plans.

Ms. Claussen stated per State Code, the area was required to be a ½ mile from the station, so they had done some baseline calculations. She explained they had held several stakeholder

meetings and resident property owner meetings, and added they had utilized visual images and typology in order to have discussions in these meetings. Ms. Claussen stated they had done a market analysis to determine what would be potentially viable at this site for Roy and showed a graphic of land-use in the area. She briefly explained the different zoning.

Ms. Claussen showed and explained some graphics which had been used in the stakeholder and resident property owner meetings. She stated there had been a lot of research and numbers that had gone into this and discussed some of the various figures. There were technical difficulties with the presentation, and it was decided to get a hard copy of the presentation to the Commissioners.

Ms. Claussen discussed anticipated water usage and energy, and then stated they had done a transportation analysis. She noted the traffic study that had been done and showed images of some of the areas which could use improvements to make the station most successful and viable. She commented this would not happen overnight and this would be a long term commitment, and said fortunately, a plan that could accommodate that timeline. Ms. Claussen finished her presentation and asked for questions.

Mr. Parkinson stated when they had applied for this grant they had experienced some difficulties because not everyone had wanted to amend the mixed-use ordinance, especially since the process they had gone through to get the ordinance adopted in the first place had been so challenging. He showed an image of the areas which were in compliance as well as the areas which were not in compliance per to the new State Legislature. City Planner Parkinson commented the only thing which their plan did not have was the senior housing component, and said the ordinance did include the senior housing component.

Mr. Parkinson stated the plan and the ordinance went well together for the most part, but Council still needed to adopt it and added it would also need to go to UTA Wasatch Regional Council to be certified for approval. He commented it still had a process to go through, but the first step was City approval. He added it was great that UTA had been a part of this every step of the way so they had an idea of what was going on, and he reiterated he thought it was an overall good plan.

Commissioner Hubert asked to see the slide which showed where the senior housing would be located. City Planner Parkinson stated it was on the east side of the tracks, south of the station itself. Commissioner Hubert asked about the parking and City Planner Parkinson explained the parking as shown on the image.

Chairman Cowley commented he liked the diversity in the plan. Commissioner Hubert agreed, but commented she thought the senior housing was needed.

Commissioner Hubert asked for further explanation on the impact study on the roads in the area.

Mr. Parkinson replied this was just a general idea, and when development started occurring, they would need to provide a transportation plan in accordance with the overall plan.

Ms. Claussen commented their study identified some connectivity issues.

Commissioner Huber asked if they were planning for a pedestrian bridge in that area.

Ms. Claussen replied that would always be the ultimate goal.

Mr. Parkinson stated UTA also had a concern about getting people to the station without having them go all the way up to 4000 and back around. Commissioner Hubert appreciated that.

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

Chairman Cowley opened the floor for public comments.

Kevin Homer of 5398 S. 4000 W. Roy asked City Planner Parkinson if this proposed change was something that he and Staff had approved, which City Planner Parkinson confirmed. Mr. Homer stated he had been following the General Plan changes over the years and it was his belief that a good idea would stand on its own merits and values and not have to rely on force or coercion. He appreciated everything that had been done over the years and he would support these changes.

No additional comments were made.

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

Commissioner Sphar moved to recommend to the City Council that they approve the proposed updates to the 2023 Roy City General Plan, Appendix A, adding Station Area Plan, as per HB 462 (2022). Commissioner Hulbert seconded the motion. Commissioners Brand, Collins, Cowley, Felt, Hulbert, Sphar and Tanner voted “aye,” The motion carried.

- 3B. PUBLIC HEARING – TO CONSIDER EITHER, FOR PROPERTIES LOCATED AT APPROXIMATELY 1930 W & 1969 W 6000 S
- AMENDING THE GENERAL PLAN (FUTURE LAND USE MAP) FROM DOWNTOWN MIXED-USE TO LIGHT INDUSTRIAL/COMMERCIAL
- AND**
- AMENDING THE ZONING MAP FROM DT-G (DOWNTOWN GATEWAY) TO LM (LIGHT MANUFACTURING)
- OR**
- AMENDING TITLE 10 ZONING REGULATIONS; AMENDING CH 13 - MIXED USES - 10-13-3 – BUILDING TYPES - § 9) SECONDARY BUILDINGS – TO ALLOW ACCESSORY STORAGE TYPE BUILDINGS; § 11) AEROSPACE DESIGN THEME REQUIREMENTS

Commissioner Jason Felt left the meeting due to conflict.

City Planner Parkinson stated there were two businesses on 6000 which were both looking to build storage for their current businesses. He reported they had discussed this with both of them based on the changes made to the ordinance in 2021 which lessened the requirements for elevations.

Mr. Parkinson went through the history of the zoning in that area and showed the zoning map from 1953. He moved onto the 1960-1970 map and commented that in 1970 when the first General Plan was adopted the area had been zoned as multi-family high density, and in 1980 when they updated the General Plan it changed it to commercial. He added the future land-use maps from 2002 as well as 2005 had the zone listed as commercial. He stated the 2023 future land-use map had it listed as mixed-use commercial and on the zoning map it was shown as a downtown gateway mix-use zone.

Mr. Parkinson continued and said if this was not something this body would like they could recommend denial, tabling, or approval of the rezone in the General Plan amendment. He added they could also look at amending the zoning ordinance to allow an accessory storage bay building for the business rather than a standalone building. He stated the ordinance would require a new building type.

Mr. Parkinson stated he would table the ordinance and go into a work session to determine the fine details so they did not put themselves in a situation they did not foresee. He thought amending the General Plan they had just adopted would be difficult for him to recommend. He said he would rather go the route of a Code change, but the reason there was no recommendation in the Staff report was because he did not want to encourage them one way or the other.

Chairman Cowley asked if a 40x60 structure could be built on the property despite the materials.

Mr. Parkinson replied one of them could, but he was not sure about the other one which was why he had given them two options. Chairman Cowley clarified the discussion was mostly about the materials used. Commissioner Brand recommended tabling the issue. Chairman Cowley reminded him they still needed to have a public hearing.

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

Chairman Cowley opened the floor for public comments.

Paul Wilson, 1969 West 6000 South, stated he was the owner of the properties and explained all they wanted to do was build a 30x60 storage shed that they already had planned and paid for. He commented when he had come to Mr. Parkinson about it, Mr. Parkinson just kept referring to title 10, so he had moved forward with the building not knowing this was going to be a huge problem for the City. Mr. Wilson stated there was a metal building across the street from them and he did not understand how the zoning had not previously prevented that from happening. He continued to say they were growing and they were trying to grow with the City, but if they could not do that they would need to move somewhere where they could grow. Mr. Wilson did not see how a metal building that could not be seen from the roadway would affect things and expressed they needed the storage in the back.

No additional comments were made.

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

Mr. Parkinson stated without knowing what materials were allowed in the C2 zones he could not speak to Mr. Wilson’s point about the adjacent metal building. He indicated he would need to go back to see if C2 allowed for metal in order to answer Mr. Wilson’s question about the other metal buildings in the area.

Commissioner Tanner stated one of the concerns he had about rezoning to a manufacturing was that down the road if there a change, a manufacturing zone would not be conducive to neighboring zones. He expressed he would be less inclined to approve to move it into a manufacturing zone with the knowledge that its current use would not be its permanent use. He was concerned about what would happen when the current businesses vacated the premises and was not a fan of spot zoning properties.

Commissioner Hulbert agreed and did not think zoning was the answer and they should look at the ordinance.

Chairman Cowley stated he was a hard no on a rezone but was not opposed to explore the option of changing the ordinance.

Commissioner Collins agreed and thought that was the best way to find a compromise and was more inclined to table and have a work session.

Commissioner Hulbert asked how soon they could have a work session because it sounded like Mr. Wilson already had plans in place. City Planner Parkinson stated it could take a couple of work sessions to hash things out. Commissioner Hulbert stated she wanted to move along as quickly as they could.

Commissioner Brand moved to Table the item to a work-session so they could discuss it more. Commissioner Hulbert seconded the motion. Commissioners Brand, Collins, Cowley, Felt, Hulbert, Sphar and Tanner voted “aye,” The motion carried.

Commissioner Jason Felt returned to the meeting.

3C. PUBLIC HEARING – TO CONSIDER AMENDMENTS TO TITLE 10 ZONING REGULATIONS: AMENDING CH 6 – ESTABLISHMENT OF ZONING DISTRICTS – ZONING DISTRICTS PURPOSE AND AMENDING CH 17 - TABLE OF USES - TABLE 17-1 - TABLE OF ALLOWED USES - RESIDENTIAL ZONING DISTRICTS.

City Planner Parkinson stated it had been interpreted that other uses could be considered primary in the single-family home zone, so they had amended the primary use zoning language to establish the primary use. He commented they had added clarifying language for permitted use as well.

Chairman Cowley asked for examples where a secondary use had become a primary use.

Mr. Parkinson replied the property in question on the corner of 56 and 31 was an example, where there was a home which ran a farm and the owner wanted to subdivide his property into four parcels. City Planner Parkinson reported the Planning Commission at the time had informed him that no building could be built on the subdivided properties until they also contained single-family homes. City Planner Parkinson continued that since then, the owners had changed and they had started using these buildings and there had been neighbor complaints.

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

Chairman Cowley opened the floor for public comments.

Tim Higgs of 5381 S. 3400 W stated he was the owner of one of the properties and asked what happened with this request if there was a permitted use application actively in review in the approval process at the same time that an ordinance changed. He expressed his understanding was that the ordinance in place at the time the application was submitted was the ordinance that was gone by and asked for clarification. Mr. Higgs then asked what happened when there was a permitted use granted from the application that was opened and an ordinance changed. He read from a prepared note but was cut off due to time allotment. Mr. Higgs stated he has shown there was a permitted use, but Staff had told him to submit an application for review and approval and he had done that. He read from an email. He was again told he was out of time. Mr. Higgs continued and stated there was an active request for a permitted use on this property and he did not think it was fair to have an ordinance change during an active request. Mr. Higgs ran out of time to finish his comments.

City Attorney Matt Wilson addressed Mr. Higgs' questions. He stated there was a pending ordinance and any applications made after a notice were subject to the ordinance change that had been noticed.

Chairman Cowley asked if the application had been filed before the notice.

Mr. Wilson replied it had been made after the notice.

Mr. Higgs commented that he had not received a notice.

Mr. Wilson replied there was a public notice which had been published on the City website.

Mr. Wilson answered the second question and stated nothing happened to those because they were grandfathered in.

Chair Cowley asked for clarification about uses that existed in residential zones.

Mr. Parkinson replied that every city allowed for cemeteries and churches in any zone but most of those kinds of uses were very specific.

Kevin Homer of 5398 S. 4000 W. Roy stated the information presented in the packet was concise and clear and he commended Staff on their work. He stated for this proposal, because there was

a pending request, he suggested either tabling the change until the matter was resolved or make a change to the proposed ordinance.

Curt Davis of 4128 S. 1100 W. Riverdale stated he owned the lot in question and was Mr. Higgs neighbor and when he bought the property in 1999 his intention was to store his RVs and was told this was fine but now, they were back and arguing about this issue again. He stated they had maintained the property and had kept all of their vehicles in the building, and he did not see the issue. He wanted the issue tabled until the history of the property could be fully assessed.

Mr. Wilson clarified this was not directed at these two property owners; it was to address discrepancies in the Code going forward.

No additional comments were made.

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

Chairman Cowley stated he understood the change in the ordinance was just clarifying there were permitted uses but that these permitted uses were not to be the primary use of the property. There was discussion about what would be grandfathered in after the potential ordinance amendment.

Mr. Parkinson stated that because they were not dealing with one particular property, Staff would recommend approval of the changes.

Commissioner Brand asked if this would affect the current use of Mr. Higgs if this were to be approved.

Mr. Wilson clarified it would affect his application, and added he thought an agreement had been reached between Mr. Higgs and Mr. Flint.

Commissioner Tanner moved to recommend to the City Council that they approve the proposed amendments to Title 10 Zoning Regulations: amending CH 6 – Establishment of Zoning Districts – Zoning Districts purpose and amending CH 17 - Table of Uses - Table 17-1 - Table of Allowed Uses - Residential Zoning Districts. Commissioner Hulbert seconded the motion. Commissioners Brand, Collins, Cowley, Felt, Hulbert, Sphar and Tanner voted “aye,” The motion carried.

4A. TO CONSIDER A REQUEST FOR SITE PLAN APPROVAL FOR UTAH BEST HOME PROS LOCATED AT APPROXIMATELY 5982 SOUTH 1900 WEST

Chris Parker of 5982 S 1900 W, Roy as well as Craig Lowe of 5982 S 1900 W Roy both stated they had been operating for about a year and had previously leased a small 300 square foot building for their business.

Mr. Parker explained they had since grown enough to buy a building, so they bought one in Roy and received occupancy to move in. He explained since the building had changed use, they had to comply with all of the new rules.

Mr. Parker stated they had approached engineers about needed upgrades to stay in compliance, and all of it was out of their budget. He showed a site plan with the things they were told to address and described the changes they had made thus far.

Chairman Cowley stated the only question he had was about the parking.

Mr. Lowe stated they ran a heating and AC company, and all of their employees took their vans home and did not come into the office very often because they were dispatched from home. He stated they had originally wanted to see what they could get away with not doing because it was so expensive and asked if there was anything they could exclude.

Mr. Parker stated they had two full time office staff who had their vehicles on site, but other than that everyone else came and went.

Mr. Parkinson stated the building was south of the liquor store and was an older house. He said the site plan that had been provided in response to Staff comments was only the planning portion, so comments had not yet been received from Fire and other entities so they could only address the planning comments.

Mr. Parkinson stated Staff did not imagine these comments would drive it to change the plan much and the building was already there and Staff would recommend approval based on the conditions in the Staff report.

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

4B. TO CONSIDER A REQUEST FOR SITE PLAN APPROVAL FOR DARKCLOUD DIESEL PERFORMANCE LOCATED AT APPROXIMATELY 5049 SOUTH 2700 WEST

Ashton Dayton showed the site plan and explained the image. She stated they would be fencing in the dumpster so it would not be visible, and described the landscaping they would be doing.

Mr. Parkinson stated the building already existed and they were not making any modifications, so not a lot of changes could really occur to the site plan. He expressed that Staff recommended approval subject to the conditions in the Staff report.

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

5. COMMISSIONERS MINUTE

Chairman Cowley commented they would have a work session coming up which was good.

6. STAFF UPDATE

Mr. Parkinson stated even without the tabling of that ordinance they would be having a lot of work sessions coming up because of all of the new State Legislative changes.

7. ADJOURN

Commissioner Tanner moved to adjourn at 7:37 p.m. Commissioner Hulbert seconded the motion. Commissioners Brand, Collins, Cowley, Felt, Hulbert, Sphar and Tanner voted “aye”, The motion carried.

Ryan Cowley
Chair

dc: 05-09-23