



ROY CITY
Planning Commission Regular meeting
July 11, 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:

Jason Felt, Vice Chair
Samantha Bills
Torrin Brand
Janel Hulbert
Jason Spahr
Daniel Tanner

Steve Parkinson, City Planner
Matt Wilson, City Attorney

Excused: Commissioners Chris Collins and Ryan Cowley

Others in attendance: Kevin Homer, Glenda Moore, Jean P. George, Linda Palfreyman, Tim Oliver, Nolan Parker, Cambria Hulbert, Rachel Carrion, Jim Williams, Wyle Williams, David Young, Doug Armstrong, Pam Armstrong, Cindi Buckley, Christey Peterson, Anglea Day, Shaun Day, Alan Walker, Joseph Western Larry Thomas and Linda Bingham

Pledge of Allegiance: Commissioner Spahr

1. DECLARATIONS OF CONFLICT

Commissioner Spahr said he lived in the neighborhood they would be discussing that evening, and knew the applicants. He added although he lived there, he had not spoken about the issue nor been approached about the topic by any of his neighbors.

2. APPROVAL OF THE JUNE 13, 2023 REGULAR MINUTES

3. PUBLIC HEARING – TO CONSIDER AMENDING THE ZONING MAP FROM RE-20 (RESIDENTIAL ESTATES) TO CC (COMMUNITY COMMERCIAL) FOR PROPERTIES LOCATED AT APPROXIMATELY 5839 SO., 5859 SO., & 5867 SO. 3500 WE.

Applicant Tim Oliver gave his address as 5859 S. 3500 W., Roy City, and the other applicant Jim Williams stated his address was 5867 S. 3500 W., Roy. He explained he lived on 3500 and State Road 8, and he knew the State planned to widen the road, which would take away a large portion of their front yard. He had also seen that the Roy City General Plan intended to add more commercial to their street as well, and he explained his request was to just do those changes now, since he knew they were coming and he wanted to prepare for them.

Commissioner Spahr commented road 3500 had been scheduled to be widened several times, but each time the money had been repurposed for another project and it never got done.

Mr. Parkinson summarized the request and gave an aerial view of the properties in question. He said that per their newly adopted General Plan, this area was designated as residential and mixed use, which he believed was a change from the old one but was not sure. He said the zoning map showed that this area was currently all single-family residential, so this would begin the process

of rezoning. He said it was something that needed to be done and this happened to be the first request like it for that specific area, so Staff recommended approval.

Commissioner Spahr asked what “community commercial” entailed, to which Mr. Parkinson explained community commercial was a commercial zone which allowed for the kinds of businesses in that area, including Kent’s market and some offices. He elaborated it included a wide range of businesses that were allowed to be in that zone, and he said they would do something similar to what they had done downtown near the Front Runner Station and do mostly medium-box developments. He noted the lots there were very big and deep, so they could possibly have a good project in them if several lots were to be sold to one developer.

Mr. Parkinson added if they created a mixed-use zone, there could be some residential as well.

Commissioner Spahr clarified they did not have a developer yet and so did not know what type of project would go there; they were simply changing the zone that evening. Commissioner Spahr added 3500 was a State highway, and said these properties were both flanked by fairly substantial commercial activity already so it was inevitable that the area would continue to develop in that direction.

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

Vice Chair Felt opened the floor for public comments.

Rachel Carrion of 5823 S. 3500 W., Roy stated she lived right next door to the properties on the north side, and expressed she wanted to be considered as well for the zoning change. Mr. Wilson explained if the current applicants wanted to delay, they could include her, or if she wanted to get with other homeowners in the area she could submit another application. Mr. Wilson assumed the current applicants would not want to delay further since they had already been delayed once before due to a noticing error. He explained she would have to express her intentions to be included in the proposed change ahead of time, since they would have to post a public notice.

Nolan Parker, 5910 S. 3650 W., Roy explained he and other homeowners in the area had bought in that part of town specifically because it was all residential, and he argued adding commercial properties would change the neighborhood. He expressed concerns about increased light pollution and more trash if commercial developments went in, and he also worried he would lose the view of the mountains that he had from his home. He wondered where the storm drain would go as well. Mr. Parker was concerned about the loss of property value of his home, and pointed out the only group who stood to benefit from this was the developers. He lastly noted wildlife in the area would suffer from this change as well. He stated he had spoken with many of his neighbors, who all shared his concerns.

Larry Thomas of 5838 S. 3500 W., Roy said he had moved there 16 years ago, and said they had about three or four accidents in front of his house every month. He complained the street was not wide enough, and said he had even been in accidents in front of his home. He stated the drainage there was also bad, and advocated for better curb, gutter, and sidewalks on the streets before they did anything else. He complained the City did not control the area, and said he never

saw police in the area. Mr. Thomas felt if the City did not protect the area, they did not have the right to develop commercial in the area. Mr. Thomas firmly stated commercial should not go in the area, and was upset at the thought of having to move and the expenses that went along with moving.

No additional comments were made.

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

Mr. Parkinson reiterated this was just a request to rezone; there was not a development planned for the area. He said developers would not spend the time and money to create a site plan if it was not a guarantee the area would even be zoned in a way where they could develop. He commented as well that light pollution was already an issue in that area, and he noted as well that people could not mandate their views remained unobstructed as their property rights ended right at their property line.

Mr. Parkinson added even if commercial did not go in the area, single family homes could also go in there which would also block the view of the mountains. He discussed that there had been funding in the past to widen the street, and explained the reasons the money had not been allocated for the street project. He reiterated this rezone was not spearheaded by the City; the request had come from homeowners.

Mr. Parkinson elaborated this was in line with the General Plan, and these homeowners were just taking advantage of that. He explained as well that there were no sidewalks on that street since it was under the jurisdiction of UDOT, and the City could not just go in and add sidewalks.

Commissioner Bills asked about the application process for Ms. Carrion and others who might be interested in being part of the rezone.

Mr. Parkinson explained the process of the application, and said they would have to apply separately and follow the steps of the amendment process. Mr. Parkinson elaborated if the original applicants wanted to amend their original application to include other property owners, it would have to go through the process again and they would need to hold another public hearing.

Commissioner Spahr summarized that evening they could only talk about the three properties on the original application; they could not make decisions on anything else before it had been properly noticed. Commissioner Spahr thought Ms. Carrion could reach out to other homeowners and see if they wanted to get involved.

Commissioner Bills thought it was unfair to make the original applications wait any longer, or to ask them if they wanted to include other people and postpone the application.

Vice Chair Felt asked the applicants if they wanted to postpone, and the applicants responded they were okay with that. Vice Chair Felt clarified this would delay them by at least 30 days since it needed to be noticed as there would be another public hearing. One of the applicants inquired about the \$400 fee, and Vice Chair Felt explained they would need to pay again since the City

would have to send out notices, although he commented if they had more people involved it would cost less per person. Vice Chair Felt elaborated that if they wanted to table the application until the next month, they would not have to re-do their entire application. One of the applicants expressed they wished to table the application.

Commissioner Hulbert moved to table the item in order for the applicant to include additional neighboring properties.. Commissioner Tanner seconded the motion. Commissioners Bills, Brand, Felt, Hulbert, Sphar and Tanner voted “aye,” The motion carried.

4. CONTINUATION – TO CONSIDER AMENDMENTS TO TITLE 10 ZONING REGULATIONS: AMENDING CH 13 - MIXED USES - 10-13-2 – USES - § 2) DEFINITION OF USES – TO ALLOW STORAGE STRUCTURES AS AN ACCESSORY USE.

Mr. Parkinson recalled they had held a public hearing about this issue several months ago, and reported that since then they had held a work meeting about this item. He explained this would change the language of chapter 13 of their zoning ordinance to allow storage structures as a secondary accessory use, and also updated the guidelines about setbacks, facade, and distance from the primary building. He said based on the Commission’s previous discussion, the minimum distance from the primary building would be 25 feet, and the minimum for windows on the facade facing the street would be 15%.

Commissioner Hulbert moved to recommend to the City Council that they approve the proposed amendments to Title 10 Zoning Regulations: amending CH 13 - Mixed Uses - 10-13-2 – Uses - § 2) Definition of Uses – to allow storage structures as an accessory use.. Commissioner Brand seconded the motion. Commissioners Bills, Brand, Cowley, Hulbert, Payne, and Sphar voted “aye,” Commissioner Tanner voted “Nay,” The motion carried.

5. PUBLIC HEARING – TO CONSIDER AMENDING TITLE 10 ZONING REGULATIONS: AMENDING CH 17 - TABLE OF USES TABLE 17-2 TABLE OF ALLOWED USES NON-RESIDENTIAL ZONING DISTRICTS ADDING STATE OWNED LIQUOR STORE AS A PERMITTED USE IN THE COMMUNITY COMMERCIAL (CC) ZONE.

Mr. Parkinson discussed since they had eliminated the regional commercial zone, they needed to have a zone in which liquor stores would be allowed to operate. He said this was essentially a formality; the State mandated how liquor sales were controlled in areas near residential areas, community areas, or churches. He explained they simply needed to have a zone which included State-run liquor stores as a use in a commercial area, and added at the moment the only zones which allowed this were Downtown East and Downtown West.

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

Vice-Chair Felt opened the floor for public comments.

Kevin Homer of 5398 S. 4000 W. Roy appreciated the comment about what zones currently permitted government-controlled liquor sales since he had been under the impression that none

of the zones currently allowed that. He expressed while he was in favor of the ordinance change, he did not think the State government controlling liquor sales in general. He did not think the government should create a monopoly on any business, and thought private businesses should be allowed to run liquor stores. He acknowledged the Planning Commission was not the body who could affect this change, and noted he would speak to the City Council about this as well.

No additional comments were made.

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

Commissioner Sphar moved to recommend to the City Council that they approve the proposed amendments to Title 10 Zoning Regulations: amending CH 17 - Table of Uses Table 17-2 Table of Allowed Uses Non-Residential Zoning Districts adding State Owned Liquor Store as a Permitted Use in the Community Commercial (CC) zone. Commissioner Tanner seconded the motion. Commissioners Bills, Brand, Felt, Hulbert, Sphar and Tanner voted “aye,” The motion carried.

Commissioner Hulbert asked if the community commercial zone included mixed use as well, and Mr. Parkinson explained while the General Plan expressed they wanted to have a commercial mixed use zone, it did not exist yet and so they had gone to community commercial since it was the only zone which existed in the area. He explained the goal was for Staff to write code for a commercial mixed use zone, but clarified again this would be in the future and that kind of zone did not currently exist.

6. PUBLIC HEARING – TO CONSIDER AMENDMENTS TO TITLE 10 ZONING REGULATIONS: AMENDING CH 9 – PUBLIC NOTICE REQUIREMENTS, AS PER HB 43 (2023)

Mr. Parkinson explained there had been changes made to the noticing requirements as part of House Bill 43. He reported newspaper requirements had been eliminated since they were costly and few people read the newspaper anymore. He elaborated it was more effective to get noticing requirements from the public website, and said the general public could access notices from any City in Utah that way. Mr. Parkinson also discussed there had been updates as to what entities needed to receive notices. He said another change was clarifying what three spaces their notices would be posted in; previously, their ordinance had just specified there would be three public notices but now it specified all notices would be posted at the City Hall building, the public website, and the City official website.

Mr. Parkinson added the applicant would always receive a notice as well.

Mr. Parkinson also discussed going forward, they would email people notices rather than sending them in the mail, since it was much faster and more effective. He said another change was the notice had to specify what the affected area was; if they did not the assumption was the whole City would be affected. Mr. Parkinson said they would continue to notice people if they lived less than 300 feet away from the affected area, and explained those notices would be mailed and emailed.

Commissioner Hulbert commented she loved a lot of the changes, and specifically she was glad they had clarified where the notices were posted. She thought this made it much easier for people. Mr. Parkinson imagined it was the intention of the legislators to make it simpler.

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

Vice-Chair Felt opened the floor for public comments.

Kevin Homer, 5398 S. 4000 W. Roy, said he had been following House Bill 43 since it had been introduced earlier that year. He was glad to see that they had not gotten rid of public noticing overall, and was also happy to know they would not be wasting money on newspaper notices any more. He liked they were sending emails as well. Mr. Homer did think they should expand the area that was noticed, and he pointed out sending emails was essentially free so he thought there was no reason to not send them to a larger radius. He commented he did not go to the public notification website very often, but said there was a website which emailed people when there was a public notice which might affect them. He opined that the website link should be posted prominently on the City’s website so people could add themselves to the list to be notified.

David Young, 4870 S. 2575 W., Roy, wondered how the City would get a hold of everyone’s email addresses. He said he had several emails, and did not check all of them, and he imagined this was the case for many people. He discussed how the public website was a little difficult to navigate. However, he did agree that removing newspaper notices was a wise idea.

No additional comments were made.

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

Mr. Parkinson commented people could sign up to be notified about meetings through the Roy City website as well. He explained if people signed up online they could get emails about Council meetings and Planning Commission meetings, as well as all public notices.

Commissioner Spahr clarified the differences between public notices, which were for everyone and were posted everywhere, and specific notices, which only impacted a small number of people in a given area. He said for the specific notices only people within a 300 foot radius needed to be notified.

Commissioner Spahr moved to recommend to the City Council that they approve the proposed amendments to Title 10 Zoning Regulations: amending CH 9 – Public Notice Requirements, as per HB 43 (2023). Commissioner Tanner seconded the motion. Commissioners Bills, Brand, Felt, Hulbert, Spahr and Tanner voted “aye,” The motion carried.

7. CONSIDER A REQUEST FOR SITE PLAN APPROVAL FOR KOOL KIDZ CHILDREN CENTER LOCATED AT APPROXIMATELY 1845 WEST 4400 SOUTH.

Mr. Parkinson first noted that for administrative items such as this one the public would not be allowed to speak. He clarified public comments were only permitted for legislative items.

Applicant Cindi Buckley gave her address as 3935 S. 3750 W., West Haven and stated she was the owner of Kool Kidz Academy in Clinton, Utah. She explained they were looking to expand to a second location in Roy City. She stated they had 24 employees at their current center, and discussed they worked hard to take care of their employees, and expressed all her employees were great with children. Ms. Buckley also introduced the manager of the facility, and said she worked hard to ensure they stayed in compliance with all State licenses and permits.

Ms. Buckley said one of the features of the academy was date night for the parents, and explained they watched children when their parents went on dates. She noted this was especially appreciated by military families. She said they also helped families in crisis, and made sure children were cared for in bad housing situations. Ms. Buckley expressed they worked with children who had behavioral issues as well, and she made the point that these were all ways that the academy served the community. She said she took a lot of pride in the Kool Kidz family, and expressed that she wanted to expand to Roy and grow the academy.

Ms. Buckley stated they were considering 1845 W 4400 S in Roy City as the site for the new academy. She said they had a couple obstacles in their way, namely that they would need to be permitted by the City to add an outdoor playground. She explained in order to add the playground it would take out some of their parking spaces. Ms. Buckley noted the State would also have to come in and tell them how many children they could serve in the new facility, and she added she hoped to serve around 80 to 100 children. She then spoke about the fencing around the site, and commented she intended for it to look nice and match the surrounding area well.

Mr. Parkinson commented he was representing the City in this meeting, although he also helped applicants through the process, and after the meeting he expressed to Ms. Buckley he would be willing to help her further.

Mr. Parkinson indicated the playground was intended to go on the northern corner of the site, and said it would impede the circulation and flow of traffic in the parking lot and would remove at least one stall. He commented Staff could work with that and try to find ways around that, and reminded the Commission they only needed to consider this from a planning perspective, not from the point of view of Fire or Engineering. He thought as well they could find solutions for the fencing, and he expressed he thought this could be approved as long as the suggestions from Staff were accepted.

Vice Chair Felt felt this was a nice, family friendly business that he would be happy to see in Roy; however, he wanted to see a more thorough site plan. Mr. Parkinson thought it would be difficult to come up with a more comprehensive site plan without comments from the Fire and Engineering department.

Commissioner Brand moved to table the Site Plan for Kool Kidz in order for the applicant to receive all of the comments from the remaining. Commissioner Hulbert seconded the motion. Commissioners Bills, Brand, Felt, Hulbert, Sphar and Tanner voted “aye.” The motion carried.

Mr. Parkinson commented he was just waiting to hear back from Engineering and acknowledged there were some issues with dead ends in the parking lot and the flow of traffic. He explained to Ms. Buckley that to table the item just meant they would reevaluate the request once they got comments back from Engineering, and he said once he got comments from them he could pass them along to her so she could begin to develop the site plan.

8. TO CONSIDER A REQUEST FOR SITE PLAN APPROVAL FOR NORTH STAR BUILDINGS LOCATED AT APPROXIMATELY 3399 SOUTH 1900 WEST.

Applicant Alan Walker stated his address as 4496 W. 1560 N., and explained he was a general contractor and his company did a wide range of projects. He gave background on the proposed development, and explained they would use the existing building on the property for storage. He clarified nothing would be permanently stored outside. He noted the current owner had not followed the plan accordingly, and he said they had not closed or vinylled the building appropriately. Mr. Walker stated his company was willing to take on the cost of completing the structure in accordance with the site plan created by the City.

Mr. Walker also addressed the question about UDOT, and said he did not know how much access they could have or what the frontage was. He expressed he was fine with 20 feet of landscaping at the front, and noted this was what the current owner had as well. He said he did not have a plan for landscaping or irrigation, and he asked if they could use fake plants that would not require water. Mr. Walker explained there would not be parking in the first 20 feet, although he felt this was counterproductive. He also commented there had been a question about a dumpster enclosure, and he asked if he actually needed to have a dumpster on site since he could just take trash to a dump site. He expressed he wanted to be a good neighbor.

Mr. Parkinson explained this was a site plan approval for an existing building located at 399 S. 1900. W, and gave an aerial view of the property. He noted it was a bit of a strange property, and indicated it was located in the manufacturing zone of the City. He also commented some of the property owners in that area, including the adjacent property to the one in question, had historically done things without approval from the City.

Mr. Parkinson shared the original site plan, which he commented was hard to decipher. He highlighted where the access road and 20 foot setback and landscaping were supposed to have been located, although he said the landscaping and parking had never actually been installed. He explained the City and the current landowner were going back and forth about the required landscaping, and said the landowner was recalcitrant to install landscaping since the adjacent landowner had not done proper landscaping. Mr. Parkinson said as long as the landowner could install landscaping, the City was willing to work with him on a variety of options, including xeriscaping.

Mr. Parkinson also expressed concern about having a commercial building without a dumpster, although he said he and Staff did not think this was a huge issue. He summarized the applicant had modified the initial site plan and adapted it to his needs, and he expressed he and Staff recommended approval and did not think any of the challenges were insurmountable.

Mr. Parkinson explained the access to the property was through a frontage road off of 3500 which was primarily for Hanson's. He explained not all of the road was in UDOT's right-of-way, so they

could only require 20 feet. He highlighted which parts of the road were UDOT's and which parts were private property.

Vice Chair Felt commented on the curb, and Mr. Parkinson explained he had just taken what had been approved. Mr. Parkinson elaborated this would be considered a change of use, and that required a letter to UDOT since while it was not their road, it was their right-of-way.

Commissioner Hulbert moved to approve the Site Plan approval for North Star Buildings located at approximately 3399 South 1900 West with the conditions as stated in the staff report. Commissioner Bills seconded the motion. Commissioners Bills, Brand, Felt, Hulbert, Sphar and Tanner voted "aye." The motion carried.

9. COMMISSIONERS MINUTE

The Commissioners expressed Vice Chair Felt had done a great job filling in for Chairman Cowley that evening.

10. STAFF UPDATE

Mr. Parkinson reported the ongoing projects they had were well on their way to completion. He commented on the townhome project on 4300 W. 5500 S., and said six of the eight total buildings installed, and some even had stucco completed on the outside.

11. ADJOURN

Commissioner Sphar moved to adjourn at 7:28 p.m. Commissioner Tanner seconded the motion. Commissioners Bills, Brand, Felt, Hulbert, Sphar and Tanner voted "aye". The motion carried.

Jason Felt
Vice-Chair