



ROY CITY
Planning Commission Regular meeting
August 8, 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
Torriss Brand
Janel Hulbert
Jason Sphar
Daniel Tanner

Steve Parkinson, City Planner

Excused: Commissioners Samantha Bills, Chris Collins, Ryan Cowley and City Attorney Matt Wilson.

Others in attendance: Tim Oliver, Kathy Opperman, Bruce Preece, Victoria Preece, Jim Williams, Catherine Williams, Brandy Fowers, Russ Fowers, Cambria Hulbert, Bryan Burnett, Cindy Mecham, Matthew Anderson, Kelly Bingham, Linda Bingham, Rachel Carrion, Jordan Day and Matt West.

Pledge of Allegiance: Commissioner Tanner

1. DECLARATIONS OF CONFLICT

None

2. APPROVAL OF THE JUNE 13, 2023, REGULAR MINUTES
3. APPROVAL OF THE JUNE 27, 2023, WORK-SESSION MINUTES
4. APPROVAL OF THE JULY 11, 2023, REGULAR MINUTES

Commissioner Hulbert moved to table the June 13, 2023, regular meeting minutes, the June 27, 2023, work-session minutes and the July 11, 2023, regular meeting minutes due to not being able to review them. Commissioner Tanner seconded the motion. Commissioners Brand, Felt, Hulbert, Sphar and Tanner voted “aye.” The motion carried.

5. PUBLIC HEARING – TO CONSIDER AMENDING THE ZONING MAP FROM RE-20 (RESIDENTIAL ESTATES) TO CC (COMMUNITY COMMERCIAL) FOR PROPERTIES LOCATED AT APPROXIMATELY 5809 SO., 5823 SO., 5839 SO., 5859 SO., 5867 SO., 5891 SO., 3500 WE.

Tim Oliver of 5859 S. 3500 W. Roy City indicated he was one of the applicants for this project. He said since the last time they had come before the Planning Commission, three more property owners had expressed interest in joining this application to rezone.

Jim Williams of 5867 S. 3500 W. Roy also introduced himself as an applicant and discussed how he and Mr. Oliver had realized there were several other people who wished to get involved in the application after their original Planning Commission public hearing, so they had chosen to table their original application and have everyone do the application together. However, he had

concerns about safety, so he now wanted to move ahead with his initial application to get the rezone done as soon as possible.

Cathy Auburn stated she lived at 5891 S. 3500 W. Roy, and agreed with Mr. Williams' and Mr. Oliver's comments. She wanted to move the application forward.

City Planner Steve Parkinson restated the request to rezone the properties, and explained it had just been three properties last month when this was first brought to the Planning Commission, although since that time more people had expressed interest, so they had started a new application entirely which had been properly noticed for the public hearing that evening.

Mr. Parkinson shared aerial photos and the future land use map, and noted this area was zoned commercial on the future land use map. City Planner Parkinson noted the rezone request was in line with the future land use map and General Plan, and stated he and Staff recommended approval.

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

Vice Chair Felt opened the floor for public comments.

Byran Burnett, 4375 S. 2675 W., Roy, noted some townhomes had been built behind his property which he thought were taller than what was permitted by the City. He acknowledged this had been done by the City Council. He then complained he had brought this issue to the Planning Commission several times previously, and he had been told by the Planning Commission the zone behind his house was light industrial, although that was not true. He also complained a train had also been put behind his home without a sound barrier. Mr. Burnett expressed that he hoped he and his fellow applicants would be listened to this time. He then made some comments about building heights in whatever developments could be proposed in the area once it was zoned commercial, as well as concerns about increased traffic. He commented the amount of traffic would vary wildly depending on what businesses moved into a development, so the Planning Commission should be mindful of what tenants they attracted. He pointed out that as long as a developer met the designations of the Planning Commission and Code requirements, the City could not have control over what kind of businesses the developer picked for the site, so he advocated for there to be more guidelines about the selection of tenants for developments in the City.

Cindy Mecham, 5792 S. 3600 W., Roy, said her backyard would meet the new development. She asked about what kinds of businesses would be coming in, and asked if there would be bright lights coming into her home now from the commercial area. She also asked if there would be another meeting after this and what the next steps in the process were.

No additional comments were made.

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

Mr. Parkinson commented that the City had gone to great lengths to protect residents from commercial. He acknowledged the comments about light, noise, and traffic, and assured residents that commercial developments were not permitted to flood residential backyards with light and they were required by Code to put up fences.

Mr. Parkinson did not imagine the area would get any noisier than it currently was. He acknowledged it was difficult to come in with a rezone request when they did not know what kind of businesses were coming in, and explained since the area was not already zoned commercial they had not yet received any proposals from developers for the area. He anticipated UDOT would appreciate the area being zoned commercial since that would allow them to have just one point of access and control the flow of traffic better.

Mr. Parkinson discussed the kind of stores which were considered community commercial, including hair salons, restaurants, mom and pop shops, and even things such as dentist offices. He conceded there would be a bit more noise and traffic during the day, but it would not be exorbitant. He next discussed that for the community commercial zone, building heights would be capped at 40 feet, and he noted few businesses used pitched roofs for their buildings. He stated setbacks would be 25 feet.

Mr. Parkinson explained if the Planning Commission recommended approval that evening, the application would move on to the City Council, although he anticipated it might get pushed back to the September meeting as the Council was busy preparing for Roy Days.

Commissioner Brand announced 3500 was going to be widened into a State Highway, and he emphasized the Planning Commission had no control over that, and due to the widening the traffic would increase regardless, so he considered complaints about traffic a non-starter as far as opposition to the rezone was concerned. He then discussed how they had hired many consultants and held several open meetings in regard to the decision to rezone the area to community commercial, and said they had taken a lot of information in. He firmly stated the rezone was a well-thought out plan, and felt the rezone was the best thing for the growth of Roy City. He said the applicants there that evening were taking advantage of that change.

Commissioner Brand moved to recommend to the City Council that they approve the Rezone request. Commissioner Sphar seconded the motion. Commissioners Brand, Felt, Hulbert, Sphar and Tanner voted “aye,” The motion carried.

6. CONSIDER A REQUEST FOR SITE PLAN AND ARCHITECTURAL APPROVAL FOR JACKSON C-STORE LOCATED AT APPROXIMATELY 4805 SOUTH 1900 WEST

Matthew Anderson introduced himself and explained he would be representing the applicant that evening. He detailed the site plan and said there was a car wash and small store. He explained that currently on the property, there was an automatic car wash as well as two self-serve bays, but they planned to demolish the self-serve bays in order to improve the flow of traffic. He elaborated that the self-serve bays were too close to the drive-through window on the back of the store, so it would aid the circulation of traffic if the self-serve bays were removed and turned into an asphalt lot.

Mr. Parkinson oriented the Planning Commission as to the site of the car wash, and noted it was a staple business in that part of town. He explained the drive-through window was very popular and had high volume and said there was a chokehold on traffic in the area between the self-serve bay and the window. He clarified there would be no significant change to the property beyond the removal of the self-serve bays. Mr. Parkinson commended the applicant for understanding the flow of traffic so well and for making a change which would be conducive to their business as well as traffic, and he recommended approval.

Commissioner Tanner moved to approve the Site Plan review for Jackson C-Store with the conditions as stated in the staff report. Commissioner Spahr seconded the motion. Commissioners Brand, Felt, Hulbert, Spahr and Tanner voted “aye.” The motion carried.

Commissioner Brand moved to approve the Architectural review for Jackson C-Store with the conditions as stated in the staff report. Commissioner Spahr seconded the motion. Commissioners Brand, Felt, Hulbert, Spahr and Tanner voted “aye.” The motion carried.

7. CONSIDER A REQUEST FOR CONDITIONAL USE FOR OUTDOOR SALES WITH SITE PLAN APPROVAL OF A FOOD TRUCK AREA FOR SACCO'S FARM LOCATED AT APPROXIMATELY 6050 SOUTH 1900 WEST

Brandy Fowers introduced herself as the applicant and gave an overview of the request. She stated the food truck area was part of the extended business plan for Saccos, and discussed how they had spent the last year and a half getting Sacco's ready and they now wanted to turn Sacco's into an outdoor space. She explained they wanted a semi-permanent food truck in which people could come learn how to prepare and cook the food that was grown on the farm. She elaborated they wanted people to be able to sample their popular items, namely bacon bombs. She thought this would really embody their farm-to-table brand. Ms. Fowers also expressed it was important to her that they did this safely, and clarified she wanted the food truck to have a clean, commercial kitchen.

Ms. Fowers elaborated it would be considered “semi” permanent since one of the trucks would be hers, but she also wanted to allow for other food trucks to come in and out of the area. She imagined there would be days they could not cook, so they could bring in taco trucks or other trucks so there would still be food. She noted that currently, the space was just a parking lot for her neighbors. She highlighted several features of the plan, including picnic tables and green space. She noted they would re-asphalt as well so it was clear where people could park.

Commissioner Hulbert asked about parking, and Ms. Fowers said they would only have their existing parking lot. Ms. Fowers indicated on the map where parking was located, and said the parking lot did have the capacity to accommodate two food trucks. She explained she had not wanted to asphalt the lot, which was currently compacted dirt, until she knew what she was going to do with the property.

Ms. Fowers talked about the importance of her farm and the ability to do true farm-to-table, as well as some of the challenges she had faced in the process of getting Sacco's up and running.

Commissioner Spahr recalled the last time Ms. Fowers had come before the Planning Commission and said he had been very impressed with her presentation. He also commented

he had been to her store several times and thought it was very well done. Ms. Fowers spoke about how Sacco's was very important to her, in part because she had taken out a lot of loans to invest in the space, but also because the farm was her family's future and she thought farm education was very important. Ms. Fowers expressed how she thought it was wonderful to be able to teach people how to farm in whatever setting they were in, even if they did not have a lot of acreage.

Ms. Fowers commented the building had been recently redone after the roof had collapsed. She said the reason farm-to-table places worked were because people were able to taste, feel, and touch the produce and products they were buying, and she thought adding a food truck would allow people to do that at Sacco's.

Mr. Parkinson said the extension of the green area was the only unapproved portion, and he said the extension should alleviate some issues with parking. He clarified Ms. Fowers was not changing anything to the south. He said the changes would be on the north end of the property as the shed and dumpster would move in order to accommodate more parking. Mr. Parkinson said Staff recommended approval, although he noted it was a conditional use permit since everything was supposed to be inside the building. He also noted Ms. Power's plan was aligned with the City's food truck ordinance.

Ms. Fowers explained from a financial standpoint, she preferred to do food trucks rather than extend the actual kitchen because she could sell the food truck if she had to. She said she had looked at other options, and thought the food truck was the most in-line with her business plan.

Commissioner Tanner moved to approve the Conditional Use for Sacco's for Outdoor Sales (Food Trucks) with the conditions as stated in the staff report. Commissioner Sphar seconded the motion. Commissioners Brand, Felt, Hulbert, Sphar and Tanner voted "aye." The motion carried.

Commissioner Sphar moved to approve the Site Plan review for Sacco's with the conditions as stated in the staff report. Commissioner Hulbert seconded the motion. Commissioners Brand, Felt, Hulbert, Sphar and Tanner voted "aye." The motion carried.

8. COMMISSIONERS MINUTE

No comments were made.

9. STAFF UPDATE

Mr. Parkinson apologized for an error about a packet and issues about some people not receiving Outlook emails, and explained he had been attempting to update their Outlook accounts in order to comply with State statutes about Microsoft Office. He explained any issues would be rectified.

10. ADJOURN

Commissioner Tanner moved to adjourn at 6:52 p.m. Commissioner Sphar seconded the motion. Commissioners Brand, Felt, Hulbert, Sphar and Tanner voted "aye". The motion carried.

Jason Felt
Vice-Chair

dc: 08-08-23