



PLANNING COMMISSION

• **Chair** – Lindsey Ohlin • **Vice Chair** – Douglas Nandell
Members: • Leland Karras • Gennie Kirch • Joe Paul • Claude Payne • Jason Sphar

WORK-SESSION

AGENDA

August 23, 2016

6:00 p.m.

The Roy City Planning Commission work-session meeting will be held in the City Council Chamber / Court Room in the Roy City Municipal Building located at 5051 South 1900 West. The meeting will commence with the Pledge of Allegiance, which will be appointed by the Chair.

Agenda Items

1. Declaration of Conflicts
2. Approval of August 9, 2016 regular meeting minutes
3. TRAINING – Conditional Uses
4. Commissioners Comments
5. Staff Update
6. Adjourn

In Compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for these meetings should contact the Administration Department at (801) 774-1040 or by email: ced@royutah.org at least 48 hours in advance of the meeting.

Certificate of Posting

The undersigned, does hereby certify that the above notice and agenda was posted in a public place within the Roy City limits on this 19th day of August, 2016. A copy was also provided to the Standard Examiner and posted on the Roy City Website on the 19th day of August, 2016.

STEVE PARKINSON;
PLANNING & ZONING ADMINISTRATOR



ROY CITY PLANNING COMMISSION

August 23, 2016

Minutes of the Roy City Planning Commission Work Session held in the City Council Room of the Roy City Municipal Building on August 23, 2016, at 6:00 p.m.

The meeting was a regularly scheduled meeting 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:

Lindsey Ohlin, Chairman
Leland Karras
Gennie Kirch
Doug Nandell
Jason Sphar
Claude Payne

Steve Parkinson, Planner
Trent Nelson, Assistant City Attorney
Michelle Drago, Secretary

Excused: Joe Paul

Pledge of Allegiance: Leland Karras

1. DECLARATIONS OF CONFLICT

There were none.

2. APPROVAL OF AUGUST 9, 2016, MINUTES

Commissioner Payne moved to approve the August 9, 2016, minutes as written. Commissioner Karras seconded the motion. Commission members Karras, Nandell, Ohlin, Payne, and Sphar voted "aye." The motion carried.

3. TRAINING – CONDITIONAL USES

Commissioner Kirch arrived at 6:01 p.m.

Steve Parkinson showed a short video clip about conditional uses prepared by the Utah Land Use Academy. He stated that a good resource regarding conditional uses was the Utah State Ombudsman's Office.

Steve Parkinson asked if the Commission understood the difference between a permitted use and a conditional use. Commissioner Kirch said a permitted use was a use allowed in a zone as long as it met the requirements of the Zoning Ordinance.

Steve Parkinson explained that a conditional use was a use the City wanted to have in a zone, but due to its impact might need special conditions to mitigate noise, dust, light, or anything that might affect a neighborhood. A conditional use could only be denied if there were effects that could not be mitigated. The majority of conditional uses were actually permitted uses. The Planning Commission had very little legal standpoint to say no. The Planning Commission had to carefully consider conditions of a conditional use

Mr. Parkinson said that Chapter 15 of the Roy City Zoning Ordinance contained the regulations

for conditional uses in Roy City. In most cases, the Planning Commission and City Council approved conditional uses without imposing additional conditions.

Trent Nelson stated that somewhere in the legislative process, the City had already decided it wanted a use. A conditional use was not a smorgasbord. City officials had already decided a use could be located in a certain area of the City. The Planning Commission had to decide how to mitigate the damages. The main issue was that conditional uses had negative repercussions on others. The Planning Commission had to decide what conditions would lessen the impact of the conditional use. The Planning Commission did not get to decide whether a use should be in the City or not, but what reasonable steps could be taken to make sure the use did not impact the neighbors as much. He didn't not like the word 'conditional.'

Commissioner Nandell asked why Table 17 contained so many conditional uses. Mr. Parkinson did not know.

Steve Parkinson stated that Table 17 in the Roy City Zoning Ordinance contained a list of uses that were allowed in Roy City. They were either permitted or conditional. He asked that the Planning Commission review the list and determine if there were uses listed as conditional that should just be permitted. For instance, multi-family dwellings in the R-3 and R-4 Zones with more than three units were a conditional use. R-3 and R-4 were the City's multi-family zones. If the property was already zoned, was it really necessary for an applicant to apply for a conditional use permit? He already had to go through site plan and architectural approval. Was it really a conditional use? Should it be a permitted use that was required to receive site plan and architectural approval? The last few conditional uses for multi-family units did not have any conditions other than normal site requirements. Making uses permitted sped up the approval process for a developer. If the same use kept coming up with the same requirements, it should be made a permitted use with those conditions. Permitted uses saved developers time and money and prevented ethical concerns for the City.

Mr. Parkinson instructed the Commission members to consider each use. What made it conditional? Were there conditions that should be imposed upon it?

Trent Nelson stated that another way to look at it was, "Was the use a 'one size fits all?' If it was, the use should be permitted; if not, it should be a conditional use. If a use needed some flexibility, it should be conditional.

Commissioner Kirch felt it would be easier to identify what uses should remain conditional.

Trent Nelson stated that public hearings for conditional uses were both good and bad. A hearing gave the citizens a forum. A hearing could bring to light impacts the City might not be aware of. Hearings could be bad because citizens thought they had a chance of getting a use denied. Citizens then became disappointed and frustrated with the Planning Commission and City Council. Getting a use denied was not realistic. It was a matter of imposing conditions to make a use work.

Commissioner Kirch wondered if the Planning Commission should consider what made a use conditional – reasons for a conditional use. She asked about adult uses. Mr. Parkinson felt they should remain conditional. He didn't want to change anything that dealt with those uses.

There was discussion about some individual uses such as substance abuse facilities, car washes,

churches, utilities, and beer licenses. Mr. Parkinson asked the Commission to review the list over the next month. He also encouraged them to look at other cities.

Steve Parkinson stated that he was looking out for the City's best interest and also the developer. He was the one caught in the middle.

Commissioner Nandell felt businesses would come to town if the process was easier.

Michelle Drago stated that as a home owner she would be upset if a large multi-family development were built next to her and she was not notified.

Steve Parkinson stated that the public really should be involved in rezones, General Plan amendments, and ordinance changes. Those issues set public policy. It was a balance of allowing the public to make comments versus not. When public policy was set the Planning Commission's hands were tied. When the City imposed conditions on a conditional use, the City was liable and so were they as individuals. He wanted to make sure the Planning Commission did not go beyond its capacities.

Steve Parkinson asked that the Commission review the uses listed in Table 17 before the next work session and determine if any could be changed to permitted uses.

4. COMMISSIONER'S COMMENTS

There were none.

5. STAFF UPDATE

Steve Parkinson stated that the 4800 South Roundabout was under construction.

Commissioner Kirch asked if Hooper was culinary water or secondary. Mr. Parkinson said Hooper Water was culinary water. Hooper Water planned to mill and repave 4800 South.

Commissioner Kirch stated that the senior housing on 4000 South was larger than she thought it would be.

Commissioner Nandell asked if it would be possible to get a street light at 3100 West and Midland Drive. Mr. Parkinson said he would have to contact UDOT. UDOT had pretty stringent requirements for a street light.

6. ADJOURN

Commissioner Kirch moved to adjourn at 6:36 p.m. Commissioner Sphar seconded the motion. Commission members Karras, Kirch, Nandell, Ohlin, Payne, and Sphar voted "aye." The motion carried.

Attest:

Lindsey Ohlin
Chairman

Michelle Drago
Secretary

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