



## PLANNING COMMISSION

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

# AGENDA

**September 27, 2016**

**6:00 p.m.**

The Roy City Planning Commission regular 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 September 13, 2016 regular meeting minutes
3. 6:00 p.m. – PUBLIC HEARING – Consider a request for Conditional Use approval for Albion International Inc. for a “Manufacturing – Minor” business located at 1821 We 4000 So.; Ste A
4. Discussion on Table 17-1 & 17-2 regarding Conditional Uses.
5. Commissioners Comments
6. Staff Update
7. 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](mailto: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 the 23<sup>rd</sup> day of September, 2016. A copy was also provided to the Standard Examiner and posted on the Roy City Website on the 23<sup>rd</sup> day of September, 2016.

STEVE PARKINSON;  
PLANNING & ZONING ADMINISTRATOR



## ROY CITY PLANNING COMMISSION

September 27, 2016

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on September 27, 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:

Doug Nandell, Vice Chair  
Leland Karras  
Gennie Kirch  
Claude Payne  
Jason Sphar

Steve Parkinson, Planner  
Trent Nelson, Assistant City Attorney

Excused: Chair Lindsey Ohlin, Joe Paul

Others present were: Ren Gonzalez, Andy McCrady, Joe Taylor, Joe Mueller

Pledge of Allegiance: Commissioner Sphar

### 1. DECLARATIONS OF CONFLICT

There were none.

### 2. APPROVAL OF SEPTEMBER 13, 2016, MINUTES

**Commissioner Kirch moved to approve the September 13, 2016, minutes as written. Commissioner Karras seconded the motion. Commission members Karras, Kirch, Nandell, Payne, and Sphar voted "aye." The motion carried.**

### 3. PUBLIC HEARING TO CONSIDER A REQUEST FOR CONDITIONAL USE APPROVAL FOR ALBION INTERNATIONAL INC. FOR A "MANUFACTURING – MINOR" BUSINESS LOCATED AT 1821 WEST 4000 SOUTH, STE A.

Steve Parkinson, City Planner, presented the staff report as well as an aerial map of the subject property, and explained that the business, Albion International Inc., would be going in an existing building. They previously operated in Clearfield City, but were looking to relocate operations due to a fire. Operations included testing products that were already in production to ensure that they met quality standards. Within City Ordinance, the Planning Commission needed to review criteria in order to grant a conditional use. Criteria included the following: (1) uses listed in the ordinance; (2) whether or not the use complied with setback and zoning standards, as well as ordinance regulations; (3) if any potential sound, noise, fumes or dust issues were properly mitigated; (4) if the proposed use was adequate in size and not detrimental to surrounding uses. Mr. Parkinson said that while this business would produce some noise, none of it would be heard from the parking lot. Furthermore, there would be fumes inside the building, but nothing the HVAC system couldn't control. Lastly, a conditional use permit would be issued if the proposed use was consistent with the goals and policies of the General Plan. Based on the above criteria, staff recommended approval of the applicant's request for a conditional use permit.

**Commissioner Kirch moved to open the public hearing at 6:05 p.m. Commissioner Sphar seconded the motion. Commission members Karras, Kirch, Nandell, Payne, and Sphar voted "aye." The motion carried.**

Vice Chair Nandell opened the floor for public comments.

Ren Gonzalez, 34 Fairway Lane, Logan, stated that he was employed at Albion Laboratories Inc. as a Laboratory Manager. The facility they were trying to move into would be under his management jurisdiction.

Commissioner Kirch asked Mr. Gonzalez if there was any further information he wanted to provide the Planning Commission. Mr. Gonzalez said that he was a chemist, and it was his understanding that he would be answering any questions in order to assuage any concerns from the Commission. Mr. Gonzalez explained that Albion Laboratories has been in business for about 60 years, and were recently purchased by Val-Chem Company Inc. in February 2016. Their original product line was based on animal nutrition. They had since expanded into human nutrition products as well as plant nutrition products, such as fertilizers. About eight years ago, they sold off the original division of the business – the animal division – and thereafter continued to produce solely human and plant nutrition products. Mr. Gonzalez explained that his responsibility as Lab Manager was to conduct the quality control operations, thereby ensuring that all of their products conformed to customer requirements, as well as the safety and regulatory requirements as set forth by the U.S. Food and Drug Administration (FDA).

Mr. Gonzalez explained that their building burned down on July 25, 2016. It was an old building and they were in the process of doing a major electrical system renovation. A lot of their administrative space was also relocated, and the company still had a manufacturing plant that existed in Ogden. However, they were still lacking space to conduct lab work. Mr. Gonzalez said there were some options to potentially build out in spaces they already owned; however, it would be a very time intensive project and they needed additional space in the meantime. They found available lab space for the interim in what was the old Iomega building, and were under the impression that there wouldn't be any zoning problems. Mr. Gonzalez reviewed the process by which he went about finding a new location and properly equipping it for their operations. This process also included a plan for replacing the equipment that was destroyed in the fire. Mr. Gonzalez stated that it wasn't until it came time to finalize the lease with the ownership of the building, that they discovered they would not be able to gain approval for a business license in this building.

Mr. Gonzalez explained some of the operations conducted by Albion International Inc., and said that much of what they do can be done in a regular kitchen. With regards to health, safety and environmental waste, they conducted two types of operations that were of interest. First, he explained that the process of conducting an analysis on the metals content in fertilizers and other products required acid digestion processing. The acids they used were relatively small volumes per use, and the process took place in a controlled system, known as a microwave digestion system. This system was designed to contain and withstand all of the acids and compressed them down into a liquid state; subsequently, these liquids would be injected into their instrumentation. Mr. Gonzalez said there were extensive safety protocols and equipment associated with this process.

The next operation entailed diluting the acids. In this process, they would have to open the container, which could potentially release fumes. Mr. Gonzalez explained that they had specialized HVAC systems to contain all of this material. These systems served to first and foremost protect their analysts, and secondly to protect the environment from exhaust. He noted that the densities of the fumes were heavier than air. Most of this material would never actually evolve from the samples

as they conducted these dilutions.

After completing the dilution process, they moved into the instrumentation. The instrumentation process involved another HVAC system that eliminated exhaust potentially leaked from the samples. Mr. Gonzalez noted that 99.9% of all the liquid that would have gone through the dilution process would be re-captured and contained next to the instrument. Therefore, none of that material would ever be sent into the environment directly. Lastly, acids were neutralized and sent to a third party company.

Mr. Gonzalez stated that the main concern would be fumes being exhausted through the HVAC system. He stated that generally the process was mild, and that there was no cause for concern for the owner of the building or any nearby tenants. He reiterated that they had extensive safety protocols and good equipment to contain these processes.

Secondly, the company conducted microbiological analyses to ensure they didn't have any pathogens in their product, which would subsequently be consumed by customer. Mr. Gonzalez noted that pathogens have never been found in their products because they were microbicidal; in other words, anything that could've grown was killed by their product. The company also made an intermediary product, also known as a dietary ingredient as opposed to a dietary supplement. The product was highly concentrated and diluted as it moved to the customer base. Mr. Gonzalez said they went through these processes as a requirement of the FDA.

Commissioner Kirch asked if all biowaste was destroyed properly. Mr. Gonzalez answered affirmatively, and explained that they had their own autoclave sterilization process. Furthermore, they wrapped waste in a biohazard bag and disposed of it immediately. In addition, they conducted extensive environmental monitoring to make sure nothing ever escaped. Commissioner Kirch asked if any of their processes exceeded five milligrams of nitric acid exposure, which was the maximum permissible exposure limit. Mr. Gonzalez said that they did not.

Commissioner Sphar asked if a government agency inspected the lab to make sure it was in compliance, and Mr. Gonzalez answered affirmatively. They had several bodies conduct inspections, including the FDA and several voluntary external audits in order to obtain certifications. It was noted that the external audits took place more frequently than the one annual audit conducted by the FDA, and were based on the same criteria.

The Commission discussed whether or not a dog grooming business recently went in at the same building. They determined that the business in question was located elsewhere.

Commissioner Kirch asked Mr. Gonzalez if his business would occupy the whole building. Mr. Gonzalez said they'd only occupy a section of the building, and noted that a call center would be located immediately next door to them.

Andy McCrady, 978 Chambers Street, Ogden, read a letter from Jay Wood of Jensen Precision Machines, which stated that they did not have any reservations about having laboratories located in the same building. In his letter, Mr. Wood expressed that he did not feel Albion International Inc. would be a hindrance or hazard to the surrounding businesses and community.

Joe Taylor, 1120 Canyon Road #6, Ogden, said he owned a neighboring hot dog business in Roy. He was completely supportive of Albion International Inc. moving into the building.

Joe Mueller, 1890 West 4000 South, expressed concerns with whether or not there was enough

power to run the facility. He said they had a lot of power outages in the area, and asked if Rocky Mountain Power had reviewed Albion's equipment needs.

Commissioner Kirch asked Mr. Parkinson if it would be possible to make the aforementioned suggestion a part of the motion. After continued discussion, Mr. McCrady explained that they had their electricians check the building extensively in this complex. The inspections indicated that they had more than enough power. He was not concerned about whether or not power would be an issue.

Mr. Gonzalez said they used an extensive amount of power. As such, Albion International Inc. had Positive Power LLC – a company with whom they would be conducting business for their laboratory build-out project – review the power capability in the area. Albion International Inc. would essentially be in a self-contained area, in that they would be bringing in their own equipment to run their own rigger systems. Therefore, their equipment would not be connected to the rest of the building. As long as they had sufficient power coming in from the pole lines, there wouldn't be any issues.

**Commissioner Karras moved to close the public hearing at 6:23 p.m. Commissioner Sphar seconded the motion. Commission members Karras, Kirch, Nandell, Payne, and Sphar voted "aye." The motion carried.**

**Commissioner Kirch moved to recommend that the City Council approve a conditional use for Albion International a "Manufacturing – Minor" business located at 1821 West 4000 Southalong with staff's findings and conditions. Commissioner Sphar seconded the motion. Commission members Karras, Kirch, Nandell, Payne, and Sphar voted "aye." The motion carried.**

#### 4. DISCUSSION ON TABLES 17-1 AND 17-2 REGARDING CONDITIONAL USES

Mr. Parkinson asked the Commission if there were any items of concern or suggested changes. Commissioner Kirch read a line from City Ordinance, and asked if Conditional Use Permits were restricted to zoning matters, to which Mr. Parkinson answered affirmatively. Commissioner Kirch explained that they needed to assess whether or not certain conditional uses could be permitted uses based on the zoning requirements. As an example, she stated that the previous item probably could have been a permitted rather than conditional use.

The Commission discussed the fact that conditional uses would give them more authority as a Commission to mitigate unique or unusual proposals, if need be. The Commission could not mitigate a use if it was permitted.

The Commission reviewed each the conditional uses listed in Table 17-1. The following issues were discussed:

- Daycare Center/Assisted Living Centers

Commissioner Kirch stated that these uses should generally be conditional uses. Mr. Parkinson asked what conditions would be in place for this use to be denied. In response to further questioning from the Commission, Mr. Parkinson explained that different types of day care uses existed based on the age and need of patrons; therefore, they were categorized separately in the ordinance.

Commissioner Kirch raised questions concerning truck loading and unloading at assisted living centers. Mr. Parkinson asked if this was a zoning concern, or more related to building operations.

Commissioner Kirch mentioned that this item was addressed in Clearfield's ordinances, to which she was referring in posing the question. She asked if these uses would normally be addressed for permitted uses, or if they would be conditions listed in a permit. Mr. Parkinson said that if the Commission wanted to make certain care facilities a permitted rather than conditional use, they could expand the definition to include different conditions of approval.

A concern was raised with overregulation acting as a deterrent from businesses coming to Roy. Furthermore, the Commission discussed what the most appropriate zones would be for certain care facilities. Another consideration was making sure they were within legal boundaries when making decisions that affected protected classes, such as disabled persons. The Commission further discussed which zones would work best for certain care facilities. Commissioner Karras stated there were a lot of moving parts involved in the decision, as each care facility would serve different patrons with a variety of needs.

- Dwelling Units/Condominiums

Mr. Parkinson explained that multifamily housing units were conditional in the R3 and R4 zones. Vice-Chair Nandell asked why multifamily housing was only a conditional use, since they fit the criteria of the R3 and R4 zones. He felt that it was unnecessary for them to be conditional rather than permitted uses. The only difference between the zones was that offices were also allowed in the R4 zone. Members of the Commission indicated that they did not have a problem changing multifamily housing units from a conditional to permitted use within these zones. They questioned whether or not they could reverse this decision later if an unusual proposal were to come forward which prompted such a change. Staff explained that in this scenario, the Commission would still have to entertain the proposal at-hand, but they could reassess permitted and conditional uses thereafter. There was brief discussion as to when Tables 17-1 and 17-2 were last revised, and Mr. Parkinson noted this process last took place around 2005.

- Home Daycare Centers

With regards to whether or not home daycare centers should be allowed in condominiums, townhomes or mobile homes, Commissioner Kirch mentioned that the State had to go in and assess how many children could be allowed in the center based on the square footage of the home. Mr. Parkinson stated this was more of a licensing issue than a zoning issue.

Trent Nelson, City Attorney, said he was not sure if there were other boundaries they needed to research first prior to the Commission making a decision on the matter. Commissioner Kirch mentioned that all children – including those of the person operating the business – were to be included in the total number of children allowed at a given site. Mr. Parkinson stated that his wife ran a daycare at one point and their kids were not included in the total number; however, this was a long time ago, and the rules may have changed since then. Mr. Parkinson stated that they needed to find out what was required in terms of the business license, so as to avoid overlapping requirements in both the ordinance and business license.

- Major Facilities with Public Utilities

Mr. Parkinson suggested keeping this item the same, as they do not review very many of these proposals. Commissioner Kirch stated it was important to keep this item listed in the ordinance, so they could still hold public hearings in the future if a proposal were to come forward.

- Nursing Homes/Convalescence Centers

Mr. Parkinson stated that staff needed to further research this category, as it could affect the protected class of persons with disabilities.

- Public Park and Rides

Mr. Parkinson noted that Park and Rides were a conditional use. Commissioner Kirch expressed concerns with traffic flow, lighting and security. Mr. Parkinson asked the Commission to consider whether or not Park and Rides belonged in residential zones. There was discussion as to whether or not they could be allowed in certain residential zones but excluded from others based on proximity to the frontrunner station. If they moved in that direction, the Park and Ride at the train station would have been non-conforming; however, it could have been grandfathered in. Any larger organizations needing more space would likely approach the City about rezoning, if the current zoning didn't meet their needs.

Commissioner Kirch suggested removing Park and Rides from the R2 zone with the consideration of the airport, as well as how properties surrounding the R2 zone could potentially develop. It was noted that the frontrunner station was not a Park and Ride, but rather a public commuter and light rail station. After subsequent discussion on the matter, the Commission decided that Park and Rides should not be permitted in any residential zones.

- Residential Facilities for Persons with Disabilities and Substance Abuse

Mr. Parkinson stated that these facilities pertained to protected classes. He explained that one condition currently outlined within State Statute was that these types of facilities had to be within 500 feet of a school. He said he would conduct more research on the matter.

The Commission reviewed Table 17-2 and identified which uses would remain conditional versus those that could be changed. The following uses were discussed:

- Accessory Caretaking Dwelling Units

Commissioner Kirch suggested they create setback requirements for accessory dwelling units. Mr. Parkinson said that all requirements pertaining to the building were outlined in Chapter 10 of the ordinance. This item was referring to dwelling units for employees who resided onsite of a business, such as in the case of a storage unit facility or motel.

- Animal Hospitals and Veterinary Holding Facilities

Commissioner Kirch said she didn't have a problem permitting these types of uses in light manufacturing zones, but felt they needed to put a limit on how many animals could be housed in a given facility. There was discussion on which zones would be more appropriate for this use to be conditional rather than permitted due to its impacts. The Commission decided to require a buffer of 200 feet from residential zones for all animal hospitals and veterinary clinics.

- Adult Stores

Mr. Parkinson suggested they maintain this use as conditional, but change the zone in which the use may be conditionally approved from commercial to manufacturing. He noted that Clinton and

Kaysville have moved this use to a manufacturing type zone. As long as a zone was offered for these types of businesses, the City hadn't legally crossed any lines. He mentioned there was only one manufacturing zone in Roy, which was located up on 3300 South and 1900 West. Mr. Parkinson explained that these types of stores were heavily regulated in other cities, especially in providing buffers from residential areas.

Commissioner Kirch advised Mr. Parkinson to do additional research on the matter to make sure that there wouldn't be any unforeseen negative impacts from making this change. Mr. Nelson said that all decisions had impacts. This change would simply modify the location of these businesses and move them away from Roy's main thoroughfare. Mr. Parkinson said that further discussion on the matter would take place next month.

5. ADJOURN

**Commissioner Karras moved to adjourn at 7:09 p.m. Commissioner Payne seconded the motion. Commission members Karras, Kirch, Nandell, Payne, and Sphar voted "aye." The motion carried.**

D Nandell  
Douglas Nandell  
Vice-Chair

Attest:

Amy Mortenson  
Amy Mortenson  
City Recorder

dc: 09-27-16