



Chair – Lindsey Ohlin • Vice Chair – Douglas Nandell

Members: • Leland Karras • Gennie Kirch • Joe Paul • Claude Payne • Jason Sphar

## AGENDA

October 25, 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 27, 2016 regular meeting minutes
3. Discussion on Table 17-1 & 17-2 regarding 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](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 21<sup>st</sup> day of October, 2016. A copy was also provided to the Standard Examiner and posted on the Roy City Website on the 21<sup>st</sup> day of October, 2016.

STEVE PARKINSON;  
PLANNING & ZONING ADMINISTRATOR



## ROY CITY PLANNING COMMISSION

October 25, 2016

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on October 25, 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, Chair  
Leland Karras  
Doug Nandell  
Joe Paul  
Claude Payne  
Jason Sphar

Steve Parkinson, Planner  
Trent Nelson, Assistant City Attorney

Excused: Gennie Kirch

Others present were: Mayor Willard Cragun

Pledge of Allegiance: Lindsey Ohlin, Chair

### 1. DECLARATIONS OF CONFLICT

There were none.

### 2. APPROVAL OF SEPTEMBER 27, 2016, MINUTES

**Commissioner Karras moved to approve the September 27, 2016, minutes as written. Commissioner Sphar seconded the motion. Commission members Karras, Nandell, Ohlin, Paul, Payne, and Sphar voted "aye." The motion carried.**

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

Mr. Parkinson explained that during the last meeting the Commission reviewed most of the conditional uses within Table 17-1, which were all of the "Residential" zones. The uses that were not reviewed were those dealing with Residential Facilities for Persons with a Disability/Elderly Persons. The Commission had started discussing Daycare Centers and Assisted Care Centers, which didn't necessarily qualify as residential facilities for the disabled. Assisted Care Centers were more business-oriented, because they functioned similarly to a hospital than that of an independent living community. Mr. Parkinson explained that Ogden and Clearfield Cities defined assisted care facilities differently than residential facilities for the disabled. Therefore, the Commission was tasked with providing definitions of these facilities to meet the needs and preferences of Roy City. Mr. Parkinson explained that his preference was to separate the two definitions, to which Chair Ohlin agreed.

The Commission discussed whether or not assisted care centers should be a conditional or permitted use. The argument was made that by leaving them as a conditional use, it would make it difficult for the Commission to deny an application; however, they could leave it as a permanent use and attach some reasonable regulations to the use in order to mitigate any potential negative impacts on the neighbors. Chair Ohlin asked if the regulations could be attached to the licensing process for those types of facility. Mr. Parkinson explained that in general, licensing requirements are mandated at the State level. There was discussion as to whether or not assisted care centers would blend in aesthetically with residential areas. The Commission decided that better definitions of each type of care facility were needed prior to deciding which uses would be permitted versus conditional in residential zones.

Mr. Parkinson continued reviewing the list of residential uses. He mentioned that condominium and multifamily uses were modified to be permitted rather than conditional uses in the R-3 and R-4 zones. All proposals would still be subject to architectural review during the site plan process. Children home day cares were changed from conditional to permitted uses within the R-3, R-4 and mobile home zones with the justification that if child home day care centers met the State business requirements, then their location shouldn't matter.

The Commission recommended simplifying the language related to domesticated animals, livestock and fowls.

Mr. Parkinson explained that medical and dental clinics were at the time allowed in the R-4 zone due to mixed use zoning that allowed for office space. Typically, multifamily housing is zoned along busy areas, and so the Commission felt this was a logical pairing of uses. Mr. Parkinson provided examples of where these uses had been blended elsewhere.

Mr. Parkinson noted that Major Facilities of a Public Utility could be listed as permanent use, but recommended that certain conditions be attached to it such as a landscape buffer to mitigate noise and setback requirements. He advised the Commission to look at ordinances in other cities to determine what has been required elsewhere. Chair Ohlin asked where the conditions would be listed, and Mr. Parkinson recommended listing them in the ordinance so as to be more user-friendly. Trent Nelson, City Attorney explained that defining requirements was difficult due to the process being theoretical in nature. He continued that sometimes permitting a use makes sense after a pattern for that use has already been established. He noted that staff could research what patterns other cities have seen with these types of facilities. His suggestion was to maintain conditional status in this category for the time being.

In response to a question from the Commission, Mr. Nelson explained that the Commission couldn't make changes on pending applications. As a conditional use they could make reasonable adjustments in order to protect the neighbors. Mr. Parkinson stated that State Law didn't require a public hearing for conditional uses because it was more of an administrative act rather than legislative. Mr. Nelson added that public hearings in some cases might be worth the time and effort, even though they'd be creating an expectation with the neighbors to then hold public hearings on conditional use permits moving forward. However, the public hearings would help the Commission understand how each proposal would impact neighborhoods, and the Commission could subsequently make recommendations based on citizen feedback.

Chair Ohlin asked about Park and Rides. Mr. Parkinson stated that last month the Commission decided to ban Park and Rides in all residential zones. It was also decided that Public Commuter and Light Rail Facilities would maintain the conditional use status. Mr. Parkinson explained that the D&RGW, which was a walking trail, could at some point be converted to light rail because UTA owned the right-of-way; however, from a financial standpoint this was becoming less likely. When asked whether or not there was a utility easement for the Jordan Water Conservancy District running through this particular right-of-way, Mr. Parkinson noted that the easement in question ran along the power line corridor. The Commission deliberated on whether or not this use was appropriate for certain residential zones and decided to keep it as a conditional use within the R-3 and R-4 zones, while removing it from the R-1 and RMH-1 zones.

Mr. Parkinson explained the title is the only difference between Residential Facilities for Persons with a Disability and Substance Abuse Facilities Located within 500 feet of a School. The wording for each category is the same. However, two categories are needed due to State laws related to substance abuse facilities. He said he would further research the definitions prior to recommending any changes.

Mr. Parkinson recommended defining Swimming Pools and Tennis Courts as private facilities. Furthermore, he noted that the City's Cemetery, parks and other public facilities were not currently listed as non-conforming uses within the City's zoning ordinance, which needed to be changed. There were other private parks such as those built on LDS church properties, but in those cases they were listed uses. Chair Ohlin asked if private parks could just be considered landscaping, and Mr. Parkinson was not sure. However, he noted in some cases property owners have purchased two lots from a subdivision and simply converted one of the lots into a park. The Commission agreed that these types of parks needed to be listed as uses, and that the City Cemetery needed to be addressed.

The Commission reviewed Table 17-2. The following zones were subsequently referred to as follows: Community Commercial (CC); Regional Commercial (RC); Light Manufacturing (LM); Manufacturing (M); Business Park (BP); and Recreational (R).

Accessory Caretaker Dwelling Units were discussed, and Mr. Parkinson asked the Commission to consider what types of uses would require a night watchman. Answers given included hotels/motels and storage unit facilities. It was noted that warehousing is allowed in LM or M. Furthermore, Mr. Parkinson said that businesses selling highly valuable goods, such as jewelry stores, usually have alarms and safes. The Commission weighed the pros and cons of allowing accessory caretaker dwelling units in commercial zones, and Mr. Parkinson recommended the Commission attach certain conditions of approval. The Commission decided a ratio of business use to dwelling unit needed to be set as a condition of approval in order to avoid any potential negative impacts to a given area.

The next commercial category was comprised of adult-themed businesses such as Adult Bookstores, Novelty Stores, Video Stores, Cabarets, Adult Motels, Adult Motion Picture Theaters and Adult Theaters. Mr. Parkinson explained that all of these types of businesses were allowed in the manufacturing zone, and were not allowed elsewhere. At that point, there were no limitations on the number of allowed businesses in this category, and specific setback requirements had not been established. However, the City's Manufacturing Zone only had 12

parcels, nine of which were already occupied. Mr. Parkinson suggested putting in requirements for the parcel located along 1900 West so that any potential adult businesses would be placed on the back end of the parcel rather than the front end. He explained that they can't exclude this category completely because it was a protected class of use. The State also had requirements with which these businesses must comply. He mentioned Dr. John's, specifically, and noted it was allowed to stay in its current location as long as they remained in business; however, if they ever closed an adult store could not be reopened in that location. Mr. Parkinson explained the nature of non-conforming uses, and stated that the owners of Dr. John's were aware of the laws and strictly abided by them. In this regard, they were one of the best looking properties in the manufacturing zone.

The next category was Animal Hospitals and Veterinary Clinics with and without Holding Facilities. Mr. Parkinson stated that other than excessive noise these facilities were generally clean so as to protect the health and welfare of the animals. The Commission asked if the two different uses – indoor and outdoor – could be combined into one category. Mr. Parkinson indicated that he wasn't sure why they were split in the first place. Kenneling was also reviewed, and the Commission decided to combine all animal uses into one category.

Banks/Financial Institutions, Bill Boards and Car Washes were discussed next. Commissioner Nandell requested that car washes be permitted in the RC zone. Potential concerns with car washes, in particular, included noise and light pollution. Mr. Parkinson stated that they could have a condition of approval regarding space required between car washes and residential neighborhoods. Smells and fumes were not problematic. The Commission decided to change car washes to a permitted use in the three zones where they were allowed as a conditional use; the CC, RC & M zones. They also added car washes to the LM zone as a permitted use, where they weren't previously allowed.

Churches were protected classes in residential zones, but Mr. Parkinson wasn't sure if they were protected in commercial zones. Mr. Parkinson and Mr. Nelson agreed to research the limitations prior to recommending any changes to the ordinance.

With regards to Beer & liquor licenses (Classes A, B, C, D & E), Mr. Parkinson noted that the language was copied verbatim from the business license section of Title III of the Roy Municipal Code. He suggested simplifying the beer and liquor licenses since they are already regulated by the State. As currently listed, the ordinance only added more confusion. Furthermore, these licenses were issued at the Council's discretion. The Commission agreed with his recommendation.

Commissioner Nandell inquired as to why Commercial Plant Nurseries were not allowed in the LM zone, to which Mr. Parkinson did not have an answer. Commissioner Paul asked if Commercial Day Care/Preschool Centers should be permitted or conditional uses. The Commission decided to allow Commercial Day Care/Preschool Centers to be permitted in the three zones where they were previously listed as conditional uses: the CC, RC and BP zones. The Commission discussed whether or not selling versus growing plants warranted separate zones, in that selling plants constituted more of a retail use. Mr. Parkinson explained that since selling plants was a retail use, separate definitions were not needed. It was noted that the sale of Christmas trees took place by way of temporary permits. The Commission decided that plant nurseries should be permitted in the LM and M zones.

Commercial Indoor Recreation included businesses such as movie theaters, bowling alleys, climbing walls, etc. Chair Ohlin questioned whether or not these uses would fit in the M zone next to the adult businesses. Mr. Parkinson noted that an indoor basketball court would fall under this category and require a significant amount of space. This type of facility would bring an unprecedented amount of economic development into the City. He suggested separating movie theaters and bowling alleys from paintball and batting cages, or other similar outdoor recreation facilities. There was continued discussion on the reasons why indoor and outdoor recreation buildings were separated. The Commission decided to permit indoor recreation in the CC, RC, LM, M and R zones.

With regards to Outdoor Recreation Facilities, the Commission discussed whether or not to permit them or leave as conditional uses in the R zone. Mr. Parkinson said the City didn't deal with these requests often and so they weren't sure what potential issues would arise from a proposal. The Commission decided to leave them as a conditional use in the R zone, as well as add them as a conditional use in CC zone.

Several uses were briefly discussed. The Commission decided to permit Construction Sales and Services in the CC, RC, LM and M zones. Next, they decided to add Contractor's Office/Storage Yard as a permitted use in the CC and in BP zones. With regards to Drive-Thru Facilities, such as fast food restaurants and banks, Mr. Parkinson said he'd separate these uses. In reviewing Educational Facilities, Commissioner Nandell asked why this use was previously listed as conditional in the BP zone, and Mr. Parkinson was not sure. Emergency Care Facilities were combined with Hospitals, and the Commission decided to make them permitted uses in CC, RC and BP zones.

There was discussion on the differences and similarities of Hotels and Motels. Mr. Parkinson said he would look into the definitions and see if there was any reason why they couldn't be combined into one category.

Laundry, Self Serve or Dry Cleaning was permitted in the CC zone, where it had previously been listed as a conditional use. Commissioner Karras explained that he had also seen these facilities in the BP zone and suggested the Commission allow them there as well. Mr. Parkinson said he would conduct further research on the matter.

Mr. Parkinson stated that Liquor Stores were State-owned, and that Roy didn't have many of them. The Commission decided to permit them in the RC zone where they were previously listed as a conditional use. Because State Liquor Stores were heavily regulated through the State, no other changes to the ordinance were necessary.

Commissioner Nandell mentioned that he received an email from a citizen after the most recent Roy City Visioning Workshop. The Council also received the email, and it detailed several of the citizen's political opinions. Mr. Parkinson provided brief staff updates, and mentioned he would look into whether or not lights or reflective tape were planned for a new roundabout. The next Visioning Workshop will be on January 25<sup>th</sup> at the Library and staff will advertise it through the City's various communication channels. Staff will be meeting with the Halvern Neighborhood, located off of 4000 South regarding the building of new street and utility

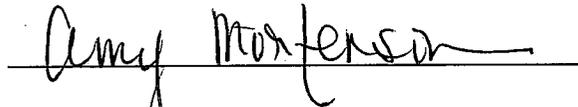
improvements. There will be no Planning Commission meeting on November 8<sup>th</sup> due to the Election.

4. ADJOURN

Commissioner Nandell moved to adjourn at 7:40 p.m. Commissioner Paul seconded the motion. Commission members Karras, Nandell, Ohlin, Paul, Payne, and Sphar voted "aye." The motion carried.

  
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Lindsey Ohlin  
Chair

Attest:

  
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Amy Mortenson  
City Recorder

Amy Mortenson  
City Recorder

dc: 10-25-16