



## Agenda Roy City Planning Commission Meeting

6:00 p.m.  
July 8, 2014

City Council/Court Room  
Municipal Building  
5051 South 1900 West

1. Approval of June 24, 2014 minutes.
2. 6:00 p.m. Public hearing to consider a request for Conditional Use Approval for a personal instruction services business in the Business Park zone on property located at approximately 4074 S. 1900 W.
3. Consideration of a requested text amendment to the Roy City Zoning Ordinance requiring all business generally to be conducted within a wholly enclosed building. (Continued from the public hearing on June 24, 2014)
4. Staff update
5. Adjourn

If you are planning to attend this public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City 24 or more hours in advance of the meeting and we will try to provide whatever assistance may be required. The person to contact is Tammy Nelson at (801)-774-1040.

## ROY CITY PLANNING COMMISSION

July 8, 2014

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on July 8, 2014, 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:

Tom Stonehocker, Acting Chairman  
Bob Dandoy  
Leland Karras  
Lindsey Ohlin  
Joe Paul

Steve Parkinson, Planner  
Michelle Drago, Secretary

Excused: Blake Hamilton and Gennie Kirch

Others present were: Cathy Spencer, Management Services Director; Jason Hull; and Amy Hull.

Pledge of Allegiance: Joe Paul

### 1. APPROVAL OF JUNE 24, 2014, MINUTES

**Commissioner Karras moved to approve the June 24, 2014, minutes as written. Commissioner Paul seconded the motion. Commission members Dandoy, Karras, Ohlin, Paul, and Stonehocker voted "aye." The motion carried.**

### 2. PUBLIC HEARING TO CONSIDER A REQUEST FOR A CONDITIONAL USE APPROVAL FOR A PERSONAL INSTRUCTION SERVICES BUSINESS ON PROPERTY LOCATED AT APPROXIMATELY 4074 SOUTH 1900 WEST IN THE BUSINESS PARK ZONE

**Commissioner Karras moved to open the public hearing at 6:03 p.m. Commissioner Dandoy seconded the motion. Commission members Dandoy, Karras, Ohlin, Paul, and Stonehocker seconded the motion. The motion carried.**

Steve Parkinson, Planner, stated that the City had received a request for approval of a conditional use for a 'Personal Instruction Service' business on property located at approximately 4074 South 1900 West, Building 6, Suite 300B, which was part of the Golden Spike Technology Center. The location under consideration was located in the

Business Park Zone. The requested use was a conditional use in that zone. The applicants were not proposing any changes to the exterior of the building or modifications to the parking lot. There would be interior modifications to accommodate classrooms and office space. Because there weren't any exterior changes proposed, approval of a site plan was not necessary. The Planning Commission was only considering the use itself.

Mr. Parkinson stated that the staff had found that the proposed conditional use was in keeping with the goals and intent of the General Plan and met the requirements of the Zoning Ordinance. The staff recommended that the Planning Commission recommend that the City Council approve a conditional use for a 'Personal Instruction Service' business on property located at approximately 4074 South 1900 West subject to:

1. The applicant receiving a building permit to remodel the existing space; and
2. The applicant receiving a business license from Roy City.

Acting Chairman Stonehocker opened the floor for public comments.

Jason and Amy Hull, Ogden, stated that they were proposing to open a nutrition club which would promote healthy living and lifestyles. Members would be able to attend fitness camps three days a week. On the other days classes would be held geared toward Herbalife, wellness evaluation, and meal planning. Because it was a club, there would be a membership fee of \$5 for every visit. There wouldn't be a charge for the Herbalife classes. With every visit members would be offered free samples of Herbalife products.

Commissioner Karras asked if this was a new or existing business. Mr. Hull said it was new. There were existing clubs in Salt Lake. They wanted to open a similar club in the Ogden area.

Commissioner Paul asked if products would be available for sale in the club. Mr. Hull said they would not. If members were interested in the Herbalife products, they would be given information on how to order them.

**Commissioner Karras moved to close the public hearing at 6:10 p.m. Commissioner Paul seconded the motion. Commission members Dandoy, Karras, Ohlin, Paul, and Stonehocker voted "aye." The motion carried.**

**Commissioner Paul moved to recommend that the City Council approve a conditional use for a Personal Instruction Services business on property located at approximately 4074 South 1900 West based on the staff's findings and subject to the conditions recommended by the staff. Commissioner Karras seconded the**

**motion. Commission members Dandoy, Karras, Ohlin, Paul, and Stonehocker voted "aye." The motion carried.**

3. CONTINUATION OF A PUBLIC HEARING FROM JUNE 24, 2014, TO CONSIDER A TEXT AMENDMENT TO THE ROY CITY ZONING ORDINANCE REQUIRING ALL BUSINESS GENERALL TO BE CONDUCTED WITHIN A WHOLLY ENCLOSED BUILDING

At 6:11 p.m. the Planning Commission continued the public hearing from June 24, 2014.

Steven Parkinson stated that on June 24<sup>th</sup>, the Planning Commission discussed a text amendment to the Zoning requested by Code Compliance. The amendment would generally require that all commercial activity in the City be conducted entirely within an enclosed building. The staff was asked to look at Clinton City's ordinance regarding outdoor display.

Mr. Parkinson said that Clinton City addressed outdoor display as a use. If a retail business conducted business within a fully enclosed building, they were considered a permitted use. If the same business wanted to display or store goods outside, it was required to apply for a conditional use and to submit a site plan identifying where the display/storage would occur on the site, what would be displayed, and the time period involved.

Commissioner Ohlin stated that some Commission members liked outdoor display because it helped businesses attract customers. On the flip side, if every business had outdoor display the City could become unsightly.

Commissioner Paul asked what had caused Code Compliance to request a text amendment. Commissioner Karras said there was an existing business on 1900 West which 'displayed' merchandise outside continually. Code Compliance was asking that language be added to the Zoning Ordinance which could be used to enforce the problem.

Commissioner Dandoy suggested that the City continue to allow outdoor display but put parameters into place so Code Compliance could determine if a display became inconvenient or offensive. If the City restricted outdoor display, businesses would have to plan ahead to apply for a conditional use.

Steve Parkinson stated that if an ordinance similar to Clinton's was adopted, new businesses would deal with outdoor display as part of their initial approval. If outdoor display was not part of an existing approval, a business could apply for a conditional use. Mr. Parkinson felt such an ordinance would allow the City to be amenable in trying

to help businesses. The City could consider reducing the filing fee for businesses applying for a retroactive conditional use.

Commissioner Dandoy was concerned about existing businesses. There was a business on 5600 South that made it a habit of displaying their retail merchandise in its parking lot. He did not feel it was unsightly, but it could conflict with a text amendment. Would the amendment clearly articulate who needed to apply for a conditional use? Would the ordinance put a blanket on all businesses, and enforcement would make the decision?

Steve Parkinson stated that an ordinance could be written to make outdoor display and sales a conditional use. The ordinance could define what zones the use would be allowed in. It could also define under what conditions it would be allowed, which would help enforcement determine if a display was in violation. Outdoor display could cause problems other than appearance. It could be using up required parking or blocking a sidewalk.

Commissioner Ohlin didn't like the idea of the Code Compliance Officer trying to decide whether a use was a violation. She didn't feel outdoor display was a problem as long as it didn't affect parking or block sidewalks.

Commissioner Dandoy felt Code Compliance needed something that was defined. A definition would make enforcement easier. If there wasn't a definition, citations would be nebulous, and the Compliance Officer would be placed in a difficult position. If the ordinance could be written to let all new businesses know that if they planned to market products or services outside, they needed to apply for a conditional use. During the approval process, a display area could be defined. Businesses would know not to purchase more products than could be displayed inside their building.

Commissioner Dandoy asked how the City could get the message about the new regulations for outdoor display to existing businesses. He felt the City's newsletter might be a good option.

Steve Parkinson stated that the City could enact an ordinance with a time frame. Existing business would then have time to come into compliance. The City could put a notice on its website.

Michelle Drago stated that a notice could be included with business license renewals.

Commissioner Karras asked how regulations for outdoor display would be applied retroactively. Mr. Parkinson said existing businesses with outdoor displays would have to get the display area approved.

Michelle Drago asked how the City would treat existing businesses such as Rite Aid or Harmon's. Steve Parkinson said those businesses could apply for a conditional use and submit a site plan. The site plan would identify the display area. The application would address when the display would occur.

Acting Chairman Stonehocker stated that the Zoning Ordinance allowed a temporary use, such as a firework stand or Christmas tree lot. Wouldn't existing businesses be covered under the temporary use? Michelle Drago said temporary uses were businesses that operated only for a short period of time, such as fireworks and snow cone stands and Christmas tree lots.

Commissioner Dandoy felt the staff should be directed to prepare a rough draft of an ordinance for the Planning Commission to consider at its next meeting.

Commissioner Karras suggested that the staff seek input from Code Enforcement as well.

Commissioner Dandoy felt the ordinance should address when, where, and public safety.

Steve Parkinson felt an ordinance regarding outdoor display would be successful if it addressed the needs of 95% of the businesses in Roy. The ordinance just couldn't address everyone.

Commissioner Dandoy stated that there were already some restrictions regarding outdoor display in the ordinance. Mr. Parkinson said some sections of the current ordinance might have to be removed when the amendment was approved.

Acting Chairman Stonehocker asked how the ordinance would address use of the public right-of-way for display. Mr. Parkinson stated that all outdoor display had to be done on privately owned property.

Commissioner Dandoy felt regulating outdoor display without interfering with businesses or driving them out of town would be a delicate process.

**At 6:43 p.m., Commissioner Karras moved to continue the public hearing to the next scheduled Planning Commission meeting. Commissioner Ohlin seconded the motion. Commission members Dandoy, Karras, Ohlin, Paul, and Stonehocker voted "aye." The motion carried.**

4. STAFF UPDATE

Steve Parkinson presented the Commission members with update copies of the Zoning Ordinance.

Commissioner Dandoy stated that some of his neighbors were interested in solar energy. The Zoning Ordinance really did not address installation of solar energy devices. Steve Parkinson felt a solar energy device would be considered an accessory building and would have to meet applicable regulations. Roof panels would require a building permit. The permit process would address whether a roof structure could support the panels. Commissioner Dandoy felt it was something the City should take a look at.

5. ADJOURN

**Commissioner Paul moved to adjourn at 6:54 p.m. Commissioner Karras seconded the motion. Commission members Dandoy, Karras, Ohlin, Paul, and Stonehocker voted "aye." The motion carried.**



Tom Stonehocker  
Acting Chairman

Attest:



Michelle Drago  
Secretary

dc:pjul814