



ROY CITY
Planning Commission Regular meeting
March 10, 2020 – 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 Sphar, Chair
Don Ashby
Samantha Bills
Torris Brand
Jason Felt
Annette Mifflin
Claude Payne

Steve Parkinson, City Planner

Excused: Commissioners Chris Collins & Ryan Cowley, and Assistant City Attorney, Brody Flint

Others in attendance: Kevin Homer, David Peterson, Leon Wilson, Glenda Moore, Kirk Randall, Jeff Greer and Diane Wilson.

Pledge of Allegiance: Commissioner Felt

1. DECLARATIONS OF CONFLICT

There were none.

2. APPROVAL OF JANUARY 14, 2020 REGULAR MEETING MINUTES

Commissioner Bills moved to APPROVE the January 14, 2020 regular meeting minutes, as written. Commissioner Brand seconded the motion. Commissioners Ashby, Bills, Brand, Felt, Mifflin, Payne, and Sphar voted “aye”. The motion carried.

3. CONSIDER A REQUEST FOR SITE PLAN AND ARCHITECTURAL APPROVAL FOR ARBY'S LOCATED AT APPROXIMATELY 4180 SOUTH MIDLAND DRIVE

Kirk Randall, with Andersen Wallen and Associates, said that he represented the applicant. The proposal was for an Arby's on the site. He received two or three pages of comments from staff earlier today regarding this site plan. Upon brief review, he didn't find anything that he or the developer would disagree with. Mr. Randall described the size of the building and said that access to the site would be a shared access with the neighboring car wash.

Commissioner Mifflin asked if there would be parking and interior seating for the disabled. Mr. Randall confirmed that the site and the building would be ADA compliant. They would also have a sidewalk providing pedestrian access from Midland Drive, and that would also be ADA compliant.

Chair Felt asked if the 25 feet labeled at the access was measured from face to face, or lip or curb to lip of curb. Mr. Randall confirmed that it was lip of curb. The access would meet fire code requirements.

Commissioner Brand asked if the existing structures on the site would be removed, and Mr. Randall answered affirmatively.

Jeff Creer, the applicant, gave his address as 476 West 325 South in Bountiful. He added that they had donated the home to the fire department for training purposes. Hopefully they will have already demolished a lot of it.

Regarding building materials, Mr. Randall said that they would be using primarily brick and stucco, with a band a fabricated metal in red. It was similar to the existing Arby's on 1900 West. The lighting concerns would be mitigated by adjusting pole height, and pointing and shielding the light away from the residential homes. They had also made efforts to mitigate potential noise.

Steve Parkinson, City Planner, presented the staff report regarding the Arby's proposal. He showed an aerial photograph and identified the proposed location for the site. UDOT would not allow a new access on Midland Drive, which was why they were sharing an access with the neighboring car wash. There was a shared access agreement in place. Mr. Parkinson presented the proposed site plan, and the architectural plans for the building and site. He confirmed that the architectural designs met all ordinance requirements. There was some concern over the hours of operation. City Code limited commercial hours of operation when adjacent to residential properties, and the applicant would need a conditional use permit to extend their hours beyond that limit. The proposed hours of operation were Monday-Saturday 6:00 a.m. to midnight. and Sunday 7:00 a.m. to 11:00 p.m. The applicant was seeking a conditional use permit for those hours of operation. Staff recommended approval of the site plan, the architectural design, and the conditional use permit.

Commissioner Brand moved to APPROVE the Site Plan for Arby's located at approximately 4180 South Midland Drive, with the conditions and facts as stated in the staff report. Commissioner Payne seconded the motion. Commissioners Ashby, Bills, Brand, Felt, Mifflin, Payne, and Sphar voted "aye". The motion carried.

Commissioner Payne moved to APPROVE the Architectural for Arby's located at approximately 4180 South Midland Drive, with the conditions and facts as stated in the staff report. Commissioner Bills seconded the motion. Commissioners Ashby, Bills, Brand, Felt, Mifflin, Payne, and Sphar voted "aye". The motion carried.

Commissioner Brand moved to APPROVE a Conditional Use Permit for Arby's located at approximately 4180 South Midland Drive, for the hours of operation as proposed, with the conditions stated during this meeting. Commissioner Ashby seconded the motion. Commissioners Ashby, Bills, Brand, Felt, Mifflin, Payne, and Sphar voted "aye". The motion carried.

Chair Sphar allowed Mr. Leon Wilson some time to speak to the Commission.

Leon Wilson, 4302 South 2675 West, expressed concerns about the process by which the form-based code was advanced to the City Council. He reviewed the Planning Commission records for the past two years and was disappointed to see that 99% of the time, the vote was unanimous. Even when Commissioners made comments in opposition to the topic, they usually voted with the group. He felt that the Commission was failing to represent the people of Roy because they always voted unanimously. He was deeply concerned that the balance of interest was no longer centered. Mr. Wilson asked why the government didn't require more citizen involvement when making big changes, like the form-based code. At the public hearing, on two separate occasions, the City Planner commented that this was not the first night that the Planning Commission had gone through the form-based code proposal. Mr. Wilson went back and recorded how much time had been spent discussing the form-based code overall, and it wasn't as much as it should have been. The first notification he received about the form-based code was on January 3rd, which was a notice for the January 14th meeting. He was telling them this in hopes that this process would not be repeated with the General Plan update coming up. It was imperative that the General Plan be released to the Planning Commission and the public for review, and there be multiple work sessions scheduled immediately with public notice for each meeting. These big discussions needed to be publicized.

4. COMMISSIONERS MINUTE

Commissioner Brand thanked Mr. Wilson for his comments. He recognized that they could have done better with the form-based code, and they also recognized the importance of the General Plan update. The Planning Commission met every second and fourth Tuesday of the month, and they were all open to the public. They welcomed public input. The reason most of the votes were unanimous was that many items call for unanimous approval. There are times when someone speaks out against an application, and yet they would vote for approval because it would be sent on to the City Council anyway.

Commissioner Bills was hurt by this accusation. Many residents place blame on the Planning Commission when the final decision was made by the City Council. The Council were the ones representing their constituents, and they didn't want to do anything that would prevent them from being reelected. The Planning Commission follows procedures. They look at the information that was provided to them and make a recommendation based on that information. The City Council can follow or disregard their recommendation.

Chair Sphar asked Mr. Parkinson to outline the roles of the Planning Commission. Mr. Parkinson stated that the Planning Commission was an advisory body. The Planning Commission did not represent the public, but rather they make decisions based on the code that is already established. If an application applies to the existing code, the Planning Commission must approve it. They can make conditions to mitigate potential issues, but they cannot deny the application if it meets the code. This is one of the main reasons why the votes are often unanimous. Regarding the rough draft of the General Plan, the reason he hadn't given it to the Planning Commission was because he sent it to be reviewed by the department heads first. The General Plan affects each department in the City, so it was important to receive their input before it goes to the Planning Commission. The General Plan update was a huge undertaking, and it would take almost two years to complete. The form-based code was created in response to the inevitable growth Roy would experience in the next twenty years. Focus Roy was a study conducted in 2017, and that study identified downtown and the Front Runner station areas as the ideal place for higher density

development. The form-based code was not a requirement; it was simply an optional tool for the City to use. The Planning Commission made a recommendation on the form-based code to the City Council, and they would have the final say. The City Council could adopt the code as presented, make amendments, or they could deny it completely.

Commissioner Mifflin recommended that information be sent out to the residents to help them understand the Planning Commission's role in government.

5. STAFF UPDATE

6. ADJOURN

Commissioner Mifflin moved to adjourn at 6:53 p.m. Commissioner Ashby seconded the motion. Commissioners Ashby, Bills, Brand, Felt, Mifflin, Payne, and Sphar voted "aye". The motion carried.

Jason Sphar
Chair

Attest:

Morgan Langholf
City Recorder

dc: 03-10-20