

ROY CITY PLANNING COMMISSION

August 26, 2008

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on August 26, 2008, 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:

Dave Collins, Chairman	Tony Reynolds, Community
Brad Hilton	Services Director
Lee Holt	Jared Hall, Planner
Bill Merx	Michelle Drago, Secretary
Tom Stonehocker	
Roy Watts	
Karlene Yeoman	

Others present were: Kenna Rae Gentry and Marino Martinez.

Pledge of Allegiance: Dave Collins

1. APPROVAL OF AUGUST 12, 2008, MINUTES

Commissioner Watts moved to approve the minutes of August 12, 2008, as corrected. Commissioner Holt seconded the motion. Commission members Collins, Hilton, Holt, Merx, Stonehocker, Watts, and Yeoman voted "aye." The motion carried.

2. CONSIDERATION OF VACATING A WALKWAY LOCATED AT APPROXIMATELY 2102 WEST BETWEEN 5650 SOUTH AND 5700 SOUTH AND AT 2103 WEST BETWEEN 5600 SOUTH AND 5650 SOUTH (CONTINUED FROM AUGUST 12, 2008)

Jared Hall stated that this item was a continuation of the public hearing and discussion held on August 12th to consider vacating a walkway located at 2102 West between 5650 South and 5700 South and 2103 West between 5600 South and 5650 South. During that discussion the Planning Commission requested further information. The staff contacted the Police Department. Chief Whinham indicated that this walkway was not and never had been part of a safe walking route for any elementary aged children. It had been part of the safe walking route for the secondary schools, but that was changing. UDOT planned to move the traffic light currently located

at 2050 West 5600 South to the 2200 West intersection this fall. The safe walking route would be realigned to 2200 West also. The staff spoke with Nate Taggart from the Weber School District. Weber School District's interest was that a safe walking route be identified. At this point, it would be 2200 West and would not include the walkway. Mr. Hall stated that the Public Works Department did not have a formal program for maintaining walkways. It was done on an 'as needed' basis. The Public Works Department did not have any particular concerns about removing the improvements in this walkway if it was vacated. They were currently planning to remove the trees. Public Works had identified 12 pedestrian walkways throughout the City. Nine of those were connected directly to public or quasi-public property. In addition to the findings presented two weeks ago, the staff had also found that:

1. The walkway was not included in safe walking routes for elementary aged children.
2. The walkway would soon be removed from safe walking routes for secondary aged children.
3. The walkway was unique among the other walkways in the City because it did not connect directly to public or quasi-public parcels that were heavily used.

The staff reaffirmed the recommendation that the Planning Commission recommend that this walkway be vacated subject to:

1. Vacation would be of equal portions to all adjacent property owners.
2. Planning staff would prepare a recommended course of action for the City Council in conjunction with the Public Works Department and City Engineer regarding removal of the improvements or any other physical activity by the City associated with vacation.
3. Planning staff and the City Engineer would prepare a recommended course of action for the City Council regarding the role the City might play in facilitating adjustments to the property lines of adjacent property owners as a result of the vacation.

Commissioner Merx asked why the City didn't have a program for maintaining walkways. Jared Hall said that was a question that would have to be answered by Public Works. Commissioner Merx said the walkway that extended from the cul-de-sac on 2250 West into Municipal Park also needed to be cleaned up.

Jared Hall stated that the Planning staff would forward that information to Public Works.

Commissioner Merx stated that he was not in favor of removing the walkway until UDOT moved the traffic light from 2050 West to 2200 West and the new crosswalks were painted. Until the light was moved, junior high children would use the walkway. The City needed to provide them with a safe way to get across 5600 South.

Jared Hall stated that Commissioner Merx's concerns could be a condition that would accompany the Planning Commission's recommendation to the City Council.

Commissioner Holt stated that he had walked through this walkway during the day. He felt this was a sample of a blighted area. If the City was not going to take care of this walkway, he felt it should be vacated as soon as possible.

Commissioner Holt moved to recommend that the walkway located at approximately 2102 West between 5650 South and 5700 South and at 2103 West between 5600 south and 5650 South be vacated within six months based on the staff's findings and recommended conditions.

Commissioner Hilton stated that he had walked all 12 walkways. Some were in great shape. The ones by Sandridge were in terrible condition. He spoke with some of the adjoining property owners. The consensus was that the walkways were okay as long as they were short. Apparently there were problems with the ones by Sandridge. Kids used them during the day to hide. He felt any motion made by the Planning Commission should address the condition of the other walkways. They needed to be cleaned up. Some had asphalt that had heaved up as much as one foot. If these were public walkways, the City was at risk. He had reviewed the Council minutes containing discussions with Mr. Hunter, but there wasn't a record of who approved the fence. The City staff and the City Council needed to understand that there were steps that had to be followed.

Commissioner Holt felt discussion regarding conditions of other walkways was a separate matter from vacating this walkway. It needed to be handled separately.

Commissioner Merx felt the Planning Commission would be remiss to vacate the walkway before there was another safe walking route for secondary aged school children.

The motion died for lack of a second

Jared Hall stated that maintenance of the walkways was a Public Works issue. The planning staff could recommend that the City Council look at a walkway maintenance program.

Commissioner Merx moved to recommend that the City Council vacate a walkway located at approximately 2102 West between 5650 South and 5700 South and at 2103 West between 5600 South and 5650 South based on the staff's findings and subject to the conditions recommended by the staff with additional conditions that nothing happen to the walkway until the semaphore at 2050 West was moved to 2200 West and the crosswalks were in place; that until the walkway was vacated the Public Works Department would bring the walkway up to standard as required; and that the City move Mr. Hunter's fence to where it belongs.

Commissioner Watts was concerned that there was still a problem with Mr. Hunter's fence. The walkway was currently inaccessible to a wheelchair.

Commissioner Yeoman asked about direction to Public Works regarding a maintenance program. Commissioner Merx agreed with Commissioner Holt that maintenance of the other walkways was a separate item. It needed to be dealt with later.

Commissioner Holt was concerned about spending City money on something that was going to be removed. He agreed that the trees needed to be cleaned up, but he wasn't sure it wise to replace concrete only to turn around and tear it out. Commissioner Watts felt the City Council was aware of the liability and would make whatever decisions that were best for the City.

Commissioner Hilton seconded the motion. Commission members Collins, Hilton, Merx, Stonehocker, Watts, and Yeoman voted "aye." The motion carried. Commissioner Holt voted "nay." The motion carried.

3. CONSIDERATION OF AN AMENDMENT TO THE ZONING ORDINANCE REGARDING REMOVAL OF ABANDONED SIGNS (CONTINUED FROM AUGUST 12, 2008)

Jared Hall stated that in working on this amendment, the Planning staff had identified two sections of the current Sign Ordinance that dealt with the removal of conforming and non-conforming signs in almost the same way as the proposed amendment written by the staff. The sections of the Sign Ordinance were found in 9-4-3, "Rules, Regulations, and Requirements, Generally." The staff suggested that changes be made to Items M and N-4. Those changes consisted of simple additions and refinements of language. That staff felt that when those were taken with Item L of the same section, providing abatement, it would fulfill the intent of the proposed amendment and suggestions of the Planning Commission.

Mr. Hall said the minor changes consisted of deleting the word 'conforming' and 'public works director' from Item M. Item M would then read:

Removal of Signs: Any person occupying a building or portion of a building, who owns or maintains a sign in connection therewith, shall upon vacating the premises, or discontinuing the business advertised, either cause the sign and structure to be removed or replace the sign copy area with a solid, blank sign copy area. Any person who owns and maintains a sign which is maintained for the benefit of another person who occupies a building or part of a building whereon the sign is located shall either cause the sign and structure to be removed or replace the sign copy area with a solid blank sign copy area once the person for who the sign is maintained has vacated the premises. Failure of the owner of the sign or of the person responsible for maintaining same to remove the sign within thirty (30) days after notice from the city shall be considered as a violation of this chapter and shall subject the owner of the sign and the owner of the property to the penalties herein.

The minor change to Item N consisted of deleting No. 4.

Commissioner Merx asked what the City would do about a sign shared by more than one business, like a sign for a doctor's office. Jared Hall said the ordinance would allow the City to go after the property owner or whoever maintained the sign.

Commissioner Holt felt the existing ordinance with the minor changes recommended by the staff contained neutral language. His concerns about differentiating between tenant, landlords, and lessees were relieved. He was completely comfortable.

Commissioner Merx asked about the enforcement of the entire section, especially Item F6 regarding home occupation signs. He was aware of signs that violated that section. Was the City really enforcing the ordinance? Jared Hall said the staff hoped to take this ordinance, enforce it, and get compliance. Signs created a large visual clutter problem on both 1900 West and 3500 West.

Chairman Collins stated that 'Public Works Director' was mentioned several times throughout this ordinance. Did that need to be changed? Tony Reynolds said the staff was recommending minor changes to this section only, not the entire ordinance. It did not limit the scope of enforcement. The enforcement officer could be whomever the City Manager appointed.

Commissioner Holt moved to recommend that the City Council approve the amendments to Items M and -4 of RCC Section 9-4-3, "Rules, Regulations, and Requirements, Generally," as proposed by the staff. Commissioner Merx seconded the motion. Commission members Collins, Hilton, Holt, Merx, Stonehocker, Watts, and Yeoman voted "aye." The motion carried.

4. OTHER BUSINESS

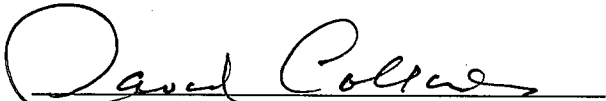
Commissioner Merx asked that a future Planning Commission agenda include discussion regarding maintenance of City walkways. Jared Hall asked if the Planning Commission wanted the staff to pass its concerns regarding maintenance of walkways on to the City Council when the vacation recommendation was discussed. The Planning Commission said it did. Commissioner Hilton asked that the Planning Commission liaison, Tony Reynolds, report back to the Planning Commission. He also asked that the Planning Commission packets include minutes from the City Council. Commissioner Watts stated that some of the walkways contained utilities. Before the walkways were considered for vacation they needed to be reviewed by the City Engineer. Jared Hall said that the walkway at 2100 West 5600 South did not contain utilities or easements. Tony Reynolds invited the Planning Commission members to attend the Council hearing to voice their concerns.

Tony Reynolds updated the Planning Commission on current Redevelopment Agency projects. The RDA had recently obligated over \$1 million for different activities. The RDA had purchased the former Lew Monico property. Demolition bids would be considered on September 22nd. The contractor would then have 15 days to take the building down. The RDA would then consider development proposals from the development community. The RDA had approved \$215,000 for land write down and demolition for properties on the southeast corner of 5600 South 3500 West, including Sinclair, Denny's and Cache Valley Electric. The former Roylance fence building was being taken down. The RDA had committed to helping the owner of Gold's Gym put a new skin on the old Anderson Lumber building. The RDA had also pledged money for demolition of the Washington Mutual building and a new skin for the Ben Franklin building.

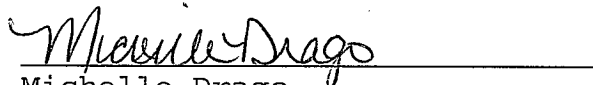
Commissioner Holt asked about Home Depot. Tony Reynolds stated that Home Depot was officially exploring their options.

5. ADJOURN

Commissioner Merx moved to adjourn at 6:52 p.m. Commissioner Hilton seconded the motion. Commission members Collins, Hilton, Holt, Merx, Stonehocker, Watts, and Yeoman voted "aye." The motion carried.


Dave Collins
Chairman

Attest:


Michelle Drago
Secretary

dc:paug2608