

ROY CITY PLANNING COMMISSION

January 13, 2004

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on January 13, 2004, 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:

Karlene Yeoman, Vice Chairman	Tony Reynolds, Community
Doug Allred	Services Director
Brad Hilton	Mark Larson, Planner
Gennie Kirch	Michelle Drago, Secretary
Bill Merx	

Excused: Blaine Hoopes

Others present were: Mayor Roger Burnett; Councilman Dan Tanner; Councilman Larry Peterson; Dave Collins, Building Inspector; Greg Brown; Phil Hancock; Dan Taylor; Randy Bitton; Joe Saunders; and Katie Ellis.

Pledge of Allegiance: Commissioner Hilton

1. APPROVAL OF DECEMBER 9, 2003, MINUTES

Commissioner Kirch moved to approve the minutes of December 9, 2003, as written. Commissioner Merx seconded the motion. Commission members Hilton, Kirch, Merx, Peterson, and Yeoman voted "aye." The motion carried.

2. PRESENTATION TO LARRY PETERSON

Mayor Roger Burnett stated that Larry Peterson had served on the Planning Commission for 4½ years. He was recently selected to fill a vacancy on the City Council. Mayor Burnett presented Larry Peterson with a plaque expressing the City's appreciation for his service.

Larry Peterson thanked the Planning Commission and Development staff for the opportunity to serve with them. He recommended that the Planning Commission selected Karlene Yeoman and Brad Hilton as the new Chair and Vice Chair.

3. CONSIDERATION OF AN AMENDED SITE PLAN FOR PANDA EXPRESS LOCATED AT APPROXIMATELY 5585 SOUTH 1900 WEST IN THE ROY RETAIL CENTER

Mark Larson stated that Panda Express Restaurant would be located in the southeast corner of the Roy Retail Center at approximately 5585 South 1900 West. A restaurant was a permitted use in a C-2 Zone. The City had issued a building permit to Panda Express to finish the interior of their space. Panda Express wanted to have an outdoor eating area with an overhead trellis on the east side of their establishment. Because the outdoor eating area and trellis were changes to the exterior of the building, Roy Retail Center's site plan had to be amended. Site plan amendments in C-2 Zones were approved by the Planning Commission only. Mr. Larson showed the Planning Commission elevations of the east side of the building. The trellis would be 12 feet 8 inches in width and would project 9 feet 8 inches from the wall. The trellis couldn't be any wider because it had to be 4 feet from an existing fire hose attachment on the east side of the building facade. The site plan showed that the hose attachment was 5 feet north of the proposed trellis.

Mr. Larson stated that Panda Express originally planned to have two rows of tables in the outdoor eating area, but that did not leave enough room for pedestrian traffic. The Building Code required that there be at least 44 inches of clearance between the tables and the proposed curb wall. Panda Express had scaled back their eating area to two tables beneath the trellis. The posts supporting the trellis would be located in a 2-foot high curb wall along the east side of the eating area. The wall would help separate the pedestrian access and eating area from the parking lot. The asphalt and concrete sidewalk on the east side of the building were currently on the same elevation.

Commissioner Hilton asked if the 6-inch curb shown on the site plan would be the same length as the 2-foot wall. Mark Larson said it would extend past the wall to the south and actually wrap around the southeast corner of the building.

Commissioner Kirch asked if the 6-inch curbing would cause an access problem for the handicapped. Mark Larson said it would not. On the south, or front side of the building, the asphalt and concrete walk were the same elevation.

Mark Larson stated that the City Engineer was not concerned about the construction of the trellis because it would not increase or decrease the storm drainage. All of the construction would be inspected by the City's Building Inspector. Mr. Larson said the staff recommended that Panda Express be required to maintain a minimum of 44 inches between the seating area and the curb wall for pedestrian access. In order to accomplish that, the tables would be fixed, or attached to the ground.

Commissioner Allred arrived at 6:19 p.m.

Commissioner Hilton stated that the tables appeared to be very close to the entryway on the east side of the building. He asked if the doors on the east side would swing inward. Mark Larson stated that the only entrance was on the south side of the building. What looked like an opening on the east side of the building, near the trellis, was actually a large window.

Mark Larson stated that Panda Express would be required to obtain a separate building permit for the trellis. The Development staff also recommended that the 6-inch curbing be rounded off.

Joe Saunders, CRC Construction, stated that outside eating areas were a standard for Panda Express franchises. The eating area was usually covered by a canvas awning. Because of the narrow space at this location, the canvas had been replaced by a trellis which would be attached to the structure.

Commissioner Kirch asked about the type of tables. Joe Saunders said they would be powder-coated metal. The chairs would be loose, but the tables would be attached to the concrete. The chairs would probably be pulled inside during the winter.

Commissioner Hilton moved to approve the amended site plan for the Roy Retail Center to allow a trellis for Panda Express at approximately 5585 South 1900 West subject to the staff's recommendations and that the 6-inch curbing be rounded off. Commissioner Kirch seconded the motion. Commission members Allred, Hilton, Kirch, Merx, and Yeoman voted "aye." The motion carried..

4. CONSIDERATION OF AN AMENDED SITE PLAN FOR THE TRIPLE STOP CONVENIENCE STORE LOCATED AT APPROXIMATELY 4795 SOUTH 3500 WEST IN THE MIDLAND COMMERCIAL CENTER

Mark Larson stated that several months ago Bruce Crouch requested approval of an amended site plan for an addition to the Triple Stop Convenience Store located at approximately 4795 South 3500 West. He was requesting that the site plan be amended once again for another addition to the northwest corner of the building for dry storage. The City Engineer stated that the amendment would not cause a change to the overall storm drainage. The existing enclosed dumpster would be relocated to the south side of the proposed addition. The dumpster relocation would not displace any parking stalls or detract from the normal interior traffic flow.

Commissioner Kirch asked where access to the addition would be inside the store. Phil Hancock, Bruce Crouch's contractor, said access would be in the very northwest corner of the store.

Commissioner Kirch moved to approve the amended site plan for the Triple Stop Convenience Store located at approximately 4795 South 3500 West, in the Midland Commercial Center, subject to the staff's recommendations. Commissioner Merx seconded the motion. Commission members Allred, Hilton, Kirch, Merx, and Yeoman voted "aye." The motion carried.

5. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR AN ELECTRONIC MESSAGE SIGN FOR THE MIDLAND COMMERCIAL CENTER LOCATED AT APPROXIMATELY 4795 SOUTH 3500 WEST

Mark Larson stated that Bruce Crouch was requesting approval of a conditional use permit for an electronic message sign on the southeast corner of the Midland Commercial Center located at approximately 4795 South 3500 West. According to the City's Sign Ordinance (Title 38-2-8[2-e-i]), a large shopping center could have one electronic message sign as a conditional use. Bruce Crouch was proposing to add a 3'9" x 7'0" electronic message sign onto the bottom of an existing 20-foot free standing pole sign on the southeast corner of the Triple Stop lot. The 28 square foot electronic message sign would replace an existing 48 square foot reader board. That would result in a net decrease of overall signage area. The base of the existing pole sign was in a curbed, landscaped area, so the sign would not negatively affect the traffic circulation.

Commissioner Allred asked if the electronic message sign would be an insert on the existing pole sign. Mr. Larson said it would be.

Commissioner Merx asked about other small signs hanging on the pole and around the site. Mark Larson stated that other businesses in the center could advertise on the electronic message sign. The staff recommended that the Planning Commission require Bruce Crouch to remove all of the small illegal signs around the site before the City could issue a building permit for the electronic message sign.

Commissioner Kirch asked if the staff was aware of any research to determine if electronic message signs were distracting to drivers. The 4800 South 3500 West intersection was very busy. Mark Larson was not aware of any such research.

Randy Bitton, Young Electric Sign Company (YESCO), stated that they had documentation showing that "LED's" (lighted electronic devices) did not create traffic hazards. The electronic message sign would allow Bruce Crouch to advertise specialty items. More business for Bruce Crouch meant increased tax revenues for the City. Mr. Bitton stated that because Bruce Crouch was decreasing the amount of overall signage, he was asking for a second electronic message sign on top of the pole sign on 4800 South. Mr. Crouch wanted to be able to advertise to east/west drivers as well. The sign on the southeast corner of the center would only be seen by north/south drivers.

Mark Larson stated that the Sign Ordinance allowed one electronic message sign per large shopping center.

Commissioner Kirch felt a second electronic message sign should be a separate proposal.

Tony Reynolds stated that Mr. Crouch would have to submit a separate proposal and seek an amendment to the Sign Ordinance.

Commissioner Merx moved to recommend that the City Council approve a conditional use permit for an electronic message sign for the Midland Commercial Center located at approximately 4795 South 3500 West subject to the staff's recommendations and removal of signs from the Center. Commissioner Hilton seconded the motion. Commission members Allred, Hilton, Kirch, Merx, and Yeoman voted "aye." The motion carried.

6. DISCUSSION REGARDING UPDATING THE ROY CITY GENERAL PLAN

Mark Larson stated that updated maps for the General Plan had been included in the Planning Commission packets. He asked the Planning Commission to review them and be prepared to discuss any changes at a future workshop.

Commissioner Kirch asked if the 2700 West area on the Future Land Use Map needed to be changed. The Planning Commission felt the future use of that area should remain low density residential.

Commissioner Allred said there were still several locations for light rail shown on the maps. Mark Larson stated that UTA had not made a final decision on the location of the light rail station. The maps could not be changed until that decision was made.

Commissioner Allred suggested that the General Plan be reviewed in a future work shop to make sure everyone had updated copies.

7. PUBLIC HEARING TO CONSIDER REVISIONS TO RCO TITLE 34 - ZONING REGULATIONS REGARDING DEFINITIONS OF A KENNEL, SITE PLAN REVIEW REQUIREMENTS, REQUIRED IMPROVEMENTS AND GUARANTEE OF IMPROVEMENTS, AND PLANNED COMMERCIAL ZONES

Commissioner Hilton moved to open the public hearing at 6:50 p.m. Commissioner Allred seconded the motion. Commission members Allred, Hilton, Kirch, Merx, and Yeoman voted "aye." The motion carried.

Tony Reynolds stated that the revisions to Title 34 were due to two different activities - a major recodification effort and ongoing enhancements. Last month the Planning Commission tabled a recommendation on the definition of a kennel and the site plan requirements. Mr. Reynolds reviewed the proposed changes to the kennel definition and changes to the site plan requirements (see attached copy).

Commissioner Kirch suggested that a semicolon be added to the kennel definition to separate the clauses. Commissioner Merx suggested language to better define age.

There was a discussion about the site plan requirements and who could actually stamp site plans. Commissioner Merx was concerned the proposed language allowed for arbitrariness. He suggested that formulas be written down so that everyone knew what they were.

Tony Reynolds reviewed the proposed changes to the required improvements and guarantee of improvements and the Planned Commercial Zones (see attached copy).

Commissioner Merx asked that the City Attorney review the language in 10-6B-11 B and D.

Vice Chair Yeoman asked if there were any comments from the audience. There were none.

Commissioner Merx moved to close the public hearing at 7:11 p.m. Commissioner Hilton seconded the motion. Commission members Allred, Hilton, Kirch, Merx, and Yeoman voted "aye." The motion carried.

Commissioner Allred moved to recommend that the City Council approve the proposed amendments to RCO Title 34 - Zoning

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Regulations - regarding definitions of a kennel, site plan review requirements, required improvements and guarantee of improvements, and Planned Commercial Zones subject to the City's legal counsel reviewing the corrections as discussed. Commissioner Kirch seconded the motion. Commission members Allred, Hilton, Kirch, Merx, and Yeoman voted "aye." The motion carried.

8. DISCUSSION REGARDING UPDATING ROY CITY ZONING AND SUBDIVISION ORDINANCES

Tony Reynolds stated that last fall the staff sent out Requests for Qualifications to update the City's Zoning and Subdivision Ordinances. The City received five responses. The staff sent out RFP's (Requests for Proposals) to four of the five companies. The City received three RFP's before the December 19th deadline. The RFP's were from Landmark Design, Planning and Development Services, and Planning Solutions. The staff reviewed the proposals and began negotiating with one. Mr. Reynolds said the proposals were available in the Development Services office if the Planning Commission members wanted to review them. The staff planned to make a presentation to the City Council in a few weeks.

9. RECOMMENDATIONS TO MAYOR AND CITY COUNCIL FOR PLANNING COMMISSION CHAIRPERSON

Vice Chairman Yeoman stated that Larry Peterson's appointment to the City Council had left the Planning Commission Chairman's position vacant. The Planning Commission needed to give a recommendation for the Chairman and Vice Chairman to the Mayor and City Council.

Commissioner Kirch moved to recommend to the Mayor and City Council that Karlene Yeoman be appointed as Chairman and Brad Hilton as Vice Chairman for the calendar year 2004. Commissioner Merx seconded the motion. Commission members Allred, Hilton, Kirch, Merx, and Yeoman voted "aye." The motion carried.

10. DISCUSSION REGARDING PLANNING COMMISSION DISTRICTS

Mayor Burnett stated that on January 20th the City Council would be discussing amending Title 6 to remove the requirement for members of the Planning Commission to represent five different districts and two at large. He asked the Planning Commission's opinion about the proposed amendment.

Vice Chair Yeoman stated that the district requirement brought people from different areas of the City together. On the other hand, all of the Planning Commission members were part of the same community.

Commissioner Merx pointed out that the City Council and Board of Adjustments were at large.

Commissioner Hilton stated that very little of what the Planning Commission did had to do with districts.

Commissioner Kirch stated that the needs of Roy were different now that it was almost built out. It was more of a conglomerate.

Commissioner Allred stated that the purpose of districts was to have a diverse commission. Diversity could be handled by appointments. He did not look at agenda items as being from neighborhoods or districts. They were part of what was happening in his community.

The Planning Commission's consensus was there wasn't a need for districts.

11. OTHER BUSINESS

Vice Chair Yeoman reminded the Planning Commission about the URMMA training on January 27th.

Commissioner Kirch asked for and received an update on the status of the Herefordshire Square Commercial Center.

Commissioner Allred asked for a report on the Roy Retail Center. The building elevations in the center were not constructed as presented to the Planning Commission. Tony Reynolds explained that in a CP-2 Zone, the City could stop a developer from building an elevation that was not approved. In a C-2 Zone, the City approved a site plan, not the building elevations. The Roy Retail Commercial Center was located in a C-2 Zone.

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12. ADJOURN

Commissioner Allred moved to adjourn at 7:43 p.m. Commissioner Merx seconded the motion. Commission members Allred, Hilton, Kirch, Merx, and Yeoman voted "aye." The motion carried.

Karlene Yeoman
Chairman

Attest:

Michelle Drago
Secretary

dc:pjan1304