

ROY CITY PLANNING COMMISSION

September 28, 2010

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on September 28, 2010, 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, Chairman
Blake Hamilton
Lee Holt
Bill Merx
Roy Watts
Rhett Zito

Jared Hall, Planner
Michelle Drago, Secretary

Excused: Gennie Kirch

Others present were: Eric Thatcher; Tricia Hill; Gerald Hill; Jeff Jackson; Carolyn Belnap; Matt West; and Braxton Schenck.

Pledge of Allegiance: Roy Watts

1. APPROVAL OF SEPTEMBER 14, 2010, MINUTES

Commissioner Merx moved to approve the minutes of September 14, 2010, as corrected. Commissioner Holt seconded the motion. Commission members Hamilton, Holt, Merx, Stonehocker, Watts, and Zito voted "aye." The motion carried.

2. PUBLIC HEARING TO CONSIDER A REQUEST FOR CONDITIONAL USE FOR A LIGHT MANUFACTURING USE IN THE BUSINESS PARK ZONE ON PROPERTY LOCATED AT APPROXIMATELY 1821 WEST 4000 SOUTH

Commissioner Watts moved to open the public hearing at 6:01 p.m. Commissioner Merx seconded the motion. Commission members Holt, Merx, Stonehocker, Watts, and Zito voted "aye." The motion carried.

Jared Hall stated that the City had received a request from Carl Belnap for a conditional use to operate a light manufacturing business known as Design Criteria, Inc. at 1821 West 4000 South, Building 3 of the Golden West Technology Park. The business had been operating in New Hampshire since 1999. Recent events had caused Mr. Belnap to move

his business to Utah. A conditional use was required because the business was a light manufacturing facility. Mr. Belnap built specialty transformers and circuit boards. His business was mostly assembly, transporting, and receiving. He had contracts with the military so this was a good location for them. Mr. Belnap planned to use only 2,000 square feet of Building 3. No remodeling or structural changes were needed. Operations were generally conducted within a typical business day. The business park provided good parking and access. This business would not impact the existing parking. No changes to the building elevation were planned. Mr. Belnap's need for signs would be identification only.

Mr. Hall said the staff was supportive of the application. Staff had found that the proposal complied with the intent and regulations of the Zoning Ordinance and the goals of the General Plan. The business operation as described was allowable as a light manufacturing use. The staff recommended that the Planning Commission recommend approval to the Council, subject to:

1. All items of the staff report and to any further review and approval by the DRC staff as might be deemed necessary.
2. The applicant operating according to all applicable Roy City codes and regulations.
3. The applicant seeking and obtaining appropriate building permits, business licenses and other approvals necessary.

Commissioner Merx stated that often manufacturing transformers required the use of chemicals. Would that be an issue here? Jared Hall said Carl Belnap had not mentioned any specialty needs that would require changes to the water or sewer in use at the building currently. If that became an issue, it would be handled under the building permit. Commissioner Merx asked about soldering. Mr. Hall said this was a small operation, according to the application and staff didn't expect any serious impacts from any activities - even soldering - because of the operation's size.

Commissioner Holt asked how much parking would this use need. Mr. Hall said the business would have six employees. During business hours, it appeared that the business park had more than enough parking. He wasn't sure how the parking was affected in the evening at the business park in general.

Carolyn Belnap, 5362 South 2050 West, felt that Mr. Hall had covered everything.

Chairman Stonehocker opened the floor for public comments. There were none.

Commissioner Merx moved to close the public hearing at 6:08 p.m. Commissioner Holt seconded the motion. Commission members Holt, Merx, Stonehocker, Watts, and Zito voted "aye." The motion carried.

Commissioner Watts moved to recommend that the City Council approve a conditional use for a light manufacturing business located at 1821 West 4000 South, Building 3 of the Golden Spike Technology Park, based on the staff's findings and subject to the staff's recommendations. Commissioner Holt seconded the motion. Commission members Holt, Merx, Stonehocker, Watts, and Zito voted "aye." The motion carried.

3. PUBLIC HEARING TO CONSIDER A REQUEST FOR PRELIMINARY APPROVAL OF AN AMENDMENT TO ANDREWS ACRES SUBDIVISION PHASE 2 BY FURTHER SUBDIVIDING LOT 17 LOCATED AT APPROXIMATELY 5129 SOUTH 3450 WEST

Commissioner Holt moved to open the public hearing at 6:09 p.m. Commissioner Merx seconded the motion. Commission members Holt, Merx, Stonehocker, Watts, and Zito voted "aye." The motion carried.

Jared Hall stated that the entire Andrews Acres Subdivision was approved some time ago. Phase 2 was recently recorded. Phase 1 consisted for four lots along 3500 West. Phase 2 contained a road and two cul-de-sacs east of Phase 1. The City had received a request to amend Phase 2 by splitting Lot No. 17. The subdivision was zoned R-1-10. The minimum lot size was 10,000 square feet. Both of the new lots met that requirement and exceeded the required frontage. The building envelopes were not ideal, but were not unbuildable. The existing improvement plans for Phase 2 would have to be modified slightly to include new laterals for the new lot. The staff had found that the proposed amendment (further subdividing Lot 17) to the existing subdivision was not in conflict with standards of the Zoning Ordinance, Subdivision Ordinance, or General Plan. The staff recommended that the Planning Commission recommend that the Council grant preliminary approval of the Andrews Acres Phase 2 amended plat (Lot 17 split) subject to:

1. Further review and approval by the City Engineer in preparation for review by the City Council.
2. Applicant providing any and all materials, drawings, documentations, etc. as might be deemed necessary for the proper review and approval of plats and improvement drawings as required by the City Engineering and other DRC staff.

Commissioner Watts felt this was a nice lot split. The only concern was the installation of some laterals.

Commissioner Merx asked if there were other homes on other lots in the cul-de-sac. Mr. Hall said there would be. The developer was just starting to install the subdivision improvements. The laterals for the new lot needed to be installed before the street was finished.

Rhett Zito stated that the model home was located on 3500 West.

Jeff Jackson, Logan - developer/builder, stated that when his company purchased Phase 2, the engineering was already done. They realized that Lot 17 had the potential to be

split, but they didn't want to slow the process down. They went ahead with the improvement drawings that were done.

Commissioner Hamilton arrived at 6:14 p.m.

Mr. Jackson stated that road base had been installed. In two to three weeks the roads would be paved. They wanted to get the laterals for the new lot installed before the asphalt was down.

Chairman Stonehocker opened the floor for public comments.

Tricia Hill, 5160 South 3500 West, stated that they had lived on Lot 1 (phase 1) for about one and a half years. Their backyard adjoined Phase 2. They found out on Christmas Eve that they were going to lose part of their backyard because the fence wasn't in the right place. There was a large willow tree that ran down the middle of the property line. How would the property be divided with the tree in the way? If the tree fell who would be responsible? Their realtor said the fence could be installed up the tree on either side.

Commissioner Holt asked if there was a fence up now. Tricia Hill said there was. The developer was going to take out other trees, but she didn't want to lose the large tree. She felt a fence on either side of the tree would be a liability.

Commissioner Watts moved to close the public hearing at 6:19 p.m. Commissioner Merx seconded the motion. Commission members Hamilton, Holt, Merx, Stonehocker, Watts, and Zito voted "aye." The motion carried.

Commissioner Watts didn't think the fence was part of the improvement guarantee. Jared Hall said the fence issue was certainly important to the applicant, but did not bear on the Planning Commission's decision regarding the lot split. It wasn't something the Commission could fix in their capacity.

Michelle Drago thought the original subdivision requirements included a fence along the south subdivision boundary to buffer the adjacent agricultural use.

Chairman Stonehocker stated that the location of the fence was a civil matter that would have to be resolved between the property owners.

Commissioner Holt stated that a fence had to remain in place for 21 years before it had any valid legal implication.

Commissioner Hamilton asked if the new lots would have enough square footage to meet the minimum lot size requirement if the fence was left where it was. The disputer over the fence was a civil matter. He asked if staff felt that Lot 17 could still be split regardless of how things turned out between the developer and Mrs. Hill about the fence and tree. Mr. Hall said Lot 17 could be still be split. Both new lots proposed had more than enough square footage.

Commissioner Merx stated that the fence also encroached onto Lot 16. If Lot 16 lost square footage, could it meet the zoning requirements? Mr. Hall said it could.

Chairman Stonehocker suggested that the Hills meet with the developer to determine what to do about the tree and fence.

Jeff Jackson stated that they would be happy to work around the tree. They could adjust property lines on Lots 17 and 18 to get around the tree if it was truly needed. Both lots had more than enough square footage. He felt the tree needed to be clearly on one property or the other. His company did not develop Phase 1. Whatever may have been portrayed to the Hills was done by the previous developer. He had a hard time believing that they didn't know where their property line was because that information was disclosed in the closing documents. Phase 2 was recently recorded. It would be 21 years before the fence location became significant. They planned to take down the fence and had no plans to replace it. They did have to put up a fence along the south subdivision boundary. When they built the model home, they had moved a fence at their expense to be a good neighbor.

Commissioner Zito moved to recommend that the City Council grant preliminary approval of an amendment to Andrews Acres Subdivision Phase 2 further subdividing Lot 17, located approximately 5129 South 3450 West based on the staff's findings and subject to the recommendations of the staff. Commissioner Watts seconded the motion. Commission members Hamilton, Holt, Merx, Stonehocker, Watts, and Zito voted "aye." The motion carried.

4. PUBLIC HEARING TO CONSIDER A PROPOSED TEXT AMENDMENT TO SECTION 2003 OF THE ZONING ORDINANCE PERTAINING TO ELECTRONIC MESSAGE CENTER SIGNS

Commissioner Watts moved to open the public hearing at 6:28 p.m. Commissioner Hamilton seconded the motion. Commission members Hamilton, Holt, Merx, Stonehocker, Watts, and Zito voted "aye." The motion carried.

Jared Hall stated that the City has received a request from property owners along 3500 West to amend the text of Section 2003 of the Zoning Ordinance regarding electronic message center signs in Community Commercial Zones, specifically along the 3500 West/Midland Drive corridor. In November 2009, the Planning Commission and City Council passed an ordinance that added three sections to Chapter 20 of the Zoning Ordinance, which had long been reserved for signs. The Planning Commission had recommended that EMC signs be restricted to Regional Commercial Zones only. The City Council decided to allow EMC signs in Community Commercial Zones, but only on properties with three or more acres. The proposed text amendment modified the existing restrictive language by simply adding the phrase at the end of 2003-4(b): "*..., frontage on Midland Drive - north of the 4800 South intersection, and frontage on 3500 West - south of the 4800 South intersection.*" The amendment essentially described the SR108 corridor and allowed any property in the Community Commercial Zone with frontage on SR108 - regardless of size - to apply for an EMC sign.

Mr. Hall said the staff wasn't entirely opposed to the idea of some smaller property owners in this corridor having EMC signs, especially around the major intersections. However, the staff was uncomfortable opening up the entire length of SR108 without more restrictive language being added as well. The property owners were proposing smaller, monument signs. At this point, the staff wasn't sure what added language would best be used to tighten up the proposed text amendment. The staff would like an opportunity to write a counter amendment, but didn't want to do so without direction from the Commissioners. Therefore, the staff was recommending that the hearing be continued to October 12th. The staff would like to propose regulations about dimming of signs during certain hours to mitigate the impact on residential areas adjacent to the Community Commercial Zones.

Commissioner Watts felt comfortable with where the staff was going. He felt there were things that could be done to make EMC signs palatable for everyone.

Commissioner Merx stated that the City needed to recognize that EMC signs were the signs of the future.

Commissioner Hamilton agreed, but felt there needed to be limits, such as limiting the allowance to EMC type signs as monument signs. He wouldn't like to see more EMC signs on poles in the SR108 corridor.

Commissioner Merx said the biggest concern was preventing 3500 West from becoming another 1900 West.

Chairman Stonehocker opened the floor for public comments.

Eric Thatcher, 4040 South Midland Drive, stated that he was representing Roy Dental, which was being built on Lot 3 of the Midland Square Commercial Subdivision. He was encouraged that the Commission seemed willing to look at an amendment that might allow his company to have an EMC sign at their new location. They were a professional establishment. They wanted to attract new clients. They purchased this lot because it was located on Midland Drive, with good visibility. EMC signs were allowed on 1900 West. They had a small monument EMC sign at their Clinton office, which had already brought in business. They would like to have a similar sign in Roy that could be used to communicate with residents of Roy and West Haven.

Commissioner Hamilton asked if Eric Thatcher wanted a monument sign or a pole sign. Mr. Thatcher said they wanted a monument sign. Jared Hall clarified that the subdivision's development agreement only allowed them to have monument signs for the individual properties.

Commissioner Hamilton felt the proposed text amendment by the applicant was too broad. He would like to see EMC signs restricted to monument signs and tied to the major intersections where most of the businesses were.

Matt West, 5776 South 3550 West, stated that he worked for the Wee Care Pediatric Clinic. They were considering a long term lease and eventual purchase of part of Eric Thatcher's building on Lot 3 in Midland Square Commercial. The City would get light even from regular signs. EMC signs added flashing that could become annoying at certain hours. In addition to attracting patients, EMC signs could significantly reduce costs. He related how last year, during the flu pandemic, they could have significantly reduced personnel costs if they had an EMC sign to give information to residents. When Wee Care opened the Roy location, mailers had been sent to residents at a cost of around \$8,000. An EMC sign would be a much more cost effective method of communication.

Braxton Schenck, owner of Advanced LED Signs, stated that he had been in the sign business for years. LED signs were definitely the way of the future. In Asian countries, governments were requiring all signs to be LED by a certain date. He understood every city did not want to be like Las Vegas. Technology allowed LED's to be programmed to

dim, be turned off, and turned on at certain hours. That was particularly applicable in residential/commercial zones. From his experience, business owners were willing to abide by the restriction of monument signs and dimming requirements. They didn't want to annoy adjoining residents who were potential customers. LED signs can be very residential friendly if they are restricted and operated correctly.

Commissioner Zito asked how amenable business owners would be to having their signs shut off completely at night. Mr. Schenck said it depended on the zone. Business owners on 1900 West wouldn't be thrilled about having their signs shut off at midnight. The business owners along 3500 West/Midland Drive were interested in making the residential areas happy.

Matt West stated that when he heard about a problem with a Wee Care sign in Kaysville, he immediately called the sign company to get the light dimmed. They didn't want to offend the residents. The residents were their customers.

Commissioner Merx felt it would be helpful for Mr. Schenck to speak with Jared Hall at greater length about ways to write the ordinance to get the kind of meaningful regulation that the City wanted. Braxton Schenck said it was difficult to get the right regulations, but that he would be more than happy to participate with that.

At 6:58 p.m., Commissioner Hamilton moved to continue the public hearing to October 12th at 6:00 p.m., and directed Staff to research and prepare an alternative to the currently proposed text amendment that would be less broad in scope and contain restrictive language similar to what had been discussed. Commissioner Merx seconded the motion. Commission members Hamilton, Holt, Merx, Stonehocker, Watts, and Zito voted "aye." The motion carried.

5. STAFF UPDATE

Jared Hall stated that the staff planned to have text amendment language prepared for domestic livestock, lawn maintenance, and EMC signs for the October 12th meeting. Currently, there weren't any items for the October 26th meeting.

Commissioner Merx stated that he would not be able to attend the October 12th meeting.

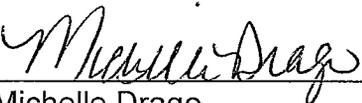
3. ADJOURN

Commissioner Holt moved to adjourn at 7:01 p.m. Commissioner Hamilton seconded the motion. Commission members Hamilton, Holt, Merx, Stonehocker, Watts, and Zito voted "aye." The motion carried.



Tom Stonehocker
Chairman

Attest:



Michelle Drago
Secretary

dc:psep2810