

ROY CITY PLANNING COMMISSION

November 22, 2016

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on November 22, 2016, 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:

Lindsey Ohlin, Chair
Leland Karras
Gennie Kirch
Doug Nandell
Joe Paul
Claude Payne
Jason Sphar

Steve Parkinson, City Planner
Trent Nelson, Assistant City Attorney

Others present were: E.W. East, Mike Swenson, Julie Heren, Marcia Roseberry, Eric Wilkinson, Darci Roche, Deun Wilberg, Rebecca Wilberg, Jessica Hemmert, Israel Hemmert, Parley McFarland, Casi Parks, Susie Parker, Dennis Parker, Lorin Hansen, Jared Eavenson, Georgia Walker, Jamie Walker, Rex Griffin, Adam Naylor, Lance Watian, Frank Lundquist, Brittney Bennett, Kimball Shill

Pledge of Allegiance: Commissioner Sphar

1. DECLARATIONS OF CONFLICT

There were none.

2. APPROVAL OF OCTOBER 25, 2016, MINUTES

Commissioner Kirch moved to approve the October 25, 2016, minutes as amended. Commissioner Sphar seconded the motion. Commission members Ohlin, Karras, Kirch, Nandell, Paul, Payne and Sphar voted “aye”. The motion carried.

3. PUBLIC HEARING: CONSIDER THE ZONING DESIGNATION FOR PROPERTIES THAT ARE TO BE ANNEXED INTO THE CITY.

- a. AREA #1 – APPROXIMATELY 4148 SO. MIDLAND DR. [REQUESTED ZONE IS CC]
- b. AREA #2 – APPROXIMATELY 4460 SO. MIDLAND DR. / 4457 SO. 3100 WE. [POSSIBLE ZONES ARE RE-20 OR R-1-8]
- c. AREA #3 – APPROXIMATELY 4013 WE/ 5500 SO. [POSSIBLE ZONES ARE R-1-8 OR R-1-6]

City Planner, Steve Parkinson, presented the staff report as well as aerial photos of the aforementioned unincorporated Weber County properties. He explained the nature of each property, and noted that the rezone requests were consistent with what was outlined in the General Plan and on the future land use map. One concern with the proposed R-1-8 zone in Area #2 was there were domesticated farm animals that lived there, so that would have become

a non-conforming use. As such, Mr. Parkinson recommended the property be rezoned to RE-20 so it was more consistent with the properties to the south.

Mr. Parkinson explained how neighboring zones factored into the equation when reviewing rezone requests. He said as a City they wanted to avoid spot zoning and ensure cohesiveness with the rest of the neighborhood.

Commissioner Paul moved to open the public hearing at 6:09 p.m. Commissioner Payne seconded the motion. Commission members Karras, Kirch, Nandell, Ohlin, Paul, Payne and Sphar voted “aye.” The motion carried.

Chair Lindsey Ohlin opened the floor for public comments.

Dennis Parker, 4440 South Midland Drive, said his property was not surrounded by houses; rather, there was a church to the north as well various commercial establishments including land owned by a power company. He noted his son's home was located to the south, and he was also interested in selling to a commercial developer. He requested a rezone for several years in order to sell his home and move elsewhere. Several realtors offered to purchase the property for commercial purposes, and he was unsuccessful in marketing the land as residential. He recounted challenges pertaining to utility hookups due to the fact the property was in the County's jurisdiction.

Bill East, 4457 South 3100 West, recalled that the last time he approached the Commission about the annexation there were issues related to the value of properties. There was continued discussion regarding whether or not Area #1 would function better as commercial or residential property.

Eric Wilkinson, 4471 South 3100 West, asked if there was a difference in property value and taxation between the RE-20 OR R-1-8 zones. Mr. Parkinson said the City was not involved with the taxation as the subject property was part of the County's jurisdiction. He was not sure if the rezone would affect either factor. He noted the biggest difference between the RE-20 OR R-1-8 zones was the allowance of animal rights.

Rex Griffin, (with the Alpine Church) said they had a large sign on the west side of their property which was destroyed by heavy winds, and currently had a permit to reconstruct another one. The sign was 91 square feet, and Mr. Griffin inquired as to whether or not the restrictions would change as a result of the rezone. Mr. Parkinson said that as long as the sign was in legal existence prior to the annexation, the City would still be required to honor the permit. However, if Alpine Church didn't act within the deadline as stated in the permit then they would be required to approach the City again for a new permit.

Mr. Parker stated he and his son have both made improvements to their properties as they run businesses from their homes. He wanted to know if they would still be able to operate should their properties be annexed into Roy City. Mr. Parkinson explained that Roy City allowed for home occupations, and if the Parkers' operations were operating legally then those same rights would be grandfathered in. The same went for animal rights.

Parley McFarland, 4061 West 5500 South, noted his property was in Area #3. He was concerned with the absence of animal rights in the R-1-8 zone. He asked if his existing animal rights would be transferred to a new property owner if they sold their property. Mr. Parkinson explained that Mr. McFarland would have to specify which animals were on the property, and those would be the rights carried over to a buyer. (For example, if the property currently had two horses, two cows and a goat, those would be the animals that would have rights to be there. A buyer could not maintain four goats and two pigs, etc).

Commissioner Kirch reiterated that if they already have animals on their property and the zone changes to R-1-8 its grandfathered in as long as we have that list provided to the City, is that correct? Mr. Parkinson confirmed the statement.

Jared Evanson, 3986 West 5575 South, noted his property was in Area #3. He was concerned because he didn't receive as detailed of a notice regarding this item as did his neighbors. Mr. Parkinson stated that as per City Ordinance, notification was required to be given to all properties located within 300 feet of the affected areas. Mr. Evanson noted he owned Parcel #09-740-017. He asked if the R-1-6 or R-1-8 zones allowed the possibility of condominiums, townhomes or apartments. Mr. Parkinson answered in the negative. Mr. Evanson asked if it was possible to have this changed. Mr. Parkinson explained that the General Plan would have to designate the area in question for multifamily, and as such an amendment to the General Plan and rezone request would be needed. The Commission noted that amending the General Plan was not an easy process.

Rex Griffin asked about the lack of sidewalks along 3100 West, and if the City would be installing sidewalks? Mr. Parkinson noted that typically sidewalks are constructed as development occurs. The responsibility of which varies, and he noted the Public Works Department would have more thorough answers on the matter.

Commissioner Kirch moved to close the public hearing at 6:42 p.m. Commissioner Karras seconded the motion. Commission members Karras, Kirch, Nandell, Ohlin, Paul, and Payne, voted "aye." The motion carried.

Commissioner Kirch asked if it was possible to split Area #2 into two zones; commercial and RE-20. Mr. Parkinson was not sure if there was a natural break in the subject area in order for this to occur. Commissioner Kirch asked if there were any properties zoned RE-20 on the third parcel, to which Mr. Parkinson answered in the negative; an island would not be created if the rezone were approved. There was continued deliberation on which actions to take as a Commission.

Commissioner Kirch moved to recommend approving the zoning for Area #1 as CC – Community Commercial with the conditions and facts as stated in the staff report. Commissioner Paul seconded the motion. Commission members Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted "aye." The motion carried.

Commissioner Kirch moved to recommend to approve the zoning for Area #2 as RE-20 – Residential Estates with the conditions and facts as stated in the staff report. Commissioner Karras seconded the motion. Commission members Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted "aye." The motion carried.

Commissioner Kirch moved to recommend to approve the zoning for Area #3 as R-1-8 – Single-Family Residential with the conditions and facts as stated in the staff report. Commissioner Paul seconded the motion. Commission members Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted “aye.” The motion carried.

4. CONSIDER A REQUEST FOR SITE PLAN AND ARCHITECTURAL APPROVAL FOR A VALVOLINE LUBE CENTER LOCATED AT 5436 SOUTH 1900 WEST

Mr. Parkinson presented the staff report as well as an aerial map of the subject property. He explained that up until six months ago, the subject property housed a Jiffy Lube. The applicant wanted to continue with a similar business and proposed site improvements as well as changes to the exterior of the building. The neighboring KFC and Arby's restaurants made similar exterior improvements. Currently the only existing landscaping was along 1900 West, and the applicant proposed to landscape the northern and southern ends of the property as well. The building itself would not change locations. Staff recommended approval as proposed, with the recommendations of the Design Review Committee's memorandum.

Adam Naylor, 1017 West 750 North, American Fork, noted he was the project architect and discussed various design solutions to meet the City's ordinances.

Commissioner Nandell moved to approve the Site Plan for a Valvoline Lube Center located at 5436 South 1900 West, with the conditions and facts as stated in the staff report. Commissioner Kirch seconded the motion. Commission members Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted “aye.” The motion carried.

Commissioner Nandell moved to approve the Architectural Plan for the Valvoline Lube Center located at 5436 South 1900 West, with the condition that a column be added to the north elevation, as well as the conditions and facts as stated in the staff report. Commissioner Kirch seconded the motion. Commission members Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted “aye.” The motion carried.

5. CONSIDER A REQUEST FOR SITE PLAN AND ARCHITECTURAL APPROVAL FOR A FUEL CENTER AT THE HARMONS STORE LOCATED AT 5370 SOUTH 1900 WEST

Mr. Parkinson presented the staff report as well as an aerial map of the subject property.

Commissioner Kirch was concerned with the snow piling which took place on this property, and said a new plan was needed. She didn't want the north entrance to the fuel center to become blocked. Mr. Parkinson explained this wasn't something that was reviewed by way of City Ordinances; rather, staff made suggestions to the applicant on better ways to handle snow removal. Commissioner Kirch briefly suggested beautification ideas that could be implemented on the northern end of the subject property.

Frank Lundquist, 1674 West 4475 South, noted he managed construction and store design for all Harmon's stores. He said Harmon's had been at the subject location since 1983. When 1900 West was widened, Harmon's decided to do a xeriscape to save water. He made reference to other fuel centers Harmon's had constructed recently. He explained that the proposed fuel center would have a kiosk for storing fueling equipment, as well as employees who would offer to pump gas for customers during specified hours of the day; the pumps would

be open 24/7. Mr. Lundquist stated that if a spill occurred at night there would still be employees in the store who would be able to attend to the matter. Additionally, there are security cameras which also monitor the store.

Commissioner Karras moved to approve the Site Plan for a Fuel Center at the Harmon's Store located at 5370 South 1900 West, with the conditions and facts as stated in the staff report. Commissioner Nandell seconded the motion. Commission members Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted "aye." The motion carried.

Commissioner Karras moved to approve the Architectural Plan for the Fuel Center at the Harmon's Store located 5370 South 1900 West with the conditions and facts as stated in the staff report. Commissioner Sphar seconded the motion. Commission members Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted "aye." The motion carried.

6. CONSIDER A REQUEST FOR ARCHITECTURAL APPROVAL FOR THE WASH FACTORY BUILDING LOCATED AT 4148 SOUTH MIDLAND DRIVE

Mr. Parkinson presented the staff report as well as an aerial map of the subject property. The applicant suggested installing windows on the southern side of the building to help break the largeness of the wall. Furthermore, the architectural plan showed undulation on sections of the length of the building, as required by City Ordinance.

John Hammond, 2066 Lloyd's Ville Drive, Salt Lake City, noted he was the project architect and explained that the placement of the windows was determined based on the configuration of the drying center. He provided additional clarification on the undulation shown on the architectural plan.

Commissioner Paul moved to approve the Architectural Plan for The Wash Factory Building located at 4148 South Midland Drive with the inclusion of windows to the southern elevation, two inch kick-outs on the northern elevation, and the conditions and facts as stated in the staff report. Commissioner Nandell seconded the motion. Commission members Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted "aye." The motion carried.

7. DISCUSSION ON TABLES 17-1 AND 17-2 REGARDING CONDITIONAL USES

Mr. Parkinson summarized previous discussions on the uses listed in Tables 17-1 and 17-2 which took place during the October 25, 2016, Planning Commission meeting.

The Commission further reviewed Table 17-2. The following zones were subsequently referred to as follows: Community Commercial (CC); Regional Commercial (RC); Light Manufacturing (LM); Manufacturing (M); Business Park (BP); and Recreational (R).

The Commission recommended the following changes:

- Major Manufacturing; changed from conditional to permitted in the M zone.
- Minor Manufacturing; permitted in the LM and BP zones, whereas it was previously listed as conditional.
- Medical and Dental clinics; permitted in BP, whereas they were previously listed as conditional.
- Medical and Dental Laboratories; permitted in LM, M, and BP zones, whereas they were previously conditional in certain zones. The Commission debated whether or not to

eliminate medical and dental laboratories from the two commercial zones; CC and RC; however, a final decision was not made.

- Personal Care Services; permitted in CC, whereas they were previously conditional.
- Personal Instruction Service; permitted in BP, where it was previously conditional.
- Pet Grooming; permitted in CC, where it was previously conditional.
- Reception Hall, Reception Center; permitted in CC, whereas they were previously conditional.
- Restaurants; permitted in CC, RC, LM and BP, whereas they were previously listed as conditional in certain zones. Restaurants were previously not listed as conditional or permitted in the LM zone, which the Commission recommended changing.
- Tattoo and Body Art; permitted in the RC zone (previously listed as conditional), so long as such business establishments followed the conditions as listed in Roy City's Municipal Code. The Commission recommended adding the use to LM, but was undecided as to whether or not they should be allowed in the CC zone.
- Tavern; permitted in RC, LM and M zones, whereas it was previously conditional in RC only.
- Theater, Indoor Picture; permitted in CC and BP, whereas they were previously not permitted in either of those zones.
- Tobacco Oriented Retail; permitted in RC M, whereas it was previously listed as conditional in RC only.
- Trailer Camp or Trailer Court; permitted in R, whereas it was previously listed as conditional.
- Vehicle and Equipment Rental or Sale, New or Used (Major and Minor); (major) permitted in RC, LM and M, (minor) permitted in CC, RC, LM and M.
- Vehicle and Equipment Repair (Major and Minor); same as above.
- Warehouse, Self-Service Storage; permitted in LM and M, whereas it was previously listed as conditional in LM.
- Wholesale and Warehousing (Major and Minor); permitted in LM, M and BP, whereas it was previously listed as conditional in certain zones.

Other uses considered within residential zones included food trucks and sidewalk vendors. The Commission recommended permitting food trucks in all five zones: CC, RC, LM, M, BP and R zones. There was deliberation as to where and how sidewalk vendors should be allowed.

8. ADJOURN

Commissioner Paul moved to adjourn at 7:40 p.m. Commissioner Karras seconded the motion. Commission members Karras, Kirch, Nandell, Ohlin, Paul, Payne, and Sphar voted "aye." The motion carried.

Attest:

Lindsey Ohlin
Chair

Amy Mortenson
City Recorder

dc: 11-22-16