



Agenda Roy City Planning Commission Meeting

6:00 p.m.
January 14, 2014

City Council/Court Room
Municipal Building
5051 South 1900 West

1. Approval of December 10, 2013 minutes
2. Election of Chair and Vice Chair for 2014
3. 6:00 p.m. Public hearing to consider a request to amend the Zoning Map from Light Manufacturing to Residential Estates on property located at approximately, 5085 S. 2700 W.
4. 6:00 p.m. Public hearing to consider a request for Conditional Use Approval to allow a Tattoo and Body Art business on property located at approximately 5523 S. 1900 W.
5. Staff update
6. Adjourn

If you are planning to attend this public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City 24 or more hours in advance of the meeting and we will try to provide whatever assistance may be required. The person to contact is Tammy Nelson at (801)-774-1040.

ROY CITY PLANNING COMMISSION

January 14, 2014

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on January 14, 2014, 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:

Blake Hamilton, Vice Chairman
Gennie Kirch
Joe Paul
Tom Stonehocker
Karlene Yeoman

Jared Hall, Planner
Michelle Drago, Secretary

Others present were: Lyle Biddle; Kay P. Buckley; Ray Baugh; Kevin Mayes; Randee Mayes; Tom Thurber; David Tracy; Benny Vialpando; and Melanie Swartz.

Pledge of Allegiance:

1. APPROVAL OF DECEMBER 10, 2013, MINUTES

Commissioner Kirch moved to approve the December 10, 2013, minutes as corrected. Commissioner Stonehocker seconded the motion. Commission members Hamilton, Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.

2. ELECTION OF CHAIR AND VICE CHAIR FOR 2014

Commission Yeoman nominated Gennie Kirch as Chair for 2014. Vice Chairman Hamilton seconded the motion.

Commissioner Stonehocker nominated Blake Hamilton as Vice Chair for 2014. Joe Paul seconded the motion.

Commission members Hamilton, Kirch, Paul Stonehocker, and Yeoman voted "aye." Both motions carried.

3. PUBLIC HEARING TO CONSIDER A REQUEST TO AMEND THE ZONING MAP FROM LIGHT MANUFACTURING TO RESIDENTIAL ESTATES ON PROPERTY LOCATED AT APPROXIMATELY 5085 SOUTH 2700 WEST

Commissioner Paul moved to open the public hearing at 6:04 p.m. Commissioner Kirch seconded the motion. Commission members Hamilton, Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.

Jared Hall stated that the City had received a request to amend the Zoning Map by rezoning property located at approximately 5085 South 2700 West from Light Manufacturing (LM) to RE-20 (Residential Estate). Although the property was currently zoned Light Manufacturing, it was residentially used. The applicant planned to purchase the property, fix it up, and live there. Mr. Hall said the area was a checkerboard of uses ranging from residential, agricultural, some businesses, and some small-scale manufacturing. The zoning sometimes coincided with the use of the property; sometimes it didn't. The Future Land Use Map designation was low density residential. The requested zone change complied with the Future Land Use Map.

Mr. Hall said the staff supported the requested zone change. Past attempts to minimize non-conforming uses were understandable. However, the staff believed the approach had been ineffective. The staff would entertain, and planned to seek out, applications from other property owners in this area who would like to have the underlying use of their property match the Future Land Use Map. The proposed zoning change was supported by both the actual use of the property and by the Future Land Use designation. The property complied with the width and size requirements of the RE-20 Zone. It was 170 feet wide and contained 1.72 acres.

Vice Chairman Hamilton opened the floor for public comments.

Melanie Swartz, 4893 South 3100 West, stated that she was an Army veterinarian stationed at Hill AFB. She and her fiancé planned to retire soon. She currently lived in Roy and wanted to stay in the community when she retired. She had had her eyes on the property at 5085 South 2700 West for a long time. She wanted to restore and renovate the historical home; be able to keep a horse; and be in compliance with the Zoning Ordinance.

Commissioner Yeoman appreciated Ms. Swartz's willingness to go through the proper channels.

Tom Thurber stated that he owned Metal Force, a manufacturing business located at 5037 South 2700 West. This whole area was zoned Light Manufacturing. Every few

years it seemed the City tried to change the zone in this area. It hadn't been able to rezone the whole area, so now it was changing the zone a piece at a time. Why did the zone on this property have to be changed?

Jared Hall stated that the property in question was being used residentially, which was a non-conforming use in a Light Manufacturing Zone. The non-conforming use of animals on the property had been discontinued for over a year. Once a non-conforming use ceased, the use could not be re-established. In order for Ms. Swartz to have livestock, the property had to be rezoned. The checkerboard zoning in this area was the City's attempt to minimize the number of non-conforming uses and still allow the light industrial uses. It was pointless to have the property in question remain Light Manufacturing if someone wanted to use it residentially. The City wasn't talking about rezoning the whole area.

Commissioner Paul asked if the City could issue a permit to expand the home if the zoning remained Light Manufacturing. Mr. Hall said the City would not be able to issue a permit because a non-conforming use cannot be expanded.

Vice Chairman Hamilton stated that because the property was a non-conforming use, Ms. Swartz would not be able to use the property in the way she wanted to unless it was rezoned. He was concerned that mixed uses could cause noise to become a problem.

Jared Hall stated that the City recognized there were established uses in this area. He did not see any benefit from keeping this property zoned Light Manufacturing. If the property remained a non-conforming use and could not be used, it would continue to degrade.

Tom Thurber stated that if this property were rezoned there would be a residential lot right in the middle of a Light Manufacturing area.

Ray Baugh, 4997 South 2700 West, stated that he owned the machine shop immediately north of Metal Force. If the City began to zone the properties in this area based on their use, the commercial/industrial properties would be devalued.

Vice Chairman Hamilton asked why the industrial properties would be devalued. Mr. Baugh said the zoning would be broken up. People would begin complaining about noise and heavy equipment. If one of the industrial uses wanted to expand onto adjoining property, it might be able to because of zoning. Rezoning this property defeated the purpose of having a homogeneous area.

Commissioner Yeoman asked how many of the properties in the Light Manufacturing Zone were used residentially. Mr. Hall said about half of the properties located in the

Light Manufacturing area were used for residential purposes. Some of the properties in the adjacent RE-20 Zone were used for light manufacturing.

David Tracy, 5125 South 2700 West, stated that he owned the business located at 5135 South 2700 West. It seemed every two to three years, the City went through the same rigmarole about the patchwork zoning in this area. The Planning Commission held a public hearing about rezoning this area a number of years ago. The consensus of the residents was to leave the zoning as it was. It seemed all of the residents got along well. He didn't have anything against his neighbors, and his neighbors didn't seem to have anything against him. This area had been zoned for light manufacturing since 1971. Changing the zoning would make it hard for the commercial properties because their value would decrease. He didn't feel there was a problem that needed to be solved. He felt Ms. Swartz would be a good addition to the neighborhood.

Vice Chairman Hamilton stated that the only the property at 5085 South 2700 West was being considered for a rezone.

David Tracy asked if there was a way for the City to attach a codicil to the Swartz property to allow it to be used residentially, to have animals, and to add on to the home. Then the property wouldn't have to be rezoned. He felt there was something the City could do without having to change the zoning. The majority of the people in the neighborhood had horses.

Vice Chairman Hamilton stated that the City was trying to find a legal way to accomplish what Ms. Swartz wanted to do.

David Tracy didn't feel the citizens of Roy should have to jump through hoops to fit the picture the City wanted. He was sick of the population growth around him. All of the houses and apartments congested the area and increased traffic and noise. All of it was done because the City wanted to increase its tax base. The houses and businesses in this area fit now. He didn't feel anything needed to change.

Commissioner Kirch asked if there was any way to allow animals and an expansion of the existing home without rezoning the property. Mr. Hall said there was not. The state dictated what could and could not be done with non-conforming uses.

Commissioner Kirch stated that the homes in the Light Manufacturing area used as residences were non-conforming uses. Mr. Hall said they were; the animal rights were non-conforming as well. If either use was discontinued, the non-conforming use could not be re-established.

Commissioner Kirch was concerned about creating an RE-20 island. Mr. Hall said the City would consider petitions from other residentially used properties in this area. The City did not want to foist a zone on any of the property owners.

Jared Hall stated that he didn't see Metal Force, or any of the other commercial uses, losing anything if this property was rezoned. This was a mixed use area. It was difficult to deal with.

Commissioner Stonehocker moved to close the public hearing at 6:36 p.m. Commissioner Paul seconded the motion. Commission members Hamilton, Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.

Commissioner Yeoman stated that this area was established with homes and businesses that had been that way for a long time. She didn't feel it would be a problem to rezone this property to make a conforming use. In the future, this area would have to be considered bit by bit.

Vice Chairman Hamilton agreed that the zoning in this area wasn't ideal, but felt the property should be made conforming for Ms. Swartz.

Commissioner Paul stated that a future property owner could request that the property be rezoned back to Light Manufacturing.

Commissioner Kirch could see both sides. The commercial property owners were concerned this rezone would have a domino effect.

Commissioner Yeoman stated that a home had been on the property in question for a long time. She didn't feel approving rezone would have a domino effect.

Commissioner Kirch was concerned about creating an island of RE-20 in the Light Manufacturing zone.

Vice Chairman Hamilton stated that this was not ideal. If the property wasn't rezoned, it would become an eyesore. No one would be willing to purchase the property if it couldn't be fixed up.

Commissioner Paul stated whoever purchased this property needed to realize that they were moving into a manufacturing area. They needed to realize there was a potential for noise in the future. When noise became a problem, they needed to realize where they were.

Commissioner Kirch asked if the Planning Commission would be considering this petition if the City had a mixed use zone. Jared Hall said the mixed use the City had discussed was a mixture of commercial and high density residential. The uses in this particular area were the results of an aging city.

Jared Hall stated that this request was a homeowner's decision versus an investor's decision. A homeowner wanted to use the property for a residential use; an investor would want to use the property for a manufacturing use.

Commissioner Yeoman moved to recommend that the City Council approve the request to amend the Zoning Map by rezoning property located at approximately 5085 South 2700 West from Light Manufacturing to RE-20 (Residential Estate) based on the staff's findings and recommendations. Commissioner Paul seconded the motion. Commission members Hamilton, Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.

During the staff update, the Planning Commission discussed the creation of a mixed use or an overlay zone in the corridor between the Union Pacific right-of-way and the D&RG Trail.

4. PUBLIC HEARING TO CONSIDER A REQUEST FOR CONDITIONAL USE APPROVAL TO ALLOW A TATTOO AND BODY ART BUSINESS ON PROPERTY LOCATED AT APPROXIMATELY 5523 SOUTH 1900 WEST

Commissioner Yeoman moved to open the public hearing at 6:42 p.m. Commissioner Kirch seconded the motion. Commissioner members Hamilton, Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.

Jared Hall stated that Jason Savaiinaea had requested that the Zoning Ordinance be amended to create a use category for Tattoo and Body Art. The Planning Commission considered his request and recommended that the Council approve the amendment. The Council accepted the Planning Commission's recommendation, and amended the Zoning Ordinance to create a use category for Tattoo and Body Art. Mr. Savaiinaea was now requesting approval of a conditional use to allow him to open a tattoo business in Painter Place Plaza at 5523 South 1900 West. It would be the first of the four tattoo businesses allowed by the new regulations. The proposed location was located more than 600 feet from schools, churches, and parks. Mr. Savaiinaea would have to comply with the regulations regarding hours, apply for and receive a license from the Weber/Morgan Health Department, and not allow minors without permission from a guardian.

Mr. Hall said the staff had found that the proposed conditional use was in keeping with the goals and intents of the General Plan and met the requirements established by Ordinance No. 1060. The staff recommended that the Planning Commission recommend approval of the request for a conditional use for a tattoo and body art establishment located at approximately 5523 South 1900 West subject to:

1. The applicant must obtain a license from the Weber/Morgan Health Department and maintain it in good standing.
2. The applicant must abide by all other requirements of Ordinance No. 1060, including restricted hours of operation and access by minors.

Vice Chairman Hamilton opened the floor for public comments. There were none.

Commissioner Kirch moved to close the public hearing at 6:47 p.m. Commissioner Stonehocker seconded the motion. Commissioner members Hamilton, Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.

Commissioner Paul moved to recommend that the City Council approve a conditional use for a tattoo and body art establishment located at approximately 5523 South 1900 West based on the staff's findings and subject to the conditions

recommended by the staff. Commissioner Kirch seconded the motion. Commission members Hamilton, Kirch, Paul, Stonehocker, and Yeoman voted "aye." The motion carried.

5. STAFF UPDATE

The Planning Commission discussed the creation of a mixed use or an overlay zone in the corridor between the Union Pacific right-of-way and the D&RG Trail.

Jared Hall updated the Planning Commission on the West Park Crossing development on 4800 South. A new developer was considering the project. He said the Planning Commission would have to approve any changed elevations.

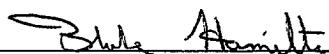
Jared Hall updated the Planning Commission on the Aderra Apartments. The traffic study had been completed. It showed that traffic from the apartments would not significantly impact the intersection of 3500 West and Midland Drive. UDOT had presented a plan to close 3500 West with a cul-de-sac within six months.

Jared Hall stated that there would be a meeting on January 28th to consider the conditional use for the cell phone tower. A conditional use for the library would be considered at the first meeting in February, and a site plan for an indoor gun range would probably be on the agenda for the last meeting in February.

6. ADJOURN

Commissioner Kirch moved to adjourn at 7:08 p.m. Commissioner Stonehocker seconded the motion. Commission members Hamilton, Kirch, Paul, Stonehocker and Yeoman voted "aye." The motion carried.

Attest:



Blake Hamilton
Vice Chairman



Michelle Drago
Secretary