

ROY CITY PLANNING COMMISSION

January 24, 2012

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on January 24, 2012, at 6:04 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
Dave Dickson
Blake Hamilton
Lee Holt
Bill Merx
Rhett Zito

Jared Hall, Planner
Michelle Drago, Secretary

Excused: Gennie Kirch

Others present were: Adam Bowers; Clint Stanger; Randy Brown; and Eric Toner.

Pledge of Allegiance: Bill Merx

1. APPROVAL OF JANUARY 10, 2012, MINUTES

Commissioner Hamilton moved to approve the minutes of January 10, 2012, as written. Commissioner Holt seconded the motion. Commission members Dickson, Hamilton, Holt, Merx, and Zito voted "aye." The motion carried.

2. PUBLIC HEARING TO CONSIDER AMENDMENTS TO TABLE 17-2 OF THE ZONING ORDINANCE REGARDING PAWN SHOPS

Commissioner Hamilton moved to open the public hearing at 6:07 p.m. Commissioner Zito seconded the motion. Commission members Dickson, Hamilton, Holt, Merx, Stonehocker, and Zito voted "aye." The motion carried.

Jared Hall stated that the City Council recently directed the staff to prepare a text amendment to the Zoning Ordinance regarding additional regulations for pawn shops similar to those for pay day lenders. Table 17-2 was a use table in the Zoning Ordinance that listed different categories of uses. It contained a description for pawn shops.

Staff was not proposing to change the description. The proposed amendment would simply add some restrictions.

Mr. Hall said pawn shops would still be allowed in the Regional Commercial Zone as a conditional use. The staff was proposing a distance separation of 600 feet from residential zones and from other pawn shops; a per capita limit of one per 10,000 population (Roy City's population from the 2010 census was just under 37,000, which would limit the number of pawn shops to four); and a prohibition on outdoor display. The proposed category for pawn shops would read as follows (added language underlined):

Any person or establishment engaged in any of the following: (a) Lending money on deposit of personal property; (b) Dealing in the purchase, exchange, or possession of personal property on condition of selling the same back again to the pledgor or depositor; (c) Lending or advancing money on personal property by taking chattel mortgage security thereon and taking or receiving possession of such personal property; or (d) Selling unredeemed pledged personal property together with such new merchandise as will facilitate the sale of such property. The number of such facilities licensed within the city limits may not exceed one per every ten thousand (10,000), or portion thereof, of the most recent United States Census Bureau estimated population of Roy City. Such facilities shall not be located closer than six hundred (600) feet to any residential zone or to another Pawn Shop. Pawn Shops shall not engage in any outdoor display or outdoor storage of merchandise.

Mr. Hall stated that the staff had found that the proposed amendment was necessary to adequately regulate a business category with specific and unique characteristics. The use category to be amended represented a growing sector of the commercial market in the region, and because of the unique aspects typical to its business operation, should be further restricted. The staff recommended that the Planning Commission recommend approval of the proposed amendment to Table 17-2 of the Zoning Ordinance subject to further review and approval by the City Attorney's office as might be necessary and subject all items of the staff report.

Mr. Hall said there were currently four pawn shops in Roy. Three had received conditional uses in the past few years. The restriction on outdoor display was usually a condition of approval, but could be written into the ordinance itself.

Commissioner Dickson asked if the per capita restriction for pay day lenders was one for every 5,000. Mr. Hall said it was. Based on the recent census, pay day lenders were capped at eight, and there were eight such businesses in Roy City.

Commissioner Dickson asked if the City had any pending requests for pawn shops. Mr. Hall said it did not.

Commissioner Hamilton asked about secondary effects. Jared Hall said the Council was concerned about the sudden increase in store fronts being occupied by this one type of business during the current economy. These types of businesses tended to congregate.

Commissioner Merx stated that there was a distance separation for pay day lenders and one proposed for pawn shops. He asked if the amendment should contain a distance separating pawn shops from pay day lenders as well. The current code did not allow pawn shops to do pay day lending. There wasn't anything to prevent a pawn shop owner from opening a pay day lending business next door to his pawn shop unless there was a separation requirement. Mr. Hall said the current per capita cap might make it a moot point.

Commissioner Hamilton felt such an amendment might make it necessary to change the language for pay day lending businesses as well.

Commissioner Holt stated that the City could not legislate every situation.

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

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

Commissioner Hamilton asked about the Council's concerns. Jared Hall said the City Council was concerned about the total number of pawn shops in the City, how close these businesses were to each other, and a restriction on outdoor display. The Council saw that there was one pawn shop in the City in 2009 and four in 2011.

Chairman Stonehocker felt the Council's concern seemed to be having places for other types of businesses when the economy picked up. That's why they needed to limit pawn shops.

Commissioner Hamilton moved to recommend that the City Council approve a text amendment to Table 17-2 as proposed by the staff based on the staff's findings and recommendations. Commissioner Zito seconded the motion. Commission members Dickson, Hamilton, Holt, Merx, Stonehocker, and Zito voted "aye." The motion carried.

3. CONSIDERATION OF A REQUEST TO EXTEND APPROVAL OF A CONDITIONAL USE AND SITE PLAN FOR A NINE-UNIT APARTMENT DEVELOPMENT ON PROPERTY LOCATED AT APPROXIMATELY 3748 SOUTH 2700 WEST

Jared Hall stated that in late 2010, the Planning Commission considered a request for a conditional use and site plan for a nine-unit apartment development on property located at 3748 South 2700 West. The Planning Commission recommended that the City Council approve the conditional use and site plan based on changes being made to the site plan.

Mr. Hall gave a brief history of the development. The site currently consisted of three separate parcels. One of the original conditions was that all three parcels be combined. The site was currently open ground. The proposed site plan consisted of nine units in two separate buildings. The first concession made by the developer was to break the units into two buildings. Architectural features had been added to the front facade; hard surfacing had been reduced; a community garden and semi-private patios had been added as amenities, and shade trees had been added to the landscaping. Finally, the developer had structurally staggered the units themselves. Staggering the units would provide a lot of visual relief for the front of the buildings. The developer had submitted this new site plan and asked that his approval be extended.

Commissioner Dickson asked if the multi-tenant ordinance limited the number of units per building. Mr. Hall said it did, and that the original site plan contained all nine units in one building, but that under the ordinance the applicant had been required to break that into two.

Commissioner Holt stated that when the Planning Commission originally considered this site plan, there was discussion about the military appearance of the building. There had been changes to the elevations, but he felt the apartments still looked like army barracks. Mr. Hall felt that staggering the depth of the units would help break up the front facade. He reminded the Commissioners that under the ordinance they had required varied entry styles, different materials than originally proposed, amenities in the open space, the breaking up of the buildings and finally the structural staggering. He felt the City had pushed this development under the ordinance as far as it could.

Jared Hall stated that the way the ordinance was written, as the number of units in a development went up, the more opportunities there were to break things up. All those potential requirements were tied to specific justifications like better parking access, pedestrian access, human scale, etc. On larger projects, the costs of those requirements could also more easily be absorbed into the project. On this project, staff felt that the City had achieved the goals of that ordinance and was looking at a much

better project than would have been permissible before, even if it wasn't as nice looking as would be hoped.

Commissioner Merx asked what type of materials would be used along the bottom of the facade. Mr. Hall said there would be brick on the bottom and siding on the top. Commissioner Merx felt changing the colors of the brick along the bottom would also provide visual relief without a lot of cost. Mr. Hall said the developer had also used different materials for the entry columns, some brick and some stacked stone.

Commissioner Hamilton asked if the site plan complied with the code. Mr. Hall said it did. It satisfied the code but did not go beyond it.

Commissioner Merx stated that people would want to live in this development if it looked nice. The nicer the owner made it look, the easier it would be to rent. It wasn't the Planning Commission's job to make the project successful financially. It could make suggestions to help the development blend in to the surrounding area.

Jared Hall stated that the Planning Commission had previously recommended that the site plan be approved subject to certain changes being made. If the Planning Commission wanted to make additional requirements, they should make them now.

Commissioner Zito stated that the more architectural changes the City required, the more expensive the rent would be. The rent had to be what people could afford.

Commissioner Holt moved to recommend that the City Council approve the conditional use and site plan for the nine-unit apartment development at 3748 South 2700 West based on the staff's findings and subject to the conditions recommended by the staff and Planning Commission. Commissioner Hamilton seconded the motion. Commission members Dickson, Hamilton, Holt, Merx, Stonehocker, and Zito voted "aye." The motion carried.

4. STAFF UPDATE

Jared Hall stated that the City had received a request to amend the regulations for home occupations. The steering committee would begin meeting again in February on the General Plan. Councilman Hilton had agreed to take Councilman Peterson's place on the steering committee.

5. ADJOURN

Commissioner Holt moved to adjourn at 6:50 p.m. Commissioner Merx seconded the motion. Commission members Dickson, Hamilton, Holt, Merx, Stonehocker, and Zito voted "aye." The motion carried.



Tom Stonehocker
Chairman

Attest:



Michelle Drago
Secretary

dc:pjan2412