

ROY CITY PLANNING COMMISSION

October 11, 2011

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on October 11, 2011, 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
Gennie Kirch
Bill Merx
Rhett Zito

Jared Hall, Planner
Michelle Drago, Secretary

Excused: Dave Dickson

Others present were: Adam Bowers and Gary Tyler, Richards Bott Architects.

Pledge of Allegiance: Bill Merx

1. APPROVAL OF SEPTEMBER 13, 2011, MINUTES

Chairman Stonehocker stated that the Planning Commission could not approve the minutes of September 13, 2011, because they weren't included in the packets. The minutes of July 26, 2011, which were included in the packet, could not be approved because they weren't on the agenda.

Rhett Zito arrived at 6:05 p.m.

2. PUBLIC HEARING TO CONSIDER AN APPLICATION FOR A CONDITIONAL USE TO ALLOW A PAWN SHOP ON PROPERTY LOCATED AT 5418 SOUTH 1900 WEST

Commissioner Merx moved to open the public hearing at 6:05 p.m. Commissioner Holt seconded the motion. Commission members Holt, Kirch, Merx, Stonehocker, and Zito voted "aye." The motion carried.

Jared Hall stated that the City had received a request for a conditional use for a pawn shop at 5418 South 1900 West. The building was formerly occupied by Down To Earth Foods and was located between Arby's's and Bee's Café. The proponent was not proposing any changes to the site or the exterior of the building. There might be a little interior remodeling, which the proponent would have

to work out with the Building Official. Access to the site was from two entrance points on 1900 West. The parking currently on site exceeded the minimum requirement of one space for every 300 gross square feet. Based on the size of the building, 18 parking spaces were required. The site currently had 21 parking spaces.

Mr. Hall said pawn shops were allowable as a conditional use in the Regional Commercial Zone. The City had adopted standards which limited the number and location of pay day lending businesses. Pawn shops that did not engage in pay day lending were still an allowable conditional use. The proponents were not proposing to do pay day lending.

Mr. Hall said the requested conditional use met the conditional use standards. No changes to the exterior were proposed other than new signs. The proponents would be responsible to get the permits needed for their signs. Pawn Shops liked to engage in outdoor display, which was not allowed in Roy City. One of the conditions recommended by the staff was that there be no outside display.

Mr. Hall said the staff had found that the proposal complied with the intent and regulations of the Zoning Ordinance and with the goals of the General Plan. The proposed use did not offer pay day lending services, and therefore, did not fall under the number and spacing requirements for them. The staff recommended that the Planning Commission recommend that the City Council approve the conditional use for a pawn shop at 5418 South 1900 West subject to the following conditions:

1. Subject to all items of the staff report and to further review and approval by the DRC and other City staff as might be deemed necessary.
2. The applicant shall seek and obtain appropriate building permits for any interior remodeling, new signage, etc., complying with all rules and regulations which pertain to that process.
3. The applicant shall not engage in pay day lending practices as defined by Roy City Ordinance No. 1018.
4. The applicant shall not engage in outdoor storage or display of merchandise.

Commissioner Kirch asked if the parking was independent of Bee's Café or if it was reciprocal. Mr. Hall said the parking was independent according to the lease.

Commissioner Holt stated that when the building was occupied by Down to Earth, there was quite a disagreement with Bee's Café over the parking. Bee's Café did need a lot of parking during some hours of the day. Down to Earth barreled their parking spaces, which they had the right to do. Commissioner Holt felt this new business might have to protect its parking spaces.

Blake Hamilton arrived at 6:10 p.m.

Commissioner Merx asked what tools the City had to enforce conditions about no pay day lending or outdoor display. Mr. Hall said the staff would regularly review the conditional use. Most pawn shops did not engage in pay day lending without advertising for it. If the City discovered that pay day lending was occurring, it would ask the business to cease and desist. The ultimate action would be to revoke the conditional use permit, and thereby the business license itself if there were violations.

Commissioner Merx stated that the pawn shop located at approximately 5700 South 1900 West was displaying items outside their building. Mr. Hall said he would check on that business.

Commissioner Kirch stated that when the conditional use for the pawn shop at 5700 South 1900 West was approved, there was a discussion about similar businesses being located within a certain distance. The City did not have any restrictions on the number of pawn shops or how far apart they should be located. A pawn shop at 5418 South 1900 West would be the fourth within a very short distance. She hoped it offered something different than the others and could attract a different clientele.

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

Commissioner Merx moved to close the public hearing at 6:14 p.m. Commissioner Holt seconded the motion. Commission members Hamilton, Holt, Kirch, Merx, Stonehocker, and Zito voted "aye." The motion carried.

Commissioner Kirch moved to recommend that the City Council approve a conditional use for a pawn shop located at 5418 South 1900 West based on the staff's findings and subject to the conditions recommended by the staff. Commissioner Holt seconded the motion. Commission members Hamilton, Holt, Kirch, Merx, Stonehocker, and Zito voted "aye." The motion carried.

3. CONSIDERATION OF AN APPLICATION FOR SITE PLAN APPROVAL TO ALLOW A NEW ACCESSORY STRUCTURE (PAVILION) ON PROPERTY LOCATED AT APPROXIMATELY 5301 SOUTH 2100 WEST

Commissioner Merx recused himself from the discussion due to a conflict of interest. He was an employee of the Corporation of the Presiding Bishop, a subsidiary of The Church of Jesus Christ of Latter-day Saints.

Commissioner Kirch moved to open the public hearing at 6:16 p.m. Commissioner Zito seconded the motion. Commission members Hamilton, Holt, Kirch, Stonehocker, and Zito voted "aye." Commissioner Merx abstained. The motion carried.

Jared Hall stated that The Church of Jesus Christ of Latter-day Saints owned a chapel at 5301 South 2100 West. They planned to purchase two parcels located immediately to the north. A bowery would be constructed on one of them. One of the conditions proposed by the staff is that the two smaller parcels be consolidated with the larger parcel. The Zoning Ordinance said that if parcels were being used as one, they should be consolidated into one parcel. The consolidation could be done by filing quit claim deeds with the Weber County Recorder. The consolidation did not have to be done prior to the entitlement.

Mr. Hall said the bowery would not interfere with parking or traffic, storm drainage, or landscaping. The new parcels would increase the amount of pervious surface on the site. The bowery would be lit with down lighting. However, he did not feel the light would be intrusive to surrounding residents. The existing fencing would be extended around the additional parcels.

Mr. Hall said the staff had found that the proposed addition was an acceptable accessory use to the existing church, which was located in an R-1-8 Zone. The application was in compliance with the requirements of the Zoning Ordinance and with the General Plan. The staff recommended that the Planning Commission approve the site plan for the new accessory structure based on the following conditions:

1. Subject to all items of the staff report and to further review and approval by DRC staff as might be deemed necessary.
2. Subject to the appropriate consolidation of the parcels involved in the plan through Weber County.
3. The applicant shall seek and obtain all appropriate building permits and other approvals related to the proposed structure.

Commissioner Holt asked if the adjacent parcels were being purchased in order to meet a condition for approval. Mr. Hall said the LDS Church's decision to purchase the adjacent parcels was independent of approval of the bowery.

Commissioner Holt asked if the purchase of the parcels would affect other adjacent lots. Mr. Hall said it would not. The two parcels were currently landlocked. This was a good use for them as they were not usable in any other way.

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

Commissioner Holt moved to close the public hearing at 6:21 p.m. Commissioner Kirch seconded the motion. Commission members Hamilton, Holt, Kirch, Stonehocker, and Zito voted "aye." Commissioner Merx abstained. The motion carried.

Commissioner Hamilton moved to approve the site plan to allow a new accessory structure (pavilion) on property located at approximately 5301 South 2100 West based on the staff's findings and subject to the recommendations listed in the staff report. Commissioner Holt seconded the motion. Commission members Hamilton, Holt, Kirch, Stonehocker, and Zito voted "aye." Commissioner Merx abstained. The motion carried.

4. STAFF UPDATE

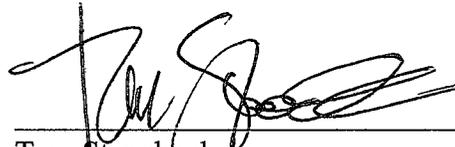
Commissioner Kirch asked what was happening with the road which had been paved on the north side of 4000 South immediately east of the railroad tracks. Mr. Hall said he would look into it.

Commissioner Kirch stated that some of the existing pawn shops did have outside display. Jared Hall said it was a recurring problem. The Zoning Ordinance currently did not allow outside storage so it was not permitted.

Blake Hamilton asked if pawn shops could be addressed in the new General Plan. Jared Hall stated that when the City Council was considering Ordinance No. 1018, it had decided note to cap the number of pawn shops. If a change was made, the new General Plan would have to specify that the City wanted to look at spacing requirements for a certain type of business. The City could also consider restrictions on outdoor display, but it had to be careful. Any changes to outdoor display could affect other businesses in the community.

4. ADJOURN

Commissioner Holt moved to adjourn at 6:33 p.m. Commissioner Merx seconded the motion. Commission members Hamilton, Holt, Kirch, Merx, Stonehocker, and Zito voted "aye." The motion carried.



Tom Stonehocker
Chairman

Attest:



Michelle Drago
Secretary

dc:poct1111