



Agenda
Roy City Planning Commission Meeting

6:00 p.m.
February 25, 2014

City Council/Court Room
Municipal Building
5051 South 1900 West

1. Approval of February 11, 2014 minutes.
2. Discussion of potential overlay zone related to legal, non-conforming uses.
3. Staff update
4. 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

February 25, 2014

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on February 25, 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:

Gennie Kirch, Chairman
Bob Dandoy
Leland Karras
Joe Paul
Tom Stonehocker

Jared Hall, Planner
Michelle Drago, Secretary

Excused: Blake Hamilton

Others present were: Cyndee Green; Hannah Loftus; Megan Gallegos; Mariah Elmer; Kayla McCloy; Trent Nye; Emily Gooch; Chase Bastian; and Linda Fawson.

Pledge of Allegiance: Bob Dandoy

Chairman Kirch welcomed students from Fremont High School.

1. APPROVAL OF FEBRUARY 11, 2014, MINUTES

Commissioner Stonehocker moved to approve the February 11, 2014, minutes as corrected. Commissioner Paul seconded the motion. Commission members Dandoy, Karras, Kirch, Paul, and Stonehocker voted "aye." The motion carried.

2. DISCUSSION OF POTENTIAL OVERLAY ZONE RELATED TO LEGAL, NON-CONFORMING USES

Jared Hall wanted to discuss how to proceed with a potential overlay zone that could affect non-conforming uses and non-conforming structures. Legal, non-conforming uses were also known as non-complying uses. Another common term was grandfathering. A non-conforming use started as legal use. It became non-conforming when a city changed its standards. Non-conforming uses were regulated by State Code. Roy City also had several rules that applied to non-conforming uses. The City's code said the status of a non-conforming use had to be granted by the Board of Adjustment. The City

usually did not follow that practice because the State Code said non-conforming uses were defacto.

Mr. Hall said there were several things the Planning Commission had to consider when discussing an overlay zone. Should the overlay zone address non-conforming uses and non-conforming structures? The two were completely different. A non-conforming structure once complied with setback requirements, and due to changes in the Zoning Ordinance, no longer met the setbacks requirements of the zone in which it was located.

Chairman Kirch briefly summarized the circumstances regarding the rezone on 2700 West that led to a discussion about creating an overlay zone (see January 14, 2014, minutes). The applicant had purchased property on 2700 West that had lost its non-conforming animal rights. The only way to re-establish those rights was to rezone the property from Light Manufacturing to Residential Estates (RE-20). Several business owners in the area objected to the rezone because they were concerned it would impact the future of their manufacturing zone. The Planning Commission asked that the staff look at a way to allow the mixed uses in this specific area to co-exist. Then property owners wouldn't feel they had to fight a recurring battle.

Commissioner Paul said the applicant also wanted to expand her home but was unable to do so unless it was rezoned.

Commissioner Stonehocker stated that although the applicant's property was zoned for an industrial use the underlying future land use designation was low density residential.

Jared Hall stated that the Zoning Ordinance prohibited non-conforming uses from expanding with the hope that the use would eventually die. One area of consideration was whether to allow non-conforming uses in the overlay zone to expand. If a lot in the overlay zone was a body shop was surrounded by homes, did the City want to allow the body shop the ability to expand by adding onto the building or making on-site improvements? If the City wanted to give non-conforming uses the opportunity to expand, how far did it want to go? Would a business be allowed to expand to an adjoining property?

Mr. Hall said the Planning Commission needed to determine the geographical limits of the overlay zone would be and what the threshold for the overlay zone would be. Was the threshold when 50% of the properties became non-conforming uses? There had to be a threshold, or the City would be being arbitrary and capricious.

The Planning Commission discussed applying the overlay zone to the area between the railroad rights-of-way from 3300 South to 6000 South.

Chairman Kirch said the overlay zone needed to benefit both the business and residential properties.

Commissioner Paul was concerned that a new residential property owner in a mixed use area would complain about the noise of an existing business. The new owner needed to realize what it meant to purchase a home in a manufacturing zone.

Jared Hall stated that the goal of the overlay zone was to stabilize an area and provide opportunities for businesses to expand. On the other hand, there were some non-conforming uses the City did not want to live.

Commissioner Dandoy stated that the area along 2700 West between 4800 South and 5600 South was sandwiched between the Union Pacific Railroad right-of-way and the old D&RG Railroad right-of-way. He didn't feel the area was very attractive for housing. The lots were long and narrow.

Chairman Kirch asked if an overlay zone would be good for manufacturing. Mr. Hall said it would if it allowed businesses to expand.

Chairman Kirch asked if an overlay zone would allow new uses. Mr. Hall said an overlay zone would not change the zone. The existing zone and land use designation would remain the same. The area in question would continue to be zoned for light manufacturing and have a low density residential land use designation. An overlay zone simply changed the regulations for some uses, such as non-conforming uses, for a particular area.

Chairman Kirch suggested that the City start small. She felt the overlay zone should be applied to the area along 2700 West from 4800 South to 5600 South to begin with. She initially asked if something could be done to allow residential properties in this area to maintain their animal rights and to be able to expand without having to change the zoning of individual lots. She didn't want the property owners in this area to feel they had to come to the City every few years to defend their property rights.

Commissioner Paul agreed that the City should test an overlay zone before applying it to the City.

The Planning Commission felt the overlay zone should address animal rights, the ability to expand a use, and expansion to adjoining properties. After some discussion, the Planning Commission agreed that the overlay zone should apply to properties along the west side of 2700 West between 4800 South and 5200 South.

Jared Hall said that he would apply the overlay criteria to each lot in that area to see what it would do.

Chairman Kirch felt the Planning Commission needed to decide if the overlay zone would be helpful or not. Was the City reacting to something that was not an issue?

Jared Hall stated that if the Planning Commission could leave the zoning alone and let property owners come in individually if it didn't feel an overly zone would work. He would review the area in question to determine what the impact of an overlay zone might be and to come up with criteria and a threshold. With that information, the Planning Commission could look at the bigger picture and whether it wanted to open the door to an overlay zone. In establishing an overlay zone, the City was admitting that this area had a mixed use of manufacturing and residential uses. The City simply wanted to make it easier for the uses to get along.

3. STAFF UPDATE

Jared Hall stated that the City had received a couple of small applications. One would be ready for the next meeting.

Chairman Kirch stated that she had checked Roberts Rules of Order for the proper way to address a female chair. The rules said the use of 'Chairman' for a female chair was appropriate.

4. ADJOURN

Commissioner Stonehocker moved to adjourn at 6:44 p.m. Commissioner Paul seconded the motion. Commission members Dandoy, Karras, Kirch, Paul, and Stonehocker and Yeoman voted "aye." The motion carried.

Attest:

Gennie Kirch
Chairman

Michelle Drago
Secretary

dc:pfeb2514