

ROY CITY PLANNING COMMISSION

May 22, 2012

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on May 22, 2012, at 6:07 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

There were no others present.

Pledge of Allegiance: Bill Merx

1. APPROVAL OF FEBRUARY 28, 2012, MINUTES

Commissioner Kirch moved to approve the minutes of February 28, 2012, as corrected. Commissioner Hamilton seconded the motion. Commission members Hamilton, Holt, Kirch Merx, Stonehocker and Zito voted "aye." The motion carried.

2. DISCUSSION REGARDING POSSIBLE REGULATIONS FOR OUTDOOR DISPLAY OF MERCHANDISE IN COMMERCIAL ZONES

Jared Hall stated that the Planning Commission and City Council recently considered regulations regarding pawn shops. Part of the Council's discussion was about outdoor display of merchandise. The last two conditional use permits approved for pawn shops specifically included conditions prohibiting outdoor display. The new regulations for pawn shops prohibited outdoor display of merchandise. The City Council asked that the staff and Planning Commission look at regulations for outdoor display for all businesses.

Mr. Hall felt it was important to distinguish between outdoor storage and outdoor display. The City ordinance prohibited outdoor storage, but was less clear on the issue of outdoor display.

Mr. Hall said he had looked at regulations from other cities. The ordinances from most cities said business had to be conducted in an enclosed building. He could find very few cities with regulations for outdoor display. Those that did regulate outdoor display did so under very strict guidelines. The only exception to outdoor display restrictions were vehicles and equipment for sale and/or rent. Those types of businesses had their own category in the Use Table in the Zoning Ordinance. Some cities prohibited the display of second hand goods, but not of new merchandise.

Mr. Hall felt in general that the City had four options:

Option 1 - Do nothing. Roy currently had no clear regulations regarding outdoor display, except for the exceptions already mentioned. Because the City allowed vehicle display, it was presumed it did not allow other types of outdoor display. The City had always allowed parking lot sales.

Option 2 - Regulate only 'Event Based Display.' This might include regulations allowing a certain number of events per year and allowing them to continue for specific lengths of time, maintaining a clear path into and out of the parking lot and buildings, etc.

Option 3 - Regulate only 'Ongoing Display.' This would include regulations requiring the display's removal after hours, specifications of how much space outside and where on a given property the display could take place. For example, many cities did not allow display to happen in landscaping areas or parking lots. Display could only be in a limited area adjacent to the building.

Option 4 - Regulate both 'Event Based' and 'Ongoing Display' using some of the techniques discussed.

Commissioner Kirch mentioned that Rite Aid displayed pots and plants. Commissioner Merx said that tire stores usually had tires displayed outside. Michelle Drago said that grocery stores had seasonal display for things like pumpkins, Christmas trees, and spring plants.

Commissioner Merx stated that one reason for outdoor display was lack of room in a business. Merchandise was placed outside during the day and brought in at night. He wasn't sure that was a good business practice. What vision did the Council have for

the City? He felt the City needed to solidify its vision; then concerns about temporary display would be cleared up quickly.

Commissioner Merx stated that reality was that businesses were in business to clear a profit. How could they have an impact if they couldn't let people know what they had?

Commissioner Holt stated that in defense of commercialism he leaned toward doing nothing unless outdoor display began to get totally out of hand and the City was receiving complaints that it was intrusive. If the City regulated outdoor display, people could perceive Roy as being anti-business. He felt businesses should be allowed to display merchandise during the day to attract traffic.

Commissioner Hamilton didn't feel the City should draft regulations just to draft regulations. There had to be a problem the regulations were meant to address. There needed to be a vision.

Commissioner Kirch felt the City was sending a mixed message. It was okay for some businesses to have outdoor display, but not others. She felt that whatever was drafted, outdoor display should only be during business hours; should not be anchored or tethered down; should enhance the business; should not interfere with sidewalk access or handicap access for safety reasons; should not be used for advertising; and would only be allowed in Regional and Community Commercial Zones. She felt those regulations would be fair to all businesses. Any display beyond that would have to receive special permission from the City.

Jared Hall stated that everyone recognized that businesses displayed merchandise to enhance business, and not for some other reason. That fact wasn't the issue.

Commissioner Hamilton asked why the City should draft regulations if there wasn't a problem. It seemed that if most other municipalities didn't have a specific ordinance, there was a reason why. If there were regulations, outdoor display would become a problem.

Jared Hall stated that staff did not receive a large number of complaints about outdoor display of merchandise. Council members were concerned about pawn shops' outdoor display because they were aware of the conditions that were attached to their conditional use permits. The City wanted to attract businesses. However the Council's question seemed to be if by tacitly allowing outdoor display of merchandise the City were attracting the types of businesses it really wanted?

Commissioner Hamilton stated that the City had addressed that question by limiting the number of pawn shops. Mr. Hall said limiting the number was a major part of the

Council's concern, but felt another part of their concern was the general appearance of 1900 West.

Commissioner Kirch suggested that to address the issue of fairness, language could be added to the specific pawn shop category allowing some outdoor display as long as it was not anchored or tethered down and was only for seasonal items.

Commissioner Merx suggested that the City Council informally educate the business district about the City's vision; then allow businesses to self-regulate. If the Council could paint a vision for people of what it was trying to turn Roy City into over the next 20 years, he felt many would take steps toward it.

Commissioner Zito asked if the City could limit what was displayed. Mr. Hall said it could.

Jared Hall said language could be added to pawn shops allowing display against the building, nothing anchored down, and moved in at night.

Commissioner Kirch stated that a few new businesses along 1900 West had complied with the City's beautification plan for 1900 West. If the Albertson's and Ben Franklin buildings were occupied and complied with the beautification plan it might lead other businesses to improve their appearance.

Commissioner Holt asked if it wasn't broken why fix it? If there wasn't a major amount of complaints about outdoor storage, why regulate it?

Commissioner Kirch felt simple language could be added to the ordinance to allow outdoor display limiting the length of time, no overnight display, and nothing anchored down.

Commissioner Hamilton asked about the City's current language. Jared Hall said the City's ordinance currently said all business should be conducted in an enclosed building. Commissioner Hamilton said Mr. Hall had trouble finding lots of regulations in other communities because trying to regulate outdoor storage was likely fraught with problems. A vision was not created by an ordinance. It was created by a plan for the community. Then, ordinances were implemented as issues came up.

Jared Hall stated that he would summarize the Commission's discussion and present it to the Council in an informal work session.

Commissioner Hamilton stated that the City could spend time and effort trying to come up with every issue and trying to address it in the ordinance. He felt the City would be

better served to work at building a relationship with the businesses along 1900 West and educating them about the City's plan. He felt that would be more successful than adopting ordinance after ordinance.

Commissioner Holt felt the City Council had asked the staff and Planning Commission to look into a problem that perhaps wasn't a problem.

Commissioner Kirch was concerned about the mixed message sent by the City in restricting pawn shops but not other businesses.

Michelle Drago stated that the condition restricting outdoor display was not new. The City had been applying that condition to conditional uses for years.

Commissioner Hamilton felt outdoor display was an enforcement issue.

Jared Hall said he didn't feel that the City could begin to enforce outdoor display without raising some hackles.

Commissioner Merx felt temporary signs were a much bigger problem.

Chairman Stonehocker felt the Commission had had a great discussion. He agreed that less was more.

3. STAFF UPDATE

Jared Hall updated the Planning Commission on a petition to vacate the eastern portion of the 5200 South right-of-way east of 1900 West. The right-of-way was abandoned by the State when Riverdale Road was realigned. The State Code required a public hearing, which would be held by the City Council, not the Planning Commission.

Jared Hall stated that the City had received plans for Olympia Park No. 5. The preliminary plan would be brought to the Planning Commission in June. There was also some significant interest in a gun shop/firing range in the area.

Commissioner Kirch asked about fence regulations on corner lots. Jared Hall said a corner side yard could have a 6-foot fence. A fence could only be 4 feet in a front yard.

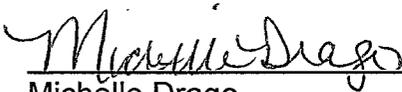
4. ADJOURN

Commissioner Holt moved to adjourn at 7:04 p.m. Commissioner Hamilton seconded the motion. Commissioner members Hamilton, Holt, Kirch, Merx, Stonehocker, and Zito voted "aye." The motion carried.



Tom Stonehocker
Chairman

Attest:



Michelle Drago
Secretary

dc:pmay2212