



## Agenda Roy City Planning Commission Meeting

6:00 p.m.  
June 24, 2014

City Council/Court Room  
Municipal Building  
5051 South 1900 West

1. Approval of June 10, 2014 minutes.
2. 6:00 p.m. Public hearing to consider a request for Conditional Use to allow a tattoo and body art business on property located at approximately 5688 S. 1900 W.
3. 6:00 p.m. Public hearing to consider a request for Preliminary Subdivision approval for Phase 4 of the Hidden Cove residential subdivision located at approximately 3150 W. 5450 S.
4. 6:00 p.m. Public hearing to consider a requested text amendment to the Roy City Zoning Ordinance requiring all business generally to be conducted within a wholly enclosed building.
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

June 24, 2014

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on June 24, 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  
Lindsey Ohlin  
Tom Stonehocker

Jared Hall, Planner  
Michelle Drago, Secretary

Excused: Blake Hamilton and Joe Paul

Others present were: Cathy Spencer, Management Services Director; Steve Parkinson; Christy Barrow; Gordon Barrow; Kathy Yarrington; Rhiannon Hartvigsen; Dee Nelson; and Larry Daley.

Pledge of Allegiance: Lindsey Ohlin

### 1. APPROVAL OF JUNE 10, 2014, MINUTES

**Commissioner Karras moved to approve the June 10, 2014, minutes as written... Commissioner Dandoy seconded the motion. Commission members Dandoy, Karras, Kirch, and Ohlin voted "aye." The motion carried.**

### 2. PUBLIC HEARING TO CONSIDER A REQUEST FOR A CONDITIONAL USE TO ALLOW A TATTOO AND BODY ART BUSINESS ON PROPERTY LOCATED AT APPROXIMATELY 5688 SOUTH 1900 WEST

**Commissioner Karras moved to open the public hearing at 6:01 p.m. Commissioner Dandoy seconded the motion. Commission members Dandoy, Karras, Kirch, and Ohlin seconded the motion. The motion carried.**

Jared Hall stated that the City had received a request for approval of a conditional use for a tattoo and body art business from Jason Savaiinaea. Mr. Savaiinaea submitted the request for a text amendment to create a use category for tattoo and body art businesses in the Regional Commercial Zone.

Several months ago, Mr. Savaiinaea applied for and received approval of a conditional use for a tattoo and body art business in the Painter Plaza. That location did not work out. Mr. Savaiinaea was requesting approval of a conditional use for a tattoo and body art business at 5688 South 1900 West, which was the most eastern space in the Five Star Plaza. Mr. Savaiinaea would still be the only tattoo business in Roy. He complied with the one per 10,000 restriction and was not closer than 600 feet to a similar establishment. The new location also met the spacing requirement for churches, schools, and parks.

Commissioner Stonehocker arrived at 6:02 p.m.

Mr. Hall stated that the staff had found that the proposed conditional use was in keeping with the goals and intent of the General Plan, and it met the requirements of the Zoning Ordinance and those established by Ordinance No. 1060. The staff recommended that the Planning Commission recommend that the City Council approve a conditional use allowing a tattoo and body art business on property located at approximately 5688 South 1900 West subject to:

1. The applicant obtaining a license from the Weber Morgan Health Department and maintaining it in good standing;
2. The applicant abiding by all other requirements of Ordinance No. 1060, including restricted hours of operation and access by minors.

Chairman Kirch asked if Mr. Savaiinaea would have restrictions regarding signs. Mr. Hall said Mr. Savaiinaea could have small sign space on the plaza sign, and he would be able to have signage on the building. If he wanted any other special signing, he would have to submit a separate conditional use application.

Commissioner Dandoy stated that last month, the Planning Commission considered a conditional use for a freeway-oriented sign on this property. He understood that was the only sign allowed on this property. Mr. Hall said Mr. Savaiinaea would not be able to advertise on the freeway sign.

Chairman Kirch felt this location would rely on advertising or word of mouth. If word of mouth didn't work, Mr. Savaiinaea would need to use some type of advertising.

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

**Commissioner Stonehocker moved to close the public hearing at 6:06 p.m. Commissioner Karras seconded the motion. Commissioner members Dandoy, Karras, Kirch, Ohlin, and Stonehocker voted "aye." The motion carried.**

Commissioner Dandoy stated that the Planning Commission previously discussed this use. He didn't feel there was a need to discuss it again. He didn't see anything different about Mr. Savaiinaea's request other than the location.

**Commissioner Dandoy moved to recommend that the City Council approve a conditional use allowing a tattoo and body art business on property located at approximately 5688 South 1900 West subject to the staff's findings and subject to the conditions recommended by the staff. Commissioner Stonehocker seconded the motion. Commission members Dandoy, Karras, Kirch, Ohlin, and Stonehocker voted "aye." The motion carried.**

3. PUBLIC HEARING TO CONSIDER A REQUEST FOR PRELIMINARY SUBDIVISION APPROVAL FOR PHASE 4 OF THE HIDDEN COVE RESIDENTIAL SUBDIVISION LOCATED AT APPROXIMATELY 5450 SOUTH 3150 WEST

**Commissioner Stonehocker moved to open the public hearing at 6:08 p.m. Commissioner Ohlin seconded the motion. Commission members Dandoy, Karras, Kirch, Ohlin, and Stonehocker voted "aye." The motion carried.**

Jared Hall stated that the City had received a request for preliminary approval for Hidden Cove Subdivision Phase 4, which was located at approximately 5450 South 3150 West. The subdivision was zoned R-1-8. Phase 4 would contain nine lots. All of the lots were larger than 8,000 square feet.

Mr. Hall said the Planning Commission and City Council approved a phasing plan for the Hidden Cove Subdivision in 2010. The former Phase 2 was divided into Phases 2, 3, and 4. The new Phase 2 had been constructed and Phase 3 was just being recorded. The developer was seeking preliminary approval of Phase 4. All of the roadways were the standard public right-of-way. Phase 4 was accessed by an extension of 5450 South, which was constructed in Phase 2. Mr. Hall said the engineering review of Phase 4 was ongoing. He did not anticipate the engineering review would require a reconfiguration of the roadway. The staff had found that the proposed subdivision was in harmony with the goals and intent of the General Plan, and that it complied with the Standards of the Zoning and Subdivision Ordinances. The staff recommended that the Planning Commission recommend that the City Council grant preliminary approval of the Hidden Cove Subdivision Phase 4 subject to:

1. Review and approval of any corrections, comments or requests for materials or information as might be required by the City Engineer in preparation for review and approval by the City Council;

2. Review and approval of any corrections, comments, or requests for materials or other information as might be required by the Fire Marshall in preparation for review and approval by the City Council.

Chairman Kirch asked about the length of the knuckle. A section in the Subdivision Ordinance said a road could not be longer than 1,000 feet. Mr. Hall wasn't sure about the length of the road. He estimated it was about 600 feet.

Chairman Kirch asked if there were any drainage issues. Mr. Hall said there were water table issues. He wasn't aware of any drainage issues.

Kathleen Yarrington, 5424 South 3100 West, stated that she owned five acres adjacent to the subdivision, and she had horses. She was promised that a 6-foot fence would be installed to protect her horses. There was a flowing well on her property that had been there for over 100 years. She asked how it would be drained.

Chairman Kirch stated that property owner were responsible for storm water from their own property.

Jared Hall stated that the Planning Commission could require that any previously required fencing be installed.

Rhiannon Hartvigsen, 5418 South 3200 West, was concerned about traffic control. People already ran the stop sign at 5400 South 3200 West. Additional homes would make it worse. She didn't feel there was enough room for nine lots. She said there was a drainage problem a few weeks ago. Secondary water was flowing from the east.

Gordon Barrow, 5497 South 3100 West, stated that the original developer, Joe Adair, told him a 6-foot chain link fence would be required next to the agricultural property. There was a deep well on the northwest corner of this property. It used to be connected to a land drain. Without the land drain, there was stagnant water on that corner. The problem with the secondary water was caused by three lines that were installed by the previous owner on property to the east to water his pasture. They needed to be capped.

Chairman Kirch asked if the Zoning Ordinance required a fence between two different uses. Mr. Hall said the R-1-8 and RE-20 Zones were both residential uses. The Planning Commission could make a determination that the agricultural use was different enough to require fencing. Some of the adjacent properties were located in unincorporated Weber County. He felt fencing was a good idea

Commissioner Karras suggested that the staff research the minutes to find out if fencing was originally required.

Chairman Kirch asked if the engineering review would address the drainage and secondary water issues. Mr. Hall suggested that the Planning Commission direct the City Engineer to assess the secondary water issues.

**Commissioner Karras moved to close the public hearing at 6:25 p.m. Commissioner Stonehocker seconded the motion. Commissioner members Dandoy, Karras, Kirch, Ohlin, and Stonehocker voted "aye." The motion carried.**

Commissioner Dandoy was concerned about adding more homes to an area that only had one way in or out. He recused himself from voting as his son lived adjacent to this property.

Chairman Kirch stated that several years ago the City Council determined that the smallest lots in Roy would be 10,000 square feet; yet this subdivision had 8,000 square foot lots. Mr. Hall stated that the City Council's directive applied to land being annexed into the City. This subdivision was already located in Roy City and was already zoned R-1-8 prior to the City Council's decision.

Jared Hall said he liked to see more accesses to a subdivision. However, there wasn't another way to develop this property. If the Planning Commission asked the developer to reconfigure the subdivision at this subdivision, he felt the City would be in a 'takings' position.

**Commissioner Stonehocker moved to recommend that the City Council grant preliminary approval of Hidden Cove Subdivision Phase 4 based on the staff's findings and subject to the conditions recommended by the staff; that the City Engineer review the drainage issues; and that the staff research the fencing requirements. Commissioner Karras seconded the motion. Commission members Karras, Kirch, Ohlin, and Stonehocker voted "aye." Commissioner Dandoy abstained. The motion carried.**

Later in the meeting, Chairman Kirch allowed further comments from the audience about Hidden Cove.

Dee Nelson stated that he had been raising pheasants on his property for 35 years. What repercussions would this subdivision have on his animal rights? Chairman Kirch stated that an established use that old would be a legal non-conforming use. If the use was discontinued for a year, the use would be lost.

4. PUBLIC HEARING TO CONSIDER A REQUESTED TEXT AMENDMENT TO THE ROY CITY ZONING ORDINANCE REQUIRING ALL BUSINESS GENERALLY TO BE CONDUCTED WITHIN A WHOLLY ENCLOSED BUILDING

**Commissioner Ohlin moved to open the public hearing at 6:30 p.m. Commissioner Stonehocker seconded the motion. Commission members Dandoy, Karras, Kirch, Ohlin, and Stonehocker voted "aye." The motion carried.**

Jared Hall stated that for some time Planning staff and Code Compliance had been discussing the possible addition of ordinance language that would specifically require commercial activity in the City to be conducted entirely indoors. There were a number of cases where outdoor display of merchandise was specifically allowed, and in some instances even storage. However, generally outdoor display and outdoor storage were not allowed. The City did not have an Outdoor Display Ordinance. Mr. Hall felt language could be added to the Zoning Ordinance requiring business to be conducted in an enclosed building, and still allow businesses to have some display.

Mr. Hall said Roy City's Zoning Ordinance established uses in a table in Chapter 17. Only a few of the categories were allowed to do business outside. There were businesses in Roy that routinely displayed merchandise outside. Code Compliance cited them, but did not have a good way to tell them what they were being cited for. He felt the best place to add the amendment was at the beginning of Chapter 17 rather than in the use table or in the Business License Ordinance. Amending the Zoning Ordinance to require business to be conducted indoors would put businesses on notice that their buildings needed to be large enough to conduct business indoors.

Commissioner Ohlin asked if the problem was appearance. Mr. Hall said it was. When Code Compliance received a complaint, it was difficult to make a succinct citation without an ordinance.

Commissioner Dandoy felt administering this type of ordinance would be difficult. There were a lot of businesses that displayed products outside. Mr. Hall suggested one way to handle outdoor display was to allow seasonal displays or sidewalk sales.

Commissioner Dandoy felt there were two issues – adequate space and appearance. Did a business have enough space to have an outdoor display and secure it for the night? Did products displayed in the open create something unsightly? Making a distinction about what could and could not be displayed could become a problem. He felt the staff needed to focus enforcement on one or the other. He was concerned that

this type of ordinance might drive business away. How much did the City want to interfere with advertising merchandise?

Chairman Kirch opened the floor for public comments.

Steve Parkinson, Clearfield, stated that Clinton City had a similar ordinance which allowed businesses to identify areas for outdoor display on their site plan. Identification could be retroactive.

Commissioner Stonehocker asked if Clinton required businesses to identify what they would be displaying. Mr. Parkinson said it did not. They just had to identify a display area.

**At 6:50 p.m., Commissioner Karras moved to continue the public hearing to the next meeting. Commissioner Dandoy seconded the motion. Commission members Dandoy, Karras, Kirch, Ohlin, and Stonehocker voted "aye." The motion carried.**

Commissioner Karras suggested that the staff look at Clinton City's ordinance to see if it could be modified to work in Roy.

Commissioner Ohlin didn't like the enforcement method of picking and choosing. She felt it should be more specific.

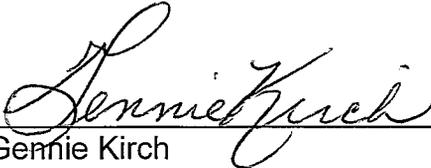
Chairman Kirch felt the Planning Commission should consider a use that was seasonal or temporary, and that the display area be identified on a site plan.

#### 5. STAFF UPDATE

Jared Hall introduced Steve Parkinson, Roy City's new planner. He would start on Monday, June 30<sup>th</sup>.

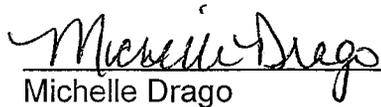
#### 6. ADJOURN

**Commissioner Stonehocker moved to adjourn at 6:55 p.m.**

  
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Gennie Kirch  
Chairman

Attest:

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June 24, 2014  
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A handwritten signature in cursive script that reads "Michelle Drago". The signature is written in black ink and is positioned above a horizontal line.

Michelle Drago  
Secretary

dc:pjun2414