

ROY CITY PLANNING COMMISSION

July 28, 2009

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on July 28, 2009, 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:

Brad Hilton, Chairman	Tony Reynolds, Community and
Dave Collins	Economic Development Director
Lee Holt	Jared Hall, Planner
Bill Merx	Michelle Drago, Secretary
Tom Stonehocker	
Roy Watts	

Excused: Blake Hamilton

Others present were: Sam Klemm, Wasatch Front Regional Council; and Gabe Eberson, Envision Utah.

Pledge of Allegiance: Brad Hilton

1. APPROVAL OF JULY 14, 2009, MINUTES

Commissioner Collins moved to approve the minutes of July 14, 2009, as corrected. Commissioner Merx seconded the motion. Commission members Collins, Hilton, Holt, Merx, Stonehocker, and Watts voted "aye." The motion carried.

2. PRESENTATION BY WASATCH FRONT REGIONAL COUNCIL STAFF REGARDING "WASATCH CHOICES 2040"

Sam Klemm, Wasatch Front Regional Council (WFRC), stated that Wasatch Front Regional Council did long range transportation planning for the Utah Department of Transportation. Utah was the fourth fastest growing state in the nation with a 29.6% population increase from 1990 to 2000. Sixty-two percent (62%) of the growth was the result of natural increase. The remaining 38% was from net immigration. Last year Utah was the fastest growing state. It was estimated that by 2040 the population of Utah would increase by 2.7 million. That was the equivalent of moving every citizen in Utah

to the Salt Lake, Utah, Davis, and Weber Counties today. That raised the question about how to pay for the increasing transportation needs. WFRC had asked Envision Utah to participate in a study with them.

Mr. Klemm stated that the following growth principles were adopted after reviewing input from community workshops, open houses, committee deliberations, and polling. They were intended to promote quality growth throughout the region. Because the greater Wasatch Region was experiencing rapid growth and was expected to do so in the future, it was imperative that the growth be well planned and accommodated in the most efficient and cost effective way. The principles would provide a context for the WFRC as it developed regional transportation plans and programs. The growth principles were intended to assist the many entities involved in making plans for the future by providing a context that applied to the region as a whole.

The growth principles and objectives were:

1. Provide public infrastructure that was efficient and adequately maintained.
2. Provide regional mobility through a variety of interconnected transportation choices.
3. Integrate local land-use with regional transportation systems.
4. Provide housing for people in all stages and incomes.
5. Ensure public health and safety.
6. Enhance the regional economy.
7. Promote regional collaboration.
8. Strengthen sense of community.
9. Protect and enhance the environment.

Gabe Eberson, Envision Utah, introduced the 3% Strategy. If one-third of the future homes, jobs, and stores were to go on 3% of the region's developable land, linked by a world-class transportation system, the result would be big quality-of-life benefits, such as:

Improved air quality
Billions of dollars saved
Reduced traffic congestion
Key open spaces preserved
Less water used
Creation of vibrant communities and gathering places

Response to the market demand for more choices for living,
working, commuting, shopping, and playing

Mr. Ebersson stated that implementation of the 3% Strategy required a major shift in development design to create walkable communities. The preferred community attributes were a mix of ages and family stages, an area easily accessible to public transportation, a variety of housing types, and open space. The 3% Strategy encouraged maximum efficiency while keeping the cost-of-living in check.

Mr. Ebersson asked if the Planning Commission had seen a shift in the development designs in Roy. Chairman Hilton stated that the citizens wanted to be able to purchase clothing in Roy. They didn't want to shop in other communities. Commissioner Watts said the City had to entice those types of businesses. Commissioner Holt said there had been a shift. As growth occurred in the west part of the community, the commercial area along 3500 West was growing. The west half of the City was almost a different community.

Mr. Ebersson listed five principles for achieving the 3% Strategy.

1. Focus growth in economic centers and along major transportation corridors.
2. Create significant areas of mixed-use development throughout the region.
3. Target growth around transit stations.
4. Encourage infill and redevelopment to revitalize declining neighborhoods.
5. Preserve rural, recreational and environmental sensitive areas.

Some planning tools were for developing a local reuse strategy were providing incentive for contiguous growth and infill, preserve future transportation and utility corridors, create walkable commercial and mixed use districts, plan for transit oriented development, plan and share neighborhood friendly school, plan for workforce, plan interconnected roadways and pedestrian paths, plan shopping centers and economic development, and minimize development and maximize critical land conservation.

Chairman Hilton stated that the City did not have a mixed use zone.

Sam Klemm stated that the long term future was fundamentally uncertain. The City's ability to finance all the major infrastructure that would be needed due to growth would be difficult. The City had to be cost effective in making Roy a desirable community to live in. More density in the right places was a suggestion. Individual jurisdictions could implement the growth principles. Expanding the 3% Strategy to use 4% or 5% of the developable land yielded greater impacts. Everyone lived in individual neighborhoods that would be part of a regional community.

Commissioner Holt stated that another aspect that needed to be addressed was cities reaching build out. He felt that within ten years Roy City would have reached that point. Cities that reached build out would require redevelopment.

Gabe Eberson stated that WFRC had looked at long range land planning and focusing on where development would occur. The old strip malls of today were areas more politically viable for mixed use development.

Commissioner Collins asked how long the WFRC had been working on Wasatch Choices 2040. Mr. Klemm said they began working on the growth principles in 2006. Commissioner Collins stated that there had been a lot of changes in the economy in the last six months. Had the Choices program changed along with the economic conditions? Gabe Eberson stated that studies showed development conditions were cyclical. Now was a good time for the Planning Commission to get ready for the next wave.

Commissioner Merx stated that Roy City had a special challenge. There were several blocks along 1900 West that would be candidates for this type of development. However, the western portion of Hill AFB was planning to develop. It would be a challenge to build up both at the same time. The development in Roy might have to be delayed. Another challenge was to move commercial development back to the east.

Chairman Hilton said the City didn't need to move the commercial back to the east. It needed to integrate them so that they were even.

Tony Reynolds stated that right now Roy City did not have the ability to put residential dwellings in commercial areas. The Hill AFB development was not planning any dwelling units. Changing Roy

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City's Zoning Ordinance to allow dwelling in commercial areas could increase roof tops. It was a complete twist on what Roy City was building. He suggested that the City look at the large R-1-8 area around the transit station. It would be a good place for mixed use development as well.

3. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE ROY CITY DEVELOPMENT STANDARDS WITH RESPECT TO ARTERIAL STREET WIDTH

Commissioner Stonehocker moved to open the public hearing at 6:42 p.m. Commissioner Holt seconded the motion. Commission members Collins, Hilton, Holt, Merx, Stonehocker, and Watts voted "aye." The motion carried.

Jared Hall stated that this was a simple amendment to the City's Development Standards. The Development Standards were guidelines for public improvements. The current standard width for a major arterial streets was 100 feet. The Utah Department of Transportation's (UDOT) standard for a major arterial was 110 feet. UDOT had suggested that municipal width exceptions be aligned. In the near future, UDOT might be acquiring land for widening of SR108 (3500 West). Both the City and UDOT would like to have the right-of-way lines match up. The City Engineer did not have any issue with the proposed amendment. The staff had found that the proposed amendment as necessary to maintain good development practices along State roads in the City and that the proposed amendment was in keeping with the codes and ordinances of the City, as well as the goals and intents of the General Plan. The staff asked that the Planning Commission recommend that the City Council amend the width of a major arterial street from 100 feet to 110 feet subject to further review and approval by the City Attorney's office as might be necessary; approval by the DRC staff as might be necessary; and subject to all items listed in the staff report.

Commissioner Merx stated that the major arterial roads in Roy City were Midland Drive, 5600 South, 4800 South, 3500 West, 2700 West, 1900 West, and 2675 West. How would the amendment affect these roads? Would the City have to acquire land so those roads would be 110 feet wide? Jared Hall said that this amendment was not retroactive. The roads mentioned by Commissioner Merx were all in existence. The City was looking to the future. The only roads that would be 110 feet were 1900 West and 3500 South (SR108).

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

Commissioner Collins moved to close the public hearing at 6:46 p.m. Commissioner Watts seconded the motion. Commission members Collins, Hilton, Holt, Merx, Stonehocker, and Watts voted "aye." The motion carried.

Commissioner Merx moved to recommend that the City Council approve Ordinance No. 1019 amending the Roy City Development Standards regarding the right-of-way width of major arterial streets from 100 feet to 110 feet based on the staff's findings and recommendations, with the notation that it was clear to the public and City Council that the amendment related to the 3500 West (SR108), and that the City was not looking at expanding existing arterial roads. Commissioner Collins seconded the motion. Commission members Collins, Hilton, Holt, Merx, Stonehocker, and Watts voted "aye." The motion carried.

4. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE ROY CITY ZONING ORDINANCE PROPOSING THE ADDITION OF A USE CATEGORY FOR PAYDAY LENDING TO TABLE 17-2

Commissioner Collins moved to open the public hearing at 6:48 p.m. Commissioner Stonehocker seconded the motion. Commission members Collins, Hilton, Holt, Merx, Stonehocker, and Watts voted "aye." The motion carried.

Jared Hall stated that in the Table of Uses for non-residential zoning there was not a category specifically identifying, or applying restrictions to, Pay Day Lending and Title Loan companies. A lot of pawn shops engaged in pay day lending, but they were identified as a category. Because there wasn't a category for Pay Day Lending, they were currently considered a financial institution. The staff proposed that a new category for Pay Day Lending be added to the Table of Uses in the Zoning Ordinance.

Mr. Hall said the proposed category would include pay-day loans, post-dated check loans, and title loans. The text amendment would make these businesses a conditional use in the Regional Commercial Zone. These businesses would be excluded from the Community Commercial, Business Park, Recreation, and Manufacturing Zones. The businesses would have to be 600 feet from residential zones. The number of such businesses could not exceed one for every five thousand (5,000) residents. That capped the number of such businesses to eight. The amendment would make three or four of the existing businesses in Roy City non-conforming.

Mr. Hall stated that the staff had found that the proposed amendment was necessary to adequately describe and regulate a type of business not currently represented by the Table of Uses. The use identified by the amendment was a growing sector of the commercial market. Because of certain aspects typical to their operation, they should be limited in total number and zones available for development. The staff recommended that the Planning Commission recommend approval of the proposed amendment to the Zoning Ordinance subject to further review and approval by the City Attorney's office as might be necessary and subject to all items of the staff report.

Commissioner Merx asked about secondary affects. What problems was the amendment trying to solve? Jared Hall said the amendment was intended to prevent these types of businesses from locating near

each other. If the number wasn't capped, these businesses could take over a certain area.

Commissioner Merx asked if these businesses caused problems. Mr. Hall said they took up space that could be used by other retail businesses that would create vibrancy in the commercial district. These businesses did handle cash, but they didn't provide the security that a bank would. One negative aspect of title loan companies was their display of repossessed vehicles. That created a challenge.

Commissioner Collins asked if the proposed amendment was in conformance with other cities. Jared Hall said the proposed amendment was in compliance with land use laws in Utah, and that several Utah cities limited these businesses in this way.

Commissioner Watts stated that one of the recommended conditions was further review by the City Attorney's office. Jared Hall said the City Attorney had been reviewing the proposed amendment and was still doing so. He wanted to have the ability to review and comment on any changes proposed by the Planning Commission.

Commissioner Merx was concerned limiting the number of Pay Day Lending businesses to one for every 5,000. He wasn't sure the Zoning Ordinance was the best place for such a restriction.

Jared Hall stated that plenty of cities capped salvage yards, sexually oriented businesses, and bars and taverns. Tony Reynolds stated that some cities capped financial institutions because they didn't generate tax revenue. The only way a cap could be done was through the Zoning Ordinance.

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

Commissioner Merx moved to close the public hearing at 6:59 p.m. Commissioner Holt seconded the motion. Commission members Collins, Hilton, Holt, Merx, Stonehocker, and Watts voted "aye." The motion carried.

Commissioner Watts moved to recommend that the City Council approve Ordinance No. 1018 amending Chapter 17, Section 1701 of the Roy City Zoning Ordinance creating a category for Pay Day Lending in Table 17-2 based on the staff's findings and recommendations.

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Commissioner Holt seconded the motion. Commission members Collins, Hilton, Holt, Merx, Stonehocker, and Watts voted "aye." The motion carried.

5. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE ROY CITY ZONING ORDINANCE, TABLE 17-2, REGARDING MINOR VEHICLE AND EQUIPMENT RENTAL OR SALE

Commissioner Collins moved to open the public hearing at 7:00 p.m. Commissioner Merx seconded the motion. Commission members Collins, Hilton, Holt, Merx, Stonehocker, and Watts voted "aye." The motion carried.

Jared Hall stated that Table 17-2 of the Zoning Ordinance listed allowable uses in non-residential zones. The Table 17-2 there were 'major' and 'minor' categories for 'vehicle and equipment rental or sale, new or used.' The difference was clearly the size and type of equipment and the scope of operation. The 'major' category had always considered 'the retail or wholesale sale or rental' of equipment and vehicles. The 'minor' category considered only the 'retail sale or rental' of equipment and vehicles. There were wholesale auto brokers who clearly fell under the 'minor' classification and should be subject to conditional use permit review. Mr. Hall stated that the proposed amendment made two changes. It added the word 'wholesale' to the 'minor' category and struck the words 'and equipment' from both categories.

Commissioner Merx asked about the 14,000 pound restriction in the 'minor' category. Where did that weight come from? Jared Hall thought a 14,000 pound vehicle was a one-ton truck. Anything larger than that would be considered a heavy truck or equipment.

Tony Reynolds did not remember discussion about the 14,000 pound distinction when the Zoning Ordinance was adopted. The phrase could be struck. Commissioner Merx said the City could always put it back if it felt it was necessary.

Commission members Holt and Watts were comfortable with the current language.

Jared Hall stated that the staff would research the 14,000 pound limit to make sure it was what the City wanted.

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

Commissioner Stonehocker moved to close the public hearing at 7:12 p.m. Commissioner Merx seconded the motion. Commission members

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Collins, Hilton, Holt, Merx, Stonehocker, and Watts voted "aye."
The motion carried.

Commissioner Merx moved to recommend that the City Council approve Ordinance No. 1017 amending Chapter 17, Section 1701 of the Roy City Zoning ordinance, Table 17-2, Vehicle and Equipment Rental or Sale, New or Used, Minor and Vehicle and Equipment Repair, Minor. Commissioner Holt seconded the motion. Commission members Collins, Hilton, Holt, Merx, Stonehocker, and Watts voted "aye." The motion carried.

6. STAFF UPDATE

Jared Hall stated that during the next couple of meetings the Planning Commission would be considering a conditional use permit for the installation of a major public utility and proposed amendments regarding signs.

Commissioner Holt stated that he was the chairman of the Roy Days Parade. He invited the Commission members to attend the parade on Saturday, August 1st. It would begin at 9:30 a.m.

7. ADJOURN

Commissioner Watts moved to adjourn at 7:17 p.m. Commissioner Merx seconded the motion. Commission members Collins, Hilton, Holt, Merx, Stonehocker, and Watts voted "aye." The motion carried.



Brad Hilton
Chairman

Attest:



Michelle Drago
Secretary

dc:pjul2809