

ROY CITY PLANNING COMMISSION

September 22, 2009

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on September 22, 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
Blake Hamilton	Jared Hall, Planner
Lee Holt	Michelle Drago, Secretary
Bill Merx	
Tom Stonehocker	

Excused: Roy Watts

Others present were: Tom Sackett; Chris Sackett; Danny Brown; Milo Peterson; and Councilman Willard Cragun.

Pledge of Allegiance: Lee Holt

1. APPROVAL OF SEPTEMBER 8, 2009, MINUTES

Commissioner Stonehocker moved to approve the minutes of September 8, 2009, as written. Commissioner Hamilton seconded the motion. Commission members Collins, Hamilton, Hilton, Holt, and Stonehocker voted "aye." The motion carried.

2. A. PUBLIC HEARING TO CONSIDER A REQUEST TO AMEND THE FUTURE LAND USE MAP REPRESENTING PROPERTY LOCATED AT APPROXIMATELY 4489 SOUTH 3100 WEST FROM A DESIGNATION OF MEDIUM DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL
- B. PUBLIC HEARING TO CONSIDER A REQUEST TO REZONE PROPERTY LOCATED AT APPROXIMATELY 4489 SOUTH 3100 WEST FROM R-1-8 TO RE-20

Commissioner Merx arrived at 6:01 p.m.

At 6:01 p.m., Commissioner Collins moved to open the public hearing to consider a request to amend the Future Land use Map representing

property located at approximately 4489 South 3100 West from a designation of medium density residential to low density residential. Commissioner Hamilton seconded the motion. Commission members Collins, Hamilton, Hilton, Holt, Merx, and Stonehocker voted "aye." The motion carried.

At 6:01 p.m., Commissioner Collins moved to consider a request to rezone property located at approximately 4489 South 3100 West from R-1-8 to RE-20. Commissioner Holt seconded the motion. Commission members Collins, Hamilton, Hilton, Holt, Merx, and Stonehocker voted "aye." The motion carried.

Jared Hall stated that Tom and Chris Sackett had filed an application to rezone property they owned at 4489 South 3100 West from R-1-8 to RE-20. The Sackett property at 4489 South 3100 West and the Sander property at 4479 South 3100 West were zoned R-1-8. Properties north of them were located in unincorporated Weber County. Milo Peterson owned property south of the Sackett's which was zoned RE-20. The Utah Power & Light corridor was located to the west.

Mr. Hall said there were two components to the Sackett's application. The first step was amending the Future Land Use Map which governed what the City did with zoning. The Future Land Use Map currently designated the Sackett property as medium density residential, which was in keeping with the current R-1-8 Zone. The Development Review Committee felt any land use amendment and rezone should include the Sander property immediately to the north. The Sander's were not opposed to that recommendation, and had joined the application.

Mr. Hall said the Sacketts wanted to build a large accessory building on their property. In an R-1-8 Zone, an accessory building could be no larger than 1,250 square feet in size. The Sackett's wanted to build something larger, about 1,800 square feet. The Sander's planned to continue the current residential use of their property. They didn't have any plans to subdivide.

Mr. Hall stated that after examining the current use of both the Sackett and Sander properties, as well as the adjacent uses, the staff felt the Future Land Use Map amendment and rezone were appropriate. The staff found that the proposed changes were in keeping with the goals and intent of the Roy City Zoning Ordinance, and that the proposed changes would represent an appropriate

natural expansion of the RE-20 zoning district and the Low Density Residential land use category. The staff recommended that the Planning Commission recommend that the City Council approve the request to amend the Future Land Use Map by changing the designation of properties located at approximately 4479 and 4489 South 3100 West from medium density residential to low density residential, and to approve a request to rezone properties located at 4479 and 4489 South 3100 West from R-1-8 to RE-20. Both actions were subject to the successful combination of the front-to-back parcels on both properties, and subject to all items of the staff report and further review and approval by the members of the Development Review Committee.

Commissioner Holt asked about the zoning south of the Milo Peterson property. Jared Hall said the area south of Milo Peterson was currently zoned R-1-8. The Future Land Use Map designation was medium density residential. Commissioner Holt asked what the zoning in unincorporated Weber County was. Jared Hall was unsure of the precise zoning designation, but noted that the properties were in use as large-lot residential with some agricultural components. Commissioner Holt asked if there were future plans to annex the adjacent unincorporated Weber County into Roy City. Jared Hall said the City would generally consider petitions for annexation, and that he was unaware of any plans to initiate annexation of this unincorporated area.

Commissioner Hamilton asked about joining the lots together. Jared Hall stated that both the Sackett and Sander properties consisted of more than one parcel. All of the Sackett parcels needed to be combined into one single property to meet the minimum square footage requirement for the RE-20 Zone. The same thing needed to be done to the Sander property.

Chairman Hilton asked if the lot combination was done with the City or the County. Jared Hall said it was done at the Weber County Recorder's office through a simple process of recording deeds.

Tom Sackett, 4489 South 3100 West, stated that the reason for the rezone request was their need for a garage. They needed to build one that was 30'x60', not the 20'x40' maximum allowed by the R-1-8 Zone.

Chairman Hilton asked if the Sackett's had any animals on their property. Mr. Sackett said they had two goats in their pasture. Chairman Hilton asked if they had horses. Mr. Sackett said they

did not, but the Sanders did. He thought the Sanders had a lease to use part of the UP&L right-of-way as well.

Commissioner Collins asked if the Sackett's had received a copy of the RE-20 Zone restrictions. Mr. Sackett said they had reviewed that information before making the application. They did not plan to subdivide their property.

Commissioner Holt asked if the rezone would create the right to have animals. Jared Hall said both the Sacketts and Sanders had animals on their properties now under their legal non-conforming status. The RE-20 Zone would further legitimize the way they were currently using the properties.

Chris Sackett thought that they had animal rights when they purchased their property.

Chairman Hilton opened the floor for public comments.

Danny Brown stated he was attending to represent Milo Peterson, who lived at 4523 South 3100 West, south of the Sacketts.

Danny Brown stated that in the future Milo Peterson wanted to subdivide his property. If the density designation of the Sackett and Sander properties were changed, how would Mr. Peterson be affected? Chairman Hilton said that Milo Peterson's property currently had a medium density designation. As long as his property had a medium density designation, he could petition to rezone his property. Jared Hall said that changing the density designation of the Sackett and Sanders property would not negatively affect Milo Peterson.

Danny Brown asked if either the Planning Commission or the City Council would recommend changing Mr. Peterson's current zone or land use designation. Jared Hall said the City did not typically initiate land use changes on its own. If it did, property owners would be notified and a public notice would be provided.

Danny Brown asked if the size of building on the Sackett property would affect the use of Milo Peterson's property. Jared Hall did not see in what way a large building on the Sackett property would affect any rezone petition that might be filed by Milo Peterson.

At 6:22 p.m., Commissioner Stonehocker moved to close the public hearing to consider a request to rezone property located at

approximately 4489 South 3100 West from R-1-8 to RE-20. Commissioner Merx seconded the motion. Commission members Collins, Hamilton, Hilton, Holt, Merx, and Stonehocker voted "aye." The motion carried.

At 6:22 p.m., Commissioner Stonehocker moved to close the public hearing to consider a request to amend the Future Land use map representing property located at approximately 4489 South 3100 West from a designation of medium density residential to low density residential. Commissioner Merx seconded the motion. Commission members Collins, Hamilton, Hilton, Holt, Merx, Stonehocker voted "aye." The motion carried.

Commissioner Holt moved to recommend that the City Council approve a request to amend the Future Land Use Map by changing the designation of properties located at approximately 4479 and 4489 South 3100 West from medium density residential to low density residential based on the staff's findings and subject to the recommendations of the staff listed in the staff report. Commissioner Collins seconded the motion. Commission members Collins, Hamilton, Hilton, Holt, Merx, Stonehocker voted "aye." The motion carried.

Commissioner Merx moved to recommend that the City Council approve a request to rezone properties located at approximately 4479 and 4489 South 3100 West from R-1-8 to RE-20 based on the staff's findings and the recommendations listed in the staff report. Commissioner Holt seconded the motion. Commission members Collins, Hamilton, Hilton, Holt, Merx, and Stonehocker voted "aye." The motion carried.

3. A. CONTINUATION OF PUBLIC HEARING FROM AUGUST 25, 2009, TO CONSIDER AMENDMENTS TO THE SIGN ORDINANCE REGARDING FREE-STANDING AND MONUMENTS SIGNS
- B. CONTINUATION OF PUBLIC HEARING FROM AUGUST 25, 2009, TO CONSIDER AMENDMENTS TO THE SIGN ORDINANCE REGARDING ELECTRONIC MESSAGE CENTER SIGNS

At 6:26 p.m., Commissioner Collins moved to continue the public hearing from September 8, 2009, to consider amendments to the Sign Ordinance regarding free-standing and monument signs. Commissioner Stonehocker seconded the motion. Commission members Collins, Hilton, Holt, Merx, and Stonehocker voted "aye." The motion carried.

At 6:26 p.m., Commissioner Collins moved to continue the public hearing from September 8, 2009, to consider amendments to the Sign Ordinance regarding electronic message center signs. Commissioner Merx seconded the motion. Commission members Collins, Hilton, Holt, Merx, Stonehocker voted "aye." The motion carried.

Jared Hall stated that the staff had made the changes discussed at the last Planning Commission meeting and prepared Ordinance No. 1020 (see attached copy) for a final review by the Planning Commission. The latest draft had been reviewed by the Development Review Committee and the City Attorney.

Commissioner Holt asked if issues discussed at the last meeting had been incorporated. Mr. Hall said they had.

Jared Hall stated that the staff had dropped the allowance for 30-foot above grade height limit for freeway oriented signs. The height limit for freeway oriented signs in this version was a straight 50 feet. The change was based on discussions with the Planning Commission and the Development Review Committee.

Tony Reynolds stated that the staff had broken out the two portions of the freeway oriented sign restrictions as suggested by the Planning Commission.

Commissioner Merx asked for a clarification of Section 2002-4(a). Jared Hall stated that when the height of a sign was measured it would be from the closest top back of curb to the top of the sign. If a sign was located on a berm, the berm could only account for

two feet of the total height, but not more than three feet. Commissioner Merx asked why the ordinance didn't just state that the height would be measured from the base of the sign. Mr. Hall said the City was trying to prevent usage of a berm to create additional height.

Commissioner Merx asked about Section 2003-2(a). Jared Hall stated the ordinance was trying to prevent a large sign from being used totally as an EMC (electronic message center). No more than 30% of the total signage allowed for a site could be used as an EMC. Commissioner Merx suggested that the last sentence be reworded to state, "No portion greater than 30% of the total sign area allowed for the individual property could be used as an Electronic Message Center Sign."

Commissioner Merx suggested that the restrictions listed in 2003-(2c) be added to 2004-4.

Commissioner Merx asked about 2004-3(a)(1). Tony Reynolds felt the height should be changed from 30 feet to 40 feet.

Commissioner Merx asked about Section 2005-3. He thought the Planning Commission had asked that all zones be listed. Tony Reynolds said the City Attorney did not want to have the zones itemized.

Commissioner Merx asked about 2005-4(d). Jared Hall said this section referred requests for larger monument signs to the Planning Commission for review and approval rather than the staff.

Commissioner Collins asked how a zone change would affect a monument or pole sign. Could the City require a property owner to upgrade, change, or remove a sign? Jared Hall felt that might be something to take into consideration, although there might be some political resistance. There might also be a 'taking' issue to consider. He didn't feel this ordinance would be the place to address Commissioner Collin's concerns. Commissioner Collins said citizens were complaining about the City's enforcement of the ordinance. He wanted to get away from the City causing non-conforming situations.

Commissioner Hamilton asked why the staff had removed the 30-foot above grade restriction for freeway oriented signs. Tony Reynolds stated that if a user wanted a freeway sign taller than 50 feet and could show appropriate research, the City might allow a text

amendment. The staff didn't want to make a change until there was a concrete proposal.

Commissioner Merx pointed out some typographical errors in 2002-4(c) and 2004-2(b).

The Planning Commission felt the Ordinance No. 1020 was ready to forward to the City Council.

At 6:50 p.m., Commissioner Merx moved to close the public hearing to consider amendments to the Sign Ordinance regarding electronic message center signs. Commissioner Stonehocker seconded the motion. Commission members Collins, Hamilton, Hilton, Holt, Merx, and Stonehocker voted "aye." The motion carried.

At 6:50 p.m., Commissioner Merx moved to close the public hearing to consider amendments to the Sign Ordinance regarding free-standing and monument signs. Commissioner Collins seconded the motion. Commission members Collins, Hamilton, Hilton, Holt, Merx, and Stonehocker voted "aye." The motion carried.

Commissioner Stonehocker moved to recommend that the City Council approve amendments to the Sign Ordinance regarding free-standing and monument signs listed in Ordinance No. 1020 subject to changes recommended by the Planning Commission. Commissioner Collins seconded the motion. Commission members Collins, Hamilton, Hilton, Holt, Merx, Stonehocker voted "aye." The motion carried.

Commissioner Stonehocker moved to recommend that the City Council approve amendments to the Sign Ordinance regarding electronic message center signs listed in Ordinance No. 1020 subject to the changes recommended by the Planning Commission. Commissioner Holt seconded the motion. Commission members Collins, Hamilton, Hilton, Holt, Merx, and Stonehocker voted "aye." The motion carried.

4. CONTINUATION OF PUBLIC HEARING FROM AUGUST 25, 2009, TO CONSIDER AN AMENDMENT TO THE ROY CITY SUBDIVISION AND ZONING ORDINANCES REGARDING STANDARDS FOR MULTI-FAMILY RESIDENTIAL DEVELOPMENTS IN THE R-3 AND R-4 ZONES

At 6:54 p.m., Commissioner Collins moved to continue the public hearing from September 8, 2009, to consider an amendment to the Roy City Subdivision and Zoning Ordinances regarding standards for multi-family residential developments in the R-3 and R-4 Zones. Commissioner Stonehocker seconded the motion. Commission members Collins, Hilton, Holt, Merx, and Stonehocker voted "aye." The motion carried.

Jared Hall stated that the standards for multi-family housing had been placed in ordinance form (see attached copy). There were some changes based on the discussion at the last Planning Commission meeting. Redundant phrases had been removed. Reference to the maximum density of 12 units per acre had been dropped from 1110-7 because the density was already controlled by Table 10-1 in Chapter 10. Section 1110-6 - Coverage - included language to encourage new technologies. The architectural considerations and requirements in 1110-9 had been cleaned up.

Tony Reynolds stated that 1110-9 referenced the development standards in Chapter 15 and listed additional development standards for multi-family housing.

Commissioner Stonehocker asked how multi-family development in 1110-1 differed from subdivisions with common areas. Jared Hall said the standards were written in anticipation of condominium and PRUD requirements being added to the Zoning Ordinance. Jared Hall said the wording in 1110-1 would be clarified.

Commissioner Stonehocker suggested that the wording of the last sentence in 1110-4(a) be changed from 'considering' all easements for public access to 'designating' all easements for public access.

Commissioner Holt asked if the City had a PRUD (planned residential unit development) ordinance. Jared Hall said that when the City readopted the Zoning Ordinance in 2004, a chapter had been reserved for PRUD regulations. The old regulations had been repealed. The City currently did not have any regulations for PRUD's. The staff had tried to write the multi-family standards with that understanding.

Jared Hall stated that if the Planning Commission was comfortable with Ordinance No. 1021 and ready to forward it to the City Council, the City could adopt the standards before the end of the TZRO. The Planning Commission felt comfortable moving forward. Commissioner Holt felt the proposed multi-family standards were a good foundation.

Commissioner Collins moved to close the public hearing at 7:05 p.m. Commissioner Merx seconded the motion. Commission members Collins, Hamilton, Hilton, Holt, Merx, and Stonehocker voted "aye." The motion carried.

Commissioner Merx moved to recommend that the City Council approve Ordinance No. 1021 amending Chapter 11 of the Roy City Zoning Ordinance, providing supplementary development standards for multiple family housing and terminating Ordinance No. 1010 which established temporary zoning regulations regarding multiple family housing in the R-3 and R-4 Zones based on the changes recommended by the Planning Commission. Commissioner Stonehocker seconded the motion. Commission members Collins, Hamilton, Hilton, Holt, Merx, and Stonehocker voted "aye." The motion carried.

5. STAFF UPDATE

Jared Hall stated that there were several planning items just waiting for information from the applicants before being forwarded to the Planning Commission.

Jared Hall stated that the staff would move on to other parts of the sign regulations.

Tony Reynolds stated that there were several parties interested in leasing the old Albertson's store at 5600 South 1900 West. They hoped that Super Value, the parent corporation for Albertson's, would consider their offers after it sold thirty stores in Utah to Associated Foods later in the year.

Tony Reynolds updated the Planning Commission regarding WinCo and the Homestead Pavilion.

Commissioner Collins asked if the City had looked at regulations for street vendors. Tony Reynolds said street vendors were not included in the new Zoning Ordinance. The Zoning Ordinance did allow seasonal licenses for Christmas trees, snow cones, fireworks, and produce in parking lots. Nothing was allowed on the sidewalks.

6. ADJOURN

Commissioner Holt moved to adjourn at 7:13 p.m. Commissioner Merx seconded the motion. Commission members Collins, Hamilton, Hilton, Holt, Merx, and Stonehocker voted "aye." The motion carried.

Brad Hilton
Chairman

Attest:

Michelle Drago
Secretary

dc:psep809