

ROY CITY PLANNING COMMISSION

November 10, 2009

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on November 10, 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	
Roy Watts	

Others present were: Ruth Criger; Randall Jackson; and Noah Grosden.

Pledge of Allegiance: Tom Stonehocker

1. APPROVAL OF OCTOBER 13, 2009, MINUTES

Commissioner Watts moved to approve the minutes of October 13, 2009, as written. Commissioner Merx seconded the motion. Commission members Collins, Hilton, Holt, Merx, Stonehocker, and Watts voted "aye." The motion carried.

2. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE APPROVAL TO OPERATE A PAWN SHOP ON PROPERTY LOCATED AT APPROXIMATELY 5519 SOUTH 1900 WEST

Commissioner Merx moved to open the public hearing at 6:02 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 Raul Gutierrez had applied for a conditional use permit to operate a pawn shop located at approximately 5519 South 1900 West. Pawn shops were only allowed in the Regional Commercial Zone and only as a conditional use. The proposed

location was a suite in the Professional Plaza. Based on the square footage, only three parking spaces would be required. There was sufficient parking in the plaza. Mr. Hall stated that the staff had found that the proposed use was a listed use for the Regional Commercial Zone, and otherwise satisfied the tests for conditional uses. The proposed use was in keeping with the goals and policies of the Roy City Zoning Ordinances and General Plan.

Jared Hall said the staff's concern was the tendency for pawn shops to store things outside. Outdoor storage was not allowed by the Zoning Ordinance, and neither was the outdoor display of merchandise. He suggested that the Planning Commission attach a condition prohibiting outside storage and display. A lot of pawn shops also engaged in payday lending. Mr. Gutierrez could operate as a simple pawn shop, but he couldn't do payday lending because of restrictions imposed on overall numbers for payday lenders. The staff recommended that the Planning Commission recommend approval of the conditional use request with the following conditions:

1. The conditional use was for pawnshop business only. *No outdoor storage or display would be allowed in conjunction with this property or any business license granted which relied on the conditional use permit.*
2. The applicant must obtain a proper business license from Roy City, and any building permits necessary for the remodeling of the interior. *No exterior work was anticipated by the conditional use permit.*
3. Subject to all items of the staff report, and further review and approval by the members of the Development Review Committee as may be deemed necessary.

Commissioner Holt asked for a clarification of the actual unit that Mr. Gutierrez planned to occupy. Jared Hall said Mr. Gutierrez planned to occupy the suite immediately north of the entrance into the plaza. It was previously occupied by the Beauty Salon. Commissioner Holt asked if payday lending was prohibited because of the maximum number of payday lending businesses allowed under the Zoning Ordinance. Mr. Hall said it was.

Chairman Hilton asked if the proponent was present. Mr. Hall said he was not.

Chairman Hilton agreed that pawn shops routinely had outside storage. There wasn't a lot of room for outside storage at this location. He asked who would be responsible to make sure Mr.

Gutierrez did not violate the conditions of his conditional use permit. Jared Hall said that would be the responsibility of the Development Services Department.

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

Commissioner Collins moved to close the public hearing at 6:07 p.m. Commissioner Stonehocker seconded the motion. Commission members Collins, Hilton, Holt, Merx, Stonehocker, and Watts voted "aye." The motion carried.

Commissioner Collins felt the staff had clearly explained to Mr. Gutierrez that he could not have outside storage or display, nor could he do payday lending. He hoped the staff would check to make sure Mr. Gutierrez did not violate his conditional use permit. He asked about signage. These types of businesses typically needed a lot of signage. Jared Hall said the applicant planned to reface the existing sign.

Commissioner Merx moved to recommend that the City Council approve a conditional use permit for a pawnshop located at approximately 5519 South 1900 West based on the staff's findings and subject to the staff recommendations listed in the staff report and that there be no payday lending in this facility. Commissioner Collins seconded the motion. Commission members Collins, Hilton, Merx, Stonehocker, and Watts voted "aye." Commissioner Holt voted "nay." The motion carried.

3. A. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE APPROVAL TO CO-LOCATE NEW CELLULAR ANTENNAE ON PROPERTY LOCATED AT APPROXIMATELY 5508 SOUTH 1900 WEST
- B. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE APPROVAL TO CO-LOCATE NEW CELLULAR ANTENNAE ON PROPERTY LOCATED AT APPROXIMATELY 5197 SOUTH 3800 WEST
- C. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE APPROVAL TO CO-LOCATE NEW CELLULAR ANTENNAE ON PROPERTY LOCATED AT APPROXIMATELY 6081 SOUTH 2700 WEST

At 6:10 p.m., Commissioner Watts moved to concurrently open the public hearings to consider conditional use approval to co-located new cellular antennae on properties located at approximately 5508 South 1900 West, 5197 South 3800 West, and 6081 South 2700 West. Commissioner Holt seconded the motion. Commission members Collins, Hilton, Holt, Merx, Stonehocker, and Watts voted "aye." The motion carried.

Jared Hall stated that Clearwire had applied for conditional use permits to co-locate cellular antennae on towers located at 5508 South 1900 West, 5197 South 3800 West, and 6081 South 2700 West. Antennae were permissible in the Zoning Ordinance. Clearwire was not proposing to add height to any of the towers or increase the footprints at the base. The tower located at 5508 South 1900 West was built before 1979. It was pretty visible in the area because of its height. There were six guywires holding the tower in place. Mr. Hall said the second tower was located at 5197 South 3800 West. It was near the holding pond owned by Weber Basin Water. This particular tower was a non-conforming use. The current Zoning Ordinance did not allow towers in residential zones. The staff encouraged use of existing towers so that new towers didn't have to be added. Mr. Hall said the third tower was located at 6081 South 2700 West. It was located at the south end of a row of storage units near the D&RG rail grade. It was located in a residential area as well, but it was more well buffered.

Mr. Hall stated that the staff supported the conditional use permits for all three co-locations. There were slight differences for each site. All of the sites were non-conforming; none of them would be allowed by the current Zoning Ordinance. A non-conforming use could be added to, but it could not expand its footprint or height. Mr. Hall said the staff had found that the proposed uses did not expand the existing structures on their respective sites in

any way and satisfied the tests for conditional uses. The proposed uses were in keeping with the goals and policies of the Roy City Zoning Ordinance and General Plan. The staff recommended that the Planning Commission recommend approval of the three conditional uses with the following conditions:

1. The conditional uses were for co-location only. *No additional height or additional footprint* was considered by the granting of the conditional use permits.
2. The applicant would obtain all proper building permits from the City as might be necessary for the attachments and other work associated with the co-locations.
3. Subject to all items of the staff report, and to further review and approval by the members of the Development Review Committee as may be deemed necessary.

Commissioner Holt asked if Clearwire was proposing to add more tower structure. Mr. Hall said Clearwire would add an antennae on each of the towers, but they did not plan to increase the height or footprints of any of the towers.

Commissioner Merx asked if Clearwire's antennae would interfere with radio and television frequencies. Jared Hall said the FCC had determined there wouldn't be any interference.

Commissioner Watts stated that there were two to three towers located on Roy Water Conservancy District property. They did seem to create some interference problems, which were monitored by the FCC.

Commissioner Watts was concerned about the structural integrity of the tower at 5508 South 1900 West.

Commissioner Hamilton arrived at 6:18 p.m.

Jared Hall stated that in 1998, the Planning Commission requested that the tower be reviewed by a structural engineer. However, there wasn't a copy of an engineering analysis in the files. This was a good opportunity to make sure the tower was reviewed before a building permit was issued.

Commissioner Watts felt the engineering review should include information about how much weight the tower was currently bearing, and how much it could hold.

Commissioner Collins agreed that the tower needed a structural review.

Chairman Hilton asked about the height differences. Jared Hall said the tower at 5508 South 1900 West was 198 feet tall; the tower at 5197 South 3800 West was 60 feet; and the tower at 6081 South 2700 West was 100 feet.

Commissioner Collins stated that the FCC (Federal Communications Commission) required that the tower be inspected. He felt the City should ask for a copy of their report as well.

Jared Hall stated that although the tower at 5508 South 1900 West was existing, the City had the ability to make sure the concerns were addressed.

Commissioner Watts felt the tower at 5508 South 1900 West was more than 198 feet tall. He suggested that the actual height be verified.

Commissioner Merx thought the tower at 5508 South 1900 West was built prior to 1976. Commissioner Collins thought it was before 1973. Commissioner Holt said the tower was in existence in 1971.

Noah Grosden, representing Clearwire, stated that Clearwire was a wireless Internet/phone company. They were trying to establish service in the state of Utah. Clearwire's configuration was a dish about two feet in height that was small and unobtrusive. He felt providing a structural analysis was a perfectly reasonable request and should be part of the building permit application. Clearwire would be happy to submit that information to the City.

Commissioner Merx asked if Clearwire's dishes would interfere with frequencies. Mr. Grosden said they would not.

Chairman Hilton opened the floor for public comments.

Ruth Criger, 3776 West 5250 South, stated that the tower at 5197 South 3800 West was in the corner of her lot. The last time work was done on the tower, the crews worked until 4:00 a.m. for several days and were very noisy. She asked that work be done during the day when it wouldn't bother the residents. She was also concerned about the health risk posed by the tower, but because the tower was existing, she didn't think a new dish would make much difference.

She felt that in the future the City should locate cellular towers in industrial areas as much as possible.

Randall Jackson, 3788 West 5250 South, stated that the tower at 5197 South 3800 West was in the corner of his lot. He was initially concerned that Clearwire planned to put in big transformers that would make a lot of noise. It didn't appear that what they proposed would be much of an issue.

At 6:35 p.m., Commissioner Merx moved to close the public hearings to consider conditional use permits to co-locate cellular antennae at 6081 South 2700 West, 5197 South 3800 West, and 5508 South 1900 West. Commissioner Stonehocker seconded the motion. Commission members Collins, Hamilton, Hilton, Holt, Merx, Stonehocker, and Watts voted "aye." The motion carried.

Commissioner Collins stated that the last time work was done at the 6081 South 2700 West tower, it was delayed because once power was turned off, crews had to work until it could be turned on again. That was probably why crews worked late into the night on the 5197 South 3800 West tower.

Chairman Hilton asked how long the installation would take. Could it be done in an eight-hour work day? Mr. Grosden said Clearwire would be willing to adhere to any conditions about installation.

Commissioner Merx suggested that the Planning Commission add a condition about work hours to the 5197 South 3800 West conditional use permit.

Commissioner Watts moved to recommend that the City Council approve a conditional use permit for the co-location of new cellular antennae located at approximately 5508 South 1900 West based on the staff's findings and subject to the conditions recommended by the staff in addition to submission of an engineering report regarding the structural integrity of the tower and a copy of the FCC report. Commissioner Holt seconded the motion. Commission members Collins, Hamilton, Hilton, Holt, Merx, Stonehocker, and Watts voted "aye." The motion carried.

Commissioner Stonehocker moved to recommend that the City Council approve a conditional use permit for the co-location of new cellular antennae located at approximately 5197 South 3800 West based on the staff's findings and subject to the conditions

recommended by the staff and that all work be completed during normal work hours. Commissioner Collins seconded the motion. Commission members Collins, Hamilton, Hilton, Holt, Merx, Stonehocker, and Watts voted "aye." The motion carried.

Commissioner Hamilton moved to recommend that the City Council approve a conditional use permit for the co-location of new cellular antennae located at approximately 6081 South 2700 West based on the staff's findings and subject to the conditions recommended by the staff and that the installation be completed during normal work hours. Commissioner Merx seconded the motion. Commission members Collins, Hamilton, Hilton, Holt, Merx, Stonehocker, and Watts voted "aye." The motion carried.

4. STAFF UPDATE

Jared Hall updated the Planning Commission on upcoming items.

Jared Hall stated that Chairman Hilton had been elected to serve on the City Council. A new member would be appointed to the Planning Commission in January.

5. ADJOURN

Commissioner Watts moved to adjourn at 6:45 p.m. Commissioner Holt seconded the motion. Commission members Collins, Hamilton, Hilton, Holt, Merx, Stonehocker, and Watts voted "aye." The motion carried.

Brad Hilton
Chairman

Attest:

Michelle Drago
Secretary

dc:pnov1009