



RICHMOND CITY PLANNING & ZONING COMMISSION

City Council Chambers
90 South 100 West
Richmond, Utah 84333

The Richmond City Planning & Zoning Commission met in a regularly scheduled meeting at 90 South 100 West Richmond, Utah at 7:00 P.M. on Tuesday, November 12, 2019.

Commission Members Present: Jay Bair, Cache Christensen, Jessica Dunyon, Amber Ervin, Vern Fielding, Jerry Kidd

Staff Present: Jeremy Kimpton, Justin Lewis, Tucker Thatcher (City Council) Terrie Wierenga

Others Present: Tonya Gordon, Marian Fielding, Debbie Zilles

The meeting was called to order at 7:00 P.M. by Chairman Jerry Kidd.

Approval of the October 1, 2019 meeting minutes.

Minutes from the October 1, 2019 meeting were reviewed. Vern moved that the minutes be approved as submitted. Jay seconded the motion. The motion was unanimously approved.

Yes Vote: Bair, Christensen, Dunyon, Ervin, Fielding

No Vote: None

Absent: None

Discussion and possible vote Ordinance 2019-13, an Ordinance rezoning parcel #09-054-0006 from CBD (Central Business District) to RMD (Residential Medium Density – 10,000 SF). The parcel is located at 11 E. Main and is 0.27 acres.

Tonya Gordon explained that they are applying for a loan to make some upgrades to the home and the bank will not lend them anything under \$250,000 because the home is in a commercial (CBD) zone; therefore, they would like to have it rezoned to residential (RMD). There has been no commercial use on the property for more than 20 years. Most of the upgrades will be interior, with a few small exterior improvements (remove green corrugated plastic where the awning used to be, re-mortar the brick and touch up paint). Tonya confirmed for Jessica that the property is adjacent to other residential properties to the east and north.

Cache asked if there were any conflicts with the current zoning and applicable building requirements. Tucker explained that the home does not meet current residential setbacks. Tonya said the use has been grandfathered and there will be no structural changes to the building.

Terrie Wierenga advised the City Council considered a rezone on this property 10-15 years ago. At that time, they were advised that a rezone would require the structure to meet all the requirements of the zone; therefore, it was denied. Tonya said they were told at that time that it could not be rezoned because the City did not “spot zone” and they would have to rezone the entire corner.

Jessica asked how short it would be on the required setback. Tucker said it does not have the frontage (would need 30 feet from the front property line) and 10-15 feet for residential.

Vern asked if there would be other ramifications if this were allowed; for example, would this set a precedent for obligating the City to approve changes with other nonconforming lots. Jeremy said he did not see anything regarding the rezone requiring adherence to the current regulations.

Vern said a rezone will not change the use, as it has been used as a residence for over 20 years. He would be in favor of the request if it could be demonstrated that it would not compromise the City’s ability to enforce rezone requirements in the future. Justin said an approval could be made with the condition it include the consent of legal counsel; it will still need to be reviewed and approved by the City Council.

Jessica said the request seems to make sense, especially with adjacent residential.

Amber pointed out a safety concern with vehicles parking on the City sidewalk, which is not meant for parking. If this is changed to residential, the applicant would need to find another space for parking. Amber also noted a concern regarding fire access. Vern said that the City is already responsible for fire protection regardless of the zone. Tonya explained that the building was built in 1887 and the wiring has all been updated.

Vern asked if there was a provision in the ordinance that conforms with existing best practices. Terrie said that can become a “slippery slope”; if this is allowed, then it could possibly have an impact on other nonconforming lots in the City.

Vern noted the significant need for moderate-income housing and this would fall in that category. The building was built before the commercial zone was designated and it made sense to include it in the commercial zone because of the use at the time; however, it currently is, and has been, a residential use so it makes sense to rezone it to residential. Vern is in support of the request if it is reviewed and approved by legal counsel.

*****A motion was made by Vern to recommend approval of Ordinance 2019-13, to rezone a 0.27-acre parcel, #09-054-0006, from CDB (Central Business District) to RMD (Residential Medium Density – 10,000 SF) pending legal review/confirmation. Cache seconded the motion. Motion passed 5-0.*****

Yes Vote: Bair, Christensen, Dunyon, Ervin, Fielding
No Vote: None
Absent: None

Initial discussion on Ordinance 2019-11, an ordinance modifying and updating Chapter 12-700 “Signs”, Part 12-702 “Types of Signs” and “Sign Reference Chart”

Jay questioned the determination of the Lower Foods sign (discussed at the previous meeting) classification as a monument sign or a pylon sign. Jerry said it is built like a monument sign; however, it is off the ground so it may be considered a pylon sign. Vern said it looks like a monument sign; however, if the skirting is structural and supports the sign does that classify it as a monument or pylon? Justin said it is a monument sign because it sits on a base. Jeremy maintains it is a monument sign with landscaping around it. Justin said the height is not the concern, it is the lay of the land.

Justin explained that this proposed ordinance is a starting point for discussion.

Jessica said it is sufficient, has a good framework and considers the comments made from business owners at the last meeting that it be “business-friendly”.

Amber asked if the Lower Foods sign complies with the proposal. Amber reviewed previous meeting minutes and understands the ordinance should be a benefit for the City and not individual businesses. Justin explained the way it is laid out is from 600 South going south and 150 North going north there is quite a bit of vacant land that may be used for future commercial business. The coordinates can be changed but this helps preserve the center of town. Amber said she likes the proposal, especially those parameters.

Vern asked how the proposal would affect the Lower Foods sign. Justin said (considering the sign as a monument) it is south of 600 South, it is under 100 square feet as it sits currently, and would be allowed.

Justin reminded the Commission that this was not written specifically for any business.

Justin also pointed out this proposal addresses multi-tenant signage.

Amber noted that some cities allow signs based on the size of the building and/or frontage area. Cache suggested including a cap.

Amber would like to see some leniency provided and suggested changing the maximum height of a multi-tenant sign from 17 feet (from ground level) to 25 feet from ground level. Jerry agreed. Jay pointed out that most of the commercial will be along the highway. Amber asked how high the Lower Foods sign is. Tucker said from the platform it is approximately 12 feet tall. Tucker pointed out that the Big J’s sign is taller than 17 feet.

Cache asked about regulations regarding brightness. Justin said that language is already in the Code.

Jay would like to see some language included to dictate what the amount of direct and indirect illumination on the EMD portion could be (including individual tenants on a multi-tenant sign). Jessica said she does think an EMD portion should exceed 100 square feet, this seems logical and allows for accommodating mixed marketing.

Discussion and possible vote on Resolution 2019-07 amending the Richmond City General Plan 2013, by adopting a moderate-income housing element 2019, as part of the Richmond City General Plan.

[Senate Bill 34 Affordable Housing Modifications was passed in February 2019 modifies provisions related to a municipality's general plan related to moderate-income housing. The bill requires cities take state-approved steps aimed at encouraging affordable housing to be eligible to receive investment cash from the Utah State Department of Transportation. Utah Code 10-9a-103(41) and Utah Code 10-9a-408 require each city in the State of Utah with a population of 1,000 or more residents, to conduct a review of, and revise the Moderate-Income Housing Element of the General Plan biennially.]

Jeremy explained that the Bear River Association of Governments (BRAG) office helped compile the report for Richmond City. The report contains a demographic summary, existing housing stock, existing moderate-income housing, future moderate-income housing, barriers to moderate-income housing and plans to meet the moderate-income housing need. Once the Commission approves the plan, it will be forwarded to the City Council for review and adoption which needs to be done before December 1st.

Cache questioned the data used in the compilation of the plan, much of it is from 2016 and there have been changes since then. Jeremy agreed and said this was the sourcing data available for use. It will likely need to be updated after the 2020 Census is completed.

Tucker said the plan will be used as a guideline. Jeremy said the legislature does not seem to be backing away from addressing the affordable housing issue.

Vern said it is difficult to find a habitable home to purchase in Cache County for under \$250,000. Cache said that many people in the middle-income bracket are struggling to find adequate and affordable housing.

Vern is concerned with the accuracy of some of the data under demographic summary and that the appreciation is higher than what has been listed. Jeremy acknowledged that some of the information is limited by the data source availability. Jeremy will work with Zac Covington from BRAG on some of the specific language.

*****A motion was made by Jess to recommend approval of Resolution 2019-07, a resolution amending the Richmond City General Plan 2013, by adopting a moderate-income housing element 2019, as part of the Richmond City General Plan. Amber seconded the motion. Motion passed 5-0.*****

Yes Vote: Bair, Christensen, Dunyon, Ervin, Fielding

No Vote: None

Absent: None

***** Motion to adjourn at 8:12 p.m. was made by Jess, seconded by Vern.**

Next meeting: Tues. December 3, 2019

Minutes submitted by: Debbie Zilles

Jerry Kidd, Chairman