

ROY CITY PLANNING COMMISSION

October 9, 2007

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on October 9, 2007, 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:

Bill Merx, Chairman	Tony Reynolds, Development
Doug Allred	Services Director
Dave Collins	Michelle Drago, Secretary
Brad Hilton	
Gennie Kirch	
Tom Stonehocker	
Karlene Yeoman	

Others present were: Mark Miller, City Engineer; K. C. Halls; Susan Halls; Kelly Stone; Steve Pappa, Dave Winnie; Marcell Westergard; Craig Westergard; Paul Sherrick; Earl Downing; Lamont Sheridan; Rogert Hartman; Kathy Shriek; Dr. Joe Perrin; and Darren Struchen.

Pledge of Allegiance: Karlene Yeoman

1. APPROVAL OF MINUTES

**Commissioner Kirch moved to approve the minutes of September 11, 2007, as corrected. Commissioner Yeoman seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.**

2. A. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT FOR A HOME IMPROVEMENT CENTER LOCATED AT APPROXIMATELY 3400 WEST 5600 SOUTH

- B. PUBLIC HEARING TO CONSIDER A PRELIMINARY COMMERCIAL SUBDIVISION PLAT FOR THE HOME DEPOT-ROY SUBDIVISION LOCATED AT APPROXIMATELY 3400 WEST 5600 SOUTH
- C. PUBLIC HEARING TO CONSIDER A PETITION FROM JANCE B. AND JERRY OLSEN, STANGER'S GREENHOUSE AND GARDEN SUPPLY, LLC, RAY E. AND IVA LOO WELCHMAN TO ANNEX APPROXIMATELY 7.010 ACRES LOCATED AT APPROXIMATELY 3400 WEST 5600 SOUTH WITH A ZONE OF COMMUNITY COMMERCIAL
- D. PUBLIC HEARING TO CONSIDER A GENERAL PLAN AMENDMENT TO CHANGE 1.698 ACRES LOCATED AT APPROXIMATELY 3400 WEST 5600 SOUTH ON THE FUTURE LAND USE MAP FROM UTILITIES TO COMMERCIAL
- E. PUBLIC HEARING TO CONSIDER A PETITION FROM ROY CITY TO REZONE APPROXIMATELY 1.698 ACRES LOCATED AT APPROXIMATELY 3500 WEST 5700 SOUTH FROM A RESIDENTIAL ESTATE ZONE (RE-20) DESIGNATION TO A COMMUNITY COMMERCIAL (CC) DESIGNATION

Commissioner Stonehocker moved to open a public hearing at 6:05 p.m. to consider a conditional use permit for a home improvement center located at approximately 3400 West 5600 South. Commissioner Hilton seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.

Commissioner Collins moved to open a public hearing at 6:05 p.m. to consider a preliminary commercial subdivision plat for The Home Depot-Roy Subdivision located at approximately 3400 West 5600 South. Commissioner Kirch seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.

Commissioner Allred moved to open a public hearing at 6:05 p.m. to consider a petition from Jance B. and Jerry Olsen, Stanger's Greenhouse and Garden Supply, LLD, Ray E. and Iva Loo Welchman to annex approximately 7.010 acres located at approximately 3400 West 5600 South with a zone of Community Commercial. Commissioner Yeoman seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.

**Commissioner Yeoman moved to open a public hearing at 6:05 p.m. to consider a General Plan amendment to change 1.698 acres located at approximately 5650 South 3500 West on the Future Land Use Map from Utilities to Commercial. Commissioner Stonehocker seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.**

**Commissioner Hilton moved to open a public hearing at 6:05 p.m. to consider a petition from Roy City to rezone approximately 1.698 acres located at approximately 5650 South 3500 West from a Residential Estate Zone (RE-20) designation to a Community Commercial (CC) designation. Commissioner Kirch seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.**

Tony Reynolds stated that The Home Depot had made an application for a home improvement center to be located at approximately 3400 West 5600 South. Fortunately, at nearly the same time, K.C. Halls submitted plans to develop the adjoining Barlow acreage. Home Depot was proposing to place their building on the back southeast corner of their site. They proposed an undeveloped pad site on the northeast corner. There would be two access points on 5600 South, one of them would be through Maverik; and two access points on 3500 West, again one of them would be through Maverik.

Mr. Reynolds said Home Depot had a number of properties under contract. Before the Planning Commission could consider Home Depot's site plan, it had to consider annexation of 7.010 acres owned by the Olsen's, Welchman's, and Stanger's Greenhouse. The requested zoning designation for the annexation was Community Commercial. Another parcel under contract was the City's parcel located at approximately 5650 South 3500 West. It consisted of approximately 1.698 acres. The Future Land Use Map of the General Plan would have to be amended from Utilities to Commercial, and the City's parcel rezoned before the Home Depot site was approved. Home Depot also had Lot No. 3 of the Maverik Subdivision under contract. It was already zoned Community Commercial. Lot No. 1 of the Maverik Subdivision contained the Maverik convenience store. Maverik Subdivision Lot No. 2 was entitled for in-line retail space. Later on the agenda, the Planning Commission would consider a site plan for the adjoining Barlow property.

Tony Reynolds stated that an annexation petition from Janice B. And Jerry E. Olsen, Stanger's Greenhouse and Garden Supply, LLC, and Ray E. And Iva Loo Welchman had been filed with Roy City. They

proposed to annex 7.010 acres and requested a Community Commercial Zone designation. A legal notice was placed in the *Standard Examiner*. Notices were mailed to 47 property owners within 300 feet of the proposed annexation. No comments were received as to date. The City Council accepted the petition for consideration purposes on September 4, 2007. The petition was certified on September 7<sup>th</sup>, which started the protest period. The protest period ended on October 8<sup>th</sup>. No protests to the annexation were filed with Roy City or the Weber County Boundary Commission. Roy City's Annexation Ordinance required that all annexation petitions be referred to the Planning Commission for its consideration. The City Council had scheduled a public hearing on October 16, 2007, at 6:00 p.m. to consider the annexation petition.

Mr. Reynolds stated that the Development Review Committee (DRC) based its recommendation on the following findings:

1. The proposed annexation was consistent with the land use portion of Roy City's General Plan.
2. Approval of the annexation would lessen the size of an unincorporated island in Roy City.
3. The proposed annexation was part of the Master Annexation Declaration Policy.
4. The proposed annexation was in compliance with Utah State Code.

Based on those findings, the DRC recommended that the Planning Commission recommend that the City Council approve the annexation petition and that a Community Commercial Zone be established subject to:

1. The annexation plat must be approved by the City Engineer and comply with the requirements of Weber County.
2. The petitioners who are serviced by Hooper Water must disconnect and de-annex from the Hooper Water Improvement District.
3. The annexation was subject to The Home Depot's ultimate acquisition of these properties.

Mr. Reynolds stated that Roy City wanted to rezone approximately 1.698 acres located at approximately 5650 South 3500 West from RE-20 to Community Commercial. The property was under contract to The Home Depot to be developed as part of their 12.184-acre commercial development. Before Roy City's rezone request could be

considered, the Future Land Use Map had to be amended to show this property with a potential commercial use.

The Planning Commission asked about the use of the City's parcel further to the east. Tony Reynolds said the parcel was an old railroad spur that was deeded to Roy City. When the Whispering Meadows Subdivision developed to the east, the City dedicated some of the parcel to itself for a public roadway. The remaining parcel might be absorbed when the Jordan Valley Water property south of Lindquist's Mortuary developed.

Commissioner Kirch said there had been discussion about using the parcel as a street. Tony Reynolds said the parcel would be used as a street between 3100 West and 3260 West. The City had decided not to continue the street further west because it would create two intersections on 3500 West too close together and create lots in Pony Acres with double frontage. The portion of the parcel under contact with The Home Depot extended from 3500 West east to a line even with the east boundary of the Olsen property.

Commissioner Collins stated that there were residents south of the City-owned parcel that had used the parcel to access the back of their properties. Paul Sherrick, 3484 West 5700 South, stated that he had a lease to use the City parcel. Tony Reynolds was not aware of any leases that would affect the disposition of the City's parcel.

Commissioner Collins stated that the City did have an ordinance that prohibited residential lots from having access from two streets.

Tony Reynolds stated that the City Council held a public hearing in September to consider the sale of the property to The Home Depot.

Commissioner Hilton asked if any utilities were located in the property. Mark Miller, City Engineer, said the City had a storm drain and a sanitary sewer line in the property. There were also overhead power lines. Commissioner Hilton asked if there would be an easement for the City's utilities. Tony Reynolds said there would.

Mr. Reynolds said the DRC had found that:

1. The proposed amendment was compatible with the character of the surrounding area.

2. The location of the proposed amendment was suitable for the uses and activities allowed by the proposed amendment.
3. The proposed amendment was compatible with nearby and adjoining properties.
4. The proposed amendment advanced the existing goals, objectives, and policies of the General Plan.

The DRC recommended that the Planning Commission recommend that the City Council approve the proposed amendment to the Future Land Use Map of the General Plan by changing the future land use designation of 1.698 acres located at approximately 5650 South 3500 West from Utilities to Commercial.

Tony Reynolds stated that Roy City had initiated a petition to rezone approximately 1.698 acres located at approximately 5650 South 3500 West. The property was currently zoned RE-20. The City was seeking to rezone it to Community Commercial. The property was currently under contract with The Home Depot. The Home Depot planned to incorporate it into their proposed 12.184 acre commercial development. The requested amendment to the Future Land Use Map of the General Plan had to be approved before the rezone could occur. The DRC's findings were:

1. The proposed rezone would allow the proposed site to be developed for the benefit of the community.
2. The proposed rezone was compatible with adjoining land uses and Zoning Ordinance requirements.
3. The proposed rezone was consistent with the goals, policies, and Future Land Use Map of the General Plan.

The DRC recommended that the Planning Commission recommend that the City Council approve the City's proposal to rezone approximately 1.698 acres located at approximately 5650 South 3500 West from RE-20 to Community Commercial.

Tony Reynolds said the fourth item to be considered as part of The Home Depot's proposal was preliminary approval of the Home Depot Subdivision. The subdivision would contain two lots: Lot No. 1 contained 11.176 acres; Lot No. 2 was 1.008 acres in size. Lot No. 1 would be developed as a Home Depot store. Mr. Reynolds said the DRC had found that:

1. The proposed subdivision was consistent with the goals and policies set forth in the General Plan.

2. The proposed subdivision was consistent with the Subdivision and Zoning Ordinances.

The DRC recommended that the Planning Commission recommend that the City Council approve a preliminary subdivision plan for the Home Depot Subdivision subject to the following:

1. The preliminary subdivision must comply with the comments submitted by the City Engineer.
2. The final subdivision plat must comply with the requirements of Weber County.

Tony Reynolds said the last item to be considered during the public hearing was a conditional use permit and site plan for a home improvement center on Lot No. 1 of the proposed Home Depot Subdivision. He felt it was fortunate that Home Depot and Barlow Square were proposed at nearly the same time. Both parties are working with the City and with each other. A legal notice was placed in the *Standard Examiner*, and notices were mailed to 47 property owners within 300 feet of the proposed site. No comments were received. The Development Services Department circulated copies of the proposed project to City departments, utility companies, and various State and regional agencies. The comments of the City Engineer and Roy Water Conservancy Subdistrict were included in the staff report. The Home Depot was seeking approval of a conditional use permit for a 132,973 square foot home improvement center. At this time, The Home Depot was not proposing a specific use for Lot No. 2.

Mr. Reynolds said all exterior lighting was fully hooded and shielded. Pole mounted lights did not exceed 20 feet in height. Light did not spill onto adjacent properties. The site met all parking and landscaping requirements. The DRC's findings for recommendation were:

1. The proposed use was a conditional use within the Community Commercial Zone.
2. The proposed use complied with the requirements applicable to the Community Commercial Zone.
3. The proposed property on which the conditional use was proposed was of adequate size to permit the conduct of the use in a manner that would not be detrimental to the adjoining and surrounding properties.
4. The proposed use was consistent with the goals and policies of the General Plan.

Mr. Reynolds said the DRC recommended that the Planning Commission recommend that the City Council approve a conditional use permit for a home improvement center located at approximately 3400 West 5600 South subject to the following conditions:

1. The site plan and related development must comply with the comments submitted by the City Engineer and Roy Water Conservancy Subdistrict.
2. The access from 3500 West on Lot No. 2 of Maverik Subdivision must be developed in connection with the development of Lot No. 1 of Home Depot Subdivision.
3. No building signage may be placed on any exterior building wall or window facing the residential zoning district boundary to the south or the east of the site.
4. All mechanical equipment must be screened entirely from view from adjacent residentially zoned properties by using methods outlined on Page 10-6 of the Zoning Ordinance.
5. The proposed use and site plan must meet, and be conducted in compliance with, all requirements of the Zoning Ordinance.

Commissioner Kirch asked how high the screen around the mechanical equipment would be. Mr. Reynolds said it would be as high as needed to screen the equipment.

Mr. Reynolds said the City Engineer was concerned about how Home Depot, Maverik, and Barlow Square would be integrated. Item No. 11 from his October 8<sup>th</sup> memo stated:

"Roy City Site Design Standards stated that "Site Plan Applications shall provide site functionality for the integration of the proposed buildings with existing, or planned, pedestrian and vehicular circulation patterns and provide for a system of interconnected streets, walkways, trails and parking areas." The Home Depot Site Plan does not indicate any methods of integration with Maverik and proposed Barlow Square. We would suggest that at a minimum, potential pedestrian access ways and paths be shown and that potential traffic circulation between the sites be indicated by directional arrows."

Mr. Reynolds said the Planning Commission needed to review the building materials and design; the height, design and integration of existing and proposed screen walls and fences; signage; hours of

operation; and integrated site access for both vehicles and pedestrians.

Tony Reynolds stated that the site plan indicated that a 6-foot wall would be constructed along the east property line beginning where Lindquist's 8-foot vinyl fence ended. It would continue along the south property line until it reached the 20-foot setback line, where it would drop to 48 inches. The fencing would be constructed of pre-cast concrete panels. Home Depot did not propose to replace Lindquist's vinyl fence. It was already in place and was dividing a commercial use from a commercial use.

Commissioner Collins asked if the 4 to 5-foot elevation difference between Home Depot and Lindquist's had been addressed. Tony Reynolds said it was addressed when Lindquist's developed. Lindquist's had the higher side. Retention was being handled on their side of the fence.

Tony Reynolds stated that for commercial development immediately adjacent to residential zones the Community Commercial Zone limited hours of operation to 7:00 a.m. to 10:00 p.m. The Home Depot was proposing that they be allowed to operate 24 hours a day. The store itself would be open from 7:00 a.m. to 9:00 p.m. They wanted to be able to have employees work through the night restocking shelves.

Mr. Reynolds said the staff's only concern about the building materials proposed by The Home Depot was the smooth concrete finish. The Zoning Ordinance said concrete had to be colored and "stamped, pitted, or other texture". Steve Pappa, representing The Home Depot, stated that they planned to build Home Depot using tilt-up concrete construction. It was effective and cost efficient. The exterior finishes included columns around the building to give the concrete some texture. The wainscot would be split face concrete block. There would be a band of stucco. The proposed exterior was upgraded from other Home Depot designs. They had added color, texture, and more pilasters to break up the long run of the sides to give the building character. Commissioner Allred asked how many different patterns they planned to use. It could be overdone. Mr. Pappa said formliner would be used for the wainscot and columns. They planned panels and then Tex-Cote (stucco-like texturing) banding.

Tony Reynolds pointed out Item No. 8 of the City Engineer's comments. Home Depot's site plan needed to show access for the south side of Barlow Square. K.C. Halls and Maverik had reached an

agreement for access on the north side of Barlow Square. Mr. Halls would have to reach a similar agreement with Home Depot and share in the cost of constructing the access.

Commissioner Allred was concerned about whether the road proposed along the south side of Home Depot's site would be limited to trucks. What happened to the road at the east side of Home Depot's site? Tony Reynolds said the road wrapped around the building. Commissioner Allred asked if the City would need access to the road to get to the utilities. Mark Miller felt the City would be okay with the proposed plan as long as the City had an easement in its favor.

Mark Miller stated that the Development Review Committee had discussed whether to continue the road along the south side of Home Depot to the east and connect it to the road in Whispering Meadows. Extending the road would have a negative impact on the area.

Mr. Miller felt it was important that the three different sites on this corner interconnect. Home Depot needed to provide more information on their site plan about traffic circulation and pedestrian access. A road was needed all of the way around Home Depot's building for emergency vehicles.

Commissioner Kirch asked about a bridge from Barlow Square over Home Depot's detention pond. Mark Miller felt a bridge would present safety concerns. Commissioner Kirch asked if there were bus stop locations on 5600 South. Mr. Reynolds said there were bus stops, but he didn't know where they were located.

Tony Reynolds said the loading dock was located on the southwest corner of the building. It contained three overhead doors. Home Depot had done a nice job of screening the loading dock and compactor from the residents to the south.

Tony Reynolds said the last item to discuss regarding the site plan was signage. Home Depot was proposing two pylon signs and a monument sign in addition to their building signs. One pylon sign and the monument sign would be located on 5600 South. The second pylon sign would be located on 3500 West in front of Barlow Square. The two pylon signs would be 23 feet in height.

Commissioner Allred asked why all of the signs couldn't be monument signs. The pylon signs were taller than the 20-foot light poles. Mr. Reynolds said the pylon signs complied with the City's Sign Ordinance.

Commissioner Collins asked if the second pylon sign would be considered an off-premise sign. Tony Reynolds said it would not. The Sign Ordinance allowed a second pole sign for shopping centers over five acres as a conditional use. Maverik, Barlow Square, and Home Depot were considered part of one overall shopping center. The pylon sign in front of Barlow Square would contain space for Barlow Square tenants.

Chairman Merx asked if Home Depot's proposed use of parking stalls for seasonal sales would leave sufficient parking space to meet the requirements of the Zoning Ordinance. Tony Reynolds said the staff felt there was more than adequate parking. The site plan showed the seasonal display area and an area along the detention pond that might be permanently used for display of sheds.

Steve Pappa thanked the Roy City staff. Home Depot was excited to be presenting this site for consideration. With the staff's help, he felt they had covered everything well. The lighting met the City's code. Home Depot did not like lighting to bleed off the site. They tried to be cognizant of the neighbors. Signage met the code. He felt they had done a good job on the landscaping. They would continue to work with Barlow Square and Maverik regarding connectivity. They wanted to avoid having sidewalks come out near the truck access in the back. Home Depot was okay with the limitation of store hours from 7:00 a.m. to 10:00 p.m. but wanted to have employees working after hours on stocking. The store would not be open 24 hours a day.

Commissioner Allred asked what Home Depot's general hours of operation were. Steve Pappa said they were 7:00 a.m. to 9:00 p.m.

Commissioner Hilton asked about hours for truck deliveries. Steve Pappa said Roy City's Zoning Ordinance did not address hours of delivery. However, deliveries usually occurred during hours of operation. They could discourage trucks from coming during early morning hours.

Commissioner Collins said the Planning Commission was concerned about the adjacent residents. The buffer area would relieve some of the problem.

Commissioner Kirch suggested that trucks remain in the front parking lot until the store opened. If the trucks were going to run, they needed to be away from the residents. Steve Pappa said they could strongly suggest to the store manager that trucks park in the front parking lot.

Mark Miller felt the Planning Commission should make that a requirement. The emergency access had to remain open around the building 24 hours a day. If trucks were parked near the loading dock, the access would be blocked. The curbs needed to be painted red, and the area needed to be signed, then it wouldn't be a concern for the store manager. He would include that concern in his comments.

Steve Pappa stated that Home Depot kept a laminated copy of conditions in the store manager's office. The store manager had to abide by those conditions. Conditions about trucks lining up in the loading dock early in the morning and where trucks could be parked could be added to the store manager's list.

Commissioner Allred pointed out that trucks in the loading dock would be behind two sound walls.

Commissioner Kirch asked if the compactor would be run only during business hours. Steve Pappa believed it would.

Commissioner Collins asked if there would be audio components outside. Steve Pappa said speakers were normally not located on the outside of the building. Commissioner Collins said the Planning Commission wanted to address as much as it could now to reduce complaints from the residential neighbors.

Chairman Merx asked about lighting on the south and east sides of the building. Steve Pappa said lights on the south and east sides of the building would be downcast. Any lights on the perimeter next to the residents would be shielded.

Chairman Merx opened the floor for public comments at 7:23 p.m.

Paul Sherrick, 3484 West 5700 South, asked if the Planning Commission would listen to a valid complaint, or was the Home Depot proposal cast in stone? When he moved into the Pony Acres Subdivision, it had a country atmosphere. It was designed for small ranchettes and animals. In the years since, the City had approved 8,000 to 10,000 square foot lots around him and totally devastated the area. He felt that was poor planning. Home Depot would now disturb the atmosphere in the area. Mr. Sherrick understood that the right-of-way behind his property was for the property owners in Pony Acres to use to access the back of their lots. He couldn't understand why the right-of-way had to go to Home Depot. Home Depot needed to come into the community like a friend rather than a bully. He felt Home Depot could develop and

still make everyone happy. Mr. Sherrick couldn't see a reason why Home Depot needed the right-of-way to accomplish its goal. There was going to be an entrance to Barlow Square from Maverik. Why was an access needed to the south through the right-of-way? In a meeting with the City years ago, the City said the City property would remain as a right-of-way for the property owners to access the rear of their properties. He needed access to the back of his property. He had lived there for 23 years. He was there first. He did not want his backyard destroyed. He didn't want access to his backyard cut off. The site plan didn't show gates to his backyard. He resented that. What right did the City have to take property given as a right-of-way that was supposed to be maintained as a right-of-way? The way some of the lots in Pony Acres were designed, the only access to the back was through the right-of-way. How could the City take property and sell it to Home Depot against terms on the deed? He felt the City needed to make provisions for the people who lived in Pony Acres. He asked that the City please listen to them. They had some rights too. Based on experience gained from owning property next to a commercial use in Salt Lake, he was concerned about thieves using his backyard as a get away. He would like to have a buffer zone. Why couldn't the right-of-way remain in the City's name and be tied into 3100 West? It would line up with 5700 South west of 3500 West. That seemed logical planning. Home Depot could use it, but it would be a public right-of-way.

Earl Downing, 3490 West 5700 South, stated that he would be losing his property to the expansion of State Highway 108. He was happy to see Home Depot come in. It would be a big asset to the community's tax base. When he purchased his property, he leased the right-of-way from the City. He tried to buy the right-of-way behind him, but was told that it was a gift from the railroad and could not be sold. He was concerned that the screen wall would only be 6-foot high. A smokestack on an 18-wheeler was 13'6". A 6-foot fence would not stop the noise. The City would receive a lot of complaints. Why did Home Depot need the access? Why could the City sell the right-of-way to Home Depot, but not him?

Lamont Sheridan, 5722 south 3600 West, was concerned about the safety of the 5700 South 3500 West intersection. He told his children to avoid it. There were times during the day, that the intersection was not usable because of traffic. Home Depot would bring in more traffic.

Roger Hartman, 3344 West 5700 South, asked about the overhead power lines. Would the proposed fence be placed on the property line?

Commissioner Hilton said the fence would be placed on the property line. Mark Miller said the power lines would be located in the landscaped area adjacent to the wall. Mr. Hartman asked how wide the buffer would be. Tony Reynolds said the landscaped area was 10 feet wide at the narrowest point. The distance from the landscaped area to the building was about 60 feet.

Kathy Shriek, 3459 West 5700 South, felt it would be better to leave the area in the back open so that the residents on the north side of Pony Acres could have access. It would make a big difference for those who lived there. A few feet would make both them and Home Depot happy. She moved to this neighborhood because of the animals. There weren't many animals left. It made a difference to young children to have to take care of animals. If the City took that away, it took away something that kept kids off the street. She would like to see it preserved. She didn't want to see something taken away from the neighborhood.

Earl Downing felt the road behind Home Depot would be used by kids to congregate.

Marcell Westergard, 5698 South 3100 West, stated that the City right-of-way could not remain as it was. Until six months ago, it was full of weeds. It was a no man's land and a fire hazard. The City needed to sell the right-of-way or make it a road. She didn't think the 6-foot fence was tall enough. She pointed out that there were homes in the Herefordshire Subdivision that had access to the back of their lots from a road. She asked if the buffer area would include landscaping. Commissioner Hilton said it would. The landscaping would be maintained by Home Depot. Mrs. Westergard said making the right-of-way a road would not be her choice. She wasn't sure UDOT would allow a road to come onto 3500 West due to the proximity of 5600 South. It would be nice for the homeowners in Pony Acres to have access. She was concerned about the turning radius of the road on the east side of Home Depot. She asked for the dimensions of Home Depot. Steve Pappa said it would be about 500'x250'.

Darren Struchen, 5578 South 3500 West, was concerned about traffic. His home was located in unincorporated Weber County. This was the busiest corner in the City. He hoped to annex and sell his property someday. It was a prime location. However, he looked at lights. He couldn't open his windows at night due to noise. He was concerned about more lights from Home Depot. He hoped that Home Depot and Maverik took that into consideration. Home Depot would make the traffic worse. If the City didn't limit the hours

trucks could come in, Home Depot would take advantage of it. He asked about the possibility of annexing his property. The Planning Commission indicated that Mr. Struchen should talk to the staff if he was interested in annexing. Mr. Struchen said whether he was a resident or not, his concerns were legitimate. Commissioner Kirch asked where his light pollution came from. Mr. Struchen said it came from Maverik, Old Farm Market, and the Mexican restaurant at 5500 South 3500 West.

Roger Hartman felt a good athlete could go over a 6-foot wall. He asked that the fence be increased to 8 feet. Eight feet would keep people from going over the fence and give the residents a better buffer.

Commissioner Collins said an 8-foot wall was required behind Winegar's.

K.C. Halls, Layton, stated that his family had owned the Barlow property south of Maverik for years. They had always talked to the City about having access to 3500 West through the right-of-way. He asked for assurance that he would have that access. He asked that a letter from his attorney regarding access be entered into the record (copy filed for record). Commissioner Kirch stated that Item No. 8 in the City Engineer's comments said that Home Depot needed to show the access to Barlow Square on their site plan. The City Engineer's comments would be part of the recommended conditions. Mr. Halls said he was willing to share the expense of putting in the access to Barlow Square.

**Commissioner Kirch moved to close a public hearing 8:08 p.m. to consider a petition from Roy City to rezone approximately 1.698 acres located at approximately 3500 West 5650 South from a Residential Estate Zone (RE-20) designation to a Community Commercial (CC) designation. Commissioner Hilton seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.**

**Commissioner Hilton moved to close a public hearing at 8:08 p.m. to consider a General Plan amendment to change 1.698 acres located at approximately 3400 West 5650 South on the Future Land Use Map from Utilities to Commercial. Commissioner Yeoman seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.**

Commissioner Yeoman moved to close a public hearing at 8:08 p.m. to consider a petition from Jance B. and Jerry Olsen, Stanger's Greenhouse and Garden Supply, LLD, Ray E. and Iva Loo Welchman to annex approximately 7.010 acres located at approximately 3400 West 5600 South with a zone of Community Commercial. Commissioner Kirch seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.

Commissioner Allred moved to close a public hearing at 8:08 p.m. to consider a preliminary commercial subdivision plat for The Home Depot-Roy Subdivision located at approximately 3400 West 5600 South. Commissioner Stonehocker seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.

Commissioner Collins moved to close a public hearing at 8:08 p.m. to consider a conditional use permit for a home improvement center located at approximately 3400 West 5600 South. Commissioner Kirch seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.

Commissioner Kirch moved to recommend that the City Council approve a petition from Jance B. and Jerry B. Olsen, Stanger's Greenhouse and Garden Supply, LLC, and Ray E. And Iva Loo Welchman to annex approximately 7.010 acres located at approximately 3400 West 5600 South with a zone of Community Commercial based on the findings and conditions listed in the staff report. Commissioner Hilton seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.

Commissioner Allred was concerned about the legality of recommending the use of the City's property. Tony Reynolds felt that should be discussed as part of the site plan approval.

Commissioner Allred moved to recommend that the City Council amend the Future Land Use Map of the General Plan by changing the use of 1.698 acres located at approximately 5650 South 3500 West from Utilities to Commercial based on the findings and conditions listed in the staff report. Commissioner Kirch seconded the motion.

**Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.**

**Commissioner Hilton moved to recommend that the City Council approve a petition from Roy City to rezone approximately 1.698 acres located at approximately 5650 South 3500 West from RE-20 to Community Commercial based on the findings and conditions listed in the staff report. Commissioner Yeoman seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.**

Tony Reynolds stated that general counsel given by the City Attorney was for the Planning Commission to always review site plans and make recommendations based on sound planning principles. If the Planning Commission is concerned about a legal issue, they should encourage the Council to consider the issue and even suggest some possible land use solutions.

Commissioner Allred was concerned about the creation of an intersection at the west end of the right-of-way on 3500 West. Would the approach on 3500 West be wide enough for a semi to make the turn? He asked when 3500 West would be widened. Mark Miller said the environmental impact study was being completed. It could be 5 to 15 years before the road was widened. Commissioner Allred suggested posting the turn as right-turn only.

Chairman Merx asked if UDOT had approved the access on the right-of-way. Mark Miller said that Dr. Joe Perrin had completed the traffic study for Home Depot.

Dr. Joe Perrin stated that the EIS for State Highway 108 was underway. It would most likely come back with the recommendation that it have five lanes with full width shoulders.

Commissioner Allred stated that all of the access for the site could not come from 5600 South. It had to come from both 5600 South and 3500 West. The comments from the residents about not using the City property for access were not valid.

Joe Perrin said the reality and reason for more access was to allow varied exits to split up the traffic flow.

Commissioner Kirch asked if the approach width on the south access on 3500 West would be wide enough to allow trucks to turn in. Joe Perrin felt a 35-foot width would be adequate.

Commissioner Allred asked about posting the south access on 3500 West as right-turn only. Joe Perrin felt posting approach as right-turn only would force traffic to use the Maverik entrance, which was commonly blocked at certain hours of the day. The south access was not meant to be the main entrance. It was meant to act as a relief valve. For city-wide traffic circulation, it was better to have places to shop closer to peoples' homes.

Commissioner Allred asked if the south access would have a signal some day. Joe Perrin felt it was too close to the 5600 South 3500 West intersection.

Joe Perrin stated that there was a lot of traffic on both 5600 South and 3500 West/Midland Drive. There were no plans to make 5600 South a five lane road. 5600 South was the most direct route to the freeway. There would be some relief when the Hinckley Drive extension was finished. The relocation of the signal from 2050 West to 2200 West on 5600 South would help. The next signal in the area would be at 3100 West 5600 South. It would allow gaps in the traffic flow.

Commissioner Allred stated that the City did not have a choice about double access to the lots in Pony Acres. It was not allowed by the Zoning Ordinance. However, access onto the Home Depot site would be on private land and not onto a public road. Was that considered double frontage?

Commissioner Stonehocker felt Home Depot would have a liability issue if they owned the land.

Commissioner Kirch did not feel there should be access from an agricultural area to a commercial area due to the animals. She felt an 8-foot fence was a good idea.

Commissioner Allred stated that the vinyl fence around the mortuary was 8 feet high. He felt an 8-foot concrete fence was a reasonable condition.

Commissioner Stonehocker said the reason for the fence was to separate the commercial and residential uses. It didn't make sense to punch holes in that fence. It would let in sound.

Commissioner Collins stated that for years the City-owned property had been available for the homeowners in Pony Acres to use. Everyone knew that eventually the property would be developed.

Things were changing. Any property owner had the right to sell its property. The property was owned by Roy City.

Paul Sherrick stated that when he was in college, the idea of the time was that cities didn't own property. Now there was a piece of property with a dedication on it. The City could not over ride a dedication. Legally, there was a dedicated right-of-way.

Tony Reynolds stated that there was not a dedication. The staff had researched the how the City took title to the property. The property was deeded to the City by quit claim deed.

Commissioner Allred asked if the City-owned property was dedicated or set aside for use by the property owners of Pony Acres. Tony Reynolds said it was not.

Commissioner Allred didn't feel it was feasible to keep the access open for the property owners in Pony Acres. It would not comply with the City current ordinances and would put a burden on Home Depot. The City-owned property was not dedicated to the individual property owners. A building this large needed access all the way around. There was a potential for nuisance in the back corner, but that was a matter of policing. It would be easier to police with a tenant than an empty field.

Commissioner Kirch asked if the southeast corner would be well lit. Steve Pappa said it would.

Commissioner Allred felt the hours of operation needed to be defined. Commissioner Yeoman felt the hours of delivery needed to be limited. Commissioner Allred said the truck access could be designated as 'no parking.'

Commissioner Hilton was concerned about signage. Tony Reynolds said the pylon sign on Barlow Square was a conditional use. Commissioner Hilton felt the pylon signs on 3500 West and 5600 South should be dropped to 20 feet. Commissioner Allred felt signs were both visual and light pollution. It was inconsistent to have the signs higher than the light poles.

Commissioner Kirch said the sign on 3500 West would advertise Barlow Square and Home Depot.

Commissioner Allred preferred two monument signs than two pylon signs.

Commissioner Collins pointed out that there were two pole signs at Winegar's - one on each road. He didn't feel dropping the poles a few feet would reduce light pollution.

**Commissioner Kirch moved to recommend that the City Council approve a conditional use permit and site plan for a home improvement center located at approximately 3400 West 5600 South based on the findings and subject to the conditions listed in the staff report; that the wall on the east and south sides of the site be 8 feet in height rather than 6 feet; that hours of operation be 24 hours a day with deliveries restricted from 11:00 p.m. to 6:00 a.m.; that trucks not be allowed to line up at the docks during those hours; that 'no parking' provisions be added to the delivery area and truck access (red curb and signs); that the radius on the southeast corner be checked for emergency vehicle access; that the radius of the approach on the south access on 3500 West be checked to make sure it had adequate turning radius for large trucks; and that a second pylon sign be authorized on 3500 West. Commissioner Yeoman seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.**

Dave Winnie, Home Depot, asked if detached trailers in the loading docks would be okay. Commissioner Allred felt the 'no parking' restriction applied to the truck access around the building, not the loading dock. Mr. Winnie said Home Depot had to keep the access open for emergency access. Commissioner Kirch didn't want trucks running between the hours of 11:00 p.m. and 6:00 a.m. in order to prevent noise in the adjacent residential yards.

Mark Miller stated that the staff understood the Commission's concerns. It would be cautious as it conveyed those concerns to the Council. The staff would also go over those concerns with Home Depot.

**Commissioner Hilton moved to recommend that the City Council approve a preliminary subdivision plan for the Home Depot - Roy Subdivision located at approximately 3400 West 5600 South based on the findings and subject to the conditions in the staff report. Commissioner Yeoman seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.**

3. CONSIDERATION OF A SITE PLAN FOR THE CONSTRUCTION OF COMMERCIAL BUILDINGS LOCATED AT APPROXIMATELY 5650 SOUTH 3500 WEST

Tony Reynolds stated that K.C. Halls was proposing to construct three commercial buildings on the Barlow property at approximately 3500 West 5700 South. The buildings were a permitted use. The Planning Commission is the review and approval authority.

Mr. Reynolds said the commercial buildings totaled 23,838 square feet on 1.55 acres. No specific uses were proposed for the buildings. The type of development proposed by Mr. Halls was a 'mini Gateway.' Mr. Halls was pursuing office and retail sales and service uses. Both are permitted uses in Community Commercial zones. The site plan met the minimum parking requirements for office, retail sales and service, and personal services. Any other uses would mean there was not adequate parking. The landscaping requirement was met, but the landscape plan showed a different parking and planting configuration than the site plan. Additional information about the exterior lighting was needed. The pole mounted lights exceeded 20 feet in height, light hoods and shields were not indicated on the plans, and it appeared that light spilled onto adjacent properties.

Commissioner Kirch asked if the site plan indicated how the site fit with Maverik. Mr Reynolds said it did.

Tony Reynolds suggested that the Planning Commission consider building location, orientation, materials, and design; signage; hours of operation; and integrated site access for both vehicles and pedestrians. Because of the unresolved pedestrian and vehicle access concerns, the DRC recommended that the Planning Commission table consideration of Barlow Square until the Home Depot conditional use permit and subdivision had been approved by the City Council.

Chairman Merx asked about the possible number of tenants. Mr. Halls said that would depend on the amount of space used by each tenant.

Commissioner Yeoman asked if the buildings in Maverik, Home Depot, and Barlow Square had a similar look. Tony Reynolds said the colors proposed in Barlow Square were muted earthtones. The staff was concerned about making sure that the neighboring developments functioned together. The staff was concerned about the limited setback on 3500 West that produced a 'sawtooth' appearance for Barlow Square. This limits site lines and visibility for pedestrian and vehicular safety. The City didn't know how much property the State would take when it completes the widening of 3500 West - Barlow Square may be left with an insufficient setback. There was concern about the difficulty of moving traffic north and south through Maverick's development and Barlow Square with the proposed layout. The interaction between Barlow Square and Maverik and Home Depot is too limited.

Commissioner Yeoman asked if K.C. Halls was set on the building locations. Mr. Halls said he had looked at several different options. The proposed site plan had the highest visibility. When buildings were set further back from the road, they took longer to lease and had a higher tenant turnover. Visibility is what tenants were after. He felt the City would want to keep people shopping in Roy. He had to maximize the site because of land values.

Chairman Merx asked about signs. Tony Reynolds said two monument signs and a shopping center pylon sign are proposed on 3500 West. The bottom of the monument sign would be level with the sidewalk.

Tony Reynolds stated that Barlow Square did not have pedestrian access. There were a number of issues that needed to be resolved.

Commissioner Kirch felt the Planning Commission would be able to take action on Barlow Square on October 23<sup>rd</sup> if the Council approved Home Depot's conditional use permit and site plan on October 16<sup>th</sup>.

K.C. Halls stated that Home Depot's site plan showed sidewalk along the right-of-way.

Commissioner Kirch suggested that the hours of operation in Barlow Square be limited like Home Depot. Tony Reynolds said the regulations for the Community Commercial Zone limited the hours to 7:00 a.m. to 10:00 p.m.

K.C. Halls asked if there was anything the Planning Commission wanted to see.

Commissioner Kirch asked why two accesses were not shown on the south side of Barlow Square. Tony Reynolds said the initial site plan had two accesses. The second was removed because of concerns about traffic movement conflicts.

Commissioner Kirch asked where the dumpster was located. Mr. Halls said it was located along the south property line.

Commissioner Kirch suggested eliminating two parking stalls along the south side to allow for a looped traffic movement. Tony Reynolds said more than two stalls would need to be eliminated for two-way traffic movement, which needed to be at least 24 feet wide.

K.C. Halls said he wanted to keep his customers on site.

**Commissioner Allred moved to table consideration of Barlow Square until the next regularly scheduled Planning Commission meeting after the adjoining home improvement center had been approved. Commissioner Stonehocker seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.**

4. DISCUSSION REGARDING VEHICLE SALES IN COMMUNITY COMMERCIAL ZONES

Tony Reynolds stated that there were currently two legal, non-conforming vehicle sales businesses in Community Commercial Zones in Roy City - Triple Auto Sales and Kapp Auto. Kapp Auto on 1900 West wants to expand. The staff had consulted with land use experts about ways to allow Kapp Auto to expand, but the current Zoning Ordinance would not allow it. Mr. Reynolds said there were four alternatives: 1. Do nothing - which would not allow the expansion of vehicle sales businesses in Community Commercial zones; 2. Rezone Kapp Auto to Regional Commercial - which would allow other uses that the City did not want in Community Commercial zones; 3. Create a new zone; and 4. Allow car sales as a conditional use in Community Commercial Zones. Standards could be attached to the conditional use, such as requiring a certain distance from residential single-family zones. The staff felt the fourth alternative would be best.

Commissioner Collins was concerned about standards that might allow the City to be arbitrary and capricious. The standards had to be easy to enforce.

Commissioner Allred suggested that the Planning Commission review all permitted and conditional uses in Regional and Commercial Zones.

Commissioner Kirch felt more comfortable with the fourth alternative. It had less impact and could be defined.

Tony Reynolds stated that the staff would proceed with the fourth alternative and draft amendments for the Planning Commission to review.

5. ADJOURN

Planning Commission Minutes  
October 9, 2007  
Page 25

**Commissioner Hilton moved to adjourn at 9:37 p.m. Commissioner Collins seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.**

Attest:

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Bill Merx  
Chairman

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Michelle Drago  
Secretary  
dc:pcot907