

ROY CITY PLANNING COMMISSION

October 23, 2007

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on October 23, 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, Wasatch Civil, City Engineer; K.C. Halls; Susan Hall; and Jan Olsen.

Pledge of Allegiance: Brad Hilton

1. APPROVAL OF OCTOBER 9, 2007, MINUTES

**Commissioner Kirch moved to approve the minutes of October 9, 2007, as corrected. Commissioner Yeoman seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.**

2. CONSIDERATION OF A PERMITTED USE/SITE PLAN FOR COMMERCIAL BUILDINGS LOCATED AT APPROXIMATELY 5700 SOUTH 3500 WEST

Tony Reynolds stated that the City Council approved a conditional use permit and preliminary subdivision for Home Depot on October 16<sup>th</sup>. The conditional use permit was subject to a comprehensive list of conditions. Home Depot had agreed to increase the screen fence to eight feet in height; to TexCote all of the concrete on the exterior of the building; and to reduce the pylon signs from 23 feet to 20 feet in height.

Tony Reynolds said there were a lot of issues and concerns about Barlow Square. Both Barlow Square and Home Depot had moved very quickly. The City Council followed the recommendation of the Development Review Committee and required Home Depot to allow Barlow Square access onto the right-of-way purchased from Roy City. Access from Maverick was required years ago. However, K.C. Halls still needed to negotiate the terms of access with both Home Depot and Maverick. Before construction could proceed, those terms would have to be concluded.

Commissioner Collins was concerned about the angle of the entrance to Home Depot from Maverick. Mark Miller stated that Home Depot had angled the entrance to direct traffic away from the front of their store. It was wide enough for two-way traffic.

Tony Reynolds stated that one of the conditions of Home Depot's conditional use permit was to install pedestrian walkways to integrate Maverick, Home Depot, and Barlow Square.

Mark Miller stated that K.C. Halls had proposed building sidewalk along the south side of the Barlow Square. The DRC asked that the sidewalk on the south side end at the access.

Tony Reynolds stated that the City had not received additional comments from Roy Water Conservancy Subdistrict regarding Barlow Square. The City did receive additional comments from Wasatch Civil, the City's consulting engineer.

Mark Miller, Wasatch Civil, stated that the Development Review Committee had met several times to review Barlow Square. His office had received the most recent set of plans on Friday, October 19<sup>th</sup>. He had reviewed those plans yesterday. His October 22<sup>nd</sup> memo listed the issues he felt needed to be addressed on Mr. Hall's next revision. The detention basin needed to be designed to encourage water to drain to the outlet. The top of the pipe in the basin needed to be relocated. A manhole was shown in the sidewalk and needed to be moved. The size of the detention basin was inadequate. Mr. Halls' engineer proposed to use the storm drain pipes as part of the storm water storage capacity. However, the pipes were located too high to do that. The long building on the site plan might have to be shifted to the east, or it might have to be reduced in size. Something needed to happen to make room for adequate storage in the detention basin. The high water elevation was four feet below the finished floor. That meant a bare foundation wall would be left exposed above the ground in full view of 3500 West. Any columns attached to the foundation would reduce

the storage capacity in the detention basin. In addition, the site plan showed a row of shrubs along the east edge of the detention basin, but the slope was 3 to 1. Anything protruding from the building would impact the storage capacity of the detention basin.

Commissioner Collins stated that there were finishes that could be placed on the foundation wall. Mr. Miller said there were, but the plans did not propose any.

Mark Miller stated that his office had contacted the engineering company UDOT had contracted to complete the Environmental Impact Statement on 3500 West. An aerial photo of the preferred alignment on 3500 West showed the new right-of-way would be eight feet from the west edge of the long building proposed in Barlow Square. If that occurred, Barlow Square would not have a landscaping buffer along 3500 West, and there wouldn't be anywhere to detain its storm water. Mr. Halls might question why the City was holding him hostage for a project that was years in the future, but he felt it was appropriate to bring the issue to the Planning Commission's attention.

Commissioner Collins commented on the appearance of a dental office located along 3500 West near 4800 South. Its detention basin on 3500 West was always full of weeds. That was detrimental to the image Roy City was seeking. Barlow Square would also have a detention basin along 3500 West. Mr. Miller said Roy City's Code Enforcement Officer would have to stay on top of it.

Mark Miller stated that Dr. Joe Perrin did not feel the hammer head proposed on the east side of the site was deep enough. In order to be effective, Dr. Perrin felt it needed to be at least nine feet deep. The ingress/egress points on the north and south sides of the site were only 20 to 21 feet wide. The width of an access lane for one car was 12 feet. Mr. Miller felt both accesses needed to be 24 feet wide to function for two-way traffic.

Commissioner Allred asked about the number of parking spaces provided versus what was required. Tony Reynolds said the site plan proposed 80 parking spaces. The City's ordinance required 80.

Mark Miller stated that his office would work through the secondary water items. Item Nos. 5 and 6 were comments carried over from his previous memo. He felt integration of Barlow Square, Maverick, and Home Depot was an issue that should continue to be a condition of approval. Mr. Halls' proposed site plan did not show a traffic circulation pattern.

Commissioner Stonehocker asked about Roy City's parking guidelines. The site plan showed 20-foot access points with 24-foot driving lanes.

Commissioner Kirch didn't feel the site had much wiggle room. She asked if the extra width for the detention basin was needed the entire length of the building. Mr. Miller felt it was close to the entire length.

Commissioner Allred asked if K.C. Halls had looked at using the landscape areas on the north and south sides of the large building for detention areas. Mr. Miller said those landscape areas were only six to eight feet wide. There wasn't enough room.

Commissioner Kirch felt the only option was to decrease the size of the large building.

Commissioner Stonehocker asked if there were other options for storm water retention besides a detention basin. Mr. Miller said underground storage was an option, but he didn't feel it would change the site plan much.

Mark Miller stated that after the site plan was approved and all of the issues resolved, the developer's engineer could submit final mylar drawings to his office for signing. Mylars shouldn't be submitted until all the issues had been resolved. An engineer's estimate of improvement costs should be submitted with the final mylars. Once approved, the engineer's estimate would serve as the basis for the improvement guarantee amount. The developer would then obtain an improvement guarantee for the amount of the approved estimate. A Roy City guarantee agreement would then be signed and executed. Then a pre-construction meeting could be scheduled with his office. Following the pre-construction meeting, the developer could commence construction on the site.

Tony Reynolds stated that the City needed more information about the lights. Two monument signs were proposed along 3500 West; only one was permitted. The City Council approved a conditional use for a second pole sign for the overall shopping center that was part of Home Depot's conditional use permit. The Development Review Committee was concerned about parking. K.C. Halls was not proposing to lease to food tenants. The site was tight, and food tenants required more parking. The site did not have enough parking for a food use. Mr. Reynolds said he had seen the development in Salt Lake that K.C. Halls was patterning Barlow Square after. It was a pedestrian oriented development with food

uses that encouraged people to linger. Barlow Square was not pedestrian oriented.

Tony Reynolds stated that when a commercial area developed next to a residential area, it had to comply with the residential setback. In this case, the adjoining residential area had a 30-foot front yard setback. Barlow Square was only set back 28 feet from the property line along 3500 West. The building elevations looked good from 3500 West. However, the buildings could not be accessed from 3500 West. Roy City Code 1411-B-1 stated that, "All buildings shall have an orientation to the street to encourage a pedestrian relationship..." There was a fundamental conflict regarding the orientation of the buildings.

Chairman Merx asked if the storm water could become the City's responsibility if UDOT acquired the property where the detention basin was proposed. Tony Reynolds said if UDOT reduced the setback and acquired the detention basin which was needed to meet the retention requirement, UDOT could be looking at a total taking, not a partial one.

Tony Reynolds reviewed the Development Review Committee's findings and recommendations listed in the staff report. The Development Review Committee had found that:

1. The proposed use was a permitted use within the Community Commercial Zone.
2. Subject to the recommended conditions (including staff and engineering comments presented at the October 23<sup>rd</sup>, Planning Commission meeting), the proposed use and site plan complied with the requirements applicable to the Community Commercial Zone.
3. The proposed use was consistent with the goals and policies of the General Plan.

Mr. Reynolds said the Development Review Committee recommended the following conditions:

1. The site plan and related development must comply with staff comments and those submitted by the City Engineer and Roy Water Conservancy Subdistrict (including staff and engineering comments and conditions presented at the October 23<sup>rd</sup> Planning Commission meeting).
2. The access from 3500 West on Lot 2 of Maverick Subdivision and the Home Depot access on the south of

- Barlow Square must be developed in conjunction with the development of Barlow Square.
3. No building signage may be placed on any exterior building wall or window facing the residential zoning district boundary to the south of the site.
  4. All mechanical equipment must be screened entirely from view from adjacent residentially zoned properties by using the methods outlined on Page 10-16 of the Zoning Ordinance.
  5. The proposed use and site must meet, and be conducted in compliance with, all requirements of the Zoning Ordinance.
  6. Other conditions as identified by the Planning Commission.

Commissioner Allred felt flipping the building layout might look better from the street. Commissioner Kirch suggested putting the long building along the south. Commissioner Allred said such placement would block access to Home Depot's southerly access.

Commissioner Allred said the site did have the required number of parking stalls. Commissioner Kirch said some of the parking stalls might be eliminated to meet other site requirements. Tony Reynolds said Section 1912 of the Zoning Ordinance covered requirements for allowing a reduced number of parking stalls.

Chairman Merx asked if it was possible for Barlow Square to share Home Depot's detention basin just east of Barlow Square. Mr. Miller said it was not possible.

Commissioner Kirch was concerned about the exposure of the foundation wall along 3500 West and the landscaping in front of it.

Commissioner Allred asked if K.C. Halls had designed any flexibility in the site.

K.C. Halls, Layton, stated that he had looked at a number of different options. He had developed a lot of retail space. One of the biggest concerns the neighbors had expressed to the City Council was debris from fast food establishments. Food establishments had heavier parking requirements. The cost of this development was \$3 million. It would not be cheap or shoddy. He planned to spend \$126,000 in glass and windows. The raw lumber would be \$150,000, and the stucco would be \$138,000. He felt the property and sales tax from this site would generate around

\$100,000. The parking was all inside the site, and the landscaping was really nice.

K.C. Halls stated that the storm water calculations for the detention basin had been calculated several times. He felt his engineer and Mark Miller could come up with the correct calculations together. If he couldn't do a landscaped detention basin, he would match Maverick and do a vault. It was a little more money, but it could make the detention work.

Commissioner Kirch asked how storm water would be retained when 3500 West was widened. K.C. Halls said UDOT's preferred alignment might or might not happen. The State could not prevent him from developing his property now. The alignment could be shifted to the west, or it could be 40 years before 3500 West was widened. If 3500 West was widened, storm water retention would be the State's problem.

K.C. Halls questioned the 30-foot setback along 3500 West. Tony Reynolds said Section 1031 of the Zoning Ordinance addressed requirements for commercial development adjacent to residential. The commercial area had to meet the setback of the residential area. In this case, that was 30 feet as the adjacent residential zone was RE-20. Mr. Halls said he would have to look at the site to see if he could get the additional setback and space for the detention basin. He could put split face block on the foundation wall.

K.C. Halls felt the proposed building materials and landscaping would make the site look attractive. He needed an attractive site to attract tenants. The only difference between the east and west building elevations was the doors on the east side. K.C. Halls stated that all three buildings would have glass all the way around.

Chairman Merx stated that there would be a four foot foundation wall below the windows on the west side.

K.C. Halls stated that increasing the width of the accesses on the north and south sides would not be a problem. He would make them whatever size the City wanted. He asked if the Zoning Ordinance made allowances for compact parking spaces. Mr. Reynolds said it did not. Mr. Halls felt a full size truck could back into the hammer head and get out. He was able to do it with his own truck. However, the hammer head could be increased to the depth recommended by the engineer by adjusting the landscaping.

Commissioner Collins stated that UDOT had spent a lot of time and money on the EIS for 3500 West. Why didn't the City have a definite conclusion? Mark Miller stated that UDOT had a preferred alignment. However, the project had not been funded. UDOT couldn't be pinned down if the project did not have funding. It was probably five to ten years in the future. The projected traffic flows for 3500 West showed over 30,000 vehicles per day.

Commissioner Kirch asked if the detention pond would work with a 30-inch pipe. Mark Miller didn't feel a 6-foot pipe could be fully buried. Two 48-inch pipes seemed more feasible because they wouldn't stick out of the ground so far.

K.C. Halls didn't feel the storm water detention was insurmountable. There was a large sidewalk on the east side of the building that could be reduced to move the building a few feet.

Mr. Halls agreed that Barlow Square, Maverick, and Home Depot needed to be integrated. He thought Home Depot was going to install sidewalk along the north side of their southerly access, but they weren't. So he had included sidewalk along the north side of their southerly access. There was sidewalk all of the way around his largest building. At this point, Maverick wasn't sure if it would build the inline retail space approved on Lot No. 2. Mr. Halls said he would put sidewalk where the Planning Commission wanted it. The Planning Commission wanted to make sure sidewalk was installed per the staff's recommendation. Mr. Halls didn't know if or when UDOT would widen 3500 West. If they did, they could purchase his site. When UDOT had to start acquiring property, he felt they would reduce the right-of-way. There were several commercial buildings in the area that had less than 30-foot setbacks. Why did his have to be set back 30 feet? People driving around the site would not know one zone from another. He felt the proposed site plan was the best use to meet his expenses.

Commissioner Kirch asked about access. Mark Miller stated that in order to make the accesses 24 feet wide, parking would have to be shifted back as well. Chairman Merx asked if that was insurmountable. Mr. Miller felt it would be a challenge. Some parking stalls could be lost. He preferred to have Mr. Halls' engineer propose solutions to the problems.

K.C. Halls stated that the smaller buildings could be moved to the east. That would help widen the throat of the accesses. If there wasn't enough parking, he would have a hard time leasing the

spaces. He didn't want to reduce the buildings because that was his revenue source.

Commissioner Allred didn't feel the question about circulation between the three sites had been answered. Mr. Halls didn't feel it was fair to penalize him for Maverick and Home Depot's designs. His site plan had been submitted first. Mr. Reynolds pointed out that Maverick's traffic corridors had been established for some time, and that the Zoning Ordinance said accesses "should" line up, not "shall" line up.

Commissioner Yeoman asked about flipping the building layout. Mr. Halls said that would reduce exposure.

Commissioner Collins asked how the City would ensure all of the conditions had been met. Mark Miller said Mr. Halls would have to submit a site plan that met the Planning Commission requirements. If he couldn't meet those requirements, he would have to go back to the drawing board.

Commissioners Yeoman and Kirch asked if tabling approval of the site plan would delay Mr. Halls' project significantly. Mr. Reynolds said that depended on how fast Mr. Halls' engineer turned things around.

Commissioner Stonehocker was concerned about the detention basin. He didn't feel the landscaping proposed along the west side of the building would work on a three to one slope.

Commissioner Allred liked Mr. Hall's concept. However, there were a lot of technical issues that the Planning Commission needed to make sure had been resolved. The proposed plan just did not fit. Something had to change. He was in favor of reducing the parking requirements.

**Commissioner Allred moved to table consideration of the site plan for Barlow Square located at approximately 5700 South 3500 West until the next regularly scheduled Planning Commission meeting at which the Development Review Committee could present resolutions to the issues relative to parking, building size, storm drainage, lighting, etc. Commissioner Hilton seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.**

### 3. OTHER BUSINESS

Commissioner Yeoman asked about annexation of the subdivision located on the northeast corner of the 5600 South 3500 West intersection. Tony Reynolds said that he had spoken with some of the property owners. The Planning Commission might want to consider amending the Future Land Use Map to show that area as commercial.

Commissioner Allred asked about the status of the proposed amendment to the Zoning Ordinance regarding used vehicles sales in Community Commercial Zones. Tony Reynolds said the matter was scheduled for a public hearing at the next planning commission meeting.

4. ADJOURN

**Commissioner Allred moved to adjourn at 8:22 p.m. Commissioner Collins seconded the motion. Commission members Allred, Collins, Hilton, Kirch, Merx, Stonehocker, and Yeoman voted "aye." The motion carried.**

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Bill Merx  
Chairman

Attest:

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Michelle Drago  
Secretary

dc:poct2307