

## ROY CITY PLANNING COMMISSION

December 11, 2012

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on December 12, 2012, at 6:02 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:

Lee Holt, Chairman  
Blake Hamilton  
Gennie Kirch  
Karlene Yeoman

Jared Hall, Planner  
Michelle Drago, Secretary

Excused: Tom Stonehocker

Others present were: Richard Jensen and Curtis Salisbury.

Pledge of Allegiance: Blake Hamilton

### 1. APPROVAL OF OCTOBER 23, 2012, MINUTES

**Commissioner Kirch moved to approve the October 23, 2012, minutes as written. Commissioner Hamilton seconded the motion. Commission members Hamilton, Holt, Kirch, and Yeoman voted “aye.” The motion carried.**

### 2. PUBLIC HEARING TO CONSIDER A REQUEST FOR CONDITIONAL USE TO ALLOW A NEW RETAIL DEVELOPMENT ON PROPERTY LOCATED AT APPROXIMATELY 5305 SOUTH 1900 WEST

**Commissioner Kirch moved to open the public hearing at 6:04 p.m. Commissioner Hamilton seconded the motion. Commission members Hamilton, Holt, Kirch, and Yeoman voted “aye.” The motion carried.**

Jared Hall stated that the City had received an application for a site plan for a new pharmacy at 5305 South 1900 West. The pharmacy itself was a permitted use and only required site plan approval. However, the pharmacy was proposing to have a drive-thru and to operate 24 hours a day. Both of those items required conditional use approval. The site plan for the permitted use only needed Planning Commission approval, but the conditional use aspect would mean the plan went on to the City Council.

Mr. Hall said the site was located on the southwest corner of 5300 South (Riverdale Road) and 1900 West. It was surrounded by commercial uses. Burger Bar was located to the north; Warren's Drive-In was to the south. There were light commercial uses to the west, and the Harmon's shopping center was on the east. The site currently comprised four separate parcels. Two vacant parcels were owned by the Redevelopment Agency. Bryson's Computer was located on a third, and a professional office building was located on a fourth. The two existing buildings would be demolished.

Commissioner Yeoman asked if the businesses in the two buildings would relocate. Mr. Hall said Bryson's Computers had already moved to a new location on 4400 South. The tenants in the office building planned to relocate but had not done so yet.

Chairman Holt asked if the Redevelopment Agency owned the existing buildings. Mr. Hall said it did not. The existing buildings were privately owned.

Jared Hall stated that the site contained just over 1½ acres. The new building would be placed on the southwest corner of the site. There would be entrances on 1900 West, 5300 South, and 1950 West. The drive-thru would be located on the south side of the building. The parking would be located in front of the building. Eleven percent (11%) of the site would be landscaped, which exceeded the minimum requirement of 10%. The landscaping plan included trees along the east, north, and west perimeters. The trees had been intensified along the west side to help buffer the remote loading area. A remote loading area worked because the pharmacy operation would be less intensive than a grocery store so delivery trucks could be unloaded by hand without a dock. The site plan showed 69 parking stalls. The Zoning Ordinance required 53.

Chairman Holt asked if the pharmacy was a national franchise. Mr. Hall said it was.

Jared Hall said the trash and dumpster enclosures met the City standards. The proposed elevations met the City's architectural standards. The site was oriented to the corner of 5300 South 1900 West. The main entrance would be articulated by glass. Architectural details broke up the remaining walls as the ordinance required. The color scheme had been accepted by the Development Review Committee and complied with the visual codes.

Chairman Holt asked about access to the drive-thru. Mr. Hall said the drive-thru traffic would flow from the west to the east. If a vehicle entered the site from 1900 West, it would have to circle the site to enter the drive-thru.

Jared Hall stated that planning for signage was included but signs would require separate permits. The locations of the significant and directional signs were included on the site plan.

Commissioner Kirch asked about the entrances on 1900 West. Jared Hall said the existing approach for Bryson's Computer would remain. The other approaches would be eliminated. He felt that would clean up the traffic flow.

Commissioner Kirch asked what the applicant planned to do about the formidable power poles on the corner. Mr. Hall said they would be moved. Commissioner Kirch asked if the power lines could be placed underground. Mr. Hall said it was unlikely to happen at this time.

Chairman Holt asked if UDOT had approved the access on 1900 West. Mr. Hall said the applicant had not received approval from UDOT yet, but they felt their chances were good because they were reducing the number of approaches on 1900 West from three to one.

Commissioner Kirch asked why there were three existing accesses on 1900 West. Mr. Hall said there were three accesses because of the separate parcels. The City was requiring that all of the parcels be combined into one for development.

Chairman Holt opened the floor for public comments.

Richard Jensen, 5464 South 2050 West, stated that he owned two parcels on the southwest corner of 5300 South 1950 West. He was concerned about the capacity of 1950 West and if it would be able to handle additional traffic. It was a narrow road, especially on the corner by McDonald's. He asked if there would be sidewalk around the site. Mr. Hall said there would be sidewalk.

Curtis Salisbury, 1764 West 4425 South, stated that he owned the Midas Muffler property. He asked about access from 1900 West. Mr. Hall said there would only be one access on 1900 West. Two of the existing approaches would be eliminated.

Mr. Salisbury asked if there was concern about traffic being blocked on 1900 West while people turned into this site. Mr. Hall said there would be traffic. If the roads couldn't handle the existing traffic at Riverdale Road and 1900 West; they wouldn't be able to handle the additional traffic from this site. A traffic study was not done for this particular development because the traffic that would be generated would not overwhelm either of those roads.

Mr. Salisbury asked if this would be strictly a pharmacy or a retail store as well. Mr. Hall said it would be more than just a pharmacy. It would be similar to Walgreen's.

Commissioner Hamilton asked if vehicles entering the site from 1900 West would be able to travel through the property. Mr. Hall said they would. He did not feel the neighborhood to the west would be impacted because most vehicles would access the site from 1900 West or 5300 South.

**Commissioner Hamilton moved to close the public hearing at 6:29 p.m. Commissioner Yeoman seconded the motion. Commission members Hamilton, Holt, Kirch, and Yeoman voted “aye.” The motion carried.**

Commissioner Kirch felt this was a clean site plan. It already had a lot of the things the Commission would have asked for. She had been concerned about the mobile home park to the north but felt the site plan actually cleaned up the area.

Chairman Holt felt this would be a beautiful addition to the downtown.

Commissioner Kirch read the staff findings:

1. The proposed development was an acceptable use in the Regional Commercial Zone and met the standards for review and approval of conditional uses.
2. The proposed development met the standards for design and development in the Zoning Ordinance.
3. The proposed site plan and conditional uses were in harmony with the goals and intents of the General Plan of the City, and would be an asset to redevelopment on the 1900 West corridor.

Commissioner Kirch read, “Staff recommends that the Planning Commission recommend approval of the site plan and conditional use permits for the proposed development with the following conditions:

1. Subject to the satisfaction of the questions and comments of the City Engineer’s review, and subject to review and approval of any further corrections and revisions or other materials as might be required by the City Engineer.
2. Subject to the applicant obtaining permits from the Utah Department of Transportation related to changes in access on 1900 West.
3. Subject to the successful combination of the several lots prior to commencement of the development.
4. Subject to all items of the staff report and to further review and approval by members of the Development Review Committee as might be deemed necessary prior to review on an agenda of the City Council.

**Commissioner Kirch moved to approve a site plan for a new retail development on property located at approximately 5305 South 1900 West; that the Planning Commission recommend that the City Council approve conditional use permits for 24 hour operation and a drive thru for the new retail use; and that the site plan and conditional uses be subject to the staff's findings and recommendations. Commissioner Hamilton seconded the motion. Commissioner members Hamilton, Holt, Kirch, and Yeoman voted "aye." The motion carried.**

### 3. STAFF UPDATE

Jared Hall stated that the City Council had discussed the proposed text amendment to allow domestic livestock and fowl in residential zones during the December 4<sup>th</sup> Council meeting. The Council reiterated several times how much they appreciated the work the Planning Commission had done. The Council's biggest concern was enforcement. The staff felt enforcing the proposed amendment was doable, but the Council was concerned about how it would be handled. They felt it was hard enough to get things done now. They asked that the Planning Commission consider methods of enforcement. Mr. Hall said he would be meeting with the Code Enforcement Officer and the City Attorney to discuss enforcement ideas that were quick, reasonable, legal, and effective.

Chairman Holt asked about the possibility of abandoning the text amendment and just using the current ordinance.

Jared Hall felt the Council would pass the proposed text amendment if a reasonable enforcement method could be found.

Commissioner Kirch suggested a notice with seven days to comply. After fourteen days penalties and fines would be assigned. Mr. Hall said that was very similar to the current procedure.

Commissioner Kirch asked about revoking the permit. Mr. Hall said if a permit was revoked and a citizen still didn't comply with the ordinance, the matter fell under code enforcement. A code violation was a Class B Misdemeanor. The Council felt that enforcement of the text amendment needed to be something beyond the normal procedure.

Commissioner Hamilton stated that something beyond normal enforcement might mean using City resources. The Planning Commission spent a lot of time focusing on implementation issues. Part of good enforcement was education on the front end.

Commissioner Kirch asked how other cities enforced domestic livestock. Mr. Hall said he would have to research enforcement in more detail.

Commissioner Hamilton asked Mr. Hall to provide the Commission members with the City's current enforcement policy, enforcement policies from other cities, and minutes of the Council discussion.

Commissioner Hamilton felt the Commission had spent a lot of time reviewing the proposed text amendment. At some point the City Council had to own the issue and move forward with it or not.

Jared Hall said this issue would be on an agenda in January or February.

4. ADJOURN

**Commissioner Yeoman moved to adjourn at 6:41 p.m. Commissioner Hamilton seconded the motion. Commission members Hamilton, Holt, Kirch, and Yeoman voted “aye.” The motion carried.**

Attest:

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Lee Holt  
Chairman

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Michelle Drago  
Secretary

dc:pdec1112