

## ROY CITY PLANNING COMMISSION

June 25, 2013

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on June 25, 2013, 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:

Lee Holt, Chairman  
Gennie Kirch  
Joe Paul  
Tom Stonehocker

Jared Hall, Planner  
Michelle Drago, Secretary

Excused: Blake Hamilton and Karlene Yeoman

Others present were: D. L. Thurman; Jane Thurman; Pete Peterman; Linda Sellers; Eartha L. White-Braxton; Bruce Mendenhall; Tammy Mendenhall; K.C. Halls; Roger Hartmann; Dan Murray; J. Schmalz; Matt L.; Todd Turley; Jeremy Searle; Judy Cottam; and Eric Nelson, AYSO.

Pledge of Allegiance: Tom Stonehocker

### 1. APPROVAL OF JUNE 11, 2013, MINUTES

**Commissioner Kirch moved to approve the June 11, 2013, minutes as written. Commissioner Paul seconded the motion. Commission members, Holt, Kirch, Stonehocker, and Paul voted “aye.” The motion carried.**

### 2. PUBLIC HEARING TO CONSIDER A REQUEST FOR PRELIMINARY SUBDIVISION APPROVAL ON PROPERTY LOCATED AT APPROXIMATELY 3449 WEST 5600 SOUTH (ROY MEDICAL OFFICE SUBDIVISION)

**Commissioner Stonehocker moved to open the public hearing at 6:01 p.m. Commissioner Kirch seconded the motion. Commission members Holt, Kirch, Stonehocker, and Paul voted “aye.” The motion carried.**

Jared Hall stated that the Roy Medical Office Subdivision located at 3449 West 5600 South would subdivide the lasis property. Subdividing the property was one of the conditions attached to approval of the Tanner Clinic site plan. The subdivision would accommodate the placement of buildings and contained five lots. All lots would share

common access and parking. The development would have access from 5600 South and 3500 West. The emergency center would be located on Lot No. 1; Tanner Clinic would be located on Lot No. 2; and future buildings would be located on Lot Nos. 3 and 4. The staff didn't feel there was a need for Lot No. 2A and recommended that it be incorporated into Lot No. 2. The final subdivision would consist of four lots.

Mr. Hall said the staff had found that the proposed subdivision was in keeping with the goals and policies of the General Plan and with the goals and requirements of the Zoning Ordinance. The proposed lots met the standards of the Community Commercial Zone. The staff recommended that the Planning Commission recommend that the City Council grant preliminary approval of the Roy Medical Office Subdivision subject to:

1. Review and approval of any further corrections or other materials as might be required by the City Engineer and other DRC staff;
2. All items of the staff report and attachments and further review and approval by the members of the DRC as might be necessary; and
3. An acceptable easement for access across the private road to 3500 West for the Barlow Square development being provided before the application and recommendation were forwarded to the City Council, and that the staff be specifically directed to bring the application back to the Planning Commission if agreement could not be reached by the parties involved within 30 days.

Mr. Hall said Barlow Square was approved some years ago in conjunction with the Home Depot site plan. K.C. Halls was granted access to his development through the private road running along the southern property line to 3500 West. Although the access was granted, there still wasn't a formal easement in place. The staff suggested that the Planning Commission recommend preliminary approval subject to the access issue being resolved before the subdivision being forwarded to the City Council. If a resolution could not be reached in a reasonable time frame the subdivision would be brought back to the Planning Commission.

Chairman Holt asked what a reasonable time frame was. Mr. Hall felt 30 days would be sufficient.

Commissioner Kirch asked if there had been any changes to the drainage from Barlow Square. Mr. Hall wasn't aware of any changes. Commissioner Kirch recalled that the storm drainage from Barlow Square had to flow to the south. Mr. Hall felt the drainage could be accommodated as the easement would be for both vehicular traffic and utilities.

Chairman Holt opened the floor for public comments.

K.C. Halls, Layton, stated that he owned Barlow Square. He felt the emergency center would be a great asset to the City and the west side of the valley. He felt the rest of the development would look just as nice. It was a very attractive part of the City. The staff, Planning Commission, and City Council should be commended. He was trying to do the same thing on his property. He had spoken with Andy Blackburn, the Roy City Attorney, and Seaboard, the company that owned Iasis, about his access. The City Attorney suggested that he present the Planning Commission with a copy of a letter from his attorney (copy filed for record). In the letter, Mr. Halls' attorney asked that the Planning Commission withhold approval of the Roy Medical Office Subdivision until an easement was settled between K.C. Halls and Seaboard/Iasis. He didn't feel 30 days would make a difference. The City would have to take a stand before he was granted the access he had been given. Prior to approval of the site plan for the Tanner Clinic, Seaboard had been asked three times by the City if they would give him access. They said yes every time. However, as soon as they received approval, everything changed. He felt the only way he would receive access was if the City withheld approval. He wasn't trying to be a thorn in anyone's side. He had been granted access a long time ago, but it wasn't recorded because the Home Depot site hadn't been built.

Commissioner Paul asked what the purpose of Barlow Square was. K.C. Halls said Barlow Square would consist of three buildings that could be used for a variety of services or for retail. In the 2004, members of the Roy City staff – Tony Reynolds, Mark Miller, Mark Larson – and the Planning Commission included access for him in the Home Depot development. Home Depot did not submit a plat, and his easement was not recorded. However, Ordinance Nos. 994 and 995, which were approved by the City Council, granted him access.

Commissioner Paul asked where the access would be located. Mr. Hall said it was about midway along the private access road from 3500 West.

Commissioner Kirch asked if Barlow Square would have access from the Maverik development to the north. K.C. Halls said it would.

**Commissioner Paul moved to close the public hearing at 6:15 p.m. Commission Stonehocker seconded the motion. Commission members Holt, Kirch, Paul, and Stonehocker voted “aye.” The motion carried.**

Jared Hall stated that the staff recommended that the Planning Commission make a recommendation subject to the easement for K.C. Halls being resolved prior to approval by the City Council. Another option was to continue the public hearing to a future date to allow time for a resolution to be reached.

Commission members Holt, Kirch, and Stonehocker remembered being on the Planning Commission when Home Depot and Barlow Square were approved.

Commissioner Kirch felt access for Barlow Square was pivotal for drainage. Vehicular access wasn't as critical because there was access from the north. The drainage had to flow to the south. Mr. Hall said the access was for utilities and vehicles. Access had to be given, or Seaboard's entitlement would be voided.

Commissioner Paul asked what Seaboard was concerned about. Jared Hall understood they wanted to have a say about the tenants in Barlow Square.

After a discussion, the Planning Commission agreed it did not feel comfortable with an open ended time frame.

**At 6:25 p.m. Commissioner Stonehocker moved to continue the public hearing to consider preliminary approval of the Roy Medical Office Building Subdivision located at approximately 3449 West 5600 South to July 23, 2013, at 6:00 p.m. to allow time for access for Barlow Square to be resolved. Commissioner Paul seconded the motion. Commission members Kirch, Paul, and Stonehocker voted "aye." Chairman Holt voted "nay." The motion was defeated.**

After a discussion, Chairman Holt called for a revote.

**Commission members Holt, Kirch, Paul, and Stonehocker voted "aye." The motion carried.**

3. CONSIDERATION OF A REQUEST FOR APPROVAL OF A PERMITTED USE AND SITE PLAN FOR A NEW COMMERCIAL BUILDING ON PROPERTY LOCATED AT APPROXIMATELY 5640 SOUTH 3500 WEST

**Commissioner Kirch moved to open the public hearing at 6:27 p.m. Commissioner Stonehocker seconded the motion. Commission members Holt, Kirch, Paul, and Stonehocker voted “aye.” The motion carried.**

Jared Hall stated the Maverik Convenience Store was located on the southeast corner of 5600 South 3500 West. When Maverik was built, the site was divided into lots and access for a lot to the south was included in the improvements. The lot to the south was owned by Dan Murray who was associated with Maverik. Mr. Murray had applied for a permitted use to construct a multi-tenant building. The lot in question would be located between Maverik and Barlow Square. The building would contain 4,200 square feet and could accommodate up to three tenants. The site had access to 3500 West through Maverik’s ingress. Fourteen parking spaces were required; twenty-two were provided. Cross access for Barlow Square was on the east side and was indirect. The cross access easements for Barlow Square were in place. The accesses were already functioning because they were constructed as part of the Maverik site.

Commissioner Kirch asked if any of the spaces would require a grease trap. Mr. Hall said that the City didn’t know who the tenants would be. A grease trap could be installed later as part of the tenant improvements.

Jared Hall stated that the materials and colors would be a cross between lasis and Maverik. The architectural details were appropriate for the City’s codes. The Development Review Committee had found that the proposed development was an acceptable use in the Community Commercial Zone and met the standards for review and approval of development applications. The proposed development met the standards for design and development contained in the Zoning Ordinance; and the proposed site plan was in harmony with the goals and intents of the City’s General Plan. The staff recommended that the Planning Commission approve the permitted use and site plan for the development of the proposed multi-tenant retail building subject to the following conditions:

1. Subject to the satisfaction of all 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 satisfaction of all questions and comments of the Fire Department review, and subject to review and approval of any further

- corrections and revisions or other materials as might be required by the Fire Marshall; and
3. Subject to all items of the staff report and to further review and approval by the members of the Development Review Committee as might be deemed necessary.

Commissioner Kirch asked if the building would face to the west. Mr. Hall said it would.

Chairman Holt opened the floor for public comments.

Dan Murray, Centerville, stated that he was the owner of the site in question. Much of the improvements were already in place. They were built with Maverik.

Commissioner Kirch asked about the number of accidents that might have resulted because of the access on 3500 West. Dan Murray said Maverik had not been informed about any issues regarding accidents.

Commissioner Kirch asked about the height of the proposed building. Mr. Murray said the height of the building was an architectural feature It coincidentally tied into the emergency center.

**Commissioner Kirch moved to close the public hearing at 6:35 p.m. Commissioner Paul seconded the motion. Commission members Holt, Kirch, Paul, and Stonehocker voted “aye.” The motion carried.**

**Commissioner Kirch moved to approve a permitted use and site plan for a multi-tenant building located at approximately 5640 South 3500 West based on the staff’s findings and subject to the conditions recommended by the staff. Commissioner Stonehocker seconded the motion. Commission members Holt, Kirch, Paul, and Stonehocker voted “aye.” The motion carried**

4. PUBLIC HEARING TO CONSIDER A REQUEST TO AMEND THE FUTURE LAND USE MAP OF THE GENERAL PLAN FOR PROPERTY LOCATED AT APPROXIMATELY 2750 WEST 4800 SOUTH
5. PUBLIC HEARING TO CONSIDER A REQUEST TO AMEND THE ZONING MAP FOR PROPERTY LOCATED AT APPROXIMATELY 2750 WEST 4800 SOUTH
6. PUBLIC HEARING TO CONSIDER A REQUEST FOR PRELIMINARY SUBDIVISION APPROVAL FOR WEST PARK CROSSING TO BE LOCATED AT APPROXIMATELY 2750 WEST 4800 SOUTH
7. PUBLIC HEARING TO CONSIDER A REQUEST FOR APPROVAL OF A CONDITIONAL USE ALLOWING MULTI-FAMILY HOUSING ON PROPERTY LOCATED AT APPROXIMATELY 2750 WEST 4800 SOUTH

Jared Hall asked that the public hearings regarding West Park Crossing be continued at the next meeting in order to allow time for the developer's traffic engineer to meet with the City Engineer.

**At 6:37 p.m. Commissioner Kirch moved to continue the public hearing consider a request to amend the Future Land Use Map of the General Plan for property located at approximately 2750 West 4800 South on July 9, 2013, at 6:00 p.m. Commissioner Stonehocker seconded the motion. Commission members, Holt, Kirch, Paul, and Stonehocker voted "aye." The motion carried.**

**At 6:37 p.m. Commissioner Kirch moved to continue the public hearing to consider a request to amend the Zoning Map for property located at approximately 2750 West 4800 South on July 9, 2013, at 6:00 p.m. Commissioner Stonehocker seconded the motion. Commission members, Holt, Kirch, Paul, and Stonehocker voted "aye." The motion carried.**

**At 6:37 p.m. Commissioner Kirch moved to continue the public hearing from to consider preliminary subdivision approval for West Park Crossing to be located at approximately 2750 West 4800 South on July 9, 2013, at 6:00 p.m. Commissioner Stonehocker seconded the motion. Commission members, Holt, Kirch, Paul, and Stonehocker voted "aye." The motion carried.**

**At 6:37 p.m. Commissioner Kirch moved to continue the public hearing to consider approval of a conditional use for multi-family housing on property located at approximately 2750 West 4800 South on July 7, 2013, at 6:00 p.m. Commissioner Paul seconded the motion. Commission members Hamilton, Holt, Kirch, and Paul voted "aye." The motion carried.**

8. STAFF UPDATE

Jared Hall stated that a simple subdivision of the CVS Pharmacy site would be on the July 9<sup>th</sup> agenda.

9. ADJOURN

**Commissioner Stonehocker moved to adjourn at 6:40 p.m. Commissioner Paul seconded the motion. Commission members, Holt, Kirch, Paul, and Stonehocker voted "aye." The motion carried.**

Attest:

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Lee Holt  
Chairman

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Michelle Drago  
Secretary

dc:pjun2513