

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

December 12, 2012

The meeting was called to order at 4:03 p.m. by Chairman Phil Conder at 3600 Constitution Boulevard, West Valley City, Utah

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

Brent Fuller, Jack Matheson, Terri Mills, Phil Conder, Joe Garcia, Barbara Thomas, and Imaan Bilic

ABSENT

Harold Woodruff

WEST VALLEY CITY PLANNING DIVISION STAFF

Steve Pastorik, Lee Logston, Kevin Despain, Jody Knapp, and Nichole Camac

AUDIENCE

Approximately twenty-one (21) people were in the audience

GENERAL PLAN/ZONE CHANGE APPLICATION

GPZ-3-2012

Francisco Javier and Violeta Garcia

2711, 2717 and 2737 South Redwood Road

General Plan change to from mixed use to commercial/light industrial

Zone change from C-2 to M

0.78 Acres

Francisco Javier and Violeta Garcia have submitted a General Plan/zone change application for five parcels totaling 0.78 acres located at 2711, 2717 and 2737 South Redwood Road. The General Plan designation for this area is mixed use, which includes retail and residential at this location. The proposed General Plan designation is commercial/light industrial, which is the same designation for property on the west side of Redwood Road. The current zoning for the property is C-2 (general commercial) and the proposed zoning is M (manufacturing).

Surrounding zoning includes C-2 to the north and south, M to the west across Redwood Road and R-1-6 (single family residential, minimum lot size of 6,000 square feet) to the east. Surrounding uses include vacant ground to the north, a credit union and office condos to the west, an auto repair shop to the south and single family homes to the east. The subject property includes three buildings built between 1950 and 1957 that total just over 7,000 square feet.

The applicants are requesting these changes to allow for a tattoo business within the eastern most building. The C-2 zone does not allow tattoo businesses. The only zones within the City that do allow tattoo businesses are C-3 (transitional commercial) and M. The C-3 Zone is not an option for two reasons. First, the minimum lot size in the C-3 Zone is 1 acre and this property is 0.78 acres. Second, Section 7-6-1005 (4) of the Zoning Ordinance states: "No C-3 Zone shall be approved which shares a common property line with an existing or proposed residential use." The subject property is adjacent to two homes. The M Zone does not include these restrictions and is therefore an option for this property.

The applicant submitted a letter and an email, which are attached, in support of this application. In the letter, the applicants describe how they were told by the City that the subject property was zoned appropriately for a tattoo shop and that City and Health Department inspections were completed. They continue by explaining that after submitting their business license application they were informed by the City that the zoning was in fact not appropriate.

Incorrect information was given verbally over the counter regarding the zoning of this property. However, after the City received a written business license application, the applicants were notified by phone and in writing that the zoning for this property did not allow for a tattoo business.

As with all General Plan/zone change applications, the Planning Commission should base their decision for this application on land use reasons. The email from the applicants does address some land use reasons; however, they seem to support commercial uses as opposed to industrial uses.

If the Commission believes that a tattoo shop at this location would be appropriate but is concerned about possible industrial uses allowed in the M Zone, a development agreement could be used to limit the allowed uses.

Staff Alternatives:

1. Denial, M Zoning should be remain on the west side of Redwood Road only.
2. Continuance, for reasons determined during the public hearing.
3. Approval, subject to a development agreement that limits the use of the property to tattoo shops and all other uses allowed in the C-2 Zone.
4. Approval of the General Plan/zone change.

Applicant:

Violeta Garcia
1676 W Russett Ave

Opposed:

Hans Ehrban
1411 Utah Street
Apt 24

Opposed:

Kevin Dwyer
1411 S Utah St

Neutral:

Joe Cunningham
4139 S Colt Court

Discussion: Steve Pastorik presented the application. Phil Conder questioned how three buildings are allowed to span across 5 separate parcels. Steve replied that the buildings were built in the 1950's so this pre-dated current laws.

Violeta Garcia, the applicant, stated that she was given false information by City employees. She stated that after the City verbally indicated that this property would be an approved location for a tattoo shop her family invested all their money into the building and their business. She indicated that a month later the business license application was denied because tattoo shops are not allowed in the C-2 zone. She stated that she was given approval by the Building Inspections Department and the Health Department. Ms. Garcia expressed frustration regarding the information she received and lack of communication between various departments within the City. Barbara Thomas asked if other locations were looked at. Ms. Garcia replied yes but indicated that after determining this site would be okay from City staff she no longer pursued other options.

Hans Ehrban, a property owner in the area, stated that he purchased property in this part of the City largely due to the various transportation opportunities becoming available including TRAX, bus transit, etc. He indicated that this is a great location for TOD developments but not for light manufacturing which he feels is incompatible with changes occurring in the area. Mr. Ehrban stated that he feels tattoo shops should not be limited to manufacturing zones. Steve Pastorik indicated that the ordinance allows tattoo shops in M and C-3 zones and this was decided by the Planning Commission and City Council approximately 5 years ago.

Kevin Dwyer, another property owner in the area, stated that he feels great things are happening in this unique area of the City and he feels industrial uses are not compatible. He stated that many studies have been done and the master plan recognizes the transit opportunities and should not be changed.

Phil Conder stated that this is a difficult situation because he feels great empathy for Ms. Garcia and her family but added that decisions must be based on land use. Commissioner Thomas agreed and stated that while the City should not have provided false information the applicant should have read the ordinance before investing money to avoid this difficult problem. She stated that she doesn't feel this property should be rezoned because it is so near residential. Brent Fuller asked what mixed use is defined as in this area. Steve replied that that General Plan indicated this would be a combination of residential and commercial uses. Commissioner Mills asked what process is provided when zoning is verified for different businesses. Steve replied that there is a verbal process at the counter where the planner utilizes maps and computer information as well as written verification that comes with the actual licensing. Commissioner Fuller stated that he doesn't have a concern with a tattoo shop at this location but doesn't like the idea of changing the zoning to M.

Joe Cunningham, a business owner in the City, stated that he feels changing this entire property to M would not be a wise decision because it would cause existing businesses to become non-conforming. He suggested changing the parcel the business is on to M but leaving the rest as it currently is. Steve replied that the existing businesses would not become non-conforming since the M zone would allow anything the C-2 zone does. He added that there are lot size requirements that must be met for C-2 zoning and added that the building spans across a couple of separate parcels.

Phil Conder asked if the City Council has more leeway in providing a solution to this problem. Steve replied that the City Council must abide by land use reasons as well and stated that zoning could be changed or the ordinance regarding tattoo shops could be revised. Commissioner Thomas stated that she wouldn't have a concern allowing tattoo businesses in the C-2 zone. Staff and the Planning Commission discussed various options and the process each option would need to go through.

Barbara Thomas stated that she doesn't feel comfortable changing this to manufacturing. Commission Matheson agreed.

Motion: Commissioner Matheson moved for denial as the manufacturing zone is not appropriate for this location.

Commissioner Thomas seconded the motion.

Roll call vote:

Commissioner Bilic	Yes
Commissioner Fuller	No
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	No
Commissioner Thomas	Yes
Chairman Conder	No

Majority -GPZ-3-2012- Denied

ZONE TEXT CHANGE APPLICATIONS

ZT-7-2012

West Valley City

Ordinance Text Change Application

Update to Chapter 7-6-1600P City Center Vision Based on Adoption of the Fairbourne Station Vision

City Staff has initiated an application to update the text of Chapter 7-6-2012P City Center Zone. On September 11, 2012, City Council adopted the Fairbourne Station Vision as the new small area plan for the City Center Redevelopment Area, replacing the City Center Vision.

Staff is recommending this update for the following reasons:

1. The street network has significantly changed since the adoption of the City Center Vision. The City Center Zone references streets which no longer exist under the current street plan, and likewise omits streets which were not anticipated in the original small area plan.
2. Some street cross sections have changed and need to be updated.
3. Streetscape requirements needed to be updated based on projects underway in the area.
4. In some cases, planned land use has changed.
5. The Promenade was not anticipated at the time of the City Center Zone adoption.

This update largely addresses streetscape standards and addresses items such as street light spacing, building setbacks, street dimensions, tree specifications, etc. In the case of 3500 South and Constitution Blvd., both sides of the street have already been rebuilt, so standards for sidewalks and plantings were revised to reflect what has been built. There is also addition of some intent language.

Some of the specific changes to the ordinance include:

1. Elimination of references to Brock Street and Holmberg Street
2. Inclusion of references to Weigh Station Road and Three mill Lane
3. 3500 South has been grouped with Constitution Blvd
4. Revision of street cross section drawings and descriptions based on new street plan
5. Revision of streetscape standards based on real projects and Promenade construction

Staff Alternatives:

1. Approval of the proposed changes to Chapter 7-6-1600P City Center Zone
2. Continuance, for reasons determined at the public hearing.
3. Denial, the ordinance should remain unchanged
4. Denial, the ordinance should be modified

Applicant:

West Valley City

Discussion: Lee Logston presented the application. Terri Mills stated that the word “to” was left out in a paragraph on page four of the draft ordinance. Lee stated that he will ensure this is corrected.

Motion: Commissioner Thomas moved for approval.

Commissioner Bilic seconded the motion.

Roll call vote:

Commissioner Bilic	Yes
Commissioner Fuller	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Chairman Conder	Yes

Unanimous -ZT-7-2012- Approved

CONDITIONAL USE APPLICATIONS

C-49-2012

Highbury Apartments

5271 W Lake Park Blvd

RM, Residential Multi-Family Zone, 12.9 acres

290 units, 22 units/acre

Background:

Castlewood Development is requesting conditional use approval for an apartment development located at 5271 W Lake Park Blvd. This project is part of the larger Highbury development. The property was rezoned back in May 2012 from M (Manufacturing) and R-1-8, (Single-Family Residential, minimum lot size of 8,000 square feet), to ‘RM’ (Residential Multifamily) zoning. As part of the rezoning process, a development agreement was adopted.

The project consists of 290 units on 12.9 acres. The overall density is about 22 units per acre. There are a total of 15 three-story apartment buildings. There will be a combination of one, two, and three bedroom units. 60 units will include one bedroom, 175 units will include two bedrooms, and 55 units will include three bedrooms.

Site:

The site includes two access points, one off both Lake Park Boulevard and Highbury Parkway. The site is internally connected throughout. The project includes pedestrian walkways that connect to all entry ways of the apartment buildings, to all open space areas, and to the overall sidewalk system of the Highbury development. All pedestrian pathways that cross over parking areas shall meet the requirements in 7-14-304, “Pedestrian Access and Circulation.”

There are three pedestrian access points on the west side of the project that connect to the adjoining water features. The applicant has not specified whether fencing will be installed on

this side. On the east side, there is a single gate that connects to the Highbury Elementary School. This gate is intended to be left open. There will be a 6 foot ornamental iron fence provided by the school district along the perimeter with the school. As per the development agreement, a 3-rail vinyl fence will be placed along the frontage of both Lake Park Boulevard and Highbury Parkway.

The RM zone requires a 25 foot front setback, however, the zone allows the Planning Commission to reduce the setback to no less than 15 feet. The proposed setback off both Lake Park Boulevard and Highbury Parkway is 20 feet. The ordinance provides the following criteria to determine whether or not a reduced setback is appropriate:

- the configuration and width of the adjacent street right-of-way,
- the setbacks of neighboring uses,
- whether or not on-street parking is allowed on the adjacent street,
- whether or not parking will be allowed within the front yard,
- the quality of the landscaping proposed for the front yard, and
- the quality of the architecture.

Staff recommends approval of the 20 foot setback for the following reasons:

- both Lake Park Blvd and Highbury Parkway include landscaped medians and park strips,
- the landscaping along Lake Park Blvd meets the provisions of the “Standards for Landscaping Along High Image Arterials”,
- the front elevations exceed our multi-family design requirements.

Parking:

As per the development agreement, 2 parking spots per unit shall be provided. This amounts to 580 parking stalls. The project provides 588 total parking stalls. 174 parking stalls will be tuck under garages built into the design of each apartment building. There will be an additional 174 driveway stalls set behind the tuck under garages. Some of the tuck under garages will be direct access and some will be secure access garages. There will be 218 surface spaces, 94 of which will be covered under carports. All 290 units will have at least one covered parking stall. There will be a fully enclosed detached garage structure of 22 spaces on the northeast side of the property. Property management will require that all garages be for parking and not storage space.

Landscaping:

40% of the site will be useable open space. The development agreement requires 33%. The project provides the required landscaped buffers along all property lines, with the exception noted above in the section, ‘Site’. Lake Park Boulevard is a major arterial of the city and will be required to meet the provisions of 7-13, Standards for Landscaping Along High Image Arterials. This will include a 3’ berm along the frontage and trees. The site will incorporate two open space areas of approximately one and one-half acres, respectively.

Building architecture:

All the buildings shall meet the provisions of the Multi-Family Design Standards. There will be four different building sizes. The buildings will vary in color scheme while maintain similar architecture and design. The buildings shall front on to the open space areas and on to both Lake Park Blvd and Highbury Parkway.

Amenities:

The project includes the amenities in the development agreement which is attached.

Staff Alternatives:

Approval subject to the resolution of any issues raised at the public hearing as well as the following conditions:

1. That the applicant resolves any staff and agency concerns.
2. That the front setbacks on both Lake Park Boulevard and Highbury Parkway to be reduced from 25' to 20'.
3. That all requirements of the development agreement be met.
4. The applicant shall submit a building permit application for signs desired on the site. All signs shall be in compliance with regulations for signs contained in Title 11 of the West Valley City Code.
5. That the project shall participate in the West Valley City Good Landlord Program.

Continuance, in order for the developer to address issues raised during the public hearing.

Applicant:

Duaine Rasmussen
6740 S 1300 E

Discussion: Kevin Despain presented the application. Terri Mills asked if the trees will be evenly placed every 25 feet or strategically clustered. Kevin replied that he believes the trees will be laid out in an attractive and specific clustered layout. Joe Garcia asked if the materials used are all brick and stucco. Kevin replied that the ordinance allows a variety of masonry material and the applicant is using a combination of several approved materials.

Duaine Rasmussen, representing the applicant, stated that they are requesting a 5 foot setback exception for landscaping to provide more useable open space inside the development. He discussed existing landscaping along Lake Park Blvd. and Highbury Parkway. Mr. Rasmussen indicated various materials being used and pointed them out specifically on the elevations. Brent Fuller stated that the Planning Commission is concerned with noise coming from the streets and how a decreased landscaping buffer could affect this. Mr. Rasmussen replied that he doesn't believe 5 feet will make a significant difference in regards to noise but added that it would detract from the open space within the community. Jack Matheson asked if the units are catered to seniors. Mr. Rasmussen replied no. Commissioner Matheson asked why there is a large number of one bedroom units. Mr. Rasmussen replied that one bedroom apartments are often the quickest to be leased. Terri Mills asked if there will be landscaping on the garage side of the units. Mr. Rasmussen replied yes but indicated that the majority of landscaping will be in the usable open space that the front of the units will face. Commissioner Matheson asked what type of fence will be used between the apartment complex and the proposed school. Mr. Rasmussen replied that the school district will be installing a wrought iron fence. Commissioner Matheson suggested using a trex fence. Mr. Rasmussen replied that the idea behind the wrought iron fence is to create a greater visual feel of open space. Barbara Thomas asked if

there will be any on street parking. Mr. Rasmussen replied that this is not being counted on in parking calculations and likely will not be allowed.

Commissioner Thomas stated that she would like to have 25 feet of landscaping on Lake Park Blvd. to provide a greater buffer to residents living along that street. Commissioner Matheson agreed. Commissioner Mills commented that the extra five feet does provide a greater visual buffer for the community. Mr. Rasmussen stated that it is becoming more common in urban planning to move buildings closer to the street to provide a better visual streetscape.

Motion: Commissioner Thomas moved for approval subject to the 5 staff conditions but modifying condition number 2 to state: That the front setbacks on Lake Park Boulevard be reduced from 25' to 20'.

Commissioner Garcia seconded the motion.

Roll call vote:

Commissioner Bilic	Yes
Commissioner Fuller	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Chairman Conder	Yes

Unanimous -C-49-2012- Approved

C-50-2012

Banzai Teppan Yaki (Brett Carter)

2920 South 5600 West

Restaurant

C-2 zone, 0.52 acres

The applicant, Brett Carter, is requesting a conditional use for a restaurant located at 2920 South 5600 West. The General Plan designates this property as General Commercial. The surrounding zone is C-2 with R-1-10 to the south and west. The surrounding uses include a retail center to the north and vacant land to the south and west.

The site has previously been used for an auto repair/service type business and was recently purchased by a couple that would like to relocate their existing restaurant from approximately 3400 S. 5600 W. to this location. The primary building on the site would remain, which is about 2000 square feet. The façade will be redone, including the addition of a brick wainscot, to tie it in with a proposed addition on the west side of the building, which is approximately 1300 square feet. The building materials will include hardi-board and brick, with canvas awnings over the windows and an enhanced entryway feature, which would be in compliance with the Commercial Design Standards.

The parking for this use is typically calculated at 1 space for every 100 square feet of gross

floor area (3300sqft) plus 5 additional spaces for employees. Therefore, the minimum required parking for this site is 38 spaces. However, the applicant has indicated that the kitchen space in this restaurant is fairly large and occupies about one-third of the building. There is also a large sushi bar area and take-out counter. Therefore, the actual seating area is fairly small (80 seats). If the parking were calculated per seat, it would require 20 spaces, and using the .5 space for employees, which is typically just the two owners, the total would be reduced to 21 spaces. The site also has a few constraints including the small lot size, trying to accommodate the existing building location and UDOT requiring that the entrance be located to the south boundary of the site for a future shared access with adjacent property. Therefore, the site can only accommodate 36 parking spaces. The applicant feels that this is sufficient for their restaurant and this site and would like to proceed with this design.

This site is also located within the 5600 West Overlay Zone. Therefore an enhanced streetscape is required. Additional landscaping is also provided throughout the site to achieve the 15% required in a C-2 Zone. The adjacent property to the south and west is General Commercial in the General Plan. Therefore, per section 7-9-113(5), the wall requirement may be waived. Due to the layout of the site and the location of the future shared entrance, Staff is supportive of this request.

Signage for this business is proposed on the wall of the building, similar to the design at the existing restaurant, and in accordance with the Sign Ordinance. A ground sign is not proposed.

Staff Alternatives

Approval subject to any issues raised at the public hearing as well as the following conditions:

1. The building shall be design in accordance with the Commercial Design Standards, including the addition of a brick wainscot along the existing façade to tie in with the new addition.
2. The parking requirement for the site may be reduced by 2 spaces per 7-9-104, due to the limited restaurant seating area provided and limited staff on site.
3. The frontage shall be designed in accordance with the 5600 West Streetscape Ordinance.
4. The adjacent property to the south and west is designated General Commercial in the General Plan. Therefore, the wall requirement shall be waived per section 7-9-113(5).
5. Signage shall be designed in accordance with the West Valley City Sign Ordinance.
6. The Planning Commission may review this application upon receipt of valid unresolved complaints.

7. All requirements of affected departments and agencies must be met including but not limited to West Valley City Public Works and the Utah Department of Transportation.

Continuance, to allow for the resolutions of any issues raised at the public hearing.

Applicant:

Brett Carter
6431 S 1940 E

Neutral:

Joseph Rohner
2824 Archmore Ct.

Opposed:

Joe Cunningham
4139 S Colt Court

Discussion: Jody Knapp presented application. Terri Mills stated that the south facing western portion of the building is plain and questioned whether any additional treatments will be done on this. Jody replied that the existing building will only have two additional windows and some wainscoting added to it. Commissioner Mills asked if the building will be resurfaced. Jody replied that it would be painted block, brick wainscot, and hardi-plank.

Brett Carter, the applicant, stated that he is working with the restaurant owner to relocate to this site. Barbara Thomas asked if this proposed building will offer more seating than the existing restaurant. Mr. Carter replied that there will be slightly more space and added that the restaurant has a good take out business.

Joe Cunningham stated that he developed property to the south. He expressed concerns regarding access to the site and indicated that he doesn't feel UDOT would allow the access Mr. Carter has displayed on the site plan. Mr. Cunningham stated that he is not pleased with the proposed elevations and indicated that he wants this gateway to the City to have top notch developments. He also stated that he doesn't believe the site has proper water and sewer connections. Jack Matheson asked if 2900 South will be completed when the property to the south is developed. Mr. Cunningham replied yes. Jody stated that there will only be direct access to 5600 West and UDOT is working with the developer on this. She indicated that the storm drain is already connected and there will be water access through an easement recorded on the plat and added that the building design meets all requirements in the commercial design ordinance.

Joseph Rohner, a neighbor, asked if the road to the north of this property will ever be continued and expressed concerns regarding traffic if it does. Jody replied that she is unsure of any plans to continue the street at this time and indicated that it cannot be accessed from this property.

Terri Mills expressed concern about the south facing of the building on the west end. She indicated that it seems very plain and adding some type of relief would be very beneficial. Jack Matheson stated that he is very concerned with access into this property and is concerned with increased traffic in the area. Joe Garcia indicated that he feels this proposal is much better than what currently exists.

Motion: Commissioner Thomas moved for continuance to allow access and elevation concerns to be addressed.

Commissioner Matheson seconded the motion.

Roll call vote:

Commissioner Bilic	Yes
Commissioner Fuller	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Chairman Conder	Yes

Unanimous -C-50-2012- Continued

C-51-2012

**Highbury Commercial
5576 West High Market Drive
M Zone 19.4 Acres**

The applicant is requesting conditional use approval for a shopping center at 5576 West High Market Drive, which includes lots 1 through 6 of the Highbury Centre Subdivision. The property is zoned manufacturing (M) and Lots 1, 4, 5, & 6 are partially within the 5600 West Overlay Zone. The West Valley City General Plan designates this area as Mixed Use. Surrounding land uses include manufacturing to the north, commercial to the west, commercial and multi-family to the south, and vacant land to the east.

The original conditional use approval (C-2-2011) for Highbury Centre Subdivision was granted on May 17, 2011, when the property was divided into 9 commercial lots, and conditional use for the Target on Lot 2 was granted. This application proposes 108,300 square feet of retail space in various sizes and a 36,000 square foot theater. A plat amendment will be necessary in order to achieve the pad configuration the applicant desires. Lot 1B will be combined with lot 2, providing 92 parking stalls to replace parking lost by subdividing Lot 2B and creating a pad site there. This process does not factor into this conditional use approval, but is pointed out since the result will be a slightly different pad configuration than shown in the original conditional use.

All pad site buildings will be designed with 360-degree architecture according to Commercial Design Standards and Overlay Zone requirements. Elevations submitted for the pad sites meet the requirements of the Commercial Design Standards. Of six free standing pad sites, three are proposed to have drive thrus, including a multi-tenant building fronting 5600 West. Based on the recent revision to section 7-22-406(15) in the Overlay Zone, fast food with drive thrus are allowed provided landscaping screening and restaurant tenant guidelines are met as outlined below:

“Fast Food restaurants with drive-up windows may be permitted provided the following conditions are met:

- (a) The fast food restaurant **shall be part of a multi-tenant building with only one drive-through.**

- (b) The number of fast food restaurant tenants within the multi-tenant building shall not exceed the number of non-fast food restaurant tenants within the building.
- (c) The view of the drive-through area from the street shall be minimized through **landscaping, berming, and/or screening**.
- (d) The drive-up window shall be placed on the side or rear of the multi-tenant building.
- (e) The drive-up window shall comply with the Drive-Through Window Standards in Section 7-14.216.”

Staff suggests the building of a 3’ tall continuous solid wall in addition to enhanced landscaping along the entire drive thru lane in order to screen the drive thru lane from view of 5600 West. Staff believes that this is the most attractive and reliable way to provide screening, as opposed to just landscaping.

There are several access point issues unresolved at the time of the application. The approval of this conditional use is not dependent on these issues resolving before approval, but any significant changes to the overall site circulation or building configuration resulting from the resolution of these issues will necessitate review by the Planning Commission and approval of a new site plan. These issues are:

1. The applicant is petitioning UDOT for an additional ingress/egress point to the site along 5600 West. This point, whether granted or not, does not affect the overall site circulation as far as this conditional use application is concerned. If UDOT grants the additional ingress/egress on 5600 West, the applicant will need to adjust any landscaping disturbed in order to meet 5600 West Streetscape landscaping standards.
2. The applicant is requesting two additional ingress/egress points along High Market Drive beyond what the ordinance would allow. These are not allowed by ordinance 7-9-108(3) without approval by the City Engineer.
3. The site plan shows an ingress/egress point to Lots 4, 5, and 6 on High Market Drive. This access point is allowed by ordinance, but Public Works is concerned about potential traffic stacking and circulation problems and has denied the applicant this access. They are working to resolve this issue.

At the time of this report, there are still several site plan issues being resolved. If the developer and City staff have not resolved these issues by the time of the public hearing, this application may be continued until the issues can be resolved. These issues include:

1. Several of the dumpsters were shown within the minimum setback areas for pad buildings, which is prohibited. They will need to be relocated to meet setback requirements.
2. The 5600 West Overlay Zone requires enhanced outdoor leisure and pedestrian spaces. Several of the pad sites on Lots 4 through 6 will need to incorporate such spaces. Staff believes these spaces can easily be worked into the site plan submitted through minor adjustments to building siting.
3. There are several places on the site plan where exceptions are being sought for the 20’ landscaping setback requirement. These exceptions may be granted with a development agreement. The points in question and the solutions suggested are as follows:

- a. The proposed landscaping width along the majority of the west side of High Commons Way is less than the required 20' width, which is designed to accommodate a 3' berm to screen parking. *Suggested solution: Plant a continuous 2' to 3' hedge in these areas.*
- b. The proposed landscaping setback between High Market and Pad J is of insufficient width. *Suggested solution: This area should be landscaped with a 2' to 3' high planter box and tall or shrubby plants in order to enhance the buffer effect between the building back and the sidewalk.*
- c. The proposed landscaping around the ingress/egress points south of the theater is less than 20' wide. *Suggested solution: staff believes the extra width of the landscaped setback at the southeast corner of 5370 West and High Market is sufficient mitigation for this.*

The landscaping, sidewalk and pedestrian scale lighting along 5600 West is already installed as required by the 5600 West Overlay Zone, although it will need to be enhanced to mask the proposed drive-thru on one of the proposed buildings. The sixteen additional bicycle spaces required in the original conditional use will be installed in a variety of locations throughout the site. As part of this project, the northern border of Parkway Blvd. between 5600 West and High Commons Way, the entire west side of High Commons Way and the north side of High Market Drive will be landscaped with three foot berms within twenty foot wide landscaped strips.

The applicant desires increased signage over what was shown in the original conditional use application. For this conditional use approval, the applicant is only allowed to build the additional 7 monument signs that were approved in C-2-2011. Any additional signage will need to come back to the Planning Commission as a separate conditional use. A revised signage plan showing complete dimensions and locations will be required.

Staff Alternatives:

- A. **Approval**, subject to the resolution of any issues raised at the public hearing and the following conditions:
 1. Traffic and access elements of the site plan are subject to the approval of the West Valley City Public Works Department and all affected agencies. If the resolution of any traffic or access issues significantly changes the site plan in terms of traffic flow or building pad size or location, the site plan will need to come back to the Planning Commission for approval.
 2. A development agreement is required to allow decreased setbacks and landscaping width on Pads J, L, M, and N. The developer and the City will enter into a development agreement that will address reduced landscaping setback issues as follows:
 - a) On Pad J screening in between the building and the public sidewalk shall consist of a 2' to 3' raised planter box and tall shrubs.
 - b) On Pad L, a continuous 2' to 3' solid hedge shall be planted for the entire length of the drive thru lane to a point 20' back from the entrance to the lane.
 - c) On Pad M, a 2' to 3' tall hedge shall be planted along the entire edge of the parking lot.

- d) On Pad N, a 2' to 3' tall hedge shall be planted along the entire edge of the parking lot.
3. The drive thru lane on Pad K shall be screened with bermed dirt and enhanced landscaping against a continuous, 3' high keystone block masonry wall for the entire length of the lane that is visible from 5600 West.
4. Additional outdoor pedestrian dining and leisure spaces required by the 5600 West Overlay Zone must be incorporated with City staff approval.
5. A Landscaping Plan will be submitted that incorporates landscaping modifications from the development agreement as well as Staff approved enhanced pedestrian dining and leisure spaces.
6. Any pads/buildings shown on the site plan for which no elevations have been submitted must come back to the Planning Commission for approval.
7. Any additional signage desired above and beyond the sign plan approved in C-2-2011 will need to come back to the Planning Commission as a separate Conditional Use Application.

B. **Continuance**, to allow for the resolution of any issues raised at the public hearing.

Applicant:
John Gust

Applicant:
Mark Murdock

Discussion: Lee Logston presented that application. Phil Conder asked if the sight line restriction was a request of Target or of the City. Lee replied that it was something that Target specifically requested prior to construction of their store. Steve Pastorik agreed and added that sight line requirements are actually written into the lease.

John Gust, representing the applicant, stated that he feels that good clean design guidelines have been met for this proposed development. He indicated that because of two sight line restrictions on the property the site has been developed in a different way than it likely would have. He indicated that the roads have been constructed in a specific layout and the buildings have been planned around this. Barbara Thomas expressed concern regarding the four access points off of High Market Drive. Mr. Gust explained that all issues are being discussed and evaluated with City and UDOT traffic engineers. He discussed the number of parking spaces and landscaped islands and explained how these may be affected with changes. Commissioner Thomas questioned what type of landscaping will be used along High Commons Parkway since the applicant is requesting an exception in this location. Mr. Gust replied that the OEA requires specific treatment for this and indicated that long grasses can be used that go well with the dry climate.

Jack Matheson stated that the Lake Park area has standards and he feels that none of the issues with landscaping and access will be a concern. Commissioner Thomas disagreed and indicated that she feels landscaping and access are major concerns that could change the entire site. Terri Mills agreed and added that specific landscaping requirements and exceptions need to be addressed. Commissioner Thomas stated that she is concerned with the amount of traffic along High Market Drive once the school to the east is opened.

Mark Murdock, representing the applicant, stated that specific issues will be resolved through a Development Agreement. Mr. Gust indicated that there are no access points on the west side of the school so traffic should not be a major concern on High Market Drive.

Motion: Commissioner Fuller moved for continuance.

Commissioner Thomas seconded the motion.

Roll call vote:

Commissioner Bilic	Yes
Commissioner Fuller	Yes
Commissioner Garcia	Yes
Commissioner Matheson	No
Commissioner Mills	Yes
Commissioner Thomas	Yes
Chairman Conder	Yes

Majority -C-51-2012- Continued

PLANNING COMISSION BUSINESS

Approval of Minutes from November 7, 2012 (Study Session) **Approved**
Approval of Minutes from November 14, 2012 (Regular Meeting) **Approved**
Approval of Minutes from December 5, 2012 (Study Meeting) **Approved**

There being no further business, the meeting adjourned at 6:58 p.m.

Respectfully submitted,

Nichole Camac, Administrative Assistant