

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

March 28, 2007

The meeting was called to order at 4:01 p.m. by Acting Chairman Brent Fuller at 3600 Constitution Boulevard, West Valley City, Utah.

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

Brent Fuller, Jack Matheson, Karen Lang, Phil Conder, Terri Mills and Dale Clayton

ABSENT: Harold Woodruff, Mario Cisneros

WEST VALLEY CITY PLANNING DIVISION STAFF

John Janson, Steve Pastorik, Steve Lehman, and Lori Cannon

WEST VALLEY ADMINISTRATIVE STAFF:

Nicole Cottle, Asst. City Attorney

AUDIENCE

Approximately 12 people were in the audience.

ZONE CHANGE APPLICATION:

Z-7-2007 Amended
Magrath Pacific
1483 West 2320 South
A to RM
2.3 acres

Mr. Steve Pastorik presented the application.

Ian Dunn, who works for Magrath Pacific, has requested a zone change for three parcels totaling 2.3 acres at 1483 West 2320 South from A (agriculture, minimum lot size of ½ acre) to RM (multi-family residential). Surrounding zones include R-1-8 (single family residential, minimum lot size of 8,000 square feet) to the west and north, R-2-8 (residential duplex, minimum lot size of 8,000 square feet) to the east, and RM to the south. Surrounding land uses include a single family home to the west (this property recently received zoning approval for a townhome development called Center Pointe Hollow), single family homes to the north, the Aspen Grove Apartments to the east, and the Red Oaks Townhomes to the south. The subject property is designated as medium density residential, which allows 6 to 10 units/acre, in the West Valley City General Plan.

Development Proposal

The concept plan, which is attached, submitted by Mr. Dunn indicates a total of 23 townhomes with a resulting density of 10 units/acre. Included with this report is a letter from Mr. Dunn describing the proposal. Conceptual elevations were submitted; however, after reviewing these with staff, the applicant has decided to amend the elevations. These revised elevations should be available for review during the public hearing.

The minimum proposed size of the units is 1,700 sq. ft. This is the same minimum size proposed for the Center Pointe Hollow Townhome development to the west. For comparison, the Red Oaks Townhomes to the south range in size from about 1,150 to 1,500 square feet while the single family detached homes to the north begin at approximately 960 square feet.

The original rezone request was for 1.54 acres. However, at the request of staff and the Planning Commission, the applicant was able to have the neighboring property owner, Susan Drechsel, to the west join the rezone request. The attached e-mail from Susan Drechsel confirms her support of the proposal. By including this parcel, the animal conflicts that were discussed as part of the original application are no longer an issue.

Issues

Project Size

The condominium ordinance, which would apply to this project, states:

“Condominium development shall have an area greater than five acres. However, the Planning Commission may consider development proposals less than five acres, but not less than one acre, if the development is guided by a total design plan in which three or more of the following development standards are applied or varied to allow flexibility and creativity in site design, building design, and location.

- (a) Development. The Planning Commission may require arrangements of structures, open spaces, landscaping, buffering, and access within the development as necessary. The Commission may require specific setbacks, a lower residential density, a height limitation, and/or a similar type of land use as adjoining land. These criteria shall be used by the Commission to assure that adjacent properties will not be adversely affected by the development and that the development will be compatible with the land use in the surrounding area.
- (b) Construction Materials. Quality exterior materials including brick, stone, stucco, or other materials of similar high quality, durability, and low maintenance may be provided, as accepted by the Planning Commission.
- (c) Interior Amenities. Quality interior provisions, including amenities such as a fireplace, vaulted ceilings, and in-unit washer/dryer hookups.
- (d) Fencing. Exterior fencing shall include architecturally designed brick or block fences, wrought iron fences, structural wood fences, vinyl fences, or a combination of these materials.
- (e) Parking. Covered parking and/or garages may be required for all units.
- (f) Pedestrian and Bicycle Paths. Where appropriate, the internal circulation system shall provide pedestrian and bicycle paths that are physically separated from vehicular traffic to serve residential, non-residential, and recreational facilities in or adjacent to the development.
- (g) Privacy. Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walks, barriers, landscaping, and sound reducing construction techniques shall be used for the enhancement of property and the privacy of its occupants.
- (h) Security. The development may be designed to support security services, taking into account public safety recommendations from the West Valley City Police Department.
- (i) Landscaping. The development site may be landscaped and should be composed of natural landscaping elements, including lawn, shrubs, ground covers, and a combination of evergreen and deciduous trees.
- (j) Home Owner's Association. The development may be approved subject to the submission and approval of legal instruments setting forth a plan or

manner of permanent care and maintenance of all common open space and other facilities provided in the final development plan. No such instrument shall be acceptable until approved by the City Attorney as to legal form and effect, and the Planning Commission as to suitability for the proposed use of the common open space and subject facilities.

(k) Recreational Amenities. Each development may provide recreation or site amenities, including, but not limited to, clubhouse, pool, tennis courts, sport courts, playgrounds, play fields, and nature areas.”

Since this project would be under 5 acres, the project would need to include at least 3 of the development standards listed above. Based on the information submitted for the rezone, staff would give credit for the following items from the above list:

(a) Development. The Aspen Grove Apartments, Red Oaks Townhomes and the Center Pointe Hollow Townhomes are 2 story, attached housing buildings like those proposed for this property.

(b) Construction Materials. 100% is proposed and is now required by the ordinance. (The condo ordinance predates the multi-family design standards ordinance).

(c) Interior Amenities. The multi-family design ordinance requires washer/dryer hook-ups and the units will be at least 1,700 sq. ft. Other interior amenities may also be included.

(e) Parking. All units will have a two car garage.

(i) Landscaping. All common areas will be landscaped. Typically, landscaping details are worked out during the subdivision review process.

(j) Home Owner's Association. The applicant is proposing an HOA to maintain all of the common areas.

Other items could also be considered as more details on the project are provided.

Open Space

The condominium ordinance also requires 50% open space for condominiums containing 3 or more units per structure and 40% for condominiums that contain 2 or less units per structure. The proposed layout includes 2 unit and 4 unit buildings, so the open space requirement could be somewhere between 40 and 50%. The ordinance also states:

“Reduction may be made to this percentage of required open space by the Planning Commission upon showing that the open space in the site area will provide amenities which will substantially meet the needs of future residents.” The latest concept proposed is short on open space. Mr. Dunn is considering ways to amend the concept to increase the amount of open space. He is also trying to work with the neighboring townhome project to share open space and amenities. Mr. Dunn will present possible solutions to the open space issue at the public hearing. These commitments should be incorporated into the development agreement.

Development Agreement

The standards proposed by the applicant for a development agreement are outlined below:

- No more than 23 dwelling units will be built on the subject property.
- All dwelling units shall have a 2-car garage.
- The minimum size for all dwelling units shall be 1,700 square feet.
- Building exteriors shall be a combination of brick, stucco, or hardie plank.
- A tot lot will be constructed within the common area.
- An entrance feature will be provided.

The concept plan proposed includes 2 and 4 unit buildings. The multi-family design standards apply specifically to buildings with 3 or more units; however, in this situation, staff believes the standards are appropriate for all units in this proposal. So, staff recommends that the development agreement require that all units meet the multi-family design standards in the Zoning Ordinance (Chapter 7-14 Part 3).

Applicant:

Ian Dunn

10 West Broadway

Discussion: Ian Dunn displayed a handout to the Commissioners showing open space provided for this development. He reminded that an additional property was obtained, and this proposal is for 23 units. Discussions are in process regarding purchasing additional property, but nothing has been finalized. Mr. Dunn said he has tried different layouts, but cannot get much more open space than what is proposed. He noted they have included sidewalks as open space. Steve Pastorik indicated sidewalks are not normally included as open space. Mr. Dunn reported they will have 38% open space if sidewalks are not included. He stated they could get 40% open space by making the roadway less wide. Mr. Dunn commented this development's architecture will look similar to the adjacent development, making it look like one over-all development. Commissioner Conder asked if the same developer could do both projects. Mr. Dunn replied he has offered the developer the property at an attractive price if they are willing to buy it. Commissioner Conder felt comfortable if the two developments were combined, but he was not sure if it stands alone. Commissioner Matheson asked if the 'RM' zone is appropriate. Commissioner Conder felt it was, but stated the development agreement must also be considered. Commissioner Mills asked for a breakdown on the unit sizes and number of bedrooms. Steve answered the units would be 1,700 sq. ft, and all would have three-bedrooms. Commissioner Mills commented she would feel better about this development if there was more open space. Commissioner Conder asked if the zone change could be approved, but not associated with any development agreement. Steve

suggested there be some language that discussed the units themselves, explaining development agreements help the City to achieve what they want with developments. He said this is the time to negotiate issues such as the size of units, etc. Steve reminded the development agreement requires a cap of 23-units for this project. Acting Chairman Fuller confirmed that the applicant would still need to meet their 50% requirement for open space. Steve replied yes, unless the development is part of a PUD. Ian Dunn told the Commission that the project would not work with less than 23-units. He has matched the adjoining properties layout, but the homeowners association would need to be separate. Acting Chairman Fuller noted if 50% open space is required, then one unit may need to be sacrificed. Mr. Dunn did not believe they could do that, but said they could try. He reminded he has combined the properties due to the City's suggestion. Acting Chairman Fuller asked if basements would be built. Mr. Dunn answered basements were not intended and not included in their calculations.

There being no further discussion regarding this application, Acting Chairman Fuller called for a motion.

Motion: Commissioner Conder moved for approval subject to the following:

1. No more than 23 dwelling units shall be built on the subject property (10 units/acre).
2. All dwelling units shall have a 2-car garage.
3. The minimum size for all dwelling units shall be 1,700 square feet.
4. Building exteriors shall be a combination of brick, stucco, or hardie plank.
5. A tot lot shall be constructed within the common area.
6. An entrance feature will be provided.
7. All units shall meet the standards is Chapter 7-14 Part 3 of the Zoning Ordinance.
8. The open space requirement outlined in the condominium ordinance shall be met.

Commissioner Clayton seconded the motion.

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Lang	Yes
Commissioner Matheson	Yes
Commissioner Mills	No
Acting Chairman Fuller	Yes
Chairman Woodruff	Absent

Majority – Z-7-2007 – approved

SUBDIVISION APPLICATIONS:

PUD-1-2007

The Edge at Decker Lake – Planned Community

3000 South Decker Lake Drive

RM Zone

320 Units

17.4 Acres

18 U/A

Mr. Steve Lehman presented the application.

BACKGROUND

Mr. Tim Soffe, representing Miller Development Company, is requesting preliminary approval for a residential development to be known as The Edge at Decker Lake. The subject property was rezoned a few months back from the M Zone to the RM Zone. The subject property is bordered on the north by a youth detention facility, and the south by future commercial development.

STAFF/AGENCY COMMENTS:

Public Works Department:

- Authorization required of ditch/water users for any abandonment, relocation, piping or any other modifications to existing ditches or irrigation structures.
- Contact Salt Lake County Auditor's Office for approval of street names and subdivision name.
- Coordinate drive connection on Decker Lake Drive.
- Discuss possible sound barrier wall with UDOT.
- Revisions to plat required.
- Flood control and storm water issues to be coordinated with Public Works.

Utility Companies:

- Coordinate all utility locations.

Granger Hunter Improvement District:

- Project is subject to all GHID requirements and design standards.

Fire Department:

- Proposed fire hydrant locations need to be shown on subdivision plat.
- Project shall meet all provisions of Fire Code relating to this type of development.
- Will need to formally review south access road for width and service ability once final decisions are made as to its location and purpose.

Building Division:

- Soils report will be required.

ISSUES:

- The proposed development is located in an area originally planned for manufacturing uses. Before the rezoning process, residential consideration was not very well studied for this area. Due to the complexity and location of this

proposal, and in light of Planning Commission concerns during the study session, staff would like to address the following issues:

Overall Development:

- The Edge at Decker Lake is a residential community consisting of 320 units on 17.4 acres. This equates to an overall density of 18.4 units per acre. The development will consist of owner occupied units and proposed buildings are to be comprised of 16 and 32-plex units.
- During the rezoning process, the Planning Commission reviewed a conceptual plan that utilized almost the entire 17.4 acres. Subsequent to the approval of the rezone, the developer was made aware that wetland issues were more complex than originally thought and that approximately 5.3 acres would not be developable without extensive mitigation measures. The developer has therefore modified the site to reflect the issues regarding the wetlands. Essentially, the town home units have been eliminated in favor of the stacked condominium units.

Access:

- The primary access for this development will be gained from Decker Lake Drive and from a private drive system along the south boundary of the development. Secondary access is anticipated from the south through the future commercial development which will connect with 3100 South. There has been much discussion about the private access road because it lies in the Rocky Mountain Power Corridor. The City controls a lease in the corridor which was anticipated to serve as overflow parking for the E-Center. Various easements, restrictions and future parking needs in the corridor have made the access road a challenging matter to finalize.
- After discussing this matter with the City Attorney, the City's position will be to allow access through the corridor to serve both the residential and commercial development in this area. The resolution regarding the use of this easement will be the responsibility of both the residential and commercial property owners. The access road and all agreements will need to be coordinated with Rocky Mountain Power and secured prior to any final plat application.
- As the private access road will serve both the residential and commercial developments, a determination will need to be made as to the minimum width and required improvements along the roadway. The intersection at Decker Lake Drive will need to be coordinated with the Public Works Department in conjunction with the anticipated light rail station. It is expected that the costs

associated with these improvements will be shared between the residential and commercial property owners. The design of the private drive will need to be reviewed by all parties prior to final plat review.

Multi-Family Design Standards:

- Staff has evaluated this project in regards to the multiple family design standards. In almost all instances, this project meets with the standards outlined for pedestrian access and circulation, architecture, building materials, and amenities. There are subtle areas of this ordinance that are not reflected on the site plan. Staff will coordinate these issues with the developer and will ensure that all components of this ordinance are met.
- As mentioned previously, buildings will be comprised of 16 and 32-plex units. All buildings will be 100% masonry with brick, stucco and hardiplank. Buildings will have internal breezeways for access and resident maneuverability. All units will also have a covered balcony.

Parking:

- The general parking requirement for all residential development in the City is 2 spaces per unit. If those numbers were followed for this development, a total of 640 spaces would be required. However, a provision in the parking ordinance allows the Planning Commission to reduce these numbers if doing so would not be detrimental to the surrounding area and/or said development. Reductions allowed are 1.5 spaces for 1 bedroom units and 1.75 spaces for 2 bedroom units. The developer has applied these numbers to obtain a total of 520 spaces for the project.
- Staff has expressed concerns regarding the parking numbers even though this development will be near a transit station. Staff has made the applicant aware of these concerns, and expressed that a parking study would assist the Planning Commission in evaluating the proposed parking numbers. Staff is aware that a number of these units will likely be purchased by single residents. Staff has suggested that the developer provide a list of previous developments and percentages of single owners which may help their argument that parking numbers should be reduced for this project.

Unit Ratio:

- During the study session, a concern was expressed regarding the equal numbers of 1 and 2 bedroom units. Comments were made that because these units will be owner occupied, more bedrooms, or spaces to accommodate offices should be

considered. Staff has directed the applicant to provide information regarding their market research and why they believe the ratios provided will succeed.

Wetlands:

- Almost the entire eastern portion of the project site is encumbered with a jurisdictional wetland. The developer is unable to build in this area but will submit a nationwide permit which will allow an area of one half acre to develop. In this case, the northeast building is projected to sit on this half acre. The developer is also in the process of preparing for a 404 permit. This will allow certain areas of the wetlands to be modified and improved. According to the developer, the Corps of Engineers are looking forward to these improvements and the positive effect this will have in the area.

Storm Water:

- In conjunction with the wetland improvements, the developer is proposing to take a portion of storm water generated from this site into the wetland area. This will accentuate portions of the wetlands and will allow certain types of vegetation to grow that have otherwise been non-existent. This plan will need to be coordinated with the Public Works Department and the Corps of Engineers.
- The development site also contains a storm water easement which will carry water from the south. The developer has suggested that portions of this easement be open to provide a natural amenity for this project. The location of this storm drain easement will be on the east side of the west buildings and will be landscaped with plant materials that will heighten the open feeling of this channel.

Open Space/Amenities

- The project consists of 53% open space where 50% is required. 15.4% has been set aside as usable open space. The developer is proposing a club house, pool, hot tub, gazebo, walking path and various tot lots and patio spaces for residents of this community. The developer will need to provide a detailed landscape plan prior to final plat submittal.
- One required element missing from the trail system is a connection with Decker Lake Drive. Staff has addressed this issue with the developer and was informed that a walk will be provided at the southeast corner of the project. Additional sidewalks will need to connect with the access road and will need to be carefully planned for easy pedestrian access to the light rail station.

- Discussions have also taken place about the possibility of extending a trail northward to connect with Decker Lake. The property at this location is owned by the State of Utah. After discussions with the developer, the State seems willing to allow a trail to be constructed from this development to the existing Decker Lake trail. A yearly fee may be required to secure a lease through UDOT property. The developer is willing to construct the trail, and has asked if the City would be willing to pay for the lease. Staff believes that with a project of this size, and with the trail connection being a direct benefit to this community, the HOA should pay the yearly fee.
- One possible concern with the trail connection would be foot traffic from Decker Lake through this development. If this became an issue, a keyed gate could be installed for resident access.

Garbage Collection:

- The site contains a number of dumpster locations. Each of these dumpsters will need to be fully enclosed with a masonry wall. Construction of these enclosures shall comply with all provisions of the City's ordinance. Staff has asked that the developer evaluate the dumpster location on the north of the club house. The developer agrees that from a visual perspective upon entering the development, this location should be changed. Staff will coordinate this matter prior to final review.

Fencing:

- A pre-cast masonry wall will be installed along the north boundary of the project. Staff is not aware of any other areas in the project that will be fenced, although fencing along the south boundary would make sense.
- Section 7-19-805(5)(vii) of the City code states that when a design for residential subdivision creates lots adjacent to an existing or proposed state freeway, expressway or highway in areas where high noise levels can be expected, a noise barrier meeting UDOT standards for noise attenuation is required. Staff believes that the intent of this ordinance was specific to single family lot subdivisions. However, should the developer want to coordinate this issue with UDOT, a sound wall could be installed along the I-215 right-of-way.

Landscaping Along I-215:

- City ordinance requires that a 20-foot landscaped area be located adjacent to I-215. The site plan shows an area of approximately 8.5 feet. The developer has

coordinated this issue with UDOT and has received approval to landscape the right-of-way to comply with City ordinance. Access for maintenance would need to be gained from the development site and would be the responsibility of the HOA.

- It should be noted that the developer could move the buildings adjacent to I-215 to the east to comply with the 20-foot requirement. However, although the developer would pick up enough room to meet the ordinance, the open drainage channels would be eliminated. Staff believes that these channels will have more of a positive impact on the development than simply adding an additional 12 feet of landscaping along the I-215 right-of-way. These channels will be landscaped and will add an additional feeling of open space in the community.

Site Management:

- The project will be managed by a professional management company. The development agreement addresses this issue and will involve the developer, HOA, and staff before the project is transferred.

Applicant:

Tim Soffe
5151 S. 900 E. #200

Favored:

Troy Sanders
5151 S. 900 E. #200

Favored:

Jay Minnick
5640 S. Riley Ln.

Discussion: Commissioner Conder asked what was located in the northwest portion of the site. Steve Lehman reported it is a sewer lift station owned by Granger Hunter Improvement District. Commissioner Conder asked what kind of fencing is currently adjacent to the freeway. Steve replied it is an open chainlink fence. Commissioner Mills wondered if these wetlands could be delineated like what has happened with other wetlands. Steve said the applicant is working with the Corp of Engineers, noting there is a great deal of study and research when determining wetlands. He perceived the open space calculation will probably need to stay regardless of the wetland issue.

Mr. Tim Soffe informed that he has been working on this project since 2004 due to many issues. He stated the wetlands will always remain enhanced wetlands with this project, mentioning there will be a five year monitoring program associated with these wetlands.

Mr. Troy Sanders showed a PowerPoint presentation to the Commission detailing the project. He informed the original concept for the project was to have 342 units, utilizing the wetlands. With the current wetland situation, only 320 units can be built, equaling 18.4 units per acre. He reminded the units would be owner occupied, and they exceed the City's design standards. Troy Sanders said they want the City to maintain the trail to Decker Lake which the applicant will lease. They are also working with UDOT to

acquire an easement. He discussed fencing, stating a precast concrete wall is required along the north side of the development with an opening to access Decker Lake. They would like to leave the existing fence along I-215 so that landscaping can be viewed from the freeway. Troy Sanders indicated a six or ten foot soundwall would not help alleviate the sound of the freeway. He commented on a similar development located in Salt Lake City called 'Town Gate'. Both developments are within walking distance to trax, have easy access to the interstate, located in an urban setting, close to work, near entertainment and targeted towards young professionals.

Mr. Jay Minnick explained he is the CEO of Miller Development Company, and they would be managing this development. He assured they have taken a careful look at parking, as it must be right. Mr. Minnick believes there is ample parking, as they have compared it with Town Gate. He said additional parking is available, but not needed. Mr. Soffe said the development being adjacent to trax should limit or exclude vehicles, similar to what has occurred with Town Gate. He said the demographics show that singles will buy the units. The one bedroom unit has 900 sq. ft., and the two bedroom unit has 1,014 sq. ft., but both units have a flex room.

Commissioner Matheson desired residents that would want to stay in the area, stating young single professionals and college students tend to be transient. He indicated senior citizens will not be interested due to the stairs. Once a single professionals marry, two vehicles will most likely be used. Commissioner Matheson perceived the number of parking stalls and number of single family units are off. Acting Chairman Fuller asked how long the other development has been in operation. Mr. Soffe answered approximately one-year. Acting Chairman Fuller noted it was difficult to estimate how long the residents would stay. Mr. Soffe explained residents spend a considerable amount when buying a unit. He has statistics stating young professionals want to invest. Mr. Soffe noted senior citizens could purchase a ground floor unit without worry of stairs. Commissioner Clayton asked if any preliminary marketing had been performed. Mr. Minnick informed that signs were placed along the project on I-215 approximately two months ago, and 20 reservations have been made from those signs. He stated the inquiries were a mix of working professionals with the majority being single, but not college students, and approximately 5 to 6 seniors. Mr. Minnick anticipates advertising in newspapers will occur once dirt is moved. He noted the price of the units are lower than the cost of similar units in the Salt Lake Valley.

Commissioner Matheson asked about fencing adjacent to the sub station. Mr. Soffe explained Granger Hunter wants a see-through fence due to security issues. He noted this was the same with the State's detention center, but the State has changed their mind and allowed a solid fence. Commissioner Matheson was concerned about landscaping UDOT's right-of-way, suggesting it makes little sense to maintain UDOT's portion of property when residents will not be able to utilize that property. Mr. Soffe assured he

could move all the units further east, and place a box culvert over the channel. He noted the 20-foot was only to accommodate the City's requirement for landscaping, assuring a good job could be done with landscaped screening. Commissioner Conder asked how much property was between the freeway and the right-of-way fence. Mr. Soffe answered 60-feet which is all on a downhill slope. He would like to plant tall trees in this area. Commissioner Matheson stated this new application has nothing similar to the original proposal. He noted originally, the condos were three-stories, now they are four with no townhomes or stacked flats. Commissioner Lang suggested a block wall be placed on the applicant's property, adjacent to the substation. Mr. Soffe agreed with this suggestion, although he suggested a temporary vinyl fence as he believes it will eventually be screened with landscaping. Commissioner Mills asked if the development would be affected since trax is not in place right now. Mr. Soffe said the trax line will be completed in two years, before this development is completed. Commissioner Mills discussed the color of the buildings and the type of landscaping desired in the right-of-way area. Commissioner Conder questioned the height of the units. Mr. Soffe explained he has had many years of experience with such units, stating the top floor units are usually the quickest units to sell. He said the bank is not requiring pre-sales with this project. Commissioner Lang asked if the City's fire code would allow barbeques on the patios. Mr. Soffe replied they will use a hardiplank material which is fire retardant, so barbeques will be allowed.

Steve Lehman asked the Commission what type of fencing material they would prefer around the sub station. Commissioner Lang and Acting Chairman Fuller replied vinyl would be alright, as it would still act as a buffer.

Commissioner Conder was concerned there were too many unanswered questions that the Commission is not prepared to discuss, such as road, etc. Steve Lehman reminded that the Commission does not have the authority to change the required amount of landscaping. He noted that if the roadway issue is not resolved, the project will not continue. John Janson mentioned there are three parties involved with the roadway issue. He said it can be accomplished, but will take time. Commissioner Clayton did not perceive there were many issues that were unresolved. Commissioner Matheson reminded the applicant is asking for approval of units on wetlands that the applicant does not have approval on. Commissioner Clayton commented this is similar to the road issue, where if it is not approved, it won't happen.

Acting Chairman Fuller said he wants the development to have less density. Commissioner Matheson stated he anticipated higher density in this area, but the units are closer together than what was originally proposed. He mentioned he is not necessarily opposed to four-levels. Commissioner Mills reminded if resident purchases these units, they will be aware of the density. She thought it was a good overall site with wetlands and Decker Lake. Commissioner Mills was also more comfortable about the units having

a flex room.

Commissioner Conder requested staff research the parking with help from Public Works. Commissioner Matheson would like an idea of how many bedrooms other West Valley condominiums have. He perceived 50% of one-bedroom units is too high. He did not believe the flex room was large enough for a bedroom. Commissioner Matheson said the parking issue cannot be ignored. Mr. Soffe reminded that when some parking requirements were in place, TOD was not being considered.

There being no further discussion regarding this application, Acting Chairman Fuller called for a motion.

Motion: Commissioner Matheson moved for a continuance to resolve issues regarding one-bedroom units, landscaping, parking, and overall density.

Commissioner Conder seconded the motion.

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Clayton	No
Commissioner Conder	Yes
Commissioner Lang	No
Commissioner Matheson	Yes
Commissioner Mills	No
Acting Chairman Fuller	No
Chairman Woodruff	Absent

Majority – PUD-1-2007 – motion does not pass

There being no further discussion regarding this application, Acting Chairman Fuller called for a motion.

Motion: Commissioner Lang moved to grant preliminary approval for the Edge at Decker Lake subject to the following conditions:

1. That the developer resolve all staff and agency concerns.
2. That the Planned Unit Development be subject to the multiple family design standards outlined in the City ordinance.

3. That a soils report be submitted and reviewed by the Building Official and City Engineer prior to final plat review.
4. That the developer provide a landscape plan to be reviewed during the final plat process. Said landscaping plan shall provide measures to ensure water conservation techniques will be used in accordance with City ordinances.
5. That all provisions of the West Valley City Fire Department be satisfied including recommendations regarding the access road in the power corridor.
6. That the developer resolve any issues regarding irrigation ditches and irrigation water that may be in use.
7. That compliance be made with Granger Hunter Improvement District, i.e., water line extensions, connections, water rights and fire protection.
8. That the subdivision name and street names be approved by the Salt Lake County Auditor's Office.
9. That proposed building setbacks be in accordance with the site plan reviewed during the March 28, 2007 Planning Commission meeting. Slight modifications can be made to this plan if needed and approved by staff.
10. That specialty lighting be provided throughout the entire development. A lighting plan and type will be required at final plat review.
11. That the developer coordinate access on to Decker Lake Drive with the City Public Works Department and with UTA regarding the light rail station.
12. That the north & west side of the development be fenced with a vinyl wall. Wall type and specification shall be reviewed at final plat. The developer shall also coordinate fencing requirements along the I-215 right-of-way.
13. That site amenities proposed for this project as illustrated on the site plan and accompanying booklet be made part of this development application. The waterway shall stay as an amenity.

14. That the developer coordinate all wetland issues with the Army Corps of Engineers. This shall include the nationwide permit for the northeast building and 404 permits for any modification and improvements to the existing wetlands.
15. That all issues regarding the proposed access road in the power corridor be resolved prior to final plat review. This shall include width requirements, road improvements, easement purchase and other agreements as determined by the West Valley City Attorney.
16. That the dumpster on the north side of the club house be relocated to a more obscure location.
17. That the Planning Commission determine whether the UDOT landscaped area meets the intent of the 20-foot requirement.
18. That the applicant coordinate all storm water issues with the City Engineering Division. This includes taking the eastern portion into the wetland area.
19. That a trail be installed from the northwest corner of the development site to the existing Decker Lake trail. This matter will need to be coordinated as it relates to trail construction, easement acquisition and yearly assessment with UDOT. The applicant, not West Valley City, is responsible for this lease.
20. That proposed parking be reviewed by the Planning Commission. Should the Planning Commission feel that the site is under-parked, a parking recommendation shall be provided to the developer. This recommendation will need to be designed into the plan prior to final plat review.

Commissioner Clayton seconded the motion.

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Clayton	Yes
Commissioner Conder	No
Commissioner Lang	Yes
Commissioner Matheson	No
Commissioner Mills	Yes

Acting Chairman Fuller	No
Chairman Woodruff	Absent

Split Vote – PUD-1-2007 – motion does not pass

There being no further discussion regarding this application, Acting Chairman Fuller called for a motion.

Motion: Commissioner Conder moved for a continuance.

Commissioner Matheson seconded the motion.

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Clayton	No
Commissioner Conder	Yes
Commissioner Lang	No
Commissioner Matheson	Yes
Commissioner Mills	Yes
Acting Chairman Fuller	Yes
Chairman Woodruff	Absent

Majority – PUD-1-2007 – approved

PUD-2-2007
The Towns at Highbury Commons – Preliminary Plat
Ivory Homes
RM Zone
102 Units
10.2 Acres
10 U/A

Mr. Steve Lehman presented the application.

BACKGROUND

Gonzalo Stevens, representing Ivory Homes, is requesting preliminary approval for a

residential development to be known as The Townhomes at Highbury Commons. The subject property is known as Lot 1 of the Highbury Commons at Lake Park Subdivision which will be amended as part of this application.

STAFF/AGENCY COMMENTS:

Public Works Department:

- Authorization required of ditch/water users for any abandonment, relocation, piping or any other modifications to existing ditches or irrigation structures.
- Contact Salt Lake County Auditor's Office for approval of street names and subdivision names.
- Street improvements shall be installed in accordance with plan and profiles approved by the Engineering Division.
- Revisions to plat required.
- Flood control issues to be coordinate with Public Works.
- On street parking to be coordinated with Public Works.

Utility Companies:

- Standard Utility Easements required.

Granger Hunter Improvement District:

- Project is subject to all GHID requirements and design standards.

Fire Department:

- Proposed fire hydrant locations need to be shown on subdivision plat.
- Project shall meet all provisions of Fire Code relating to this type of development.
- Fire access will need to be reviewed.

Building Division:

- Soils report will be required.

ISSUES:

- The Townhomes at Highbury Commons is a residential community consisting of 102 units on 10.2 acres. This equates to an overall density of 10 units per acre. The development will consist of 4, 5 and 6-plex units.
- The site has been designed with buildings fronting the public streets which will provide for a more pleasing street scene. This feature has been applied to all of the residential housing thus far approved in the Lake Park area. The project is located immediately to the east of the Kohl's shopping center and south of the recently approved Arbor Square town home development.
- The town home arena is somewhat new for Ivory Homes. They have spent a considerable amount of time designing the architecture to be unique and aesthetically pleasing. The building elevations have a great deal of movement in both the exterior façade and roof line. This is a positive element in the overall design of this project, as more than half of the units front a dedicated right-of-way.
- Buildings will consist of 100% masonry products. Brick and stucco will comprise the majority of exterior materials. Other masonry products may be used as accents where determined appropriate. The developer has determined that 3 color schemes will be used throughout the development. Staff has asked the applicant to provide these colors for Planning Commission review. The elevations in the alleys do not indicate the use of any brick. Staff would recommend that the wainscot continue around the building to the garage locations in the alley. This recommendation is being suggested for additional durability in an area that will likely require more maintenance because of the private drive.
- All residential units will have a two car garage for parking. Additional parking spaces have been provided for guest parking throughout the development. The overall parking has been calculated at 4.2 spaces per unit. This calculation is based on the garage, space in front of the garage and guest spaces. Ivory Homes is also considering the option to have on-street parking along Daybury Drive. After discussing the matter with Public Works, the right-of-way width can accommodate on-street parking, but permanent parking at this location would be discouraged.
- There are four unit types with varying square footages. Proposed residential units are intended to be 1272, 1379, 1605 and 1768 square feet. All units will have a

courtyard and/or a covered porch. The courtyard areas are fairly large and will provide residents a sense of outdoor living. Ivory intends to construct basements for these units as well. Staff is unsure of ground water levels in this area and will require that a soils report be submitted prior to final plat approval.

- The developer is proposing a minimum front setback of 18-20 feet. However, because these buildings have so much movement, portions of the same building would be 40 feet from the right-of-way. Setbacks from the private alleys would be 19-20 feet. The building setback along 3100 South will need to be a minimum of 20 feet.
- The project site contains approximately 46.7 percent of open space. City ordinance requires an area equal to 50 percent. However, the ordinance does have a provision that allows the Planning Commission to reduce the percentage upon a showing that the open space in the site will provide amenities which will substantially meet the needs of future residents. Staff has discussed this matter with Ivory Homes and believes that they will be prepared to address the overall Lake Park plan and potential amenities to be used by all residents living in this area.
- Ivory is planning on installing a play structure and either basketball court or sport court with multiple recreational options. A sidewalk will exist around and through the entire development which will provide areas for residents to walk.
- During the study session, a concern was expressed regarding the lack of a club house or similar facility for residential use. Ivory has commented that they believe a great recreational facility exists south of 3100 South and residents would be more inclined to use the City's facility than one in the project.
- Staff understands Ivory's position, but also believes that a gazebo, or similar structure be considered for this development. The project does have over 100 residential units. With minimal private outdoor space, a structure such as a gazebo along with barbeque areas will provide additional outdoor options for residents and extended family and friends. The open space along the western boundary and near the tot-lot would be a good place for this structure. Plans and specifications will need to be evaluated at the final plat stage.
- During the rezone hearing, a development agreement was required. One condition of the rezone stated that the developer would install a masonry wall adjacent to the commercial development to the west. After discussing this matter with Ivory Homes, staff understands that this wall will be a pre-cast concrete product. In addition to this wall, the developer will also be installing a pre-cast masonry wall

along 3100 South. Descriptions of this wall will need to be reviewed during the final plat process.

- Staff has evaluated this project in regards to the multiple family design standards. This project meets the standards outlined in the ordinance governing architecture, color and variation. The developer will be provided a copy of these standards to make sure that all areas have been addressed. In addition, the proposed development has been reviewed and approved by Zions Securities.
- Access to the site will be gained from Daybury Drive and Highbury Parkway. These roadways are presently being constructed and are public rights-of-way. Internal access will be via private drive and alleys. The minimum asphalt width in these locations will need to be 26 feet per Public Works standards. All alley locations will need to be reviewed and approved by the City Fire Department.
- As a number of residents from this community and others in the Lake Park development will undoubtedly use the City's Fitness Center, staff would like to recommend that a special type of crossing be installed at the intersection of 5400 West and 3100 South. A crossing with a change in elevation, a pedestrian activated signal, or use of paving materials using color, or texture would benefit the pedestrian crossing at this location. This matter will need to be discussed with the Public Works Department in conjunction with the improvements along 3100 South. These discussions should include Zion's Securities as improvements in this area are currently being constructed.
- During preliminary discussions about the overall commercial and residential plans for this area, a drive approach was proposed from the commercial development to Highbury Parkway. The drive approach was shifted to the east in order to align with Arbor Square to the north. This access drive will still be needed and will require Ivory Homes to coordinate improvements and location with adjacent property owners.
- The developer will be required to install various improvements along 3100 South. The cross section will contain a 5-foot parkstrip and 5-foot sidewalk along with a 10-foot landscaped buffer behind the sidewalk. The pre-cast masonry wall previously mentioned will be located behind the landscaped area.
- Once the project is complete, the site will be turned over to a professional management company. Staff has expressed concern about past projects being turned over to an uneducated association or projects that are turned over to the association without all development items being completed. The development

agreement addresses this issue and will involve the developer, HOA, and staff before the project is transferred.

- Staff is unsure what type of lighting will be used for this development and its unclear whether an entry feature will be used. Staff recommends that an entry feature be installed at both access points similar to the Arbor Square development. Both the lighting plan and entry feature descriptions shall be available for final plat review.
- It does not appear that the site contains any dumpster locations for trash removal. Staff assumes that each unit will have its own garbage can for this purpose. However, since the majority of alleys dead end, problems may occur for garbage truck access. Staff will suggest that Ivory Homes address this issue and consider the following recommendations:
 1. Provide sufficient garage space so that garbage cans will be out of public view.
 2. Consider adding one dumpster location for larger items in the open corner near the commercial development. Said dumpster will need to meet the design standards in the City's ordinance.

Applicant:
Gonzalo Stevens
978 E. Woodoak Lane

Favored:
Don White
5 Triad Center #450

Discussion: Commissioner Conder asked about sidewalks for 3100 South. Steve Lehman reported the sidewalks on 3100 South at this location will be constructed in a very short time. Commissioner Conder asked if the Commission could determine more amenities are required at this hearing. Steve replied yes, this could be done.

Mr. Gonzalo Stevens displayed site plans and building materials. He said basements are still being planned if the water table allows, noting basements would be 500 to 900 sq. ft. He reminded that all units will have a porch and are rear-load buildings creating a residential/pedestrian feeling. Mr. Stevens assured there will be full landscaping, and there are many adjacent open areas including waterways. He noted there is no wainscot required in the signed development agreement, although if the Commission requires it, they will use it. Mr. Stevens said a gazebo could be included in a central area for all residents to use. He mentioned there should be enough room for one garbage can to be placed inside of each garage. A dumpster could be discussed, but he did not believe there would be a need for one. The lighting plan will be available once the landscape plan is completed.

Commissioner Clayton was not in favor of parallel parking on streets, and asked if the parallel parking was included in the applicant's parking plan. Steve Lehman stated no, it is not included with the applicant's numbers. Mr. Stevens explained the front parallel parking would be used by visitors who may want to park in front of the units without needing to actually go inside the development. Commissioner Clayton was concerned parallel parking creates hazards with vehicles adjacent to roads, and people leaving cars on the road for a lengthy time.

Mr. Don White of Zions Securities believes parallel parking makes drivers slow down, creating more of a residential feel. Commissioner Conder commented there is less open space with this development than all the other adjacent properties that Zions has developed. Mr. White indicated all the open space areas will tie in together making an amenity for the entire community. Commissioner Mills asked how large the lake would be. Mr. White replied four-acres. He distributed a drawing of the entire Lake Park development explaining how it ties into existing buildings. Commissioner Mills verified shutters would be placed on the buildings. Mr. Stevens assured some of the units would have shutters. Commissioner Lang felt the development needed a gathering place, such as a clubhouse for residents to utilize for large events. Mr. Stevens noted the gazebo will be large, and he reminded of the West Valley Family Fitness Center located across the street from this development. Commissioner Mills perceived it would be a disadvantage to have a gathering place located across the street, suggesting the Fitness Center would not have the same warm feel as a clubhouse. Mr. Stevens discussed colors, stating there are three different color schemes, but more could be added if required. Steve Lehman noted the drive ways may be subject to more walking and vehicular traffic, suggesting the durability may be improved with brick.

Commissioner Lang and Mills suggested wainscot be left on as a requirement. Commissioner Lang asked if there would be a basketball court. Steve mentioned basketball courts are not necessarily desirable, but a sports court could be included. Mr. Stevens clarified it is only one-half a court, and this area could be changed to accommodate another gazebo if desired.

Commissioner Fuller closed the public hearing to public input at 6:45 p.m.

There being no further discussion regarding this application, Acting Chairman Fuller called for a motion.

Motion: Commissioner Conder moved to grant preliminary approval for the Townhomes at Highbury Commons subject to the following conditions:

1. That the developer resolve all staff and agency concerns.

2. That the Planned Unit Development be subject to the multiple family design standards outlined in the City ordinance. Said standards shall be reviewed with staff prior to final plat submittal.
3. That the applicant provide a soils report. Said report shall be reviewed by the Building Official and City Engineer prior to final plat review.
4. That the developer provide a landscape plan to be reviewed during the final plat process. Said landscaping plan shall provide measures to ensure water conservation techniques will be used in accordance with City ordinances.
5. That the proposed development comply with all provisions of the West Valley City Fire Department. This shall include access into and through the project.
6. That the developer resolve any issues regarding irrigation ditches and irrigation water that may be in use.
7. That compliance be made with Granger Hunter Improvement District, i.e., water line extensions, connections, water rights and fire protection.
8. That the subdivision name and street names be approved by the Salt Lake County Auditor's Office.
9. That proposed building setbacks be in accordance with the site plan reviewed as part of this application. Slight modifications can be made to this plan if needed in order to accommodate utilities or other infrastructure. Modifications that deviate substantially from the approved site plan shall be reviewed by the Planning Commission.
10. That specialty lighting be provided throughout the entire development. A lighting plan shall be provided prior to final plat review.
11. That entry features be installed at Daybury Drive and Highbury Parkway. Said features shall be reviewed during the final plat process.
12. That building elevations, colors and materials, be in accordance with those illustrated during the March 28, 2007 Planning Commission hearing. The developer shall also provide a brick wainscot in all alley locations as well. Modifications to these selections can be made with approval from the Planning Commission.

13. That the south and west boundaries of the development be fenced in accordance with provisions of the development agreement. Ivory Homes will use a pre-cast masonry wall to fulfill this requirement. Said wall type and color shall be reviewed during the final plat process. Additional fencing will require review and approval from the Planning Commission.
14. That site amenities proposed for this project, including a walking path, tot lot and sports court, be discussed at a future Planning Commission Study Session.
15. That Ivory Homes coordinate the northwest access drive with the adjacent commercial land owner.
16. That any on-street parking on Daybury Drive be coordinated with the City Engineering Division. Parking along this roadway is not intended to be permanent but for visitor parking.
17. That based on the proposed amenities and amenities planned for the overall Lake Park development, the proposed open space shall be approved for this project.
18. That a gazebo or similar structure and numbers to be provided in the development along with barbeque stands be reviewed at final plat. Plans, placement and specifications shall be more formally reviewed during the final plat process.
19. That the Public Works Department evaluate the possibility of a special crossing at 3100 South and 5400 West as mentioned in the staff analysis.
20. That the developer resolve the collection of garbage before final plat review. If it is determined that each dwelling will have its own garbage can, staff recommends that the garage space be larger enough to house the can and that a central dumpster location be installed adjacent to the commercial development to the west.

Commissioner Mills seconded the motion.

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Lang	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Acting Chairman Fuller	Yes
Chairman Woodruff	Absent

Unanimous – PUD-2-2007 – approved

Commissioner Matheson excused himself from the public hearing due to a conflict of interest with the next application, SD-1-2007.

SD-1-2007

**Highbury Parkway Extension – Dedication Plat
2700 South 5200 West**

Mr. Steve Lehman presented the application.

BACKGROUND:

Zion's Securities, is requesting approval to dedicate a new road in the Lake Park development to be known as Highbury Parkway. The new road will provide a future connection between Lake Park Boulevard and Daybury Drive. The new road will also provide access to future development on both the south and north sides of the Parkway.

STAFF/AGENCY COMMENTS:

Granger Hunter Improvement District:

- Standard easements and design features required.
- Coordinate existing easements and improvements.

Public Works Department

- Requires design and profiles to satisfy all specifications and construction standards of West Valley City.

ISSUES:

- The proposed street dedication is being initiated by Zion's Securities. Existing development and proposed future development of this area warrants the completion of this road system. The extension of Highbury Parkway will provide a connection between Lake Park Boulevard and Daybury Drive.
- The proposed right-of-way will be 85 feet in width having a 5-foot parkstrip and sidewalk. Landscaped medians will also be positioned in the entire right-of-way consistent with other roads in the Lake Park Development. The intersections at both ends of this road will flow into the previously approved roundabouts.
- Various cut-outs will also be planned for this roadway. Zion's will be placing these at various intervals along the right-of-way to accommodate future development on each side of the street.
- Highbury Parkway will also contain a bridge over a yet to be constructed waterway. The construction of the bridge will allow water to flow from the large detention basin into an overall waterway system to be used as an amenity for the Lake Park Development. The construction and materials used for this bridge will be similar to other bridges previously constructed.

Applicant:

Don White

5 Triad Center #450

Discussion: Commissioner Mills verified the type of bridge that would be placed. Mr. Don White displayed a picture, noting the bridge would be high enough for a small boat to go underneath. He said this application completes the road system in this area, opening up the entire area.

There being no further discussion regarding this application, Acting Chairman Fuller called for a motion.

Motion: Commissioner Conder moved for approval of the dedication plat, subject to a resolution of staff and agency recommendations.

Commissioner Mills seconded the motion.

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Lang	Yes
Commissioner Matheson	Absent
Commissioner Mills	Yes
Acting Chairman Fuller	Yes
Chairman Woodruff	Absent

Unanimous – SD-1-2007 – approved

Commissioner Matheson returned to the public hearing.

CONDITIONAL USE APPLICATION:

C-7-2007

HR Auto Sales

1430 West 3500 South

C-2 Zone (1.59 acres)

Mr. Steve Pastorik presented the application.

Abdullah Al-Rekabi is requesting a conditional use permit for a used auto sales business for property at 1430 West 3500 South. The property is zoned C-2 (general commercial) and the General Plan anticipates general commercial or mixed use. Surrounding zoning includes C-2 to the east, M to the south, RB to the west and R-1-12 to the north. The surrounding uses are a used car lot to the east, Duracrete and commercial uses to the south, the Compass Villa senior apartments to the west, and single family homes to the north.

Attached to this report is a letter from Mr. Al-Rekabi which describes his proposed business. The applicant plans to lease property for the business. The existing tenants within the building that was built in 1953 would remain.

The City has obtained grant money to construct sidewalk, landscaping, and lighting improvements along the north side of 3500/3300 South between the 1200 West and Redwood Road. Along the subject property, the plan is to install an 8' sidewalk adjacent to the curb, a 5' landscape area behind the sidewalk, and four pedestrian lights in the landscape area spaced about 90' apart. These improvements should be installed this year.

Issues

Property Maintenance/Ordinance Problems

During a site visit to the property on March 20th, 2007, staff noticed several property maintenance/ordinance problems on the subject property that are listed below:

1. The landscaping adjacent to the building on the south and east is mostly weeds.
2. The landscape island in the parking lot containing the pole sign has weeds and no groundcover except a few shrubs.
3. Along the west property line there is a 2' to 3' space between the neighboring vinyl fence and the edge of the parking lot pavement that is mainly dirt with some weeds and litter.
4. The pole sign is weathered and in need of paint.
5. Paint on the building is beginning to crack and peel.
6. The pavement is cracking throughout most of the site and some holes in the pavement have formed.
7. The chain link fence to the west of the building is rusting.
8. There is litter/debris in the fenced in area to the west and south of the building.
9. There is what appears to be an unused metal pole directly west of the building that is bent and rusty.
10. Two banners have been attached to the pole sign. Banners are required to be setback at least 20' from the property line. The pole sign is 1.5' from the property line.
11. The paint around the landscape island curb is mostly peeled off.
12. A Jiffy Print business is advertised on the building and the pole sign. However, this business was not mentioned by the owner.

Lighting Concerns from Neighbor

Attached to this report is an e-mail received from Steve Lowe, the owner of the Compass Villa senior apartments. In his e-mail, Mr. Lowe expresses concerns over lighting. Staff noticed exterior lights on the building and street lights along 3500 South but no lights on a pole in the parking lot. The ordinance would require a lighting plan to be submitted if any new lights are proposed. Also, additional lighting conditions could be required as suggested by Mr. Lowe.

Screening

Along the north property line adjacent to the single family homes is a chain link fence. Only about ¼ of the fence along the north property line has slats. Now that the space behind the building will be used more frequently, staff recommends additional screening. This could be accomplished by one of three options along the north property line: 1) install vinyl slats in the chain link fence, 2) install a masonry wall, or 3) install a masonry wall plus a 10' landscaped area.

Parking

Based on information from the Salt Lake County Assessor's Office, the existing building is 14,351 square feet in size. The zoning ordinance requires 1 parking space for every 250 square feet of retail floor area. So, the ordinance requires 57 parking spaces for the existing building. There are 30 spaces currently striped on-site (not including the fenced area to the west and north of the building). However, the ordinance does allow the Planning Commission to reduce, as a condition of development review, the number of parking spaces required by ordinance. Attached to this report is a letter from the property owner, Thin Ta, describing his experience with the parking on-site. From staff's experience, this property has never had a parking problem. If parking were to become an issue down the road, there is paved area in front of the building that is not striped that could be used for additional parking.

To address the staff issues listed above and the commitments mentioned by the applicant, staff recommends the following conditions:

1. The landscaping adjacent to the building on the south and east shall be re-landscaped with plant material approved by staff.
2. Weeds in the landscape island in the parking lot shall be removed and groundcover such as rock or bark shall be installed around the shrubs.
3. Weeds, trash and debris in the 2' to 3' strip of property along the west property line shall be removed. This area shall be either paved or landscaped.
4. The pole sign shall be painted brown or tan to match the building.
5. The building shall be repainted with the same color or some other neutral, earth tone color.
6. All pavement areas shall be resurfaced and all parking spaces shall be restriped.
7. The chain link fence shall be repaired or replaced.
8. All trash, litter, junk or debris shall be removed from the property.
9. The unused metal pole directly west from the southwest corner of the building shall be removed.
10. The two banners attached to the pole sign shall be removed.
11. All paint around the landscape island curb shall be removed or the curb shall be repainted.
12. If Jiffy Print is no longer in business, the wall sign and sign on the pole sign for this business should be removed.

13. No new parking lot lights were proposed as part of this conditional use permit. If additional lights are desired in the future, a light plan will need to be submitted, reviewed and approved before any new lights are added.
14. Vinyl slats shall be installed in the chain link along the entire length of the north property line.
15. A state dealer license is required.
16. As indicated by the applicant, no cars for sale will be parked in front of the building. In other words, all cars for sale will be parked to the west and north of the building within the fenced area.
17. No more than 20 vehicles for sale will be parked on the site.
18. No body or mechanical repairs will be done on-site.

Applicant:

Abdullah Al-Rekabi
1430 W. 3500 S.

Discussion: Commissioner Fuller asked the applicant if he had any issues with staff's recommendations. Mr. Abdullah Al-Rekabi told the Commission the owner of the property has said he would paint the building. Steve Pastorik indicated the applicant should inform staff when the building has been painted. He said this should be done quickly before the business license is approved. Mr. Al-Rekabi inquired if he could start his business, setting up vehicles prior to having the repairs made. Steve explained staff would like all the repairs taken care of before a license is given. Commissioner Conder asked how long it would take the applicant to come into compliance. Mr. Al-Rekabi explained most of it is only cleaning up and landscaping. He perceived he could have it ready in 1 ½ month. Commissioner Mills asked how long it would take to obtain a business license. Steve answered one to two weeks. He stated the Commission could give the applicant a certain time limit to get things done while still being in business. Commissioner Conder asked if there is a compliance issue, would it fall with the property owner or the applicant. Nicole Cottle answered the property owner would be responsible. Mr. Al-Rekabi commented he would urge the owner to paint the building as soon as possible. Steve asked if any new lights would be placed on the site. Mr. Al-Rekabi will get with staff if lights are desired in the future, but at this time, he does not want to disturb neighbors and has no plans for additional lighting. Commissioner Fuller asked if the owner could be contacted and asked to come into compliance with the City's ordinance. Steve assured he would contact the owner and inform him of the requirements. Commissioner Conder suggested this type of business needs a six-foot masonry wall, but the landscaping should not be required. Commissioner Mills, Clayton and Lang stated they did not believe a masonry wall was needed.

There being no further discussion regarding this application, Acting Chairman Fuller called for a motion.

Motion: Commissioner Mills moved for approval subject to the following conditions:

1. The landscaping adjacent to the building on the south and east shall be re-landscaped with plant material approved by staff.
2. Weeds in the landscape island in the parking lot shall be removed and groundcover such as rock or bark shall be installed around the shrubs.
3. Weeds, trash and debris in the 2' to 3' strip of property along the west property line shall be removed. This area shall be either paved or landscaped.
4. The pole sign shall be painted brown or tan to match the building.
5. The building shall be repainted with the same color or some other neutral, earth tone color.
6. All pavement areas shall be resurfaced and all parking spaces shall be restriped.
7. The chain link fence shall be repaired or replaced.
8. All trash, litter, junk or debris shall be removed from the property.
9. The unused metal pole directly west from the southwest corner of the building shall be removed.
10. The two banners attached to the pole sign shall be removed.
11. All paint around the landscape island curb shall be removed or the curb shall be repainted.
12. If Jiffy Print is no longer in business, the wall sign and sign on the pole sign for this business should be removed.
13. No new parking lot lights were proposed as part of this conditional use permit. If additional lights are desired in the future, a light plan will need to be submitted, reviewed and approved before any new lights are added.
14. Vinyl slats shall be installed in the chain link along the entire length of the north property line.
15. A state dealer license is required.
16. As indicated by the applicant, no cars for sale will be parked in front of the building. In other words, all cars for sale will be parked to the west and north of the building within the fenced area.
17. No more than 20 vehicles for sale will be parked on the site.
18. No body or mechanical repairs will be done on-site.

Commissioner Lang seconded the motion.

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Lang	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Acting Chairman Fuller	Yes
Chairman Woodruff	Absent

Unanimous – C-7-2007 – approved

PLANNING COMISSION BUSINESS

Approval of minutes from March 14, 2007 (Regular Meeting) **Approved**

Approval of minutes from March 21, 2007 (Study Session) **Approved**

There being no further business, the meeting adjourned at 7:00 p.m.

Respectfully submitted,

Lori Cannon, Administrative Assistant