

**City of Taylorsville
Planning Commission Meeting Minutes
July 11, 2023
Regular Session – 6:00 p.m.
2600 West Taylorsville Blvd – Council Chambers**

Attendance:

Planning Commission

Don Quigley – Chair
Cindy R. Wilkey – Vice Chair
Marc McElreath
Lynette Wendel (Excused)
Gordon Willardson
Don Russell
David Wright
David Young (Alternate)

Community Development Staff

Jim Spung – Senior Planner
Jean Gallegos – Admin Assistant/Recorder
Wayne Harper – Director/Economic Development

CITIZEN'S/GUESTS PRESENT: Todd Gramtow, Diane Gramtow, Mike Wright, Diane Wright, Gaylen Allmend, A. Jewell, Lois Hansen, Virginia Watts, David Werts, Lee Rollands (Zoom), Anna Torres, Wallace Christopherson.

TRAINING SESSION – 6:00 – 6:30 P.M.

Planning Commission Training by the City Attorney – Tracy Cowdell.

The Training Session was cancelled by the City Attorney, to be rescheduled to a future date. Briefing session was presented at 6:00 p.m. by Mr. Jim Spung.

BRIEFING SESSION – 6:00 P.M.

1. Briefing Session to Review the Agenda. (Jim Spung/AICP/Senior Planner)

 **Mr. Spung** went over the original plat compared to the new proposal and advised there needs to be a new master plan initiated for the shopping center with this change. He answered Commissioner's questions on their concerns about the circulation pattern, parking issues, the proposed drive-up window on one unit and building continuity.

Mr. Wayne Harper briefed the Planning Commissioners and answered their questions on what is happening in the City's Economic Development Department, especially regarding modifications on Redwood Road, 4700 South, and Bangerter Highway. There was also discussion on the progress of the Bus Rapid Transit system and the renovations taking place in Carriage Square.

Five-minute break.

GENERAL MEETING – 7:00 P.M.

ROLL CALL: Commissioner Russell – here, Commissioner Wright – here, Commissioner Wilkey – here, Commissioner Quigley - here, Commissioner Young - here, Commissioner McElreath - here, Commissioner Willardson – here. Commissioner Wendel was excused.

Commissioner Quigley read the welcoming statement and opened the meeting. First item is the Consent Agenda.

Consent Agenda

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| 2. Review/Approval of the Minutes for June 13, 2023. |
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MOTION: **Commissioner Russell** – I move for approval of the Consent Agenda consisting of the Minutes for June 13, 2023.

SECOND: **Commissioner Willardson**

VOTE: **Commissioner Russell** – AYE, **Commissioner Wright** – AYE, **Commissioner Quigley** – AYE, **Commissioner McElreath** – AYE, **Commissioner Willardson** – AYE. **Commissioner Wilkey** abstained due to not having been present for the meeting held June 13, 2023. **Commissioner Wendel** was excused. Motion passes 6 in favor, one abstention, and one excused.

Conditional Use Permit

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| 3. 16C23 - Public Hearing and Consideration of a Conditional Use and Site Plan Amendment to File #42C14 to Construct a New 2,245 Square foot Drive-Through Restaurant and 33,992 Square Foot commercial building in the Legacy Plaza Shopping Center at Approximately 1758 West 5400 South, Taylorsville, Utah. (Jim Spung/AICP/Senior Planner) |
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3.1  **Mr. Spung** presented this item. File #16C23/CUP-000339-2023. He explained that Rolland Lee, RTLee Design on behalf of David Werts, Legacy Real Estate, is requesting review and approval of a conditional use permit and site plan amendment to File #42C14, related to the commercial master plan for the Legacy Plaza Shopping Center at 1758 West 5400 South in Taylorsville, Utah.

3.1.1 The applicant's proposal includes the construction of two new commercial buildings on undeveloped land within the center. Key changes proposed from the existing master site plan include: (1) New drive-through pad adjacent to the western drive aisle; (2) New nose-in parking along the south façade of the building; (3) Angled parking in lieu of 90-degree parking along drive aisle adjacent to existing Planet Fitness building; (4) New 90-degree parking along the northern property line.

3.1.2 The Legacy Plaza Shopping Center is approximately 19.19 acres and includes 8 lots within the "Legacy Plaza at 54h Commercial Subdivision." The master plan area of the Legacy Plaza Shopping Center is approximately 8.22 acres and includes four separate parcels and five buildings. The property has direct vehicle access to 5400 South as well as Redwood Road.

3.1.3 The Proposed Land Use Map in the General Plan sets the foundation for all land uses within the City of Taylorsville. The land use plan identifies general land use classifications and in some cases the intensity within the classification. Each land use classification on the Proposed Land Use Map corresponds with compatible classifications on the official Taylorsville Zoning Map.

3.1.4 The property is currently designated as "Regional Commercial" on the Proposed Land Use Map. The Regional Commercial (RC) designation is for those areas that contain large shopping centers of regional significance, such as the Family Center at Taylorsville located on Redwood Road. Properties that carry an RC classification commonly provide a wider array of services such as major department stores, specialty shops, and professional offices. RC districts generally serve an area within a 5-to-15-mile radius, which usually extends beyond the boundaries of Taylorsville. RC districts are usually located adjacent or near intersections of major transportation corridors. The

applicant's proposal for commercial development is consistent with the adopted policies and goals in the City's General Plan.

- 3.1.5 **Mr. Spung** explained the proposed new signage being planned and showed the entire center plat and explained that he is working with the applicant on concerns which have been expressed. A Subdivision Plat Amendment is not needed for this project and generally the site complies with Code. There is a need for a larger master plan for circular consideration. There will be no changes at this time for the west portion of the center. He went through the architectural design features, the new drive through lane for Chipolte, and showed images of the proposed elevations.

3.2 **FINDINGS:**

- 3.2.1 The application (File #16C23/CUP-000339-2023) was initiated by Rolland Lee, RTLee Design.
- 3.2.2 The applicant is requesting Planning Commission review and approval of a conditional use permit and site plan amendment to File #42C14, related to the commercial master plan for the Legacy Plaza Shopping Center.
- 3.2.3 The Legacy Plaza shopping center is 16.19 acres and is currently made up of 8 lots and 9 individual parcels (Parcel IDs: 21103790350000; 2110390320000; 21103790340000; 21103790310000; 21103790330000; 21103790260000; 21103790300000, 2113790290000; 21103790250000).
- 3.2.4 The applicant's proposal includes the construction of two new commercial buildings on undeveloped land within the center (between the existing Planet Fitness building and Building D), as illustrated in Exhibits H, I, and J.
- 3.2.5 Salt Lake County tax records indicate there are two separate parcels (6A and 6B) within Lot 6. The creation of these parcels has not been reviewed or approved by Taylorsville City and will require a subdivision plat amendment.
- 3.2.6 The subject property is in the Community Commercial (CC) zoning district.
- 3.2.7 The subject property is in the "Regional Commercial" designation in the City's General Plan.
- 3.2.8 The applicant's proposal is consistent with the City's General Plan.
- 3.2.9 The application has been reviewed by City departments and review agencies. Prior to final approval, City Staff and review agencies will continue coordinating with the applicant to address all outstanding review comments.
- 3.2.10 Specific development standards that merit further discussion and consideration from the Planning Commission have been listed in a table in the "Land Development Code Analysis" section of the Staff Report.
- 3.2.11 On June 30, 2023, a public notice was mailed to all affected entities and property owners within 300 feet of the subject property.
- 3.2.12 Section 13.23.240(A) of the Taylorsville Land Development Code (LDC) requires that prior to development in a shopping center, the Planning Commission review and approve a master plan. An approved master plan will inform future development applications for subsequent subdivision, conditional use, and site plan reviews.
- 3.2.13 Staff and review agencies have identified conditions of approval to be considered by the Planning Commission.
- 3.2.14 The Planning Commission is the decision-making authority for preliminary non-administrative conditional use permit review. Final review authority is granted to the Director, unless otherwise directed by the Planning Commission.

3.3 **CONDITIONS OF APPROVAL:**

- 3.3.1 The applicant coordinates with City Staff and reviewing agencies to address all outstanding review comments and to determine compliance with applicable standards, prior to final approval.

3.4 **STAFF RECOMMENDATION:** Staff recommends the Planning Commission approve File #16C23/CUP-000339-2023, a conditional use and site plan amendment to File #42C14, redevelopment of the Legacy

Plaza shopping center at approximately 1758 West 5400 South in Taylorsville, Utah, as identified in Exhibits H, I and J, subject to the Findings and Conditions outlined in the Staff Report.

- 3.5 **APPLICANT ADDRESS:** David Werts.  Mr. Werts said he is glad to be back before the Planning Commission. This project started in 2013. He advised the biggest change in the site plan is the size of the buildings. Smaller size buildings are more popular with tenants now. 
- 3.5.1 Commissioner Quigley asked if they had prearranged tenants coming in and if Mr. Werts could give any input as to who they will be. Mr. Werts said Unit A would be a Chipotle Restaurant, Unit D – Five Below, Unit U – Ulta Beauty, and the last one is a Petco Store. Commissioner Quigley asked if the Chipotle Restaurant would be for pick-up only as indicated and Mr. Werts said that was correct for now, with a future option for a dining-in area to be included. Commissioner Quigley then wanted to know what the landscape area would consist of, and Mr. Werts said it is planned to be xeriscape.
- 3.5.2 Commissioner Willardson  expressed concerns about the drive-up order box and the noise it would generate. Commissioner Quigley advised if that becomes a problem, it can be addressed by the Planning Commission. Mr. Spung volunteered that  the Planning Commission could add a condition of approval to limit the noise level emanating therefrom. Mr. Werts said it is about 200' from the property line and the ordering board would be at the south end of that unit, so he foresaw no noise problem. Commissioner Willardson said his concern was that at night, the sound carries. Commissioner Quigley said that the drive-up window would be facing 5400 South and that would channel the sound direction to the south rather than towards the neighbors.
- 3.5.3 Commissioner Wright  had questions about parking, i.e., on the west side parking is 90 degrees which is fine, but the angled parking is not. He wondered if that parking could be placed somewhere else. Also, he wondered what was the reason for the number of parking stalls right next to the building. Mr. Werts said what is driving it is "space". All retailers require certain frontage, and they just ran out of space to fit in the parking lot. That the angled parking complies with the City Code, and they tried to preserve that same parking. There is more than enough parking but retailers like the more parking the better. 
- 3.5.3.1 Commissioner Quigley asked if the applicant couldn't put a sign there that says "Right Hand Turn Only" as they exit. He felt that could eliminate some of that potential. He asked if the future tenant would have any problem with that. Mr. Werts said the parking spaces are designed 24' wide, which should allow for sufficient room for backing out. Angle parking clearly is easier to back straight out and head north. His intent was to be able to fit everything in while adjusting for all the Code requirements. 
- 3.5.3.2 Commissioner Wright  wanted to know if the parking on the west side was necessary. Mr. Werts advised they are needed because by doing the angle parking they had already lost five spaces. Commissioner Wright said the angle from a traffic pattern would make it difficult for patrons to back out and go south. Mr. Werts noted that they have already signed the lease with Chipotle which approved the site plan. Mr. Lee Rollands (developer) inserted via Zoom that because of the loss of parking, they are right on the count, needing 200 stalls and having 204 now and by losing the angle parking they would be under the Code requirement. 

- 3.5.3.3 **Commissioner Wilkey**  expressed that she felt the angled parking is going the wrong direction because traffic flow will need to cut across the traffic to get into that. Then to back out of it, they would back out across the traffic to go the right direction. **Mr. Werts** felt that 90% of the traffic would be entering from the south, so all customers will be able to pull into those spaces easily and head out to the north.  It is a two-way road. **Commissioner Wilkey** said that her main concern was that heading into the parking space, one would have to cross over the lane to get to it. Usually, the angle goes with the traffic. She said the patrons would enter and head north and to get a parking spot they will need to cross over a lane to park. Then when they get out, they will need to back out over a lane to get going again. **Mr. Werts** added that is the same situation in every drive aisle in the parking lot and all comply with Code. 
- 3.5.3.4 **Commissioner Wright**  felt that is not a safe approach. He wondered if the Code could be changed to revise this specific side of the property because of it being a traffic issue. **Mr. Rollands**  suggested making this a Code variance. The reason for doing this is because starting at the Planet Fitness site, there needs to be 6 feet of landscape to be able to meet setback requirements.  If they obtained a variance instead of having it 6 feet, reduce it down to 4 feet and then they would still be able to do the 18' head in parking and be able to make that work.  The 1 ½' needed to have 90-degree parking could be made up eliminating a foot of landscaping and a half a foot on the other sidewalk would make it work.
- 3.5.3.5 **Commissioner Quigley** asked what the exterior of the building was made of. **Mr. Rollands** said it was brick/cinder block. **Commissioner Quigley** wondered if there were any designs for pedestrian traffic included. **Mr. Werts** said all along the building is a 6' wide landscape buffer. **Mr. Rollands** suggested some ways they could make up the necessary footage needed for compliance, which would directly affect the Chipolte site. **Commissioner Quigley**  said his concern for that would be for the larger size trucks accessing there.  However, that most cars today are compact and smaller and would fit in there fine. **Mr. Werts** agreed, saying that would still allow a smaller buffer between the building and the curb. 
- 3.5.3.6 **Mr. Spung** allowed that the Planning Commission does not have the authority to grant a variance as part of this review. The Code says one option is it does allow for compact parking spaces, up to a certain percentage in these types of centers.  He believed the size of those type parking spaces is 16', which would shave off 2'. There is no way to eliminate the 6' setback requirement from curb to building or the 5' landscape requirement but the length of the parking stalls could vary along the western edge that would meet the Code. Those are things that could possibly be worked on with the applicant to make this work better.  **Mr. Werts** wanted to confirm that it is 6' that is required along Planet Fitness, to which **Mr. Spung** said the requirement is for the distance from any driveable surface to the building. Any building, anywhere must be at least 6' from anywhere that can be driven or park, which is generally provided by a 6' sidewalk and in this case there is no sidewalk so it would be a 6' landscape area. Staff can explore options with the applicant to see if a 16' parking depth would accommodate 90-degree parking there rather than angled.

- 3.5.3.7 **Commissioner Wright**  asked if there were a way to address the number of parking stalls, with the possibility of reducing that number. **Mr. Spung** said he would have to look up that possibility in Code. **Commissioner Wright** talked about the brick on the existing buildings there and the fact that a little of that has been incorporated into the new buildings but wanted to know how to incorporate more. **Mr. Werts**  said they are using the same tan stone that is along the bottom of Buildings A, B, C, and D. As far as the facades, national chain companies dictate the colors and prototypes of structures. **Commissioner Wright** asked if that includes the entire façade or a portion. **Mr. Werts** replied the part they have the most control over is right next to Chipolte, where those buildings are the exact copy of Buildings A, B, and C. The brick columns on the Five Below store has two brick columns and Petco has corporate colors and Ulta has the orange colors with white block in their columns. He added that most national chains have their own signature building designs, which they require on their new stores. **Commissioner Wright** discussed possible changes in the type of brick he would like to see included and **Mr. Werts**  explained why that was not possible with these national stores. **Commissioner Wright** then commented that this site has been vacant and blighted for a long time now. He felt this was a significant location and important for the City to be able to implement the design element that the City would hope for and not have it become just another strip mall. The Planning Commission is able to push for that and he would like to see additional considerations given to that. He felt this is a great opportunity to have these tenants locate here but felt it would be nice to do a little more to provide for continuity of that existing development on the site. **Mr. Werts** responded by saying look at other prominent malls which used to be very consistent in their exteriors have now all gone to a more tenant focus. For example, Fashion Place Mall in that their exteriors now look very different than before because they want to distinguish themselves with more engaging architectural appeal in order to attract customers. These new tenants do know the prominence of this particular location and want to make it work. He asked that the Commissioners take note that newer centers all look exactly like this one will. 
- 3.5.3.8 **Mr. Spung** gave the figures for parking as the requirement for Unit A (Chipolte) – 30 spaces, and 170 spaces for the remaining stores. So, 200 would be required and they are providing at least 202 with the site plan shown this evening. The Code does allow for the Planning Commission to reduce the parking count. Section 13.24.080 says that reduction may be allowed by the Planning Commission for retail businesses and shopping centers over 80,000 square feet. **Mr. Spung** personally felt that retailers prefer to have a lot of parking available for any day, any time.
- 3.5.3.9 **Commissioner Russell** then asked about the fencing requirement and **Mr. Spung** advised a 6' masonry or concrete wall adjacent to residential is required. There is an existing wall in place now, which is old and would need some repair in spots but actually does meet the Code presently. 
- 3.5.3.10 **Commissioner Young**  asked about the east facing wall by Planet Fitness and wondered if it would be right up against Chipolte. He wanted to know of any plans for beautification of that wall. **Mr. Werts** said there were no plans to change that at the moment. Presently it is a gray cinder block wall.  There has always been a plan to have a parking lot between Planet Fitness and whatever was to be constructed. **Commissioner Young** commented that there seems to be a lot of parking available in that area, to which **Mr. Werts** agreed, saying that Planet Fitness wants there to be a lot of

available parking. He noted that what they have been doing on their side of 5400 South has created competition to make the mall on the south side better. 

3.5.3.11 **Commissioner McElreath** asked Mr. Werts how he saw a vehicle entering the pick-up lane to which **Mr. Werts** indicated it would be entering on the south side and exiting in either direction.

3.5.3.12 **Mr. Harper** said that indications are that the slanted parking by Chipolte is the problem, which can be worked out by making those stalls with different angles.

3.6 **SPEAKING:** **Commissioner Quigley** opened the public hearing and asked if there was anyone wishing to speak in favor or opposition to this proposal to please come forward at this time to speak.

3.6.1 **Anna Torres** asked if this proposal is set in stone as to what is actually going to be built on this site and if there had been any thought given to demographics of the site and what impact something like a busy lunch crowd would have on the whole center. **Commissioner Quigley** assured her the Planning Commission is the deciding body for this but basically it would be driven by the market. That developers have other people in charge of locating possible tenants, after which they come to the developer for implementation. **Ms. Torres**  said she understood there would be one restaurant and some additional retail stores. **Commissioner Quigley** advised from what he knows so far, that was correct and named them for her.  He felt this developer has done a pretty good job of getting a viable cross-section of tenant types.

3.6.2 **Diane Wright**  commented that she is familiar with the area and said the neighbors are very excited. They want something different in there besides the dirt. They are 100% behind this proposal and feel it is a great suggestion and plan. 

3.7 There being no one further wishing to speak, **Commissioner Quigley** closed the public hearing and opened the meeting for discussion or a motion by the Planning Commission.

3.7.1 **Commissioner Wright** mentioned two items that should be requested as part of consideration for this project. The first one is a compact vehicle approach and the other would be a circulation plan for the site. **Mr. Spung** said he talked with the applicant about striping and a circulation plan for the area being needed. That the present traffic flow is very confusing  especially headed west. He added that having a plan in place would be very helpful.

3.7.2 **Commissioner Quigley** reminded everyone that the purpose tonight was to approve the conditional use permit, for which the applicant has met City Code requirements. These are national tenants and their corporation brand is everything to them. The issues with parking can be taken care of by Staff in discussion with the applicant. Another important point to make is that the neighbors are in favor of what has been presented this time.

3.7.3 **Commissioner Willardson** expressed that he thinks this proposal is great, with the only concern being the need for protection for the neighbors regarding the voice box volume if there is a change in tenant who requires an audible box for business.

3.7.4 **Commissioner Young** said there is an apparent need for better traffic flow in this center which can be helped with what is done in this new proposal. It is also important that should there be a change

in occupants where the drive-up window is located, it comes back to the Planning Commission for review. He is also in favor of eliminating the angle parking by Chipolte.

3.7.5 **Commissioner Quigley** then asked for a motion.

3.8 **MOTION:**  **Commissioner Russell** - I move that we approve File #16C23/CUP-000339-2023, a conditional use and site plan amendment to File #42C14, redevelopment of the Legacy Plaza shopping center at approximately 1758 West 5400 South, in Taylorsville, Utah subject to the following conditions  to eliminate angle parking, subject to updating the audio box requirements with new tenants and also work with staff on traffic flow circulation. All this is subject to the Findings and Conditions outlined in the Staff Report.  Added by second motion: **Commissioner Russell** - Add that the developer will work with Staff to provide a synergistic and unified feel to the overall building and project.

SECOND: **Commissioner McElreath**  **Commissioner McElreath** made another Second adding **Commissioner Russell's** last comment in original motion.

DISCUSSION: **Commissioner Wilkey** asked if that includes "striping" in talking about circulation. **Commissioner Quigley** advised that is part of the circulation plans. **Commissioner Wilkey** said she is just trying to make sure everything is included. **Commissioner Quigley** felt they have inclusion because the general conversation indicated the applicant meets Code in this endeavor. The Code has building standards and the proposal meets the Code. **Commissioner Wilkey** added there should be some things that can be done to make it fit together and the Commission should encourage that. **Commissioner Quigley** asked if there was anything to be added to the motion to work with Staff to encourage adding additional design elements to tie the building together which would be a combination of efforts with the applicant and their tenants. **Commissioner Wilkey** suggested just saying that Staff attempts to improve the continuity.

ROLL CALL VOTE TO MOTION AS AMENDED: **Commissioner Russell** – Aye, **Commissioner Wright** – Aye, **Commissioner Wilkey** – Aye, **Commissioner Quigley** - Aye, **Commissioner Young** – Aye, **Commissioner McElreath** - Aye, **Commissioner Willardson** – Aye. **Commissioner Wendel** was excused and did not vote. Motion passes.

ADJOURNMENT: By motion of **Commissioner McElreath**, the meeting was adjourned at 8:20 p.m. 

These Minutes were prepared and presented by:

Jean Gallegos, Admin Asst/Recorder for the
City of Taylorsville Planning Commission.

Approved in meeting held on: